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18 November 2013

W0280-01

Notice in accordance with Article 14(2)(b)(ii) of the Waste Management (Licensing) Regulations

Dear Mr Luby,

I am to refer to the above referenced application for a waste licence relating to the Brownswood Inert Waste Recovery Facility at Brownswood, Enniscorthy, County Wexford. 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

Natura Impact Statement (NIS)

It is noted that a NIS has already been submitted. However, it is considered that some aspects of the NIS need addressing (see below). Therefore so as to enable the Agency to ascertain if the proposed activity will affect the integrity of a European Site you are requested to prepare and submit a new NIS. The NIS must address the requirements of Article 42(5) of the Habitats Regulations 2011 (SI 477 of 2011).

In particular the following should be addressed in relation to assimilative capacity calculations:

- Actual data for the discharge from the site rather than quarry void water quality data should be used. It is noted that the Trade Discharge Licence from Wexford County Council required quarterly monitoring of BOD, COD and suspended solids.
- 95%ile river flow values should be used.
- More recent upstream quality data for suspended solids in the River Slaney should be used. It is noted that some of the data used dates back to 1999.

- The assimilative capacity calculations should be carried out on a worst case emissions scenario basis utilising 95%ile flows and worse case emissions data. Average emissions data is not sufficient.
- Include, to facilitate comparison, actual downstream quality data on the River Slaney.

Your reply to this notice should include a revised non-technical summary (Application Form and EIS) which reflects the information you supply in compliance with the notice, insofar as that information impinges on the non-technical summary.

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 (1) original plus one (1) copy in hardcopy format within 8 weeks of the date of this notice. In addition submit sixteen (16) 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 **W0280-01**. Please direct all correspondence in relation to this matter to Administration, *Environmental Licensing Programme, Office of Climate, Licensing & Resource Use, Environmental Protection Agency, Headquarters, PO Box 3000, Johnstown Castle Estate, County Wexford* quoting the register number.

Yours sincerely,



Michael Owens
Inspector
Office of Climate, Licensing & Resource Use