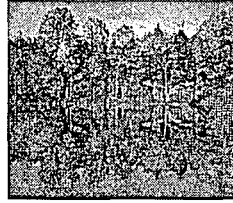


Environmental  
Protection Agency

19 JUL 2012



Sub. no. 71

HOLLYWOOD and DISTRICT CONSERVATION GROUP

'Windfield', Nevitt, Lusk, Co. Dublin, Ireland  
Tel: 00-353-(0)87 0509901 or 00-353-(0)87 2388548

Chairperson: Aideen Marry: Secretary: John Shortt:  
PRO: Fidelma Gaffney: Technical advisor: P Boyle

Mr Brian Meaney, Inspector  
Waste Licensing  
EPA  
Johnstown Castle Estate  
Co Wexford

July 19, 2012

**Subject: Submission of objection in relation Waste License application ref WO 129-03 by MEHL**

Dear Mr Meaney,

In respect of above subject license application by MEHL I wish to bring to the attention of the EPA the following matters which impact on the financial viability of the applicant.

As outlined in previous submissions there is a group company structure between MEHL and Murphy Concrete Ltd and that from public records available to us there exists cross guarantees between company assets of one company to other associated companies held by the banks. Therefore any contingent liabilities on one company could also have a negative impact on the other group companies. Should these contingent liabilities be of significance this could fundamentally undermine the financial stability of the applicant.

It has come to our attention via a search of High Court cases that a significant number of cases with potential implications for this application have been filed for the alleged supply of materials containing high levels of Pyrite to developers/contractors who used same in the course of building construction that has now resulted in major structural failures that require significant remedial work to make good.

Our understanding of current legal ruling by the High Court, in respect of products which were supplied containing high levels of Pyrite, is that the courts are holding the producers i.e. Quarry suppliers solely responsible for the costs. Our understanding is that the average cost of putting good any home constructed using materials containing High Pyrite levels is in the region of €80,000 per dwelling. This does not include the cost of temporarily re-housing the claimants while court proceedings (and then any structural corrections) are taking place. Claimants may sue for additional compensations including property devaluation and stress/illness. In some cases developers and investors may sue suppliers for unsold properties or losses due to the delay in sale of houses. Our

review has identified that so far there are at least 15 cases filed in which Murphy Concrete Manufacturing Ltd is listed as a defendant See Ref 1, 2, 3 attached.

While the applicant has not mentioned anywhere in the EIS, or indeed during the Bord Pleanála oral hearing, any reference to this issue we therefore only became aware of this matter from a review of financial statements. It is normal practice for any company (small or multinational) once they have become aware of any pending legal case to make provision for potential claims and inform investors of risk associated with the company.

As we do not know whether the aggregates originated from the Gormanston quarry or Hollywood quarry, this raises further major concerns regarding the safety of building i.e. a Hazardous Landfill on this rock infrastructure. Other submissions have pointed to indicator parameters in the groundwater beneath Hollywood which may suggest the presence of pyrites.

For your records I enclose a scanned copy of High Court cases against Logancourt Properties Ltd (in receivership) in which Murphy Concrete Ltd has been cited as a co-defendant.

As we are unable to fully ascertain the incidences of structural damage to buildings resulting from aggregates supplied by Murphy Concrete Products Ltd or total number of potential court cases pending against the applicant it is not possible to determine the financial viability of the applicant. Regrettably Banks who are owed significant amounts of money by landfill operators are unwilling to put these companies into liquidation as they will inherit the liabilities. This has unfortunately created a situation whereby companies that should be 'wound up' due to insolvency, being allowed to continue trading as the creditors are aware that the financial risks will transfer to them should they force a liquidation.

In order for openness and transparency to exist and have solid data upon which to make sound decisions it may be appropriate to ask the applicant to divulge the number of pending court actions against their group companies and provide an estimate of likely damages and costs that they may incur.

It has also come to our attention that there has been a major change in the Directors of MEHL Ltd, on April 3<sup>rd</sup> 2012 whereby Mr Seamus Murphy resigned as a Director of the company while yet he may remain as the majority shareholder! It is a concern that the principal shareholder is no longer taking an active part in the management of his company (see PDF 56338007 attached) and we therefore question how the gap in his expertise we be filled at Board level.

Also in an attempt to get an up to date financial status on the applicant company we have searched the Companies Registration Office seeking same and have found that the applicant has failed to submit his accounts in accordance with his AR date which was 31/12/2011. This means we have an applicant who is not in compliance with Company Law requesting a license to operate a Hazardous waste facility whereby compliance is paramount to ensure the health of our community and the protection of our environment.

As the last set of accounts presented to the CRO were up to 31/03/2010 and we have seen a significant downturn in the sectors in which the company operates I think it would be fair to assume that their financial position has deteriorated further and our fears and concerns include the fact that the company may not have the financial capacity to put the necessary provisions in place to cover the operation and aftercare of this facility.

We note the report by GFPA consultants dated June 2012 appended to a submission by Greenstar on 16<sup>th</sup> July 2012, where the aftercare costs for this hazardous waste landfill have been calculated at more than €145m plus a very large insurance bond of €100m for an undefined aftercare period.

Where is the evidence that the applicant can guarantee the existence of €145m at the time of closure (including premature closure) and what insurance company would provide an everlasting bond of €100m to this company?

We note also that the applicant has asked that the decision regarding the license be made prior to the Financial provisions being put in place, I have no doubt you will not accept that suggestion and the question raised by them in our eyes is alarming and undermines their credibility. The exact opposite should be the case - the application should not be considered further until all court cases pending against the applicant have been decided upon by the courts, all claims settled, all environmental risks at the site identified and quantified fully and a firm long-term business case for this landfill is proven to the EPA (the applicant still hasn't identified the likely sources of the waste or fees to be charged, i.e. the proposed revenue stream for the project). Only then can you have a realistic chance of determining the financial viability of the applicant.

John Shortt, MBA CIRM.

For and on behalf of Hollywood and District Conservation Group

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## B10 - Change of director or secretary details

### Add director / secretary

#### Notice of change of directors or secretaries or in their particulars

Date change(s) take(s) effect 3 April 2012

#### Company details

Company number 448931  
Company name Murphy Environmental Hollywood Limited

#### Give notice of the following change(s)

1

Type of event Commencement of relationship  
Type of relationship Secretary

2

Type of event Termination of relationship  
Type of relationship Director

3

Type of event Termination of relationship  
Type of relationship Secretary

### Particulars of director / secretary ( 1 )

#### 1 Commencement of relationship Secretary

Type of entity Individual Resident within EEA

#### Individual details

Surname Murphy  
Forename Rory  
Country of nationality IRELAND  
Address 8 Woodview  
Balrothery  
Balbriggan  
Co. Dublin

---

**Particulars of director / secretary ( 2 )**

---

**2 Termination of relationship Director**

Type of entity Individual Resident within EEA

**Individual details**

Surname Murphy

Forename Seamus

---

**Particulars of director / secretary ( 3 )**

---

**3 Termination of relationship Secretary**

Type of entity Individual Resident within EEA

**Individual details**

Surname Murphy

Forename Seamus

---

**Particulars of persons verifying the contents of the form**

---

**Details of Director who is certifying that the information provided is correct**

Type of Signature Signature as Director

Type of entity Individual Resident within EEA

**Individual details**

Surname Murphy

Forename Emma

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## Particulars of the presenter

---

### Reference

Reference number AI222365

### Presenter details

Type of entry	Business name registered in Ireland
Name	Smith & Williamson Freaney Audit Company
Address	Paramount Court Corrig Road Sandyford Business Park Dublin 18
Care Of Name	Ellis Broderick
E-mail address	cosec@swf.ie
Telephone number	01 6142500
Fax number	01 6142555

---

## Legal references

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### Collective Citation:

Companies Acts, 1963 to 2009

#### Legal Function Performed:

Notice of change of directors or secretaries or in their particulars

**Act:** Companies Act, 1963

**Section:** 195

**Act:** Companies Act, 1990

**Section:** 51

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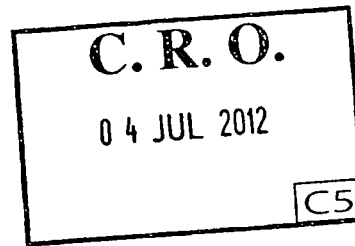
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**Presenter:**  
Smith & Williamson Freaney Audit Company  
Paramount Court  
Corrig Road  
Sandyford Business Park  
Dublin 18  
**Contact Person:**  
Eilis Broderick  
01 6142500



B10 Submission Number: 8044369  
B10: Company Number: 448931  
Company Name: Murphy Environmental Hollywood  
Limited

**Send To**  
Companies Registration Office  
O'Brien Road  
Carlow

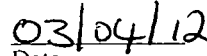


**Signature Page**

**B10 - Change of director or secretary details**

Signature of the person(s) who is (are) certifying that the information provided is correct.

  
Signature as Director: Emma Murphy

  
Date

Please ensure that the consent page is signed, dated and attached to this signature page.

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**Legal references:**

**Collective Citation:**  
Companies Acts, 1963 to 2009

**Attachments: 0**

For official use only:

Number of consents required: 1



Ref.: 57E6 27BB B24E 1AE5 FCF4 0BE3 D8DA 469D





**Presenter:**  
Smith & Williamson Freancy Audit Company  
Paramount Court  
Corrig Road  
Sandyford Business Park  
Dublin 18  
**Contact Person:**  
Eilis Broderick  
01 6142500


B10 Submission Number: 8044369  
B10: Company Number: 448931  
Company Name: Murphy Environmental Hollywood  
Limited

**Send To**  
Companies Registration Office  
O'Brien Road  
Carlow

**Consent Page - These documents will be sent back if they are not signed and dated.**

**I hereby consent to act for: Murphy Environmental Hollywood Limited**

as secretary of the aforementioned company and I acknowledge that as secretary I have legal duties and obligations imposed by the Companies Acts.

  
Signature of Rory Murphy

03/04/12  
Date

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LOGANCOURT PROPERTIES LIMITED [IN RECEIVERSHIP]	2011 11296 P	DOYLE & ANOR -V- LOGANCOURT PROPERTIES LIMITED [IN RECEIVERSHIP] & ANOR	<a href="#">View</a>
LOGANCOURT PROPERTIES LIMITED [IN RECEIVERSHIP]	2011 11310 P	GOGARTY & ANOR -V- LOGANCOURT PROPERTIES LIMITED [IN RECEIVERSHIP] & ANOR	<a href="#">View</a>
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LOGANCOURT PROPERTIES LIMITED [IN RECEIVERSHIP]	2011 11307 P	KENNA & ANOR -V- LOGANCOURT PROPERTIES LIMITED [IN RECEIVERSHIP] & ANOR	<a href="#">View</a>
LOGANCOURT PROPERTIES LIMITED [IN RECEIVERSHIP]	2011 11299 P	DOWSON & ANOR -V- LOGANCOURT PROPERTIES LIMITED [IN RECEIVERSHIP] & ANOR	<a href="#">View</a>
LOGANCOURT PROPERTIES LIMITED [IN RECEIVERSHIP]	2011 11300 P	HANNIGAN & ANOR -V- LOGANCOURT PROPERTIES LIMITED [IN RECEIVERSHIP] & ANOR	<a href="#">View</a>
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LOGANCOURT PROPERTIES LIMITED [IN RECEIVERSHIP]	2011 11302 P	DALY -V- LOGANCOURT PROPERTIES LIMITED [IN RECEIVERSHIP] & ANOR	<a href="#">View</a>
LOGANCOURT PROPERTIES LIMITED [IN RECEIVERSHIP]	2011 11303 P	BOUGHTON & ANOR -V- LOGANCOURT PROPERTIES LIMITED [IN RECEIVERSHIP] & ANOR	<a href="#">View</a>
LOGANCOURT PROPERTIES LIMITED [IN RECEIVERSHIP]	2011 11304 P	NOONAN & ANOR -V- LOGANCOURT PROPERTIES LIMITED [IN RECEIVERSHIP] & ANOR	<a href="#">View</a>
LOGANCOURT PROPERTIES LIMITED [IN RECEIVERSHIP]	2011 11305 P	KELLY -V- LOGANCOURT PROPERTIES LIMITED [IN RECEIVERSHIP] & ANOR	<a href="#">View</a>
LOGANCOURT PROPERTIES LIMITED [IN RECEIVERSHIP]	2011 11306 P	HARRISON & ANOR -V- LOGANCOURT PROPERTIES LIMITED [IN RECEIVERSHIP] & ANOR	<a href="#">View</a>

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- Defendant Details
- Judgment

## Defendant Main Details

**OAKES & ANOR -V- LOGANCOURT PROPERTIES LTD & ANOR 2009/9533 P**

<p><b>Defendant Name:</b> LOGANCOURT PROPERTIES LTD  <b>Solicitor Firm:</b> UNKNOWN</p> <p><b>Defendant Name:</b> MURPHY CONCRETE [MANUFACTURING] LTD  <b>Solicitor Firm:</b> MASON HAYES &amp; CURRAN</p>
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- Defendant Details
- Judgment

**Defendant Main Details**

**TOOLAN & ANOR -V- LOGANCOURT PROPERTIES LTD[IN REC] & ANOR 2011/11234 P**

Defendant Name: LOGANCOURT PROPERTIES LTD[IN REC]

Solicitor Firm: UNKNOWN

Defendant Name: MURPHY CONCRETE[MANUFACTURING]LTD

Solicitor Firm: UNKNOWN

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