



Environmental Protection Agency
An Ghníomhaireacht um Chaomhnú Comhshaoil

General Manager
c/o Bedminster International Limited
Oyster Point
Temple Road
Blackrock
County Dublin

Headquarters, PO Box 3000
Johnstown Castle Estate
County Wexford, Ireland
Ceannteathrú, Bosca Poist 3000
Eastát Chaisleán Bhaile Sheáin
Contae Loch Garman, Éire
T: +353 53 916 0600
F: +353 53 916 0699
E: info@epa.ie
W: www.epa.ie
LoCall: 1890 33 55 99

25 January 2007

Reg. No. W0194-02

re: Objection to the proposed decision of the Agency on a waste licence application by Advanced Environmental Solutions (Ireland) Ltd. in respect of a facility at Advanced Environmental Solutions (Ireland) Ltd, Kyletalesha & Kyleclonhobert, Portlaoise, County Laois.

Dear Dr. MacNamara,

Please find accompanying a copy of No. 1 objection to the Agency's proposed decision in respect of the above referenced waste licence application.

I am to state that the Agency will consider the objection in accordance with the Waste Management Acts, 1996 to 2005 and the relevant Waste Management (Licensing) Regulations, including notifying you of its decision in due course. One of the criteria for a valid objection is the satisfactory lodgement of the objection fee cheque to the Agency's bank account.

As a party to the objection, the applicant may make a submission in writing to the Agency on the other objection, to be received no later than 21 February 2007.

It should be noted that the Agency cannot consider a submission received after the specified date and so any such submission should be both complete and received by the Agency no later than the specified date.

Please note that the register number assigned to this waste licence application is W0194-02. Please address all correspondence in relation to this matter to the *Licensing Unit, Office of Licensing & Guidance, Environmental Protection Agency, P.O. Box 3000, Johnstown Castle Estate, Co. Wexford* quoting the register number.

Yours sincerely,

Ewa Babiarczyk
Programme Officer
Office of Licensing & Guidance

Encl.



W0194-02.
Objection 1

Written Objection and Request for an Oral Hearing
To the Environmental Protection Agency
Regarding the application by Advanced Environmental Solutions (Ireland) Ltd
To operate a waste facility at Kyletalesha Co Laois from the
Derryguile and Kyletalesha Residents Association.

And
Cllr Pat Bracken MCC Laois County Council

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Reference application number: W0194 - 02.

Further to our initial objections, we would like to reply to the comments in the Report by Breen Higgins, and lodge an official written objection as against the RD as follows and apply for an Oral Hearing.

Set out below, and in our initial objection, are the grounds for this written objection and the reasons, considerations and arguments on which they are based.

Existing waste limitation

It is our understanding that there will be a significant residual fraction generated from the municipal waste put through the Bedminster process and this will have to be land filled. We estimate this to be approximately 20,000 tonnes. We assume that this will go to the cheap landfill next door. At present LCC is taking 48,000tpa in accordance with existing agreements, this additional waste from AES will breach these agreements.

There is no mention in the EIS as to the destination of this significant residual fraction from the Bedminster process.

Odour Mitigation

We agree, that in theory, if part of the waste was to be diverted from landfill to such a facility it is possible that there might be a positive impact on the environment. However, as there is no agreement between LCC and AES then you cannot categorically state that there will be an improvement and therefore your comments do not address our concerns.

Furthermore subsequent to our responses to you we have gathered some alarming information regarding Bedminster technology. In a recent objection to a planning application for a similar facility in Co Waterford it is reported as follows:-

*"Despite **AES** insisting that the Bedminster technology has been **tried and tested** it remains that this technology has serious failings. The Bedminster facility in Cairns, Australia had to close within 3 months of opening to rectify problems encountered mainly due to odours, rusting componentry and lack of quality final compost. The closure lasted 10 months. This is not the only Bedminster facility to experience: set-up problems: Numerous facilities in America have' experienced similar problems, Cobb County in Georgia is the most worrying: during start-up phase odour complaints were lodged with authorities on a daily basis and in that same year the facility burned down - twice! The Cobb County authorities took over the running of the facility but have recently announced their intent to close the plant, as it is not economically viable; Fire also devastated facilities in Pennington County and Truman, Minnesota and many other Facilities using Bedminster technology have been subject to ongoing odour complaints and difficulties finding markets for the finish compost"*

The applicant states that up to 80,000tpa of household waste will be processed in the Bedminster plant, the bulk of which will be mixed (municipal solid waste). The organic fraction – no matter how it is treated - will not be applicable to agricultural land, or for any land application.

Contrary to the claims made by the applicant, the organic fraction, whether treated aerobically or anaerobically, will not be allowed on land as a soil improver. The disposal/usage of organic material derived from MSW on land is not allowed by either the Department of Agriculture or the EPA.

Similarly the liquor from any anaerobic treatment of MSW can not be classified as safe for agricultural land application as it may facilitate the buildup of heavy metals or other such bio-hazards.

The applicant has not provided any information on the suitable outlets for this material apart from declaring that the organic fraction will be used as a soil improver and nutrient source. We believe this claim to be false owing to the reasons outlined above.

Low Population

We do not believe that the BAT, licensing & monitoring will safeguard our environment. Our experience with the licensing /monitoring process in relation to the LCC landfill, where in 2005 there were over 200 breaches in the prescribed limits resulting in no action from the EPA, leaving the Kyletalesha/ Clonsoughy /Derryguile area one of the most polluted areas in County Laois and the river Triogue as one of the most polluted rivers in the country.

Traffic Impact Assessment & Traffic Restrictions

While the planners say that the majority of vehicles heading to and leaving from will be almost exclusively from the N80 direction we, the residents have no guarantee that this will be so as individual drivers can decide their own route to the plant.

We do not consider your response adequate as the council have assumed all the traffic is carried on the N80, The Traffic assessment in the EIS does not consider the increase in traffic to be significant. Considering no guaranteed reduction in volumes to landfill and an annual increase of 59,000tpa and the composting and residual waste going out, we believe that there will indeed be a significant increase in traffic volumes and hence a significant impact from the associated traffic. Our calculations indicate that both in bringing in the raw material and drawing away the end product will effectively double the traffic volumes for the AES facility.

Alternative Locations

In relation to Alternative Sites your response does not address the failure of AES's EIS to consider alternative sites. Also considering the Fire Hazard that Bedminster plants possess as mentioned above and the proposed location in a peat bog surrounded by forests, this we believe is a serious oversight.

Negative Impact on supply of clean water

The eventual destination of the 30,000 litres of post process contaminated water has not been address by the EIS, as this is likely to be enriched with ammonia and heavy metals and categorically is not suitable for land spreading contrary to the EIS.

Fire Control

These Bedminster processing facilities have demonstrated a high capability for fire hazard as has been mentioned previously. As this is the first of its kind in Europe we suggest that an official report from a fact finding visit to one of these facilities, such as the one in Cobb County, be obtained before the same mistakes are made here. We are gravely concerned that this facility possesses a clear and substantial risk to the surrounding peat land which borders our homes. There are over 1000 acres of peat and forestry in the immediate area, not to mention the volumes of methane gasses being generated next door in the Laois CC landfill.

Decommissioning Costs

We would consider it a reasonable condition of the granting of and EPA license that a financial bond be lodged equivalent to the forecast decommissioning costs in the event of AES or the facility being financially non-viable or in the event of AES or its assets being purchased by another Company.

Cumulative Health implications

We note that your response has not addressed our concerns on the cumulative impact on our health detailed in our original objection. Please respond to this before continuing with the process.

Ongoing Odour Problems in the Area

The situation at present with odours emanating from the Landfill is very bad and complaints have been lodged continuously throughout the last few months with both the EPA and Laois County Council. Some residents have in fact had to leave their homes because of the problems with odours. We object that under these circumstances this community should be burdened further with another odour generating facility. It is not good enough to say it is BAT or that the potential is only limited to a 0.5km range. How can you categorically state this will be the case when the ISC Prime atmospheric dispersion model is based on data gathered at Dublin Airport and Birr Castle and not at the proposed site?

In the event that we continue to see odour problems how will we know which facility is the culprit in generating the nuisance odours?

At present the landfill is operated to a license granted by the EPA, yet even with the history of complaints to the EPA we have not witnessed any improvements in the situation. Why is this? If sanctions have not being imposed by the EPA why should we have any faith that sanctions will be imposed by the EPA when we are experiencing problems from this new facility?

We also object to the fact that this facility will be generating noise 24/7 if in operation. As this is the first type of such a facility in this area where there is no precedent of 24 hours of continuous operation some measures should be put in place to reduce the potential impact from noise on the surrounding area. At the very least we would require that the entire facility is bounded by a buffer zone landscaped such that when planted with native deciduous trees the plant is completely screened on all sides. This will require forming a high wide sloping bank on all sides similar to the sound abatement techniques used on modern roads and airports.

These are our concerns and we wish that you would give them the utmost attention.



Albert Culleton
Committee Member,
Signed on behalf of the
Derryguile and Kyletalesha Residents Association
And
Cllr Pat Bracken MCC Laois County Council

Please use the following correspondence address
Anne Dickenson
Secretary Derryguile and Kyletalesha Residents Association
Kyletalesha,
Portlaoise
Co Laois