

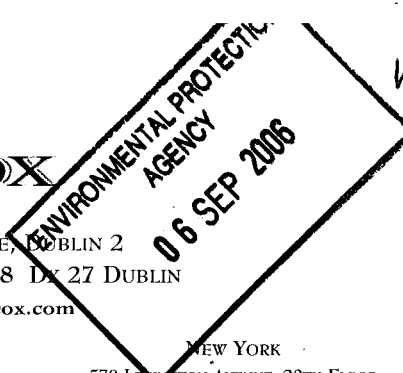
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W0047-02
office

OUR REFERENCE

BNS/pb/CO20196.6
Direct Dial : 618 0422

YOUR REFERENCE

W0047-2

1st September 2006

BY POST & FAX

Environmental Protection Agency
P. O. Box 3000,
Johnstown Castle Estate,
County Wexford.

cc. Mr Dara Lynott, Director of Enforcement, Environmental Protection Agency; and,
Mr Padraic Larkin, Director of Licensing and Guidance, Environmental Protection Agency; and,
Dr. Jonathan Derham, Environmental Protection Agency

Re: National Waste Report, Fact Sheet Series – Compost Facilities 2005 (EPA) Assessment of Objections to Proposed Decision to grant a Waste Licence to Neiphin Trading Limited for an integrated waste facility at Kerdiffstown, Naas, County Kildare (Licence Register Number: W0047-2)

Dear Sir/Madam,

Further to previous correspondence exchanged herein, we write to express surprise at the content of the National Waste Report, Fact Sheet Series – Compost Facilities 2005, which was published by the EPA during August 2006.

Table 3 of the fact sheet lists the “Facilities commenced or due to commence operations in 2006”. One of the seven facilities listed is A1 – Neiphin Trading Co. Ltd. Specifically, the table recites that the “Year Commenced” is 2006, using in-vessel technology with a “Licensed/Permitted Capacity (Tonnes)” of 65,000 for green waste. In the column “Permit/Licence” the facility is described as “Licensed”. You might note that it is our understanding that the operation of this 65,000 tonnes per annum composting facility is the subject of a proposed decision only (licence register number: W0047-2), to which a number of objections have been made and in respect of which there is no public record of any final decision having been made to grant a licence, which is an important matter considering the limited periods of time available to persons who may be aggrieved with any such decision.

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In the circumstances we should be obliged if the Agency would confirm by return:

1. The sources for the information presented in the relevant fact sheet;
2. That no decision has yet been made on the objections to the proposed decision (licence register number: W0047-2);
3. That the descriptions in Table 3 of the fact sheet are inaccurate and will be withdrawn from the public domain; and,
4. That no person involved in the preparation and approval of the fact sheet has had any role in the assessment of the application for a revised licence at this facility.

Quite separately, we are instructed that the composting plant in question may already be constructed and under commissioning. We find this hard to understand where there is no licence in force and where objections have been made that identify the need for an environmental impact assessment of the plant. As an emanation of the State and having functions relevant to environmental impact assessment, we request the Agency to do all within its power to ensure that the necessary assessment is carried out before any consent is granted and to ensure that the facility is not allowed to commence operations in advance.

We look forward to your response by return.

Yours faithfully


ARTHUR COX

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