



**OFFICE OF
LICENSING &
GUIDANCE**

INSPECTORS REPORT ON A LICENCE APPLICATION

To:	Directors	
From:	Suzanne Wylde	- LICENSING UNIT
Date:	22 MAY 2007	
RE:	APPLICATION FOR A REVIEW OF WASTE LICENCE (REG. NO. W0111-01) FROM SOUTH EAST RECYCLING CO. LTD, LICENCE REGISTER NUMBER W0111-03	

Application Details

Type of facility:	Waste Transfer Facility
Class (es) of Activity (P = principal activity):	3 rd Schedule: Class 11, 12 & 13 4 th Schedule: Class 2 (P), 3, 4 & 13
Quantity of waste proposed to be managed per annum:	50,000 tonnes following installation of certain specified infrastructure.
Waste tonnage for existing licence:	13,500 tonnes
Classes of Waste:	Household Waste, Commercial Waste, Construction & Demolition Waste, Industrial Non-Hazardous
Location of facility:	Within the townland of Carrigbawn, Pembrokestown, Co. Wexford (National Grid Reference 303700E; 119500N)
Licence application received:	13 th February 2007
Third Party submissions:	Sixty-six (66)
EIS Required:	No
Article 14 Notices sent:	13 th March 2007, 2 nd May 2007
Article 14 information received:	22 nd March 2007, 9 th May 2007
Site Inspection:	12 th March 2007

1. Facility and Reasons for the Application for a Licence Review

South East Recycling Co. Ltd (SERC) operates an existing transfer station at Carrigbawn, Pembrokestown, Co. Wexford. SERC also operates a waste collection service, primarily servicing the Wexford urban area. The company was first issued with a waste licence from the Environmental Protection Agency in 2001 (Reg. No. W0111-01). The licence was for the acceptance of 13,500 tonnes of waste per annum, rising to 27,000 tonnes of waste following the installation of necessary infrastructure, under Classes 11 and 13 of the Third Schedule and Classes 2, 3, 4 and 13 of the Fourth Schedule of the Waste Management Acts (1996-2005). This additional infrastructure was not installed.

There is a staff compliment of 42 at the facility; this includes management staff, drivers, operatives, administrative and sales staff. The hours of operation for the facility are Monday to Friday 0800 to 1830 and 0800 to 1400 on Saturdays. Waste is accepted at the facility from 0730 to 1900 Monday to Friday and 0730 to 1430 on Saturdays. The waste types accepted at the facility are recyclables, commercial, construction & demolition and industrial non-hazardous.

It is understood that Ormonde Waste Ltd bought SERC in October 2004 but the facility continued to trade under the same name. It is also understood that Greenstar Limited purchased the entire share capital of Ormonde Waste Ltd in 2006. The facility at Pembrokestown still remains trading as SERC.

Waste Disposal activities carried out at the facility are Classes 11, 12 & 13 of the Third Schedule of the Waste Management Acts (1996-2003) despite the fact that class 12 is not authorised under the existing licence. Waste recovery activities carried out at the facility are Classes 2, 3, 4 & 13 of the Fourth Schedule of the Waste Management Acts. The principal activity at the facility is Class 2 of the Fourth Schedule: 'Recycling or reclamation of organic substances, which are not used as solvents (including composting and other biological processes)'.

The company has requested a licence review for the following reasons: -

- Increase the overall limit on annual waste inputs to 50,000 tpa;
- To include non-hazardous household wastes in the acceptance schedule;
- To extend the hours of operation;
- To add Class 12 of the Third Schedule (Waste Disposal Activities – 12: “Repackaging prior to submission to any activity referred to in a preceding paragraph of this Schedule”) to the licensed activities.

This is the second review application that has been lodged with the Agency for the same facility. Ormonde Waste Ltd applied to the Agency for a review of the SERC licence on 16th June 2006 (W0111-02). The application was to increase the waste acceptance limit to 45,000 tonnes per annum. This application had to be withdrawn, as the applicant was not the licensee.

2. Operational Description

Waste received at the site is unloaded, separated into fractions, which are then compacted and loaded onto trailers for transfer off-site to appropriately licensed facilities. Construction & demolition waste and glass are unloaded and stored in storage bays in the yard. The remaining waste accepted at the site is unloaded, segregated and reloaded inside the waste transfer building.

The waste transfer building comprises of a three sided shed with a galvanise roof. The roof is in serious disrepair, with many galvanise sheets, missing or damaged. “BAT Guidance Notes for Waste Sector: Transfer Activities” (Draft, 2003) states that transfer stations handling household/putrescible waste must carry out all waste processing activities in an entirely enclosed building using negative air pressure. This building is, in my view, unsuitable for the

treatment of waste with a putrescible content, as the building is not entirely enclosed and does not possess an air handling system.

The applicant has applied to increase the waste acceptance limit to 50,000 tonnes of waste per annum. This would be divided up as per Table 1 below. The proximity of the site to an increasing number of dwellings, current inadequate infrastructure at the site together with the site size do not deem the site suitable for the acceptance of such volumes of waste, particularly those wastes with a putrescible content, i.e. commercial & household wastes.

Waste Stream	Tonnes
Household Waste	10,000
Commercial	20,000
Construction & Demolition	10,000
Industrial Non-Hazardous	10,000
TOTAL	50,000

Table 1: Proposed acceptance waste streams & quantities.

3. Use of Resources

Fuel: The site consumed approximately 24,125 litres of diesel, in 2006, to power on-site plant. Waste collection vehicles consumed approximately 197,245 litres of road diesel. Almost 1600 litres of oils were used on site including engine oil, transmission oil and gear oil. In 2006, around 200 litres of waste oil was generated from site plant. The waste oil is stored in a bunded tank, with a capacity of ca. 800 litres. No waste oil was removed from the site in 2006 and to date none has been removed in 2007.

Electricity: 65,833 units of electricity were used on site in 2006.

4. Emissions

4.1 Air

There are no major emission points to air at the facility. The facility waste streams are a mixture of commercial and residual household waste. An odour abatement system that delivers a masking agent is in place in the waste processing building. However, in order to process putrescible waste without causing an odour nuisance the licensee would be required to install a continuous negative air pressure system on the waste processing building, with extracted gases being subject to appropriate treatment to the satisfaction of the Agency.

Dust emissions from the facility are largely from hardstanding areas during periods of dry weather. The site is equipped with a misting system, which sprays water on hardstanding areas when required. The current licence has a limit of 350mg/m² and dust monitoring must be carried out at 5 monitoring points around the facility, three times a year, as per licence W0111-01.

4.2 Emissions to Sewer

The only process emissions to sewer from the plant are leachate from the waste compactor at the rear of the waste handling building. Sanitary effluent is also discharged to sewer. To date this has all been covered under the conditions of a Discharge Licence to Sewer issued by Wexford County Council in 2005.

4.3 Emissions to Surface Waters

There are no process emissions to surface water.

The current licence stipulates four surface water-monitoring points in the two drains running along side the facility. These point are monitored quarterly for a variety of parameters, as per licence W0111-01.

4.4 Storm Water Runoff

Storm water runoff currently discharges, via a Class 1 interceptor, to a land drain. The land drain flows to the local authority surface water attenuation pond in Killeens, Wexford. There is a controlled discharge from the pond to the Horse River.

4.5 Emissions to Groundwater:

There are no direct emissions to groundwater from the facility. There are three on-site monitoring boreholes, BH1, BH3 & BH4. The boreholes are monitored bi-annually, as per licence W0111-01. There are no private wells within a 500m radius of the site. SERC is located over a poor aquifer, generally unproductive except in local zones.

4.7 Noise:

Noise from the facility is generated from several sources including vehicle movements into, out of and on site, trailer and skip lorries unloading, glass unloading and the baler. SERC conducted noise monitoring at seven locations around the site boundary, at noise sensitive locations and also at specific monitoring points on site. The results showed in general that noise is not an issue at the site, although the limit of 55 dBA was exceeded on a number of occasions, at both on site monitoring points and at noise sensitive locations.

4.8 Nuisance:

Under the conditions of the current licence, the licensee is required to have in place a vermin control measures, as well as ensuring that nuisance is not caused by birds, flies, dust and odour. Any measures to control these shall not cause environmental pollution.

5. Restoration

The company has informed the Agency that it is actively seeking an alternative, more suitable, site for a waste transfer station in County Wexford. The company has informed the Agency in writing of their intention to cease activities at the site by September 2010. SERC have submitted a closure plan for the facility as part of the review application.

6. Cultural Heritage, Habitats & Protected Species

There are no recorded features of architectural, archaeological or historical importance within the site boundary. The site is not located on or adjacent to any ecologically designated area. There are no significant environmental emissions from the facility, which could give rise to adverse effects on designated sites.

7. Waste Management, Air Quality and Water Quality Management Plans

SERC Ltd is one of the transfer stations mentioned in the Joint Waste Management Plan for the South East Region, 2006. The facility does not significantly impact on any National or European legislation in relation to water or air quality.

8. Environmental Impact Statement (EIS)

Wexford County Council have reviewed the application and deemed that no EIS is required, as the amount of waste disposed of will not exceed 25,000 tonnes per annum.

9. Compliance with Directives/Regulations

The existing facility does not fall under the scope of either the Landfill Directive or the IPPC Directive. In relation to the Groundwater Directive, the facility has no direct emissions to groundwater.

10. Compliance Record

South East Recycling Company Ltd is one of the companies that were listed in the European Court of Justice case against Ireland in relation to non-compliance of the Waste Directive, with regard to unauthorised storage of waste at the site in Pembrokestown.

Since the company was granted a licence in 2001, the Agency has issued at least seventeen (17) notifications of non-compliance to the company.

SERC has been prosecuted on two occasions, on 6th December 2004 and 10th April 2006. On 6th December 2004 the licensee was prosecuted for sending waste to unauthorised facilities in both County Wexford and Northern Ireland.

A total of sixteen (16) non-compliances with the conditions of the licence were identified during audits and site inspections carried out during 2005. These formed the basis of the prosecution taken against SERC on 10th April 2006. On 10th April 2006, the company pleaded guilty to four charges in Wexford District Court. These were:

- (1) Exceeding the annual waste acceptance limit of 13,500 tonnes (the company accepted 30,076 tonnes of waste in 2005);
- (2) Acceptance of municipal waste without installing the proper infrastructure;
- (3) Use of an unauthorised waste facility for the storage of glass; and
- (4) Operation and acceptance of waste outside the licensed hours of waste acceptance.

Despite pleading guilty to the acceptance of municipal waste at the site in April 2006, the company continued to accept this waste stream until July 2006. SERC informed the Agency (OEE) that from July 2006 household waste was no longer being taken on site. However, in the licence review application submitted to the OLG, SERC have stated, "*Domestic waste is collected from household customers and mixed with commercial collections*".

A company audit was carried out by the Agency on 22nd March 2006, the Agency noted that the company had accepted 6,636 tonnes of waste since the beginning of the year. Following the audit the company was issued with a letter of non-compliance for total tonnages accepted in 2005 and requested to operate within the conditions of the licence. A total of 8 non-compliances with the conditions of the licence were identified during this audit.

Two follow up site inspections were carried out on 20th July 2006 and again on 21st December 2006, at which times the waste acceptance for the facility were noted at 17,875 tonnes (1.3 times the licensed limit) and 36,436 tonnes (2.7 times the licensed limit), respectively. Between these two sites inspections an additional 14 non-compliances with the licence were identified. Following both site inspections the company displayed blatant disregard for the conditions of their licence by continuing to accept waste at the facility. SERC was issued with a notification of non-compliance outlining that the Agency was extremely concerned at the level of non-compliance at the facility and the ongoing exceedances of the waste acceptance tonnage limit.

The Agency took a third prosecution against SERC on March 26th 2007 for breaching the waste acceptance limit of their licence for 2006. The company pleaded guilty to the charge. After hearing details of the charge, the court requested the company give an undertaking to the court that they would operate within the confines of the licence conditions. In the absence of this undertaking the court adjourned the case until April 16th 2007. On 16th April 2007 the court refused jurisdiction. The court procedures will require that a file be prepared for

submission to the Director of Public Prosecutions (DPP) for consideration to prosecute on indictment.

The Office of Environmental Enforcement received a total of 11 complaints, from different complainants, about the facility in 2006. Of these, 8 were in relation to odour nuisance, 1 in relation to dust nuisance, 1 in relation to noise nuisance and 1 miscellaneous complaint.

11. Submissions

To date, there have been sixty-six (66) submissions made in relation to this application. The following concerns have been raised:

11.1 Traffic

The level of heavy vehicle traffic on the road accessing the facility, and associated noise and vibrations of this traffic is a matter of serious concern for the residents. However, the road network and traffic issues are a matter, which can only be dealt with by the local authority.

11.2 Noise

A number of submissions refer to noise and vibrations from the heavy traffic on the road, which again cannot be dealt with under the remit of this licence review. However, specific references have also been made to noise nuisance generated on site by on site plant and activities, i.e., loading and unloading of waste and specific references to glass, vehicles left in reverse for long periods of time (i.e. the sound of the reverse warning sound), etc. Concern has also been raised that an increase in the licensed tonnage, hours of operation, etc, would lead to increased noise levels on site.

The current licence requires noise monitoring to be carried out at specified locations around the site. This noise monitoring has shown slight exceedances of the licensed emission limit (ELV) value of 55 dB(A) in both 2005 & 2006. Only one of these exceedances was attributed to site operations, the remainder were all attributed to traffic on the public road.

11.3 Odour

Submissions have also been received in relation to odours generated at the site. The operation as it stands frequently generates foul odours. These odours are most likely due to commercial waste accepted at the site, which is being mixed with domestic waste, both of which have a significant content of putrescible waste. The site has an odour abatement system, which simply sprays odour masking agents as required over the area where putrescible waste is handled. However, this odour abatement system is not a sufficient abatement system where putrescible waste is concerned, and certainly does not conform to the requirements of BAT.

11.4 Operating outside of hours

A number of submissions refer to SERC operating outside of the hours specified in the terms of licence W0111-01. This matter has been referred to the OEE and is being investigated.

11.5 Number of domestic dwellings in the area

The location of the site is in a residential area, with increasing numbers of developments being granted planning permission for the area. This point has been raised by all submissions on the application. There is no legal distance that a waste transfer facility such as this must be situated from residential buildings. However, the surrounding area is zoned for residential development and is set to become an area of high-density housing.

11.6 Unsustainable nature of the proposal and exceedance of the Joint Waste Management Plan recommendation

The proposed expansion has been observed by one submission as unsustainable in the sense that the company is over estimating the volumes of waste that will be generated in the county and also the southeast region in the next few years by making reference to the predicted volumes of waste for the region and for the county in the Joint Waste Management Plan for the South East (2006).

The assessment of the *strategic* and *need* aspects of any project against national, regional or local plans is essentially a matter for the planning authorities. It is not administratively appropriate that the EPA duplicate the role of the planning authorities in this regard. The EPA has to be satisfied that proposals are technologically consistent with such plans and in particular the EPA must have regard to emissions, BAT and emissions impact, in relation to its assessment of a proposal against such plans. The economic or commercial viability of a facility is outside the remit of the Agency.

11.7 Lack of infrastructure at the facility

Reference has also been made to the lack of infrastructure in place at the site to accommodate the volumes of waste proposed. It was pointed out that the existing licence has the provision for allowing the company to increase its tonnage, pending the installation of specified infrastructure. The matter of insufficient infrastructure at the site is addressed in Section 12 of this report and forms part of the basis for the recommendation to the board.

11.8 Protection of the environs of Whiterock Road

One submission refers to the Wexford Town & Environs Development Plan, which identifies a number of hedgerows to the rear of the present facility at Pembrokestown, which should be preserved.

The licensee is legally obliged to ensure that activity at the facility are carried out so as not to cause environmental pollution (Section 40(4)(b), Waste Management Act 1996-2003). There is also no mention in the application review of the intended removal of any hedgerows around the facility.

12. Overall Assessment & Recommendation

Based on the compliance history of the licensee, the location of the site and requested increase in tonnage, I am not satisfied that the licensee can manage the changes requested under this application for a licence review, while ensuring that the necessary protective measures are taken so that operations at the facility will not cause or lead to environmental pollution.

Serious regard must be given to the refusal of the licensee to give an undertaking in the circuit court on 16th April 2007, to comply with the conditions of the current licence, W0111-01. The applicant has not demonstrated an ability to manage the facility within the conditions of the current licence, therefore the granting of a licence permitting an increase in the amount of waste, waste streams and hours of operation on site is premature at the time.

It should also be noted that the current licence already has a provision for an increase in tonnage (from 13,500 tonnes up to 27,000 tonnes) and the addition of municipal waste pending the installation of the required infrastructure. This infrastructure has never been installed, but the licensee has continually shown disregard for the limitations of the existing licence.

I am of the view that the Agency cannot be satisfied that the requirements of Section 40(4) of the Waste Management Acts 1996 to 2005 have been met with particular regard to subsections (b), (c) and (d). It is clear from the information before me, and having regard to the fact that the company have –

- (i) breached the annual tonnage limit condition of their licence on a number of occasions;
- (ii) failed to install the necessary infrastructure to manage and control the activities on site;
- (iii) failed to take the necessary action to comply with the conditions of the licence when notified by letters of non compliance by the Agency; and
- (iv) failed to give a commitment to the courts that they will comply with the conditions set out in their current licence.

- accordingly it would be inappropriate for the Agency to grant a review of the existing licence with increased tonnage, hours of operation and additional waste streams.

Having assessed all the documentation, particulars and information submitted with this application, and taking into consideration the compliance history of this facility and the requirements of fit and proper person, I recommend that South East Recycling Company Ltd review application register W0111-03 for increased tonnage, hours of operation and additional waste streams, be refused.

Signed:

Suzanne Wylde
Inspector
Office of Licensing & Guidance

Procedural Note

In the event that no objections are received to the Proposed Decision on the application, a licence will be granted in accordance with Section 43(1) of the Waste Management Acts 1996-2005.