

This report has been cleared for submission to the Director by the Programme Manager Frank Clinton
Signed [Signature] Date 29/8/11



**OFFICE OF CLIMATE,
LICENSING &
RESOURCE USE**

LICENSING UNIT MEMORANDUM

TO:	Laura Burke/Directors
FROM:	Programme Manager
DATE:	23 rd August 2011
RE:	Request for the transfer of Waste licence, Reg. No. W167-02, from Indaver Ireland (Branch of Indaver NV) to Indaver Ireland, CRO No 59667.

Background

Licence Reg. No. W0167-02 was granted to Indaver Ireland (Branch of Indaver NV) on the 12th January 2011. Indaver Ireland (Branch of Indaver NV), registered at Haddington Terrace, Dun Laoighaire, County Dublin and Indaver Ireland Limited, registered at the same address, applied to the Agency on 28th March 2011, to transfer the licence to Indaver Ireland Limited. The transfer of licence shall allow Indaver Ireland Limited to operate the installation, currently operating at Carranstown, Duleek, County Meath, under licence Reg. No. W0167-02.

The Agency is informed that Indaver Ireland limited is a limited liability company incorporated under the laws of Ireland and registered in the Companies Registration Office (Registered Number 59667).

Indaver Ireland Limited already operates a licensed facility (W0036-02) at Tolka quay Road, Dublin 1.

Assessment

The application was assessed under Section 47 of the Waste management Acts 1996 to 2011. It is deemed to comply with the requirements of the above, as follows:

Requirements of Section 47(2) and 47(3)

- The application complies with Subsection (2) having been jointly made by the current licensee and the proposed transferee.
- The application was made in the form prescribed by the Agency.
- The application was accompanied by the appropriate fee, in accordance with Article 43 of the Waste (Licensing) Regulations 2004 to 2011.

Such information as may be required by Section 47(3)

- The applicants have a fully detailed and costed Decommissioning Management Plan (DMP).
- The applicants have a fully detailed and costed Environmental Liability Risk Assessment (ELRA).

- The transferee or any relevant person has not had an application for a licence refused.

Requirements of Section 47(5)

- Information in relation to the status of the proposed transferee as a ‘Fit and Proper Person’ has been provided and, based on a review of the information; the proposed transferee has no relevant convictions and has sufficient technical experience and support.
- In relation to Financial Provision, a bond (DMP) and insurance policy (ELRA) are to be provided for Indaver Ireland Limited. This Financial Provision has been agreed with the Office of Environmental Enforcement.

Requirements of Section 47(6)

- The proposed transferee has stated in writing that they accept all liabilities, requirements and obligations provided for in the licence, including a period prior to the transfer of a licence.

Recommendation

It is recommended that the transfer of Waste licence Reg. No. W0167-02 from Indaver Ireland (Branch of Indaver NV) to Indaver Ireland Limited, CRO No. 59667 is approved under Section 47 of the Waste management Acts 1996 to 2011.

Gavin Clabby
Inspector, OCLR



Memorandum

DATE:	August 26 2011
TO:	Dara Lynott, Directors
FROM:	Kieran O'Brien
SUBJECT:	Proposed licence transfer for W0167-02 from Indaver Ireland (Branch of Indaver NV) to Indaver Ireland Limited

1. SITUATION

This proposed transfer of licence is to allow the entity holding licence W0167-02 to change its name from Indaver Ireland (Branch of Indaver NV) to Indaver Ireland Limited. Indaver Ireland Limited is the legal entity which will operate the plant and as such the OEE is requiring that the transfer is in place before waste incineration can commence at the site.

1. ELRA

An updated ELRA was submitted by Indaver to the Agency in July 2011, on foot of a request for further information submitted to Indaver in May 2011 (requesting information on the original ELRA submitted to the Agency in March 2011). The estimated worst case scenario costs for a single incident is estimated at €330,000. The Indaver Group holds environmental liability insurance with a claim limit of €12,500,000 for each claim (and for the total in one year), and a deductible of €25,000 for each claim.

The cost identified and the financial mechanism were approved by the Agency by letter dated 15 August 2011, subject to ongoing annual review as per the licence requirements.

2. DMP

An updated DMP was submitted by Indaver to the Agency in July 2011, on foot of a request for further information submitted to Indaver in May 2011 (requesting information on the original DMP submitted to the Agency in March 2011). The total cost estimate is specified at €816,581.

Indaver has made provisions for this cost by means of a bond held with Nationale Borg bank (Netherlands). Nationale Borg requested changes to two clauses in the standard template bond, and these were passed to Barry Doyle & Co. for review. Review by Alan Doyle indicated that the bond as amended will provide adequate reassurance to the Agency that the licensee will be able to meet the requirements of the licence.

The cost identified and the financial mechanism were approved by the Agency by letter dated 22 August 2011, subject to ongoing annual review, and subject to a revised bond being issued prior to commencement of incineration to address some minor issues as follows:

- The financial security agreement shall refer to the Agency headquarters rather than the Dublin regional offices, i.e. Environmental Protection Agency, Headquarters, Johnstown Castle Estate, County Wexford, Ireland;
- The company registration number for Indaver Ireland Limited shall be included in the financial agreement;
- Condition 1.1 of the agreement shall be amended to include reference to the 'European Communities (Environmental Liability) Regulations 2008'.

The licensee will not be permitted to incinerate waste until the amended bond and transfer application are in place.

Recommendation

Based on the above I recommend the transfer of this licence Reg. No. W0167-02 from Indaver Ireland (Branch of Indaver NV) to Indaver Ireland Limited.



Kieran O'Brien
Programme Manager
Office of Environmental Enforcement