OFFICE OF LICENSING & GUIDANCE

REPORT OF THE TECHNICAL COMMITTEE ON OBJECTIONS TO LICENCE CONDITIONS

TO:	Directors
FROM:	Technical Committee - **LICENSING UNIT**
DATE:	24/05/05
RE:	Objection to Proposed Decision for McGill Environmental Systems (Ireland) Ltd, Waste Reg: 195-1

Application Details	
Type of facility:	Non-Hazardous Materials Recovery Facility
Class(es) of activity: (**P** = principal activity):	3rd Schedule: 6 &13 4th Schedule: 2 **(P)** & 13
Location of activity:	Ballynalurgan, Kilmainhamwood, Kells Co Meath.
Licence application received:	6/10/2003
PD issued:	26/01/05
First party objection received:	--
Third Party Objection received	15/03/05
Submissions on Objections received:	18/04/05

Company

The application relates to a proposed compost facility at Ballynalurgan, Kilmainhamwood, Kells, Co Meath. The applicant proposes to accept a total of 20,800 tonnes per annum of non-hazardous waste for composting including industrial and sewage biosolids, separated household and catering waste and other non-hazardous biodegradable material. The facility is located in a rural area. The next nearest residence is approximately 500m to the northeast of the site.

Planning permission for the development was granted subject to conditions on appeal to An Bord Pleanala.

Twenty three submissions were received in relation to the application and the Board considered these at proposed decision (PD) stage.

Consideration of the Objection

The Technical Committee, comprising of Ann Marie Donlon (Chair) and Marie O' Connor, 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, Tom McLoughlin, who also provided comments on the points raised. The Technical Committee consulted Agency Inspector Niamh O' Donoghue (Expert for zoology), in relation to flora and fauna issues.

This report considers the one valid third party objection. A submission on the objection was made by the applicant.

Third Party Objections

One Third Party Objection is considered:

A. Mr. Robert Edge, Brady Shipman Martin, Environmental Consultants on behalf of

- Mr. & Mrs Peter Brittain, Newcastle House Kilmainhamwood, Co. Meath
- The Ballynalurgan Action Group
- Mr. Patrick Mc Dermott, Kilmainhamwood, Kells, Co. Meath

For clarity the Submission on Objections made by the First Party in relation to the Third Party objections are dealt with in association with the objection to which they relate. Please note due to the lengthy nature of objections and submissions they have been paraphrased below.

A. Mr Robert Edge

Mr. Edge on behalf of others objects to the proposed decision (PD) and now seeks to overturn the proposed decision and urge that the EPA refuse a waste licence to McGill Environmental Services (Ireland) Limited. Mr. Edge sets out three broad grounds for their objection: insufficient EIS, impact on Newcastle Lough and impact on bat populations. The objection is accompanied by the following documentation:

- Appendix A – inadequacies of EIS point by point
- Appendix B – report by Brian Keeley, Bat expert
- Appendix C – a letter to Robert Edge from Peter Brittain setting out points that form the grounds of the objection: no marketing plan provided, lack of markets will result in dumping of compost locally, no benefit to the community and a feeling of a done deal.
- Appendix D – a letter to the EPA from Brady Shipman Martin with respect to Agency administration issues.

In relation to appendix D, a response was issued by the Agency in relation to this matter.

In correspondence Mr. Edge requested an oral hearing but submitted the fee for third party objection (€190.46) and not for an oral hearing (€253.95). It was

clarified by telecommunication with Mr. Edge that an oral hearing was not being sought.

The concerns raised in the objection are dealt with in seven points below.

A.1 Inadequate EIS – Planning aspects

The planning authority is precluded from considering emissions from the development and this is believed to be a significant failing with the system. The application has in effect fallen between two stools. Because the application is for a licensable activity the planning authority are precluded from conditioning the proposal in terms of emissions, the EPA on the other hand can only deal with the environmental emissions and not the scale or extent of the proposal. The local planning authority sought without success clarity on a number of issues but are now hand tied at this stage in again seeking it.

We contend that the application and EIS are inaccurate, lack sufficient detail and omit important and necessary information. This view was supported by Meath Co. Co. and to a lesser degree by the Inspector with An Bord Pleanala. The inspectors report (An Bord Pleanala) included the following statements:

- *Meath County Council concerns included insufficient information to justify the location of the proposed development, insufficient information in relation to the source and nature of the raw materials for the composting process and failure to demonstrate that the development complies with the Development Plan.*
- *An Bord Pleanala inspector noted the following: alternative technologies were considered although no alternative location was. Further varying figures of composting outflow were stated in the EIS. Conflicting statements are made in the EIS, no detail given on composting human waste from site, no current measurements of existing dust levels, no details of landscaping to be carried out, the operating hours are more extensive than original EIS, plastic flaps are removed from this EIS.*

The local authority sought information and much of this information remains outstanding. An Bord Pleanala acknowledges inaccuracies and omissions with the planning application and EIS. The applicant has successfully proceeded through the planning process and the waste licence process without providing the level of information necessary to determine with certainty the impact of the proposal on the local environment.

Can an application accompanied by an EIS which is acknowledged to be flawed be allowed to proceed through the system and then ultimately receive a favourable decision even in the absence of vital information.

Submission on Objection: The planning authorities are entitled to refuse planning permission for a licensable activity where they consider that the development comprising that activity is unacceptable on environmental grounds having regard to proper planning and sustainable development. Even if objectors have a point, applicants and objectors must deal with the system as is.

The An Bord Pleanala inspector in his report deals with the concerns of Meath County Council.

With regard to discrepancies or inaccuracies in the EIS as identified by the An Bord Pleanala inspector, landscaping plan is a requirement of planning permission, human waste from the site will be treated in a biotreament unit prior to being composted, dust levels are dealt with in attachment C1/C8 of the EIS and plastic flaps was amended to use roller shutter door which will make the building more enclosed.

An Bord Pleanala inspector did not state information sought remains outstanding. Further information was sought and supplied to both the Meath Co. Co. and the EPA. The information in the EIS has been supplemented by further information. It is inaccurate to claim that the EIS and further information taken together are acknowledged to be flawed in the sense that vital information is missing. It is worth noting that the Environment section of Meath Co. Co. recommended and An Bord Pleanala granted planning permission and the EPA granted a proposed decision on the documentation that the objectors claim is recognised as inadequate and missing vital information.

Technical Committee's Evaluation: The delineation of responsibilities in relation to environmental protection is well defined and understood by both the planning authorities and the Agency. There are overlaps in responsibility. The planning authorities can take environmental matters into consideration during the decision making process. The environmental aspects of a proposed development are considered in detail under the licensing process. The scale and extent of a proposed development, as it relates to environmental aspects, are within the scope of the licensing process.

It follows that the planning process is separate and distinct from the licensing process. In relation to an EIS and its adequacy, the competent authorities are the planning authorities, Meath County Council, An Bord Pleanala in this instance and the Agency. In processing a planning application accompanied by an EIS the planning authorities must satisfy themselves as to the adequacy of the EIS.

No information in relation to the vital details missing from the EIS (as it relates to waste licensing) was provided by the objector in this part of the objection. See A.2 below for further details. The Technical Committee note that the Agency inspector confirmed in his report to the Board at PD stage that the EIS complied with EIA and Licensing Regulations. The EIS was found sufficient for the purposes of waste licensing. The composting of human waste will be dealt with in a later section.

Recommendation: No change

A.2 Inadequate EIS – point by point

In appendix A of the objection inadequacies of the EIS are given point by point. (Points covered in other parts of the objection will not be dealt with here). *The following summarises the inadequacies:*

Aspect	***Inadequacy***
Proposed development	*concern for future development of the site becoming fully industrialised*
Alternatives	*alternative locations not considered*

Facility Operation	*only one qualified person will be placed on-site*
Human beings	*2002 demographic figures should have been used, Carrickleck National school was not clearly identified as a sensitive location, this school has clear and uninterrupted views of the site, no reference to odours in this section, the control and elimination of pathogens has not been discussed*
Flora & Fauna	*the ecological survey was undertaken in the worst time of year, existing habitats are not assessed in terms of a recognisable identification system, nor is the vegetation classification system, the applicant was made aware of a report on Newcastle Lough but did not take account of it in the EIS, no attempt made to assess whether a badger sett was on the site, incredulous statements such as " a diversity of trees and scrubs will be planted to increase the biodiversity and conservation value of the area". Non sensical statements such as " reducing the concentration of coniferous trees within the site will have a positive impact on flora and fauna". The industrial process cannot aid biodiversity on the site, no account is given of the impact on wildlife inhabiting the site nor off –site impacts*
Soils	*no impact assessment on site geology, no baseline information on soil type, no details on construction materials, no impact assessment of landspreading end product.*
Water	*no details of water supply given, no surface water assessment, no appropriate mitigation measures for water draining from site given, no impact assessment of emissions to water on livestock, the Ardee water supply is not addressed, future monitoring of surface water should be laid out in the EIS, dust deposition and run-off from the site including storage areas will impact on water quality and requires mitigation.*
Air	*the applicant states that odours will not be significant but EPA draft BAT Guidance Note for the Waste Sector: Waste Treatment Activities states that no techniques can completely eliminate odour.*
Landscape	*more detailed visual impact on housing and school required*
Material assets	*misunderstood and as a result not addressed*
Traffic	*traffic concerns*
Mitigations	*where will waste oil originate, the difference between input (20,800 tonnes) and output (14,000 tonnes) is presumed to be run-off (6,000 tonnes) – no information on this issue only that it will be recycled, is this feasible?*
References	*unclear section, ecological assessment of Newcastle Lough provided but not referenced*

	Lough provided but not referenced
Other comments	*site selection, proposal for maintenance records not in accordance with draft BAT guidance, EMS was not supplied with EIS, construction phase concerns, interaction of the relevant topics was not provided. Due to landspreading guidelines it is apparent that two months storage of finished product is required yet no provision is made. Storage should not be an after thought*

Submission on Objection:

Aspect	**Submission**
Proposed development	potential future developments will require planning permission and EPA approval
Alternatives	the suitability of the site was adequately addressed in a reply to a request for information from the EPA
Human beings	figures used were most up to date at the time of application, Carrickdeck national school is shown on the revised map (attachment included in submission), odour elimination is dealt with in the section on Air in the EIS, the process eliminates health risks from pathogens as is described in Section 5 of the EIS
Flora & Fauna	the ecology survey was taken on a number of dates during September and May followed by a desk study, Newcastle Lough is approximately 1km from the proposed facility, Mc Gill will landscape the site and develop a landscaping pan, increasing diversity of trees and opening up areas of the site will introduce habitats, landscape impact drawings were included in the waste licence
Soils	see section on geology and soils in attachment 6 of EIS
Water	water will be obtained from BH3 on-site (attachment 6 of EIS), there will be no run-off or leachate from the facility. All surface water will be collected from the facility
Air	the process eliminates odour
Landscape	baseline landscape surveys were complete
Materials assets	the EIS deals with this in terms of infrastructure, proximity to nearby towns etc.
Traffic	traffic comments
Monitoring	monitoring is detailed in the proposed decision

Other comments	the proposal uses a temperature system which results in a removal of moisture from the mix, thus the reduction in volume. The proposed decision requires an EMS

McGill does not accept that the EIS is flawed in any significant way or lacking in vital information.

Technical Committee's Evaluation: The Technical Committee note that the Agency inspector confirmed in his report to the Board at PD stage that the EIS complied with EIA and Licensing Regulations. Notwithstanding this assessment the Technical Committee intend to address the concerns raised with reference to the PD, the EIS and the EIS assessment process. As a competent authority the experience, judgement and knowledge of the Agency plays an important role in the EIS assessment process. The conditions of a licence are an important means of limiting the impact of an activity on the environment. Where deficiencies are identified the process provides for the request and provision of additional information, which forms part of an EIS.

Any future developments will be subject to planning and may involve a review of the waste licence. Alternative locations were considered in additional information supplied to the Agency. The PD requires a suitably qualified manager and deputy manager who has completed a FAS waste management-training course. It is noted that the applicant has stated that the 1996 demographic information was the most recently available information at the time of EIS compilation. The school was identified as a sensitive location in additional information supplied to the Agency. So long as odour is addressed in an EIS it is not significant in which section the issue has been addressed. According to the applicants submission section 5 of the EIS addressed pathogens.

The Agency considers the timing of the ecological surveys to be appropriate. No badger sett was identified during the survey. The habitats were identified in the EIS. It should be noted that currently the site is planted with commercial coniferous forest. This is considered a poor habitat. Further the site would be clearfelled upon maturity in the 'do nothing scenario'. The introduction of other native trees and scrubs will aid biodiversity. However the compost facility itself will have a negative impact on wildlife by reducing corridor movements and feeding ground.

Soils and geology were addressed in the EIS. Water supply was addressed in the EIS.

Details as to local hydrology, water quality and beneficial users are only relevant where the project affects the medium. In this case there are no direct emissions to surface water and therefore information relating to surface water including proposed monitoring is not required. Dust deposition is not a significant aspect of the facility as all activities are carried out in doors and materials will arrive on-site in enclosed containers. In any event the PD prohibits emissions to surface water and requires ambient surface monitoring.

The licensee proposed in the application that all processing will take place indoors and all process air including odours will be extracted and biofiltered. This system is considered suitable for the reduction/elimination of odours. It is expected that odour migration off-site shall be insignificant. The PD requires weekly monitoring for odour. The Technical Committee considers process air emissions from the facility to

be a significant aspect of the facility and considers additional conditions are necessary to fully mitigate the impact of odours. It is considered that critical aspects of the proposal should be restated in licence conditions such as requiring all operations to be carried out indoors and installation and monitoring of abatement equipment.

It was reported to the Board at PD stage that existing trees are well established and in a few years time there will be complete cover. Further the PD requires landscaping of the facility. The EIS deals with material assets in a number of sections e.g. road use, buildings in the area, impact on groundwater etc.

Certain issues including traffic issues are matters for the planning authority.

Waste oil will originate from machinery. The reduction in weight of compost is as a result of the lost of water through evaporation. Relevant references are specified in the reference section of the EIS. The PD requires an EMS. An EMS is not normally described in an EIS. Certain prerequisites before commencement are conditioned as part of the licence. The Interaction of topics was addressed in additional information supplied to the Agency. The PD allows for the storage of material. Material stored must be within the design capacities of the composting facility. The PD specifics conditions relating to maintenance. However the Technical Committee consider it important to require a maintenance programme.

The Technical Committee do not consider that vital information has been omitted and the assessment was complete. Much of the information referred to above was provided in additional information to the EIS. However the Technical Committee considers that certain critical aspects of the proposal should be included in a licence by way of condition.

Recommendation: The following conditions and scheduled shall be included in a final licence:

2.3.2.5 Maintenance Programme

The licensee shall establish and maintain within six months of the date of grant of this licence a structured programme for maintenance based on technical descriptions of equipment. This programme shall be supported by appropriate record keeping systems and diagnostic testing.

5.3.7 All composting operations and materials storage shall be carried out indoors.

3.13 The licensee shall provide and maintain an odour abatement system on the facility which satisfies the following requirements:

a) Air management system to ensure no significant escape of odours or dust, including negative pressure throughout the building;

b) A biofilter of appropriate size and structure.

Table D.5.2 Emissions to Atmosphere: Abatement/Treatment Control at Biodegradable Waste Composting Plant

Control Parameter	Monitoring Required	Monitoring Equipment

Biofilter		
Inlet and Outlet Gas		
Ammonia	Monthly	Colorimetric Indicator Tubes Note 1
Hydrogen sulphide	Monthly	Colorimetric Indicator Tubes Note 1
Mercaptans	Monthly	Colorimetric Indicator Tubes Note 1
Bed Media		
Odour Assessment	Daily	Subjective Impression
Condition and depth of biofilter Note 2	Daily	Visual Inspection
Moisture content	Monthly	Standard laboratory method Note 1
ph	Biannually	
Ammonia	Biannually	Standard laboratory method
Total viable counts	Bi-Annually	Standard laboratory method Note 1
General		
Sprinkler System	Check operation Daily	Visual Inspection
Fan	Check operation Daily	Visual Inspection
Negative Pressure	Monthly	Air Current Tubes

All measurements shall be made at peak bed loading.

Note 1: Or an equivalent method acceptable to the Agency.

Note 2: The biofilter shall be examined to ensure that no channelling is evident. Turning, restructuring and the addition of supplementary bed materials, or total bed replacement shall be carried out as required, subject to bed performance.

A.3 Inadequate EIS - Raw Materials Composition and Condition 5.2.3

Without data on the source and composition of the raw materials, it is impossible to determine the impact of the proposal and formulate mitigation measures in order to reduce that impact. In the absence of such fundamental information we urge that the proposed decision be overturned and the applicant refused a waste licence. There is no quantification or detailing of sources of input materials. Analysing raw material biannually is not acceptable. Straw/sawdust are not accounted in the stated 20,800tonnes of raw material to be used on-site. Vague information on the identification, composition and nature of material to be composted. No information of the nutrient composition of input materials.

There are three critical parameters in industrial composting: moisture content, volume of input material and C:N content ratio. All are critical to the efficiency and output of the process. The blending of the raw material is necessary to obtain the optimal retention time within composting bays. We are therefore surprised and concerned by Condition 5.2.3 Facility operations. While it is advised that all waste should be inspected it is unclear to what is involved.

The EIS has failed to address adequately the source of raw materials and the necessary analysis (moisture content, volume, C:N ratio). Composting is a complex process and the applicant is not competent as demonstrated by knowledge deficiencies. Details such as the composition of the raw materials are essential as it will determine the level of potential impact from the proposal. If the applicant cannot address the origins of the raw material and cannot determine its composition when it arrives then it is difficult to be informed as to the level of impact. Without this information it renders the remainder of the EIS and in particular the mitigation measures a vague collection of unsupported statements.

Submission on Objection: All material is accounted for in section E5 of the waste application. The material to be accepted on-site will be nonhazardous industrial and sewage biosolids separated household and catering waste and other nonhazardous biodegradable materials. No hazardous materials will be accepted on-site. A detailed analysis of materials will be carried out before being sent to the EPA for approval prior to acceptance of materials from supply companies. No material is accepted on-site without a full chemical analysis being carried out. The parameters of analysis are determined by the Use of sewage Sludge in Agriculture Regulations. Each batch of finished compost will be analysed and passed as per EPA parameters before being removed from the facility. The process eliminates health risks from pathogens as is described in Section 5 of the EIS.

Technical Committee's Evaluation: It was reported to the Board at PD stage that the EIS was found compliant with the EIA and Licensing regulations. The Technical Committee would like to provide clarity to the concerns raised.

The main raw materials in all composting facilities are biodegradable waste, bulking agents and amendments. The applicant has stated in the EIS that it is intended to produce Class I compost. Only waste materials listed under Annex 1 of the EC Working Document 'Biological Treatment of Biowaste' (2nd draft), 2001 that undergo a composting process will produce compost. The source and composition of the waste only informs the class of the finished compost and its final recovery/disposal and does not significantly affect the emissions and their impact. Analytical monitoring of input materials informs the composting process and finished compost product. At this stage the applicant would not be in a position to know all potential clients and provide details of their wastes. The composition of biodegradable waste will vary from source to source and sources will change over time.

The PD specifies the type of waste materials to be accepted. However, the Technical Committee considers the scope of the PD as currently set out to be too broad. It is important to note that compost is only derived from separately collected biodegradable waste and that the biodegradable waste is assigned a specific EWC code. Other wastes that undergo biological treatment do not produce compost but stabilised waste. The TC considers that waste types to be accepted and the definition of compost should be in accordance with the EC Working Document 'Biological Treatment of Biowaste' (2nd draft).

For clarity, Condition 5.2.3 refers to the initial inspection of the waste materials as they arrive at the site for composting and does not refer to the actual treatment process. Parameters such as moisture content, C:N ratio and volume are important to the composting process. The Agency does not seek to control the biological treatment process as it specifies the standard to which the compost must reach to be classed as a compost product. In summary the waste materials inform the final disposal of the finished product and does not affect significantly emissions or their impact.

It was reported to the Board at PD stage that the applicant is considered to be fit and proper and thus competent for the job.

The Technical Committee reiterates that all wastes for composting are biodegradable. The emissions from the composting process does not vary significantly from one waste type to another and the resulting impact can be

predicted. The Technical Committee considers that greater clarity is given by including a definition for compost and suggest that this definition is in line with that provided in the EC Working Document 'Biological Treatment of Biowaste' (2nd draft), 2001. Further the Technical Committee considers that the range of wastes to be accepted is of a class that will result in the production of compost.

Recommendation: Insert the following in the Glossary:

Compost: stable sanitised and humus like material rich in organic matter and free from other offensive odours results from the composting process of separately collected biodegradable waste which complies with the quality standards of Schedule E.

Replace Condition 1.4 with the following:

Unless otherwise agreed with the Agency, only the wastes as outlined in *Schedule A: Waste Acceptance* of this licence and as listed under Annex 1 of the EC Working Document 'Biological Treatment of Biowaste' (2nd draft), 2001 or subsequent amendments shall be accepted at the facility for the production of compost.

A.3 Inadequate EIS - Absence of Marketing Plan

The omission of a comprehensive marketing plan runs contrary to the Agency's own recommendations and therefore the proposed determination should not be allowed stand in its absence. The EPA guidelines (Assessment and Evaluation of Outlets of Compost Produced from Municipal Waste) makes specific recommendation that all producers of compost should develop a marketing plan and this plan should be an integral part of decision-making with regard to developing a compost facility.

The applicant stated that outlets will diversify, researching alternative end uses and cannot keep up with the demand for the compost from local tillage farmers in the Cork region. Information obtained from Cork County Council in relation to the Ballinvoher facility includes that over 50% of the material is sent to a landfill and that a total of 8 farmers use the remaining composted material.

Without a marketing plan concern grows amongst local residents that the material is actually unsaleable and will end up being effectively dumped on farmland. It is stated that the end product will be land spread in accordance with best agronomic practice. References to the products end use is absent from the proposed decision which is baffling. The end product is potentially a harmful pollutant which can lead to the serious degradation of water quality. There is no information on the composition of the finished product. Pathogens and heavy metals in the finished product may enter the food chain and bio-accumulate.

The applicant may need to store compost on-site or end up landfilling it. Thereby requiring further permission for a storage compound or going contrary to the purpose, which is to divert waste away from landfill. This issue was raised in our submission on the 14/01/05 and we are perplexed as to why no answer has been given.

The applicant stresses the benefits of the end product to the agriculture however the EPA document entitles "Assessment and Evaluation of Outlets Produced from Municipal waste" states "it may be difficult to the agriculture sector market because of the availability of other products and the fact that Irish soils for the most part are

not deficient in nutrients. In addition the agricultural sector is not in a position to pay a high price for compost. The document goes on to state that organic farmers have strict criteria in relation to manure management including proof of GMO free status.

> Submission on Objection: A marketing plan makes sense where a producer needs to ensure an outlet for his product. Mc Gill has more people asking to use its product than it has produce. Currently 8 farmers use the compost produced by McGill. Compost produced from pharmaceutical sludge is sent to landfill in line with in-house international policy by pharmaceutical companies. This is finished compost and is not considered a waste. Demand exceeds supply, in addition this year McGill is planting 270 acres of arable land with oil seed rape through sister companies and using the compost as fertiliser. McGill intends to build this business to 3000-5000 acres per annum.

Technical Committee's Evaluation: In the context of the waste licensing process the Agency is a regulatory authority and as such has no say in markets and market forces. The *Assessment and Evaluation of Outlets of Compost Produced from Municipal Waste* was a project under the RDTI programme whose aim was to formulate a National strategy to develop adequate, stable and reliable compost market and non-market outlets. This document does not constitute Agency guidance but provides knowledge. The decision-making reference was not, as the Technical Committee reads, a direction to regulatory authorities as much as a recommendation to developers.

The discard of material (including dumping) in an unauthorised manner is illegal under the Waste Management Act, 1996 to 2003 and any offenders will be prosecuted under same.

The scope of the licence is primarily for the biological treatment of waste (composting). The purpose of the treatment is to produce compost. In the EIS the applicant states that it is intended to produce Class 1 compost. Compost is addressed in the PD where in Schedule E the standards to which the compost must reach are specified. Compost that meets the quality standard specified in the PD is no longer considered a waste but a product suitable for use as a soil conditioner and therefore outside the scope of the Waste Management Acts 1996 to 2003. However the Technical Committee note that the PD does not explicitly link compost with Schedule E and propose condition 5.9.1 and 5.9.2 to do so. Further The Technical Committee considers it important that records as to the quantities of compost produced are maintained on-site.

Failure to reach the compost standard will prevent the waste from being deemed compost and will be subject to Condition 5.9.2 and 5.4. The Technical Committee note that the waste record (Condition 10.2) refers to green waste only. The Technical Committee considers that the scope of this condition was not intended to be limited to green waste and suggests that word green should be deleted.

The misuse of compost or any other product that results in environmental pollution is an offense under environmental law.

However compost is not straightforward and nothing in the licence shall be construed as negating the licensee's statutory obligations or requirements under any other enactments or regulations. Compost derived from sewage sludge within the meaning of the use of sewage sludge in agriculture regulations is subject to separate requirements to which the competent authority is the local authority. The Technical

Committee considers it sensible to require the licensee to hold copies of notifications to the local authority in relation to this material and maintain records.

The PD allows the temporary storage of compost within the compost building. The applicant is conditioned to work within the design capacity of the facility as proposed.

The Technical Committee considers a marketing plan to be the concern of the developer. The Technical Committee do not consider that a marketing plan to be part of an EIS. The Technical Committee considers that the finished compost is no longer a waste material and is not subject to the Waste Management Acts 1996 to 2003. However the Technical Committee is keen to strengthen the licence by additional conditions that will provide clarity.

Recommendation: Insert the following conditions:

5.8 Compost Quality

5.8.1 Compost produced shall comply with the quality standards as set out in Schedule E: Standards for Compost Quality. Analysis of the compost shall be in accordance with the requirements of Schedule E.

5.8.2 Any compost not meeting any standard as per Schedule E may be reused in the process or handled as a waste and details recorded as per Waste Records condition.

5.8.3 A record of the quantity of compost produced per annum shall be maintained on-site and available for inspection and shall be reported in the AER.

Condition 10.2: Delete the word 'green' from the first sentence.

Insert the following condition

Condition 10.6 Where compost product contains sewage sludge the licensee shall retain the following records on site:

a) A copy of the notifications to the Local Authority as required under Article 8 (1) and Article 8 (3) of SI 148 of 1998 (Waste Management (Use of sewage sludge in agriculture) Regulations, 1998).

b) This shall include *inter alia*; sludge analysis, records of sludge quantities, sludge properties, treatment type and location/name of the recipient of the sludge (sludge meaning compost containing treated sludge).

A.4 Water Quality, Schedule C.3 Surface Water Discharge Limits, Schedule D.4 Surface Water Emissions, Condition 6.4 and 6.5

There is concern for the future quality and integrity of Newcastle Lough which is situated downstream of the proposed site. The development will lead to water contamination off site due to in part to the requirements set out in the proposed decisions. Table C.3 Surface Water Discharge Limits only specifies limits for three parameters and this is not acceptable. One would have expected as a minimum BOD, total phosphates, nitrates and faecal coliforms to be included. Table D.3 Surface Water Monitoring Frequency and Techniques requires quarterly monitoring. This is not satisfactory. Condition 6 relates to emissions to surface water. Condition 6.4, 6.4.1, 6.4.21, 6.5 are merely aspirational with no definite criteria. This type of condition is not compatible with the type, scale and location of the proposed

development. The applicant has failed to adequately address Newcastle Lough in the EIS and this is compounded by Condition 6 in the proposed decision.

> Submission on Objection: Mc Gill repeats that the composting facility will not lead to water contamination as there will be no leachate or run off from this operation. The monitoring and monitoring frequency requirements are completely adequate as there will be no discharge to water from the use sought to be licensed. There will be no emissions from the proposed facility.

Technical Committee's Evaluation: It was reported to the Board at PD stage that there are no direct discharges to water. No leachate or runoff will be generated from the composting process. However, the PD requires a storage tank/interceptor for liquid waste in the event of an emergency. Storm water run-off from the roof of the composting building and hardstanding areas will be discharged to a soak pit (discharged to ground). The Technical Committee notes that aqueous discharges from the biofilter as a result of heavy rainfall will be recycled to the composting process.

Although there are no direct emissions to surface water, ambient monitoring is often required in licences. The PD requires ambient monitoring of an unnamed stream that drains into Newcastle Lough. The site is located within this streams catchment.

The Technical Committee considers that table c.3 *Surface Water Discharges* could be interpreted as meaning storm water emissions from the facility. Further it is not usual for the Agency to specify ambient limits in surface waters where there are no direct emissions. Therefore it is considered that table c.3 should be deleted for the purposes of clarity.

Ambient water quality monitoring is a precautionary requirement. It is usual to select indicator parameters for monitoring. In this instance the indicator parameters are oil, ammonia and suspended solids. These parameters would be relevant to a composting facility. The Technical Committee considers quarterly monitoring as sufficient for the purpose of ambient monitoring.

Condition 6 should be read in its entirety to get the full meaning. Condition 6.1 states "No specified emission from the facility shall exceed the emission limit values set out in *Schedule C: Emission Limits* of this licence. There shall be no emissions of environmental significance".

As stated already there are no direct emissions to the surface water. With the removal of Table c.3, this is made clearer. The Technical Committee consider that Condition 6.4 and 6.5 are not required because Condition 6.1 sufficiently covers all emissions of non-conformance with the licence.

The Technical Committee re-iterates that there are no direct emissions to water from the facility. Ambient water quality monitoring is a precautionary measure used to pick up potential issues. The Technical Committee considers that table c.3 and condition 6.4 and 6.5 should be deleted to provide clarity to the licence.

Recommendation: Delete Condition 6.4 and 6.5 of the PD. Delete Schedule C.3 *Surface Water Discharge Limits.*

A.5 Impact on Bats

Given the importance of the area to bat populations, containing 8 out of 10 of the bat species found in Ireland, we urge that the proposed decision be overturned and the applicant refused a waste licence. The EIS has failed to address the impact of the proposal on the Bat fauna in the area. The flora and fauna of the broader area has not been assessed in particular bats. The area is used for feeding and roosting bats. Brandt bats is often associated with dark rural areas including coniferous plantations. A composting facility will serve to disturb resident bats, forcing them to relocate. Bats may be potentially affected by lose of feeding area, lose of roost sites (it is possible that there are no suitable roost sites), lighting and noise. With diminishing areas suitable for these unique creatures it is imperative that their remaining vestiges are preserved.

Submission on Objection: No bats were identified on-site during a survey. The objectors fail to specify whether the bat species are found on the site of the proposed facility or are they from over a larger area such as county Meath. Mc Gill refers to the Heritage Council Report on Conserving Bats (copy enclosed with submission), as confirmation of its position. The landscaping and wild life habitat that will be created by Mc Gill will enhance wildlife generally and will not interfere with bat species. The landscaping of the site will consist mainly of native species which attract good insect populations for bats and if required Mc Gill will place bat roosting boxes around the site. No native Irish broadleaved trees will be removed, so that the habitat for bats will not be diminished but will be increased.

Technical Committee's Evaluation: The Technical Committee note that no bats were identified on-site during the ecological survey and that the Wildlife and Heritage Service did not make a submission on this application during the application stage. The Technical Committee considers that the introduction of native plant species will provide a source of food for bats and that the existing coniferous plantation is a poor feeding ground. The Technical Committee consider the restriction in operating hours from 8am to 6pm Monday to Friday and 8am to 1pm on Saturday will ensure that light and noise disturbance, if any, will be limited. The applicants offer to install bat roosting boxes is noted and the Technical Committee would encourage these actions.

Recommendation: No change

C.6 Local Impact

The proposal has a real and significant impact on the lives of local residents. The proposed development will alter irrevocably the surrounding area and ultimately it is the inhabitants of the area who will have to live with a decision made remotely. The questions, concerns, issues raised, both at planning stage and waste licence application stage, have not been addressed. We insist that the Agency now seek answers to issues, which should have been dealt with from the outset. Our clients frustration with the process was exacerbated by administration errors leading to our letter on the 23/02/05.

Submission on Objection: None.

Technical Committee's Evaluation: The concerns raised in submissions have been considered by the Board at PD stage. This report considers the objections made on the application. The Board of the Agency will consider the objections in deciding on

the application. The Technical Committee considers that no significant environmental pollution will result from the operation of this composting facility so long as it is operated in accordance with the conditions of the licence. The Agency has responded to the issue of administration issues in separate correspondence dated 08/03/05.

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 determination 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

Ann Marie Donlon

for and on behalf of the Technical Committee