



KINGFISHER
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Sub on obj NO 1 JK
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**SUBMISSION ON OTHER OBJECTIONS TO THE PROPOSED DECISION OF THE
AGENCY ON A WASTE LICENCE APPLICATION BY LENNON QUARRIES
LIMITED IN RESPECT OF A FACILITY AT LENNON QUARRIES LIMITED,
TALLAGH, BELMULLET, CO.MAYO.**

Waste Licence Register No.: W0256-01

Applicant: Lennon Quarries Limited, Glencastle, Bunnahowen, Ballina,
County Mayo.

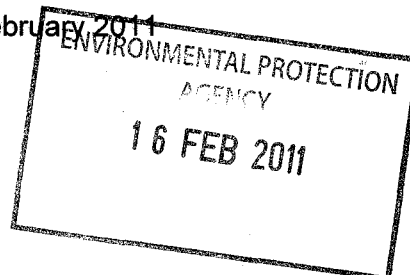
Facility: Lennon Quarries Limited, Tallagh, Belmullet, County Mayo.

Last Date for Submission: 5pm on 17th February 2011

To: Licensing Unit,
Office of Climate, Licensing & Resource Use,
Environmental Protection Agency
P.O. Box 3000
Johnstown Castle Estate
County Wexford
Ireland

Name of Appellant: Mr. Freddie P.R. Symmons B.Env.Sc (HONS) MIEEM
Senior Environmental Consultant
Kingfisher Environmental Consultants
Primrose Grange House,
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Date: 15th February 2011





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Applicant: Lennon Quarries Limited, Glencastle, Bunnahowen, Ballina, County Mayo.

Facility: Lennon Quarries Limited, Tallagh, Belmullet, County Mayo.

Proposed Determination: To refuse a Waste Licence

Dear Sir/Madam

We refer to the Agency's letter dated 18th January 2011, acknowledging receipt of our valid submission of an objection to the Agency's proposed decision to refuse a waste licence to Lennon Quarries Ltd. We also refer to the copies of two other objections which were sent to us.

In accordance with the Agency's letter dated 18th January 2011, we hereby wish to make a submission in writing to the Agency on the two other objections received by the Agency in relation to the proposed decision on Waste Licence Application W0256-01

We look forward to a positive outcome with regards to our objection and further submission and sincerely expect that a Waste Licence is granted to Lennon Quarries.

Yours sincerely,

Freddie P.R. Symmons B.Env. Sc (HONS) M.I.E.E.M.
Senior Environmental Consultant
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1. Submission on Objection by Soil Recovery Association (Objection No.2)

Kingfisher Environmental Consultants would firstly like to point out and reiterate the comments made by the Soil Recovery Association:

"The Soil Recovery Association has been fully aware of the Lennon Quarries Waste Licence application as Mr. T.J. Lennon is a member of the Soil Recovery Association. We believe TJ Lennon of Lennon Quarries to be a competent and responsible operator and should be licensed to continue his existing recovery activity".

Kingfisher Environmental Consultants would further comment, that being a member of the SRA, Lennon Quarries Ltd. have chosen to be associated with the only legitimate representative body for the recovery of soil and stone in Ireland. Furthermore the SRA has been wholeheartedly promoting best environmental practise in the regulation of the Industry and ensures that its members are fully briefed on all matters relating to licensing and appropriate Irish and European environmental law.

Lennon Quarries have not been treated fairly in the proposed decision of the Agency and it shows a complete and utter lack of understanding by the Agency of soil and stone recovery sites. We would further concur as private environmental consultants with the comments made by the SRA in their objection that:

"There is a huge degree of anxiety and concern amongst members of the SRA at the on-going inconsistencies and failures of the regulatory bodies i.e. the Local Authorities and the EPA in administering and regulating the Industry since the introduction of the Waste Management (Facility Permit and Registration) Regulations (S.I. No. 281 of 2007) as amended by S.I. No. 86 of 2008".

We would further add that the licensing system adopted by the Agency appears to us to be at best hap-hazard and provides applicants who operate *bona fide* inert recovery operations no sense of security or consistency in moving forward in these difficult economic times. Moreover we would further comment that the Agency has created a huge amount of unnecessary additional cost and expense to the applicant.

We would also concur with the SRA comments that:

"It was highlighted then that this was complete over-regularisation of the industry. In fact the EPA refused for many months to regard the activity of recovering soil and stones as recovery and insisted that such site were disposal activities. It was only when the SRA highlighted that the waste returns to Europe would suddenly show an increase in disposal rates and the implementation of the landfill levy that the EPA recognised that their assertion was incorrect".

We note point 2 of the SRA objection concerning the: "On-going Case (PAE2009/87) at Grange Caste Golf Club, Baldonnell, Dublin, between the EPA and South Dublin County Council" and comment that we are shocked and alarmed at the actions of both the Agency and South Dublin County Council in this matter. We concur with the comments made by the SRA that:

"Meanwhile, Lennon Quarries who are members of the SRA have been unfairly treated by the Agency and the proposed determination to refuse a waste licence for an established waste recovery facility that has no potential to create environmental pollution is illogical. It would discourage any person or organisation from applying for a waste licence to the Agency".

With regards to point 2 of the SRA objection we would concur that:

"The Waste Management (Facility Permit and Registration) Regulations (S.I. No. 281 of 2007) as amended by S.I. No. 86 of 2008) has been a disaster for the soil and stone recovery industry from the outset. These regulations require significant amendment as soil and stone



recovery facilities should never have been made to go for waste licenses, when there was nothing wrong with the Waste Permit system which was in place. It has resulted in the complete and over-regulation of large soil and stone recovery facilities, to the extent that they cannot compete fairly against smaller permitted facilities in terms of overheads nor against unauthorised facilities"

With regards to Point 4 of the SRA objection we would comment based on our extensive experience that the SRA are very accurate in their cost analysis of the land reclamation works for the site at Tallagh, Belmullet and that the licensing system as pointed out by the SRA is excessive and burdensome on bona fide land reclamation sites coming in for waste licences.

Furthermore, we attended the meeting with the SRA and EPA on 12/6/2008 and heard what the Agency had to say with regards to agronomic benefit to land being greater than the "value or revenue from the filling enterprise". There appears to be little if any consistency within the Agency when dealing with land reclamation sites. This point is further advanced in Point 5 paragraph 1 of the SRA objection.

Point 5, paragraph 2 of the SRA objection rightly points out that this site is the only such site of its kind in the West of Ireland that has applied for a waste licence. Yet, the Agency proposes to refuse a waste licence for an existing land reclamation activity which provides the only licensable site for soil and stone material in the West of Ireland. The proposed decision to refuse a waste licence is illogical and must be overturned. We would further agree with the comments made by the SRA in Section 5 paragraph 4 that:

"The introduction of waste licensing for soil and stone recovery facilities has been premature, illogical and poorly thought out. Unfortunately, Lennon Quarries appear to have been treated in a completely unfair and unreasonable manner by the Agency in its proposed determination to refuse a waste licence".

Kingfisher Environmental Consultants would agree with the SRA and support their assertion as the representative body for the industry that:

"It is the opinion of the Soil Recovery Association that the land reclamation works at Tallagh are a recovery activity with a beneficial use to agriculture. We would refute any suggestion that this operation has been or will be a waste disposal operation".

and that:

"In conclusion the Soil Recovery Association urges that the proposed determination to refuse a waste licence to Lennon Quarries is reversed and that a waste licence is issued to Lennon Quarries that is commercially viable and that reflects the environmental impact of soil and stone; which in our view is absolutely negligible"

We would reiterate our comments in our objection that the EPA would seem to be treating the established recovery activity at Tallagh, Belmullet with suspicion from the start i.e. that the material is likely to be contaminated unless you prove otherwise – rather than the other way around – where you proceed on the basis of innocence until proven otherwise. The Agency would seem to be treating this site in no dissimilar manner to a landfill.

2. Submission on Objection by Tobin (Acting on Behalf of Lennon Quarries Ltd. – The Applicant) - (Objection No.3)

Kingfisher Environmental Consultants have studied the objection made by Tobin (acting on behalf of Lennon Quarries Ltd. – the Applicant) and we are not surprised to find that a fellow professional consultancy company has clearly demonstrated that the waste licence for this site should be granted. We note how Tobin's have dissected the EPA Inspector's report and they conclude as we have in our original objection with the EPA Inspector for this case that:



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The board of the Agency has blatantly ignored the recommendations and advice of their own inspector – Aoife Loughnane who recommended granting a licence and had even drafted a draft licence as part of her report. Secondly in her report she examined the Connaught Waste Management Plan (2006 - 2011) and concurs that the activity is in keeping with the plan.

The existing inert land reclamation facility at Tallagh, recovering inert soil and stones cannot cause environmental pollution, with the safeguards which have been proposed in the Waste Licence application and the monitoring procedures which will follow. . Therefore the Agency's comment that "*the Agency is not satisfied that such disposal would not cause environmental pollution*" has no substance and is incorrect and the objection received by the applicant has clarified any outstanding issues for the Agency

We sincerely hope that our comments are taken on board by the Agency, in consideration of this Waste Licence application and that a Waste Licence application is granted to Lennon Quarries as per the recommendations of the EPA inspector for this case.

Yours sincerely,

FREDDIE P.R. SYMMONS B.Env. Sc. (HONS) M.I.E.E.M
Senior Environmental Consultant

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