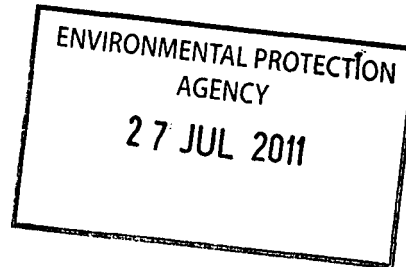


Mr James McGrath  
Ashleigh House  
Ballynameelagh  
Cappagh  
Co Waterford

4<sup>th</sup> July 2011.

Office of Climate Licensing & Resource Use  
Environmental Protection Agency  
P.O Box 3000  
Johnstown Castle Estate  
Wexford



Re: IPPC Licence Application Reg. No. PO and the classification and status of manure of farmed animals, including poultry litter, as by-product authorised for use on farmland.

Dear Sirs

I refer to my IPPC licence Reg. No P0447-01

I am conscious of the current practice in which the Environmental Protection Agency seems to seek to regulate or control as "waste" the manure and litter produced in the installation where my licensed Intensive Agriculture activity is carried on, through some of the Conditions included in the licence granted to me as the Operator of my activity. That has been and is a matter of serious concern for me.

Notwithstanding anything contained in documents submitted to the EPA during the processing of the application for my licence in relation to my management of animal manure produced by the activity in the installation, I want to state clearly that I now understand that manure and litter is Animal By-Product (Category 2) that I place on the market and transfer to others (customers) for their use and benefit in fertilising farmland. I do that with the knowledge that such transfer is authorised and lawful, and that use of the transferred material by others is required to be in compliance with terms and standards, limits and restrictions applicable to them and contained in the legislation under which the classification, transfer and use of manure are governed.

I understand and believe that the Agency is aware of the relevant governing legislation which includes the animal By-Products Regulation (EC/1069/2009, (previously EC/1774/2002)), S.I. 252 of 2008, S.I. 253 of 2008 as well as the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010 (S.I. 610 of 2010, widely referred to as the Nitrates Regulations).

I also understand and believe that management and use of manure of farmed animals, including poultry litter, is excluded from the scope of waste legislation on account of that material being governed under separate legislation. That fact has been recognised in the Directive on waste and in National law for some time.

I further understand that provisions in the current Directive on waste have been recently given full effect in Ireland in S.I. 126 of 2011, which clearly excludes animal manures (and other animal by-products) from the scope of the Waste Management Acts and waste Regulations.

Accordingly, I want the EPA to note and know that I have in the past managed, and do now manage in the installation all the manure / litter produced by the activity that is the subject of the Application to which this communication relates, and manage the transfer of all that manure / litter from the installation to others, in accordance with the statutory provisions included in the relevant governing legislation.

In that context, I do:

- Collect all the manure / litter produced in the installation,
- Have storage capacity or access to storage that complies with the requirements in S.I. 610 of 2010 (including required freeboard in tanks),
- Prevent spillage and leakage from tanks and from the installation,
- Transfer manure/litter to others on the terms provided for in the governing Regulations, and
- Record as required all transfers of manure from the installation.

While I do actively manage all the manure/litter within in the installation and supervise and record its despatch from the installation, I do not use or process any of it in the installation.

I do not, and cannot, engage in the management on customers' farms of manure use, or engage in or supervise customers' management on their holdings of N and P nutrients contained in any of the fertiliser sources customers choose to avail of or use.

I do not use any land, customers' lands or other lands anywhere, for the purpose of "landspreading" of manure / litter produced by the activity carried on in the installation.

Accordingly, I now request that the Agency review under section 90(5) (e) of the EPA Acts 1992 and 2003, or otherwise amend my licence to remove "landspreading" and related conditions, following consultation on this matter.

Attached is cheque for €126 in respect of the fee required with this request.

Yours sincerely,



Name,

Licensee.