

**ENVIRONMENTAL PROTECTION AGENCY ACT 1992 AS  
AMENDED**  
**NOTIFICATION OF A PROPOSED DETERMINATION OF AN APPLICATION FOR AN  
INDUSTRIAL EMISSIONS LICENCE IN ACCORDANCE WITH SECTION 87(2) OF THE  
ENVIRONMENTAL PROTECTION AGENCY ACT 1992 AS AMENDED.**

In pursuance of the powers conferred on it by the above mentioned Act, the Agency proposes to determine the review application by Murphy Environmental Hollywood Limited, Hollywood Great, Nag's Head, The Naul, County Dublin, CRO number 448931 (Licence Register No. W0129-03), under Section 83 (1) of the said Act in the following manner:

The applicant submitted the application, plans, documents and other particulars on 17 December 2010.

It is proposed, for the reasons hereinafter set out, to refuse to grant a licence to the above named applicant to carry on the following activities:

- 11.1 The recovery or disposal of waste in a facility, within the meaning of the Act of 1996, which facility is connected or associated with another activity specified in this Schedule in respect of which a licence or revised licence under Part IV is in force or in respect of which a licence under the said Part is or will be required;
- 11.2(b) Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving physico-chemical treatment;
- 11.4(a)(iv) Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day involving treatment of slags and ashes;
- 11.5 Landfills, within the meaning of section 5 (amended by Regulation 11(1) of the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008 (S.I. No. 524 of 2008)) of the Act of 1996, receiving more than 10 tonnes of waste per day or with a total capacity exceeding 25,000 tonnes, other than landfills of inert waste; and
- 11.6 Temporary storage of hazardous waste, (other than waste referred to in paragraph 11.5) pending any of the activities referred to in paragraph 11.2, 11.3, 11.5 or 11.7 with a total capacity exceeding 50 tonnes, other than temporary storage, pending collection, on the site where the waste is generated;

at Hollywood Great, Nag's Head, Naul, County Dublin.

A copy of the proposed determination accompanies this notification.

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Note: The form and content of an objection is set out in the attached extract from the Environmental Protection Agency (Industrial Emissions) (Licensing) Regulations 2013. S.I. 137 of 2013.

The fees for an objection and request for an oral hearing of the objection are as set out in the Environmental Protection Agency (Licensing Fees) Regulations 1994 to 2013.



## OBJECTIONS/ORAL HEARING REQUESTS

The applicant and any other person may object to the proposed determination, in accordance with Section 87(5) of the EPA Act 1992 as amended. In accordance with Section 87(12) of the EPA Act 1992 as amended, objections must be received at any time no later than:

**5.00 pm on 22<sup>nd</sup> July 2014**

A person making an objection may request an oral hearing of the objection, in accordance with Section 87(6) of the EPA Act 1992 as amended, at any time no later than the date specified above.

It is important to note that any objection to the proposed determination/request for an oral hearing of the objection must be made either on-line on the Agency's website at [www.epa.ie](http://www.epa.ie) or by sending it by prepaid post to the Headquarters of the Agency, or by leaving it with an employee of the Agency **at the Headquarters of the Agency in Wexford**, during office hours, i.e. 9.00am to 5.00pm Monday to Friday.

An objection against the proposed determination must include the grounds for the objection. An objection and a request for an oral hearing of an objection must **each** be accompanied by the appropriate fee, and be addressed to the Office of Climate, Licensing & Resource Use, EPA Headquarters, P.O. Box 3000, Johnstown Castle Estate, County Wexford.

A valid objection/request for an oral hearing of the objection must be received at the headquarters of the Agency **no later than 5.00 pm on the applicable date above**.

In order to be considered valid, an objection and a request, each must also comply with the other statutory requirements in relation to objections and requests for oral hearings as set out in the EPA Act 1992 as amended, the EPA (Industrial Emissions) (Licensing) Regulations 2013 and the EPA (Licensing Fees) Regulations 1994 to 2013. Extracts from the Acts and the Regulations accompany this notification.

In the event that:

- (a) no objection is taken against the proposed determination or
- (b) an objection or objections is or are taken against the proposed determination and the objection or objections is or are withdrawn,

the Agency will make its decision in accordance with the proposed determination and refuse to grant the licence as soon as may be thereafter.

A copy of the proposed determination may be downloaded from the Agency's website [www.epa.ie](http://www.epa.ie) or obtained from the Office of Climate, Licensing & Resource Use, Environmental Licensing Programme, EPA Headquarters, P.O. Box 3000, Johnstown Castle Estate, County Wexford.

Signed on behalf of the said Agency:



Dr Karen Creed  
Authorised Person

Date of notification:

25 June 2014

**Regulation 25 of the Environmental Protection Agency (Industrial Emissions)  
(Licensing) Regulations 2013**

**Form and content  
of objection**

- (1) An objection shall-
  - (a) be made in writing,
  - (b) state the name and address of the objector,
  - (c) state the reference number given under Regulation 38(2) to the application or the review in the register of licences and the subject matter of the objection,
  - (d) state the grounds for the objection and the reasons, considerations and arguments on which they are based, and
  - (e) be accompanied by a fee specified in accordance with Section 99A of the Act of 1992.
- (2) Without prejudice to Regulation 27, an objector shall not be entitled to elaborate in writing upon, or make further submissions in writing in relation to, the grounds for the objection stated in the objection, or to submit further grounds of objection and any such elaboration, submission or further grounds for the objection that is or are received by the Agency shall not be considered by it.
- (3)
  - (a) An objection shall be accompanied by such documents, particulars or other information relating to the objection as the objector considers necessary or appropriate.
  - (b) Without prejudice to Regulation 27, the Agency shall not consider any documents, particulars or other information submitted by an objector other than the documents, particulars or other information which accompanied the objection.
- (4) An objection shall be made -
  - (a) by sending the objection by prepaid post to the headquarters of the Agency, or
  - (b) by leaving the objection with an employee of the Agency at the headquarters of the Agency during office hours, or
  - (c) online via the website of the Agency where such facility is made available by the Agency.
- (5) The Agency shall as soon as may be after receipt of an objection acknowledge such receipt

**Sections 87(6) & (7) of the Environmental Protection Agency Act 1992, as amended**

**Section 87**  
Processing of  
applications for  
licences or reviews  
of licences

- (6) (a) A person making an objection under subsection (5) may request an oral hearing of the objection.
- (b) (i) A request for an oral hearing of an objection shall be made in writing to the Agency and shall be accompanied by such fee (if any) as may be payable in respect of such request in accordance with regulations under Section 99A.
- (ii) A request for an oral hearing of an objection which is not accompanied by such fee (if any) as may be payable in respect of such request shall not be considered by the Agency.
- (c) A request for an oral hearing of an objection shall be made before the expiration of the appropriate period, and any request received by the Agency after the expiration of that period shall not be considered by it.
- (7) An objection, or a request for an oral hearing under subsection (6), shall be made-
- (a) by sending the objection or request by prepaid post to the headquarters of the Agency, or
- (b) by leaving the objection or request with an employee of the Agency, at the headquarters of the Agency, during office hours, or
- (c) by such other means as may be prescribed.

## FEES FOR OBJECTIONS AND ORAL HEARINGS

### Summary of Environmental Protection Agency (Licensing Fees) Regulations 1994 to 2013

The following is a summary of the provisions of the above referenced regulations. Please refer to the full regulations for exact provisions.

#### **Fees for an objection**

- (1) A fee shall be paid to the Agency in respect of an objection.
- (2) Subject to (3) below, the fee payable under (1) above shall be the amount indicated in column (3) of the table below opposite the appropriate mention of objection in column (2) of the table below.
- (3) Where an objection is made to the Agency by -
  - (a) a local authority,
  - (b) a planning authority,
  - (c) a sanitary authority,
  - (d) the National Monuments Advisory Council,
  - (e) the Heritage Council
  - (f) Inland Fisheries Ireland,
  - (g) Failte Eireann
  - (h) in the case of an activity any part of which is situate within the functional area of the Shannon Free Airport Development Company Ltd., that Company, and
  - (h) An Taisce - The National Trust for Ireland,the fee payable in respect of the objection shall be the amount indicated in column (3) of the table below opposite the mention of a reduced fee for an objection in column (2) of the table below.

#### **Fee for request for an oral hearing**

- (1) Where a person making an objection under Section 87(5) of the Act of 1992, as amended, requests an oral hearing of the objection, a fee shall be paid to the Agency by that person. The fee payable in respect of a request for an oral hearing shall be the amount indicated in column (3) of the table below opposite the mention of the fee for an oral hearing in column (2) of the table below.

Column (1)	Column (2)	Column (3)
Objection Fees	Objection by the applicant or licensee	€253
	Objection by any other person other than a person mentioned at 3 above	€126
Reduced Objection fee (see 3 above)	Reduced fee for an objection	€63
Oral Hearing Fee	Fee for request for an oral hearing	€100



Headquarters  
P.O. Box 3000  
Johnstown Castle Estate  
County Wexford  
Ireland

**INDUSTRIAL EMISSIONS LICENCE**  
**Proposed Determination**

<b>Licence Application Register Number:</b>	W0129-03
<b>Company Register Number:</b>	448931
<b>Applicant:</b>	Murphy Environmental Hollywood Limited
<b>Location of installation:</b>	Hollywood Great Nag's Head Naul County Dublin

## ***Decision & Reasons for the Decision***

The Environmental Protection Agency is not satisfied, on the basis of the information available, that the requirements of Section 83(5) of the Environmental Protection Agency Act 1992 as amended have been met, in relation to:

- the activities that are the subject of the licence review application, and
- the status of the applicant as a fit and proper person,

and the Agency proposes to refuse to grant an Industrial Emissions licence to Murphy Environmental Hollywood Limited, Hollywood Great, Nag's Head, Naul, County Dublin, CRO Number 448931.

In reaching this decision the Environmental Protection Agency has considered the documentation relating to the licence application, Register Number W0129-03. This includes supporting documentation received from the applicant, all submissions received from other parties and the report of the Licensing Inspector. In particular, the Agency has noted and given consideration to the following reports:

- (i) Geosyntec Consultants, *Review report on an IED waste licence application by MEHL with focus on geological and hydrogeological aspects*, June 2014
- (ii) Deloitte & Touche, *Report for Environmental Protection Agency reviewing the financial position of Murphy Environmental Hollywood Ltd*, May 2014

It is considered that the proposed activity that is the subject of the licence review application presents an unacceptable risk of input of hazardous substances into groundwater which is prohibited under the Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution as implemented by S.I No. 9 of 2010, European Communities Environmental Objectives (Groundwater) Regulations, 2010, Regulation 9. Furthermore, the Board of the Agency considered that:

- The Groundwater Protection Responses for landfills (Department of Environment Community & Local Government, EPA & GSI, 1999) indicate that the installation of the proposed activity in the geological setting, as proposed, is not generally acceptable. The conditions in which the proposed activity would be acceptable have not been demonstrated to exist.
- The groundwater beneath the landfill site, as proposed, is vulnerable to contamination from the proposed activity.
- The abstraction of groundwater at the Bog of the Ring (public water supply) may influence the groundwater levels beneath the landfill site, as proposed. Consequently, if the water abstraction at the Bog of the Ring were to reduce significantly or cease altogether, this may result in a rebound of groundwater levels beneath the landfill site, as proposed. This scenario would present an unacceptable risk to groundwater because the rising groundwater levels would have the potential to undermine the integrity of the landfill.

It is considered that the situation and design of the proposed activity do not meet the necessary conditions for preventing pollution of the soil and groundwater. It is further considered that the landfill liner system, including the artificially completed geological barrier as proposed in this setting, does not provide sufficient attenuation capacity, with regard to the extent and depth of the artificially completed geological barrier and the potential for its integrity to be undermined by rising groundwater levels, to prevent a potential risk to soil and groundwater, which are requirements of the Landfill Directive.

It is considered that the applicant is not a fit and proper person as defined in Section 84(4)(c) of the EPA Act of 1992, as amended, and the applicant cannot therefore satisfy the Agency in relation to the requirements of Section 83(5)(xi) of the same Act with regard to the proposed activity.

### ***Part I Schedule of Activities Licensed***

None of the proposed activities as set out in the licence application are proposed to be licensed.

### ***Part II Schedule of Activities Refused***

In pursuance of the powers conferred on it by the Environmental Protection Agency Act 1992 as amended, the Agency proposes to refuse the application for an Industrial Emissions licence made by:

Murphy Environmental Hollywood Limited, Hollywood Great, Nag's Head, Naul, County Dublin, CRO Number 448931,

under Section 83(1) of the said Act to carry on the following activities:

- 11.1 The recovery or disposal of waste in a facility, within the meaning of the Act of 1996, which facility is connected or associated with another activity specified in this Schedule in respect of which a licence or revised licence under Part IV is in force or in respect of which a licence under the said Part is or will be required;
- 11.2(b) Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving physico-chemical treatment;
- 11.4(a)(iv) Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day involving treatment of slags and ashes;
- 11.5 Landfills, within the meaning of section 5 (amended by Regulation 11(1) of the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008 (S.I. No. 524 of 2008)) of the Act of 1996, receiving more than 10 tonnes of waste per day or with a total capacity exceeding 25,000 tonnes, other than landfills of inert waste; and
- 11.6 Temporary storage of hazardous waste, (other than waste referred to in paragraph 11.5) pending any of the activities referred to in paragraph 11.2, 11.3, 11.5 or 11.7 with a total capacity exceeding 50 tonnes, other than temporary storage, pending collection, on the site where the waste is generated;

at Hollywood Great, Nag's Head, Naul, County Dublin.

Signed on behalf of the said Agency  
On the 25th day of June, 2014

  
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Dr Karen Creed, Authorised Person