



**OFFICE OF  
LICENSING &  
GUIDANCE**

**REPORT OF THE TECHNICAL COMMITTEE ON  
OBJECTIONS TO LICENCE CONDITIONS**

<b>TO:</b>	Directors	
<b>FROM:</b>	Technical Committee	- LICENSING UNIT
<b>DATE:</b>	24 <sup>th</sup> June 2005	
<b>RE:</b>	Objection to Proposed Decision for KMK Metals Recycling Ltd., Cappincur Industrial Estate, Daingean Road, Tullamore, Co. Offaly. Waste Licence Register No. 113-2	

Application Details	
Classes of activity: (Waste Management Acts 1996 to 2003)	Fourth Schedule: 3, 4, 6, 7, 11, 12, and 13(P)
Licence Review application received:	22/03/04
PD issued:	12/04/05
First party objection received:	09/05/05
Third Party Objection received	None
Submissions on Objections received:	None

**Company**

The application relates to a review of Waste Licence No. 113-1, issued on 20<sup>th</sup> December 2001, to KMK Metals Recycling Ltd., for the operation of a waste transfer station for non-hazardous and hazardous waste at Cappincur Industrial Estate, Daingean Road, Tullamore, Co. Offaly.

KMK Metals requested a licence review to take account of an increase in site area and waste handling capacity following the acquisition of a neighbouring site. They propose to double the capacity of the facility to 10,000 tonnes per annum (including the acceptance of hazardous liquid wastes) and to develop a waste electrical and electronic equipment (WEEE) recycling facility in the new warehouse area (Building D). KMK Metals also wish to extend the hours during which waste can be accepted on-site. The company have not requested any change to the classes of activity currently licensed.

No submissions were received in relation to the application.

## Consideration of the Objection

The Technical Committee, comprising of Aoife Loughnane (Chair) and Pat Byrne, 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 together with discussions with the Inspector, Marie O'Connor, who also provided comments on the points raised. The Technical Committee consulted Agency Inspector Malcolm Doak in relation to transfrontier shipment and waste characterisation issues.

This report considers the first party objection.

## First Party Objection

KMK Metals Recycling Ltd. make 8 points of objection in relation to specific conditions in the Proposed Determination (PD). Their objections relate to requirements specified in Condition 1 *Scope*, Condition 3 *Infrastructure & Operation* and Condition 8 *Materials Handling*.

### A.1. Condition 1.8.2

*The applicant objects to the hours of facility operation, as specified in Condition 1.8.2, on the grounds that they may wish to put in place two work shift rotations: 6am to 2pm & 2pm to 10pm (Monday to Friday), and 6am to 1pm on Saturday. The applicant states that these working hours will have the benefit of two separate working shift-times and thus ensure efficient and adequate processing of waste at the facility in line with Condition 3.8.1 [duty & standby capacity of critical plant] of the PD. The applicant considers there will be no expected noise or traffic nuisance from the revised hours proposed, due to the location of the facility in an established industrial estate.*

Technical Committee's Evaluation: Condition 1.8 of the PD specifies the following hours in relation to this facility:

	Hours of Waste Acceptance	Hours of Operation
Monday to Friday	08:00 to 22:00	08:00 to 20:00
Saturdays	08:00 to 13:00	08:00 to 13:00
Sundays & Bank Holidays	Closed unless otherwise agreed with the Agency	

The objection is seeking contingency on the operating hours in order to provide for two work shifts daily at the facility i.e. 06:00 to 14:00 and 14:00 to 22:00 Monday to Friday inclusive, and 06:00 to 13:00 on Saturdays.

As the proposed annual intake of waste at the facility is less than 25,000 tonnes, an EIS was not required. In section D.1(a) of the review application documentation, the applicant sought the same opening hours as the existing facility, while also stating that from time to time, it may be necessary to process wastes inside the facility after 5pm on weekdays, until a maximum time of 10pm. The opening hours specified in the existing licence are 08:00 to 17:00 Monday to Friday inclusive and 08:00 to 13:00 on Saturdays, with a provision for extension to 07:00 to 19:00 Monday to Friday in exceptional circumstances to facilitate transport arrangements and with prior

notification to the Agency. The hours specified in the proposed decision (PD) were recommended by the Inspector based on an assessment of the licence application. The Inspector's report to the Board of the Agency at the PD stage noted the following; '*The RD allows for the extension of processing hours to 22.00hrs Monday to Friday as due to the location of the facility within the industrial estate it will not have a significant impact on the nearest sensitive dwelling*'.

The Technical Committee note that licences for waste transfer stations generally require that waste is only accepted at a facility when waste processing is carried out, to ensure that large amounts of un-processed waste are not stored at a facility overnight. This is achieved by allowing an appropriate period for clean-up/wind-down at the facility at the end of the working day. However, in this case, the Inspector recommended that the facility be authorised to accept waste deliveries at the facility until 22:00 hrs, with all waste processing operations required to cease by 20:00 hrs. The Technical Committee recommend that the hours of operation at the facility be extended to 22:00 on weekdays, to coincide with the hours of waste acceptance. As stated in the Inspector's report, noise is not expected to create a nuisance, considering the location of the facility within an industrial estate. Nonetheless, noise emissions are limited in Schedule B.4 to 55dB(A) during daytime hours and 45dB(A) at night-time.

However, the request to begin operations at the facility at 06:00 hours was not referred to in the review application, therefore it would not be appropriate to consider such a change at this stage, considering that 06:00 hours falls within night-time hours (22:00 to 08:00 as defined in the glossary), and therefore would comprise a significant change to the operation of the facility. Any such proposal as part of a licence application would have to be available for the information of members of the public at an earlier stage in the application process.

For the reasons discussed, the Technical Committee recommend that Condition 1.8.2 be amended to authorise waste operations during the hours of 08:00 and 22:00 on weekdays. The Technical Committee also consider it would be beneficial to include provision in the waste licence for moderate alterations to the operating hours, subject to satisfactory noise monitoring results and the agreement of the Agency.

**Recommendation:** Amend Condition 1.8.2 to read as follows:

1.8.2 The facility shall be operated only during the hours of 08:00 and **22:00** Monday to Friday inclusive and 08:00 and 13:00 on Saturdays, **unless otherwise agreed with the Agency.**

## **A.2. Condition 3.7**

*The applicant objects to the requirement to provide a weighbridge at the facility for the following reasons:*

- *There are, at present, 4 industrial weighing scales which are used to weigh all waste accepted at the facility. These weighing scales are maintained & calibrated to the manufacturers specifications;*
- *The majority of waste accepted at the facility arrives on pallets and is therefore in a suitable condition to be weighed on the industrial scales;*
- *The potential installation of a weighbridge at the facility would result in a temporary closure of site operations, thus resulting in waste collection problems; and*

- *On the rare occasion that loose metal waste/bulky metal pieces is accepted at the facility in containers/skip bins, this material is weighed on a weighbridge at the A.E.S. Ltd Waste Management Facility (Waste Licence No. 104-1), located in the same industrial estate. Permission is granted by A.E.S. Ltd for this purpose and the applicant is willing to draw up a written contract for this arrangement.*

Technical Committee's Evaluation: Condition 3.7 of the PD requires the licensee to provide and maintain a weighbridge at the facility within six months of the date of grant of licence. This is a standard waste licence condition, however the Technical Committee note that Indaver Ireland Ltd (Waste Licence 36-2, also at Technical Committee stage) are not required to provide a weighbridge at their hazardous waste transfer station, but to maintain a "weigh unit" on-site instead for weighing individual drums and packages, and to obtain the weight of all bulk tanker loads from a certified weighbridge facility.

Given the type and scale of the KMK Metals facility, the Technical Committee consider that the use of industrial weigh scales is sufficient to record waste volumes handled, provided the scales are maintained and calibrated in accordance with manufacturers instructions. When loose or bulky metal waste is accepted at the facility in containers/skip bins, the licensee must ensure that this waste is weighed at a weighbridge facility which has been certified by the National Standards Authority of Ireland (NSAI). The Technical Committee therefore recommend that Condition 3.7 be amended to specify the revised weighing requirements.

In light of this recommendation, an amendment is also required to Condition 8.9.3 (Waste Acceptance and Characterisation Procedures) to distinguish between weighing requirements for packaged and bulk/loose metal waste.

**Recommendation:** Amend Condition 3.7 to read as follows:

**3.7 Weighbridge**

**3.7.1 The licensee shall provide industrial weigh scales at the facility. These scales shall be maintained and calibrated in accordance with manufacturers specifications.**

**3.7.2 The weights of all containers of bulk or loose metal waste shall be obtained from an NSAI certified weighbridge facility. All weight records shall be maintained on-site for Agency inspection.**

Amend Condition 8.9.3 to read as follows:

**8.9.3 Waste arriving at the facility shall be inspected at the point of entry to the facility and subject to this inspection, documented and directed to the appropriate Waste Transfer Building. Each load of waste arriving at the Waste Transfer Building shall be inspected upon tipping within this building. Only after such inspections shall the waste be processed for disposal or recovery. **Packaged Waste shall be weighed on-site prior to storage. Containers of bulk or loose metal waste shall be weighed at an NSAI certified weighbridge facility prior to entry on-site.****

Include definition for NSAI in the glossary of terms, as follows:

**NSAI National Standards Authority of Ireland**

### **A.3. Condition 3.10**

*The applicant objects to the requirement to install data-logging or other communication equipment measurements for the following reasons:*

- *There are no point source or stack emissions from the facility. The emission types are fugitive dusts, intermittent surface water run-off from the interceptors and general noise from on-site activities – all of which do not lend themselves to automatic data-logging or other communication equipment measurements; and*
- *All equipment and plant at the facility is maintained to manufacturers specifications.*

*Therefore, the applicant proposes to carry out all environmental monitoring as specified in Schedule C of the PD, with no installation of data-logging or other communication equipment measurements.*

Technical Committee's Evaluation: Condition 3.10 requires the licensee to install on all emission points such sampling points or equipment, including any data-logging or other electronic communication equipment, as may be required by the Agency. The Technical Committee note that this is a standard enabling condition in both IPPC and waste licences. However, it is accepted that the emissions from this facility (noise, stormwater and fugitive dust) are not suitable for automatic data-logging or electronic communication equipment e.g. the provision of online sampling/monitoring results. The requirement for the licensee to notify the Agency electronically by e-mail (or by fax) and by telephone in the event of an incident, breakdown of control equipment, non-compliant emission etc. is provided in Condition 11.1. For these reasons, the Technical Committee recommend that Condition 3.10 be deleted, as it is not relevant to this facility.

<b>Recommendation:</b> Delete Condition 3.10
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### **A.4. Condition 3.15.1**

*The applicant objects to the requirement that Class I interceptors be installed at the site for the following reasons:*

- *There are currently 2 Class II interceptors on-site for silts and oil separation purposes, which have been approved by the Agency;*
- *The majority of the waste accepted at the facility is dry metallic waste;*
- *All surface water sampling to date has shown no adverse impacts as a result of site operations;*
- *A maximum of 20 tonnes of liquid waste will be held at the facility at any one time, to be stored indoors, in a bunded area, on spill pallets. Any potential spills of this material will be contained. All liquids arrive on-site in sealed IBCs/drums/containers;*
- *The heating oil tank at the facility is fully bunded to protect any spills from entering the yard area.*

Technical Committee's Evaluation: It is noted that surface water run-off from the concrete yard area of the facility currently discharges via a silt trap/oil interceptor into a land drain located along the western boundary of the site. The Technical Committee note that in correspondence dated 13<sup>th</sup> June 2003 (Agency Ref. WL113-1/AK04BW), the Agency approved the use of a Class II interceptor at this facility, based on the recommendation of consulting engineers, Malachi Cullen & Partners. This letter of approval also states that 'upgrading to a Class I interceptor is not required given that liquid waste is not handled at the facility'. KMK Metals now propose to accept liquid aqueous wastes, organic wastes & concentrates at the facility (as specified in Table A.1, Schedule A.2), for storage prior to recovery/disposal off-site. The Inspector's report to the Board of the Agency at the PD stage noted the following;

*'The proposed changes in the waste intake increases the risk of surface water pollution as liquid wastes will be stored at the site and the dismantling operations may produce oils, coolants or other liquid wastes, however, good housekeeping to prevent or contain spillages and the use of the bunded area in Bay B for liquid storage will minimise this risk.'*

Class I separators are designed to achieve a concentration of less than 5 mg/l oil under standard test conditions, and are necessary when the separator is required to remove very small oil droplets, such as those arising from car park run-off. Class II separators are designed to achieve a concentration of less than 100 mg/l oil under standard test conditions, and are suitable for dealing with discharges where a lower quality requirement applies (e.g. where the effluent passes to a foul sewer) and for trapping spillages.

On the basis that the liquid wastes to be accepted at the facility under the revised licence are limited to a maximum of 20 tonnes at any one time, and that this waste will be stored indoors in a bunded area on spill pallets, the Technical Committee consider that Class II interceptors are sufficient at the facility.

The Technical Committee note that the International Standard for separator systems for light liquids has been incorrectly referenced in this condition and in the glossary. This should be amended accordingly.

**Recommendation:** Amend Condition 3.15.1 to read as follows:

The licensee shall install and maintain silt traps and oil separators at the facility to ensure that all storm water discharges from the facility pass through a silt trap and oil separator prior to discharge. The separators shall be **Class II** full retention separators and the silt traps and separators shall be in accordance with I.S. EN **858-2:2003** (separator systems for light liquids).

Amend definition of Oil Separator in the glossary to read as follows:

Oil Separator     Device installed according to the International Standard I.S. EN **858-2:2003** (Separator systems for light liquids, e.g. oil and petrol) – **Part 2: Selection of nominal size, installation, operation and maintenance.**

### A.5. Condition 8.5

*The applicant objects to this condition on the grounds that they cannot accept any restriction on their ability to trade freely in green list, non hazardous waste/commodities. The applicant state that they will apply Council Regulations EEC No. 259/1993 to amber list waste and do accept this as a licence condition.*

Technical Committee's Evaluation: Condition 8.5 of the PD states that no waste classified as green list waste in accordance with the EU Transfrontier Shipment of Waste Regulations (Council Regulation EEC No. 259/1993, as amended) shall be consigned for recovery without the prior agreement of the Agency. This condition relates to the export of waste for recovery. *Council Regulation (EEC) No. 259/93 on the supervision and control of shipments of waste within, into and out of the European Community* (hereafter referred to as the TFS Regulation), established three categories of waste based on their potential to present a risk to the environment:

- Red (requires the express permission of the receiving state before it can be shipped)
- Amber (can only be moved if the receiving state has been notified)
- Green (non-hazardous)

The Technical Committee note that green list wastes include metal and metal-alloy wastes e.g. scrap metal, electrical assemblies waste, electronic scrap, iron & steel, non-ferrous metals & their alloys, and other metal bearing wastes, which are authorised for acceptance, sorting, processing & temporary storage at this facility, pending onward transportation for recovery off-site.

Transfrontier shipment notification is required in the case of amber and red list wastes. However, green list waste destined for recovery is generally excluded from the control procedure of the TFS Regulation, since such waste should not normally present a risk if properly recovered in the country of destination. For this reason, the Technical Committee recommend that the condition be amended, to require the prior agreement of the Agency only in the case of amber or red list waste consigned for recovery.

**Recommendation:** Amend Condition 8.5 to read as follows:

No waste classified as **amber or red** list waste in accordance with the EU Transfrontier Shipment of Waste Regulations (Council Regulation EEC No. 259/1993, as amended) shall be consigned for recovery without the prior agreement of the Agency.

### A.6. Condition 8.6

*The applicant points out that there is no reference in Schedule C of the PD to waste analysis.*

Technical Committee's Evaluation: The Technical Committee note there are no requirements for waste analysis specified in *Schedule C: Control & Monitoring* of the PD. Condition 8.9 requires that waste acceptance procedures be implemented at the facility, and that off-site waste profiling and characterisation be carried out prior to the acceptance of waste at the facility. The Technical Committee therefore recommend that Condition 8.6 be deleted.

**Recommendation:** Delete Condition 8.6.

### **A.7. Condition 8.9.1**

*The applicant objects to this condition on the basis that customers delivering waste to their site may not require waste collection permits, stating that business to business waste will arise from many locations and transport to the KMK Metals facility is not always under the control of the applicant. However, any waste collections and transport carried out by KMK Metals Recycling Ltd will be in compliance with the Waste Management (Collection Permit) Regulations, 2001.*

Technical Committee's Evaluation: The Technical Committee note that Article 22 of the Waste Management (Collection Permit) Regulations 2001 (S.I. No. 402 of 2001) provides exemptions, in some cases, from the requirement to hold a waste collection permit. These exemptions include the transport of waste by a person where such transport is incidental to the main business activity of the person concerned, and the waste is transported in or on a vehicle which has a laden axleweight of less than one tonne. Therefore small commercial businesses will not be prevented from transporting waste from their premises to the KMK Metals facility, provided they satisfy the requirements of Article 22 of the Waste Management (Collection Permit) Regulations 2001. Non-exempt waste carriers are required under this legislation to hold a waste collection permit. KMK Metals should endeavour to ensure that all carriers of waste to their facility are aware of this requirement, both in legislation and in this waste licence. Notwithstanding the above, the Technical Committee recommend amending the current wording of the condition, to improve the scope and clarity of this requirement.

**Recommendation:** Amend Condition 8.9.1 to read as follows:

Waste shall only be accepted at the facility from:-

- Local Authority waste collection or transport vehicles; or
- **Holders of a waste collection permit, unless exempted** under the Waste Management (Collection Permit) Regulations, 2001. Copies of these waste collection permits must be maintained at the facility.

### **A.8. Condition 8.9.6**

*The applicant objects to the requirement that waste be accepted at the facility only from known customers or new customers subject to initial waste profiling and waste characterisation off-site, for the following reasons:*

- *The applicant cannot accept any restriction on customer types, known, new or public. Waste acceptance procedures are handled under Condition 8.9.2 & waste profiling and characterisation processes are in place;*
- *A formal register, in accordance with Condition 11.8 of the PD, of known waste types will be produced as part of the waste licence and Quality Management System;*
- *New waste materials will be assessed off-site and if acceptable, placed into this register;*
- *Certain waste types are common to known, new and public customers and therefore do not require profiling and characterisation;*
- *Controlled public access must be permitted, as the applicant encourages recycling through advertisement and their website. All access to the applicant's site is controlled.*



Technical Committee's Evaluation: Condition 8.9.6 of the PD requires that waste shall be accepted at the facility only from known customers or new customers subject to initial waste profiling and waste characterisation off-site, and that written records of this profiling & characterisation be retained by the licensee for all active customers and for a two year period following termination of the licensee/customer arrangements. This condition also states that there shall be no casual public access to the facility.

From reading the letter of objection, it appears that KMK Metals may have misinterpreted the requirements of this Condition. They state that waste profiling and characterisation procedures are in place and that new waste materials will be assessed off-site and if acceptable, placed into the waste register required under Condition 11.8 of the PD.

The Technical Committee consider that certain waste types will be common to known and new customers, and therefore the extent of waste profiling required is simply details of the load. WEEE goods can be easily identified, and therefore do not require detailed off-site assessment. However, the liquid aqueous and organic wastes and concentrates authorised for acceptance at the facility include the following EWC codes:

- 06 01 (Inorganic chemical process wastes; wastes from manufacture, formulation, supply and use (MFSU) of acids),
- 11 01 (Non-ferrous hydro-metallurgy wastes; wastes from chemical surface treatment and coating of metals and other materials)
- 16 03 (Unspecified wastes; off-specification batches and unused products)
- 16 10 (Unspecified wastes; aqueous liquid wastes destined for off-site treatment).

Due to the hazardous nature of these wastes, classification is required to be carried out off-site, prior to acceptance at this facility. The Technical Committee recommend that the condition be amended to include the phrase “as necessary”, in order to reflect the level of profiling and characterisation required to be carried out for various waste types.

The final element of Condition 8.9.6 prohibits casual public access to the facility. The Technical Committee agree with this restriction, on the basis that the facility is an industrial-scale waste transfer station, where bulking, shredding, crushing, baling, repackaging and storage of waste takes place. There is no civic amenity infrastructure on-site where members of the general public could deposit waste. Therefore, for safety reasons, the Technical Committee consider that casual public access to the facility should be refused. The general public should be directed to use dedicated civic amenity facilities for the return of white goods, electrical goods, scrap metal, batteries etc. Offaly County Council provide civic amenity sites at Derryclure landfill (Tullamore), and in Edenderry. Also, the AES Ltd waste facility, located within 1km of the KMK Metals facility, has a dedicated civic waste facility, where scrap metal and electrical goods are accepted.

**Recommendation:** Amend condition 8.9.6 as follows:

8.9.6 Waste shall be accepted at the facility only from known customers or new customers subject to initial waste profiling and waste characterisation off-site, **as necessary**. The written records of this off-site waste profiling and characterisation shall be retained by the licensee for all active customers and for a two year period following termination of licensee/customer requirements. There shall be no casual public access to the facility.

## **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

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Aoife Loughnane

for and on behalf of the Technical Committee