



Environmental Protection Agency  
An Ghníomhaireacht um Chaomhnú Comhshaoil

Mr Pat Ryan  
Ballyfaskin Enterprises Ltd  
c/o Michael Sweeney  
NRGE  
Moorsefort, Lattin  
County Tipperary

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Reg. No. P0915-01

Dear Mr Ryan

As you are aware the Agency, in accordance with Section 99G(2) of the EPA Acts 1992 to 2007, has taken over responsibility of the monitoring and control of your facility at Ballyfauskeen, Ballylanders, County Limerick, .

In the first instance, I am to draw your attention to your company's requirement to notify the Agency in the event of any emergency at the facility which would pose a threat of pollution to the environment. Details of same are laid out in the attached Appendix. You should immediately contact the Agency by telephone and fax at the headquarters, Johnstown Castle Estate, County Wexford (Tel.: 053-9160600; Fax: 053-9160699), which is a 24 hour, 7 day service, in addition to contacting the relevant local authority.

Under the transitional arrangements, which are set out in Article 43 of the EPA (Licensing) Regulations 1994 to 2008, certain provisions of the enactment's mentioned in Section 99G(1) of the Act are transferred to the Agency in lieu of the local, sanitary authority or the Minister for the Marine.

In the light of the above, you are therefore requested to forward all monitoring results to Environmental Licensing Programme at the Agency should your company have an existing single media licence in force. I am also to remind you of the need to comply with any special requirements specified in your existing licence in relation to notifications to the Agency etc. Should the need arise to review the monitoring arrangements that are in place, the Agency will contact you in due course.

Yours sincerely

Kate Stafford

Programme Officer  
Office of Climate, Licensing & Resource Use



## **Appendix**

Under Section 14 of the Local Government (Water Pollution) Act, 1977 and Section 29 of the Air Pollution Act, 1987 and pursuant to the powers conferred by Section 99(G) of the Environmental Protection Agency Acts 1992 and 2003, and Article 43 of the Environmental Protection Agency Act (Licensing) Regulations 1994 to 2004, IPPC applicants **must** contact the Agency as soon as practicable after an incident. IPPC licensees are required to notify the Agency as per their licence conditions.

An incident may be defined as:

- Any release to atmosphere of environmental significance.
- Any emission which does not comply with the requirements of the licence.
- Any malfunction or breakdown of control equipment or monitoring equipment set out in the relevant schedules to the licence which is likely to lead to loss of control of the abatement system.
- Any incident with the potential for environmental contamination of surface water or groundwater, or posing an environmental threat to air or land, or requiring an emergency response by the Local Authority.

Under any of the circumstances above the applicant, or in the case of a licensee, the person in charge, should :-

### **During business hours:**

1. Inform their inspector immediately by telephone, or alternatively phone EPA headquarters, Johnstown Castle Estate, Co. Wexford (Locall 1890 335599 or 053 - 9160600); also notify the relevant local authority or Fisheries Board.
2. Fax details to EPA headquarters, Co. Wexford addressed to the Office of Environmental Enforcement (053-9160699).

### **Outside business hours:**

1. Fax details to EPA headquarters, Co. Wexford addressed to the Office of Environmental Enforcement (053-9160699).
2. Telephone and leave a message on the answering service at EPA headquarters, Johnstown Castle Estate, Co. Wexford (Locall 1890 335599 or 053 - 9160600) using a touch tone phone;
3. At the start of the next business day, inform their inspector by telephone.

The information, when available, included in the notification at a minimum should contain:

- Name of Company.
- Contact person and telephone number.
- Location of incident.
- Date and time of the incident and its duration.
- Details of the occurrence.

- Materials emitted.
- Environmental significance of the incident.
- Weather conditions i.e. wind, rain etc.
- Vulnerable receptors.
- Whether emergency services were contacted.
- What other regulatory bodies were contacted including local authorities and regional fisheries boards.
- The steps taken to minimise the emissions and avoid recurrence.

Following the incident, the IPPC applicant or licensee should prepare a report for the Agency detailing the circumstances giving rise to the incident and all actions taken to minimise the effect on the environment and minimise wastes generated. This information should be made available to the Agency as soon as possible after the incident.

Failure by an IPPC applicant or licensee to inform the Agency of incidents occurring at their facilities will lead to enforcement action being taken against that facility. If you have any questions, please contact your inspector.