

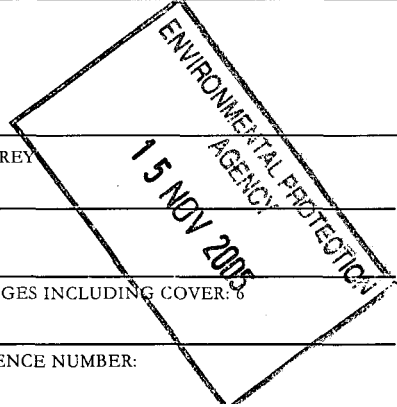


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FAX



TO: BREEN HIGGINS FROM: PETER CAREY
COMPANY: EPA DATE 14/11/2005
FAX NUMBER: :053 60699 TOTAL NO. OF PAGES INCLUDING COVER: 8
PHONE NUMBER: SENDER'S REFERENCE NUMBER:
RE: WASTE LICENCE APPLICATION REG. NO 212-1 YOUR REFERENCE NUMBER

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Dear Mr Higgins

Please see attached submission by AES on Waste Licence Application Reg. No 212-1.

Regards

Peter Carey

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AES wishes to make the following submission in response to submissions made to application register no 212-1.

Submission by the Suir Valley Environmental Group

It should be noted that AES are very concerned about a number of the statements reported in this submission, as they are untrue. Furthermore AES are considering its legal position as the statements made, by an illegible signature purporting to be the Suir Valley Environmental Group, have the potential to damage the good name of AES. It is AES's belief that a submission without a legible name should not be allowed on public file in the first instance and that this particular submission should be removed from public file until some one takes responsibility for its content.

The following are responses to statements made in this submission.

Paragraph 2

YES ... operated a small incinerator illegally'

Response

AES never operated a small incinerator at the Erwin Cobbe site (or any other site for that matter).

Paragraph 3

Ballymorris Site

Response

The Erwin Cobbe Waste Disposal Company was purchased by AES in 2001. Prior to the purchase, Erwin Cobbe Waste Disposal Company had a waste licence application for a site at Ballymorris pending with the EPA. The EPA refused the waste licence application. The application for the Ballymorris site was not lodged by AES.

Subsequently AES made an application for a new and purpose built recycling and transfer facility outside Portlaoise. The EPA granted a waste licence with conditions, which are strictly being adhered to by AES.

Paragraph 3

YES offered to pay €100,000 for a half acre site'

Response,

AES never offered to pay €100,000 for a half acre site adjacent to the [Erwin Cobbe] facility

Paragraph 3

'Having being refused a waste licence by Laois'

'Response

There appears to be a misunderstanding of the licensing process, as the EPA is the competent authority regarding issue of waste licences.

Paragraph 4

'AES representatives John Mc Namara and Peter Carey said the odour was as a result of the cleaning of the equipment in the tankfarm and denied any material had been stored in the factory'

Response

This is untrue, when contacted AES said they would investigate the issue, when the facts were fully established AES reverted to the querists with said details. The activity was totally unrelated to the current proposal.

Response

It is incorrect to state that no apology was given; an apology was given to residents together with an undertaking such an event would not be repeated (which has been upheld by AES).

Paragraph 8

'... AESS involvement in illegal activities' and 'we feel that AES are not fit and proper persons to hold an EPA waste licence as they cannot be trusted to act appropriately and within the confines of current waste management directives'

Response

AES are accused of involvement in illegal activities; AES distance itself from this statement and points out that its track record for compliance speaks for itself.

AES has proved that it meets the criteria of fit and proper person and currently operates three EPA licensed waste and recycling facilities around the country, all of which are managed to the highest environmental standards.

Submission Concerns

The following are responses to key concerns listed in submissions.

1 Adequacy of EIS

Response

The Environmental Impact Statement complies with legislation requirements.

2 Public Participation

Response

All residents within 500m (and some outside this radius) were contacted and consulted during the initial phase of the application process. More recently, formal offers were made to meet with residents groups which to date have not been taken up.

3 'Use of sludges is in direct contravention of the Waterford County Council's Sludge Management Plan. Human/animal sewage will cause odour problems during its

transport and processing. During a recent interview Dr. John MacNamara conceded that there will be odours from this material.'

Response

The claim that Dr John MacNamara "conceded that there will be odours from the material" is true, as sewage sludge is odorous, however the comments attributed to Dr MacNamara were taken out of context. During the radio interview Dr MacNamara explained that the processing of such material at the proposed facility, given the handling procedures and infrastructure, which will be in place, will mitigate against any adverse impact from odour on the local environment.

4 Compliance with the Joint Waste Management Plan for the South East. '..no tender made by the developers to undertake any waste from the county council'.

Response

AES intends to provide a treatment facility to reduce the amount of biodegradable waste going to landfill. This is in accordance with National Waste Policy, the EU Directive on landfilling of waste and hence regional plans. In the absence of diverting biodegradable waste away from landfill and meeting the landfill directive targets, Ireland stands to be fined by the European Court of Justice.

There appears to be a misconception that AES (or any other recycling/waste contractor) needs a contract from the local authority to service householders in a given functional area; this is not the case.

5 Compliance with the Animal By-product Regulations and prohibition of use of swill order

Response

Consultation has taken place with the Department of Agriculture in relation to the proposal. The facility will comply with requirements of the Animal By-product Regulations and Prohibition of Use of Swill Order. Presently, AES does not intend to keep animals on the premises. However in the event that at some point in the future animals are kept in adjoining fields to the proposed facility, AES will ensure compliance with whatever Department of Agriculture and Food guideline that is in place at that time and will consult with the Department prior to letting the animals into the adjoining fields.

6 'AES is reluctant to disclose the exact type of waste coming into this plant. We cannot ascertain if indeed the waste is non-hazardous if its type and origin is unknown. We feel AES is deliberately avoiding divulging information that is critical to this application in order for the planning authorities to make an informed decision'

Response

AES is not 'reluctant to disclose' or 'deliberately avoiding divulging information' on waste types. AES has already supplied the appropriate EWC codes, which are EU standard nomenclature to describe different waste types, for the proposed waste types to be treated in the facility. The use of EWC codes to describe waste types is a national regulation requirement.

All wastes to be accepted at the facility will be non-hazardous. Further details on nature and source of waste was provided in the Section 2 of the application and in additional information submitted in July 05.

7 The risk from swill to both human and animals has not been examined.

Response

See response to concern 5 above.

8 Bedminster Technology

Response

In a reply email to the Suir Valley Environmental Group, a general manager, who is a representative of Cairns City Council stated that the Bedminster plant in Cairns 'is a solution to the putrescible @action', and that 'there is nothing wrong with the Bedminster Technology'. The Bedminster Plant in Nantucket, is held up as a model plant for other compost facilities in the USA. The individuals responsible for commissioning the Nantucket plant will also be responsible for commissioning the proposed plant at Portlaw.

Technologies like the proposed Bedminster process are essential if Ireland is going to stand up and meet its EU targets, in particular, the diversion of biodegradable material from landfill disposal. Before deciding on Bedminster, AES examined and investigated a host of different composting technologies from Europe and the US, and none could match the functionality, reliability and quality of the Bedminster technology.

9 Concerns regarding importation of liquid waste and the River Suir

Response

These issues have been addressed in correspondence to the EPA in additional information dated 28/10/05.

Flora and Fauna expert, Roger Goodwillie, reported that:

'The site does not contain special organisms apart from the otter (on the outer embankment) and visiting greylag geese. No plants listed on the Flora Protection Order 1999 currently occur though Groenlandia densa did so in the past.'

He further states that:

'The quality of effluent released (to the estuary) will be subject to licence by the EPA and will not have detrimental effects. Any enrichment of the field drains, from whatever source, will lead to greater growth of vegetation but is unlikely to result in further floral change. Water movement is to the north, away from Groenlandia sites on adjacent land.'

Specialists in water management from consultants RPS MCOS carried out the study of the aquatic environment and state that:

'The Suir is tidal upstream to Twomilebridge, approximately 2km east of Clonmel. Carrick on Suir is the freshwater limit, i.e. downstream of this point has a saline influence. Nutrient concentrations are effected by salination below the freshwater limit.'

RPS MCOS further state that:

'The Urban Wastewater Treatment Directive (91/271/EEC) is implemented by the Urban Wastewater Treatment Regulations 2001 (S.I. No 254 of 2001). The regulations apply to urban wastewater discharges for agglomerations from 2000 p.e., where plants are required to comply with specific performance and quality standards.'

While the regulations do not specifically apply to the proposed facility, they are considered to be the best benchmark for ensuring there is not a detrimental impact on receiving waters due to a wastewater discharge.'

RPS MCOS concluded that:

'the effluent is suitable to discharge to sensitive waters and should not give rise to an additional impact on the River Suir'.

AES intends that the waste for treatment in the wastewater treatment plant will be primarily sourced in the South East Region. In particular untreated waste arising from within the River Suir catchment and upstream of the facility will be targeted by **AES** for treatment at the facility in Portlaw.

10 'Illegal dump — the site of the old Michell leather plant. Material was dumped towards the rear of the facility and the EPA were later notified of the existence of a dump — we have reason to believe that the amount of material dumped is significantly larger than the amount reported to the EPA. ... There is also a significant amount of a chemical compound (mercury) unaccounted for since shortly before the closure of Michell Leather.'

Response

It is the understanding of **AES** that the alleged 'illegal dump' refers to the location on the Michell site where limed fleshings were buried. This matter has been dealt with under Michell IPC licence Register No. 238. No evidence has been provided supporting the belief that a larger amount of material has been buried. It is the understanding of **AES** that no mercury was used in the Michell leather industrial process and no detail has been provided by the objector on the 'unaccounted mercury'.

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