INSPECTORS REPORT
WASTE LICENCE REGISTER NUMBER 96-1

APPLICANT: Erwin Cobbe Waste Disposal

FACILITY: Ballymorris, Kilbride, Portarlington, Co. Laois.

Recommendation: That a licence be granted subject to conditions. All waste activities shall cease until the infrastructure required by this licence is put in place and planning permission is obtained.

(1) Introduction

Advanced Environmental Solutions (Ireland) Ltd trading as Erwin Cobbe Waste Disposal have applied to operate an existing and unauthorised waste transfer station, recycling facility, and burner unit (not yet in use) at Deerpark Crossroads, Ballymorris, Kilbride, Portarlington, Co. Laois. Advanced Environmental Solutions (Ireland) Ltd acquired Erwin Cobbe Waste Disposal on 6 July 2001.

The transfer station facility lies approximately 1.5 km south of Portarlington, in a predominantly rural area and has been in operation since c. 1979. The site is rectangular in shape with dimensions of 50m x 160m and covers an area of approximately 0.8 hectares. The site occupies a former limestone quarry which was previously landfilled with municipal waste in the 1970s by the applicant. Concrete and hardcore lie over the old waste mounds, on which the waste transfer station now sits.

The facility handles approximately 22,000 tonnes of non-hazardous waste and has a weighbridge and offices (portacabin). A group of corrugated steel sheds (17m wide x 60m long) accommodates a trommel separating system, a wood and cardboard shredder, a free standing steel silo (to hold 20 tonnes of shredded material), a Talbott C9 Combustion and Heat Exchange Unit (Burner), a cooling water based dissipater, and a 10m high exhaust stack. Four private dwellings lie within a 300m radius of the facility. **A plan showing the location of the facility to which the application relates is provided in Appendix 1.**

The maximum annual tonnage applied for in the application is 22,845 tonnes to include the burning of 6,000 tonnes of waste paper/cardboard/wood. The hot water produced is to be used in the manufacture of waste paper/cardboard/wood briquettes to be sold commercially as a solid fuel. The applicant has applied for Classes 11 and 13 (Principal) under licensed waste disposal activities, and Classes 2, 3, 4, 8, 9, 11, 12 and 13 under licensed waste recovery activities, in accordance with the Third and Fourth Schedules of the Waste Management Act, 1996.

The facility has also applied for a Waste Permit from Laois Co. Co. (dated 15 September 1999) and is currently the subject of High Court Proceedings (planning issues). Furthermore, An Bord Pleanala (ABP) on 19 December 2000 refused permission for the development comprising the retention of the storage silo (for shredded cardboard and wood) and dissipater (attached to the side of the burner unit). A copy of the ABP decision is attached (Appendix 2) and the reasons for the refusal include that it would constitute a material intensification of use which cannot be satisfactorily accommodated in this location, and the proposed development would

give rise to additional traffic and endanger public safety. One of the Directors of Advanced Environmental Solutions (Ireland) Ltd, Mr Erwin Cobbe, the former owner, is subject to an EU complaint (P99/5122) where it is alleged that he is carrying out illegal waste activities at four sites in the Portarlington Area.

The applicant has notified the Agency that the intended period of the waste activity is 24 months as per letter (paragraph 3) from EMAI on behalf of Advanced Environmental Solutions (Ireland) Ltd., received by the Agency on 12 September 2001.

Site Visits:

DATE	PURPOSE	PERSONNEL
20 May 1999	Site Notice Check	P. Carey/M. Keegan
14 September 2000	Site Visit	M. Doak
5 January 2001	Site Visit	M. Doak/D. Shannon
5 October 2001	Site Visit	M. Doak

General Information:

Quantity of Waste (tpa)	22,845 tonnes per annum
EIS required	No
Number of Submissions received	114

(2) Facility Development

Currently all incoming waste and contents of skips are emptied onto the waste receiving area floor and lifted by mechanical grab into the trommel and conveyor belt where cardboard is handpicked by two persons. Fines fall through the trommel openings onto a concrete floor underneath. Larger pieces of waste and plastic are carried onto the moving conveyor by the rotating trommel and into waiting 40t trailer vehicles for movement to landfill. The main purpose of the trommel is to separate out the cardboard and plastic sheeting from the body of domestic waste for re-sale or re-use.

In the past, the fines falling out of the trommel have been classed by Cobbe to be reclaimed organic substances/compost. The applicant considers that up to 1,500 tonnes of waste fall from the trommel per annum (Article 16 Response, received by Agency on 6 December 2000). Up to October 2000, Cobbe indicated that all such material was being sent to a vermicomposter (P Holesworth) operator based in Co. Tipperary

(Article 16 Response, received by Agency on 3 October 2000). However the Agency has received confirmation from Mr Holesworth (23 October 2000) that he only ever received a pilot batch of 40 litres on 12 June 1999. On 6 December 2000 in response to an Article 16 request, Cobbe stated that the destination of the trommel waste is 'at the landfill at Offaly'. An Agency inspection of the facility on 5 January 2001 showed that the fines falling from the trommel contain a significant amount of inorganic material including small pieces of hard plastic and glass and the occasional battery lying within a limited matrix of fine soft, dark organic material typical of municipal waste. Furthermore Agency staff visited another Cobbe owned site in Kilbride (open tillage fields) on 5 January 2001 in relation to an EU complaint (P99/5122) to determine if waste activities are being carried out at this site. A wide expanse of fine material was noted to be spread into thin layers which consisted of a soft, dark organic matrix with a significant concentration of inorganic material including small pieces of plastic, glass, and domestic appliance batteries. This material was very similar to waste observed underneath the trommel at the Ballymorris facility on the same day.

I consider the trommel waste arising at Ballymorris to be a municipal waste as per the European Waste Catalogue. It should not be regarded as organic compost or ashes as the applicant has suggested in the past. As a result, and to avoid illegal dumping of this waste I am specifying in Condition 5.6.3 that all fines from the trommel system shall only be transferred to an appropriate facility agreed by the Agency and that written records of its disposal be kept as per Condition 10.2.

The proposed decision requires the applicant to have adequate duty and standby capacity for all items of plant deemed critical for the processing of waste. The current infrastructure for the waste transfer provision include weighbridge, weighbridge office, truck wash and truck parking/skip storage areas, trommel, conveyor belt, and cardboard compactor unit. The proposed decision makes provision for this infrastructure.

The proposed decision requires the applicant to review the existing security and fencing, to review the status of the existing weighbridge and the existing septic tank system on the facility. A roof must be added to the waste receiving area prior to commencement of the licence since all incoming waste is liable to heavy wetting in the existing waste receiving yard. Rainwater from this roof should be diverted to a gravel drain at the edge of the concrete yard. The two above ground fuel storage tanks are to be moved to another part of the facility as proposed by the applicant. However, both tanks must be bunded as per Condition 3.15. Foul water (including sewage, drainage/leachate from waste transfer building, wheelwash etc.) which is generated on site will be collected in an underground tank (Condition 3.13) and tankered to a wastewater treatment plant agreed with the Agency. The entire facility is required to be covered by impermeable concrete within three months of grant of licence.

A significant proportion of the waste intake applied for is construction and demolition waste (6,000 tpa). There are no details in the application or later Article 16 responses

as to how the licensee proposes to deal with this waste. However Agency site visits have shown that this material is stockpiled at two adjacent concrete bays to the south of the main waste receiving area prior to shipment and recovery offsite. Condition 3.19 specifies that this area be constructed to an appropriate standard. A record of off-site recovery of the construction and demolition waste must be kept as per Conditions 10.2 and 5.6.

The burner and associated infrastructure is discussed in Section 4 Emissions to Air.

(3) Waste Types and Quantities

Conditions 1.4 and 5.2 of the Proposed Decision controls the quantities and types of waste to be accepted at the facility. The total quantity of waste to be accepted and handled at the facility shall not exceed 22,845 tonnes per annum. Of the 22,845 tonnes per annum a maximum 6,000 tonnes per annum of untreated/uncontaminated wood can be burned to fuel the burner as per Schedule A.

(4) Emissions to Air

No information on existing noise and dust levels was presented by the applicant although monitoring locations were specified in the attached Drawing No c20/00008A1B. The applicant specifies six dust monitoring and four noise monitoring locations, all positioned along the boundaries of the facility. Monitoring locations, requirements and emission limit values are set in Schedule D of the proposed decision in order to control any fugitive dust emissions and noise emissions from activities on site.

The Agency inspection of the facility on 5 October 2001 (unannounced) was a cause for concern with regard to odours emanating from the waste receiving area and in the vicinity of the trommel unit. Very strong acidic and foul smelling odours were coming from the fines and matter falling from the trommel system onto the concrete floor beneath. Furthermore a strong leachate/domestic waste odour was originating from the waste receiving yard. Several days of rain had preceeded the visit. The yard is open to rain as are certain parts of the trommel. It was obvious that the fines underlying the trommel had been lying there for some days since as well as the foul odours, maggots were seen to grow within the mass of material. All waste shall be removed at the end of each working day as per Condition 5.5.1 from each of the areas discussed. Waste for disposal is required to be stored in sealed covered containers and removed off-site within twenty four hours of its acceptance at the facility as per Conditions 5.9 and 5.10.

The applicant has applied to burn 6,000 tonnes/annum wood, paper and cardboard waste under Class 9 of licensed waste recovery activities, 4th Schedule WMA by using an integrated burner and heat-exchanger unit, the Talbott C9 installed in early 1999 to

a commercial 'off the peg' design originating from Talbott's Heating Ltd., Stafford UK (see Appendix 1(b) for schematic diagram of unit). The arising hot water is to be used in the manufacture of waste paper/cardboard/wood/sawdust briquettes to be sold commercially. The associated items include a conveyor, hopper, shredder, magnet, cardboard and wood silo, 9m stack, and hot water dissipator. The C9 is rated 2,500kw and is rectangular in shape with dimensions 7m long, 1.5m wide, and 1.3m high. Information supplied by the applicant sets out in detail the burner workings and technical details (20 April 2001). In summary the waste material for combustion is fed into a three chamber combustion unit by a direct auger feed. It is calculated that the theoretical residence time for a temperature of 850 deg C while burning wood waste at a design rate of 500kg/hr, is 0.53 secs.

The applicant proposes to utilise a 'Spanex' briquetting press in order to briquette 100 tonnes per week (5,200tpa) of 'waste timber, sawdust, cardboard, and paper waste' under Class 9 of licensed waste recovery activities, 4th Schedule. The 5,200tpa will be sourced from the incoming waste as per Condition 1.4 and Schedule A. The briquettes are to be sold commercially as an alternative fuel. I consider that the briquette raw material should be emission and contaminant free and therefore specify in Condition 5.5 the EWC code for the material that can be used. The machinery for this aspect has not yet been acquired (see Appendix 1(c) for details of unit). I consider it would be necessary to declassify the briquette product from a waste to a fuel since the public or consumer would otherwise require either a waste permit or licence to burn such briquettes. It therefore would be desirable to specify a (fuel) standard which the briquette product will achieve. However, currently none is available. Furthermore emission controls must be established to ensure that the activity does not cause environmental pollution. These can be set under Condition 6 of the proposed decision.

The unit appears to meet the TA Luft 1986 emission limit values for wood burning furnaces which burn uncontaminated waste wood. As a result the Proposed Decision has been drafted to permit use of this unit while excluding any other waste burning such as treated wood, cardboard and paper. In order to avoid confusion and to highlight this assessment the Talbott C9 unit is referred hereafter to as a wood burner/burner plant as per Conditions 3.11, 5.4, and 6.3.

(5) Emissions to Groundwater

A hydrogeological investigation of the facility was undertaken by the applicant during October 2000 in response to an Article 16 notice. A total of five boreholes were drilled at the facility, three being completed as permanent monitoring wells in the underlying limestone bedrock. The other two shallower wells were excavated temporarily into the underlying made ground deposits to determine the depth of the landfill material. Borehole logs for the five wells indicate that municipal type waste lies to a depth of 3.3m in the mid to south part of the facility. The three monitoring wells were subject to two groundwater monitoring rounds in October 2000 and May 2001 for a wide range of organic inorganic and metal parameters. Analysis parameters were more wide

ranging for the May 2001 monitoring round in response to an Article 16 notice of 13 March 2001. Specifically the May analyses were List 1 substances, VOCs, SVOCs, pesticides, cyanide and metals.

The regional geology of the area consists of Carboniferous Limestones overlain by a thin layer of Quaternary clay and sands and gravels. The five boreholes drilled in October 2000 show that depth to rock at the facility ranges from 2.5m to greater than 15m (increasing to the north), illustrating that rock has been excavated from the quarry over time. The northern part of the facility has not been filled with municipal waste; the void is filled with gravel stone and clay. The Geological Survey of Ireland has classified the underlying limestone bedrock as a Regionally Important Fractured Aquifer, which has an extreme vulnerability to pollution. Two private wells abstract water from the aquifer 350m downgradient[1]. The aquifer has potential future use as a public water supply. Regional groundwater flow is to the west/north west towards the River Barrow which lies 1.2km northwest of the facility. The underlying water-table is in the region of 3.6m coincident to the top of rock and the bottom of the buried waste.

The two rounds of analysis results show elevated levels of mineral oil and nickel in the three permanent bedrock wells. Results for all other parameters including List 1 substances were at or below the level of detection and below the maximum admissible concentrations (MAC) set out in the Drinking Water Regulations (SI No. 81 of 1988). In October 2000 for mineral oil, MW3 showed a value of 720µg/l and MW2 showed a value of 170µg/l. Both results lie above the Dutch Target Value of 50µg/l, and one (MW3) is above the Dutch Intervention Value of 600µg/l. The higher value at MW3 may be explained by its proximity to the existing two above ground fuel storage tanks (ASTs) and diesel dispensing pump, where the surface of the soil in the vicinity of the tanks is heavily stained with a diesel type substance. Nickel was sampled for in May 2001 and was detected in all three wells ranging in concentration from 0.02mg/l to 0.135mg/l (MW-1). The concentration of nickel in MW-1 is above the Drinking Water Regulations MAC (0.05mg/l). However the concentration of nickel in all three wells is above the 0.02mg/l standard set out in the EU Drinking Water Directive (98/83/EC). The pH was in the region of 5.8. The presence of such nickel concentrations and low pH is indicative of industrial pollution. Given that the underlying limestone is a regionally important aquifer and that two private wells abstract water from the aquifer 350m downgradient, the groundwater must be remediated to prevent ongoing pollution (Condition 3.20.2). The remediation techniques must be agreed by the Agency.

The applicant proposes to move the above ground fuel storage tanks to the south of the facility and to carry out the proper bunding procedures. It is a condition of the proposed decision that the applicant shall take measures (within nine months) to remove and dispose of the hydrocarbon contaminated soils where mineral oil

[1] I recommend that the Agency writes to the Local Authority advising them of the location of the two private wells, and request them to sample the drinking water arising.

concentration is >50mg/kg (Dutch Target Value for soils). The contaminated soils must be disposed of at a licensed facility and the excavation must be infilled by clean contaminant free soil/hardcore which is not a waste.

The proposed decision provides for the monitoring of three on-site wells and two off-site private wells 350m west and 400m north west to include analysis for List I organic and metals (including nickel), and mineral oil. The quality of the underlying groundwater must not in the future be impacted on by licensee activities. In particular the concentration of mineral oil and nickel must be monitored each quarter. Condition 1.10.2 would permit the Agency to issue a notice in order to rectify this matter if necessary.

(6) Emissions to Surface Waters

Presently up to 50% of the surface is covered in concrete which drains to an interceptor type chamber and soakage pit to the northern boundary. The remainder of surface consists of hardcore gravel where much storage of skips and traffic movement occurs. The facility currently exhibits no surface run-off; there are no discharges to surface water, all water soaks into the ground. To avoid groundwater pollution and any possible surface water pollution the licensee shall provide, and maintain an impermeable hardstanding surface in all areas of the facility within three months from the date of grant of licence (Condition 3.5.2). All hardstanding areas shall drain to a oil separator and grit chamber the standard of which must meet the Class I separator European Standard prEN 858 'Installations for the separation of light liquids' within six months. Furthermore the proposed decision establishes that all water arising from the separator shall be discharged to the secondary wastewater treatment system of the sewage treatment system.

(7) Other Significant Environmental Impacts of the Development

None

(8) Waste Management, Air Quality and Water Quality Plans

The Midland Waste Plan was adopted in December 2000 and provides for an increase in recycling facilities in general. The proposed development was mentioned as one of three waste transfer stations in Co Laois which have an application with the Agency.

(9) Submissions

114 submissions were received in relation to this application and I have had regard to the submissions in making my recommendation to the Board.

The submissions are discussed below under subject matter as Grounds 1 to 10 incl. Each of the Grounds are commented on in the context of the Proposed Decision.

Ground 1: EIA

A number of submissions raise matters concerning the environmental impact assessment or lack at the facility and issues relating to the Environmental Impact Assessment Regulations and the EU EIA Directives. The vast majority of these submissions originated from Mr David Malone trading as Environmental Action Alliance – Ireland (EAAI) of 60 St Joseph's Terrace, Portarlington, Co. Offaly.

- *Why has an EIS not been asked for by the Agency;*
- *It is considered that an EIS is mandatory for the proposed development;*
- *The EPA and Laois Co Co failed to request an EIS from Cobbe and as a result EAAI have registered a complaint with EU Comimission (No, P99/5122);*
- *The non-technical summary of the EIS prepared for An Bord Pleanala is not up to standard;*
- *Did the Agency request the EIS for the same reasons as An Bord Pleanala;*
- *Infringements of EU laws by the Irish Planning Authorities and the EPA.*

Comment

EIA requirements derive from European Communities Directive 85/337/EEC (as amended by Directive 97/11/EC) on the assessment of the effects of certain public and private projects on the environment. The primary objective of the EIA Directive is to ensure that projects which are likely to have significant effects on the environment are subject to an assessment of their likely impacts. The approach adopted in the Directive is that EIA is mandatory for all Annex I projects on the basis that these project classes will always have significant environmental effects. Thresholds are specified in respect of most project types in the Annex. In the case of Annex II projects, Member States must determine on a case-by-case basis or on the basis of thresholds or other criteria, or a combination of both approaches, whether or not a project should be subject to EIA. In addition to transposing the mandatory requirements which apply to Annex I projects, Ireland choose to set thresholds for each of the project classes in Annex II as set out (as Part II in Schedule) in the EC (Environmental Impact Assessment) Regulations (S.I. No. 351 of 1998) recently amended by the EC (Environmental Impact Assessment) (Amendment) Regulations (S.I. No. 93 of 1999).

A review of Part II No 11 (b) of the First Schedule (S.I. No. 93 of 1999) specifies that an EIS should be implemented where "Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part I* of this Schedule". * Part I waste activities deal with hazardous waste and incineration of non-hazardous waste installations; these are not applicable to the applicant's facility. It is apparent that this application does not need to carry out an EIS since the annual tonnage thresholds

fall below the EIA threshold of 25,000 tonnes as set out in Part II of the Schedule of the EIA Regulations. As discussed at the beginning of this Inspector's Report, the maximum annual tonnage applied for in the application is 22,845 tonnes to include the burning of 6,000 tonnes of waste paper/cardboard/wood.

An EIS was prepared for An Bord Pleanala by the applicant to address planning issues in April 2000. The Agency on 4 May 2000 requested a copy of the EIS. The Agency further requested 15 copies of the EIS on 13 March 2001 from the applicant since the original request of 4 May 2000 was not fulfilled. These were received on 14 May 2001 and were subsequently dispatched to the relevant statutory bodies.

The Agency has assessed this application using the documents submitted as part of the original application received at the Agency on 5 March 1999, and numerous other documents submitted to the Agency arising out of further information requests by the Agency under Articles 12, 14, and 16 of the Waste Management Licensing Regulations up to 12 September 2001. The Agency was satisfied that it had enough information arising out of the various requests above in order to reach a proposed decision.

Ground 2: Nuisances

A number of submissions raise matters concerning nuisances. Nuisances encompass vermin, birds, flies, dust, odours and litter.

- *The local community and residents adjacent to the yard will be subjected to persistent odours, noise levels and nuisances. Increased vermin, flies, insects and birds will result from the proposed development. The quality of life for the local residents will also be affected;*
- *Odours are a particular problem in warm weather and over weekends. They are a particular problem for Mrs Murphy who cannot open her windows due to the offending smells;*
- *The increased vermin will impact on the adjacent agricultural fields and on the potato crop of one farming neighbour, as well as humans;*
- *Is the dust which arises from the facility contaminated;*
- *Refuse destined for the Cobbe yard is often left outside the main gates and causes littering problems;*

Comment

Potential nuisances are controlled by Condition 7 of the proposed decision. There shall be daily nuisance inspections of the immediate surrounds for nuisances. Furthermore specific conditions have been written for the removal of the waste arising as trommel fines or the general waste in the receiving yard (Conditions 5.5.1; 5.6.3; and 5.10) since this material/waste is the main source of the odour problems in the past. All waste shall be removed at the end of each working day as per Condition 5.5.1. Waste

for disposal is required to be stored in sealed covered containers and removed off-site within twenty four hours of its acceptance at the facility as per Conditions 5.9 and 5.10. Such conditions will ensure that odours are kept to a minimum at the facility. The licensee shall establish and maintain a Stakeholders Group composed of representatives of the local community. The licensee shall convene monthly meetings in order to update the Stakeholders on works, progress, Agency correspondence, and nuisance/emissions aspects arising (*Condition 2.4.2*). Compliance with the conditions of the proposed decision will ensure that no environmental pollution will arise from the licensed activities. The onus is on the applicant to be in compliance with the proposed decision at all times and this will be verified by the submission of reports/results required and regular site inspections. If the applicant is found to breach any condition, then the Agency will take the necessary enforcement action.

Ground 3: Licence/permit/planning queries

A number of submissions examine matters concerning waste licensing or permitting issues, and planning issues:

- *The incinerator at the facility was installed without any planning permission;*
- *There is no permit or licence for the facility as is necessary under the Waste Management Act;*
- *Does the site require a Waste Permit or a Waste Licence;*
- *Status of Application Query;*
- *Laois Co Co consider that a planning permission for the facility must be issued before any waste licence is granted;*
- *An Bord Pleanala have refused the Cobbe facility planning permission;*
- *The Cobbe facility is currently in a High Court case on matters of planning taken by Laois Co Co and An Bord Pleanala;*
- *The site notice erected does not comply with Art 7 of the EPA Licensing Regulations (SI No. 85 of 1994);*
- *The Agency cannot grant a waste licence for an illegal development or unauthorised development. How can the Agency process an application for an illegal activity;*
- *The location of the facility is incompatible and it cannot sustain a private enterprise of this nature. The proposed development is not suited to a rural residential and farming area;*

Comment

The application is for a waste facility under the Waste Management Act, 1996 and is not assessed under the EPA Licensing Regulations which apply to the licensing of scheduled industry as per the EPA Act of 1992. Furthermore the site notice was deemed to be in compliance with the Waste Licensing Regulations on 20 May 1999. The facility operator has also applied for a Waste Permit with Laois Co. Co. (dated 15 September 1999).

The issues of planning raised here are outside the scope of the proposed decision and are a matter for the planning authority and An Bord Pleanala. The proposed decision will ensure that the facility will not impact significantly on the environment. No proposal for an incinerator has been received and a new application would be required for such a facility under Class 8, Third Schedule of the Waste Management Act. The proposed decision limits the Talbott C9 unit under Class 11, Fourth Schedule of the Waste Management Act to its operation as a wood burner which uses untreated/uncontaminated wood to supply fuel and heat the hot water heating system.

Ground 4: Road network/traffic/residential area

A number of submissions are concerned with the quality and size of surrounding roads and land use in the immediate area.

- *This development will result in undesirable levels of traffic on routes which are unsuitable for traffic. The traffic on the road network has increased over time and it has had a detrimental effect on the local roads and the use of these roads by the local community;*
- *The waste vehicles will generate unacceptable levels of noise, dust, fumes, odours, litter and other nuisances and will generally undermine the local environment, disrupt traffic flow, impact on the flora/fauna along the roads, impact on the neighbouring farm and cattle movements and damage the local road network;*
- *The facility should not be located on a site which is badly served by access roads.*

Comment
The issue of traffic is outside the scope of the proposed decision and is a matter for the roads and planning authorities.

Ground 5: Vehicle Repair

A number of submissions are concerned with the operation of a vehicle and motor repair element at the facility.

- *Operation of vehicle/truck repair and vehicle storage on site;*
- *Operation of vehicle lorry washer which sprays out onto adjoining road*

Comment
Vehicle repair and washing is a matter for the planning authorities since it is not a waste activity. However the proposed decision specifies conditions for a wheelwash (Condition 3.8). The proposed decision does not allow the re-use or recycling of waste oil at the facility. Waste Oil must be disposed of via licensed waste contractors as per Condition 5.6.1.

Ground 6: Operating Hours

A number of submissions are concerned with the operational hours of the facility and the nuisances caused in the past by night-time operations:

- *Operation of facility at 4am on 5th January 2001;*
- *Operation of facility at 6am on 25th February 2001;*
- *Irregular operational hours in general and breaks in sleep.*

Comment
Compliance with the conditions attached to the proposed decision (Condition 1.7) will ensure that the residential neighbourhood will not be disturbed by this facility's operations during the unsociable hours referred to above.

Ground 7: Soil, Groundwater and Water Quality

A number of submissions are concerned about surface water and groundwater sampling and analysis and soil quality issues:

- *The facility/site when vacated should be checked and made safe regarding water pollution;*
- *Ms Lilly Champ (farmer) utilises a spring well 500m downgradient from the Cobbe facility for all her stock and personal drinking water needs; Is her well safe and will it be tested by the Agency;*
- *The Corrig-Ballymorris Residents Association request that soil analysis be done at the facility for pesticides, blood, organics and hydrocarbons/solvents etc.*

Comment

A hydrogeological investigation of the facility was undertaken by the applicant during October 2000. Three monitoring wells were subject to two groundwater monitoring rounds in October 2000 and May 2001 by the applicant. No soil sampling has been undertaken to date since the site lies on rockhead. However matrix grab samples were taken in October 2000 to understand the makeup of the yard infill. These results are discussed in Section 5 of the Inspector's Report. The proposed decision provides for the monitoring of three on-site wells and two off-site private wells 350m west and 400m north west to include the well lying on Ms Champ's property (Conditions 3.20 and 8.10). The groundwater results from the two monitoring rounds show that the ground and underlying groundwater at the facility has not been impacted by the wide range of contaminants stated above apart from blood and pesticides. Both these parameters however were indirectly analysed for. Blood concentration is not easily determined in groundwater or soils since it is a straight chained organic/metal substance which biodegrades rapidly. Pesticides were anlysed for as part of the List I organic suite. However, the site has caused nickel and hydrocarbon (diesel) pollution insitu, which must be immediately stopped and remediated if necessary. The neighbouring wells downgradient must also be assessed immediately (Condition 3.20.1).

Ground 8: Complaints against the Agency

A number of submissions are concerned about Agency actions over this waste application:

- *Tardiness of EPA;*
- *EPA ignoring submission of Mr David Malone's (EAAI) submission of October 1999;*
- *No action ever taken by EPA over the environmental issues arising at the Cobbe facility;*
- *Agency has already decided to grant a waste licence Mr David Malone (17/7/01);*

Comment

The information submitted with the waste licence application is available for public viewing at the Agency's offices and also at the offices of the local authority. The Agency has assessed this application using the documents submitted as part of the original application received at the Agency on 5 March 1999, and numerous other documents submitted to the Agency arising out of further information requests by the Agency under Articles 12, 14, and 16 of the Waste Management Licensing Regulations up to 12 September 2001. The Agency was satisfied that it had enough information arising out of the various requests above in order to reach a proposed decision. An Article 16(1) compliance was issued on 4 December 2001 in respect of Advanced Environmental Solutions (IRL) Ltd. The Agency has not yet made any decision in relation to this application. The issuing or refusal of a Waste Licence for this facility can only occur after a proposed decision is issued and the required period for receipt of any objections has passed.

Ground 9: Medical and Health issues

A number of submissions are concerned about this aspect

- *A Medical Social Worker at St Vincent's hospital expresses her assessment that the existence of the facility in the neighbourhood of Mrs Murphy's home has affected her both psychologically and emotionally;*
- *The health of the people and future generations will be affected and should be protected.*

Comment
It is considered that compliance with the conditions attached to the proposed decision will ensure that this facility will have no significant impact on human health or the local environment.

Ground 10: General
A total of 12 submissions refer to individual issues not referred to in Grounds 1 to 9 above. Certain of these items are not actual submissions but are more a request for information. However they are listed below for completeness:

1. *Copy of letter sent to Laois Co Co setting out nuisance complaints for the Cobbe facility;*
2. *Freedom of Information request from EAAI on 6 August 1999. Agency responded on 13 August 1999;*
3. *Copy of letter sent to Laois Co Co setting out notes of a site inspection undertaken by a third party consultant of the Cobbe facility;*
4. *Copy of High Court Affidavits sent to Agency as a matter of information from local residents on upcoming planning appeal case at Cobbe facility;*
5. *Copy of An Bord Pleanala decision 13 July 2000;*
6. *Copy of list of complaints received at Laois Co Co regarding issues at the Cobbe facility;*
7. *Dept of Env & Local Govt correspondence on a recent EU complaint for the Cobbe facility;*
8. *Copy of High Court Affidavits sent to Agency as a matter of information from solicitor acting on behalf of local residents on upcoming planning appeal case at Cobbe facility;*
9. *Refuse collection has been withdrawn by Erwin Cobbe for a neighbouring residence in July 2001 (4).*

Comment
These matters have been noted and considered.

(10) Recommendations

Advanced Environmental Solutions (Ireland) Ltd trading as Erwin Cobbe Waste Disposal have applied to operate an existing unauthorised waste transfer station, recycling facility, and burner unit (not yet in use) at Deerpark Crossroads, Ballymorris, Kilbride, Portarlington, Co. Laois. Advanced Environmental Solutions (Ireland) Ltd acquired Erwin Cobbe Waste Disposal on 6 July 2001.

The unauthorised Erwin Cobbe Waste Disposal waste transfer station has been in existence since the early 1980s and has been subject to many legal challenges by Laois County Council environment and planning sections. The unauthorised facility is in contravention of planning law, Laois County Council enforcement notices and An Bord Pleanala decisions. The facility in more recent years has been the subject of serious environmental complaints from the surrounding neighbours to the Agency since the time of application (5 March 1999). The facility is also the subject of an EU complaint (P99/5122). The facility has been developed on an *ad hoc* basis; waste handling structures and the burner unit were emplaced with no proper regard of environmental or planning law.

Groundwater analysis results of May 2001 confirm that the facility has caused environmental pollution (nickel and diesel range organics) of the underlying groundwater body which is classed as a regionally important aquifer by the Geological Survey of Ireland. Three private wells extract water from the same aquifer 350m downgradient. The nickel pollution is a result of previous municipal waste which was emplaced into an unlined limestone quarry at the watertable. The hydrocarbon contamination is a result of poor site housekeeping practices. The underlying groundwater must be remediated and the source of the pollution be removed.

The applicant has notified the Agency that the intended period of the waste activity is 24 months as per letter (paragraph 3) from EMAI on behalf of Advanced Environmental Solutions (Ireland) Ltd., received by the Agency on 12 September 2001. This is the outcome of discussions the new owners have had with the adjacent residents over the past few months prior to High Court proceedings.

Operations occurring onsite are causing problems for the residents. Furthermore the groundwater which the same neighbours use, must also be remediated.

This inspector is facing a dilemma on whether to recommend the grant of a licence to Advanced Environmental Solutions (Ireland) Ltd (AES) for the continued operation of the facility or whether to refuse. A refusal offers no clear mechanism to alleviate the many problems at the AES facilty. A recommendation to grant a licence would allow for the remediation of groundwater and the operator to deal with the environmental nuisances and other problems arising. A recommendation to grant will rationalise the situation at the facility and will present a blueprint for the new owners to work with. This will ensure that adequate infrastructure is in place, the groundwater is remediated, the facility will be closed in an orderly fashion and monitored.

I recommend the grant of a licence for the following reasons:

1. I am satisfied that the activity concerned, carried out in accordance with the conditions attached will not cause environmental pollution particularly with regard to the underlying groundwater quality.
2. I am satisfied that the best available techniques will be used to prevent or eliminate groundwater pollution and air emissions/nuisances from the activity if carried out in accordance with the conditions as attached to the licence.
3. I am satisfied that emissions from the wood burner will not result in the contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value, prescribed under any other enactment.

However, in making this recommendation I consider that it is essential that all waste activities at the facility as listed and described in Part I: Activities Licensed, shall cease until the infrastructure required by this licence is put in place. The cessation of activities will be completed within the context of a decommissioning plan to be agreed as per Condition 4 of this licence.

I recommend that the re-use of oil Class 8 under licensed waste recovery activities, be **refused** for the following reason:

Class 8 – Waste Oil Re-use
No specific proposals for the re-use of oil were included as part of the licence application.

Signed _____ Dated:

Mr Malcolm Doak
Inspector, Environmental Management & Planning.

APPENDIX 1

a) MAP OF LOCATION

b) DIAGRAM OF TALBOTT BURNER/HEAT EXCHANGE UNIT

c) SPANEX BRIQUETTING PRESS

APPENDIX 2

ABP Decision