

# MEMO

**TO:** Board of Directors

**FROM:** Gerry Carty

**CC:**

**DATE:** 17 November, 2004

**SUBJECT :** Minchem Chemicals Ltd.  
Technical Committee Report on Objection to Proposed Determination  
Reg. No. W036

## Application details

Event	Issue Date(s)	Reminder(s)	Response Date(s)
Article 14(2)(b)(i)	None		
Article 14 (2) (b) (ii)	23/6/98		6/7/98
Article 14 (2) (a)	28/7/98		
Article 16	11/8/98		11/9/98
			9/10/98
	7/10/98		16/10/98
Proposed decision	15/12/98		
Objection received	11/1/99		
Article 25(1)(i) notice	none		
Technical committee discussions	2/2/99 17/2/99		
Article 26 notice	none		

## Objections received

Objection by Applicant                      None

Objection by third party/parties        11/1/99

One valid objection to the above Proposed Decision (PD) was received on 11<sup>th</sup> January 1999. The objector is *Mr. Martin Byrne, B.Sc., 51 Merchants Road, East Wall, Dublin 3*. A technical committee was established to consider the objections made. This is the technical committee's report.

This report is based on the findings of the Technical Committee following the inspector's (S. Duffy) response dated 2 February 1999. The Technical Committee comprised of:

Gerry Carty, Programme Manager

Ted Nealon, Senior Inspector

Brian Meaney, Inspector

The committee discussed the objection on the 2<sup>nd</sup> and 17<sup>th</sup> February 1999.

Each of the objections and the Inspector's response were considered as detailed below.

### ***Ground 1***

*The objector questions: 'As there will be inflammable and toxic chemicals mixed and or sorted out on site how are they going to guarantee that there will be no explosions or that fumes are not emitted into the neighbourhood?'*

#### ***Inspector's Response***

There will be no mixing of inflammable and toxic chemicals at the facility. All hazardous wastes are to be stored in separate bunded storage areas thus keeping incompatible wastes segregated. Additionally, the flammable waste bunded storage area is separated from all other classified wastes bunded storage areas by a fire proof wall. **Condition 5.2** requires that wastes stored at the facility be classified as per the UN classification system and **Conditions 5.3 and 5.4** specify where the wastes are to be stored.

In terms of inflammable and toxic chemicals being 'sorted out' on site the wastes will be recorded upon entering the facility as per **Condition 3.13** and MinChem Chemicals Ltd. have a procedure in place 'Procedure for the Acceptance of Waste at MinChem Transfer Station in Dublin Port' whereby the wastes are segregated into the different UN classifications (flammable and toxic being two of these classes).

These methods of segregation and storage should guarantee that no explosions or fumes occur as a result of the activities to be carried out at the facility.

#### ***Technical committee's evaluation***

The conditions in the PD were set on the basis of good international practice which is designed to ensure that incompatible substances or substances which may chemically react are stored separately and, for particularly reactive substances, at certain distances apart. Dedicated storage areas keep the different substances apart and any spillages or other run off from these areas is separately collected and analysed.

The facility is designed for storage and no routine mixing of waste will take place.

The facility is designed to handle hazardous and potentially dangerous waste. It is for this reason that good practice must be followed and that the conditions of the PD require specialist knowledge, recording and segregation of all waste which is accepted on site.

### ***Recommendation***

*There are no changes required to the PD.*

## **Ground 2**

*The objector questions ‘ How is your organisation going to make sure everything is all right as above? How will the E.P.A. ensure that there is no long term low level seepage of fumes off site and its effect on local residents health over a number of years?’*

### **Inspector’s Response**

The waste and recovery activities to be carried out at the facility are given **Schedule A** of the PD. The Agency shall ensure that those activities alone are to be carried on at the facility.

Monitoring of emissions from the facility shall ensure that there is no long term low level seepage of fumes from the site. Monitoring shall be carried out according to **Condition 9.1** and **Schedule E** of the PD. Air monitoring will be carried out annually at the facility by both the licensee and the Agency.

### ***Technical committee’s evaluation***

All waste is delivered in sealed drums or containers and no interference with the contents will take place. Hence, there is no scope for the emission of fumes or other material to air.

Where damaged drums arrive at the facility however, these are redrummed on site. This activity presents a potential for fugitive emissions. The technical committee considers that equipment should be installed to prevent uncontrolled emissions under such circumstances.

Spillages are another potential source of fugitive emissions. The licensee is required to have procedures in place for the immediate clean up of any spillages (Schedule B and Condition 10.3). Good practice at the facility will minimise the risk of spillages and prompt clean up will minimise any potential air emissions.

### ***Recommendation***

That the insertion of the following condition be considered:

*Condition 5.9: All redrumming or other exposure of drum contents to the atmosphere shall take place indoors. Appropriate control measures shall be put in place to minimise fugitive emissions which may arise from such activity.*

### **Ground 3**

*The objector questions 'If they spill dangerous waste on site, and they will at some time, how will they deal with it and with the fumes going outside the site? How will the E.P.A. monitor this and keep the public informed?'*

#### **Inspector's Response**

The PD deals with this Ground as follows:

**Condition 4.9** states how hazardous waste materials are to be stored at the facility with each different classification of material being contained in separately bunded areas which are to be tested for integrity every three years.

**Condition 10.3** stipulates that any spillage that occurs at the site be treated as an incident. An incident is described in **Condition 3.1**.

**Condition 10.4** stipulates that all liquid collected in any sump but the main one will be treated as hazardous waste and disposed of or recovered accordingly and the collection of this liquid shall be treated as an incident.

The EPA will monitor this under **Conditions 3.1, 3.2, 3.3 and 3.4** of the PD.

The public shall be informed under **Condition 2.6** where a Communications Programme shall be set up so that members of the public can obtain information concerning environmental performance of the facility at all reasonable times.

#### ***Technical committee's evaluation***

All waste will be stored in bunded areas and PD conditions dictate how spillages or liquid collected in the sumps is to be managed. In essence, the licensee is required to analyse all collected liquid prior to discharging it to sewer or otherwise disposing of it.

The requirements with regard to damaged waste containers and spillages outside of bunded areas are discussed under Ground 2. In addition, it should be stated that part of Minchem's core business is the clean up of spills of hazardous waste. In this respect they would be regarded as competent to carry out such activities at their own facility. Condition 10.2 requires the licensee to maintain an adequate supply of suitable spill management material on site.

### ***Recommendation***

*There are no changes required to the PD.*

### ***Ground 4***

*The objector questions ‘If a lorry arrives into the Port area with leaking drums how will this be dealt with? Will the E.P.A. be notified and will they send a qualified person to supervise and report to the public?’*

#### **Inspector’s Response**

A faulty drum shall be treated as an incident and shall be dealt accordingly as per **Condition 10.7**. **Conditions 10.2 and 10.3** will also apply. In addition, MinChem have provided a procedure ‘**Procedure for on-site repackaging on waste**’ for this event.

The E.P.A. will be informed under **Condition 3.3** by 10am the morning after the occurrence of such an incident. The public will be kept informed by the Communications Programme specified in **Condition 2.7.1**.

#### ***Technical committee’s evaluation***

The handling of damaged drums and waste spillages at the facility has been discussed under Ground 2 above.

The PD applies only to the handling of waste inside the boundaries of the facility. Any waste leakage outside the boundary of the facility is beyond the scope of the PD. The transport of hazardous waste between locations within Ireland is covered by the Waste Management (Movement of Hazardous Waste) Regulations, 1998. The local authority of origin of the waste is the responsible authority for ensuring that the correct arrangements are made prior to transporting waste and that all the relevant documentation is in place. Good practice would prevent the use of damaged or unsuitable containers for the transport of hazardous waste. The Waste Management Act, 1996 requires the reporting of any hazardous waste spillages or any incidents involving hazardous waste to the local authority and the Agency.

### ***Recommendation***

*There are no changes required to the PD.*

### ***Ground 5***

*The objector questions ‘What controls will be put in place by you to make sure that wrong materials will not be mixed with possible disastrous results?’*

### **Inspector's Response**

The PD deals with this issue under **Condition 4.9**, Storage of Hazardous Waste, **Conditions 5.3, 5.4 and 5.5** relate to the storage of different UN classes of waste being stored and the storage of asbestos waste. This issue is specifically dealt with in the PD under **Condition 9.3** where the licensee is to ensure that no adverse reactions occur due to either the combination of the liquids collected in the bunded storage area sumps or for any other reason.

### ***Technical committee's evaluation***

The issue of storing waste is discussed under Ground 1 above.

### ***Recommendation***

*There are no changes required to the PD.*

## **Ground 6**

*The objector questions 'What preventative measures are in place to avoid materials being taken off site by thieves?'*

### **Inspector's Response**

**Condition 4.3** stipulates the security measure to be undertaken at the facility and in addition, MinChem have a security officer patrolling the facility grounds at night.

### ***Technical committee's evaluation***

Condition 4.3 required the erection and maintenance of fencing and gates and the locking of the facility when unsupervised.

### ***Recommendation***

*There are no changes required to the PD.*

## **Ground 7**

*The objector questions 'If waste from pharmaceutical companies is taken onto the site what measures will be taken if there are any controlled drugs in the waste to prevent theft?'*

### **Inspector's Response**

Controlled drugs will not be stored at the facility. Security is covered under **Condition 4.3**.

### ***Technical committee's evaluation***

The applicant has stated in a letter to the Agency received on 12/1/99 that no controlled drugs will be accepted at the facility.

It is the licensee's responsibility under the conditions of the PD to ensure that waste acceptance procedures are followed. It is also the licensee's responsibility to ensure that the description of waste on all consignment notes (which are required to accompany each and every load of hazardous waste arriving at and leaving the facility) is correct. Any waste not specified in the PD may not be accepted at the facility.

### ***Recommendation***

*There are no changes required to the PD.*

### ***Ground 8***

*The objector questions 'I understand that asbestos will be stored on site. It is well known that a number of semi-state bodies are being sued for their workers alleged exposure to asbestos fibres. How are you going to guarantee that asbestos fibres are not released? Will there be continuous monitoring?'*

### **Inspector's Response**

**Condition 5.1** states that **'Only those waste types and quantities listed in Table E.1.2 and Table E.1.3 of the Waste Licence application shall be accepted at the facility unless prior written agreement is received from the Agency.** This limits the amount of bonded asbestos to be accepted at the site to 200 tonnes per annum and other asbestos to 800 tonnes per annum. The management of asbestos at the facility is controlled under **Condition 5.5** which states that **'Asbestos shall only be stored in locked containers. The licensee shall ensure that all asbestos received at the facility shall be contained in plastic bags or, where the asbestos is mixed with other wastes which might puncture plastic bags, rigid containers. Where plastic bags are used, the asbestos shall be double bagged. The inner bag shall be coloured red and the outer bag shall be transparent. All bags and containers used should be securely sealed and marked to clearly indicate their contents.'** This is the standard method of storage as per the Institute of Wastes Management Code of Practice for the Disposal of Asbestos Waste and the NAWDC Codes of Practice for Landfill Guidelines for Disposing of Asbestos to Landfill. Asbestos will be stored within a locked container at the facility to which nominated staff only will have access.

With regard to the objectors question re: continuous monitoring; **Condition 3.13** sets out how the waste is to be monitored upon entering and leaving the facility.

### ***Technical committee's evaluation***

No asbestos waste shall be accepted at the facility unless it is already bagged and sealed as described in the inspector's response. This packaging will not be removed or otherwise tampered with at the facility but will remain intact until such time as the waste is removed from the facility. There is no scope for the release of asbestos dust or fibres.

### ***Recommendation***

<i>There are no changes required to the PD.</i>
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### ***Ground 9***

*The objector questions 'Is the ground water under the site and in it's vicinity going to be checked on a regular basis and how will this be done? Will this be done by yourselves or an independent firm on your behalf? If a problem arises with the ground water what measures will be in place to prevent it spreading outside the site?'*

### **Inspector's Response**

The entire facility is bunded and each separate storage area is further bunded within the site. **Condition 7.3** states that **'There are to be no direct emissions to groundwater'**.

Baseline monitoring was undertaken at the site at two boreholes drilled specifically for this purpose. The results of this monitoring are discussed in **(9) Emissions to Groundwater** of the Inspectors Report.

Groundwater monitoring is to be undertaken in accordance with **Condition 9.1**. Hence groundwater monitoring is to be carried out on a quarterly basis for the parameters defined in **Schedule E.4** of the P.D. A report to the Agency is to be submitted ten days after the end of quarter being reported on as stated in **Schedule D, Table D(i)**.

This monitoring is to be undertaken by a reputable laboratory on behalf of MinChem Chemicals Limited and the report will be assessed by the Agency. Additional groundwater monitoring is to be carried out by the Agency annually.

Regarding the objectors question re: should a problem arise with the quality of groundwater; any such event will be dealt with as an incident under **Condition 10.7**.

### ***Technical committee's evaluation***

The inspector's report states that the groundwater beneath the facility is brackish and flows in the general direction of the Irish Sea.



Given that this is a new facility, there is no reason to suspect that any satisfactory design and construction of the concrete slab would allow the passage of spilled waste. Any defects in the base should be apparent and repaired immediately. Any contamination should be reported to the Agency and steps will be taken accordingly. Any spillage onto the concrete surface will be treated as discussed under Ground 2 above.

***Recommendation***

*There are no changes required to the PD.*

***General Comments:***

*The objector says that it appears that none of the residents of the area are aware of this facility being built and that a licence should not be given until the residents have been informed and the questions above and others if raised, answered.*

***Inspector's Response***

A notice stating that a waste licence application was being made was published in The Irish Times on 21<sup>st</sup> April 1998 and on 22<sup>nd</sup> May 1998. A site notice was displayed at the site entrance on Tolka Quay Road in accordance with Article 7 of the Waste Management (Licensing) Regulations, SI No. 133, 1997 and was observed in place on 2<sup>nd</sup> June 1998. Two time periods during which submissions would have been accepted by the Agency in relation to this application occurred during the processing of the waste licence application. The first of these related to compliance with Article 14(2)(b)(ii) of the Regulations and the second to compliance with Article 16(1) of the Regulations.

***Technical committee's evaluation***

All statutory notices required have been published and/or displayed.

***Recommendation***

*There are no changes required to the PD.*

Signed: \_\_\_\_\_  
Technical Committee Chairperson