



**OFFICE OF
ENVIRONMENTAL
SUSTAINABILITY**

ENVIRONMENTAL LICENSING PROGRAMME MEMORANDUM

TO: PROGRAMME MANAGER

FROM: David Matthews Environmental Licensing Programme

DATE: 1 February 2023

RE: Recommendation to consider the following Waste Licence Review, licence register number W0240-02 to have been abandoned

Applicant: Bord Na Móna Recycling Limited

CRO number: 224173

Location/address: Solsborough, Springfort Cross, Nenagh, Tipperary, E45EH57

Application date: 24 October 2018

Recommendation:

The Programme Manager is asked to APPROVE the recommendation of this memo that the Agency moves to consider the above referenced licence review to have been abandoned, and that a Notice under Regulation 21(2) of the Waste Management (Licensing) Regulations 2004, as amended (hereafter referred to as 'the Regulations'), should be served to the licensee. This notice requires that the licensee within 28 days, beginning on the date of the notice, make a submission in writing as to why the application should not be regarded as having been withdrawn.

That the Agency, after the expiration of the specified period of 28 days if;

- No response/submission is received, or
- If a response/submission is received pursuant to the Notice, and the Agency does not consider that the submission constitutes an 'adequate response', consider making a declaration under Reg 21(3) that the application be regarded as having been withdrawn.

Introduction

The Third and Fourth Schedules of the Waste Management Act, 1996 as amended, indicates that the following classes of activity require a licence:

Classes of Activity (under Waste Management Act 1996 as amended):	<p>D14 Repackaging prior to submission to any of the operations numbered D 1 to D 13</p> <p>D13 Blending or mixing prior to submission to any of the operations numbered D 1 to D 12 (if there is not other D code appropriate, this can include preliminary operations prior to disposal including pre-processing such as, amongst others, sorting, crushing, compacting, pelletising, drying, shredding, conditioning or separating prior to submission to any of the operations numbered D1 to D12)</p> <p>D15 Storage pending any of the operations numbered D 1 to D 14 (excluding temporary storage (being preliminary storage according to the definition of 'collection' in section 5(1)), pending collection, on the site where the waste is produced).</p> <p>R12 Exchange of waste for submission to any of the operations numbered R 1 to R 11 (if there is no other R code appropriate, this can include preliminary operations prior to recovery including pre-processing such as, amongst others, dismantling, sorting, crushing, compacting, pelletising, drying, shredding, conditioning, repackaging, separating, blending or mixing prior to submission to any of the operations numbered R1 to R11)</p>
	R05 Recycling/reclamation of other inorganic materials, which includes soil cleaning resulting in recovery of the soil and recycling of inorganic construction materials
	R04 Recycling/reclamation of metals and metal compounds
	R13 Storage of waste pending any of the operations numbered R 1 to R 12 (excluding temporary storage (being preliminary storage according to the definition of 'collection' in section 5(1)), pending collection, on the site where the waste is produced)".
	R03 Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes), which includes gasification and pyrolysis using the components as chemicals

In relation to the licence review by Bord Na Móna Recycling Limited (W0240-02) for the above listed classes of activity, it is noted that the applicant has not provided all of the information required under Regulation 12 of the Regulations. The

correspondence history between the licensee and Agency is outlined in the 'Assessment' section below.

Regulation 21 of the Waste Management (Licensing) Regulations 2004, as amended

In accordance with Regulation 21(2) of the Regulations, "*Where the Agency is of the opinion that an application or submission has been abandoned, it may give to the applicant or the person making the submission a notice stating that fact and requiring that person, within a period specified in the notice (being a period of not less than fourteen or not more than twentyeight days beginning on the date of the giving of the notice), to make to the Agency a submission in writing as to why the application or submission should not be regarded as having been withdrawn*".

Regulation 21(3) states that "Where a notice has been given under sub-article (2), the Agency may, at any time after the expiration of the period specified in the notice, and after considering the submission (if any) made to the Agency pursuant to the notice, declare that the application or submission to which the notice relates shall be regarded as having been withdrawn."

The 'Assessment' section below examines whether the provisions of Regulation 21 should be used for the above referenced licence review application.

Assessment

Bord na Móna Recycling Limited operates a non-hazardous waste acceptance and recovery facility located at Solsborough, Springfort Cross, Nenagh, Tipperary. The current licence (W0240-01) was issued to Advanced Environmental Solutions (Ireland) Limited (AES) on 29 July 2009. AES, by a Special Resolution of the Company, and with the approval of the Registrar of Companies, changed its name to Bord na Móna Recycling Limited.

On 24 October 2018, Bord na Móna Recycling Limited applied to the Agency for a waste licence review, for the purpose of increasing the amount of waste it accepts and processes, from 24,750 tonnes per annum (tpa) to 30,000 tpa. In relation to the current licence review application, at the time of writing, no submissions have been received.

As noted above, the licensee's initial application was received by the Agency on 24 October 2018. There has been a quantity of correspondence between the Agency and the licensee in the years since the application was first made. The relevant correspondence history is summarised in the following table:

Notable ELP Communication	Date issued	Applicant's response
EIA Assessment Determination	11/06/2021	N/A
AA Screening Determination	08/02/2022	N/A

RFI under Regulation 14(2)(b)(ii) of the Regulations	24/05/2022	No response received
RFI Reminder Notice	14/06/2022	No response received
RFI Reminder Notice	22/06/2022	Licensee requested an extension until 27/07/2022 to reply to the RFI.
EPA letter agreeing to licensee's request for an extension to 27/07/2022.	30/06/2022	No response received
RFI Reminder Notice	20/07/2022	No response received
RFI Reminder Notice	28/07/2022	No response received

To date, the licensee has not provided all of the information required under Regulation 12 of the Waste Management (Licensing) Regulations 2004, as amended. No further submissions have been made by the licensee to the Agency since 27 July 2022. The licensee was informed on multiple occasions during telephone conversations during the month of December 2022, that a response to the RFI was outstanding, and that failure to supply the Agency with the outstanding information may result in the Agency activating Regulation 21 of the Regulations and deeming the review application to have been abandoned.

Reasons for Recommendation of Abandonment

As the licensee has failed to provide the Agency with the additional information required, as set out above, to enable the Agency to progress with the assessment of the application, it is considered that it is appropriate to issue a Notice under Regulation 21(2) of the Regulations.

Recommendation

I recommend that in accordance with Regulation 21(2) of the Regulations, that the Agency take the opinion that the identified application for a licence review application has been abandoned. I recommend that a notice under Regulation 21(2) of these Regulations be served on the licensee, requiring the licensee, within a period of 28 days, beginning on the date of the giving of the notice, to make a submission in writing as to why the application should not be regarded as having been withdrawn.

I recommend that after the expiration of the specified period of 28 days if;

- No response/submission is received, or

- If a submission is made to the Agency pursuant to the notice, and after an assessment of that submission the Agency considers that insufficient information has been received to enable a proposed decision to be made, the Agency will consider making a declaration under Reg 21(3) that the application be regarded as having been withdrawn. The application may be progressed if the licensee submits a full, adequate response.

David Matthews

Dr. David Matthews
Senior Inspector
Office of Environmental Sustainability