

MEMO			
TO:	Board of Directors	FROM:	Brian Donlon
CC:		DATE:	14/6/02
SUBJECT : Ballymore Eustace Technical Committee Report			

Application details

Application Details	
Applicant:	KTK Sand and Gravel Ltd.
Location of Activity:	Ballymore Eustace
Reg. No.:	156-1
Licensed Activities under Waste Management Act 1996:	Third Schedule: Classes 1, 5, 11 and 13. Fourth Schedule: Classes 3, 4, 11 and 13.
Proposed Decision issued on:	26/11/01
Objections received:	14
Inspector that drafted PD:	Kevin McDonnell

Objections received

A Technical Committee was established to consider the objections.

The Technical Committee included;

Brian Donlon, Chairperson
Regina Campbell, Inspector
Breege Rooney, Inspector

This is the Technical Committee's report on the objection.

We have summarised the objections and the submissions on the objections under three main sections in this report as follows:

1. The applicant's objection and submissions on their objection.
2. The objection by Dublin City Council and the applicant's submission on that objection.
3. All other matters in Third Party Objections and the applicant's submission on these matters.

1. Environment & Resource Management Ltd on behalf of KTK Sand & Gravel Ltd, the Applicant

ERM Ltd, consultants to KTK Sand & Gravel Ltd, prepared the objection to the PD of the Agency.

Summary of Introduction to Applicant's Objection

The applicant stated that the Application lodged on 15 June 2001 was for a Non Hazardous Waste Landfill. The PD issued is not for what was applied for but simply a Waste Licence for an Inert Landfill. They make reference to the Inspectors Report which recommended granting the licence in the terms sought by KTK. It is stated that when KTK and its representative asked representatives of the EPA they were told that the PD was discussed at a meeting of the Board and that the proposed decision currently in place was then issued. In further response to a query in that regard, they were informed that no minutes of the relevant meeting of the Board are available.

In these circumstances, they requested an Oral Hearing on the application. They stated that in light of the EPA's failure and refusal to furnish the reasons and facts explaining and underpinning its proposed decision, that they are severely hampered and prejudiced in making their objection.

They also stated the following: "*KTK furthermore considers that it has a general right under the common law and under the Constitution to obtain the reasons and the material facts underpinning a proposed*

decision in circumstances where it has expressly sought such reasons for the purpose of the understanding why and how the proposed decision was arrived at so that it can avail in a meaningful way of its statutory right of objection and in circumstances where it may not, in the normal case, elaborate or make further submission once its written objection has been lodged. KTK therefore lodges the within written objection without prejudice to any claim it might wish to make at some future juncture”.

1.1 Objections

1.1.1 Lack of Evidence to Support the Proposed Decision dated 26 November 2001

The applicant stated that they objected to the PD as no technical evidence or reports have been provided to the Agency, to their knowledge to reject the Landfill that was applied for, on technical grounds. The reasons for the PD to not grant what was applied for are particularly obscure to the applicant given:

- (i) there were no requests for additional information under Article 14(2)(b) and Article 16(1).
- (ii) the technical report of the Agency Inspector, Dr Kevin McDonnell, recommended a Non Hazardous Waste Landfill to the Board.
- (iii) there were no other technical reports on the file other than a letter dated 21 September 2001 from Dublin Corporation that provided any grounds for the decision to refuse the Non Hazardous Waste Landfill.
- (iv) the issues raised by Dublin Corporation were dealt with by the Agency Inspector and were also addressed in correspondence submitted by us to the Agency on 05 October 2001.
- (v) The Inspectors Report and the proposed decision for “Non Hazardous Landfill” as Recommended to the Board are presumably vetted by senior Agency inspectors as a matter of quality control.
- (vi) In that draft licence the Inspector recommended design changes that could be implemented. Further means of environmental protection are available such as a double lining system and could also have been conditioned by the Agency.

Technical Committees Evaluation

The comments are noted. However, the comments do not constitute an objection on any specific conditions of the PD. The TC considers that the PD issued dated 26/11/01 and signed by an authorised person of the Agency represents the Agency’s view on the application. It was decided not to hold an Oral Hearing in respect of this application. The matter relating to access to the minutes of Board meetings is a matter for the Board.

1.1.2 Comments on Possible Issues relating to a Non-Hazardous Waste Landfill at the Site

The Applicant noted and acknowledged the fact that the Agency has endorsed the concept of waste disposal and recovery activities at the site. The proximity of the school and the village, the level of the traffic movements and the amenity of the area do not appear to be of major concern to the Agency as there is a proposed decision to grant a licence for waste recovery and disposal at the site.

The applicant states that matters that may have been an issue with the Agency whilst making its PD, were as follows:

- (a) Waste Types,
- (b) Protection of the River Liffey/Leachate and Groundwater Protection
- © Protection of the Watermain
- (d) Odours and Vermin
- (e) Landfill Gas
- (f) Opening Hours
- (g) Nature of the Lorries bringing waste to the site

Technical Committees Evaluation

The comments are noted and it is also noted that planning legislation covers many of the issues mentioned. The comments appear to be a commentary on certain issues rather than objections to conditions in the PD which are dealt with in the next section.

1.1.3 Objections to conditions in the Proposed Licence (WLPD/156-1) dated 26/11/01

The applicant acknowledges that there is an urgent need for waste disposal and recovery facilities for construction and demolition (C&D) wastes in the country. The PD is for the operation of an inert landfill

and to carry out waste disposal and recovery activities as per Part I Page 1 of 32 of the proposed waste licence.

They are prepared to develop and operate a C&D waste recycling and disposal facility. However, certain amendments to the PD would be necessary to allow development of a facility that is more sustainable and economically viable than one that could be developed under the proposed licence.

Because of the density of inert waste as compared to the density of the commercial/industrial wastes applied for, the duration of the landfilling activities will lengthen by approximately 2.5 times. The filling of the void will take 15 years instead of 6 years.

They state that should a waste licence be granted for an inert landfill only, they request that the maximum intake be increased to no less than 1,100 tonnes per day for 275 days per year (ie, 302,500 tonnes per year).

Maximum Tonnage of the Landfill

They state that the Introduction indicates a maximum tonnage but that this is not a legal requirement. They discuss the density of waste types and consider that Condition 4 controls the quantity of waste to be deposited.

Nature of the Wastes to be Accepted and Recovered

They state that in order to operate an economically viable C&D recovery facility that would necessarily be contemplated under Condition 11.3 a wider range of mixed C&D builders waste will need to be accepted at the facility. The narrow range of wastes that is allowed in the PD would dictate pre-sorting of wastes at some other location before delivery at the KTK Ballymore facility.

The proposed wastes to be accepted at the C&D recycling facility will be predominantly inert builders rubble (approx. 65% by weight) comprising hard materials such as soil, broken concrete, blocks, bricks, stone, clay and ceramic tiles, masonry, pottery, china, glass and asphalt. The balance will be made of varying proportions of timber, paper/cardboard packaging plasterboard, metals, thin film packaging, hard plastic off cuts of piping.

Nature of Wastes to be Landfilled

They state that a fully integrated C&D waste recovery and disposal facility would comprise front end sorting followed by landfilling of some of the materials in two proposed specifically designed facilities.

(i) A Residual Waste Landfill

The capacity of this site would be perhaps less than 20% of the capacity of the Commercial / Industrial non hazardous waste landfill that was applied for in June 2001

(ii) Amended "Inert" Landfill

They request that the list includes wastes such as glass, pottery, china, clay and ceramic tiles, and porcelain that would be considered inert. They request that in accordance with the Austrian Ordinance Annex 2, that the following wastes be considered acceptable for landfilling at KTK Ballymore site: concrete, silicate concrete, mortar, plaster and plaster work materials. In addition, they request that up to 5% by weight (or 10% by volume as allowed in the Austrian Demolition waste landfill) of other construction and demolition materials that are commingled in the C&D wastes be allowed in the landfill.

They propose to provide an engineered facility along the lines of the specifications given in the Austrian Ordinance.

They object to the proposed testing regime that was described in Schedules A.1 to A.3. Testing a sample from each 1,500 tonnes would mean some 160 tests annually. The estimated cost would be in excess of £50,000 plus VAT. A Level 1 test for every 10,000 tonnes is proposed. They object to the vagueness of the Level 2 Testing regime. The required testing parameters at Level 2 are not specified in Schedule A. The Level 2 testing should be agreed with the Agency.

They object to the requirement to monitor odours for an inert landfill as specified in Schedule D.6.

Surface Water Monitoring

They object to Condition 8.7.1 which requires monitoring of surface water at a location some 2000 metres upstream of the site at the Golden Falls hydrometric station. There are many anthropogenic sources of pollution between Golden Falls and the site, along the River Liffey.

Technical Committees Evaluation

The TC notes that the applicant applied to accept commercial, industrial and inert waste for disposal at their facility. In this part of the objection the applicant does not refer to the acceptance of commercial and industrial waste but to the extension of the inert waste types acceptable at the facility. The TC also notes that the applicant is now prepared to develop and operate a C&D waste recycling facility. However, no details were provided in the application form or in the accompanying EIS regarding such a development and expected emissions from such an operation. The applicant applied for the recovery of inert waste and C&D waste for use in site development and restoration works. This was listed in Part I of the PD. Emissions of noise and dust would be expected to be significant emissions from the operation of a large scale C&D waste recycling facility.

The applicant also notes that the operations should now be extended to 15 years instead of 6 years due to the density differences between inert waste and commercial/industrial waste. They requested that an increase in tonnage be granted from 242,000tpa to 302,500tpa. However, the TC considers that the original application plus EIS did not cater for 302,500 tpa and any application for an increase in tonnage would best be catered under a review application. The first sentence of the Introduction states that this section “does not purport to be a legal interpretation of the licence”. We agree that the proposed final contours set out in Condition 4 controls the overall quantity of waste to be deposited. We consider that reference to maximum waste intake of 1,885,000 tonnes in the Introduction should be deleted. We consider that Condition 1.4 and Table A.1 set the legal constraints on the annual quantity of waste to be accepted for disposal.

The TC considers that minor amendments to the types of inert waste acceptable for landfilling could be made. The applicant makes reference to waste types acceptable under the Austrian Landfill Ordinance. However, the TC are aware that the Agency have representatives on an EU Committee set up under the Landfill Directive to deal with waste acceptance. This committee is producing a uniform EU waste acceptance procedure for all landfill types and we consider that their findings should be taken into account when setting waste acceptance criteria for this inert landfill. We consider that Table A.2.1 should be amended to cater for this. There is a mechanism whereby additional waste types that may be deemed to be inert (by the EU committee) could be accepted prior to the agreement of the Agency in Schedule A2 of the PD.

The applicant in their objection makes reference to requiring two landfill types to cater for the different wastes from the (i) the on-site waste recovery plant and (ii) other inert wastes. However, as outlined above the TC does not recommend that an on-site waste recovery plant be allowed. Although the and consequently the type of landfill and the lining details specified in the PD should not change. The licensee may add further lining protection if they consider it necessary. The testing regime outlined in Schedule A was objected to on the basis of cost. The costs associated with constructing a lining system for inert waste facilities are lower than for other landfill types. However, lower protection for resources is afforded as a consequence and greater emphasis is placed on waste acceptance procedures.

The Level 1 testing in the PD is in accordance with that required in the Austrian Ordinance. The applicant fails to mention that there is a mechanism to reduce this testing to 1 per 7,500 tonnes for wastes from certain excavation/clearance activities in the existing PD. The TC are aware that the parameters required for Level 2 testing are not listed in Schedule A. This test focuses on key variables, to be agreed with the Agency, as recommended in the Landfill Directive. This is outlined in Schedule A3 of the PD.

We acknowledge that there will be extensive inspection of the incoming waste and we consider that there should not be a requirement for odour monitoring due to the nature of the inert waste to be deposited.

We consider there are many anthropogenic sources of pollution between Golden Falls and the site, along the 2km stretch of the River Liffey but that alternative surface water monitoring locations should be agreed with the Agency.

Recommendation

Remove the following sentence in the Introduction (paragraph 1).
The facility will have a maximum waste intake of 1,885,000 tonnes.

Amend Table A.2.1:

Table A.2.1 Waste for Disposal

EWC Code	Description	Restrictions
10 11 03	Waste glass based fibrous materials	Only without organic binders
15 01 07	Glass packaging	
17 01 01	Concrete	Only pure single streams
17 01 02	Bricks	Only pure single streams
17 01 03	Tiles and ceramics	Only pure single streams
17 01 07	Mixtures of concrete, bricks, tiles and ceramics	Selected C&D waste only
17 02 02	Glass	
17 05 04	Soil and stones	Excluding topsoil, peat; excluding soil and stones from contaminated sites
20 01 02	Glass	Separately collected glass only
20 02 02	Soil and stones	Only from garden and parks waste; Excluding top soil, peat

Amend Condition 8.7.1.

Within three months from the date of grant of this licence, the licensee shall initiate a monitoring programme for the surface water discharged from the settling pond(s) at the facility and **at one upstream and one downstream location on the River Liffey to be agreed with the Agency**. This programme shall have regard to the criteria/trigger levels which will determine when the penstock in the outlet from the surface water pond(s) shall be closed. The programme shall, at minimum, fulfil the requirements of *Schedule D.4.1: Surface Water Monitoring* of this licence.

Add Table D.1.1:

Additional locations required under Condition 8.7.1.

Schedule D.6

Remove requirement for odour monitoring. Remove footnotes 3 and 5 to this table.

1.2 Submission on Applicant's Objection

1.2.1 Submission on Applicant's Objection by Dublin City Council (DCC)

Dublin City Council (DCC) state that their serious concerns raised in previous correspondence must still be addressed. If additional types of waste and/or new waste recovery facilities are allowed DCC's concerns are likely to become greater.

They highlight the fact that the applicant has objected to the range of wastes that may be accepted and landfilled at the facility. They also noted that the applicant proposed that a wider range of C&D builders waste should be accepted at the facility. This material would be processed within the landfill site with the residual C&D waste landfilled in a proposed "residual C&D waste landfill". This proposal does not detail where all the recovery of waste will take place within the facility. These proposals only increase the risks to the pipeline and the risk of contamination of the ground adjacent to the watermain.

DCC agrees strongly with the decision to limit waste acceptance to construction/demolition wastes such as soil, clay, etc. if any licence is to be granted. If the site were to accept commercial and industrial waste as originally proposed by KTK, the potential risks to the watermain and the River Liffey would be greatly increased from the generation of both leachate and landfill gas.

Reference made to Section 2.3 of the KTK Objection (summarised in Sect 1.1.3 of this report):

DCC is concerned about the possible impacts to the watermain from:

- The physical impacts of C&D waste recycling in relation to the watermain security – these can potentially create vibration and impact loading on the site. Such activities should be located as far as possible from the watermain and on top of hardstanding areas.
- The proposal to increase traffic and waste throughput at the site (all passing over the watermain, including outgoing laden vehicles)
- The proposal is to retain a small "residual waste landfill cell" at 20% of the original proposed capacity. Having two types of landfill cells in operation on one site creates a need for even closer scrutiny and monitoring of operations to ensure only inert waste is placed in the inert cells

Reference made to letter from KTK to EPA dated 05 October 2001

They stated that it is clear (section 8 of the letter) that KTK have failed to understand the characteristics of the watermain and likely substantial impact if a pipe burst occurred (as described in previous DCC/MCOS submissions). This serious under-estimation of the watermain pressure and flow is evident in the original proposed design of the landfill. Also in item 1 of this letter, there is no account taken of potential contamination of the watermain in the event of "draining down" of the watermain at another location (see Dublin Corporation Water Division Report, Dec. 2001).

Overall Recommendation to the EPA made by DCC in their submission on the objection

- They strongly urge the EPA to ensure that the watermain is not put at risk at any stage in the development, operating and aftercare of the proposed inert facility.
- The strategic importance of the watermain and the potential for its contamination and potential for damage if a pipe burst were to occur have not been adequately recognised to date in the application or the objection by KTK.
- DCC notes KTK's proposal for a C&D waste recycling facility at the proposed facility and supports the general concept of the recovery of C&D waste in suitable circumstance. However, in this situation DCC is concerned that the possible impacts to the watermain have not been adequately addressed.
- The applicant has objected to the testing regime in the proposed decision and proposed a relaxation of the testing schedule. The risk posed to the 1600mm pipeline and the 1.2 million people depending on this water system should be considered before any relaxation to the testing regime is contemplated.
- If additional types of waste are allowed, DCC's concerns are likely to become greater in relation to leachate, contamination and the potential catastrophic risk of a watermain burst on the River Liffey.

The proposals of the applicant for a widening of the range of acceptable wastes, recycling of wastes and the operation of two different landfill cells within the facility would increase the risks of damage to the

watermain and of contamination of the ground in proximity to the watermain. The stringent precautions requested in their objection to the PD are vital to provide an adequate level of protection to the watermain.

Technical Committee's evaluation

Matters relating to the waste acceptance criteria were dealt with under the section 1.1.3. The TC considers that the applicant applied to the use inert waste for on-site development and restoration works. We do not consider that there is sufficient information in the application form and EIS dealing with a proposal for a waste recycling processing facility and do not consider that it should be allowed under the existing application. Matters relating to the protection of the watermain will be dealt with under Section 2 of this report.

1.2.2 Submission on Applicant's Objection by Ms. Mairead Mason

Ms. Mason wishes to reiterate her objections to the Agency and to comment on the objection by the developer. In particular it would appear to Ms Mason that the developer, in requesting an increase in tonnage from 242,000 to 302,500tpa is threatening both the Agency and the community.

Ms. Mason wishes to object to the paltry level of monitoring. The request by the developer that the level of monitoring be decreased is impertinent in the extreme and one in which she hopes would be rejected out of hand by the Agency.

The developer has criticised the lack of technical objections by those who have written to the Agency. Ms. Mason rejects this criticism and responds that they, the community will be the victims of the developers "economically viable" enterprise.

Ms. Mason has, in the past, drawn the Agency's attention to the lack of planning for this undertaking and this remains the case.

Ms. Mason wishes to express surprise at the apparent "waving through" of the application by the Agency inspector Mr. McDonnell. She would interested in knowing how often the Agency disagrees with its inspectors on such issues. How could his recommendation and the Agency's Proposed Decision be so at variance.

Ms. Mason would like to remind the Agency of the constituents of this application:

- The pit is in middle of the village
- The village has "Special Village" status
- It is directly opposite the local National School
- It is on an elevated site on the banks of the Liffey
- The Dublin watermain runs through it.

If a licence is granted by the Agency it will open the gates to the indiscriminate disposal of waste around the country in disused sandpits. The EPA should learn from the Waterford experience and take into account of the comments of Ms. Wallstrom in that regard. Ms. Mason says she is sure Ms. Wallstrom would be appalled were the EPA to consider granting a licence in this sensitive location.

Technical Committee's evaluation

The TC considers that the waste intake should not increase from 242,000 to 302,500 tpa for the reasons outlined in Section 1.1.3 above. The TC consider that the level of monitoring required as amended in this report is sufficient to protect the environment. However, we consider that the details of the personnel carrying out the monitoring should be agreed in advance of any monitoring with the Agency (see Section 3.9 of this report).

The TC considers all objections equally and do not consider that objections need to be prepared by technical experts. Matters relating to planning are to be considered by the Planning Authority.

The Proposed Decision is issued by the Agency and the recommended PD prepared by the Inspector forms part of the decision making process.

1.2.3 Submission on Applicant's Objection by Association for Ballymore Eustace Controlled Development (ABCD)

The Association for Ballymore Eustace Controlled Development (ABCD) state that the EPA are well within their authority to refuse a waste licence for non-hazardous waste landfill and are not obliged to furnish a Third Party expert report in this regard. They object to the insult referred by the Applicant on the objectors for failing to engage the services of technical experts.

They object to the Applicant's request for an Oral Hearing in that the local community would then be duty bound to employ the services of such technical experts and this is far too onerous in all the circumstances.

The Association submits that the Applicant's rights of natural and constitutional justice have not been in any way hampered or interfered with.

The EPA is not obliged to request additional information on the application and are entitled to come to any decision despite the recommendations of the inspector Dr. Kevin McDonnell.

The Applicant did not apply for recovery of activities on the site and any attempts now by the Applicant to include this as an acceptable result of the proposed decision is outside the scope of the application and thus the EPA remit.

They highlighted the following: "*They do not accept that issues such as noise, dust, height of landfill, annual quantity of waste, surface water discharges are not issues with the Agency*".

They object to the Applicant's assertion that proximity of the school and village and level of traffic movements and the amenities of the area are not issues with the Agency.

They object to the contention of the Applicant that the creation of a surface water pond prior to discharge of surface water to the ground does not have the potential of damaging the River Liffey and surrounding areas.

They object to the expansion of the proposed decision to include commercial and industrial waste. This Association urges the Agency to reject this expansion of materials to be accepted on site.

They object to the Applicant's assertion that the duration of the land filling activities will be lengthened to 15 years. This Association accordingly urges the Agency to reduce the maximum level over 150mOD.

They object to the Applicant's request to increase the tonnage accepted at the site to 302,500 tonnes per year. This Association urges the Agency to reject the Applicant's submission requiring the minimum of 1,100 tonnes per day for 275 days per year and urges the Agency to restrict the maximum level and restrict the number of vehicles accordingly to protect the environment. This Association urges the Agency to take as primary concern the health and welfare of children and of this school and its teachers. This facility is simply in the wrong place and not suitable for the proposed activities.

They object to the Applicant's request to expand the nature of the waste to be land filled and to the requested activities regarding the acceptance of non-recyclable materials, the lining of a separate inert landfill.

They object to the inclusion of glass, pottery, china, clay and ceramic tiles, concrete, silicate concrete, mortar, plaster and plasterwork materials as acceptable to be dumped on this site.

They object to the Applicant's request to allow 10% of dumped volume be permitted under the heading "other construction and demolition materials". They assert that this cannot be monitored and exposes the area to grave risk of damage to the environment.

They object to the Applicant's reliance on the Austrian ordinance and assert that the Agency must take this site as it finds it. The introduction of this nuisance by way of traffic will cause material damage to the environment; the Equine industry adjacent to the area and the Applicant has failed to address this aspect.

They object to the Applicant's reliance on economic viability as being of primary concern and urges the Agency to reject this as a condition or submission accordingly. In particular, the Applicants assertion that the testing facility is onerous only on the basis of cost is outside the scope of the EPA. The assertion by the Applicant that "sometimes" clean soils arising from road works or building projects on green sites require disposal as a excuse for relaxing inspection criteria is utter nonsense. They urge the Agency not to consider any less stringent testing regime under any set of circumstances whatsoever.

They object to the Applicant's assertion that the monitoring of odours is excessive.

They object to the assertion that the monitoring of surface water 2000 metres upstream of the site at Golden Falls hydrometric station is onerous. Such testing should be mandatory and the Agency is obliged to protect the environment accordingly.

In the summary of their submission on the objection:

The driving force behind such objection is that of monetary gain and economic viability. This should not be a consideration of the Agency.

They also urge the Agency to set as a condition precedent that full planning permission be obtained under the Planning and Development Acts for this facility's simplicitor and all a pertinent facilities that are required to enhance this facility.

They also stated that they enclosed communication from Kildare County Council to the servant or agent of the Application in this regard for consideration.

Technical Committee's evaluation

The TC considers all objections equally and do not consider that objections need to be prepared by technical experts. The Agency are required to ensure that emissions from the activity will not cause environmental pollution.

The TC agrees that a review application should be received for any waste recovery processing operation. Surface water will be managed so that there are no significant emissions to waters. The TC considers that the waste intake should not increase from 242,000 to 302,500 tpa but acknowledge that the timeframe to reach the maximum level (150mOD) will be increased.

The types of inert wastes to be accepted and the level of inspection have been amended taking into account the EU Working Committee on Waste Acceptance set up under the Landfill Directive (in Section 1.1 above). The TC considers that it is not necessary to undertake detailed chemical and olfactometric monitoring of odour. Regular weekly inspections will suffice and the Agency can increase the scope of monitoring if required (Condition 8.12). The Surface Water monitoring locations should be amended at locations to be agreed with the Agency. Matters relating to planning are to be dealt with by the Planning Authority.

1.2.4 Submission on Applicant's Objection by Mr. Noel and Ms. Brid McCarthy

They state that the applicant's submission relies heavily on the Inspectors report, that of Dr. Kevin McDonnell and adopts it in full. The Inspector failed the local community by managing to assess the objection and to summarise them in a few short sentences. They highlighted the following in their submission on the objection: "In this regard, the Applicant objects to the Agency making the final decision

in light of the Inspectors report but the writer submits that the Agency has taken heed of the views of the community and has distanced themselves from the application and indeed the community in arriving at the proposed decision, although the Agency erred in granting a modified license”.

It is imperative that the Local Authority’s considered opinion regarding this dump is obtained. It is their submission that a condition precedent should be set on this PD and that planning permission is obtained. The Applicant’s objection, 21/12/01 relates to an increase in the tonnage to be accepted on site, that is an increase from 242,000 tonnes per annum to 302,5009 tonnes per annum. This is an outrageous increase and request. They point out that: *“This licence, it is urged, should at the very minimum comply with the Local Authority and in this regard it is to be noted that this maximum of 50 trucks per day as agreed by Kildare County Council is being challenged by the writer and the local community as even 50 trucks per day will cause great harm to the local community.”*

They object to the Applicant’s inference that their failure to employ a fleet of experts to compile any expert report should undermine their objection. The Agency must treat all objections equally.

The Applicant lays great stress on the potential economic viability of his dump. This is not a valid ground on which the Agency should assess this submission. The Applicant condemns the Agency for compelling the pre-sorting of material off site before submission to the dump. This is worrying when the Applicant requests that the Agency reduce inspections from one inspection every 1,500 tonnes to one inspection every 10,000 tonnes. The Agency is not obliged to assess the potential economic viability. This is particularly so in the light of recent events in Co Wicklow and Co Kildare. The Agency must impose strict inspection criteria.

They object to the re-shuffling of the Applicant’s application in light of the PD. A fresh application should be made for waste recovery facilities and/or the lining of a separate inert landfill.

The request to allow 10% of dumped volume be permitted under a heading of “Other construction and demolition materials” is far too vague. This cannot be monitored.

The PD recognises the danger to children going to school by closing the dump for a period of time each morning during school term. This should be extended to the afternoon.

They object to the Agency concurring with the Applicant’s submission to permit a level to return to 150mod. They submit this is excessive.

The Applicant has ignored the concerns of the school management and in particular the health of the children and teachers. They submit thus, *that insufficient weight has been given to the school objection.* Reducing the overall intake to one third of can easily solve the problems in relation to the extended life span of the facility from 6 to 15 years that which is being presently suggested by the Agency. This would be sufficient to achieve an acceptable contoured site and thus create a very pleasant landscape view from the boundary along the public highway.

Conclusion

They state that the applicant wishes to develop this site to its full economic potential and history dictates that such an attitude can and will place the environment at grave risk. In light of the Applicant’s attitude, his previous illegal activities at Grangecon and his expressed wish to make as much money as possible out of this site should lead the Agency to ultimately refuse this license.

They note that there is now in existence a disturbing report linking birth defects in Co. Wicklow with landfilled sites and a copy of this report in the Irish Times by Valerie Cox was attached.

They state that the Agency will make policemen out of the community by reason of the noted absence of any infrastructure to monitor or inspect this facility. The Agency should insist an independent environmental expert be employed to monitor and inspect this facility on a continuous basis and the costs of this must be borne by the Applicant.

They summarise as follows: “In light of the foregoing thus they respectively(respectfully, sic) suggest of the Agency to refuse this application or at the very least restrict the use of this facility by reducing the level of intake of material, precluding cycling facilities thereat, reducing the maximum height level from 150mod to 50mod, closing the facility in the afternoon during school term and making it a condition precedent that full planning permission to obtain from the creation of this landfill”.

Technical Committee’s evaluation

As mentioned previously, it is the PD issued by the Agency on the 26/11/01(and not the draft Inspectors PD) that represents the Agency’s consideration on the application. The matter of the request for an

increase in waste tonnage is dealt with previously (Section 1). The TC agree that a review application should be received for any waste recovery processing operation. All works that require planning should be subject to the relevant planning permissions. The matter of the opening hours is dealt with in Section 3 of this report. We do not concur with the view that the life span of the landfill be reduced by one third as the waste tonnage allowed would not be sufficient to infill the quarry to the original levels.

Prior to the acceptance of waste at the facility the licensee is required to submit details of their management details to the Agency for agreement. All specified engineering works and CQA will need to be performed by competent personnel. The monitoring personnel will need to be agreed with the Agency prior to monitoring.

2. Objection by Engineering Dept. Dublin City Council (formerly Dublin Corporation)

Order of the Assistant City Manager

He stated that they have examined the EPA PD and have secured advice from MCOS Consultants Ltd. and have serious concerns that the development in its present form may pose an unacceptable risk to the water supply for Dublin City. However, he then states that revisions may render the proposal acceptable. The main concern relates to the traversing of the Corporation watermain, which runs through the site, by a very large number of heavily laden vehicles. He highlighted the serious risk to water supply in the event of a watermain burst and pollution issues due to proximity to watermain which have in the past shown deficiencies in their jointing systems. He stated that the Board of the EPA should be requested to meet with Dublin Corporation personnel prior to any grant of permission. He requested an Oral Hearing into the application.

The Divisional Engineer added a cover note and outlined the subject matter of their objection and made reference to two reports in support of their objection namely: (i) Dublin Corporation Water Division Report and (ii) MCOS report.

Dublin Corporation Water Division Report

They highlight that 1.2 million people depend on this water supply system. The main risks are (a) damage to pipeline, (b) contamination of the ground in proximity to the watermain with consequent risk of contamination of the pipeline and (c) restriction of maintenance operations. They also highlight the risk to the landfill itself in the event of a burst of the 1600mm pipeline.

A. Damage to Pipeline

They highlight that the agreed bridging structure in Condition 3.5 should be a listed specified engineering work. They recommend that additional measures are required to ensure that this is the only crossing point and that fencing be erected to prevent any unauthorised traffic or earthmoving equipment. These works would be required prior to any other works on site – not just waste activities.

B. Pipeline Contamination

They are concerned about contamination of the ground in proximity to the watermain with consequent risk of contamination of the pipeline. They refer to Condition 3.5.3 and consider that no traffic should be allowed to queue within the watermain wayleave.

They consider that the facility office, waste inspection and quarantine areas, weighbridge, wheelwash be relocated to provide greater separation between them and the watermain (Conditions 3.6, 3.7, 3.8, 3.9). They state that the drainage from the wheelwash area should be separated and treated (5.7.3).

They are concerned about the location of the wastewater treatment plant (3.10) and tank/drum storage areas (3.11) and due to the vulnerability rating state that they must be relocated to the other corner of the site.

They refer to surface water management (Condition 3.13) and state that surface water from the access road within the wayleave area be collected and piped to surface water ponds. They refer to the risk to the watermain in the event that surface water ponds were full with contaminated material and request that a strategy be put in place for this scenario.

They state that the location, number and lining of surface water ponds be specified to give the maximum protection to the watermain. Consideration should be given to storm return periods and volumes of surface water to be retained.

They request that provision be made in the monitoring programme for groundwater monitoring adjacent to the watermain. They state that the frequency of monitoring requested in Schedule D4 is not sufficient to protect the watermain. They refer to the requirement for an early warning system for the protection of the watermain. They state that the recovery of waste should not be undertaken adjacent to the watermain wayleave. They highlight the type of lining required for the landfill base and sidewall (Condition 3.12) and state that the watermain should be equally protected.

C. Effects of a watermain burst within the site.

The pipeline has a flow rate of 200Ml/d and is approx. 26km long. In the event of a burst the volume of water released under pressure would be very significant and would cause considerable damage to the landfill site. Measures should be put in place to (i) prevent water from a watermain burst from entering the landfill, (ii) provide a path to discharge this water around the landfill area and (iii) safely discharge this water to a suitable water course and into the Liffey. Such an event would have the potential to cause significant pollution of the Liffey. They stated that the applicant should be required to indemnify Dublin Corporation against this new and increased risk. In conclusion they state that the alterations requested are reasonable measures to provide an adequate level of protection for a vital element of Dublin Water Supply System.

MC O Sullivan Report

They state that the development of the proposed landfill would create a risk of damaging and/or bursting the main. Major construction/excavation activities are required to develop the site.

They consider that the proposed management measures for protecting the pipeline during landfill development are not adequate. They recommend that the risks in relation to a watermain burst be minimised by the following measures:

- (i) Ensuring that the location of the watermain wayleave is clearly demarcated in all phases of the landfill operation
- (ii) That activities be controlled near and within the wayleave.
- (iii) They recommend that details be required of a management system to mitigate damages in the case of a watermain burst to be developed by the applicant and Dublin Corporation.

The measures should be developed by the applicant and agreed with the Dublin Corporation.

They state that in some areas of the proposed site that the anchor trench for the liner are located less than 10m from the watermain wayleave. They also state that a majority of buildings are located in close proximity to the watermain. They also highlight the proximity of the quarantine area (10m), leachate holding tank (40m) percolation area (40m) and the fuel storage area to the watermain wayleave. They indicate that potential leachate from these facilities may affect the watermain.

They also suggest that the proposal to relocate the ESB line to an underground location within the watermain wayleave is unacceptable.

They recommend that a detailed risk assessment of the various items of landfill infrastructure be undertaken, that infrastructure be relocated to minimise risk to the watermain where necessary and that they agree with DCC that the risks have been adequately minimised.

They state that due to the extreme sensitivity of the proposed site that a high standard liner meeting the specification for a municipal waste landfill be required. A detailed works method statement and an enhanced monitoring system should be agreed with DCC. They point out that the proposed facility is located within a corridor that may be required for an additional watermain between Ballymore Eustace and Saggart. They point out legal instruments prohibiting the developments and activities within a certain vicinity of the watermain and providing for DCC's legal right to maintain the pipeline. They point out that

unless their concerns are addressed that the proposed landfill should be rejected on the basis of the precautionary principle.

2.1 Submission on Objection by Applicant

They state that the Corporation has expressed its concern regarding damage to the pipeline as a result of site activities and that DC have certain rights within the 23m wayleave. Although site activities have been ongoing intermittently since the pipeline was installed they propose the following solutions.

Access Road Crossing- Vehicles entering and leaving the site will cross the pipeline over a bridging structure. The agreement of the Corporation is required under Condition 3.5.4 (they stated 5.5.4 in error). The Agency will be advised of same as part of the Specified Engineering Works.

Fencing- The perimeter of the pipeline wayleave as it traverses the KTK Sand & Gravel property will be cordoned off by a fence, restricting access except for upkeep (e.g. grass cutting) and any Corporation upkeep of the pipeline. Gates will be installed to provide access to the wayleave.

Overhead ESB Line- The overhead ESB line, if it is relocated will be in a duct outside of the Dublin Corporation wayleave.

They state that contamination of the water supply from waste management activities in the pipeline is unlikely and highlight the following infrastructures:

Waste Quarantine Area - This area as proposed will not represent a threat to the watermain. It will be a concrete hardstand that may be covered in and will be 60m from the watermain. They proposed to install a HDPE liner beneath the concrete slab. The quarantine area would also be designed and constructed to have concrete containment walls.

The Wheelwash - This facility as proposed will be 150m away from the watermain. It will be water-tight. Liquid or solid discharges from this facility will drain into the landfill.

Office and Weighbridge - No contaminants of concern that will pose a threat to the watermain.

Fuel Storage- Engineering measures will be in place to ensure all contaminants are bunded.

Sewage Treatment Plant- The treated effluent will be discharged into a percolation area that will be located more than 50m from the watermain

Monitoring Boreholes- KTK propose to install additional monitoring boreholes along the watermain. These boreholes would be suitable for measuring landfill gas (if any). However, they stated that the groundwater table and the level of leachate would be at a lower elevation than the watermain within the site boundaries.

Supplementary Report Submitted by Applicant re Comments on Objection by Dublin Corporation

They outlined in summary form their dealings with DCC in relation to their proposal. They made reference to a letter (21/9/01) from Divisional Engineer (Mr. McKeown) to the EPA regarding the development.

The concerns raised in that letter:

- a) Location of Leachate Tank, Loadout Bay and Landfill Compound for Leachate and Gas Management
- b) Location of the Waste Quarantine Area
- c) Monitoring Boreholes
- d) Sewage Treatment Plant Percolation Tests
- e) Potential Leachate Pipeline to Ballymore Eustace
- f) Access Road Crossing
- g) Overhead ESB Line

h) Effect of a Burst Watermain

They commented on all of these concerns in a letter to the Agency dated 05 October 2001. They state that it must be assumed that the Agency inspector prepared his report and the EPA Board made its PD on the basis of that information alone as there is no other submissions.

Comments on the Order of the Assistant Manager

They do not agree that there may be an unacceptable risk with the landfill as conditioned in the PD or any form that the landfill takes including the proposed facility that was outlined in the application documents. They are prepared to consider revisions and provide revisions where appropriate to provide added protection of the watermain.

They will provide a bridge structure as outlined to the Corporation engineers by letter dated 16 July 2001 and their letter dated 05 October 2001 submitted to the Agency.

They note that Condition 5 of the planning permission for the sandpit (Ref 1332/80) requires the applicant/operator to consult with Dublin Corporation regarding access points across the existing watermain. The applicant has recently met with engineers at the Ballymore Eustace Plant (07/03/02) to discuss the proposed crossing structure originally presented to Dublin Corporation in July 2001. The plant engineers did not raise any significant issues to the proposed scheme during recent meetings.

They note that *from the early 1980s through to 1999 there were sometimes more than 200 truck movements across this same pipeline*. They note that there is presently no structure in place and that the applicant will adhere to the planning permission requirements to the extent it relates to their Planning Condition 15, restoration of the site. The wayleave is c. 11.5m wide on both sides of the pipeline and it is the use of this land that is constrained not the use of the balance of the site. No copy of the wayleave agreement is available.

Comments on Report by the Division Engineer

Conditions to Prevent Damage to Pipeline

They do not object to having the proposed bridging structure listed in the Schedule B – Specified Engineering Works as well as in condition 3.5.4. They do not object to installing a post and wire fence to prevent access to the pipeline. They do not object to installing the bridging structure before development work or filling commences under the waste licence. The applicant is amenable to revising the facility boundary to provide additional assurance to Dublin Corporation that there is no access to or works carried out in the wayleave.

Conditions related to Preventing Pipeline Contamination

They do not see any way for ground contamination to occur adjacent to the pipeline as a result of any landfill proposal at this site. Any contaminants released from these areas would have to move through the engineered containment systems, and then tens of metres through natural or man made unsaturated compacted soils to reach the watermain.

Condition 3.5.3. They are prepared to prevent trucks from standing on the bridge structure by an appropriate means such as signage and/or a yellow box as per a railway crossing.

Condition 3.7. They are prepared to consider relocating the waste quarantine area.

Conditions 3.6 and 3.8. These deal with the facility office and the weighbridge. We do not see any need to move these further away from the watermain.

Condition 3.9. The proposed location of the wheel wash is some 150 metres away from the pipeline. We do not agree with relocation of the wheel wash as it provides no threat to the watermain at the location it is proposed.

Condition 3.10. The effluent from the WWTP will percolate vertically downward into the soil and not 50 metres laterally towards the watermain. They can see no reason to relocate the treatment plant and percolation areas as proposed on the application drawings on the grounds of potential contamination of the watermain. The applicant will consider an enclosed treatment system and a storage tank for the effluent.

Condition 3.11. The oil/fuel storage area specified in the June 2001 EIS was within the lined landfill area. Another possible location was proposed in their submission on the objection

Condition 3.12. The applicant is prepared to provide the type of lining system deemed appropriate, by the Agency for the type of wastes being deposited.

To allay concerns of the Corporation they would be prepared to install a low clay fill berm along the edge of the pit and the wayleave to ensure there is no surface water runoff into the wayleave from the licensed facility.

Condition 6: They indicated their willingness to install monitoring wells between the wayleave and the top of the lined eastern slopes of the pit even though in their view these will not be necessary. They would install three (3 No) monitoring boreholes to a depth of 1 metre below the invert of the pipe. They do not agree that monitoring boreholes are needed along the northern slope between the wayleave and watermain as the waste disposal/recovery facility is down-gradient of the wayleave.

Condition 3.13 They note that surface water management is regarded as Specified Engineering Works in Schedule B of the proposed licence. Surface water from macadam surface will be collected and piped to treatment systems as shown in Drawing 103 that accompanied the June 2001 EIS and the application.

Condition 3.13.3 They stated that the surface water pond would be designed using the appropriate design storm and return period to ensure that the pond does not overflow during operation. The pond will hold water from roads and hardstands only.

Table A.2. They stated that waste recovery activities would be carried out within the boundaries of the lined landfill presented on the drawings submitted with the application form.

Restrictions of Maintenance Operations

They stated that the proposed facility would not restrict maintenance operations.

Effects of a Burst Watermain within the Site

The Divisional Engineer indicates that a burst watermain within the site would cause considerable damage as it travels across the landfill site. The applicant accepts that the watermain carries a large volume of water (2.3 m³/sec). However there is no indication of what volume of water may be involved in a hypothetical burst and all the possible directions of flow of such water. If the watermain burst due to no fault of the applicant it could cause damage to the property of KTK Sand & Gravel Ltd and other third parties along the length of the pipeline. They would expect that the Corporation has insurance to cover damages to third parties. They suggest that the Corporation should have its own contingency plans for such measures in relation to all third party lands that the watermain crosses. The applicant's measures will reduce the risk of a burst.

KTK Sand & Gravel Ltd carries public liability insurance and will carry pollution liability insurance for this facility.

The Divisional Engineer's statement that the water from a burst watermain – "could scour out a portion of the fill material into the Liffey. Such an event would have the potential to cause significant pollution of the Liffey" is unsubstantiated. No technical basis has been provided for this potential scenario. The nature and location of the burst, volume of water involved and the travel path of the water must be provided to corroborate this scenario. Additionally the monitoring systems for burst, the contingency plans for a burst and the location of shut off valves would be required to corroborate this scenario.

Their assessment of a burst on the site is that the water will discharge radially outward from the burst. Of course some assumptions must be made on the nature of burst. The Corporation have a response time to deal with such bursts. If there was a catastrophic burst it must be assumed the Corporation would isolate the zone in which there is a burst as quickly as possible. There is a shut off valve below the application site in Ballymore Eustace and another on the other side of Punchestown Racecourse. Various scenarios are outlined if pipe was to burst or leak at different locations.

Comments on Report by MC O' Sullivan

In regard to the obstruction of future pipeline routes they highlighted that the wayleave is 23 metres wide thus there should be ample room for an additional pipeline across the KTK Sand & Gravel lands subject to the appropriate agreements. They also attached correspondence in relation to the way leave.

Technical Committee's evaluation

The TC note that the applicant does not object to installing the bridging structure before development work or filling commences under the waste licence. The TC considers that site preparation works have the potential to cause damage to the water main and that the bridging structure should be in place prior to any operations at the facility. The TC considers that the installation of the bridging structure should be classified as an SEW and that traffic shall not queue on the bridging structure. The TC notes that the PD as written does not require agreement from DCC for the installation of the bridging structure. The TC considers that the licensee should be required to liaise with the DCC prior to its installation and with regard to the fencing off of the area surrounding the wayleave. The TC considers that the proposed facility would not restrict maintenance operations on the watermain.

The TC considers that the licensee should also liaise with DCC when undertaking the Emergency Response Procedure required under Condition 9.2. Their concerns in relation to watermain bursts and other pipeline protection measures should be taken into consideration when the licensee submits the ERP to the Agency for agreement.

The TC does not agree that the location of the following site infrastructure (office, quarantine area, weighbridge, wheel-cleaning, WWTP) poses a significant risk to the watermain. However, the location of the tank and drum storage area should be agreed in advance with the Agency. The TC considers that the licensee should install additional groundwater monitoring locations along the watermain. The TC acknowledge that the applicant would be prepared to install a low clay fill berm along the edge of the pit and the wayleave to control surface water movement.

The TC considers that surface water management is regarded as Specified Engineering Works in Schedule B of the proposed licence.

Recommendation

Amend Condition 3.5.4: Prior to the commencement of activities at the facility, a bridging structure of a type and design to be agreed in advance with the Agency must be installed in order to protect the Dublin City Council water main. The licensee shall liaise with Dublin City Council on the design of the bridging structure and on the fencing of the way leave area.

Add to Condition 3.5.3. No traffic shall queue on the bridging structure over the water main.

Add to Condition 3.11.1. The location of the tank and drum storage areas shall be agreed with the Agency.

Add New Condition 3.13.5 The licensee shall install a low clay fill berm along the edge of the pit and/or the wayleave to ensure there is no surface water runoff into the wayleave from the licensed facility.

Add to Schedule B: Installation of bridging structure.

Add new Condition 8.6.3: The licensee shall install three additional groundwater monitoring location along the watermain at locations to be agreed with the Agency.

Add to Table D.1.1 Groundwater Stations: Three locations as agreed under Condition 8.6.3.

Condition 9.2. The Fire Authority and the Dublin City Council Water Division shall be consulted by the licensee during this assessment.

3. Other Matters Raised in the Objections

General

Many of the issues raised in a number of the objections covered similar grounds.

The issues which were referred to in individual objections (1,2,3,5,6,7,8,9,10,11, 12, 14) are categorised to avoid repetition and are described as below.

3.1. Management of the Facility

- Person and associates seeking the license are not qualified/ certified to operate the facility.
- Only pre - qualified personnel should be employed on site - no allowance for human error.
- Unqualified or inexperienced personnel may be appointed and fully operational at the said facility within this 12 month period of training.
- The Licensee should establish and maintain an EMS prior to the granting of this licence. This EMS should also be submitted for agreement with the representatives of the local community and any amendments being submitted to the Agency should also be submitted to this Objector and any other Objector and the Representatives of the Local Community.
- The EPA should insist on the timescale for achieving the Objectives and Targets and should not afford this facility to the Licensee. Any such guidance issued by the Agency should also be transmitted to Representatives of the Local Community and to all Objectors.
- Environmental Management Plan and methods by which Objectives and Targets will be achieved should be properly identified and otherwise installed prior to the granting of this Licence. This should also include all correction action procedures.
- The Licensee/Developer should maintain a communications programme directly concerning the environmental performance of this facility and this should be established at the time of the granting of this Licence, such information emanating from the Licensee/Developer.

Submission on Third Party Objections by Applicant

Condition 2.1: Facility Management

The applicant concurs with this condition of the PD as written and recognises the FAS Waste Management Training Programme is meant to enhance not impart relevant expertise.

Condition 2.3: Environmental Management Programme

The applicant concurs with the condition of the PD as written.

Condition 2.4: Communications Programme

The applicant concurs with this condition of the PD as written. The applicant notes that the communications programme is targeted to the general public and not specifically objectors to this PD.

Technical Committee's evaluation

The TC note the comments of the objectors with regard to the possibility that the facility manager will not have completed the FAS management programme until 12 months after their appointment. However, prior to the acceptance of waste at the facility the licensee is required to submit details of their management structure to the Agency for agreement (Condition 2.2). This will ensure that whoever the Agency agrees as part of the management structure (as facility/deputy manager) will have an extensive understanding of best practices in relation to waste management.

Guidance has been issued to all licensees, upon receipt of their licence, in relation to "Draft Guidance on EMS and Reporting to the Agency". This document contains details on communications, EMP, EMS, objectives and targets in relation to waste licensing. This document will be placed on the Agency website in the near future. As part of the communications programme developed by the licensee (within three months of the date of grant of licence) it is envisaged that the public will be able to obtain information regarding the environmental performance of the facility.

Recommendation

No change.

3.2. Waste Acceptance and Handling

- The maximum tonnage provided is excessive.
- 242,000 TPA is deemed excessive & permits environmental damage over an 8-year period. It could affect the 'Special Village Status'
- Objection also refers to the acceptability of inert waste at Table A.2.1 for disposal at this facility, "unless otherwise agreed with the Agency". Reference should be made to any extension regarding the said referred inert waste to this and all other Objectors.
- Schedule A3: Acceptance criteria should be obligatory.
- Condition 5.2.5 removal procedure of waste is deemed 'Too loose'. Information regarding type, amount waste, time of removal, name of waste contractor, type of transport used, precautions to be taken during transport should all be notified to the Agency.
- There should be no facility for recycling at the proposed site.
- The Agency proposed (Condition 5.6) to licence the recycling depot at this facility. Objection is made to this. This is a massive increase in volume of traffic, noise level and activity at this facility.
- Only material properly sifted, recycled and/or reclaimed, that is to say pure construction and demolition waste only should be dumped at the site without the provision of blending, mixing, recycling, reclaiming and/or recovery of other materials including inorganic materials and/or inert waste for removal from this site.
- Objection is also made on the grounds that no restriction is made regarding the volume and number of heavy goods vehicles that may pass and/or re-pass along the proposed route or any proposed route that is to say to be accepted at the site on each working day.
- The confirmation of the Agency's agreement regarding procedures for acceptance as referred to at Condition 5.2.3 should be referred to the Local Authority, Local Representatives and objectors to this proposed Decision.
- Condition 5.2.5 should only be undertaken and properly recorded by qualified personnel and a record of each load including place of origin should be kept and maintained at the site office, EPA and Kildare County Council.
- Notification of any application to extend the working face should be given to the Local Authority, Representatives of the Local Community and all Objectors to this proposed Decision prior to the opening of any secondary or other working face.
- Objection is made to the storage of waste within a designated area prior to recovery as this constitutes a separate activity and this storage would harm the environment by the invitation of vermin, birds, flies and/or litter and/or odours.

Submission on Third Party Objections by Applicant

Many of the objectors indicated that they thought the amount of wastes brought into the facility was too high. The applicant advised that some of the original application lands are no longer available. They submitted a suggested revised site boundary.

The applicant concurs with the facility operation and waste management conditions 5.1 – 5.7 of the PD as written.

Technical Committee's evaluation

Issues relating to the tonnage to be accepted and the waste acceptance criteria for inert waste were dealt with in Section 1.1.3.

There appears to be some confusion regarding the on-site recovery operations that are allowed under the terms of the PD. It should be clarified that there shall be storage only of waste destined for recovery at the facility and that no waste recovery processing works can be undertaken.

The TC note that the recording of waste loads leaving the facility for onward recovery or disposal should be strengthened. The TC also note that the applicant now wishes to reduce the site area and revise the site boundary and consider that Condition 1.2 be amended to reflect this.

Recommendation

Amend Condition 1.2

For the purposes of this licence, the facility is the area of land outlined in red on Figure No. 3 **Rev. 01 March 2002** "Application Site Boundary" of the application. Any reference in this licence to facility shall mean the area thus outlined in red.

Amend Class 4 of 4th Schedule.

This activity is limited to the storage of inert waste and construction and demolition waste at the facility for use in site development works and site restoration.

Include as Condition 5.5.2

The licensee shall ensure that inert waste is subject to pre-treatment **off-site** where technically feasible. **Inert waste shall only be stored at the facility for use in site development works and site restoration.**

Amend 10.2

The licensee shall maintain a written record for each load of waste arriving at **and leaving** the facility. The licensee shall record the following as **appropriate**.

Include as sub-condition (i)

The ultimate destination of the waste load leaving the facility (facility name and waste licence/permit number).

3.3. Opening Times

- Facility should be closed to reflect children arriving & leaving school.
- Opening times are excessive and should only be from 8 am - 5 pm Monday to Friday, closed on Sat & Sunday, Bank Holidays and holy days. It ignores health, welfare, safety of children guardian's and teachers leaving the school. No waste should be accepted from 1.45 - 3.15pm Mon- Friday during school term
- Proposed life expectancy of the landfill of 8 years is excessive and will cause ongoing damage to Ballymore village during an excessive period of time.
- Opening hours is totally objectionable. Proposed times will result in heavy traffic during early morning time.
- Opening start time of 6am is too early & will effect quality of life
- Operations should cease on bank holidays
- No time limit on storage of metals and wood or consideration given to school exit times.

Submission on Third Party Objections by Applicant

The Applicant would be prepared to further restrict the HGV traffic into and out of the site during the evening collection of children between 1.45 and 2.45pm. It should be noted that the applicant views the restrictions of opening hours to incoming and outgoing HGV traffic to the site and not to site operations contained within the border of the site.

Technical Committee's evaluation

The TC agrees that the hours of opening should also be amended in the afternoon to reflect the concerns of the objectors. The TC notes the applicant's comments on this matter. Consequently, we consider that the hours of opening be amended to reflect this.

The TC also note that there will be no waste acceptance on Bank Holidays but consider that the licensee should be allowed to open to carry out routine checking and maintenance operations as they deem necessary.

The TC consider that a time limit should be set on the storage of wastes recovered at the facility (e.g. metals, wood) but that there should be some allowance made to consider the economic situation applicable for these markets.

Recommendation

Amend Condition 1.5.1:

Waste may only be accepted at the facility for disposal at the landfill between the hours of **6.30am** to 8.15am, 9.15am **to 1.45pm and 2.45pm** to 5.00pm Monday to Friday inclusive during school term and 7.30am to 1.00pm on Saturdays. Outside of school term, the opening hours are 7.00am to 5.00pm Monday to Friday inclusive.

Add Condition 5.6.4

Recovered waste shall not be stored at the facility for longer than three months, unless otherwise agreed by the Agency.

3.4. Record Keeping

- Documents referred to in Conditions 10.1, 10.2, 10.3 should be retained by the Licensee at the facility office, at the address given by the Applicant in the application herein and a copy of same should be forwarded to the Environmental Section, Kildare County Council.
- All written records of any complaints relating to the operation of the activity should be referred to the Agency, the Local Authority and the Garda Siochana at Naas, Co Kildare.
- A written record should be maintained at the facility, at the Licensee's Head Office and at the Environmental Section, Kildare County Council regarding all matters referred to at Condition 10.5.
- The reason for additional records is to allow public inspection thereof without the intimidating prospect of entering onto the facility and requesting site thereof.
- Scale drawings showing the monitoring locations stipulated in the Licence herein should be submitted to the Agency, the Local Authority and the Representatives of the Local Community.
- All such reports of any incidents should also be reported to the Health and Safety Authority and the Insurers of the Local Authority.
- The Report referred to in Condition 12.2.1 should be submitted to the Local Authority and Local Representatives of the Local Community, within 6 months of the date of grant of the Licence, and prior to the commencement of Waste Disposal Activities.
- The Annual Environmental Report should be submitted to the Local Authority, to Representatives of the Local Community and to all Objectors to this Proposed Decision.
- An Energy Efficiency Report should be made available in the Agency's offices, at Kildare County Council, under the environmental section for inspection by authorised persons of the Local Authority and the authorised persons from the Local Community.

Submission on Third Party Objections by Applicant

The applicant concurs with the records requirements set out in conditions 10.1 – 10.5 of the PD as written. They disagree with expanded information dissemination requests articulated throughout some objector's reports. Part of that communications programme will be community access to relevant on-site records. The applicant does not view this as being "oppressive" or "intimidating" but a useful way to communicate with the community.

Technical Committee's evaluation

The TC notes that all correspondence in relation to the license will be available for inspection at the office of the Agency by any member of the public. In addition, the licensee is required to maintain a Communications Programme under Condition 2 of the licence.

As mentioned previously, the Agency undertakes periodic inspections, audits and monitoring of all licensed facilities. Copies of all such records are maintained at the Agency's office.

Recommendation

No change.

3.5. Emissions to Water

- Sanctions are absent in the license in relation to breaches.
- Condition 3.13.2: Surface water settling ponds should be constructed in advance of waste disposal as the drainage from the waste inspection & quarantine areas are directed to them.
- Condition 4: Licensee should be obliged to submit to the Agency details on surface water from Capping and restoration operation
- Condition 3.10 Monitoring schedule of waste water treatment plant effluent along with ELV's should be specified due to proximity to the Liffey and wells.
- Condition 3.13 Surface water management should be clarified. Monitoring frequency of surface & groundwater is inadequate. Continuous monitoring of surface water pond requested.
- Dublin's water supply passes through a 1600mm pipeline on site & contamination of water is a threat.
- No water should be discharges, concentrated, diluted which could damage/ taint fish or shellfish
- Condition 6.3: Deemed too loose - who decides when a fish is 'tainted'.
- Objection is made regarding emissions to surface water. The Agency should prohibit any such substance discharge whether concentrated, diluted or otherwise.
- Objection is made that indirect emissions to ground water are permitted.
- Condition 6: Objects with all of Condition 6

Submission on Third Party Objections by Applicant

Condition 3.10.1: Waste Water Treatment Plant

The applicant agrees with this condition of the PD as written but does not agree with the contention that the effluent from this plant is discharged into the ground 170m from the River Liffey. Currently the River Liffey is the receptor of the foul drainage from the village after primary settlement only. The proposed treatment plant will have no impact on the Liffey.

Condition 3.13.2: Surface Water Management

The applicant concurs with the contention made by Objectors 9 and 10 with regard to construction of surface water ponds prior to waste disposal at the facility.

Condition 3.13.3: Outlet from Surface Water Pond

The applicant concurs with this condition of the PD as written. The applicant disagrees with the contention made by Objectors 9 and 10 with regard to automatic monitoring of the surface water ponds. The surface water ponds will receive treated stormwater runoff from hardstands and access roads prior to discharge to soakaways. The applicant remains committed to diverting and collecting surface water from roads and hardstands and treating it as described above. They note that the wheelwash and waste quarantine areas will drain to the lined landfill.

Condition 5.7.3

The applicant concurs with this condition of the PD as written but notes the concern raised by Objector 10. Section 2.5.10 of the June 2001 EIS indicates that water from the wheelwash will drain back into the landfill.

Condition 6: Emissions

The applicant concurs with the emissions conditions 6.1 – 6.5 of the PD as written.

Technical Committee's evaluation

Section 2 of this report deals with concerns regarding the potential threat of contamination from the 1600mm pipeline that passes through the facility.

Condition 1 addresses the scope of this licence and sets out when a notice of non-compliance may be served. The TC considers that the Agency has legal powers under the WMA to prosecute the licensee if the licence is not adhered to.

Condition 3.10 requires any WWTP and associated percolation area which is installed at the facility to comply with the Agency's Manual 'Treatment Systems for Single Houses'. The TC considers that this requirement is adequate to ensure that any WWTP does not cause negative effects on the environment.

The TC considers that to ensure effective surface water management that all surface water ponds should be completed prior to the commencement of the licensed activities at the facility. In addition, the TC considers that weekly monitoring for suspended solids is necessary at the outlet from the surface water settling ponds. The TC considers that the conditions of the licence as amended below will ensure adequate surface water management at the facility during capping and restoration works at the facility.

The TC notes that only inert waste is to be landfilled at this landfill and considers that the groundwater monitoring required by the license is adequate.

The TC considers that Condition 6 controls emissions from the facility that provide for the protection of the environment.

Recommendation

Amend Condition 3.13.2:
Prior to the commencement of the licensed activities at the facility, the licensee.....

Amend Note 6 of Table D.4.1. Include monitoring for suspended solids on a weekly basis at the outlet from the surface water pond.

3.6. Planning Permission /Traffic

- Condition 1.3: Applicant has not applied for planning permission in relation to: Traffic, structures, lighting.
- Condition 3.2.1 Submitting proposals for specified engineering works should be compulsory to submit appropriate planning
- Lack of PP for the facility
- Kildare C.C refused a small quarry in Ballymore Eustace on traffic & road improvement grounds
- Particular planning matters in relation to the site are not addressed and are subject to clarification with Kildare C.C
- License should not issue until Planning is obtained for the 12 items of construction at the site. It is not sufficient to rely on Paragraph 1.3 or proposed license.
- Licensee must comply with all planning matters before any license issues.
- Applicant has still not produced the traffic report, which was one of the conditions of this planning permission when the initial permission was given.
- Objection is made, under the guise of hours of operation including failure by the EPA to liaise with and otherwise refer to lighting requirement under and by virtue of the proposed hours of opening to Kildare County Council and this should be made a term of the Licence.
- License should not issue until Planning is obtained for the 12 items of construction at the site. The EPA should obtain legal advice before issuing the license.
- They have discovered in the case of Naas that once a licence is issued by the EPA, that there seems to be very little the Local Authority can do to minimise the impact on the greater community.
- Reference for reclaimed & recycling of material is considered although no recycling facility has been applied for. Also the limit only refers to material which will be dumped. Reliance by the EPA on Condition 1.3 is totally inadequate and subject to Judicial Review - the EPA has exceeded their powers.
- Local road infrastructure is inadequate to cope with increased traffic resulting in increased danger and other environmental considerations.
- Integrity of applicant, Kilcullen activities and applicant's illegal activities at Grangecon.

- Letter from ABECD to Kildare County Manager, 14/12/01 outlining their concerns in relation to waste licensing and planning matters and the interaction between the two codes.

Submission on Third Party Objections by Applicant

Several objectors question the validity of the planning permission that the application has at the site. Mindful that this issue is not within the Agency's remit they submit a recent letter from Kildare County Council which explains the requirements with regard to the restoration of the site as per Planning Reference 80/1332.

Technical Committee's evaluation

The application was assessed in accordance with the regulations. The issues relating to planning permission including lighting are not matters for consideration by the Agency.

The Waste Management Act provides that the Agency shall not grant a waste licence unless it is satisfied that the applicant is a fit and proper person to hold a waste licence. Among the criteria for determining whether a person is a fit and proper person for the purposes of the Act is whether or not that person has been convicted of an offence prescribed under the Act. Based on the information provided in the application, the applicant has not been convicted under the Act of any such offence. All licensees are required to comply with the conditions of their licences.

Recommendation

No change

3.7. Financial Provisions

- Proposed licence does not seek to provide a 2 million euro bond which should be called upon should any of the requirements of the license not be adhered to over the entire period of operation.
- There should be a requirement that any pollution incident requiring remediation will be carried out by a third party and to no cost of the local community.

Submission on Third Party Objections by Applicant

The applicant concurs with the charges and financial provision requirements set out in conditions 12.1 – 12.3 of the PD as written.

Technical Committee's evaluation

The TC notes that there is a requirement on the licensee to complete a fully costed environmental liabilities risk assessment. The content of the risk assessment will be assessed by the Agency and following its agreement a proposal for financial provision is required (Condition 12.2). Agreement of both the risk assessment and the financial provision mechanism is required prior to the commencement of waste activities.

Recommendation

No change.

3.8. Specified Engineering works

- Construction phase must be clearly defined - commencement & completion.
- Condition 3.2.1: Licensee has already commenced specified engineering works on site
- The Licensee should submit proposals for all specified engineering works as defined in Schedule B to the Representatives of the Local Community and to all Objectors at least 2 months prior to the intended date of commencement and/or of use of the facility. Such proposals for all specified engineering works should also be submitted to the relative Planning Authorities, to all Objectors and to Representatives of the Local Community prior to intended commencement of any such works.
- The Validation Report referred to in Condition 3.2.3 should be made available to all Objectors and to the relevant Planning Authority and Representatives of the Community.

- Reference should be made to the bridging structure referred to at 3.5.4 and should be made to the Planning Authorities at Kildare County Council and this should also refer to items referred to in Conditions 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 3.12.

Submission on Third Party Objections by Applicant

The communications programme will facilitate the dissemination of information to the community. The proposals for Specified Engineering Works (SEWs) are considered by and are agreed by the Agency. The applicant does not believe that any further communication measures are necessary regarding condition 3 of the PD.

The applicant concurs with condition (3.2.1) as written but does not agree with the contention by Objector 9 expanding the scope of this condition.

Technical Committee's evaluation

The TC notes that Condition 3.1 requires the licensee to establish all infrastructures referred to in this licence prior to the commencement of the licensed activities or as required by the conditions of the licence. The TC also notes the Condition 3.2.1 requires proposals for all SEW to be submitted to the Agency at least two months prior to the intended date of commencement of any such works and that these works should be agreed by the Agency prior to commencement. Schedule B of the PD lists all Specified Engineering Works. The TC consider that the construction of the bridge structure over the watermain should be a SEW.

All correspondence from the licensee, including all aspects of SEWs and all correspondence from the Agency will be available for inspection by any member of the public at the Agency's office. Copies of all enforcement correspondence are sent by the Agency to LA offices on a regular basis. However, the up-to-date file is held in EPA HQ.

Recommendation

See Recommendation in Section 2.

3.9. Monitoring

- Condition 5.2.5: scope of monitoring is too vague, no specific allocation of responsibility of monitoring, recovery & disposal
- Condition 5.6.3: Room for bias if situation is not independently monitored.
- Condition 3.13.2: Automatic monitoring should be in place (turbidity) & automatic shut - down of the outflow from the ponds in the event of contamination
- Section 2.5.10 of the EIS: states that class 1 by-pass separator should be in place but this is not reflected in the License.
- Re Condition 5.7.3- recommend that 2 monitoring stations should be established on the Liffey Main channel.
- Recommended daily inspections/ turbidity/ electrical conductivity/ weekly SS monitoring
- Condition 3.11.5: Request that integrity & water tightness test of all bunds to be repeated annually.
- Condition 8.12: Sampling frequency for odour, PM₁₀ & Noise is inadequate. Breaches of could not be detected with this level of monitoring.
- To avoid any doubt all monitoring should be by an independent party with a full time presence on site.
- Monitoring standards are totally inadequate. Local community should be made to police the dump.
- Independent professional should be used to monitor the facility at least monthly, esp in light of illegal dumping
- Dust should be monitored each week and proper records kept.
- An independent body acceptable to the Agency and to the Local Authority should undertake the monitoring of local wells. An annual report should be made to the Local Authority and the Agency. Objection is made to the use of the word "significant adverse effects". The use of the words "any adverse effect" should be inserted therein and strict guidelines and restrictions attached thereto.
- Inspection and monitoring of surface water, ground water and /or the Leachate at D4 of Schedule D is inadequate. Visual inspection/odour regarding ground water should be undertaken monthly. The monitoring of ground water levels should be undertaken weekly. All other parameters referred to at

paragraph D4 of Schedule D should be undertaken, in the area of surface water on a monthly basis and in the area of ground water, frequency should be monthly.

- The name and address of the independent body should be lodged with the Agency and with the Local Authority and with Representatives of the Local Community prior to the issuance of this Licence.
- A topographical survey should be undertaken every six months from the commencement of the waste activities on site. The written instructions of the Agency regarding this topographical survey referred to at paragraph 8.9 should be referred also to Representatives of the Local Community.
- Objection is made that annual stability assessment insufficient.
- Archaeological Assessment should be undertaken prior to the development of any undisturbed area and the advice of Duchas, the Heritage Service should be obtained prior to same and the results of this survey should be forwarded to the Agency, the Local Authority and the Representatives of the Local Community.
- An independent body should at a minimum of one week intervals inspect the facilities and immediate surrounds for nuisance.
- Objection is made as to the words “suitably competent” regarding persons conducting such sampling, monitoring and interpretation under this Licence.

Submission on Third Party Objections by Applicant

Aside from objections noted in the 1st party objection to the PD the applicant concurs with the monitoring conditions 8.1 – 8.13 of the PD as written.

The applicant disagreed with the requirement for odour monitoring (Schedule D.6) for their inert site. *The applicant objected to Condition 8.7.1 as it pertains to Golden Falls because there are many anthropogenic and potentially confounding sources of pollution, not the least of which is primary sewage treatment plant, which discharges direction into the River Liffey at the bridge crossing in Ballymore Eustace.”* The applicant has particular concurs with monitoring frequency and appropriate emission levels as set out in the PD.

The applicant disagrees with the additional surface water monitoring requirements proposed by the Eastern Regional Fisheries Board. The facility can only accept inert wastes. The level and type of monitoring proposed is unnecessary in their view. The applicant agreed with the bunding condition (3.15) of the PD as written.

Technical Committee’s evaluation

The TC considers that the Waste Acceptance and Characterisation Procedures in Condition 5 of the PD are comprehensive and are in line with what is required under the Landfill Directive. Management Structure including personnel responsible for Waste inspection must be agreed by the Agency under Condition 2.

The TC considers that monitoring and sampling personnel should be agreed in advance with the Agency. The Agency also undertakes periodic inspections and compliance monitoring of the facility. All site inspections, audits, monitoring results as well as all other correspondence are all available for inspection by any member of the public.

The TC considers that weekly monitoring for suspended solids as amended under Section 3.5 of this report is adequate for this inert facility. Condition 3.13.3 requires a penstock for shutting off discharges in the case of where the ELV for suspended solids is breached. We consider that alternative Surface Water monitoring locations should be agreed with the Agency (see Section 1.2 above).

An oil interceptor should be required for all run-off from hardstanding areas.

The TC considers that daily visual inspection of surface water should be undertaken. The TC considers that repeat testing of bunds every three years after initial testing is adequate to maintain integrity. The TC notes that this facility is an inert landfill. Therefore it is recommended that the odour monitoring requirement as in Table D.7.1 is deleted. The TC notes that Condition 7 requires that the facility does not give rise to odour nuisance at or in the immediate area of the facility.

The TC considers that PM₁₀ monitoring is adequate.
The TC considers that dust monitoring should be carried out on a quarterly basis.
The TC considers that the noise monitoring requirement is inadequate (see Section 3.12 of this report).
The TC considers that groundwater monitoring required by the PD is adequate for an inert landfill.
The TC considers that annual topographical and stability monitoring is adequate at this facility.
Condition 8.10 requires the advice of Duchas to be sought prior to the development of any undisturbed area. The TC considers that this is adequate due to the disturbed nature (a quarry) of much of the facility already.

Recommendation

Add Condition 3.13.5

All surface water from hardstanding areas should pass through a silt trap and a Class 1- by pass oil separator prior to discharge from the facility.

Amend Table D.4.1:

Add note 7 to Table D.4.1: Daily visual inspection of surface water shall be undertaken at the discharge from surface water pond(s).

Amend Table D.7.1.

Remove the reference to odour monitoring.

Reword Condition 8.13

Prior to the commencement of waste activities the following information shall be submitted to the Agency for its agreement: the names, qualifications and a summary of the relevant experience of all persons that will 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. Any proposed changes to the above shall be submitted to the Agency for its agreement.

3.10. Incidents

- Condition 9.4.3: All spillages should be reported to Local Authority
- All incidents should be reported to the C.C/ Gardai/ Local County Councillors - not just the Agency
- A description of incidents is inadequate, involving injury on site. All incidents should be reported the Agency & the Gardai at Naas & the C.C
- Incident should include the following:
 - (i) any excesses regarding monitoring levels as referred to above when such excesses are consecutive.
 - (ii) any vehicle travelling to and returning from this facility along the R411 and/or within an area of 5 miles thereto.
 - (iii) any breach of the hours of opening and/or operation when any such breach is consecutive.
- The reference to an incident at Condition 1.6 should include any incident with a vehicle accessing or egressing the said premises and any incident involving any person and/or persons so employed attending at said premises.
- The Emergency Response Procedure (ERP) should be submitted to the Local Authority and to Representatives of the Local Community.

Submission on Third Party Objections by Applicant

The applicant concurs with this condition in the PD as written and disagrees with amendments to this condition proposed by some objectors.

Technical Committee's evaluation

The TC considers that it is adequate that all incidents are reported to the Agency. Other bodies will be notified where necessary under the ERP which is to be agreed under Condition 9.2.

Condition 1.6 defines what constitutes an incident (this includes any breaches of ELVs or trigger levels). In addition, any breach of any Condition of the PD may be considered a non-compliance e.g breach of opening hours. Issues relating to traffic outside of the facility are a matter for the relevant bodies e.g. local authority or Gardai.

As mentioned previously, all correspondence in relation to the licence is available for inspection.

Recommendation

No change.

3.11. Restoration and Aftercare

- 150 OD deemed too high & not in conformity with original land contours.
- 150 OD does not take into account capping or topsoil. Final levels are too high and should tie in with adjacent levels exposing sight of the Liffey. This should be considered especially in light of Condition 4.
- Final height levels are excessive. Local community was not considered.
- *This objection submits, inter alia a lower maximum level of completion, but not just of the final height of waste and the maximum level should include the topsoil and sub soil and other capping materials and the maximum level of same should be finalised with the Local Authority and Representatives of the Local Community and with all objectors to this proposed Decision before the issuing of any Licence.*
- *The EPA accept that the Licensee must consult with the Local Authority and Local Community regarding restoration and aftercare but the objection relates to the timescale for proposals to the Agency regarding restoration and aftercare is excessive and also that such submission should also be made to the Local Authority and all Objectors within a shorter period of time.*
- Filled cells should be capped and otherwise landscaped within 3 months of the cells having been filled to the required level, in consultation with the Local Authority, Local Representatives and Local Residents prior to the issuing of this Licence.
- Objection is made permitting a period of 9 months to elapse regarding the proposals for landfilling and restoration to achieve the final profile of the facility to the Agency for its agreement.

Submission on Third Party Objections by Applicant

The applicant concurs with the restoration conditions 4.1 – 4.3 of the PD as written. The applicant concurs with Objector 10 that details of surface water control prior to capping works should be provided to the Agency for their agreement.

Technical Committee's evaluation

The TC is aware that the applicant requested that the site be filled to 170mOD but we consider that the final levels should approximate levels prior to the extraction of sand and gravel. This is also in accordance with the requirements of the planning permission for restoration of the site. Accordingly, the PD sets the final height of the waste at 150m OD. It also requires the applicant to submit a revised restoration and aftercare plan following consultation with the local authority and the local community. It also requires that this plan shall tie in with the surrounding land levels where applicable. As such the Technical Committee do not recommend amending Conditions 4.1 and 4.2. However, for clarity it recommends that 4.2 should be 4.1 and 4.1 should be 4.2 as detailed below.

The PD Condition 5 requires that field cells be permanently capped within twelve months of the cells having been filled to the required level. This time period is required in order to allow settlement of waste. A three-month period would be too short to allow adequate settlement of waste. However, we do not agree with the view that the life span of the landfill be reduced by one third as the waste tonnage allowed would not be sufficient to infill the quarry to the original levels.

Surface water management infrastructure will need to be submitted to the Agency as an SEW.

Recommendation

REORDER Conditions 4.1 and 4.2.

3.12. Noise

- Level of permitted noise at boundary is way too high for the area & will be a nuisance to all neighbours & local school.
- Concern over operability of school with interruptions of noise.
- Level of permitted noise will be excessive for the rural location & therefore is unsuitable.
- Level of permitted noise during construction of 66dB is unacceptable. No time restriction is outlined for the construction phase. No date of commencement & completion has been offered.
- Level of permitted noise during construction of 66dB is unacceptable ref. To WHO level of 55dB. No time restriction is outlined for the construction phase whether it will be inside or outside school term.
- Study by Audiology Dept of UCL noise causes stress & to studies highlighting that reading ability of children was impaired by aircraft noise.
- Sound proofing of nearby residences/schools is not the answer as ventilation is essential and air conditioning brings its own problems.
- Concern over teachers developing vocal nodules & the associated resulting pain.
- Objection is made to the granting of a Licence/Permission to emit noise at a level of 45dB(a) at night. No noise should emit from the premises at night.
- Granting of a Permission/Licence to allow noise levels to increase to a level of 66dB(a) during the construction phase is far too general. Objection is made that the noise levels fixed for the period referred to, that is the construction phase, are excessive.
- The annual monitoring of noise is inadequate. Noise should be monitored on a monthly basis. Such monitoring should be undertaken by an independent body and records maintained by that independent body.

Submission on Third Party Objections by Applicant

The schedule for noise emissions is standard except for those allowed during site construction that have been predicted through noise assessment modelling. It should be noted that these noise levels are for the site boundary. The school, is ca. 150m from the site boundary. Noise levels were predicted to be not greater than 39 dB(A) at noise sensitive receptors (including the school) as a result of landfill activities.

Technical Committee's evaluation

The TC considers that noise emissions arising from the construction activities may give rise to nuisance and complaints. The TC has noted the noise survey submitted with the application. In that report the current noise climate in the vicinity of the proposed development is described as predominantly rural in character. The major noise source identified was the construction of the screening banks. The TC considers that the exemption in the condition as written should be limited to the construction of the screening banks only. The TC also consider that the installation of the screening banks should be listed as a SEW and that these works shall only take place during day-time hours. In that case two months notice prior to their installation will enable the Agency monitoring team to visit the facility during the period that expected maximum noise emissions will occur.

The TC acknowledges that noise emissions from this facility are of major concern to many of the objectors. The predictions of the noise model from on-going landfilling operations have indicated that the expected levels will be within acceptable levels (39db(a)) at the nearest NSL. However, when the site is eventually restored that the shielding effects will be reduced and that the noise levels maybe upto 5dB(A) higher. We note that all the figures quoted are estimated from models and consider that construction noise may be an issue and recommend that noise monitoring should be increased to a quarterly basis. We also note that Agency personnel will undertake noise monitoring as part of their routine site visits.

Recommendation

Add new Condition 1.5.4 : Construction of the screening banks shall only be allowed between 8a.m. to 8p.m. Monday to Friday and 8a.m. to 1p.m. on Saturdays.

Amend Schedule B: Installation of Screening Banks.

Footnote to Table C.1: During the construction of the screening banks, the daytime noise emissions shall not exceed 66 dB(A) at any noise sensitive location.

Amend Frequency of Noise Monitoring from annually to quarterly.

3.13. Emissions to Air

- Condition 6.5.. reference was made to an article by SEEHO article Dublin Corporation in relation to emissions from road transport. Trigger level for PM₁₀ is too high, frequency of sampling inadequate. Query re once trigger alarm is exceeded - will a bell ring or facility close?

Technical Committee's evaluation

The trigger level set for PM₁₀ at the facility boundary is in accordance with that set for air quality under the relevant EU Air Quality Directive (1999/30/EC). In the event that the level is breached the licensee would be required to inform the Agency of this incident.

Recommendation

No change

3.14. Nuisances

- Condition 7.1 & 11.5.1 Concern over vermin. Changing of doors & eating habits changed in 1998 to avoid vermin being attracted and the chemicals used to control them.
- Research has shown that exposure can cause birth defects & childhood cancers.
- Dust is a concern especially in terms of triggering asthma - 22 students already suffer with asthma in the school.
- Condition 7.1: Inadequate that the licensee should decide what constitutes a nuisance in the vicinity of the facility.
- Concerns over litter/ illegal dumping & other environmental parameters which have been exceeded at KTK Kilcullen landfill.
- Objection is made that no guidelines have been provided as to the methodology to be used by the Licensee to control such nuisance. Such measures should be proposed to the Local Community, Local Representatives and the Local Authority before this License is issued.
- Objection is made to the lack of stricter controls regarding dust control referred to at Condition 7.4. The proximity of the school and Barretstown demand that all dust levels be strictly controlled and suppressed.
- All proposals regarding the control and eradication of vermin and fly infestations at the facility should be submitted by way of proposal or otherwise to the Local Authority and the Representatives of the Local Community as referred to at Condition 11.5.

Submission on Third Party Objections by Applicant

The applicant concurs with the nuisance control conditions 7.1 – 7.5 of the PD as written.

The applicant does not agree with additional dust control measures proposed by other Objectors. Dust levels at the facility perimeter will be ascertained by dust monitoring as described in Schedule D.2 of the PD. Condition 11.5.1 requests the measures employed to ensure that rodenticides, insecticides contain sprays within the facility boundary. During wet weather dust remains on the ground and is less likely to become airborne.

Technical Committee's evaluation

The TC notes the concerns of the objectors. This is an inert landfill and the TC considers that Condition 7 is adequate to provide for the control of nuisance at the facility including vermin, dust and litter. In addition monitoring is required for dust and PM₁₀. Condition 11.5 requires adequate measures to be put in place for the control of vermin and flies at the facility where necessary.

The TC notes that Condition 10.3 requires records of all nuisance inspections to be maintained and Condition 10.5 requires records of the programmes for the control and eradication of vermin and flies at the facility to be maintained. The TC recommends that the frequency of dust monitoring be increased to quarterly. The TC considers that in addition to Condition 7, that the following conditions also involve dust control including Condition 6.5 (trigger level for PM₁₀), monitoring requirements for dust and PM₁₀ and ELV for dust.

However the TC recommends that an additional Condition be inserted to ensure that any stockpiles of inert waste be adequately contained to minimise dust nuisance.

Recommendation

Insert Condition 7.6 All stockpiles shall be adequately maintained to minimise dust generation.

Amend Table D.2.1 : Dust Monitoring to be monitored quarterly.

3.15. Siting of Proposed Landfill

- Artificial lighting will be necessary to allow the facility to operate in hours of darkness, Such lighting will have a disastrous effect on the environment.
- Proximity of facility to school is of grave concern - especially with a new school extension due to commence.
- Proximity to the village of Ballymore makes it totally unsuitable for such a proposed facility.
- In light of DOH, UK report on populations living in close proximity to a landfill - how can siting this close to national school & village happen?

Technical Committee's evaluation

The TC notes the concerns of the objectors.

The report referred to above, which was published in the British Medical Journal looked at populations in the UK living within 2km of landfill sites. Studies such as these have been difficult to interpret due to problems of exposure classification, small sample size and reporting bias. In fact the authors themselves highlighted the need for further investigations to determine whether the association of raised risk is a causal one. The authors were unsure of the locational accuracy of the landfills and of the waste types being accepted at c.10% of the sites in their study.

This licence is for an inert landfill site. The conditions of the licence if kept by the licensee should provide for the protection of the environment.

Recommendation

No change.

3.16. Economics/Financial Provisions

- Property with boundary walls will have to be constantly washed/ painted to combat dirt & mud spray from HGV.
- Special village status designated in the Kildare C.C Dev. Plan means that boundary wall should not be shared with a landfill.
- Proposed facility signs are within the 'Welcome to Ballymore Eustace sign'.
- Concerns over devaluation of property.
- Does not believe the facility is protecting the environment or in any way a sustainable development.
- Ballymore does not have any services in place to deal with emergency be it environmental or otherwise.

- Objection is made to the provision of proposals for financial provision as referred to at Condition 12.2.2. Such a proposal for financial provision should also be submitted to the Local Authority and the Insurers of the Local Authority and the Representatives of the Local Community, the very activities for which the Local Community will have to suffer should any breach or incident occur. Such a proposal should also be given to Eastern Regional Fisheries Board.
- Financial provision should be lodged with the Local Authority at the end of each financial year regarding all waste received and/or recovered at this site. An estimate should be provided to the Agency and the Local Authority and to the Representatives of the Local Community regarding the matters referred to at Condition 12.3 and such estimate or submission should be agreed prior to the issuance of a Licence.

Technical Committee's evaluation

The TC notes the concerns of the objectors.

Compliance with the conditions of this licence will provide for the protection of the environment.

Condition 11 requires the Eastern Regional Fisheries Board to be notified of any incident which relates to discharges to surface or sewer water. Condition 9 requires an Emergency Response Procedure to be put in place by the licensee.

Condition 12 requires an Environmental Liabilities Risk Assessment to be agreed by the Agency and a proposal for financial provision to be agreed by the Agency prior to the commencement of the activities to which this licence relates. All of these proposals will be available for inspection on public file.

Recommendation

No change.

3.17. Miscellaneous

- There is a clear need for an EIS to be done.
- *“The Local Residents have been afforded a statutory period of one month from the date of notification of the proposed Decision within which to digest, investigate, inspect and otherwise assimilate an Objection and must pay the sum of £150.00 per Objection and on this basis please accept this Objection as a Representative Objection from each and every Signatory append to this Objection.”*
- The Local Community feels aggrieved at the Licensee/Developer's knowledge of the contents of the proposed Decision prior to notification of this proposed Decision being received by all Objectors.
- Application should be subject to an O.H chaired by an independent party suitably qualified in such matters.
- No reference is made to Punchestown Racecourse. The facility should close on all race days, in particular during the National Hunt festival. Traffic control is a major issue at these times and the havoc that the proposed waste trucks would cause is unthinkable.
- No reference is made regarding noise, dust, fumes and litter as a direct result of these trucks at and around Punchestown. The “horse environment” would inevitably be harmed and de-stabilised.
- The infrastructure of this area is totally inadequate, including the road structure. Licensing the introduction of a harmful nuisance to the environment fails to accommodate/recognise the grave danger to the environment and to Punchestown.
- Planning Permission is being sought for a 56 bed Nursing Home immediately opposite this dump. Should this licence issue, the Nursing Home could be lost to the community and all benefits destroyed.
- Records of calibration and maintenance should be made by persons independent to the Licence.
- Any non compliance by the Developer/Licensee should be notified to this and other objectors. The community of Ballymore Eustace and its environs will be required to become policemen for the duration of this facility. Thus the Applicant/Developer/Licensee should inform all objectors to this proposed decision simultaneously with the EPA.
- Condition regarding Non compliance & EPA 'serving a license' should be stricter.
- More stringent & frequent requirements should be sought

- The trucks to Ballymore will be added to the long stream of dirty trucks – many of which do not carry registration numbers on their tailplates.
- Newspaper articles enclosed regarding the facility (Objector 12).
- Petition/objection signatories to objections 12.

Technical Committee's Evaluation

The TC notes the concerns of the objectors.

Matters relating to planning are considered by the Planning Authority not by the Agency.

All correspondence, including notices of non-compliance, is available for inspection at Agency HQ.

The Proposed Decision was sent to the applicant and all those who made submissions on the same date.

The Agency decided not to grant an Oral Hearing in respect of this application.

The licensee is required to maintain and calibrate the relevant equipment relating to the environmental performance of the facility. Compliance with the licence will ensure protection of the environment.

Recommendation

No change.

Dr. Brian Donlon