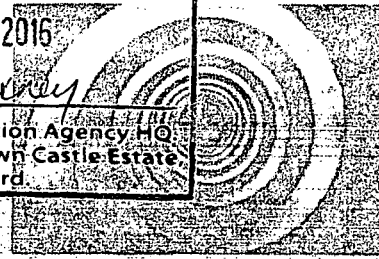


Applicant objection

RECEIVED	
Time	11 50 am
27 JAN 2016	
Signature	<i>M. Harney</i>
Environmental Protection Agency (EPA) P.O. Box 3000, Johnstown Castle Estate Co. Wexford.	



JSPE

c/o Administration,
Environmental Licensing Programme,
Office of Climate, Licensing & Resource Use
Environmental Protection Agency
Headquarters, PO Box 3000
Johnstown Castle Estate
Co. Wexford, Ireland
Y35 W821

J Sheils Planning & Environmental Ltd
32 Athlumney Castle, Navan, Co Meath
Phone/Fax: Ireland +353 46 9073997
Mobile: John Sheils +353 87 2730087
Email: johnsheils@jspe.ie

Date: 27th January, 2016
Our Ref: JSPE 172_L20
Your Ref: W0262-01

29 JAN 2016

Handwritten signature

Re: Objection under Section 42(3) to the Agency in relation to Notification in accordance with Section 42(2) of the Waste Management Act 1996 as amended, of a proposed decision on a licence application in respect of a facility at Kiernan Sand & Gravel Ltd, Foxtown Summerhill. Co. Meath,

Dear Sir,

J Sheils Planning & Environmental Ltd (address as per above letterhead) have been instructed on behalf of Kiernan Sand and Gravel Ltd, Foxtown Townland, Summerhill, Co. Meath to make an objection in relation to a number of conditions attached to a notification in accordance with Section 42(2) of the Waste Management Act 1996 as amended, of a proposed decision on a licence application (EPA Reference W0262-01) in respect of a facility at Kiernan Sand & Gravel Ltd, Foxtown, Summerhill. Co. Meath.

Our client accepts all of the conditions of the proposed decision to grant the waste licence with the exception of condition No's (3.3.2, 3.6.2, 3.7, 3.9, 6.13.2, 8.6.2, 8.9, 8.11, 8.13.5 and 12.1.1).

Please find enclosed the appropriate fee for making an objection by the applicant in accordance with Article 42 of the Waste Management (Licensing) Regulations 2004. An additional fee for making a request for an oral hearing of the objection is also enclosed. i.e.

Sub-Article	Application	Amount of fee
Article 42	Objection by the applicant or licensee	€500
Article 44	Request for an oral hearing	€100
Total Fee		€600

The grounds of objection and the reasons, considerations and arguments on which they are based are laid out as follows. For ease of referencing we have cross-referenced the relevant conditions under objection as laid out in the proposed Waste Licence decision.

3.3.2 The licensee shall maintain a CCTV monitoring system which records all waste vehicle movement into and out of the facility. The CCTV system shall be operated at all times with digital date stamping. Copies of recordings shall be kept on site and made available to the Agency on request.

The proposed facility is operated by a small family run business. The facility has been operating under a Waste Management Permit (Ref. No. WMP 2007/22) since 2007. The purpose of the condition relates to facility security. As stated in the EIS (Section 2.4.2.2 Site Security) which accompanied the application: -

"The boundaries of the site are secure being established hedgerows and stock proof fencing. The site benefits from being bounded to the east by the local county road, to the west by agricultural lands. The lands to the north and south are of pasture and a variety of agriculture type activity. The application site is freehold and owned by James V Kiernan and James Kiernan of Kiernan Sand & Gravel Ltd. The site entrance gates are locked outside of normal working hours and public warning notices are posted at appropriate locations along the site boundary"

The above security measures are considered adequate to ensure that there is no unauthorised access or delivery of waste to the site. Detailed notification, recording and reporting of waste recovery activities will be carried out in compliance with Condition No.11 of the proposed waste licence. As such it is not considered necessary to maintain CCTV at this existing site for the recording of vehicle movements in and out of the facility.

It is considered that the requirement to install CCTV at this existing facility will place an unnecessary financial burden on the operators. We consider that the Agency should consider removing the proposed condition on the basis of the reasons outlined above.

3.6.2 The licensee shall provide and maintain a working telephone and a method for electronic transfer of information at the facility.

As previously stated the proposed facility is operated by a small family run business. The site is not of a scale that permits the appointment of a separate office administrator. The site facility manager is generally responsible for recording and inspection of deliveries. As such the preferred method of contact is the site facility manager's mobile phone. It is also our client's preference to maintain records in paper format at the facility only. This is consistent with proposed Condition No. 11.10 which states that *"the licensee shall maintain a written record for each load of waste arriving*

at the facility". There is no provision at the existing site office for electronic transfer of information. Our client will provide appropriate email contact with respect to communication with the Agency and transfer of reports (e.g. AER's) as necessary.

3.7 Weighbridge and Wheel Cleaning

3.7.1 The licensee shall provide and maintain a weighbridge and wheel cleaner at the facility

The facility has been operating under a Waste Management Permit (Ref. No. WMP 2007/22) since 2007. There is no weighbridge at the existing facility. Deliveries are recorded by the load and weights derived based on the volume of the vehicle. As stated in the EIS (Section 2.4.3.1.1 - 2.4.3.1.1 - Delivery, Inspection & Acceptance) "typically loads of up to 9 cu.m will be imported to site". This will be typically by means of 8 x 4 Rigid trucks with maximum weight of 20 tonnes.

As stated above detailed notification, recording and reporting of waste recovery activities will be carried out in compliance with Condition No.11 of the proposed waste licence.

It is also noted that condition 6.16 of the proposed waste licence requires that "a topographical survey shall be carried out on an annual basis. The survey shall include measurement of the remaining available void space".

It is therefore considered that the Agency through conditions relating to recording, reporting and monitoring of waste volumes will have sufficient controls in place to accurately measure the quantities and type of waste to be handled at the facility subject to compliance with the proposed waste licence.

The cost of installing a weighbridge at this existing facility would place an unnecessary financial burden on the operators. We consider that the Agency should consider removing the proposed requirement for a weighbridge on the basis of the reasons outlined above.

Please note that the operator has in place a wheelwash at the facility and as such our client is not appealing this aspect of the above condition.

3.9 Construction and Demolition Waste Recovery Area

3.9.1 Not later than three month from the date of grant of this licence, the licensee shall provide and maintain a construction and demolition waste recovery area. This infrastructure shall at a minimum comprise the following

- (i) **an impermeable concrete slab**
- (ii) collection and disposal infrastructure for all run-off
- (iii) appropriate bunding to provide visual and noise screening

3.9.2 All stockpiles shall be adequately contained to minimise dust generation

3.9.3 Only construction and demolition waste shall be accepted at this area. **Wastes that are capable of being recovered shall be separated and shall be stored temporarily in this area in advance of being subjected to other recovery activities at the facility or transported off the facility**

It is not clear from the above condition whether the entire Construction and Demolition Waste Recovery Area is required to be concreted. This would not be considered practical. Our client has proposed the following waste inspection procedure (Refer to EIS Sections 2.4.2.10, 2.4.3.1.6 and Figure 2.4).

2.4.2.10 Waste Inspection Areas

"All truck loads entering the site are given a preliminary inspection on entering the site.

Secondary inspection is carried out after each load is tipped at the restoration infill area within the site. Should a load of material indicate contamination of non-inert material on inspection, the material is reloaded and the driver instructed to remove the load offsite to an approved facility.

*Occasionally a load will contain minor contaminants (e.g. plastics, rebar, wood and paper). These items are removed on inspection by a site operative and **stored in skips in a designated quarantine area** pending removal offsite by a licensed waste disposal contractor to an appropriate disposal facility".*

2.4.3.1.6 Recovery of Construction Materials

*"Clean construction and demolition waste will either be placed directly on haul roads or **temporarily placed in storage awaiting recovery.***

*Recovery and re-cycling activities at the application site involves tipping of **previously stockpiled 'unprocessed' material** into a crushing & processing plant using a front-end loader (Refer to Figure D.1.1 – Rev A). **The processing is undertaken periodically as materials are required using semi mobile crushing and screening plant on site.** Material produced by the plant is then*

transported by front-end loader from **production stockpiles around the plant to 'processed' stockpiles**. Recovered material will be used for internal haul roads and/or dispatched off-site".

Our client is willing to accept that an appropriately sized "impermeable concrete slab" with drainage via an oil interceptor be provided for the Waste Inspection Area within the Construction and Demolition Waste Recovery Area. This would be used for inspection and preliminary sorting of Construction and Demolition waste prior to temporary storage of 'unprocessed' material on the existing hardcore surface area adjoining the above inspection area. As detailed above the processing of the material will be carried out on periodic basis to produce secondary aggregates.

6.13.2 The licensee shall ensure that all vehicles delivering waste to, and removing waste and materials from, the facility are appropriately covered

- i. The following guidance is given in Section 3.4.1 of the "Environmental Management Guidelines – Environmental Management in the Extractive Industry (Non-scheduled Minerals)" (EPA 2006) with respect to minimising wind-blown dust.

- Use covered (closed or sheeted) vehicles, **or spraying**, for the transport of **dry fine materials**.

- ii. The above guidance is also consistent with the Irish Concrete Federation Environmental Code 2nd Edition (2005) which was endorsed by the Minister for the Environment, Heritage and Local Government i.e.

Sheeting and load security

*ICF members will ensure, where appropriate, that loads of **finer materials** leaving operations are properly loaded, trimmed and sheeted to prevent dust (< 3mm) or any part of the load causing hazard to the public. Alternatively, **the spraying of loads can be used to dampen dust and reduce dust blows from an open truck**.*

- iii. Department of the Environment, Heritage and Local Government (2004) Quarries and Ancillary Activities – Guidelines for Planning Authorities. Section 3.3. of these guidelines deals with issues of dust deposition/air quality and includes a guideline which allows for the use of spraying as a mitigation measure:

- Covering of **fine** dry loads or **spraying of loads** prior to exiting the site,

The above guidance represents accepted best practice for this type of activity. It is considered that the condition should either be removed and/or reworded to facilitate spraying/dampening of finer materials as an appropriate alternative to covering of all loads.

8.6.2 The following materials shall not be used for backfill at the facility:

- (i) **Top soil;**
- (ii) Peat;
- (iii) Soil and stone and fines derived from the treatment of construction and demolition waste; and
- (iv) Any other waste that the Agency deems to be unsuitable.

It should be noted that topsoil is imported to the site for use as final capping of the filled materials. As stated in the EIS.

2.4.3.1.3 Recovery of Soils

*“following the second inspection the material will be accepted and placed within the restoration (placement by bulldozer) area or in the case of **topsoil placed in temporary storage awaiting final placement**”:*

2.4.3.1.4 Phasing of Restoration Works

“Good quality soil material for final capping will be placed in temporary storage areas. Topsoil and subsoil will be stockpiled separately to maintain the integrity of the soil”:

The EPA should consider whether the above condition needs to be reworded and/or clarification provided that the intention of the condition is to encourage the conservation of topsoil for final capping as opposed to being used for general backfill operations.

8.9 The loading and unloading of materials shall be carried out in designated areas protected against spillage and leachate run-off.

Refer to previous objections in relation to condition 3.9 above. As discussed previously our client considers that this condition is reasonable with respect to the Waste Inspection area for the Construction and Demolition waste but would not be practicable with respect to the backfilling of soil and stone which is to be subject to both preliminary and secondary inspection as detailed in EIS Section 2.4.2.10.

Occasionally a load will contain minor contaminants (e.g. plastics, rebar, wood and paper). These items are removed on inspection by a site operative and stored in skips in a designated quarantine area pending removal offsite by a licensed waste disposal contractor to an appropriate disposal facility”.

This condition appears to be more relevant to a Municipal Solid Waste Facility as opposed to a Soil recovery facility.

8.11 Waste shall be stored in designated areas, protected as may be appropriate against spillage and leachate run-off. The waste shall be clearly labelled and appropriately segregated.

Refer to previous objections in relation to condition 3.9 and 8.9 above.

8.13.5 The documentation of waste arriving at the facility shall be checked at the point of entry to the facility. Subject to its verification, the waste shall be weighed, recorded and directed to the waste acceptance/quarantine area as appropriate.

Refer to previous objections in relation to provision of a weighbridge (Condition No. 3.7 above).

12.1 Agency Charges

12.1.1 The licensee shall pay to the Agency an annual contribution of **€6,306, or such sum as the Agency from time to time determines**, having regard to variations in the extent of reporting, auditing, inspection, sampling and analysis or other functions carried out by the Agency, towards the cost of monitoring the activity as the Agency considers necessary for the performance of its functions under the Waste Management Act 1996 as amended. The first payment shall be a pro-rata amount for the period from the date of grant of this licence to the 31st day of December, and shall be paid to the Agency within one month from the date of grant of the licence. In subsequent years the licensee shall pay to the Agency such revised annual contribution as the Agency shall from time to time consider necessary to enable performance by the Agency of its relevant functions under the Waste Management Act 1996 as amended, and all such payments shall be made within one month of the date upon which demanded by the Agency.

The proposed annual contribution of €6,306 is the same as that attached to the recent Waste Licence (W0280-01) granted to Roadstone Ltd for their waste recovery facility at Brownswood, Enniscorthy, Co. Wexford. This facility can accept up to 400,000 tonnes of inert soil and stone (EWC code 17 05 04) compared to 187,400 tonnes for waste at the Foxtown facility. The Foxtown facility in terms of projected annual throughput is 47% of the Brownswood facility and on a pro-rata basis the annual contribution would be €2,964. It is also considered that the EPA should provide the basis on which the annual contribution has been calculated.

It should also be noted that under the terms of the existing Waste Permit (WMP2007/22) the annual contribution with respect to monitoring the activity by Meath County Council is €1,7648.48. We therefore consider that a more reasonable annual contribution of say between €1,800 and €3,000 should be considered.

The condition also allows for provision for the EPA to revise the annual contribution from time to time as considered necessary to enable performance by the Agency of its relevant functions under the Waste Management Act 1996.

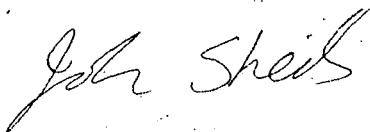
12.1.2 In the event that the frequency or extent of monitoring or other functions carried out by the Agency needs to be increased, the licensee shall contribute such sums as determined by the Agency to defray its costs in regard to items not covered by the said annual contribution.

Refer to previous comments relating to condition 12.1.1 above. As discussed above we consider that the Agency has sufficient provision through this condition to revise and/or recover its costs with respect to annual monitoring.

On the basis of the grounds of objection and the reasons, considerations and arguments on which they are based we respectfully request that the Agency amend the said conditions accordingly as set out above.

Yours Sincerely,

For J Sheils Planning & Environmental Ltd,



John Sheils MSCSI, MRICS

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