

**REPORT OF THE TECHNICAL COMMITTEE ON
OBJECTIONS TO LICENCE CONDITIONS**

TO:	Directors	
FROM:	Technical Committee	- LICENSING UNIT
DATE:	30-1-06	
RE:	Objection to Proposed Decision for Roadstone Dublin Ltd, Blessington, Co Wicklow, Waste Reg: 213-01	

Application Details	
Applicant	Roadstone Dublin Limited, Fortunestown, Tallaght, Dublin 24
Type of facility:	Landfill for Non-Hazardous Waste and Remediation of Illegal Waste Deposits
Class(es) of Activity (P = principal activity):	3 rd Schedule: 1(P), 5,13. 4 th Schedule: 4, 10, 13.
Location of facility:	Dillonsdown, Deerpark, Newpaddocks and Santryhill Townlands, Blessington, Co Wicklow
Licence application received:	7 December 2004
Proposed Decision issued:	12 July 2005
First Party Objection received:	8 August 2005
Third Party Objection Received:	None
Article 32(2)(b) consultation:	3 November 2005
Article 32(2)(b) submission:	30 November 2005

1. Application

This waste licence application is for activities associated with the cleanup of unauthorised landfill of approximately 300,000 tonnes (applicant's estimate) of mixed construction & demolition, industrial, commercial and municipal wastes, at discrete areas within Roadstone Dublin's landholding, north of Blessington, Co. Wicklow. Further details in respect of the proposed operation and site layout are to be found in the Inspectors Report to the Board of the Agency (dated 5 July 2005), accompanying the Recommended Decision, and in the EIS for the application. Figure 1 attached hereto identifies some of the key features and areas of the application site and environs.

This application and the issue of the illegal waste deposit at the Roadstone lands has been a controversial matter with significant coverage in the national media. Twenty-one submissions were received in relation to the application, which were considered by the Board in the issuing of the draft Decision. Only one objection – from the applicant – was received in relation to the published Proposed Decision.

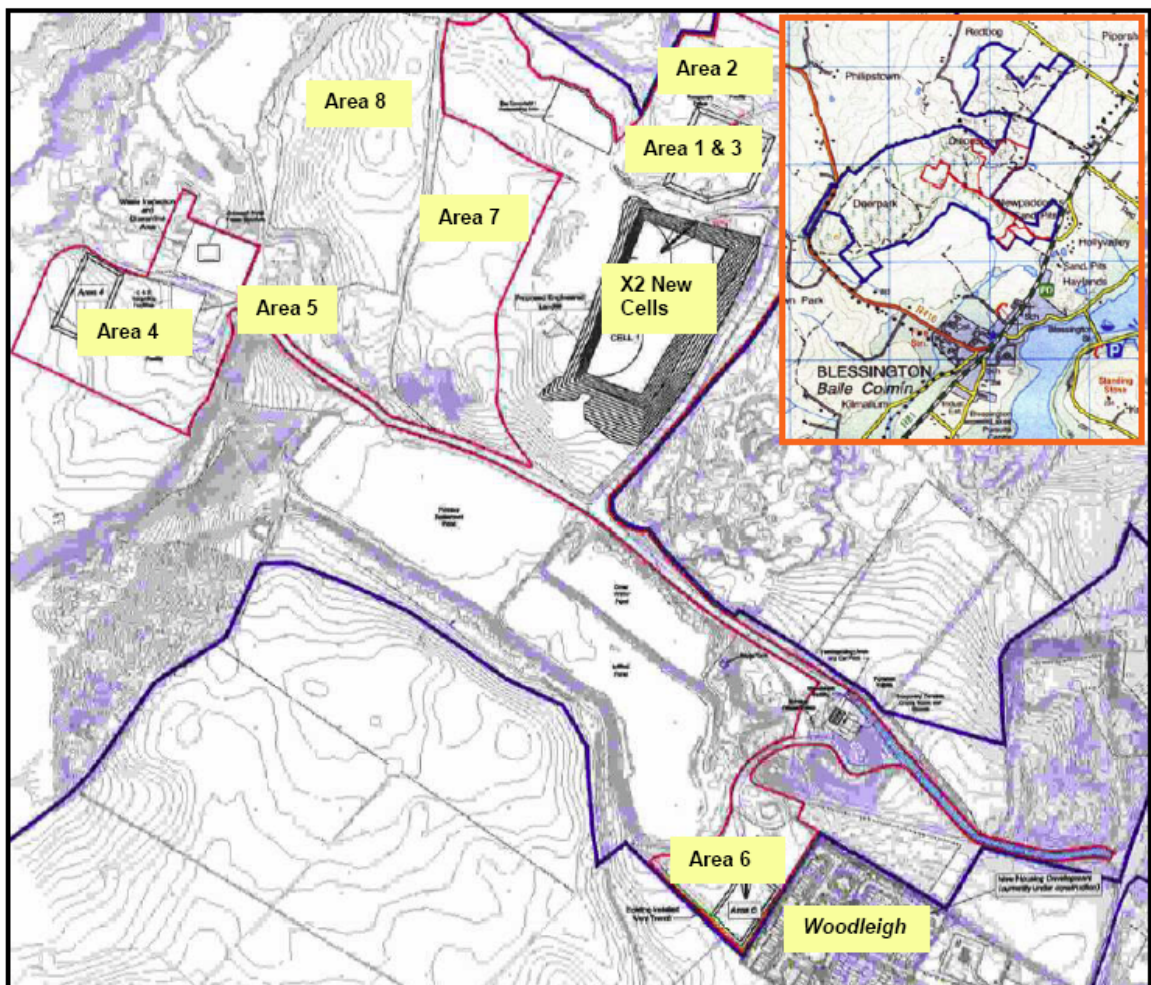
It is clear from the application documentation that the site owner – Roadstone Dublin Ltd – are keen to address the matter of the illegal waste and remediate the site to an appropriate specified standard. The EIS for the remedial strategy proposed the following major activities:

- the excavation and removal of the buried waste from Areas 1, 4 and 6 only;
- construction of sumps in advance of the excavation works to facilitate collection and extraction of any residual leachate;
- processing of the excavated waste by segregation, trommeling, screening and recycling at Area 4 to the west, and the transport of arising hazardous waste off-site to licensed facilities;
- transfer of the residual non-hazardous waste to a remediation landfill consisting of two lined cells of 180,000T capacity within the existing landholding at Area 1. Note the applicant specifies the landfill cells will ONLY be used for the remediation of unauthorised landfills on this site and no importation of waste will be permitted under any circumstances;
- use of recovered inert waste to reclaim site;
- waste excavation, removal, transfer, landfilling and processing to be undertaken between 07.30 hours and 17.30 hours Monday to Friday and 08.00 hours to 13.00 hours on Saturdays. No works will be undertaken on Sundays or public holidays.

The concept of what an agreed standard of remediation for this site would be, has evolved from pre-application discussions between the applicant and the EPA as more information and investigation has been provided. The draft decision (Proposed Decision – PD) issued by the Agency on 12 July 2005, confirmed that having regard to all the information received, the final solution for the illegal waste did not meet with the expectations of the Board of the EPA or the local community. Four main reasons were articulated for the Board's refusal:

1. The siting of the proposed landfill facility on the locally important unconfined aquifer in proximity to the Wicklow County Council Blessington wellfield would constitute an unacceptable risk of environmental pollution. The zone of contribution of the Blessington wellfield lies directly in the path of and down/cross gradient of the proposed landfill cells.
2. The applicant has not demonstrated to the satisfaction of the Agency the requirements to dispose of all the quantity of waste as proposed in the licence application.
3. The applicant has not demonstrated to the satisfaction of the Agency, that it is not practicable to identify or establish a landfill disposal site in a lower risk area, and particularly at a suitably licensed facility elsewhere.
4. The measures proposed for excavation of waste in Area 6 are not sufficient to adequately ensure that odour nuisance and groundwater contamination will not arise, thus causing environmental pollution.

Figure 1: Location & layout of application site



As noted above, the applicants are anxious to get the site remediated and comment in their covering letter (dated 30 Nov 2005) to their submission on the GSI report, that an Agency final decision to refuse the licence application will have the effect of prolonging the unsatisfactory situation at the Blessington lands. In addition - and this is a significant point – the applicants in this letter offer a variation on their initial proposals, in that any residual domestic, commercial & industrial waste (following treatment of the excavated illegal fill) could, if instructed, be exported to an approved authorised landfill. An inference from this statement is that only inert waste recovered from the illegal fill will remain on the Blessington lands.

2. Consideration of the Objection

The Technical Committee, comprising of Dr Jonathan Derham (Chair) and Mr Breen Higgins, has considered all of the issues raised in the Objection, and this report details the committee's comments and recommendations following the examination of the objection

As some of the key points of objection relate to the hydrogeological categorisation and other hydrogeological aspects of the aquifers/groundwater in the area, the Agency consulted (1 September 2005) the Groundwater Section of the Geological Survey of Ireland (GSI) who have national expertise on such matters. The report of Mr Geoff Wright (Senior Hydrogeologist, GSI) was received on 21 October and sent to the applicants (objectors) for comment on 3 November 2005 in accordance with the provisions of Article 32(2)(b) of the Waste Management (Licensing) Regulations 2004. The applicants made a submission on this report (received 30 November 2005).

The Technical Committee also had regard to the observations in the report of Mr Wright (of GSI), and the submission of the applicants on his report.

First Party Objection

The applicants (first party) objection addresses the four reasons for refusal in turn and also other aspects of the Inspectors Report. The objections are examined and discussed under the respective four headings (the four reasons for refusal), which is followed by an over-all evaluation and recommendations.

3. First Reason for Refusal

Cited Reason: *The siting of the proposed landfill facility on the locally important unconfined aquifer in proximity to the Wicklow County Council Blessington wellfield would constitute an unacceptable risk of environmental pollution. The zone of contribution of the Blessington wellfield lies directly in the path of and down/cross gradient of the proposed landfill cells.*

The applicant argues that there is no "unacceptable risk of environmental pollution", and supports this statement by reference to various risk assessment protocols including the LandSim^a groundwater/pollutant dispersion modelling results, included in the application and in the objection documentation. The applicant defends the modelling parameters used – questioned by the Agency inspector in his report

^a Internationally recognised groundwater risk modelling software for landfills.

accompanying the Recommended Decision - and as a demonstration of their risk assessment conclusions they re-run the LandSim model for the proposed new landfill cells using the parameters suggested in the Inspectors Report. They argue that the modelling again shows that the risk to local groundwater is 'not significant' (subject to the employment of the proposed mitigation measures). The applicant also does not accept that the proposed residual landfill cells are located within the zone of contribution of the Blessing wellfield. As to the conservative classification of the aquifer as *R4* (according to GSI scheme)^b, the applicants argue that there is no scientific basis for this and that the designation *R3'* as detailed in the application documentation (and GSI publications) should prevail. The applicant notes that the proposed containment design for the residual waste cells exceeds the requirements of the Landfill Directive (1999/33/EC).

Technical Committee's Evaluation: A great deal of groundwater risk assessment work has been undertaken by the applicants in relation to the illegally deposited waste. This is discussed in the Inspectors Report to the Board. Additionally, the applicants as part of their objection have re-modelled the groundwater risk scenarios for the proposed new landfill cells having regard to the input parameters (aquifer characteristics) suggested in the Inspectors Report. This assessment work has been undertaken by an internationally recognised consultancy, and has been executed to accepted standards and guidance having regard to the input of the Agency and other national authorities (GSI). The Technical Committee thus has no reason to believe that the consultants' conclusions are flawed. The value of the predictions of the groundwater impact models has also been supported by 'ground truth' information from monitoring boreholes installed by the applicants as part of the investigation of the historical wastes.

A large proportion of the various assessments address groundwater risks from the current deposits of waste. These wastes were/are to be moved in any case as part of the remediation plan, so it is appropriate to concentrate on the risks associated with the proposed residual waste cells, as these represent the principal long-term risks. There would be short-term groundwater risks associated with the excavation of the historical wastes, however in our view such risks are relatively easy to manage with conventional earthworks protocols for projects in brownfield sites. The applicant identifies certain such protocols in their objection and their application. Such short-term risks are a modest burden when measured against the long term gain. The waste in the illegal deposit areas has to be moved in any case, whether a licence is granted or not. Leaving it in situ – particularly in Area 6 adjacent to the houses - is not acceptable from a sustainability perspective (see Figure 1). The hydrogeological risk assessments provide additional reassurance in relation to these areas, as the excavation operations are unlikely to generate any significantly increased risk to the modelled groundwater receptors during such works.

As noted earlier, the Technical Committee took the opportunity to consult the Groundwater Section of the Geological Survey of Ireland (Mr G Wright Senior Hydrogeologist) (Article 32 consideration). The GSI have confirmed certain hydrogeological parameters used by the applicants for the model input as valid: and the GSI, also confirm observations in the EPA Inspectors' Report to

^b DoE-EPA-GSI – Groundwater Protection Schemes, 1999. Landfill Response Matrix. Under a R4 classification, a landfill would not be considered acceptable at this location.

the Board regarding other parameters used (such as permeability), which appeared conservative. These observations have been taken on board by the applicants and re-run in the LandSim™ impact assessment model. The re-run model again confirmed that there was no credible threat to wells in the Blessington area. This assessment and other hydrogeological mapping undertaken by the applicants conclude that the zone of contribution to the Blessington wellfield is not downgradient of the proposed new cells for the residual waste. This conclusion was supported by observations in the GSI review.

As to the classification of the local aquifer the GSI agree with the applicants that the correct aquifer response classification under the National Groundwater Protection Scheme^b is R3¹ and not R4. Under a R3¹ classification the groundwater protection Scheme response for landfills is;

R3¹ *Not generally acceptable, unless it is shown that:*

- *The groundwater in the aquifer is confined*
- *There will be no significant impact on the groundwater; and*
- *It is not practicable to find a site in a lower risk area.*

The aquifer is not confined. The modelling results advanced by the applicants support the second element of proof. On the matter of the selection of a lower risk area this point is further developed in the objection to the Third Reason for refusal.

In his report on hydrogeological matters, Mr Wright of the GSI, identified that the Pollaphuca Reservoir would benefit from a specific risk assessment as a receptor in the modelling exercises undertaken [although it is appropriate to note that the applicants had undertaken risk assessments for receptors located closer than the reservoir, to the proposed landfill areas, and these assessment indication no significant risk]. The applicants, in their submission on the GSI report, address this concern by submitting such an assessment. The results of the modelling conclude that - as in the case of groundwater risk to the Blessington wellfield and the Burgess Stream - there is no significant threat to the reservoir from an engineered landfill (for residual wastes) of the design, and at the location, proposed.

4. Second Reason for Refusal

Cited Reason: *The applicant has not demonstrated to the satisfaction of the Agency the requirements to dispose of all of the quantity of the waste as proposed in the licence application.*

The applicant's objection on this reason notes that the 180,000t estimate (to be placed in the residual waste cells) was arrived at in discussion with Wicklow Co Co and includes a contingency. The applicant states they will make every effort to maximise recovery of soil as identified in the Inspectors report' adding that the cell design offers flexibility to reduce size and that it is not in the applicants interest to have larger than is necessary engineered cells on their land. Furthermore, the applicants note that the WMA Section 55 Notice that is in place against their site

regarding the remediation of the illegal waste mandates the recovery off site of materials. As a final point the applicants suggest that any concerns of the Agency regarding the amount of waste to be disposed in the cells can be addressed in conditions of a licence that limit the acceptable waste types and/or set recovery objectives, etc.

Technical Committee's Evaluation: The concerns of the Inspector for the application which are reflected in the decision of the Board relate to the unnecessary 'dumping' of illegally deposited and associated wastes in the engineered cells without attempting to maximise recovery of same. It is possible that the availability of adjacent engineered cells could reduce incentive to put in place expensive recovery plant. This concern is connected to the first and third reasons for refusal in-so-far-as the matter of non-availability of alternative disposal/recovery sites is concerned. The ready availability of an on-site solution could mitigate against the incentive to explore alternatives. However, it is the view of the Technical Committee such concerns could be addressed via special controls on the recovery/excavation/disposal process including limits or prohibitions on the disposal of certain waste types on the site. The applicants point that such matters could be conditioned in a licence, were one to issue, is accepted.

5. Third Reason for Refusal

Cited Reason: *The applicant has not demonstrated to the satisfaction of the Agency that it is not practicable to identify or establish a landfill disposal site in a lower risk area, and particularly at a suitably licensed facility elsewhere.*

The applicant's objection notes that at the time of making their application the availability of commercial landfill void in the region was limited. However their objection also notes that recent infrastructural provision within 125km (c.77miles) of the Blessington site has opened up disposal possibilities at licensed sites. The applicant also notes that the Section 55 notice directs the applicant to provide an on-site disposal facility for the residual waste. Other reasons advanced by the applicant for opting to promote the on-site solution are;

- the positive results of the groundwater risk assessment,
- the availability of 'low risk' land within the applicants holding at Blessington,
- the concern that, on excavation, the proportion of residual domestic, commercial and industrial wastes requiring disposal is greater than that predicted, and
- that the application of the EU proximity principle would suggest that any long haulage solution for the residual waste contravene the principle.

Technical Committee's Evaluation: The Technical Committee are satisfied that alternative disposal facilities for the residual wastes can be sourced within a reasonable transport distance of the Blessington site. This is confirmed in the applicants objection. Furthermore, the suggestion that the Proximity Principle be applied to a decision regarding the removal of illegally deposited waste, would in the view of the Technical Committee constitute an abuse of the principle. It is not reasonable to accept that all the conventional regulatory principles of waste management practice apply in an equivalent manner to

waste managed in a legitimate way having followed statutory and procedural requirements and norms, as to that managed in an illegal fashion.

The groundwater modelling produced by the applicants indicate that there will be no significant risk to receptors from an engineered facility for residual waste on the Blessington site - the applicant propose a superior lining system to that generally accepted as BAT. This point is accepted. However, that is a different argument to one concerning itself with the identification of a lower risk site. The Technical Committee is satisfied that lower risk, and already authorised, landfill facilities could be identified in the region (as done so by the applicants). It is our view that the one of the key determinations in respect of the assessment of the on-site versus off-site solution for the illegal waste is that produced by an evaluation according to the Best Practicable Environmental Option paradigm. For example, fuel consumption V's emissions V's transport nuisance V's on-site solution V's zoning V's long-term integrity, etc. The applicants' objection does address some of these issues. Other, and related, frameworks for evaluation of the solution to the illegal waste would be against the Sustainability and BAT paradigms. Further consideration of these points is included in Part 7 of this report.

6. Fourth Reason for Refusal

Cited Reason: *The measures proposed for the excavation of waste at Area 6 are not sufficient to adequately ensure that odour nuisance and groundwater contamination will not arise thus causing environmental pollution.*

The applicant's objection on this reason notes that the waste licence application and the EIS for the facility include details of proposals for the mitigation of nuisance and impacts associated with the excavation and management of the illegal waste. The applicant believes that such impacts can be addressed via licence conditions.

Technical Committee's Evaluation: The reason this application is before the Agency is to remediate the site. Leaving the waste in-situ, as-is, is not sustainable. As noted in the objection evaluation in Part 3 of this report, there will likely be short-term environmental risks associated with the excavation of the historical wastes, however in our view such risks are relatively easy to manage or provide for with conventional earthworks and safety protocols for projects in brownfield sites (e.g. surface water, dust, gas, leachate management). Similar conditions have been employed in other Agency licences for remediation projects dealing with more hazardous materials (e.g. Sir John Rogersons Quay and the Gasworks sites). The applicant identifies certain such protocols in their objection and in their application. Such short-term risks are a modest burden when measured against the long term environment gain. The waste in the illegal deposit areas has to be moved in any case, whether a waste licence is granted or not. Having regard to the undertakings proposed by the applicant the Technical Committee believe such risks could be addressed by condition.

7. Discussion

From the above consideration of the objection it is clear that the principal issue with the application currently before the Agency turns on the issue of the suitability of the on-site solution to the disposal of residual Domestic, Commercial and Industrial waste. From a hydrogeological risk perspective, the assessments undertaken by the applicants conclude that the risks associated with the development of such a facility are negligible. But this is not the only consideration that is valid.

As articulated earlier, there are other regulatory and governance principles that provide a framework for good decision-making. I refer, for example, to the principles of Proximity, Sustainability, Proportionality and Precaution. These principles are interrelated. It was mentioned above that the application of a strict meaning of the Proximity Principle to regulatory decision making is not necessarily appropriate when dealing with waste that was deposited illegally. It is the view of the Technical Committee that the resolutions to illegal waste deposits which involve in the solution some on-site residual disposal component, should at the very least follow the standard regulatory norms and procedures as would apply to a legitimate operation proposing such a facility. This is particularly the case for illegal activities carried on since the coming into effect of the waste management licensing system (1997). To apply any lesser a burden would be disproportionate, and would undermine the value of pursuing legitimate regulatory protocols, and would undermine the legitimate waste industry (i.e. by promoting the pursuit of retrospective legitimatising). In addition to the application of the standard regulatory norms, illegal activities may well have to endure additional enforcement or other regulatory requirements: those requirements being applied proportionately.

The principle of sustainability includes pillars of social as well as environmental equity. And many protagonists of this paradigm would argue that a fourth pillar of the principle (additional to economical), would be good governance. The application before us for a non-hazardous residual domestic, commercial and industrial waste landfill has not been developed or processed in a manner equivalent to what would be required of a new legitimate and equivalent facility. For example, the planning and site selection protocols have not been followed as would be required of a legitimate facility were it to be proposed for the area. These governance short-circuits prevent the community and other social partners from engaging in the conventional manner in the full (and normal) regulatory determination process for a domestic, commercial and industrial waste facility. Having regard to the risk profile for such sites, the Technical Committee do not believe that such 'short-circuiting' protects the interests of society, nor does it represent good governance. Thus, such practices cannot be said to adhere to the principle of sustainability.

The applicants argue that the principle of precaution has been addressed via the evaluation of risks (modelling) and the employment of a superior standard of containment for the residual waste cells. It cannot be accepted that the Precautionary Principle is as simple as that implied for the landfill solution proposed. In this highly technical society, it is true that if one applies a sufficient amount of engineering, that almost any operation can be considered safe. However, the application of excessive engineering solutions to offset inappropriate or poor site selection is not necessarily the best procedural solution; particularly where other sites are available or could be evaluated.

Considering these arguments, the most appropriate way to assess whether or not the proposal for a residual domestic, commercial and industrial waste facility to be located on the Roadstones Blessington site, would be to consider what would be the likely view taken were this a new legitimate waste facility coming forward for determination in the statutory planning and environmental regulatory frameworks. It is not the place of the Technical Committee to address what the views of the planning authorities would be with regard to zoning, etc. But within the competency of the Technical Committee (i.e. the waste licence application process), it is unlikely that any favourable recommendation to locate a domestic, commercial and industrial waste facility within such a hydrogeological and geological setting in the immediate catchment of the Poullaphuca Reservoir, would ever issue. This Reservoir has national strategic importance, and good governance would dictate that no potentially polluting environmental activity of a scale and type such as a domestic, commercial and industrial waste facility should be located in its immediate catchment. There is another principle that underlines such a view, and that is the principle of precedent. Such a principle is hugely significant in regulatory authorisation processes. It is the view of the Technical Committee that any decision to locate a domestic, commercial and industrial waste landfill facility in the catchment of the reservoir would represent an unacceptable precedent, which could lead to intensification or development of similar potentially polluting activities with consequential and unacceptable environmental pressures.

If a new legitimate landfill proposal for a residual domestic, commercial and industrial waste facility would in principle be unacceptable for such a location, then the solution to an illegal waste issue involving the same type of facility should be equally unacceptable. The considerations under the principle of Best Practicable Environmental Option (e.g. haulage impact, truck emissions, etc.), and regardless of the groundwater modelling results, do not in our view offset the principle requirement to prohibit development of inappropriate potentially polluting industrial operations in the catchment of a nationally strategic drinking water resource.

The applicants have from the outset of this application process engaged in an open and committed way. There is no fault with the level of technical expertise retained by them to assess risks, etc. Moreover, they have repeatedly stated to the Agency their desire to clean-up the site in an acceptable and as expeditious a manner as is permitted. The process to date, including the publication of the Proposed Decision for their licence application has no doubt been a difficult one for them. Mindful of the Proposed Decision and of their eagerness to clean-up the site to the satisfaction of the authorities and the local community, the applicants in their objection and submission on the GSI report offer a notable variation to their proposal. This variation concerns the proposed final destination of the residual domestic, commercial, and industrial waste. The applicants state that should a licence be granted they would be happy to abide by a direction from the Agency that residual domestic, commercial and industrial waste not be landfilled on site. The Technical Committee believe this to be a pragmatic suggestion, and a compromise that should address the concerns of the authorities, the local community and their representatives.

This variation will not invalidate the application; as a consent to excavate, treat, recover inert materials and dispose off-site all residual waste is in keeping with the classes of activity applied for.

The principal activity applied for was Class 1, the deposit [of waste] on, in or under land. As part of the remediation project the applicants will be required to recover inert soils and sediment. Some of this material, where suitable, will be required to reclaim, reinforce, and landscape the excavated areas. Such operations constitute deposit on land. The only difference from the original application being the prohibition on the placement of any residual domestic, commercial and industrial wastes on-site: this to be exported to an approved facility.

Inert waste is defined in the EU Landfill Directive (1999/31/EC) as:

- (e) 'inert waste' means waste that does not undergo any significant physical, chemical or biological transformations. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health. The total leachability and pollutant content of the waste and the ecotoxicity of the leachate must be insignificant, and in particular not endanger the quality of surface water and/or groundwater;

This standard of material is very robust and protective of the environment. Additional guidance on the interpretation of inert waste is presented in EU Council Decision 33 of 2003. The deposit or placing of such material on the Blessington site where associated with the remediation and reclamation of the former illegal waste areas does not represent a risk to the integrity of the reservoir, either directly or via precedent. Any such risk would be considered vanishingly low. Moreover, there are already other EPA authorisations in the catchment for the restoration of quarry areas with inert fill. It is the best practicable option for such material, and in our view would be sustainable. Indeed it is quite common in planning applications for quarries to have conditions requiring the restoration of worked out areas with soils, sub-soils and other suitable inert materials. In addition, the EU Landfill Directive notes the special – and low risk - character of inert wastes when employed usefully. In Article 2 of the Directive it states;

2. Without prejudice to existing Community legislation, the following shall be excluded from the scope of this Directive:

-
- the use of inert waste which is suitable, in redevelopment/ restoration and filling-in work, or for construction purposes, in landfills,
-
- the deposit of unpolluted soil or of non-hazardous inert waste resulting from prospecting and extraction, treatment, and storage of mineral resources as well as from the operation of quarries.

If the applicants were instructed to remove all the inert wastes illegally placed on the site, they would still have to go out and source other inert materials to use in the restoration and landscaping of the excavated areas.

The Technical Committee are satisfied that the placement of inert waste recovered from the illegal fill, on the site is environmentally and procedurally acceptable; and is in the best interests of those who want this area protected and restored to a satisfactory state (i.e. the authorities, the applicant and third parties who made submissions on the application as detailed in the Inspectors Report).

8. Recommendation

Having regard to the submissions of the third parties detailed in the Inspectors Report to the Board, and the views of the applicants documented in the application files, it is the recommendation of the Technical Committee that a Licence be issued to the applicants along the lines suggested herein, and subject to the conditions detailed in the Recommended Final Licence accompanying this report. The licence requires that all the illegally placed and potentially polluting domestic, commercial and industrial wastes are removed off-site to an approved licensed facility, with any recovered inert wastes to be retained on site and used in the restoration and landscaping of the excavated areas. The recommended Final Licence complies with the requirements of the EU Landfill Directive, and is consistent with the objectives of the Ministerial Direction issued under the Waste Management Acts 1996 to 2005 (DoEHLG Ministerial Circular WIR: 04/05 of 3 May 2005). The Technical Committee consider that for the purposes of this licence and the remediation activities authorised therein, the applicant can be considered a Fit & Proper person (Section 40(7) of the Waste Management Acts 1996 – 2005). Such a declaration is made without prejudice to any enforcement or legal actions that may be taken in relation to the illegally placed waste.

9. Recommended Final Licence

The recommended final licence contains comprehensive provisions for the monitoring & control of the remedial exercise, including the control of the recovery operations. Additional measures specified in the licence deal with the establishment of quality standards and testing protocols for recovered materials (including inert soils, etc). The recommended Final Licence prohibits the deposit on site of any waste other than inert waste. Other key aspects of the recommended licence are, inter alia, requirements for:

- An environmental management system
- Use of qualified and competent operations manager/supervisors
- Specified operational hours
- A public communication program
- Emissions limits
- Emissions management
- Recording & Reporting
- Emergency response & accident prevention
- Prior approval of use of off-site disposal facilities
- Prior approval for deposit of certified inert materials
- Preparation of documented restoration plans
- Closure verification

- After-care monitoring
- Payments of fees to the EPA in relation to its enforcement efforts

A particular notable condition is that associated the payment to the EPA of fees associated with the retention, by the EPA, of an independent Technically Competent Site Works specialist (Agent) to monitor the remedial works in Area 6 of the site (next to Woodleigh houses) and other areas as may be directed by the Agency. This person will be authorised under the Waste Management Acts 1996 – 2005, and as such will, while on-site, have the authority of an Agency official. These charges are consistent with the Polluter Pays Principle.

These controls have regard to the third party submissions on the application, the requirements of national and EU legislation (including the Landfill Directive), as well as published National and EU BAT for such activities. Operation of the facility to the terms of the recommended Final Licence should ensure compliance with the requirements of Section 40(4) of the Waste Management Acts 1996 – 2005. The Technical Committee are satisfied that for the purposes of Section 40(7) of the Waste Management Acts and to the extent necessary to execute this recommended licence, the applicants is considered Fit and proper persons.

Signed

Dr J M Derham

For, and on behalf of the Technical Committee