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submission to Director by the
Senior Inspector, Mr Brian Donlon

Signed: *Donata Richards* Date: 23/04/2018



MEMO

Office of
Environmental
Sustainability

To: Eimear Cotter, Director	Date: 23 April 2018
From: Gavin Clabby, Inspector	Meeting Date: N/A
Subject: Licence application fee refund request for G. Bruss GmbH Dichtungstechnik, P0465-02	
Approved for Director by: Brian Donlon, Senior Inspector	
Cross Office Implications: No	

Recommendation: The Director is asked to APPROVE the recommendation of this memo that the fee refund request is refused.

Introduction

An application for a review of an Integrated Pollution Control (IPC) licence was received from G. Bruss GmbH Dichtungstechnik (hereafter the licensee) on 09 October 2014. The application has been processed and the Final Determination, licence registration number P0465-02, was issued by the Agency on 03 April 2018.

The licensee manufactures synthetic rubber seals for the automotive industry. The company has been in operation at its Sligo site since 1982 and currently employs 300 people.

The production process involves the conversion or moulding of pre-manufactured elastomer into specific components (engine seals). The finishing process for these components is oven tempering (heating to 200°C), to complete vulcanisation of the elastomer. Other finishing processes are non-solvent coating and cryogenic shot blasting. The pre-manufactured elastomer is supplied to the Sligo site by the Bruss Headquarters plant in Hamburg, Germany. The review application related to a new solvent-based coating process ('Gleitmo' Coating) introduced at the site.

The installation falls within the following Class of Activity in the First Schedule of the EPA Act 1992, as amended:

5.7 The manufacture of paints, varnishes, resins, inks, dyes, pigments or elastomers where the production capacity exceeds 1,000 litres per week, not included in paragraphs 5.12 to 5.17.

In a cover letter accompanying the application, the applicant requests that the Agency re-examine the fee of €14,601 charged by the Agency. No reason for the refund request was specified in the cover letter.

Assessment

The activity is considered a "large activity" under the Environmental Protection Agency (Licensing Fees) Regulation 1994, as amended, as the number of employees exceeds 50, and as such the applicant paid the statutory licence review application fee of €14,601.

The alteration to the activity as outlined above constitutes a licence review and the agency is statutorily bound to impose the prescribed fee, as set out in the regulations, for such reviews. Regarding the request for a refund of the fee, no justification as to why a refund of the application fee is considered appropriate, is provided in the cover letter.

The EPA (Licensing Fees) Regulations 1994, as amended, provides the Agency with 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.

However, this review application involved a full review of the previous licence (P0465-01) which was issued on the 19 January 2000. Given the length of time since the issue of the first licence, considerable updating of licence conditions and legislative requirements was needed as part of the review. Also, considerable time was given to resolving technical issues with the licensee (particularly with respect to air emissions). Based on the scale of the activity and the extent of both inspectorate and administrative resources necessary to bring the review application to Final Determination, I consider that the fees, as prescribed, are fair and reasonable.

Recommendation

I recommend that a refund, in this case, is not appropriate for the reasons outlined above.

Signed,



Gavin Clabby
Inspector