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greenstar

setting the standard

Greenstar Limited,
Unit 6, Ballyogan Business Park,
Ballyogan Road, Sandyford,
Dublin 18.
Tel: + 353 1 294 7900
Fax: + 353 1 294 7990
Email: info@greenstar.ie

EPA Headquarters
PO Box 3000
Johnstown Castle Estate
Co Wexford

Environmental Protection Agency	
Received	Licensing
16 OCT 2007	
Initials	ek.

16th October 2007

Re: Objection to PD W0231-01 Proposed Landfill at Nevitt, Lusk, Co. Dublin

To whom it concerns,

Greenstar Ltd, 6 Ballyogan Business Park, Ballyogan Road, Sandyford Dublin 18, hereby objects to PD W0231-01 granted by the Agency on 20th September 2007 to Fingal County Council for the development of a landfill site at Nevitt, Lusk, County Dublin.

Please find enclosed a cheque in the sum of €300 which includes the fee for an Oral Hearing, which we request.

The reason for this objection

Greenstar's objection is prompted by concerns that the environmental impacts of the significant illegal landfill on the site have not been adequately assessed and that the PD does not address this aspect of the application in a manner that is equitable with previous licences granted to remediate illegal landfills.

It is of major concern that the approach adopted in this PD is contrary to Government policy and EPA guidance in relation to the identification and remediation of illegal landfills. The legitimate waste industry is at a significant disadvantage when competing against illegal activities and in this regard we support the regulatory discouragement of large scale illegal dumping which was the effect of two previous waste licences granted to remediate unauthorised dump sites. In particular we support the Agency's application of Government policy guidance Circular WIR: 04/05 issued in May 2005 pursuant to Section 60 of the Waste Management Act 1996 in those waste licence decisions. The departure from Government Policy in this current PD is sending out an inconsistent message to illegal dumpers of waste and landowners who profit from such activity.

As the appointed remediation contractor for one such EPA licensed remediation project Greenstar is highly conscious of the need for the applicant to carry out a thorough assessment of the illegal dump at EIS stage and for the Agency to base its licence around the minimisation of environmental risk both during and after remediation. This is not reflected in PD W0231-01.

Registered in Ireland No. 325120
Directors: G. Bailey, G. Dennison, M. King,
S. Cowman, E. Bolger (Secretary)
Registered Office: Burton Court, Burton Hall Road,
Sandyford, Dublin 18.

Affiliate Organisation, CIWM
Member of the IWMA
Corporate Affiliate of the IEI

www.greenstar.ie

The grounds of the objection are explained as follows:

1. The volume of illegally deposited waste has not been adequately assessed in the waste licence application. Section H4 of the Waste Licence Application Form (Page 109) describes the existence on the development site of the illegal dump. The applicant estimates the area of this dump to be approximately 40,000m². The applicant uses an average depth of 4 metres of waste and a waste density of 0.75 tonnes per cubic metre to calculate a tonnage of 120,000 tonnes of illegal waste to be managed at the proposed facility. This calculation is misleading.

1.1 Based on the information provided by the applicant in accompanying trial pit and borehole logs (Attachment H1), the tonnage of illegally deposited waste to be managed on the site cannot be proved to be less than 5m average depth and could be deeper. In the investigation of the illegal dump the applicant has not proved depth of waste in most of the exploratory holes and relies on information from four boreholes, located mainly on the perimeter of the waste body from which a waste depth is approximated. This results in a misleading average depth of waste assumption.

1.2 Furthermore, the applicant's claim that the waste is "*principally construction and demolition waste*" is at odds with the use of the 0.75t/m³ municipal waste density figure in the above calculation. Applying the commonly used construction waste density assumption of 1.8 t/m³ to a waste depth of say 5m over the applicant's estimated area of 40,000m², results in some 360,000 tonnes of illegal waste to be managed at this development, or at least three times the tonnage estimated in the EIS. Even if the applicant's unsupported claim of 4m depth is used the result is a minimum of 288,000 tonnes of illegal waste to be excavated, processed and disposed at the facility. The impacts of excavating, processing and remediating this scale of illegal dump are not adequately addressed in the EIS.

2 To put this in context, the applicants for waste licences to remediate illegal landfills at Whitestown and Blessington in Co. Wicklow estimated tonnages of illegal waste on their sites at 240,000t and 300,000t respectively. In both of those cases full waste licences were granted by the Agency containing detailed conditions regulating environmental impacts including the excavation, processing, storage, testing, classification, recovery/disposal destinations and control of pollution from the remediation of the illegal landfill. In both cases Ministerial Guidance in relation to the remediation of illegal dumps was applied by the Agency in considering the applications. None of this is reflected in PD W0231-01 issued for the facility at Nevitt.

2.1 Instead, the regulation of the large-scale illegal landfill at Nevitt is confined to a single condition 6.35.1 of PD W0231-01 requiring the applicant to make its own proposals to the Agency, within 12 months of the date of grant of the licence, outlining the scale and nature of remediation to take place. This is a major departure from the Agency's established approach to the remediation of illegal landfills and is not equitable to waste licence conditions placed on other licensees of facilities containing illegally placed waste. In our view this

does not accord with Government policy and communicates an inconsistent message to those who profit from the illegal disposal of waste.

2.2 Furthermore, in the case of PD W0204-01 at Whitestown Co. Wicklow, the Board of the EPA in applying Ministerial Policy WIR 04/05 decided that *“the Proposed Decision should restrict activities at the facility to those associated with the remediation and restoration of the site, to the exclusion of those associated with additional commercial waste disposal and/or treatment.”* Similarly the Board of the EPA noted in their minutes in relation to the issuing of WL 213-01 at Blessington Co. Wicklow the following *“Following discussion it was confirmed that the licensed activities are restricted to the remediation and removal of the historical waste and specifically prohibits the importation of waste to the site.”*

2.3 The consideration of the PD for Fingal Landfill, however, has not been consistent with this approach and the authorisation of commercial landfilling in this case has broken with waste licensing precedence and in doing so will add significant commercial value to lands associated with illegal waste disposal. This is contrary to stated Government policy in Circular WIR 04/05 that in the remediation of such sites *“the holder of the waste shall not be permitted to import greater quantities of material for deposition other than such inert material/soil as may be necessary for site conditioning.”*

3 Furthermore, there is insufficient information in the EIS for the Agency to be able to adequately assess the impacts of the processing of this waste. The true volumes and nature of the illegally placed waste is unknown. The likely impacts of such a large scale excavation and processing activity on local residents and potential users of the proposed Civic Amenity Area have not been assessed or communicated publically in this process.

3.1 The evidence presented points to the waste not being inert however the PD appears to deal with the contents of the illegal landfill in a manner which assumes it is predominantly inert. Experience from remediation elsewhere suggests that such an approach is misguided. Furthermore it does not accord with the Precautionary Principle.

3.2 No assessment has been made of the likely quantities of hazardous waste in the illegal landfill and the effects of excavating and processing same. In this regard, local knowledge of sources of waste dumped illegally does not appear to have been canvassed.

4 An assumption is incorrectly made in this PD that the illegal waste can be compliantly accepted for disposal within the boundaries of the proposed facility. This may not be the case and the consequences and impacts of this have not been considered.

5 In addition, Figure 2.8 in Volume 2 of the EIS suggests that the illegal dump encroaches on the proposed archaeological buffer. No consideration has been given to the risk to archaeological features which may underlie the illegal dump and no communication of this risk to their local heritage has been made public to local people and other stakeholders.

- 6 The PD is not structured in a manner that would clearly result in the remediation of the illegal landfill even if the authorised development was not permitted to proceed or for some other reason did not proceed. This is contrary both to Government guidance and Agency obligations to environmental protection.
- 7 Finally, and perhaps most significantly, the risk of the illegal dump and its remediation on the quality and sustainability of groundwater in the area has not been adequately assessed or communicated to local people and other stakeholders.

In light of the above, Greenstar objects to the granting of PD W0231-01 and hereby requests that the Agency holds an Oral Hearing.

Please acknowledge receipt.

Yours sincerely



Margaret Heavey

Head of Landfill Operations

For Greenstar

Encl Cheque in the sum of €300

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