

	Environmental Licensing Programme		
	Standard Operating Procedure: Technical		
	Ref.	Version Number	Number of Pages
	ELP/IE/IPC/W/T/202	4.0	9
Title	Technical Assessment of an IE, IPC or Waste Licence Application		
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Purpose: To ensure that IE, IPC and Waste licence applications are fully assessed and that all relevant environmental standards and guidelines have been considered in the preparation of a proposed determination/decision.

Scope: All IE, IPC and Waste licence applications.

Responsibility: Environmental Licensing Programme Inspector, OES.

References: Waste Management (Licensing) Regulations 2004, as amended.

European Communities (Waste Directive) Regulations 2011, S.I. 126 of 2011, as amended.

Waste Management Act 1996, as amended.

Waste Management (Registration of Brokers and Dealers) Regulations 2008, S.I. No. 113 of 2008.

Environmental Protection Agency Act 1992, as amended.

EPA (Industrial Emissions) (Licensing) Regulations 2013, as amended.

EPA (Integrated Pollution Control) (Licensing) Regulations 2013, as amended.

EU (Large Combustion Plants) Regulations 2012 S.I. 566 of 2012.

EU (Waste Incineration and Co-incineration Plants) Regulations S.I. 148 of 2013.

Procedure:

Disclosure of Interest Management

- 1 On assignment (or re-assignment) of an Inspector to an application, the Inspector and their line manager should, without delay, complete the *Disclosure of Interest* section of the "***Inspector Update Licence Details Form***", using the comment box to record any issues discussed, and not deemed to be a conflict of interest.
- 2 If it is deemed that no conflict of interest exists, then the Inspector can proceed to the assessment stage. If a conflict of interest exists, then the Inspector should revert to the Senior Inspector who will assign the application to another Inspector.

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Initial assessment

- 1 Confirm from the information in the application form that an IED/IPC/Waste activity is being proposed. Clarify any incorrect classes of activities via a request for further information (See [IE/IPC/Waste Licensing Process Guidance](#)) and/or note in the Inspector's Report (IR) for refusal if applicable.
- 2 Following procedure ELP/AP/IE/IPC/W/T/213, examine whether the application complies with the requirements of;
 - Regulation 9 of the Industrial Emissions (Licensing) Regulations 2013, as amended (IE Regs., 2013), or
 - Regulation 9 of the EPA (Integrated Pollution Control)(Licensing) Regs 2013, as amended (IPC Regs., 2013), or
 - Article 12 & 13 (in the case of EIA) of the Waste Management (Licensing) Regulations 2004, as amended (WML Regs., 2004),
as applicable. If appropriate, seek further information (refer to procedure ELP/AP/IE/IPC/W/T/213).
- 3 Check the class(es) of activity proposed by the licensee reflect the class(es) of activity proposed in the most recent newspaper/site notice. If the proposed classes of activity do not reflect the newspaper notice and/or site notice, seek clarification via a further information notice. Review application fee with Programme Officer in the event of a change to the applicable classes of activities or tonnages of waste for disposal/recovery.
- 4 Confirm if a Section 99E letter (EPA Act 1992, as amended (IE/IPC)) or Section 52 letter (WMA, 1996) is required to be issued to Irish Water (refer to procedure ELP/AP/IE/IPC/W/T/207).
- 5 Carry out a screening for Appropriate Assessment (AA) and where appropriate carry out an AA, using the AA procedure (ELP/AP/J/223). A Natura Impact Statement (NIS) may need to be requested. Where the application is screened in for AA a public consultation notice is required to issue, which specifies a timeframe for submissions.
- 6 Carry out an EIA screening using the screening procedure (ELP/AP/J/205). Note: "subthreshold" EIA Screening Determination must issue as soon as possible and within 90 days from the date on which the applicant has provided the information specified in Annex IIA of the EIA directive. Where screened in, carry out an assessment for the purpose of EIA using the EIA procedure (ELP/AP/IE/T/206). Check that consultation with Planning Authorities and other Competent Authorities for EIA has been carried out.
- 7 Assess whether or not the activity would or is likely to have a significant adverse impact on the environment in another Member State of the EU or in another transboundary state e.g. Northern Ireland or Great Britain. Notify the Programme Officer advising whether Regulation 15 (IE Regs., 2013 and IPC Regs., 2013)/Article 17 (WML Regs., 2004) is applicable. Where it is considered to be the case, notify the senior inspector and in consultation with the senior inspector request the Programme Officer to issue a Regulation 15(1) and 15(2) notice (IE

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Regs., 2013 and IPC Regs., 2013) or an Article 17(1) and 17(2) notice (WML Regs., 2004). Consider any responses from another Member State or other transboundary state.

- 8 Carry out an assessment of any requests relating to confidential information which may form part of the application in line with the procedure on confidential Information (ELP/APJ/210).
- 9 Carry out an assessment of the application for compliance with Best Available Techniques (BAT). Evaluate and document as appropriate in the IR and Recommended Determination/Decision (RD) whether BAT will be utilised having regard to relevant sectoral Commission Implementing Decisions (CIDs), relevant BAT reference documents (BREFs) and/or relevant National BAT Guidance notes. For Waste/IPC licence applications, National BAT Guidance notes are applicable only. For IE applications, relevant CID(s) are mandatory and relevant BREFs and National BAT Guidance notes are applicable. The order of priority is; CID, followed by BREFS, followed by National BAT guidance Note.
 - 9.1 In the case of an IE review, the licensing inspector shall compare monitoring data with any new relevant decision on BAT conclusions (CID) or relevant emission levels associated with BAT (BREF/National BAT).
 - 9.2 In the case of an IPC/Waste review, the licensing inspector shall compare monitoring data with any new relevant emission levels associated with BAT (National BAT).
 - 9.3 Identify the monitoring requirements that are in line with any conclusion on monitoring as described in the CID (IE)/BREF (IE)/National BAT guidance note (IE/IPC/Waste).
 - 9.4 For IE applications; in the case of where a Derogation under Section 86A(6) of the EPA Act is proposed, the licensing inspector shall consult with the senior inspector/ sectoral expert as appropriate.
 - 9.5 For IE applications; the licensing inspector shall outline in the IR any conditions which specify less strict ELV's for the testing and use of emerging techniques not exceeding 9 months (Section 86A(7)).
- 10 Conduct site visit(s) (where necessary). The site visit should aim to verify the information presented in the application, gather location specific details such as topography and gain an appreciation of local sensitive receptors. Where considered useful in the case of reviews, the Enforcement inspector for the site may accompany the Inspector. Review Health & Safety OCP on Site Visit and Inspection Guidance prior to visit.
- 11 In the case of licence reviews, contact and maintain communication with the Enforcement inspector early on and throughout the licence review process and consult compliance history on CRM. Use any information resulting from monitoring and inspections in the assessment and document, where appropriate, their use in the inspector's report (IR).
- 12 For IE licence applications, ensure the requirements of Chapter III (large combustion plant), Chapter IV (waste incineration and waste co-incineration plants) and Chapter V (activities using organic solvents: see Seveso III COMAH

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Regulations, Schedule 1 for list of dangerous substances and qualifying quantities (tonnes) for application of lower and upper tier requirements) of the Industrial Emissions Directive are applied as appropriate. Identify the conditions that meet the requirements of the relevant chapter in the IR. Ensure that the requirements of the Regulations specified under references above are applied, as appropriate.

- 13 Assess whether waste generation by the activity is being prevented where possible and whether waste generated by the activity is prepared for re-use, recycled, other recovery options (including energy recovery) or where not technically or economically possible, disposed of in a manner which will prevent or minimise any impact on the environment. This section applies to waste **generated by** the licensed activity and does not relate to waste treatment undertaken on waste accepted at the site. Summarise findings in the IR and, as appropriate, make reference to Waste Management Act 1996, as amended, sections:

13.1 21A (waste hierarchy),

13.2 29(2A) (producer/holder obligations and Agency obligations – note the “shall” clause in sub-section (c)) and

13.3 32(1A) (for IE/IPC industrial licences, i.e. waste generators, check the waste treatment activity is in conformance with the waste hierarchy).

Have regard to the National Waste Prevention Programme in your assessment. With respect to waste activities in the third and fourth schedule of the WMA, 1996 (Waste) and Class 11.2 to 11.7 activities of the EPA Act, 1992 (IE/IPC), have regard to:

13.4 the regional waste management plans,

13.5 National Hazardous Waste Management Plan,

13.6 national waste policy and

13.7 section 37A of the Waste Management Act 1996, as amended.

- 14 End-of-waste and by-products

14.1 If the applicant is claiming end-of-waste status for any treated wastes, this should be addressed through article 28 of the European Communities (Waste Directive) Regulations 2011 (refer to procedure ELP/EoW/J/100). Note that end-of-waste status cannot be decided as part of the licence application. It is a separate decision-making process. If the end-of-waste status is claimed for a feedstock this should be appropriately demonstrated as part of the licence application. If the end-of-waste status is claimed for feedstock or for waste treated at the installation, this should be discussed in the IR/RD.

14.2 If the applicant is claiming that any of the outputs from the process are by-products, this should be addressed through article 27 of the European Communities (Waste Directive) Regulations 2011 (refer to procedure ELP/ByP/J/100). Note that by-product status cannot be determined as part of licence application. It is a separate decision-making process. If the by-product status is claimed for a feedstock this should be

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appropriately demonstrated as part of the licence application. If the by-product status is claimed for feedstock or for outputs from the process, this should be discussed in the IR/RD. Note: a material that is classified as waste cannot transition to being a by-product.

- 15 Assess whether energy will be used efficiently in the carrying on of the activity having regard to the relevant implementing decision on BAT conclusions, and/or BAT guidance and where appropriate, any energy audit undertaken. Document in the IR which conditions in the RD give effect to this requirement.
- 16 Verify the applicability of the input values and prediction models for emissions to air, water, land, noise having regard to relevant Agency Guidance:
 - 16.1 Guidance on Air Dispersion Modelling from Industrial Installations Guidance Note (AG4),
 - 16.2 Guidance Note on Monitoring of Stack Gas Emissions from Medium Combustion Plants (AG11),
 - 16.3 Air Emissions Monitoring Guidance Note (AG2),
 - 16.4 Guidance Note on Landfill Flare and Engine Management and Monitoring (AG7),
 - 16.5 Surface VOC Emissions Monitoring on Landfill Facilities (AG6),
 - 16.6 Odour Emissions Guidance Note (AG9),
 - 16.7 Guidance Note for Noise: Licence applications, surveys and Assessments in relation to Schedules Activities (NG4),
 - 16.8 Guidance Note on Noise assessment of Wind Turbine Operations at EPA licensed Sites (NG3),
 - 16.9 Technical assessment of Emissions to Water Guidance for Inspectors V.2 and any other relevant standards or guidelines,
 - 16.10 Guidance on the setting of trigger values for storm water discharges to off site surface waters at EPA licenced IPPC and waste facilities,
 - 16.11 Guidance on the Authorisation of Discharges to Groundwater (2011),
 - 16.12 Code of practice - wastewater treatment Systems for single houses,
 - 16.13 Wastewater treatment Manuals – treatment systems for small Communities, Business, leisure centres and Hotels,
 - 16.14 EPA Landfill Manuals,
 - 16.15 Any other relevant guidance.
- 17 Assess any key issues with particular reference to:
 - 17.1 any air quality management plan;
 - 17.2 any water quality management plan;
 - 17.3 noise regulation;
 - 17.4 special control area orders;

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- 17.5 air quality standards;
- 17.6 water quality standards;
- 17.7 EU standards and legislation;
- 17.8 Conservation objectives /plans;
and document this in the IR.
- 18 Compare predicted ambient environmental levels of pollutants against accepted standards/guidelines and tabulate in the IR where possible.
- 19 If guidelines/standards are predicted to be breached, liaise with the relevant Enforcement inspector for any additional information. Where an Environmental Quality Standard (EQS) requires stricter conditions than BAT, identify in the IR the additional measures (including ELVs) specified in the RD to meet the EQS.
- 20 Consult with Financial Charges Team (OEE) in line with the procedure to determine the Financial Charge (ELP/AP/IE/IPC/W/J/216).
- 21 Assess the measures proposed to prevent accidents and limit consequences and document in the IR.
- 21.1 Appraise the risk of contamination and report whether monitoring of soil and groundwater are required to be specified as conditions of the RD. For IE, have regard to the BREF document on Emissions from Storage (2006) and the EPA Guidance to Storage and Transfer of Materials for Scheduled Activities (2004).
- 21.2 Appraise the risks associated with the storage of waste/materials at the installation/facility and consider specifying control measures in the RD. Have regard to the EPA Guidance Note to Industry on Fire-Water Retention Facilities (2019) and Guidance Note: Fire Safety At Non-Hazardous Waste Transfer Stations (2013).
- 21.3 Assess the measures proposed to be taken upon permanent cessation of the activity having regard to the baseline report in the case of IE applications (if deemed necessary) and document in the IR.
- 21.4 Baseline report (IE applications): Review materials table to identify relevant hazardous substances (with regard to soil and groundwater) used, produced or release by the activity. Where a baseline report is required, assess whether the report meets the requirements of Section 86B(3) & (5) and record in the IR that a baseline report was received. Have regard to the European Commission Guidance concerning baseline reports under Article 22(2) of Directive 2010/75/EU on industrial emissions (2014/C 136/03).
- 21.5 Determine the requirement for Environmental Liability Risk Assessment (ELRA), Closure, restoration, aftercare plan (CRAMP) and Financial Provision (FP) in line with the Procedure (ELP/AP/IE/IPC/W/T/227). Assess any closure plan, restoration/aftercare plan and ELRA undertaken and such FP as may be specified having regard to the EPA Guidance on assessing and costing environmental liabilities (2014).

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- 22 Assess whether the applicant is fit and proper in accordance with Section 84(4) of the EPA Act 1992, as amended (IE/IPC)/Article 34D of the Waste Management Act 1996, as amended (Waste), and document in the IR. There are three criteria to fit & proper that they must meet;
- 22.1 Be technically competent. Assess whether the applicant/licensee (or any relevant person employed by them) has the technical knowledge, qualifications or experience to carry out the activity in accordance with the licence. Additionally for reviews, utilise enforcement history information to assess that the licensee has demonstrated technical competence.
- 22.2 Be free of relevant convictions. The Board can decide to waive this test for certain cases.
- 22.3 Be in a position financially to met financial commitments or liabilities. In addition assess the applicability of ELRA, CRAMP and Financial Provision by referring to the procedure on Financial Provision (refer to procedure ELP/AP/IE/IPC/W/T/227).
- 23 Consider all submissions on the application as they arise (refer to procedure ELP/AP/IE/IPC/Waste/J/211).
- 24 In the case of reviews, the licensing inspector must have regard to any change in EQS, any emerging technique identified in the BAT Guidance notes/CID/BAT reference documents and the development of technical knowledge in relation to environmental pollution and effects of such pollution. Any considerations made in this regard must be documented in the IR (see Section 90(6) of the EPA Act 1992, as amended (IE/IPC)/Article 46(2) of the Waste Management Act 1996, as amended (Waste).
- 25 Identify issues to be addressed under specific conditions of the licence or for inclusion in the Schedule of Objectives and Targets, or Environmental Management Programme.
- 26 Where an EIS or EIAR has been submitted refer to the EIA procedure (ELP/AP/IE/J/206) on EIAR compliance, issuing an EIAR compliance notice and on the timeframe for submissions.
- 27 Compliance Notice
- 27.1 For IE/IPC: Once the application is deemed by the Inspector to be in compliance with Regulation 9 (IE Regs., 2013/IPC Regs., 2013), issue with the approval of the line manager, a Regulation 10(2)(b)(ii) compliance notice. The notice should be completed preferably one month prior to submission of documents to the Director/Board.
- 27.2 For Waste: Once the application is deemed by the Inspector to be in compliance with Article 12 and Article 13 (if Article 13 is relevant) (WML Regs., 2004, as amended), the Inspector issues with the approval of the line manager, an Article 14(2)(a) compliance notice (WML Regs., 2004). Under Article 15 the Agency shall not give notice of a PD before the expiry of a period of 30 days following the date of an acknowledgement under

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Article 14(2)(a) or if applicable, a notice under Article 16(2)(a) or an acknowledgement under Article 16(4), whichever date is the later.

- 28 Where the application is considered complete but further information/evidence to verify any particulars or information given is considered necessary, refer to procedure ELP/AP/W/IE/IPC/T/213.
- 29 If the technical assessment indicates that further 'development' is necessary for the prevention, limitation, elimination, abatement or reduction of emissions, **in exceptional circumstances**, the inspector, in consultation with the senior inspector, should investigate the possible need for consultation with the Planning Authority under Section 86(8) of the EPA Act 1992, as amended (IE/IPC) or Section 54(4) of the Waste Management Act, 1996 (W) (refer to procedure ELP/AP/IE/IPC/W/T/208).
- 30 Check CRM/Agency website to ensure all correspondence including planning correspondence and third party submissions have been considered during the assessment.
- 31 Prepare the recommended determination/decision and IR for the Director/Board of the Agency. Refer to the Procedure on Preparation RD, Financial Charges and Inspector's Report for the Board/Director (ELP/AP/IE/IPC/W/J/216).