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This report has been cleared for submission to the
Director by the Programme Manager Mr Frank Clinton
Signed: Julius Date: 4/3/14

ENVIRONMENTAL LICENSING PROGRAMME MEMORANDUM

TO: DARA LYNOTT, DIRECTOR

C.C: Frank Clinton, Programme Manager

FROM: John McEntagart, Inspector

DATE: 4th March 2014

RE: Recommendation to consider a waste licence application to have been abandoned: Application Register Number W0208-02, Oxigen Environmental Limited, Ballymount Road Lower, Clondalkin, Dublin 22.

Oxigen Environmental Limited operates a materials recovery facility and hazardous waste transfer station at Ballymount Road Lower, Clondalkin, Dublin 22 and is authorised under the existing licence, W0208-01, to accept up to 250,000 tonnes per annum of hazardous and non-hazardous household, commercial, industrial, construction and demolition waste. On 07/05/2010, the applicant applied to the Agency for a review of the existing waste licence, Reg. No. W0208-02, to seek an increase in waste acceptance (up to 350,000 tpa) and to accept MSW for pre-treatment. The following represents a chronological sequence of correspondence with the applicant.

Following assessment of the licence application, a notice under article 14(2)(b)(ii) of the Waste Management (Licensing) Regulations was issued to the applicant on 14/03/2013.

In a letter received 31/07/2013, the applicant requested more time to prepare the information under article 14. In a further letter received 23/10/2013, in response to the Agency's reminder letter of 03/10/2013 requesting a response to the Article 14 notice, the applicant again requested additional time. The applicant stated that it was asking the planning authority if the existing planning permission and EIS are affected by revised plans for the processing of MSW.

On 30/01/2014, there was a major fire at the facility and it is likely to be some time before the facility will be operating again, let alone in a position to respond to the Article 14 notice.

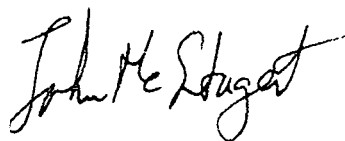
Despite numerous discussions with the applicant and reminders to provide the outstanding information, the applicant has failed to substantively respond to the Agency's requests. For this reason, and the delays resulting from both the need to clarify the planning and EIS status with the planning authority and the demands of getting operations back up and running after the fire, I am of the opinion that the application has been abandoned and should, in accordance with Article 21 of the Waste Management (Licensing) Regulations 2004, be regarded by the Agency as having been withdrawn.

Recommendation

I recommend that in accordance with article 21 of the Waste Management (Licensing) Regulations 2004, as amended, the Agency forms the opinion that the application has been abandoned.

In the event that the application is considered by the Agency to have been abandoned, I recommend that the Agency write to Oxigen Environmental Limited specifying a period of 21 days within which they may make a submission in writing as to why the application should not be regarded as having been withdrawn.

Signed:

A handwritten signature in black ink, appearing to read "John McEntagart". The signature is written in a cursive style with a large initial 'J' and 'M'.

John McEntagart
Inspector
Environmental Licensing Programme