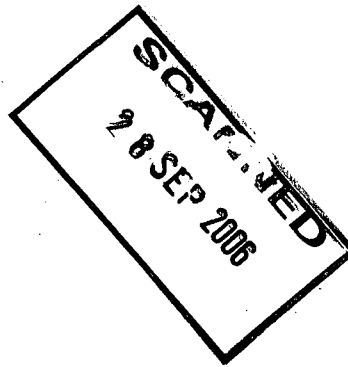


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27 September 2006

Dear Ms White

Re: Waste to Energy Facility at Pigeon House Road, Poolbeg, Dublin 4 – Reference 29S.EF2022

Further to your letter of 21/09/06 I can comment as follows:

The proposed Poolbeg Waste to Energy (WTE) facility has been determined by the EPA to be a Waste Operation; accordingly the application for a licence (currently before the EPA) will be considered in accordance with the procedures and provisions of the Waste Management Acts 1996-2005 and supporting Regulations.

Under the provisions of Section 40(4) of the Waste Management Acts the EPA shall not grant a waste licence unless it is satisfied that -

- (a) *any emissions from the recovery or disposal activity in question ("the activity concerned") will not result in the contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value, prescribed under any other enactment,*
- (b) *the activity concerned, carried on in accordance with such conditions as may be attached to the licence, will not cause environmental pollution,*
- (bb) *if the activity concerned involves the landfill of waste, the activity, carried on in accordance with such conditions as may be attached to the licence, will comply with Council Directive 1999/31/EC on the landfill of waste,*
- (c) *the best available techniques will be used to prevent or eliminate or, where that is not practicable, to limit, abate or reduce an emission from the activity concerned,*
- (cc) *the activity concerned is consistent with the objectives of the relevant waste management plan or the hazardous waste management plan, as the case may be, and will not prejudice measures taken or to be taken by the relevant local authority or authorities for the purpose of the implementation of any such plan,*



- (d) *if the applicant is not a local authority, the corporation of a borough that is not a county borough, or the council of an urban district, subject to subsection (8), he or she is a fit and proper person to hold a waste licence,*
- (e) *the applicant has complied with any requirements under section 53.*
- (f) *energy will be used efficiently in the carrying on of the activity concerned,*
- (g) *any noise from the activity concerned will comply with, or will not result in the contravention of, any regulations under section 106 of the Act of 1992,*
- (h) *necessary measures will be taken to prevent accidents in the carrying on of the activity concerned and, where an accident occurs, to limit its consequences for the environment,*
- (i) *necessary measures will be taken upon the permanent cessation of the activity concerned (including such a cessation resulting from the abandonment of the activity) to avoid any risk of environmental pollution and return the site of the activity to a satisfactory state.*

In addition, and in considering an application, the EPA is required by Section 40(2) of the Waste Management Act's, to have regard to -

- (i) *any relevant air quality management plan under section 46 of the Act of 1987, or water quality management plan under section 15 of the Local Government (Water Pollution) Act, 1977, or waste management plan or hazardous waste management plan under Part II,*
- (ii) (I) *any environmental impact statement which is submitted to the Agency under and in accordance with a requirement of, or made pursuant to, regulations under section 45, in so far as the said statement relates to the risk of environmental pollution from the waste activity concerned.*
- (II) *any submissions or observations made to the Agency in relation to the environmental impact statement,*
- (III) *such supplementary information (if any) relating to such statement as may have been furnished to the Agency by the applicant or licence holder under and in accordance with a requirement of, or made pursuant to, regulations under section 45,*
- (IV) *where appropriate, the views of other Member States of the European Communities in relation to the effects on the environment of the proposed activity,*

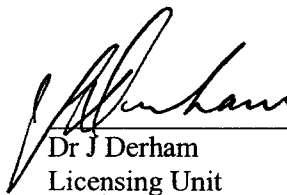
- (iii) *such other matters related to the prevention, limitation, elimination, abatement or reduction of environmental pollution from the activity concerned as it considers necessary,*
- (iv) *the policies and objectives of the Minister or the Government in relation to waste management for the time being extant, and*
- (v) *such other matters as may be prescribed.*

In relation to Agency consideration of the methodologies used to model/assess proposed emissions from the facility I am to advise that the Agency is in the process of carrying out a detailed examination of the likely emissions having regard to the modelling and assessment that are detailed in the licence application and supporting documentation. It will be sometime before this examination is completed. In carrying out this examination the EPA will ensure that best international practice has been applied in relation to such matters. A similar effort will be applied to the determination of the suitability of the chosen site in-so-far-as the selection will be, is, or has been influenced by ambient air, water and land standards, and including consideration of how those ambient conditions may be influenced by emissions from the proposed facility. This consideration is ongoing and insofar as the application and supporting documents have been examined to date, no significant weakness or incorrect application of methodology used has been detected.

The National BAT Note is being drafted which will replace the current BATNEEC Note. Any evaluation of the suitability of the technology proposed for the chosen site will be undertaken against same, including, *inter alia*, the EU BREF for the sector as published by the EU Commission, and the Stockholm Convention BEF for POP's.

In the event that the application for a waste licence is successful I can advise the construction related impacts, manifested prior to the commencement of waste activities at the site, would not be addressed in the waste licence.

Yours sincerely



Dr J Derham
Licensing Unit