



SUBMISSION No 5

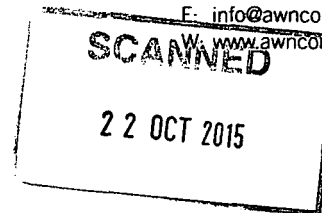
 **awnconsulting**

DMcD/14/7983/L22
14 October 2015

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Dear Grainne,

Re: Application for an Industrial Emissions Licence – P1007-01 O’Hanlon and Sons Contractors Ltd

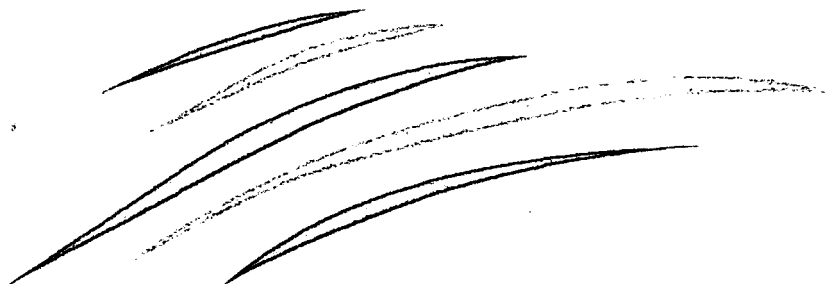
In February 2015, Drogheda Port Company (DPC) applied to the Agency for the Industrial Emissions licensing of a portion of its port facility at Tom Roes Point, Baltray Road, Drogheda Co Louth for the purposes of operating a set down facility for baled RDF and SRF for export.

As detailed in DPC’s application documents and the subsequent RFI responses submitted to date, it is DPC’s intent to set a very high standard for operation of its baled RDF and SRF facility. It is DPC’s expectation that all similar proposed facilities should strive to achieve similarly high standards of operation and environmental protection thereby ensuring minimal, if any impact, on the environment from waste operations at Ireland’s ports.

DPC has reviewed the application made by O’Hanlon & Sons Contractors Ltd (OHSC) and wishes to draw the Agency’s attention to the following shortcomings in the information submitted to date. (DPC notes that the OHSC application remains under active consideration by the Agency and the Agency may well identify these gaps in due course without DPC’s intervention however these comments are intended to be constructive and for the “greater good” of this sector of the waste industry. DPC wishes to state that it may make further submissions in due course.).

DPC Application for Tom Roes Point, Drogheda, Co Louth

In preparation of its own IED licence application, the Board of DPC submitted a very detailed and complete licence application to the Agency in February 2015, with subsequent clarifications submitted in May 2015. DPC commissioned an extensive suite of environmental assessments which have been completed by suitably experienced environmental specialists including assessments of the upstream bale production and wrapping processes, the likely nature of the runoff from the anticipated quantities of bales to be set down at the facility, the existing water quality of the receiving water, the environmental sensitivity and designated ecological status of the receiving water as well as consideration of the various engineering options for managing run off at similar facilities.



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Legislative and Policy Context

DPC acknowledge that the current situation whereby DPC, OHSC and a number of other waste facility permit holders have been allowed to continue operating baled RDF and SRF storage facilities past July 2015, pending completion of respective IED licensing processes, is in essence a short term "arrangement" facilitated by Ireland to support a current lack of sustainable waste treatment capacity. We understand the basis for this temporary arrangement is SI 546 of 2014 (Waste Management Facility Permit and Registration) Amendment Regulations which states;

"3. (7) A waste facility permit granted under these Regulations in respect of an activity which falls within Part I of the Third Schedule of these Regulations that is valid on 25 November, 2014 and which requires a licence by 7 July, 2015 in accordance with Part IV of the Environmental Protection Agency Act 1992 (Number 7 of 1992), shall lapse on 7 July, 2015 unless an application for a licence is made to the Agency prior to 27 February, 2015 and where such an application is made prior to 27 February, 2015, shall lapse once a decision is taken to grant or to refuse a licence under Part IV of the Environmental Protection Agency Act 1992."

1. We note that the Agency has written to OHSC and advised that the date its EIS is submitted is the date of its licence application. What is the authorisation status of activities currently being carried out at Dundalk Port under waste facility permit (given the stated cut-off date of 27th February 2015 for applications set out in SI 546 of 2014 above and receipt of the EIS, and therefore the OHSC licence application, on 31st July 2015)?
2. We note that the Agency advised OHSC, having required OHSC to provide an EIA and AA for the proposed development, that they would be required to notify the local authority and erect new site notices and publish new public notices in accordance with the relevant provisions of the Licensing regulations. On the basis of the information submitted by OHSC to date, it appears no such correspondence or public notifications have been completed. Is the Agency satisfied that the necessary level of public participation/consultation and local authority engagement has been carried out in relation to the application?
3. DPC note that OHSC have put forward minimal surface water run-off management proposals and included minimal design measures to ensure the future operation of the facility is in accordance with relevant best practice particularly in relation to optimal bale stack layouts with due regard to fire risk reduction, fire-water management for example. No soil water baseline assessment has been completed and financial provision requirements have only been addressed in a limited way.

In the absence of such design measures and relevant assessments is the Agency satisfied that the design and operation of the proposed facility will not generate environmental harm and nuisance and, secondly if future operations were to generate significant nuisances and or contamination incidents what mechanisms would be available to the EPA to assess the impact and remediate the site or receiving waters/soils and environment back to its existing state?.

4. In relation to the management and monitoring of surface water run off, OHSC have confirmed that they were not required by the local authorities to conduct regular monitoring of their run off to surface water to date.

In the initial application made by OHSC, it was stated that only interceptors were proposed to treat run off from storage of bales in the open yard prior to discharge to the local surface waters (despite receiving surface water bodies being considered "at risk" of meeting their objectives under the Water Framework Directive). It is evident to

DPC from their own knowledge of the operation of the facility at TRP, that leachate generation is unavoidable at such facilities and interceptors will provide limited/no treatment of the typical contaminants present in leachate generated from baled RDF and SRF. Once leachate is generated AWN note that it can generally be cleaned up effectively using cleaning equipment, roadsweepers etc if the weather conditions on that day are suitably dry however on wet days, or especially during peak rainfall events, there is no way of preventing leachate being washed down and entering neighbouring watercourses without a suitable all-encompassing drainage network which diverts run off to a suitable wastewater treatment plant. DPC also note that leachate is generated by infiltration of run off into the bale on wet days as well as leakage from the bale so the assumptions made by OHSC are too simplistic. The reality is, based on DPC experience of operating its facility over the last 3 years, that the bales produced by waste management facilities in Ireland are not water-tight and water will enter the bales and generate leachate run off.

AWN notes that OHSC, in its submission made in July 2015, has amended its position in relation to storage locations for wastes and management of run off. AWN note that reference is made in the July EIS to use of a warehouse (900 m²) for storage in addition to the 1200m² storage area in the open yard (detailed in the initial application). It was our understanding that OHSC had initially intended, as stated in its application in February 2015, that the warehouse was to be used for re-wrapping of damaged bales only. AWN understands OHSC now intends storing wastes internally or externally depending on weather conditions (OHSC state storage internally will occur during "very wet periods" though this is not defined in any detail). In the absence of such detail, AWN concludes external storage of bales on the open yard will be the default position and as such difficulties with run off management remain.

AWN also notes that OHSC state an intention to shut off the interceptor outflow from the storage yard while bales are stored in the open yard. No data is provided as to the capacity of this drainage system and as such this solution is not considered practical unless some additional engineering measures (additional run off storage) are proposed. It is unclear from the submission for how long a period OHSC intend to shut off the interceptor. DPC query what would happen in the event of an oil spill in such a scenario. It is considered that in the long run, a period of extended bad weather, not uncommon in Ireland, would make this solution unworkable for a site that needs to operate on a 24/7/365 basis.

5. DPC notes that OHSC have submitted monitoring data for surface water quality (receiving water and run off from site) in the EIS dated July 2015 however the monitoring data provided seems to comprise very limited sampling conducted on just one date in July 2015 without any details of the quantity of bales present on site on that day, the weather conditions etc. Any representative sampling exercise should comprise a number of samples collected over a longer period (perhaps monthly typically over 12 months). The Castletown River has been confirmed as being "At Risk" in terms of meeting its Water Framework Directive target status.

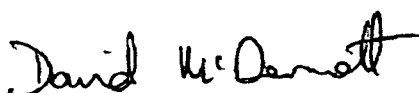
In addition, AWN notes that the limited water quality data provided with the report has been compared to Environmental Quality Standards (EQS's) and Waste Facility Permit ELVs only – of the limited parameters measured, several do not have relevant EQS standards or ELVs.

An assimilative capacity assessment has not been undertaken by the applicant as part of its IED application. As such the EPA cannot adequately quantify the impact on the receiving water body. A limited assimilative capacity assessment undertaken by AWN using the available information has highlighted significant concentration ranges in certain parameters within background water, namely Total Ammonia. At the higher

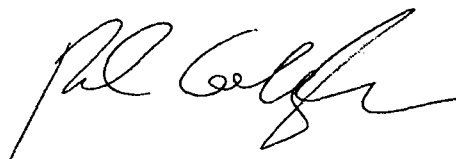
concentration ranges, Surface Water Threshold values for Total Ammonia are exceeded, resulting in no assimilative capacity within the Castletown Estuary. Furthermore, it is considered that not all potential waste generated leachate parameters (e.g. mercury, cyanide, phosphate) have been measured. As such run-off from the operation of the site in its current form could have an impact on the receiving water quality (an SAC) which is already reported by the EPA as "at risk of not achieving its restoration objective of restore status by 2015".

Please feel free to contact the undersigned should you wish to discuss.

Yours sincerely,



DAVID MCDERMOTT
Principal Consultant



FERGAL CALLAGHAN
Director

cc. Captain Martin Donnelly, DPC

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