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Re: Submission on objections to the proposed decision of the Agency on a waste licence application by Fingal County Council in respect of a proposed landfill facility at Fingal, Nevitt, Lusk, County Dublin.

Dear Ms O' Keefe,

The following, as requested, is the submission of Greenstar Ltd, Unit 6, Ballyogan Business Park, Sandyford, Dublin 18 on the objections to the PD for this development.

Greenstar's own objection was prompted by concerns that the existing and potential impacts related to the significant illegal landfill on the site have not been adequately assessed in the EIS and that the proposed decision to grant permission for a commercial waste disposal activity on the site of an existing illegal facility is a break with the commendable precedent established by the Agency in the licensing of other landfill remediation projects since the May 2005 issue of Government Policy Guidance Circular WIR 04/05.

Based on volumetric figures supplied in the EIS (160,000m³), the illegal landfill on the Fingal site is amongst the largest of the illegal dumps yet discovered in Ireland. It is estimated that there could be in excess of 300,000 tonnes of waste in the unlined dump. The excavation, processing and recycling/disposal of this waste could take well over a year to complete and based on the EPA's requirements for the Blessington remediation project, would involve a considerable amount of vehicles, plant and processing infrastructure including excavators, dumpers, lorries, odour misting machines, hazardous waste isolation units, screeners and picking lines.

Given the likely scale of this remediation operation it is surprising that none of the other objections makes any reference to it. Perhaps this is because the EIS Non-Technical Summary is devoid of reference to the illegal landfill and its remediation and the EIS has been silent on any assessment of the impacts of this very significant aspect of the development proposal. It is difficult to see how this application process can progress to a final decision in the absence of such critical information.

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The other objections may be broadly summarised into the following five categories.

1. Groundwater risk and sustainability.

Eminent hydrogeologists have expressed in some detail their professional opinions that the location of this facility is unsuitable and perhaps unlawful from a groundwater protection and sustainability perspective. This submission does not intend to expand any further on those views save to point out that residual landfills developed and operated by Greenstar have always been located in the best possible geological context, with considerable financial investment made by the company in site selection and groundwater protection.

It is important to the integrity of the entire Irish waste industry that modern residual landfills are located in areas which offer as much groundwater protection as is technically possible, both to existing and future users of groundwater supplies. It should never be the situation that the need for today's waste management capacity outweighs the need for the protection of future environmental resources.

It is this concept of sustainability that underpins all of our modern waste legislation and is the basis of the existence of Ireland's emerging modern waste industry. It is also the concept behind much of the content of the EU Landfill Directive and hence should be a grounding principle in the granting of EPA landfill licences.

2. The protection of the North County Dublin Horticultural Industry

Many of the objections deal with fact that the horticultural farmers located down gradient of the development rely on some 100 wells for the washing and preparation of potatoes and other vegetables and that these farms contribute to the estimated 50% of the country's vegetable production that is supplied by the North County Dublin horticulture industry.

No reference is made in the EIS to the impact of the remediation of the existing large-scale illegal landfill on this important food industry.

3. Sustainability of the waste hierarchy

A number of objections deal with this point. It is a fact that the single biggest threat to the sustainability of the waste hierarchy is illegal waste activity. Greenstar supports the Agency's application, in recent remediation licences, of the May 2005 Ministerial Guidance in relation to illegal dumping of waste. To deviate from that position in this case sets a new precedent the consequences of which can only serve to undermine the considerable progress achieved by the Agency in the area of environmental enforcement.

The remediation of the Fingal dump should also be in accordance with the waste hierarchy. The types and upper quantity of waste in the illegal dump remains unknown until a full assessment has been made, however for the purposes of this submission let us assume that some 300,000 tonnes will require processing and that the waste mix is similar to that dumped on the Blessington site. If we hypothetically assume that the contaminated soils and other wastes dumped in Fingal are of a low-

hazardous concentration and that the scale of processing will be similar to that used by Greenstar as the appointed contractors to the Blessington remediation project, then some 80% or more of the mechanically processed waste could be suitable for remediation works at the existing nearby EPA licensed inert landfill, leaving just 60,000 tonnes to be diverted to biological treatment followed by engineering use at an existing non-hazardous landfill e.g. Arthurstown or Knockharley or alternatively incineration at the Carranstown plant which it is considered is likely to be operational before this waste licence. Hazardous waste found within the dump would need to be treated in accordance with regulations and best practice and if necessary exported.

4. Validity of the EIS

Most of the objections deal with this point. The validity of the EIS is questioned in the context of the absence of adequate assessments in the following key areas amongst others:

- The groundwater regime and the sustainable use of groundwater resources
- Impacts on the horticultural industry
- Impacts on the 3000 employees who will occupy a proposed new industrial park in the area
- Impacts of the remediation of a 300,000+ tonne illegal landfill

It is of note that the non-technical summary of the EIS is also silent on these issues.

5. Applicant Objection

Should recent Government policy be applied in this case then the final decision would only contain conditions related to the remediation of the existing dump.

As discussed in Greenstar's own objection, the PD as drafted relies on a single condition 6.35 to regulate the excavation, processing and disposal of what may be the country's largest illegal dump to date. Given the level of control applied to such processes in licences issued for the remediation of other illegal landfills, a single condition which relies on the licensee to propose its own remediation plan at the very least sends out confusing signals to the wider waste industry and may also be interpreted as an example of unbalanced enforcement. The Applicant did not object to condition 6.35.

The Applicant objection contains many suggested condition rewordings some of which are also of relevance to the application of conditions for the remediation of the illegal landfill. These are summarised as follows:

3.24 Silt-traps: if the condition is to be reworded then it should take into account the needs for environmental control of the water runoff from the landfill remediation.

3.28 Well Heads: Given the reported importance of the groundwater resource underlying the landfill and the as yet un-assessed and unknown impact of disturbing any leachate plume which may exist under the illegal dump it is difficult to see how the Agency could agree to a request to downgrade the protection of well heads from 'adequate' to 'reasonable'.

6.34 Subsoil clay layer: This rewording would appear to be for the reasons of allowing an agreement between the Agency and the licensee to facilitate a depth of less than 10m of undisturbed clay protection below the development works. Presumably this would also apply to the remediated illegal landfill area. The Non-Technical Summary of the EIS is very clear about the presence of this 10m clay layer and the Inspector's report appears to rely on its existence in recommending approval. Given these assurances and also the reservations expressed by hydrogeological experts and the absence of a full assessment in relation to the illegal dump, it is difficult to see why this re-wording is being sought.

Schedule B: The removal of certain leachate treatment limits: Given the uncertain nature of the contents of the illegal landfill it would not be appropriate to lessen the leachate treatment requirements at this stage.

Schedule C: The removal of certain groundwater monitoring wells: If this condition is to be reworded then it should reflect the shallow and deep well needs of an environmental monitoring programme for the lands under the illegal landfill both pre and post remediation.

Schedule D: Amended SEW requirements: It is noted that the reworded SEW condition suggested by the applicant is silent with regard to the remediation of the illegal landfill. As the priority of this waste licence must be the protection of the environment, it follows that the SEW should outline the works to be undertaken in the remediation of the illegal dump.

Conclusion

Greenstar as a member of the legitimate waste industry has concerns about the apparent departure in this PD from Government Policy and waste licensing precedence in relation to the licensing of illegal dump remediation projects.

Furthermore, based on its own recent experience as the main contractor on an EPA licensed landfill remediation project, Greenstar is concerned about the lack of a proper assessment in relation to the impacts from this illegal landfill and supports the related views of other objectors in relation to the validity of the EIS and EIA due to what appear to be considerable gaps in the scope of the environmental impact assessment.

Finally, the fact that no other objection to this PD has commented on the existence on this site of one of the largest known illegal landfills highlights the absence in the EIS of an adequate consideration of the dump or the impacts of its remediation.

Yours sincerely


Margaret Heavey
Head of Landfill Operations
For Greenstar Ltd