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County Wexford, Ireland

WASTE LICENCE PROPOSED DECISION

Waste Licence Register Number:	85-1
Applicant:	Donegal County Council
Location of Facility:	Burtonport Dredging Deposition Site, Burtonport, Co. Donegal

Table of Contents

	Page No.
REASONS FOR THE PROPOSED DECISION	1
<i>PART I ACTIVITIES LICENSED</i>	1
INTERPRETATION	2
<i>PART II CONDITIONS</i>	5
CONDITION 1 SCOPE	5
CONDITION 2 MANAGEMENT OF THE ACTIVITY	5
CONDITION 3 NOTIFICATION AND RECORD KEEPING	7
CONDITION 4 SITE INFRASTRUCTURE	9
CONDITION 5 WASTE MANAGEMENT	12
CONDITION 6 ENVIRONMENTAL NUISANCES	12
CONDITION 7 EMISSIONS AND ENVIRONMENTAL IMPACTS	13
CONDITION 8 RESTORATION AND AFTERCARE	14
CONDITION 9 ENVIRONMENTAL MONITORING	14
CONDITION 10 CONTINGENCY ARRANGEMENTS	16
CONDITION 11 CHARGES AND FINANCIAL PROVISIONS	17
SCHEDULE A : Waste Activities	18
SCHEDULE B : Content of the Annual Environmental Report	19
SCHEDULE C : Recording and Reporting to the Agency	19
SCHEDULE D : Monitoring	21
SCHEDULE E : Emission Limits	24
SCHEDULE F : Trigger Values	24

Reasons for the Proposed Decision

The Agency is satisfied, on the basis of the information available, that subject to compliance with the conditions of this licence any emissions from the activity will comply with and not contravene any of the requirements of Section 40(4) of the Waste Management Act, 1996.

In reaching this decision the Agency has considered the application and supporting documentation received from the applicant, all submissions received from other parties and the report of its inspector.

Part I Activities Licensed

In pursuance of the powers conferred on it by the Waste Management Act, 1996, the Environmental Protection Agency (the Agency) proposes, under Section 40(1) of the said Act to grant this Waste Licence to Donegal County Council, County House, Lifford, Co. Donegal, to carry on the waste activities listed below at Burtonport Dredging Deposition Site, Burtonport, Co. Donegal subject to eleven conditions, with the reasons therefor and the associated schedules attached thereto set out in the licence.

Licensed waste recovery activities, in accordance with the Fourth Schedule of the Waste Management Act, 1996

- Class 2:* Recycling or reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes).
- Class 4:* Recycling or reclamation of other inorganic materials.

INTERPRETATION

Act	The Waste Management Act, 1996 (No. 10 of 1996).
Adequate lighting	20 lux measured at ground level.
Agreement	Agreement in writing.
Attachment	Any reference to Attachments in this licence refers to attachments submitted as part of the waste licence application.
Application	The application by the licensee for this waste licence, including any other material submitted to the Agency in writing by the licensee between the date of the application and the date of grant of this licence.
Appropriate facility	A waste management facility, duly authorised under relevant law and technically suitable.
BATNEEC	Best Available Technology Not Entailing Excessive Cost as defined in section 5 (2) of the Act.
Condition	A condition of this licence. In any case where this licence refers to a numbered condition, the reference shall be taken to mean the condition and any sub-condition therein which the context of the reference requires that reference is made to
Containment boom	A boom which can contain spillages and prevent these from entering drains or watercourses.
Day	0000 hours to 2400 hours
Daytime	0800 hrs to 2200 hours.
Documentation	Any report, record, result, data, drawing, proposal, interpretation or other document in written or electronic form which is required by this licence
Drawing	Any reference to a drawing or drawing number means a drawing or drawing number contained in the application, unless otherwise specified in this licence.
Dredging Operations	The pumping of dredge spoils into the dredge spoils lagoon.
Dredge Spoils	Waste recovered as per Condition 5.2.1
Dredge Spoils Lagoon	The areas designated as Cell No. 1 and No. 2 in Drawing Number 82/40 (dated July 1999 and entitled "Cell Designation") and which have been enclosed by lined bund walls as required through Condition 4.
Emission	As defined in Section 5 (1) of the Act.
Emission Limit Value	Those limits, including concentration limits and deposition levels established in Schedule E.

Environmental Pollution	As defined in Section 5 (1) of the Act.
European Waste Catalogue (EWC)	The EWC is a harmonised, non-exhaustive list of wastes drawn up by the European Commission and published as Commission Decision 94/3/EC and any subsequent amendment published in the Official Journal of the European Community.
Facility	That area or areas defined under Condition 1.2
Inert waste	Waste that does not undergo any significant physical, chemical or biological transformations. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health. The total leachability and pollutant content of the waste and the ecotoxicity of the leachate must be insignificant, and in particular not endanger the quality of surface water and/or groundwater.
Hazardous Waste	As defined in Section 4 (2) of the Act.
Incident	Any reference to an incident in this licence means an incident as defined in Condition 3.1.
Licence	A Waste Licence issued in accordance with the Act.
Licensee	Donegal County Council, County House, Lifford, Co. Donegal.
List I/II Organics	Substances classified pursuant to EC Directives 76/464/EEC and 80/68/EEC
Maintain	Keep in a fit state, including such regular inspection, servicing and repair as may be necessary to adequately perform its function.
Mobile Plant	Self-propelled machinery used for the emplacement of wastes or for the construction of specified engineering works
Monthly	At least 12 times per year, at approximately monthly intervals.
Night-time	2200 hrs to 0800 hrs.
Noise Sensitive Location	Any dwelling house, hotel or hostel, health building, educational establishment, places of worship, or any other facility or area of high amenity which for its proper enjoyment requires the absence of noise at nuisance levels.
Non-hazardous waste	Non-Hazardous Waste is any waste which is not a hazardous waste as defined in the Act.
Quarterly	A period of three calendar months, the first period of which commences on the date of grant of this licence
Recovery	As defined in Section 4 (4) of the Act.
Sample(s)	Unless the context of this licence indicates to the contrary, samples shall include measurements by electronic instruments
Specified Emissions	Those emissions listed in Schedule E of this licence.

Emissions

Submit	Unless the context of this licence indicates otherwise, submit to the Agency in writing for agreement
Trigger Level	A parameter value which when achieved or exceeded requires certain actions to be taken.
Waste	As defined in Section 4(1) of the Act.
Waste disposal activity	Includes the activities referred to in Section 4 of the Act and listed in the Third Schedule thereto.
Waste recovery activity	Includes the activities referred to in Section 4 of the Act and listed in the Fourth Schedule thereto.

Part II CONDITIONS

CONDITION 1 SCOPE

- 1.1. The waste activities authorised by this licence are listed and described in Schedule A: Waste Activities. Waste activities at the facility shall be restricted to those listed in Schedule A and any restrictions set down therein.
- 1.2. Waste activities shall be restricted to the area of land outlined in red on Drawing No. 82/21A (dated February 1999 and entitled "Site Boundaries Plan") and the area of land outlined as the Contractors Yard in Drawing Number 82/9 (revision A, dated September 1999 and entitled "Site Location Map") of the application. Any reference in this licence to "facility" shall mean the area thus outlined in red.
- 1.3. Every plan, programme or proposal submitted to the Agency for agreement pursuant to any condition of this licence shall include a proposed timescale for its implementation. The Agency may modify or alter any such plan, programme or proposal in so far as it considers such modification or alteration to be necessary. Every plan, programme or proposal shall be carried out within the timescale fixed by the Agency but shall not be undertaken without the agreement of the Agency.
- 1.4. This licence is for the purposes of waste licensing under the Waste Management Act 1996 only and nothing in this licence shall be construed as negating the licensee's statutory obligations or requirements under any other enactments or regulations.
- 1.5. Where the Agency considers that a non-compliance with the Conditions of this licence has occurred, it may serve a notice on the licensee specifying:
 - a) that only those wastes as specified, if any, in the notice are to be accepted at the facility after the date set down in the notice;
 - b) that the licensee shall undertake the works stipulated in the notice, and/or otherwise comply with the requirements of the notice as set down therein, within the time-scale contained in the notice; and,
 - c) that the licensee shall carry out any other requirement specified in the notice.

When the notice has been complied with, the licensee shall provide written confirmation that the requirements of the notice have been carried out. No waste, other than that which is stipulated in the notice, shall be accepted at the facility until written confirmation is received from the Agency that the notice is withdrawn.

Reason: *To clarify the scope of this licence.*

CONDITION 2 MANAGEMENT OF THE ACTIVITY

- 2.1 Environmental Management System
 - 2.1.1 The licensee shall within three months from the date of grant of this licence submit to the Agency for its agreement a proposal for a documented Environmental Management System for the facility.
- 2.2 Management

2.2.1 At least one month prior to the date of commencement of the licensed activities, the licensee shall submit written details of the management structure of the facility for the agreement of the Agency. Any proposed changes in the management structure shall be submitted in writing to the Agency for its agreement. Written details of the management structure shall include the following information:

- a) the names of all persons who are to provide the management and supervision of the waste activities authorised by the licence;
- b) details of the responsibilities for each individual named under a) above;
- c) details of the relevant experience, competence and qualifications held by each of the persons nominated under a) above; and
- d) contingency arrangements for the absences of the named persons from the facility.

2.3 Communications

2.3.1 At least one month prior to the date of commencement of the licensed activities, the licensee shall submit for agreement to the Agency a Communications Programme to ensure that members of the public can obtain information concerning the environmental performance of the facility at all reasonable times.

2.4 Annual Environmental Report

2.4.1 The licensee shall submit to the Agency for its agreement, within twelve months from the date of grant of this licence, and within one month of the end of the year thereafter, an Annual Environmental Report (AER).

2.4.2 The AER shall include as a minimum the information specified in Schedule B: Content of Annual Environmental Report and shall be prepared in accordance with any relevant written guidance issued by the Agency.

2.5 The licensee shall employ a suitably qualified and experienced facility manager who shall be designated as the person in charge. The facility manager or a suitably qualified and experienced deputy, shall be present at all times during the operation of the facility.

Reason: *To make provision for management of the activity on a planned basis having regard to the desirability of ongoing assessment, recording and reporting of matters affecting the environment.*

CONDITION 3 NOTIFICATION AND RECORD KEEPING

- 3.1 The licensee shall make written records of the following incidents:
- a) any emission which results in the contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value, prescribed under any relevant enactment;
 - b) any emission which does not comply with the requirements of this licence;
 - c) any trigger level specified in this licence or in the EMS which is attained or exceeded;
 - d) any malfunction of any environmental control system;
 - e) any indication that contamination has, or may have, taken place;
 - f) the cessation of waste activities at the facility for a period in excess of two days, and their recommencement;
 - g) any occurrence with the potential for environmental pollution; and,
 - h) any emergency.

The written record shall include all aspects described in Condition 10.5.

- 3.2 Unless otherwise instructed in writing by the Agency, the licensee shall:
- a) notify the Agency by telephone, and by facsimile if available, as soon as practicable and in any case not later than 10.00 am the following working day after the occurrence of any incident; and
 - b) submit the written record required by this condition to the Agency as soon as practicable and in any case within five working days after the occurrence of any incident.
- 3.3 Should any further actions be taken after the date of written notification, as a result of an incident occurring, the licensee shall forward a written report of those actions to the Agency as soon as practicable and no later than ten days after the initiation of those actions.
- 3.4 Unless otherwise agreed by the Agency, all documentation submitted to the Agency shall:
- (a) be sent to the Agency's headquarters;
 - (b) comprise one original and three copies;
 - (c) be formatted in accordance with any written instruction or guidance issued by the Agency;
 - (d) be identified by a unique code, indicate any modification or amendment, and be correctly dated to reflect any such modification or amendment;
 - (e) be submitted in accordance to the relevant reporting frequencies specified by this licence;

- (f) be certified as accurate and representative by the licensee; and
 - (g) in the case of results of any environmental monitoring, be accompanied by a written interpretation setting out their significance.
- 3.5 Copies of all environmental monitoring data obtained by the licensee which relates to the facility shall be forwarded to the Agency at the frequencies set out in Schedule C: Recording and Reporting to the Agency to this licence.
- 3.6 In the event of any incident which relates to discharges to surface water, the licensee shall notify the Northern Regional Fisheries Board as soon as practicable by telephone and in writing (by facsimile if available) and in any case not later than 10:00am on the following working day after such an incident.
- 3.7 Unless otherwise agreed with the Agency, all documentation required to be maintained under this licence shall be retained by the licensee.
- 3.8 The licensee shall provide additional copies of any documentation referred to in this licence to the Agency upon written request, within the time specified in writing by the Agency.
- 3.9 The licensee shall keep the following documents at the facility office referred to in Condition 4.5:
- a) the current waste licence relating to the facility;
 - b) the previous year's AER for the facility;
 - c) all written procedures produced by the licensee which relate to the licensed activities; and,
 - d) all records required by this licence unless agreed otherwise by the Agency.
- 3.10 The licensee shall maintain a written record for the waste arriving at the facility as follows:
- 3.10.1 For dredge spoils the licensee shall record the following:
- a) the periods during which dredging operations occur;
 - b) the volume of dredge spoils and transport water pumped to the facility daily; and,
 - c) the quantity of the waste accepted daily, recorded in tonnes.
- This record shall provide for the name of the person checking the waste.
- 3.10.2 For waste soils to be used for restoration purposes the licensee shall record the following for each load:
- a) the name of the carrier;
 - b) the vehicle registration number;
 - c) the name of the producer(s)/collectors(s) of the waste as appropriate;
 - d) a description of the waste; and,
 - e) the quantity of the waste recorded in tonnes.
- This record shall provide for the name of the person checking the load.
- 3.11 The licensee shall maintain a written record of all complaints relating to the operation of the activity. Each such record shall give details of the following:
- a) date and time of the complaint;

- b) the name of the complainant;
- c) details of the nature of the complaint;
- d) actions taken on foot of the complaint and the results of such actions; and,
- e) the response made to each complainant.

Reason : *To provide for the notification of incidents, to update information on the activity and to provide for the keeping of records.*

CONDITION 4 SITE INFRASTRUCTURE

4.1 The licensee shall establish all infrastructure referred to in this licence prior to the commencement of the licensed activities or as instructed by the Agency.

4.2 Site Notice Board

4.2.1 The licensee shall provide and maintain a notice board on the facility so that it is legible to persons outside the main entrance to the facility unless agreed otherwise by the Agency. The minimum dimensions of the identification board shall be 1200 mm by 750 mm.

4.2.2 The board shall clearly show:

- a) the name and telephone number of the facility;
- b) the name, address and telephone number of the licence holder;
- c) an emergency out of hours contact telephone number;
- d) the name, address and telephone number of the operator of the facility;
- e) the licence reference number; and,
- f) where and when environmental monitoring information relating to the facility can be obtained.

4.3 Site Security

4.3.1 Other than for the purposes of construction of the site roads specified in Condition 4.4, neither dredge spoils lagoon construction nor waste deposition shall commence at the facility unless the licensee has installed a security fence as agreed by the Agency. The fence shall have appropriate warning signs for members of the public.

4.3.2 The licensee shall remedy any defect in the gates and/or fencing as follows:

- a) a temporary repair shall be made as quickly as possible after it has been noted and in any event no later than the end of the working day; and,
- b) a repair to the standard of the original gates and/or fencing shall be undertaken within three working days or as otherwise agreed with the Agency.

4.3.3 Gates shall be locked shut when the facility is unsupervised.

4.4 Site Roads and Hardstanding

- 4.4.1 The facility roads shall be provided and maintained at the locations shown on Drawing No. 82/40 (July 1999) unless agreed otherwise by the Agency.
- 4.5 Office
- 4.5.1 Prior to the commencement of the licensed activities, the licensee shall provide and install a temporary office on the facility. This office shall thereafter be maintained at this location until agreed otherwise by the Agency.
- 4.5.2 Any office provided shall be constructed and maintained in a manner suitable for the processing and storing of documentation.
- 4.6 The licensee shall provide and use adequate lighting during the operation of the facility in hours of darkness.
- 4.7 Fuel Storage
- 4.7.1 Other than fuel in mobile plant, no fuel shall be stored on the facility unless and in accordance with the prior agreement of the Agency.
- 4.8 Unless for the purpose of removing sediment as required for the construction of bund walls and facility roads, no material may be excavated at the facility without the prior agreement of the Agency.
- 4.9 Bund Wall and Lining
- 4.9.1 The licensee shall construct and maintain the bund walls and their associated lining as described in the application. This shall involve:
- (a) the removal and subsequent appropriate recovery/disposal of the silt layer in order to expose the dense gravel layer upon which the bund walls will be constructed;
 - (b) the creation of stone bund walls at the locations shown in drawing number 82/40 of July 1999 and entitled "Cell Designation". The design of the bund walls shall be as described in drawing number 82/30 entitled "Site Infrastructure" July 1999. Additional internal bund walls, for the purpose of enhancing sediment settlement, may be utilised;
 - (c) the integration of the bund walls with existing rock formations and the proposed weir box;
 - (d) the finishing of external bund wall crests in a manner that permits access by a tracked excavator;
 - (e) the provision of external bund walls with a minimum crest elevation of 8.5 metres O.D. (Poolbeg). External bund walls shall include the proposed artificially created stone bund walls and any natural rock formations that form integral parts of the external walls of the dredge spoils lagoon (including the landward side of the lagoon).
 - (f) the lining of artificially created external bund walls internally with a geotextile membrane as described in the information submitted to the Agency on the 6/8/1999;
 - (g) the provision of measures to reduce nuisance during the construction of the bund walls; and,

- (h) the providing for emergency repairs to bund walls which include a stockpile of stone.

4.10 Weir Box

4.10.1 A weir box shall be provided at the location shown in drawing number 82/40 of July 1999 unless agreed otherwise by the Agency.

4.10.2 The design of the weir box shall be as described in the further information submitted to the Agency on the 6/8/1999 subject to the following:

- (a) it shall have a minimum weir crest elevation of 8.5 metres O.D. (Poolbeg).
- (b) it shall be constructed to prevent back-flooding from the sea into the dredge spoils lagoon;
- (c) it shall be constructed such that the discharge can be terminated and restarted.

4.10.3 The licensee shall submit to the Agency for its agreement within nine months of the date of grant of this licence a proposal to remove the weir box.

4.11 Supernatant Management

4.11.1 The licensee shall manage the dredge spoils within the dredge spoils lagoon and the resultant supernatant liquid which will be discharged through the Weir Box described in Condition 4.10 subject to:

- (a) the maximisation of dredge spoils settlement within the dredge spoils lagoon;
- (b) the capacity of Cell Numbers 1 and 2 being as shown in drawing number 82/40, (July 1999, entitled "Cell Designation").
- (c) the diagrammatic recording of the flow path through the dredge spoils lagoon on a daily basis (or more frequently if required to reflect any significant interim changes in the flow path);
- (d) the provision of communications between the dredging vessel and the facility;
- (e) the providing for the acceptance of dredge spoils during the hours of darkness;
- (f) a procedure for stopping and recommencing the acceptance of dredge spoils at the facility.

4.12 Prior to the commencement of the licensed activities, the licensee shall relocate:

- a) any outfalls that discharge into the facility; and,
- b) any seawater abstraction points that may be impacted by the licensed activities.

Reason: *To provide for the protection of the environment.*

CONDITION 5 WASTE MANAGEMENT

- 5.1. No hazardous wastes shall be disposed of in the facility.
- 5.2. Unless otherwise agreed with the Agency, the following wastes only shall be accepted at the facility:
 - 5.2.1. 120,000 tonnes of dredge spoils from the seabed located within the two areas indicated on drawing number 82/40 entitled "Cell Designation" dated July 1999. Within one month of the date of grant of this licence, the licensee shall submit to the Agency drawings that delineate these two dredging areas with 12 digit national grid references.
 - 5.2.2. 10,000 cubic metres of restoration materials as agreed through Condition 8.1.
- 5.3. Dredge spoils shall only be deposited within the area of land outlined in red in Drawing Number 82/21A (dated February 1999 and entitled "Site Boundaries Plan).
- 5.4. Prior to the commencement of the licensed activities, the licensee shall submit to the Agency for its agreement a proposal to estimate the weight in tonnes of accepted dredge spoils.
- 5.5. Dredge spoils shall not be deposited at the facility without the prior agreement of the Agency. The licensee shall inform the Agency of the proposed date of commencement of the licensed activities within one month of the date of grant of this licence. Any subsequent alterations to this start date shall be notified in writing to the Agency without delay.
- 5.6. Once accepted at the facility, materials shall be only removed from the facility with the prior agreement of the Agency.
- 5.7. Any wastes deemed to be in contravention of this licence and/or unsuitable for disposal at this facility shall be removed for disposal at an appropriate alternative facility. Such waste may be stored for a maximum of twenty-four hours.

Reason: *To provide for the acceptance and management of wastes authorised under this waste licence.*

CONDITION 6 ENVIRONMENTAL NUISANCES

- 6.1. The licensee shall, at a minimum of one week intervals during the period of waste deposition, inspect the facility and its immediate surrounds for nuisances. Written records shall be made of all inspections and any actions taken as a result of these inspections.
- 6.2. The road network shall be kept free from any debris caused by vehicles entering or leaving the facility. Any such debris or deposited materials shall be removed without delay.
- 6.3. At least one month prior to the commencement of the construction of the dredge spoils lagoon, the licensee shall submit to the Agency for its agreement a proposal to control and minimise any nuisances that may arise from traffic flow to and from this facility.

- 6.4. Any loose litter accumulated within the facility and its environs shall be removed and appropriately disposed of on a daily basis.
- 6.5. In dry weather, site roads and any other areas used by vehicles shall be sprayed with water as and when required to minimise airborne dust nuisance.
- 6.6. The licensee shall ensure that the activities shall be carried out in a manner such that odours do not result in significant impairment of, or significant interference with amenities or the environment beyond the facility boundary.
- 6.7. The licensee shall ensure that dust does not give rise to nuisance at the facility or the immediate area of the facility. Any method used by the licensee to control any such nuisance shall not cause environmental pollution.

Reason: *To provide for the control of nuisance.*

CONDITION 7 EMISSIONS AND ENVIRONMENTAL IMPACTS

- 7.1. No specified emission from the facility shall exceed the emission limit values set out in Schedule E: Emission Limits of this licence. There shall be no other emissions of environmental significance.
- 7.2. All treatment/abatement and emission control equipment shall be calibrated and maintained, in accordance with the instructions issued by the manufacturer/supplier or installer. Written records of the calibrations and maintenance shall be made and kept by the licensee.
- 7.3. 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.
- 7.4. There shall be no clearly audible tonal or impulsive component in the noise emissions from the activity at noise sensitive locations.
- 7.5. Discharges from the Dredge Spoil Lagoon to Sea
 - 7.5.1. Once the licensed activities has commenced, supernatant liquid arising from the dredge spoil lagoon, other than such liquids that may seep through geotextile membranes, shall only discharge to the sea through the weir box described in Condition 4.10.
 - 7.5.2. The discharge of supernatant liquid shall cease immediately when turbidity, as measured in accordance with Condition 9.9.1, is in excess of the trigger level set down in Schedule F: Trigger Values. The discharge shall only recommence in the event that two or more turbidity measurements, taken at intervals of no less than ten minutes, show that the trigger level is no longer being exceeded.

Reason: *To control emissions from the facility and provide for the protection of the environment.*

CONDITION 8 RESTORATION AND AFTERCARE

- 8.1. Within three months of cessation of dredge spoil deposition, the licensee shall submit to the Agency for agreement a Restoration and Aftercare Plan for the facility. This plan shall, inter alia, provide for:
- (a) the lowering of the artificially created bund walls to 6.0 metres O.D. (Poolbeg) following settlement of the recovered dredge spoil;
 - (b) the afteruse of the facility;
 - (c) the materials to be used for the restoration layer (nature, source and quantity), including a method for recording their weight in tonnes;
 - (d) the emplacement of the restoration layer in a manner that will facilitate surface water run-off;
 - (e) how it will be determined when the emplacement of the restoration layer can commence;
 - (f) dust control; and,
 - (g) the removal of the security fence.

Reason: *To provide for the restoration and aftercare of the facility.*

CONDITION 9 ENVIRONMENTAL MONITORING

- 9.1. The licensee shall carry out such monitoring at such locations and frequencies as set out in Schedule D: Monitoring and as specified in the Conditions of this licence.
- 9.2. The licensee shall provide safe access to all on-site sampling and monitoring points and off-site points as required by the Agency.
- 9.3. Monitoring and analysis equipment shall be operated and maintained in accordance with the manufacturers instructions (if any) so that all monitoring results accurately reflect any emission or discharge or environmental parameter.
- 9.4. The licensee shall amend the frequency, locations, methods and scope of monitoring, sampling, analyses and investigations only upon the written instruction of the Agency and shall provide such information concerning such amendments as may be requested in writing by the Agency. Such alterations shall be carried out within any timescale nominated by the Agency.
- 9.5. Unless otherwise agreed with the Agency, a written record shall be kept of the names, qualifications and a summary of relevant experience of all persons who carry out all sampling and monitoring as required by this licence and who carry out the interpretation of the results of such sampling and monitoring.
- 9.6. The licensee shall maintain all sampling and monitoring points so that they may be used for the representative sampling and monitoring of emissions from the facility.

- 9.7. Prior to the commencement of the licensed activities, the licensee shall submit to the Agency written confirmation from an appropriately qualified and experienced geotechnical engineer as to the structural integrity and stability of the weir box and bund walls. This report shall also provide for subsequent appropriate monitoring and interpretation of the stability of these structures. Written records of all assessments shall be kept at the office agreed through Condition 4.5.
- 9.8. The licensee shall arrange for ecological surveys of the facility and its immediate environment annually until agreed otherwise by the Agency. The first such survey shall be undertaken during 2001. Within twelve months of the date of grant of this licence, the licensee shall submit to the Agency for its agreement a proposal for the implementation of this ecological survey programme detailing, inter alia, survey methodology, locations of survey points.
- 9.9. Surface Water Monitoring
- 9.9.1. The supernatant which arises from the dredge spoils lagoon and discharges at the weir box shall be monitored for turbidity at intervals equal to or less than ten minutes during any periods of discharge at the weir box.
- 9.9.2. No dredge spoils shall be accepted at the facility until the details of equipment to be used for turbidity monitoring/recording and its deployment have been submitted to the Agency for its agreement.
- 9.9.3. At least one month prior to the commencement of the licensed activities, the licensee shall submit to the Agency for its agreement a proposal to monitor water quality for the parameters set forth in Table D.3.2 at the following locations:
- (a) in the marine environment at locations which will take account of the dispersal of the weir box discharge at the various stages of the tide (minimum of three monitoring stations);
 - (b) a control site; and,
 - (c) the weir box discharge.
- Once the recovery of the dredge spoils at the facility commences, these stations shall be monitored at the frequencies set forth in Table D.3.2 of Schedule D until the dredging operations are completed.
- 9.10. Sediment Monitoring
- 9.10.1. At least one month prior to the commencement of the licensed activities, the licensee shall submit to the Agency for its agreement a proposal to undertake the sediment sampling set forth in Table D.4.2 at the locations and frequency set forth in Table D.4.1. This proposal shall also address a method for establishing the extent of settlement of materials discharged from the dredge spoil lagoon.
- 9.10.2. The facility cannot accept dredge spoils until the first set of sediment samples have been collected as required by Table D.4.1 and as agreed by Condition 9.10.1.
- 9.11. Dust Monitoring
- 9.11.1. The first dust deposition monitoring sampling period shall commence within one week of the erection of the security fence as required by Condition 4.3.1.

- 9.12. Prior to the commencement of the licensed activities, the licensee shall submit to the Agency:
- a) a map which shows the locations of all the monitoring stations required by this licence ; and,
 - b) a table of 12 digit national grid references for these monitoring stations.

Reason: *To ensure compliance with the requirements of other conditions of this licence by provision of a satisfactory system of measurement and monitoring of emissions.*

CONDITION 10 CONTINGENCY ARRANGEMENTS

- 10.1. The licensee shall, prior to the commencement of the licensed activities, submit a written emergency response procedure (ERP) to the Agency for its agreement. The ERP shall address any emergency situations that may originate on the facility and shall include provision for minimising the effects of any emergency on the environment.
- 10.2. The licensee shall have in storage an adequate supply of containment booms and/or suitable absorbent material to contain and absorb any fuel spillage at the facility. Once used the absorbent material shall be disposed of at an appropriate facility.
- 10.3. All significant spillages occurring at the facility shall be treated as an emergency and immediately cleaned up and dealt with so as to alleviate their effects.
- 10.4. In the event that a breach of a bund wall occurs or the weir box fails, the acceptance of dredge spoils shall cease until the Agency agrees in writing that the licensed activities can resume.
- 10.5. In the event that any monitoring, sampling or observations indicate that an incident has, or may have, taken place, the licensee shall immediately (unless otherwise notified in writing by the Agency):
- a) identify the date, time and place of the incident;
 - b) carry out an immediate investigation to identify the nature, source and cause of the incident and any emission;
 - c) isolate the source of the emission;
 - d) evaluate the environmental pollution, if any, caused by the incident;
 - e) identify and execute measures to minimise the emissions/malfunction and the effects thereof;
 - f) identify and put in place measures to avoid reoccurrence of the incident; and
 - g) identify and put in place any other appropriate remedial action.

Reason: *To provide for the protection of the environment.*

CONDITION 11 CHARGES AND FINANCIAL PROVISIONS

11.1 Agency Charges

11.1.1 The licensee shall pay to the Agency an annual contribution of £ 6,287 or such sum as the Agency from time to time determines, towards the cost of monitoring the activity or otherwise in performing any functions in relation to the activity, as the Agency considers necessary for the performance of its functions under the Waste Management Act, 1996. The licensee shall in 2001 and subsequent years, not later than January 31 of each year, pay to the Agency this amount updated in accordance with changes in the Consumer Price Index from the date of the licence to the renewal date. The updated amount shall be notified to the licensee by the Agency. For 2000, the licensee shall pay a pro rata amount from the date of this licence to 31st December 2000. This amount shall be paid to the Agency within one month of the date of grant of this licence.

11.1.2 In the event that the frequency or extent of monitoring or other functions carried out by the Agency needs to be increased, the licensee shall contribute such sums as determined by the Agency to defraying its costs.

11.2 Financial Provision for Closure, Restoration and Aftercare

11.2.1 The licensee shall from a date to be set by the Agency establish and maintain a fund, or other form of written guarantee, that is adequate to assure the Agency that the licensee is at all times financially capable of implementing the Restoration and Aftercare Plan required by Condition 8.1. The type of fund and means of its release/recovery shall be agreed by the Agency prior to its establishment.

Reason: *To provide for adequate financing for monitoring and financial provisions for measures to protect the environment.*

SCHEDULE A : Waste Activities

Activities authorised by the licence shall be restricted to those described below.

Waste Management Act, 1996: Fourth Schedule ^{Note 1}	
Class 2.	Recycling or reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes): This activity is limited to: <ul style="list-style-type: none">• the recovery of organic matter contained within dredging spoils. The source of these dredging spoils shall be the two landward dredging sites between Rutland Sound and Burtonport as shown on drawing number 82/40 dated July 1999 and entitled "Cell Designation"; and,• the use of soil as a restoration layer.
Class 4.	Recycling or reclamation of other inorganic materials: This activity is limited to: <ul style="list-style-type: none">• the recovery of inorganic dredging spoils and is the principal activity at this facility. The source of these dredging spoils shall be the two landward dredging sites between Rutland Sound and Burtonport as shown on drawing number 82/40 dated July 1999 and entitled "Cell Designation"; and,• the use of soil as a restoration layer.

Note 1: Any reference to an activity Class is to be taken as being from the Fourth Schedule of the Waste Management Act, 1996, unless otherwise stated.

SCHEDULE B :Content of the Annual Environmental Report

Annual Environmental Report Content ^{NOTE 1}
Reporting Period.
Waste activities carried out at the facility.
Quantity and Composition of waste received during the reporting period and each previous year.
Summary of the dredging operation that produced the dredge spoils recovered at this facility (to include dates, locations, dredging method).
Summary report on emissions.
Summary of results and interpretations of environmental monitoring, including plans of all monitoring locations together with their respective 12 digit grid references.
Report on development/restoration works undertaken during the reporting period, and a timescale for those proposed during the coming year.
Assessment of stability of bund walls.
Site survey showing existing levels of the facility at the end of the reporting period.
Ecological report summary.
Schedule of Environmental Objectives and Targets for the forthcoming year.
Report on the progress towards achievement of the Environmental Objectives and Targets contained in previous year's report.
Full title and a written summary of any procedures developed by the licensee in the year which relates to the facility operation.
Reported incidents summary.
Complaints summary.
Reports on financial provision made under this licence, management and staffing structure of the facility, and a programme for public information.
Any other items specified by the Agency.

NOTE 1 Content can be revised subject to the agreement of the Agency after cessation of waste acceptance at the facility.

SCHEDULE C :Recording and Reporting to the Agency

Table C.1 Recurring Reports

Report	Reporting Frequency ^{Note1}	Report Submission Date
Annual Environment Report (AER)	Annually	Twelve months from the date of grant of licence and one month after the end of each year thereafter.
Record of incidents	As they occur	Within five days of the incident.
Turbidity / Suspended Solids	Weekly	Every Monday throughout the dredging operations.
Dust Monitoring	Three times a year	Ten days after the period being reported on
Ecological Monitoring	Annually	Annually beginning in 2001.

Note 1: Unless altered at the request of the Agency

Table C.2 Once-off Reports

Report and Contents	Report Submission Date (Number of months within which to submit, from date of granting of licence, unless otherwise specified)
Management	
(i) Environmental Management System	3
(ii) Management Structure	At least 1 month prior to the commencement of the licensed activities.
(iii) Communication Programme	At least 1 month prior to the commencement of the licensed activities.
Infrastructure	
(i) Provision for site security	Prior to bund construction.
(ii) Removal of Weir Box	9
Waste Acceptance Procedures	
(i) Estimation of dredge spoils intake in tonnes	Prior to commencement of licensed activities
(ii) Proposed start date of licensed activities.	1
Nuisance Control	
(i) Traffic management	At least 1 month prior to the commencement of bund construction.
Environmental Monitoring	
(i) Stability of bund walls and weir box	Prior to commencement of licensed activities
(ii) Ecological monitoring proposal	12
(iii) Turbidity monitoring proposal	Prior to commencement of licensed activities
(iv) Water Quality monitoring proposal	At least 1 month prior to commencement of licensed activities
(v) Sediment monitoring proposal	At least 1 month prior to commencement of licensed activities
(vi) Water Quality monitoring report	Within 3 months of cessation of dredge spoils acceptance
(vii) Sediment monitoring report	Within 3 months of cessation of dredge spoils acceptance
(viii) Noise monitoring report	Two months after the completion of the last noise assessment required.
(ix) Monitoring stations map/grid references	Prior to commencement of licensed activities
Restoration/Aftercare	
(i) Restoration and Aftercare Plan	Within 3 months of cessation of dredge spoils acceptance
Contingency Arrangements	
(i) Emergency Response Procedures	Prior to commencement of licensed activities
Charges & Financial Provisions	
(i) Proposal for Financial Provision	To be set by Agency

SCHEDULE D :Monitoring

Monitoring to be carried out as specified below.

D.1 Dust

Dust monitoring locations shall be those as set out in Table D.1.1 and as described in the further information submitted to the Agency on 6/8/1999 in EMK Report Ref:- 217.

Table D.1.1 Dust Monitoring Locations

STATION	EASTING	NORTHING
N1	To be provided	To be provided
N2	To be provided	To be provided

Table D.1.2 Dust Monitoring Frequency and Technique

Parameter (mg/m ² /day)	Monitoring Frequency	Analysis Method/Technique
Dust	Three times a year ^{Note 2}	Standard Method ^{Note 1 Note 3}

Note 1: Standard method VDI2119 (Measurement of Dustfall, Determination of Dustfall using Bergerhoff Instrument (Standard Method) German Engineering Institute). A modification (not included in the standard) which 2 methoxy ethanol may be employed to eliminate interference due to algae growth in the gauge.

Note 2: Twice during the period May to September, or as otherwise specified in writing by the Agency.

Note 3: A wind rose, obtained from the nearest meteorological station, for the relevant monitoring period shall be submitted with each set of results.

D.2 Noise

Noise monitoring locations shall be those as set out in Table D.2.1 and as described in the further information submitted to the Agency on 6/8/1999 in EMK Report Ref:- 217.

Table D.2.1 Noise Monitoring Locations

STATION	DESCRIPTION	EASTING	NORTHING
Site 1	South-eastern perimeter	To be provided	To be provided
Site 2	Noise sensitive location	To be provided	To be provided
Site 3	North-eastern perimeter	To be provided	To be provided
Site 4	Noise sensitive location	To be provided	To be provided

Table D.2.2 Noise Monitoring Occasions and Technique

Parameter	Monitoring Occasions		Analysis Method/Technique
	Construction Period ^{Note 2}	Dredging Period ^{Note 3}	
L(A) _{EQ} [30 minutes]	Daytime	Daytime and Night-time	Standard ^{Note 1}
L(A) ₁₀ [30 minutes]	Daytime	Daytime and Night-time	Standard ^{Note 1}
L(A) ₉₀ [30 minutes]	Daytime	Daytime and Night-time	Standard ^{Note 1}
Frequency Analysis(1/3 Octave band analysis)	Daytime	Daytime and Night-time	Standard ^{Note 1}

Note 1: "International Standards Organisation. ISO 1996. Acoustics - description and Measurement of Environmental noise. Parts 1, 2 and 3."

Note 2: To be undertaken during construction of the Dredge Spoils Lagoon.

Note 3: To be undertaken during the first day and night of dredging operations.

D.3 Surface Water

Surface water monitoring locations shall be those as set out in Table D.3.1.

Table D.3.1 Surface Water Monitoring Locations

STATION ^{Note 1}	EASTING	NORTHING
Weir Box	To be provided	To be provided
Impact Assessment Sites (minimum of 3)	To be provided	To be provided
Control Site	To be provided	To be provided

Note 1: To be agreed as per Condition 9.9.3.

Table D.3.2 Surface Water - Parameters /Frequency During Dredge Spoils Acceptance

Parameter ^{Note 1}	SURFACE WATER Monitoring Frequency
Visual Inspection/Odour	Daily
Electrical Conductivity	Weekly
Total Suspended Solids ^{Note 4}	Daily
Arsenic	Once ^{Note 5}
Cadmium	Once ^{Note 5}
Chromium (Total)	Once ^{Note 5}
Copper	Once ^{Note 5}
Iron	Once ^{Note 5}
Lead	Once ^{Note 5}
Manganese	Once ^{Note 5}
Mercury	Once ^{Note 5}
Nickel	Once ^{Note 5}
Potassium	Once ^{Note 5}
Zinc	Once ^{Note 5}
Secchi Disc Readings ^{Note 2}	Weekly
Turbidity	Daily ^{Note 3}
Dibutyltin	Once ^{Note 5}
Tributyltin	Once ^{Note 5}

Note 1: All the analysis shall be carried out by a competent laboratory using standard and internationally accepted procedures. The testing laboratory and the testing procedures shall be agreed with the Agency in advance.

Note 2: This parameter shall not be monitored at the weir box discharge.

Note 3: In addition to daily monitoring at the locations set forth in Table D.3.1, turbidity will be monitored at the weir box discharge as per Condition 9.9.1.

Note 4: A matching turbidity measurement shall be recorded for each suspended solids sample taken.

Note 5: Within one week of the commencement of the licensed activities.

D.4 Sediment Monitoring

Table D.4.1 Sediment monitoring locations and monitoring frequencies.

Station ^{Note 1}	Frequency	
	Prior to the commencement of the licensed activities	Three months after final dredge spoil acceptance
Recovered Dredge Spoils from Dredge Spoil Lagoon		yes
Impact Assessment Site 1	yes	yes
Impact Assessment Site 2	yes	yes
Impact Assessment Site 3	yes	yes

Note 1: The locations for these stations are to be agreed through Condition 9.10.1.

Table D.4.2 Sediment monitoring parameters.

Parameter ^{Note 1}	
Cadmium	Manganese
Lead	Mercury
Arsenic	Nickel
Chromium (Total)	Potassium
Copper	Dibutyltin
Iron	Tributyltin
Zinc	

Note 1: Unit of measurement for chemical parameters will be mg/Kg except for dibutyltin and tributyltin which are to be recorded as ng/g.

SCHEDULE E :Emission Limits

E.1 Noise Emissions: (Measured at the Noise Sensitive Locations indicated in Table D.2.1).

Day dB(A) L_{Aeq} (30 minutes)	Night dB(A) L_{Aeq} (30 minutes)
55	45

E.2 Dust Deposition Limits: (Measured at the monitoring points indicated in Table D.1.1).

Level (mg/m ² /day) ^{Note 1}
350

Note 1: 30 day composite sample with the results expressed as mg/m² /day.

SCHEDULE F :Trigger Values

F.1 Dredge Spoil Lagoon Discharge Values (Measured at the weir box discharge or in close proximity to the discharge as to be agreed through Condition 9.9.2)

Table F.1 Dredge Spoil Lagoon Discharges

Turbidity ^{Note 1}
125 NTU for 3 consecutive samples

Note 1 : Measured in the manner required by Condition 9.9.1.

Given by the Agency on the 31st day of January 2000.

Signed on behalf of the said Agency
on the 31st day of January 2000

B. Sheehan Authorised Person