



STATUTORY INSTRUMENTS.

S.I. No. 137 of 2013



ENVIRONMENTAL PROTECTION AGENCY (INDUSTRIAL
EMISSIONS) (LICENSING) REGULATIONS 2013

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ENVIRONMENTAL PROTECTION AGENCY (INDUSTRIAL
EMISSIONS) (LICENSING) REGULATIONS 2013

I, PHIL HOGAN, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by section 6, and section 85(4), 88(5) and 89 (inserted by section 15 of the Protection of the Environment Act 2003 (No. 27 of 2003)) of the Environmental Protection Agency Act 1992 (No. 7 of 1992) and for the purpose of giving effect to Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010¹ on industrial emissions (integrated pollution prevention and control) (Recast) hereby make the following Regulations:

PART I

PRELIMINARY AND GENERAL

Citation.

1. These Regulations may be cited as the Environmental Protection Agency (Industrial Emissions) (Licensing) Regulations 2013.

Interpretation.

2. (1) In these Regulations—

“the Act of 1992” means the Environmental Protection Agency Act 1992 (No. 7 of 1992);

“the Act of 1996” means the Waste Management Act 1996 (No. 10 of 1996);

“the Act of 2000” means the Planning and Development Act 2000 (No. 30 of 2000);

“the Agency” means the Environmental Protection Agency established under section 19 of the Act of 1992;

“applicant” means an applicant for a licence or for the review of a licence;

“application for a licence” means an application for a licence under section 83 of the Act of 1992 or by a licensee for a review under section 90(1)(b) for a review of a licence or revised licence;

“application for permission” means—

(a) an application for permission for development under Part III of the Act of 2000,

¹O.J. No. L334, 17.12.2010, p.17

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 26th April, 2013.*

- (b) an application for approval for development under section 175, 177AE, 181A, 182A, 182C or 225 of the Act of 2000, or
- (c) an application for substitute consent under section 177E of the Act of 2000;

“grant of permission” means—

- (a) a grant of permission for development under Part III of the Act of 2000,
- (b) an approval for development under section 175, 177AE, 181B, 182B, 182D or 226 of the Act of 2000, or
- (c) a grant of substitute consent under section 177K of the Act of 2000;

“Industrial Emissions Directive” means Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (Recast);

“licence” means a licence granted under section 83 of the Act of 1992 to operate all or part of an installation within which one or more industrial emissions directive activities listed in the First Schedule to that Act are carried out;

“objection” means an objection under section 87 of the Act of 1992;

“objector” means the person who makes an objection;

“offices of the Agency” means the headquarters and the Regional Inspectorates of the Agency;

“oral hearing” means an oral hearing under section 87(8) of the Act of 1992;

“party to an objection” means—

- (a) an objector, or
- (b) the applicant for a licence or the licensee in the case of a review, in relation to which an objection is made by another person (other than a person acting on behalf of the applicant or licensee),

and “party” shall be construed accordingly;

“Planning and Development Regulations” means the Planning and Development Regulations 2001 (S.I. No. 600 of 2001);

“review” means a review of a licence or revised licence under section 90 of the Act of 1992;

“revised licence” means a revised licence under section 90 of the Act of 1992 to operate all or part of an installation within which one or more industrial emissions directive activities listed in the First Schedule to that Act are carried out;

(2) Where a requirement of or under the Act of 1992 or these Regulations requires submissions or observations to be made, or documents, particulars or other information to be submitted, to the Agency within a specified period and the last day of that period is a Saturday, a Sunday, a public holiday (within the meaning of the Organisation of Working Time Act (No. 20 of 1997)) or any other day on which the offices of the Agency are closed, the submissions or observations, or documents, particulars or other information, as the case may be, shall be regarded as having been received before the expiration of that period if received by the Agency on the next following day on which the offices of the Agency are open.

Scope.

3. (1) These Regulations apply to the industrial emissions directive activities within the meaning of section 3 to the Act of 1992.

(2) Notwithstanding Regulation 4(1), these Regulations apply to the installations carrying out industrial emissions directive activities referred to in section 82A(4) of the Act of 1992 from 7 July 2015 and which are in operation before these Regulations come into effect.

PART II

APPLICATIONS

Notice of intention to apply for a licence or the review of a licence to the Agency.

4. (1) An applicant shall—

- (a) within the period of 2 weeks before the making of an application for a licence, publish notice of the intention to make the application in a newspaper circulating in the district in which the activity is or will be situate, in accordance with Regulation 5, and
- (b) not later than the making of the application for the licence, give notice of the application by the erection or by the fixing of a site notice on the land or structure concerned, in accordance with Regulation 6.

Notices in newspapers.

5. A notice published in a newspaper pursuant to Regulation 4(1) shall, as appropriate, contain as a heading the words “APPLICATION TO THE ENVIRONMENTAL PROTECTION AGENCY FOR A LICENCE”, or “APPLICATION TO THE ENVIRONMENTAL PROTECTION AGENCY FOR THE REVIEW OF A LICENCE”, as the case may be, and shall—

- (a) give the name and address of the applicant,
- (b) state the location or postal address (including, where appropriate, the name of the townland or townlands) to which the application relates,
- (c) specify the class or classes and nature of the industrial emissions directive activity in accordance with the First Schedule to the Act of 1992,

- (d) where the application is required to be accompanied by an environmental impact statement in accordance with this Part—
 - (i) state that such a statement will be submitted to the Agency with the application,
 - (ii) state that the environmental impact statement, and any further information relating to the effects on the environment of the emissions from the activity which may be furnished to the Agency in the course of the Agency's consideration of the application, will be available at the headquarters of the Agency, and
 - (iii) indicate the name of the planning authority to which a copy of the environmental impact statement has been submitted,

and

- (e) state that a copy of the application for the licence may be inspected on the Agency's website or inspected at or obtained from the headquarters of the Agency as soon as is practicable after the receipt by the Agency of the application for the licence.

Site notices.

6. (1) A site notice erected or fixed pursuant to Regulation 4(1) on any land or structure shall—

- (a) be painted or inscribed, or printed and affixed, on a durable material,
- (b) be securely erected or fixed in a conspicuous position—
 - (i) on or near the main entrance to the land or structure from a public road, or
 - (ii) on any other part of the land or structure adjoining a public road,

and shall be so erected or fixed and the text shall be so painted, inscribed or printed that the notice shall be capable of being read by persons using the said public road.

(2) Where the land or structure to which an application for a licence relates does not adjoin a public road, a site notice shall be erected or fixed in a conspicuous position on the land or structure so as to be easily visible and legible by persons outside the land or structure.

(3) A site notice erected or fixed on any land or structure pursuant to Regulation 4(1) shall, as appropriate, be headed "APPLICATION TO THE ENVIRONMENTAL PROTECTION AGENCY FOR A LICENCE", or "APPLICATION TO THE ENVIRONMENTAL PROTECTION AGENCY FOR THE REVIEW OF A LICENCE", as the case may be, and shall—

- (a) state the name and address of the applicant,

- (b) specify the class or classes and nature of the industrial emissions directive activity in accordance with the First Schedule to the Act of 1992,
- (c) indicate the site location or proposed location of the activity,
- (d) where the application is required to be accompanied by an environmental impact statement in accordance with this Part—
 - (i) state that such a statement has been or will be submitted, as the case may be, to the Agency with the application,
 - (ii) state that the environmental impact statement, and any further information relating to the effects on the environment of emissions from the activity which may be furnished to the Agency in the course of the Agency's consideration of the application, will be available at the headquarters of the Agency, and
 - (iii) indicate the name of the planning authority to which a copy of the environmental impact statement has been submitted, and
- (e) state that a copy of the application for the licence may be inspected on the Agency's website or inspected at or obtained from the headquarters of the Agency as soon as is practicable after the receipt by the Agency of the application for the licence.

(4) A site notice in accordance with this Regulation shall be maintained in position where erected or fixed in accordance with Regulation 4(1), for at least one month after the making of the application, and shall be renewed or replaced if it is removed or becomes defaced or illegible within the period during which it is required to be displayed.

Further notice.

7. Where—

- (a) a period of more than 2 weeks has elapsed between the publication in a newspaper of a notice in accordance with Regulation 4 and the making of the relevant application for a licence, or
- (b) it appears to the Agency that any notice published or given in pursuance of Regulation 4—
 - (i) if published in a newspaper, does not comply with the provisions of Regulation 5, or
 - (ii) if erected or fixed on any land or structure, does not comply with the provisions of Regulation 6, or
 - (iii) in either case, because of its content or for any other reason, is misleading or inadequate for the information of the public,

the Agency shall require the applicant to publish, erect or fix such further notice in such manner, whether in a newspaper or otherwise, in such terms as it may specify and to submit to it such evidence as it may specify in relation to compliance with any such requirement.

Notice to the planning authority.

8. A notice required to be given to the planning authority under section 87(1)(a) of the Act of 1992 shall at least contain the information referred to in Regulation 5.

Application for a licence.

9. (1) An application for a licence shall be submitted to the headquarters of the Agency and shall be in such form as may be determined by the Agency which may include electronic submission via the website of the Agency.

(2) Without prejudice to the generality of paragraph (1), an application for a licence shall—

(a) give:

- (i) the name, address and telephone number of the applicant and, if different, any address to which correspondence relating to the application should be sent and, if the applicant is a body corporate, the address of its registered or principal office,
- (ii) the location or postal address (including, where appropriate, the name of the relevant townland or townlands) of the premises to which the activity relates,
- (iii) the name of the planning authority in whose functional area the activity is or will be carried on, and
- (iv) in the case of a discharge of any trade effluent or other matter (other than domestic sewage or storm water) to a sewer of a sanitary authority, give the name of the sanitary authority in which the sewer is vested or by which it is controlled,

(b) give:

- (i) in the case of an established activity, the number of employees and other persons working or engaged in connection with the activity on the date after which a licence is required and during normal levels of operation, or
- (ii) in any other case, the gross capital cost of the activity to which the application relates,

(c) specify the relevant class or classes in the First Schedule to the Act of 1992 to which the industrial emissions directive activity relates,

- (d) in accordance with section 87(1B)(a) of the Act of 1992 in the case where an application for permission for the development comprising or for the purposes of the industrial emissions directive activity to which the application for the licence relates is currently under consideration by the planning authority concerned or An Bord Pleanála, a written confirmation from the planning authority or An Bord Pleanála, as appropriate, of that fact together with either:
 - (i) a copy of the environmental impact statement, 2 hard copies and 2 electronic copies or in such form as may be specified by the Agency, that was required to be submitted with the application for planning permission, or
 - (ii) a written confirmation from the planning authority or An Bord Pleanála that an environmental impact assessment is not required by or under the Act of 2000,
- (e) in accordance with section 87(1B)(b) of the Act of 1992 in the case where permission for the development comprising or for the purposes of the industrial emissions directive activity to which the application for the licence relates has been granted, a copy of the grant of permission together with either:
 - (i) a copy of the environmental impact statement, 2 hard copies and 2 electronic copies or in such form as may be specified by the Agency, that was required to be submitted with the application for permission, or
 - (ii) a written confirmation from the planning authority or An Bord Pleanála that an environmental impact assessment was not required by or under the Act of 2000,
- (f) specify the raw and ancillary materials, substances, preparations, fuels and energy which will be produced by or utilised in the activity,
- (g) describe the plant, methods, processes, ancillary processes, abatement, recovery and treatment systems, and operating procedures for the activity,
- (h) indicate how the requirements of section 83(5)(a)(i) to (v) and (vii) to (xa) of the Act of 1992 shall be met, having regard, where appropriate, to any relevant specification issued by the Agency under section 5(3)(b) of that Act or any applicable best available techniques (BAT) conclusions adopted in accordance with Article 13(5) of the Industrial Emissions Directive and the reasons for the selection of the arrangements proposed,
- (i) give particulars of the source, nature, composition, temperature, volume, level, rate, method of treatment and location of emissions, and the period or periods during which the emissions are, or are to be, made,

- (j) identify monitoring and sampling points and outline proposals for monitoring emissions and the environmental consequences of any such emissions,
- (k) provide:
 - (i) details, and an assessment, of the impacts of any existing or proposed emissions on the environment as a whole, including on an environmental medium other than that or those into which the emissions are, or are to be, made, and
 - (ii) details of the proposed measures to prevent or eliminate, or where that is not practicable, to limit, reduce or abate emissions,
- (l) describe in outline the main alternatives to the proposed technology, techniques and measures which were studied by the applicant,
- (m) describe the condition of the site of the installation,
- (n) provide, when requested by the Agency, in the case of an activity that involves the use, production or release of relevant hazardous substances (as defined in section 3 of the Act of 1992) and having regard to the possibility of soil and groundwater contamination at the site of the installation, a baseline report in accordance with section 86B of the Act of 1992,
- (o) specify the measures to be taken to comply with an environmental quality standard where such a standard requires stricter conditions to be attached to a licence than would otherwise be determined by reference to best available techniques,
- (p) describe the measures to be taken for minimising pollution over long distances or in the territory of other states,
- (q) describe the measures to be taken under abnormal operating conditions, including start-up, shutdown, leaks, malfunctions, breakdowns and momentary stoppages,
- (r) describe the measures to be taken on and following the permanent cessation of the activity or part of the activity to avoid any risk of environmental pollution and to return the site of the activity to a satisfactory state or the state established in the baseline report if such is required under section 86B of the Act of 1992,
- (s) describe the arrangements for the prevention of waste in accordance with Part III of the Act of 1996, and where waste is generated by the installation, how it will be in order of priority in accordance with section 21A of the Act of 1996, prepared for re-use, recycling, recovery or where that is not technically or economically possible, disposed of in a manner which will prevent or minimise any impact on the environment,

- (t) specify, by reference to the relevant European Waste Catalogue codes as prescribed by Commission Decision 2000/532/EC of 3 May 2000², the quantity and nature of the waste or wastes produced or to be produced by the activity, or the quantity and nature of the waste or waste accepted or to be accepted at the installation,
 - (u) state whether the activity consists of, comprises, or is for the purposes of an establishment to which the European Communities (Control of Major Accident Hazards involving Dangerous Substances) Regulations 2006 (S.I. No. 74 of 2006) apply,
 - (v) describe, in the case of an activity which gives rise, or could give rise, to an emission containing a hazardous substance which is discharged to an aquifer and is specified in the Annex to Council Directive 80/68/EEC of 17 December 1979³ on the protection of groundwater against pollution caused by certain dangerous substances, the arrangements necessary to comply with the said Council Directive,
 - (w) include a non-technical summary of information provided in relation to the matters specified in subparagraphs (c) to (x) of this paragraph,
 - (x) include any other information required under Article 11 of the Industrial Emissions Directive.
- (3) An application for a review of a licence shall:
- (a) state the grounds on which it is made,
 - (b) specify the reference number given to the relevant licence in the register,
 - (c) include results of emission monitoring and other data, that enables a comparison of the operation of the installation with the best available techniques described in the applicable BAT conclusions and with the emission levels associated with the best available techniques in accordance with section 86A(9) of the Act of 1992, and
 - (d) include the information specified in paragraph (2) and such plans, documents and particulars as are specified under paragraph (4) to the extent and in such a manner as may be specified by the Agency.
- (4) An application for a licence shall be accompanied by—
- (a) a copy of the relevant page of the newspaper in which the notice in accordance with Regulation 5 has been published,
 - (b) a copy of the text of the site notice erected or fixed on the land or structure in accordance with Regulation 6,

²O.J. No. L.226, 6.9.2000, p.3.

³O.J. No. L.20, 26.1.1980, p.43.

- (c) a copy of the notice given to the planning authority under section 87(1)(a) of the Act of 1992,
- (d) a copy of such plans, including a site plan and location map, and such other particulars, reports and supporting documentation as are necessary to identify and describe—
 - (i) the activity,
 - (ii) the position of the site notice in accordance with Regulation 6,
 - (iii) the point or points from which emissions are made or are to be made,
 - (iv) monitoring and sampling points, and
- (e) a fee specified in accordance with section 99A of the Act of 1992.

(5) A signed original, 1 hardcopy and 2 electronic copies of the application as required under paragraphs (1) and (2) or under paragraphs (1) and (3), where the application concerns a review of a licence, and the accompanying documents and particulars as required under paragraph (4) shall be submitted to the headquarters of the Agency.

Procedure on receipt of an application for a licence.

10. (1) On receipt of an application for a licence, the Agency shall—

- (a) stamp the application with the date of receipt, and
 - (b) examine whether the application complies with the requirements of Regulation 9.
- (2) (a) Where the Agency considers that an application for a licence complies with the requirements of Regulation 9, it shall send to the applicant an acknowledgment stating the date of receipt of the application.
- (b) Where the Agency considers that an application for a licence does not comply with any or all of the requirements referred to in subparagraph (a) which relate to the application, it may, as it considers appropriate having regard to the extent of the failure to comply with the said requirements, by notice in writing—
- (i) inform the applicant of such failure of compliance and that the application cannot be considered by the Agency, or
 - (ii) require the applicant, within such period as may be specified by the Agency, to take such steps, or to furnish such further particulars, plans, drawings or maps, as may be necessary to comply with the said requirements and, where the applicant fails to comply with a requirement under this subparagraph, the Agency may,

as it considers appropriate having regard to the extent of the failure, inform the applicant, by notice in writing, of such failure and that the application cannot be considered by the Agency.

Content of environmental impact statement.

11. (1) An environmental impact statement submitted to the Agency in accordance with any provision of this Part shall comply with article 94 of the Planning and Development Regulations, or with any provision amending or replacing the said article 94.

(2) (a) The Agency shall in fulfilling its duty under section 83(2A)(f) of the Act of 1992 on receipt of an environmental impact statement, consider if the content of the statement complies with paragraph (1) and determine whether that content adequately identifies, describes and assesses the direct and indirect effects of the proposed development on the environment.

(b) Where the Agency considers that an environmental impact statement does not comply with paragraph (1) and does not so adequately identify, describe or assess, the Agency shall, by notice in writing, so inform the applicant, and require the applicant to submit such further information or particulars as may be necessary to secure compliance.

PART III

REVIEW OF LICENCES

Form of notice of intention to review a licence or revised licence.

12. (1) Where the Agency proposes to review a licence or revised licence under section 90 of the Act of 1992 of its own volition, it shall publish a notice of such intention in a newspaper circulating in the district in which the activity is or will be situate.

(2) Every notice given in writing under section 87(1)(b) of the Act of 1992 or published in accordance with paragraph (1) shall indicate—

(a) the reference number given under Regulation 38(2) to the existing licence or revised licence in the register of licences,

(b) the reference number given under Regulation 38(2) to the said notification under section 87(1)(b) of the Act of 1992 in the register of licences, and

(c) the reason for the review.

(3) A notice given in writing under section 87(1)(b) of the Act of 1992 to the licensee shall indicate that a submission relating to the review may be made in writing to the Agency within 4 weeks of the date of the giving of the notice.

(4) A notice given in writing under section 87(1)(b) of the Act of 1992 may require the licensee to submit such plans, documents, drawings, maps, evidence

or other information and particulars as the Agency considers necessary for the purpose of the review, including, in particular, results of emission monitoring and other data, that enables a comparison of the operation of the installation with the best available techniques described in the applicable BAT conclusions and with the emission levels associated with the best available techniques.

(5) Where the licensee fails or refuses to comply with any requirement of the Agency under paragraph (4) within 4 weeks from the date of the notice the Agency may proceed with its proposed determination of the review.

PART IV

CONSIDERATION OF APPLICATIONS OR REVIEWS

Further information.

13. (1) Where the Agency receives an application for a licence or a review of a licence it may, by notice in writing, require the applicant—

- (a) to submit any further information, particulars, plans, drawings or maps relative to the application which it considers necessary to enable it to deal with the application, or
- (b) to produce any evidence which it may reasonably require to verify any particulars or information given by the applicant in or in relation to the application.

(2) Where the Agency has given a notice in writing under section 87(1)(b) or 90(7) of the Act of 1992 to the licensee, it may, by further notice in writing, require the licensee—

- (a) to submit any further information, particulars, plans, drawings or maps which it considers necessary to enable it to determine the review, or
- (b) to produce any evidence which it may reasonably require to verify any particulars or information given by the licensee in response to such notice or further notice.

(3) The Agency shall not require an applicant or a licensee who has complied with a requirement under paragraph (1) or (2), as appropriate, to submit any further particulars, plans, drawings, maps or information save as may be reasonably necessary to clarify the matters dealt with in the applicant's or licensee's response to the requirement or to enable them to be considered or assessed.

(4) Where there is a failure or refusal to comply with a requirement under paragraph (1) or (2) within 4 weeks of the date of notice of such requirement, the Agency may, if it thinks fit—

- (a) proceed with its consideration of the application or the review and give a notification under section 87(2) of the Act of 1992 in the absence of the particulars, plans, drawings, maps, information or evidence specified in the requirement, or

- (b) inform the applicant, by notice in writing, of such failure and that the application or review cannot be considered by the Agency.

Extension of time for proposed determinations.

14. (1) Where a notice has been given under Regulation 13 in relation to an application for a licence or the review of a licence or revised licence, the period specified in section 87(3) of the Act of 1992 for giving a notification under subsection (2) of that section shall be extended to 8 weeks beginning on the day on which the notice under Regulation 13 has been complied with.

(2) If, before the expiration of the period specified in section 87(3) of the Act of 1992, the applicant or the licensee gives to the Agency his consent in writing to the extension by it of that period, the Agency may so extend the period.

(3) The Agency may, and shall at the request of the Minister, before the expiration of the period specified in section 87(3) of the Act of 1992, extend the said period in such manner as it considers appropriate or as may be required by the Minister in the case of an application for a licence for an activity the emissions from which would be likely to have significant effects on the environment in another Member State of the European Union and in respect of which activity the Minister has been notified under Regulation 15.

(4) (a) Where, in accordance with paragraphs (1), (2) or (3) the period specified in section 87(3) of the Act of 1992 is extended, the Agency shall, as soon as may be, publish notice of the extension, on the Agency's website.

(b) Where the period specified in section 87(3) of the Act of 1992 is extended in accordance with paragraph (3), the Agency shall, in addition to the requirement of subparagraph (a), notify the Minister of the extension.

Notice to Minister of certain applications for licences.

15. (1) Where the Agency receives an application, other than an application in respect of which a notice in accordance with Regulation 10(2)(b)(i) has been or will be given, and it appears to the Agency that the activity, the subject of the application, would or is likely to have a significant adverse impact on the environment in another Member State of the European Union, the Agency shall as soon as may be after receipt of the said application, notify the appropriate competent authority in the Member State concerned.

(2) The Agency shall notify the Minister of any notice given in accordance with paragraph (1) or any request to which paragraph (4) relates.

(3) A notice given in accordance with paragraph (1) shall be accompanied by a copy of the relevant application and of all accompanying documents and particulars, including any environmental impact statement received by the Agency in accordance with the provisions of Part II, and shall as a minimum indicate—

- (i) the reference number given under Regulation 38(2) to the application in the register of licences,
- (ii) the name and address of the applicant or licensee,
- (iii) the location or postal address (including, where appropriate, the name of the relevant townland or townlands) of the premises to which the application relates,
- (iv) the class or classes and nature of the industrial emissions directive activity in accordance with the First Schedule to the Act of 1992,
- (v) the date of receipt of the application, and
- (vi) the name of the planning authority to which a copy of the environmental impact statement has been submitted.

(4) Upon request by the competent authority in another Member State of the European Union, the environment of which would or is likely to be significantly adversely affected by an activity which is the subject of an application under Part II, the Agency shall, as soon as may be, forward to the said authority the material specified in paragraph (3).

(5) Where an application for a licence in respect of which an environmental impact statement has been submitted in accordance with any provision of Part II relates to an activity which the Minister considers likely to have a significant adverse effect on the environment in another Member State of the European Union, the Minister may:

- (a) require the Agency to furnish to him such information or documents concerning the application as he may specify, and
- (b) the Agency shall if requested by the Minister enter into consultations with the competent authority of that Member State before notifying under section 87(2) of the Act of 1992, indicating its proposed determination in relation to the application for a licence.

(6) Where the Minister is informed by the competent authority of another Member State of the European Union other than the State, in accordance with Article 26(1) of the Industrial Emissions Directive, of an application for a licence for an activity likely to have a significant adverse effect on the environment of the State, he or she shall inform the Agency forwarding the information received from the competent authority concerned.

(7) Where the Agency is informed by the Minister pursuant to paragraph (5), or is notified by the competent authority of the Member State, of an application for a licence referred to in that paragraph, the Agency shall:

- (a) for the purpose of complying with Article 26(2) of the Industrial Emissions Directive, take such steps as the Agency considers appropriate for the purposes of bringing the information to the attention of the

persons in the State likely to be affected by the operation of the installation and providing them with an opportunity to comment on that information,

- (b) consider the information forwarded by that competent authority pursuant to Article 26(1) of the Industrial Emissions Directive, and furnish any observations that it has on the licence application to the competent authority of the Member State concerned,
- (c) enter into consultations, as the Agency considers appropriate, with the competent authority referred to in subparagraph (b) in relation to the effects on the environment of the State of emissions from the activity to which the application for a licence relates, and
- (d) where the Agency is informed by the competent authority concerned, in accordance with Article 26(4) of the Industrial Emissions Directive, of its decision, the Agency shall take such steps as it considers appropriate for the purpose of bringing the decision to the attention of the persons in the State likely to be affected by the operation of the installation to which the decision relates.

Notice to certain bodies.

16. (1) Where the Agency receives an application for a licence, other than an application in respect of which a notice in accordance with Regulation 10(2)(b)(i) has been or will be given, or has given a notice in writing of intention to review a licence or revised licence under section 87(1)(b) of the Act of 1992, it shall notify—

- (a) the Minister for Agriculture, Food and the Marine,
- (b) the Minister for Communications, Energy and Natural Resources,
- (c) the Minister for the Environment, Community and Local Government,
- (d) the Minister for Transport, Tourism and Sport,
- (e) Inland Fisheries Ireland,
- (f) An Taisce — The National Trust for Ireland,
- (g) each local authority in whose functional area the activity is or will be situate,
- (h) in the case of a discharge to which section 99E of the Act of 1992 relates, the relevant water services authority,
- (i) the Health Service Executive,
- (j) the Health and Safety Authority,
- (k) Fáilte Ireland,

- (l) Teagasc,
 - (m) in the case of an activity any part of which is situate within the functional area of Shannon Development (the Shannon Free Airport Development Company Limited), that company,
 - (n) in the case of an activity likely to have a significant adverse effect on the environment of another Member State, the competent authority of that Member State, and
 - (o) such other public authorities, persons or bodies, if any, as the Agency considers appropriate.
- (2) A notice given in accordance with paragraph (1) shall at least indicate—
- (a) the reference number given under Regulation 38(2) to the application or review in the register of licences,
 - (b) the name and address of the applicant or the licensee, as the case may be,
 - (c) the location or postal address (including, where appropriate, the name of the relevant townland or townlands) of the premises to which the application or the review relates,
 - (d) the class or classes and nature of the industrial emissions directive activity in accordance with the First Schedule to the Act of 1992,
 - (e) the date of receipt of the application or the publication of a notice under section 87(1)(b) of the Act of 1992,
 - (f) that a copy of the application will be available to view and download on the Agency’s website as soon as practicable after its receipt by the Agency.
- (3) Where an environmental impact statement is received in respect of an application for a licence in accordance with any provision of Part II the Agency shall inform each authority, person or body to which it has given notice under paragraph (1) that a copy of the statement is available to view on the Agency’s website and indicate the name of the planning authority to which the environmental impact statement has been submitted.

Agency investigations.

17. The Agency may carry out, or arrange to have carried out, such investigations as it considers necessary to enable it properly to determine or to decide on an application for a licence or the review of a licence or revised licence, and may require the applicant or the licensee, as appropriate, to defray or contribute towards the cost of any such investigations.

Inspection and availability of documents including environmental impact statements.

18. (1) In accordance with the European Communities (Access to Information on the Environment) Regulations 2007 (S.I. No. 133 of 2007), the Agency shall make the environmental information specified in paragraph (3) available to view and download for inspection from the Agency's website, as soon as practicable after its receipt by the Agency, for at least 4 years following the day on which a decision is made on the application for a licence or the review of a licence.

(2) In the event that a person cannot access the environmental information referred to in paragraph (3) on the Agency's website, the Agency shall upon request provide that information by any other effective means.

(3) For the purposes of paragraph (1) information to be made available includes but is not limited to—

- (a) an application for a licence,
- (b) a notice given in writing to the licensee under section 87(1)(b) of the Act of 1992,
- (c) such other notices as are given by the Agency under Part IV of the Act of 1992 or under these Regulations in respect of the application for a licence or the review of a licence or a revised licence,
- (d) such information, particulars, plans, drawings, maps including site location maps, photographs, evidence, environmental impact statements, notices, objections, submissions, views or observations as are received or obtained by the Agency from the applicant or licensee or any other person in accordance with Part IV of the Act of 1992 or in accordance with these Regulations in respect of the application for a licence or the review of a licence or revised licence, and
- (e) any written submissions received by the Agency following the giving or publication of a notice under section 87(1) of the Act of 1992.

(4) Upon expiration of the period referred to in paragraph (1) where the Agency removes any environmental information from its website, the Agency shall in accordance with the European Communities (Access to Information on the Environment) Regulations 2007 make available to the public, whether for public inspection during office hours at the headquarters of the Agency or otherwise, environmental information held by it.

Withdrawal or abandonment of application for a licence.

19. (1) An application for a licence or review of a licence may be withdrawn by the applicant or licensee at any time before the making of the decision of the Agency on the application.

(2) Where the Agency is of the opinion that an application for a licence or review of a licence has been abandoned it may give to the applicant a notice

stating that fact and requiring that person, within a period specified in the notice (being a period of not less than 14 or not more than 28 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 should not be regarded as having been abandoned.

(3) Where a notice has been given under paragraph (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 to which the notice relates shall be regarded as having been abandoned.

(4) Where pursuant to this Regulation the Agency declares that an application is to be regarded as having been withdrawn or abandoned, any objection in relation to the application shall not be further considered by the Agency.

PART V

NOTIFICATIONS AND PUBLICATIONS

Advertisement of proposed determinations by Agency.

20. (1) The Agency shall, within 10 days of the giving of a notification under section 87(2) of the Act of 1992, publish its proposed determination on its website and, in a newspaper circulating in the district in which the activity is or will be situate a notice indicating—

- (a) the reference number given under Regulation 38(2) to the application or review in the register of licences,
- (b) the name and address of the applicant or the licensee,
- (c) the class or classes of the industrial emissions directive activity and nature of the industrial emissions directive activity in accordance with the First Schedule to the Act of 1992,
- (d) the location and postal address (including, where appropriate, the name of the relevant townland or townlands) of the premises to which the application or review relates,
- (e) the date of the giving of the notification under section 87(2) of the Act of 1992,
- (f) the manner in which the Agency proposes to determine the application or review, including if it is proposed to apply the derogation as provided for in section 86A(6)(a) of the Act of 1992,
- (g) where a copy of the proposed licence or revised licence or the proposed reasons for refusal, as the case may be, may be obtained,
- (h) that an objection which shall include the grounds for the objection and be accompanied by the appropriate fee specified in accordance

with section 99A of the Act of 1992, may be made to the Agency within the appropriate period, and

- (i) that a person making an objection may, within the appropriate period and in writing, request an oral hearing of the objection and that the request shall not be considered by the Agency unless it is accompanied by the appropriate fee specified in accordance with section 99A of the Act of 1992.

Additional notice in certain cases.

21. (1) Where the Agency, in accordance with Regulation 16, has given notice of an application for a licence or a notice of intention to review a licence or revised licence under section 87(1)(b) of the Act of 1992, to a public authority, person or body, it shall notify that public authority, person or body of its proposed determination in respect of the application or the review, as appropriate, within 3 working days of the giving of the notification of the proposed determination.

(2) The Agency shall, within 3 working days of the giving of the notification of its proposed determination of an application for a licence in respect of which notice was given to the Minister in accordance with Regulation 15 or in relation to which information or documents were furnished to the Minister in accordance with Regulation 15(3), notify the Minister of the proposed determination.

Notification of proposed determination of application for a licence or review of a licence or revised licence.

22. Every notification given under section 87(2) of the Act of 1992 shall, in addition to the matters specified in that subsection, specify—

- (a) the reference number given under Regulation 38(2) to the application or the review in the register of licences,
- (b) the industrial emissions directive activity to which the proposed determination relates,
- (c) the day of the giving of the notification,
- (d) where it is proposed to grant a licence or revised licence the conditions, if any, to be attached and the reasons therefor and where a copy of the proposed licence or revised licence may be obtained,
- (e) where it is proposed to refuse to grant a licence or revised licence, the reasons for such refusal,
- (f) that an objection against the proposed determination, which shall include the grounds for the objection and be accompanied by the appropriate fee specified in accordance with section 99A of the Act of 1992, may be made to the Agency in accordance with the following—
 - (i) in the case of the applicant or the licensee the period of 28 days beginning on the day of the giving of the notification, or

- (ii) in any other case, the period of 28 days beginning on the day of the giving of the notification,
- (g) that the decision of the Agency shall be in accordance with the proposed determination and shall be issued as soon as may be after the expiration of the appropriate period where no objection is taken or where an objection or objections is or are taken and the objection or objections is or are withdrawn.

Reasons for proposed determinations or decisions.

23. A proposed determination under section 87(2) of the Act of 1992 or a decision under section 83(1) or 90(2) of that Act shall contain the reasons for the proposed determination or the decision.

Results of monitoring and evaluations.

24. (1) A licensee shall, not later than 31 March in each year, furnish to the Agency information, of such nature and in such form as may be specified in guidance documents published by the Agency to include the results of emissions monitoring required under the conditions attaching to the licence concerned, in relation to the environmental performance of the installation concerned.

(2) The Agency shall make the information under paragraph (1) publicly accessible on the Agency's website as soon as is practicable after its receipt by the Agency.

PART VI

OBJECTIONS

Form and content of objection.

25. (1) An objection shall—

- (a) be made in writing,
- (b) state the name and address of the objector,
- (c) state the reference number given under Regulation 38(2) to the application or the review in the register of licences and the subject matter of the objection,
- (d) state the grounds for the objection and the reasons, considerations and arguments on which they are based, and
- (e) be accompanied by a fee specified in accordance with section 99A of the Act of 1992.

(2) Without prejudice to Regulation 27, an objector shall not be entitled to elaborate in writing upon, or make further submissions in writing in relation to, the grounds for the objection stated in the objection, or to submit further grounds of objection and any such elaboration, submission or further grounds

for the objection that is or are received by the Agency shall not be considered by it.

- (3) (a) An objection shall be accompanied by such documents, particulars or other information relating to the objection as the objector considers necessary or appropriate.
- (b) Without prejudice to Regulation 27, the Agency shall not consider any documents, particulars or other information submitted by an objector other than the documents, particulars or other information which accompanied the objection.
- (4) An objection shall be made—
 - (a) by sending the objection by prepaid post to the headquarters of the Agency,
 - (b) by leaving the objection with an employee of the Agency at the headquarters of the Agency during office hours, or
 - (c) online via the website of the Agency where such facility is made available by the Agency.
- (5) The Agency shall as soon as may be after receipt of an objection acknowledge such receipt.

Circulation of objections.

26. (1) The Agency shall, as soon as may be after receipt of an objection, give a copy thereof to each other party to the objection.

(2) Each other party to the objection may make submissions in writing to the Agency in relation to the objection within a period of one month beginning on the day on which a copy of the objection is sent to that party by the Agency.

(3) Any submissions received by the Agency after the expiration of the period mentioned in paragraph (2) shall not be considered by the Agency.

(4) Where no submissions have been received from a party to an objection within the period mentioned in paragraph (2), the Agency may without further notice to that party consider the objection.

(5) Without prejudice to Regulation 27, a party to the objection shall not be entitled to elaborate in writing upon any submissions made in accordance with paragraph (2) or make any further submissions in writing in relation to the objection and any such elaboration or submission that is received by the Agency shall not be considered by it.

Power of the Agency to request submissions by objectors.

27. Where the Agency is of the opinion that, in the particular circumstances of an objection, it is appropriate in the interests of justice to request a party to the objection to make submissions in relation to any matter which has arisen in

relation to the objection, the Agency may, in its discretion, notwithstanding Regulations 25(3) and 26(5), give notice under this Regulation—

- (a) requesting that party, within a period specified in the notice (not being less than 14 or more than 28 days beginning on the date of the giving of the notice) to make to the Agency a submission in writing in relation to the matter in question, and
- (b) stating that, if a submission in writing is not received before the expiration of the period specified in the notice, the Agency will, after the expiration of that period and without further notice to the party, proceed with its consideration of the objection and make a decision on the application for a licence or the review of a licence or revised licence.

Power of the Agency to request submission of documents, particulars or information by an objector.

28. Where the Agency is of the opinion that any document, particulars or other information is or are necessary for the purposes of enabling it to consider an objection, the Agency may give to any party to the objection a notice under this Regulation—

- (a) requiring that party, within a period specified in the notice (being a period of not less than 14 days beginning on the date of the giving of the notice) to submit to the Agency such document, particulars or other information (which document, particulars or other information shall be specified in the notice), and
- (b) stating that, in default of compliance with the requirements of the notice, the Agency will, after the expiration of the period so specified and without further notice to the party, make a decision on the application for a licence or the review of a licence or revised licence.

Withdrawal or abandonment of objections in certain cases.

29. (1) Where the Agency is of the opinion that an objection has been withdrawn or abandoned, it may give to the party who made the objection a notice stating that fact and requiring that party, within a period specified in the notice (being a period of not less than 14 or more than 28 days beginning on the date of the giving of the notice) to make to the Agency a submission in writing as to why the objection should not be regarded as having been either withdrawn or abandoned.

(2) Where a notice has been given under paragraph (1), 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 objection to which the notice relates shall be regarded as having been withdrawn.

Notification of oral hearings.

30. (1) Where the Agency decides to hold an oral hearing, it shall give the persons specified in section 87(8) of the Act of 1992 not less than 7 days notice

of the time and place of the opening of the oral hearing or such shorter notice as may be accepted by all such persons.

(2) The Agency may, at any time before the opening of an oral hearing, alter the time or place of the opening of the hearing and, in the event of such alteration, the Agency shall give the persons specified in section 87(8) of the Act of 1992 not less than 7 days notice of the new time and place or such shorter notice as may be accepted by all such persons.

Procedure at oral hearings.

31. (1) A person or persons appointed to conduct an oral hearing shall have discretion as to the conduct of the hearing and in particular shall—

- (a) conduct the hearing without undue formality,
- (b) permit any party to the objection, the planning authority in whose functional area the activity to which the licence application or review relates, is or will be situate, or such employee of the Agency as the Agency may decide, to appear in person or to be represented by another person,
- (c) decide the order of appearance of persons to be heard.

(2) Where the Agency has given notice in accordance with Regulation 35(2) of its intention to take into account matters other than those raised by the parties to the objection, the parties shall be permitted, if present, to make submissions in relation to the said matters to the person conducting the oral hearing.

(3) A person or persons appointed by the Agency to conduct an oral hearing shall be appointed in writing by the Agency to be an authorised person for the purposes of section 13 of the Act of 1992.

Power to require attendance at oral hearings.

32. (1) Subject to paragraph (2), the person or persons appointed to conduct an oral hearing may, by giving notice in that behalf in writing to any party to the objection, such employee of the Agency as the Agency may decide or the planning authority in whose functional area the activity is or will be situate, require that party, employee or authority to attend at such time and place as is specified in the notice and to produce any documents, particulars, or other information in his or its possession, custody or control.

(2) The following provisions shall have effect for the purposes of paragraph (1)—

- (a) it shall not be necessary for a person to attend in compliance with a notice at a place more than 10 miles from a person's ordinary place of residence unless such sum as will cover the reasonable and necessary expenses of the attendance has been paid or tendered to that person,

- (b) the Agency shall pay or tender to any person whose attendance is required such sum as the Agency, following consultation with the person appointed to conduct the oral hearing, considers will cover the reasonable and necessary expenses of the attendance,
- (c) any person who in compliance with a notice has attended at any place shall, save insofar as the reasonable and necessary expenses of the attendance have already been paid to that person, be paid those expenses by the Agency, and those expenses, save as aforesaid, shall, in default of being so paid, be recoverable as a simple contract debt in any court of competent jurisdiction.

(3) A person to whom a notice under paragraph (1) has been given shall not refuse or wilfully neglect to attend in accordance with the notice or shall not wilfully alter, suppress, conceal or destroy any documents, particulars or other information to which the notice relates or having so attended, shall not refuse or wilfully fail to produce any documents, particulars or other information to which the notice relates.

(4) A person or persons appointed to conduct an oral hearing may require an officer of a local authority, sanitary authority or planning authority concerned to provide any information which that person reasonably requires for the purpose of the hearing, and it shall be the duty of the officer concerned to comply with the requirement.

Adjournment or reopening of an oral hearing.

33. (1) Subject to paragraphs (2) and (3), the person or persons appointed to conduct an oral hearing may—

- (a) adjourn or resume the oral hearing,
- (b) having obtained the consent of the Agency, re-open the hearing, or
- (c) notwithstanding that any party to the objection has failed to attend a hearing, proceed with the hearing.

(2) Notice of the time and place of the resumption of an oral hearing that has been adjourned indefinitely or the reopening of an oral hearing shall be given by the Agency to the persons specified in section 87(8) of the Act of 1992 not less than 7 days before the said time or such shorter period as may be accepted by all such persons.

(3) Unless the Agency considers it expedient to do so and so directs, an oral hearing shall not be re-opened after the report thereon has been made to the Agency.

Replacement of person or persons appointed to conduct an oral hearing.

34. If, for any reason, the person or persons appointed to conduct an oral hearing is unable or fails to conduct, or to complete the conduct of, an oral hearing or, for any reason, is unable or fails to furnish a written report on an oral hearing to the Agency, the Agency may appoint another person or persons

to conduct the oral hearing or to conduct a new oral hearing and to furnish a written report of the hearing concerned.

Other matters may be taken into account by the Agency.

35. (1) The Agency in considering an objection may take into account matters other than those raised by a party to the objection.

(2) The Agency shall give notice in writing to each party to the objection of the matters that it proposes to take into account under paragraph (1) and shall indicate in that notice—

(a) in a case where the Agency proposes to hold an oral hearing of the objection, or where an oral hearing of the objection has been concluded and is re-opened in accordance with Regulation 33, that submissions in relation to the said matters may be made to the person appointed to conduct the hearing, or

(b) in a case where the Agency does not propose to hold an oral hearing of the objection, or where an oral hearing of the objection has been concluded and the Agency does not propose to consent to the re-opening of the hearing, that submissions in relation to the said matters may be made to the Agency in writing within a period specified in the notice (being a period of not less than 14 or more than 28 day beginning on the date of the giving of the notice).

(3) Submissions as aforesaid that are received by the Agency after the expiration of the period referred to in paragraph (2)(b) shall not be considered by the Agency.

(4) Without prejudice to Regulation 27, where a party to an objection makes a submission to the Agency in accordance with paragraph (2)(b), that party shall not be entitled to elaborate in writing upon that submission or to make further submissions in writing in relation to the matters referred to in paragraph (1) and any such elaboration or submissions that are received by the Agency shall not be considered by it.

Period for consideration of objection.

36. (1) Where it appears to the Agency that it would not be possible or appropriate, because of the particular circumstances of an objection, to carry out the procedures for the consideration of an objection, whether or not an oral hearing is held, within 4 months beginning on the day after the expiration of the appropriate period, the Agency shall give notice in writing to each party to the objection of the reasons why it would not be possible or appropriate, as the case may be, to do so and shall specify the date before which the Agency intends to carry out such procedures.

(2) Where a notice has been given under paragraph (1), the Agency shall take all such steps as are open to it to ensure that the procedures are carried out before the date specified in the notice.

Notification and publication of decisions.

37. (1) (a) The Agency shall notify each person specified in section 87(2) and 87(8) of the Act of 1992 and persons or bodies notified under Regulation 15 and 16 of its decision under section 83(1) of that Act on application for a licence or under section 90(2) of that Act on the review of a licence or revised licence.
- (b) A notification under subparagraph (a) shall be accompanied by a copy of the decision, or in the case of a notification to specified bodies a link to the decision referred to on the Agency's website.
- (2) The Agency shall, within 10 days of the giving of a decision referred to in paragraph (1)(a), publish a notice of its decision on its website and in a newspaper circulating in the district in which the industrial emissions directive activity is or will be situated.
- (3) Where the Agency publishes a notice pursuant to paragraph (2) on its website, the notice shall include the following information—
- (a) the reference number given under Regulation 38(1) to the application or review in the register of licences,
 - (b) the name and address of the applicant or licensee,
 - (c) the class or classes of the industrial emissions directive activity and nature of the industrial emissions directive activity in accordance with the First Schedule to the Act of 1992,
 - (d) the location and postal address (including, where appropriate, the name of the relevant townland or townlands) of the premises to which the decision relates,
 - (e) the nature of the decision,
 - (f) the date of the giving of the decision,
 - (g) a description, where necessary, of the main measures to avoid, reduce, and, if possible, offset the major adverse effects on the environment,
 - (h) the title of the best available techniques reference documents (BREFs) relevant to the installation or activity concerned,
 - (i) information about how emission limit values have been determined in relation to best available techniques and emission limit values associated with the techniques,
 - (j) if a derogation has been granted in accordance with section 86A(6)(a) of the Act of 1992, the specific reasons for such derogation and the conditions imposed,
 - (k) where—

- (i) the content of the decision, including a copy of the licence or revised licence and of any conditions and any subsequent updates,
 - (ii) having examined the concerns and opinions expressed by any person, the reasons and considerations on which the decision is based, including information on the public participation process, and
 - (iii) practical information on the review mechanism,
- may be obtained, and

(l) that—

- (i) any application for judicial review or any other legal proceedings which question the validity of the decision of the Agency must, in accordance with section 87(10) of the Act of 1992, be instituted within the period of 8 weeks beginning on the date indicated in accordance with subparagraph (f), and
- (iii) a person shall not question the validity of the decision of the Agency other than by way of an application for judicial review under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986).

(4) Where the Agency publishes a notice pursuant to paragraph (2) in a newspaper circulating in the district in which the activity is or will be situate the notice shall include at least the information specified under paragraphs (3)(a), (b), (c), (e), (f), (k) and (l).

PART VII

REGISTER

Form of register.

38. (1) The register of licences required under section 91 of the Act of 1992 to be established and maintained by the Agency, and kept at the offices of the Agency, shall in respect of each application for a licence and, each notification given in writing to the licensee under section 87(1)(b) of that Act, as the case may be, contain the following entries—

- (a) the reference number in accordance with paragraph (2),
- (b) the name and address of the applicant, or the licensee, as the case may be,
- (c) the class or classes and nature of the industrial emissions directive activity in accordance with the First Schedule to the Act of 1992,

- (d) the location or postal address (including where appropriate, the name of the relevant townland or townlands) of the premises to which the application or the review relates,
- (e) the date on which the Agency is in receipt of the application for a licence and supporting documentation and particulars required to be submitted under Regulation 9,
- (f) the date of a notice published under section 87(1)(b) of the Act of 1992,
- (g) the date of any notification given by the Agency under Regulations 10(2)(b), 11(2)(b), 13, 19(2), 27, 28, 29, 30, 35(2) and 36(1),
- (h) the date of receipt of any submission, document, plans, drawings, maps, evidence, particulars or information submitted to the Agency in compliance with any notice given under Regulations 10(2)(b)(ii), 11(2)(b), 27, 28, 29 and 35(2),
- (i) the date of a notification given under section 87(2) of the Act of 1992,
- (j) the date on which the Agency is in receipt of additional information required under Regulation 13,
- (k) the period by which the Agency extends under Regulation 14(2) or 14(3) the period specified in section 87(3) of the Act of 1992,
- (l) the number of objections received, if any,
- (m) the date of receipt of an objection in accordance with Regulation 25 in respect of an objection,
- (n) the date of a notification to hold an oral hearing in accordance with Regulation 30,
- (o) any date specified by the Agency under Regulation 36,
- (p) the date of a declaration under Regulation 19(3) or 29(2),
- (q) the date of the decision on the application for a licence or the review of a licence or revised licence, and
- (r)
 - (i) the date of receipt of an application under section 94(2) of the Act of 1992,
 - (ii) the date of receipt of a notice under section or 98A(1) of the Act of 1992,
 - (iii) the date and the decision taken by the Agency under section 98A(2) of the Act of 1992, and
 - (vi) the date and the decision taken by the Agency under section 98A(3) of the Act of 1992.

(2) Each application for a licence and each notification given in writing to the licensee under section 87(1)(b) of the Act of 1992 shall be given a reference number in the register of licences.

PART VIII

MISCELLANEOUS

Principal Polluting Substances.

39. The Agency shall have regard, in fulfilling its duty under section 83(4)(a) of the Act of 1992, to the principal polluting substances listed in the Schedule.

Criteria for the determination by the Agency of a relevant person.

40. In determining whether a person shall be a relevant person for the purposes of section 84(4) and (5) of the Act of 1992, the Agency shall, where an applicant or licensee is a body corporate, have regard to whether the said person is a director, manager, secretary or other similar officer of that body corporate or is otherwise in, or likely to be in, a position to direct or control the carrying on of the industrial emissions directive activity to which the relevant application or licence, as the case may be, relates.

SCHEDULE

INDICATIVE LIST OF THE PRINCIPAL POLLUTING SUBSTANCES
TO BE TAKEN INTO ACCOUNT (IF RELEVANT) BY THE AGENCY
FOR THE FIXING OF EMISSION LIMIT VALUES**AIR**

1. Sulphur dioxide and other sulphur compounds.
2. Oxides of nitrogen and other nitrogen compounds.
3. Carbon monoxide.
4. Volatile organic compounds.
5. Metals and their compounds.
6. Dust including fine particulate matter.
7. Asbestos (suspended particulates, fibres).
8. Chlorine and its compounds.
9. Fluorine and its compounds.
10. Arsenic and its compounds.
11. Cyanides.
12. Substances and mixtures which have been proved to possess carcinogenic or mutagenic properties or properties which may affect reproduction via the air.
13. Polychlorinated dibenzodioxins and polychlorinated dibenzofurans.

WATER

1. Organohalogen compounds and substances which may form such compounds in the aquatic environment.
2. Organophosphorus compounds.
3. Organotin compounds.
4. Substances and mixtures which have been proved to possess carcinogenic or mutagenic properties or properties which may affect reproduction in or via the aquatic environment.
5. Persistent hydrocarbons and persistent and bioaccumulable organic toxic substances.
6. Cyanides.

7. Metals and their compounds.
8. Arsenic and its compounds.
9. Biocides and plant protection products.
10. Materials in suspension.
11. Substances which contribute to eutrophication (in particular, nitrates and phosphates).
12. Substances which have an unfavourable influence on the oxygen balance (and can be measured using parameters such as BOD, COD, etc.).
13. Substances listed in Annex X to Directive 2000/60/EC.



GIVEN under my Official Seal,
23 April 2013.

PHIL HOGAN,
Minister for the Environment, Community and Local
Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations provide for various procedural matters in relation to the integrated licensing by the Environmental Protection Agency of Industrial Emissions Directive activities specified in the First Schedule to the Environmental Protection Agency Act 1992 and transposes Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (Recast). The Regulations provide for applications for licences, reviews of licences or revised licences, consideration by the Agency of objections, including the holding of oral hearings, public participation procedures associated with the industrial emissions licensing system administered by the Agency and the contents of the register of licences.

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ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
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(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
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