



**OFFICE OF
LICENSING &
GUIDANCE**

ADVANCED ENVIRONMENTAL SOLUTION W0194-02

To:	SUB-BOARD	
From:	BREEN HIGGINS	- LICENSING UNIT
Date:	09 NOVEMBER 2006	
RE:	Further Submissions on the application for review of Waste Licence from Advanced Environmental Solutions (Ireland) Ltd., Licence Register W0194-02.	

This memo relates to two valid submissions received in relation to the above application and should be read in association with my report dated 03/11/2006.

TABLE 1: SUBMISSION DETAILS	
No.	Name & Address
1	Ms. Anne Dickinson & Leo Dunne, on behalf of Derryguile and Kyletalesha Residents Association.
2	Cllr. Brian Stanley, Laois County Council, Áras an Chontae, Portlaoise, Co. Laois.

The main issues raised in the submissions are summarised below and where appropriate under various different headings. However, the original submission should be referred to at all times for greater detail and expansion of particular points.

Submission 1: Derryguile and Kyletalesha Residents Association.

Existing Waste Limitation

The submission refers to an agreement between Laois County Council and the Derryguile and Kyletalesha Residents Association whereby volumes of waste entering the area will be restricted to 48,000 tonnes per annum in order to facilitate the waste disposal needs of County Laois. It is suggested that by granting a licence for the AES facility this agreement will have been breached by the Agency.

Comment:

The agreement referred to in the submission appears to have been entered into in relation to the Laois County Council owned and operated Kyletalesha landfill (Reg. No. W0026-2) and the Agency is not a party to such agreement. This agreement, to restrict waste acceptance at the landfill facility, has no relevance in the context of the AES run facility. The AES proposal has been assessed on its capacity to accept 99,000 tonnes per annum of mixed waste streams without causing environmental harm. The Recommended Decision (RD) has been drafted accordingly.

Odour Mitigation

The submission suggests that the Environmental Impact Statement (EIS) contains a number of errors and makes 'unsubstantiated assumptions', one of which is that Laois County Council will divert all its biodegradable waste from the nearby landfill to the AES facility.

Comment:

The content of the EIS was examined comprehensively throughout the licensing process and as per Section 8 of my report the EIS complies with Article 94 and Schedule 6 of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) and EPA Licensing Regulations (S.I. No. 85 of 1994, as amended). The issue of the functioning relationship between the nearby landfill and the proposed facility has been addressed as part of my report.

Low Population

It is stated that the EIS underestimates the number of homes living in the vicinity of the facility and that the impact of the facility is not limited to a distance of one kilometre from the plant. The area, it is stated, is subject to its own microclimate due to the influence of the Slieve Bloom Mountains and therefore the prevailing winds can differ significantly from other parts of the country.

Comment:

Protection of the surrounding population from environmental risks as a result of operations at the proposed AES facility is dealt with comprehensively in my report. Due regard has been afforded to BAT for the sector at all times throughout the licensing process. The emission limits, conditions, monitoring & infrastructural requirements required in the RD are deemed to provide the necessary protection to the environment and the surrounding community.

Traffic Impact Assessment & Traffic Restrictions

The submission call into question the level of detail in, and the timing of, the traffic assessment submitted as part of the EIS. The view is expressed that all journeys to the facility, with the exception of the weekly local waste collection, be made via the N80.

Comment:

Hauliers of waste require a Waste Collection Permit under the Waste Management (Collection Permit) Regulations 2001: S.I. No. 402 of 2001. This should ensure the safe transportation of wastes under controlled conditions. Beyond this the impact of traffic on the roads network is a matter for the Planning/Local Authority.

Alternative Locations

The EIS fails to consider alternative sites and comments only on the Kyletalesha site and the minimum criteria required.

Comment:

This issue has been addressed under Section 14 of my report.

Negative Impact on supply of clean water

The submission states that 30,000 litres of water will be required to operate the facility on a daily basis. No assessment has been provided of the potential impact of this extraction from the mains water supply on the overall system.

Comment:

The volume of water consumed by this facility is relatively modest in terms of overall consumption from a typical mains water supply. To ensure efficient use of the water resource Condition 7.3 of the RD requires the applicant to identify opportunities for the reduction in the quantity of water used on site.

Gas production

The submission addresses the issue of methane production as a result of the anaerobic digestion process. The view is expressed that little or no information is contained in the EIS in relation to the operation of the gas flare on site.

Comment:

Sections 5 and 13 of my report and the RD deal comprehensively with the issue of gas generation and utilisation/abatement on-site. At all times due regard has been afforded to the Best Available Techniques (BAT) for this type of activity.

Fire Control

The submission raises concerns over the potential for fires at the facility and that given the proximity of the site to both forest and peat land the absence of information in the EIS is a serious flaw in the document.

Comment:

The conditions in the RD will ensure that all processing of material takes place indoors. Condition 9.6 of the RD requires any fire at the facility to be treated as an emergency and requires immediate action to be taken to control the situation while simultaneously alerting the appropriate authorities. Condition 3.21 of the RD requires AES to carry out a risk assessment to determine whether the facility requires a fire-water retention facility on-site.

Decommissioning Costs

The submission expresses the view that the EIS does not give any consideration to the costs, either financial or environmental, of decommissioning the site. Furthermore the submission suggests that given the cost of constructing such a facility the costs of restoring the site to a safe condition are likely to be considerable.

Comment:

Condition 10 of the RD requires a number of actions to be taken by the applicant in the event of facility operations terminating or ceasing for a period of greater than six months; including inter alia, rendering safe or removing for disposal/recovery, any soil, subsoils, buildings, plant or equipment, or any waste, materials or substances or other matter contained therein or thereon, that may result in environmental pollution.

Sustainability

The submission expresses concerns that AES have not engaged fully with the local community during the application process and that this suggests an attitude of secrecy on behalf of the applicant. The view is expressed that the local community fear that in the event of a serious accident, or leak, at the proposed site that the local residents would not be informed of any dangers.

Comment:

Condition 11 of the RD requires the applicant to keep records of any complaints/incidents relating to incidents on site and to inform the Agency as soon as practicable after the event.

In drafting the RD due regard has been afforded to the Best Available Techniques (BAT) for this type of activity at all times. In so doing maximum protection has been afforded to those living in the immediate vicinity of the plant from any risk of environmental pollution. Furthermore, in line with the Agency's policy and its statutory obligations all documentation relating to the application has been made available to members of the public by the Agency through our website www.epa.ie.

Building Height & Visual Impact

The submission objects to the granting of the licence based on the scale and height of the building proposed. The view is expressed that a licence should not be granted, as the applicant has made no attempts to improve the visual appearance of the current facility

Comment:

The visual impact of the facility is a matter for consideration under the planning process and should be considered by the relevant planning authority, in this case Laois County Council.

Buffer Zone

The submission objects to the granting of the licence on the basis that the proposed buffer zone is inadequate at the site and the site is visible from all sides. Furthermore, the submission suggests that due to the nature of the prevailing wind that noise impact will be felt outside the boundary of the facility.

Comment:

The issue of potential for noise impacts from the facility, and the control of same, are extensively addressed in Sections 5, 13 and 14 of my report. As stated previously the issue of visual impact from the facility is a matter for the relevant planning authority.

Equity in Waste Volumes

The submission objects to the granting of the licence on the grounds that there is no written agreement that the volume of biodegradable waste entering the proposed facility is matched by an equal reduction in the amount of waste entering the nearby landfill.

Comment:

The relationship between proposed AES facility and existing Kyletalesha landfill facility has been addressed in Section 14 of my report. In assessing an application the Agency must address the environmental issues relating to the particular facility, while simultaneously satisfying the requirements of national and regional waste management strategy. The relationship, in terms of waste management plans/strategy, between the proposed AES facility and existing Kyletalesha landfill facility has been addressed in Section 14 of my report.

Opening Hours

The submission refers to the operating hours in place at the nearby Laois County Council landfill. The hours for waste acceptance are between 8am and 4pm Monday to Saturday. It is suggested that the proposed facility be restricted to the same operating constraints.

Comment:

The hours of operation have been addressed in Section 5.5 of the Inspector's Report. The situation vis-à-vis operating hours and Kyletalesha landfill are not relevant in the context of this application. The facility proposes to accept 99,000 tonnes of material per annum and the RD has been drafted accordingly. The facility infrastructure as outlined in the application and the RD mitigates against negative environmental impacts and as such the hours of waste acceptance should not influence the environmental performance of the proposed facility.

Submission 2: Cllr. Brian Stanley, Laois County Council

The submission raises a number of points already addressed during the licensing process. In summary the issues raised were;

- The quantity of waste material entering the locality and the existence of the Local Authority owned and operated landfill in the area.
- Odour issues from existing facilities in the area and the likely increase in same due to the proposed development
- The issue of pollution of the River Triogue and its relationship with the proposed facility.
- The perceived inadequacy of the road infrastructure in the Derryguile and Kyletalesha areas.

Comment:

All the issues raised have been considered in detail in my report and/or during consideration of the Derryguile and Kyletalesha Residents Association submission.

Recommendation:

In considering these further submissions I have concluded that the issues raised do not alter or change my recommendation dated 03/11/2006 to grant the licence subject to the conditions set out in the RD.