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Atlas Environmental
 Clonminam Industrial Estate,
 Portlaoise, Co. Laois, Ireland
 Tel: 0502 78600
 Fax: 0502 78699
 Callsave 1850 504 504
 Email: sales@atlasireland.ie
 Web: www.atlasireland.ie



Environmental Protection Agency
 PO Box 3000
 Johnstown Castle Estate,
 County Wexford.

ENVIRONMENTAL PROTECTION AGENCY
 27 FEB 2006

24th February 2006

Envirotech

Ballycurreen Industrial Estate,
 Kinsale Road, Cork, Ireland
 Tel: 021 4962554/4962518
 Fax: 021 4962345
 Email: info@envirotech.ie
 Web: www.envirotech.ie



Shannon Environmental Services

Smithstown Industrial Estate,
 Shannon, Co. Clare, Ireland
 Tel: 061 707400
 Fax: 061 707401
 Email: info@ses-shannon.ie



Re: Objection to Proposed Decision 145-2

Dear Sir/Madam,

Atlas Environmental Ireland Limited as the applicant hereby make an objection to the Proposed Decision 145-2. While Atlas is in the main satisfied with the proposed license, there are a number of conditions that we feel need minor clarification or adjustment as outlined herein. A fee of €500 is enclosed with this letter of objection.

The proposed activities at the facility include activities which are not waste related and therefore considered outside the scope of licensing. As outlined in the application these activities include the blending of wastewater treatment chemicals for sale and storage of various products for onward sale. We are concerned that some of the conditions may be interpreted as incorporating these activities and that this is undesirable as it would place a competitive disadvantage upon Atlas relevant to our competitors.

The wastewater chemical sector is particularly competitive at the moment and we cannot afford any additional costs to these activities. Our competitors in this market are not subject to any regulatory enforcement and therefore we have to better differentiate these activities within the license. While it may well be that the conditions do end up being satisfied it is considered unreasonable to legally require them to be so. Atlas would suggest that these conditions be qualified as referring only to waste related activities at the facility, alternatively a single clarification within the license scope may be sufficient as the Agency sees fit.

The conditions of concern include:

Condition 2 -

Sub-condition 2.2.2.2; The condition currently states that "The schedule shall as a minimum provide for a review of all operations and processes..."

It is suggested that this be possibly reworded to read *"The schedule shall as a minimum provide for a review of all operations and processes that are waste related..."*

Sub-condition 2.2.2.8 The condition currently states that *"The licensee shall establish and maintain a programme for maintenance of all plant and equipment..."*
It is suggested that this be possibly reworded to read *"The licensee shall establish and maintain a programme for maintenance of all plant and equipment relating to waste activities..."*

Sub-condition 2.2.2.9; The condition currently states that *"The licensee shall establish and maintain a programme to ensure that there is adequate control of processes..."*

It is suggested that this be possibly reworded to read *"The licensee shall establish and maintain a programme to ensure that there is adequate control of waste related processes..."*

Condition 3 -

Sub-condition 3.4.2 It is presumed that the area to be provided with concrete as stated in this condition is the area shown as shaded and entitled "New Hardstanding Area" in the drawing Glen 2.

Sub-condition 3.10.1 refers to the installation of wastewater treatment system for treating sanitary effluent on site. The condition requires the specification to be agreed in advance. This unit is already in place and operating under the previous license. Details were submitted to the agency as part of the license review process and as such it is hoped the Agency can confirm their agreement within the license.

Condition 6 -

Sub-condition 6.10.1 This condition requires process effluent to be tankered off site for treatment. Atlas also wish to be able to transport effluent off site using IBCs in addition to the use of tankers as this may provide greater logistical flexibility and more efficient removal of process effluent.

Sub-condition 6.14.1 The numbering of this condition appears to mistakenly be crossed out.

Sub-condition 6.17 & 6.19 There appears to be some duplication of the requirements in these conditions that may be unnecessary.

Condition 7 :-

Condition 7 in its entirety relates to resource use and efficiency however it is considered necessary to restrict the condition solely to waste related activities (ie licensable activities) and not the site as stated. While we endeavour to ensure that non-waste activities are efficient in their use of energy and resources this should not be a requirement subject to enforcement by the Agency as this would place a competitive disadvantage upon Atlas within the wastewater chemical market.

Condition 11:-

Sub-condition 11.6 Currently this condition could be interpreted as restricting the acceptance of all waste at the facility until the condition is satisfied. As it is considered very unlikely to commence treatment of healthcare waste within the first 18 months of operation this would be inappropriate. It is suggested that the initial sentence be reworded to read: "*The licensee shall prior to the processing of Healthcare waste at the facility submit to the Agency...*"

Sub-condition 11.8 There appears to be a typographical error within the condition in that it refers to Schedule D Specified Engineering Works while it is suggested that it is meant to refer to Schedule E Annual Environmental Report.

Sub condition 12.1.1 Atlas accepts the proposed annual contribution to the Agency based on the full scope of the proposed activities. However due to the current market situation we do not intend operating the Heat Sterilisation Unit (HSU) until such time as the market becomes more attractive. Thus the initial activities of the facility are restricted to a relatively small (~5,000 tpa) and straightforward Waste Transfer Station (WTS) operation. The WTS is required to better service our existing customer base in the Cork area and reduce working hours of drivers based in Portlaoise. Operation of the facility will add significant cost to our existing operation (facility construction, additional handling, license fee, license obligations, resources to manage the new license, etc). We would further point out that the facility is in line with the current Hazardous Waste Management Plan in that it will assist in better servicing small waste producers.

It is considered that enforcement activities relating to the HSU operation would be far more significant than enforcement of the WTS operation which is straightforward and of a small scale. As such Atlas would request that the Agency contribution be significantly reduced prior to the operation of the HSU. Atlas would draw some comparison with the scale and simplicity of license activities under license ref 122-1 (Silver Lining in Dublin) and whose

fee appears of a more appropriate level. On operation of the HSU the full fee contribution as proposed in the PD would then become applicable.

Schedule A.3

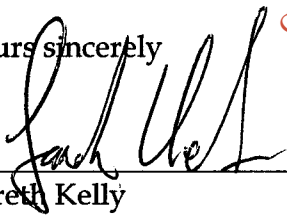
Table A1 It may be interpreted that there is some conflict between notes 1 & 3 of Table A.1, while note 1 appears to allow for the addition of compatible waste streams subject to the Agency' agreement, note 3 may be interpreted as restricting the hazardous wastes to those listed in Table H.1.2 of the Article 12 response. It is suggested that note 3 may benefit from the additional qualification "unless otherwise agreed with the Agency" to be more consistent with note 1 and avoid confusion.

New Trading Name

Atlas has recently approved the adoption of a new Trading name "Enva" to replace the existing brand confusion (ie Atlas, Envirotech & Shannon Environmental Services). The Enva trading name will still be operated under the same Company Registration Number 317186. If it is possible at this stage in the licensing process Atlas would wish for the license to be issued under the new trade name or alternatively as Atlas Environmental Ireland Limited trading as Enva. If this causes any complication or delay to the licensing process the change can be deferred to a later date as the Agency sees fit.

If you require any clarification regarding any of the issues raised above or would like to discuss the matter further please do not hesitate to contact the undersigned.

Yours sincerely



Gareth Kelly
HSE & Compliance Director
Atlas Environmental Ireland Ltd.