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19 April 2013

Reg. No. W0254-01

re : **Notice in accordance with Article 16(1) of the Waste Management (Licensing) Regulations**

Dear Mr Wall,

I am to refer to the above referenced application for a waste licence relating to a facility at Cemex (ROI) Limited, Walshestown, Blackhall, Tipperkevin and Bawnoge, Naas, Co. Kildare. The stage has now been reached where the Agency is giving detailed consideration to the application and to complete this task the following information, particulars and evidence are required in accordance with Article 16(1) of the Regulations.

**ARTICLE 16(1) - FURTHER INFORMATION, PARTICULARS AND EVIDENCE**

1. In accordance with section 53(1) of the Waste Management Acts 1996 to 2012, please furnish particulars in respect of the ability of Cemex (ROI) Limited to meet the financial commitments of liabilities that will be entered into or incurred in carrying on the proposed activity and provide evidence that Cemex (ROI) Limited will be in position to make financial provision that is adequate to discharge these financial commitments. Specifically:
  - (a) Prepare a fully detailed and costed Closure, Restoration and Aftercare Management Plan (CRAMP) for the facility, to include as a minimum the following:
    - A scope statement for the plan.
    - The criteria which define the successful closure and restoration of the facility or part thereof, and which ensure minimum impact to the environment.
    - A programme to achieve the stated criteria.
    - Where relevant, a test programme to demonstrate the successful implementation of the plan.
    - Details of the long-term supervision, monitoring, control, maintenance and reporting requirements for the restored facility.
    - Details of the costings for the plan and the financial provisions to underwrite those costs.
  - (b) Prepare a fully detailed and costed Environmental Liabilities Risk Assessment (ELRA) which addresses the liabilities and potential liabilities from past and proposed activities, including those liabilities and costs identified in the CRAMP. Provide evidence that the assessment was



prepared or reviewed, and was found to be complete and accurate, by an independent and appropriate qualified consultant or expert.

- (c) Provide a proposal for financial provision to cover any liabilities associated with the operation and identified in the ELRA (including closure, restoration and aftercare and unanticipated accidents, incidents and liabilities). Provide evidence that Cemex (ROI) Limited will be in a position to put such financial provision in place in the event that a waste licence is granted and prior to development works commencing.

The preparation of the CRAMP and ELRA and evaluation of the amount and form of financial provision should have regard to Environmental Protection Agency guidance including *Guidance on Environmental Liability Risk Assessment, Residuals Management Plans and Financial Provision (2006)*.

2. Provide information on the mechanism for setting landfill gate fees such that the requirements of section 53A of the Waste Management Acts 1996 to 2012 are met.
3. Provide a description of any works carried on at the facility where the details of these works have not previously been submitted in the application or further information to the Agency. The information should include additional drawings as appropriate.
4. Provide any additional environmental monitoring information which has been obtained but not previously forwarded to the Agency as part of the application. An assessment of the results should also be provided.

In the case where any drawings already submitted are subject to revision consequent on this request for further information, a revised drawing should be prepared in each case. It is not sufficient to annotate the original drawing with a textual correction. Where such revised drawings are submitted, provide a list of drawing titles, drawing numbers and revision status, which correlates the revised drawings with the superseded versions. Your reply to this notice should include a revised non-technical summary (EIS and Application Form), which reflects the further information you supply in compliance with the notice, insofar as that information impinges on the relevant *non-technical summary*.

Please supply the information in the form of a one original plus two copies within **eight weeks** of the date of this notice. In addition submit sixteen copies of the requested information to the Agency in electronic searchable PDF format on CD-ROM. Please note that all maps/drawings should not exceed A3 in size.

Please note that the application's register number is Reg. No. W0254-01. Please direct all correspondence in relation to this matter to *Administration, Licensing Unit, Office of Climate Change, Licensing & Resource Use, Environmental Protection Agency, Headquarters, PO Box 3000, Johnstown Castle Estate, County Wexford* quoting the register number.

Yours sincerely,



Ewa Babiarczyk

Inspector

Office of Climate Change, Licensing & Resource Use