ATTACHMENT L .1

STATUTORY REQUIREMENTS
SECTION 40(4) OF WASTE MANAGEMENT ACTS 1996 –2007

In developing the proposed remediation scheme, CHI Environmental has had regard to the requirements of Section 40(4) of the Waste Management Acts 1996 – 2007. These are addressed as follows:-

a) *Any emissions from the recovery or disposal activity in question ("the activity concerned") will not result in the contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value, prescribed under any other enactment.*

As the materials used to backfill and restore the application site are inert and non biodegradable, they do not generate leachate or landfill gas. Accordingly, activities at the site presents only very low risks of groundwater contamination, no risk of landfill gas emissions and no risk of bird, litter, odour or vermin nuisance.

During the restoration and operation of the site, there is a small risk of groundwater pollution from the following potential sources:

- Accidental spillage of fuels and lubricants by construction plant in the inert fill and other operational procedures;
- Increase in suspended solids and potential for contaminated runoff entering groundwater during development of the site; and
- Rogue loads of contaminated material being deposited at the site.

Noise and dust levels from established site activities do not exceed recognised threshold emission limits for extractive industry, nor is it envisaged that they will do so in the future. Environmental Management Systems will be put in place to minimise and control emissions to the environment during the restoration works.

b) *The activity concerned, carried on in accordance with such conditions as may be attached to the licence, will not cause environmental pollution; if the activity concerned involves the landfill of waste, the activity carried on in accordance with such conditions as may be attached on the licence, will comply with Council Directive 1993/31/EC on the landfill of waste.*

The recovery of inert soil and stones is necessary for the restoration of the application site to its previous landform and presents little or no risk to the

natural environment. The activity will not generate any leachate or landfill gas.

Inert waste testing, inspection and handling procedures will be put in place to ensure that only waste which is demonstrably inert will be placed at this site. Environmental Management Systems will be put in place to minimise the risk of environmental pollution arising in the course of the restoration works.

The Applicant undertakes to execute the restoration works at the application site in accordance with such further conditions as may be attached to the Waste Licence to prevent environmental pollution.

c) *The best available technology not entailing excessive costs will be used to prevent or eliminate or, where that is not practicable, to limit, abate or reduce an emission from the activity concerned; the activity concerned is consistent with the objectives of the relevant waste management plan or the hazardous waste management plan, as the case may be, and will not prejudice measures taken by the local authority or authorities for the purpose of the implementation of such plan.*

As the materials used to restore the site are inert, there is little or no risk of potentially contaminated emissions to ground, groundwater or the atmosphere. Consequently, there is little requirement to apply best available technologies to limit, abate and/or reduce ground and/or groundwater emissions. Emphasis will be placed on implementation of robust waste acceptance and inspection procedures to ensure that only inert wastes continues to be used for site restoration purposes at the site.

The proposed backfilling and restoration of the application site will, for the most part, only require utilisation of conventional HGV trucks and earthmoving equipment. Recycling of inert construction and demolition wastes will require use of conventional crushing and screening equipment. The use of this plant and equipment will generate noise and dust emissions. Noise and dust suppression techniques will be employed at the site as and when required.

d) *If the applicant is not a local authority, the cooperation of a borough that is not a country borough, or the council or an urban district, subject to subsection (8), he or she is a fit and proper person to hold a waste license.*

e) *The applicant has complied with any requirements under Section 53.*

CHI Environmental will furnish such particulars, and make such financial provisions as are deemed necessary by the Agency in respect of the implementation and/or completion of the proposed restoration scheme.

f) *Energy will be used efficiently in the carrying on of the activity concerned.*

Small-scale energy requirements for the site offices, lighting, heating, security cameras will be provided by the connection from overhead electrical power lines or, failing that, from a temporary generator. Plant and equipment required to undertake the proposed restoration scheme will be powered by diesel fuel. Energy use will be minimised insofar as practicable.

g) *Any noise from the activity concerned will comply with, or will not result in the contravention of any regulations under Section 106 of the Act of 1992.*

Noise emissions from HGV's, plant and equipment will be controlled and monitored to comply with such limits and conditions as may be imposed by a Waste Licence issued in respect of the proposed restoration works. In operation under waste permits previously issued by Kilkenny County Council, noise emissions at the application site have been maintained below the recognised threshold average ambient noise level of 55Laeq dB(A).

h) *Necessary measures will be taken to prevent accidents in the carrying on of the activity concerned an, where an accident occurs, to limit it's consequences for the environment.*

An assessment of the principal environmental hazards and risks associated with the proposed restoration scheme and the contingency measures to be implemented in the event of an incident are provided in the site safety statement. (See appendix 4)

i) *Necessary measures will be taken upon the permanent cessation of the activity concerned (including such a cessation resulting from the abandonment of the activity) to avoid any risk of environmental pollution and return the site of the activity to a satisfactory state.*

Details of the capping, decommissioning and aftercare activities to be undertaken on completion of the site restoration works are provided in figure 1.4.

As the materials used to restore the site are inert, there will be no requirement to provide for long-term measures to monitor and/or prevent risk of long term pollution arising at the site.

In developing the proposed restoration scheme, CHI Environmental has considered the requirement to use Best Available Techniques, where possible and practicable. The considerations referred to in ANNEX IV of Council Directive 96/61/EC on Integrated Pollution Prevention and Control are addressed as follows:

1. *The use of low waste technology.*

   The proposed backfilling and restoration of the application site will, for the most part, only require utilisation of conventional HGV trucks and earthmoving equipment. As the materials used to restore the site are inert, there is little scope to apply best available technologies to limit, abate and/or reduce emissions. In controlling emissions from the site, greatest emphasis will be placed on Environmental Management Systems.

2. *The use of less hazardous substances.*

   No hazardous or non-hazardous materials (other than diesel fuel and engine oils) will be used in restoring the application site. There is currently no alternative to diesel fuel to power earthmoving equipment or crushing/screening plant.

3. *The furthering of recovery and recycling of substances generated and used in the process, and of waste, where appropriate.*

   Given that the materials used for site restoration purposes are inert and are being effectively re-used for a beneficial purpose, there is no scope for further materials recovery and/or recycling.

4. *Comparable processes, facilities or methods of operation that have been tried with success on an industrial scale.*

   No alternative successful soil recovery activity known of.

5. *Technology advances and changes in scientific knowledge and understanding*

   No alternative soil recovery technologies known.

6. *The nature, effects and volume of the emissions concerned.*

   As the material used for backfilling and site restoration purposes are inert, there will be no potentially contaminated emissions to ground, groundwater and/or the atmosphere. Noise and dust emissions will be controlled and monitored to comply with such limits and conditions as may be imposed by a Waste Licence issued in respect of the proposed restoration works.

7. *The commissioning dates for new or existing installations.*

   There are numerous existing soil recovery operations currently in operation in the South East area. These facilities operate in a commercial environment and meet the demand for soil recovery generated largely by the construction industry. Soil

recovery facilities typically have a finite capacity. Additional facilities are required on an ongoing basis to replace closed facilities and ensure the existing market continue to function normally.

8. *The length of time needed to introduce the best available technique.*

   As previously noted, the materials used to restore the site are inert and employ conventional, relatively low technology plant and equipment. As such there is little scope or requirement to development of new waste management technologies or techniques to provide enhanced environmental protection.

9. *The consumption and nature of raw materials (including water) use in the process and their energy efficiency*.

   The only materials consumed by the proposed on-site remediation activities are diesel fuel and engine oils used to power plant and equipment. No other hazardous or non-hazardous materials will be required on site.

   Small scale energy requirements for site offices, lighting, heating, security cameras will be provided by a connection from overhead electrical power lines, of failing that, from a temporary generator. Energy use will be minimised insofar as practicable. Mains water is supplied for canteen facilities.

10. *The need to prevent or reduce to a minimum the overall impact of the emissions on the environment and the risks to it.*

    As previously noted, the materials used to restore the site are inert. The risk of potentially contaminated emissions to ground, groundwater and the atmosphere are therefore very low. Emissions of noise and dust will be controlled and kept to a minimum during the site restoration works by applying best practice site management techniques.

ATTACHMENT L .2

The company has been in operation for the past four years and we are now into our second waste permit with the local authority. During that time we have had several audits carried out on our facility by the local authority and each time we have passed with some noted credits on the manner in which we have run our operation. With regard to any breaches of the regulations we have never had any such offences as it has been a priority for us to run the business in accordance with the waste permit guidelines at all times. Also as we live in the immediate area it is in our own interest to do things properly which will cause as little upset to our neighbours as is possible. (See attached Letter from local authority referencing audits appendix 9)