

MEMO			
TO:	Board of Directors	FROM:	Cormac Mac Gearailt
CC:		DATE:	25 th March 2003
SUBJECT: Mr Binman Ltd. Ltd. Objections to Proposed Decision – Reg. No. 61-2			

Application Details	
Applicant:	Mr Binman Ltd. Ltd
Location of Activity:	Luddenmore, Grange Kilmallock Co. Limerick
Reg. No.:	61-2
Proposed Decision issued on:	10/10/02
Inspector:	Maeve McHugh

Objections Received	Date Received
1. Gerrard Doherty (Senior Executive Engineer) & Paul Crowe (Director of Environmental & Emergency Services, Limerick County Council.	5/11/02
2. Mr Charlie O'Neill, Ballybricken Environmental Group, Friarstown Grange Kilmallock, County Limerick	6/11/02
3. Mr Binman Ltd.(c/o RPS Environmental Sciences Ltd.)	26/11/02
Submissions on Objection	Date Received
1. Mr Charlie O'Neill, Ballybricken Environmental Group	16/12/02
2. Paul Crowe (Director of Environmental and Emergency Services, Limerick County Council.	16/12/02
3. Mr Binman Ltd.(c/o RPS McHugh Planning & Environment Ltd.)	17/12/02

Consideration of the Objections.

The Technical Committee (Cormac Mac Gearailt, Chairperson, Breege Rooney, Mary O'Hara, committee members) has considered all of the issues raised and this report details the Committee's comments and recommendations following the examination of the objections and submissions on these objections.

OBJECTION No 1:

Gerrard Doherty (Senior Executive Engineer) and Paul Crowe (Director of Environmental and Emergency Services), Limerick County Council.

GROUND 1:

The objector states that the Agency have not had regard to the Regional Waste Management Plan (the Plan) for the region, which only the Local Authority can change following due process. Since the Agency must have regard for the Plan, and since planning criteria are

integral to siting facilities in the Plan the Agency must also have regard to planning issues. While Limerick County Council acknowledges the significant contribution that Mr Binman Ltd. makes to meeting the objectives of the Plan, the Proposed Decision is in contravention of the Plan due to the fact that specified siting criteria were not considered.

Specifically the objector draws attention to the following:

- (a) The Agency did not have regard to siting criteria identified in the Plan (Section 13.5.2) for the transfer stations/recycling facilities.*
- (b) In addition Section 11.2 of the Plan identifies four locations for the siting of Civic Waste Facilities. One location referred to is Kilmallock (10km from Mr Binman). The objector states that the Local Authority is in the planning stage for a site in Kilmallock and Mr Binman Ltd.'s facility will undermine the viability of this site and other sites. An Bord Pleanála has determined that the facility is not in compliance with the Plan and has in this regard limited the planning permission for the facility to 10 years, after which Mr Binman Ltd. must remove the facility unless further planning permission has been received.*
- (c) The objector questions why the Agency allowed the facility (i.e. 61-1) to operate in excess of the Waste Tonnages licensed without any explanation.*
- (d) The objector takes issue with a statement in Section 9 (14) of the Inspectors report whereby it is stated that "the presence of the activities are contributing to the objectives of the Plan". The objector contends that this is only partially true, as some objectives are being assisted whilst others are being breached.*

SUBMISSIONS ON THE OBJECTION from LCC

Limerick County Council made a Submission on their own Objection. In this they clarify the thrust of their original objection. They state that their intention is not to close or have Mr Binman restricted to its current licence limit, but to have the decision adjusted to reflect the thrust of the Planning Permission which limits the permission granted to a 10 year period.

SUBMISSIONS ON THE OBJECTION from Ballybricken Environmental Group

Ballybricken Environmental Group agrees with the objection made by Limerick County Council and state that the location of Mr Binman Ltd. makes it an unsuitable site for the following reasons;

- Potential for pollution of the local aquifer.*
- The Mr Binman Ltd. site is unsuitable due to significant extra environmental emissions since it is significantly removed from the source of the waste (i.e. Limerick City)*
- Inadequate sewage and waste water treatment facilities.*
- The submitter goes on to say that since the facility was not included in the relevant locations proposed in the Plan it should be relocated nearer to the main waste source.*

The submitter states that Mr Binman Ltd. has been in breach of its licence and the EPA have responded to this with non-enforcement of the licence.

SUBMISSIONS ON THE OBJECTION from Mr Binman Ltd.

- Mr Binman Ltd. states that while Limerick County Council have objected to the development on the basis of 'siting criteria', the Plan does not apply retrospectively to siting of facilities. The submitter states that the planning permission granted to the facility is only valid for 10 years.*
- The submitter disagrees with the Limerick County Council statement that the Inspectors report deviates from the Plan. The submitter states that in fact, Mr Binman Ltd. delivers on some of the core objectives of this plan e.g provision of door to door recyclable collection in Limerick City.*

- *The submitter also disagrees with Limerick County Council, since planning issues impact directly on the Regional Waste Management Plan that the Agency must have regard for planning issues. The submitter states that due regard has been paid to the Plan.*
- *The submitter disagrees with Limerick County Council’s statement that the facility breaches some of the objective of the Plan. Mr Binman Ltd. contends that the facility provides a vital element of the waste services of the region.*

Technical Committee’s Evaluation

(a) The Technical Committee note that in the objection made by Limerick County Council, it is stated that “Limerick County Council acknowledges the significant contribution the existing Mr Binman facility makes to meeting the objectives of the Regional Waste Management Plan”. The Technical Committee note that Limerick County Council granted planning permission for this facility.

The Proposed Decision did have regard to the Plan and this is specifically dealt with under the heading Waste Management Plan in the Inspectors Report.

The Technical Committee also note that there are other relevant statutory plans such as the Water Quality Management Plan (Lower Shannon Catchment) and Waste Management Plan were considered in accordance with Section 40(2) of the Waste Management Act, 1996. The Technical Committee recommend that this should be reflected in the ‘Decision & Reasons For The Decision’ section of the Licence.

(b) Regarding the concerns of Limerick County Council for the 10 year life span of the existing planning permission for the facility, the Technical Committee consider that the review mechanism as outlined under Section 46 of the Waste Management Act 1996 is adequate to allow their concerns to be considered at the appropriate time. In any event the licensee must have all other valid permissions and comply with relevant legislation.

(c) The Technical Committee note that the licensee did operate in excess of the licensed tonnage allowed in Waste Licence Reg. No. 61-1. A breach of the maximum allowable tonnage was noted during an audit carried out by the Agency on 8/6/01, and the applicant was issued with a notification of non-compliance on 14/3/02 specifically noting the Agency’s concern in relation to the significant breaches of the maximum allowable tonnage. The primary reason for this review application is in response to the breaches noted by the Agency regarding this tonnage exceedance. The conditions of the Proposed Decision require that the applicant install additional infrastructure and carry out additional monitoring to ensure that waste activities do not cause environmental pollution (Condition 3.9).

In addition, Condition 11.4 of the Proposed Decision requires that the licensee must be able to demonstrate that the facility is capable of dealing with the proposed tonnage increase (i.e. from 87,500tpa to a maximum of 105,000tpa). This increase may occur only with the written agreement of the Agency.

However, the Technical Committee consider that Condition 11.4 should be adjusted to refer specifically to Condition 3.9, which specifically details the requirements for sizing and additional capacity *etc.* which must be submitted to the Agency.

(d) The Technical Committee consider that the facility is contributing to the objectives of the Plan and that the statement referred to in the Inspectors Report (i.e. “*the presence of the activities are contributing to the objectives of the Plan*”) is valid. See also response to Point (a) above.

Recommendation

Change Decision & Reasons for the Decision to:

DECISION & REASONS FOR THE DECISION

The Environmental Protection Agency (the Agency) is satisfied, on the basis of the information available, that the waste activity, or activities, licensed hereunder will comply with the requirements of Section 40(4) of the Waste Management Act, 1996. In reaching this decision the Agency has considered the application and supporting documentation received from the applicant, all submissions received from other parties, **all relevant statutory plans**, the report of its Inspector and all objections received.

Change Condition 11.4 Waste Tonnage to:

Should the licensee propose to increase the annual throughput of the facility to over 87,500 tonnes per annum any such proposal, (refer to *Schedule A: Waste Acceptance*, of this licence) must, as a minimum demonstrate that the facility is capable of dealing with the proposed tonnage increase. **The licensee must demonstrate this capability based on the criteria outlined under Condition 3.9 of this licence. The licensee shall not accept over 87,500 tonnes per annum without the prior written agreement of the Agency.**

OBJECTION No 2:

Mr Charlie O'Neill, Ballybricken Environmental Group, Friarstown Grange Kilmallock, County Limerick

The objector commences by outlining a number of past breaches of a number of planning permissions issued to Mr Binman Ltd. in relation to this facility.

The Technical Committee note that the planning history of the site is a matter for the planning authority.

GROUND 1

(a) The objector alleges that Mr Binman Ltd. regularly allows waste to be stored and accumulate in the open in breach of the Waste Licence, including wood and pallets, construction and demolition waste and metal debris. The objector refers to photographs attached illustrating this; however these photos were not included with the objection.

Technical Committee's Evaluation

(a) The Technical Committee note that Condition 3.14.1 requires that appropriate visual and noise screening of the dedicated construction and demolition waste area be provided. It is recommended that this area should also include the storage of metal and wood waste. It is also noted that Condition 7.4.1 requires that all waste for disposal stored overnight at the facility, shall be stored in suitably covered and enclosed containers within the Waste Transfer Building for the purposes of dust and odour control. The Technical Committee consider that given the adjustment to Condition 3.14 below, regarding storage of C&D, metal and wood waste - this condition should be adjusted to apply to waste stored indoors only. The Technical Committee also note the storage requirements of Condition 5.3.2 (waste stored overnight in waste vehicles).

Recommendation

Change Condition 3.14 to:

3.14 Construction and Demolition Waste Recovery Area

3.14.1 Within 12 months of the date of grant of this licence, the licensee shall provide and maintain an appropriately sized construction and demolition (**including metal and wood**) waste storage area. This infrastructure shall at a minimum comprise

Change Condition 7.4.1 to:

All waste for disposal stored **indoors** at the facility, shall be stored in suitably covered and enclosed containers within the Waste Transfer Building, and shall be removed from the facility within forty eight hours of its arrival at the facility.

GROUND 2

- (a) *The objector quotes the Inspectors Report which states that the licensee is currently accepting twice the annual allowable tonnage of waste at the transfer station. By granting a licence the Agency is therefore encouraging further breaches of the licence.*

Technical Committee's Evaluation

- (a) Enforcement actions carried out by the Agency in relation to the exceedences of the waste tonnages allowable at this facility are detailed in the earlier response to Objection 1 Ground 1 Point (d). Condition 3.9 requires the licensee to demonstrate that the processing capacity of the facility is sufficient to cater for the tonnages of waste to be received at the facility. In addition, the licensee may not accept greater than 87,500 tonnes per annum at the facility without the prior written agreement of the Agency.

Recommendation

No change

GROUND 3

The objector states that the location of this facility is not in compliance with the Waste Management Plan, specifically Section 13.5 of the Plan with regard to the following;

- (a) *it is not near the urban area which it serves (Limerick City is approx. 12km away),*
(b) *the area within which Mr Binman Ltd. is located is not zoned industrial, and*
(c) *the location of Mr Binman Ltd. is not convenient to householders (i.e. for use of the Civic Amenity Facility)*
(d) *The objector states that the environmental impacts resulting from the location of this facility away from the greater Limerick area have not been addressed in the EIS, namely;*
- *emissions due to extra fuel consumption,*
 - *increase in truck mileage and resulting danger and nuisance and*
 - *negative impacts on residential amenity and*
 - *noise levels in the area*
- (e) *The objector points out that An Bórd Pleanála did consider the Plan and states that its Inspector concluded that the expansion of this facility would be inappropriate and contrary to the strategic and general principles of good planning practice.*

Technical Committee's Evaluation

- (a) This facility serves a significant area within the mid-west region including Limerick (city and county) and Clare.
- (b) Zoning concerns are not intended to be applied to existing facilities (i.e. which already have planning permission).
- (c) As stated in (a) above, this facility and any Civic Waste Facility constructed will serve a significant catchment area. The Waste Management Plan for the region includes the provision of a number of Civic Waste Facilities in other locations. It is not intended that any one CWF will serve the needs of the region. See also response to Objection No.1 Ground 1(b) above.
- (d) The Technical Committee note that the EIS was assessed in accordance with the EIA Regulations and complied with Article 25 of the regulations. In considering the waste activities to be carried out at the facility, the Technical Committee is satisfied that the application complies with Section 40 (4) of the Waste Management Act, 1996 and as such, when carried out in compliance with the terms of the Proposed Decision will not result in environmental pollution. Noise arising from vehicles using public roads around the facility is a matter for the planning authority. With regard to noise emissions from the facility itself, see response to Objection No. 2 Ground 9 (a) below. Other matters raised are issues relevant to the the planning authority.

- (e) The objector refers to statements made by the An Bórd Pleanála Inspector, however the planning decision issued by An Bórd Pleanála allows the facility to operate for a period of 10 years.

Recommendation

No change

GROUND 4

The objector states that the EIS was inadequate and the Agency has not carried out the EIA process as required by the EIA Directive. Specifically the objector refers to requirements of the Proposed Decision where investigations are required after the licence is issued. Specifically as follows;

(a) *Condition 5.7.5 requires that, “the exact location of the local group water scheme pipework in the environs of the facility should be discovered and recorded. A report should be prepared regarding same. The report should be maintained at the facility for the information of the public”. The objector states that in the Inspectors Report it was stated that as well as finding the pipe it should be relocated to a point outside the area. This is not reflected in the condition as it was issued in the recommended Proposed Decision. The objector contends that the Agency should know where the pipe is before it can assess the environmental impact of the development.*

(b) *The objector refers to the following conditions;*

- *Condition 3.10, which requires the licensee to install an on site waste water treatment plant and percolation area in line with published Agency requirements, and*
- *Condition 5.7.1 which requires that the on-site wastewater treatment plant should be assessed in terms of its capacity to treat the required volumes and types of wastewater arising at the facility*

The objector states that these conditions miss the fundamental point of the EIA process, in that impacts should be assessed before consent is granted.

Technical Committee’s Evaluation

With regard to the adequacy of the EIS refer to Objection No. 2 Ground 3 Point (d) above.

(a) The Technical Committee notes that the Condition in the Proposed Decision does not require the pipe to be permanently marked and/or relocated. The Technical Committee considers that depending on the findings of the report, the licensee should be required to liaise with the landowner and the group water scheme management with regard to the potential relocation of this pipe. The Technical Committee considers it is reasonable to carry out this investigation and any remedial measures considered necessary after the license has issued.

(b) The Technical Committee considers that it is not technically difficult to treat such emissions as are proposed from this facility (i.e. domestic sewage, floor washings etc.). It is noted that specific provisions of Condition 5.7.1 should result in more effective operation of the wastewater treatment system (e.g. diversion of stormwater run-off to a separate system to prevent overloading of the existing system). It also requires an assessment of the capacity of the system and the percolation areas and requires that further upgrades be carried out if deemed necessary. Extensive visual and chemical monitoring of the waste water treatment system, and local groundwater as required by the Proposed Decision will ensure the effective operation of the system.

Recommendation

Change Condition 5.7.5 to:

The exact location of the local group water scheme pipework in the environs of the facility should be discovered and recorded. **The licensee shall liaise with the relevant landowner and the group water scheme management and relocate this pipework, if necessary. A**

report should be prepared regarding same. The report should be maintained at the facility for the information of the public.

GROUND 5

- (a) *The objector notes the Limerick County Council submission, which stated that the on-site wastewater treatment plant was not operating effectively. The objector infers that there may have been landspreading of this effluent on the fields adjoining the facility by the applicant (these fields are owned by the applicant).*
- (b) *The objector states that bi-annual groundwater monitoring is not sufficient to detect system breakdown and one well downgradient of the plant is not sufficient.*
- (c) *The objector states that monitoring of the waste water treatment plant emissions should be monthly rather than bi-annually and that Total Phosphorus, Total Nitrogen and Total Organic Carbon should be included as monitoring parameters.*
- (d) *The objector is concerned about the drainage around the compactors in the main building and is of the opinion that this area should drain to the waste water treatment system. The objector states that all other drainage from hardstanding areas should drain via a silt trap prior to discharge to the soak pit.*
- (e) *In addition the objector raised concerns as to the lack of monitoring for heavy metals and PCB's in the Proposed Decision (no specifics for location of this monitoring)*

Technical Committee's Evaluation

- (a) The Proposed Decision requires that all waste water arising at the facility must be treated, and does not allow for landspreading. There are two treatment systems. One will treat wastewater arising from areas where waste is handled, toilets and the canteen (biological treatment/settlement and discharge to percolation area) and the other will treat waste water from hardstanding areas and the truckwash. More specifically treatment through a silt trap and interceptor prior to discharge to a percolation area is required for truck washwater. The Technical Committee consider that monitoring for mineral oils should be carried out on this discharge to ensure effective operation of the interceptor. This requires that a new monitoring point be assigned. This should be labelled FE2.
The Technical Committee also note a typographical error where TE1 is referred to as an emission point. This should read FE1.
- (b) The Technical Committee consider that chemical monitoring and visual inspection of the emissions from the waste water treatment system (as required under this Proposed Decision) is the most effective way to detect breakdown of the system. It is also noted that Condition 5.7.3 states that where odour, visual or chemical monitoring of the treatment system indicate it is not operating effectively then effluent must be tankered off-site to an agreed wastewater treatment plant. The Technical Committee consider that monitoring of groundwater specified is adequate.
- (c) The Technical Committee consider that the frequency of monitoring emissions from the waste water treatment system should be increased to quarterly. However, the Technical Committee consider that the parameters outlined in this table are adequate for system monitoring. Monitoring requirements of this licence may be adjusted under Condition 8.2.
- (d) The Technical Committee consider that Condition 5.7.1 should be adjusted to reflect the requirement that waste water from all areas where non-inert waste is processed should be directed to the wastewater treatment plant. All other waste waters should be discharged to the silt trap and soak-pit.
- (e) Considering the waste types to be accepted at this facility (no hazardous wastes), the requirement for waste characterisation, waste inspection and customer profiling (Condition 5.2) and the presence of a bunded waste quarantine area the Technical Committee considers that there is no requirement to monitor for PCB's or heavy metals.

Recommendation

Change Table D.1.1 to:

Table D.1.1 Noise, dust and waste water Monitoring Locations

NOISE STATIONS Note 1	DUST STATIONS Note 2	WASTE WATER STATIONS	COMPOSTING UNIT STATIONS Note 4	GROUNDWATER STATIONS Note 5
1	G	FE1 Note 3	BW1	GW1
2	C	FE2 Note 6		GW2
3	E			

Note 1: Noise monitoring location 1 refers to the Ryan residence, No 2 the Power residence and 3 the Henessy residence as referred to in Attachment J.7 of the application.

Note 2: Dust monitoring locations are those labelled as G, C and E of the application drawing entitled 'Location of passive dust collectors'.

Note 3: FE1 is the emission point from the outlet of the wastewater treatment plant prior to entry to the percolation area.

Note 4: BW1 is the outlet vent from the biodegradable waste treatment vessel.

Note 5: GW1 refers to an upstream groundwater monitoring location, and GW2 refers to a downstream groundwater monitoring location to be agreed with the Agency, as per Condition 3.16.

Note 6: FE2 is the emission point from the Class 1 interceptor prior to discharge to the percolation area.

Change Table D4 to:

D.4 Waste water Emissions

Table D.4.1 Waste water Monitoring Frequency and Techniques (to be carried out at FE1 unless otherwise indicated)

Parameter	Monitoring Frequency	Analysis Method/Technique
PH	Quarterly	Electrometry
Biological Oxygen Demand	Quarterly	Standard Methods ^{Note 1}
Suspended Solids	Quarterly	Standard Methods ^{Note 1}
Fats, Oils, Grease	Quarterly	Standard Methods ^{Note 1}
Temperature	Quarterly	Temperature probe
Ammoniacal nitrogen	Quarterly	Standard Methods ^{Note 1}
Volume	Quarterly	To be agreed
Mineral oils ^{Note 2}	Quarterly	Standard Methods ^{Note 1}

Note 1: "Standards Methods for the Examination of Water and Wastewater", (prepared and published jointly by A.P.H.A., A.W.W.A & W.E.F) 20th Ed., American Public Health Association, 1015 Fifteenth Street, Washington DC 20005, USA.

Note 2: Monitoring for mineral oils to be carried out at FE2 only.

Change Condition 5.7.1 (c) to:

5.7 Wastewater Management

5.7.1 Within six months of the date of grant of this licence the licensee should ensure the following:

- a) that clean roof runoff is directed to a soakpit or otherwise directed from the wastewater treatment plant, as stated in Section D.1.1 of the application.
- b) all run off from all areas used for the handling and storage of non-inert waste shall be diverted to the Waste water treatment plant**
- c) that runoff from all impermeable hardstanding areas of the site other than those used for the handling and storage of non-inert waste should be directed to a silt trap and discharged via a soak pit**
- d) canteen effluent should be discharged to the wastewater treatment plant via an appropriate oil interceptor.
- e) the on-site wastewater treatment plant should be assessed in terms of its capacity to treat the required volumes and types of wastewater arising at the facility and a report submitted to the Agency detailing any necessary upgrades to the system, and timeframes for their implementation.
- f) effluent from the vehicle washing system should be quantified and characterised within three months of the date of grant of this licence. A report should be submitted to the Agency outlining the most appropriate treatment options for this effluent.

GROUND 6

- (a) *The objector requests that the requirement for minimal security lighting on the site be strengthened to include the requirements for specific measures such as appropriate light cowlings and angles and the use of passive infra-red lighting.*

Technical Committee’s Evaluation

- (a) The Technical Committee considers that the applicant should submit a report to the Agency within six months of date of grant of the licence examining the use of light restrictors, and passive infrared lighting. The findings of this report should be implemented as agreed with the Agency.

Recommendation

Change Condition 7.8 to:
The licensee shall submit a report to the Agency within six months of date of grant of this licence on limiting the use of security lighting at night, and assessing alternative systems so as to avoid nuisance and visual intrusion. The findings of this report shall be implemented as agreed with the Agency.

GROUND 7

The objector refers to noise conditions of the Proposed Decision and makes these points:

- (a) *An additional noise monitoring point should be included in an adjacent residential area known as ‘The High Road’*
(b) *The objector requests noise monitoring be increased from biannually to at least quarterly*
(c) *The objector questions the locations of the Noise Sensitive Locations as they are all located at lower elevations than the facility.*

Technical Committee’s Evaluation

- (a) The Technical Committee considers that the monitoring points outlined in the Proposed Decision adequate to assess the impact of noise emissions from the facility.
(b) The Technical Committee considers that the noise monitoring stipulated in the Proposed Decision is adequate to monitor noise emissions from the facility (see also Objection No. 2 Ground 9 (a) below).
(c) The Noise Sensitive Locations have been picked to provide for representative monitoring of the impact of any noise emissions from the facility on local residences. The most effective manner of doing this is by carrying out monitoring at the residences in question.

Recommendation

No change

GROUND 8

- (a) *The objector refers to restrictions that should be added in relation to the spreading of compost material from the facility*

Technical Committee’s Evaluation

- (a) There is no proposal to spread compost from this facility. In any event compost use is restricted by Condition 5.4, and is required to be used in line with best agronomic practice. The Technical Committee consider that this is adequate.

Recommendation

No change.

GROUND 9

- (a) *The objector requests that given the rural location of the facility that the hours of opening should be restricted to what is currently outlined in the licence i.e. 8am-6pm. The objector attaches a log of truck movements to and from Mr Binman Ltd. between 6:53am and 7:56am i.e. prior to the currently licensed hours of operation.*

Technical Committee’s Evaluation

- (a) The Technical Committee consider that the opening hours in Condition 1.7 are adequate for the protection of the environment. Condition 6.1 requires that noise emissions shall not breach the 45/55 dBA limit, and Condition 6.2 requires that waste activities shall be carried out such that emissions do not result in significant impairment of the environment beyond the facility boundary. However, it is noted that this condition allows truck movements to occur during night-time hours (in this case from 7am-8am) and as such the noise monitoring should be carried out during night-time and daytime hours to adequately reflect the impact of the waste activities occurring during these times.

Recommendation

This also includes the change referred to in Ground 6 (b) above.
Change Table D3 to:

D.3 Noise

Table D.3.1 Noise Monitoring Frequency and Technique

Parameter	Monitoring Frequency ^{Note 2}	Analysis Method/Technique
L(A) _{EQ} [30 minutes]	Biannually	Standard ^{Note 1}
L(A) ₁₀ [30 minutes]	Biannually	Standard ^{Note 1}
L(A) ₉₀ [30 minutes]	Biannually	Standard ^{Note 1}
Frequency Analysis(1/3 Octave band analysis)	Biannually	Standard ^{Note 1}

Note 1: “International Standards Organisation. ISO 1996. Acoustics - description and Measurement of Environmental noise. Parts 1, 2 and 3.”

Note 2: Noise monitoring to be carried out during night-time (i.e. 7-8am) and daytime periods.

GROUND 10

- (a) *The objector requests that the Environmental Management System for the facility should require all costs associated with the operation of the facility to be specified so that a determination can be made as to the sustainability of the facility.*
- (b) *In addition, the objector questions why in the Proposed Decision the applicant is allowed 18 months to update the EMS, when all that is required is an updating of the existing EMS which should be required in 6 months.*

Technical Committee’s Evaluation

- (a) The Technical Committee considers that this request falls outside the requirements of the relevant licensing legislation. It should be noted however that all companies are required to prepare audited accounts available to the public.
- (b) The Technical Committee consider that updating the EMS to account for new activities will not be unduly onerous and as such should be submitted to the Agency within nine months. The Technical Committee also note a typographical error which should be removed (reference to ‘shorter period for new facilities’)

Recommendation

Change Condition 2.3.1 to:
The licensee shall establish and maintain an EMS. **Within nine months from the date of grant of this licence, the licensee shall submit to the Agency for its agreement a proposal for an updated Environmental Management System (EMS) for the facility.** Following the agreement of the Agency, the licensee shall establish and maintain such a system. The

EMS shall be updated on an annual basis with amendments being submitted to the Agency for its agreement.

GROUND 11

The objector takes issue with the allowance in the Proposed Decision for the construction of a Civic Waste Facility (CWF) as a specified engineering work. The objector suggests that construction of a CWF at this location is not in compliance with the Regional Waste Management Plan, as it states that “facilities such as bring banks and recycling centres would be located at the centre of their catchment areas”. The objector states that it is outside the remit of the Agency to allow such a development in the absence of planning permission.

Technical Committee’s Evaluation

- (a) With regard to compliance with the Regional Waste Management Plan and siting criteria refer to Objection No.1 Ground 1 above. It should be noted that the Proposed Decision does not require the construction of a Civic Waste Facility. However it does provide for appropriate controls in the case that a CWF is constructed. With regard to the requirement for planning permission it should be noted that the requirement to comply with conditions of a waste licence does not negate the licensee’s statutory obligations or requirements under any other enactments or regulations (*i.e.* the requirement to obtain planning permission) (Condition 1.3). This Condition also applies to the provision of adequate health and safety measures at the facility. In addition, Condition 3.4.1 requires that effective site roads must be provided and maintained to ensure the safe movement of vehicles within the facility. The increase in traffic outside the facility boundary is an issue for the planning authority.

Recommendation

No change

GROUND 12

The objector refers to an attached submission (submitted by local appellants to An Bórd Pleanála) in relation to an application for Planning Permission for part of the Mr Binman Ltd. facility. This submission deals with the potential impact of the Mr Binman Ltd. facility on the Ballybricken group water supply wells, the water reservoir and the water handling pipes. The objections refers to E. coli contamination which was noted in the Ballybricken supply in the past and only occasional monitoring is carried out on the scheme. The objection also refers to a break in one of the water pipes which was allegedly caused by Mr Binman Ltd.

Technical Committee’s Evaluation

- (a) The Technical Committee notes a submission made on this application from the Senior Environmental Health Officer with the Mid-western Health Board. The submission states that: “based on the information provided in the EIS and the on-site visit and interviews there is no evidence of any significant negative impact on public health arising from the present operations of this waste operation. Accordingly there is no objection presently on public health grounds to the granting of this licence application”.

The Technical Committee considers that the groundwater monitoring requirements, the requirement to adequately design and assess the waste water treatment system (Condition 5.7) and the hydrogeological assessment required under Condition 11.7 (which requires the groundwater flow in the area to be adequately assessed), are sufficient to adequately monitor the impact of the facility (if any) on local groundwater resources.

- (b) It is not clear who caused the break in the pipe referred to by the submitter. However, the Technical Committee considers that the monitoring referred to in response (a) above and the requirement to locate and record the position of the group water scheme pipework will

serve to adequately protect local groundwater resources. See also response to Objection No.2 Ground (a) on page 5 above.

Recommendation

No change

GROUND 13

The objector states that the Inspectors report is inadequate, in regard to the following;

- (a) An investment in plant and machinery is not in itself a reason to grant the increase in waste tonnages. It is stated that the formula used by the licensee (Waste Transfer Stations: A Manual for Decision Making) and the application for a licence appear to be the only basis for determining whether the licence would be granted. The objector contends that this formula is not site specific and takes no account of local conditions.*
- (b) The objector disagrees with the contention made by the Inspector that traffic on the local road network is not a matter for the Agency. The objector states that due to noise, congestion and general risk on the roads, this matter should be examined by the Agency.*
- (c) The objector also contends that the interpretation of the Regional Waste Management Plan is incorrect. The objector claims that the Inspector misrepresents the level of recycling in relation to the facility. The objector includes correspondence from Mr Binman to the An Bórd Pleanála Inspector stating that waste transfer for disposal consists of 89.6% of the waste handled at Mr Binman.*

Technical Committee's Evaluation

- (a) The Technical Committee note that in granting the Proposed Decision the Agency has considered the capacity of the facility and all other information contained in the application. See also response to Objection No. 1 Ground 1 above.*
- (b) Traffic issues outside the facility boundary are a matter for the Planning Authority. With regard to the facility, the hours of opening are restricted, noise monitoring is required on a biannual basis, and the applicant is required to prevent the carrying out of noise generating activities at the facility prior to 8am (Condition 7.6).*
- (c) See response to Objection No. 1 Ground 1 above.*

Recommendation

No change

SUBMISSIONS ON THE OBJECTION from Mr Binman Ltd.

- (a) Mr Binman Ltd. stated that where non-compliances have been noted by the EPA, the licensee has endeavoured to correct such non-compliances as soon as possible, and does not agree that the Agency is legitimising deliberate breaches of the previous licence.*
- (b) The submitter states that they do not agree with the statement by Ballybricken Environmental Group that the EIS for this application was inadequate.*
- (c) The submitter states that An Bórd Pleanála granted planning permission for the facility and did not limit the tonnage to be handled by the facility.*
- (d) Mr Binman Ltd. states that poor operation of the wastewater system in the past was caused by overloading and the system will be adjusted as required under the term of the Proposed Decision issued by the Agency (i.e. Condition 5.7.1)*
- (e) Mr Binman Ltd. states that truck washings were discharged to an underground tank and landspread; however they are now directed to the on-site waste water treatment system and discharged to a percolation area and that monitoring of the local aquifer for PCB's and heavy metals as requested by Ballybricken Environmental Group is not necessary.*
- (f) Mr Binman Ltd. considers that Condition 7.8 of the Proposed Decision addresses the concerns of Ballybricken Environmental Group with regard to light nuisance*

- (g) *Mr Binman Ltd. states that the requirement by Ballybricken Environmental Group for a further noise monitoring point at the 'High Road' will serve no useful purpose.*
- (h) *Mr Binman Ltd. states that with regard to traffic, controls on operating times, licence controls and monitoring will ensure that waste activities and noise emissions arising from the facility will not result in a breach of licence conditions.*
- (i) *Mr Binman Ltd. states that their intention is to carry out composting activities, not landspreading of compost at the facility.*
- (j) *In relation to the Ballybricken Environmental Group request that the EMS detail all costs associated with the operation of the facility, Mr Binman Ltd. states that the EMP will address the issues which are directed in Condition 2.2.1 of the waste licence.*
- (k) *Mr Binman Ltd. states that any further development of infrastructure will be subject to further planning applications and to conditions laid down by the Agency.*
- (l) *Mr Binman Ltd. states that there is no evidence to link Mr Binman Ltd. with contamination events in the local group water scheme.*
- (m) *Mr Binman Ltd. rejects the assertion made by Ballybricken Environmental Group that recovery activities are only a small part of operations at the facility.*
- (n) *Mr Binman Ltd. states that the Agency should not consider the issue of local traffic due to increased vehicle emissions.*

Technical Committees Evaluation:

The technical committee notes the comments made by Mr Binman Ltd. in relation to the objection. It is considered that the proposed decision as amended by the recommendations contained in this report address all of the issues raised.

OBJECTION No 3:

RPS Environmental Sciences Ltd. on behalf of Mr Binman Ltd.

The objection initially provides an introduction and background to the operations currently being carried out at the facility.

GROUND 1

- (a) *The objector refers to 'Part I Licensed Activities' of the Proposed Decision and states that since the limit on Class 2 activities of the Fourth Schedule (i.e. recovery of organics) refers to wood and composting of biodegradable wastes that recovery of paper, card and plastics will be unduly restricted.*
- (b) *Mr Binman Ltd. objects to the fact that the limitation in (a) above will prevent the facility from achieving national and regional waste policies with regard to recovery of wastes.*
- (c) *Additionally the objector states that the above restrictions will hinder Mr Binman Ltd. in achieving compliance with the Waste Collection Permit issued by Limerick County Council which requires separate collection of organic materials from approx. 27,300 houses for the following areas by October 2003:*

- *Limerick City and environs*
- *Ennis, Clarecastle and environs*
- *Shannon and environs*
- *Newcastle-west and Rathkeale*

It is contended that this could increase to 30,000 households and that this equates to approx. 9,000 tonnes of biodegradable waste per annum. The objector also states that they will be required to accept biodegradable waste from other regions and therefore this figure could increase further. No specific details of these potential increased requirements are included.

- (d) *The objector requests that the Activities Licences under Class 2 of the Fourth Schedule of the Waste Management Act, should allow the reclamation and recovery of plastics, paper and cardboard in addition to the composting of biodegradable wastes.*

Technical Committee's Evaluation

- (a) The Technical Committee agrees and recommend that the limitations in Class 2 should be amended to remove the limitation to recovering timber from waste and accepting paper and plastics *etc.* for recovery. However the limitation on the tonnage to be accepted for biodegradable should waste still apply.
- (b) See response (a) above.
- (c) The TC considers that a limitation of 1,000m³ of waste on-site at any one time is more appropriate than a 5,000T intake limit for the composting of biodegradable waste. This will allow for additional tonnage to be accepted where the applicant proposes to use more environmentally controlled/efficient forms of composting, such as an in-vessel system in this case. Condition 3.16 specifically requires the applicant to operate an in-vessel composting system, as proposed in the application.
- (d) See Response (a) above

Recommendation

Change Part I Activities Licensed to:

Class 2. Recycling or reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes): This activity is limited to the removal of timber from waste and the recovery of other wastes such as paper, cardboard and plastics <i>etc.</i> The composting of biodegradable waste is limited to the storage and processing of a maximum of 1000m³ of biodegradable waste (including compost) per annum.
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GROUND 2

(a) *Mr Binman Ltd. objects to Condition 3.8 which requires that the glass processing area and glass and bottle storage bays shall be completely enclosed within twelve months of the date of grant of this licence. The objector contends that the size of the building required to achieve this would be too great for the space that is available considering traffic issues on the site. The objector also states that the roof of such a building would be visible above the existing recycling building at the site.*

(b) *The objector claims that any run-off arising from this area would be directed to the waste water treatment plant which is now in place.*

For these reasons the objector requests that this condition to be amended or removed.

Technical Committee's Evaluation

- (a) The Technical Committee consider that on the basis of noise monitoring carried out by the Agency on 20/2/02 the glass processing unit and associated glass handling areas contribute significantly to the noise emissions from the facility. The Technical Committee consider that the enclosure of this area is required, however the Condition should be adjusted to allow some flexibility to the applicant to move the process or part of the process to an enclosed area as appropriate. Nevertheless, all of the process must be enclosed within twelve months of the date of grant of this licence.
- (b) The Technical Committee note that Condition 5.7.1 (c) as amended above requires that waste water from this area should be discharged to the wastewater treatment plant via an appropriate oil interceptor.

Recommendation

Change Condition 3.8 to:

The glass processing area and glass and bottle storage bays shall be completely enclosed **or relocated to an enclosed area agreed with the Agency** within twelve months of the date of grant of this licence.

GROUND 3

- (a) *Mr Binman Ltd. objects to the restriction on casual public access to the facility as detailed in Condition 5.2.5. Mr Binman Ltd. states that this access has been allowed in the past, that this access is supervised and is an integral part of the service provided by the Mr Binman Ltd. facility.*

Technical Committee's Evaluation

- (a) The Technical Committee note that casual public access will be required for the operation of a Civic Waste Facility, if one is constructed. In this regard it is considered reasonable to allow public access to this part of the facility. However, allowing casual public access to the waste transfer building is not considered necessary or advisable.

Recommendation

Change Condition 5.2.5 to:
Waste shall only be accepted at the facility from known customers or new customers subject to initial waste profiling and waste characterisation off-site. The written records of this off-site waste profiling and characterisation shall be retained by the licensee for all active customers and for a two year period following termination of licensee/customer agreements.

Add new Condition 5.2.6

Casual public access shall only be allowed to a designated area of the facility. This shall be agreed with the Agency within three months of date of grant of this licence.

SUBMISSIONS ON THE OBJECTION from Ballybricken Environmental Group

- (a) *Ballybricken Environmental Group states that Mr Binman Ltd. has actively sought additional waste by acquiring other waste companies and waste collection permits.*
- (b) *Mr Binman Ltd. also states that it is complying with Section 10 of the County Development Plan with regard to environmental pollution, undue loss of amenity or being detrimental to public health. Ballybricken Environmental Group disputes this and states that in their opinion Mr Binman Ltd. is causing;*
- i) environmental pollution due to emissions from the waste water treatment plant,*
 - ii) emissions of dust, noise and fumes resulting in a loss of amenity in the area*
 - iii) that the above issues are detrimental to public health in the area.*
- (c) *The submitter points out the Mr Binman Ltd. facility is not specifically referred to in the Waste Management Plan for the region.*
- (d) *Furthermore the submitter states that the size and scope of the development in not accordance with the stated objective of the County Development Plan, which is “to protect [water] resources and other water channels from adverse developments/impacts”*
- (e) *The submitter states that he is in agreement with the requirement of the Proposed Decision to set limits on the amount of waste that can be recycled at the facility.*
- (f) *Ballybricken Environmental Group state that the difficulty in enclosing the glass recycling area is further evidence that the location of Mr Binman Ltd. is entirely unsuited to such a facility.*
- (g) *The submitter agrees with the requirement of Condition 5.2.5, which prevents public access to the facility.*

Technical Committees Evaluation:

The technical committee notes the comments made by Ballybricken Environmental Group in relation to the objections. It is considered that the Proposed Decision as amended by the recommendations contained in this report deal with all of the issues raised.

Signed: _____
Cormac Mac Gearailt
Technical Committee Chairperson

Dated: _____