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This Report has been cleared for submission to the Board by the Programme Manager P. Nolan  
Signed: N. Keavey Date: 29/4/08

**LICENSING & RESOURCE USE**

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

<b>TO:</b>	Directors
<b>FROM:</b>	Technical Committee - LICENSING UNIT
<b>DATE:</b>	23 <sup>rd</sup> April 2008
<b>RE:</b>	Objection to Proposed Decision for Murphy Concrete (Manufacturing) Ltd, Hollywood Great, Nags Head, The Naul, Co. Dublin, Licence Register W0129-02

Application Details	
Class(s) of activity:	3 <sup>rd</sup> Schedule: Classes 1, 5(P) & 13 4 <sup>th</sup> Schedule: Classes 3, 4 & 13
Location of activity:	Hollywood Great, Nags Head, The Naul, Co. Dublin (E315723, N258073)
Licence application received:	20 <sup>th</sup> July 2007
PD issued:	27/11/07
First party objection received:	Submitted by Patel Tonra Ltd on behalf of the applicant
Third Party Objection received	Mr John Shortt on behalf of the Nevitt Lusk Action Group
Submissions on Objections received:	Both the 1 <sup>st</sup> and 3 <sup>rd</sup> parties.

**Company**

Murphy Environmental (a registered trading division of Murphy Concrete (Manufacturing) Ltd) operates an inert landfill at Hollywood Great, Nags Head, The Naul, Co. Dublin, on behalf of Murphy Concrete (Manufacturing) Ltd. The total area of the landfill footprint is 23 hectares. The site is located in North County Dublin and is the only inert landfill in the region. The site is located approximately 4km southeast of the town of Naul. It is located approximately 1km east of the regional road R108 and is accessed by a minor road, which links the M1 to the R108.

Planning permission for restoration and infill of the quarry with inert building material of the quarry was granted in 1988, for a period of 15 years (i.e. until 2003). An EPA waste licence was granted to the facility in 2002 (W0129-01). A subsequent

planning permission was granted in 2004 to restore and infill the area covered by the EPA waste licence. This planning permission and waste licence were for the infill of the quarry at a rate of 340,000 tonnes per annum for a period of 15 years. In May 2007, Murphy Environmental was granted planning permission to vary the previous planning authorisation, to continue infill of the quarry but at an increased rate of 500,000 tonnes per annum and over an increased area, so as to ensure that the quarry can be infilled and fully restored by the date agreed in the 2004 planning permission (i.e. 6<sup>th</sup> October 2019).

The proposed development, which is a review of their existing licence, is to extend the landfill footprint of the facility, in line with the quarry footprint and to increase the rate of infill to 500,000 tonnes per annum.

Three submissions were received in relation to this review application and these were considered by the Board at PD stage.

On 22<sup>nd</sup> January 2008, the Board decided that an Oral Hearing of the objection from the 3<sup>rd</sup> party was not required, and that the objection could be fully and adequately considered and assessed by a technical committee.

### **Consideration of the Objection**

The Technical Committee, comprising of Dr Tom McLoughlin (Chair) and Yvonne Furlong, has considered all of the issues raised in the Objections and this report details the Committee's comments and recommendations following the examination of the objections and the submissions on objections together with discussions with the inspector, Suzanne Wylde, who also provided comments on some of the points raised.

This report considers one valid third party objection and the first party objection, also the submissions on the objections from both the first and third parties.

## **First Party Objection**

The applicant makes 20 points of objection, they argue that a number of the conditions are not relevant to an inert facility such as Hollywood.

For clarity any Submission on Objections made by the Third Party in relation to the First Party objections are dealt with in association with the objection to which they relate.

### **Condition 2.2.2.2- Schedule of Environmental Objectives Targets**

The applicant argues that they are ISO 14001 accredited and consequently maintain an ongoing register of 'Aspects and Impacts' and 'Objectives and Targets' and state that the issues required in the aforementioned Schedule, in particular the use of cleaner technology, cleaner production, and the prevention, reduction and minimisation of waste is not perceived to be relevant to this site.

Submission(s) on Objection by third party:

The Nevitt Lusk action group are of the opinion that the very fact that the applicant objected to this condition clearly shows their lack of commitment to the environment and state that they are nervous that this company will be handling 500,000 t per annum at this landfill facility and question their suitability for this role.

Technical Committee's Evaluation:

We are in agreement with the first party on this issue and are of the opinion that elements of this standard EMP condition may not be relevant in all circumstances to a landfill for inert waste.

**Recommendation:**

Replace the existing condition 2.2.2.2 with the following:

The licensee shall maintain a Schedule of Environmental Objectives and Targets. The schedule shall as a minimum provide for a review of all operations and processes, including an evaluation of practicable options **as may be relevant to the licensed activity**, for energy and resource efficiency, the use of cleaner technology, cleaner production, and the prevention, reduction and minimisation of waste, and shall include waste reduction targets. The schedule shall include time frames for the achievement of set targets and shall address a five-year period as a minimum. The schedule shall be reviewed annually and amendments thereto notified to the Agency for agreement as part of the Annual Environmental Report (AER).

**Condition 2.2.2.9 Efficient Process Control**

The applicant is of the opinion that these issues appear to relate to industrial-type facilities, rather than an inert landfill. The major 'process' at Hollywood is landfilling of inert waste, parameters for process control do not apply.

Submission(s) on Objection by third party:

The objector states that Murphy Concrete Manufacturing Ltd shows a lack of understanding in running an operation of a landfill facility and emphasizes that a quality management system is important to monitor performance that identifies non-conformances. They again raise the question of their suitability to operate such a facility.

Technical Committee's Evaluation:

This is a necessary standard condition in all waste licences. The TC are of the opinion that it is necessary to have this condition to ensure that there is efficient process control at such facilities. The applicant is taking a narrow technological view of the meaning of 'process'. In a landfill, process control extends to waste checking activities and waste placement activities, etc.

**Recommendation:**

No change

**Condition 3.12**

Similar to the above conditions the applicant does not agree that this condition is appropriate for a facility such as this landfill and argues that the only emissions are at the surface water discharge points and this only occurs intermittently.

Submission(s) on Objection by third party:

They are of the opinion that this is a basic requirement in order to operate the facility to the highest standards.

Technical Committee's Evaluation:

We agree with the point raised by the 3<sup>rd</sup> party. We wish to point out that this is a necessary standard condition in all waste licences and is an enabling condition to be invoked if and when the Agency may specify. The condition used the word 'may' in relation to its application. It is the opinion of the TC that it is a requirement to ensure that the facility is operated to the highest standards.

**Recommendation:**  
No change

**Conditions 3.13, 4.1 & 6.4**

The applicant states that they only carry out discrete sampling at the facility and object to the requirement to carry out composite sampling.

Submission(s) on Objection by third party:

The third party is not in agreement with the applicant and suggest that the Agency correct the inadequacy of their sampling protocol and argues that sub sampling of aqueous emissions is now regarded necessary in a Quality System.

Technical Committee's Evaluation:

Conditions 3.13, 4.1 and 6.4 are part of a standard suite of necessary conditions that set out how monitoring is to be carried out at any facility, and their application depends on the specific monitoring stipulations in the licence schedules. The minimum monitoring interval specified for this licence for waters is quarterly, with the majority biannually or annual. In such circumstances grab or discrete sampling is appropriate. The licence does not specify composite sampling for this facility, rather the licence provided for how composite sampling should be undertaken in the event that it is required.

**Recommendation:**  
No change

**Condition 3.17**

The applicant is of the opinion that alarm systems are not considered appropriate for bunds and other containment systems on site.

Submission(s) on Objection by third party:

They state again that the applicant is unsuitable to manage the facility.

Technical Committee's Evaluation:

It should be noted that this is a necessary standard condition in all waste licences and the TC believe that it is appropriate for such facilities. For example, landfills have fuel storage areas tanks that would be subject to this condition.

**Recommendation:**

No change

**Condition 3.18**

The applicant states that they have no overground pipes at this facility and they object to the provisions of this condition.

Technical Committee's Evaluation:

The TC are in agreement.

**Recommendation:**

Delete this condition.

**Condition 3.19**

The applicant objects to this condition on the basis that there is potential for visual intrusion associated with the installation of a wind sock, in what is designated a high amenity landscape. They also consider that a wind sock could be alarmist for neighbours and passers-by.

Submission(s) on Objection by third party:

The third party considers that the objection by the applicant to this condition is laughable and does not deserve much comment.

Technical Committee's Evaluation:

We wish to point out that this is a necessary standard condition for all waste facilities, including landfills. It is particularly important in relation to complaints management (dust, etc.,) that the public and the EPA has a ready means of identifying wind direction relative to the site and receptors. Under the condition the operator has the option of employing an alternative wind directional indicator with the agreement of the Agency.

**Recommendation:**

No change

**Condition 4.2**

The applicant does not consider this condition appropriate for this facility at Hollywood.

Submission(s) on Objection by third party:

Same concern as in condition 3.13 above.

Technical Committee's Evaluation:

The TC disagrees with the applicant and wish to point out that again this is a necessary standard condition in all waste licences.

**Recommendation:**

No change

**Condition 6.3**

The applicant states that there are no direct emissions to air associated with the facility and argue that this condition is not applicable to this facility.

Submission(s) on Objection by third party:

Same concern as in condition 3.12 above

Technical Committee's Evaluation:

The TC disagrees with the applicant. While there is currently no in-situ abatement equipment at this site this might change in the future and the submission of a test programme would then be applicable.

**Recommendation:**

No change

**Condition 6.11**

The applicant feels that the checking and the logging of storm water discharges should be done on a weekly basis and not on a daily basis as proposed in the PD.

Submission(s) on Objection by third party:

The third party states that this is a reflection of the poor attitude to quality and it does not give confidence to the public regarding compliance of the operator.

Technical Committee's Evaluation:

The TC disagrees with the applicant and is of the opinion that this is not overly onerous on the operator to carry out daily checks on storm water discharges.

**Recommendation:**

No change

**Condition 7.3**

The applicant states that there will be limited potential for ongoing reductions in water usage going forward as they already have taken water conservation measures, e.g., rainwater harvesting.

Submission(s) on Objection by third party:

They refer to their response as outlined under 2.2.2.2 above.

Technical Committee's Evaluation:

The applicant's objection is noted. However, the reduction in water usage should be reported annually in the AER and because of this we are of the opinion that this condition should stand.

**Recommendation:**

No change

**Condition 7.4**

The applicant feels that there are limited opportunities for the ongoing reductions in the amount of waste generated on site.

Technical Committee's Evaluation:

Again this is a necessary standard condition and we are of the opinion that the operator must have regard to it. They must report on areas examined and improvements identified in the reduction of waste. These should then be incorporated into Objectives and Targets and reported under the AER.

**Recommendation:**

No change

**Condition 12.2.3**

The applicant requests that confidential information be excluded from public reporting requirements.

Submission(s) on Objection by third party:

They state that that the public are entitled to know that the correct financial provisions are in place to cover against any future liabilities and that the taxpayer should be fully indemnified by the applicant to any potential environmental disasters resulting from their operation.

Technical Committee's Evaluation:

The TC are in full agreement with the third party on this aspect and wish to point out that this is a necessary standard condition in all waste licences. The requirement is set out in the licensing legislation [Section 53 of Waste Management Act, 1996] and thus is statutory an obligation on behalf of the licensee. There are statutory provisions [FOI Act and Access to Environmental Information Regulations] that deal with confidential and other information that must be complied with by all parties.

**Recommendation:**

No change

**Table A.2.1 Waste for Disposal**

The applicant proposes the addition of the following EWC codes:

- ⇒ 010409 Sand
- ⇒ 100101 Casting Cores or Moulds
- ⇒ 100101 Bottom Ash & Boiler Ash
- ⇒ 101006 Casting Cores or Moulds
- ⇒ 170501 Clay
- ⇒ 190899 Waste From Waste Water Treatment plants not otherwise specified
- ⇒ 190902 Sludges from water clarification
- ⇒ 190904 Waste from the preparation of water intended for human consumption

They state that they currently have an agreement from the Agency to accept "other" waste types which are proven to be inert, and proposes the inclusion of the following footnote to the table:

*"other waste which is deemed by the licensee as acceptable and which is proven to meet Level 1 testing and all other waste acceptance criteria"*

Submission(s) on Objection by third party:

The 3<sup>rd</sup> party states that the response by the applicant to their request for a change to this particular condition is the 'most sinister' as they fundamentally want to change the intent of their original application. They point out the EIS only supported inert waste as did their planning permission. They are particularly concerned about the applicant's request to take in Bottom and Boiler ash as this was not mentioned or addressed in the EIS. They point out that the local community are not aware of this proposal by the applicant at this late stage and suggest that the whole licensing process would need to be re-started again to ensure openness and transparency. They say that the applicant is not currently adhering to the conditions of the existing licence and once again question the suitability of the applicant to manage this facility. Finally they are of the opinion that the public see the Agency's conditions in the PD as the minimum standard required for the management of such facilities.



Technical Committee's Evaluation:

The TC are in disagreement with the applicant regarding this request to fundamentally change the original list of EWC codes by proposing to accept bottom and boiler ash. Such acceptance would need to be subject of a new licence review. The TC recommends that this specific request should have been made at the application (review) stage of the process and not at the objection stage.

In relation to the other benign mineral wastes such as uncontaminated inert waste clays and sands (e.g., EWC 010409), and inert mineral casting moulds (EWC101006), the TC is of the view that these can be added to the waste acceptance list now or at a later date, as provided for in the existing licence and this PD, provided the applicant satisfies the waste acceptance criteria set out in the licence or PD. Waste EWC190902 and EWC190904, which are generally of a non-leachable inert character, would however need a case by case assessment prior to acceptance. It should be noted that there is no such waste with the code 170501.

**Recommendation:**  
Replace Schedule A2 with the following:

*Table A.2.1 Waste for Disposal*

EWC CODE	DESCRIPTION	RESTRICTIONS
<b>Waste Resulting from Quarrying and Physical Treatment of Minerals</b>		
010102	Wastes from mineral non-metalliferous excavation	Limited to such waste derived from on-site quarrying activities
010412	Tailings and other wastes from washing and cleaning of minerals other than those mentioned in 010407 and 010411	Limited to such waste derived from on-site quarrying activities
<b>010409</b>	<b>Waste sand and clays</b>	<b>Limited to such waste derived from on-site quarrying activities</b>
010499	Wastes not otherwise specified	Subject to the prior agreement of the Agency and limited to such inert waste derived from on-site quarrying activities
<b>Construction and Demolition Wastes</b>		
170101	Concrete	Note 1
170102	Bricks	Note 1
170103	Tiles and ceramics	Note 1
170107	Mixture of concrete, bricks, tiles and ceramics	Other than those mentioned in EWC 170106: Note 1
170202	Glass	Note 1
170302	Bituminous mixtures	Other than those mentioned in EWC 170301
170504	Soil and stones	Other than those mentioned in EWC 170503: Note 2
170506	Dredging spoil	Other than those mentioned in EWC 170505
170604	Insulation materials	other than those mentioned in EWC 170601 and 170603
170904	Mixed construction and demolition wastes	Other than those mentioned in EWC 170901, 170902 and 170903, and subject to the prior agreement of the Agency.
<b>Other Inert Wastes</b>		

101006	Casting cores and moulds which have not undergone pouring.	Subject to the prior written agreement of the Agency.
190902	Sludges from water clarification	Subject to the prior written agreement of the Agency .
100904	Waste from the preparation of water intended for human consumption.	Subject to the prior agreement of the Agency.

**Note 1:** These wastes can be accepted without Level 1 or Level 2 testing (see A.3 below) provided

- The waste is a pure, single stream from a single source.
- Different wastes denoted by Note 1 may be accepted together provided they are from the same source.
- In the case of suspicion of contamination (either from visual inspection or from knowledge of the origin of the waste) testing should be applied or the waste should be refused.

**Note 2:** The terms of Note 1 apply to soil and stones other than topsoil and peat and soil or stones from contaminated sites.

#### **Table A.4.1: Limit Values for Pollutant Content for Inert Waste Landfills.**

The applicant has requested the following provision be made in the licence, to be 'activated' following an EPA decision in this regard:

*In certain circumstances, up to three times higher limit values for specific parameters listed in this section (other than dissolved organic carbon (DOC) in sections 2.1.2.1, 2.2.2, 2.3.13 and 2.4.1, BTEX, PCBs and mineral oil in section 2.1.2.2, total organic carbon (TOC) and pH in section 2.3.2 and loss on ignition (LOI) and/or TOC in section 2.4.2, and restricting the possible increase of the limit value for TOC in section 7.1.2.2 to only two times the limit value)*

#### Submission(s) on Objection by third party:

They state that in order to ensure full transparency, limits should be set by the EPA and published in advance of any licence being granted. They do not agree that limits outlined in this Table should be activated following an EPA decision as this is unacceptable to the public.

#### Technical Committee's Evaluation:

It should be noted that as per Council Decision (2003/33/EC), the EPA as the competent regulatory authority in consultation with the applicant, have to issue written agreement and to notify the EU Commission on an annual basis of any such agreements pertaining to limit values for certain parameters. On this basis the following recommendation is being made.

#### **Recommendation:**

Make the following change to Table A.4.1: Limit values for pollutant content for inert landfills.

**Add note 7: Any changes to limit values shall be by written agreement in advance with the Agency.**

#### **Table C.2.1: Environmental monitoring locations**

The applicant stated that they also monitor the SWD1 to SWD7 as part of the quarterly sampling round, when there is water flow at these locations.

#### Technical Committee's Evaluation:

The TC notes this further monitoring by the applicant.

**Recommendation:**

REPLACE THE EXISTING TABLE C.2.1

Surface Water	Groundwater	Leachate	Dust	Noise
SW1	BH4	LC1	D1	N4
SW2	BH5	LC2	D2	N5
	BH6	LC3	D3a	N6
	BH9		D5	N7
	BH10a			N8
	BH11a			
	BH12			
	BH13			
	BH14			

With the following:

Surface Water	Groundwater	Leachate	Dust	Noise
SW1	BH4	LC1	D1	N4
SW2	BH5	LC2	D2	N5
<b>SWD1*</b>	BH6	LC3	D3a	N6
<b>SWD2*</b>	BH9		D5	N7
<b>SWD3*</b>	BH10a			N8
<b>SWD4*</b>	BH11a			
<b>SWD5*</b>	BH12			
<b>SWD6*</b>	BH13			
<b>SWD7*</b>	BH14			

\* SWD1-7 to be monitored when there is water flow at these locations.

**SCHEDULE D: Recording and Reporting to the Agency**

The company requests the re-evaluation of the 10-day report turnaround requirement in this Schedule, to facilitate collation of the report by the applicant's consultants. They are requesting that the Agency considers the existing (W0129-01) reporting requirement, i.e. '10 days after the end of the quarter being reported on'.

Submission(s) on Objection by third party:

They are concerned that if this is conceded that it will results in a reduction in EPA standards.

Technical Committee's Evaluation:

The TC notes this objection by the applicant, however, we are of the opinion that this is an adequate timeframe pertaining to reporting times.

**Recommendation:**

**No change**

**SCHEDULE E: Annual Environmental Report**

The applicant does not considered the Report on the assessment of the efficiency of the use of raw materials applicable at Hollywood facility.

Submission(s) on Objection by third party:

The third party suggest that it would be an appropriate condition that the applicant should achieve ISO 14001 as this may educate them in facility management.

Technical Committee's Evaluation:

The TC notes this objection by the applicant and the concern raised by the third party in this regard. We are of the opinion that this condition is important, particularly, in relation to energy and water usage at the facility.

**Recommendation:**

**No change**

## **Third Party Objections**

Mr John Shortt on behalf of on behalf of the Nevitt Lusk Action Group made six (6) main points of objection. He also requested that an Oral hearing (OH) be held. I wish to point out that this matter has been dealt with by the licensing Inspector and a decision was taken by the Board not to grant an OH.

The following points of objection were made:

1. The 3<sup>rd</sup> party stated that Fingal County Council have applied to An Bord Pleanala for planning permission to develop a Public Landfill with expected intake of 500,000 tons per annum and said that the development is subject to an application to the Agency for a waste licence which is subject to appeal to the EPA and an oral hearing is pending.

Submission(s) on Objection by 1st party:

The applicant acknowledges Fingal County Council's application for a *non-hazardous*, municipal waste landfill and stated that their facility is an *inert* waste facility and services an entirely different need in local and national waste infrastructure.

Technical Committee's Evaluation:

The TC have noted the point raised by the 3<sup>rd</sup> party and are aware that the proposed development is being dealt with by the Agency in a another application which was received from Fingal County Council.

**Recommendation:**

**No change**

2. The 3<sup>rd</sup> party stated that Fingal County Council extended the original 36 month planning permission granted in 2004 at Baldaragh to A & T Tipper Hire Ltd by a further 24 months. They claim that the site takes up to 50 trucks per day (per permit) and state that this site is uncontrolled and causes early morning traffic problems.

Submission(s) on Objection by 1st party:

The applicant states that this is a permitted site and is un-related to their own facility which caters for a different type of waste. They said that information about his company is available on the County Council's web page.

Technical Committee's Evaluation:

The TC have noted the 3<sup>rd</sup> party concern and are of the opinion this is not a matter for the Agency rather it is a matter for the planning authorities.

**Recommendation:**

**No change**

3. The 3<sup>rd</sup> party also make the following points in their objection:
  - that the Murphy Environmental application is also expected to have an intake of 500,000 tons per annum
  - that Hedgestown National School has received approval from the Dept of Education to build a new school which is on the Nevitt Road and said that its entrance will be in a very precarious junction and the risk from trucks will be exceedingly high. They are of the opinion that noise levels from trucks will exceed WHO guidelines for community noise.
  - that Murphy Environmental has failed to establish the need to increase the size and rate of land filling activities.

- that Murphy Environmental has failed to propose any mitigation measures, nor have they consulted with the local community regarding noise and air pollution from the Heavy Vehicle traffic on the Nevitt Road.

They are of the opinion that the three (3) landfill developments are in close proximity (0.6 km) to each other and that it would have been preferable for the regulatory agencies to look at the three developments in an holistic manner rather than treating them individually. The local community takes the view that this is inferior planning. They are also of the view that during a Bord Pleanala Oral hearing (OH) for the Nevitt landfill that the traffic figures presented at the OH were deficient and not accurate.

Submission(s) on Objection by first party:

They argue that the increase in the tonnage has been driven by demand and that there is a need in the Dublin region for a strategic inert waste facility. They also state that the noise and air pollution impacts have been dealt with in the EIS, with proposed mitigation measures. They are not in agreement with the 3<sup>rd</sup> party regarding the planning permission for the local national school. The first party state that traffic arrangements and potential road/noise impacts associated with the Baldaragh site and the proposed Nevitt Landfill are outside their control.

Technical Committee's Evaluation:

The TC notes the concern of the third party regarding the need to take a holistic approach pertaining to traffic volumes for the three facilities which are in close proximity to each other but believe this is a planning matter. This issue and the concern regarding the planning permission for the Hedgestown National school is also outside the Agency's remit. The issue of noise had been dealt with comprehensively in the inspectors report and the TC are satisfied that this aspect will be monitored in accordance with a condition in the licence. The issue of traffic is outside the Agency's remit.

**Recommendation:**

**No change**

4. The 3<sup>rd</sup> party stated that the Department of Environment, Heritage and Local Government requested Fingal County Council to carry out further Archaeological studies on the Nevitt site as this is now deemed to be potentially a major site of equal importance with Tara. They are of the opinion that a decision should not be made on Murphy Environmental application until this Archaeological study is completed and a final decision is made on the Fingal Landfill by An Bord Pleanala and the EPA.

Submission(s) on Objection by first party:

They state that a full archaeological survey was conducted for the 1999 Hollywood EIS and was repeated for the 2004 EIS and that no significant issues were raised. There will be no overall change in traffic volumes, considering the cessation of quarry

sales from Hollywood. Murphy Environmental is required, under the terms of Waste Licence W0129-01 (and under the PD, W0129-02), to undertake an archaeological assessment of undisturbed areas of the site.

Technical Committee's Evaluation:

It should be pointed out that archaeological monitoring will have to be carried out during and after the removal of the large stockpile on site in accordance with Condition 6.24 of the RD.

The TC notes that the site is not located on or adjacent to any ecologically designated area. There are no significant environmental emissions from the facility, which could give rise to adverse effects on designated sites. It is the opinion of the TC that the quarry restoration and mitigation measures outlined in the PD will enhance the ecological value of the site and the surrounding locality.

**Recommendation:**  
**No change**

5. The 3<sup>rd</sup> party claims that there is Specific errors in Murphy Environmental EIS regarding the number of trucks using the Nevitt road and that there was no comprehensive health impact assessment carried out by the applicant.

Technical Committee's Evaluation:

The TC are of the opinion that this aspect has been dealt with adequately in the EIS and by the inspector in her report. It should also be noted that the Agency is precluded from granting a licence under the Waste Management Act if a facility was deemed to cause a risk to human health and the environment.

**Recommendation:**  
**No change**

6. The 3<sup>rd</sup> party claims that a statement that was made in the EIS regarding Sound Exposure levels was a case of consultants generating assumptions that provided outputs to meet a desired need. They suggest a computer model for measuring roadway noise and suggested possible mitigation measures that could be implemented to reduce traffic noise, in particular, the traffic management, roadway design and noise barriers. They also give a reference to a document on traffic noise background and made reference to a WHO document entitled 'Guidelines for Community Noise'.

In conclusion, the 3<sup>rd</sup> party are of the opinion that the EIS is erroneous, misleading and does not fully take into account the nuisance or health impact on the people living on the Nevitt Road. They claim that the applicant have neither offered to put in place any noise or pollution control measures and the EPA have not put in place any conditions that would ensure the residents health and safety and there was a clear lack of community consultation or involvement to date from a piecemeal approach to

planning. They requested that the Agency refuse to grant a licence to this application and rescind the current licence and that all landfill developments in the area should be jointly accessed in an holistic way and that the public are fully consulted in the process.

Submission(s) on Objection by first party:

The applicant claims that the Hollywood facility is regulated by an existing EPA Waste Licence in terms of noise monitoring and noise emission limit values. All monitoring is done with reference to relevant International standards and protocols and results reported to the Agency on a routine basis. With reference to noise studies contained in the Hollywood EIS (February 2007), the 1<sup>st</sup> party point out that the use of 50kmph truck speed for the purpose of evaluating the noise levels, as opposed to 80kmph, give a 'worse case' scenario, i.e. the noise levels are typically higher at 50kmph for HGVs than an 80kmph.

They state that they are fully committed to open and transparent communication with their neighbours and have been in direct correspondence with the Mr Shortt, a spokesperson for the Action Group. The company is willing to take the public's concerns on board and they are willing to allay public concern. They suggest that the company have had a good environmental record over the last 50 years and have been at all times in compliance with relevant environmental legislation.

Technical Committee's Evaluation:

The TC have noted from the inspector's report that noise generated at the site is due to quarrying activity and landfilling of inert waste. There are two primary sources of noise impact from the site, plant equipment and the movement of vehicles. The TC have noted that there are five noise monitoring points proposed in the PD, to be the subject of an annual noise report, to be submitted as part of the AER. The TC also note the fact that the annual noise monitoring reports have not shown noise nuisance to be an issue from the site in the past. In conclusion, the TC are satisfied that the condition of the licence pertaining to noise will be adequate to ensure that noise levels will not impact adversely on the surrounding environment.

<p><b>Recommendation:</b></p> <p><b>No change</b></p>
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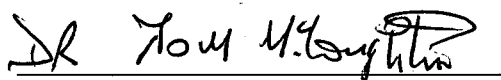


## Overall Recommendation

It is recommended that the Board of the Agency grant a licence to the applicant

- (i) for the reasons outlined in the proposed determination and
- (ii) subject to the conditions and reasons for same in the Proposed Determination,  
and
- (iii) subject to the amendments proposed in this report.

Signed

A handwritten signature in black ink, appearing to read "Dr Tom McLoughlin", is written over a horizontal line.

Dr Tom McLoughlin

for and on behalf of the Technical Committee

