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Tipperary County Council

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TRANSFER WFP or COR APPLICATION FORM



Comhairle Contae Thiobraid Árann
Tipperary County Council

ENVIRONMENT SECTION

APPLICATION FORM

TRANSFER of a WASTE FACILITY PERMIT / CERTIFICATE OF REGISTRATION

Any person who gives false or misleading information for the purpose of obtaining the transfer of a Waste Facility Permit or Certificate of Registration, shall be guilty of an offence [Article 43]

For Office Use Only:

Application Reference Number:

Return Number (If Applicable):

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1. GENERAL

1.1 Introduction:

This form is for the for the purpose of transferring a Waste Facility Permit or a Certificate of Registration issued under the Waste Management (Facility Permit and Registration) Regulations S.I No. 821 of 2007 and the Waste Management (Facility Permit and Registration) Amendment Regulations S.I No. 86 of 2008 (hereafter referred to as the Regulations);

- (a) The making of an application for a transfer of a Waste Facility Permit;
- (b) The making of an application for a transfer of a Certificate of Registration.

The application form is available to download from the **Tipperary County Council website** www.tipperarycoco.ie/environment

1.2 Guidance on the Application Form:

- This application form is for the transfer of a Waste Facility Permit, or the transfer of a Certificate of Registration from one operator to another.
- The form is to be completed by the current holder of the permit **and** the transferee.
- The transfer of a Waste Facility Permit is made under Article 27 of the Regulations
- The transfer of a Certificate of Registration is made under Article 38(6) of the Regulations
- Upon transfer to the new operator, the permit /certificate will remain the same as previously, unless a review application is also made.
- The new operator must be able to comply with the requirements of an application as provided in the Regulations.
- All questions in Sections A, B, D and E must be answered.
- Only the relevant questions in Section C require answering.
- The form must be signed in Section D by both the current permit holder and the proposed new operator.
- Attachments should be clearly numbered, titled and paginated and must contain the required information as set out in the application form.

1.3 Additional Documents to be Included:

- The following documents must be supplied with the application. Any application which does not contain all of the relevant documents may be contacted by the local authority to supply the missing documents within a set timescale. Any application which still has missing information at the end of the set timescale will be deemed invalid by the local authority and rejected.
- A copy of the current tax clearance / C2 certificate issued to the applicant(s) by the Revenue Commissioners, or appropriate certificate from the relevant tax authority for non-domiciled applicants.
- Where applicable, a copy of the company registration document must be supplied.
- The correct application fee as specified in the fifth schedule of the Regulations.

NOTE: 5 copies of documentation to be submitted with application form

1.4 About these Guidance Notes:

These guidance notes have been developed to assist applicants in the preparation of a transfer of a Waste Facility Permit, or the transfer of a Certificate of Registration from one operator to another.

This document does not purport to be and should not be considered a legal interpretation of the provisions and requirements of the Waste Management (Facility Permit and Registration) Regulations S.I No. 821 of 2007 and the Waste Management (Facility Permit and Registration) Amendment Regulations S.I No. 86 of 2008.

While every effort has been made to ensure the accuracy of the material contained in this document, the competent authority assumes no responsibility and gives no guarantees; undertakings and warranties concerning the accuracy, completeness or up-to-date nature of the information provided herein and does not accept any liability whatsoever arising from any errors or omissions.

It is recommended that the applicant familiarise themselves with the application form and regulations before beginning to complete the application. In addition applicants need to be aware of the requirements of:

- the Joint Waste Management Plan for the South East Region 2006 www.wastenot.ie, and,
- the Waste Management Plan for the Midlands Region 2005 – 2010, www.offaly.ie/eng/Services/Environment/Waste/Waste_Management_Plan_for_the_Midlands_Region_2005-2010.html and,
- the EPA's National Hazardous Waste Management Plan 2008-2012, www.epa.ie/pubs/reports/waste/haz/nationalhazardouswastemanagementplan2008-2012.html and,
- any revisions thereto.

In 2013, a rationalisation of the existing 10 waste management planning regions has resulted in the reconfiguration of the Cork Region, Limerick / Clare / Kerry Region, South East Region and part of the Midlands Region, into the Southern Waste Region comprising of the Councils of Carlow, Clare, Cork City, Cork County, Kerry, Kilkenny, Limerick, Tipperary, Waterford & Wexford.

The Southern Waste Region is preparing a Draft Waste Management Plan for the new Region and the preparation is expected to be completed in the 3rd Quarter of 2014.

The EPA has prepared a Proposed Revised National Hazardous Waste Management Plan (2008-2012) for public consultation.

Waste management plans are available to download from all local authority websites. The National Hazardous Waste Management Plan 2008-2012 produced by the EPA is available at: <http://www.epa.ie/downloads/pubs/waste/haz/>

1.5 Note Transferee Responsibility:

A person to whom a *Waste Facility Permit or Certificate of Registration* is transferred shall be deemed to have assumed and accepted all liabilities, requirements and obligations provided for, in or arising under, the *Waste Facility Permit or Certificate of Registration*, regardless of how and in respect of what period, including a period prior to the transfer of the *Waste Facility Permit or Certificate of Registration*, that may arise.

If you need to contact **Tipperary County Council's Environment Section** concerning your application, please use the numbers provided in the table below.

Administrative Officer, Environment Section, Tel.: 0818 06 5000
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For more detailed guidance on the Waste Facility Permit and Certificate of Registration regulation system please refer to the Waste Facility Permit and Registration Regulations Guidance Manual available to download from the EPA website at www.epa.ie/wastepermit

2. TRANSFER OF A WASTE FACILITY PERMIT OR A CERTIFICATE OF REGISTRATION APPLICATION FORM

Section A: Type of Application

A.1 Please tick the relevant box to which this application applies (Only one box may be ticked).

Transfer a Waste Facility Permit	<input type="checkbox"/>
Transfer a Certificate of Registration	<input type="checkbox"/>

A.2 Is the application being completed by a Consultant/Agent?

Yes

No

If **yes** give the Consultant's/Agent's name, address and contact details below.

Address:	
Tel:	
Fax:	
e-mail:	
Contact Name:	

A.3 Correspondence Address for this application (if different from A.2 above):

Address:	
Tel:	
Fax:	
e-mail:	
Contact Name:	

Section B: About the facility being Transferred to another operator

B.1 Waste Facility Permit or Certificate of Registration number to be transferred.

Permit / Registration Number:	
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B.2 Facility name and address.

Facility Name:	
Address:	
Tel:	
Fax:	
Email:	

B.3 Detail the class or classes of activity being carried out at the facility as per the Third Schedule, Part I or Part II of the Waste Management (Facility Permit and Registration) Regulations 2007-2008.

Class of Activity:	Description

B.4 Who is the current operator of this facility?

Facility Operator:	
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B.5 Contact details for person or persons in relation to the application for transfer.

Current facility operator Name:	
Address:	
Tel:	
Fax:	
Email:	

B.6 When does the transferee require the transfer to take effect?

Date of proposed transfer:	
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Section C: About the Applicant

This section relates to the applicant or transferee who will be operating the facility following the transfer of the Waste Facility Permit or a Certificate of Registration.

C.1 Full name of applicant(s)

Applicant(s) must be a legal entity (individual, sole trader, partnership or body corporate).

Name(s):	
Name(s):	
Name(s):	

C.2 Address and contact details of proposed applicant (Transferee).

Address:	
Tel:	
Fax:	
e-mail:	
Contact Name:	

C.3 All Trade Name(s) the facility will be operated under.

Trade Name:	
Trade Name:	

If the applicant is a sole trader, Sections C.4 and C.5 do not need to be completed.

To be completed by Applicants who are a Body Corporate

C.4 Is the applicant a body corporate?

Yes

No

If **yes**, provide the following as appropriate:

- (a) Certified Copy of Certificate of Incorporation
- (b) Company's Number in Company's Registration Office and
- (c) Particulars of Registered Office of the Company

Company Number:	
Document Reference:	

The address of the principal place of business, or in the case of a body corporate the registered office, of the applicant(s) and, where applicable, the telephone number, telefax number and e-mail address of the applicant(s):

Address:	
Tel:	
Fax:	
e-mail:	
Contact Name:	

If the applicant is a body corporate please give the names, addresses and positions of any person who is a director, manager, company secretary or similar officer of the body corporate:

Name, address and position:	
Name, address and position:	
Name, address and position:	
Name, address and position:	
Name, address and position:	

To be completed by Partnerships

C.5 Is the applicant a partnership?

- Yes
- No

If the applicant is a partnership, give the names and addresses of all partners:

Name:	
Address:	

(Facility Permit and Registration) Regulations S.I No. 821 of 2007 and the Waste Management (Facility Permit and Registration) Amendment Regulations S.I No. 86 of 2008 within the previous 10 years?

Yes

No

If yes (a) please include a supplementary sheet detailing the court hearing, case, nature of the offence and any penalty or requirements imposed by the court. Where there is more than one offence to be considered, please use a separate sheet for each offence.

Document(s) Reference:	
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If yes (b) please include a supplementary sheet detailing any requirement imposed on the applicant by order of the court under the Waste Management Act 1996

Document(s) Reference:	
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Where the applicant is a person or partnership, include details of any such conviction where the person or partner was at any time within the last 10 years prior to this application, a director, manager, company secretary or similar officer for a body corporate.

Document(s) Reference:	
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C.9 Financial Commitment Discharge

Please provide particulars in respect of such matters affecting the ability of the applicant(s) to meet the financial commitments or liabilities which will be entered into or incurred by the person(s) in carrying on the activity or in ceasing to carry on the activity at the facility. This includes details of how the site will be cleared should operations at the facility cease:

See Appendix 2 for Financial and Public Liability Declaration Forms to be completed with this application.

Financial Commitment Discharge Declaration

Document(s) Reference:	
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Public Liability Insurance Declaration (for unknown liabilities - €6,500,000)

Document(s) Reference:	
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Financial security / bond to ensure rehabilitation of the site when activities cease

Document(s) Reference:	
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Section D: Signatures

This section must be signed by an appropriately authorised representative of **both** the current **Waste Facility Permit / Certificate of Registration** and the proposed new operator of the transferred **Waste Facility Permit / Certificate of Registration**. If one signature is missing, the application cannot be progressed until such time as proof that the current permit / registration holder agrees to the transfer, is supplied. If the current holder is a body corporate, the signatory of the transfer must be an authorised officer of the body for such transfers.

Current Holder:

Name of Permit / Certificate Holder Representative agreeing to the transfer:

Name:	
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Position within Organisation (if body corporate or partnership):

Position:	
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Signature:

Signature:	
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Date:

Date:	
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Applicant (Transferee):

A person to whom a **Waste Facility Permit or Certificate of Registration** is transferred shall be deemed to have assumed and accepted all liabilities, requirements and obligations provided for, in or arising under, the **Waste Facility Permit or Certificate of Registration**, regardless of how and in respect of what period, including a period prior to the transfer of the **Waste Facility Permit or Certificate of Registration**, that may arise.

Name of applicant agreeing to the transfer:

Name(s):	
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Position within Organisation (if body corporate or partnership):

Position(s):	
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Signature(s):

Signature(s):	
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Date:

Date:	
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Section E: Statutory Declaration

I declare that the information given in the application by (Legal Entity)

_____ for the purpose of obtaining a transferred Waste Facility Permit, or, Certificate of Registration, as appropriate, is correct, and that no information which is required to be included in the said application has been omitted.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations, Act, 1938.

I authorise **Tipperary County Council** to make any enquiries from official sources as it may consider necessary for the purpose of determining this application and, pursuant to section 8 of the Data Protection Act 1988, I consent to the disclosure of details of convictions for relevant offences specified under Article 10 of the Waste Management (Facility Permit and Registration) Regulations 2007, as amended.

Applicant Signature: _____

Name (block capitals): _____

Declared before me at _____ this _____ day of _____,
_____, 20____. #

To be completed by a Solicitor/Commissioner of Oaths/Notary Public/Peace Commissioner/Garda Síochána.

Signature of Witness: _____

Occupation: _____

Date: _____

Official Stamp

WARNING: Any person who gives false or misleading information for the purpose of obtaining a transferred Waste Facility Permit or Certificate of Registration renders themselves liable to severe penalties.

APPENDICES

1. CHECKLIST OF INFORMATION TO BE SUPPLIED WITH APPLICATION

Information required	Section	Included
A copy of the current tax clearance / C2 certificate issued to the applicant(s) by the Revenue Commissioners, or appropriate certificate from the relevant tax authority for non-domiciled applicants.	Introduction 1.3	<input type="checkbox"/>
The correct application fee in accordance with article 42 and as specified in the fifth schedule of the Regulations.	Introduction 1.3	<input type="checkbox"/>
Where applicable, a certified copy of proof of the company registration and business / trade name must be supplied.	C.4	<input type="checkbox"/>
Details of any court hearing, case, nature of the offence and any penalty or requirements imposed by the court.	C.7	<input type="checkbox"/>
Where the applicant is a person or partnership, include details of any such conviction where the person or partner was at any time within the last 10 years prior to this application, a director, manager, company secretary or similar officer for a body corporate	C.7	<input type="checkbox"/>

FEE PAYABLE

Category of Application (1)	Type of Application (2)	Fee Payable (3)	Tick Box
1.	Application for a Waste Facility Permit in accordance with Article 9	Classes 5, 6 and 7 €2,000	<input type="checkbox"/>
		All other Activities €1,000	<input type="checkbox"/>
3.	Application for a Certificate of Registration in accordance with Article 37	Classes 5, 6, 7 and 10 €600	<input type="checkbox"/>
		All other Activities €300	<input type="checkbox"/>
5.	Application for the Transfer of a Waste Facility Permit in accordance with Article 27	25% of the fees applicable to an application for a Waste Facility Permit	<input type="checkbox"/>
6.	Application for the Transfer of a Certificate of Registration in accordance with Article 38	25% of the fees applicable to an application for a Certificate of Registration	<input type="checkbox"/>

2. FINANCIAL & PUBLIC LIABILITY DECLARATION FORMS

Section B.9: Financial Commitment Discharge Declaration

This document must be completed to satisfy the local authority that the applicant meets the full definition of a 'fit and proper person' as interpreted in Article 5 of the Waste Management (Facility and Registration) Regulations, 2007 as amended.

Please note that under:

- Article 18(4) (e) a local authority shall not grant a Waste Facility Permit,
- Article 35(6) (d) a local authority shall not grant a reviewed Waste Facility Permit,
- Article 37(12) (d) a local authority shall not grant a Certificate of Registration unless it is satisfied that the applicant is a fit and proper person.

All applicants are required to provide a signed declaration stating their financial ability to properly carry on the waste activity at the facility in a manner that will not cause environmental pollution or breach environmental standards.

The declaration below is to be completed by a financial representative of the applicant, e.g. the applicant's accountant or bank manager, or finance director/manager, etc.

An applicant can also submit any non-confidential financial information, e.g. company accounts etc in support of the financial declaration.

Signed Financial Declaration

It is my opinion that (applicant name) _____ is likely to be in a position to meet any financial commitments or liabilities that will be entered into or incurred by the applicant in carrying on the waste activity at the facility to which the Waste Facility Permit / reviewed Waste Facility Permit / Certificate of Registration / reviewed Certificate of Registration* relates in accordance with the terms of the Waste Facility Permit / reviewed Waste Facility Permit / Certificate of Registration / reviewed Certificate of Registration*, as appropriate, or as a consequence of ceasing to carry on that activity. (*delete as appropriate).

Signature: _____

Name (Block Capitals): _____

Financial Institution (if applicable): _____

Position or Title: _____

Date: _____

Official Stamp

Warning: *It is an offence under Article 43 (1) of the Waste Management (Facility Permit and Registration) Regulations 2007, as amended, for any person to provide false or misleading information for the purposes of obtaining a Waste Facility Permit or Certificate of Registration or any review thereof.*

Section B.9: Public Liability Insurance Declaration

This document must be completed to satisfy the local authority that the applicant meets the full definition of a 'fit and proper person' as interpreted in Article 5 of the Waste Management (Facility and Registration) Regulations, 2007 as amended.

Please note that under Articles 18(4) (e); 35(6) (d) and 37(12) (d) a local authority shall not grant a Waste Facility Permit; a reviewed Waste Facility Permit, a Certificate of Registration, or, a reviewed a Certificate of Registration, as appropriate, unless it is satisfied that the applicant is a fit and proper person.

All applicants are required to provide the attached signed declaration stating that their Public Liability Insurance is to the satisfaction of Tipperary County Council.

The following declaration is to be completed by the Applicant's Insurance Broker / Underwriter.

Signed Declaration.

I confirm that the applicant (Name) _____ has a Public Liability Insurance Policy covering his/her/its activities which are the subject matter of the Waste Facility Permit, reviewed Waste Facility Permit, Certificate of Registration, or, reviewed Certificate of Registration, including:

1. Limit of indemnity of at least €6.5m any one occurrence, including sudden/unforeseen pollution risks.
2. An indemnity to Tipperary County Council as Principal.
3. Insurance Policy Number: _____
4. Commencement Date of Policy: _____
5. Expiry Date of Policy: _____

Signature: _____

Name (Block capitals) : _____

Position or Title: _____

Insurance Broker or Company : _____

Date: _____

Official Stamp

Warning: *It is an offence under Article 43 (1) of the Waste Management (Facility Permit and Registration) Regulations 2007, as amended, for any person to provide false or misleading information for the purposes of obtaining a Waste Facility Permit or Certificate of Registration or any review thereof.*

3. GUIDANCE ON LEASE AGREEMENT

The applicant is required to submit evidence of legal interest in land, i.e. folio number and map, and where the applicant is not the registered owner of the land a letter of consent by way of a legal agreement between the owner and the applicant consenting to the use of the facility/infrastructure.

Sample information required on lease agreement:

1. Submit an original copy of the lease or a copy certified by a solicitor linking the proposed tenant back to the registered owner. The lease agreement shall award sufficient rights to the tenant to enable the Waste Facility Permit or Certificate of Registration Holder, as appropriate to comply with all conditions of the Permit or Certificate for the duration of the authorisation (5 years maximum).

The lease agreement shall also include the following declaration from the owner, confirming:

- a. That he/she is the owner, and
 - b. The following has been granted to the applicant by the owner:
 1. Permission to carry on a waste activity on the land,
 2. Permission to fence / secure the land to prevent access,
 3. Access / rights to comply with all conditions,
 4. Access / rights to complete all works e.g. drainage, capping and aftercare, and
 - c. Declaration witnessed by peace commissioner or Garda etc.
2. Identify the owner's land-take on the Facility Plan Drawings. (Scale 1:500)