

<b>MEMO</b>			
<b>TO:</b>	Board of Directors	<b>FROM:</b>	Ted Nealon
<b>CC:</b>		<b>DATE:</b>	17 November 2004
<b>SUBJECT :</b> Technical Committee Report on Objections to Proposed Decision - Reg. No. 45-1.			

**TECHNICAL COMMITTEE REPORT ON OBJECTIONS TO PROPOSED DECISION – REG. NO. 45-1**

Application Details	
Applicant:	Dean Waste Company Ltd
Location of Activity:	Greenhills Road, Walkinstown, Dublin 12
Reg. No.:	45-1
Licensed Activities under Waste Management Act 1996:	Third Schedule: Classes 11, 13 Fourth Schedule: Classes 2, 3, 4, 13
Proposed Decision issued on:	11/08/00
Objection received:	7/09/00
Inspector:	Sinead McMahon

**Consideration of the objection**

The Technical Committee (Dr Ted Nealon, Chairperson, Breege Rooney and Malcolm Doak 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 6 and 13 November 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**

<b>No change.</b>
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**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.

**Recommendation**

<b>No Change</b>
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**Ground 9 (ref. Condition 4.9.1)**

*The applicant questions the need for the installation of a holding tank at Sump A, the purpose of which is to hold more than two weeks of foul and rainwater. Current site practices allow rainwater to discharge to foul sewer unimpeded. Furthermore, to eliminate some of the runoff into foul sewer the applicant requests approval to discharge clean rainwater from roof direct into ground.*

**Technical Committee's evaluation**

The Technical Committee recognises the impracticalities of providing for a two-week holding tank and the problems managing such a tank would incur. However, the TC considers that rain and foul water from the concrete yard/surface cannot flow to foul sewer unimpeded given the potential for such effluent to be contaminated with oil, fats and grease and general vehicle oil leaks etc. The TC therefore recommends that the holding tank at Sump A be replaced by a Class II interceptor which would ensure that water entering the foul sewer would be treated for hydrocarbons, fat and grease.

The Technical Committee agrees that rainwater from roof structures should be piped to ground.

Condition 4.9.1, 4.9.2 and 4.9.3 should be amended to reflect these issues.

**Recommendation**

<b>Amend Conditions 4.9.1, 4.9.2, and 4.9.3 to read as follows:</b>	
4.9.1	<b>All surface water run-off from the facility (other than roof water) shall pass through a silt trap and Class I interceptor prior to discharge to the foul sewer.</b>
4.9.2	<b>Within nine months of the date of grant of this licence all roof waters shall be segregated and separately discharged to ground via a gravel filled french drain as per the Building Regulations.</b>
4.9.3	The <b>Class II interceptor</b> shall be tested for integrity upon construction and at annual intervals thereafter. A report on the integrity and any maintenance or remedial work arising shall be submitted to the Agency upon construction and at yearly intervals thereafter. The <b>Class II interceptor</b> shall be fitted with a high level alarm.

**Ground 10 (ref. Condition 4.9.4)**

*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**

<b>No change.</b>
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**Ground 11 (ref. Condition 4.12)**

*The applicant questions the requirement for a hydrogeological investigation at a site which is completely covered in concrete.*

**Technical Committee's evaluation**

The Technical Committee considers that there is need for a hydrogeological investigation since the site overlies a gravel pit which was once used as a landfill. Such a scenario may have had an impact on groundwater quality beneath the site.

**Recommendation**

<b>No change.</b>
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**Ground 12 (ref. Condition 5.2)**

The applicant objects to the breakdown of the types of waste listed in schedule G and the quantities thereof. Furthermore the applicant requests that household waste be accepted.

**Technical Committee's evaluation**

The Technical Committee considers that such a breakdown as specified in Schedule G is necessary, which specifies 60,000T Commercial & Industrial Waste and 240,000T C & D Waste. The Framework Waste Directive and the Waste Management Act require that waste type and quantities be specified in a permit/licence. Without direct information raised in the objection, the TC envisages that a large proportion of waste will be commercial and industrial and therefore may have a higher figure of 100,000T for the purposes of Schedule G. The tonnage of C&D waste should be reduced accordingly to 200,000T.

There are no details or information available for the TC to make a decision on the acceptance of household waste.

**Recommendation**

<b>Amend Schedule G to read as follows:</b>	
WASTE TYPE	MAXIMUM TONNES PER ANNUM
Commercial and Industrial non-hazardous	<b>100,000</b>
Construction and Demolition	<b>200,000</b>
TOTAL	300,000

**Ground 13 (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**

<b>Amend Conditions 5.3.2 to read as follows:</b>
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. <b>All wastes shall be checked to ensure that they comply with the requirements of this licence.</b>

**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 shall be removed for disposal or recovery at an appropriate alternative facility. Such waste shall be stored in the Waste Quarantine Area only.

**Ground 14 (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 15 (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 16 (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, 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. 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.

Signed:

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Ted Nealon  
Technical Committee Chairperson