



**OFFICE OF
LICENSING &
GUIDANCE**

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

TO:	Directors	
FROM:	Technical Committee	- LICENSING UNIT
DATE:	16/05/06	
RE:	Objection to Proposed Decision for Atlas Environmental Ireland Limited, Waste Reg: 145-2	

Application Details	
Class(s) of activity:	3 rd Schedule: 7, 11, 12, 13 4 th Schedule: 13 (P)
Location of activity:	Unit 9, Raffeon Industrial Estate, Raffeon, Monkstown, Co. Cork
Licence application received:	17/11/04
PD issued:	08/02/06
First party objection received:	27/02/06

Company

This review application relates to a hazardous waste transfer station proposing to handle 7,000 tonnes per annum of waste. This review was initiated to increase the quantity and broaden the scope of licensed activities. Activities include the treatment of health care waste (1,600tpa) and the bulking and storage of hazardous wastes (oils, batteries, contaminated soils, fluorescent bulbs, chemical waste). Non-waste related activities are also carried out on-site.

Consideration of the Objection

The Technical Committee, comprising of Maeve McHugh (Chair) and Ann Marie Donlon, has considered all of the issues raised in the Objections and this report details the Committee's comments and recommendations following the examination of the objections together with discussions with the inspector, Niamh O'Donoghue, who also provided comments on the points raised.

This report considers the first party objection.

First Party Objection

The applicant makes 5 points of objection, a number of clarifications and a request for name change.

Please note the objections have been paraphrased below.

A.1. Condition 2.2.2.2, 2.2.2.8 and 2.2.2.9

The applicant objects to the conditions of the proposed decision as they may be interpreted as including within their scope the non-waste activities (related to the wastewater treatment chemicals business) carried out on on-site. The applicant highlights the competitive disadvantage arising as undesirable. The applicant suggests that the conditions can be qualified as only referring to waste related activities at the facility or alternatively a single clarification within the licence scope.

Technical Committee's Evaluation: The TC notes the following passage, taken from the inspector's report, which explains the relationship between waste and non-waste related activities at the facility:

"Atlas proposes to extend the existing building in order to facilitate the relocation of their sister company Envirotech. Envirotech are engaged in the warehousing of wastewater treatment chemicals and associated blending activities. At the redeveloped site the waste and non-waste activities will be kept physically distinct from one another though the entire site falls within the licensable site boundary and is owned by the one company. Infrastructure associated with the non-waste activities will consist of four bunded storage tanks, three bunded blending tanks, a warehouse area and associated laboratory".

These activities include the blending of wastewater treatment chemicals, prior to sale. It is the understanding of the TC that the storage of chemicals prior to sale are product-related activities and not waste related activities. These activities therefore fall outside of the scope of Part I and Condition 1.1 of the licence.

Recommendation: No change

A.2. Condition 3.4.2 and 3.10.1

The applicant wishes to clarify that the area referred to in the condition is the area shown and shaded and entitled "New Hard standing Area" in the drawing Glen 2.

The applicant wishes to clarify that the wastewater treatment plant for sanitary waste has been installed already and details were submitted as part of the review application and asks if it meets the requirements of this condition.

Technical Committee's Evaluation:

The TC can clarify that the area referred to in Condition 3.4.2 is the area shaded and entitled "New Hard standing area" in drawing no Glen 2.

In relation to Condition 3.10.1, the TC are of the opinion that should the licensee feel that the wastewater treatment plant is in accordance with the specification required in the manual 'Treatment Systems for Single Houses' that the condition as written should place the onus on the licensee to ensure that this is the case. To this end the TC recommends that the Condition be altered to remove the requirement to agree the specification of the treatment plant in advance with the Agency.

Recommendation: Change Condition 3.10.1 by deleting the sentence as follows:

The licensee shall provide and maintain a Wastewater Treatment System at the facility for the treatment of sanitary effluent arising on-site. ~~The specification of the treatment plant shall be agreed in advance with the Agency.~~ The percolation area shall satisfy the criteria set out in the Wastewater Treatment Manual, *Treatment Systems for Single Houses*, published by the Environmental Protection Agency.

A.3. Condition 6.10.1, 6.14.1 and 6.17 & 6.19

With regard to Condition 6.10.1 the applicant wishes to be able to transport effluent off-site using IBCs in addition to the use of tankers.

Condition 6.14.1 appears to be mistakenly crossed out.

Condition 6.17 & 6.19 appears to be duplication of requirements.

Technical Committee's Evaluation:

The TC are of the opinion that should the licensee use containers for the transport of process effluent, other than those specified in the condition the licensee should be able to show that the proposed method is satisfactory.

The strikethrough of the text in Condition 6.14.1 is should be amended.

Regarding Conditions 6.17 and 6.19 the TC agrees that there is some duplication in the Conditions and considers that Condition 6.17 should be deleted.

Recommendation:

Condition 6.10.1 - change the condition by the addition of a phrase as follows:

Unless otherwise agreed in advance with the Agency process effluent generated on-site shall be tankered off-site in fully enclosed road tankers to a treatment facility to be agreed in advance with the Agency.

Amend Condition 6.14.1 to remove the bullet, as follows:

Prior to the date of commencement of the healthcare waste treatment activities at the facility, the licensee shall install and provide adequate measures for the control of odours and dust emissions, including fugitive emissions arising during the washing of healthcare waste containers, from the facility. Installation of an odour management system shall at a minimum include the ~~following~~ **installation** and maintenance of integrity and negative pressure through the shredders of the HSU to ensure no significant escape of odours or dust.

Delete condition 6.17 and renumber the subsequent conditions as appropriate.

A.4. Condition 7

The applicant objects to this condition in its entirety where it relates to non-waste activities due to competitive disadvantage.

Technical Committee's Evaluation: See TC's evaluation of A.1 above.

Recommendation: No change.

A.5. Condition 11.6 and 11.8

The applicant objects to condition 11.6 as it could be interpreted as restricting the acceptance of all waste at the facility until this condition is satisfied. It is unlikely that the treatment of health care waste will commence within 18 months. The applicant suggests that the condition should be reworded to refer to healthcare waste only.

There appears to be a typographical error within Condition 11.8 in that it refers to Schedule D Specified Engineering Works while it is meant to read Schedule E Annual Environmental Report.

Technical Committee's Evaluation:

The TC agrees that the intention was that Condition 11.6 should refer to healthcare wastes, and not waste in general.

The typographical error in 11.8 should be fixed as shown below.

Recommendation:

Amend Condition 11.6 with the addition of the word 'healthcare', as follows:

The licensee shall prior to the acceptance of **healthcare** waste at the facility submit to the Agency for agreement a procedure for dealing with the handling and reprocessing of waste in the event of test failures.

Reword Condition 11.8 as follows:

The licensee shall submit to the Agency, by the 31st March of each year, an AER covering the previous calendar year. This report, which shall be to the satisfaction of the Agency, shall include as a minimum the information specified in **Schedule E: Annual Environmental Report**, of this licence and shall be prepared in accordance with any relevant guidelines issued by the Agency.

A.6. Condition 12.1.1

The applicant objects to the annual contribution as the initial activities are restricted to the relatively small and straightforward waste transfer station (5,000tpa). The heat sterilisation unit will not be operated until the market becomes more attractive. The applicant suggests that the agency contribution should be reduced prior to the operation of the heat sterilisation unit and draws a comparison with the fee for another licensed site (reg. No. 122-1 Silver Lining) whose fee appears more appropriate. On operation of the heat sterilisation unit, the full fee as proposed in the PD would become more applicable.

Technical Committee's Evaluation: The TC is of the opinion that the amount shown in Condition 12.1.1 should not be altered as to alter the amount here would be misleading and difficult from an enforcement perspective. The TC considers that it would be more appropriate that the condition remains unchanged but that the licensee applies for a refund of fees, based on the argument that certain licences activities have not commenced, in such time as the licensee can demonstrate that, over a period of time, this has been the case.

Recommendation: No change.

A.7. Schedule A.3 Table A.1

The applicant objects to the note 1 and 3 attached to the table as it may be interpreted that there is conflict between them. While note 1 allows the addition of compatible waste streams subject to Agency agreement, note 3 may be interpreted as restricting hazardous wastes to those listed in Table H.1.2 of Article 12 response. The applicant suggests that note 3 would benefit from the qualification "unless otherwise agreed with the Agency".

Technical Committee's Evaluation: It is the opinion of the TC that note 1 in Schedule A3 was intended to refer to commercial waste and clinical healthcare waste but not the hazardous waste types listed in Table H.1.2 of the Article 12 compliance information submitted to the Agency on the 18th of July 2005, as referred to in note 3.

Recommendation: Amend Table A.1 in Schedule A.3 by deleting the reference to Note 1 from the 'Waste Type' field and including it instead with the Commercial Waste and Clinical Healthcare fields, as shown.

A.3 Waste Acceptance

Table A.1 Waste Categories and Quantities

WASTE TYPE ^{Note 1}	MAXIMUM (TONNES PER ANNUM) ^{Note 2}
Commercial Waste ^{Note 1}	400
Hazardous Waste ^{Note 3}	5,000
Clinical Healthcare Waste ^{Note 1}	1,600
TOTAL	7,000

Note 1: Any proposals to accept other compatible waste streams must be agreed in advance with the Agency and the total amount of waste must be within that specified.

Note 2: The individual limitation on waste streams may be varied with the agreement of the Agency subject to the overall total limit staying the same.

Note 3: Hazardous waste types restricted to those listed in Table H.1.2 of the Article 12 compliance information submitted to the Agency on the 18th July 2005.

A.8. New trading name

The applicant requests that the licence be issued under the new trade name "Enva" or alternatively as Atlas Environmental Ireland Limited trading as Enva.

Technical Committee's Evaluation: As the company have not as yet changed their trading name it is not appropriate for the TC to recommend that the licence be issued under a new name. When the company have made the name change they should contact the Agency to arrange the corresponding name change on the Agency's databases.

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 decision and
- (ii) subject to the conditions and reasons for same in the Proposed Decision,
and
- (iii) subject to the amendments proposed in this report.

Signed

Maeve McHugh

for and on behalf of the Technical Committee