



**OFFICE OF  
ENVIRONMENTAL  
SUSTAINABILITY**

**MEMORANDUM**

<b>TO:</b>	Warren Phelan
<b>FROM:</b>	Ewa Babiarczyk Circular Economy Programme
<b>DATE:</b>	14 <sup>th</sup> December 2023
<b>RE:</b>	Request for an Application Withdrawal and Fee Refund for a Certificate of Authorisation by <b>Limerick City &amp; County Council</b> for <b>St. Mary's Park Landfill, St. Munchin's Street, King's Island, Limerick, County Limerick</b> , Register Number H0005-01.

**Recommendation:** The Programme Manager is asked to approve the proposed application withdrawal and fee refund as set out in the recommendation below.

## **Background**

This memo concerns the receipt on 11<sup>th</sup> December 2023 of correspondence from Limerick City & County Council requesting to withdraw the certificate of authorisation (CoA) application, Reg. No. H0005-01, and requesting a refund of the application fee.

The CoA application was received by the Agency on 1<sup>st</sup> August 2012. It was noted in the application documentation that the operational period for the landfill was from the 1990's to 2010, indicating that the landfill operated outside the time period specified in the definition for a closed landfill in the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008 (S.I. No. 524 of 2008). The landfill therefore is not defined as a closed landfill in accordance with the Regulations and consequently, is not required to have a certificate of authorisation.

The Regulations define a Closed Landfill as:

*"a landfill site operated by a local authority for the recovery or disposal of waste without a waste licence on any date between 15 July 1977 and 27 March 1997 (i.e. prior to the entry into force of the Waste Management (Licensing) Regulations, 1997 (S.I. No. 133 of 1997))"*

Accordingly, the Agency issued a notice under Regulation 7(4) of the said Regulations on 25<sup>th</sup> August 2023, requesting the applicant to confirm whether the operational period for the landfill, as stated in the Application Form, was correct.

The applicant's response dated 11<sup>th</sup> September 2023 stated that St. Mary's landfill was an illegal landfill and that the application for a certificate of authorisation (CoA) for St.

Mary's Park Landfill (Reg. No. H0005-01) was submitted in error. The correspondence also stated that remediation works were carried out in 2015 and all waste has been removed from the site.

Consequently, a recommendation was made to the applicant, on 29<sup>th</sup> November 2023, advising the applicant to withdraw the application for a CoA and to request a refund of the fee submitted.

Subsequently, in the correspondence dated 11<sup>th</sup> December 2023, Limerick City & County Council formally requested withdrawal of the application and the refund of the application fee of €5,000 paid in respect of the application.

## **Assessment**

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In accordance with Regulation 7(3) of the Waste Management (Certification of Historic Unlicensed waste Disposal and Recovery Activity) Regulations 2008, the applicable fee for a certificate of authorisation application for a closed landfill is €5,000.

Regulation 7(3) of the Regulations provides the Agency with discretion to refund or waive the fee payable in accordance with these Regulations where it is satisfied that the payment in full of the fee would not be justified or reasonable, stating:

*'A fee of €5,000 shall be payable by a local authority to the Agency in respect of each application for a certificate of authorisation. The Agency may, however, refund or waive all or part of the fee payable in respect of a particular application where it is satisfied that the payment in full of the fee would not be justified or reasonable having regard to the limited scale or nature of the landfill activity concerned'.*

The Agency has expended resources on this application as follows:

- Upon the submittal of the application, the application documents were processed by the OES (Office of Environmental Sustainability) Business Support, Administration and Environmental Assessment Team.
- Initial assessment of the application by the Inspector and issuing of a Regulation 7(4) Notice on 25<sup>th</sup> August 2023.
- Inspector's Report dated 28<sup>th</sup> November 2023 in relation to the closure dates and recommendation regarding withdrawal of the application and the application fee refund.
- Senior Inspector and Programme Manager's consideration of the Inspector's Report of 28<sup>th</sup> November 2023.
- Correspondence issued 29<sup>th</sup> November 2023 to the applicant advising to withdraw the certificate of authorisation application and request a fee refund.

The Agency's resources expended in the processing of this application is the key criterion in assessing a refund request.

## **Recommendation**

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I recommend that the CoA Application Reg. No. H0005-01 be deemed to have been withdrawn.

I recommend that the Certificate of Authorisation application fee of €5,000 is partially refunded, to the extent of 80% i.e. €4,000. This recommendation is based on the time and resources the Agency has expended on this application.

Signed,



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Ewa Babiarczyk  
Inspector