
8. SPECIFIC POLICY AND OBJECTIVES FOR THE COUNTY

The specific policy and objectives of Kildare County Council are set out hereunder and grouped into the following sections:

- public awareness and education
- prevention and minimisation
- waste collection and charging
- waste recovery and recycling
- market development
- waste treatment
- final disposal
- energy recovery from waste
- litter prevention
- sludge management
- National Hazardous Waste Management Plan
- priority waste streams
- illegal landfilling and unauthorised sites
- location of waste management facilities
- location of facilities requiring a waste permit

For this section of the Plan, “municipal waste” refers to household waste as well as commercial and other waste which, because of its nature or composition, is similar to household waste.

8.1. Public Awareness and Education

The requirements of the Waste Management Plan are to:

- minimise waste production
- recover waste
- recycle waste
- correctly manage waste

The Council’s awareness programme will be based on the national “Race Against Waste” campaign and tailored to develop local and county wide campaigns based on the requirements of key stakeholders.

To assist in achieving this requirement, Kildare County Council has employed an Environmental Awareness Officer. The Council has established environmental initiatives to enhance community involvement and knowledge of waste management issues. These initiatives include:

- Annual Environmental Awards
- Schools Environmental Education Program
- Green Schools
- home composting
- increased provision of bring centres
- roll-out of two-bin collection systems

8.1.1. New Initiatives

Public awareness initiatives will lay the communications foundations for important events around which the Plan will be delivered. These include:

- roll-out of new collection schemes and methods
- increasing and maintaining public participation in recycling initiatives
- establishment of the necessary waste management infrastructure
- Distribution of the Acorn Environment Newsletter, to schools and libraries throughout the County twice yearly.
- implementation of the Community Environmental Education Programme
- implementation of the Business Environmental Education Programme - this involves liaising with businesses to assist them in minimising waste and maximising recycling capabilities
- enhancement of information provided by Council through their website, use of libraries to stock information leaflets and use of other media
- the Council will develop a public information campaign for broadcast on local radio - this campaign will have particular emphasis on waste prevention and minimisation techniques
- the Council will explore the possibility of developing a regular environmentally themed programme on local radio where waste management issues could be addressed as required
- a major initiative which Kildare County Council will undertake is the establishment of a green town within the County

8.2. Prevention and Minimisation

It is the specific policy of the Council to:

- ensure the Council acts as a model of best practice in waste prevention and minimisation in the new Civic Offices
- Appoint a Green Business Officer to support and co-ordinate waste prevention/minimisation initiatives with local business and industry
- advocate improved procurement policies within industry and other sectors
- Work closely with the business sector to minimise packaging waste
- liaise with the Clean Technology Centre to advise industry on best practice with regard to waste prevention and minimisation
- continue the Shoppers Awareness Campaign - this highlights to shoppers the benefits of reducing packaging waste
- actively support local organisations in developing repair and /or re-use facilities
- promote community composting with community groups. This will minimise green waste arisings being consigned to landfill

In addition, the County Council will strive to implement the Sixth Environmental Action Programme (waste related objectives, Article 8) which has four main strands:

- to develop a thematic strategy on sustainable use and management of resources
- to develop and implement measures on waste management and prevention
- to develop a thematic strategy on waste recycling
- to revise the legislation on waste

To implement the Sixth Environmental Action Programme at local level, the Council will target the following key areas for specific action:

- drawing up estimates of materials and waste stream flows within, into or out of the County
- raising awareness of the public's potential contribution to waste reduction
- developing further indicators in the field of waste management
- measure/monitor aims at ensuring source separation, the collection and recycling of priority waste streams

This will be achieved partly by a comprehensive and pro-active waste education and awareness campaign, targeted towards the public and commercial sectors. The theme of these local initiatives will complement the initiatives under the "Race Against Waste" campaign and other National initiatives.

It will be the policy of Kildare County Council to promote the National Waste Prevention Programme. This will be achieved through education and awareness with the ultimate aim of decoupling waste generation and economic growth. The Waste Prevention Programme will target six key waste streams:

1. agricultural waste – waste packaging, oily sludges and sheep dip
2. industrial waste – small to medium size enterprises
3. construction and demolition wastes
4. mining and quarrying wastes – stone and quarrying activities
5. municipal waste
6. hazardous waste

Waste streams subject to producer responsibility initiatives will also be targeted.

8.3. Waste Collection and Charging

Kildare County Council will enforce the Waste Collection (Permit) Regulations by ensuring that all waste collectors within the County will hold a current waste collection permit.

From January 2005, it will be the policy of the Council when issuing waste collection permits that only pay-by-tag, pay-by-lift or pay-by-weight will be acceptable pay-by-use systems. A single flat charge will no longer be acceptable for household waste.

It is the policy of the Council that the pay-by-use system will apply to all household waste collections in the County.

The Council will have regard to the recommendations of the national working group on waste permits.

In accordance with the Landfill Directive, it is the policy of the Council that waste will be pre-treated prior to landfilling. Accordingly, source separation will be the minimum pre-treatment carried out.

It is the policy of the Council that a minimum of 95 % of all households will have a waste service available either by the Local Authority or private sector by 2007.

For the commercial/industrial sector and in the absence of an approved appropriate internal waste management plan for dealing with waste arisings, waste will be segregated and collected by a permitted collector. For the avoidance of doubt, the onus will be on the waste producer to ensure that wastes arisings are segregated, collected and properly managed thereafter in permitted and/or licenced facilities.

In the period pre-2006 a two-bin system comprising of a dry recyclable collection and a residual collection will be implemented throughout the County for municipal waste arisings. Dry recyclables will include but is not limited to:

- paper/cardboard
- paper/cardboard packaging
- plastics
- metal containers

The receptacle for the collection of both recyclable and residual wastes will be to the approval of the Council. This approval will apply to material type, receptacle type, size, colour and condition. The Council may consider the use of microchips or other electronic aids for waste receptacles and if deemed appropriate, may condition their use on both the public and private collections of municipal waste.

In the period post-2006 a three-bin collection system will be mandatory throughout the County for municipal waste arisings for collection or as otherwise determined by the Council. The additional bin will be utilised to collect bio-waste separately to dry recyclables and the residual stream. The implementation of a three-bin collection system will be complete to meet the 2009 Landfill Directive targets or such further target years as may be determined from time to time.

The Council will embark on an intensive public awareness campaign for the roll out of the two-bin and three-bin systems in conjunction with the private sector. This will include information on the correct segregation of waste, information on bin presentation and collections, and arrangement for bank holidays. The Council will regularly review the efficiency of collections systems.

The Council will also consider the position of bye laws to implement best practice in waste presentation and collection.

For all waste collections, the collector will demonstrate to the satisfaction of the Council, the origin by premises, (building, commercial and/or industrial enterprise, etc.), treatment and final disposal of all wastes collected. The Council will rigorously enforce the collection permit regulations and shall seek to terminate or suspend the collection permit of collectors deemed to be non-compliant with permit regulations.

The Council will also actively seek to enforce the requirements of the Waste Management (Movement of Hazardous Waste) Regulations 1998 and the Waste Management (Transfrontier Shipment of Waste) Regulations 1998 to ensure that hazardous wastes are properly managed from "cradle to grave". This will include ensuring that all hazardous waste movements in and out the County are accompanied by a C1 consignment form. The Council will also ensure that hazardous waste produced within the County and which is been transported out of Ireland for disposal is accompanied by the appropriate TFS notice.

8.4. Waste Recovery and Recycling

Waste collection and waste infrastructure, either proposed or subject to review, will demonstrate their collection and recycling efficiencies. The efficiencies may be a determining factor in the approval or otherwise of waste collection and infrastructure proposals/reviews.

The policy of the Council in relation to recovery/recycling efficiencies is to enable the achievement of the targets set out in **Error! Reference source not found.** for the target years stipulated.

Table 8.1: Council Policy on Recovery/Recycling Efficiencies

Policy Document	Target*	To be achieved by
Landfill Directive Biodegradable Waste Diversion (from Landfill)	75 %	2006
	50 %	2009
	35 %	2016
Changing our Ways Targets 1998 - 2013	diversion of 50 %** of overall household waste from landfill	2013
	minimum of 65 %** reduction in biodegradable waste to landfill	2013
	recycling at least 35%** of all municipal waste	2013

* the target is based on 1995 waste arisings of biodegradable waste; in 2006 no more than 75 % of 1995 levels should be landfilled

** percentage of 1998 quantities

Specific waste management policies of Kildare County Council are as follows:

- Home composting in County Kildare has exceeded the National target of 7 % of household participation. It is the policy of the Council that home composting will continue to be promoted.
- The Council will provide or arrange for the provision of bring centres with the emphasis on quality of location and presentation, and range of receptacles. In particular, the Council will examine the feasibility of more creative location/design. This could be, for example, underground facilities, security systems, and public information for local points. The Council will keep under review the density of sites per thousand of population, and the collection frequencies of the enhanced bring sites. In particular, the Council will consider locations in the control of other public authorities, e.g., hospitals, health centres (with their approval).
- For proposed apartment, housing, commercial, and industrial developments, the Council will ensure that these developments make appropriate provision for bring sites in their layout, including adequate vehicular access, to service proposed bring sites. The Council will promote the development of bring centres by the commercial sector to service specific needs, e.g., bottle collection recovery at licenced premises.
- The Council will provide or arrange for the provision of a minimum of three civic amenity sites which will be located in or adjacent to primary/secondary dynamic clusters as identified in the Regional Planning Guidelines for the Greater Dublin Area (RPG).
- In addition, the Council may request the provision of additional civic amenity sites as part of other waste infrastructure proposals. The scale and scope of such sites will be determined by the Council, and will be appropriate to the scale of the proposed waste infrastructure. The sites will be provided and operated by the infrastructure provider.
- The Council will have regard to the range of recycling/recovery receptacles at civic amenity sites, and where appropriate, will ensure that arrangements are in place for collection of household hazardous waste and waste electronic and electric equipment (WEEE).
- Three bin collection systems for municipal waste (i.e., household, commercial, and industrial fractions) will be in place to meet 2009 Landfill Directive targets or such further target years as may be determined from time to time. Proposed apartment and housing developments will be appropriately laid out to enable the implementation of three-bin collection systems.
- The provision of biological treatment by the private sector is promoted for biodegradable waste (refer to section 8.6).
- It is the policy of the Council to promote the development and use of biofuels.
- The Council will provide or make provision for appropriate public information and awareness campaigns to complement national awareness initiatives, and to coincide with the roll-out of collection and waste infrastructure.
- The Council will encourage and disseminate information on source-reduction and producer responsibility initiatives.
- The Council will encourage the provision of an adequate range of waste recovery and recycling infrastructure, in co-operation with the private sector where necessary, and will have due regard to the requirements of scale for economic viability.

- It is the policy of this Plan that residual waste collected in the County may be directed under the Waste Collection (Permit) Regulations to appropriate facilities. Accordingly the Council may direct waste to specific facility(s). Kildare County Council will enforce the waste collection permit requirements to direct residual waste to the most appropriate facilities within or outside the County.
- To improve the quality of waste statistics, it is recommended that Kildare County Council will audit waste collection permit and waste permit holders to track waste flows within the County as well as outside.
- It is the policy of the Council that a representative number of municipal waste collectors will be audited in 2005 and 2006. This will be extended to commercial/industrial waste collectors.
- It shall be a specific policy of this Plan that state and/or semi state bodies located within the County shall prepare waste management plans governing their activities and facilities. These plans shall be prepared to the approval of Kildare County Council.

8.5. Market Development

A fundamental element of waste re-use and recycling is the availability of markets for recyclable and recycled materials. Market development will be encouraged through the public education campaign and the implementation of legislative tools.

The Council will consult with the National Market Development Group for recycling markets and assist, where appropriate, with the rollout of initiatives. Kildare County Council will continue to assess new recycling markets and convey their findings to the National Market Development Group. Current markets are identified in Section 4.8 of this document.

8.6. Waste Treatment

It is necessary for source-segregated waste to be treated in the most appropriate manner to optimise recovery, recycling and re-use. The specific policies of the Council with regard to the primary waste fractions is outlined below:

- organic waste
- green/garden waste
- materials recovery facilities
- residual waste

8.6.1. Organic Fraction

With regard to its policy on the organic fraction of waste, the Council will:

- have due regard to developments in adjoining waste management regions
- promote the provision of biological treatment facilities by the private sector
 - the location of these facilities will have regard to proper planning and development of the area
 - the biological treatment facilities will be of a scale to provide for economic viability and value for money
 - this may necessitate provision for inter-regional waste movements to ensure viability.

- encourage the provision of local biological treatment facilities for agricultural wastes throughout the County
- provide/promote home composting systems for household organics
- provide/promote a minimum of three civic amenity sites, which will be located in or adjacent to the three primary/secondary dynamic cluster areas, with provision for the collection of green waste from households

8.6.2. Green Waste/Garden Waste

The Council will provide/promote the use of green wastes as amendment material in biological treatment facilities. Failing this, the Council will provide/promote smaller windrow composting facilities at suitable locations.

8.6.3. Materials Recovery Facilities

The Council will:

- promote materials recovery facilities for dry recyclables by the private sector; the location of these facilities will have regard to proper planning and development of the area; these will be of a scale which ensures economic viability and value for money.
- have due regard to development in adjoining waste management regions.

8.6.4. Residual Waste Treatment

It is the policy of this plan that residual waste collected in the County will be directed under the Waste Collection (Permit) Regulations to appropriate facilities. Accordingly, the Council will direct waste to specific facility(s). Kildare County Council will enforce the waste collection permit requirements to direct residual waste to the most appropriate facilities within or outside the County.

8.7. Final Disposal

The Plan recognises that final disposal within the County is by means of landfilling at present. In accordance with the Landfill Directive, wastes for landfilling will be pre-treated as required by the Directive.

Having regard to the status of developments outlined in Table 4.9 and 4.10, and pending the outcome of associated regulatory processes and other possible future developments for proposed facilities outlined in Table 4.9 and 4.10, it is not the intention of Kildare County Council to directly provide its own landfill site within the County within the lifespan of this Plan. The situation will be kept under review.

In the short term, and subject to no unforeseen problems with respect to the availability of existing disposal facilities, Kildare County Council has access to sufficient landfill capacity for the waste that is subject to its control. In the medium to long term, Kildare County Council, where necessary, will consider alternative arrangements for the disposal of residual waste in co-operation with neighbouring regions and/or the private sector.

The status of existing and proposed waste management facilities will be reviewed as necessary but not longer than on a bi-annual basis.

8.8. Energy Recovery from Waste

The Council encourages the extraction of the maximum economic value from biological and residual waste streams. To achieve this, the Council will:

- provide/promote the beneficial re-use of landfill gas
- provide/promote the beneficial re-use of energy from biological treatment systems

8.9. Litter Prevention

Kildare County Council adopted the latest revision of its Litter Management Plan in 2003. This Litter Management Plan incorporated the policies of the litter plan, enforcing the five key areas. These areas are:

- education and information
- litter prevention and control
- enforcement
- community involvement
- recycling and recovery

The Council will provide for street cleansing throughout the County.

8.10. Sludge Management

Kildare County Council adopted a Sludge Management Plan for the County in 2001. The Council will ensure the full implementation of the Sludge Management Plan for the County.

The Sludge Management Plan identified the need for the development of a hub centre for the treatment of sewage sludge within the County. A site has been selected at Osberstown. This project is currently at tender stage and is expected to commence construction in 2005. The Council is also considering arranging co-operative measures with other Local Authorities in relation to management of sewage sludge disposal.

8.11. National Hazardous Waste Management Plan

The EPA's National Hazardous Waste Management Plan contains a variety of recommendations which are directed towards state bodies and the private sector, including central government, the local authorities, hazardous waste contractors and industry. In relation to the requirements specified as being vested with local authorities, Kildare County Council will:

- actively participate in any of the hazardous waste stakeholder groups proposed by the EPA or by the Department of the Environment, Heritage and Local Government
- actively seek to fully enforce the requirements of the waste management (movement of hazardous Waste) Regulations 1998 and the Waste Management (Transfrontier Shipment of Waste) Regulations 1998 to ensure that hazardous wastes are properly managed from "cradle to grave"
- play its part in the national effort to eliminate the existence of the small proportion of hazardous waste which the National Hazardous Waste Plan defines as "unreported". This will be achieved by programmes of inspection of waste producers, public information initiatives and by other similar schemes
- seek to ensure that household hazardous waste is managed correctly and that there is adequate infrastructure available in the County for its collection and storage at civic amenity sites prior to disposal or treatment at other facilities. The provision of services such as dedicated/kerbside collection for household hazardous waste will be kept under review.
- encourage suppliers of hazardous waste management services to extend their operations to include additional small businesses and the agricultural sector
- identify sites where hazardous wastes have been stored or processed in the past, with a view to carrying out a risk assessment of any long-term contamination and, in accordance with the requirements of the National Hazardous Waste Plan, to maintain a register of such locations.

8.12. Priority Waste Streams

The priority waste streams include the following:

- packaging waste
- healthcare waste
- waste electrical and electronic equipment (WEEE)
- poly-chlorinated biphenyls
- end of life vehicles
- batteries
- construction and demolition waste
- tyres
- waste oils

8.12.1. Packaging Waste

The following specific policies will be followed for packaging waste recovery in the County:

- the Council will work closely with Repak Ltd. to ensure that the quantity of packaging required by the Packaging Regulations and the EU Directive are recycled within the required timescales
- the Council will actively enforce the Waste Management (Packaging) Regulations with a view to eliminating “free riders”, ensuring all major producers are either self-compliant or Repak members and requiring the obligations on producers of packaging waste to be met.
- the Council will provide information to all packaging producers in the County on the need for compliance with the Packaging Regulations and with a view to increasing packaging waste recovery; this information will also include material on the prevention of the creation of packaging waste
- having regard to land use planning and environmental considerations, permitted waste contractors will be encouraged to establish and extend collection systems and recycling facilities for packaging waste
- to facilitate the application of the “Polluter Pays Principle” and the collection and recycling of packaging waste, all local authority household waste collection activities will be fully costed and appropriately charged to the householders in the County
- the Council will, as part of their programme of environmental awareness, provide information to householders on the need to recycle packaging waste and on how the production of packaging waste can be prevented

8.12.2. Healthcare Waste

Non-Hazardous Healthcare Waste

- it is the specific policy of the Council that as far as is practicable and subject to an analysis of associated risk, all non-hazardous waste streams from residential/healthcare facilities, will be source separated into the three primary components of dry recyclables, organic waste and residual waste
- healthcare waste will be collected by appropriately permitted collectors
- the Council will liaise with the Health Authorities with regard to facilities for collection and recovery of selected waste streams
- the Council will examine in conjunction with the Health Authority the treatment of non-hazardous, source separated food waste from healthcare facilities at Silliot Hill or other appropriate facilities; the Council will subsequently promote its beneficial re-use
- the Council will consider locations for bring centres in areas in the control of other public authorities such as hospitals and health centres with their approval

Hazardous Healthcare Waste

- the Council will enforce the management of hazardous clinical waste in accordance with the National Hazardous Waste Management Plan, published by the EPA
- hazardous clinical waste should be collected by appropriately permitted collectors

8.12.3. Waste Electrical and Electronic Equipment

The Council will promote the achievement of the recovery rates set out in the Waste Electrical and Electronic Equipment Directive (2002/96) as follows:

- the Council will ensure that all civic amenity sites have provision for the recovery of WEEE (it is noted that the return of electronic and electric goods by householders is free of charge under the Directive).
- the Council will raise awareness of the recycling of WEEE to achieve the target set out by the directive of an average of 4 kgs of waste electrical equipment to be collected from each private household per year by January 2006.

8.12.4. Polychlorinated Biphenyls

The Council will enforce the Waste Management (Hazardous Waste) Regulations 1988 to satisfy the requirements of the Polychlorinated Biphenyls Directive (96/59).

- the Council will take measures to ensure that premises in which PCBs are stored must be appropriately labelled to alert the emergency services to their presence in the case of accident or fire.
- through its functions to the C1 and TFS Regulations, the Council will ensure that premises falling under the Regulations will dispose of PCBs to appropriate facilities
- enhance awareness of the Regulations of the Directive and the requirements of the EPA's Management Plan for Polychlorinated Biphenyls.

8.12.5. End of Life Vehicles

- the Council will promote the establishment of authorised facilities for the processing of ELVs and enforce the waste permitting of facilities processing ELVs.
- the Council will regulate dismantling facilities to ensure that they are authorised and meet certain environmental performance standards and defined recycling levels as set out in the End of Life Vehicle Directive (2000/53).

8.12.6. Batteries

Two directives set down the provisions for the marketing, heavy metal content labelling and disposal of batteries: Directives 91/157 and 93/86.

The Council will:

- enforce the requirements of existing and proposed Directives
- continue to support the schools battery recycling scheme
- promote the provision of drop-off points for batteries at collection facilities
- promote focus-based awareness and education initiatives on the hazards associated with batteries

8.12.7. Construction and Demolition Waste

The Council will:

- promote the provision of mobile crushing and screening systems located at existing/proposed waste facilities where practical (open for consideration at other locations) in accordance with the objectives of the National Construction and Demolition Waste Council (NCDWC).
- promote the draft Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects
- promote the provision, by the private sector, of the necessary infrastructure for the recovery and recycling of C&D waste
- promote and raise awareness on the Voluntary Industry Initiative aimed at increasing minimisation and recycling rates for construction and demolition waste
- promote and encourage quarry operators and large construction sites to develop temporary recycling facilities where possible
- review the types of waste which are collected at civic amenity facilities within the county and may include the recovery of rubble and stone from householder's if it economical to do so.

In 2003 it is estimated that 1,900,000 tonnes of C & D waste were managed in County Kildare. The vast majority of this was soil or inert waste. These quantities are unlikely to reduce in any significant way once development in the Greater Dublin Area continues at current rates.

Currently in County Kildare there are a number of waste permits where the operators may import in the County of 200,000 tonnes per annum. To facilitate management of 1,900,000 tonnes per annum within the County, it follows that there is a requirement for at least ten strategically located permitted facilities for the acceptance of soils. Currently there are only four to five facilities of this nature in the County.

The lack of suitable facilities for the acceptance of soils has resulted in a number of problems in the sector:

- there is a prevalence of small scale unauthorised raising of one-off sites for development purposes
- unsuitable lands in low-lying areas with poor road networks are being targeted for filling
- spurious land reclamation projects are being applied for
- Soil haulers are reluctant to apply for such facilities in the absence of clear guidance. Unauthorised activities have caused problems, which in turn affects the construction sector
- extra costs are being borne by the construction sector

- extra costs are being borne by local authority projects and ongoing local authority works due to the lack of suitable facilities
- projects of national importance are also affected by the lack of facilities, and the timescales involved in establishing such facilities

It is recommended that applicants for waste permits for facilities for the acceptance of inert material should take into account the following guidance:

- Waste permits for importation of inert waste soils are considered to be recovery activities. Therefore it is very important that there is beneficial re-use of the soil. Raising land that is already in a reasonable condition would not generally be acceptable. Raising of land may be considered (in conjunction with Planning) for restoration of a worked out quarry, raising of poor unproductive land in agricultural/recreational terms, and raising of development land.
- Generally, the facility should accept only the minimum amount of waste soil required to carry out the works to a satisfactory standard. Where void space is maximised then the principal activity may be considered to be the disposal of the soil. Disposal of waste soil on land is termed "landfill" and as such requires a waste licence from the Environment Protection Agency.
- In accordance with Article 16 of the Waste Management (Permit) Regulations 1998 a hydro-geological report must be submitted, prepared by a suitably qualified person, assessing the risk to groundwater from the material proposed to be deposited at the facility. This report must detail proposals to ensure the traceability of the material to the site from its place of origin, sampling proposed to be carried out on the material imported into the proposed facility, and monitoring proposed to be carried out on surface waters/ground waters at the proposed facility.
- A site survey is required showing the existing ground levels and the proposed levels for the facility. A void space calculation is also required.

Other information that may be requested at the discretion of the Council includes noise monitoring and reporting, dust monitoring and analysis, water monitoring, analysis and interpretation, traffic management plan, and infrastructural drawings, e.g., site office, wheel wash etc.

In terms of site selection, the following hierarchy shows the favoured options in order of preference:

- re-use of material where produced
- quarry restoration
- land reclamation
- agricultural/recreational use
- raising of development land
- raising of sites for one-off houses

8.12.8. Tyres

The Council will:

- have regard to the Landfill Directive whereby shredded tyres will no longer be accepted for landfilling post-2006
- permit and enforce the permits of collectors of tyres to ensure that they are appropriately managed from source to final disposal/re-use
- provide education and awareness to householders, the agricultural sector and in particular commercial garages, tyre repair outlets of the requirements for disposing of tyres

8.12.9. Waste Oils

- the Council will provide suitable receptacles for waste oil at Kilcock and Athy Civic Amenity Centres
- waste oil will be collected by appropriately permitted collectors

8.13. Unauthorised Waste Management Activities and Contaminated Sites

Kildare County Council will continue to liaise with the EPA's Office of Environmental Enforcement. The Agency has established a working group which is currently developing a "Complaints Investigation Protocol" on waste-related issues. It will be the policy of the Council to implement the protocol as developed by the Office of Environmental Enforcement.

From the outset, Kildare County Council has been represented on the National Working Group for Unauthorised Waste Activities. Kildare County Council has appointed a dedicated person for dealing with queries in this regard.

Nationally, unauthorised waste management activities and contaminated sites have proven a difficult area to police from a range of perspectives, including legal, geographical and administrative perspectives. Kildare County Council has engaged in the process and has identified a number of sites.

In relation to unauthorised waste management activities contaminated sites, Kildare County Council will have regard to:

- the policy direction issued by the Minister of Environment, Heritage and Local Government on the 3rd May 2005
- the EC Court of Justice judgment dated the 26th April 2005 against Ireland in relation to the Waste Directive 75/442/EEC as amended by 91/156/EC

The policy direction issued by the Minister requires that each local authority:

- prepare an inventory of sites at which waste disposal and recovery have been carried on
- carry out an initial risk assessment of each of these sites (i.e. walkover survey)

Kildare County Council has commenced this process.

In response to the policy direction referred to above, the EPA will be preparing a Code of Practice for assessing the risk presented by such sites. The Council will have regard to the Code of Practice as developed by the Office of Environmental Enforcement.

It is the policy of Kildare County Council to investigate all reports concerning unauthorised waste management activities, including those relating to:

- permitted facilities where waste disposal or recovery is taking place
- unauthorised sites
- unauthorised waste transportation
- other breaches of the Waste Management Acts 1996 to 2003.

In the period prior to the National Guidelines being published, Kildare County Council will implement the following procedure:

- an initial assessment will be undertaken by Kildare County Council of any such allegations of unauthorised waste activities
- depending upon a range of relevant factors, the nature and scale of the activity, its seriousness and environmental impact, whether a first-time or repeat offender is involved, and other relevant issues, enforcement action will be taken where necessary.

It is the policy of Kildare County Council that all costs incurred in respect of investigations relating to proven unauthorised waste activities will be recovered from the landowner and/or operator of the facility.

If required, intrusive site investigations of unauthorised waste sites, as well as other contaminated land, will be conducted in accordance with BS 5930:1999 titled "Code of Practice for Site Investigations" and the "Guidance Notes for the Safe Drilling of Landfills and Contaminated Land" where required. This may include:

- an initial site walk over/site history investigation to determine the waste material deposited at the site
- trial pit site investigation
- gas monitoring or probe survey at each trial pit
- collection of surface water samples
- collection of soil samples from each trial pit location
- chemical analysis of all samples obtained

It is the policy of the County Council that the environmental assessments/investigations carried out on behalf of the landowner will only be undertaken by a suitably qualified and experienced organisation. The appointment of such a body will be required to be subject to the approval of the County Council in a manner appropriate for each instance where it is necessary.

In accordance with Section 22(7)(h) of the Waste Management Acts 1996 to 2003, the following measures will be utilised to identify sites where waste disposal or recovery activities have been carried out in the past or which are otherwise contaminated. This identification process will also have regard to the DoEHLG's Circular letter ENV 11/88, which is entitled "Identification of Waste Contaminated Land", and the relevant parts of the National Hazardous Waste Management Plan.

Details of sites known or suspected to have been used for the historic disposal of hazardous waste will be included in a "Section 26 Register". Once identified, the sites will be prioritised in accordance to the methodology set out in Chapter 7 of the National Hazardous Waste Management Plan. The implementation of the Section 26 Register will require significant additional staffing and financial resources.

Table 8.2 below, outlines the stages for the risk assessment of such sites.

Table 8.2: Hazardous Waste Management Plan – Methodology for Developing a Register for Hazardous Waste Disposal Sites

Stage 1	Develop a list of the industrial, commercial or agricultural activities most likely to have resulted in the generation of hazardous waste which would subsequently have required disposal either on or off-site.
Stage 2	Assess historical land-use with particular reference to the contaminative uses identified in Stage 1. This will require a desk study to identify the waste disposal activities likely to have been carried out and whether these took place on or off-site.
Stage 3	Identify which of the locations identified in Stage 2 are most likely to have been used for the

	disposal of hazardous waste.
Stage 4	Compile a 'Section 26 register' of all suspected or known hazardous waste disposal sites.
Stage 5	Carry out a preliminary risk assessment based on the desk study procedure in Stages 1 to 4. The assessment will allow suspect sites to be provisionally allocated to one of three priority categories (A, B or C) , thereby assigning each site included in the local authority register to a preliminary priority rating.
Stage 6	Undertake an intermediate risk assessment, based on a literature review and a visual inspection of the site. The results of this procedure will allow suspect sites to be re-allocated, as appropriate, to a more relevant priority category. The resultant priority rating will allow identification of those sites which must be subjected to Stage 7 investigations, as well as ranking them in order of priority.
Stage 7	Carry out a detailed risk assessment, based on actual site investigation work. Stage 7 investigations will verify the presence or absence of contaminants and will provide the information to be used to identify an appropriate remediation strategy.

8.14. Location of Waste Management Facilities

To provide adequately for waste management facilities, notwithstanding the zoning of land for the use solely or primarily of particular areas for particular purposes in development plans, or the absence of zoning provisions, approval for waste management facilities necessary for the proper implementation of the Plan will be considered open for consideration in all areas.

In some areas, public infrastructure such as roads, sewers, water supply etc., may not be of the required standard. However if the need for the facility so requires, and if the infrastructure will be provided by or on behalf of the developer/local authority by the time the facility is fully operational or within a reasonable time thereafter, deficiency of infrastructure will not prejudice the achievement of the objectives of this Plan. In the siting of future waste facilities, consideration will be given to the following environmental protection areas:

- Special Areas of Conservation
- Special Protection Areas
- Statutory Nature Reserve
- National Park
- Wildfowl Sanctuary
- Sensitive Areas for Urban Waste Water
- Areas of Special Control in County Development Plans
- Tree Preservation Order
- Designated Areas under REPS
- Refuge for Fauna
- Ramsar Site
- Biogenetic Reserve
- UNESCO Biosphere Reserve
- Salmonid Water
- sensitive areas for fisheries and forestry
- Protected Areas as listed in Annex IV of the Water Framework Directive
- World Heritage Site
- Special Amenity Area Order

8.15. Location of Facilities Requiring a Waste Permit

The Waste Management (Permit) Regulations 1998 allow local authorities to issue permits for certain waste activities. In the main, the environmental risks associated with such sites would be considered low. In the case of new facilities, the siting of such facilities will be considered in the same context as that required in section 8.14 of this document.

Waste permitting in Kildare is divided into two distinct categories, namely:

- (i) soil-based activities such as land reclamation and quarry restoration
- (ii) all other activities which would include recycling activities and vehicle dismantling

Due to the diversity of waste permit applications, it is difficult to apply guidelines that will apply across all facilities, especially in the context of the Planning and Development Act 2000. Facilities may require full planning (e.g., quarry restoration), be statute-barred (e.g., some vehicle dismantlers) or be exempt (e.g., raising of a garden/development site). Therefore it is policy that the Environment Section liaises with the Planning Department during the assessment of a waste permit application. Applicants are informed of the necessity to comply with the Planning & Development Act 2000. In the event that a waste permit is granted then the onus is on the waste permit holder to ensure compliance with the Planning & Development Act 2000.

Difficulties have arisen in the past with regard to the assessment of waste permits. Particular difficulties have included:

- road damage
- increased HGV traffic
- public perception
- a lack of suitably located waste permitted facilities
- unauthorised activities
- a lack of clarity in the legislation

The enforcement of waste permits is given a priority and the preparation of site inspection reports for all site visits will be carried out in accordance with the Recommendations of the European Parliament and Council "Providing for Minimum Criteria for Environmental Inspections in Member States". The Environmental Protection Agency is currently working on a guidance document in this regard.