

Mr Robert Murphy
Dunbrinn
Grannagh
Kilmacow
Co. Kilkenny
(Via Waterford)

29 September 2014

Reg. No. W0260-01

RE: Notice in accordance with Article 14(2)(b)(ii) of the Waste Management (Licensing) Regulations 2004

Dear Mr Murphy,

I am to refer to the above referenced application for a waste licence relating to a facility at CHI Environmental Ltd, The Quarry, Grannagh, Kilmacow, Co. Kilkenny. 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 and Article 13 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. Section B.1 of the application states the company is registered as Crystalhill Inns Ltd (CRO No. 304224) and that the company trades as CHI Environmental Ltd (Ref. No. 372155). Clarify that Crystalhill Inns Ltd is the applicant, being the registered name of the company and not CHI Environmental Ltd which appears to be a trading name only.
2. State whether the activity is for the purposes of an establishment to which the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2000, as amended, apply.
3. Confirm all sampling points using Table F.3 to F.7 of the application form and ensure this information is reflected in the EIS.

ARTICLE 13 COMPLIANCE REQUIREMENTS

1. Due to a lack of clarity in existing site drawings and the location of authorised activities, please provide five up-to-date drawings of the facility, as follows:

Drawing 1

Confirm that the red site boundary shown in Figure No. 4.2.1.3 of the EIS is the site boundary of the proposed waste facility. If not provide a drawing which shows the site boundary relating to this licence application.

Drawing 2

The site boundary of the historic landfill.

Drawing 3

The proposed site boundary of the waste facility superimposed onto a drawing of the historic landfill's site boundary.

Drawing 4

A drawing of the boundary of landownership by Mr Robert Murphy in the area of the activity i.e. a drawing showing land ownership in areas where the historic landfill boundary falls outside the site boundary.

Drawing 5

A drawing of the facility which indicates the location and grid references of all groundwater monitoring wells (see point 4 below).

2. Confirm the amount of waste soil and stone deposited at the facility to-date and the remaining void space.
3. Figure 4.2.1.3 of the EIS indicates that the level of the proposed fill is to be no greater than the surrounding ground level; however, section 2.20 of the EIS states that the final landform will be profiled to give a domed shaped in order to facilitate drainage. Confirm the final profile of the areas to be backfilled and demonstrate how it was calculated that 550,000 tonnes of waste soil and stone will achieve this profile.
4. The description of the existing environment does not adequately include a discussion on the historic landfill and as such the likely significant impacts of waste activities at the facility including the historic landfill cannot be fully assessed. Include the historic landfill in the scope of the Environmental Impact Statement.

If it is determined that the historic landfill has resulted in significant adverse effects describe the measures envisaged in order to remedy any significant adverse effects.

Note: It is evident that a minimum of one additional groundwater monitoring well will be required down gradient of the historic landfill in order to establish

the hydrogeological regime, including gradient, and confirm if the landfill is having an impact on the Clonmel Groundwater body.

5. Include an assessment on the potential impacts of the facility on Waterford Harbour Shellfish Waters in the EIS.
6. A screening for Appropriate Assessment was undertaken on 23 September 2014 and the Agency determined that an Appropriate Assessment of the activity is required.

You are thereby required to submit a Natura Impact Statement (NIS), as defined in Regulation 2(1) of the European Communities (Birds and Natural Habitats) Regulations (S.I. No. 477 of 2011), as amended.

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.

Include the potential impacts from the historic landfill as part of this Appropriate Assessment.

7. Provide evidence that Crystalhill Inns Ltd can be regarded as a fit and proper person in accordance with Section 40(7) of the Waste Management Act 1996 as amended.
8. Describe any proposed arrangements for the prevention, minimisation and recovery of waste arising from activities at the facility.
9. State whether the activity gives rise or could give rise to an emission into an aquifer containing the List I and II substances specified in the Annex to Council Directive 80/68/EEC of 17 December 1979, and, if necessary, describe the existing or proposed arrangements necessary to give effect to articles 3, 4, 5, 6, 7, 8, 9 and 10 of the aforementioned Council Directive. Include potential emissions from the historic landfill in this assessment.

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.

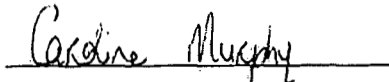




Please supply the information in the form of a one (1) original plus one (1) copy in hardcopy format within 12 weeks of the date of this notice. In addition submit sixteen (16) copies of the requested information to the Agency in electronic searchable PDF format on CD-ROM. Please note that all maps/drawings should not exceed A3 in size.

Please note that the application's register number is **W0260-01**. Please direct all correspondence in relation to this matter to Administration, *Environmental Licensing Programme, Office of Climate, Licensing Research & Resources, Environmental Protection Agency, Headquarters, PO Box 3000, Johnstown Castle Estate, County Wexford* quoting the register number.

Yours sincerely,



Caroline Murphy

Inspector

Office of Climate, Licensing Research & Resources

