

17 December 2013

Mr. Michael Owen, Inspector
Office of Climate, Licensing, Research and Resource Use
Environmental Protection Agency
PO Box 3000
Johnstown Castle Estate
Co. Wexford

Our Ref : 501.00180.00074
Your Ref : W0277-01

Dear Mr Owen

**Re: Inert Soil Waste Recovery Facility Huntstown, Co. Wexford (Ref. No. W0277-01)
Response to Article 12 Compliance Notice dated 1 November 2013**

This letter is submitted in response to an Article 12 Compliance Notice dated 1 November 2013 issued by the EPA Office of Climate, Licencing and Resource Use in respect of the proposed inert soil waste recovery facility on lands owned by Roadstone Wood Ltd. at Huntstown, Finglas, Dublin 11. This response, prepared by SLR Consulting Ireland, addresses the issues raised in the same order as presented in the letter of 1 November last.

RESPONSE TO ARTICLE 12 COMPLIANCE NOTICE

1. EMISSIONS TO GROUNDWATER

It is apparent that the septic tank to be utilised by staff at the facility is outside the licence application boundary. You are requested to submit a new waste licence application boundary map for the proposed waste facility to include the septic tank within its boundary.

In response to this request, we have amended a number of drawings previously submitted in the Environmental Impact Statement and Waste Licence Application to show a revised waste licence application boundary incorporating the existing septic tanks which services the site office and staff welfare facilities, both of which will be shared with the proposed waste recovery facility.

It has also recently come to our attention that the bunded fuel storage tanks located to the east of the maintenance shed which were in service at the time of the making of the waste licence application almost 3 years ago (in February 2011), have now been decommissioned and replaced by newer bunded tanks, located to the south of the maintenance shed. As the replacement fuel tanks are located outside of the original waste licence application boundary, we have further revised it to incorporate the new fuel storage tanks as these will serve the proposed waste recovery facility as well as the established site operations at Huntstown.

Two revised copies (at A3 size) of each of the following drawings are provided under cover of this letter in Attachment A.

Environmental Impact Statement

- Figure NTS 2 Site Infrastructure Layout
- Figure 1-2 Site Location / Site Notice
- Figure 1-3 Site Folios and surrounding Land Use
- Figure 2-1 Existing Site Layout

- Figure 2-2 Site Infrastructure Layout
- Figure 2-3 Site Utilities Layout
- Figure 2-4 Restoration Surface
- Figure 2-6 Environmental Monitoring Locations

Waste Licence Application Form

- Figure B2-2 Site Location Map
- Figure B2-3 Site Utilities Layout
- Figure B2-4 Restoration Surface

2. C&D WASTE RECYCLING FACILITY

It is noted that there is an existing C&D waste recycling facility, which operates under a facility permit, in close proximity to the proposed inert waste recycling facility. Should a waste licence issue for the proposed inert waste recycling facility, and assuming that both facilities will be operated by the same legal entity, the continued operation of the C&D waste recycling facility will be in contravention of Article 6(a) of Part 1 of the Third Schedule of the Waste Management (Facility Permit & Registration) Regulations 2007, as amended. You are requested to submit a proposal as to how this matter may be resolved.

Having reviewed the legal position and its existing construction and demolition waste recovery activities, Roadstone Wood Ltd. confirms that, in the event that the Agency issues a waste licence to it in respect of the proposed inert soil recovery facility at Huntstown, it will immediately

- cease construction and demolition waste recovery activities at the adjoining facility and
- meet with officials from Fingal County Council to initiate steps to surrender the existing waste permit (Ref. WFP-FG-09-0006-01) which regulates the activity.

3. COMPLIANCE WITH BAT

Provide a clear description as to how the proposed facility will comply with the relevant requirements of BAT. BAT for this activity is taken to be represented by the guidance given in the Agency's Draft BAT Guidance Note for the Waste Sector: Landfill Activities (April 2003), insofar as it relates to the waste recovery activities at this facility.

You should identify the key BAT which is to be applied to manage the relevant environmental aspect / emissions associated with operations at the facility.

A detailed outline of how the proposed waste recovery facility is deemed to comply with the relevant requirements of BAT is provided under cover of this letter in Attachment B.

4. COMPLIANCE WITH DIRECTIVES

Provide a clear description as to how the proposed facility will comply with the requirements of the following legislation (where applicable): Waste Framework Directive, Water Framework Directive, European Communities Environmental Objectives (Surface Water) Regulations (2009), European Communities Environmental Objectives (Groundwater) Regulations (2010), IPPC Directive and the Environmental Liabilities Directive.

A detailed outline of how the proposed waste recovery facility is deemed to comply with the requirements of the EU Directives and national regulations listed above is provided under cover of this letter in Attachment C.

5. LIABILITY, CLOSURE AND FINANCIAL PROVISION

In accordance with section 53(1) of the Waste Management Acts 1996 to 2013, please furnish particulars in respect of the ability of Roadstone Wood Ltd to meet the financial commitments of liabilities that will be entered into or incurred in carrying on the proposed activity and provide evidence that Roadstone Wood Ltd 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:**
- **A scope statement for the plan.**
 - **The criteria which define the successful closure and restoration of the facility or part thereof, and which ensure minimum impact to the environment.**
 - **A programme to achieve the stated criteria.**
 - **Where relevant, a test programme to demonstrate the successful implementation of the plan.**
 - **Details of the long-term supervision, monitoring, control, maintenance and reporting requirements for the restored facility.**
 - **Details of the costings for the plan and the financial provisions to underwrite those costs.**

A Closure, Restoration and Aftercare Management Plan (CRAMP) for the proposed inert soil waste recovery facility at Huntstown is provided under cover of this letter in Attachment D. The CRAMP addresses the criteria outlined above and the requirements of the EPA publication *Guidance on Environmental Liability Risk Assessment, Residuals Management Plans and Financial Provision (2006)*.

- (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 appropriately qualified consultant or expert.**

A copy of a fully detailed and costed Environmental Liabilities Risk Assessment (ELRA) for the proposed inert soil waste recovery facility at Huntstown is provided under cover of this letter in Attachment E. The ELRA has been prepared in accordance with the EPA publications *'Guidance on Environmental Liability Risk Assessment, Residuals Management Plans and Financial Provision'* (2006) and *'Draft Guidance on Assessing and Costing Environmental Liabilities'* (July 2013).

Costings for the closure and aftercare of the proposed waste recovery facility and remediation of uncontrolled or accidental environmental emissions have been independently assessed by SLR Consulting Ireland, having regard to the availability of required plant and/or operators in-house within Roadstone Wood (or from local retained sub-contractors) and opportunities to undertake progressive restoration as infilling activities continue.

- (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 Roadstone Wood Ltd 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)*.

Closure, Restoration and Aftercare

Subject to Agency approval, Roadstone Wood intends to make financial provision for the closure and restoration of the proposed waste facility at Huntstown by lodging an insurance company bond with the Agency, coupled with an agreement which will empower it to apply such security (or part thereof as may be required) to ensure the satisfactory completion of site restoration and aftercare works at Huntstown.

The initial amount of the bond will be agreed with the Agency and adjusted as necessary each year thereafter to take account of ongoing review and revisions of the CRAMP.

Environmental Liabilities

In order to make provision for potential (unknown) environmental liabilities, Roadstone Wood will arrange to have the following insurances in place in respect of the proposed waste recovery activities at Huntstown;

- (i) Employers Liability Insurance – indemnified for at least €2 million.
- (ii) Public Liability Insurance – indemnified for at least €2 million.
- (iii) Environmental Liability / Contractors All Costs Insurance – indemnified for at least €2 million

Should the Agency raise any concerns in respect of any clauses or provisions of these policies (such as limits on cover, policy exclusions or deductibles), Roadstone Wood will endeavour to modify the policy terms to satisfy the Agency's specific requirements (provided it is practicable and cost effective to do so).

Failing this, the company will endeavour to agree alternative measures to address the Agency's concerns (such as making provision for deductibles in accounts etc.) and provide such reassurance may be required in respect of financial provision for unknown liabilities at this facility.

6. APPROPRIATE ASSESSMENT

You are requested to 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.

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, you should 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.

An Appropriate Assessment Screening Report in respect of the proposed inert waste recovery facility has been prepared by SLR Consulting Ireland and addresses the potential effects of these activities on designated European nature sites.

The screening assessment concluded that the establishment and operation of the proposed inert waste recovery facility is not likely to have any adverse effect on the integrity of any Natura 2000 site, or on any of the qualifying features for which these sites have been classified or designated, either as a stand-alone development or in-combination with other plans or projects within its zone of influence.

A copy of the Appropriate Assessment Screening Report is provided under cover of this letter in Attachment F.

7. PLANNING

Please provide a copy of the following:

- ***The EIS submitted with the planning application (covering both quarrying extension and restoration)***
- ***A single map clearly showing (i) the area included in the planning application and (ii) the waste licence application boundary***

- ***The Planning Permission granted by Fingal County Council***
- ***The report of the Planning Inspector (Fingal County Council).***

In response to this request, we have included copies of all the requested documentation under cover of this letter in Attachment G.

Please note that the waste licence application boundary indicated on the submitted map is that which has been revised in light of

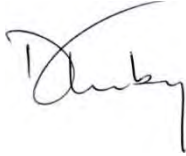
- the Agency's request (in its letter dated 1 November) to incorporate the existing septic tank within the application boundary
- the recent re-location of the fuel storage tanks which will service the proposed waste recovery facility to the south of the plant maintenance shed.

Close

Other than the need to update the infrastructure drawing (Figure NTS 2) , we consider that our response to the Article 12 Compliance Notice is not of such significance as to require revision of any information previously presented in the non-technical summary submitted in the EIS and waste licence application. As requested, two copies of this submission are provided in hard copy format (original plus one copy), together with 16 No. electronic copies in searchable PDF format on CD-ROM.

We trust that we have adequately addressed the issues raised in your Article 12 Compliance Notice dated 1 November last. Should you wish to discuss any of the points raised in this response in more detail, please contact the undersigned.

Yours sincerely,
For SLR Consulting (Ireland)



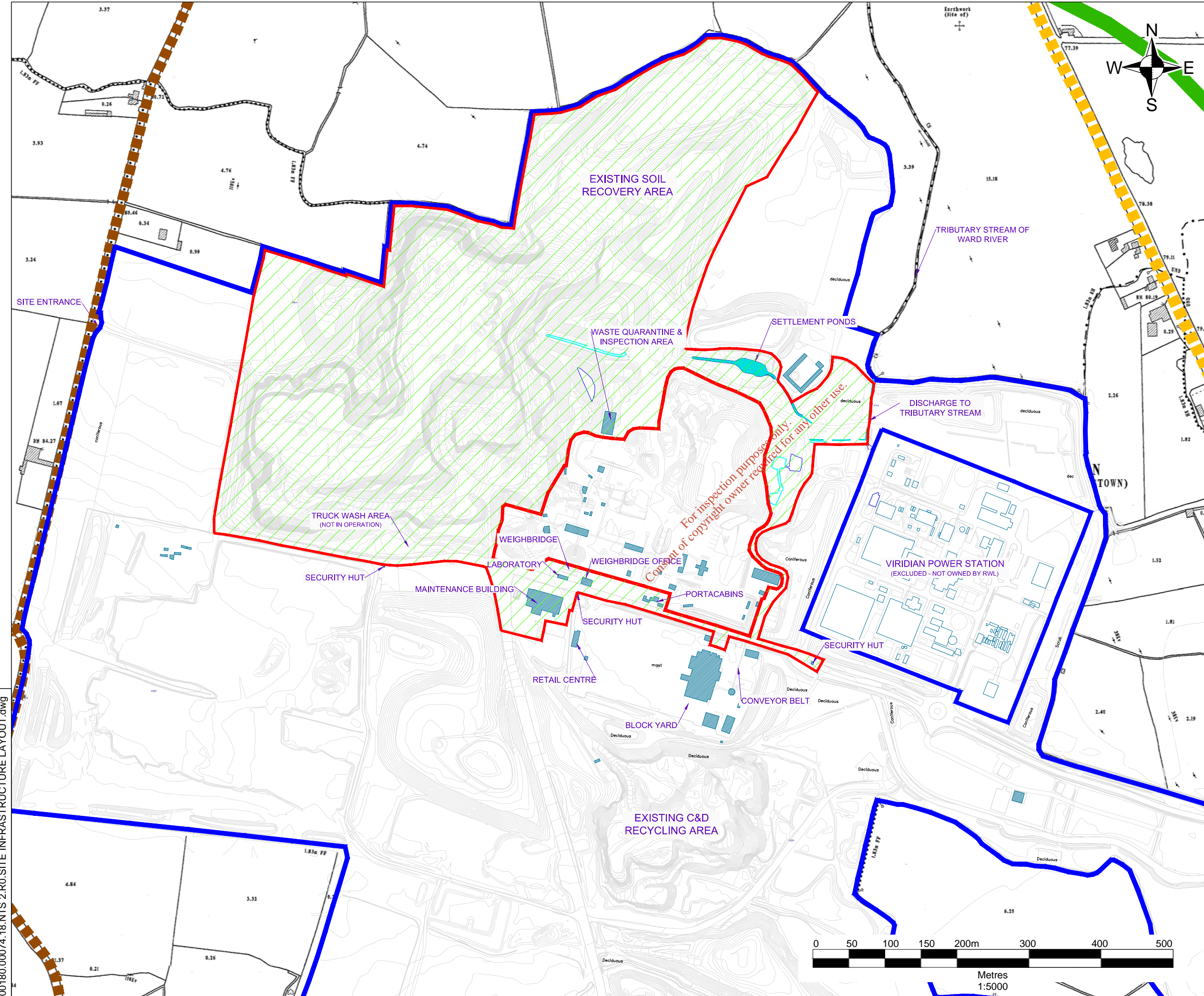
Derek Luby
Technical Director

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cc. Ronan Griffin Roadstone Wood Ltd.

ATTACHMENT A
REVISED WASTE LICENCE BOUNDARY

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- NOTES**
1. EXTRACT FROM 1:2,500 ORDNANCE SURVEY DIGITAL SHEET NO'S. 3062-A, 3062-B, 3062-C, 3062-D, 3063-A, 3063-C, 3130-A & 3130-B
 2. ORDNANCE SURVEY IRELAND LICENCE NO. SU 0000713 (C) ORDNANCE SURVEY & GOVERNMENT OF IRELAND
 3. TOPOGRAPHIC SURVEY PREPARED BY FUGRO BKS BASED ON MAY 2009 AERIAL PHOTOGRAPHY

LEGEND

	ROADSTONE WOOD LTD. LANDHOLDING (c. 201.8 ha)
	WASTE LICENCE APPLICATION AREA (c. 36.1 ha)
	N2 DUAL CARRIAGEWAY
	NORTH ROAD (R135)
	LOCAL ROAD



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**ROADSTONE WOOD LTD.
 NON TECHNICAL SUMMARY**

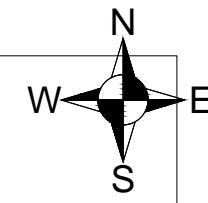
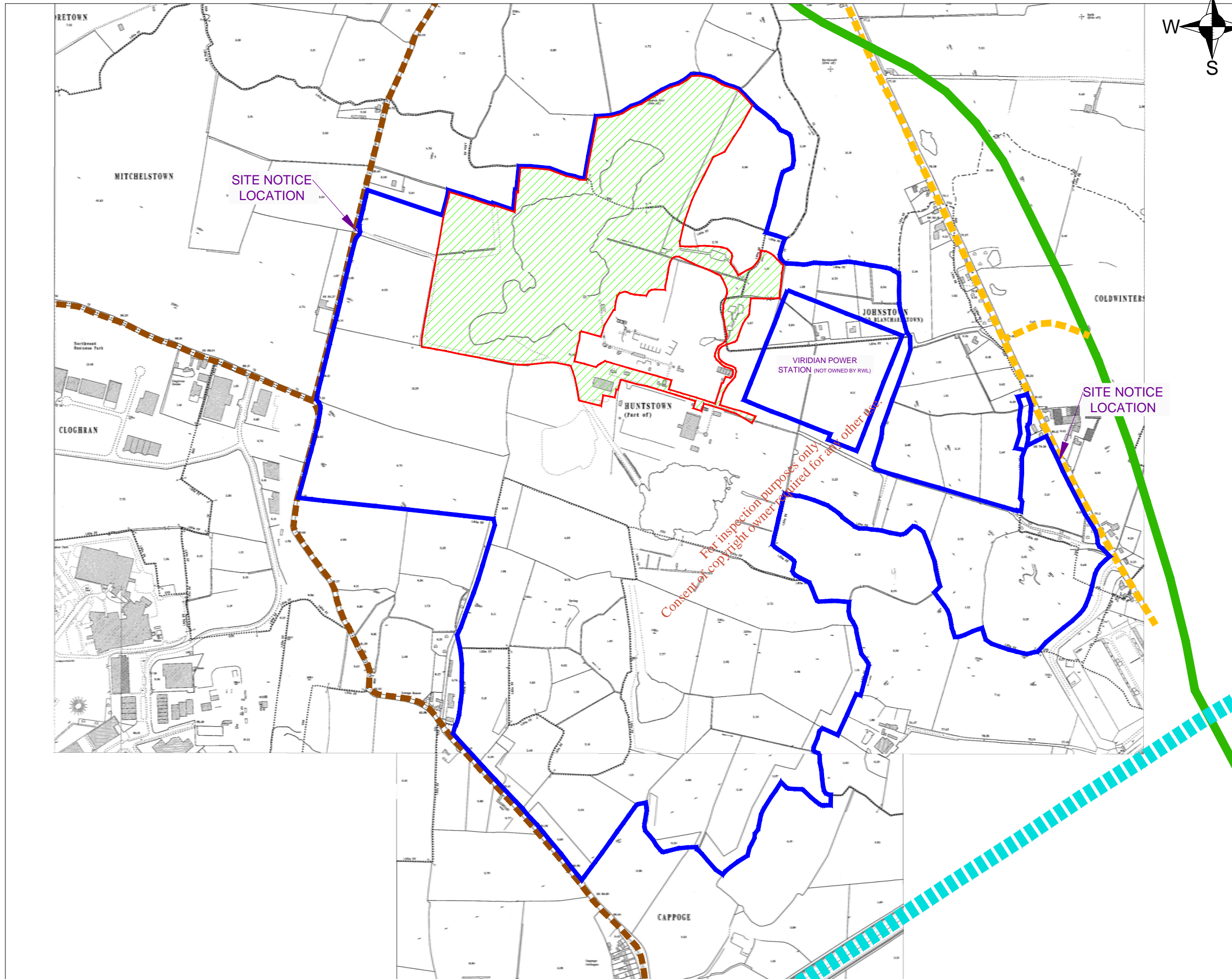
WASTE RECOVERY FACILITY,
 HUNTSTOWN QUARRY,
 NORTH ROAD, FINGLAS, DUBLIN 11

SITE INFRASTRUCTURE LAYOUT

FIGURE NTS 2

Scale 1:5,000 @ A3 Date DECEMBER 2013

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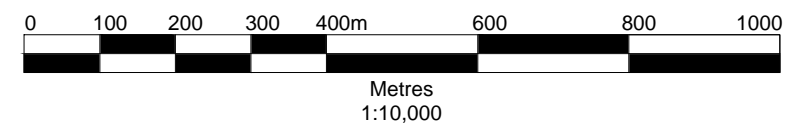
NOTES

- EXTRACT FROM 1:2,500 ORDNANCE SURVEY DIGITAL SHEET NO'S. 3062-A, 3062-B, 3062-C, 3062-D, 3063-A, 3063-C, 3130-A, 3130-B,
- ORDNANCE SURVEY IRELAND LICENCE NO. SU 0000713 (C) ORDNANCE SURVEY & GOVERNMENT OF IRELAND

LEGEND

	ROADSTONE WOOD LTD. LANDHOLDING (c. 201.8 ha)
	WASTE LICENCE APPLICATION AREA (c. 36.1 ha)
	N2 DUAL CARRIAGEWAY
	NORTH ROAD (R135)
	LOCAL ROAD
	M50 MOTORWAY

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**ROADSTONE WOOD LTD.
ENVIRONMENTAL IMPACT STATEMENT**

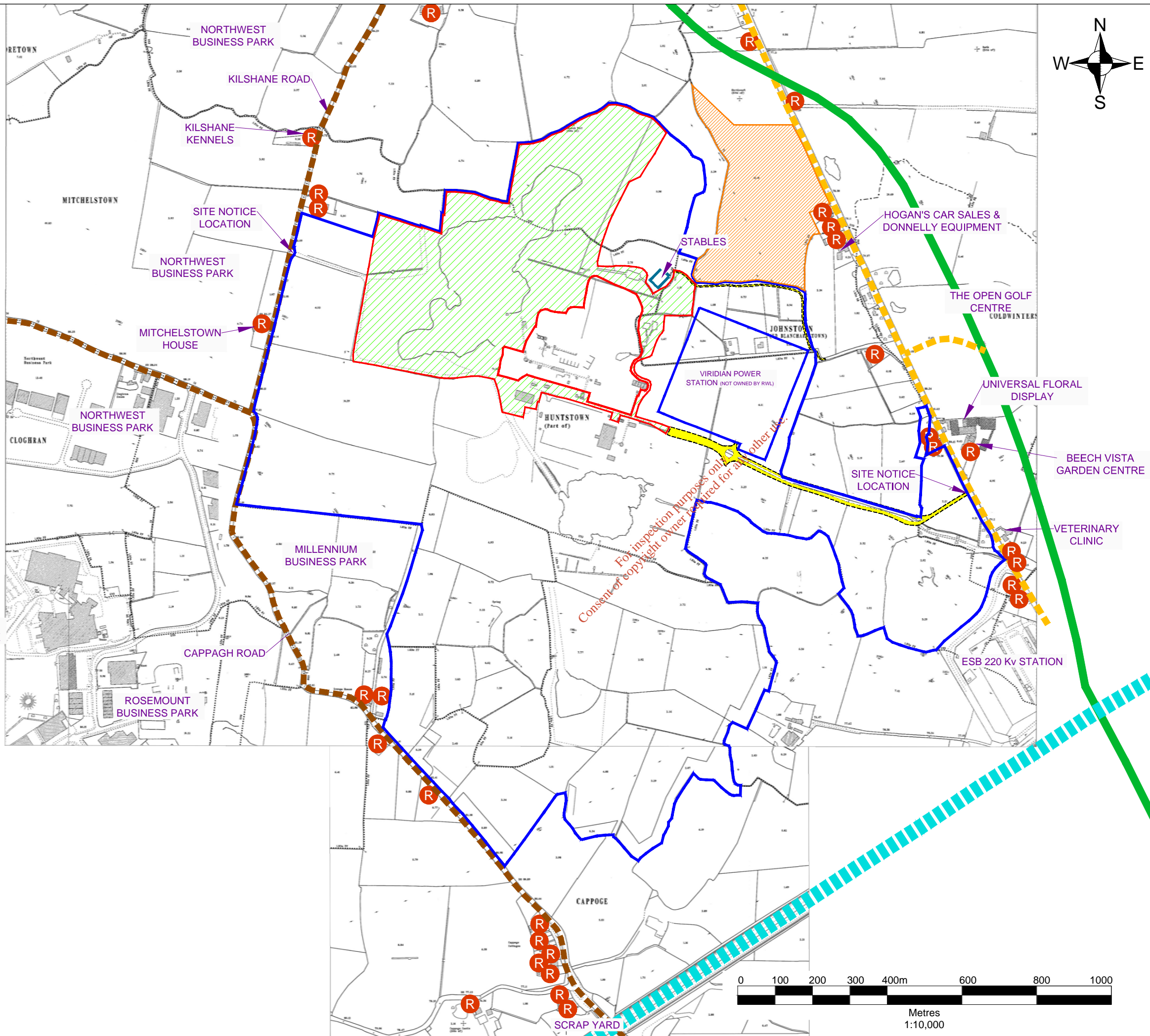
**WASTE RECOVERY FACILITY,
HUNTSTOWN QUARRY,
NORTH ROAD, FINGLAS, DUBLIN 11**

SITE LOCATION & SITE NOTICE MAP

FIGURE 1-2

Scale 1:10,000 @ A3	Date DECEMBER 2013
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NOTES

- EXTRACT FROM 1:2,500 ORDNANCE SURVEY DIGITAL SHEET NO'S. 3062-A, 3062-B, 3062-C, 3062-D, 3063-A, 3063-C, 3130-A, 3130-B,
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LEGEND

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	WASTE LICENCE APPLICATION AREA (c. 36.1 ha)
	M50 MOTORWAY
	N2 DUAL CARRIAGEWAY
	LOCAL ROAD
	NORTH ROAD (R135)
	RIGHT OF WAY
	LOCATION OF NEAREST RESIDENCES
	KILSHANE CROSS RECYCLING PARK



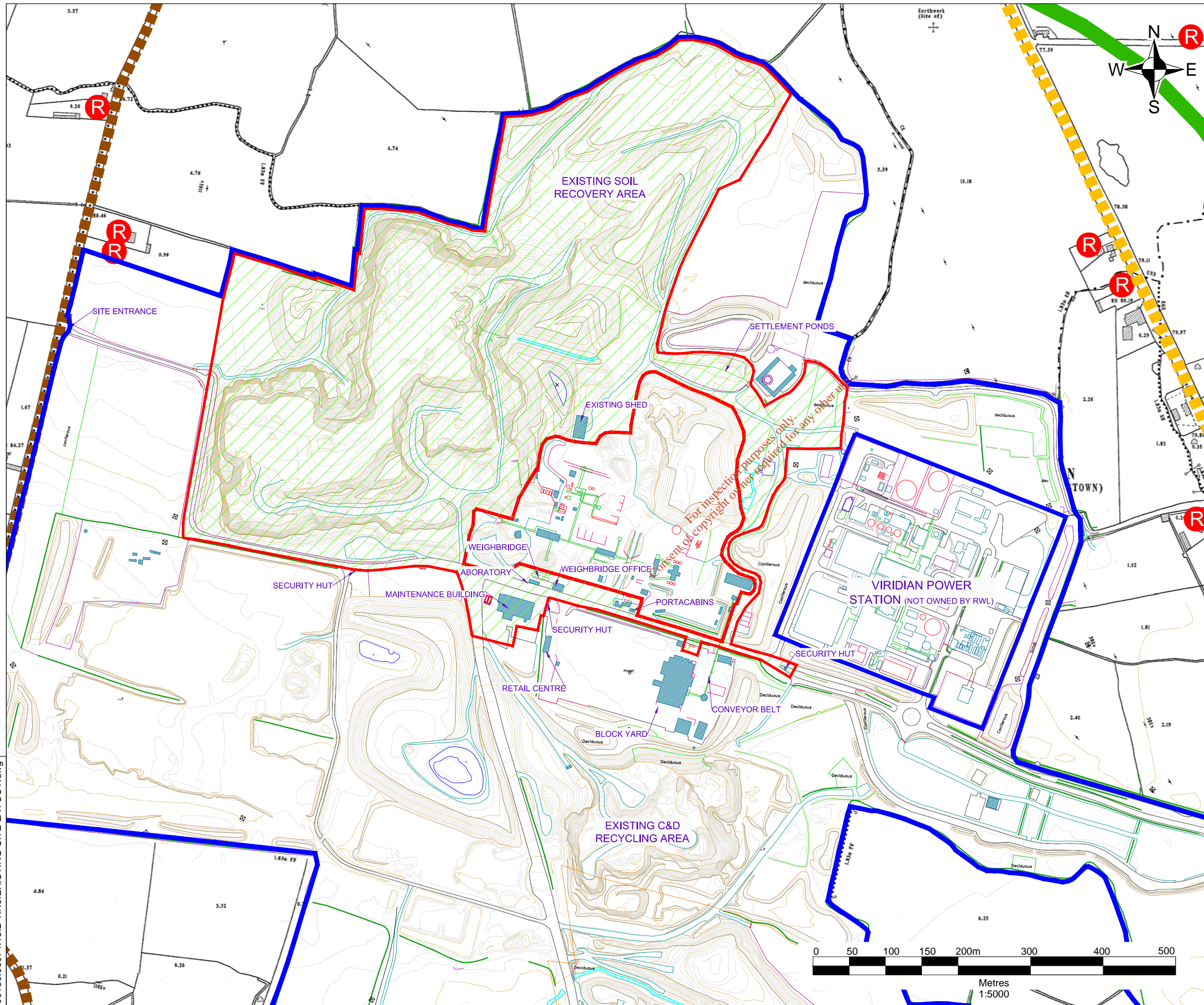
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ROADSTONE WOOD LTD.
ENVIRONMENTAL IMPACT STATEMENT
HUNTSTOWN QUARRY,
NORTH ROAD, FINGLAS, DUBLIN 11
SURROUNDING LAND USE

FIGURE 1-3

Scale: 1:10,000 @ A3 Date: DECEMBER 2013

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NOTES

1. EXTRACT FROM 1:2,500 ORDNANCE SURVEY DIGITAL SHEET NO'S. 3062-A, 3062-B, 3062-C, 3062-D, 3063-A, 3063-C, 3130-A & 3130-B
2. ORDNANCE SURVEY IRELAND LICENCE NO. SU 0000713 (C) ORDNANCE SURVEY & GOVERNMENT OF IRELAND
3. TOPOGRAPHIC SURVEY PREPARED BY FUGRO/RSKS BASED ON MAY 2009 AERIAL PHOTOGRAPHY

- LEGEND**
- ROADSTONE WOOD LTD. LANDHOLDING (c. 201.8 ha)
 - WASTE LICENCE APPLICATION AREA (c. 36.1 ha)
 - N2 DUAL CARRIAGEWAY
 - NORTH ROAD (R135)
 - LOCAL ROAD
 - LOCATION OF NEAREST RESIDENCES

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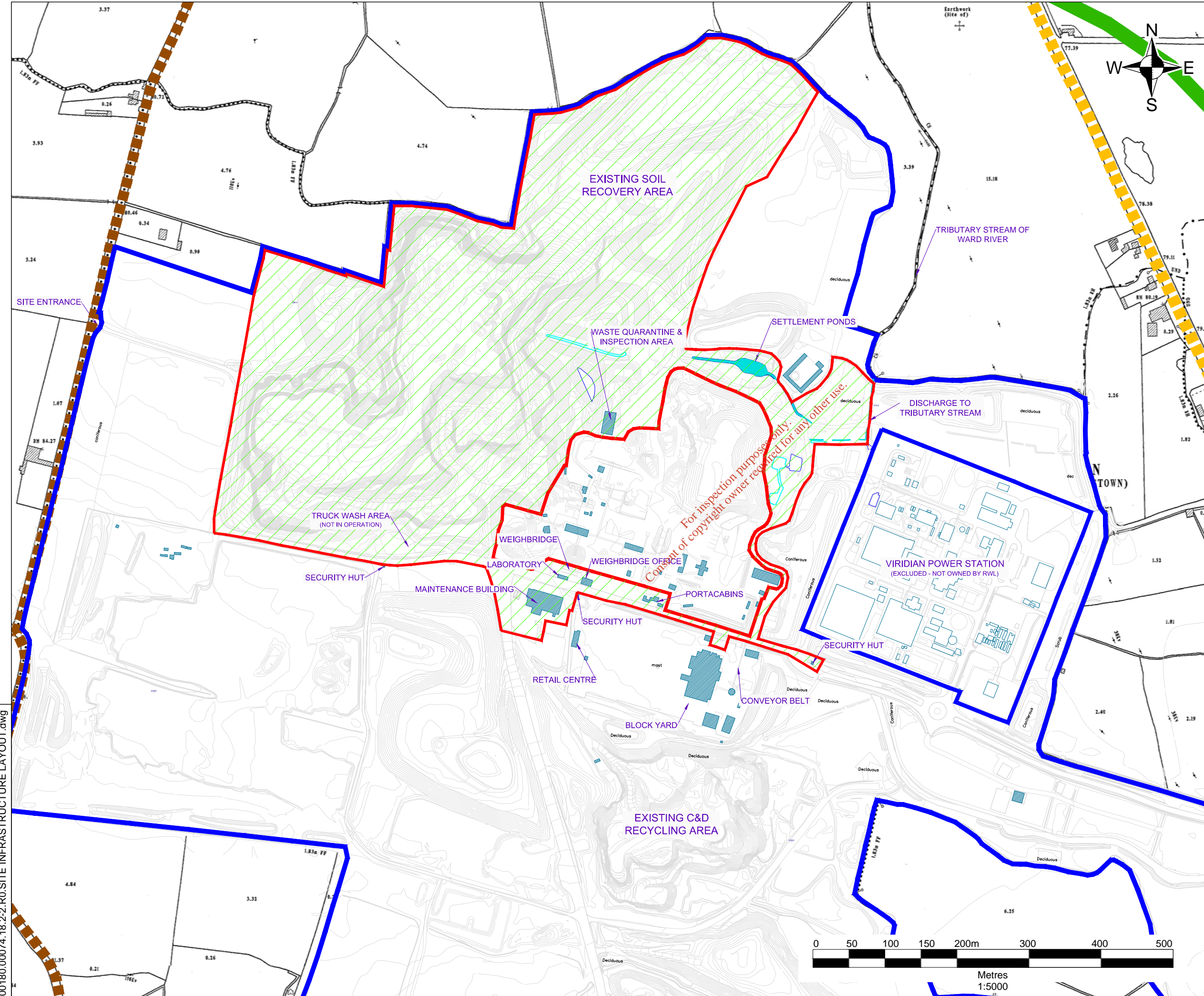
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 ENVIRONMENTAL IMPACT STATEMENT
 WASTE RECOVERY FACILITY,
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EXISTING SITE LAYOUT

FIGURE 2-1

Scale 1:5,000 @ A3 Date DECEMBER 2013
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NOTES

1. EXTRACT FROM 1:2,500 ORDNANCE SURVEY DIGITAL SHEET NO'S. 3062-A, 3062-B, 3062-C, 3062-D, 3063-A, 3063-C, 3130-A & 3130-B
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SITE INFRASTRUCTURE LAYOUT

FIGURE 2-2

Scale 1:5,000 @ A3 Date DECEMBER 2013

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