



Environmental Protection Agency
An Ghníomhaireacht um Chaomhnú Comhshaoil

Ms Laura Burke
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26th November, 2003

167-1

re: Declaration pursuant to Section 39 of the Waste Management Act (Amended) in respect of Indaver Ireland (Branch of Indaver NV) at Indaver Ireland, Waste Management Facility, Carranstown, Duleek, Co. Meath.

Dear Ms Burke

I am to refer to your application for a waste licence (Reg. No 167-1) in respect of the proposed facility at Carranstown, Duleek, Co. Meath.

As you are probably aware the Protection of the Environment Act 2003 (POE Act) has been enacted and a number of the provisions have come into effect. In this regard I wish to bring your attention to Section 34 of the POE Act which inserts a new section 39A after section 39 into the Waste Management Act 1996. As stated in Section 39A (1) the purpose of the section is to provide that, in relation to activities which are related to one another in the manner mentioned in the section, a single licence under either Part V of the Waste Management Act or Part IV of the Environment Protection Agency Act 1992, but not a licence under both parts, will be required for the carrying on of those activities and that Part V or Part IV applies, accordingly, to those activities.

It should be noted that Section 39A (2) of the Waste Management Act 1996 outlines the activities to which section 39A has effect.

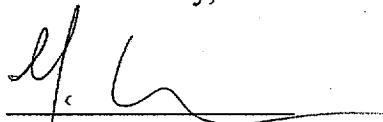
The Agency has carried out a detailed assessment of the application and having regard to the provisions of section 39A(3) is of the opinion that the carrying on of the second activity (as named in section 39A(2)) will be subsidiary to the carrying on of the first activity (as named in section 39A(2)). In these circumstances the second activity shall be regarded as an activity falling within section 39(1) and accordingly the carrying on of it and of the first activity, shall require, and may be the subject of the grant of, a waste licence under that section, and the provisions of Part V shall otherwise apply in relation to any such activity. Neither the carrying on of the first activity nor of the second activity shall be regarded as requiring the grant of a licence under Part IV of the Act of 1992.



Guardians of the Environment

Please find enclosed the Agency's declaration made in accordance with the provisions of Section 39A(6)(a) of the Waste Management Act.

Yours sincerely,



Patrick J. Nolan
Programme Manager
Office of Licensing & Guidance



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ENVIRONMENTAL PROTECTION AGENCY

**DECLARATION PURSUANT TO SECTION 39 OF THE WASTE
MANAGEMENT ACT 1996 (as amended)**

Application Register Number: 167-1.

Applicant: Indaver Ireland (Branch of Indaver NV), 4 Haddington Terrace, Dun Laoghaire,
Co Dublin,

Facility: Indaver Ireland, Waste Management Facility, Carranstown, Duleek, Co Meath

WHEREAS the Agency is in receipt of an application from the applicant for a Waste Licence
for the recovery or disposal of waste (hereinafter referred to as "the First Activity")

AND WHEREAS the application also includes a proposal for an activity which is listed as
Class 2.1 in the First Schedule to the Environmental Protection Agency Act 1992 namely
"The production of energy in combustion plant the rated thermal input of which is equal to or
greater than 50MW other than any such plant which makes direct use of the products of
combustion in a manufacturing process" (hereinafter referred to as "the Second Activity")

AND WHEREAS the Agency is satisfied that the primary purpose of the application is the
recovery or disposal of waste

IT IS HEREBY DECLARED that the Agency is of the opinion that the carrying on of the
Second Activity will be subsidiary to the carrying on of the First Activity.

Given under the Seal of the Agency this 26th day of November 2003

PRESENT when the Seal of the Agency
was affixed hereto:

Padraic Larkin, Director/Authorised Person

