



27 June 2014

Mr John McEntagart
Environmental Licensing
Environmental Protection Agency
McCumiskey House
Richview
Clonskeagh
Dublin 14

**Re: Dublin Waste to Energy Project
Waste Licence Register Number W0232 – 01 / IE Licence**

Dear Mr McEntagart,

Dublin City Council (the "**Authority**") is the holder of an Industrial Emissions Licence (IEL) granted under Part IV of the Environmental Protection Agency (EPA) Act 1992 as amended (the "**Licence**"), in respect of the proposed Dublin Waste to Energy Facility at Poolbeg (the "**Facility**"). The Authority previously held a Waste Licence (ref W0232-01) in respect of the Facility, the licence was amended to an IEL on the 07 January 2014 under Section 76 A(11) of the Waste Management Act 1996 as amended. The Facility is being developed as a Public Private Partnership between the Authority and Dublin Waste to Energy Limited ("**DWTEL**").

Pursuant to condition 1.11 of the Licence, the specified period for the purposes of Section 90(2) of the EPA Act 1992 as amended was given as 8 years. As the final decision is dated 1 December 2008, that period will expire on 30 November 2016. However, it is anticipated that the construction programme alone is scheduled for 36 months, and accordingly it can be safely assumed that an extension to the licence will be required in order to facilitate the construction and operation of the Facility.

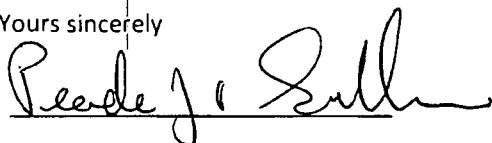
The key driver of the delay in constructing the Facility and commencing operations under the Licence was a complaint that was made to the European Commission (the "**Commission**") alleging that the Project Agreement for the development of the Facility amounted to a breach of EU state aid and procurement rules (the "**Complaints**"). On 7 May 2014 the Commission dismissed the last of the Complaints. We are satisfied that the key driver of the delay has now been eliminated; with the result that financial close in respect of the Facility is now scheduled for 31 August 2014.

As a condition to financial close, DWTEL's funders have sought that the longstop dates for the construction of the Facility be aligned across all project related agreements and consents. This alignment would see the longstop dates move to 14 February 2019 under the terms of the Project Agreement between the Authority and DWTEL, assuming financial close on 31 August 2014. Accordingly, the purpose of this letter is to request the Agency in accordance with Section 90(2)(b) of the EPA Act 1992 as amended to grant an extension of time for the duration of the Licence until 28 February 2019.

Your confirmation on this matter and grant of extension of duration of the Licence is required for the banks to provide commitments to lend to the project, and so, for financial close to take place. In the particular circumstances of this case we would therefore be grateful if you could confirm the extension as required at your earliest convenience and in any case no later than to allow financial close to occur.

Thank you for your continued assistance with this matter. If you have any queries, in relation to this letter, please do not hesitate to contact me on 01-222 4246. We would appreciate if you could deal with this as a matter of priority.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peadar O'Sullivan', written over a horizontal line.

Peadar O'Sullivan,
Project Engineer,
Dublin Waste to Energy Project,
Dublin City Council.

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