

SECTION L – STATUTORY REQUIREMENTS

Sub-Section	Title	Location of Information
L.1	Statutory Requirements	WLA p.37 and Attachment L.1
L.2	Fit and Proper Person	WLA p.37 and Attachment L.2

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ATTACHMENT L.1
STATUTORY REQUIREMENTS

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L.1 STATUTORY REQUIREMENTS

The following sections describe how the requirements of Section 40(4)[(a) to (i)] of the Waste Management Acts 1996 to 2003 will be met. Within these sections, it is also described how the proposed C,D&E Waste Recovery Facility will comply with the requirements of BAT. Particular reference is made to the considerations referred to in Annex IV of Council Directive 96/61/EC (replaced by 2008/1/EC) concerning integrated pollution prevention and control.

L.1.1 Emissions from the Recovery & Disposal Activities

The licensee will ensure that emissions from the new waste management activities (i.e. at the C,D&E Waste Recovery Facility) and the capping and restoration activities associated with the currently IPPC licensed lagoons and other lands on the site that are proposed in this WLA will be monitored as required by the conditions of the Waste Licence and 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.

L.1.2 Environmental Pollution

The activities will be carried on in accordance with the conditions attached to the WLA and will not cause any environmental pollution.

L.1.3 EU Landfill Directive on the Landfill of Waste (1999/31/EC)

This application is not for an activity involving the landfill of waste or for a new landfill facility. It is believed that this requirement does not need to be met.

L.1.4 BAT and Prevention of Facility Emissions

Best Available Techniques (BAT) will be used to prevent or eliminate or, where that is not practicable, to limit, abate or reduce an emission from the proposed activities. When determining best available techniques for the facility and the proposed additional infrastructure, the considerations prescribed in Annex IV of Council Directive 2008/1/EC concerning integrated pollution prevention and control will be taken into account, bearing in mind the likely costs and benefits of a measure and the principles of precaution and prevention.

L.1.5 Consistency with the Objectives of the Waste Plan

The activities related to the proposed C,D&E Facility shall remain consistent with the objectives of the *Waste Management Plans for Cork County and Cork City*, and

will not prejudice measures taken or to be taken by the relevant local authority or authorities for the purpose of the implementation of these plans.

L.1.6 Fit and Proper Person

The WMA in Section 40(4)(d) specifies that the Agency shall not grant a licence unless it is satisfied that the applicant (if the applicant is not a local authority) is a fit and proper person. The matter of Fit and Proper Person is addressed in Attachment L.2.

L.1.7 Requirements Under Section 53 of Waste Management Act, 1996 to 2003 – Financial Provisions Regarding Waste Disposal

This application is not for the disposal of wastes or a landfill facility and thus it is believed that this requirement does not need to be met.

L.1.8 Energy Use

Energy will be used efficiently whilst carrying on the activities by ensuring measures, such as regular maintenance of plant and equipment are implemented by the licensee. Energy efficient plant and equipment will be sourced and used as appropriate. Energy audits will be carried out and targets will be set to manage energy consumption and conserve it to the extent possible.

L.1.9 Noise

The activities will comply with and not result in the contravention of any regulations made under section 106 of the Environmental Protection Agency Act of 1992 and subsequent regulations by providing plant and equipment that has the appropriate noise silencing systems and by regular maintenance and repair (as required) of plant and equipment.

L.1.10 Accidents

The licensee will implement emergency procedures to limit the consequences on the environment. Further details related to accident prevention and emergency response can be found in Attachment J.1 of this licence application. The licensee will furnish personal protective equipment to its employees for use. The licensee will require that construction on the site is carried out in accordance with the Safety, Health and Welfare (Construction) Regulations, 2006 and the requirements of current worker safety, health and welfare legislation is complied with.

L.1.11 Restoration and Aftercare

All necessary measures will be taken upon the permanent cessation of the activity concerned to avoid any risk of environmental pollution and return the site of the activity to a satisfactory state. A closure, restoration and aftercare plan (CRAMP) will be developed for the Facility in accordance with the requirements of and guidance from the EPA. This will be kept under review and revised accordingly during the life and aftercare period of the facility. Financial provisions will be made as required to ensure that risk of environmental pollution will be avoided and the site will be returned to a satisfactory state upon permanent cessation of the activities.

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ATTACHMENT L.2
FIT AND PROPER PERSON

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L.2 FIT AND PROPER PERSON

The WMA in Section 40(4)(d) specifies that the Agency shall not grant a licence unless it is satisfied that the applicant (if the applicant is not a local authority) is a fit and proper person. Section 40(7) of the Waste Management Acts 1996 to 2003 (the Act) specifies the criteria that is to be regarded in relation to deciding if a person is “fit and proper. As Thornbush Holdings Ltd is the Applicant and the proposed licensee a determination needs to be made in regard to whether Thornbush is a fit and proper person.

It is noted that Thornbush was deemed to meet the criteria of “fit and proper person” when the existing IPPC licence P0389-01 was transferred to them in 2004. Thornbush continues to be “fit and proper” and the licensee in relation to the IPPC licence Register No.P0389-01 which will be surrendered upon granting of the Waste Licence.

The relevant information in regard to the three criteria specified in the Act are presented below:

- a) Thornbush Holdings Ltd and none of its directors have been convicted under the Waste Management Acts 1996 to 2003, the EPA Act 1992 and 2003 and the Local Government (Water Pollution Acts) 1977 and 1990 or the Air Pollution Act 1987.
- b) Thornbush Holdings Ltd. is a joint venture company between the O’Flynn family and SWS Natural Resources. The O’Flynn family has extensive knowledge of the construction and waste business in the Cork Region and the type of operations that are proposed at the proposed Facility. SWS has extensive resource and expertise in the fields of environmental management, waste management, engineering and sciences. Thornbush will employ appropriately qualified and experienced staff and consultants to help manage, operate and monitor the C,D&E Facility and the successful restoration and closure of the waste lagoons at its Wallingstown site in Little Island Co. Cork. Mr Declan Waugh will be appointed the Facility Manager for the purposes of the Waste Licence. A copy of Mr Waugh CV is attached.
- c) Thornbush is owned by SWS Natural Resources (BT and Cork Chamber of Commerce Company of the year 2005) whom are owned by Ion Equity, a leading Irish and European equity investment Group with significant commercial and business assets. The second partner is the O’Flynn family a leading Cork business family with major property and waste related businesses. In 2004 the waste lagoon site had an evaluation value of €5.5 million which was more than the estimated cost of restoration. The Agency accepted this valuation in lieu of a bond in regard to IPPC Licence P0389-01.



Declan Waugh

Director

Profession:

Environmental Consultant

Current Position

Director EnviroManagement Services

Address

11 Riverview Estate
O Doherty's Rd
Bandon
Co. Cork

Qualifications

B.Sc. Hon's
Environmental Science and Technology

Registered Environmental Auditor

Chartered Environmentalist

Professional Associations

Chartered Institute of Waste Management

Chartered Institute of Water & Environmental
Management.

Institute of Environmental Management &
Assessment.

Institute of Acoustics

Institute of Energy

Landscape Institute

Society of Environmental Engineers

Key Information

Declan Waugh is a Chartered Environmentalist and member of the Chartered Institute of Waste Management, Chartered Institute of Water & Environmental Management, Institute of Environmental Management & Assessment, Institute of Acoustics and a Registered Environmental Auditor.

He qualified with an B.Sc (Hon's) Environmental Science and Technology Degree in 1991 and since then has been involved in environmental management of mining industries in both Tara Mines Ltd and Arcon Mines Ltd; worked as a environmental scientist on a number of significant European Research and development projects; established a successful environmental consultancy for the SWS Group and was part of the management team of SWS Group for a period of seven years.

Currently he is Director of EnviroManagement Services a consultancy Declan established in 2007. He is employed by Thornbush Holdings to manage and co-ordinate the IPPC facility at Warrenstown, Little Island.

He provides project management and environmental services to Thornbush Holdings and is responsible for co-ordinating and managing the restoration and the former Mitsui Denman site, the Waste License Application & Planning Application for the proposed Construction, Demolition and waste recovery facility and liaison with Planning and Regulatory Authorities.

Relevant Experience:

Director Planning & Development, SWS Group 2005 - 2007

Responsibilities included environmental due diligence, environmental assessment of potential new business/technology opportunities, providing strategic advice on planning, development and strategic business development in energy, waste and commercial opportunities for the SWS Group.

In addition, he was project manager of a number of key strategic developments for the SWS Group including the regeneration and re-development of former Mitsui Denman Ireland Ltd industrial lands in Little Island, Cork

Manager SWS Environmental Services 2000 - 2005

Responsibilities included managing projects and project staff and acting as a key technical principal for the team.

Technical and commercial responsibilities included providing expertise to clients in areas such as water pollution, air and land contamination, environmental impact assessment, environmental audit, waste management, environmental policy, ecological/land management, noise, planning, compliance, and environmental management of IPPC activities. Senior Environmental Scientist Arcon Mines Ltd 1995-1999

Senior Environmental Officer Arcon Mines Ltd 1995 - 2000

Member of the management team in the pre-development, design, construction and operation of a base metal mining development with Arcon Mines Ltd. Galmoy from 1995-2000.

While at Arcon Mines he obtained significant EU funding for the company by successfully pursuing participation in a number of key EU Environmental research and development (R&D) programmes in both Life Cycle Assessment and Environmental Modelling.

Elected member of the board of the Irish Mining and Quarrying Society 1997-99.

Environmental Scientist Tara Mines Ltd 1992 - 1995

Employed as an Environmental Research Scientist within an EU Brite Euram research and development project to develop an Environmental Management System for the European Extractive industry.

Environmental Officer Tara Mines 1991-1992

Member of the environmental department with responsibility for management of effluent discharge licenses, surface water monitoring, groundwater monitoring, atmospheric emission monitoring, noise and vibration monitoring, management of tailings lagoons, report writing, preparation and liaison with public bodies.