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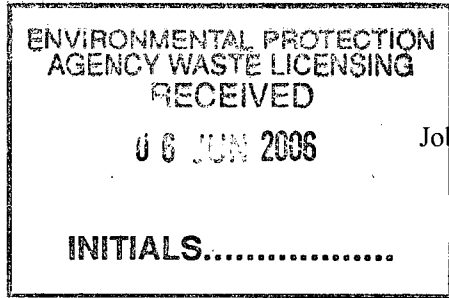
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Sub on obj 3

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6 June 2006
Job No: 03719116

APPLICANT'S SUBMISSION ON 3RD PARTY OBJECTIONS (YOUR REF. W0204-1)

Dear Ms. Bosley

We are acting under the instruction of our client Brownfield Restoration Ireland Ltd. of 2nd Floor, Heritage House, Dundrum Office Park, Dundrum, Dublin 14 (the 'Applicant'). Brownfield Restoration Ireland Ltd. (BRI) welcomes the issuing of a Proposed Decision in relation to their application to develop a waste facility at the Whitestown quarry in County Wicklow.

Firstly, we wish to express the Applicant's current position on the Proposed Decision (PD 204-1) dated 6 April 2006, which was outlined in our objection to the PD submitted to the Agency on 3 May 2006. In the May 2006 objection, the applicant requested that Conditions 1.3 and 1.4 of the PD be changed to state the following:

Condition 1.3 *"All household, commercial and other non-inert waste shall be processed to separate recoverable fractions and the residue disposed of within the on-site residual waste landfill."*

Condition 1.4 *"The importation of waste onto this facility is prohibited under this licence with the exception of inert waste for restoration purposes and other wastes from unauthorised waste facilities which may be imported for processing, recovery and residual disposal"*.

The principal reason for these changes is the fact that the Applicant's focus is now on the remediation of the existing unauthorised waste sites in County Wicklow and adjoining areas. This was the original purpose for which the company was established. We note, for example, that the recent EPA document, *"The Nature and Extent of Unauthorised Waste Activity in Ireland"*, lists 6 such sites in Wicklow and there is much evidence that the number exceeds that considerably.

We note that the EPA has reported that Stevenson's Quarry at Castleruddery, Co. Wicklow contains in the order of 180,000 tonnes of Construction and Demolition waste and Commercial and Industrial waste. The applicant considers that the development of a facility at Whitestown could also be used for the remediation of Stevenson's Quarry, among other sites in the area, for which there is no facility in County Wicklow, or in the adjoining areas, which has the capacity or capability to process, recover and safely dispose of the wastes from these unauthorised sites.

It is important to state that due to the ongoing concerns expressed by various parties throughout the waste licence application process, the Applicant has carefully considered these concerns and changed the focus of the application to only accept wastes from unauthorised waste sites in Co. Wicklow and adjoining areas.

In regards to this June 2006 submission, the Applicant wishes to make submissions on other objections made relating to the issuing of the PD. Objections were received from the following 3rd parties relating to the PD:

EPA Ref. No	3 Party Objector
Obj 1	Ann Maria Dunne (Chrysalis)
Obj 2	Deemed to be invalid
Obj 3	Peter Walton and Florence Staunton
Obj 4	Whitestown Awareness Group (EMS)
Obj 5	Emer and Russ Bailey
Obj 6	Wicklow County Council
Obj 7	An Taisce

Obj 3 - Peter Walton and Florence Staunton

In response to the issue of closure, restoration and aftercare, the Applicant welcomes the comments made by Mr. Walton and Ms. Staunton to ensure that the site be reverted to agricultural or similar natural use, which is the ultimate objective of the applicant. However, the objection appears to fail to appreciate that material will have to be imported onto the site in order to achieve restoration of the site, as illustrated by the cross-sections included in the applicants objection, and restore the site to agricultural or similar natural use.

Obj 4 - Whitestown Awareness Group

The Whitestown Awareness Group (WAG) submission, prepared by Environmental Management Services (EMS), makes the following comments in subsection 5.4, which quotes the EPA inspector's reasoning about the site:

'He (the Inspector) reasons that the deposit or placing of inert material on the Whitestown site, where associated with the remediation and reclamation of the former illegal waste areas and the restoration of the quarry does not represent a risk to the integrity of the river, either directly or via precedent, and that it seems to be the best practicable option for such material, and would be sustainable.'

The above inspector's reasoning is welcomed by WAG in their submission, which suggests that WAG would also be in agreement with the importation of inert materials for the full restoration of the Site, and return it to its former status.

In Subsection 6.5 of their submission which relates to Condition 10 of the PD - Closure, Restoration and Aftercare, the WAG submission states the following:

'This condition requires that the excavated areas formerly occupied by historical waste shall be suitably graded to a safe and stable landform. However, we would request the Agency to expand this condition so as to ensure that the final landform has a natural appearance and is similar (as far as practicable) to other landforms in the surrounding area. As the Agency will be aware, it is possible that a safe and stable landform could be visually intrusive and a constant reminder of the presence of buried wastes and the previous waste-related'

activities. We would additionally ask that this condition should be amended to require the restoration of the site to beneficial agricultural use'.

As described in the Applicant's Appeal to the Agency in May 2006, the Applicant is fully committed to restore the lands to its original land form as is explicitly requested in the WAG submission. Condition 1.4, as it stands will result in a considerable void space being left in the quarry, and consequently a scar on the landscape. It is estimated that there are **100,000m³** of inert waste on the site, while the total void space is calculated at ca. **1,200,000m³**, leaving a net void space of over **1 million cubic metres**.

The proposed amendment to Condition 1.4 as described in the introduction to this submission, will meet the WAG concerns by returning the site to a 'natural appearance' and will be 'similar to other landforms in the surrounding area'. By disallowing the importation of materials to the Whitestown site, the resultant void post-restoration will represent a significant ongoing risk to the environment and an ongoing liability to the owner, as there is a considerable risk that unauthorised disposal of wastes could occur on the site at anytime in the future. The EPA will be aware of the continued extent of the fly-tipping problem in Ireland.

Obj 5 - Emer and Russ Bailey

The Bailey submission makes the following comments in relation to final restoration:

.....we believe that the local environment will at last be cleaned up and revert to its original state.....

As outlined in the previous section, the Applicant is fully committed to restoring the lands to its original landform. However, in order to achieve this, the importation of inert materials for restoration purposes is essential to meet the wishes expressed in the Bailey submission.

Obj 6 - Wicklow County Council

It is important to state that the Applicant wholly agrees with Wicklow County Council's (WCC) suggested amendment to include Class 1 of the Third Schedule of the Waste Management Acts 1996 to 2005. WCC requested that the following amendment be included in the Waste Licence:

'Class 1 should be added to permit the deposition of recovered inert soils at the site following the excavation and treatment of the wastes'

The Applicant is committed to the proper restoration of the site, which will require the importation of inert and other materials to the site to complete the landform envisaged, which will return it to its former status.

The Applicant notes that WCC believes that any organic waste which was present within the unauthorised waste bodies is not suitable for composting. If Wicklow County Council are correct in this assessment, then it follows that the potential for organic pollution from the wastes in the form of leachate or landfill gas is now low to negligible.

Obj - 7 An Taisce

Paragraph 2 of the An Taisce submission states the following:

'It (the Licence) should be more specific in the licencing conditions that the site is restored to beneficial agricultural use upon completion of the remediation allowed for within this licence'

In order to meet many if not all of the concerns expressed by the 3rd party submissions listed above, including the An Taisce submission, inert and other material including topsoil for the preparation of the lands to resemble the previous landform and allow final agricultural use is essential. This will result in a final landform that will blend into the surrounding landscape, with an agricultural use that is in keeping with its rural setting, and will result in a vast improvement of the present unsightly condition.

Please contact either myself or Mr. Geoff Parker if you have any queries relating to this objection.

Yours sincerely,
GOLDER ASSOCIATES IRELAND.



Mr. Conor Wall
Associate, Senior Consultant



Mr. Geoff Parker
Principal Managing Director

cc: Mr. Ray Stokes (Brownfield restoration Ireland Ltd.)
GFP/cw

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