

This memo was approved to go to the Director by Frank Clinton, Programme Manager.

Signed Gráinne O'Leary Date: 29.05.2014



OFFICE

& RESOURCE USE

ENVIRONMENTAL LICENSING PROGRAMME MEMORANDUM

TO: Dara Lynott, Director

FROM: John McEntagart

DATE: 29 May 2014

RE: Recommendation to consider a request for refund from Oxigen Environmental Limited, Ballymount Road Lower, Clondalkin, Dublin 22, Application Register Number W0208-02.

Oxigen Environmental Limited operates a materials recovery facility at Merrywell Industrial Estate, Dublin 22 and is authorised under waste licence register number W0208-01. On 7 May 2010, the applicant applied to the Agency for a review of the existing waste licence to authorise an increase in waste acceptance and the pre-treatment of municipal solid waste at the facility.

On 28/02/2014 the Agency issued a Notice under Article 21(2) of the Waste Management (Licensing) Regulations 2004, as amended, and gave the applicant 28 days to respond to prevent the Agency from considering the licence application as withdrawn. The applicant did not respond within this timeframe.

At a meeting with the Agency on 10 April 2014, in response to the Agency's notice under Article 21(2) of the Waste Management (Licensing) Regulations 2004, as amended, the applicant agreed to the withdrawal of licence application Reg. No. W0208-02 and requested a refund of 50% of the application fee. The applicant proposes to submit an IE licence application later in 2014 and requested a waiver on the IE licence application fee so that they will not pay more for the licensing process than they would have done with the waste licence application.

Recommendation

Article 45(1) of the Waste Management (Licensing) Regulations 2004, as amended, states: *"..the Agency shall have an absolute discretion to refund or waive up to half of any fee payable in respect of a particular application where it is satisfied that the payment in full of the fee would not be just and reasonable having regard to the relevant circumstances of the activity"*.

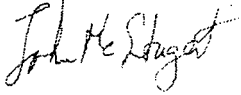
Article 9(1) of the Environmental Protection Agency (Licensing Fees) Regulations 2013, which sets fees for IE licence applications (class 11), states;

Notwithstanding any other provision of these Regulations, the Agency shall have an absolute discretion to refund or waive the fee payable in accordance with these Regulations where it is satisfied that payment in full of the fee would not be just and reasonable.

A total application fee of €28,500 (recovery of waste by licence holders), was paid by the applicant. I recommend that, given the effort that has been made in order to process the review licence application, a refund of 50% (€14,250) be made to the Applicant having regard to Article 45(1) of the Regulations.

The application fee for the relevant IE licence application would be €30,000. I recommend that a waiver be granted so that the applicant pays the same amount of money for the IE licence application as it paid for the waste licence application. Accordingly I recommend a waiver of €15,750, leaving a payment of €14,250 due upon making an IE licence application. This would mean the applicant's total expenditure would be €28,500.

Signed



John McEntagart
Inspector