This Report has been cleared for submission to the Director by

Programme Manager Patrick Nolan Signed: 1200 19 Date: 5116

Environmental Protection Agency |

Date: Shilos FICE OF CLIMATE, LICENSING & RESOURCE Agency USE

ENVIRONMENTAL LICENSING PROGRAMME MEMORANDUM TO: LAURA BURKE, DIRECTOR, OCLR FROM: Caroline Kelly DATE: 5th January 2009 Transfer of Waste Licence Reg. No. W0116-02 from Waterford Utility Services (Waste Disposal) Limited to Greenstar Limited, Unit 6, Ballyogan Business Park, Ballyogan Road, Sandyford, Dublin 18

The Agency received an application for the transfer of a Waste Licence, Reg. No. W0229-01, on the 3rd October 2008 from Waterford Utility Services (Waste Disposal) Limited to Greenstar Limited, Unit 6, Ballyogan Business Park, Ballyogan Road, Sandyford, Dublin 18

Waterford Utility Services (Waste Disposal) Limited was licensed under Classes 11, 12 and 13 of the Third Schedule and Classes 2, 3, 4, and 13 of the Fourth Schedule of the Waste Management Acts 1996 to 2008. A waste licence was first issued for the facility on the 5th May 2000. A revised licence was issued on 13th November 2008 for an increase in tonnage from 15,000 to 70,000 per annum.

I have assessed the transfer application and deem it to comply with the requirements of section 47(3) of the Waste Management Acts (WMAs) 1996 to 2008 and Section 94(3) of the Environmental Protection Agency Acts 1992 to 2007 (EPAs).

- The application was jointly made by the current licensee and the proposed transferee in the form of an application received by the Agency on the 8th October 2008 [EPAs, S.94 (2)].
- The relevant fee of €5,000 was submitted on the 8th October 2008.
- While acknowledging previous prosecutions taken by the EPA against Greenstar Limited, it is considered that the proposed transferee is a fit & proper person [EPAs S.84 (4) and WMAs S.40 (8)] for the purposes of this transfer application. In this case, it is considered relevant to set aside previous convictions for the assessment of fit and proper persons.
- Greenstar Limited is a wholly owned subsidiary of the NTR Group and is in a
 position to meet any financial liabilities that may arise as a result of carrying on the
 waste activities on-site.
- The current management team will be retained on site following the transfer of the licence. In addition to this the management team will have direct support from the Environmental Division of the Greenstar Limited.
- The proposed transferee shall be deemed to have assumed and accepted all liabilities, requirements and obligations provided for or arising under the licence regardless of how and in respect of what period, including a period prior to the transfer of a licence, they may arise [EPAs S.94(6)], and have provided a statement to this effect.

Recommendation:

I recommend that the transfer of Waste Licence Register Number W0116-02 to Greenstar Limited be granted.

Caroline Kelly

Inspector

Office of Climate, Licensing and Resource Use

Approved: