

Mr Pat Fenton  
Department of the Environment, Heritage  
& Local Government  
Custom House  
Dublin 1

Headquarters, PO Box 3000  
Johnstown Castle Estate  
County Wexford, Ireland  
Ceanncheathrú, Bosca Poist 3000  
Eastát Chaisleán Bhaile Sheáin  
Contae Loch Garman, Éire  
T: +353 53 916 0600  
F: +353 53 916 0699  
E: info@epa.ie  
W: www.epa.ie  
LoCall: 1890 33 55 99

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Ref: sd00463

**Re: EU Commission Letter dated 14<sup>th</sup> March 2008 on Nevitt Landfill Project, Fingal, Dublin - Petition 295/2005. EPA Waste Licence Application reference: W0231-01**

Dear Pat

As you are aware the Agency has yet to complete the statutory process of determining the waste licence application referred to above and in these circumstances I am to advise that the Agency cannot comment in any substantial way regarding the issues raised in the EU Commission letter. The licensing process is a quasi judicial one and it would be inappropriate for the Agency to comment until the statutory process, laid down in the Waste Management Acts and supporting Licensing Regulations, for the determination of such applications has been completed. The Commission's concerns regarding the validity of the application assessment are thus premature and do not have regard to the complete documentation nor the entire application decision process. I should add that the Agency is fully aware of its statutory obligations with regard to the determination of waste licence applications and has adopted an open and transparent approach to this process.

The period set in the Waste Management Acts and Licensing Regulations for the making of submissions and objections ended on 17<sup>th</sup> October 2007. The letter from the Commission cannot be considered as a formal objection in accordance with the Act.

Having regard to the objections received to the proposed decision to grant a licence the Agency convened a public Oral Hearing of objections at which all the objectors attended and participated. I also understand that a representative of the EU Parliament Petitions Committee attended the first day of the hearing and addressed the hearing in person.

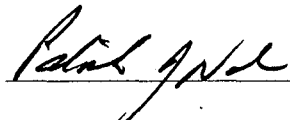
As you know the chairperson of the hearing is required to submit a written report on the hearing to the Board of the Agency in due course and this will be done when the chairperson has assessed all the issues raised by all participants at the hearing. In due



course the Board of the Agency will consider the report and objections before making a final decision. Such decisions are posted on the EPA web pages: Any person, including the Commission, can access all relevant documentation at [www.epa.ie/licensing](http://www.epa.ie/licensing) . Indeed, I note from the Commission letter that there is reference to a limited number of documents associated with the Nevitt Landfill Application, you may want to draw the Commissions attention to this web resource which includes all licence application documentation including the EIS, as well as third party submissions, objections, EPA correspondence, Oral Hearing documentation, etc. The waste licence application reference number is W0231-01. A complete set of documents is likely to be of assistance to the Commission in forming any view as to the application assessment process.

I am sure you will agree that until the Agency has completed its statutory obligations it would be inappropriate for it to comment on the application or proposed licence or any condition therein. My colleagues and I would of course be happy to meet with you and officials of the Commission to explain the statutory process should this be helpful to them.

Yours sincerely



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Mr Patrick Nolan  
Programme Manager