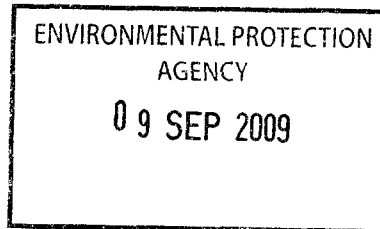


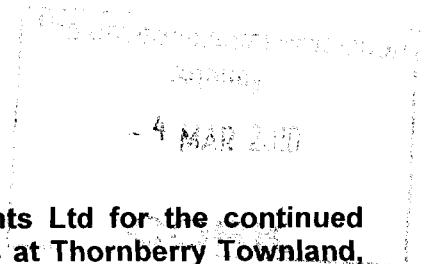
Ms Yvonne Furlong,
Waste Licensing Unit
Office of Climate, Licensing & Resource Use
Environmental Protection Agency
PO Box 3000
Johnstown Castle Estate
Co. Wexford



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JSPE

Date: 2nd September, 2009
Our Ref: JSPE 175_L03
Your Ref: W0264-01



Re: Waste Licence Application by Sand and Gravel Merchants Ltd for the continued operation of its existing Waste Recovery Facility on lands at Thornberry Townland, Kill, Co. Kildare (National Grid Reference 295986E 221275N).

Dear Ms Furlong,

Following a conversation with EPA inspector Aoife Loughnane, we consider that prior to preparing a formal response to the Article 14 Notice issued on 17th June 2009 that clarification is required with respect to a number of concerns that have arisen regarding the proposed Waste Management Licensing of the above facility i.e.

- i. Implications of EU Directive 2008/98/EC
- ii. Cost implications for implementation of a Waste Management Licence
- iii. Enforcement of Inert Waste Management Facilities

i. Implications of EU Directive 2008/98/EC

Following review of the "EU Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on Waste and Repealing Certain Directives" it is considered that there is a need for clarification as to "the waste status of uncontaminated excavated soils and other naturally occurring material which are used on sites other than the one from which they were excavated".

The Directive (Articles 5 & 6) also provides for developing 'by-product' and 'end-of-waste' specific criteria that could be applied to uncontaminated excavated soils and other naturally occurring material, and construction and development waste.

Given the above, our clients are hesitant to incur further costs with respect to proceeding with the licence application process until clarification is provided in relation to these matters.

We have also consulted with the Department of the Environment (Waste Review & Regulation Section) and they are aware of our concerns. It is our understanding that The Department of the Environment is seeking a meeting with the EPA to discuss the implications with respect to the EU Directive 2008/98/EC and implementation of the existing Waste Management (Facility Permit and Registration) Regulations.

We consider a meeting between the Department of Environment, EPA and concerned stakeholders/interested parties would be a way to progress this matter.

We would be grateful if you could contact us at your earliest convenience with respect to this matter.

Yours Sincerely,

For J Sheils Planning & Environmental Ltd,



John Sheils ASCS MRICS

Cc. Ms Aoife Loughnane, EPA Inspector
Mr Brian Meeney, EPA Senior Inspector

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