
REPORT ON THE TECHNICAL EVALUATION OF OBJECTIONS TO LICENCE CONDITIONS

TO: Members of the Board
FROM: Dr J Derham, Technical Evaluator
DATE: 23/12/03
RE: Objection to Proposed Decision for Atlas Environmental Ireland Limited, Portlaoise, Co Laois, Waste Licence Register No. 184-1

Application Details	
Class of activity:	Waste Recovery & Disposal
Location of activity:	Clonminam Ind. Est., Portlaoise, Co Laois.
Licence application received:	29/1/03
PD issued:	26/9/03
First party objection received:	20/10/03
Third Party Objections received	None

Company

Atlas Environmental are currently regulated under an IPC licence (IPC Reg 472). They applied for a waste licence in order to expand into the hazardous waste transfer business, to recover wastewater sludges by a proposed new sludge drying facility and CHP, and to treat/transfer additional materials, which derive mainly from the automotive services sector. These additional materials include: windscreen glass, batteries, tyres, solvents, brake fluids, antifreeze, mixed fuels, windscreen washer and end of life vehicles (ELVs). In addition to the above the licensee wishes to treat/transfer aerosols, waste acid / base solutions, fluorescent light bulbs, waste cooking oil, and waste electronic goods (WEEE).

The applicant, based on estimates up to 2007, has applied for a total waste intake (disposal and recovery) of 110,000 tonnes per annum (70,000T hazardous), which includes waste oil (25,000T), non-hazardous sludge waste (25,000T), and contaminated soils (which can be hazardous) of 30,000T. It is envisaged that Atlas will be processing nationally 90% of the waste oil total, 60% of the oil filter total and 44% of the contaminated soil total. Currently the facility processes approximately 35,000T of hazardous waste.

Consideration of the Objection

This report on the Technical Evaluation of Objections was prepared by Dr Jonathan Derham. This report considers all of the issues raised in the Objections, and details the Technical Evaluator's assessment and recommendations following the examination of

relevant sections of the application documentation, as well as the objection; together with discussions with the inspector, Mr Malcolm Doak, who also provided comments on the points raised.

This report considers the one valid objection received (from the applicant).

First Party Objection

The applicant makes a number of objections to specific conditions as well as seeking clarification on others. In all there are eleven points of objection.

Objection 1: Schedule A & Condition 1.4

The applicant argues that they did not envisage that details of volumes and types of waste streams provided in the application and to be handled at the facility would be directly transcribed in to the licence. They suggest that these restrictions would unreasonably interfere with growth of business and customer requirements, particularly in the case of waste being transferred onwards without processing. Atlas submit that the volumes given in the application were based on envisaged business growth and site capacity. They add that the overall volumes handled by them are low for a waste facility. Atlas suggest a revised schedule to reflect their objection.

Technical Evaluation: Firstly it must be pointed out that the Agency can only issue a licence based on information submitted to the application file in relation to the nature of the activities being applied for. It is acknowledged that strict limits in a licence on waste types & volumes to be processed on a site can be seen as restrictive to the applicant. It is however the responsibility of the applicant to outline the existing and future development of the activity for which a licence is required. These restrictions may relate to limitations associated with one or more of the following, e.g. capacity of local road infrastructure, incompatibility of waste streams, technical and physical capacity of facility, etc. There is also the aspect of public transparency; a licence should reflect what was applied for. Otherwise parties who might otherwise have made a submission would not get the opportunity. Furthermore in their EIS which accompanied this application the applicant presented information on waste streams and amounts to be managed. It is not possible in an objection phase to vary significantly from the EIS statements. However, it is possible to amend the presentation of Schedule A so that it maintains its function whilst at the same time giving greater commercial flexibility to the applicant. The footnote requires the operator to ensure that the respective waste handling areas are provided/appropriately sized prior to acceptance.

Recommendation: Replace Schedule A with the following:

WASTE TYPE	MAXIMUM (TONNES PER ANNUM) ^{Note 1}
Hazardous	
Waste Oil & Sludge's	35,000
The following contaminated soils mentioned in the EWC are only acceptable for the soil remediation process: 17 05 03 – 17 05 08; 19 11 01; 19 11 05; 19 13 01 – 19 13 08; 20 02 02, unless otherwise agreed by the Agency.	40,000
Oil Filters	1000
Other Hazardous Wastes [Oily Solid Waste, Solvents, Mixed fuels, Antifreeze, Brakefluid, Fluorescent tubes, Aerosol cans, Batteries (except mercury batteries EWC 16 06 03), ELV, Acids and or Bases, WEEE] ^{NOTE 2}	5,000
<i>Total Hazardous</i>	<i>81,000</i>
Non-Hazardous	
Industrial Sludge, Treated Sewage Sludge, Wastewater Treatment Sludge	20,000
Other non hazardous & non putresible waste	9,000
<i>Total Non-Hazardous</i>	<i>29,000</i>
TOTAL	110,000

Note 1: The quantities of the individual waste types may be adjusted, only with the agreement of the Agency, subject to the total waste quantity remaining the same. **The tonnage of any individual waste stream accepted on site for processing must be in accordance with documented storage, handling and treatment capacities.**

Note 2: Additions to this list must be agreed in advance in writing with the Agency.

Objection 2: Condition 1.5

The applicant objects to this condition which states that no hazardous sludges are accepted at the facility, noting that they currently accept and treat hazardous oily sludges, interceptor sludges and tank bottoms. The applicant asks that this condition be deleted and the waste accepted be controlled via the relevant waste acceptance procedures.

Technical Evaluation: The facility is authorised to accept oil contaminated wastes (which may include sludges). Condition 1.5 can be deleted. Condition 1.4 remains in force and controls the waste streams to be accepted on site.

Recommendation: Delete Condition 1.5.

Objection 3: Condition 1.6.3

The applicant objects to limitation of waste acceptance at the facility on Sundays and Bank Holidays. They argue that this would interfere with current contracts to take ship waste and in the dealing with emergency spills. They submit that this is not a huge volume of business but it is present.

Technical Evaluation: It is recognised that the applicant's company are frequently required (often by public bodies and services) to assist in accident and spillage clean-up

regardless of day of the week. It is noted that the facility is situated in an industrial estate surrounded by a railway yard, commercial units and oil storage. The nearest residential area lies approximately 200m west consisting of terraced housing and a halting site. No submissions on the application were received from the local community. The acceptance of waste on Sundays and Bank Holidays is not expected to result in a nuisance to the residential area.

Recommendation: Delete Condition 1.6.3. Amend Condition 1.6.2 to read 'Sunday' in place of 'Saturdays'

Objection 4: Condition 3.9.1

The applicant objects to the requirement for a wheel wash and wheel shake system. The condition refers to an attachment in the application which does not exist. The applicant requests that the condition be amended to require the provision of a wheel cleaning system to the satisfaction of the Agency.

Technical Evaluation: Accepted.

Recommendation: Amend Condition 3.9.1 to read:

The licensee shall provide and maintain a weighbridge and wheelwash (to the satisfaction of the Agency) at the facility.

Objection 5: Condition 3.13.7

The applicant objects to the wording of this condition stating that it would prevent the 'digging out' of vacuum tankers in this area. This, they submit, is a routine operation for such tankers. The applicant goes on to describe the process where these tank residues are dropped onto the bunded area and the liquid decanted for treatment and the solids collect for onward disposal/recovery. They suggest that the direct placing in containers (as stipulated in the condition) is not practical for this operation.

Technical Evaluation: The applicants point is noted. The inspector for the site comments that the concrete in the existing 'digging out' area would appear in poor condition. Certification of the bunding would permit the continuation of the existing practices.

Recommendation: Amend Condition 3.13.7 to read as follows:

Within three months of date of grant of this licence the bunded area labelled as 'Sludge Bay' adjacent to Tank 20 shall be inspected/tested and repaired as may be necessary. A report on this work, by a suitably qualified civil/structural engineer, to include a certification of the Sludge Bay as fit-for-purpose shall be submitted to the Agency within four months of the date of grant of this licence. Wastes dropped onto the sludge bay shall be moved as soon as practicable to suitable containers, and in any case by the end of each working day. The licensee shall store oily solid wastes and sludges in UN approved drums within a bunded storage area as described in Section 2.7.2 of the EIS.

Objection 6: Conditions 5.2.2 & 5.3.2

[Procedural note: The applicant referred to Condition 5.3.3 in their Objection. This was a typographical error. It should have read 5.3.2.] *The applicants object to the restrictive nature of these conditions. They do not allow for any subsequent agreement to vary the wastes accepted, and the consequent (and necessary), variation in waste acceptance procedures. Their objection is related to that presented on Objection 1 above. They ask that the condition be qualified to allow variation in wastes accepted by agreement.*

Technical Evaluation: Agreed.

Recommendation: Replace Condition 5.2.2 with the following:

The procedures for waste acceptance and waste handling shall be as detailed in Attachment E.3 (E3 (a) to E3 (f) inclusive) of the application, or otherwise agreed in writing; and shall meet any applicable requirements of EU Council Decision 2003/33/EC.

Replace Condition 5.3.2 with the following:

Waste Oils arising from industrial sources, tank & interceptor cleaning operations, bring stations and oil-spill clean up operations shall be accepted only for reprocessing on site having satisfied the Waste Oils Acceptance Procedure (Attachment E3 (a) of the application, or otherwise agreed in writing).

Objection 7: Conditions 7.8.1 & 7.8.2

The applicant objects to these conditions (which require covering of contaminated soils) stating they are more appropriate for external storage of material. In the case of their operation all contaminated soils management will be carried out in a roofed and bunded area (as required by Condition 3.14.1). [Procedural note. In their Objection the applicants incorrectly identified in subsequent text Conditions 3.14a & e as requiring deletion. Whereas, Condition 3.14.1 supports their case for removal of Conditions 7.8.1 & 7.8.2.]

Technical Evaluation: Agreed.

Recommendation: Delete conditions 7.8.1 and 7.8.2.

Objection 8: Condition 8.8.1

The applicant notes that this Condition is a duplicate of Condition 7.1, and is thus unnecessary.

Technical Evaluation: Agreed.

Recommendation: Delete Condition 8.8.1.

Objection 9: Condition 11.3d

The applicants want the reference to high pressure briquette be removed as they are planning an improved method of processing, subject to Agency agreement.

Technical Evaluation: The current oil filter treatment method is not considered BAT. The briquetting is noted as BAT, however alternative techniques can be considered. The sub-condition can be slightly amended to facilitate.

Recommendation: Replace Condition 11.3d with the following:

Waste Recovery Reports

Within six months of the date of grant of this licence, a report examining waste recovery options shall be submitted to the Agency for its agreement. This report shall address methods to contribute to the achievement of the recovery targets stated in national and European Union waste policies and shall include the following:-

- a) *the separation of recyclable materials from the waste;*
- b) *the recovery of metal waste and white goods;*
- c) *the recovery of commercial waste, including cardboard;*
- d) *the recovery of waste oil and metals from oil filter cartridges via very high pressure briquetting, **or alternative approved**; and*
- e) *other wastes*

Objection 10: Condition 12.1

The applicant objects to the 'large' fee set in this Condition (€20,682.68), noting that the fee paid when regulated under the IPC system was €9,357.00. They do accept that their operation has expanded, but believe the fee increase is disproportionate.

Technical Evaluation: The charges set are intended to cover the anticipated enforcement effort for the site (including sampling & analysis). The applicant proposed to expand their business significantly from those activities currently regulated under IPC. That said I consider that some reduction in fees can be achieved by efficiencies introduced into the way reports are supplied for approval, as well as a reduction in the number of site inspections.

The current fee schedule proposed four Inspector site visits as well as a two person audit, a visit by the Air Monitoring Team and a visit from the regional water monitoring van, per annum. I am satisfied that the effectiveness of regulation can be maintained with a reduced number of Inspector visits (2 per annum) in addition to the other visits specified. I recommend that the maximum frequency of recurrent reporting should be quarterly, and any annual reporting should be included as part of the AER. This will introduce efficiencies in the handling and review of submitted reports. I propose the Agency plan for only one compliance groundwater sampling exercise (from three). The licensee still has to do more regular testing of the groundwater, and is obliged to report any non-compliances.

Recommendation: Amend fee specified in Condition 12.1 to read €16,571.18.

Replace Condition 2.3.1 with the following:

The licensee shall maintain an EMS. The EMS shall be updated on an annual basis with amendments being submitted as part of the AER, to the Agency for its agreement.

Replace Condition 11.6.1 with the following:

The licensee shall submit to the Agency for its agreement, by 31st March each year, an Annual Environmental Report (AER).

Replace Schedule E with the following:

Report	Reporting Frequency ^{Note 1}	Report Submission Date
Annual Environment Report (AER)	Annually	By 31 March annually, commencing 2005.
Environmental Management System Updates	Annually	Annually as part of the AER.
Noise Monitoring	Annually	Annually as part of the AER
PM ₁₀ Monitoring	Annually	Annually as part of the AER
Odour monitoring	Annually	Annually as part of the AER
Monitoring of Surface Water Quality	Quarterly ^{Note 2}	Ten days after end of the quarter being reported on.
Monitoring of Groundwater Quality	Quarterly ^{Note 2}	Ten days after end of the quarter being reported on.
Monitoring of Wastewater	Quarterly ^{Note 2}	Ten days after end of the quarter being reported on.
Dust Monitoring	Quarterly ^{Note 2}	Ten days after the end of quarter being reported on.
Monitoring of Emissions to Atmosphere & Air quality	Quarterly ^{Note 2}	Ten days after end of the quarter being reported on.
Waste quantities received and baling details	Quarterly ^{Note 2}	Ten days after end of the quarter being reported on.
Specified Engineering Works reports	As they arise	Prior to the works commencing.
Record of incidents	As they occur	Within five days of the incident.
Any other monitoring	As they occur	Within ten days of obtaining results.
Bund, tank and container integrity assessment	Every three years	Six months from the date of grant of licence and one month after end of the three year period being reported on.

Note 1: Unless altered at the request of the Agency.

Note 2: Submitted as one integrated report.



Objection 11: Schedules C.3 & D.4

The applicant objects to the inclusion of Mineral Oil testing as well as Oils, Fats & Grease in these two schedules. They argue that the OFG test capability they have on site would include Mineral Oil as a subset.

Technical Evaluation: OFG is often a gravimetric or distillation based test. It is dated, and is of little relevance to the environmental regulator. The mineral oils test is GC based, more reliable and useful for determination of all types of hydrocarbons presenting in the C10 to C44 range. Furthermore, the Mineral Oil result is comparable against EU standards, and Irish Drinking Water regulations. The requirement to have an ELV and testing for Mineral Oil should prevail, and the testing for OFG in Schedule D4 can be dropped.

Recommendation: Delete the Oils Fats & Greases row in Schedule D.4

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

Dr Jonathan Derham