

MEMO			
TO:	Board of Directors	FROM:	Ted Nealon
CC:		DATE:	17 November 2004
SUBJECT : Technical Committee Report on Objections to Proposed Decision - Reg. No. 42-1.			

TECHNICAL COMMITTEE REPORT ON OBJECTIONS TO PROPOSED DECISION – REG. NO. 42-1

Application Details	
Applicant:	Dean Waste Company Ltd
Location of Activity:	Sheriff Street Upper, Dublin 1
Reg. No.:	42-1
Licensed Activities under Waste Management Act 1996:	Third Schedule: Classes 11, 13 Fourth Schedule: Classes 2, 3, 4, 13
Proposed Decision issued on:	04/07/00
Objection received:	31/07/00
Inspector:	Ms. Sara Kennelly

Consideration of the objection

The Technical Committee (Dr Ted Nealon, Chairperson, Breege Rooney and Dave Shannon committee members) has considered all of the issues raised and this report details the Committee's comments and recommendations following the examination of the objection on 27 September 2000.

Objection received

One objection to the proposed decision was received from Environment & Resource Management Ltd on behalf of Dean Waste Company Ltd.

Objection on behalf of Dean Waste Company Ltd (the applicant)

Ground 1 (ref. Part I: Activities Licensed)

The applicant objects to the constraints placed by the Agency under the description of Class 2 of the Fourth Schedule and requests that paper and green waste be included in the list of organic substances licensed for recovery at the facility. The grounds for the objection are that the applicant wishes to have the opportunity to recycle/recover paper and green waste. Paper should be considered in the same light as cardboard, and green waste includes wood, which is inferred to include timber. Condition 5.10 requires the recycling of paper and timber waste.

Technical Committee's evaluation

Condition 5.2 and Table E.1.3 allow the acceptance of paper and timber and the Technical Committee considers that the applicant should be allowed to recover such material. It is not considered appropriate to allow the recovery of green waste at the facility, as such activities were not fully addressed in the application. Collection of green waste at the facility could encourage the use of the facility by members of the public, a use which is not considered appropriate by the TC as no provision was made for this use in the licence application. Furthermore, no information has been provided on the quantities of green waste involved, nor any details of the processing proposed. No information has been provided on the infrastructure which might be required to ensure that the acceptance and storage of green waste would not cause environmental pollution.

The Technical Committee also noted that under Part I: Activities Licensed, the heading of the activities licensed in accordance with the Fourth Schedule of the Waste Management Act 1996 was incorrect.

Recommendation

Under Part I: Activities Licensed amend the description of Class 2 of the Fourth Schedule of the Waste Management Act, 1996 to read as follows:

This activity is limited to the recycling of cardboard, **paper, timber** and plastic wastes at the facility.

Revise the heading of the activities licensed in accordance with the Fourth Schedule of the Waste Management Act, 1996 to read as follows:

Licensed waste **recovery** activities, in accordance with the Fourth Schedule of the Waste Management Act, 1996.

Ground 2 (ref. Interpretation)

The applicant notes an inconsistency in the interpretation of Daytime (8.00 a.m. to 8.00 p.m.) and Night-time (10.00 p.m. to 8.00 a.m.) and proposes that the interpretation be clarified and amended.

Technical Committee's evaluation

The Technical Committee considers that Daytime should be interpreted as 8.00 a.m. to 10.00 p.m.

Recommendation

Revise the interpretation of Daytime to read as follows:

Daytime 8.00 a.m. to **10.00 p.m.**

Ground 3 (ref. Condition 3.1 (a))

The applicant objects to the wording of Condition 3.1 (a) on the grounds that the wording of the condition is unclear and vague and that the term "nuisance" is subjective and not defined in the Interpretation section of the licence.

Technical Committee's evaluation

The Technical Committee considers that the wording of Condition 3.1 (a) is clear and that the term “nuisance” is self-explanatory and not in need of further clarification.

Recommendation

No change.

Ground 4 (ref. Condition 3.1 (f))

The applicant requests that Condition 3.1 (f) be deleted so that it is not considered to be an incident. It is noted that Condition 3.1 (f) does not appear to be an incident and that a similar wording to Condition 3.1 (f) is used in other waste licences in relation to a separate Condition 3.2.

Technical Committee’s evaluation

The Technical Committee agrees that Condition 3.1 (f), which specifies the aspects to be included in the written record of an incident, should not be classified as an incident. It is considered that aspects to be included in the written record of an incident should be specified in a separate condition.

Recommendation

Condition 3.1 (f) be renumbered to remove the (f).

Ground 5 (ref. Condition 3.2 (a))

Objection to the reporting of an incident by 10:00 a.m. on the following working day after the occurrence of the incident. The time allowed is not sufficient to properly assess any particular circumstance to determine if an incident has occurred.

Technical Committee’s evaluation

The Technical Committee considers that the timescale specified in Condition 3.2 (a) is adequate. The notification does not have to be detailed and the Condition already allows five days for the submission of the written report on the incident.

Recommendation

No change.

Ground 6 (ref. Conditions 3.10 (a) and (b))

The applicant objects to the inclusion of Conditions 3.10 (a) and (b) and proposes that they be deleted. The conditions serve no clear purpose, as each load of waste will be weighed out and recorded as per condition 3.9. It is noted that not all wastes are compacted, that a sealed container is not defined, that the conditions were not imposed on other licensees operating similar facilities and that there would be undue additional and unnecessary administrative costs which operators of similar facilities are not bearing.

Technical Committee’s evaluation

The Technical Committee considers that Condition 3.10, which relates to records of containers of waste at the facility, is unnecessary. Detailed records of waste arriving at and departing from the facility are required by Condition 3.9, and it is considered that these records will provide sufficient information on the handling, processing and throughput of waste at the facility.

Recommendation

Delete Condition 3.10 a), b), and c), move subcondition d) to Condition 3.9 and renumber the remaining parts of Condition 3.

Ground 7 (ref. Condition 4.6)

The applicant questions the need for a waste inspection area as there is already one on site. A waste quarantine area can be provided in the form of a large skip or bin at the rear of the transfer building.

Technical Committee's evaluation

The Technical Committee considers that the facility must have a waste inspection area and a waste quarantine area as specified in Condition 4.6. The Technical Committee notes that the PD does not specifically state that the current waste inspection area is unacceptable.

Recommendation

No change.

Ground 8 (ref. Condition 4.8.2)

The applicant questions the need for a temporary and a permanent bunded fuel storage area on the grounds of unnecessary cost without any apparent additional environmental protection. The fuel tank is currently positioned such that any leaks are contained within the concrete walls of a building and within subsurface waste pits. The applicant proposes to install the bunded fuel storage area required by Condition 4.8.1 within 3 months of the date of grant of the licence if Condition 4.8.2 is deleted.

Technical Committee's evaluation

The Technical Committee considers that the fuel tank must at a minimum be temporarily bunded to avoid possible environmental pollution prior to completion of a dedicated bunded fuel storage area. It is considered that compliance with Condition 4.8.2. may be achieved by the current fuel storage if it is such that fuel spills are contained satisfactorily within waste pits and concrete walls.

Condition 4.8.1 should be amended to reflect the licensees proposal to construct the bunds within 3 months rather than 6.

Recommendation

Amend Condition 4.8.1 to read as follows:

Within **three months** of the date of grant of this licence the licensee shall provide and maintain a bunded fuel storage area at the facility. The location of the fuel storage area shall be agreed in advance with the Agency. Fuels shall only be stored at the agreed location.

Ground 9 (ref. Condition 4.9.3)

The applicant suggests that the requirement for weekly inspections of the drainage system, sumps, bunds and oil separators is excessive and unnecessary. The site is completely covered in concrete and the likelihood of the drainage system, sumps, bunds and oil separators

malfunctioning or silting within a one week time frame is low. Weekly monitoring would add undue monitoring costs and the applicant proposes monthly inspections.

Technical Committee's evaluation

The Technical Committee considers that weekly inspections are not excessive or unduly time consuming and notes that bunds can be damaged by vehicles or machinery and that drains can become impeded by litter or foreign objects over very short time periods. Weekly "walk about" inspections of the drainage system, sumps, bunds and oil separators are considered necessary.

Recommendation

No change.

Ground 10 (ref. Conditions 4.9.5, 4.9.8 and 7.8.13)

The applicant requests clarification of Conditions 4.9.5, 4.9.8 and 7.8.13. Condition 4.9.8 requires a Class II interceptor while Condition 7.8.13 refers to a three stage interceptor and it is not known if these conditions refer to the same infrastructure. The applicant notes the requirement of Condition 4.9.5 for vehicle cleaning facilities and a later requirement to provide a dedicated paved area for the truck wash under Condition 7.8.13.

Technical Committee's evaluation

The Technical Committee considers that clarification of Conditions 4.9.5, 4.9.8 and 7.8.13 is required and that Condition 7.8.9, which is referenced in Condition 4.9.8, also requires clarification. The three stage interceptor referred to in Condition 7.8.13 is considered to be the same as the Class II interceptor required by Condition 4.9.8.

Recommendation

Amend Conditions 4.9.5, 4.9.8, 7.8.9 and 7.8.13 to read as follows:

- | | |
|--------|--|
| 4.9.5 | Vehicle cleaning facilities, including detergent storage, shall be maintained at the location shown on Drawing No. 99.003/1 revision B in the volume entitled "Amendments to the March 1999 Environmental Impact Statement" unless otherwise agreed with the Agency. The vehicle cleaning area shall be surface to BS 8110. |
| 4.9.8 | A Class II interceptor shall be installed within six months of the date of grant of this licence. |
| 7.8.9 | All drums / containers of oil, chemicals or other polluting matter shall be located within a suitable structure. Subject to Condition 4.9.8 discharge of rainwater shall be conveyed through a Class II interceptor before discharge to the combined sewer. |
| 7.8.13 | Subject to Condition 4.9.8 the vehicle cleaning area shall drain via a central drainage sump and a Class II interceptor prior to discharge to the combined sewer. |

Ground 11 (ref. Condition 5.3.2)

The applicant proposes that Condition 5.3.2 be deleted on the basis that records of waste accepted at the facility shall be maintained as per Condition 3.9 and that written procedures for

the acceptance and handling of waste shall be provided within six months of the date of grant of the licence. Condition 5.3.2 presumes what the written waste acceptance and handling procedures may be and it is unclear what elements of the Level 3: On-site Verification procedures are to be complied with.

Technical Committee's evaluation

The Technical Committee considers that a visual assessment of incoming waste loads is necessary and should be incorporated into the written waste acceptance and handling procedures. The Technical Committee considers that it is evident that the visual inspection element of the Level 3: On-site Verification procedures is required by Condition 5.3.2. It is noted that the final sentence of Condition 5.3.2 is repeated in Condition 5.4 and it is considered that Condition 5.4 should be incorporated into Condition 5.3 for clarification.

Recommendation

Amend Conditions 5.3.2 to read as follows:

Each load of waste arriving at the transfer station shall be visually inspected prior to unloading in accordance with "Level 3: On-site Verification" outlined in the Agency's Draft Manual on Waste Acceptance. **All wastes shall be checked to ensure that they comply with the requirements of this licence.**

Add a new Condition 5.3.3 incorporating the requirements of Condition 5.4, delete Condition 5.4 and renumber the remaining sub-condition of Condition 5.3 to account for the addition of the new Condition 5.3.3. The new Condition 5.3.3 to read as follows:

Any wastes deemed to be in contravention of this licence and/or unsuitable for acceptance at this facility shall be removed for disposal or recovery at an appropriate alternative facility. Such waste shall be stored in the Waste Quarantine Area only.

Ground 12 (ref. Condition 5.4)

This objection is on the grounds that it is unclear in regard to the nature of the records of inspections of incoming waste. The applicant notes that records of incoming loads shall be maintained as required by Condition 3.9.

Technical Committee's evaluation

The Technical Committee considers that the records required by Condition 3.9, which include details of incoming waste loads and the name of the person checking each load, are sufficient for the purposes of waste inspection records and that no additional waste inspection records are required.

Recommendation

Incorporate the requirements of Condition 5.4 into a new Condition 5.3.3 as detailed in the recommendation for Ground 11 above.

Ground 13 (ref. Condition 5.6)

The applicant notes that if wastes are accepted for compaction it is not always practical to compact such wastes within 12 hours of their arrival on site, particularly if the wastes are accepted near the end of a working day. It is proposed that Condition 5.6 be amended to permit 72 hours for compaction of wastes. This would allow for Sunday and Bank Holiday down times.

Technical Committee's evaluation

The Technical Committee considers that waste should be compacted as soon as possible after its arrival on-site and certainly within 12 hours where possible. It is accepted, however, that Sundays and Bank Holidays have to be catered for. The TC do not consider it necessary to allow for further alterations to be agreed with the Agency.

Recommendation

Amend Condition 5.6 to read as follows:

All waste accepted into the Transfer Station for compaction shall be compacted within 12 hours, except for that waste accepted at the facility on Saturdays which shall be compacted within 48 hours of acceptance at the facility. Waste accepted at the facility on a Saturday preceeding a Bank Holiday Monday must be compacted within 72 hours of acceptance.

Ground 14 (ref. Condition 5.9)

The hours specified for the acceptance of waste are not acceptable to the applicant, as they are not consistent with the Planning Permission. The applicant proposes that the Saturday hours of operation be extended from 7:00 to 20:00 to assist in the timely and safe removal of skips.

Technical Committee's evaluation

The application states that the operating times are as specified in the Planning Permission and the Technical Committee considers that the applicant should be allowed to accept waste during these hours, subject to waste acceptance ceasing half an hour prior to the cessation of operation to allow for all wastes accepted to be processed. The proposed extension to the Saturday hours of operation was not included in the hours of operation addressed in the EIS and consequently the Technical Committee considers that such an extension of operating hours should not be granted. The TC see no further need for the hours to be altered subject to the agreement of the Agency.

Recommendation

Amend Condition 5.9 to read as follows:

Waste shall only be accepted at the facility between the hours of **7:00 a.m.** to **7:30 p.m.** Monday to Friday inclusive and **9:00 a.m.** to **12:30 p.m.** on Saturdays. No waste shall be accepted on Bank Holidays. Waste activities shall only be carried on during the Working Day.

Ground 15 (ref. Condition 5.10.1)

The objection is to mandated recycling by the private sector, without regard to the economics of recycling, and to the potential financial burden that may be dictated to a privately owned and operated company by the Agency. The condition is objected to on the grounds that it is unfair and selective in nature. The applicant requests that the condition be deleted.

Technical Committee's evaluation

The Technical Committee notes that Condition 5.10.1 includes the phrase "Unless otherwise agreed with the Agency" and considers that this allows the recycling rates to be altered if deemed necessary. It is considered that the Agency must endeavour to encourage recovery and recycling.

Recommendation

No change.

Ground 16 (ref. Condition 5.11.2)

The applicant objects to the condition requiring the storage of putrescible waste in sealed containers within the Waste Transfer Building. The grounds for the objection are that the term sealed containers is not defined, that sealed containers are not the norm in the industry and that if a container is sealed there should be no reason why it cannot be parked in a designated area anywhere within the confines of the site. A reworded condition is proposed which allows putrescible waste to be stored in enclosed and covered containers at designated areas within the boundaries of the facility.

Technical Committee's evaluation

The Technical Committee considers that putrescible waste must be stored indoors to reduce the nuisance potential but considers it acceptable that such waste could be stored in enclosed rather than sealed containers.

Recommendation

Amend Condition 5.11.2 to read as follows:

Putrescible waste shall only be stored in **enclosed** containers which shall only be stored within the **Transfer Station Building**.

Ground 17 (ref. Conditions 5.11.2, 5.11.3 and 5.11.4)

The objection is on the grounds of apparent inconsistencies in what is allowed and not allowed by Conditions 5.11.3 and 5.11.4. Condition 5.11.3 restricts the storage of trailers of waste to the Transfer Station Building, whereas Condition 5.11.4 allows the storage of containers of waste overnight at the facility at clearly designated areas. It is suggested that Conditions 5.11.2 and 5.11.3 be deleted and that Condition 5.11.4 be reworded such that the term "overnight" is replaced by "for not more than 72 hours".

Technical Committee's evaluation

Condition 5.11.2 is discussed under Ground 16. With the exception of putrescible waste, the TC considers that, provided the trailers are appropriately covered to reduce potential nuisance, it is unnecessary to store trailers of waste within the Transfer Station Building prior to dispatch. Condition 5.11.4 sets out requirements for storage of waste overnight at the facility and is not intended to establish the total storage time for waste on site. The Technical Committee does not therefore consider the proposal to replace the term "overnight" by "for not more than 72 hours" to be appropriate. It is considered that the reference in Condition 5.11.4 to containers being stored at clearly designated areas may be deleted, as Condition 5.11.1 requires that no waste be stored overnight in other than designated and, where appropriate secure storage areas.

Recommendation

Amend Condition 5.11.3 to read as follows:

Full or partially full trailers loaded with waste for disposal or recovery shall **be appropriately covered at all times, except while being loaded.**

Amend Condition 5.11.4 to read as follows:

A maximum of four enclosed waste containers (including fully enclosed collection vehicles containing waste **and full or partially full trailers of waste**) shall be stored on the facility overnight.

Ground 18 (ref. Condition 5.15)

This objection is on the grounds that it is not practical to operate the facility in the manner required by Condition 5.15. The facility must be operated such that vermin, birds, flies, mud, dust and odours do not give rise to nuisance at the facility or the immediate area of the facility and it appears that Condition 5.15. is redundant and does not allow the applicant the flexibility to operate the facility in a practical and cost effective manner.

Technical Committee's evaluation

The Technical Committee considers it necessary and best practise to remove all waste from the floor of the Transfer Station Building, the tipping pits, conveyors, shredder and compactor at the end of the working day. It is considered sufficient however to clear the above infrastructure of waste rather than clean it thoroughly.

Recommendation

Amend Condition 5.15 to read as follows:

At the end of the working day the floor of the Transfer Station Building, the tipping pits, **the** conveyors, the shredder and the compactor shall be **cleared** of all waste.

Ground 19 (ref. Condition 6.1)

The condition refers to compacted waste only and the applicant proposes that the condition include all wastes for disposal, except inert materials and scrap metal. It is noted that current practise at the facility is not to compact wastes.

Technical Committee's evaluation

The Technical Committee considers that the condition may be amended to require the removal from the facility of all waste for disposal, other than inert material, within 72 hours of its arrival on site. The Technical Committee considers that scrap metal should be recovered rather than disposed of and does not deem it appropriate to consider scrap metal as "waste for disposal".

Recommendation

Amend Condition 6.1 to read as follows:

All **waste for disposal, other than inert waste**, shall be removed from the facility within seventy-two hours of **its arrival at the facility.**

Ground 20 (ref. Condition 6.7.2)

The objection is made on the grounds that the condition is unclear and it is not certain what “bunkers” refers to.

Technical Committee’s evaluation

The Technical Committee agrees that Condition 6.7.2 should be clarified and proposes that the term “bunkers” be replaced by “waste handling areas”.

Recommendation

Amend Condition 6.7.2 to read as follows:

Water sprinklers shall be operated in **waste handling areas** as and when required.

Ground 21 (ref. Condition 7.1)

The applicant notes that the term “environmental significance” is not defined, cannot be measured and is qualitative. The applicant proposes the deletion of the sentence in Condition 7.1, which refers to emissions of environmental significance.

Technical Committee’s evaluation

The Technical Committee considers the term “environmental significance” to be self explanatory and in the context of Condition 7.1 to refer to emissions that may have a significant effect on the environment.

Recommendation

No change.

Ground 22 (ref. Condition 7.3)

It is proposed that Condition 7.3 be deleted as the condition is redundant given the requirement of Condition 7.1 that emissions comply with the emission limit values set by the licence.

Technical Committee’s evaluation

The Technical Committee considers this condition necessary to control emissions such as odours, which are not controlled by emission limit values.

Recommendation

No change.

Ground 23 (ref. Conditions 7.8.15, 11.3.1, Table E.1.2, Table F.1)

An objection to the sewer flow monitoring regime is made on the grounds that it requires clarification. Table F.1 and Conditions 7.8.15.1 and 11.3.1 imply a requirement for continuous flow monitoring whereas Table E.1.2 states that the flow to sewer shall be measured every three months by a grab sample.

Technical Committee’s evaluation

The Technical Committee agrees that the sewer flow monitoring program requires clarification. It is considered that continuous flow monitoring is not required and that Condition 7.8.15.1, which refers to continuous monitoring, may be deleted. It is not considered that flow to sewer can be determined by Grab Samples alone, as indicated in Table E.1.2, and the Technical Committee

considers that the sampling method/type column should be expanded to allow flow to sewer to be determined by calculation or other method agreeable to the Agency.

Recommendation

Delete Condition 7.8.15.1 and renumber Condition 7.8.15.2 to account for this deletion.

Add the following sub-condition between existing sub-conditions 7.8.15.2 (b) and 7.8.15.2 (c) and renumber the remaining sub-conditions in Condition 7.8.15.2 to account for this addition:

c) No flow volume shall exceed the emission limit value.

Amend the Sampling Method/Type column for Flow to sewer in Table E.1.2 to read as follows:

Grab/Calculation or other method agreeable to the Agency

Ground 24 (ref. Condition 9.2.1, Tables C.1, E.3.2)

The applicant objects to the noise monitoring regime on the grounds that there are inconsistencies between Condition 9.2.1, which requires annual monitoring, and Tables C.1 and E.3.2, which require bi-annual monitoring.

Technical Committee's evaluation

The Technical Committee agrees that the noise monitoring program requires clarification. It is considered that bi-annual noise monitoring is required and the Technical Committee notes that in the Inspectors report to the Board a reference is made to a requirement for bi-annual noise monitoring. The Technical Committee also notes an inconsistency between Condition 9.2.1, which requires the first noise monitoring to be undertaken within six months of grant of the licence, and Schedule C, which requires the first noise monitoring report within three months of grant of the licence.

Recommendation

Amend Condition 9.2.1 to read as follows:

Noise monitoring as specified in Schedule E.3 shall be carried out on a **bi-annual** basis during operational hours. The first such monitoring shall be undertaken within **three** months of the date of grant of this licence

Ground 25 (ref. Condition 9.4)

An objection is made in relation to the labelling of all sampling and monitoring points as such labelling is deemed impractical and beyond the control of the licensee at offsite monitoring locations on private property.

Technical Committee's evaluation

The Technical Committee considers it necessary to clearly label all sampling and monitoring points but understands that this may not be possible on lands that are not the property of the licensee. The Technical Committee considers that labelling of offsite sampling and monitoring points should be carried out subject to the agreement of the landowners.

Recommendation

Amend Condition 9.4 to read as follows:

The licensee shall maintain all sampling and monitoring points, and clearly label and name (including national grid number) all sampling and monitoring locations, **subject to the agreement of the landowners in the case of such points which are outside the facility**, so that they may be used for representative sampling and monitoring.

Ground 26 (ref. Condition 11.3.1)

The applicant considers an apparent requirement to monitor total flow and proposes to pay the Sanitary Authority charges on the basis of the water meter records for the site and an agreed annual run off based on rainfall records. It is proposed that Sanitary Authority payments be made twice yearly, in arrears, at the end of July and the end of January.

Technical Committee's evaluation

The Sanitary Authority charges in the licence are those set out in the section 52 consent received from the Sanitary Authority. The Technical Committee cannot amend the requirements of the Sanitary Authority in this regard.

Recommendation

No change.

Signed:

Ted Nealon
Technical Committee Chairperson