

MEMORANDUM

Environmental
Protection Agency

14 JUL 2010



To: Ms. Ana Bolger

From: Mr. Thomas Sexton, Inspector

Date: 13th July 2010

Re: Amendment of Waste Licence Reg. No. W0223-01 under Section 42B of the *Waste Management Act 1996*, as amended.

At a site inspection on 31st March 2010 at Fingal County Council's Waste Licence Facility Reg. No. W0223-01, the Agency noted that the waste activity to which the waste licence relates has not commenced. The licence was granted on 2nd November 2007. Following an examination of the licence, the inspector's report and a discussion with Fingal County Council, it appears that an error has been made in the licence. The error relates to Condition 1.9.

Condition 1.9 states that "*having regard to the nature of the activity and arrangements necessary to be made or made in connection with the carrying on of the activity, the specified period for the purposes of Section 41(1) of the Waste Management Acts 1996 to 2005, is 5 years.*"

Section 41(1) states: A waste licence may provide as respects any condition attached to it that the condition shall be complied with before or after any activity to which the licence relates has been commenced or has ceased.

Condition 1.9 refers in error to *Section 41(1) of the Waste Management Act 1996 to 2005*. It would seem that Condition 1.9 should refer to *Section 49(2) of the Waste Management Act 1996 to 2005*.

Section 49(2) states: The Agency may, having regard to the nature of the activity to which a waste licence to be granted or granted by it will relate or relates, as the case may be, and any arrangements necessary to be made or made in connection with the carrying on of the activity and any other relevant consideration—

(a) specify for the purposes of subsection (1) a period of more than 3 years beginning on the date on which the licence is to be granted,

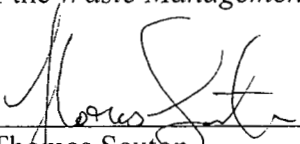
(b) in the case of a waste licence granted by it, on an application which complies with such requirements (if any) as may be prescribed being made by the holder of the licence in that behalf, extend for the purposes of subsection (1) the period referred to in that subsection or specified by it under paragraph (a), as may be appropriate.

Recommendation

I recommend that the Agency amends Condition 1.9 to read:

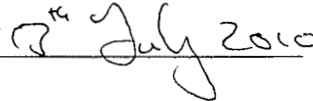
“Having regard to the nature of the activity and arrangements necessary to be made or made in connection with the carrying on of the activity, the specified period for the purposes of *Section 49(2) of the Waste Management Act 1996 to 2005*, is 5 years.”

Signed:



Thomas Sexton
Inspector

Date:



13th July 2010