



OFFICE OF LICENSING & GUIDANCE

INSPECTORS REPORT ON A LICENCE APPLICATION

To:	DIRECTORS	
From:	DR J DERHAM	- LICENSING UNIT
Date:	13/1/06	
RE:	APPLICATION FOR REVIEW OF A WASTE LICENCE FROM NEIPHIN TRADING LTD, LICENCE REGISTER W047-01	

Application Details

Type of facility:	Non-Hazardous Materials Recovery Facility & Non-Hazardous residual Landfill
Class(es) of Activity (P = principal activity):	3 rd Schedule: 5 (P), 1, 4, 6, 11, 12, 13 4 th Schedule: 2, 3, 4, 11, 13
Quantity of waste managed per annum:	630,000 t
Classes of Waste:	Construction & Demolition, Commercial, Industrial and compostable wastes. Waste excavated on site.
Location of facility:	Kerdiffstown, Naas, Co. Kildare
Licence review application received:	30 July 2004
Third Party submissions:	Seven
EIS Required:	No
Article 14 Notices sent:	13 Oct 2004
Article 14 compliance date:	17 December 2004
Additional Information to file:	11 November 2004, 24 October 2005
Site Inspections:	23/9/04, 04/10/05

1. Facility

Neiphin Trading Ltd operate an integrated waste management facility at their site which is subject of this review application. The facility is located approximately 3.5km northeast of Naas and some 0.5km to the west of the N7 National Primary Route and Johnstown Village, on the local distributor road

(PI 175A) (Figure 1). The land use in the surrounding area varies, and includes agricultural and recreational use (Naas golf course). There are approximately 20 houses within 200m of the facility, including Kerdiffstown House. The nearest private residence from the boundary of the facility is 20m. The site is a former sand and gravel pit that has a history of various extractive and backfill operations. A more detailed description of the local hydrology, geology and hydrogeology of the site is to be found in the inspectors report to the Board for licence application W047-01, none of these details are impacted on account of the review. A range of waste management operations at this site are currently authorised under Waste Licence Register 47-01 and are detailed in Part 3 of this report.

2. Reasons for Review

The applicant articulates four reasons for their licence review request. Viz;

- Small amendment to facility boundary to regularise new ownership limits: involving removal of historically placed waste in this area, and extension of engineered landfill (see Figures 1 & 2 attached).
- Regularisation of the final approved contours for the finished landfill between planning permission and EPA licence. The revised planning permission states 108m AOD, whereas Condition 4.2 of Waste Licence W047-01 specified 100m AOD. The applicant wants the EPA licence to be consistent with the planning specifications.
- Inclusion of composting in authorised processes (in-vessel with biofilters), including disposal of residues of such processes. This change necessitates Classes 6, 11 & 12 of the Third Schedule to the Waste Management Acts to be added to the list of approved activities for the site.
- Addition of household derived recyclables to approved waste streams.

The review will also provide an opportunity to redraft certain elements of the current licence with a view to accurately reflecting the development of the site since grant of the first licence (refer Figure 3), and also to assist regulation of the activity. In addition, the review will include those conditions necessary to give effect to POE Act 2003 amendments to the waste licensing regime.

The total amount of waste currently permitted to be processed at the site (W047-01) is 630,000tpa: there is no proposed change to this amount under the review application.

3. Operational Description

The alteration to the site boundary subject of this review increases the size of the licensed area from 28.3ha to 30.6ha. The infrastructure within this area includes: waste processing buildings & equipment for separation and recovery of industrial, commercial, C & D and compostable waste streams, with the residual being disposed to on-site landfill. The whole operation could be described as a materials recovery facility (MRF) and residuals landfill. The estimated capacity of the on-site residual landfill is 3.6Mm³.

Figure 1: Site location & extent, also indicating Review application extension area.

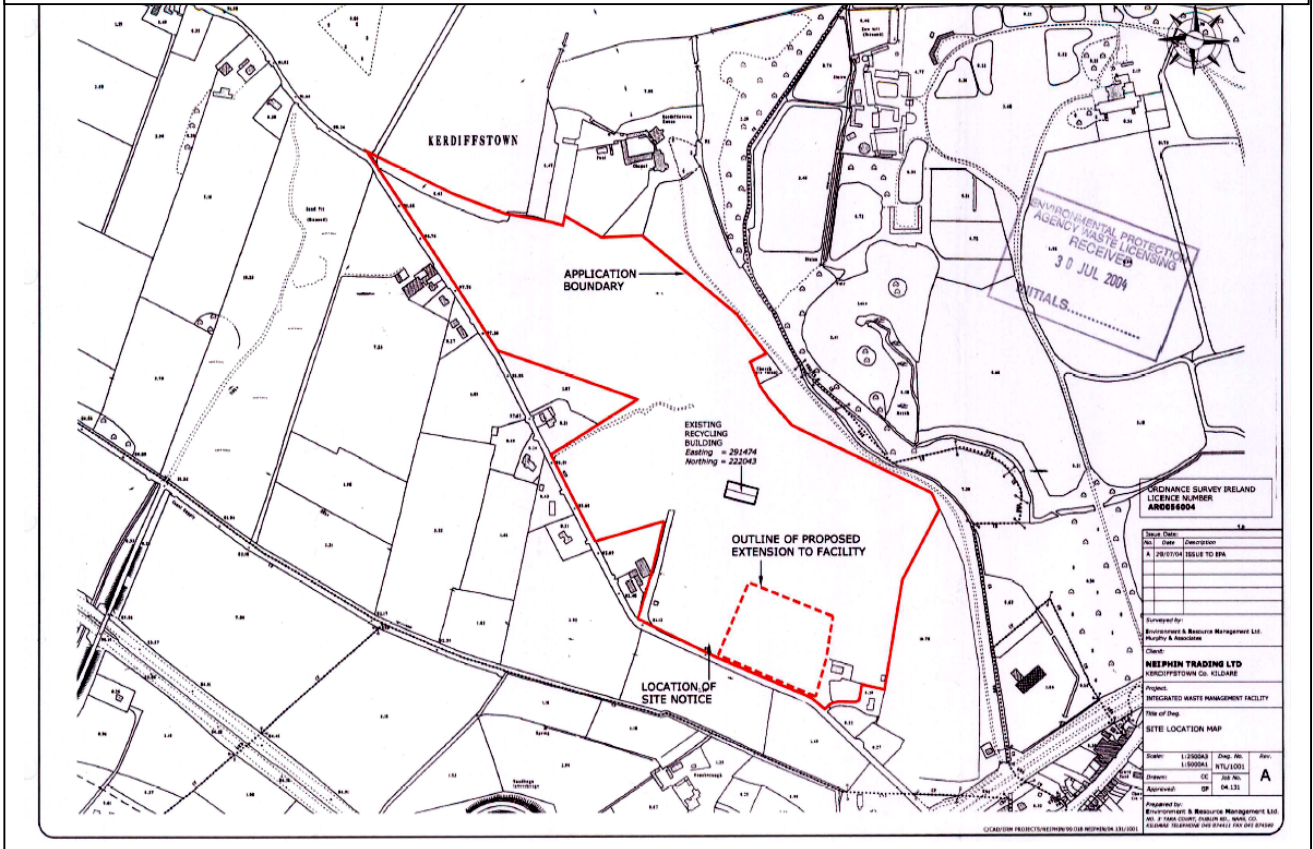
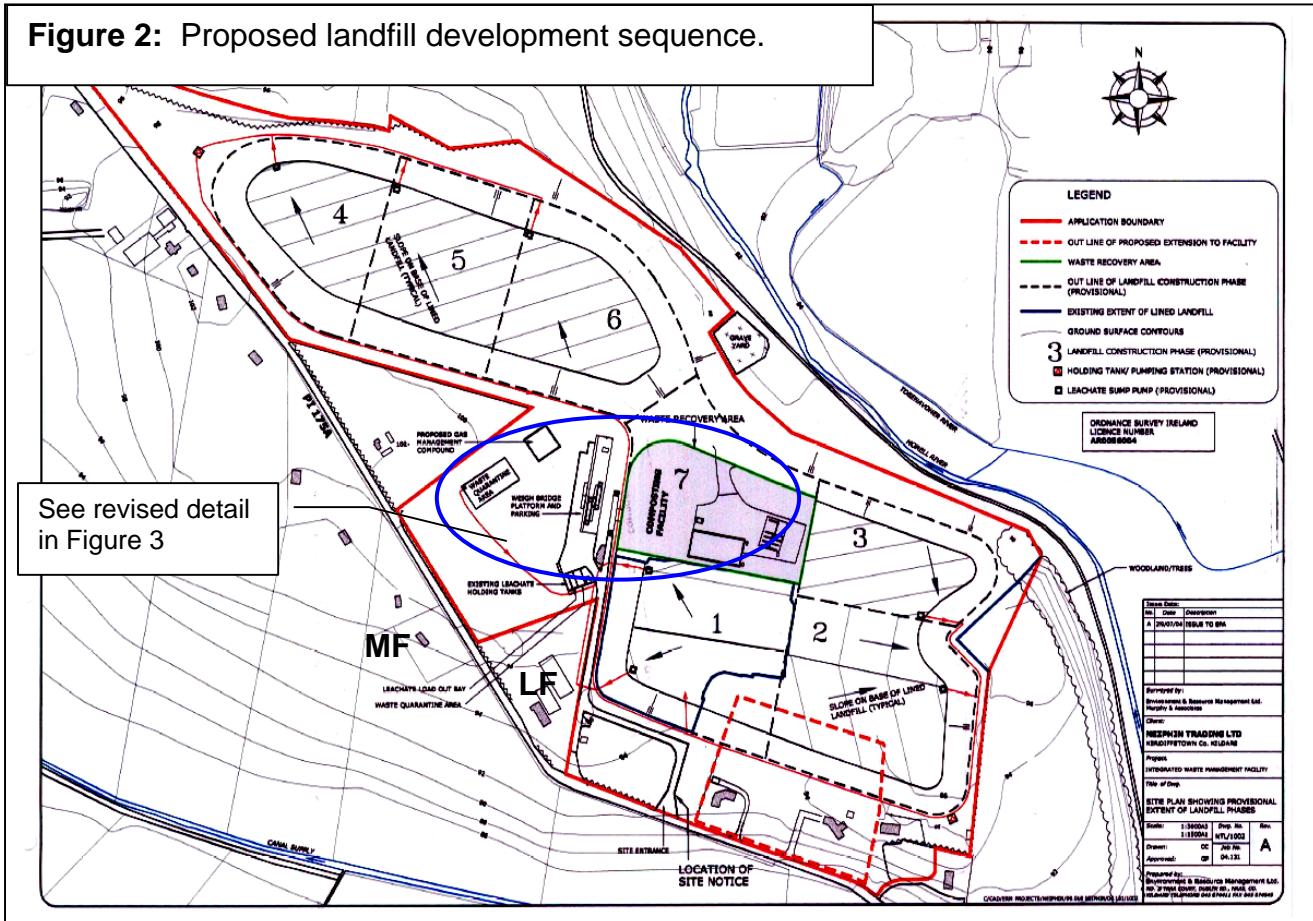


Figure 2: Proposed landfill development sequence.



well advanced on the anticipated 8-year program to remove the illegal historical waste, which is expected to be completed in 2011.

A lined cell has been constructed in Area 1, and filling with un-recoverable residual has yet to commence. Approval for landfilling to commence was issued in mid 2005. The operator has developed a quite sophisticated system of materials processing. The equipment, buildings and plant to support this arrangement have increased significantly in the last 18 to 24 months, resulting in a very substantial amount of high specification integrated multi-stage waste recovery infrastructure. I am advised that the total investment in this infrastructure has been in the order of €16M. I inspected the facility (in the company of Mr Howley EPA OEE) in October of this year, and can confirm that significant investment has been made at the facility in recent years. The infrastructure appears of very high quality and build. On completion of the development works I believe this site will likely become one of the premier locations in the region for materials recovery. The operators estimate that the multi-stage recovery processes can achieve in excess of 90% recycling rates for the projected feed waste streams – which is exceptionally high, and which means that rate of landfill, when commenced, will be modest.

One of the down-sides of the recent drive to expand the quality and range of recovery plant has been a diversion of attention from the appropriate management of the historically deposited waste. Areas 4, 5 & 6 and the furthest NW corner of the site have had additional semi-processed material (from areas 2, 3 & 7, Figure 2) placed on them, pending further processing and ultimate disposal/recovery: to the extent that the current levels are in excess of that approved by planning (108m AOD). Indeed, on my visit to the site in September 2004, I had instructed that there should be no further placement of waste on virgin ground in the very northwest of the site (active during my visit). I was disappointed during my most recent visit to find that this request was not complied with. That said, I am aware that this area is currently being cleared of waste, and a communication from the operators dated 21 October 2005, confirms the placement of additional recovery plant in this north-western sector to facilitate the removal of the material.

Ideally the set-down of wastes and semi-processed / processed materials should be in clearly designated areas possessing appropriate emissions management infrastructure. No such formal emission management systems (e.g. containment, etc.) exist under the north-western half of the facility. The operator has also stockpiled recovered 'soils' along the northern margin of areas 3, 6 & 7. The quality of this 'soil' varies from excellent to marginal (with respect to degree of inclusion of fines of plastics, metal, etc). It is clear that, with effort applied, the operator can achieve a high standard of recovered soil. It is likely that a deal of these soils will be used beneficially in the engineering aspects of the on-site landfill – and so must be retained on-site.

The operator is balancing the on-site excavation and recovery of illegally deposited waste, with material imported for processing. The waste management business is quite competitive, and so this has, I suggest, also become a pressure on the operators – in respect of which activity gets priority. The priority of the Agency for the moment has to be the excavation, processing, recovery and/or engineered containment for the historical illegal fill.

It is fair to say that a firm grasp of material balance and flows on the facility is

not easily obtained for the casual or infrequent visitor to the site (such as myself). It is clear that the operator is excavating/has cleared, areas 1, 2, 3 & 7 of illegal waste (Figure 2). However, the increase placement of part-processed material in the north-western part of the site suggests that a deal of the material flows (albeit with some recovery of the likes of wood, metals, etc.,) are not clearly positive on the off-site-export side of the preferred equation – i.e. a lot of internal handling and replacement. I expect that when landfill cells 1 and 2 are completed (including accounting for the boundary change) and landfilling of un-recoverable residual waste commences in earnest, that greater efforts to tackle the north-western part of the site will be logistically easier for the operator. By that time the current infrastructure development program should be completed, thereby allowing the operators even greater time to concentrate on remediation of the illegally deposited areas, and the sourcing of off-site recovery solution for the various recovered waste streams.

4. Enforcement History

To date three notifications of non-compliance have been issued to the licensee with a further notification issued on foot of the most recent audit (19/09/05). While the licensee contends that the facility is recovering in the region of 95% of the waste material accepted at the facility, they were not able to clearly demonstrate this to the satisfaction of the Agency OEE inspectors. Waste records viewed during, and subsequent to, the audit of 19/09/05 indicate that in the region of only 15% of the quantity of waste processed at the facility is exported off-site (comprising of metals, wood chippings and crushed stone/concrete/bricks). The monthly rate of waste being accepted at the facility is in the order of 20,000 tonnes. This net inward or residual balance of materials is not being presented in the lined landfill - as this element of the operation has, to date, not been commenced - but is presumably the material finding its way to the north-western area of the site or to other stockpiles pending reprocessing or opportunity for export off-site.

Despite numerous instructions by the enforcement section of the Agency, the licensee continued to place part processed waste (shredded material – paper, plastics and waste soil/fines from on site shredders) in a manner of landfilling in unlined areas of the facility in the northwest section of the facility. The licensee has defended this position by stating that the material is in storage while awaiting further processing. The issue of placing this material on ground possessing little in the way of emissions containment/control would not represent best practice. There is also the ‘chicken-and-egg’ situation where the earnest attack of the illegal historically deposited waste, and processing in the recovery plant will now be greatly more successful – due to the newly installed and expanded processing lines.

There have been complaints lodged regarding the heights of the fill (particularly in the northwestern area) and dust. Similar concerns are raised in submissions on this review application, which are discussed later in this report.

The rapid expansion of the site waste recovery/processing infrastructure has not always been preceded by submission of the appropriate documentation to the Agency for approval. That said, and as noted above, it is recognised that

the developments will enhance the ability of the site to recover waste more effectively.

Other recent non-compliances at the facility include inadequate provisions for collection of trade effluent (unlined/non-hardstanding areas), use of waste contractors/haulers without having appropriate waste collection permits on site (as per Agency agreement), not carrying out provisions for landfill gas controls/monitoring as directed by the Agency, storage of drums in unbunded areas, inadequate waste records being maintained on site, not carrying out topographical surveys and providing details as required under the terms of the licence, not being able to demonstrate integrity of leachate tank, and inadequate drainage controls for onsite wheelwash. Many of these issues relate to housekeeping matters at the waste reception area. During the joint Agency OEE/OLG inspection in October of this year there was evidence of significant efforts ongoing to re-engineer this part of the site. The ultimate plan for hardstanding and drainage at the reception and adjacent areas is indicated in Figure 3 above.

Although none of the enforcement issues can be directly linked to any one event of significant environmental pollution; collectively the non-compliances would indicate that the operator is not applying themselves to the application of BAT to all aspects of their operation, and thereby the minimisation of the environmental footprint of the operation. This under-performance in certain areas (e.g. general housekeeping) is disappointing when measured against the clear commitment to constructing high-quality multi-stage materials recovery plant. Furthermore, the enforcement issues also impact on EPA confidence in the operators' ability to run the facility in a manner that does not cause nuisance or impact on amenity, and to earnestly address the illegally placed waste piles. In recognition of the enforcement challenges at the site and in order to encourage the operator to redirect their main efforts to the removal and treatment of the illegally deposited wastes (now that the multi-stage but integrated waste recovery plant is in place and operational) the Recommended Decision (RD) includes a number of conditions that strengthen control of certain aspects of the operation dealing with removal of historic illegally deposited waste, materials & waste storage, and run-off control (Conditions 3, 6 and 8, and Schedule A).

4. Use of Resources

Resources consumption at the site is modest by industrial standards, and is primarily associated with fuels & energy to operate mobile and static waste processing plant.

5. Implications of the change in operations arising from the Review

The only significant changes to on-site processes arising from the review application are the addition of the three (with potential to expand to eight) composting units processing up to 65,000t compostable material. There is no proposed increase in waste amounts to be accepted at the site: the applicant stated there will be a commensurate drop in the commercial & industrial waste accepted to provide for the intake for compostables and household dry

recyclables. These are in-vessel type with the exhaust gas piped to a biofilter. The compost produced will present an additional material stream for the operators to manage. Depending on the quality of the compost, the sourcing of horticultural markets should not be too difficult: however, for the poorer quality compost derived from processing the 'wet' fraction derived from mechanical separation of mixed waste (MBT residue), commercial outlets are harder to source, and the compost may ultimately only be acceptable for the likes of landscaping and cover applications at landfill sites. The compost could also be blended with the recovered mineral fines (soils) stockpiled on the site and thereby improving the quality of the material as a landscaping resource, and thusly its recovery potential. In recognition of these management challenges the Recommended Decision includes conditions requiring the control of the compost specification and the storage of raw materials and maturing product (Condition 8).

A related aspect to the composting, is the applicants request in the review to accept household recyclables including putrescible wastes. The handling of this material presents its own environmental challenges. The in-vessel technology with the biofilter represents BAT, however the storage and pre-processing of the household derived putrescible waste stream has the potential to be odorous. In addition, the final curing of compost post-processing in the vessels could also be potentially odours. Conditions 3 & 8 of the RD require that feedstock storage and preparation for the composting units be undertaken in-doors with ventilation air discharge to the biofilters. Condition 3 also requires the compost finishing (curing) to be carried out at a location no closer than 200m from the nearest private residence, institutional or commercial building.

The amendment to the finished levels (from 100m AOD to 108m AOD) do not present an environmental pollution challenge, and the operator has proposed maximum side slopes of 1:25 which will provide a stable restoration surface.

In response to an Article 14 request to assess the impact of the proposed changes to the site operations on adjacent residential, commercial and recreational land uses, the applicant considered the possibility of impact under the following headings;

- Dust
- Noise
- Litter
- Odour
- Traffic
- Visual Impact

The applicant determined that there were 20N⁰ private residential properties and one commercial property within 300m of the site boundary. [The applicant owns a number of residential properties within the site boundary, and these are not included.]. As noted above the only change to site processes with any potential for impact are those associated with the composting. The operator is proposing the use of bio-filters to manage the composting gases, as well as air from the compostable material reception and

preparation building – which will be under negative pressure. The conditions of the RD set-out how this operation is to be managed. The composting units and curing pads are proposed to be located centrally in the site and at an elevation below that of surrounding land. This will assist in the mitigation of noise and dust impact potential. The monitoring provisions of the RD have also been amended to include for periodic assessment of odour and bioaerosol emissions.

5. Emissions

The changes to the site operations arising from the review do not present and significant addition to the emissions profile and impact of the operation. Some construction related noise and dust may be likely during development of the small extension to the landfill cells in the south east of the site (refer figure 2). This will be short term in nature and the works will be located some distance below the external landscaped area of the site. Standard BAT measures for control of these nuisances are required in the RD. The additional waste streams to be accepted (though no increase in volumes consented in Licence Register 47-01) for feedstock to the composting units will be accepted and processed within the site buildings.

5. Restoration

The restoration plan for the site remains as agreed under Licence Register 47-01 with the exception of the increase in the finished levels from 100mAOD to 108mAOD. The visual impact and landscaping aspects of the proposed final levels are a matter for Local Authority control.

6. Cultural Heritage, Habitats & Protected Species

The matters subject to the review do not alter any aspect of the currently operating site that influences its relationship to any valued or protected site, or species.

7. Waste Management, Air Quality and Water Quality Management Plans

The facility is compliant with the local waste plans (Kildare & Dublin), and will in particular, assist in achieving the recovery objectives for these plans. There are no discharges to air or water that would be considered significant in respect of air or water quality plans.

8. Environmental Impact Statement

An EIS was not required in respect of the matters considered in this review.

9. Compliance with Directives/Regulations

The facility is subject to the Landfill Directive and the IPPC Directive. The RD as drafted takes account of the requirements of these Directives. The composting units would be subject to the technical requirements of the Animal By-Product Regulations (EC Regulation 1774/2002). The disease control aspects of the latter fall to the Department of Agriculture and Food.

10. Fit & Proper Person Assessment

The applicant currently holds a licence from the EPA. As noted in the section on current enforcement issues above there is no aspect of the licensee's activities that would suggest they are not financially or technically capable of operating the revised licence recommended hereto. Moreover the applicant has pledged to abide by any conditions set by the Agency in relation to financial guarantees. The applicant and its parent company (Dean Waste Co Ltd.) are free of any relevant convictions. Accordingly, the applicant is considered fit and proper person for the purposes of Section 40(7) of the Waste Management Acts 1996 to 2005.

11. Submissions

There were 6 submissions made in relation to this application.

11.1 Submissions from Mr & Mrs L Foley, Kerdiffstown, Sallins, Naas, Co. Kildare

The Foley's are the nearest resident to the central waste processing areas of the facility (see location 'LF' on Figure 2). They made two submissions on the application (received 31/8/04 and 7/2/05). The Foley's believe it is premature to allow expansion of processes/activities at the site, and the import of 'domestic' waste for treatment is not acceptable to them. The current licence is not long in existence and landfilling has not yet commenced – the applicant has not proved their capabilities yet. They believe that the licence cannot be operated in a manner that prevents emissions from impacting on them. In particular the submission raises concerns in relation to dust and noise. They comment that complaints have been lodged with the EPA regarding nuisance.

The proposed composting unit is objected to on the grounds of risks to health from spores and other bio-aerosols, and odour. The L Foley's said the unit should be minimum 1000m from a receptor. The expansion in waste disposal and recovery activities is also a matter of concern to the L Foley's from the point of view of gas production and the location of the landfill gas compound.

The Foley submission also deals with matters concerning the final height of the facility. Specifically, they are concerned about being overlooked, drainage issues, and construction impacts on house (vibration).

In addition to the matters of concern on the issues subject of the review, the L Foley's also want amendments to Conditions in the licence. Specifically, they want the hours of operation specified in the waste licence to be reduced to those specified in the planning permission; and they want Condition 5.4.2 amended to prohibit the use of vibration rollers close to their house.

Comment:- The last complaint from the L Foley's recorded on EPA files is from Deirdre Foley (co-signed the submission with L Foley) in December 2003. That complaint, and others received since from other parties, are concerned with matters other than noise and dust.

The L Foley's residence is located within c. 50m of the margin of the first cell of the landfill, and c.30m from the access road to the whole site infrastructure. The residence is c.160m from the proposed new composting units. The applicant also proposed extension to buildings and

waste processing areas (incl. hardstanding) in the area north of the L Foley's residence (Refer Figure 3 above). Although I am aware that there are some planning issues regarding the retention of some processing buildings, the facility as a whole has planning permission and thus the zoning of the land for industrial use has been accepted by the planning authority, despite the proximity to residential areas. This is clearly uncomfortable for the L Foley's given that the site traffic passes close to their house. They are, by any measure located very close to the facility operations.

The intermittent noise of traffic accessing the site would not have the same nuisance factor as tonal noise. That said, intermittent reversing alarms do result in considerable irritation to off-site receptors - particularly on sites with high levels of activity. The total removal of these sirens is impossible and thus in a mixed used area (industrial & residential) such alarms will be audible. However, it is possible in consultation with the HSA, to use, for example, reversing strobe lights in addition to a muted siren or 'smart alarm' systems (locally directed reversing tones that self adjust volume according to ambient noise), that may assist reducing noise impact even further. Condition 6 of the RD requires the operator to consider and report on this possibility. The current waste acceptance and operational hours at the site prevent night-time operation.

On the matter of dust, the applicant notes that the dust monitors located nearest the L Foley residence return levels well within the accepted standards. In addition the applicant has undertaken some landscaping, including the erection of a 1.8m high fence between the haul road and the L Foley's, with further works planned. These measures should further assist in the mitigation of dust nuisance potential. These measures are articulated on drawing *Reference NTL/1006 Rev A – Phase 1 Landscaping Plan*, and drawing *Reference NTL/284 Rev A – Existing & Proposed Infrastructure*, in the review application. Furthermore the matters subject to this review do not involve an increased intake of waste and consequent dust (and noise) impact from the haul route. The small increase in the landfill cells 1 & 2 (refer figure 2 above) due to the boundary amendment will not bring waste landfilling any closer to the L Foley's than that currently existing. The control of dust during the filling of Cell 1 (closest to the L Foley's) will have to be carefully managed. The RD includes conditions on operation control practices with a view to minimisation dust-blow potential. The health aspects of the composting operation are considered in Part 11.2 of this report (below).

It is considered important that the landscaping measures for noise and dust mitigation be implemented immediately along the south-western boundary of the site. Condition 6 deals with this matter. In addition the operator is required in Condition 3 to install a 2m high constructed engineered specification acoustic barrier between the L Foley's residence and the operational areas.

On the matter of the final height of the landfill, the landscape visual impact issues are a matter for the Planning Authority. The noise and dust mitigation planting and screening to be located around the perimeter of the L Foley's residence is expected to be well developed once filling approaches final height, and will thus assist in mitigating such nuisance.

The management of drainage and run-off is a key concern of the agency and has to be addressed. Conditions 3, 5, & 6 of the RD deal with this issue.

As to the impact on the house structures from construction operation (e.g. vibration compactors) it should be noted that such emissions are generally only associated with the placement of a compacted mineral component in the basal liner (the final cap design may not involve a compacted mineral layer). Such construction events are quite spaced out, and only when construction is close to the L Foley's house would the potential for impact present itself. Cell 1, which is the closest, has now been completed. Compaction of the basal liner on any of the other cells due for construction over the coming years are quite unlikely to cause impact, given the granular and unconsolidated nature of the existing geology (poor transmitter of vibration), and the distance of the remaining cells from the L Foley's house (in one case 150m from the house and in the other cases over 200m from the house). If damage has already been caused to the house by – in the opinion of the L Foley's - vibration emissions, then this should professionally assessed and documented, and submitted to the EPA for further investigation and verification. A condition has been included in the RD that addresses this aspect. Compensation, should any be due, would be a private matter between the facility operator and the L Foley's. The matters under review should not result in any increased risk to the L Foley's in relation to vibration and structural damage.

As regards the proposed location for the landfill gas extraction plant I would recommend that this be located in an area away from sensitive receptors. The current proposed location is to locate the plant c.200m north of the L Foley's (and c.120m east of another private residence. Such units can represent a noise and odour nuisance risk. They are also 24hour noise sources. This has to be considered against the applicants proposals to recover c.95% of the waste processed on the site and with composting reducing the gas production capacity of the residual, it is expected that gas generation potential in the completed landfill will be significantly less than that associate with a conventional mixed waste landfill facility. Nevertheless, Condition 3 requires the gas plant should not be located within 250m of private residences. On the general concern of nuisance arising from the waste disposal activities in Cell 1 being close to the residence of the L Foley's, and having regard to the variation in waste types, the RD includes a condition (Condition 8) prohibiting the placement of any waste, other than inert waste, within 100m of any private residence (including the L Foley's).

On the matter of the hours of operation, and having regard to the proximity of the facility to the L Foley's and other residences, and the potential nuisance emissions profile for the site, I am of the view that the operational hours to 8pm Monday to Friday, and 6pm on a Saturday are too long, and may lead to an impact on the amenity of the L Foley's. I propose that the operational hours be confined to 8am - 6pm Monday to Friday, and 8am to 1pm on Saturday. Condition 1 refers.

11.2 Submission from Mr & Mrs M Foley, Kerdiffstown, Sallins, Naas, Co. Kildare

The M Foley's make a similar submission to Mr & Mrs L Foley (above) on the matter of noise, dust, visual impact, vibration and the expansion of the facility operations. In addition the M Foley's express concern regarding the potential impact of composting related and other dusts on health, and odour nuisance.

Comment:- The M Foley's live in the house labelled 'MF' on Figure 2 above. I refer to the matters discussed in part 11.1 above insofar as they address some of the concerns raised by the M Foley's. On the matter of health impact for composting operations it is notable that the composting units are of the enclosed design, with feed-stock being received and prepared in an enclosed and connected building. The high temperature of the composter design will reduce the potential for spores/bio-aerosols in the exhaust air: and in addition the exhaust air from the feed preparation building and the composters is to be passed through a biofilter, further reducing dust and spore release potential. The spore generation potential is unlikely to result in any appreciable increase in bio-aerosols in the area given the mixed land use of amenity/residential/agricultural/industrial. The M Foley's are more than 200m upwind (prevailing) of the proposed composting units. The design of the composting units and the pre-processing building, as well as their location with respect to the M Foley's will also mitigate against odour impact potential. The maturing or curing of the compost may take a number of weeks, the licence conditions require the careful control of the compost quality such that the potential for odour generating during curing is reduced. In addition Condition 3 requires that no compost is stored for curing within 200m of a sensitive receptor. These provisions represent BAT, accordingly no adverse health implications are expected.

11.3 Submission from Mr I Lumley, An Taisce, Dublin

An Taisce introduce groundwater monitoring information for a site located east of the Neiphin site and expresses some concern that the landfill site may be impacting on groundwater quality.

Comment:- The development cited by An Taisce is located east of the landfill on the other side of the M7/N7 motorway/dual carriageway, and up-hydrogeological gradient. Accordingly the Neiphin facility is quite unlikely to be the cause of the poor groundwater quality noted by An Taisce.

11.4 Submission from Niall O'Neill, Solic., Naas, Co Kildare

Mr O'Neill confirms in his letter that he is acting under instructions in respect of the submission made. The substance of this submission relates to the possible breach of set finished levels for the site (108mAOD).

Comment:- This is a primarily a matter for the Local Planning Authority. However, and as noted in the introductory sections to this report, it is my view that the north-eastern sector of the site has received relatively little attention in respect of reclamation of the illegally deposited wastes, and furthermore, the operator has continued to place part-processed wastes

on this area which is contributing to the alleged breach in agreed levels. Condition 8 of the licence prohibits any further placement of pre- or part-processed wastes on any part of the site that has not been agreed in writing as a designated storage area and which, where necessary, has the appropriate containment. This condition should assist in preventing additional raising of the facility levels prior to complete processing. That said, the principal authority for enforcement of agreed landform and visual impact is the Local Authority.

11.5 Submissions from Naas Golf Club

The Honorary Secretary of Naas Golf Club makes two submissions on this review application (received 20/7/05 and 13/12/05). The submissions deal with the landform and visual impact of the landfill facility.

Comment:- These concerns are similar to those considered in Part 11.4 of this report. As matters currently stand the increased landform height is not, it seems, resulting in significantly increased emissions of dust, odour or other nuisance. Therefore, the regulatory powers of the EPA are limited, as matters of landform and visual impact are for the Local Authority. I can only recommend that these complaints be communicated to the Local Authority, in the first instance, for follow-up. In the event that no appropriate - in the eyes of the submitters - enforcement follows, then those who have submitted these concerns can formally complain to the Local Authority Enforcement Section of the EPA's Office of Environmental Enforcement.

12. Charges

The recommended charges are the same as that set for 2005 (€28,570.00); no significantly altered enforcement effort is anticipated arising out of the review.

13. Recommendation

I have considered all the documentation submitted in relation to this application and recommend that the Agency grant a revised licence subject to the conditions set out in the attached Recommended Decision and for the reasons as drafted.

Signed

Dr J Derham

Procedural Note

In the event that no objections are received to the Proposed Decision on the application, a licence will be granted in accordance with Section 43(1) of the Waste Management Acts 1996-2003.