

This memo has been cleared for submission to the Director by the Programme Manager F. Clinton
 Signed: Maire Buckley Date: 20-10-10
 Máire Buckley

OFFICE OF LICENSING & GUIDANCE



INSPECTOR'S REPORT ON A LICENCE APPLICATION

To:	Director
From:	Patrick Byrne Environmental Licensing Programme
Date:	20 th October 2010
RE:	Application for an IPPC licence from Mr Paul Tully, Moate Pig Unit, Ballinakill, Portlaoise, County Laois, Licence Register No. P0710-03.

Application Details

Class of activity:	6.2 "The rearing of pigs in an installation, whether within the same complex or within 100 metres of the same complex, where the capacity exceeds 285 places for sows in an integrated unit or 2,000 places for production pigs",
Category of Activity under IPPC Directive (2008/1/EC)	6.6 (b)
Licence application received:	24 February 2010 (incl. confidential information)
Notices under Article 11(2)(b)(ii) issued	19 April 2010
Information under Article 11(2)(b)(ii) received:	7 May 2010
Notice under Article 17 issued:	29 June 2010
Information under Article 17 received:	26 July 2010
Notice under Article 17(3) issued:	3 August 2010
Information under Article 17(3) received:	2 September 2010
Submissions received:	19 March 2010 Laois County Council 27 May 2010 Peter Sweetman & Associates 22 September 2010 Department of Environment, Heritage and Local Government
Site Visit and Site Notice Inspection:	24 March 2010

Introduction

Mr. Paul Tully is the owner and operator of Moate Pig Unit located in Ballinakill, Portlaoise, County Laois, approximately 5km east of the town of Abbeyleix. The

application relates to an integrated unit¹ with the capacity to accommodate 650 sows² and their progeny to slaughter weight.

An IPPC licence application was received in relation to this installation on the 29 April 2004, assigned licence register no. P0710-01 (P.J. Cahill Farms Limited). Following examination and evaluation of the application it was rejected in accordance with Article 11(2)(b)(i) of the Environmental Protection Agency (Licensing) Regulations 1994 to 2004, notification dated the 21 August 2008.

A new IPPC licence application was submitted to the Agency on the 6th May 2009, assigned licence register no. P0710-02 (Mr. Paul Tully). Following examination and evaluation of the application it was rejected in accordance with Article 11(2)(b)(i) of the Environmental Protection Agency (Licensing) Regulations 1994 to 2004, notification dated the 30th June 2009.

The most recent planning permission granted to the activity was a permission granted in September 2006 to 'replace existing service house with a new finishing house and 2 no. meal bin silos such that the capacity of the unit shall accommodate all progeny of the existing 620 sow herd to slaughter'. In granting the planning permission Laois County Council notes that the activity is one to which a licence under Part IV of the Environmental Protection Agency Act 1992 is required. No Environmental Impact Statement was submitted in support of the planning application or sought by the planning authority. Laois County Council was notified by the Agency and the applicant that an IPPC licence application was made for this site.

An EIS was required in support of a planning application submitted to Laois County Council in 2004. Laois County Council granted planning permission in September 2004. The EIS was submitted in support of this IPPC licence application Reg. No. P0710-03.

The pig unit employs 6 full-time workers. The production on the site is continuous, however the presence of operative staff, deliveries and collections are normally between 06.00 and 20.00 hours.

Process Description

The integrated pig production process at this installation is typical of that within the intensive pig industry. It is noted that the planning permission granted in 2006 referred to an integrated activity with a capacity of 620 sows whereas this licence application is for an 650 sow integrated activity. The assessment of the licence application is on the basis of the operation of a 650 integrated activity.

The applicant identified 21 farms (customer farms), on which there is a nutrient demand, and where slurry generated on-site is recovered by landspreading. The farms are in County Laois and the list of farms may be amended based on demand. The applicant submitted a nutrient management plan, in a confidential format, in respect of the 21 farms on which pig slurry may be recovered as fertiliser. Where pig slurry is used as a fertiliser on agricultural land, in accordance with European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2009 and the Conditions of the Recommended Determination (RD), it is not expected that such application will cause pollution.

Emissions

Emission to Air

The main atmospheric emissions from the installation are ventilation air from pig houses and gas volatilisation from the organic manure. Odour emissions are also associated with activities on-site such as the loading and movement of pig manure.

¹ 'integrated unit' means a piggery in which pigs are bred and reared to slaughter.

² 'Sow' means a female pig after its first farrowing.

The applicant states that he 'is satisfied that the activity does not significantly impair or significantly interfere with amenities or the environment beyond the site boundary.' In addition, the applicant claims this is supported by the fact that no complaint has ever been made about this installation, which has been involved in pig production since 1973. The applicant further states that 'management practices are subject to regular review so that best practice is deployed in all operations in the site and this will continue.'

There is a residential dwelling located at the south western corner of the activity, this house is owned /occupied by the previous owner of the pig unit. In addition there are residential dwellings c.100m northwest, c.150m east, c.300m northeast and c.350m west of the installation boundary.

It is considered that the activity has the potential to cause odour nuisance beyond the boundary of the site, given the scale of the activity, therefore Condition 5.4 of the RD requires the submission of an odour management programme within one year of the date of grant of licence, outlining odour reduction measures appropriate to the site, to be agreed by the Agency. The odour management programme shall be updated and reviewed annually.

Emissions to Sewer

There are no emissions to sewer from this installation.

Emissions to Water

There are no process emissions to waters from this installation.

Surface Water

The surface water collected on-site from roofs and clean yards is directed to the western boundary of the site (SW1); the surface water enters an open drain which discharges to a percolation area in the northwestern corner of the site. The applicant states that the percolation area drains to a field drain to the north of the site, c.800m from the site boundary. This field drain in turn drains, c.700m in an easterly direction to the Owvey (Nore) River (EPA Code 15001).

There are EPA water quality monitoring stations on the Owveg (Nore) River, the nearest upstream station (Station ID 150010080) is c.1.5km from the boundary of the installation. The nearest downstream monitoring station (Station ID150010160) is c.2.2km from the installation boundary. The most recent biological quality rating recorded at these two locations are for the year 2007, when both stations were recorded as Q-value 4 (Good Status).

In accordance with the Water Framework Directive the Owveg (Nore) River (IE_SE_15_94) is classified as 'moderate' overall status and risk category 1(a) 'water body is at risk of not achieving good status'.

Surface water from the installation should be uncontaminated and therefore should have no impact on surface water quality off-site. Condition 6.8.5 of the RD requires that there shall be no unauthorised discharge of polluting matter to water. In accordance with Condition 6.8.6 and *Schedule C.2.3 Monitoring of Storm Water Emissions* of the RD the applicant is required to monitor BOD/COD quarterly and to carry out a weekly visual inspection of the emission from SW1.

Emissions to Ground

There is a septic tank with a percolation area on site which services the canteen and staff facilities. The RD includes a standard condition (condition 3.8) which requires the licensee to provide and maintain a wastewater treatment plant for the treatment of sanitary effluent. The waste water treatment system and percolation area shall satisfy the criteria set out in the *Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)*, published by the EPA.

There is one groundwater well on-site, located in the southern area of the site adjacent to the entrance. Approximately 90% of the water consumed in the activity is supplied from a group water scheme (Ballypickas Group Scheme) with the remainder supplied by the on-site well. There were no groundwater monitoring results provided in support of the application.

The ground water body at the installation is classified, under the Water Framework Directive, as 'good' overall status and 2(a) '*water body is expected to achieve good status*'.

Schedule C.6.1 of the RD requires annual monitoring of the on-site well for nitrate, total ammonia and total and faecal coliforms.

Condition 6.6 requires an assessment of underground and overground effluent storage tanks including integrity testing of pipelines and liquid feed storage tanks. Proposals for repair of any defects identified are to be included in a tank and pipeline assessment report to be submitted as part of the Annual Environmental Report. Such assessment will highlight any potential sources of groundwater contamination on-site, if present.

Manure Management and Recovery

The operation of the pig unit as a 650 sow integrated pig unit will result in the production of approximately 10,546 m³ of slurry per annum (including washwater). The storage capacity available for slurry, is c.8,246 m³ (including deductions for freeboard) and equates to approximately 40 weeks, which is in excess of the 26 weeks required under the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, S.I. No. 101 of 2009. All the slurry storage capacity on-site is provided under the animal houses; there are no overground storage facilities on-site.

The applicant has identified 21 farmers who are available/seeking to accept slurry/manure from the installation as fertiliser for their farms. The applicant has calculated that these farms have a need for up to 17,431m³ of pig slurry/manure per annum based on the nitrogen balance for the farms (nutrient management plan). The identified farms are located in the area surrounding the installation, in County Laois. The RD does not require the applicant to control or manage the farmers who may use pig manure/slurry as a fertiliser, however the applicant is required to demonstrate a requirement for the quantity of slurry/manure generated as part of the activity. The RD is for the purpose of IPPC licensing under the EPA Acts 1992 to 2007 only and nothing in this licence shall be construed as negating the applicant's statutory obligations or requirements under any other enactments or regulations, therefore the requirements of other legislation, including S.I. No. 252 of 2008, S.I. No. 253 of 2008 and S.I. No. 101 of 2009, are applicable. The farmers receiving slurry/manure to be used as fertiliser are subject to the requirements and controls associated with the Nitrates Regulations (currently S.I. No. 101 of 2009).

Condition 8 of the RD requires that pig slurry/manure is recovered in accordance with the requirements set out in the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2009 and the conditions of the RD.

Waste

Waste arising on-site includes animal carcasses, domestic waste, packaging, veterinary waste and fluorescent tubes. Waste generated on-site is sent off site for disposal or recovery. Animal carcasses and animal tissue waste is stored on-site temporarily prior to collection and transportation to College Proteins (Reg. No. P0037-03), which is a licensed rendering plant.

Veterinary waste arising at the site (including sharps) is taken off site by Transafe Limited and processed at a waste facility operated by SCRL, under Waste Licence, Reg. No. W0055-02, prior to appropriate disposal.

Used fluorescent tubes are stored on-site and regularly taken to a local civic amenity centre. Domestic waste is collected and regularly removed to landfill by Advanced Environmental Solutions (Ireland) Limited. The RD, condition 11, requires maintenance of records on matters relating to the waste management operations and practices at this site.

Noise

The site is located in a rural area of Co. Laois. While there are residential dwelling houses within close proximity of the installation, it is not anticipated that noise emissions from the unit will cause disturbance, therefore standard noise conditions and emission limit values have been included in the RD.

Use of Resources

The activity involves the consumption of animal feed, water, electricity, medications and detergents. Approximately 5,000 tonnes per year of feed is consumed by the pigs. Water used (estimated at approximately 16,000m³ per annum) at the pig unit is supplied from the Ballypickas Water Scheme and supplemented by an on-site well.

Electricity is the main source of energy used on-site for lighting, feed distribution systems, ventilation and equipment used in the maintenance and running of the activity. Approximately 270,000kwh are consumed per annum. Heating oil (kerosene) is used to provide heat to newborn piglets and 1st stage weaners, and approximately 44m³ is used per annum.

Buildings are insulated to ensure minimal heat loss through roofs and walls and to conserve heat within houses and the applicant states that energy is used as efficiently as possible on-site. Condition 7 of the RD includes conditions on resource use and energy efficiency.

Compliance with EU Directives

IPPC Directive (2008/1/EC)

The installation falls within the scope of Category 6.6 (b), *installations for the intensive rearing of poultry or pigs with more than 2000 places for production pigs (over 30kg)*, of Annex 1 of Council Directive 2008/1/EC concerning integrated pollution prevention and control.

The RD as drafted takes account of the requirements of this Directive. In particular, Condition 7 *Resource Use and Energy Efficiency* provides conditions dealing with water, energy and raw material use, reduction and efficiency on site. BAT is taken to be represented by guidance given in the IPPC reference document on BAT for Intensive Rearing of Poultry and Pigs, July 2003.

Water Framework Directive (2000/60/EC)

The only emission to surface water from this installation is uncontaminated storm water from roofs and unpaved areas, which discharges to ground but in turn drains to surface waters. *Schedule C.2.3* of the RD requires quarterly BOD/COD monitoring and a weekly visual inspection of storm water emissions (SW1). Condition 6.8.5 of the RD states that there shall be no unauthorised discharge of polluting matter to water.

Condition 7.3 specifies that the licensee shall identify opportunities for the reduction in the quantity of water used on-site including recycling and reuse initiatives. Condition 6.7 of the RD specifies that all slurry/manure generated on site shall be stored in a manner which does not pollute ground or surface waters.

Slurry/manure generated at the installation shall be recovered to land as fertiliser in accordance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2009 and the conditions of the RD.

These measures will aid in achieving the target of good water quality by 2015 under the Water Framework Directive (Directive 2000/60/EC).

EU Nitrates Directive (91/676/EEC)

The Nitrates Directive (91/676/EEC) has the objective of reducing water pollution caused or induced by nitrates from agricultural sources and to further prevent such pollution with the

primary emphasis being on the management of livestock manures and other fertilisers. This Directive has been transposed into Irish legislation by the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2009 (S.I. No. 101 of 2009).

There are c.40 weeks slurry storage at the installation. The RD specifies the minimum slurry storage requirements for this installation in accordance with the Nitrates Regulations. The RD requires that where pig manure is landspread, such practice shall be undertaken in accordance with the Regulations and the conditions of the RD.

Habitats Directive (92/43/EC) & Birds Directive (79/409/EEC)

The River Barrow and River Nore candidate Special Area of Conservation (cSAC) site code no. 2162 is located c.450m east of the installation. The cSAC is of particular conservation interest as it is home to the hard water form of the Fresh Water Pearl Mussel (*Margaritifera margaritifera durrovensis*). It is noted in a submission from the Department of Environment, Heritage and Local Government that this is one of very few species which occurs only in Ireland. The mussel was abundant in the Owvey (Nore) river twenty years ago but is now on the verge of extinction.

Uncontaminated surface water run-off from the roofs and clean yards on site is discharged to ground but in turn drains towards the surface water, Owvey (Nore) River. Pig slurry shall be recovered on land as fertiliser in accordance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2009 and the conditions of the RD. It is not considered that the activity, when operated in accordance with the conditions of the RD, is likely to have an effect on the cSAC. The surface water discharge shall not be contaminated and diffuse pollution associated with the use of slurry/manure as fertilizer on farmland shall be minimised when undertaken in accordance with the conditions of the RD and the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2009.

Emissions from the activity are not considered likely to impact on the designated area.

Submissions

Three submissions have been received in relation to this application.

(1) 19th March 2010 Laois County Council

The submission states that the County Council have no objection to the granting of an IPPC licence, however it wishes to see the following conditions or similar attached to the licence:

- All new structures shall be constructed to the appropriate Department of Agriculture & Food Farm Building Specifications;
- The developer shall submit to the Agency before 31st December of each year a full schedule of all lands that it is intended to spread slurry on in the following year. No slurry shall be spread on lands without the prior approval of the Agency of a Nutrient Management Plan for those lands;
- The developer shall submit to the Agency before 31 January detailed records of all landspreading of slurry for the preceding year. The detail shall include the lands on which the slurry was spread, the quantity of slurry spread, dates on which it was spread and weather conditions. Evidence shall also be provided that the volume of slurry spread does not exceed the volume necessary for the particular crop;
- The developer shall keep on site at all times, detailed records of all landspreading of slurries from this piggery. These records shall include dates, volumes, weather conditions and a nutrient management plan for the lands on which slurry was spread. These records shall be available for inspection by the Agency at all times;
- The requirements of the Nitrates Regulations (S.I. No. 378 of 2006) {this has since been revoked by S.I. No. 101 of 2009} shall be adhered to at all times by the developer; and

- Only clean/uncontaminated water to be discharged to any drain or watercourse.

Response:

Condition 6.11 of the RD requires that all storage facilities shall conform to the Department of Agriculture, Fisheries and Food specifications or equivalent standard. The RD requires the licensee to submit details, in accordance with the conditions of the RD (condition 8), to demonstrate adequate recovery capacity for pig slurry generated on the installation by the 1st January annually. Condition 11.9 of the RD requires the maintenance of a 'slurry register' in accordance with the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2009. The RD requires that records shall be maintained on-site for inspection. Nothing in the RD shall be construed as negating the licensee's statutory obligations or requirements under any other enactments or regulations. Condition 5.2 of the RD specifies that no polluting matter shall be discharged to the surface water drainage system and condition 6.8.5 specifies that there shall be no unauthorised discharge of polluting matter to water.

Article 30(2) of the *Nitrates Regulations (S.I. No. 101 of 2009)* specifies that a local Authority shall carry out or cause to be carried out such inspections of farm holdings as is necessary for the purpose of the regulations.

(2) 27th May 2010 Peter Sweetman & Associates.

Peter Sweetman & Associates made a submission on behalf of the directors of the Swans and the Snails Ltd.

The submission points out that no Environmental Impact Statement (EIS) was submitted with the application. The submission identifies the requirements for an Environmental Impact Assessment in relation to installations for the rearing of pigs and poultry, under Annex I of European Directive 85/337/EEC as amended by Directives 97/11/EC and 2003/35/EC and Annex II of the European Communities (Environmental Impact Assessment) (Amendment) Regulations 1999 (S.I. No. 93 of 1999). The submission states that the project exceeds the requirement for Environmental Impact Assessment, therefore the application is invalid.

The submission draws attention to the declaration of the European Court of Justice Case 06/66 and provides a quote from the case which concludes '*Ireland has failed to fulfil its obligations under the directive*'. The submission states that although the case specifically referred to the licensing of a fish farm, it is clear that the judgement refers to licensing, as performed by the EPA.

The submission also quotes an extract from Circular Letter PD 2008/05 from the Minister for the Environment, Heritage & Local Government, which includes that '*administrative bodies such as planning authorities and An Bord Pleanála, being emanations of the State, are bound to comply with Community law and if necessary to disapply national law*'. The submission concludes that it is not legally possible for the EPA to grant a licence for this development.

Response:

As identified above the most recent planning permission granted for this installation was in September 2006, the applicant was not required to submit an Environmental Impact Statement in support of the planning application. An EIS was however submitted in support of a planning application submitted to Laois County Council in 2004, planning permission was granted in September 2004. This EIS was also submitted in support of this IPPC licence application. Laois County Council made a submission in relation to this application, which is outlined above, their submissions states that they have no objection to the granting of an IPPC licence.

It is noted that in accordance with Article 12(1) of the Environmental Protection Agency (Licensing) Regulations, 1994 (S.I. No. 85 of 1994), an EIS is only required to be submitted as part of an IPPC licence application when an EIS is required as part of the application for

planning permission for the development. The EIS submitted in support of this licence application has been assessed and having regard to the statutory responsibilities of the EPA, I am satisfied that it complies with Article 94 and Schedule 6 of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) and EPA Licensing Regulations (S.I. No. 85 of 1994, as amended).

(3) 22nd September 2010 Department of Environment, Heritage and Local Government

The submission includes the nature conservation recommendations of the Department of Environment, Heritage and Local Government. In particular it is noted that objective 2 of the conservation objectives states:

'to maintain the Annex II species for which the cSAC has been selected at favourable conservation status: ... Margaritifera durrovensis'.

It is noted that the development lies close to the River Barrow and River Nore candidate Special Area of Conservation (cSAC), Site Code 2162. The cSAC is of particular conservation interest as it is home to the hard water form of the Fresh Water Pearl Mussel (*Margaritifera margaritifera durrovensis*). It is noted that this is one of very few species which occurs only in Ireland. The mussel was abundant in the river twenty years ago but is now on the verge of extinction.

It is noted that due to the location of the development and the likelihood that it will have a significant effect thereon [i.e. the cSAC] either individually or in combination with other developments, in accordance with regulation 32 of the European Communities (Natural Habitats) regulations, 1997 and 2005, the EPA shall ensure that an appropriate assessment is undertaken. Impacts of effluent from the plant should be assessed and impacts from spreading of manure must be assessed.

Response:

As noted above, the installation is c.450 metres east of the cSAC. There are no process effluent emissions to the cSAC. Uncontaminated surface water is collected from roofs and yards and discharged via SW1 to ground but in turn drains towards the surface water, Owvey (Nore) River. Many of the buildings on-site have been upgraded and yards were clean when the installation was visited, therefore contamination of the surface water emission is considered unlikely. *Schedule C.2.3* of the RD requires quarterly BOD/COD monitoring and a weekly visual inspection of storm water emissions (SW1). Condition 6.8.5 of the RD states that there shall be no unauthorised discharge of polluting matter to water.

There are no process effluent discharges to ground from the installation, there is however a percolation area associated with an on-site septic tank. Condition 3.8 of the RD requires that the waste water treatment system and percolation area shall satisfy the criteria set out in the *Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)*, published by the EPA. Condition 6.6 of the RD requires an assessment of underground and overground effluent storage tanks including integrity testing of pipelines and liquid feed storage tanks. Proposals for repair of any defects identified are to be included in a tank and pipeline assessment report to be submitted as part of the Annual Environmental Report. Such assessment will highlight any potential sources of groundwater contamination on-site which could recharge to the surface water system, Owvey (Nore) River.

Slurry/manure has the potential to cause significant environmental pollution, however when used as a fertiliser in accordance with the conditions in the RD and the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2009 it should not have a significant impact. The applicant has identified 21 farmers who are available/seeking to accept slurry/manure from the installation as fertiliser for their farms. The applicant has calculated that these farms have a need for up to 17,431m³ of pig slurry/manure per annum based on the nitrogen balance for the farms (nutrient management plan).

While the submission identifies that the EPA shall ensure that an appropriate assessment of the implications for the site in view of the sites conservation objectives is undertaken, it should be noted that Section 32(2) of the European Communities (Natural Habitats) Regulations, 1997 and 2005 states that

An environmental impact assessment in respect of an operation or activity referred to in paragraph (1) shall be an appropriate assessment for the purposes of paragraph (1).

An EIS was prepared in respect of the development in 2004 in support of a planning application submitted to Laois County Council. The EIS was also submitted in support of this IPPC licence application.

Site Visit

I visited the site on the 24th March 2010, and conducted a site inspection accompanied by Mr. Paul Tully and also confirmed that the site notice was present. The installation has been significantly re-developed (including refurbishment of buildings and slurry storage facilities) over the last number of years. The installation is well maintained and movement of animals across clean yards is avoided.

Cross Office Liaison

Extensive communication has taken place between the environmental licensing programme and the Office of Environmental Enforcement (OEE) in relation to licensing of the intensive agricultural sector. Advice and guidance issued by the OEE co-ordinated Intensive Agriculture Sectoral Working Group was followed in my assessment of this application.

Environmental Impact Statement

I have examined and assessed the EIS, submitted in support of the licence application, and having regard to the statutory responsibilities of the EPA, I am satisfied that it complies with Article 94 and Schedule 6 of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) and EPA Licensing Regulations (S.I. No. 85 of 1994, as amended).

Best Available Techniques (BAT)

I have examined and assessed the application documentation. I am satisfied that the site, technologies and techniques specified in the application and as confirmed, modified or specified in the attached RD comply with the requirements and principles of BAT. I consider the technologies and techniques as described in the application, in this report, and in the RD, to be most effective in achieving a high general level of protection of the environment having regard – as may be relevant – to the way the installation is located, designed, built, managed, maintained, operated and decommissioned.

Fit & Proper Person Assessment

The Fit & Proper Person test requires three elements of examination, technical ability, legal standing and financial standing. It is my view that the applicant can be deemed a Fit and Proper Person for the purpose of this licence.

Charges

The RD requires that the licensee pay an annual charge of €4,862 to the Agency to cover the anticipated enforcement effort for the site.

Recommendation

I recommend that the Proposed Determination be issued subject to the conditions and for the reasons as drafted.

Signed,



Patrick Byrne
Senior Inspector,
Office of Climate Change, Licensing and Resource Use

Procedural Note

In the event that no objections are received to the Proposed Determination of the application, a licence will be granted in accordance with Section 85(4) of the Environmental Protection Agency Act 1992 as soon as may be.