



**OFFICE OF ENVIRONMENTAL  
SUSTAINABILITY**

**ENVIRONMENTAL LICENSING PROGRAMME  
MEMORANDUM**

<b>TO:</b>	Dara Lynott
<b>FROM:</b>	Noeleen Keavey
<b>DATE:</b>	28 June 2016
<b>RE:</b>	Request for the Transfer of Licence , Reg No W0178-02, from Greenstar Holdings to Galway County Council

## **Background**

Licence Reg No: W0178-02 was granted to Greenstar Holdings on the 23/03/2010. A Transfer Application was received on 06/04/2016 from Greenstar Holdings Limited and Galway County Council. According to the applicants the basis for the transfer application is that the licence will be transferred due to the inability of the current licence holder to perform the duties and obligations of a licence holder. The transfer of licence will allow Galway County Council to operate the installation, currently operating at Killagh More, Ballybaun (E.D. Killaan), Ballintober (E.D. Killaan), Ballinasloe, Galway, under Licence Reg No: W0178-02.

Galway County Council is responsible for the planning, design and construction of roads, water supply schemes, drainage facilities, housing, fire stations, libraries and burial grounds. It is the custodian of the environment and through its planning and environment policies seeks to enhance the county while protecting its unique character and atmosphere. It also plays an active role in the development of the county's industrial, business, social, arts, heritage and cultural affairs.

## **Assessment**

The application was assessed under Section 94 of the Environmental Protection Agency Act 1992 as amended. It is deemed to comply with the requirements of the above, as follows:

### **Requirements of Section 94(2) and 94(3)**

- The application complies with Subsection (2) having been jointly made by the current licensee and the proposed transferee.
- The application was made in the form prescribed by the Agency.
- The application was accompanied by the appropriate fee, in accordance with Regulation 5 of the EPA (Licensing Fees) Regulations.

### **Such information as may be required by Section 94(3)**

The Office of Environmental Enforcement (OEE) has confirmed that it has agreed the updated CRAMP and ELRA Reports to cover both the proposed remediation costings and the environmental liability costings associated with the site. This was agreed at €16.5m, in January 2016.

In relation to Financial Provision, a letter has been submitted by the DECLG (dated 8/06/2015) providing an explicit indemnity to Galway County Council that the State is prepared to stand over the residual cost of remediation. The Department of the Environment, Community & Local Government (DECLG) considers that this express commitment to Galway CC would be consistent with the guiding principles contained in the Agency's guidance on financial provision, namely that the financial provision would be secure, sufficient and available when required.

- The transferee or any relevant person has not had an application for a licence refused.

### **Requirements of Section 94(5)**

Information in relation to the status of the proposed transferee under 'Fit and Proper Person' has been provided. In terms of court offences, fines were issued by the Courts on 6<sup>th</sup> June 2013 regarding discharges from the waste water works at Kilronan Cottage, Inis Mor, Aran Islands, Co. Galway. The applicants state that this was not the subject of an application to the Agency.

In terms of technical knowledge and management systems in place, on-going management of the facility is currently facilitated through an appointed Advisory Committee (EPA/DECLG/GalwayCC/Tobin). Two former Greenstar staff (Landfill Manager and General Operative) continue to be employed under the management agreement which was put in place with Galway CC and Tobin Consultant Engineers in July 2013.

Galway Co Council proposes to take control of the site under the conditions of the waste licence and operate it for a period of three years as well as deal with the capping/remediation and closure of the facility. Ownership of the site will be transferred to Galway CC and it is understood that Greenstar have already received an extension of the existing planning permission for a period of two years.

The licence transfer would allow the site to re-open and allow the acceptance of waste in accordance with the conditions of the waste licence. It would also allow the remediation process (of filled cells) to commence immediately in parallel with the filling of the new cells.

The Senior Inspector (ELP) has reviewed the transfer application and considers, on the basis of the information provided in the application, together with the information outlined above, that the proposed transferee can be deemed an appropriate licence holder for the purpose of this transfer.

### **Requirements of Section 94(6)**

The proposed transferee has stated in writing that they accept all liabilities, requirements and obligations provided for in or arising under the licence regardless of how and in respect of what period, including a period prior to the transfer of a licence, that may arise.

The OEE has confirmed, on 08/04/2016, that no outstanding legal issues required to be resolved.

The OEE has confirmed, on 17/05/2016, that no outstanding fees are due from the licensee.

## **Recommendation**

It is recommended that the transfer of Industrial Emissions Reg. No. W0178-02 from Greenstar Holdings to Galway County Council, is approved under Section 94 of the Environmental Protection Agency Act 1992 as amended.

A handwritten signature in black ink that reads "Noeleen Keavey". The signature is written in a cursive style with a large initial 'N'.

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Noeleen Keavey  
Programme Officer  
Environmental Licensing Programme  
Office of Environmental Sustainability