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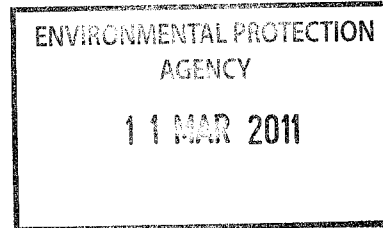
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March 10th 2011

RE:

- **Waste Licence Application - W0256-01**
Lennon Quarries Ltd. - Material Recovery Facility, Tallagh, Belmullet, County Mayo
- **W0256-01 EPA Proposed Decision - 09 December 2010 - In Accordance with Section 42(2) of the Waste Management Acts, 1996 to 2010**

Further Information - In Accordance with Article 24 of the Waste Management (Licensing) Regulations 2004

Dear Mr. Meaney,

I am writing on behalf of our client *Lennon Quarries Ltd., Glencastle, Bunnahowen, Ballina, Co. Mayo* ("The Applicant") in relation to Waste Licence Application W0256-01 for the continuation of recovery activities at an existing Inert Material Recovery Facility, at Tallagh, Belmullet, County Mayo, which has operated since January 2006 and continues to operate under Mayo County Council Waste Permit PER 144.

TOBIN received correspondence from the EPA dated February 18th 2011 requesting additional information "setting out the reasons why a depth of two metres of fill with waste soil and stones is required in order to meet the objective of creating land of improved quality" and in doing so, to have regard to the parts of the EPA Landfill Manual of 1999 dealing with inert landfills.

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Response:

Emplacement of materials to a depth of 2m

The present topography of the site is uneven and locally steep, being the result of peat extraction over many years. In order to create a landform and terrain that is

- accessible to farm machinery (for seeding, fertilizing, grass topping),
- properly drained and
- suitable for livestock grazing

it will be necessary to continue to emplace substantial inert soil and stone materials into the irregular hollows and depressions currently on the land; hence the need for an average cover of 2m of fill, comprising 1.7m of inert soils and 0.3m of topsoil; the latter will be harrowed, sown and fertilized as required in accordance with best agricultural practise. The requirement at the Tallagh site for an average depth of 2m reflects the site specific conditions and topography of this site.

As noted in your letter of 18th February, this is consistent with the views expressed in the agronomy report by Mr. James Carton – Agricultural Consultant, submitted in January 2011 and which supercedes earlier reports.

Relevance or otherwise of The EPA Landfill Manual in this case;

The existing and proposed land reclamation at the Tallagh site from cutover bog to agricultural grazing land by infilling and creation of appropriate topography and profiles is not a landfilling activity ; the recovery works are specifically for the progressive reclamation of the site from the outset i.e. the recovery activity is solely for the purpose of creating agricultural land and the end use is pre-determined from the start, whereas landfills are primarily used for the disposal of material followed at some later date by conversion or restoration to some other use.

The existing and proposed inert soil and stone recovery activity at the Tallagh site is not a disposal facility. Land reclamation as is intended at Tallagh is a separate legal entity to landfilling. Consequently, this site does not fall under the category of a landfill and therefore the Landfill Manual requirements do not apply to this site. It also follows that Table 4.3 as referenced by the EPA "Recommended minimum soil depth (after placement) required for restoration for various landfill types" does not apply. There is no parallel – apparent or otherwise- between Table 4.3. requirements and this application; from the perspective of site restoration; the Tallagh site will be progressively reclaimed and restored from the outset .

Some confusion may have arisen in relation to this application being considered (wrongly) as a landfill due to the fact that the original application, commenced in 2008 and lodged in January 2009, used the then available form which referred to Landfill rather than Waste Soils Recovery.

The current application form, available from later in 2009 and now available for download from the Agency website, is for Waste Soils Recovery Facilities i.e. facilities for the recovery (via land reclamation/redevelopment) of uncontaminated natural earth-forming materials such as soil, sub-soils, stone and rock. There is also a clearly established EPA Guidance Note for Waste Soils Recovery Facilities, which assists applicants in the preparation of a licence application for a Waste Soils Recovery Facility. Page 1 of the EPA Guidance Notes states: *"For the purposes of these guidance notes, the term 'Soils Recovery Facility' is intended to mean a facility for the recovery, via land reclamation/redevelopment, of uncontaminated natural earth-forming materials such as soil, sub-soils, stone and rock"*.

The facility at Tallagh meets all the requirements and definition of a "Soils Recovery Facility" and the applicant respectfully requests that the Agency cease to refer to this existing and proposed recovery activity with references and terms which relate to "landfills".

General

It is noted that other recently licensed soil recovery facilities allow for the importation of very substantial quantities of inert soil and stone under their waste licences and also allow for a far greater depth of fill than proposed for the site at Tallagh.

For example, the following licences allow for;

- W0247-01 ; 400, 000 tonnes per annum (tpa)
- W0255-01; 280,000 tpa
- W0252-01; 1,134,000 tpa

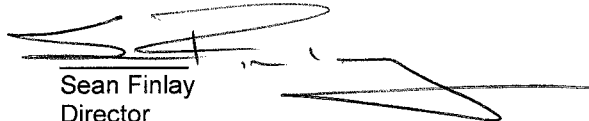
For comparison, this application allows for just under 25,000 tpa.

There is further clear legal precedent that soil and stone recovery facilities may be licensed as a totally separate class of activity to "landfills" and as recovery activities.

It is noted that the EPA has, in 2009, accepted that natural soils/subsoils infilling activity shall be classed as waste recovery rather than waste disposal and is supported by the DoEHLG in this view (Reference Technical Committee Report on W0247-01). It is our understanding that it has

also been accepted by the EPA and DoEHLG that recovery is recovery regardless of size or scale or depth of recovered material.

Yours Sincerely,



Sean Finlay
Director
Tobin Consulting Engineers

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