

ATTACHMENT L1 – STATUTORY REQUIREMENTS SECTION 40(4) OF WASTE MANAGEMENT ACTS 1996-2008

In developing the proposed quarry restoration scheme, Roadstone Wood Ltd. has had regard to the requirements of Section 40(4) of the Waste Management Acts 1996-2008. 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, waste recovery activities at the site present only very low risk of groundwater contamination, no risk of landfill gas emissions and no risk of bird, litter, odour or vermin nuisance.

When the waste recovery facility is operational and site restoration works proceeding, there is a small risk of groundwater pollution from the following potential sources:

- accidental spillage of fuels and lubricants by construction plant placing the inert fill;
- increase in suspended solids and potential for contaminated run-off percolating down to the groundwater table during restoration of the site; and
- inadvertent importation or placement of rogue loads of contaminated material at the site.

In order to minimise the risk of pollution to groundwater occurring as a result of waste recovery activities, a number of mitigation measures are proposed. These measures give effect to Council Directive 80/68/EEC on the protection of groundwater against pollution and are outlined in Chapter 6 of the Environmental Impact Statement.

Noise and dust levels from former quarrying activities and aggregate processing and concrete production facilities at the application site did not exceed recognised threshold emission limits for extractive industry. A modified Environmental Management System, similar to that which operates at the existing facility, will be designed and implemented to minimise and control emissions to the environment during the quarry backfilling and restoration works, refer to relevant sections of the Environmental Impact Statement..

- 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 recovery through disposal of inert soil and stones is necessary for the restoration of the application site 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 used in the restoration of 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, refer to relevant sections of the Environmental Impact Statement.

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 relevant local authority or authorities for the purpose of the implementation of such plan.*

As the materials recovered at the waste recovery facility 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 soil waste is imported for backfilling and restoration of the quarry.

The proposed backfilling and restoration of the application site will, for the most part, only require utilisation of conventional HGV trucks and earthmoving equipment. 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, refer to Chapters 7 and 8 of the Environmental Impact Statement..

The Joint Waste Management Plan for the South East Region 2006-2011 prepared by the local authorities of Counties Carlow, Kilkenny, South Tipperary, Waterford and Wexford estimates that in 2003, approximately 430,000 tonnes of construction and demolition (C&D) waste was generated in the region. The plan does not provide a breakdown of the waste streams within this category on account of incomplete data sets or non-returns from permitted waste facilities.

Section 11.7 of the South Eastern Waste Management Plan (2006-2011) identifies a number of objectives for management of construction and demolition waste. It states that in the exercise of its development functions, the local authorities will *'encourage the provision of recycling facilities in appropriate quarry developments....for the recycling/recovery of C&D waste.'* It further states that the Region as a whole will *'promote the reinstatement of historical sites with appropriate material subject to site suitability'*. More generally, the plan indicates that the Regions will *'promote the provision, by the private sector, of the necessary infrastructure for the recycling and recovery of C&D waste'*.

Section 11.13 of the plan addresses the location of waste management facilities. It states that it is the policy of the Region to provide for waste management facilities *'notwithstanding the zoning of land for the use solely or primarily of particular areas for particular purposes in development plans, or the absence of zoning provisions'* and that *'approval for waste management facilities necessary for proper implementation of the Plan shall be considered open for consideration in all areas'*.

In view of the stated objectives identified above, it is considered that the development of an inert soil recovery facility at Brownswood quarry is consistent with the objectives of the Joint Waste Management Plan for the South East Region.

- 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.*

Refer to Attachment L2.

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

Roadstone Wood Ltd. 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 office (lighting, heating, computers etc.) will be provided by a connection to the electricity supply network. Plant and equipment required to undertake the proposed waste recovery activities 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 earthmoving 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 operating the former quarry and/or the existing concrete production facility, noise emissions at the application site were consistently below the recognised threshold average ambient noise level for the extractive industry of 55L_{Aeq} dB(A).

- h) *Necessary measures will be taken to prevent accidents in the carrying on of the activity concerned and, 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 Outline Contingency Plan reproduced in Appendix 2.1 of the Environmental Impact Statement.

- 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 of the capping, decommissioning and aftercare activities to be undertaken on completion of the site restoration works are provided in Chapter 2, Paragraphs 2.77 to 2.82 and Paragraphs 2.137 to 2.142 of the Environmental Impact Statement.

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, Roadstone Wood Ltd. 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 implementing an effective Environmental Management System.

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 imported to the proposed waste facility are effectively re-used for a beneficial purpose or used to produce secondary aggregate, there is no scope for further materials recovery and/or recycling.

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

No alternative successful soil recovery activities 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 materials imported and recovered at the proposed facility 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 small scale construction and demolition waste and/or soil recovery operations currently in operation in County Wexford. These facilities operate in a commercial environment and meet the demand for soil recovery generated by the construction industry. Existing soil recovery facilities are regulated by means of Local Authority waste facility permits and typically have a finite volumetric capacity or operating life. Additional facilities are required on an ongoing basis to replace closed facilities and ensure the existing market continues to function normally.

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

As previously noted, the materials recovered at the application site are inert and recovery activities employ conventional, relatively low technology plant and equipment. As such there is little scope or requirement to develop new waste management technologies or techniques to provide enhanced environmental protection.

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

The only materials consumed by waste recovery activities at the application site 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 the site office (lighting, heating etc) will be provided by a connection to the electricity supply network. Energy use will be minimised insofar as practicable.

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 recovered at the proposed waste facility 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.