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16<sup>th</sup> October 2009

Our Ref: W0167-02

**Re: Planning Application Ref: SA/901467 Indaver N.V**

Dear Sir/Madam,

Further to your letter dated 1<sup>st</sup> October 2009, I wish to advise as follows. On 3<sup>rd</sup> March 2009, the Agency received an application from Indaver Ireland (Branch of Indaver NV) for a review of Waste Licence Reg. W0167-01, granted on 24<sup>th</sup> November 2005, for the proposed Waste Incineration/Waste-to-Energy Plant at Carranstown, Duleek, Co. Meath.

The licence review application has been assigned Waste Licence Reg. W0167-02. The application (including EIS) and all correspondence is available to view on the EPA website <http://www.epa.ie/whatwedo/licensing/waste/>.

Indaver are seeking an increase in the maximum incineration capacity from 150,000 to 200,000 tonnes per annum of non-hazardous household, commercial and industrial waste, and modifications to the facility layout, including new design features. The waste licence review application is currently being assessed by the Agency. A request is currently with Indaver to supply further information, including updating the EIS to reflect any changes to the proposed development.

In relation to the proposed activity, Section 40(4) of the Waste Management Acts 1996 to 2008, mandates that:

*The Agency shall not grant a waste licence unless it is satisfied that—*

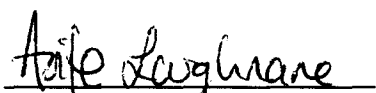
- (a) *any emissions from the recovery or disposal activity in question ("the activity concerned") will not result in the contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value, prescribed under any other enactment,*
- (b) *the activity concerned, carried on in accordance with such conditions as may be attached to the licence, will not cause environmental pollution,*
- (bb) *if the activity concerned involves the landfill of waste, the activity, carried on in accordance with such conditions as may be attached to the licence, will comply with Council Directive 1999/31/EC on the landfill of waste,*

- (c) *the best available techniques will be used to prevent or eliminate or, where that is not practicable, to limit, abate or reduce an emission from the activity concerned,*
- (cc) *the activity concerned is consistent with the objectives of the relevant waste management plan or the hazardous waste management plan, as the case may be, and will not prejudice measures taken or to be taken by the relevant local authority or authorities for the purpose of the implementation of any such plan,*
- (d) *if the applicant is not a local authority, the corporation of a borough that is not a county borough, or the council of an urban district, subject to subsection (8), he or she is a fit and proper person to hold a waste licence,*
- (e) *the applicant has complied with any requirements under section 53,*
- (f) *energy will be used efficiently in the carrying on of the activity concerned,*
- (g) *any noise from the activity concerned will comply with, or will not result in the contravention of, any regulations under section 106 of the Act of 1992,*
- (h) *necessary measures will be taken to prevent accidents in the carrying on of the activity concerned and, where an accident occurs, to limit its consequences for the environment, and*
- (i) *necessary measures will be taken upon the permanent cessation of the activity concerned (including such a cessation resulting from the abandonment of the activity) to avoid any risk of environmental pollution and return the site of the activity to a satisfactory state.*

All matters pertaining to environmental emissions from the activity and application of Best Available Technology (BAT), as detailed in the EIS and licence review application documentation, are being considered and assessed by the Agency. Where the Agency is of the opinion that the activities cannot be carried on, or effectively controlled by way of conditions under a licence, to the extent that permits compliance with a reasonable burden of proof for Section 40(4) of the Waste Management Acts, then it is legally debarred from granting a licence for such an operation. Should the Agency decide to grant a revised licence in respect of the activity, it will incorporate conditions that will ensure that appropriate National and EU standards are applied, and that BAT will be used in carrying on of the activity.

If you have any specific queries that you feel the EPA can address, please let us know and we will endeavour to answer them.

Yours sincerely,



Aoife Loughrane

Office of Climate, Licensing & Resource Use

