

**This Report has been cleared
for submission to the Board by
the Programme Manager F Clinton
Signed: Dee Use Date: 25/1/2010**



**OFFICE OF CLIMATE,
LICENSING &
RESOURCE USE**

LICENSING UNIT MEMORANDUM

TO: DIRECTOR

FROM: Marian Doyle, Office of Climate, Licensing and Resource Use

DATE: 25th January 2010

RE: Request for the Transfer of a Waste Licence (W0144-01) from 'Sean Rooney Limited t/a Bambi Bins & Wheel Bin Services Limited' to 'Oxigen Environmental Limited'.

An application has been made for the transfer of waste licence Reg. No. W0144-01 (Sean Rooney Limited t/a Bambi Bins & Wheel Bin Services Limited, Coes Road, Dundalk, Co. Louth) to Oxigen Environmental Limited. The application from Oxigen Environmental Limited was received by the Agency on 9th November 2009, together with the required fee of €5,000. It was requested that the transfer apply 'with immediate effect'. A copy of the Environmental Liabilities Risk Assessment (ELRA) for W0144-01 was submitted by Oxigen Environmental Limited on 7th January 2010.

A Waste Licence (Reg. No. W0144-01) was issued to Sean Rooney Limited t/a Bambi Bins & Wheel Bin Services Limited on 6th February 2002. The facility is a waste transfer station, which is licensed to accept 90,000 tonnes/year of household, commercial, industrial and construction and demolition waste. The classes of activity are Class 12 as per the Third Schedule of the Waste Management Acts 1996 to 2008 (Disposal) and Classes 2, 3, 4 and 13 as per the Fourth Schedule (Recovery). The Office of Environmental Enforcement Inspector has been consulted in relation to the transfer request.

I have reviewed the transfer application and I am satisfied with the information that has been provided. In particular I have noted the following with regard to the proposed transferee:

- A certified copy of the Certificate of Incorporation is provided (22nd November 1999).
- The Companies Registration Office reference number for Oxigen Environmental Limited (listed on www.cro.ie as Oxigen Environmental) is 315604, with a registered office at 3rd Floor, Quayside Business Park, Mill Street, Dundalk, Co. Louth.
- Oxigen Environmental Limited has not been refused as a transferee for a licence, had an application for a licence rejected or had a licence revoked. Oxigen Environmental Limited has had three applications for waste licences granted by the Agency. The licensed facilities are listed in Table 1. Cavan Waste Disposal (W0207-01) is described on www.oxigen.ie as being a wholly owned subsidiary of Oxigen Environmental.

Table 1. Waste licences held by Oxigen Environmental Limited

Reg. No.	Licensee	Date Granted	Location of Facility
W0152-03	Oxigen Environmental Limited	26/07/05	Robinhood Industrial Estate, Robinhood Road, Ballymount, Dublin.
W0208-01	Oxigen Environmental Limited	07/03/06	Ballymount Industrial Estate, Ballymount Road Lower, Clondalkin, Dublin 22.
W0207-01	Cavan Waste Disposal Limited	29/06/05	Killygarry Industrial Park, Cavan, Co. Cavan.

- Information in relation to the status of Oxigen Environmental Ltd as a 'Fit and Proper Person' has been provided. Based on review of this information it is understood that:
 - The existing management and staffing structure at the waste transfer station (Reg. No. W0144-01) is to remain in place. An organisational chart was provided. It is considered that there is sufficient technical experience and support in place.
 - Regarding financial provision, the applicant states that 'At present Oxigen Environmental Limited have sufficient turnover and company assets to offset environmental liabilities that may be incurred during the course of the facility operations or in the event that the facility is closed. This will include the covering of costs associated with abatement installation, control & monitoring; closure & remediation of the site; clean-up following a plausible accident/incident and/or long-term aftercare for residual environmental liabilities'.
 - Oxigen Environmental Ltd does not envisage that the facility would be shut down or decommissioned in the short to medium term. An ELRA was submitted to the Agency in March 2003 under the remit of Reg. No. W0144-01. In the ELRA the maximum financial commitment as a result of environmental liabilities (including decommissioning and aftercare) was estimated at €67,040. Bambi Bins & Wheel Bin Services Ltd had proposed to put a bank bond in place to cover such costs once the figures had been accepted by the Agency. The transferee will need to take responsibility for such costs. Also under the remit of the licence, the amount of financial provision is required to be reviewed at least annually to confirm it is adequate. Details of Employers/Public & Products Liability Insurances for 'Oxigen Environmental Limited & Oxigen Commercial Limited T/A Bambi Bins' are supplied with the transfer application. The Pollution Liability Cover is identified as €10M. Based on the information provided it is considered that Oxigen Environmental Ltd is likely to be in a position to meet any financial commitments or liabilities associated with the carrying on of the activity.
 - The EPA successfully prosecuted Oxigen Environmental Limited on 9th December 2004 for breaches of its Waste Licence (Reg. No. 152-1) during 2003. The company pleaded guilty to six charges in relation to the operation of a waste transfer station at Robinhood Industrial Estate, Dublin 22. The company was convicted for sending waste off-site to facilities without EPA consent, and for accepting more waste than the permitted amount. The other charges related to not providing impermeable hardstanding, not carrying out improvements to the Waste Transfer Building, improper waste management practices and failure to maintain a written record of all waste loads accepted. The total fines & costs imposed was €9,225, which included Agency costs of €5,225.

While acknowledging the above, I recommend that the Agency, under the provision in Section 40(8) of the Waste Management Acts, should deem the proposed transferee to be Fit and Proper Persons.

Recommendation:

I recommend that Waste Licence Reg. No. W0144-01 be transferred from 'Sean Rooney Limited t/a Bambi Bins & Wheel Bin Services Limited' to 'Oxigen Environmental Limited' under Section 47 of the Waste Management Acts 1996 to 2008.

Signed: Marian Doyle
 Marian Doyle, Inspector
 Office of Climate, Licensing and Resource Use