

Sub ① 47-2

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Environmental Protection Agency, HQ. P.O. Box 3000, Kildinstown Castle Estate, Co. Wick.	

**SUBMISSION TO
THE ENVIRONMENT PROTECTION AGENCY**

FROM

**LIAM & DEIRDRE FOLEY
KERDIFFSTOWN
SALLINS
NAAS
CO. KILDARE**

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**FILE REFERENCE 47-2
NEIPHIN TRADING LIMITED
WASTE MANAGEMENT FACILITY
KERDIFFSTOWN
NAAS
CO. KILDARE**

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**The Environmental Protection Agency,
Waste Licensing Section,
Headquarters,
P.O. Box 3000,
Johnstown Castle Estate,
Co. Wexford.**

**Kerdiffstown,
Sallins,
Naas,
Co. Kildare**

31/08/04

**Re:- Neiphin Trading Limited
Integrated Waste Management Facility including a
Landfill for Non-Hazardous Waste.
Kerdiffstown, Naas, Co. Kildare.**

Application for a review of Waste Licence No:- 47-1

Dear Sir,

We wish to make a submission in accordance with the Waste Management (Licensing) Regulations 2004.

We are the nearest residents to the above facility and our Landholding is outlined in Red on the attached map.

We have inspected the application for review of Waste Licence No. 47 -1 submitted to the Environmental Protection Agency on 30 July 2004 and we would like to inform you of our concerns regarding all three grounds for the application for the review of this Waste Licence.

Grounds No. 1 - A Proposed Extension to the Facility Boundary and Lined Landfill.

We note that in correspondence with Neiphin Trading Limited , the E.P.A. have agreed with the Licensee that a full review application is not required in this instance, however, we feel that some of the conditions of this Licence need to be re-visited in order to establish if the Licence should be extended.

The current Licence has only been effective for twelve months and the Company has not commenced filling any of the lined cells to date. We feel that the Company has not commenced the core work to be undertaken as set out in Licence 47-1 and has not had the opportunity to prove to the E.P.A. or the local residents that they can comply satisfactorily with all the conditions of the initial Licence issued to them. We feel that the Company should not be allowed upgrade to a more favourable licence before they show full compliance with the conditions of the current Licence and before they commence filling the cells covered by Licence 47-1. We have lived beside this facility "24/7" for the duration of the current Licence and have endured hardship and nuisance which we feel the Licensee needs to address, in partnership with the EPA , before being afforded the luxury of extended privileges.

I refer to the current Licence Condition 6.2 – Emissions.

This condition states: -“ **The Licensee shall ensure that the activities shall be carried out in a manner such that emissions do not result in significant impairment of, or significant interference with the environment beyond the facility boundary.**”

It is our opinion that it is impossible for the Licensee to comply with this Condition of their Licence for the following reasons:-

1. **Our home is an emission sensitive area** situated adjacent to and just beyond the Boundary of this Integrated Waste Management Facility. Our boundary is beside the Site Access road. This means that we are subjected to large quantities of fugitive emissions of dust as every vehicle entering and leaving the facility pass our boundary. Our Kitchen and Family room is 35 metres from a massive dust generation source (Cell A1). Point emissions from this source when the cell is being filled will be intolerable and the Licensee will not be able to carry out this activity without the emissions resulting in significant interference and impairment of our living Environment. The guideline for Planning Authorities on the Planning & Development Act 2000 explains that residents can be affected by dust from Landfilling activities when living up to ½ kilometre from the source. It also states that continual and severe concerns regarding dust are most likely to be experienced within one hundred metres from the source. Our close proximity to this facility and in particular to Cell A1 is a matter of grave concern to us. We have four children under 8 years and a Senior Citizen living with us. Five people in the vulnerable categories of young and old , that we need to protect. Respirable particles of dust, in such large quantities, may have an adverse effect on their health and we have no buffer zone to protect us from this emission. The filling of Cell A1 has not commenced but we know from experience of the dust levels at present, that this will result in a large escalation of nuisance from this source for us.

We have spoken to the Licensee regarding this nuisance and we suggested to them in October 2003 that the Landscaping plan to plant the boundary (See Drawing No. NTL/1006 Rev A. File Ref 47-2 Ref. I – J and J-K) should be carried out immediately. This would allow the trees and hedges to mature before the onslaught of the dust emissions from the filling of Cell A1. We appreciate that Condition 4 of the Licence allows two years until July 2005 for this planting to be carried out but we would be grateful if this work could be brought forward to allow us at least a modicum of protection. This landscaping should have

been carried out in compliance with the conditions of the Planning Permission issued to the Licencee.

2. **Our home is also a noise sensitive location.**

The N7 dual carriageway is located half a mile from our home. The noise generated by this major road is not intrusive and does not impair or intrude on our living environment. It is a background noise which we can live with. The Environmental Impact Statement submitted with the planning application for the current Waste Management Facility stated that the noise levels in the area would not increase or be negatively affected by operations at this facility. The EIS suggested that noise levels at the facility would not be heard above the noise of the N7 traffic. The reality of the situation is that although the background noise of the facility may not breach accepted levels, the residents of the area must listen to the constant intrusive sound of the reversing sirens of the machinery at work at the facility. This sound has become our alarm clock in the morning and we listen to it all day. It is impossible to enjoy any quiet time in our garden or indeed inside the house. The guideline for Planning Authorities on the Planning & Development Act 2000 states that **Audible tonal or impulsive components in noise emissions** (e.g. reversing sirens on a lorry) can be particularly intrusive, and such components **should not be audible at any noise sensitive location**. The Health & Safety Inspectors insist that this safety feature be used on machinery at the facility and so the licensee must subject the local residents to noise pollution. This makes it impossible for the Licensee to comply with the conditions of the Licence.

3. The level of complaints from residents during the past year is too high. There are three families of Foleys', all living within 50 metres of the facility. All homes have made complaints to the Licensee since Licence 47-1 was granted. The complaints range from minor to major issues. We would ask the Inspector in charge of processing this application for review of this Licence, to study the Licensees' records in accordance with Condition 10.4 & 10.6 of Licence 47-1.

If these records are accurate they will give a good indication of the wide range of problems with the operation and management of the facility, that the nearest neighbours have experienced. These problems include dust emissions, noise pollution, problems with vibrations from machines damaging our property, presence of vermin and damage to trees and hedges on our land. Please take these complaints into consideration when making your decision on this Licence.

Any extensification or intensifying of activity at this facility will result in further hardship for the Residents unless stringent controls are put in place and monitored very closely by the E.P.A. or the Licensee is refused extended powers in connection with the Licence until some compromise can be reached with the residents.

The Licensee estimates that Cell A1 will take 3 ½ to 4 ½ years to fill. If the Licensee cannot carry out this activity without interfering or intruding in our living environment and cannot comply with this major Condition of the Licence, surely we have grounds to have the Licence revoked instead of extended.

Grounds No. 2 – A Proposed Amendment of the Maximum Final Contour Level of the restored Landform.

It is our opinion that the EPA are correct to limit the Final contour levels to 100 mOD. We request that this proposed amendment be refused. Our home and property are at 96 mOD. If the proposed amendment to the Licence is granted, our property will be overlooked by 12 m. This is comparable to being allowed build a **40 Ft wall** around our property. This is an invasion of our privacy and will engulf us with an imposing Landfill site. The Current Licence already allows the final contours of the land to be raised by 4 metres above our home. This is in our opinion enough at 13.12 Feet over the current level of our property.

It will also cause us problems with drainage and possible flooding. The Licensee is depending on an artificial water drainage system to cater for all the surface water run off over a considerable area of land. The levels of rainfall over the next ten years cannot be forecast with any level of accuracy with the effects of global warming and the changing nature of our weather systems. A higher rainfall level and the possibility of Flash Floods will put the drainage system under pressure. This problem will be exacerbated if the final contours of the land are much higher than the natural levels because the additional height will cause accelerated run off of water . The Licensee is asking us to have faith in an artificial drainage system and the possibility that there will be enough soakage in the covering layer of soil on the finished site.

Maximum soakage will not happen unless the topsoil used is of the highest quality and it is not compacted or mixed with heavy muck at the time this job is being carried out. The Licensee has upgraded drains in our yard . This needed to be done or the Licensee could have flooded our property. The drainage is adequate at present but the Licensee has not carried out an extensive amount of filling and compacting to date. We feel that if the final contour levels are raised to 108mOD that the current drainage system will not be sufficient.

The natural contours of the area before Cell A1 and the Access road was constructed was a gradual fall. The Access road was raised by 2 metres at our boundary during construction and the wall of Cell A1 raises the contours of the land by 2 – 5 metres over the original gradient of the land. The Licensee reasons that this amendment would harmonise the Licence by making it consistent with the Planning Permission and an 8 metre extension sounds innocent on paper. Please remember that this is a huge increase in the final contours of the Land (26.25 Feet) on top of the engineered increases already made by the Licensee and in our opinion should not be required to ensure suitable gradients. This is purely a method of packing the site with more waste to increase profits.

Consistency with the Planning Permission

There is one condition of the Licence that we would like to see being brought in line with the conditions of the Planning Permission and that is the Operating Hours at the Facility.

The Licence allows the operation of the Facility from 07.30 – 20.00 Monday to Friday 08.00 – 18.00 on Saturday.

The Planning Permission only allows the operation from 08.00 – 18.00 Monday to Friday 08.00 – 13.00 on Saturday.

We believe that Neiphin Trading Limited have the Plant & Machinery and all resources necessary to carry out the work involved to cater for the limited number of truck movements allowed by the Planning Permission each day. The Company have demonstrated that they can handle far more than these quantities of waste in normal working hours.

They have almost completely excavated Cell 2 and removed and re-cycled existing landfill within normal working hours.

The extended hours do not appear to be necessary for the Company to carry out their work but they have had a very negative impact on our lives. When the facility is operating with flood lights during the hours of darkness our children cannot sleep. We cannot walk to the shops on Saturday afternoon because of the truck movements and we cannot entertain visitors in our garden during the Summer because of the dust and the noise while the facility is in operation.

This may be one area where the Licensee could compromise with the Local residents without too much hardship to the Company.

Grounds No. 3 – Proposals to include further Waste recovery and Disposal Activities.

Condition 4 of Planning Permission 01/1364 states that “ No incineration or chemical or biological processes shall be carried out within the shed or in its vicinity”. This condition is inserted on the grounds of **preserving public health**. Composting means the **biological** decomposition and stabilisation of organic substrates, under conditions that are predominantly aerobic and that allow the development of thermophilic temperatures as a result of biologically produced heat . **It is a biological process and the Licensee does not have Planning Permission for this activity as a result.**

Composting green wastes presents risks of harm to human health by inhalation of airborne micro-organisms and fungal spores.

These risks can be minimised if the composting is taking place 1000 metres from a workplace or dwelling house by good environmental management systems but the risks cannot be minimised if the composting facility is less than 100 metres from our home.

The Composting facility is situated too close to our home and other Residences in the area. The introduction of Composting to the facility will result in increased nuisance from foul odours for us and introduces another threat to our family living here in healthy conditions.

We are concerned that to increase the Waste recovery and disposal activities at the facility will increase the levels of Methane gas emanating from it. We would suggest that the Gas Management Compound should not be located in the proposed area. This is within 100 metres of our home and 50 metres from the homes of our extended family members. We would prefer to see this compound situated to the North of the facility instead of the South West.

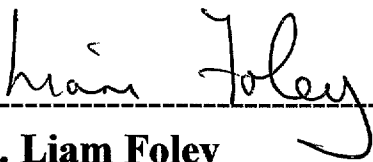
Our request to the EPA regarding Condition 5.4.2 of the Current Licence

Finally, we would like to ask the EPA to amend Condition 5.4.2 of Licence 47-1, in whatever way possible, to ensure that when the waste deposited at the working face is being compacted and rolled, that the Licensee is not permitted to use a machine with a vibrator attached to it. Our home is within 35 metres of Cell A1 and this cell is beside the Access road to the site. When this road was being constructed our house was shaken so badly by a roller with a vibrator attached, that cracks appeared in the walls. If the deposited waste is being compacted on a daily basis we need to be certain that our property will not be damaged.

Conclusion

We can make ourselves available for discussion on our submission if required, given reasonable notice.

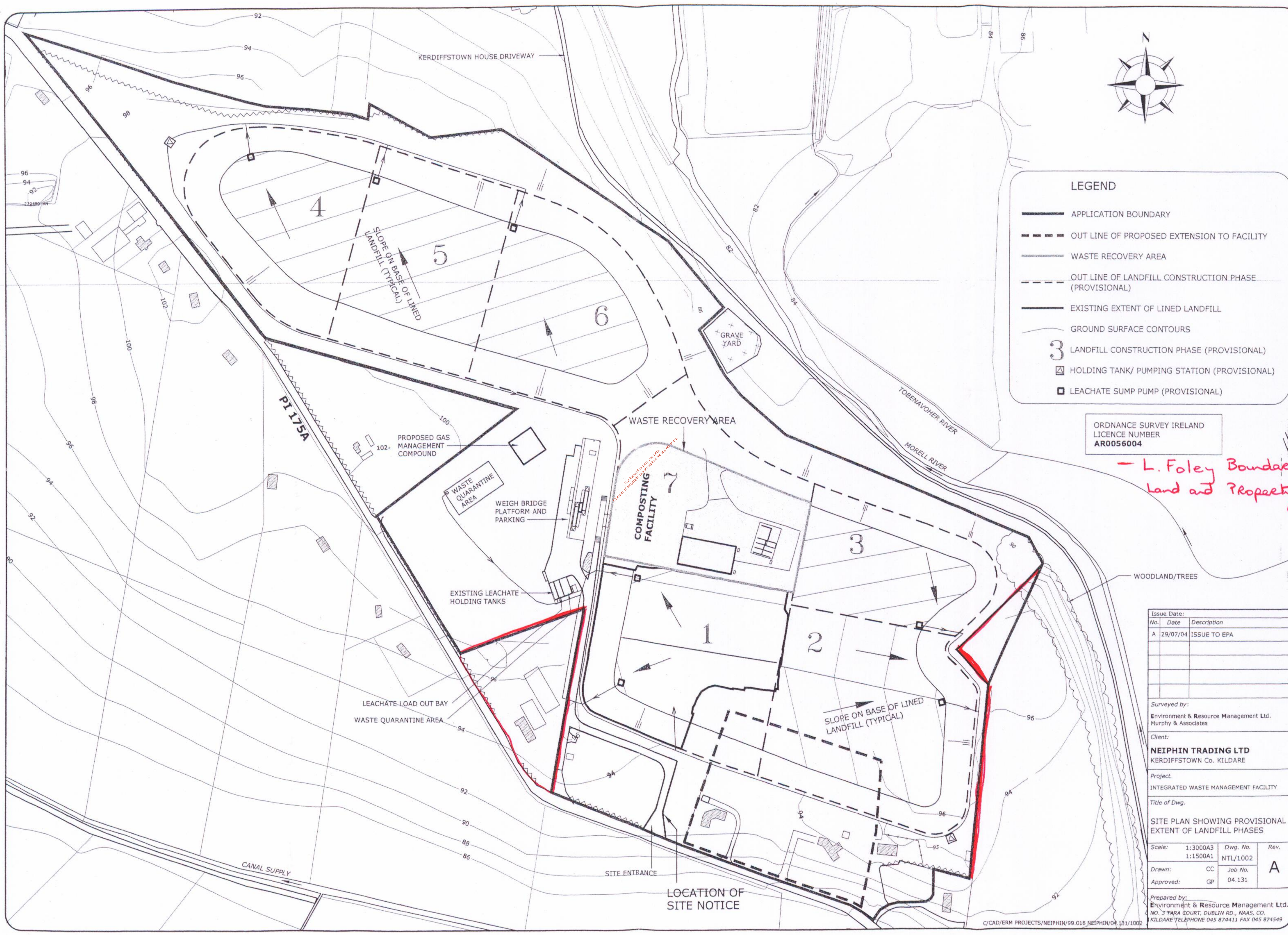
We would like to thank you for your attention to our Submission and we hope that on the grounds of fairness and natural justice that you will take notice of our opinions when making your decision in relation to this application for review of the Licence.



Mr. Liam Foley



Mrs. Deirdre Foley



LEGEND

- APPLICATION BOUNDARY
- - - - OUT LINE OF PROPOSED EXTENSION TO FACILITY
- WASTE RECOVERY AREA
- - - - OUT LINE OF LANDFILL CONSTRUCTION PHASE (PROVISIONAL)
- EXISTING EXTENT OF LINED LANDFILL
- GROUND SURFACE CONTOURS
- 3 LANDFILL CONSTRUCTION PHASE (PROVISIONAL)
- ◻ HOLDING TANK/ PUMPING STATION (PROVISIONAL)
- ◻ LEACHATE SUMP PUMP (PROVISIONAL)

ORDNANCE SURVEY IRELAND
LICENCE NUMBER
AR0056004

*- L. Foley Boundary
Land and Property.*

Issue Date:		
No.	Date	Description
A	29/07/04	ISSUE TO EPA

Surveyed by:
Environment & Resource Management Ltd.
Murphy & Associates

Client:
NEIPHIN TRADING LTD
KERDIFFSTOWN Co. KILDARE

Project:
INTEGRATED WASTE MANAGEMENT FACILITY

Title of Dwg.
SITE PLAN SHOWING PROVISIONAL
EXTENT OF LANDFILL PHASES

Scale:	Dwg. No.	Rev.
1:3000A3	NTL/1002	A
1:1500A1	NTL/1002	
Drawn: CC	Job No. 04.131	
Approved: GP		

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