

Mr. James Dowdall
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208-1

re: Regulation of Waste Facilities – Waste Permit & Waste Licence Issues

Dear Mr. Dowdall,

I am to refer to the above referenced application for a waste licence relating to a facility at Ballymount Industrial Estate, Ballymount Road Lower, Clondalkin, Dublin 22.

The Agency has today issued a Final Decision on the waste licence application for the above facility. The licence requires specific works to be carried out to ensure the necessary infrastructure is in place, prior to the commencement of licensed activities at the facility (see Condition 3 of the licence). The Agency notes that the facility currently operates under a waste permit (WPR-041, expiry date 31/03/07) issued by South Dublin County Council, under the Waste Management (Permit) Regulations, 1998.

The Agency wishes to advise you of the relationship between permitted and licensed waste operations, with regard to the regulation of this facility. Licensed activities may only commence when the operator notifies the Agency in advance that the activity will commence, or in any case, when the relevant licensable threshold is exceeded. In the meantime, waste operations may continue at the facility under the current waste permit, until the point when either;

- (i) Waste handling operations exceed the licensable threshold i.e. when greater than 5,000 tonnes of waste per annum is sent for disposal from the facility, or
- (ii) The licensee notifies the Agency in writing, one month prior to the intended date of commencement of the licensed activities (see Condition 11.1 of the licence).

In the event of either (i) or (ii) above, the dominant regulatory instrument becomes the EPA Waste Licence.

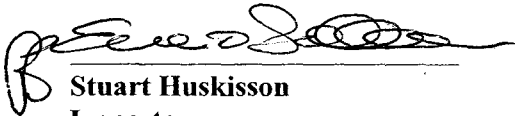
Please note that the EPA licence requires that certain infrastructure be in place prior to the commencement of waste operations at the 'licensable' scale (see (i) above). For example see, *inter alia*, Conditions 3.3, 3.4, 3.5, 3.6, 3.9, 3.10, 3.11, 3.12 and 3.13. I draw your attention to Condition 3.2 of the licence, which specifies that design agreement for such works is required in advance. On no account must you commence operation of the site at 'licensable' levels of waste handling until the specified infrastructure has been agreed and provided.

The Agency also wishes to advise that where the activity to which a waste licence relates has not been substantially commenced within the period of 3 years beginning of the date on which



the licence was granted, then that licence shall cease to have effect on the expiry of the said period, as specified under Section 49 of the Waste Management Acts 1996 to 2005.

Yours sincerely,



Stuart Huskisson
Inspector
Office of Licensing & Guidance

cc Mr G. Keogh, Senior Administrative Officer, South Dublin County Council, PO Box 4122,
Town Centre, Tallaght, Dublin 24