

<b>MEMO</b>			
<b>TO:</b>	Board of Directors	<b>FROM:</b>	Tadhg O'Mahony
<b>CC:</b>		<b>DATE:</b>	11 July 2002
<b>SUBJECT :</b> Technical Committee Report on Objections to Proposed Decision – Reg. No. 96-1			

Application Details	
Applicant:	Advanced Environmental Solutions (Ireland) Limited t/a Erwin Cobbe Waste Disposal
Location of Activity:	Deer Park Cross, Ballymorris, Portarlington, Co. Laois.
Proposed Decision issued:	21/02/02
Objections received:	20/03/02
Submission on objections received:	22/04/02
Inspector:	Mr. Malcolm Doak

#### **Consideration of the objections/submissions on the objections**

Objections were received from Advanced Environmental Solutions (Ireland) Ltd., and Laois County Council, in relation to the Proposed Decision while submissions on the objections were received from Advanced Environmental Solutions (Ireland) Ltd. only. The objections and submissions have been summarised and paraphrased. The complete objections and submissions are attached.

The Technical Committee (Tadhg O'Mahony, Chairperson, Michael Henry and Helen Maher committee members) have considered all of the issues raised and this report details the Committee's recommendations following the examination of the objections/submissions on objections.

#### **Objection A: Advanced Environmental Solutions (Ireland) Ltd.(AES Ltd.)**

##### **General Grounds:**

In making this formal objection the applicant is primarily addressing the three explicit reasons outlined in the Proposed Decision for the refusal to grant a licence. Advanced Environmental Solutions (Ireland) Ltd also provide a commentary on the Inspectors Report that was submitted to the board of the Agency which accompanied the Proposed Decision.

##### **Specific Grounds:**

#### **Objections to Proposed Decision**

##### **Grounds 1 and 2 – Proposed Decision - Integrated burner / heat exchanger unit and associated briquetting process**

##### ***“Agency Reasons (1 and 2) for Proposed Decision”***

*The Agency considers that the proposal to burn 6,000 tonnes/annum wood, paper and cardboard waste by using an integrated burner and heat exchanger unit, the Talbott C9, does not meet the requirements of the EU Incineration of Waste Directive (2000/76/EC). The applicant has not demonstrated that the raw materials proposed for the briquetting process do*

not contain hazardous substances, which would render the subsequent product unsuitable for use as a fuel.

**Objection:** The burner unit is not and has not been operational at the facility, and the applicant does not intend to use this technology as a waste disposal/recovery activity. The applicant had begun the process of decommissioning the burner unit with the intention of removing the burner unit off-site. The applicant provides a letter from their solicitor Arthur Cox Ltd. attached to this objection, to reiterate this statement. Therefore, there will not be any activity under Class 9 or 11 of the Fourth Schedule of the Waste Management Act, 1996 nor will the EU Incineration of Waste Directive be applicable to any activity at the facility. The applicant also confirms to the Agency that there will not be any briquetting process at the facility. The briquetting process was associated with the operation on the aforementioned burner unit and therefore will not be carried out at the facility

#### **Technical Committee Evaluation:**

*The Technical Committee notes the Arthur Cox Ltd letter, which states that the applicant "undertakes not to use the burner and that it will be removed from the site at Ballymorris as soon as is practicable".*

*As the status of the burner and briquetting unit was critical to the Technical Committee's assessment of this aspect of the objection, Mr. David Shannon, Inspector EPA inspected the Facility which is the subject of the objection. The purpose of this inspection was to determine whether the burner unit and the briquetting unit were in place and operational at the facility. The Site Inspection by Mr. Shannon confirmed that the burner unit had been decommissioned and the briquetting plant was no longer present at the facility. The Site Inspection Report was circulated to the objectors and this is attached as **Appendix 1** of this Report. AES Ltd. made a submission to the Agency on the Site Inspection Report on 01 July 2002 and this is attached as **Appendix 2** of this report. In this submission AES Ltd confirmed that the burner had been dismantled and decommissioned and that there was no briquetting press on the site.*

***In light of the above, the Technical Committee recommend that a Proposed Decision should be issued to reflect this situation, to provide controls over the possible continued operation of the facility and to ensure appropriate remediation, restoration and aftercare measures are implemented at the facility. The Technical Committee have reviewed and amended, as necessary the Proposed Decision which accompanied the Inspector's Report considered by the Board of the Agency on 22 January 2002. The Technical Committee Recommended PD is included in Appendix 3 of this Report. Any additional text to the Inspector's original Recommendation for a Proposed Decision is highlighted in bold font. (See Appendix 4 to this Report for the Inspectors original Recommendation for a Proposed Decision considered by the Board on 22 January 2002***

***It is the recommendation of this Technical Committee that the continued operation of the facility should be contingent on certain infrastructure being installed and commissioned and procedures being implemented prior to the acceptance of waste at the facility. This is reflected in Condition 5.1 of the Technical Committee Recommendation. Condition 5.1 requires that all the relevant infrastructure required by Condition 3 be installed and commissioned to the satisfaction of the Agency and the relevant procedures required by the licence be agreed with the Agency prior to the acceptance of any waste at the facility. It should be noted that certain elements of the infrastructure required to be installed may require planning permission and this is a matter for the licensee to address and is provided for in Condition 1.3 of the Technical Committee Recommendation.***

#### **Recommendation:**

- All conditions relating to the operation of the wood burner and briquetting unit should be removed from the Proposed Decision - Inspectors Recommendation for a Proposed Decision considered by the Board of the Agency on 22/01/02 (Appendix 4 of this Report).
- Class 11 of the Third Schedule of the Waste Management Act, 1996 and Classes 9, 11, and 12 of the Fourth Schedule be removed from Part I *Activities Licensed* of the Proposed Decision - Inspectors Recommendation considered by the Board of the Agency on 22/01/02. These classes of activities should be inserted into Part II

**Activities Refused of the Technical Committee Recommended PD Proposed Decision as these activities as proposed by the applicant are no longer applicable at the facility.**

- **The Technical Committee Recommended PD (Appendix 3 of this Report) be considered by the Board.**

### **Ground 3 - Proposed Decision - Environmental nuisance**

#### ***“Agency Reason Number 3 for Proposed Decision”***

*There is insufficient information in the application to satisfy the Agency that environmental nuisance from the facility can be controlled, given the proximity of residences to the boundary.*

Objection: The applicant feels that the dismantling of the burner coupled with the decommissioning of the briquetting activity mitigates strongly against the above reason being used as grounds for refusing a Waste Licence. Taking that “environmental nuisance” encompasses “ vermin, birds, flies, dust, odours, and litter” as mentioned in the Inspector’s Report (17/01/02) the applicant has initiated and implemented a number of schemes to monitor, control and ameliorate these nuisances.

These include:

- Daily inspection of the facility for nuisances.
- A revised Rentokill contract to carry out 12 site visits/annum and an annual vermin report.
- Bird Control Ireland are contracted to alleviate avian nuisance.
- Envirotech are contracted concerning odour control and abatement at the facility.
- Dismantling the burner has reduced potential dust nuisance and extra cladding has been added to enclose the trommel.
- Daily inspection and removal of litter.
- Quotation sought to upgrade fencing.
- Management meet with Stakeholders.
- Independent analysis of the water supply of the local residents.
- Third party environmental audit of the facility with a view to implementing an Environmental Management System.

In summary, the applicant is of the view that the reasons for the Proposed Decision outlined in the Agency’s Proposed Decision (21/02/02) are largely unrelated to the actual activity to be carried out.

#### **Technical Committee Evaluation:**

*Condition 7 of the Technical Committee Recommended PD includes conditions which specify measures to be implemented at the facility for the control of environmental nuisances. Condition 10 requires the licensee to keep written records of the programme for the control of vermin and insect infestations at the facility. The Technical Committee recommend that a new condition be included, Condition 7.8 requiring the licensee to submit site specific*

programmes for odour, bird and vermin control at the facility. This Condition is included in the Technical Committee Recommended PD to the Board.

In addition to the above, in order to reduce the potential for nuisances associated with the activities undertaken at the facility, the Technical Committee recommend that all waste activities and storage of waste destined for recovery be undertaken within an enclosed waste transfer building or in appropriate fully enclosed containers. This is addressed in Conditions 5.5.1 and 5.5.2 of the Technical Committee Recommendation to the Board. See also Technical Committee Evaluation and Recommendation under Grounds 1 and 2.

**Recommendation:**

See Technical Committee Recommendation under Grounds 1 and 2.

### **Commentary by Objector on Inspectors Report**

AES Ltd. included in their objection a separate attachment providing their commentary on the Inspectors Report in relation to the application. The following is a summary of the issues raised in this commentary

1. Burner Unit

The licensee has commenced decommissioning the burner unit with the intention of removing the burner unit off-site. Thus it is stated that there will be no activity under Class 9 or 11 of the Fourth Schedule of the Waste Management Act ,1996 or the EU Incineration of Waste Directive.

2. Facility Development - Trommel Fines

*The Inspector classified the trommel fines as municipal waste as per European Waste Catalogue. To avoid illegal dumping of this waste Condition 5.6.3 proposes 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 under condition 10.2.*

The applicant notes the Inspectors comments in relation to “trommel fines”. It is envisaged that the trommel will primarily be used as part of the “picking line” for the recovery of the pre-segregated “dry recyclables”. Any contaminants arising from municipal waste will be isolated by the trommelling process and then transferred with other municipal waste fractions to an appropriately licensed facility.

Additional Elements of facility development:

- Existing Security & Fencing: Access to the site is controlled electronically, CCTV monitors the site. AES Ltd. have also contacted Morrissey Fencing in relation to upgrading the fencing around the boundary of the site.
- Weighbridge: The weighbridge was inspected by Pracia-Molen and is due to be lifted & calibrated in March 2002.
- Septic Tank: The septic tank will be examined for compliance against the criteria set out in the EPA Wastewater Treatment Manual, Treatment Systems for Single Houses.
- Roof & Diversion of Roof Water: New guttering has been installed on the existing waste transfer building.
- Fuel Storage: The applicant intends to proceed as per outlined in the application.
- Foul Water: The applicant intends to proceed as per outlined in the application.
- Concrete: Waste transfer is currently carried out on a concrete surface. The applicant considers that it is an excessive recommendation to require that the whole site be concreted.
- Construction & Demolition Waste: The applicant is currently reviewing its position on the processing of construction and demolition waste.

### 3. Waste Types & Quantities

The quantification of the waste stream in relation to the acceptance of wood and wood products is no longer valid as no burning of said material will occur on site.

### 4. Emissions to Air

The removal of the burner will reduce the emissions to atmosphere and the requirement to monitor parameters such as CO, SO<sub>2</sub>, NO<sub>x</sub> etc. Noise & Dust monitoring will be as per agency guidelines.

Improved cladding will have a positive effect on odour control. The applicant has also initiated operational procedures on site instructing that waste for disposal is removed from the site within 24 hrs.

### 5. Emissions to Groundwater

The applicant intends to further investigate groundwater conditions and seek additional professional advice in advance of commenting on the Inspector's suggested Remediation.

### 6. Inspectors Recommendations

- a) *Inspector's Recommendation: "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 inspector refers to "poor site housekeeping practice", as is evident from this submission the applicant is making positive steps towards remedying this situation with a formal management system approach.

- b) *Inspector's Recommendation: "The applicant has notified the Agency that the intended period of the waste activity is 24 months..."*

The applicant intends to submit a decommissioning and aftercare plan for the facility and an environmental liabilities risk assessment.

- c) *Inspector's 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 applicant deems that the cessation of waste activities until the suggested upgrading of the infrastructure is wholly completed as unduly excessive. The applicant proposes that agreed improvements should be made sequentially while the facility is operating under licence from the Agency.

#### **Technical Committee Evaluation:**

*The Technical Committee have noted the issues raised by the objector in relation to the Inspectors Report. Issues raised which were previously raised in Grounds 1 and 2 and Ground 3 of this objection have been addressed under the Technical Committee's Evaluation and Recommendations in relation to these issues.*

### **Objection B: Laois County Council**

#### **General grounds**

In the interest of environmental protection and public health, Laois County Council requests that the Environmental Protection Agency require the applicant to submit to the Agency a Groundwater Risk Assessment and Groundwater Remediation Plan.

Laois County Council requests that the Environmental Protection Agency require the applicant to submit a Closure Plan to the Agency for its agreement. The closure plan should include the applicant's proposal for alternative routes of waste movement within County Laois, and the Midlands Waste Management Region.

**Technical Committees Evaluation:**

*See Technical Committee Evaluation under Grounds 1 and 2. Condition 4 of the Technical Committee Recommended PD outlines requirements for Decommissioning and Aftercare including groundwater remediation works at the facility. With regard to waste movement refer to Condition 5.6 Off-site Disposal and Recovery. Waste movement within County Laois and the Midlands Waste Management Region, is the responsibility of the relevant Regional Waste Authority.*

**Recommendation:**

**See TC Recommendation under Grounds 1 and 2 in the objection by AES Ltd.**

**Submission on the Objection by Laois County Council from Advanced Environmental Solutions (Ireland) Ltd.,**

**Grounds**

▪ **Submission to the Agency of a Groundwater Risk Assessment & Groundwater Remediation Plan**

The applicant intends to further investigate groundwater conditions and seek additional professional advice. The applicant will take particular attention of this matter during the completion of an environmental risk assessment.

▪ **Submission of a Closure Plan to the Agency**

The applicant expects that a Closure Plan would be a standard condition of any licence for a facility of this type, and the applicant would fulfil its obligations according to the conditions set out in its licence. The applicant has given an undertaking to cease the current activities on the Ballymorris site by July 2003.

**Technical Committees Evaluation:**

*See Technical Committee Evaluation under Grounds 1 and 2 and under Comments on Emissions to Groundwater Section of the Inspectors Report. The applicant is also obliged to adhere to requirements under any other enactments or regulations as per Condition 1.3 of the PD. Condition 4 of the Technical Committee Recommended PD outlines requirements for Decommissioning and Aftercare including groundwater remediation works at the facility.*

**Recommendation:**

**See TC Recommendation under Grounds 1 and 2 in the objection by AES Ltd.**

Signed: \_\_\_\_\_  
Tadhg O'Mahony  
Technical Committee Chairperson

**Appendix 1: Site Inspection Report Following Site Visit 06 June 2002 by Mr. David Shannon, Inspector EPA.**

**Appendix 2: Submission by AES Ltd. on Site Inspection Report Following Site Visit 06  
June 2002 by Mr. David Shannon, Inspector EPA.**



**Appendix 3: Technical Committee Recommended Proposed Decision**

**Appendix 4: Inspectors Recommendation for a Proposed Decision considered by the Board 22 January 2002.**