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Mr Conor Wall
Golder Associates Ireland
Town house Centre
Dublin Road
Naas
Co. Kildare

15 July 2013

Waste Licence Application Reg. No.: W0246-01

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

Dear Mr Wall,

I am to refer to the above referenced application for a waste licence relating to a proposed facility at Former Mitsui Denman Plant, Wallingstown & Inchera, Little Island Road, Little Island, County Cork. 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. Please provide the information requested in the notice issued by the Agency on 29 August 2011.
2. Clarify whether the IDA sewer discharges into a local authority sewer. If this is not the case provide details on the sewer or waste water treatment plant it discharges to. It is stated that the sanitary authority is Cork County Council. Clarify the Council's role in the regulation of discharges to the IDA sewer or subsequent connections.
3. Clarify why foul effluent is tankered off-site to a wastewater treatment plant and not discharged into the IDA sewer.
4. Undertake a screening for Appropriate Assessment and state whether the activity, individually or in combination with other plans or projects is likely to have a significant effect on a European Site(s), in view of best scientific knowledge and of the conservation objectives of the site(s).

Where it cannot be excluded, on the basis of objective scientific information, following screening for Appropriate Assessment, that an activity, either individually or in combination with other plans or projects, will have a significant effect on a European Site, the applicant shall provide a Natura Impact

Statement, as defined in Regulation 2(1) of the European Communities (Birds and Natural Habitats) Regulations (S.I. No. 477 of 2011). Where, based on the screening, it is considered that an Appropriate Assessment is not required; a reasoned response should be provided.

You are furthermore advised to refer to the document 'Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities', issued in 2009 by the Department of the Environment, Heritage and Local Government, and revised in 2010.

5. State whether the material to be generated by the construction, demolition and excavation waste recovery activity and used for site restoration will be classified as a waste or whether the material will have achieved end-of-waste status. If the latter, in the context of article 28 of the European Communities (Waste Directive) Regulations 2011, state what criteria will be developed for the material to ensure it meets the conditions set out in article 28(1)(a). The criteria should specify any appropriate engineering standards for materials, include limit values for pollutants and take into account any possible adverse environmental effects of the recovered material used in the recovery activity.
6. In accordance with section 53(1) of the Waste Management Acts 1996 to 2013, please furnish particulars in respect of the ability of Thornbush Holdings 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 Thornbush Holdings 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:
 - 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 Thornbush Holdings 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)*.

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 **W0246-01**. 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,

A handwritten signature in blue ink that reads 'Caroline Murphy' is written over a horizontal line.

Ms Caroline Murphy

Inspector

Environmental Licensing Programme

Office of Climate, Licensing & Resource Use

