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Mr Derek Milton  
Fehily Timoney & Company  
J5 Plaza  
North Park Business Park  
North Road  
Dublin 11

24 June 2013

Waste Licence Application Reg. No.: W0234-02

**Re.: Notice in accordance with Article 14(2)(b)(ii) of the Waste Management (Licensing) Regulations 2004, as amended.**

Dear Mr Milton,

I am to refer to the above referenced application for a waste licence relating to a facility at Green Road, Kilbarry, Six Cross Roads Business Park, Waterford City, Co. Waterford. Having examined the documentation submitted, I am to advise that the Agency is of the view that the documentation does not comply with Article 12 of the Waste Management (Licensing) Regulations.

You are therefore requested, in accordance with Article 14(2)(b)(ii) of the regulations, to take the steps and supply the information detailed below:

#### **ARTICLE 12 COMPLIANCE REQUIREMENTS**

1. State whether or not the storm water attenuation pond will be lined. Indicate how discharge through the base of the pond will be limited in order to avoid discharge to groundwater.
2. In accordance with section 53(1) of the Waste Management Acts 1996 to 2013, please furnish particulars in respect of the ability of Waterford City Council to meet the financial commitments of liabilities that will be entered into or incurred in carrying on the proposed activity and provide evidence that Waterford City Council 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:
    - i. A scope statement for the plan.
    - ii. The criteria which define the successful closure and restoration of the facility or part thereof, and which ensure minimum impact to the environment.



- iii. A programme to achieve the stated criteria.
  - iv. Where relevant, a test programme to demonstrate the successful implementation of the plan.
  - v. Details of the long-term supervision, monitoring, control, maintenance and reporting requirements for the restored facility.
  - vi. 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 Waterford City Council 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)*.

In the case where any drawings already submitted are subject to revision consequent on this request, 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.

**Please supply the information in the form of a one original plus one copy in hardcopy format within 8 weeks of the date of this notice. In addition please submit two copies of the requested information in electronic searchable PDF format on a CD-ROM to the Agency. Please note that all maps/drawings should not exceed A3 in size.**

Please note that the application's register number is **W0234-01**. Please direct all correspondence in relation to this matter to Administration, Licensing Unit, Office of Climate, Licensing & Resource Use, Environmental Protection Agency, Headquarters, PO Box 3000, Johnstown Castle Estate, County Wexford quoting the register number.

Yours sincerely,

  
Ms Caroline Murphy  
Inspector  
Environmental Licensing Programme  
Office of Climate, Licensing & Resource Use