

CARLOW COUNTY COUNCIL

GUIDANCE NOTE FOR APPLICANT – AIR LICENCE

AIR POLLUTION ACT, 1987

1. GENERAL

Under the Air Pollution Act, 1987, certain industrial processes have been identified as having a potential for major emissions and such industries are required under the 1987 Air Pollution Act to obtain a licence from Carlow County Council. The Act itself puts a general obligation on the occupier of any premises, other than a private dwelling house, to use the best practicable means to limit and, if possible to prevent an emission from such premises. It empowers Carlow County Council to serve a notice on the occupier of any premises where complaints of air pollution are received.

It is an offence to operate an industrial plant except under and in accordance with a licence. The licensing system applies to all existing and new industrial plant as defined by the 1987 Act.

2. DOCUMENTS TO BE SUBMITTED

Applicants should note that the statutory two-month period for consideration of an application does not commence until the following documents and application fee have been received by Carlow County Council.

Three copies of each of the following documents to be submitted together with application fee of €126:

- Completed application form.
- A site location map showing the site of the facility (scale 1/2500) outlined in red and any adjoining land in the same ownership outlined in blue.
- A detailed plan of the facility to a scale not less than 1/500 showing all waste storage points, incoming and outgoing discharge points, emission points, monitoring points, water courses, fencing, access points to site and any other relevant information.
- A drawing to an appropriate scale showing the locations of all relevant air emission systems, works, apparatus, plant or tanks from which an emission to air is to be discharged. It should also indicate the point of discharge.
- A copy of the relevant page of the newspaper in which notice of the application has been published.
- Any particulars of the nature, composition, temperature, volume and rate of emissions, the means to control such emissions, the likely effects of the emissions on the local surroundings, particulars of the quality of the ambient air and the results of any investigations undertaken in relation to these matters.

3. NEWSPAPER ADVERTISEMENT

A newspaper advertisement is necessary in respect of any application for an air licence including a review of any licence to emit to air. The advertisement should be placed, by the applicant, in a newspaper, which circulates widely in the functional area of Carlow County Council. The advertisement must be published within a period of **two weeks** prior to making of an application for a licence and should state the following:

- The Notice shall be headed **“Air Pollution Act, 1987, Licensing of Industrial Plant”**.

- Name of the applicant and the name of the Local Authority to which application is being made.
- State the nature and location of the industrial plant in relation to which the application is being made and
- Give a general description of the industrial process and of the emissions made or to be made from the plant

4. DEFINITIONS

“**Air Pollution**” means a condition of the atmosphere in which a pollutant is present in such a quantity as to be liable to

- (i) Be injurious to public health or
- (ii) Have a deleterious effect on flora or fauna or damage property, or
- (iii) Impair or interfere with amenities or with the environment

“**Industrial Plant**” means any plant, equipment, appliance, apparatus, machinery, works, building or other structure or any land or any part of any land which is used in the course of trade, business or industry for the purposes of, or incidental to, any industrial process specified in the Third Schedule of the Act.

5. WHO NEEDS A LICENCE?

Most industrial activities generate emissions to atmosphere, whether directly from the process, through operation of support facilities such as boilers or through fugitive emissions. However only a small proportion of such emissions are significant enough to warrant specific licensing. Certain industrial processes have been identified as having a potential for major emissions and such industries are required under the 1987 Air Pollution Act to obtain a licence (See Tables below). It should be noted that most of the processes, which are covered by the Air Pollution Act (1987), are now subject to integrated pollution control licensing under the Environmental Protection Agency Act 1992. However, in situations where IPC is not applicable, a person operating any process or plant to which the Air Pollution Act applies must have an atmospheric emissions licence from Carlow County Council.

Exemptions

A licence **is not** required for emissions arising from:

- (i) The disposal at sea of a substance by deliberate combustion for thermal destruction, or
- (ii) The use of any radioactive substance or device

INDUSTRIAL PROCESSES TO WHICH ACT APPLIES (PART II, Air Pollution Act, 1987)	
1	The refining of oil other than operations solely manufacturing lubricants from crude oil.
2	The generation of electricity in plants with a nominal heat output exceeding 50 MW, than hydro and nuclear plants.
3	The raising of steam in plants with a nominal heat output exceeding 50 MW.
4	The roasting and sintering of metal ores in plants with a capacity of more than 1,000 tonnes per year.
5	The production of pig iron and crude steel in integrated plants.
6	The production of ferrous metals in foundries having melting installations with a capacity greater than 5 tonnes.
7	The production and melting of non-ferrous metals in installations having a capacity

	greater than 1 tonne for heavy metals or 0.5 tonnes for light metals.
8	The production of cement.
9	The production of a compound or alloy of magnesium.
10	The production of lime in a kiln.
11	The production of a compound or alloy of manganese.
12	The production and processing of asbestos.
13	The manufacture of asbestos-based products.
14	The manufacture of glass fibre or mineral fibre.
15	The production of glass (ordinary and special) in plants with a capacity of more than 5,000 tonnes per year.
16	The manufacture of coarse ceramics including refractory bricks, stoneware pipes, facing and floor bricks and roof tiles.
17	The manufacture of olefins, derivatives of olefins, monomers and polymers.
18	The manufacture of organic intermediate products other than those specified at No. 17.
19	The manufacture of basic inorganic chemicals.
20	Any chemical process in which any of the following basic inorganic chemicals are used or evolved, that is to say, ammonia, bromine, carbon disulphide, chlorine, fluorine, hydrofluoric acid, hydrogen chloride, hydrogen cyanide, or hydrogen sulphide.
21	Any chemical process in which mercaptans are used or evolved.
22	The incineration of solid or liquid wastes.
23	The manufacture of paper pulp by chemical methods in plants with a capacity greater than 25,000 tonnes per year.
24	The manufacture of artificial fertilizers.
25	The extraction of aluminium oxide from an ore and the reaction of aluminium or its alloys with chlorine or its compounds.
26	The production of tar and bitumen and the manufacture of products containing them.
27	The extraction or recovery, by burning or by the application of heat, of aluminium, zinc, copper or lead, from any scrap metal or alloy, waste material or residue including scrap or waste cable.
28	The getting, raising, taking, carrying away and processing (including size reduction, grading and heating) of minerals and the storage of mineral wastes.
29	The manufacture of pesticides, pharmaceutical products and their intermediates.
30	The rendering of animal by-products.

CLASSES OF EXISTING INDUSTRIAL PLANT FOR WHICH A LICENCE IS REQUIRED (First Schedule, Licensing Of Industrial Plant Regulations, 1988)	
1	Plant for the manufacture of artificial fertilizers
2	Plant for the manufacture of nitric acid
3	Plant for the production of cement
4	Plant for the extraction or recovery, by burning or by the application of heat, of aluminum, zinc, copper or lead, from any scrap metal or alloy, waster material or residue scrap or waste cable
5	Plant in which ammonia is used or evolved in any chemical process
6	Plant in which chlorine is used or evolved in any chemical process
7	Plant in which hydrochloric acid is used or evolved in any chemical process

8	Plant for the incineration of solid or liquid chemical wastes
9	Plant in which hydrogen sulphide is used or evolved in any chemical process
10	Plant in which carbon disulphide is used or evolved in any chemical process

6. DECISION OF CARLOW COUNTY COUNCIL

Carlow County Council will make a decision within two months once the application, which includes all the proper information, submissions, etc. is submitted, whether to grant or refuse a licence or to grant one subject to conditions. Carlow County Council will notify the applicant and any person who submitted representations or objections regarding an application of their decision to grant or refuse a licence.

Any objections, including those by the applicant, are then made directly to An Bord Pleanála (the Planning Appeals Board). The final decision is made by the Board having considered all appeals and, if held, the outcome of an oral hearing.

6. GRANTING A LICENCE

Carlow County Council attaches conditions to a licence by which the licensee must comply with, these may:

(a) Relate to:

- i. The nature, composition, temperature, rate, volume, periods during which a discharge may or may not be made, and location of an emission,
- ii. Specify a concentration of a pollutant in the ambient air, or a deposition rate, which shall not be exceeded.
- iii. Specify any matters relating to the design, construction and height of the chimneys, flues, stacks or other outlets through which an emission is to be made,
- iv. Specify the mean (including the provision, operation, maintenance and supervision of plant, equipment and other facilities and the use of specified procedures) to be used for controlling an emission,
- v. Require the provision, operation and maintenance of meters, gauges and other apparatus and other means for monitoring the nature, extent and effects of emissions,
- vi. Require the taking and analysis of samples, the making of measurements, the keeping of records and the furnishing of information to Carlow County Council or to any person who may be specified,
- vii. Specify the measures to be taken if there is a breakdown at industrial plant which may affect emissions from the plant,
- viii. Specify the type of fuel to be, or not to be, used, as the case may be,

(b) Require contribution towards the cost incurred by the local authority in monitoring or otherwise in relation to, emissions;.

(c) Specify a date not later than which any conditions shall be complied with

Carlow County Council may include any other appropriate conditions to protect waters from pollution e.g. to bund tank and drum storage areas to protect groundwater and surface water, record keeping and reporting requirements, or other relevant conditions depending on circumstances.

7. REVIEW OF LICENCE

Carlow County Council can review a licence:

- (a) At intervals of not less than three years,
- (b) At any time, with the consent of the person causing the air emission,
- (c) At the official request of the licensee,
- (d) At any time when a local authority has reasonable grounds for believing that any emission from the industrial plant to which the licence relates constitutes a serious risk of air pollution,
- (e) Where a material change has taken place in the nature or extent of the emission,
- (f) Where there has been a material change which could not have reasonably been foreseen when the licence was granted, in the air quality in the area in which the industrial plant to which the licence relates is situated,
- (g) Further and better evidence which was not available when the licence was granted, has become available relating to a pollutant present in the emission concerned or the effects of such pollutant,
- (h) When new air quality objectives or air quality standards are prescribed under the Act,
- (i) At intervals which may be specified by any Regulations introduced under the 1987 Act.

Where Carlow County Council intends to review a licence it:

- (a) Must give notice to the occupier of the industrial plant of its intention,
- (b) Must place a notice in a newspaper circulating in the functional area of the local authority that must state that written representations relating to the review may be made within one month.
- (c) May require the occupier of industrial plant to submit plans or other particulars for the purpose of the review. (If these are not submitted within three months, the review may be completed without them).
- (d) Must make available any plans or particulars submitted by the occupier of industrial plant for public inspection at its offices until the review or any appeal is determined.

A local authority may amend or delete any condition attached to a licence or may attach new conditions to a licence. It must then give notice of its decision to the occupier of the industrial plant and to any person who submitted written representations. The notice will specify any new conditions, deletions or other amendments that have been made to the licence.

8. COMPLIANCE

It is an offence not to comply with the conditions of a licence and any person found guilty of an offence shall be liable to a fine and/or imprisonment and a fine for each day the offence continues. Prosecution for an offence may be brought by Carlow County Council or any other person affected.

9. REGISTER

Under the Act, each local authority shall keep a register of all air licenses granted by it. The register is kept at the offices of Carlow County Council, County Buildings, Athy Road, Carlow and is open to inspection by any member of the public who may make a copy of any entry on payment of €6.

10. LEGAL

These notes are for guidance only and do not purport to be a legal interpretation of the Air Pollution Act 1987.

The following is a list of the Acts and S.I.'s that are related to air pollution.

Guidance Note For Applicant – Air Licence

- S.I. No 6/1987: Air Pollution Act, 1987
- S.I. No 375/1997: Air Pollution Act, 1987 (Petroleum Vapour Emissions) Regulations, 1997
- S.I. 266/1988: Air Pollution Act, 1987 (Licensing Of Industrial Plant) Regulations, 1988
- S.I. 575/2001: Air Pollution Act, 1987 (Licensing Of Industrial Plant) (Fees Amendment) Regulations, 2001
- S.I. 271/2002: Air Quality Standards Regulations 2002
- S.I. No. 201/1987: Air Pollution Act, 1987 (Commencement) Order, 1987
- S.I. No. 243/1987 Air Pollution Act, 1987 (Commencement) No. 2 Order, 1987
- S.I. No. 244/1987: Air Pollution Act, 1987 (Air Quality Standards) Regulations, 1987
- S.I. No. 244/1987: Air Pollution Act, 1987 (Air Quality Standards) Regulations, 1987
- S.I. No. 298/1988: Air Pollution Act, 1987 (Authorised Fuels) Regulations, 1988
- S.I. No. 167/1989: Air Pollution Act, 1987 (Commencement) Order, 1989
- S.I. No. 28/1990: Air Pollution Act, 1987 (Emission Limit Values for Use of Asbestos) Regulations, 1990
- S.I. No. 29/1990 Air Pollution Act, 1987 (Commencement) Order, 1990
- S.I. No. 123/1990 Air Pollution Act, 1987 (Marketing, Sale and Distribution of Fuels) Regulations, 1990
- S.I. No. 273/1992 Air Pollution Act, 1987 (Combustion Plant) Regulations, 1992
- SI No. 274/1992: Air Pollution Act, 1987 (Marketing, Sale and Distribution of Fuels) Regulations, 1992
- S.I. No. 297 of 1993 Air Pollution Act, 1987 (Marketing, Sale and Distribution of Fuels) (Amendment) Regulations, 1993 ()
- S.I. No. 347 of 1993: Air Pollution Act, 1987 (Municipal Waste Incineration) Regulations, 1993
- S.I. No. 256/1994): Air Pollution Act, 1987 (Sulphur Content of Gas Oil) Regulations, 1994
- S.I. No. 264/1996: Air Pollution Act 1987 (Emission Limit Values for Combustion Plant) Regulations, 1996
- S.I. No. 374/1997: Environmental Protection Agency Act, 1992 (Control of Volatile Organic Compound Emissions resulting from Petrol Storage and Distribution) Regulations, 1997