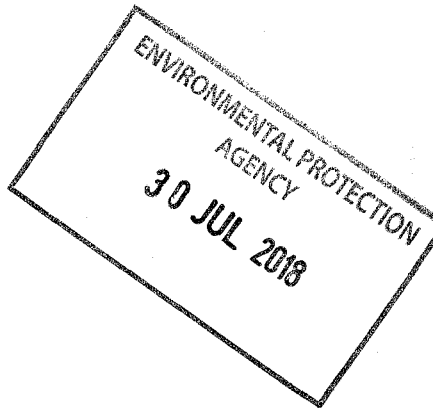


Ms Caitriona Collins  
Environmental Licensing Programme  
Office of Environmental Sustainability  
Environmental Protection Agency  
Headquarters  
PO Box 3000  
Johnstown Castle Estate  
County Wexford



Date:  
18/06/2018

Your Ref:  
Reg. No. W0295-01

Our Ref:  
WL: Notice Art 16(1) WM  
(licensing) Regs 2<sup>nd</sup> July 2018

Dear Ms Collins,

With reference to the Notice issued in accordance with Article 16(1) of the Waste Management (Licensing) Regulations on 02<sup>nd</sup> July 2018, in respect of the above referenced licence application (W0295-01) please see attached a response which has been formulated to address said Notice by the applicant and their legal representatives.

I trust that this response is adequate and request that should you have any further information requests that you do not hesitate to contact me.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Raphael Mc Evoy'.

Raphael Mc Evoy MSc

RME Environmental

Encl: 1 original of the submission and 2 copies. In addition two copies in electronic searchable PDF format attached on CD-ROM.

Attachments to Document:

<b>ATTACHMENT 1</b>   Correspondence from Robert Coonan Solicitors, Kilcullen Co Kildare
--

ENVIRONMENTAL PROTECTION  
AGENCY  
30 JUL 2018

EPA  
PO Box 3000  
Johnstown Castle Estate  
Wexford, Y35 W821

27<sup>th</sup> July 2018

Re: WO295/01

Site at Boherkill, Rathangan, Co.Kildare

Dear Ms. Collins

Further to your letter of the 2nd July 2018 where you indicate that there is a doubt as to whether *"the applicant is likely to be in a position to meet any financial commitments or liabilities that may arise during the operation of the facility or in the event of the activity ceasing at the facility (section 40 (7)(c) of the waste management act). This doubt arises because it is not clear that the applicant has and will continue to have adequate control over the facility and how it is operated such that the agency can be assured the applicant will always be able to take responsibility for liabilities arising at the facility and such that the agency can be assured the applicant has and always will have access to the facility to address any such liabilities. These doubts extend necessarily to the agency not yet being assured that the applicant is and always will be in a position to access the facility and direct operations in order to fully implement the conditions of any license as may be granted including restoration and after-care conditions."*

As you are aware condition 4 (n) of the licence makes the applicant liable by itself, as per the express language of the license for all after-care and remedial works required by the agency.

The matters of doubt to which the agency refers cannot arise in such circumstances and we are at a loss to know how such doubt can arise.

If the agency, notwithstanding the clarity of the applicant's commitment, require further assurance, the applicant and the landowner are prepared to enter a separate agreement to deal with any concerns that the agency may have and undertake to register any such agreement as a burden on the property.

The applicant will undertake to execute any agreement or do anything to give the agency such assurances as it requires and if the agency identifies how its doubts can be addressed in a concrete manner, the applicant will comply with any such requirements that may be requested.

The applicant may, if required, make provision for a Completion/Closure bond. This will be calculated via the ELRA mechanism and associated guidance from the EPA.

In light of the above the agency might therefore indicate if it is the position that you still retain doubts, can you set out precisely what you require of the applicant.

Bradfield House,  
Kilcullen, Co Kildare, R56 D252

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Principal:  
Robert Coonan LL.B., Dip. Arb., M.C.I.Arb

VAT Number: IE5468723W

Yours faithfully,

  
Robert Goonan Solicitor

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