

Attachment L

Statutory Requirements

Attachments in this Section include:

- L.1 Section 40(4) Waste Management Act
- L.2 Fit & Proper Person

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Attachment L.1 Section 40(4) Waste Management Act

The Waste Management Act 1996 to 2011 states that the Agency shall not grant a waste licence unless it is satisfied that sections 40(4)(a) to (i) have been met.

"(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"

Emissions from the facility will not result in the contravention of any relevant standard or emission limit values. Control measures and environmental management practices are in place to ensure that any emissions caused as a result of the activity do not give rise to nuisances or exceed any specified standards or limits. Details on the control of emissions is outlined in Sections E and F and Attachments E and F of this application.

"(b) the activity concerned, carried on in accordance with such conditions as may be attached to the licence, will not cause environmental pollution"

Upon the grant of a waste licence, O'Toole Composting will comply with the conditions as attached to the licence. An environmental management system is currently in place to ensure that control measures are in place to ensure that the activity does or will not 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"

Best available technology has been invested in at this facility. A GICOM composting system has been installed at the facility. The GICOM process software controls the composting process. This advanced integrated system controls emissions that may result from the process. Future investments made by O'Toole Composting will consider all BAT at proposal stages and invest in where practicable or appropriate for the activities.

"(d) if the applicant is not a local authority, the corporation of a borough that is not a county borough, or the council of an urban district, subject to subsection (8), he or she is a fit and proper person to hold a waste licence"

O'Toole Composting are considered a fit and proper person to hold a waste licence as outlined in section L.2 of this attachment.

"(e) the applicant has complied with any requirements under section 53"

It is considered that O'Toole Composting Ltd will be able to meet the financial commitments or liabilities as required under conditions of the licence. Details of this are outlined in Section L.2 of this attachment.

"(f) energy will be used efficiently in the carrying on of the activity concerned"

Energy is used throughout the facility in the composting building and facility offices. Energy is used efficiently at the facility due to the investments made in energy efficient processing plant and energy conservation practices in the facility offices. In Phase 2 of this proposed development, it is expected that renewable energy will be produced from the AD plant. This energy can be harvested on-site and used for the on-site facility operations.

"(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 from the facility will not result in any nuisances being caused at any surrounding receptors. The activity will not result in the contravention of any regulations under section 106 of the Act of 1992. Noise monitoring is carried out at the facility on an annual basis. Noise monitoring reports for 2010 and 2011 are included in Attachment E of this application where noise is further discussed. For further information on noise from the facility refer to Section 3.6 of the EIS.

"(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"

An accident prevention policy and an emergency response procedure are in place at the facility to ensure the control of any potential accidents arising. The accident prevention policy is included as part of this attachment. The emergency response procedure forms part of the EMS and is included in Attachment C of this application.

"(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 a satisfactory state"

It is not proposed to cease activities or close the facility in the short or medium term. In the unlikely event that the facility will cease operations then all necessary measures will be taken by the Licence holder to ensure that no environmental pollution will be caused or no on-going liability will remain at the facility. A facility closure plan is included in Attachment K of this application.

"(j) the intended method of treatment is acceptable from the point of view of environmental protection, in particular when the method is not in accordance with section 32(1)"

This facility is and will continue to be managed in accordance with the Environmental Management System in place to ensure that the activity does not endanger human health or cause harm to the environment. On grant of the Waste Licence, the facility will be operated in accordance with the Licence conditions. All environmental monitoring as required by the Licence will be carried and Emission Limit Values will be complied with. Control and mitigation measures are outlined in detail in the EIS that accompanies this application. Refer to EIS Volume 2: Section 3.

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Attachment L.2 Fit and Proper Person

Section 40(4)(d) of the Waste Management Act specifies that the Agency shall not grant a licence unless it is satisfied that the 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. O'Toole Composting Ltd is considered to be a fit and proper person on the following basis:

O'Toole Composting Ltd commenced the operations of a composting facility in 2004. This facility is currently operated under waste Facility Permit WFP-CW-10-0003-01, which was issued by Carlow County Council. To date OTCL have never been convicted of any offences 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.

Mr. Patrick O'Toole has acted as Manager of the facility since the commencement of its operation in 2004. Mr. O'Toole has FÁS FETAC Certificate in Waste Management Course as well as eight years experience in the composting and waste industry. Section C.1 of this application details all other relevant staff on-site.

It is expected that O'Toole Composting Ltd will be in a position to meet any financial commitments or liabilities that may be required in order to meet the operating and closure requirements of the Licence. refer to Section K of this application for further information on closure and aftercare management plans.

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