

# Attachment J

## Accident Prevention and Emergency Response

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| J.1.1              | Emergency/Spill Response Procedures        |
| J.1.2              | Fire Control                               |
| J.1.3              | Public Liability Insurance                 |
| J.1.3.1            | Copy of Public Liability Insurance         |

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## **J.1 Accident Prevention and Emergency Response**

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.

An emergency telephone contact list will be maintained at the site entrance and administration office in Rathmore. This contact list shall include details with respect to the emergency services, Doctor, relevant agencies (including EPA and Kildare County Council) and management (including out of hours) for dealing with emergency response.

The site will be staffed and remain open between the hours of 08:00 hours to 18:00 hours Monday to Friday inclusive (excluding Bank and National Holidays) and between 08:00 hours to 13:00 hours on Saturday. An emergency contact number for out of hours will be prominently displayed at the site entrance and staff members will be available in the event of an emergency call-out.

### **J.1.1 Emergency/Spill Response Procedures**

It is considered that accidents and emergency situations resulting in effects on the environment is confined to possible emissions to groundwater in the event of a fuel spillage. As such the following Emergency/Spill Response Procedures will be put in place.

The main risk associated with oil or chemical spills is the potential for the spill to enter drains, watercourses, soils and the ground water system, causing contamination and / or fire or explosion risk.

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 i.e.

- A mobile double skinned (integrated bunding) fuel bowser will be used to refuel mobile plant on site.
- Waste oil products are stored within the existing container on site. Waste oils are disposed of by a licensed waste contractor and removed off site.
- All oil barrels and lubricants will be stored on spill pallets/ spill trays.
- Spill kits will also be maintained on site.
- Any inappropriate materials discovered (e.g. glass, plastic, timber, steel, etc) will be stored within the designated quarantine area awaiting removal off site by an approved waste collection contractor to an approved facility.

In the unlikely event of a spillage the following procedure will be followed:

The facility manager, or appointed nominee, is responsible for carrying out the following procedure in the event of a spillage.

**1. It is the responsibility of the person who discovers the spill to:-**

- Immediately contain the spill (*Only if possible and safe to do so*).
- Inform the Facility Manager or appointed nominee.

**2. The Facility Manager, or appointed nominee shall:-**

- Ensure all sources of ignition are extinguished
- In the event of a fire follow the Fire Safety Procedure
- Contact the appropriate emergency services if necessary
- Keep the area well ventilated if the spill is in a confined space
- Ensure that all unnecessary untrained personnel are kept well away from the scene
- Identify the material spilled and obtain the MSDS to ensure that handling and PPE requirements are clearly understood and that those containing the spill are wearing the appropriate PPE
- Stop the spill and contain it as much as possible, use the materials provided in the Environmental Spill Kits.
- Notify the EPA, Kildare Co. Council, Fisheries Board, if necessary.
- Carryout any necessary remediation works/ and or seek appropriate professional advice.
- Any waste or contaminate materials generated during the cleanup of the spill, shall be disposed of by an appropriate licensed waste collection contractor.
- Complete an incident report

## **J.2 Fire Control**

The only waste to be accepted at the facility for recovery comprises inert soils and stone, and inert construction and demolition waste. As such it is not expected that the site activities concerned are likely to give rise to any significant risk of fire.

In the event of a fire, the employee on the scene shall raise the alarm with all staff in the immediate area and confirm that all staff are present and accounted for. Assist in containing the fire using the appropriate extinguisher – only if it is safe and they are confident to do so. All personnel will have also undergone appropriate training and will be aware of potential hazards on site.

In the event where a fire cannot be controlled the appropriate emergency services will be contacted either by dialling “999 or 112” and informing the operator of which service is required. An emergency contact list shall be maintained at the site entrance.

The incident will also be reported immediately to the Site Foreman/Facility Manager.

If the fire is located adjacent to explosive or further flammable materials the area should be vacated immediately and personnel should retreat a safe distance. Emergency services should be made aware of any potential hazards on site when they arrive.

### **J.1.3 Public Liability Insurance**

A copy of the company's public liability insurance certificate is attached (Refer to Attachment J.1.3.1). It is proposed that subject to grant of the Waste Management Licence that the policy will be reviewed to ensure that the level of cover is appropriate to the environmental risks posed by the site.

### J.1.3.1 Copy of Public Liability Insurance

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## INTRODUCTION

Welcome to QUINN-Insurance where you'll benefit from our innovative and partnership approach to insurance. This is your Policy pack detailing the insurance provided. Your pack includes full details of the cover(s) selected and the levels of indemnity operative, in relation only to the business described on the Schedule. The enclosed Schedule contains specific information relating to your protection under the Policy.

Your Policy provides the following cover:

- Employer's Liability Insurance
- Public/Products Liability Insurance

It is important that you carefully examine this Policy document in its entirety to ensure it meets with your particular needs. If any of the information is incorrect please contact us immediately.

### Important Points To Note

- It is an express condition of the Policy that all incidents that might give rise to a liability or claim under the Policy must be reported to QUINN-Insurance by phone immediately or as soon as practically possible, in the case of material damage immediately or by the next working day (or in accordance with any agreement made with the company) and thereafter in writing to enable a proper investigation to be carried out. **All incidents must be reported immediately, regardless of whether you are of the opinion it will lead to a claim or not.**
- We must remind you that it is a statutory requirement under the Safety, Health & Welfare at Work Act 2005 that all employers and self-employed persons be in possession of an up to date & site specific Safety Statement. In the event of a claim or a routine survey, we may request to see your Safety Statement.
- It is imperative that you advise us of any changes whatsoever, as we must be notified of any change in material facts. We shall be pleased to advise you on what is material.
- **EMPLOYERS & PUBLIC/PRODUCTS LIABILITY EXCESS DISCOUNT** – QUINN-Insurance will refund 50% of excess paid (up to a maximum refund of €5,000) where the insured has assisted in avoiding legal costs

### Customer Care

We aim to give you the highest standard of service at all times. If at any time you feel dissatisfied with the service or feel that you have cause for complaint you should write to me, the General Manager. I can be reached at the company Head Office, Dublin Road, Cavan. Please quote your Policy Number and any other relevant information in all correspondence.

If your complaint is not resolved to your satisfaction, you may have the right to refer your complaint to:

The Financial Services Ombudsman's Bureau

3<sup>rd</sup> Floor  
Lincoln House  
Lincoln Place  
Dublin 2

SIGNED for and on behalf of QUINN-Insurance Limited.

Colin Morgan  
General Manager



### POLICY SCHEDULE

**POLICY NUMBER:** GEI/COM/01430433

**THE INSURED:** Thomas Gavin Sand & Gravel Merchants Ltd

**BUSINESS ADDRESS:** Upper Punchestown  
Rathmore  
Naas  
Co Kildare

**BUSINESS DESCRIPTION:** Sand & Gravel Pit Operator

**INCEPTION DATE:** 11 September 2008      **TIME:** 00:01 hours

**EXPIRY DATE:** 10 September 2009      **TIME:** 23:59 hours

**PERIOD OF INSURANCE:** 11 September 2008 to 10 September 2009

**RENEWAL DATE:** 11 September 2009

**ANNUAL (MINIMUM AND DEPOSIT PREMIUM):** € 5,150.00      Inclusive of 2% Government levy

**FIRST (MINIMUM AND DEPOSIT PREMIUM):** € 5,150.00      Inclusive of 2% Government levy

**RISKS COVERED UNDER THIS POLICY:** Employer's Liability  
Public/Product's Liability

Signatory:

Date:

12 September 2008

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## EMPLOYER'S LIABILITY INSURANCE SCHEDULE

|  |   |
|--|---|
| <b>POLICY NUMBER:</b>                    | GEI/COM/01430433  |
| <b>THE INSURED:</b>                      | Thomas Gavin Sand & Gravel Merchants Ltd  |
| <b>RISK NUMBER</b>                       | 1   |
| <b>BUSINESS DESCRIPTION:</b>             | Sand & Gravel Pit Operator  |
| <b>RISK ADDRESS:</b>                     | Upper Punchestown<br>Rathmore<br>Naas<br>Co Kildare   |
| <b>LIMIT OF INDEMNITY:</b>               | € 13,000,000  |
| <b>EACH AND EVERY OCCURRENCE EXCESS:</b> | € 1,500   |
| <b>AGGREGATE DEDUCTIBLE:</b>             | € 0   |
| <b>ENDORSEMENTS APPLICABLE:</b>          |   |
|  | <ul style="list-style-type: none"><li>• Hazardous Works - Quarries</li><li>• Employer's Liability Excess Discount</li></ul> |

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## EMPLOYERS LIABILITY INSURANCE ENDORSEMENTS

Policy Number: GEI/COM/01430433

The following endorsements apply to this section of the policy and where applicable take precedence over the standard clauses, definitions, terms and conditions.

RISK: 1

### HAZARDOUS WORKS EXTENSION QUARRIES

Notwithstanding anything herein to the contrary this Policy is extended to indemnify the Insured for liability arising from Quarrying.

### EMPLOYER'S LIABILITY EXCESS DISCOUNT

QUINN-Insurance Limited will refund 50% of the excess paid (up to a maximum refund of €5,000) where the Insured has assisted in avoiding legal costs.

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**PUBLIC/PRODUCTS LIABILITY INSURANCE SCHEDULE**

**POLICY NUMBER:** GEI/COM/01430433

**THE INSURED:** Thomas Gavin Sand & Gravel Merchants Ltd

**RISK NUMBER** 1

**BUSINESS DESCRIPTION:** Sand & Gravel Pit Operator

**RISK ADDRESS:** Upper PuncHESTOWN  
Rathmore  
Naas  
Co Kildare

**LIMIT OF INDEMNITY:** € 2,600,000

**EACH AND EVERY OCCURRENCE EXCESS:** € 1,500

**AGGREGATE DEDUCTIBLE:** € 0

**ENDORSEMENTS APPLICABLE:**

- Hazardous Works - Quarries
- Public/Products Liability Excess Discount

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## PUBLIC/PRODUCTS LIABILITY INSURANCE ENDORSEMENTS

Policy Number: GEI/COM/01430433

The following endorsements apply to this section of the policy and where applicable take precedence over the standard clauses, definitions, terms and conditions.

RISK: 1

### HAZARDOUS WORKS EXTENSION QUARRIES

Notwithstanding anything herein to the contrary this Policy is extended to indemnify the Insured for liability arising from Quarrying.

### PUBLIC/PRODUCTS LIABILITY EXCESS DISCOUNT

QUINN-Insurance Limited will refund 50% of the excess paid (up to a maximum refund of €5,000) where the Insured has assisted in avoiding legal costs.

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# Attachment K

## Remediation, Decommissioning, Restoration and Aftercare

| <u>Sub-Section</u> | <u>Contents</u>       |
|--------------------|-----------------------|
| K.1                | Cessation of Activity |
| K.1.1              | Restoration           |
| K.1.2              | Decommissioning       |
| K.1.3              | Aftercare             |
| K.1.4              | Financial Provisions  |

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## **K.1 Cessation of Activity**

### **K.1.1 Restoration**

The lands are to be restored to agricultural use by importation and recovery of inert materials in accordance with a phased restoration scheme. Designated internal haul roads are used to direct site traffic to the current tipping area. A bulldozer is used to appropriately grade and compact the material to the desired profile as shown by the detailed plans and sections (Refer to Figures B.2.4 and B.2.5). Typically the soil is placed in 2-3 metre lifts with fill slopes of a safe angle of repose of 1:2.

It is proposed to reclaim the lands to a condition / gradient suitable for either agricultural. Good quality imported soil will be conserved wherever possible to provide the subsoil/topsoil capping. These topsoil's/subsoil's will be handled under dry conditions to minimise compaction. For the purpose of restoration to agricultural the restored soil profile (capping) shall comprise 300mm topsoil over 1200-1350mm of subsoil.

Progressive restoration involving grass seeding of restored area's shall be carried out on a staged basis to reduce the effects of soil erosion, windblown dust, to aid ground stabilisation and as an effective means of weed control. On completion of each phase of development final restoration including grading, seeding, landscaping will be carried out. Final restoration is dependent on the availability of good topsoil/subsoil and subject to suitable weather conditions. In order to allow for continuity of operations it is necessary to have a certain overlap between phases. The final contours and topography for the site is shown by the Final Landform Plan Figure B.2.4 and Cross Sections B.2.5.

Once the topsoil is re-instated it will be seeded with a suitable mix of grasses suitable for pasture in order to quickly stabilise the topsoil. Once the grass sward has become established the restored farmland can be kept either as pasture, hay meadow or arable land. Part of the area has already been restored to grassland.

### **K.1.2 Decommissioning**

Redundant structures, plant equipment and stockpiles will be removed from site on cessation of pit activity. Plant and machinery will either be utilised by the operators on other sites, or be sold as working machinery or scrap. Any hard standing areas shall be broken up and the material incorporated into the final restoration scheme. The site access will be retained as agricultural access to the restored lands.

There will be no fuel storage on site or septic tank utilised on site, therefore there will be no potential for fuel, oil or sewage to cause long-term water pollution following cessation of extraction activities.

### **K.1.3 Aftercare**

There will be no on-going requirement for environmental monitoring after extraction operations have ceased.

A final site inspection 6 months after site closure will be carried out to ensure that the final site restoration scheme implemented is functioning and progressing as required.

### **K.1.4 Financial Provisions**

Sand & Gravel Merchants Ltd are an established family run business. The Company are in a 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, Tynna Dillon, has been attached (Refer to Attachment L. 2.3.1).

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# 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 5 <sup>th</sup> February 2009 from the Company's Accountants confirming ability to meet any financial obligations |

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## 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, 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 proposed environmental monitoring of noise, dust, 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 following relevant information is based on a review of the current Waste Management Plan for Kildare 2005-2010.

#### ***Section 2.5.7 - Construction and Demolition Waste***

*It is estimated that a total of 1,900,000 tonnes of C&D waste was managed within the functional area of Kildare County Council in 2003. Only 552,000 tonnes of this figure was generated in the County. The remaining 1,348,000 tonnes (mainly soil) were imported from outside the County.*

*The unprecedented growth in the Greater Dublin Area is one reason so much C&D material was imported into County Kildare. Dublin has few locations suitable for the acceptance of large volumes of soil, especially now that huge underground excavations have become so*

prevalent, e.g., the Port Tunnel, underground car parks, etc. County Kildare has facilitated the acceptance of such volumes of soil from the Dublin Region.

The indigenous growth in County Kildare is also a significant contributor to the volumes of soil generated. The practice of dealing with C&D waste is two-fold:

- clean, uncontaminated soils are suitable for acceptance at waste permit facilities such as land reclamation and quarry restoration projects
- bulky C & D waste is normally taken from sites by means of skips, for disposal or recovery at facilities licenced by the EPA

### **Section 8.12.7. - Construction and Demolition Waste**

The Council will:

- promote the provision of mobile crushing and screening systems located at existing/proposed waste facilities were practical (open for consideration at other locations) in accordance with the objectives of the National Construction and Demolition Waste Council (NCDWC).
- promote the provision, by the private sector, of the necessary infrastructure for the recovery and recycling of C&D waste
- promote and encourage quarry operators and large construction sites to develop temporary recycling facilities where possible

In 2003 it is estimated that 1,900,000 tonnes of C & D waste were managed in County Kildare. The vast majority of this was soil or inert waste. These quantities are unlikely to reduce in any significant way once development in the Greater Dublin Area continues at current rates.

Currently in County Kildare there are a number of waste permits where the operators may import in the County of 200,000 tonnes per annum. To facilitate management of 1,900,000 tonnes per annum within the County, it follows that there is a requirement for at least ten strategically located permitted facilities for the acceptance of soils. Currently there are only four to five facilities of this nature in the County.

The lack of suitable facilities for the acceptance of soils has resulted in a number of problems in the sector:

- there is a prevalence of small scale unauthorised raising of one-off sites for development purposes

- *unsuitable lands in low-lying areas with poor road networks are being targeted for filling*
- *spurious land reclamation projects are being applied for*
- *Soil haulers are reluctant to apply for such facilities in the absence of clear guidance. Unauthorised activities have caused problems, which in turn affects the construction sector*
- *extra costs are being borne by the construction sector*
- *extra costs are being borne by local authority projects and ongoing local authority works due to the lack of suitable facilities*
- *projects of national importance are also affected by the lack of facilities, and the timescales involved in establishing such facilities*

*It is recommended that applicants for waste permits for facilities for the acceptance of inert material should take into account the following guidance:*

- *Waste permits for importation of inert waste soils are considered to be recovery activities. Therefore it is very important that there is beneficial re-use of the soil. Raising land that is already in a reasonable condition would not generally be acceptable. Raising of land may be considered (in conjunction with Planning) for restoration of a worked out quarry, raising of poor unproductive land in agricultural/recreational terms, and raising of development land.*
- *Generally, the facility should accept only the minimum amount of waste soil required to carry out the works to a satisfactory standard. Where void space is maximised then the principal activity may be considered to be the disposal of the soil. Disposal of waste soil on land is termed "landfill" and as such requires a waste licence from the Environment Protection Agency.*
- *In accordance with Article 16 of the Waste Management (Permit) Regulations 1998 a hydrogeological report must be submitted, prepared by a suitably qualified person, assessing the risk to groundwater from the material proposed to be deposited at the facility. This report must detail proposals to ensure the traceability of the material to the site from its place of origin, sampling proposed to be carried out on the material imported into the proposed facility, and monitoring proposed to be carried out on surface waters/ground waters at the proposed facility.*

- *A site survey is required showing the existing ground levels and the proposed levels for the facility. A void space calculation is also required.*

*Other information that may be requested at the discretion of the Council includes noise monitoring and reporting, dust monitoring and analysis, water monitoring, analysis and interpretation, traffic management plan, and infrastructural drawings, e.g., site office, wheel wash etc.*

*In terms of site selection, the following hierarchy shows the favoured options in order of preference:*

- *re-use of material where produced*
- **quarry restoration**
- *land reclamation*
- *agricultural/recreational use*
- *raising of development land*
- *raising of sites for one-off houses*

The proposed development is in accordance with the Council's policy with respect to waste recovery and rehabilitation of sand and gravel workings.

### **County Waste Management Policy**

The relevant document is the Kildare County Development Plan 2005-2011. Section 3.4.3 of the Plan deals with waste management Policy. The most relevant policies are as follows:

*It is the policy of the Council:*

**WM 1** *To have regard to the following in the assessment of planning applications for waste management facilities:*

- *Waste Management Plan for County Kildare,*
- *Waste Management Act 1996,*
- *EU Landfill Directive,*
- *EPA Landfill Manuals,*
- *EU Packaging and Packaging Waste Directive, and*

- *DoEHLG policy statements including 'Changing Our Ways' and 'Preventing and Recycling Waste-Delivering Change.'*

**WM 2** *To only issue waste permits where applicants have obtained either a certificate of exemption or a valid planning permission.*

**WM 3** *To ensure the provision of recycling facilities in the form of a kerbside type collection, civic amenity sites and/or bring bank-recycling facilities in each town, village or settlement and at all commercial developments.*

**WM 4** *To encourage waste prevention, minimisation, reuse, recycling and recovery as methods of managing waste. Where waste management is not being carried out properly, the Waste Management Acts, 1996 to 2001 will be used as a means to ensuring specific national policies and regulations are adhered to.*

**WM 5** *To encourage recycling facilities (i.e. bottle banks, bring centres etc.) in close proximity to sites of higher density and large-scale residential developments.*

**WM 6** *To promote and facilitate communities to become involved in environmental awareness activities and community-based recycling initiatives or environmental management initiatives that will lead to local sustainable waste management practices.*

**WM 7** *To ensure the provision of a residual landfill facility in County Kildare either directly by the Council or in co-operation or partnership with the private sector, subject to the specific requirements of the objectives of the County Kildare Waste Management Plan.*

The continued operation of an inert waste recovery 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):

*Sand & Gravel Merchants Ltd are an established family run business. The Company are in a 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, Tyna Dillon, has been attached (Refer to Attachment L. 2.3.1).*

Refer also to Attachment L.2.3 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 used to operate diesel powered plant on site.

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 any 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 are confined to possible emissions to 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 applicants (Sand & Gravel Merchants 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**

Sand & Gravel Merchants Ltd is an established small family run business based in Thornberry, Co Kildare. Mr Tom Gavin – Facility Manager will be responsible for the overall management of the facility including implementation of the proposed Environmental Management System. The facility manager has 24 Years experience in the extraction industry including 8 years in 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):

Sand & Gravel Merchants 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, Tyna Dillon, has been attached (Refer to Attachment L. 2.3.1).

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**Attachment L.2.3.1**

**A copy of letter dated 5<sup>th</sup> February 2009**

**from the Company's Accountants confirming ability to meet any financial obligations**

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# TYNAN DILLON

CHARTERED ACCOUNTANTS

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www.tynandillon.ie

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

5 February 2009

Sand & Gravel Merchants Ltd,  
Upper Punchestown,  
Rathmore,  
Naas,  
Co. Kildare.

**Re: Waste Licence Application by Sand and Gravel Merchants Ltd for Soils  
Recovery Facility At Thornberry, Kill, Co. Kildare.**

To whom it may Concern,

It is my 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 the carrying out the activities to which the Waste Licence Application relates, or in consequence of ceasing to carry out that activity.

However, it should be noted that our knowledge of our client's affairs might not be fully up to date. In addition, we have not carried out any specific work with regard to this statement. Whilst we have no reason to believe that our client would enter into a commitment, which our client did not expect to be able to fulfil, we make no assessment of our client's continuing income or future outgoings.



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Registered to carry on audit work and authorised  
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Whilst the information provided above is believed to be true, it is provided without acceptance by Tynan Dillon of any responsibility whatsoever, and any use you wish to make of the information is, therefore, entirely at your own risk.

We trust you will find the above in order.

Yours faithfully

**TYNAN DILLON**

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