

Chq no: 012477  
E317-48

BALLYMINAUN HILL, GOREY, CO. WEXFORD, IRELAND.

# CUSTOM COMPOST LTD.

RECEIVED	
Time 11:20am	Website: www.walshmushrooms.com
11 MAY 2005	
Signature 	
Environmental Protection Agency P.O. Box 3000, Johnstown Castle Estate, Co. Wexford.	

Fax: 055-21059  
Email: custom@walshmushrooms.ie

Obj (3)

10<sup>th</sup> May 2005

EPA Headquarters  
PO Box 3000  
Johnstown Castle Estate  
Co. Wexford

Re: Waste License Register No: 123-1 – Proposed Decision dated 14<sup>th</sup> April 2005

Dear Sirs,

## Executive Summary:

1. We object in the first instance to your taking 5½ years to send your Proposed Decision and allowing us just 17 working days from receipt to posting reply, and the validity of this process has to be questioned. This time frame is in breach of our constitutional right to fair procedures and in breach of natural law. We reserve the right to challenge the constitutionality of the relevant Waste Management Regulations.
2. This timeframe disadvantages us in many ways:
  - a. We obviously do not have time to get professional opinions on many of your Decisions which we had never heard of before.
  - b. We do not have time to get quotations on the cost of these Decisions.
  - c. You have not submitted any scientific evidence in support of your Decisions.
  - d. You have obviously not taken any regard to the economics of your Decisions, or of the Goodbody Report submitted by the Industry, even though your Mission Statement makes reference to same.
3. An early estimate of the Capital Costs of your Decisions is €12-15m with the running costs as yet unquantified and unquantifiable, because you refer to future abatement technology without specification. Our turnover is only €11m so the capital spend is unrealistic. We object to the fact that many of the conditions you intend to impose are unnecessary, impractical and/or unreasonable.
4. **The Capital expenditure, and potential operating expenditure is, in our view, mostly unnecessary, and is unbankable by the Company and unsustainable by the Industry.**
5. If these are your considered requirements after 5½ years, then you make this company non viable and put at risk the 61 jobs in Custom Compost Ltd plus the 102 jobs of our associated mushroom marketing Co., Walsh Mushrooms Ltd, and the 700 jobs of our mushroom grower customers and their employees. You will also wipe out a mushroom export value of €30m.



Directors: P.A. Walsh, D.J. Walsh, P.J. Miskella, A.P. Walsh, J.G. Kenny, J.M. O'Sullivan F.C.C.A.

Reg. Office: Ballyminaun Hill, Gorey, Co. Wexford. Incorporated in Ireland No. 69479

Cond/...

6. Coming back to your own responsibility you will eliminate a business which is turning waste products into food, and add further to the national scandal of waste mismanagement.
7. Therefore we must now call upon you to submit to us copies of all documents, reports, data & memoranda considered by EPA in deciding on the conditions in this Proposed Decision. In relation to each individual condition to which we object, please state on which of these documents the EPA relies.
8. The only scientific evidence you have presented to date is the OdourNet Report and it was a desk study on an obsolete compost system even by traditional methods, so we are now looking for the evidence on which you rely to close our business.
9. In contrast to what you have done for 5½ years we have, until brought to a halt pending the outcome of your deliberations:
  - a. 10 years ago put in the first aerated bunkers, when that was a very new technology worldwide.
  - b. Progressed to putting about half of the composting process indoors, again keeping abreast of evolving world technology.
  - c. Put the balance of the composting on aerated pads, and understand that we are the first mushroom compost yard in Ireland or the UK, to be fully aerated.
10. We understand our legal obligation is to comply with BATNEEC but we have never hidden behind the cost limitation of this protocol, but had to await your 5½ years of deliberations, and confidently expected that we would receive a viable licence based on BAT, and we would still like to get that possibility back on track.
11. Also in contrast to your theoretical study our suggestions are based on scientifically measured on site fact. We submitted to you a summary of a Bord na Mona Report which clearly shows that there are 3 areas which contribute 99% of the odour, and other peripheral areas which contribute 1%. A subsequent calculation by Bord na Mona is that our Proposal will reduce that 99% by over 80% at the boundary
12. We will shortly have an assessment of the improvements as a result of Prof. Noble's recommendations, which are now implemented.
13. If these do not show sufficient improvement we are prepared to commence work immediately, subject to obtaining all relevant Permissions, to spend the €6-8 million required to mitigate the 3 problem areas (which are 99% of the odour problem) as identified by the Bord na Mona Report, provided we are allowed develop our business to pay for it. This would put us even further ahead of any other mushroom composting company in Ireland or the UK.
14. However, we cannot afford this commitment if you are proposing that we spend further millions on the 1% of odour which cannot even be detected at the boundary and multiple other irrelevant items, with further massive expenditure likely needed to be spent on as yet unspecified collection and abatement.
15. If you analyse your 3<sup>rd</sup> party submissions you will see a Submission received by you dated 16<sup>th</sup> December '99 and signed by Maria Warren on behalf of Committee of Concerned Residents. It is headed 'Ongoing Odour Problem' and signed by 86 different households. This shows the vast majority of the community just want the odour problem resolved and, if we could, they would be happy to leave us in peace to run our business.

16. What a pity if you have been influenced to set conditions way beyond what are necessary and affordable, and requested by the vast majority of the community, as it just means we cannot go ahead with trying to resolve the odour issue for that community.
17. After 5½ years of deliberation you will have served the community and our business very poorly.
18. We hereby urgently require copies of all documents considered by the Agency in deciding to grant our Company a Waste Management Licence.
19. Following are the detailed objections to your Proposed Decision:

## **INTRODUCTION**

Our Licence Application in 1999 was for 42,000 tons and remains the same, not 24,000 tons.

### **CONDITION 1 SCOPE OF THE LICENCE**

- 1.4 Our delivery to customers operates a two shift system of approximately 4am – 10pm which is carefully worked out to meet the following objectives:
  - i. In the interest of customer service, to get to our customers during their normal working day.
  - ii. Most of our customers are North of Dublin so our timing is for 1<sup>st</sup> wave deliveries to be gone through the M50 before morning rush hour and return after morning rush hour. The 2<sup>nd</sup> wave is planned to be through before evening rush hour and return after evening rush hour. Countries with lateral thinking environmental policies encourage this, i.e. not to further clog the Capital's road system through rush hour, e.g. Dartford Tunnel gives a 60% discount to commercial traffic before 6am, to encourage it to get off the M25 before rush hour.
  - iii. Economic. This restriction would require us to double our transport fleet at a cost of €1.3m and increase our operating costs by ± €450,000pa, which would put us at a serious competitive disadvantage to our competitors who do not have this restriction. It could also lead to us having 16 trucks trying to get through the toll bridge on the M50 at morning and evening rush hour, instead of having 8 trucks gone through and back before and after rush hour as outlined above.

We would like to know what aspect of the environment the above restrictions protect?

Compost making is a biological process, so Saturdays and Bank Holiday Mondays are normal working days, because we cannot change the biology. This is akin to saying you can only milk cows 5½ days per week.

Our grower customers also have a biological cycle to keep to, so we deliver as normal on Bank Holidays.

We try to avoid working on Sunday, but it is necessary in two circumstances:

1. Before and after Christmas, to take Christmas day off. Our submission dated 14<sup>th</sup> September 2000 outlines this in detail.
2. If there is excessive rainfall we need to use mobile plant i.e. loaders to dunk bales. Again our submission 14<sup>th</sup> September 2000 outlines the details.

- 1.8 We obviously cannot work to your time scales given the vagaries of the Planning and Appeal process, which are outside of both your control and ours. This Condition may prove inoperable.

## CONDITION 2 MANAGEMENT OF THE FACILITY

### 2.1 Facility Management

- 2.1.1 We will provide management when there is any work requiring it going on. We see no point in providing management, for example, for lorries returning at night.

## CONDITION 3 FACILITY INFRASTRUCTURE

### 3.4 Facility Security

- 3.4.1 The premises is stock proof around the boundary, but the entrance is deliberately left open for a number of reasons:

- i. To avoid returning lorries at night having to stop and cause noise or nuisance to neighbours.
- ii. To allow immediate access for security services, private and public, which we find is the best deterrent to unauthorised entry.
- iii. To allow immediate access for emergency services, in event of fire etc.

We cannot see any environmental benefit from this Condition.

### 3.7 Storage Areas for Horse Manure, Poultry Manure and Gypsum:

- 3.7.1 Poultry Litter and Gypsum are already stored dry under cover. Poultry Litter and Horse Manure only contribute 0.6% of total odour. We consider it unnecessary to enclose same as we cannot see the Environmental benefit.

### 3.9 Wheel Cleaning:

- 3.9.1. This Condition is obviously for vehicles leaving a dirty landfill. We have a concrete yard and vehicles leave it clean and dry. We are trying to minimise the amount of contaminated water not maximise it. We consider this an unnecessary Condition.

### 3.11 Odour Control Infrastructure:

#### 3.11.1

- ii) Enclosing any Phase 1 'handling' area is extremely dangerous because of the contained vapour causing lack of visibility. There has been one fatality in Canada and one serious accident in Belgium, at the plant we are modelled on, because of this enforced enclosure. We do not intend to follow this unnecessary and dangerous practice which any Health & Safety Officer would not permit.

Please furnish the authority for this proposal.

We understand the UK authorities have decided that full enclosure and abatement systems are not BAT and, for the moment, they consider open aeration as BAT.

Our competitors do not enclose the bale breaking or blending procedure so obviously your requirements put us at a serious competitive disadvantage. Nonetheless we are prepared to go as far as full enclosure and high level discharge, it being BAT, if we reach agreement.

The Blending Line contributes less than 0.01% to odour. This is an unnecessary Condition.

- iv) Enclosing the Goodie Water Storage Tanks. This contributed 0.3% of total odour before Prof. Nobles recommendations, and now less. This is an unnecessary Condition.

3.11.2 We have already implemented all of Prof. Noble's recommendations, and have had the odour monitoring samples taken in recent days. We hope to submit the results of this by June this year.

3.11.3 We do not accept the validity of this conditional Condition. Who decides if Prof. Noble's recommendations and the Report under 3.11.2 are adequate, **and what scientific measurement will be used for this?**

- i) If 3.11.2 is not adequate, we are prepared to put all of the Phase 1 composting process which includes Poultry Manure indoors, if you are prepared to drop all the unnecessary and irrelevant conditions. Time scale cannot be met by reason of the Planning Regulations.
- ii) We have already outlined the negligible contribution to odour of the sump, blending line, and manure storage, so there is no point collecting emissions. This Condition is unnecessary.

With regard to collecting air emissions from the Blending Line and maintaining negative pressure, may we give you a few statistics. The Blending Line requires 42 Bales of straw, 18 forks of Horse Manure, 12 buckets of Poultry Manure and 75 forks of mixture to be removed, every hour. That is **294 movements per hour** in and out through doors that need to be 6m x 4m and you want it fully enclosed and negative pressure! We merely make this point to illustrate how impractical many of your decisions are.

- iii) It is unreasonable to expect us to spend millions on indoor facilities and then expect us to modify it to incorporate further massive expenditure which, if required at all, should be designed into the original build. This must be agreed in advance of construction, so we will have 3.11.2 Report available by June 2005.

3.11.4. At 0.6% of odour, these are unnecessary. The door movements would be somewhat less than at 3.11.3 ii), but would need bigger doors to accommodate lorries. Again there is no need to elaborate on the impracticality.

3.15 Noise Control:

3.15.2 The last time we tried to carry out some noise reduction adjacent to a Noise Sensitive location, the County Council sent us an Enforcement Notice to stop us. We can hardly meet your timetable if that is their attitude.

### 3.16 Continuous Monitoring System:

3.16.1 We have not had time to price the telemetry system, so we object until we know the cost.

- i) Temperatures are monitored continuously and we have spent thousands on equipment for continuous oxygen readings, but they have failed due to the vapour and aggressive atmosphere. Temperature gives us adequate indication of aeration, as one is directly dependent on the other. We do routine oxygen readings with hand-held instruments.
- ii) Again we have tried and failed to get a continuous oxygen level reading, so we do it by hand.
- iv) You have not specified the odour abatement system and, unless it is BAT, we will not install it, therefore control parameters are irrelevant.

### 3.17 Monitoring Infrastructure

#### 3.17.1 Ground Water

- i) We cannot supply monitoring on other peoples property, unless they agree to it.

#### 3.17.2 Replacement of Infrastructure

- i) If, like the oxygen meters, items prove unsuitable, it cannot be reasonably expected that we keep replacing them.

## **CONDITION 4 FACILITY OPERATIONS:**

### 4.1 Waste/Raw Materials Acceptance

4.1.3 Only 15% of our Poultry Manure comes in under 35% H<sub>2</sub>O, and we are not in a position to dictate a change. We suggest 45% is a more practical figure.

#### 4.1.4 Poultry Litter

- a) It is mixed under cover and kept dry, an enclosed building is unnecessary.

### 4.2 Composting Process

4.2.1 Prof. Noble's recommendation is to use fresh water as first choice, and goodie water is used if necessary to control sump level.

4.2.5 We have outlined problems of suitable instrumentation.

4.2.7 The target moisture content for Phase 1 is 75%, which we agree with, however a margin of error has to be allowed, such as 77%.

4.2.12 The composting process has to absorb all the goodie water, for obvious reasons. Our understanding of Prof. Noble's recommendations is that it is better to use fresh water for bale dunking and use the goodie water at early stages of composting.

4.4 Facility Controls

4.4.1 Dealt with under 3.4.1.

4.7 Goodie Water Storage Tank

4.7.4 Some discussion is needed with Prof. Noble on this as our experience is that aeration works better if there is height of goodie water over the aerators, so adding fresh water is often necessary.

**CONDITION 5 EMISSIONS**

5.5 Noise Emissions

5.5.1. Fans are tonal and cannot be totally silenced. We will aim to keep within limits set in Schedule D, page 23.

**CONDITION 7 MONITORING**

7.1 We fully agree with third party professional monitoring, but we object to the extent until we have time to quantify the price and necessity of frequency specified.

7.4 We cannot provide safe and permanent access to off-site points, i.e. not on our own property. This Condition is impractical and unnecessary.

7.6, 7.7, 7.8

We object until we can quantify the cost and necessity.

**CONDITION 11 CHARGES AND FINANCIAL PROVISIONS:**

11.1 Agency Charges

11.1.1 The fee of €15,960, with any increase you wish to think of to be added, is outrageous, and we must insist on an analysis of what you provide for this. By comparison our compost business in the UK pays £971 and that is probably similar to what our competitors in Northern Ireland pay.

11.2 Financial Provision for Closure, Restoration and Aftercare.

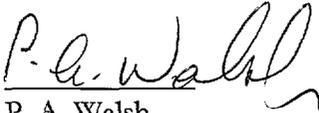
11.2.1. We want to move this exercise forward as its cost needs to be identified in advance of capital expenditure.

11.2.2 Obviously depends on 11.2.1.

The reasons given for various Conditions are totally inadequate to the extent that the basis of same cannot be ascertained and, in consequence, are hereby objected to.

Enclosed cheque €317.43.

Yours sincerely,

  
P. A. Walsh