

**This Report has been cleared for submission to the Board by Senior Inspector Mr Brian Meaney**

**Signed:** *Donata Richards* **Date:** 19<sup>th</sup> April 2016



**OFFICE OF ENVIRONMENTAL  
SUSTAINABILITY**

**REPORT OF THE TECHNICAL COMMITTEE ON OBJECTIONS TO  
LICENCE CONDITIONS**

<b>TO:</b>	Directors
<b>FROM:</b>	Technical Committee - Environmental Licensing Programme
<b>DATE:</b>	19 <sup>th</sup> April 2016
<b>RE:</b>	Objection to Proposed Decision (PD) issued for Kiernan Sand and Gravel Limited for a facility at Foxtown, Summerhill, County Meath, Waste Licence Register W0262-01.

**Application Details**

<b>Type of facility:</b>	Recovery of waste soil and stone
<b>Classes of activity under the Waste Management Act 1996 as amended:</b>	Class R 5 (P) and Class R13
<b>(P = principal activity)</b>	
<b>Licence application received:</b>	13 <sup>th</sup> February 2009
<b>PD issued:</b>	22 <sup>nd</sup> December 2015
<b>First party objection received:</b>	27 <sup>th</sup> January 2016

**1. Company and background to this report**

Kiernan Sand and Gravel Limited own and operate an inert waste recovery facility. The activities at the facility comprise backfill of an exhausted quarry void using imported natural soil and stone and production of secondary aggregate from inert construction and demolition waste. The applicant proposes to use this aggregate for construction of haul roads at the facility and/or dispatch offsite.

This report relates to a valid first party objection received by the Agency in relation to the Proposed Decision (PD) issued to Kiernan Sand and Gravel Limited on 22<sup>nd</sup> December 2015.

As part of the objection, the applicant requested an oral hearing. The Board of the Agency considered this request at its meeting on 1<sup>st</sup> March 2016 and decided not to hold the oral hearing in this case. The applicant was notified of the Board's decision in writing on 11<sup>th</sup> March 2016.

## 2. Consideration of the Objection

The issues raised in the objection are summarised below. The original objection should be referred to at all times for greater detail and expansion of particular points.

Objector's Name	Date Received
J Sheils Planning & Environmental Limited on behalf of Kiernan Sand and Gravel Limited	27 <sup>th</sup> January 2016

The Technical Committee (TC), comprising of Ewa Babiarczyk (Chair) and Caroline Murphy, has considered all of the issues raised in the objection and this report details the Committee's comments and recommendations following the examination of the objection.

The TC's recommendations have been set out in tables below. Any additional text recommended is shown in bold font.

### Objection 1: Condition 3.3.2

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 applicant refers to the existing security measures on-site, such as hedgerows and stock proof fencing, locking the gates and public warning notices along the site boundary, and states that these measures are adequate to ensure that there is no unauthorised access or delivery of waste to the site. The applicant continues that that the recording and reporting of waste recovery activities will be carried out in compliance with Condition 11: *Notification, Records and Reports* of the PD and that the requirement for installation CCTV would place an unnecessary financial burden. Ultimately, the applicant requests the Agency to consider removing Condition 3.3.2.

#### Technical Committee's Evaluation:

A CCTV is an important enforcement tool for purposes of monitoring of waste acceptance, therefore, the TC considers the requirement for CCTV appropriate and recommends no change.

#### Recommendation:

No change

### Objection 2: Condition 3.6.2

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

The applicant states that the site is not of a scale that permits the appointment of a separate office administrator and the preferred method of contact is the site facility manager's mobile phone. The applicant further suggests maintaining records related to site operation in paper format only, as required in Condition 11, as there is no provision at the existing site office for electronic transfer of information.

**Technical Committee's Evaluation:**

The TC accepts that the facility manager's mobile phone can be the telephone contact point in respect of the facility.

Regarding the requirement for electronic transfer of information in respect of the facility and the existing office, the TC notes that Condition 3.6.2 does not require that such a transfer has to take place from within the facility. The TC considers the electronic transfer of information, as provided for in the PD, appropriate. For clarity, the TC recommends that the title of Condition 3.6 and Sub-Condition 3.6.2 be amended to read as follows:

**Recommendation:**

Amend the title of Condition 3.6 and Sub-Condition 3.6.2 to read as follows:

**3.6 Facility Office and transfer of information**

**3.6.2 The licensee shall provide and maintain a working telephone and a method for electronic transfer of information relating to the facility's operation.**

**Objection 3: Conditions 3.7 and 8:13.5**

**3.7 Weighbridge and Wheel Cleaning**

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

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.

The applicant states that the facility has been operating under a Waste Management Permit since 2007 and there is no weighbridge at the facility. The applicant continues that waste deliveries are recorded by the load and weights derived based on the volume of the vehicle. The applicant further states that the cost of installing a weighbridge at this facility would place an unnecessary financial burden on the operators and requests removal of the requirement for a weighbridge.

**Technical Committee's Evaluation:**

The TC considers the applicant's request for removal of the requirement for a weighbridge reasonable and recommends amendment to the title of Condition 3.7, addition of a new sub-condition, amendment of the existing Condition 3.7.1 and amendment of Condition 8:13.5 as follows:

**Recommendation:**

Amend Conditions 3.7 and 8:13.5 to read as follows:

**3.7 Weighing of Waste and Wheel Cleaning**

3.7.1 The licensee shall, in a manner satisfactory to the Agency, ensure that all waste is weighed at an appropriate off-site location prior to its acceptance at the facility.

3.7.2 The licensee shall provide and maintain a wheel cleaner at the facility.

3.7.3 The wheel cleaner shall be used by all vehicles leaving the facility as required to ensure that no wastewater, waste or storm water is carried off-site. All water from the wheel cleaning area shall be directed to a vehicle wash water interceptor sump.

3.7.4 The wheel cleaner interceptor sump shall be inspected on a weekly basis. Silt, stones and other accumulated material shall be removed as required and sent off-site for disposal or, subject to agreement by the Agency, used as fill on-site.

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 details shall be recorded as required under Condition 11.10 and directed to the waste acceptance/quarantine area as appropriate.

#### Objection 4: Condition 3.9

##### 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.

The applicant states that it is not clear from Condition 3.9 whether the entire Construction and Demolition Waste Recovery Area is required to be concreted and continues that concreting the entire area would not be considered practical.

The objection next describes arrangements proposed by the applicant for inspection of waste storage of contaminated materials and processing of C&D waste and states that the applicant is willing to accept that an appropriately sized impermeable concrete slab with drainage via an oil interceptor is provided for at the Waste Inspection Area within the Construction and Demolition Waste Recovery Area. It is stated that this Inspection Area would be used for inspection and preliminary sorting of C&D waste prior to temporary storage of unprocessed material on the existing hardcore surface area which adjoins the inspection area.

**Technical Committee's Evaluation:**

Condition 3.9 does not provide for either exclusion of any part of the C&D area from the requirement to be surfaced with impermeable concrete slab or storage of C&D waste outside the area surfaced with impermeable concrete slab. Accordingly, the TC recommends no change in that respect.

Notwithstanding the above, having regard to the works required to establish the C&D area as specified in Condition 3.9.1, the TC recommends an extension of the timeframe for these works from three to nine months.

**Recommendation:**

Amend Condition 3.9.1 to read as follows:

3.9.1 Not later than nine months 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:

**Objection 5: Condition 6.13.2**

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

The applicant refers to publications which recommend spraying of dry fine materials or sheeting vehicles when transporting fine materials, and requests that Condition 6.13.2 is either removed or reworded to facilitate spraying/dampening of finer materials as an appropriate alternative to covering of all loads.

**Technical Committee's Evaluation:**

Spraying and dampening of fine waste materials aims for dust prevention rather than control of litter which is the aim of Condition 6.13.2. Waste of various types is being delivered to or removed from the facility. Accordingly, the TC considers the requirement for covering all delivery vehicles appropriate and recommends no change to Condition 6.13.2.

**Recommendation:**

No change

**Objection 6: Condition 8.6.2**

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.

The objection quotes extracts from the EIS which refer to storage of top soil prior to being used for final capping and states that the Agency should consider rewording of Condition 8.6.2 to clarify that the intention of this condition is to encourage the conservation of top soil for final capping as opposed to being used for backfill operations.

**Technical Committee's Evaluation:**

Condition 8.6.2 specifies the materials which shall be not used for the backfill. Final capping is not considered to be part of the backfill. Also, information on the site restoration requirements, including the use of top soil for final capping, will be submitted as part of a Closure, Restoration and Aftercare Management Plan (CRAMP) required in Condition 10.2. Accordingly, the TC recommends no change.

**Recommendation:**

No change.

**Objection 7: Conditions 8.9 and 8.11**

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

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.

The applicant considers these requirements for loading and unloading and storage materials in designated areas reasonable with respect to the Waste Inspection area for C&D waste but not practicable with respect to the backfilling of soil and stone.

**Technical Committee's Evaluation:**

Conditions 8.9 and 8.11 relate to other waste materials than the waste materials deposited at the backfill area and used in the backfill. Accordingly, the TC recommends amending both conditions so it is clear to which waste and materials they are applicable.

**Recommendation:**

Amend Conditions 8.9 and 8.11 to read as follows:

8.9 The loading and unloading of materials, other than waste taken directly to the backfilling area and to be used for backfill, shall be carried out in designated areas protected against spillage and leachate run-off.

8.11 Waste, other than waste taken directly to the backfilling area and to be used for backfill, 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.

## **Objection 8: Condition 12.1**

### **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 31<sup>st</sup> 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.

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.

The applicant states that the proposed annual fee of €6,306 is the same in a licence granted to a facility which accepts more waste on an annual basis than the applicant and requests the basis on which the annual contribution has been calculated.

In respect of Condition 12.1.2, the applicant states that they consider that the Agency has sufficient provision through Condition 12.1.1 to revise and/or recover its costs with respect to annual monitoring.

### **Technical Committee's Evaluation:**

The TC used the Agency's *Guidance on Completion of Methodology for Determining Enforcement Category of Licences*, in particular the *2016 RBME Methodology Spreadsheet* to recalculate the installation's enforcement category. The RBME tool confirmed the activity to be of an enforcement category C2 which is a low enforcement category.

The TC notes in addition that the annual contribution in the PD includes a standard charge for the annual sampling of water. As there are no emissions to water from the facility, the TC recommends removing this charge.

Overall, the C2 enforcement category and the removal of the charge for water sample from the Agency's enforcement charges system resulted in lowering of an annual contribution from €6,306 to €5,028.

### **Recommendation:**

Amend annual contribution charge to €5,028

### 3. Environmental Impact Assessment Directive – Reasoned Conclusion Update

The TC has reviewed the assessment in the Inspector's Report and, taking into account the objection received and the contents of this TC report, the TC considers that the likely significant direct and indirect effects of the activity have been identified, described and assessed in an appropriate manner as respects the matters that come within the functions of the Agency, and as required by Section 40(2A) and Section 42(11) of the Waste Management Act.

It is considered that the mitigation measures as proposed in the Inspector's Report, will adequately control any likely significant environmental effects from the activity.

It is also considered that the proposed activity, if managed, operated and controlled in accordance with the licence conditions included in the PD, with the inclusion of the amendments proposed in this report, is unlikely to damage the environment as a whole and the risk of potential impacts occurring is not unacceptable.

It is further considered that the proposed activity, if managed, operated and controlled in accordance with the licence conditions included in the PD, with the inclusion of the amendments proposed in this report, will not cause environmental pollution or the breach of any environmental quality or emission standard, and can be authorised by the Agency in accordance with Section 40(1) of the Waste Management Act.

### 4. Overall Recommendation

It is recommended that the Board of the Agency grant a licence to the applicant

- (i) for the reasons outlined in the Proposed Decision and
- (ii) subject to the conditions and reasons for same in the Proposed Decision, and
- (iii) subject to the amendments proposed in this report.

Signed

  
Ewa Babiarczyk, Inspector  
for and on behalf of the Technical Committee