

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



OFFICE OF CLIMATE,  
LICENSING &  
RESOURCE USE

## LICENSING UNIT MEMORANDUM

<b>To:</b>	Directors
<b>From:</b>	Ciara Maxwell – Environmental Licensing Programme
<b>Date:</b>	25 <sup>th</sup> January 2010
<b>Re:</b>	Request for the transfer of a waste licence Reg. No. <b>W0185-01</b> from <b>Cedar Resource Management Limited</b> to <b>Rilta Environmental Limited</b> , Unit 402, Greenogue Business Park, Rathcoole, Co. Dublin.

### Facility

Cara Waste Management Limited was granted licence, Reg. No. W0185-01, on the 31<sup>st</sup> May 2004. In 2005, the EPA received notification that Cara Waste Management Limited had changed the company name to Cedar Resource Management Limited.

### Transfer Request

An application was received on 23<sup>rd</sup> September 2009 for the above referenced transfer of a waste licence. The appropriate fee accompanied the application (€5,000). The licensee (Cedar Resource Management limited) operates the hazardous waste transfer station, located at Site No. 14A1, Greenogue Business Park, Rathcoole, Co. Dublin.

Rilta Environmental Limited (the proposed transferee) operates a similar licensed facility (Waste Licence Reg. No. W0192-02) at Block 402, Grant's Drive, Greenogue Business Park, Rathcoole, Co. Dublin.

### 'Fit and Proper' Assessment

The Fit and Proper assessment required for any grant or transfer of a licence or revised licence involves three elements of examination:

- Technical Ability
- Financial Standing
- Legal Standing

### Technical Ability

The proposed transferee has provided details of the technical experience and qualifications of relevant staff which indicate that the relevant employees have the requisite technical knowledge and qualifications to carry on the activity in accordance with the licence.

### Financial Standing

Rilta Environmental Limited is a subsidiary of the investment company One Fifty One ('One51') plc. The applicant has provided a copy of the company's 2008 Balance Sheet which indicates that *One51* had a Net Asset Value in excess of €511 million at 31<sup>st</sup> December 2008. The applicant has provided written commitment that *One51* will ensure that financial provision is available to the transferee to cover financial commitments or liabilities arising from the operation of the activity or closure of the activity. It is therefore considered that the transferee is likely to be in position to meet the 'Fit and Proper' requirements under financial standing.

### Legal Standing

The applicant has not identified any relevant convictions. However, approximately two weeks subsequent to the submission of the licence transfer application the proposed transferee, Rilta Environmental Limited, was prosecuted under the Waste Management Acts. On the 6<sup>th</sup> October 2009, Rilta Environmental Limited pleaded guilty to a charge brought by the EPA in relation to an offence under Sections 39(1) and 39(9) of the Waste Management Acts 1996 to 2008. The Company admitted breaching a condition of its Waste Licence (Reg. No. W0192-02) by processing aqueous, hydrocarbon and sludge waste at the Hydrocarbon Waste Treatment Centre in a manner other than provided for in the licence, without the prior agreement of the EPA.

This prosecution was taken following site visits by EPA inspectors on 8th & 9th of December 2008 to its facility at Greenogue Business Park, Rathcoole, Co. Dublin. The breach of licence condition stemmed from the transferee's reclassification of waste oil as a product without consultation or agreement of the Agency and the consequent removal of this waste oil off-site for use as a fuel without further treatment.

Following discussions and correspondence with the Office of Environmental Enforcement the transferee indicated that it had repatriated the waste oils, previously removed as a product, where possible and undertook to deal with such waste oils as a waste until such time as a revised licence may provide for otherwise. To this end the transferee submitted an application for a review of its Waste Licence on 30<sup>th</sup> January 2009. This review application (Reg. No. W0192-03) is currently under assessment. It is considered that the transferee acted responsibly in accepting responsibility and undertaking corrective action promptly and therefore satisfies the criterion for 'fit and proper' notwithstanding the conviction as outlined.

I recommend that the Agency, under the provision in Section 40(8) of the Waste Management Acts 1996 to 2008, should deem the proposed transferee to qualify under the requirements of Fit and Proper Person.

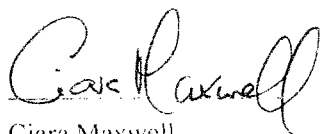
### **Transfer Request Assessment**

The application for transfer was assessed against Section 47 of the Waste Management Acts 1996 to 2008 and is recommended for the following reasons:

- The application complies with Section 47(2) of the Waste Management Acts 1996 to 2008 having been jointly made.
- The application was accompanied by the appropriate fee in accordance Section 50 of the Waste Management Acts 1996 to 2008.
- The proposed transferee has assumed and accepted all liabilities, requirements and obligations provided for in or arising under the licence, including the period prior to the transfer of a licence and has submitted a commitment to same.
- The proposed transferee has provided evidence that financial provision in place will be adequate to discharge the financial commitments or liabilities entered into or incurred by carrying out, or ceasing, the licensable activity.
- The proposed transferee meets the 'fit and proper person' requirements in terms of experience, technical expertise, financial and legal standing, having regard to the provisions of Section 40(8) of the Waste Management Acts 1996 to 2008, and as current licence holders.

**Recommendation**

I recommend that a transfer of waste licence Reg. No. W0185-01 from Cedar Waste Management to Rilta Environmental Limited be approved under Section 47 of the Waste Management Acts, 1996 to 2008.



Ciara Maxwell

Inspector

Office of Climate, Licensing and Resource Use

