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# REPORT ON THE TECHNICAL EVALUATION OF OBJECTIONS TO LICENCE CONDITIONS

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**TO:** Members of the Board  
**FROM:** Technical Committee  
**DATE:** 08/01/04  
**RE:** Objection to Proposed Decision for Natures Way Composting Ltd,  
Corbollis, Ready Penny, Dundalk, Co. Louth, Waste Licence Register  
No. 182-1

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Application Details	
Class of activity:	Waste Recovery & Disposal
Location of activity:	Corbollis, Ready Penny, Dundalk, Co. Louth.
Licence application received:	04/11/02
PD issued:	08/09/03
First party objection received:	None
Third Party Objections received:	06/10/03
First Party submission on Objection:	12/11/03

## Company

Natures Way Composting Ltd have applied to the Agency for a Waste Licence to operate a new in-vessel composting and anaerobic digestion (AD) facility. The proposed facility is to be located approx. 6km north-east of Ardee Co. Louth adjacent to the N52. The nearest village to the facility is Tallanstown, Co. Louth (c. 2.5km to the north-west). The overall site has an area of c. 65ha with the development itself taking c. 0.8ha. The site is bounded by agricultural land (primarily tillage) on all sides. There are 19 residences within 1.5km of the site. The nearest residences are situated c. 410m east of the site boundary.

The applicant applied to have the following waste types accepted at the facility:

- Source segregated organic household waste;
- Industrial and Sewage sludge;
- Green waste; and
- Pauch, spent mushroom compost, chicken litter and animal slurries.

The applicant intends to process all material through a sterilisation/anaerobic digestion phase where solid material will be separated from the liquor. The solids will be cured to produce solid compost, while the liquid fraction will be delivered to another anaerobic digestion system. The applicant intends to landspread digestate/compost produced at

this facility on landbanks owned by him in the region surrounding the facility. The applicant also intends to develop new markets including agricultural, horticultural, building developments, domestic uses and road developments.

The applicant has applied for Classes 11 and 13 of the 3<sup>rd</sup> Schedule and Classes 2 and 13 of the 4<sup>th</sup> Schedule. The maximum quantity of waste to be processed is 50,000 tonnes and 100,500 tonnes per annum during Phase I and Phase II respectively.

### **Consideration of the Objection**

The Technical Committee, comprising of Mr Patrick Byrne (Chair) and Ms Elaine Farrell has considered all of the issues raised in the Third Party's Objection and considered the first party's submission on the third party objection. This report details the Committee's comments and recommendations following the examination of the objections.

This report considers the valid third party objection and the first party submission on the objection.

## **Third Party Objection**

Fehily Timoney & Company make a number of points of objection on behalf of their client Glyde Environmental & Health Group (Glyde). In making the objection Glyde reiterates their arguments made prior to the issuing of the PD and objects to the issuing of a licence to Natures Way Composting Ltd in any shape or form. In all there are five points of objection raised.

For clarity all Submission on Objections made by the First Party in relation to the Third Party objections are dealt with in association with the objection to which they relate

### **Objection 1:**

Glyde state that the Environmental Impact Statement (EIS) is inadequate and conditions imposed by the licence to 'correct' the EIS could result in the need for significant infrastructure that in itself would normally be the subject of statutory permission. They provide the example of condition 3.8.4 which states:

*Prior to the commencement of construction on-site, the licensee shall submit an assessment to the Agency which shall establish the effects, if any, which flood conditions may have on the proposed facility during and after construction. This assessment should take into account water levels for 50 year, 100 year and 150 year return periods and the potential for cross-contamination between flood waters and any wastewater or surface water arising at the facility. This assessment should also include mitigation measures, where necessary, to alleviate any potential problems arising from flooding at/in the vicinity of the facility. Once agreed by the Agency, any recommendations arising shall be implemented prior to the acceptance of waste*

### **Submission on Objection:**

The First Party claim that the EIS is wholly adequate to describe the proposed facility, process, potential environmental effects and mitigation measures. The First Party also provide details of the site levels compared to the River Glyde and the road adjacent to

the site. They claim that potential flooding of the field adjacent to the proposed site by heavy rainfall has been alleviated by the installation of land drains across the field. The requirement for the developer to carry out a flood assessment and report to the Agency will further help to resolve this issue.

Technical Committee's Evaluation:

The technical committee note the Agency inspector's statement that the EIS as "carried out by Natures Way Composting Ltd was adequate for an assessment of any likely significant effects on the environment and in this regard, the EIS complies with the EIA Regulations". The inspector considered that sufficient information was provided in the waste licence application, EIS and subsequent responses to allow an assessment of the impacts on the environment. Compliance with the conditions of the PD will ensure that the requirements of Section 40(4) of the WMA 1996 are not contravened.

Condition 3.8.4 was included at the request of the Board of the Agency to provide for flood control. Therefore the condition is included in the Waste Licence requiring the licensee undertake a further assessment and propose further mitigation measures, where deemed necessary, in agreement with the Agency. The condition requires the licensee, prior to the commencement of construction on-site to submit an assessment which shall establish the effects, if any, which flood conditions may have on the proposed facility during and after construction. The assessment should also include mitigation measures, where necessary, to alleviate any potential problems arising from flooding at/in the vicinity of the facility. Once agreed by the Agency, any recommendations arising shall be implemented prior to the acceptance of waste.

The condition is structured to ensure that construction is dependant on completion of the assessment and that acceptance of waste is dependant on implementation of any recommendations. The Agency is fully satisfied that the EIS and application addressed all the significant environmental associated with this facility and is also satisfied that the report and assessment in accordance with condition 3.8.4 will provide the necessary assurance to address the concerns of the objectors.

<b>Recommendation:</b> No Change
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**Objection 2:**

Glyde state that in drafting the PD, the EPA did not adequately address the objections and concerns raised by Glyde.

Submission on Objection:

The First Party argues that the PD adequately addresses the objections of the Glyde Group and claims that the only acceptable outcome for the few members of the Glyde Group is that the development does not proceed on any grounds.

Technical Committee's Evaluation:

The technical committee note the response provided by the Agency inspector in the Inspector's Report. The TC is satisfied that the objections and concerns raised by Glyde have been adequately addressed in the PD and in this recommendation.

**Recommendation:** No Change

### **Objection 3:**

The frequency of testing for potential carriers of pathogens (Schedule D) i.e. PM<sub>10</sub>s and other aerosols is inadequate in that an annual sample cannot be representative of the activities described in the EIS, many of which will be seasonal in nature. Glyde state the frequency should be at least monthly.

#### Submission on Objection:

The First Party state that they accept the frequency of testing as specified as wholly adequate. Additional monitoring would only involve unnecessary additional costs.

#### Technical Committee's Evaluation:

The monitoring frequency for PM<sub>10</sub> and bioaerosol has been established taking account of the location of the facility relative to the neighbouring residences and the system of composting to be used on-site (in-vessel rather than wind-row composting). The information to be gained by increasing the monitoring frequency for PM<sub>10</sub> and bioaerosols does not justified the additional monitoring costs where the licensee is required to undertake regular monitoring of: air and odour (*D.6 Air & Odour Monitoring*); the composting and anaerobic digestion processes (*D.9 Monitoring of Processes*); the processing regime (*Schedule E: Process Management*); and digestate/compost quality (*Schedule G: Digestate/Compost Quality*).

**Recommendation:** No Change

### **Objection 4:**

The frequency of testing of the health-risk elements of the process (Schedule E) is inadequate, e.g. testing for Salmonella spp. is annual only. The frequency of testing should be at least monthly.

#### Submission on Objection:

The First Party state that they accept the frequency of testing as specified as wholly adequate. Additional monitoring would only involve unnecessary additional costs.

#### Technical Committee's Evaluation:

*Schedule E: Process Management* specifies a series of process management controls including, waste sterilisation, anaerobic digestion, composting and process validation. In addition *D.9 Monitoring of Processes* specifies frequent monitoring (continuous, daily and weekly) of the composting and anaerobic digestion processes.

*Table E.4 Process validation* is a method to validate by the use of an indicator organism (Salmonella spp.) that the process management measures are achieving the necessary sterilisation. The monitoring frequency specified in Table E.4 shall be repeated if major changes to the composition of the incoming biowaste or the treatment process are made, in addition the testing of the composting and digestion process may be adjusted subject to the requirements of National or EU Legislation or with the agreement of the Agency.

*Schedule G: Digestate/Compost Quality*, specifies that the digestate/compost shall be deemed unsatisfactory if more than 25% of samples fail the criteria listed in schedule G, and no sample shall exceed 1.2 times the quality limit values set. In particular point no. 3 of Schedule G refers to the presence of pathogens. Point no. 3 Pathogens states:

Pathogenic organism content must not exceed the following limits:

Salmonella sp.	Absent in 50g	n=5
Faecal Coliforms	≤1000 Most Probable Number (MPN) in 1g	n=5

Where: n=Number of samples to be tested.

The licensee shall monitor the digestate/compost product at least monthly. The licensee shall submit to the Agency for its agreement, prior to commencement of the anaerobic digestion and/or composting operations, details of the sampling protocol, methods of analyses and number of sample.

Therefore the TC believes that the digestate/compost will be adequate monitored under the requirements of the PD. In addition there is provision to adjust the process validation test using salmonella spp. as the indicator organism subject to the requirements of National or EU Legislation and the process validation test shall be repeated if major changes to the composition of the incoming biowaste or treatment process are made.

**Recommendation:** No change

**Objection 5:**

The quantity and duration of the storage of unprocessed, in-process and post-process material should be defined in the licence.

Submission on Objection:

The First Party state that the Glyde Group do not provide any reasonable or scientific grounds for questioning the Agency’s judgement on this issue.

Technical Committee’s Evaluation:

There are a number of conditions in the PD which define the quantity and duration of the storage of unprocessed, in-process and post-process material. The following conditions define the quantity and duration of storage:

Condition 3.12.3:

*The quantity of waste to be accepted at the facility on a daily basis shall not exceed the duty capacity of the equipment at the facility. Any exceedance of this intake shall be treated as an incident.*

Condition 5.1.1, 5.1.3 and 5.14

*All waste accepted into the waste acceptance/mixing area (apart from bulking agents/woody green waste) shall be transferred to a sterilisation vessel, an anaerobic digestion or composting container as soon as possible and not later than 48 hours from receipt unless otherwise agreed in advance with the Agency.*

*The floor of the waste acceptance/mixing area shall be cleaned of waste on a daily basis.*

*No waste shall be stored overnight at the facility in other than designated storage areas in the waste acceptance/mixing area*

Schedule E: Process Management specifies processing regime which the waste shall be exposed. In addition Schedule G: Digestate/Compost Quality specifies the criteria which must be achieved to be deemed satisfactory and specifies a minimum compost curing period of 21 days.

The license does not define the quantity or duration of the storage of post process material on the basis that the post process material is a stable product (sterilised, odour reduced, ...etc). The post process material must be stored on site so as not to cause environmental pollution.

<b>Recommendation:</b> No change
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## **Overall Recommendation**

It is recommended that the Board of the Agency grant a licence to the applicant

- (i) for the reasons outlined in the proposed determination and
- (ii) subject to the conditions and reasons for same in the Proposed Determination, and
- (iii) subject to the amendments proposed in this report.

Signed

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Patrick Byrne