



**OFFICE
LICENSING &
GUIDANCE**

TO:	Directors
FROM:	Patrick Nolan, Programme Manager - LICENSING UNIT
DATE:	28 September 2004
RE:	Indaver Ireland waste licence application. Reg. No. 167-1

1 Please see attached draft report that was prepared by Mr. Peter Carey prior to leaving the Agency. The recommendation attached to his report is included in the documentation before the Board along with the application and all submissions and correspondence associated with the application. He has also attached a copy of An Bord Pleanála decision for information purposes.

2 It should be noted that Mr. Carey considered all the documentation in relation to this application received by the Agency at that date. In carrying out his examination of the application he found it to be in compliance with the requirements of the Licensing Regulations. He also assessed the Environmental Impact Statement (EIS) submitted with the application and found it to be in compliance with the EIA and Licensing Regulations. The Agency confirmed that the application and EIS was in compliance with the licensing regulations by notice dated 1st August 2003.

3 I have read Mr. Carey's report and recommendations and in my role as manager of the licensing unit I have reviewed them in accordance with existing procedures for submissions to the Board. I also discussed his report and recommendation with Mr. Carey before he left the Agency.

4 I attach a Recommended Decision that I have prepared in consultation with senior licensing personnel within the licensing unit. This RD incorporates most of the conditions set out in Mr. Carey's recommendation. The Recommended Decision is in a revised format and Annex 1 gives a general overview of its structure.

5 I also wish to confirm that the recommendation has been drafted in compliance with National and European legislation having particular regard to the Waste Management Acts, Waste Licensing and EIA Regulations and Directive 2000/76/EC [WID] of the European Parliament and of the Council of 4th December 2000 on the incineration of waste.

6 The following comments relate to matters raised in Mr. Carey's report.

Waste Types and Quantities

The overall capacity limit for the incineration plant is set at 150,000tpa. Having regard to the limited information available and requirements of the WID in relation to the classification and coding of waste I am of the view that this should be confined to Municipal waste.

Residues from the Waste to Energy/ Incineration Plant

The monitoring of waste residues at the plant is essential in order to establish the physical and chemical characteristics and polluting potential of the different waste residues. Having regard to the activity involved I recommend that the frequency of monitoring be revised as set out in the following schedule.

Waste Description	Parameters to be measured	Frequency ^{Note 1}
Bottom ash, Boiler ash	TOC, metals (Ba, Cd, Mo, Sb, Se, Zn, Tl, Hg, Pb, Cr, Cu, Mn, Ni, As, Co, V, Sn) and their compounds, chloride, fluoride, sulphate, dioxins/furans and dioxin-like PCBs.	Quarterly
Flue gas, Gypsum	TOC, metals (Ba, Cd, Mo, Sb, Se, Zn, Tl, Hg, Pb, Cr, Cu, Mn, Ni, As, Co, V, Sn) and their compounds, chloride, fluoride, sulphate, dioxins/furans and dioxin-like PCBs.	Biannually

Note 1. The monitoring frequency may be adjusted once the waste composition has been determined and is consistent over a reasonable period.

I think it is a misreading of the application to suggest that the applicant proposed a weekly frequency to the above monitoring.

Facility Development and operation.

The provision of a wheel wash should not be necessary given that the working areas of the facility will primarily be of impervious hardstand type. While this licence does not seek to control the construction phase of this facility there are a limited number of conditions which specify design factors that must be taken into account during the construction phase of the development.

The incineration plant will be run on a continuous basis while waste acceptance hours will be restricted. The waste acceptance hours should be adequate to provide for a sufficient quantity of waste to be accepted at the facility in order to allow the plant operate during periods when waste cannot be accepted. The receiving bunkers have been sized accordingly.

Emissions to Air.

The necessary procedures have been followed with regard to increasing the stack height. The emission limit values specified in Directive 2000/76/EC of the European Parliament and of the Council of 4th December 2000 on the incineration of waste are set in the licence. As pointed out by Mr. Carey the abatement system proposed should ensure that typical emissions will be considerably less than the proposed limits.

The emissions from incineration of waste are made up of a number of different parameters. The WID seeks to identify those parameters that must be limited and monitored. It should be noted that it does not seek to set ELVs for each parameter specified in the group but rather sets a limit for the combined emissions of all in the group. It is the combined effect of these parameters that the Directive is seeking to control. For that reason I do not think it necessary to specify an ELV for one particular parameter of the group, in this instance arsenic, as it is already built into the group ELV limit.

As pointed out in Mr. Careys report air-dispersion modelling of the predicted emissions indicates that they will not breach the air quality standard set by Directive

1999/30/EC. That being the case and having regard to the fact that there is no European or WHO standards or guidelines for PM_{2.5}. There does not appear to be any justification for the requirement to monitor for PM_{2.5} or to determine the particulate distribution.

Emissions Monitoring

Mr. Carey recommends that the following condition be included in the licence

8.19 Prior to commencement of waste activities, the licensee shall consult with the Food Safety Authority of Ireland regarding monitoring of the food chain and submit to the Agency for its agreement, recommended monitoring of the food chain to take place prior to commencement of waste activities or/and during operation of the facility.

The purpose of this condition is to seek to establish if there will be any impact on the quality of the food chain from emissions from the facility. It is generally accepted that the principal mechanism of environmental release of dioxins in this country is by low-level emission from multiple sources to the atmosphere. It is reasonable to assume, therefore, that the primary mechanism for entering the food chain is through atmospheric deposition. Cow's milk is considered to be a particularly suitable matrix for assessing the presence of dioxins in the environment as cows tend to graze over relatively large areas and these compounds will, if present, concentrate in the fat content of the milk. In this context it should be noted that the Agency has already put in place a monitoring regime for measuring the background levels of dioxins in milk and that the Carranstown area has been included in this programme. The approach adopted is to take samples from the region as well as samples from tankers serving the potential impact area. Sampling is by EPA personnel while analysis is by a reputable and certified laboratory. The monitoring of milk is considered to be one of the best means of assessing the impact of dioxins in the food chain and has, I understand, been adopted as a monitoring tool by other EU member states. In these circumstances I do not consider it necessary to provide for additional monitoring. The milk survey or limited elements of it in this area should be repeated annually.

Groundwater

There is no discharge to ground authorised in the licence other than the emission from the septic tank treating sanitary waste only. All material and waste held on site will be on impermeable surfaces or specially engineered concrete structures that will eliminate the possibility of any discharge to ground. The provision of monitoring wells and monitoring of groundwater as recommended should be more than adequate to evaluate the impact, if any, the activity is having on groundwater quality. The activity will involve the abstraction of 470m³/day and the RD provides for the provision of alternative supplies if anyone is adversely affected by the abstraction.

Ash Handling and monitoring

The storage of waste from the incineration process is specifically addressed by the conditions in the RD. Its removal off site is subjected to strict criteria and verification as to its classification and associated coding in the Waste Catalogue. Only permitted contractors will be allowed to transport waste off site and it will only be sent to a facility that is authorised to accept such waste.

Legal status of application

The application and EIS has been evaluated and found to be in compliance with the national legislation. The transposition of EU Directives is primarily a matter for the Government. The reasoned opinion referred to in Mr. Carey's report is not accepted by the sponsoring Department.

Recommendation

I consider that the requirements of section 40 (4) of the Waste Management Acts 1996 to 2003 have been satisfied and recommend that the Board approve the attached Recommended Decision.



Programme Manager
Licensing Unit

Annex 1

The structure of attached recommended decision is as follows

Condition 1 Scope: -

This condition identifies and prescribes the site boundary, limits and restricts the type and tonnage of waste that can be accepted and processed at the facility.

Condition 2 Management of the Facility: -

This condition provides for management of the facility and the putting in place of Environmental Management Systems that includes a communication programme with the public.

Condition 3 Infrastructure and operation: -

This condition ensures that the appropriate infrastructure is in place, specified hours of operation, requires the putting in place of measures and procedures for the operation and control of the incineration plant.

Condition 4 Interpretation: -

This condition provides the interpretation as to the monitoring to be carried out and the standardisation of certain measurement results.

Condition 5 Emissions: -

This condition specifies the limitation on emissions from the facility.

Condition 6 Control and Monitoring: -

This condition specifies monitoring parameters, frequencies, equipment, analysis methods and locations together with the establishment of certain monitoring procedures.

Condition 7 Resource Use and Energy Efficiency: -

This condition requires the identification of opportunities to increase the overall energy efficiency of the facility and the reduction in use of water and other raw materials.

Condition 8 Materials Handling: -

This condition requires the procedures for the acceptance, removal and handling of waste together with the segregation and storage of certain wastes from the incineration process.

Condition 9 Accident Prevention and Emergency Response :-

This condition puts in place policies and procedures for dealing with accidents and emergencies on site and

Condition 10 Remediation, Decommissioning, Restoration and Aftercare.

This condition requires the putting in place of a decommissioning and aftercare plan and for the site to be rendered safe with the removal of any waste that may cause environmental pollution.

Condition 11 Notification, Records and Reports :-

This condition provides for the keeping of certain records on site, the notification of the Agency of monitoring results or accidents on site and the submission of specified reports at various intervals.

Condition 12 Financial Charges and Provisions

This condition specifies the annual charge to be paid to the Agency, the carrying out of an environmental liabilities risk assessment and the putting in place of financial provisions to deal with accidents and emergencies. A community support and development fund is also to be provided for the benefit of the local community.

Schedule A *Limitations*

This sets out the waste types and tonnage limits to be accepted at the facility.

Schedule B *Emission Limits*

This sets the emissions limit values for specified parameters.

Schedule C *Control and Monitoring*

This specifies the process control parameters to be monitored and associated equipment. It also lists the emission parameters to be monitored, the frequency of same and the analysis method to be used.

Schedule D *Annual Environmental Report*

This details the contents of the Annual Environmental Report.