

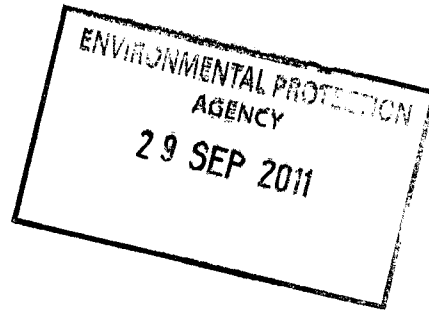


## **Submission to the Environmental Protection Agency**

### **Regarding**

**Application for a Waste licence Permit for the Landfill of Hazardous, non Hazardous and Inert Waste at Hollywood great, Nags Head, Naul, County Dublin.**

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## **Operational Hazards – Unfavourable Site**

**There is a lot of human occupation within a 1000metre radius.**

**The Landfill is directly beside a locally, if not, regionally important Aquifer.**

**As for air quality and topography, this is a markedly elevated terrain.**

**Wind speeds here are very, very high.**

**There is a fruit and vegetable farm less than 50metres from the activity footprint.**

**There is a large potato growing farm 1000metres from the activity footprint. Potatoes from this farm directly supply Dublin City Centre's largest fruit and vegetable market.**



**The APPLICANT for the licence is MEHL.**

**MEHL refers to Murphy Environmental Hollywood Limited.**

**The Directors of MEHL include:-**

**1. Mr. Seamus Murphy.**

**Director of Murphy Concrete (manufacturing) Limited  
(110938) and Seamus Murphy Properties & Developments  
Limited (275121)**

**2. Mr Rory Murphy.**

**Director of Murphy Concrete (manufacturing) Limited  
(110938) and Seamus Murphy Properties & Developments  
Limited (275121)**



**Applicants' Historical Compliance Record is poor**

**The Directors of MEHL have had a number of alleged offences under the Waste Management Act 1996 legislation.**

**(See overleaf)**

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PROSECUTIONS TAKEN BY THE EPA FROM 1 JANUARY 2000 TO 31 DECEMBER 2003

Reg. No.	Respondents	Alleged Offences (These refer to the offences listed on the summons. They may have been later withdrawn by the Agency or dismissed by the Court)	Legislation	Date of disposal of case. (Case may have been heard on date(s) previous to disposal date).	Court	Fine imposed	Total fines and costs imposed
151-1	Murphy Concrete Manufacturing Ltd., Sarsfieldtown, Gormanstown, Co Meath	Disposed of waste at a facility other than in accordance with a waste licence.	Section 39 (1) and 39 (9) Waste Management Act, 1996	16/05/03	Drogheda District Court	€1,000	€12,526*
	Seamus Murphy, Director of Murphy Concrete Manufacturing Ltd.	Consented to or committed in the offence committed by Murphy Concrete Manufacturing Ltd.	Section 9(1) of Waste Management Act 1996	16/05/03	Drogheda District Court	None	* Costs included in €12,526 awarded against company (Murphy Concrete Manufacturing Ltd.
151-1	Murphy Concrete Manufacturing Ltd., Sarsfieldtown Gormanstown, Co. Meath	Disposed of waste at a facility other than in accordance with a waste licence. <i>(Additional proceedings for continuation of offence)</i>	Section 39(1) and 39(9) Waste Management Act 1996	16/05/03	Drogheda District Court	€200	* Costs included in €12,526 awarded against company (Murphy Concrete Manufacturing Ltd.

## **Landfill Directive 1999/31/EC of 26 April 1999**

### **Financial Provision of the Applicant**

**Quoted from the Irish Independent**

**Tuesday 21<sup>st</sup> Feb 2011**

***'Treasury registers €900,000 judgement***

***NAMA- borrower Treasury holdings could soon be almost €900,000 richer after registering a judgement against Balbriggan businessman Seamus Murphy.***

***The development company is pursuing Mr. Murphy for costs arising from a lengthy legal battle over an agreement to develop a 125-acre tract of Co. Louth land.***

***In 2008, Treasury subsidiary Drocarme won a legal battle to force Mr. Murphy to honour an agreement and that the Treasury could go ahead with the €125m development.***

***Treasury is now chasing Mr. Murphy for €886,000 in legal costs stemming from the battle, and registered a judgement for that amount last week.***

***A judgement is one of the most advanced steps of debt enforcement, and legally compels the debtor to pay out'***

## **Financial provision of the Applicant**

**Qouted from 'The Irish Times'**

**Mon 07 Jul 2010**

***'ACC pursues developer for €17m***

***ACC bank is seeking €17 million judgement orders against a developer and his company over unpaid loans.***

***The case against seamus Murphy Properties & developments Ltd., with registered offices at Hampton Place, Balbriggan, Co. Dublin, and it's managing director, Seamus Murphy, Bower house, Fancourt, Balbriggan, was transferred to the commercial court yesterday by Mr Justice Peter Kelly'***

### **Mandatory Requirements**

The Agency is prohibited from granting a waste licence until it has been satisfied on certain matters,<sup>4</sup> including that:

- The activity concerned will not cause environmental pollution;
- For landfills, the activity will comply with the Landfill Directive;<sup>5</sup>
- The applicant is a fit and proper person to hold a waste licence;<sup>6</sup>
- The applicant has complied with the requirements for provision of financial security under section 53;<sup>7</sup>
- Necessary measures will be taken to prevent and limit the consequences of accidents in the carrying on of the activity; and,<sup>8</sup>
- Necessary measures will be taken upon the permanent cessation of the activity concerned (including from abandonment) to avoid any risk of environmental pollution and return the site of the activity to a satisfactory state.<sup>9</sup>

### **Fit and Proper Person**

A person shall be regarded as a fit and proper person if (among other things):

“in the opinion of the Agency, that person is likely to be in a position to meet any financial commitments or liabilities that the Agency reasonably considers will be entered into or incurred by him or her in carrying on the activity to which the waste licence will relate in accordance with the terms thereof or in consequence of ceasing to carry on that activity”<sup>10</sup>.



## **1.2 LEGAL FRAMEWORK FOR ELRA/RMP/FP**

### **1.2.1 European Union**

#### **Landfill Directive**

Directive 1999/31/EC of 26 April 1999 on the landfill of waste makes direct reference, in particular, to RMP and Financial Provision under Article 7.

The application for a landfill permit must contain certain minimum particulars, including "the proposed plan for the closure and after-care procedures" (i.e., CRAMP) and "the financial security by the applicant, or any other equivalent provision, as required under Article 8(a)(iv) of this Directive" (i.e., FPA).<sup>1</sup>

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<sup>1</sup>Article 7

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## 5.5 FINANCIAL CREDIT RATING

Financial Credit Rating of Private Sector organisations can be undertaken by professional service providers that are available in the marketplace.

In addition, relatively simple financial analysis of company accounts with ratio analysis can be undertaken to provide an indication of a company's financial health. Historical analysis of financial ratios can indicate trends in a business. Table 5.6 provides information on ratio analysis that are commonly used in financial assessment. It should be stressed however, that these ratios are normally calculated based on historic financial information and do not provide an indication on a firm's current financial health. They should also not replace independent checking by professional advisors.

**Table 5.6 Financial Ratio Analysis**

FINANCIAL RATIO	DEFINITION	INDICATION	TYPICAL RANGE
Current Ratio	Current Assets/Current Liabilities	Company's ability to pay it's debts as they fall due	Ideally 2:1 although can vary
Acid Test Ratio	Current Assets – Stock / Current Liabilities	Stricter test of company's ability to pay it's debts as they fall due	Ideally 1:1 although can vary. Can be lower for engineering companies.
Debtors Ratio	(Average Debtors / Credit Sales) x 365	A measure of the company's cash flow and ability to collect from debtors	
Creditors Ratio	(Average Creditors / Credit Purchases) x 365	A measure of the company's cash flow and ability to pay creditors	
Gearing Ratio	Long Term Liabilities / Shareholders Equity	A measure of the company's capital structure	Should be < 1
Debt Ratio	Total Assets / Total Debt	A measure of the company's ability to cover total debt	
Interest Cover	Profit before Interest & Tax / Interest	A measure of the company's ability to meet it's interest repayment obligations	
Net Debt / EBITDA	Net Debt / Earnings before interest, tax, depreciation and amortisation	A measure of how many times the net debt is over the operating profit of the business.	