

MEMO

TO: Board of Directors **FROM:** Peter Carey
CC: Gerry Carty **DATE:** 18 November 2004

SUBJECT : Technical Committee Report on Objections to Proposed Decision - Kildare County Council, Kilcock Civic Amenity Centre Reg. No. 176-1

Application details

Application Details	
Applicant:	Kildare County Council
Location of Activity:	Kilcock Civic Amenity Centre, Bawnogues, Common West, Kilcock, County Kildare
Reg. No.:	176-1
Licensed Activities under Waste Management Act 1996:	Third Schedule: Classes 11, 12, 13 Fourth Schedule: Classes 2, 3, 4, 11, 12, 13
Activities Refused under Waste Management Act 1996:	Fourth Schedule: Class 1
Proposed Decision issued on:	11/04/03
Objections received:	08/05/03 (Applicant)
Inspector that drafted PD:	Pernille Hermansen

A Technical Committee was established to consider the objections.

The Technical Committee included;

Peter Carey, Chairperson
Dave Shannon, Inspector
Helen Maher, Inspector

This is the Technical Committee's report on the objections.

1. Objection prepared by Fehily Timoney & Co (consultants) on behalf of Kildare County Council

The Objector states that the Proposed Decision (PD) relates to a facility with an annual waste intake of 5,500 tonnes. The Objector is concerned about the PD's complexity and onerous obligations, specifically the requirements for additional infrastructure, the establishment of a communication program, development of an Environmental

Management System and environmental monitoring/reporting which they state will significantly increase operational costs.

The Objector provides reasons for objecting to certain Conditions and these are dealt with by the TC under the Grounds below.

Ground 1: Condition 1.5: *The Objector states that Condition 1.5 bans all liquid waste while Schedule A allows wastes such as waste oils. The Objector suggests that the Condition be re-worded to “Subject to those wastes identified in Schedule A, no other hazardous waste or liquid wastes shall be accepted”.*

Technical Committee’s Evaluation

Condition 1.5 states:

- 1.5 No hazardous wastes (excluding those listed in *Schedule A: Waste Acceptance*, of this licence) or liquid wastes shall be accepted at the facility.

The Technical Committee recommends that the Condition be re-worded for clarity.

Recommendation

Change Condition 1.5 as follows:

No hazardous wastes or liquid wastes (other than those listed in *Schedule A: Waste Acceptance*, of this licence) shall be accepted at the facility.

Ground 2: Condition 2.4.1 (Communications Programme): *The Objector states that Condition 2.4.1 will add significant costs to the operation of this facility. The Objector suggests that the Condition be reworded to “Kildare County Council will ensure that the public have access to records regarding environmental performance of the site”.*

Technical Committee’s Evaluation

Condition 2.4.1 states:

- 2.4 Communications Programme

- 2.4.1 The licensee shall establish and maintain a Communications Programme to inform and involve the local community and to ensure that members of the public can obtain information at the facility, at all reasonable times, concerning the environmental performance of the facility. This shall be established within six months of the date of grant of this licence.

The TC considers that the Communications Programme is necessary to improve and promote public involvement in waste recovery and is an important element of the operation of the civic waste facility. The scale and extent of the Communications Programme should reflect the waste activities being carried out at the facility.

Recommendation

No Change to Condition 2.4.1

Ground 3: Condition 3.2 (Specified Engineering Works): *The Objector states that drawings have been submitted as part of the application and should not have to be re-submitted and subject to additional approval by the Agency. The Objector also states that it seems inappropriate that as built drawings are generated and retained for all of the elements set down in Condition 3.2.3 and Schedule B. The Objector states that this would require as built drawings to be made of such items as silt traps, interceptors (which are usually standard modular units supplied by specialised providers), and concrete inspection areas etc.*

Technical Committee's Evaluation

The TC notes that additional Specified Engineering Works other than those proposed in the application are required by the PD, for example Schedule B specifies installation of a waste quarantine area. In relation to drawings already submitted in the application the licensee can refer to these drawings if they do not require revising without resubmitting them. The TC considers it good practice that as built drawings be retained so that they can be referenced to guide any future works or developments at the facility. If standard modular units are to be used the drawing of these units can be made by reference to drawings available directly from the manufacturer.

Recommendation

No Change to Condition 3.2

Ground 4: Condition 3.7 (Waste Inspection & Waste Quarantine Areas): *The Council objects to the PD requirement for a waste inspection area and waste quarantine area. The Objector states that appropriately trained site staff will be available to inform members of the public as to the waste types acceptable at the facility. The Objector states that in the event that a member of the public is found to be depositing unsuitable waste, then that person will be requested to take the waste away.*

Technical Committee's Evaluation

The TC considers that based on the proposed users of the facility (no disposal by commercial waste contractors or local authority waste collection vehicles, Condition 5.1) and proposed site supervision, a waste inspection area is not required. The TC considers that a waste quarantine area is required, as it is possible that some waste may be accepted at the facility, which may need to be quarantined for examination and testing or for storage prior to removal offsite to an appropriate facility.

Recommendation

Change Condition 3.7 to read as follows:

Waste Quarantine Area

Delete Conditions 3.7.1, 3.7.2 and 3.7.3 and insert the following as Condition 3.7.1:
A Waste Quarantine Area shall be provided and maintained at the facility. This area shall be of an appropriate size, secure, clearly identified and banded to deal with spillage of liquids.

Ground 5: Condition 3.9.1 (Container Cleaning): *The Objector states that this Condition requires a container cleaning facility to be provided on-site. The Objector notes that all containers for the storage of municipal solid waste will be transferred off-site when full, and consequently there is no need to clean these containers on-site. The Objector also notes that containers for the storage of recyclable waste will require minimal cleaning. They state that if the containers used for the storage of recyclable waste require cleaning that they will be hosed down and the washings discharged to sewer. The Objector requests the deletion of Condition 3.9.1*

Technical Committee's Evaluation

The TC agrees with the Objector's comments and considers that a container cleaning facility is not required on site.

Recommendation

Delete Condition 3.9.1 and delete "Installation of area for container cleaning" in Schedule B: Specified Engineering Works.

Ground 6: Condition 3.10.2 (Duty and Standby Capacity): *The Council objects to the requirement for a report on the Duty and Standby Capacity in tonnes per day of all waste handling and processing equipment to be used at the facility. The Council is concerned that awaiting agreement of this report by the Agency may delay the opening of the site.*

Technical Committee's Evaluation

The TC notes that the main waste handling and processing infrastructure on site will be the compactor. The scale of waste activities to be carried out would not warrant duty and standby capacity reporting. However in the event of a breakdown of equipment, the TC notes that under Condition 9.4.1 procedures are required for the diversion of waste to an appropriate facility.

Recommendation

Delete Condition 3.10.2 and re-number Condition 3.10.3 to 3.10.2.

Ground 7: Condition 3.12.5 (Underground pipes / tanks): *The Council objects to the requirement to test the integrity and water tightness of all underground pipes / tanks and their resistance to penetration by water or other materials carried or stored therein.*

Technical Committee's Evaluation

The TC notes that underground pipes and tanks can be a potential source of significant pollution and considers it necessary that the underground pipes / tanks be tested to verify their integrity, water tightness and resistance to penetration by water or other materials carried or stored therein.

Recommendation

No Change to Condition 3.12.5

Ground 8:Condition 4.1 (Decommissioning & Aftercare): *The Objector objects to the requirement to submit a decommissioning and aftercare plan within 12 months of waste being accepted at the facility. The Objector states that they have already submitted a decommissioning plan as part of their waste licence application. They state that the aftercare plan if written within 12 months of waste being accepted, will be outdated by the time the facility closes. The Objector suggests that the Condition should be re-worded as follows “the licensee shall submit a decommissioning and aftercare plan for the facility 12 months prior to the facility closing”.*

Technical Committee’s Evaluation

The TC notes the Objectors comments and recommends that the Condition be amended.

Recommendation

Change Condition 4.1 as follow:

Decommissioning and Aftercare of the facility shall be carried out as detailed in Attachment G.1 of the waste license application. The licensee shall update these plans when required by the Agency.

Ground 9: Condition 6.3.2 (Emissions to Surface Water): *The Objector states that trigger levels are not given for Mineral Oils, Fats, Oils, Grease, Chemical Oxygen Demand, Temperature, Total Phosphorous, and Total Nitrogen. The Objector requests that the Agency detail how trigger levels are to be calculated.*

Technical Committee’s Evaluation

Condition 6.3.2 states:

- 6.3.2 The trigger levels for surface water discharges from the facility measured at monitoring point specified in *Table D.1.1 Dust, Noise, Surface Water and Wastewater Monitoring Locations* are:
- a) BOD 25mg/l
 - b) Suspended Solids 35mg/l

The TC notes that trigger levels have not been specified in the PD for the parameters listed in the objection. The TC also notes that an Emission Limit Value has been set for Mineral Oils in Schedule C. The Objector does not appear to be objecting to the Condition rather they are seeking advise on how to establish trigger levels which is beyond the scope of the Conditions of the PD or waste licence.

Recommendation

Correct typo in Condition 6.3.2

Change monitoring point to monitoring **points**

Ground 10: Condition 7.3.3 (Nuisance Control): *The Objector states that it is not in a position to force all the members of the public to cover their trailers when delivering waste to the facility. The Objector suggests that the Condition should be re-worded as follows “The licensee shall ensure that all vehicles removing waste and materials from the facility are appropriately covered”.*

Technical Committee’s Evaluation

The TC considers that waste loads being delivered to the facility must be appropriately covered to avoid litter nuisance. The TC considers that the licensee can instruct anyone delivering waste to the facility to appropriately cover the waste.

Recommendation

No Change

Ground 11: Condition 7.4.1 (Nuisance Control): *The Objector states that this Condition requires any waste delivered to the facility on a bank holiday weekend to be removed within 72 hours. They state that by referring to “waste” this includes dry recyclables, glass bottles, fridges etc. The Objector suggests that the Condition should be re-worded to refer to “waste for disposal” and not “waste”.*

Technical Committee’s Evaluation

The TC agrees that for clarity the *Condition* should be amended.

Recommendation

Amend Condition 7.4.1 as follows:

All waste for disposal stored overnight at the facility, shall be stored in suitably covered and enclosed containers, and shall be removed from the facility within forty eight hours of its arrival at the facility except at Bank Holiday weekends. At Bank Holiday weekends, waste **for disposal** shall be removed from site within seventy-two hours of its arrival on site.

Ground 12: Condition 8.6.1 (Archaeological Monitoring): *The Objector suggests that the Condition be re-worded as follows “If in the event that any archaeological features are discovered during site excavations, Dúchas will be informed and a qualified archaeologist employed to examine the find.”*

Technical Committee’s Evaluation

The TC notes from the waste licence application that no archaeological sites have been found within 500m of the proposed facility. The TC agrees that the Condition be amended.

Recommendation

Change Condition 8.6.1 as follows:

In the event that any archaeological features are discovered during site development, advice shall be sought from Dúchas the Heritage Service. If archaeological features are discovered, a report detailing the features and any archaeological monitoring shall be submitted to the Agency on completion of the development.

Ground 13: Condition 8.7.2 (Odour Monitoring): *The Objector states that the requirement for “daily” odour monitoring is excessive for this type of waste facility.*

Technical Committee’s Evaluation

The TC considers that regular weekly inspections for odour are necessary to verify that odour from green waste is not giving rise to nuisance at the facility and the Condition should be maintained. The TC also notes that the monitoring frequency may be amended (Condition 8.2) in the future based on results recorded. For clarity the TC recommends that the condition be rephrased.

Recommendation

Change Condition 8.6.1 as follows:

Daily odour **inspections** shall be carried out at the designated area for collection of green waste shown on Drawing No. 2001-114-06-002 Rev. C *Existing Site Survey and Proposed Civic Amenity Layout*, unless otherwise agreed by the Agency. Written records shall be made of all inspections and any actions taken as a result of these inspections.

Ground 14: Conditions 10.2 & 10.5 (Waste Records): *The Objector states that it is unreasonable to require the site staff to record such matters as registration numbers, name of delivery person, description of waste (“including EWC codes”), quantity and name of the person checking the loads, for all waste deliveries at the site including those driven in by householders. The Objector suggests that the Condition should instead simply require the specified information to be retained in respect of only waste being taken away from the facility. The Objector states that Conditions 10.2 and 10.5 duplicate each other in respect of waste being removed from the facility. They suggest that Condition 10.5 be deleted.*

Technical Committee’s Evaluation

The TC considers, based on the type of facility (civic waste facility), the users of the facility (no disposal by commercial waste contractors or local authority waste collection vehicles, Condition 5.1) and the scale of waste activities being carried on, that Condition 10.2 should be amended to reflect waste departing the facility only and that Condition 10.5 should be deleted.

Recommendation

Change Condition 10.2 as follows:

The licensee shall maintain a written record for each load of waste departing from the facility. The licensee shall record the following:

- (a) the date and time of departure

- (b) the name of the carrier (including if appropriate, the waste carrier permit details);
- (c) the vehicle registration number;
- (d) the destination of the waste (facility name and waste license/waste permit register number as appropriate)
- (e) a description of the waste including the associated EWC codes;
- (f) the quantity of the waste, recorded in tonnes
- (g) the name of the person checking the load;
- (h) where applicable consignment note number (including transfrontier shipment notification and movement / tracking form numbers, as appropriate); and
- (i) where loads are rejected, details of the date of occurrence, the types of waste and the facility to which they were removed, including waste license and waste permit register number of these facilities as appropriate.

Delete Condition 10.5

Ground 15: Schedule D (Emission Monitoring): *The Objector states that requiring dust, noise, and surface water monitoring at this site is costly and not appropriate. The Objector suggests that the surface water and sewer discharge emissions will be highly weather dependent, being derived solely from surface water run-off from the facility. When the weather is dry, the obligatory visit will result in no meaningful data being obtained. The Objector suggests that there is little point monitoring the parameters as set out in Table D.5.*

Technical Committee's Evaluation

The TC considers that the Condition should be maintained and notes that the monitoring frequency and scope may be amended (Condition 8.2) in the future based on results recorded.

Recommendation

No Change

Ground 16: Reporting Requirements: *The Objector states that at least twelve Conditions (2.3.1, 3.2.1, 3.10.2, 5.1.5, 5.3.1, 5.3.2, 5.3.4, 8.5, 9.2, 11.5.1, 12.2.1, 12.2.3) require separate reports to be issued and approved by the Agency. They state that some of the Conditions require multiple reports to be submitted and in a number of cases information must be submitted at periodically different times e.g. monitoring reports. They state that it is questionable whether all of these reports are necessary to operate a civic waste facility proposing to accept less than 100 tonnes per week.*

Technical Committee's Evaluation

The TC considers each of the Conditions referred to in the objection regarding reporting requirements:

- Condition 2.3.1 requires the establishment and maintenance of an Environmental Management System (EMS) within 12 months of the date of grant of licence. The TC considers the establishment and maintenance of the EMS necessary. It does not have to be a lengthy document and should only reflect the waste activities to be carried on.

- Conditions 3.2.1, 3.10.2 have been dealt with under Grounds 3 and 6 above respectively.
- Condition 5.1.5 requires the licensee, prior to the commencement of waste activities, to submit to the Agency waste acceptance procedures for its agreement. The TC considers this requirement necessary.
- Condition 5.3.1 requires the licensee to obtain the Agency's agreement of waste carriers to be used. The TC considers this requirement necessary.
- Condition 5.3.2 and 5.3.4 requires the licensee to obtain the Agency's agreement of facilities to be used for off-site disposal or recovery. Condition 5.3.4 requires that such requests be submitted to the Agency at least 1 month in advance of intended use. The TC considers the requirements of this Condition necessary.
- Condition 8.5 requires the licensee, prior to the acceptance of waste and any changes thereafter, to obtain the Agency's agreement on all persons that will carry out sampling and monitoring at the facility. The TC also notes that Condition 10.3 e) requires the licensee to maintain written records of all people that carry out the sampling, monitoring and interpretation. The TC considers that Condition 8.5 can be changed so that only competent persons may carry out sampling, monitoring and interpretation.
- Condition 9.2 requires the licensee to submit an Emergency Response Procedure to the Agency for its agreement. The TC considers this requirement necessary.
- Condition 11.5.1 requires the licensee to submit an Annual Environmental Report to the Agency for its agreement. The TC considers this requirement necessary.
- Conditions 12.2.1 and 12.2.3 relate to financial provision for closure, restoration and aftercare. The TC considers these requirements necessary.
- Monitoring reporting frequency and report submission to the Agency: The TC notes that reporting frequency may be amended by Condition 11.1. The TC therefore considers that any request to change reporting frequency may be dealt with under the licence.

Recommendation

Change Condition 8.5 as follows:

All persons conducting the sampling, monitoring and interpretation as required by this licence shall be suitably competent.

Signed: _____
 Peter Carey
 Technical Committee Chairperson

Dated: 25th June 2003