

FAO: Mr Brian Bruton
Killarney Waste Disposal Limited
Aughacurreen
Killarney
Co. Kerry

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Re: Declaration for the purposes of Section 76A(9)(b)(ii) of the Environmental Protection Agency Act 1992 as amended

Reg. No.: W0217-01
Licensee: Killarney Waste Disposal Limited

Date: 22/12/2015

Dear Mr Bruton,

As you are aware the European Union (Industrial Emissions) Regulations 2013 made a number of amendments to the provisions of the Environmental Protection Agency Act 1992 as amended and the Waste Management Act 1996 as amended for the purposes of giving effect to the requirements of Directive 2010/75/EU (Industrial Emissions Directive).

In this regard, the provisions of these Acts have been amended to include a requirement that the Agency examine all licences granted. The purpose of the examination is to establish if licences, in respect of activities listed in Annex I to the Industrial Emissions Directive, comply with the requirements of that Directive.

Having confirmed that your licence, Reg. No. W0217-01, was in force on the coming into operation of this amendment, and in accordance with Section 76A(10) of the Waste Management Act 1996 as amended, the Agency consulted with Killarney Waste Disposal Limited, W0217-01, through EPA correspondence dated 20/07/2015 & 07/10/2015, and telephone call on the 21/08/2015. Despite numerous efforts by the Agency, Killarney Waste Disposal Limited failed to provide the Agency with any information regarding the licensable activities on site, through this process.

Notwithstanding the above, the Agency did receive a letter from SLR consulting on your behalf as part of your application for review of a Waste Licence, dated 27th November 2015, which stated that the facility has the capacity to treat 67 tonnes per day in the context of class 11.4(b)(ii) of the new First Schedule of the EPA Act 1992 as amended— *Recovery or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75 tonnes per day involving the pre-treatment of waste for incineration or co-incineration* –which is less than the capacity threshold of 75 tonnes per day. The letter also stated that Killarney Waste Disposal ceased this treatment activity in July 2015.

In accordance with Section 76A(9)(a) of the Waste Management Act 1996 as amended, the Agency has examined the terms of the licence granted to Killarney Waste Disposal Limited on 1st August 2006, and the details of the letter dated 27/11/2015 referenced above, in respect of the installation located at Aughacurreen, Killarney, Co. Kerry; for the purposes of determining if the licence is required to be amended to bring it into conformity with the Industrial Emissions Directive as provided for in the legislation.

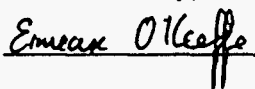
Having completed its examination, following consultation with the Office of Environmental Enforcement (OEE), and on the basis of the information supplied by you, the Agency considers that the activity currently being carried out at your facility, Licence Reg. No. W0217-01 does not relate to an Industrial Emissions Directive activity as defined in the Environmental Protection Agency Act 1992, as amended. Accordingly, your licence will remain as a Waste Licence.

Please be aware that if you are carrying out an Industrial Emissions Directive activity that falls under the First Schedule of the EPA Act 1992 as amended, but the required amendment is **not** made to your licence, you will be in breach of your licence and **operating illegally**.

You should note that it is your sole responsibility to ensure that you are licenced to carry out your activities under the appropriate legislation.

This notice is for the purposes of Section 76A(9)(b)(ii) of the Waste Management Act 1996 as amended only, and nothing in this notification shall be construed as negating the licensee's statutory obligations or requirement under this Act.

Yours sincerely,



Eimear O'Keeffe

Environmental Licensing Programme