



# MEMO

Office of  
Environmental  
Sustainability

**To:** Programme Manager

**Date:** 22 June 2022

**From:** Aisling Connolly, Inspector

**Meeting Date:** N/A

**Subject:** Fee refund request for Rilta Environmental Limited

**Approved for Programme Manager by:** Jennifer Cope, Line Manager

**Cross Office Implications:** No

**Recommendation:** The Programme Manager is asked to approve the recommendation as set out below that the fee refund request be approved.

## Background

This memo concerns the request for the refund of the application fee for a licence review application for Rilta Environmental Limited (Reg. No. W0185-02), following the receipt of written notification from the licensee of the withdrawal of this application. This notification was received by the Agency on 12 May 2022.

The withdrawal was accepted by the Agency on 18 May 2022.

## Assessment

An application for a review an Industrial Emissions (IE) licence was received from Rilta Environmental Limited on 31 July 2017 (Reg. No. W0185-02) for the operation of a hazardous waste transfer station. The purpose of the review application was to authorise the acceptance, bagging and storage of up to 30,000 tonnes per annum (tpa) of hazardous Air Pollution Control Residues (APCR). The licensee did not propose a change to the current maximum total waste acceptance of 60,000 tpa (27,000 tpa non-hazardous, 33,000 tpa hazardous).

The licensee notified the Agency on 12 May 2022 of the withdrawal of its licence review application due to the length of time that had passed since the review application was submitted to the Agency and stated that the proposed licence review "*was no longer of adequate interest to industrial partners and hence no longer viable.*"

The activities fall within the following Class of Activity in the First Schedule of the Environmental Protection Agency (EPA) Act 1992 as amended:

*11.2 Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving the following activities:*

*(b) physico-chemical treatment;*

*(c) blending or mixing prior to submission to any of the other activities listed in paragraph 11.2 or 11.3;*

*(d) repackaging prior to submission to any of the other activities listed in paragraph 11.2 or 11.3;*

*(f) recycling or reclamation of inorganic materials other than metals or metal compounds.*

*11.4 (a)(ii) Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day involving one or more of the following activities (other than activities to which the Urban Waste Water Treatment Regulations 2001 (S.I. No. 254 of 2001) apply): physico-chemical treatment.*

*11.6 Temporary storage of hazardous waste, (other than waste referred to in paragraph 11.5) pending any of the activities referred to in paragraph 11.2, 11.3, 11.5 or 11.7 with a total capacity exceeding 50 tonnes, other than temporary storage, pending collection, on the site where the waste is generated.*

*11.1 The recovery or disposal of waste in a facility, within the meaning of the Act of 1996, which facility is connected or associated with another activity specified in this Schedule in respect of which a licence or revised licence under Part IV is in force or in respect of which a licence under the said Part is or will be required.*

In accordance with the Environmental Protection Agency (Licensing Fees) Regulations 1994 as amended, the licensee paid a licence application fee of €44,944, for the activities.

Article 9 of the Environmental Protection Agency (Licensing Fees) Regulations 1994 as amended provides the Agency with absolute discretion to refund the fee payable in accordance with the Regulations where it is satisfied that payment in full of the fee would not be just and reasonable. The Agency resources expended in the processing of this application are the key criterion in assessing a refund request. With regard to the workload and resources involved in processing the application, an EIAR was submitted with the application for assessment and further information was required under Regulation 10 and 11 of the licensing regulations.

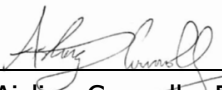
It is considered that a significant amount of time was spent by licensing inspectors assessing the licence application. However, as the licence review application did not progress towards proposed determination prior to withdrawal, I consider that a partial refund of the fee is considered appropriate.

## **Recommendation**

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I recommend that 60% of the licence application fee (i.e., €26,966) for W0185-02 be refunded. This recommendation is based on the time and resources the Agency has expended on the assessment of this application.

Signed

  
Aisling Connolly, ELP Inspector