

'Muntervary'
Kingston Close
Mitchelstown
Co Cork
Tel/Fax: +353-25-24232
Mobile: +353-86-3822427
Email: kfinn@esatclear.ie

22nd June 2007

EPA
PO Box 3000
Johnstown Castle Estate
Co. Wexford

702
**Re: Proposed Determination in re IPPC Licence Application No 404-12 - Dairygold,
Castlefarm and Clonmel Road Mitchelstown.**

Dear Sirs

I refer to the proposed determination dated 29th May 2007 in re IPPC 404-02 and enclose herewith observations/objections and appeal fee;

1. Where the licence includes wording such as "agreed by the Agency" or "required by the Agency" or similar wording in the absence of some defined indicators of the performance requirement, we submit that the Conditions of the licence should be altered to contain some defined indicators of the performance requirement. For example, no specific Noise Sensitive Locations are defined in the license. We submit that a number should be defined in addition to the general requirement "suitable noise sensitive locations". See item 4.3 below.

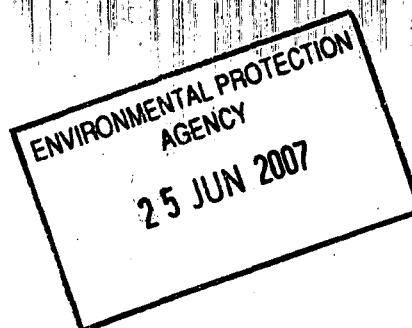
2. Item 4.5 of the proposed license should include noise resulting from the activity rather than merely from the installation. In particular it should include noise from traffic directly associated with the activity and installation. Accordingly item 4.5 should be altered to include reference to the activity, as the following or similar wording:

4.5 Noise (suggested)

Noise from the activity shall not give rise to sound pressure levels (Leq,T) measured at noise sensitive locations of the installation which exceed the limit value(s).

3. I would accept that the noise sensitive locations should be in relation to the installation at Castlefarm and Clonmel Road Mitchelstown.
4. Item 16.14 of the proposed license is defective in some respects and not comprehensive enough in others and should be altered to include elements as set out below.

6.14.1



The licensee shall carry out a comprehensive noise survey at the installation within twelve months of the date of grant of the license. The survey programme shall be agreed in advance with the Agency, and shall be undertaken in accordance with the methodology specified in the 'Environmental Noise Survey Guidance Document' as published by the Agency. The survey shall, as a minimum, incorporate the following elements:

- 4.1 The "Environmental Noise Survey Guidance Document" referred to does not comply with the basic requirements of ISO 1996 in a number of respects (refer to previous submission on this in re IPPC 404-01) and we object to its use as a basis of measurement. The survey should be carried out in accordance with ISO 1996 which in particular requires that there should be a positive wind flow from the source being measured toward the measurement point i.e. noise sensitive location, and should reflect as near as possible worst case conditions, i.e. wind at or near 5km/hr. The condition should be changed to reflect this. Alternatively the 'Environmental Noise Survey Guidance Document' should be revised so as to comply fully with ISO 1996.
- 4.2 The wording "at the installation" may be limiting in respect of the measurement locations to be chosen and should be changed to: "of the installation".

Accordingly I submit that Article 6.14 should be changed to the following or similar wording:

6.14.1

The licensee shall carry out a comprehensive noise survey of the installation within twelve months of the date of grant of the licence. The survey programme shall be agreed in advance with the Agency, and shall be undertaken in accordance with the requirements of ISO 1996 and supplementary methodology specified by the Agency. The survey shall, as a minimum, incorporate the following elements:

- 4.3 While the licence refers to "suitable noise sensitive locations" no noise sensitive locations are indicated in the licence. This does not define the locations and conditions of the licence sufficiently clearly nor does it allow sufficient information to the public about the licence conditions or installation/activity. The licence should include a list of NSL's on all points of the compass from which a number should be selected appropriate to the conditions prevailing at the time the survey is being carried out.

4.3.1 I request that this should include the following:

- a. The roadway at Kingston Close in clear view of the installation at Castlefarm.
- b. The roadway opposite Mr White's house leading up to Castle Gardens in clear view of the installation at Castlefarm.
- c. The rear wall of the dwelling house at Castle Gardens in clear view of the installation at Castlefarm.
- d. The roadway opposite the nearest dwelling to the installation on Castle Avenue in clear view of the installation at Castlefarm.
- e. The roadway opposite the security gate at the entrance to the installation at Castlefarm in clear view of the installation at Castlefarm.
- f. The roadway at the western end of King's Square in clear view of the installation at Castlefarm.

- g. The gateways to the installation lands on the Kildorrery Road south of the installation in clear view of the installation at Castlefarm.
 - h. The highest point on the Mitchelstown Relief Road between the Cahir Hill and Mallow Road roundabouts (overpass to cattle passage) in clear view of the installation at Castlefarm.
 - i. The pavement opposite the Town Park at Cahir Hill Mitchelstown in clear view of the installation at Castlefarm.
 - j. The eastern end of Edward Street in clear view of the installation at Clonmel Road.
 - k. Other NSL's of the installation as the EPA may decide.
 - l. Similar range of NSL's on all points of the compass about the Clonmel Road installation.
5. Definitions: "Installation": The word "technical" by itself is somewhat confusing and could mean technical as in technology or it could mean technical as in nominal or practice. Either "technical" itself should be defined or the wording of the definition should be changed to include "technical, physical, nominal or practice connection with the activity".
 6. Definitions: "Odour Sensitive Location": "...any other facility or area of high amenity..." should be changed to include any installation as "...any other installation or area of high amenity..."
 7. Article 2.1.2. Incomplete wording. Please change to: "that **all** personnel" and "as required **by law and by this license and otherwise**" and "shall be aware of **and perform their tasks and duties** in accordance with the requirements of this licence."
 8. Article 2.2.2.2. Incomplete wording. Please change to: "maintain **and operate a programme to achieve** a Schedule of Environmental Objectives and Targets"
 9. Article 2.2.2.3 (ii) and (iii) Incomplete wording. Please change to: "which they **shall** be achieved."
 10. Article 2.2.2.5: Incomplete wording. Please change to: "is taken **speedily**" and "and authority **and time frame** for initiating further"
 11. Article 2.2.2.7. Incomplete wording. Please change to: "at all **daytime hours**". Add: "**The licensee shall maintain an up to date contents list of all documents in the public information file. The list shall include separate columns indicating the document title, the attachments if any and the number of pages in each.**"
 12. Article 2.2.2.8. Incomplete wording. Please change to: "plant and equipment in **accordance with the instructions issued**". Add: "**The installation and all plant and equipment shall be maintained in accordance with the Maintenance Programme.**"
 13. Article 2.2.2.9. Incomplete wording. Please change to: "All abnormal process **operations and operating conditions shall be documented**" Add: "**And shall be notified to the Agency in accordance with this license.**"

14. Article 3.2.1. Incomplete wording. Please change to: **"Installation Notice Boards at each main entrance to the installation at Castlefarm and at Clonmel Road so that they are legible"**
15. Article 3.4. Query reference to "as advised".
16. Article 3.6.1. Incomplete wording. Please change to: **"should be designed and constructed inter-alia in accordance with Agency guidelines"**
17. Article 3.9.2. Incomplete wording. Please change to: **"significant risk exists or may exist for the release"**
18. Article 3.11. Incomplete wording. Please change to: **"all over-ground and all under-ground pipes and channels used"**
 - a. Refer to recent email giving evidence of fugitive emissions/leaks from the installation at Castlefarm to the River Gradogue.
19. Article 3.13. Incomplete wording. Please change to: **"a wind sock with wind operated rotating mounting and a triangular flag on a rotating mounting, which shall be visible"**
20. Article 3.14. Incomplete wording. Please change to: **"agreed by the Agency, with automatic recording of wind speed."** Add: **"The recordings shall be inserted in the Public Information File within one week of recording."**
21. Article 4.1.1 (ii) and (iii). Incomplete wording. Please change to exclude Noise and Odour emissions from these sub-articles.
22. Article 4.5. Noise. Incomplete wording. Please change to: **"value(s) specified in Schedule B."**
- 22.1 Schedule B.4 should be altered to list "Note 1" (There shall be no clearly audible tonal component ..." etc. at the bottom of the table as item B.4.1 or similar. The inclusion as a note could be interpreted as a guide and not a specific condition.
- 22.2 Change Note 1 to: **"no audible tonal component"**
23. Article 5.2. Incomplete wording. Please change to: **"including odour and noise, from the activity shall result in impairment"** The condition should include inter-alia odour and noise emissions resulting from the transportation of product and materials to/from the installation.
24. Article 6.3. Incomplete wording. Please change to: **"shall be functioning properly and adequately at all times"**
25. Article 6.9 Incomplete wording. Please change to: **"identification and elimination of fugitive emissions"**

26. Article 6.10 Incomplete wording. Please change to: "reported to the Agency **within 7 days** on each occasion."
27. Article 6.13.1 Incomplete wording. Please change to: "shall be maintained, **and shall be inserted in the Public Information file.**"
28. Article 6.14.1 Incomplete wording. Please change time period of 12 months to: "**within 2 months and annually thereafter**". It is not acceptable that the licence should have to require such a condition some 7 years after grant of licence No. 404-01, and the survey should therefore be carried out within the current peak production season (June-August 2007). The annual noise survey should be carried out until at least two full years where no exceedences are detected by a comprehensive survey of the installation and there are no complaints of exceedences or nuisance from four or more individuals.
29. Article 6.14.2 Incomplete wording. Please change to: "A programme to **eliminate noise emissions** in order to ensure compliance".
30. Article 6.14.2 Incomplete wording. Please change to: "and a time scale **not longer than 5 months**, together with options"
31. Article 6.14.3 Incomplete wording. Please change time period of twelve months to: "within 2 months". It is not acceptable that the licence should have to require such a condition some 7 years after grant of licence No. 404-01, and the programme should therefore be completed within the current peak production season (June-August 2007).
32. Article 6.15.1 Incomplete wording. Please change time period to: "within **one month**". Change to: "odour reduction and **elimination** measures". And "within a specified time-frame **not extending beyond 30th November 2007.**" It is not acceptable that the licence should have to require such a condition some 7 years after grant of licence No. 404-01, and the programme should therefore be completed within the current production season (March-November 2007).
33. Article 6.15.2 Incomplete wording. Please change time period to: "within **one month**".
- a. Add: "All manholes, sumps and tanks are fitted with airtight covers and are cleaned ...etc."
 - b. Add: "All sludge and effluent to be transferred and transported only in a sealed airtight system of pipes, valves and vessels within and to and from the facility."
34. Article 6.15.2 Incomplete wording. Please add: "The licensee shall within three months of the date of grant of license ensure that:"
- a. "Aeration Basins 1 and 2 are fitted with enclosures with controlled air intake at the north or south sides and air extraction and filtration only at the west end of each basin."
35. Article 6.17 Incomplete wording. Please change to: "**Within one month of the date of grant of licence all organic waste shall be stored off site at locations to be agreed by the Agency.**"

36. Article 6.18.1 Incomplete wording. Please change to: "submitted to the Agency for **agreement** in advance of implementation."
37. There are still a number of fugitive escapes discharging to the Mill Stream and the Man made Lake and the River Gradogue. The Licence should include a condition to eliminate all such escapes and discharges and restore the Mill stream along its full length within the Site boundary to pristine condition.
38. There are still a number of fugitive escapes discharging to the Man made Lake and sludge from these and historic discharges has resulted in a build-up of sludge in the lake. The Licence should include a condition to eliminate all such escapes and discharges and remove and treat the sludge and associated effluent and restore the Lake to pristine condition.
39. Article 8.2 Incomplete wording. Please change to: "recovery or disposal shall be transferred, loaded and **transported** only by an authorised" "the site of recovery/disposal in **sealed air-tight containers and otherwise in a manner that will not adversely affect the amenity and residential quality of residential areas and the environment**"
40. Article 8.4 Incomplete wording. Please change to: "in designated areas **in sealed air-tight containers and systems and protected against spillage**"
41. Article 8.5 Incomplete wording. Please change to: "Waste **other than organic waste** shall be stored"
42. Article 9.3.1(iv) Incomplete wording. Please change to: "measures to **eliminate the emission/malfunction and minimise the effects thereof**"
43. Article 11.5 Incomplete wording. Please change to include a timeframe for the response/action to be initiated, reported and completed, and include a requirement to communicate the response to the complainant verbally and in writing as soon as practicable.
44. Article 11.7 (v) Incomplete wording. Please change to: **all** correspondence with the Agency"
45. Where a condition makes provision that records be available to the Agency or authorised persons of the agency, change to include in all cases "and to members of the public"
46. I disagree with the report of the Inspector where this maintains that the licence makes adequate provision for any or all of submissions made by me.
47. In particular I disagree with the report of the Inspector where this infers that full or adequate information has been supplied in re
- a. the proposed ~~Nitro5~~ tower/production unit and
 - b. the proposed upgrading of the ETP, more particularly the licensee should be required to submit as part of the application documents and/or of the public access file the report of RPS Consultants on the operation of the facility of approx. December 2005.

48. Other conditions of the license should be altered in accordance with the above.

I would ask the Agency to change the licence and conditions accordingly.

Yours faithfully

Kevin T. Finn
Kevin T. Finn.

For inspection purposes only.
Consent of copyright owner required for any other use.