

Eve O'Sullivan

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**Subject:** W0029-04 - Technical Amendment

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**From:** Marian Healy [<mailto:MarianHealy@offalycoco.ie>]

**Sent:** 16 April 2013 14:50

**To:** Brian Meaney

**Cc:** John Connelly

**Subject:** W0029-04 - Technical Amendment

Hi Brian,

Further to our last conversation I have attempted to get clarify from the OEE Kilkenny, who have now advised that they cannot provide that information to me, and have forwarded details for your consideration. Therefore I am not in a position to advise of what is required to be amended, as they cannot assist me in this regard. I note your comment that you did not wish to be "George Mitchell" in this, but as the OEE will not advise me as the licensee, I am afraid I must revert to you.

My options appear to relate to guessing the best option, which neither scientific or professional. To this end, I forward you the mail I had prepared some weeks back – as I have gleaned no further information in the interim.

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Further to your initial mail below, as you can see from the application, OCC outlined how the proposal might be considered under the existing conditions, and for this reason it was referred to OEE Kilkenny in the first instance. The OCC application for a Technical Amendment arose from a response from the OEE Kilkenny office advising that a Technical Amendment or a Review would be required, however no details were provided as to why the original application could not be progressed under Conditions 1.4 or 3.5 of W029-04 (Letter included in application.)

To answer your query:

1. Schedules: Section 4 of the proposal outlines that having reviewed other similar (albeit larger activities), the same schedule is used for activities that are similar in nature to the proposal therefore no changes to schedules are requested.
2. Conditions: The submission outlines how the proposal could be accommodated by existing conditions. One exception is Condition 8.17. Condition 18.17.1 which states "*the Civic Waste Facility shall only be used by private vehicles. The disposal of waste by commercial waste disposal contractors or local authority waste collection vehicles shall not be permitted*". The terms used in the remainder of condition 8.17 are confusing when reviewed against site activities that are outlined below.

To explain the site, I would like to outline the following history and development of the site:

The site originally had two active areas:

1. Landfill/working face
2. Public Waste Reception Area - which remains in use today and is the general area which the current proposal is to be located. This area has always accommodated domestic/commercial/waste collectors/Council vehicles etc to deposit waste into large skips, which were then transferred by Council staff to the landfill working face on site. In 2001, the activities in this area were extended with receptacles installed for various recyclable waste streams, commencing with oil, paper, steel, cardboard, plastics etc with further recyclable waste streams added over time. This operation was undertaken from 2001 – 2008 in this manner, so the area acted as Recycling Area as well as a Waste Transfer Area.

In 2008, a third active area commenced on the site. In June 2008 a Recycling Centre was opened towards the front of the site, adjacent to the Weighbridge office, so all receptacles for recycling moved to this new location. From June 2008 there were three active areas on the site:

1. Landfill/working face
2. Public Waste Reception Area – accepting waste from a wide range of customers and transferring the waste to the landfill workface – as per pre 2001 activity.
3. Recycling Centre

In October 2011, we ceased landfilling on the site, so now the two active areas on site at present relate to points 2 & 3 above, with the following changes in each:

**Public Waste Reception Area** – all waste is transferred for processing at other licensed sites.

**Recycling Centre** – the site continued to be extended with various waste streams, and now also offers a one stop approach including a facility for general waste and food waste bags - this has been replicated in our Recycling Centres in Birr & Edenderry also. While the majority of persons using this site are of the domestic sector, the vehicles which frequent the site include vans and other commercial vehicles, which are used by individuals to transport their domestic waste to the Recycling Centre.

The term included in Condition 8.17 of W029-01 (Condition 5.10 of W029-03) relates to a "Civic Waste Facility", which is not defined in the "Interpretation" section of W029-04, nor in the WM Act, therefore it is unclear whether it applies to the Public Waste Reception Area (i.e. Waste Transfer Area), or the Recycling Centre, or both based on the history above. And the account above highlights that it is not appropriate for either area and also that a Transfer Activity has been on site since pre 2001.

To this end I propose that the condition 8.17 be an option to re-consider to reflect the actual activities on site, and also accommodate the current proposal which is not a significant departure from the activities which have been undertaken on the site for the term of the EPA Waste License to date.

Please return if you require further details, or if direction can be provided on what area requires further information, I would be happy to prepare the required reports.

I apologise for the unusual nature of this request, but in the current situation, I am unclear what other avenues are available to revert on the queries raised.

Regards

Marian

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