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24/06/09

Reg. No. **W0251-01**

re: Notice in accordance with Article 14(2)(b)(ii) of the Waste Management (Licensing) Regulations, 2004 to 2007

Dear Mr. O'Malley/Mr. Ryan

I am to refer to the above referenced application from Mr. John Morrin for a waste licence relating to a facility at Wolfestown, Eadestown, Naas, County Kildare. Having examined the documentation submitted, I am to advise that the Agency is of the view that the documentation does not comply with Article 12 of the Waste Management (Licensing) Regulations.

You are therefore requested, in accordance with Article 14(2)(b)(ii) of the regulations, to take the steps and supply the information detailed below:

ARTICLE 12 COMPLIANCE REQUIREMENTS

Section A: Non- Technical Summary

Update the non-technical summary to reflect the information provided in response to this notice.

Section B: General

1. Classes of activity: Review Tables B.7.1 and H.1(A) of the waste licence application form and submit revised versions (with justification for the classes chosen) as necessary having consideration of the following. Some of the material processed on-site will be recovered off-site. Class 4 of the fourth schedule only refers to material recovered on-site. If the applicant wishes to apply for class 13 of the fourth schedule, then it must clearly indicate this in the application form and in particular table B.7.1.
2. Justify the assertion that the soil restoration project is consistent with the objectives of the Kildare Waste Management Plan and submit details of the objectives of this plan accordingly.



Section D: Infrastructure and Operation

1. Confirm the void space to be filled and the assumed placed density of the recovered material.
2. Clarify if the applicant proposes to install phone, fax or email facilities at the site office.
3. Explain why table D.1 indicates the applicant has no plans to install C&D infrastructure when it has plans to process C&D waste.
4. Clarify what controls will be put in place for management of surface water run-off and review table D.1 as necessary.
5. Clarify how surface water run-off at the *lined bays* (notably at the quarantine/inspection area) will be controlled, taking into consideration the potential for the surface water run-off to become contaminated if contaminated material is imported onto the site.
6. Clarify the construction details of the *lined bays* at the quarantine/inspection area and confirm whether or not they will be located on an area of hard-standing.

Section H: Materials Handling

1. Confirm that the 500,000 tpa of inert waste that the applicant proposes to handle at the facility (as per Table H.1(c)) includes the 200,000 tpa of C&D waste specified in table H.1(c)). Clarify how much of this C&D waste will be recovered on-site and how much off-site and justify the need for the quantity of C&D waste the applicant proposes to import for on-site recovery activities.
2. Review Section H.2 of attachment H in the licence application form in regard to the following and revise table H.2 accordingly. The EWC codes 170501, 170104 and 170602 are obsolete and the applicant should consider the use of the codes 170504, 170107, 170802 and 170604 accordingly. The EWC code 170301 for bituminous mixtures containing coal tar refers to hazardous waste, which may not be permitted at the facility – EWC code 170302 for bituminous mixtures containing materials other than those mentioned in 170301 does not refer to hazardous materials and should be considered accordingly. The applicant should ensure it has the most up-to-date version of the European Waste Catalogue (available on the Agency's website, www.epa.ie).
3. Review the waste acceptance procedure in regard to Council Decision 2003/33/EC and provide details on what compliance testing on incoming materials the applicant proposes to carry out.
4. Clarify what wastes will be generated at the facility, e.g. waste oils and non-inert C&D waste unintentionally imported to the site, and complete tables H.1(i) and H.1(ii). Any lack of an estimate of the waste likely to arise should be justified.
5. Clarify what will happen to gypsum based construction materials imported onto the site and justify any use of this material in the site restoration activities as applicable.

Section I: Existing Environment & Impact of the Facility

1. Dust:
 - (i) Identify on a scaled drawing the sensitive receptors/residences within the vicinity of the facility (circa 1 km) and indicate their distance from the site boundary.



- (ii) Clarify how the applicant will prevent dust from the stockpiles of soils and stone and unpaved site roads affecting sensitive receptors and clarify the timeframe for seeding restored areas after soil placement.

2. Surface Water:

- (i) Carry out upstream and downstream monitoring of the stream that runs along the northern boundary of the site and include the data in table I.2(i) of the licence application form.
- (ii) Provide details on the water body/spring/field drain that runs northwest into the stream that flows along the northern edge of the site, including clarifying if the feature is a spring/groundwater or surface water feature in origin. Assess the water quality and explain how the applicant will protect it against pollution during site restoration activities and what its fate will be when the restoration project is completed. Confirm if there is anywhere at the site where groundwater comes to the surface and submit details accordingly.
- (iii) Clarify if there are records of historic flooding in the vicinity of the site and confirm that the proposed development is not considered to be at risk of flooding the site itself or adjoining lands.
- (iv) Submit details on what measures the applicant will implement to prevent pollution of surface waters from both suspended solids and hydrocarbons as well as from ground-waters associated with the restoration project at both the construction, operational and decommissioning stages. Consideration should be made regarding the incorporation of on-site attenuation ponds to settle fine particulate materials, the use of petrol/oil interception, and silt fencing. The applicant should also ensure that it addresses all the concerns of the Eastern Regional Fisheries Board regarding the waste licence application as expressed in its submission to the Agency dated 12/01/09 (available on the Agency's website, www.epa.ie).

3. Groundwater:

- (i) Clarify the Geological Survey of Ireland's aquifer and vulnerability classifications and include the rationale/sources of information for the classifications provided.
- (ii) Clarify whether the aquifer supports local private water supplies and submit details of private wells within 1km of site (on a scaled drawing).
- (iii) Explain the motivation for the soil and groundwater investigation carried out in 1998.
- (iv) Clarify whether the groundwater flow direction in bedrock is inferred from water levels in the bedrock boreholes and submit the relevant data accordingly – information from at least three boreholes is required to infer groundwater flow data. Submit a groundwater flow contour map and include the borehole details on it. Clarify the relationship between the borehole reference numbers BH1 – BH5 and MW1 – MW5. Clarify the depth of water in each of the boreholes.



- (v) Clarify if the borehole in which water was found in the overburden is the same or different to the borehole for which water in the bedrock was not attained and identify the borehole(s) accordingly.
 - (vi) Provide a sample of the groundwater quality up-gradient of the site.
 - (vii) Explain the elevated levels of diesel range organics, ammonia, total and faecal coliforms, manganese, sulphate and potassium identified in the groundwater monitoring data.
4. Deposited Waste:
- (i) Conduct an investigation into the two areas of waste deposited between boreholes BH1 and BH2 (both areas covered by nettles). Trial pits or other appropriate intrusive investigation techniques should be used and the waste material characterized. Determine the quality of the ponded water adjacent to the area of waste deposited nearer to BH2. Carry out a Tier 1 Risk Assessment as per the Agency's *Code of Practice of Environmental Risk Assessment for Unregulated Waste Disposal Sites* (available on the Agency's internet site). Submit details, including timeframes for implementation, on how these areas of waste will be remediated. Clarify if there are any other areas of unauthorized waste deposited at the site.
5. Noise:
- (i) Justify the assumption that the overall sound power emission of the equipment of 115 dB(A), e.g. submit data for similar equipment. Submit details of the noise model, e.g. what assumptions were made regarding when noise would be generated (continuous or intermittent).
6. Ecology:
- (i) Clarify the extent of hedgerows at the site, their ecological value and how the restoration project will affect them. Include details of measures to protect the hedgerows as necessary.

Section K: Remediation, Decommissioning, Restoration and Aftercare

1. Confirm that all C&D recycling facilities and all mobile plant and equipment will be removed off-site and that any temporary site accommodation, infrastructure, and services will be removed off-site or decommissioned at the end of the restoration project. Clarify how the applicant proposes to decommission the *lined bays*. In addition, clarify how the applicant will provide lined bays for the phase 5 of the project when the lined bays are located between phase 3 and phase 4.
2. Explain how the applicant will prevent any risk of instability of the restored area.
3. Explain how the applicant will ensure the prevention of dust generation and soil erosion from restored site.
4. Explain how the applicant will ensure proper drainage of surface water run-off from restored site.
5. Confirm whether or not the levels for site restoration indicated in Drawing No. K1 are consistent with that for which planning permission was granted (Reference: 295/05).



6. Submit scaled drawings of at least three cross-sections of the site that indicate the profile of the site both before and on completion of the site restoration project.

Section L: Statutory Requirements

1. Confirm that the restoration project conforms to BAT (*Best Available Techniques*). It is a requirement of Section 40 (4)(c) of the Waste Management Acts 1996 to 2008 that the facility operates in accordance with BAT notwithstanding the fact that it will handle inert waste. BAT for this activity is taken to be represented by the guidance given in the Agency's *Draft BAT Guidance Note for the Waste Sector: Landfill Activities (April 2003)* and the Agency's *Landfill Manuals*, insofar as it relates to the waste recovery activities at this facility.
2. Clarify how the applicant will ensure groundwater quality and quantity will be protected as per the requirements of the Water Framework Directive (2000/60/EC) and the Groundwater Directives (2006/118/EC & 80/68/EC).
3. Submit information (financial information may be submitted confidentially) to demonstrate that the applicant is in position to meet any financial commitments or liabilities that may have been or will be incurred in carrying on the activity or in consequence of ceasing to carry out the activity. Explain how the restoration works will be financed, including the final decommissioning phase.

In the case where any drawings already submitted are subject to revision consequent on this request, a revised drawing should be prepared in each case. It is not sufficient to annotate the original drawing with a textual correction. Where such revised drawings are submitted, provide a list of drawing titles, drawing numbers and revision status, which correlates the revised drawings with the superseded versions.

Please supply the information in the form of one (1) original plus one (1) copy in hardcopy format within eight weeks of the date of this notice. In addition please submit two (2) copies of the requested information in electronic searchable PDF format on a CD-ROM to the Agency. Please note that all maps/drawings should not exceed A3 in size.

Please note that the application's register number is **W0251-01**. Please direct all correspondence in relation to this matter to Administration, *Licensing Unit, Office of Climate, Licensing & Resource Use, Environmental Protection Agency, Headquarters, PO Box 3000, Johnstown Castle Estate, County Wexford* quoting the register number.

Yours sincerely,



John McEntagart
Inspector
Office of Climate, Licensing & Resource Use

