

# MEMO

<b>TO:</b>	OLG Director	<b>FROM:</b>	Maeve McHugh
<b>CC:</b>	Marie O'Connor/ Paddy Nolan	<b>DATE:</b>	28/02/06
<b>SUBJECT : Transfer of IPC Licence Reg No. 53</b>			

The Agency received an application for the transfer of IPC licence Register Number 53 on 12/01/06 from ADM Ringaskiddy to Corrin MDA Ltd., Fermoy, County Cork. Further information in the form of a map showing the extent of the ADM property was received on the 17<sup>th</sup> January '06. Having assessed the application I wrote to Mr Pat O'Flynn of Corrin MDA Ltd to request additional information which I deemed was missing from the application, to show compliance with Sections 94(5) and (6) of the EPA Act (1992) as amended by the Protection of the Environment Act (2003). This included information to show that the proposed transferee is a fit and proper person to as per Section 84(4) of the Act. This letter was copied to Mr Michael Donovan, ADM Ringaskiddy. On foot of this request additional information was received by the Agency in Headquarters on 20/02/06.

I have assessed this application and I deem it to comply with the requirements of Section 94 of the Act:

- The application was jointly made i.e. by both the current licensee and the proposed transferee ( S.94(2));
- A letter was received from Pat O'Flynn, of Corrin MDA Ltd. confirming that the Directors and employees of Corrin MDA Ltd have not been convicted of an offence under the Waste Management Act, 1996, the EPA Act, 1992 – 2003, the Local Government (Water Pollution) Acts 1977 and 1990 or the Air Pollution Act, 1987 (S.84 (4)(a)).
- The proposed transferee has provided information in order to show that they are in a position to meet any financial commitments or liabilities associated with carrying on the activities to which the waste licence relates (S.84(4)(c)). This information consists of a written statement confirming the intention of the company to put in place a bank bond and a letter from Bank of Ireland confirming that they will provide a bond to Corrin MDA Ltd. for a maximum of €500,000 relating to the Integrated Pollution Control activities at the ADM plant in Ringaskiddy, Co. Cork when the forthcoming transfer of ownership takes place. They also provided a copy of a quotation for insurance which covers buildings for €1,000,000 for material damage due to fire, and public/products liability including sudden and unforeseen pollution with a limit of indemnity of €13 million for any

one incident, and unlimited indemnity for any one period except for Products and Pollution Liability which is in the aggregate in respect of any one period of cover.

- The proposed transferee has provided information to show that persons employed by Corrin MDA Ltd. to direct or control the carrying on of the activity to which the licence relates have the requisite technical knowledge or qualifications to carry on that activity in accordance with the licence (S.84(4)(b)).
- Section 94(6) of the Act states that ‘A person to whom a licence or revised licence is transferred under this section shall be deemed to have assumed and accepted all liabilities, requirements and obligations provided for in or arising under the licence or revised licence, regardless of how and in respect of what period, including a period prior to the transfer of the licence, they may arise’.

A letter was received from Pat O’Flynn of Corrin MDA Ltd. Stating the following:

‘As to liabilities Corrin MDA Ltd accept all environmental liabilities in relation to the operation of the IPC Licence No 53. It is the intention of Corrin MDA Ltd to carry out all necessary works to realise a satisfactory Exit audit and to surrender this licence as soon as practicable’.

- The relevant fee of €2,000 accompanied the application (S. 94(3)).

### **Recommendation:**

I am satisfied that the proposed transferee would, if he or she were an applicant for the licence, be regarded as a fit and proper person to be granted a like licence for the activities concerned. I recommend that the transfer of IPC licence Register number 53 to Corrin MDA Ltd be granted subject to receipt of acceptable proof that Corrin MDA Ltd. has put in place a bond for €500,000 as referred to above and an indemnity to cover environmental liabilities to the satisfaction of the Agency.