


This Report/Memo has been cleared for submission to the Board by the Programme Manager, P. Nolan

Signed:  Date: 9/2/06



OFFICE OF LICENSING & GUIDANCE

REPORT OF THE TECHNICAL COMMITTEE ON OBJECTIONS TO LICENCE CONDITIONS

TO:	Directors
FROM:	Technical Committee - LICENSING UNIT
DATE:	07 February 2006
RE:	Objection to Proposed Decision for Oxigen Environmental Limited, Ballymount Industrial Estate, Ballymount Road Lower, Clondalkin, Dublin 22, Waste Reg. 208-1

Application Details	
Class(s) of activity:	Class 7, 11, 12, and 13 of the Third Schedule and Classes 2, 3, 4, 11, 12, and 13 of the Fourth Schedule of the Waste Management Acts 1996 to 2005
Location of activity:	Ballymount Industrial Estate, Ballymount Road Lower, Clondalkin, Dublin 22
Licence application received:	04/08/2004
PD issued:	30/11/2005
First party objection received:	22/12/2005
Third Party Objection received	None received
Submissions on Objections received:	Not Applicable

Company

The application relates to the operation of a materials recovery facility for non hazardous waste and a transfer station for hazardous waste located at Ballymount Industrial Estate, Ballymount Road Lower, Clondalkin, Dublin 22. The quantity of waste is limited to 350,000 tonnes per annum. This will include 30,000 tonnes per annum of hazardous waste of which 10,000 tonnes will consist of healthcare waste. The other waste will consist of segregated household waste, commercial & industrial and construction & demolition waste.

All waste processing operations will take place inside the buildings on the site. Dry recyclable waste from green bin collections will be segregated by use of screens, trommels and air blowers in the dry recyclables building. C&D waste will be sorted and wood shredded in the skip waste building. Road sweepings will be treated and the separated fractions sent off-site for recovery/disposal. The segregated recyclable

waste will be baled/compacted at the site prior to recovery off-site. Hazardous waste will be stored in the waste transfer building prior to removal off-site for recovery/disposal.

Consideration of the Objection

The Technical Committee, comprising of Patrick Byrne (Chair) and Ciara Maxwell, has considered all of the issues raised in the Objection and this report details the Committee's comments and recommendations following the examination of the objection. The Technical Committee consulted Agency Inspector Jonathan Derham (Expert for waste sector), in relation to issues raised in the objection.

This report considers the first party objection.

First Party Objection

Oxigen Environmental Limited (Oxigen) state that they welcome the issue of the proposed decision. They point out that the facility would play a major part in the recycling of waste in the Dublin Region thereby diverting waste from landfill and contributing to the implementation of Government policy on waste. Oxigen state that they feel it is necessary that some changes be made to the proposed decision in order that they can carry out the activity in compliance with their licence. Oxigen makes three points of objection.

A.1. Condition 6.3.3(ii)

The applicant objects to the condition as they do not propose to accept putrescible waste in either building at the facility. Oxigen note that while Table A.1 of schedule A.2 of the proposed decision refers to Household Waste they wish to confirm that this refers to separately collected household dry recyclables and not general household waste. Oxigen claim odour is not an issue with dry recyclable waste. The main waste streams accepted for processing in the other building will be commercial, industrial and construction and demolition waste. If putrescible waste is inadvertently accepted in these waste streams it will immediately be removed off site to Oxigen's other site at Robinhood (Waste licence Reg. No. 152-3) where there is a suitable odour control system. Oxigen therefore do not anticipate odour will be a nuisance at this facility. Furthermore due to the large size of the buildings concerned and the nature of their construction, it would not be practical to install an effective negative air pressure system.

Oxigen suggests the following as an alternative condition, similar to condition 6.12 of waste licence reg. no. 197-1 "Unless otherwise agreed by the Agency, all buildings processing putrescible waste shall be maintained at negative pressure with ventilated gases subject to treatment as specified by the Agency".

Technical Committee's Evaluation:

The TC accepts that the wastes which Oxigen proposes to accept at their facility would not be prone to cause odours likely to require treatment, even in the event of some putrescible wastes being inadvertently delivered to the facility with household dry recyclables. The TC considers that the requirements of condition 6.3.3(ii) are not justified on the basis of the waste to be accepted on-site and the practicalities of installing a negative air extraction system for such a large building space. The environment risk does not justify the resource and energy requirements. The TC notes that condition 6.3.1 requires all putrescible waste for disposal stored overnight at the facility shall be stored in suitable covered and enclosed containers indoors and shall be removed from the facility with 48 hours or 72 hours in the case of a bank

holiday. In addition the TC recommends that the storage area for putrescible wastes inadvertently delivered to the facility and contaminated dry recyclables shall be maintained under negative pressure and the extracted gases shall be directed to appropriate odour abatement plant to be agreed with the Agency. Putrescible wastes shall not be stored in any other areas of the facility.

The TC considers that condition 6.3.3(ii) should be amended to require the licensee to establish and maintain an odour management programme. In addition, an enabling condition should be included which would facilitate the Agency to require the installation of odour abatement equipment where odour nuisance is identified by the Agency.

Recommendation:

Edit Condition 6.3.3(ii) and insert the following conditions thereafter as conditions 6.3.3(iii) and 6.3.3(iv), as follows:

Establish and maintain an odour management programme for the facility.

The licensee shall provide a contained area, which shall be subject to negative air pressure, for the temporary storage of putrescible materials and putrescible contaminated dry recyclables that may be identified in the waste streams processed. The air extracted from this contained area shall be passed through an appropriate odour abatement system to be agreed by the Agency prior to commencement of the activity.

The licensee shall install, to the satisfaction of the Agency, odour abatement equipment where odour nuisance is identified by the Agency and such equipment is deemed necessary.

Re-number existing Condition 6.3.3(iii), as appropriate.

Edit Schedule A.2 Waste Acceptance, Table A.1 Waste Categories and Quantities, as follows:

Insert "Dry Recyclables" after each of the following waste types "Household", "Commercial" and "Industrial".

A.2. Condition 8.12.1

The applicant contends that six months is a more realistic timescale to generate an economically viable load of hazardous waste for shipping onward for treatment/disposal. The applicant states that due to the service they will be offering to their clients it is possible that from time to time there may be small quantities of specific wastes collected which can be safely stored at the facility for up to six months while Oxigen sources the most appropriate treatment route compatible with other hazardous wastes they will be shipping.

In relation to the 60 hours holding period for healthcare waste the applicant suggests that it would not be possible to guarantee onward movement over a bank holiday weekend and that in general it is not a realistic timeframe due to dependency on freight and shipping schedules which are outside the control of the company.

The applicant suggests six months for the storage of hazardous waste and seven days for healthcare waste.

Technical Committee's Evaluation:

The TC acknowledge the points made by the applicant in relation to the storage of hazardous wastes and accept that a maximum storage period of 6 months for such material would be acceptable subject to suitable storage facilities been provided.

The TC acknowledge the difficulties which a 60 hour maximum storage period for unrefrigerated healthcare waste may present for the applicant particularly over bank holiday weekends. However, the applicant applied for a 24hour seven-day-week operation, and this was permitted in the PD. Accordingly bank holidays should not pose any significant operational constraint. And with refrigeration the material can be held for up to 3 months. The TC considers that such waste should not be held on-site in an untreated/unrefrigerated form for a prolonged period of time due to the nature of the material. Therefore the applicant's proposal to extend the maximum storage period to seven days is deemed excessive. The TC notes that the waste licences granted to Sterile Technologies Ireland Ltd. (Reg. No. 55-2) and Eco-Safe Systems Ltd (Reg. No. 54-2) specify that untreated healthcare waste may not be held on-site for greater than 60 hours. Therefore the TC considers that 60 hours is an appropriate timeframe within which the facility should be required to operate.

Recommendation:

Amend condition 8.12.1 to read as follows:

No hazardous waste shall be stored at the facility for longer than **six** months. No healthcare waste shall be stored at the facility for longer than 60 hours, other than refrigerated healthcare waste which may be stored at the facility for a maximum of three months.

A.3. Schedule C.4 Ambient Monitoring

The applicant notes that the Agency inspector in her report to the Board acknowledged that "The results submitted by the applicant indicated that dust deposition rates at the site were already greater than 350mg/m²/day for three of the samples with no waste activity being carried out at the site."

The applicant states that as all waste processing is to be carried out indoors and as ambient dust deposition results are likely to exceed the required emission limit value The applicant requests that the requirement to monitor dust deposition biannually be amended to "monitor as required by the Agency." The applicant requests this so that they will not be returning non compliant results, over which they have no control, on an ongoing basis.

Technical Committee's Evaluation:

The TC while noting the comment quoted above and included by the inspector in her report to the Board also believe that the activities proposed at the facility, particularly the construction and demolition waste recovery activities have the potential to generate significant dust emissions. In addition vehicular movement across unclean yards/roads during dry periods could result in dust emissions. "Therefore while dust emissions and deposition rates in the area may be elevated it is essential that the applicant's proposed facility does not generate dust emissions in exceedence of 350mg/m²/day or add significantly to the existing ambient dust levels. Regular monitoring of dust emissions are deemed necessary to provide an indication for the Agency, local residents/businesses and the applicant if additional dust suppression measures are required.

The TC considers that the applicant is entitled to identify as part of any ambient monitoring the source of dust collected as part of the ambient monitoring. Schedule C.4 Ambient Monitoring requires "dust deposition (directional)" to be monitored, this monitoring should

assist in the indication of the source of the dust deposited and therefore may be used by the applicant to identify what is associated with their activity and what may be caused by off site activities. The monitoring frequency can be altered with the agreement of the Agency, under condition 6.8 of the waste licence, following evaluation of results.

Recommendation:

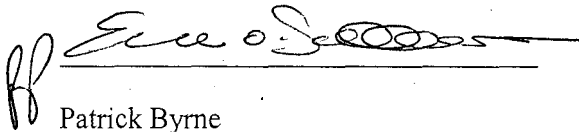
No change

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

 9/2/06

Patrick Byrne

for and on behalf of the Technical Committee