

INSPECTORS REPORT

WASTE LICENCE REGISTER NUMBER: 112-1

Facility: National Recycling & Environmental Protection Ltd., John F. Kennedy Drive, Naas Road, Dublin 12.

Inspector's Recommendation: The recommended Proposed Decision as submitted to the Board is approved.

(1) Introduction

The application relates to the use of a waste transfer station for the storage of hazardous waste prior to transport offsite for recovery. The facility is essentially a small operation (the application is for up to 3,000 tonnes per annum) dealing in the collection of hazardous wastes such as photographic processing wastes and waste motor vehicle batteries. Other wastes include solvents, paint and ink, waste machining oils and other batteries. A waste licence is required for the waste activities at the facility as it accepts hazardous wastes not subject to the waste permitting provisions of the Waste Management (Permit) Regulations [S.I. 165 of 1998].

The facility is situated within an industrial estate on John F. Kennedy Drive, Naas Road. The grounds of the facility are also used by another waste company, Cummins Metal Recycling Ltd. A facility location map (B2.1) and site layout drawing (B2.2) are provided in Appendix I. A schematic drawing showing the grounds of the two companies is also provided.

The ownership of the facility, the boundary of the entire facility and the Boundary outlined in the application have been the subject of some discussion. Initially the licence application indicated that the entire facility operated by the two companies (National Recycling & Environmental Protection Ltd. and Cummins Metal Recycling Ltd.) was owned by the applicant. The applicant has indicated that both companies have the same Directors and the same shareholders. During the application process information was requested regarding the waste activities carried on by Cummins Metal Recycling Ltd. The applicant has indicated that waste activities carried on by Cummins Metal Recycling Ltd. are not party to the application. Both companies have been issued with separate waste permits from South Dublin County Council.

The facility boundary detailed in the application includes some but not all of the areas shared by the two companies.

The applicant also indicated that the entire site is owned by Cummins Metal Recycling Ltd. who lease two areas, which are identified as the applicant's facility (see drawing B2.2), to National Recycling & Environmental Protection Ltd. The application is for two areas of one-eighth of an hectare each. The overall site area being used by Cummins Metal Recycling Ltd. and National Recycling & Environmental Protection Ltd. is in the region of 1.2 hectares. In course of consideration of the application the issue of legal title to the application boundary was noted and Article 16(1) notices in relation to this were issued. Assurances from the applicant were made verbally and in written responses to the Article 16(1) notices (see extract of responses dated 18/10/02 & 08/05/03 – Appendix II).

Based on the application at hand, there are a number of key issues of note, and these are outlined below.

1. Due to the current layout and application boundaries, waste movements by National Recycling & Environmental Protection Ltd. either on or off site or between its two areas involves traversing the Cummins Metal Recycling Ltd. facility. Similarly activities of Cummins Metal Recycling Ltd. involves traversing parts of the facility included in the application.
2. It is difficult to resolve for the purposes of Section 40(4)(a) & (b) the current drainage system and co-usage of areas and which emissions arise from which facility. Much of the industrial

services, such as the access points, traffic routes and the drainage network are inter-linked between the operations of the two companies.

3. Cummins Metal Recycling Ltd. and the National Recycling & Environmental Protection Ltd. share the on site building, which includes the area used by National Recycling & Environmental Protection Ltd. to store hazardous waste. Currently access to this storage area involves traversing that part of the building used by Cummins Metal Recycling Ltd. This access point is marked in the application as being the entrance to National Recycling & Environmental Protection Ltd.'s hazardous waste storage area. There is a shared weighbridge located on the part of the industrial unit outside of the areas to which the application relates.
4. Based on the preamble to the First Schedule of the Waste Management (Permit) Regulations 1998 - which states that where a waste activity is carried on in, on or adjacent to a facility at which a licensable waste activity is being carried on - a waste licence will be required i.e. a Waste licence would be required for the Cummins Metal Recycling Ltd. facility.

The applicant applied for the following waste activity;

Fourth Schedule: Waste Recovery Activities - Class 13: *Storage prior to submission to any activity referred to in a preceding paragraph of this Schedule, other than temporary storage, pending collection, on the premises where the waste concerned is produced.*

In evaluating this application I have considered a number of boundary options in deciding whether to grant or refuse to grant a waste licence for the activity concerned. These are discussed below;

- Option I: The Boundary of the facility as applied for i.e. the two separate parcels of land within the shared facility.
- Option II: The Boundary is only one part of the facility applied for such that the licensed area would be isolated from the activities of the neighbouring company (Cummins Metal Recycling Ltd). This is the southernmost area of the two applied for and it contains the waste storage building.

A possible third option could have incorporated the two companies activities into the one application, but this could not be considered as this was not provided for within the application.

The recommended Proposed Decision (PD), for the reasons set out in Section 8 of this report, permits the above recovery activity, subject to the conditions therein.

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| Quantity of waste (tpa) | 3,000 tpa |
| Prescribed date for application | 1/10/99 |
| Application received | 16/09/99 |
| Environmental Impact Statement Required | No. |
| Number of Submissions Received | One. |
| Most recent site visit | 14/08/03 (Donal Howley, Peter Carey). |

(2) Facility Development

The facility is essentially a warehouse for the storage of hazardous waste prior to it being removed from the facility for recovery elsewhere. Waste is currently loaded/unloaded in the northern area included in the application. This area is an open yard area, part of which is also used by Cummins Metal Recycling Ltd. Waste loaded/unloaded by National Recycling & Environmental Protection Ltd. in the northern areas then passes through the shared yard area, shared building and shared access point to get to the storage building in the southern area included in the application. The storage

facilities within the building are demarcated into four banded areas each of which is designated for the storage of various wastes.

All waste accepted at the facility is stored in sealed containers in banded areas. No waste processing is to occur at the facility. The recommended PD limits the licensed area of the facility to one of the two areas applied for. This area is in the southern section of the overall site and includes the Waste Storage Building. The applicant included a proposal for a new entrance to the Waste Storage Building and this is required in the recommended PD. This is to provide for direct access to the Waste Storage Building and to facilitate waste loading/unloading on the National Recycling & Environmental Protection Ltd. licensed facility. The recommended PD also requires the licensee to segregate the Waste Storage Building from the building under the control of the adjacent company.

(3) Waste Types and Quantities

The facility accepts principally photographic processing waste and waste motor vehicle batteries. Other wastes include solvents, paint and ink, waste machining oils and batteries other than from motor vehicles. The applicant proposes to accept up to 3,000 tonnes of hazardous waste with in the region of 1,600 tonnes per annum said to have been accepted at the time of the making of the application. All the hazardous waste stored at the facility is to be subsequently transported off-site for recovery. The recommended PD limits the quantities and types of waste to that applied for by the applicant and with an overall waste acceptance limit of 3,000 tonnes per annum.

(4) Emissions to Air

There are to be no emissions to air from this facility with operations at the facility to comprise of the loading, unloading and storage of waste.

(5) Emissions to Groundwater and Surface Water/Sewer

Currently surface water drainage for the overall facility of the two companies is shared with drainage passing through an oil/water interceptor along with a shut-off valve downgradient and prior to exiting to the surface water drain. The interceptor is located on part of the overall facility under the control of Cummins Metal Recycling Ltd.

No emissions to groundwater are permitted. There are to be no emissions of trade effluent to surface water or sewer. Foul water from the site discharges to the foul sewer. The recommended PD requires the licensee, to carry on all waste loading/unloading and storage within the Waste Storage Building which is to be banded in accordance with Condition 3.7

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

The National Hazardous Waste Management Plan and the Dublin Waste Management Plan have been considered. It is noted that the applicant has been the recipient of a hazardous waste grant in relation to this facility. This grant relates to the transfer station for hazardous waste, including safe collection and storage of the waste, on-site treatment of some components of the waste, packing/transport of remainder for recycling/recovery. No on-site treatment of waste activity has been applied for by the applicant.

(7) Submissions

One submission was received in relation to this application from the South Western Area Health Board by fax (received 13/11/01) and letter (received 14/11/01). This submission commented on the types of waste being stored and stated that the Environmental Health Officers of the South Western Area Health Board had no objection to the application.

(8) Reasons for the Recommendation

Option I

I have rejected Option as I determined that it could not be conditioned by way of a waste licence, such that the activity concerned, carried on in accordance with such conditions as may be attached to the licence, will not cause environmental pollution. This is principally due to the fact that the waste activities of the neighbouring and interlinked facility would be unconditioned and would not be effectively isolated from the activity concerned. Similarly I consider that any emissions from the activity concerned and the waste activities of the neighbouring and interlinked facility could not be effectively differentiated. Consequently, I am not satisfied that the emissions from the activity concerned will not result, in contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value, prescribed under any other enactment.

Option II

Option II entails consideration of one of the two parcels of land included in the application, i.e. the area at the southern end of the overall facility. This area includes the Waste Storage Building and a hardstanding area to the front. In order for the licensed activity to be isolated from the neighbouring company and its activities, this building is required to be cordoned off by walls etc. This building would subsequently require a new entrance.

It is recommended that a licence be granted for Class 13 of the Fourth Schedule as applied for in the application for the area identified as Option II above. In coming to this recommendation, I consider that this activity would, subject to the conditions of the recommended Proposed Decision, comply with the requirements of Section 40(4) of the Waste Management Act 1996. The recommended PD provides for the provision of certain measures within six months of the issue of the licence, including infrastructural changes which may require consent from the planning authority.

Signed: _____

Dated: _____

Donal Howley, Inspector
Environmental Management and Planning.

APPENDIX I
LOCATION & LAYOUT DRAWINGS

APPENDIX II

**EXTRACTS OF RESPONSES TO ARTICLE 16(1) NOTICES
(DATED 18/10/02 & 08/05/03)**