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Mr Jim Dowdall  
Enviroguide Consulting  
93 Upper Georges St  
Dun Laoghaire  
Co. Dublin

24 June 2013

Waste Licence Application Reg. No.: W0284-01

**Re.: Notice in accordance with Article 14(2)(b)(ii) of the Waste Management (Licensing) Regulations 2004, as amended.**

Dear Mr Dowdall,

I am to refer to the above referenced application for a waste licence relating to a facility at Ballintrane, Fenagh, Co. Carlow. 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**

1. Undertake a screening for Appropriate Assessment and state whether the activity, individually or in combination with other plans or projects is likely to have a significant effect on a European Site(s), in view of best scientific knowledge and of the conservation objectives of the site(s).

Where it cannot be excluded, on the basis of objective scientific information, following screening for Appropriate Assessment, that an activity, either individually or in combination with other plans or projects, will have a significant effect on a European Site, the applicant shall provide a Natura Impact Statement, as defined in Regulation 2(1) of the European Communities (Birds and Natural Habitats) Regulations (S.I. No. 477 of 2011). Where, based on the screening, it is considered that an Appropriate Assessment is not required; a reasoned response should be provided.

You are furthermore advised to refer to the document 'Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities', issued in 2009 by the Department of the Environment, Heritage and Local Government, and revised in 2010. This document is available at:

[http://www.npws.ie/publications/archive/NPWS\\_2009\\_AA\\_Guidance.pdf](http://www.npws.ie/publications/archive/NPWS_2009_AA_Guidance.pdf).





2. Clarify how the infrastructure (including storage areas), plant and processing equipment at the facility have the capacity to deal with the proposed increase in throughput.
3. State how the digestate from the AD process will be managed and used (solid and liquid fractions).
4. Confirm if the AD process is proposed to be stand-alone or integrated with the existing or proposed composting process.
5. Reference is made throughout the application to the term '*biowaste*'. Given that the term biowaste is now defined in the Waste Management Acts 1996 to 2013, clarify if all the organic waste<sup>1</sup> proposed for acceptance at the facility meets the definition of *biowaste*.
6. Provide a map showing all monitoring locations, emission points (include the emission from the CHP unit) and the well location.
7. State the quantity of water abstracted from the on-site well.
8. Propose appropriate trigger levels and/or emission limit values for the discharges from SW1 and SW2 to the Tinnaclash River and provide a justification for your proposal.
9. Provide an air dispersion modelling assessment for H<sub>2</sub>S, HCl and HF at emission levels that will provide assurance that relevant air quality standards will not be exceeded.
10. In accordance with section 53(1) of the Waste Management Acts 1996 to 2013, please furnish particulars in respect of the ability of O'Toole Composting Limited to meet the financial commitments of liabilities that will be entered into or incurred in carrying on the proposed activity and provide evidence that O'Toole Composting Limited will be in position to make financial provision that is adequate to discharge these financial commitments. Specifically:
  - a. Prepare a fully detailed and costed Closure, Restoration and Aftercare Management Plan (CRAMP) for the facility, to include as a minimum the following:
    - i. A scope statement for the plan.
    - ii. The criteria which define the successful closure and restoration of the facility or part thereof, and which ensure minimum impact to the environment.
    - iii. A programme to achieve the stated criteria.
    - iv. Where relevant, a test programme to demonstrate the successful implementation of the plan.
    - v. Details of the long-term supervision, monitoring, control, maintenance and reporting requirements for the restored facility.
    - vi. Details of the costings for the plan and the financial provisions to underwrite those costs.
  - b. Prepare a fully detailed and costed Environmental Liabilities Risk Assessment (ELRA) which addresses the liabilities and potential liabilities from past and proposed activities, including those liabilities and costs identified in the CRAMP. Provide evidence that the assessment was prepared or reviewed, and was found to be complete and accurate, by an independent and appropriate qualified consultant or expert.

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<sup>1</sup> Reference the Waste Management (Facility Permit and Registration) Regulations, 2007, as amended, for a definition of organic waste.





- c. Provide a proposal for financial provision to cover any liabilities associated with the operation and identified in the ELRA (including closure, restoration and aftercare and unanticipated accidents, incidents and liabilities). Provide evidence that O'Toole Composting Limited will be in a position to put such financial provision in place in the event that a waste licence is granted and prior to development works commencing.

The preparation of the CRAMP and ELRA and evaluation of the amount and form of financial provision should have regard to Environmental Protection Agency guidance including *Guidance on Environmental Liability Risk Assessment, Residuals Management Plans and Financial Provision (2006)*.

#### ARTICLE 13 COMPLIANCE REQUIREMENTS

1. Please elaborate on the proposed AD and CHP systems in all relevant sections of the EIS to ensure that all relevant aspects of the AD/CHP plant are fully assessed in the EIS.

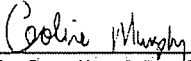
Your reply to this notice should include a revised non-technical summary (Application Form and EIS) which reflects the information you supply in compliance with the notice, insofar as that information impinges on the non-technical summary.

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 a one original plus one copy in hardcopy format within 8 weeks of the date of this notice. In addition please submit two 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 **W0284-01**. 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,

  
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Ms Caroline Murphy  
Inspector  
Environmental Licensing Programme  
Office of Climate, Licensing & Resource Use



