



**OFFICE OF
LICENSING &
GUIDANCE**

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

TO:	Directors	
FROM:	Technical Committee	- LICENSING UNIT
DATE:		
RE:	Objection to Proposed Decision for AVR Safeway Ltd., Fermoy, Waste Reg: W0050-02	

Application Details

Type of facility:	Hazardous Materials Recovery Facility
Classes of Activity (P = principal activity):	3 rd Schedule: Classes 7, 11, 12, 13 4 th Schedule: Class 1, 2, 3, 4, 8, 11, 12, 13(P)
Quantity of waste managed per annum:	72,000tpa
Classes of Waste:	C&D, Industrial non-hazardous sludges, Industrial non-hazardous solids, hazardous – waste oils, oil filters, asbestos, paint & ink, batteries, fluorescent light tubes, contaminated soils, waste solvents and chemicals
Location of facility:	Corrin, Fermoy, Co. Cork
Licence application received:	11 th July 2005
PD issued:	10th March 2006
First party objection received:	06th April 2006
Third Party Objection received	06th April 2006
Submissions on Objections received:	None

Company

AVR Safeway Ltd. has operated a hazardous waste recovery facility at its present location in Fermoy since the issue of its existing licence (W0050-01) in September 2000. Previously the site operated as a transport facility for nine years. The site comprises approximately 1.4ha adjoining the N8 in an area dominated by intensive agriculture. The nearest dwelling belongs to the applicant and is c. 70m from the site boundary. Between 200 and 500m of the site boundary there are a further 27 residences. The hours of waste acceptance and operation are presently 0800 to 1900 Monday to Saturday inclusive.

Current activities relate to the collection, acceptance, and temporary storage, blending and bulking up of waste for export to recovery or disposal facilities. The licensee requested a review of its existing licence in November 2004 primarily to increase the quantity and scope of waste it can accept and blend on site, and to amend operational hours.

Consideration of the Objection

The Technical Committee, comprising of Dr J Derham (Chair) and Maeve McHugh, 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 one valid third party objection and the first party objection. One objection was deemed inadmissible as it did not comply with legal requirements. No submissions on objection were received.

First Party Objection

The applicant, AVR Safeway (AVR), indicate their satisfaction with the bulk of the proposed licence, but believe some clarification or minor adjustment is needed in places. AVR outline 12 points of 'objection'.

A.1. Condition 1.7

The applicant in their objection to this condition want to be able to dispatch waste from 0700 Monday to Sunday instead of from 0800 as specified.

Technical Committee's Evaluation: Given the location of the facility on the National Primary Route (N8 – Dublin-Cork) the impact of such an amendment is not considered to be significant. The amendment is only in relation to dispatch of waste: acceptance hours remain as specified in the PD as these were not objected to.

Recommendation: Amend Condition 1.7 to read as follows:

Waste Acceptance/**Dispatch** Hours

With the exception of emergencies or as may be agreed by the Agency, waste shall be accepted at the facility only between the hours of 0800 to 2200 Monday to Sunday. **With the exception of emergencies or as may be agreed by the Agency, waste may be dispatched from the facility only between the hours of 0700 to 2200 Monday to Sunday.**

A.2. Condition 3.4

The applicant suggests a clarification to this condition that will result in only those samples as advised by the Agency being retained.

Technical Committee's Evaluation: The compromise text proposed is acceptable.

Recommendation: Replace Condition 3.4 with the following;

Sampling equipment shall be operated and maintained such that sufficient sample is collected to meet both internal monitoring requirements and those of the Agency. A separate composite sample or homogeneous sub-sample, **where applicable and of sufficient volume as advised**, should be refrigerated immediately after collection and retained as required for EPA use.

A.3. Condition 4.2.2

The applicant suggests a renumbering of the conditions and sub-conditions in this part so-as to bring clarity.

Technical Committee's Evaluation: The applicant correctly identifies a formatting corruption in this part of the licence.

Recommendation: Replace conditions 4.2 to 4.5 as follows:

- 4.2 The concentration and volume flow limits for emissions to atmosphere specified in this licence shall be achieved without the introduction of dilution air and shall be based on gas volumes under standard conditions of :-
- 4.2.1 In the case of non-combustion gases:
Temperature 273K, Pressure 101.3 kPa (no correction for oxygen or water content).
- 4.2.2 In the case of combustion gases:
Temperature 273K, Pressure 101.3 kPa, dry gas; 3% oxygen for liquid and gas fuels; 6% oxygen for solid fuels.
- 4.3 Emission limit values for emissions to sewer in this licence shall be interpreted in the following way:-
- 4.3.1 Continuous monitoring:
- (i) No flow value shall exceed the specified limit.
 - (ii) No pH value shall deviate from the specified range.
 - (iii) No temperature value shall exceed the limit value.
- 4.3.2 Composite Sampling:
- (i) No pH value shall deviate from the specified range.
 - (ii) For parameters other than pH and flow, eight out of ten consecutive composite results, based on flow proportional composite sampling, shall not exceed the emission limit value. No individual result similarly calculated shall exceed 1.2 times the emission limit value.
- 4.3.3 Discrete Sampling
For parameters other than pH and temperature, no grab sample value shall exceed 1.2 times the emission limit value.
- 4.4 Where the ability to measure a parameter is affected by mixing before emission, then, with agreement from the Agency, the parameter may be assessed before mixing takes place.
- 4.5 Noise
Noise from the facility shall not give rise to sound pressure levels (Leq,T) measured at noise sensitive locations of the facility which exceed the limit value(s).

A.4. Condition 5.7

The applicant in their objection to this condition wants to be able to dispatch effluent to other prior-agreed possibilities than provided for in the licence.

Technical Committee's Evaluation: Accepted. For example, the company may in time construct their own treatment plant; this was acknowledged in their application and depending on the scale of the works proposed and/or if different ELV's to that currently agreed with the Sanitary Authority are proposed, this may require a review. In the event that it does not simple agreement is possible.

Recommendation: Amend Condition 5.7 to read as follows:

Process effluent shall be tankered to a prior agreed wastewater treatment plant or authorised waste facility, **or otherwise as may be agreed by the Agency.**

A.5. Condition 6.15.1

The applicants in their objection to this condition wish to clarify the labelling of site infrastructure as identified in the Condition ('M' is in fact 'R').

Technical Committee's Evaluation: Accepted.

Recommendation: Amend Condition 6.15.1 to read as follows:

The licensee shall prepare, to the satisfaction of the Agency, a test programme for abatement equipment installed to Bund **R**. This programme shall be submitted to the Agency, prior to implementation.

A.6. Condition 8.16.9

The applicants in their objection to this condition want to be able to store asbestos in other suitable locations on the site subject to the agreement of Agency.

Technical Committee's Evaluation: Agreed, such agreements are already in place.

Recommendation: Amend Condition 8.16.9 to read as follows:

All full containers shall be sealed with high tensile seal and clearly labelled and shall only be stored in Bund L, **or at other on site locations as may be agreed with the Agency.**

A.7. Condition 12.2.3

The applicant identified a condition numbering corruption in Condition 12.2.3 of the proposed licence.

Technical Committee's Evaluation: Accepted

Recommendation: Replace Condition 12.2.3 with the following:

As part of the measures identified in Condition 12.2.1 the licensee shall, to the satisfaction of the Agency, make financial provision to cover any liabilities identified in Condition 12.2.2. The amount of indemnity held shall be reviewed and revised as necessary, but at least annually. Proof of renewal or revision of such financial indemnity shall be included in the annual 'statement of measures' report identified in Condition 12.2.1

A.8. Schedule B.3

The applicant in their objection to this condition wants the clause 'There are no emissions to sewer' in the Schedule to be replaced with a clause that permits the possibility of agreement to such a connection.

Technical Committee's Evaluation: The operators currently discharge to sewer via tanker. A possibility for the future is to connect directly to sewer at the site when available (and subject to Agency approval). Depending on the scale of the plans and the likely emissions (if say, different to that currently discharged to sewer), then such a change may require a review. However, in the chance that they do not, it is reasonable to provide an enabling clause in the licence.

Recommendation: Amend the clause in Schedule B.3 to read:

There shall be no emission to sewer **without the prior written agreement of the Agency.**

A.9. Schedule C.1.1

The applicant requests two minor changes to monitoring parameters for certain emission points to reflect the associated process and discharge rates: 'conductivity' changed to 'pH' (in WSCF-1 & AGS-1); and monitoring frequency 'daily' changed to 'before use' (in WSCF-1), as the release is intermittent. Also, 'conductivity' in WSCF-2 is reflected in the VOC measurement as there are no other substances (other than VOCs) that could give conductivity anomalies.

Technical Committee's Evaluation: Agreed.

Recommendation: Amend Schedule C.1.1 as follows:

C.1.1 *Control of Emissions to Air*

Emission Point Reference No.:	WSCF-1, WSCF-2
Description of Treatment:	Water scrubber, carbon filter

Control Parameter	Monitoring	Key Equipment ^{Note 1}
Scrubber solution flow	Daily ^{Note 2}	Flow Monitor
Water levels	Daily ^{Note 2}	Water level sensor
pH	Daily ^{Note 2}	pH Metre
VOC Monitoring	Quarterly ^{Note 2}	As agreed by Agency

Note 1: The licensee shall maintain appropriate access to standby and/or spares to ensure the operation of the abatement system.

Note 2: During use, in the case of WSCF-1.

Emission Point Reference No.: AGS-1

Description of Treatment: Water scrubber

Control Parameter	Monitoring	Key Equipment ^{Note 1}
Scrubber solution flow	Daily	Flow Monitor
Water levels	Daily	Water level sensor
pH	Daily	pH Metre

Note 1: The licensee shall maintain appropriate access to standby and/or spares to ensure the operation of the abatement system.

A.10. Schedule C.3.2

The applicant in their objection believes that Schedule 3.2 of the licence should be deleted as effluent monitoring is included in Schedule 4.

Technical Committee's Evaluation: The applicant suggests that there is no need to monitor the same material twice. However, this is not a true reflection of the elements of this schedule. The licence is specific in the range of parameters to be tested in effluent sent off-site by tanker. Such effluents in this context would be classed as waste. It is thus appropriate to amend the headings of the schedules in this section to bring greater clarity for the licensee.

Recommendation: Replace Schedules C.3.2 and C.4 with the following:

C.4.1 Monitoring of Effluent waste

Sampling Point: Effluent Holding Tank

Parameter	Monitoring Frequency	Analysis Method/Technique
PH	Weekly	pH electrode/meter and recorder
Biochemical Oxygen Demand	Weekly	Standard Method
COD	Weekly	Standard Method
Total Suspended Solids	Monthly	Standard Method
Total Nitrogen	Monthly	Standard Method
Total phosphorous	Monthly	Standard Method
Chloride	Monthly	Standard Method
VOC's	Quarterly	As agreed by Agency
Total Heavy Metals	Quarterly	Standard Method



C.4.2 Other Waste Monitoring

Waste Class	Frequency	Parameter	Method
Initial Tank and/or Container Cleaning Waste	Per consignment	Note 1	To be agreed by Agency
Material as per condition 3.20	Per consignment	Note 1	To be agreed by Agency
Lorry Wash Water	Per consignment	Note 1	To be agreed by Agency
RDF	Per consignment	Note 1	To be agreed by Agency
Waste Oils	Per consignment	Note 1	To be agreed by Agency
Other ^{Note 1}			

Note 1: Analytical requirements to be determined on a case by case basis.



A.11. Schedule C.6 Groundwater Monitoring

The applicant in their objection to this condition wants the Agency to reduce the monitoring of groundwater specified in the Proposed Decision by reducing from 'Monthly' to 'Quarterly', sampling/inspections for the following parameters:- visual inspection; Odour; Levels; Conductivity; & TOC.

Technical Committee's Evaluation: The Proposed Decision had agreed to remove the obligation to monitor regional wells in the area of the site. To compensate for this reduction, the frequency on on-site monitoring was lifted for a number of sentinel parameters. The site handles hazardous wastes, a lesser frequency for monitoring of groundwater quality under the site for key indicator parameters is not considered BAT.

Recommendation: No change.

A.12. Schedule C.6 Weather Monitoring

The applicant in their objection to this condition wants the parameters temperature and precipitation removed from the meteorological monitoring requirements. These are not in the existing licence.

Technical Committee's Evaluation: The parameters in question are more appropriate to operations where there is large exposure to storm-water (e.g. landfill). The operations at the site in question are largely indoors. Accordingly the monitoring of temperature and precipitation is not critical. The main issues for this site are odour/vapour/gas emissions – hence wind speed and direction are important.

Recommendation: Delete the entries for Temperature and Precipitation in the last Table of Schedule C.6.

Third Party Objection

One Third Party Objections is considered, for convenience it is labelled:

B. Mr Peter North for Ms H Riordan, Corrin, Fermoy – shorthand PNHR.

Mr North introduces the objection by expressing concern in the delay in notifying Ms Riordan in respect of the Proposed Decision. This having the effect of reducing the timeframe within which they could make an objection. The Technical Committee note that Ms Riordan had not made a submission on the application and was thus not on the legal notifications list for the Proposed Decision. In such a circumstance members of the public are advised to keep regular contact with the EPA for news on decision dates.

The introductory text of the PNHR objection raises other general matters of concern to the third party. PNHR point out that the site is more akin to a chemical facility and not a transfer station. The Technical Committee note the description of activities in the Inspectors Report to the Board for this application. The description is of a facility primarily for the transfer of hazardous and other wastes for disposal/recovery. The processes include for, *inter alia*, the handling, packaging, bulking, blending, crushing, mixing, and separation of waste streams. The site is not a waste treatment plant within the regulatory understanding of same (principle activity is waste transfer).

The PNHR objection does not detail any specific objection to conditions of the Proposed Decision, rather it is a critique of the Licence Application submitted by AVR: in particular technical aspects of some of the proposed operations and waste processes.

Some of the issues raised are matters of Health & Safety for operators on the site; or infrastructure options for the operators; or efficiency/choice of waste processes; or

enforcement, and not matters that can be dealt with as an objection to a proposed decision. An additional complication is that this is an application for a Review. Mr North for Ms Riordan did not, it seems, have the benefit of the application documentation for the original licence as well as the extensive documentation associated with the Oral Hearing (including the EIS). Many of the concerns he raises (e.g. geology/hydrogeology) are addressed in detail in the original application and are not material to the review application.

The Technical Committee has read the PNHR objection in full and has considered the matters raised therein: where the 'objections' are relevant to the Proposed Decision (other than that addressed above), the Technical Committee details them – with responses – as follows:-

Choice of BAT

The PNHR objection raises a number of concerns regarding the choice of processes, technology, infrastructure, etc., and questions whether these are BAT (e.g. bunding, firewater, material processing, emissions abatement, drainage segregation, etc.). The Agency in issuing the Proposed Decision (PD) is satisfied that BAT, as is appropriate to this site and its processes, is being applied. This is confirmed in the *Reasons for the Decision* section of the Proposed Decision (page 5).

In relation to choice of more environmentally sound waste management technologies it is worth noting the numerous conditions in the PD that require the operators to monitor, report and explore waste recovery/reduction/minimisation opportunities as well as cleaner technologies. See Conditions 1.5, 2.2.2.7, 7.4 & 11.12.

In relation to BAT and a sewer connection, the Technical Committee note that the provision of a public sewer in the area is a matter for the Local Authority.

Qualifications of Licensee

The Agency having reviewed the application documentation and having regard to the enforcement history of the site declared by issue of the PD that the operators are considered Fit & Proper Persons. This is confirmed in the *Reasons for the Decision* section of the Proposed Decision (page 5).

Emissions Risk

The Agency having considered the application, and having regard to the Inspectors Report for Review Application and the enforcement history of the site, declared by issue of the PD that the emissions from the site (effluent, storm water, septic tank percolate, etc.) will not cause significant environmental pollution. This is confirmed in the *Reasons for the Decision* section of the Proposed Decision (page 5).

In relation to the classification of waste sent abroad for disposal/recovery, the Technical Committee note that the classification of such wastes is primarily governed by the rules and regulations for Transfrontier Shipment of Waste, the scrutiny of competent authorities of dispatch and import, and EU Case Law.

Authorised Processes

All waste activities applied for have been authorised. See Parts I and II of the PD (pages 6 & 7).

SEVESO Classification & HAZOP

The applicant dealt with the matter of Seveso Classification of their application, and stated they were not Tier 1 or Tier 2. The PNHR objection contests this. Such classification, and HAZOP assessment, are matters for the Health & Safety Authority (HSA). The HSA are a statutory consultee of the Agency and have not communicated an understanding different to that set out in the application documentation.

Monitoring

The PNHR objection raised a number of concerns regarding the adequacy of monitoring in various aspects of the site.

Monitoring of RDF, Waste Oils - The Technical Committee consider that it is correct to monitor RDF & Waste Oils dispatched from the site. These materials are still waste and have to be characterised prior to consignment.

Recommendation: Add monitoring of RDF & Waste Oils to Schedule 4.2 (as amended herein - see Objection A.10 above.)

Aluminium Monitoring - The PNHR objection believes that having regard to the materials managed on site that the groundwater and soils should be monitored for Al. Such a parameter is easily added to *Schedule C.6 Groundwater Monitoring*, and this should be representative of any soils impact on the site.

Recommendation: Add monitoring of Aluminium to Table two of Schedule C.6 - insert the following line to the table:

Aluminium	Quarterly	Standard Method
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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

Dr J Derham

for and on behalf of the Technical Committee