



OFFICE OF LICENSING &
GUIDANCE

LICENSING UNIT MEMORANDUM

TO:	Dr Padraic Larkin, Director, OLG
FROM:	Bernie Murray
DATE:	19 TH JANUARY 2006
RE:	Transfer of Waste Licence Reg. No 195-1 from McGill Environmental Systems (Ireland) Ltd, to Padraic Thornton Waste Disposal Ltd (PTWDL)

The Agency received an application for the transfer of a Waste Licence Reg No 195-1 on the 15th September 2005 from McGill Environmental Systems (Ireland) Ltd (holder of the licence) to Padraic Thornton Waste Disposal Ltd (PTWDL), the proposed transferee.

McGill Environmental Systems (Irl.) Ltd, were issued with a licence for the operation of an indoor composting facility at Ballynalurgan, Kilmainhamwood, Co Meath on 21st July 2005 (Reg No 195-1). The licence covers Classes 6 and 13 of the Third Schedule (Waste Disposal Activities) and Classes 2 and 13 of the Fourth Schedule (Waste Recovery Activities) of the Waste Management Acts 1996 to 2005.

I have assessed the transfer application and deem it to comply with the requirements of Section 47 of the Waste Management Acts (WMA) 1996 to 2005.

- McGill Environmental and PTWDL have jointly made an application to the Agency requesting that a transfer of the licence to Thornton's Waste Disposal be effected, (Section 47(2) of the WMA 1996 to 2003).
- The relevant fee of €5,000 was submitted to the Agency on 15th September 2005.
- The Board of Directors of PTWDL has undertaken to assume and accept all liabilities, requirements and obligations provided for in or arising under Waste Licence No 195-1 forward from the date of grant of the licence (21st July 2005).
- The financial commitments made by PTWDL in their application are satisfactory for the requirements of the transfer.
- PTWDL has an annual turnover of €38M and reserves of approximately €20M, and the Kilmainham Wood site, estimated to have a value in excess of €1.5M is fully owned by PTWDL. Together these assets are considered adequate to ensure that liabilities arising from any environmental accident occurring during the operation phase of the site are financially provided for.
- The EPA successfully prosecuted PTWDL for breaches of its Waste Licence (Reg. No. 44-1) in April 2001. The prosecution related to the PTWDL licensed facility at Killeen Road, Ballyfermot, Dublin 10. The company was prosecuted for 19 non-compliances under Waste Licence No 44-1. The majority of the non-compliances related to the fact

that a number of reports were not submitted to the Agency in accordance with the licence, however these reports were subsequently submitted. PTWDL was prosecuted for further non-compliances in relation to carrying out waste activities outside the scope of their waste licence i.e. failing to restrict waste activities to the area of land permitted by the licence and exceeding emission limit values to foul sewer.(Reg No 44-1).

An application for a revised licence to upgrade the infrastructure, processes and systems, was granted by the Agency on 22 May 2003 (Reg. No 44-2). Some of the amendments applied for in this review application were not permitted under Waste Licence Reg No 44-1. Consequently the review application enabled PTWDL to make significant improvements to the facility with a view to improved compliance.

There has since been an issue in relation to nuisance odour which ultimately resulted in an incident. According to the OEE Inspector responsible for this Waste Licenced Facility PTWDL has been very proactive in trying to resolve this issue, which I understand, is a difficult issue to solve.

Having regard to the positive developments on the applicant's side since the prosecution as well as their efforts to be proactive and compliant, and mindful of the provisions of Section 40(8) of the Waste Management Acts 1996 – 2005, I recommend that PTWDL be deemed a fit and proper person.

Recommendation :

I recommend the transfer of waste licence no 195-1 from McGill Environmental to Padraig Thornton's Waste Disposal Ltd.

Bernie Murray
Inspector
Office of Licensing & Guidance

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