

11 October 2011

Environmental Licensing Programme  
Office of Climate Change, Licensing and Resource Use  
Environmental Protection Agency  
Headquarters,  
P.O. Box 3000,  
Johnstown Castle Estate,  
County Wexford.

Our Ref: 501.00237.00002  
Your Ref : W0260-01

Dear Sir / Madam

**RE: CHI ENVIRONMENTAL LIMITED : WASTE LICENCE APPLICATION W0260-01  
GRANNAGH WASTE RECOVERY FACILITY  
RESPONSE TO SECTION 14 CLARIFICATION REQUEST**

Further to your letter dated 10<sup>th</sup> August last issued to Chi Environmental Ltd. in accordance with Article 14(2)(b)(ii) of the Waste Management (Licensing) Regulations, we have provided herein our response to your request to submit additional information and/or clarifications in respect of its proposed inert waste recovery facility at Grannagh, Kilmacow, Co. Kilkenny arising from

- (i) enactment of the European Communities (Waste Directive) Regulations 2011 on 31 March last and
- (ii) associated amendments to the Waste Management (Licensing) Regulations 2004-2011.

## **1 RELEVANT CLASSES OF WASTE ACTIVITY**

**With reference to Article 12(1)(f) of the Waste Management (Licensing) Regulations, provide a revised Table B7.1 and Table H.1(A) identifying the relevant classes of activity according to the Third and Fourth Schedule to the amended Waste Management Acts 1996 to 2011.**

As requested, we have updated Table B7.1 and Table H1(A) of the waste licence application form to reflect the recent amendments to the Third and Fourth Schedules of the Waste Management Acts, 1996 to 2011. As an amended version of the licence application form for waste soil recovery facilities has not yet been published on the EPA website, we have re-formatted tables B7.1 and H1(A) to reflect the recent amendment of waste activity classes in national legislation. Copies of the reformatted and amended tables are provided at the back of this letter.

## 2. APPLICATION OF WASTE HIERARCHY

**Provide information to address the requirements of Article 12(1)(v) of the Waste Management Licensing Regulations 2004, as amended, in relation to a description of how the waste hierarchy in Section 21A of the amended Waste Management Acts 1996 to 2011 is applied. Please have regard to the requirements of Section 29(A) of the amended Acts in addressing this item.**

The waste hierarchy set out by national and European legislation requires that the following priority apply in the development and implementation of waste management policy:

- (i) prevention
- (ii) re-use / preparation for re-use
- (iii) recycling
- (iv) recovery
- (v) disposal.

The waste recovery facility at Grannagh provides for recovery of excavated inert, uncontaminated soil and recycling of inert construction and demolition waste.

### ***Inert Soil***

Recovery is defined in the Waste Framework Directive as *'any operation, the principal result of which, is waste serving a useful purpose by replacing materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy'*.

The inert soil waste imported to the proposed recovery waste facility at Grannagh is excavated at construction / development sites or for utilities installation / maintenance. Given that excavation and handling of such materials incurs a cost, it can be implicitly assumed that engineering designers and/or works contractors will avoid or minimise, insofar as possible, the volume of excess soil material excavated in order to execute the planned development or maintenance works.

It can also be implicitly assumed that excess excavated soil material will only be exported off-site where it is not possible to re-use it within the development site or to backfill temporary excavations. Given the limited scale of most demolition projects, inert construction and demolition waste is generally transferred off-site for recovery at permitted or licensed facilities.

Where soil waste is inert, it can be re-used at off-site locations for practical and beneficial purposes without the need for treatment, processing or other form of recycling.

It is therefore evident that where excess inert soil is generated by development or utilities related works and requires to be exported off site, the highest tier activity on the waste hierarchy to which it may be assigned is a waste recovery activity. The proposed backfilling of the site at Grannagh using inert waste soils and its long-term restoration back to agricultural use will achieve a desirable outcome which would not otherwise be possible or would require extensive use of natural soil resources.

### ***Construction and Demolition Waste***

Recycling is defined in the Waste Framework Directive as *'any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes'*.

It can generally be taken as a given that demolition of existing structures is only undertaken as necessary to facilitate construction and development projects. At the Grannagh facility, construction and demolition waste is crushed and screened in order to produce a secondary aggregate which can be recycled as a general low grade granular fill for use by the construction industry. In general, recycling of inert construction and demolition waste in this way is the highest tier activity on the waste hierarchy to which this waste stream can be assigned.

As requested we have provided

- 2 No. paper (hard) copies of this response, 1 No. original and 1 No. copy.
- 2 No electronic (soft) copies of this response on a CD-ROM.

We trust that the information provided herein adequately addresses the issues raised in your letter and that you will shortly be in a position to issue a proposed determination on this waste licence application.

**Yours sincerely**  
**SLR Consulting Ireland**

**Derek Luby**  
Technical Director

cc Pat Murphy (Chi Environmental)

Enc Revised Table B7.1 / H.1(A)  
CD (Electronic copy)

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**WASTE LICENCE APPLICATION W0260-01**  
**Grannagh Waste Recovery Facility, Kilmacow, Co. Kilkenny**

**TABLE B.7.1 (AMENDED)**  
**FOURTH SCHEDULE OF THE WASTE MANAGEMENT ACTS 1996 TO 2011**

<b>FOURTH SCHEDULE</b> <b>Waste Recovery Activities</b>		<b>Y/N</b>
R3	Recycling / reclamation of organic substances which are not used as solvents (including composting and other biological processes) which includes gasification and pyrolysis using the components as chemicals.	Y
R4	Recycling / reclamation of metals and metal compounds	
R5	Recycling / reclamation of other inorganic materials, which includes soil cleaning resulting in recovery of the soil and recycling of inorganic construction materials.	P
R10	Land treatment resulting in benefit to agriculture or ecological improvement.	
R11	Use of waste obtained from any of the operations numbered R1 to R10.	
R12	Exchange of waste for submission to any of the operations numbered R1 to R11 (if there is no other R code appropriate, this can include preliminary operations prior to recovery including pre-processing such as, amongst others, dismantling, sorting, crushing, compacting, pelletising, drying, shredding, conditioning, repackaging, separating, blending or mixing prior to submission to any of the operations numbered R1 to R11).	
R13	Storage of waste intended pending any of the operations R1 to R12 (excluding temporary storage (being preliminary storage according to the definition of 'collection' in Section 5(1)), pending collection, on the site where the waste is produced.	Y

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**TABLE H1(A) (AMENDED)**  
**QUANTITIES OF WASTE IN RELATION TO EACH CLASS OF ACTIVITY APPLIED FOR**

<b>WASTE MANAGEMENT ACT 4TH SCHEDULE (RECOVERY) ACTIVITIES</b>	
<b>Class of Activity Applied for</b>	<b>Quantity (tpa)</b>
Class R3	5,000
Class R4	
Class R5	170,000
Class R10	
Class R11	
Class R12	
Class R13	20,000

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