

Attachment L

Statutory Requirements

<u>Sub-Section</u>	<u>Contents</u>
L.1	Section 40 (4) WMA
L.2	Fit and Proper Person
L.2.1	Convictions
L.2.2	Technical Knowledge and/or Qualifications
L.2.3	Financial Provisions
L.2.3.1	A copy of letter dated 9 th February 2009 from the Company's Accountants confirming ability to meet any financial obligations

L.1 Section 40 (4) WMA

Due consideration has been given to the requirements of Section 40(4)[(a) to (i)] of the Waste Management Acts 1996-2007 through preparation of the Waste Management Licence Application 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.

The only waste to be accepted at the facility for recovery comprises inert soils and stone, and inert construction and demolition waste.

An Environmental Management System (Refer to Attachment C.2) is proposed to be put in place with continued environmental monitoring of noise, dust, surface and groundwater on site. Details with respect to control and abatement, accepted emission limit values and monitoring requirements are provided in the Waste Management Application (in particular refer to Attachment F). The measures proposed will ensure that emissions from the recovery activities will not result in the contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value.

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 1999/31/EC on the landfill of waste.

The only waste to be accepted at the facility for restoration of the lands will comprise inert soils and stone, and inert construction and demolition waste.

Details with respect to the nature, scale, operation, impact, control and abatement, monitoring, closure and aftercare have been provided through preparation of the Waste Management Licence application. The measures proposed are considered adequate to ensure that the facility will continue to be operated in accordance with any conditions attached to the licence and the landfill directive so as not to cause 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 relevant local authority or authorities for the purpose of the implementation of such plan.

Best Available Technology (BAT)

The only waste to be accepted at the facility for restoration of the lands will comprise inert soils and stone, and inert construction and demolition waste. As such the material does not undergo any complicated process other than inspection prior to recovery and placement. As such there is little or no requirement to apply Best Available Technology (BAT) with respect to the recovery operations.

However, consideration has been given through preparation of this application with respect to control and abatement measures to ensure the facility will continue to operate within accepted emission limit values for this type of operation (in particular refer to Attachment F). An Environmental Management System (Refer to Attachment C.2) is also proposed to be put in place with continued environmental monitoring of noise, dust, surface and groundwater on site and commitment to review of control and abatement measures employed. The measures proposed will ensure that emissions from the recovery activities will not result in the contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value.

Regional Waste Management Policy

The Waste Management Plan for the North East Region (2005-2010) identifies the current position with regard to waste management, the policy for future improvement and development, and the means to implement and monitor progress in the years to come (relevant *Extracts in Italics below*)..

The Region needs to ensure that the re-use and recycling of construction and demolition waste is maximised and that illegal collection and disposal of this material is completely ceased. Furthermore the Local Authorities in the Region should support and promote the endeavours of the National Construction and Demolition Waste Council (NCDWC) and its producer responsibility initiative to reduce the generation of unnecessary C&D waste.

It is the policy of the Local Authority to:-

- *Facilitate provision of additional C&D Waste Recycling Facilities for recycling of C&D waste including separation of materials and crushing/grading of rubble for re-use as aggregate (2009).*
- *Facilitate provision of Recycling Facilities to cater for delivery of C&D waste by small-scale producers, SMEs etc.*
- *Facilitate provision of additional facilities to cater for C&D waste in the larger urban areas- these should include front-end removal & recycling of recoverable waste, and limited to disposal of non-recoverable waste (soil) only.*
- *To tighten regulation and control of applications for waste permits and waste permitted facilities for the deposition of soil on agricultural land, to ensure that contaminated loads are not accepted at facilities and improvements are made in the recording of materials accepted at facilities.*
- *The use of soil material be restricted to beneficial applications where possible, in preference to disposal. Examples of beneficial use include: landfill restoration, amenity projects (parks, golf courses), **quarry re-instatement**, major reclamation/infill projects.*
- *Pursue close regional cooperation on regulation and enforcement in conjunction with the Office of Environmental Enforcement and the Gardai. (2005)*
- *To separately record C&D waste from soil/stones and report arisings and recovery rates for both types of C&D waste. (2005 – 2010)*
- *To implement good on-site management of waste, including minimisation of waste, separation of hazardous wastes and separation on site of recyclables materials such as packaging, timber, metal, concrete, etc. (2005 – 2010)*
- *(In Demolition Work), to employ best practice in selective demolition to maximise recovery of materials and separation of hazardous wastes. Where appropriate on-site recycling should be included in the C&D Waste Management Plan for the project. (2005 – 2010)*
- *To divert suitable C&D waste to relevant landfill sites where there is potential to use it for restoration screening and environmental protection. (2005 – 2010).*

- *Existing quarries and pits may be considered as suitable for the management and recovery of C&D waste. Applications will be subject to local planning approval.*
- *The development of integrated C&D facilities will be encouraged to compliment recovery under permit*

It is clear from a review of the North East Region Waste Management Plan 2005 – 2010 that there is a need for new Construction and Demolition Recycling facilities within the region.

The majority of facilities that have been developed in the region are privately operated and are often associated with quarry developments which have the necessary expertise, plant and infrastructure. It is recognised within the North East WMP 2005-1010 that the necessary infrastructure for C&D Recycling will continue to be provided by the private sector in the future.

County Waste Management Policy

The relevant document is the County Meath Development Plan 2007-2013. Section 4.9.3 of the Plan deals with solid waste / waste management Policy. The most relevant policies are as follows:

INF POL 74 To implement the provisions of the Waste Management Hierarchy and the Replacement North East Regional Waste Management Plan. All prospective developments in the county will be expected to take account of the provisions of the Replacement Regional Waste Management Plan and adhere to those elements of it that relate to waste prevention and minimisation, waste recycling facilities, and the capacity for source segregation. Account will also be taken of the proximity principle and the inter regional movement of waste as provided for under the Section 60 Policy Direction by the Minister for the Environment, Heritage & Local Government (Circular WIR:04/05).

INF POL 77 To ensure that all waste disposed of by private companies shall be undertaken in compliance with the requirements of the EPA and the Waste Management Legislation.

INF POL 79 To support the development of recycling sites / waste disposal sites or transfer stations and associated developments in appropriate locations, subject to normal planning and environmental sustainability considerations. In assessing applications for these types of development, the Planning Authority will have regard to the Groundwater Protection Plan and appropriate response matrix.

INF POL 80 To encourage the recycling of construction and demolition waste and the reuse of aggregate and other materials in future construction projects.

INF POL 81 To support the re-development of former quarries for construction and demolition waste recycling facilities subject to normal planning and environmental sustainability considerations.

The continued operation of an inert construction and demolition waste recovery and recycling operation will significantly reduce the quantities of such waste currently being sent to landfill sites in the Region. As such, the proposed development is entirely consistent with the aims and objectives of both national Regional and local government policy.

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.

The matter of a fit and proper person to hold a waste licence is addressed in Attachment L.2.

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

Section 53 of the Waste Management Acts 1996-2007 addresses issues with respect financial provisions regarding waste recovery and disposal.

As stated in Attachment K.1.4 (Financial Provisions):

In accordance with condition No. 19 of planning permission P.A. Reg. Ref. QY 48 (QC. 17.QC 2113) the developer is required to lodge with the planning authority an approved insurance company bond in the sum of €50,000 to secure the satisfactory completion and restoration of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion and restoration, including all necessary demolition and removal.

The applicants will ensure an insurance company bond is in place to ensure satisfactory completion and restoration of the site in accordance with the landscaping and restoration programme proposed.

Refer also to Attachment L.2 below.

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

Resources Use & Energy Efficiency is dealt with in Attachment G of this Waste Management Licence Application.

The only raw materials used on site are diesel, hydraulic oil and engine oil which will be used to operate diesel powered plant on site. Electricity will be used on site to power the office, site office, on site lighting and security camera. Energy requirements are low equivalent to a small domestic property. Energy efficiencies will be achieved by using modern plant and equipment and servicing the equipment on a scheduled basis. Plant and equipment not in use will be shut off.

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 generated from the will continue to be monitored and controlled to an acceptable standard as conditioned under the existing planning permission and waste permit licence and any further conditions under an EPA waste licence for the proposed restoration of the site (Refer also to Attachment I.6).

h) Necessary measures will be taken to prevent accidents in the carrying on of the activity concerned and, where an accident occurs, to limit its consequences for the environment,

As outlined in Attachment C.2 the operator is to put in place an Environmental Management System (EMS) which will address such matters as Emergency Preparedness & Response in dealing with accident and emergency situations resulting in effects on the environment.

It is considered that accidents and emergency situations resulting in effects on the environment is confined to possible emissions to surface and/or groundwater in the event of a fuel spillage. As such an Emergency/Spill Response Procedures will be put in place. It should be noted that significant emphasis has been placed on control and abatement measures to ensure there is no risk to surface and /or groundwater.

This matter is dealt with in further detail in Attachment J1 - Accident Prevention and Emergency Response.

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 satisfactory state.

Details with respect to remediation, decommissioning, restoration and aftercare have been provided in attachment K1. These measures are considered satisfactory to ensure that

there will be no risk of any environmental pollution upon the permanent cessation of the activity concerned and return the site of the activity to a satisfactory state.

L.2 Fit and Proper Person

The WMA in Section 40(4)(d) specifies that the Agency shall not grant a licence unless it is satisfied that the applicant (if the applicant is not a local authority) is a fit and proper person. Section 40(7) of the WMA specifies the information required to enable a determination to be made by the Agency.

L.2.1 Convictions

The applicant (Kiernan Sand & Gravel Ltd) or other relevant person have not been convicted under the Waste Management Acts 1996 to 2003, the EPA Act 1992 and 2003, the Local Government (Water Pollution) Acts 1977 and 1990 or the Air Pollution Act 1987.

L.2.2 Technical Knowledge and/or Qualifications

Kiernan Sand & Gravel Ltd is an established small family run business based in Foxtown, Co Meath. Mr James V Kiernan – Facility Manager will be responsible for the overall management of the facility including implementation of the proposed Environmental Management System. The facility manager has over 27 years experience in the extractive industry including 1 year operating & managing the existing Waste Recovery Management Facility. Further Details with respect to technical knowledge and/or qualifications of the site management team are provided in attachment C1.

L.2.3 Financial Provisions

As stated in Attachment K.1.4 (Financial Provisions):

In accordance with condition No. 19 of planning permission P.A. Reg. Ref. QY 48 (QC. 17.QC 2113) the developer is required to lodge with the planning authority an approved insurance company bond in the sum of €50,000 to secure the satisfactory completion and restoration of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion and restoration, including all necessary demolition and removal.

The applicants will ensure an insurance company bond is in place to ensure satisfactory completion and restoration of the site in accordance with the landscaping and restoration programme proposed.

Kiernan Sand & Gravel Ltd are an established family run business. The Company are in position to to meet any financial commitments or liabilities that may have been or will be entered into or incurred in carrying on the activity to which the Waste Licence Application relates, or in consequence of ceasing to carry out that activity. A letter confirming the above position from the Company's Chartered Accountants, Frank Walsh & Company, has been attached (Refer to Attachment L. 2.3.1).

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Attachment L.2.3.1

A copy of letter dated 9th February 2009 from the Company's Accountants confirming ability to meet any financial obligations

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Frank Walsh & Company

TARA,
CO. MEATH.

Chartered Accountants Registered Auditors

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Waste Licensing Section,
Office of Climate, Licensing & Resource Use,
Environmental Protection Agency,
P O Box 3000,
Johnstown Castle Estate,
Co. Wexford.

9 February, 2009.

Re; Waste Licence Application, Kiernan Sand & Gravel Limited
For Soils Recovery Facility at Foxtown, Summerhill, Co. Meath.

To whom it may concern,

We act as auditors to the above named applicant who has been trading for approximately twenty years. The company has no long term bank borrowings.

All of the company's taxation, V.A.T., Corporation Tax and PAYE/PRSI are returned and discharged up to date.

It is our opinion that the applicant is likely to be in the position to meet any financial commitments or liabilities that may have been or will be entered into or incurred in carrying out the activities to which the Waste Licence Application relates, or in consequence of ceasing to carry out that activity.

Yours sincerely,


Frank Walsh & Company,
Auditors to Kiernan Sand & Gravel Limited.

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