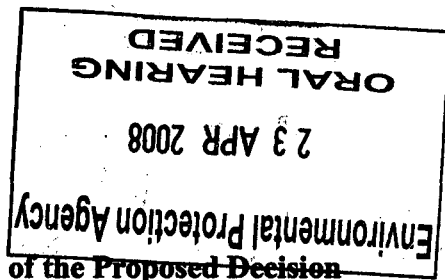


Recd From:

Matt Tierney  
DCC**Response to Inspector in relation to Condition 2.1.1 of the Proposed Decision**

1. DCC is the Applicant and proposed Licensee for the operation of the proposed Waste to Energy Facility. Article 3(11) of the WID defines 'operator' as "*any natural or legal person who operates or controls the plant or, where this is provided for in national legislation, to whom decisive economic power over the technical functioning of the plant has been delegated*".
2. Article 3(12) of the WID defines 'permit' as "*a written decision (or several such decisions) delivered by the competent authority granting authorisation to operate a plant, subject to certain conditions which guarantee that the plant complies with all the requirements of this Directive...*".
3. DCC is the 'operator' of the plant within the meaning of the definition of 'operator' in the WID as it controls the plant. It will be granted the authorisation to operate the plant by means of the waste licence. In the Design Build Operate Project Agreement ("The Project Agreement") with Dublin Waste to Energy Limited ('PPP Co'), DCC has delegated responsibility for the day to day running of the plant to PPP Co.
4. In the Project Agreement the PPP Co warrants with DCC that it shall operate and maintain the facility in accordance with, inter alia, the EPA licence.
5. Condition 2.1.1 of the Proposed Decision states: "*The licensee shall employ a suitably qualified and experienced (minimum 10 years in incinerator operation) facility manager who shall be designated as the person in charge. The facility manager or a nominated, suitably qualified and experienced deputy (minimum 5 years incinerator experience) shall be present on the facility at all times during its operation or as otherwise required by the Agency.*"
6. DCC, as the 'operator,' who controls the plant through the PPP Co, will employ a suitably qualified and experienced facility manager as required under the above Condition 2.1.1 of the Proposed Decision. The facility manager shall not be an employee of DCC for employment law purposes.