

David Malone
Eurolaw Environmental Consultants
60 St. Joseph's Terrace
Portarlinton,
County Offaly

Headquarters, PO Box 3000
Johnstown Castle Estate
County Wexford, Ireland
Ceanncheathrú, Bosca Poist 3000
Eastát Chaisleán Bhaile Sheáin
Contae Loch Garman, Éire
T: +353 53 916 0600
F: +353 53 916 0699
E: info@epa.ie
W: www.epa.ie
LoCall: 1890 33 55 99

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Dear Mr. Malone

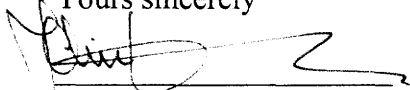
I refer to your letter dated 3 July 2010. In your letter you requested clarification on a number of issues. Each of the points raised are addressed below:

- 1 The EPA is not claiming that the EIS does not have to contain the information specified under Article 5 of the EIA Directive or Paragraph 1 of Schedule 6 of the Planning Regulations 2001. The original EIS from 2000 was updated by a further EIS in 2008 both of which will be considered.
- 2 The Mr. Binman site at Luddenmore is not unauthorised. The site currently holds a waste licence (W0061-02). The Agency has requested the applicant to provide all relevant information in accordance with Article 12 of Waste Management (Licensing) Regulations, S.I. 395 of 2004.
- 3 The EPA acknowledges that all relevant legislation should be complied with and that a waste licence does not exempt a site from a requirement to obtain relevant planning permission. Section 40 of the Waste Management Act, 1996 applies.
- 4 Mr. Binman is not an unauthorised facility. The facility operates under a waste licence. An application for a review of this waste licence is currently under assessment. The Agency does not take the view suggested in your letter dated 3 July 2010. The Agency does not agree that it is violating the ECJ judgement.
- 5 The Agency does not accept that it is violating the ECJ judgement.
- 6 Mr. Binman provided a response to the Agency letter of 27 April 2010. This information is currently under assessment and therefore compliance with Article 12

has not been determined. All relevant information supplied by the applicant is available on the EPA website at the following link:
<http://www.epa.ie/terminalfour/waste/waste-view-filter.jsp?regno=W0061-03&filter=b&docfilter=go>.

- 7 The Agency does not accept that, for the purposes of waste licensing, the original EIS and the updated EIS are not in compliance with the EIA Directive.

Yours sincerely



Frank Clinton
Programme Manager
Environmental Licensing Programme