



**OFFICE OF CLIMATE,
LICENSING & RESOURCE USE**

INSPECTORS REPORT ON A LICENCE REVIEW APPLICATION

To:	Directors	
From:	Aoife Loughnane	- LICENSING UNIT
Date:	29 th November 2007	
RE:	Application for a Waste Licence Review from Rilta Environmental Ltd., Licence Register W0192-02.	

Application Details

Type of facility:	Integrated Waste Management Facility
Classes of Activity (P = principal activity):	3 rd Schedule: Classes 7, 11, 12 & 13 4 th Schedule: Classes 2, 3, 4, 6, 8 & 13 (P) <i>Note: The principal activity under the existing licence (W0192-01) is 4th Schedule, Class 8.</i>
Quantity of waste managed per annum:	Currently licensed to accept 62,500 tonnes. Proposal to accept 110,000 tonnes.
Classes of Waste:	Hazardous Waste, Commercial Waste, Construction & Demolition Waste, Industrial Waste and Industrial Sludges.
Location of facility:	Block 402, Grant's Drive, Greenogue Business Park, Rathcoole, Co. Dublin.
Licence application received:	7 th June 2007
Third Party submissions:	None
EIS Required:	Yes
Section 52 Notice sent & response received:	27 th June 2007 & 31 st August 2007 respectively
Article 14 Notices sent:	9 th August 2007
Article 14 compliance date:	11 th September 2007
Site Notice Inspection:	13 th July 2007
Site Inspection:	25 th July 2007

SUMMARY

This report outlines details of a waste licence review application from Rilta Environmental Limited (previously Sita Environmental Ltd.). The existing licence, Register No. W0192-01, was granted on 3rd December 2004 for the operation of a hazardous waste facility at Greenogue Business Park, Rathcoole, Co. Dublin. The company are seeking a licence review in order to accommodate an increase in annual waste throughput, and increased limit values for emissions to atmosphere and discharges to sewer from the facility.

1. FACILITY

This hazardous waste transfer/recovery facility is located on a 1.1 hectare serviced site in the Greenogue Industrial Estate. The site is bounded to the north by the River Griffeen, to the east and west by industrial units and to the south by Grant's Drive. The company employ up to 65 staff at the facility and operating hours are 07:30 to 18:00 Monday to Friday and 07:30 to 14:00 on Saturdays, with occasional operation outside these hours to cater for the late arrival of waste haulage vehicles due to breakdown or other circumstances.

Rilta Environmental Ltd. operate a permitted waste collection fleet, which along with other permitted contractors, transports waste to the facility. The company operates a significant brokerage service whereby wastes are collected and stored on-site before being exported to suitable sites in the EU for recovery. The waste streams involved include contaminated soil, acidic and alkali wastes, flammable wastes, laboratory chemicals, photographic wastes and environmentally hazardous wastes.

The current licensed limit on waste throughput at the facility is 65,000 tonnes per year. Since waste operations began in December 2004, the facility has been working close to, and recently above its maximum annual tonnage. The majority of this allowance is assigned to contaminated soil that is taken into the facility for storage prior to movement off-site for export. No processing of contaminated soil takes place on-site. In 2006 the contaminated soils business represented 60% of site throughput.

2. REASONS FOR LICENCE REVIEW

The licensee is seeking to increase the waste acceptance limit to 111,000 tonnes of waste per annum (see Table 1), mainly to facilitate additional volumes of contaminated soil accepted and transferred from the site. The licensee has also requested increased limit values for emissions to atmosphere and discharges to sewer from the facility.

Table 1. Waste Categories & Quantities

Waste Type	Maximum (Tonnes per annum)	
	Authorised in Licence Reg. No. W0192-01	Requested in Licence Review Application
Commercial Waste	500	500
Construction & Demolition Waste	500	500
Industrial Sludges	1,000	1,000
Other Industrial Waste	3,000	3,000
Hazardous Waste	57,500	106,000
Total	62,500	111,000

The requested 111,000 maximum annual waste tonnage comprises 5,000 tonnes of Non-Hazardous waste and 106,000 tonnes of Hazardous waste comprising;

- 60,000 tonnes of contaminated soils,
- 10,000 tonnes of interceptor sludges,
- 8,100 tonnes of insulation/construction materials containing asbestos,
- 2,000 tonnes of wastes containing oil,
- 1,500 tonnes of aqueous liquid waste containing dangerous substances,
- 24,400 tonnes of other wastes (hazardous waste types as detailed in Attachment H.1 of the application, or as may otherwise be agreed in advance by the Agency).

Planning permission was granted in July 2007 by South Dublin Co. Co. for the proposed increase in annual waste throughput. The planning conditions specify that no intensification of use of the facility shall take place until the relevant licence has been granted by the EPA.

3. CLASSES OF ACTIVITY

The waste activities currently authorised under licence W0192-01 are as follows:

Third Schedule Waste Disposal Activities: Classes 7, 11, 12 & 13

Fourth Schedule Waste Recovery Activities: Classes 2, 3, 4, 6, 8(P) & 13.

The company have applied for the same classes of activity in the licence review, however the principal activity is now identified as 4th Schedule, Class 13 (*Storage of waste intended for submission to any activity referred to in a preceding paragraph of this Schedule, other than temporary storage, pending collection, on the premises where such waste is produced*) instead of Class 8 (*Oil re-refining or other re-uses of oil*).

4. OPERATIONAL DESCRIPTION

All waste arriving at the site is weighed and details are logged at the weighbridge office. Depending on its nature, the waste is then transferred to one of three separate areas on site.

(i) *Drum Recovery Centre*

Reconditioning and recycling of empty industrial packaging such as steel drums, plastic drums and intermediate bulk containers (IBCs) is carried out at the Drum Recovery Centre. There will be no change to waste activities undertaken as a result of the licence review. The drum recovery process involves inspection, draining, washing, dent removal, shot blasting, leak testing, paint spraying and drying. Steel drums which are not suitable for reconditioning are washed and crushed, prior to being sent off-site for recycling. Plastic barrels which are not suitable for reconditioning are washed and shredded prior to dispatch off-site for recovery/disposal. There are 3 unabated emission points to atmosphere from this building. The licensee has requested amended volumetric limits at emission point A2 (paint spray booth stack). This is discussed under the *Air* section of this report.

(ii) *Hydrocarbon Waste Treatment Centre*

The treatment of hydrocarbon-contaminated waste involves primary settlement, sludge processing, water treatment and oil recovery. There will be no change to waste activities at the Hydrocarbon Waste Treatment Centre as a result of the licence review. The licensee has requested increased emission limit values for trade effluent discharge to sewer. This is dealt with under the *Emissions to Sewer* section of this report.

(iii) *Hazardous Waste Transfer Station*

Hazardous wastes, e.g. contaminated soil, acidic & alkali wastes, flammable wastes, laboratory chemicals, photographic wastes, etc., are bulked up and transferred for recovery/disposal, generally to facilities in Europe.

Contaminated soil is transported to the facility in either articulated tipper trucks, suitable drums or fibrous intermediate bulk containers. Upon arrival, the waste is directed to the tipping floor in the Contaminated Soil Building. This is an indoor bunded, reinforced concrete area which has previously been tested and certified as leak-proof. Waste is stacked using an earth-moving machine on tracks. This allows for the indoor storage of up to 5,000 tonnes of waste at any one time. No contaminated soil is stored outdoors in the yard area. When enough waste has accumulated for export (~1,500 to 3,000 tonnes), and a transfrontier shipment notification is in place, waste is transferred onto tipper trucks and transported to port, where it is tipped onto a specialised bulk storage tray on a ship.

The requested increase in contaminated soils throughput will be accommodated by reducing the period of time that the soils are held on site, rather than by providing additional storage facilities. There will be no change to the infrastructure on-site and no processing of this soil will occur on-site, with the exception of handling and storage. Considering the nature of the material, and the fact that it is stored indoors at the facility, the quantities of leachate generated during soil storage are minimal, as confirmed by the licensee. Any leachate which is produced is collected using the company's own waste vacuum tankers and transferred to the on-site wastewater treatment plant.

Hours of Operation and Waste Acceptance

The licensee is not seeking any change to the authorised hours of operation of the facility. These hours are not limited in the existing licence but are specified in the planning permission for the facility (0730 to 1800 Monday to Friday and 0730 to 1400 on Saturdays, with some exceptions, e.g. late deliveries and indoor maintenance. Closed on Sundays, Bank Holidays and Public Holidays). These operating hours are now included in Condition 1.8 of the Recommended Decision (RD), along with specified hours of waste acceptance/dispatch, i.e. 30 minutes after opening time and before closing time, to allow for preparation, clean up works, etc.

Specified Engineering Works

The following specified engineering works (as identified in Schedule B of the existing licence) have been completed at the facility:

- the installation of a surface water drainage network including silt traps and oil interceptors, and
- the installation of a secondary containment system with leak detection to the underground settlement tanks at the Hydrocarbon Waste Treatment Centre.

Schedule C.6 of the RD specifies quarterly monitoring for the presence of mineral oils in the three shallow wells surrounding the underground settlement tanks.

The licensee states that they have no plans at present to complete the installation of a decant room or a photographic waste treatment unit at the Hazardous Waste Transfer Station, as previously indicated and catered for in licence W0192-01. Therefore, the RD removes the relevant requirements and controls in this regard.

5. USE OF RESOURCES

Resource consumption in 2006 was as follows: gas 712,514 kWh, electricity 305,300 kWh & water 5,550 m³. An energy efficiency audit was carried out in October 2006. Condition 7.1 of the RD requires the recommendations of this audit to be incorporated into the site's EMS. The audit shall be repeated at intervals as required by the Agency.

6. EMISSIONS

6.1 Air

The current licence specifies VOC emission limits to atmosphere from 3 emission points at the Drum Recovery Centre. The licensee has requested an increased air flow-rate at emission point A2 (paint spray booth stack), from 144 m³/hr to 5,292m³/hr, for an 8.5 hour working day. They state that the 144 m³/hr limit was based on the assumption that emissions from the facility were going to be equivalent to those from the original SITA Environmental facility at Lower Oriel Street, North Wall, Dublin 1. The company's self-monitoring has shown that this air flow-rate has routinely been exceeded since waste operations began at the facility. An assessment of the impact of the increased emissions has not been submitted, however I have assessed the request in light of the air dispersion modelling assessment submitted as part of the original licence application.

Impact of Air Emissions on Receiving Environment

Air dispersion modelling was carried out in June 2004 using AERMOD, the US EPA regulatory model, to assess the impact of VOC emissions at, or beyond the site boundary whilst operating the facility at full capacity. The study identified 1,2,4- and 1,3,5-trimethylbenzene as the constituent pollutants with the most stringent environmental assessment levels (EALs).

Process emissions of TA Luft Class I VOCs and TOC from the site were predicted, under maximum operating conditions, to be significantly below both the short-term and long-term EALs at, or beyond the site boundary. The worst-case impact from the site was predicted to give rise to ambient Class I VOC concentrations (including background), which were only 1% of the short-term EAL and 12% of the long-term EAL under maximum operating conditions. In addition, TOC concentrations (including background) were predicted to reach only 1.6% of the short-term EAL and 13% of the long-term EAL under maximum operating conditions. The predictive modelling incorporated several worst-case assumptions and thus would have over-estimated the actual impact of emissions from the site. The ambient concentrations at the nearest residential receptors would generally be significantly less than that reported at the worst-case location off-site. In conclusion, no adverse environmental impact was envisaged to occur at, or beyond the site boundary whilst operating the facility at full capacity.

The requested combined volumetric increase is 65% higher than the discharge volume originally modelled (13,104 m³/hr as opposed to 7,956 m³/hr). An extrapolation of the air dispersion model results shows that the predicted ground level concentration of VOCs remain well within both the short and long-term EALs (see Table 2). On this basis, no adverse environmental impact is predicted to occur at, or beyond the site boundary as a result of the requested increase in air flow-rate at emission point A2.

Table 2. Modelled impact of air emissions on receiving environment

Pollutant	Averaging Period	Process Contribution (µg/m ³)	Predicted Emission Concentration (PEC) ^{Note 1} (µg/m ³)	Environmental Assessment Level (EAL) ^{Note 3} (µg/m ³)	PEC as % of EAL	PEC x 1.65 ^{Note 2} (µg/m ³)	(PEC x 1.65) as % of EAL
T.A. Luft Class I VOCs	Max. 1-hr	121	421	37,500	1%	695	1.8%
	Annual Mean	5.3	155	1,250	12%	256	20%
TOC	Max. 1-hr	308	608	37,500	1.6%	1003	2.7%
	Annual Mean	13	163	1,250	13%	269	21%

Note 1: The predicted emission concentration takes into account the annual mean background Total VOC concentration of 150 µg/m³.

Note 2: These concentrations represent the Inspector's extrapolation of the modelled predicted ground level concentrations based on the requested increase in volumetric emissions at A2.

Note 3: EALs were derived from "IPPC Environmental Assessment for BAT" (Environment Agency, 2002). 37,500 µg/m³ represents the short-term EAL for trimethylbenzenes. 1,250 µg/m³ represents the long-term EAL for trimethylbenzenes.

The licensee has also requested a change in the emission limit values for the constituent parameters of the waste gases, from TA Luft Organics Class I to Class III, at all 3 emission points. The emission limit values for Class III organics are less stringent than those for Class I. Class I organics were modelled in the original air dispersion model and air monitoring results submitted to date have shown that Class I organic compounds are in fact discharged from the facility. On this basis, it is not considered appropriate to approve this request. The RD authorises the increased air flow-rate at emission point A2 and maintains the Class I VOC and TOC emission limit values at A1, A2 & A3.

Odour

All waste processing is carried out indoors, and shutter doors are kept closed whenever possible, however some odours are generated on-site. Ambient perfume/faint sweet chemical odours occur on occasion, arising from the rinsing of waste drums/IBCs at the Drum Recovery Centre and storage of drum washings at the Tank Farm. A number of odour complaints have been received by the Agency regarding this facility (see *Compliance Record* section of this report). The licensee is working to address this matter, and has put in place a procedure to minimise the opening of shutter doors. They are still investigating the possibility of installing odour control technology at the Drum Recovery Centre.

Potential odour nuisances are controlled by Condition 5 of the RD. Condition 6.10 requires a fugitive emissions reduction programme to be prepared, based on BAT. Condition 6.25 of the RD requires the licensee to provide adequate measures for the control of odours and dust emissions from the facility. Such measures shall include the installation of an odour management system. Furthermore, Condition 6.26 of the RD requires an odour assessment to be carried out by a suitably qualified person and a report on the assessment to be submitted to the Agency within three months of the date of grant of licence. The report shall identify and quantify sources of odorous emissions, and identify the remedial measures necessary to eliminate, control, contain, duct and treat odours, as appropriate. Any recommendations contained in the report shall be implemented within a timeframe to be agreed with the Agency. The RD includes a test programme for odour abatement equipment which may be installed at the facility.

Dust

The main potential source of dust generation at the facility is the delivery and handling of contaminated soil. Condition 8 requires that all waste processing take place indoors. Dust deposition limits and monitoring requirements remain the same as those specified in the current licence.

6.2 Emissions to Sewer

The licensee has requested an increase in the grab sample limits for BOD & COD in the trade effluent discharge to sewer. A Section 52 discharge consent request was issued to South Dublin Co. Co. Their response authorises a partial increase in BOD & COD grab sample limits to 2,000 mg/l and 4,000 mg/l respectively (the licensee had sought 3,000 mg/l and 6,000mg/l). In addition, SDCC have limited the volume of effluent to 180 m³/day and 40 m³/hr, compared to the current 200 m³/day and 50 m³/hr, and have set limits for Benzene, Ethyl Benzene, Nickel, Chromium, Arsenic & Lead in the effluent discharge. Monthly monitoring of all parameters is required. All conditions of SDCC's discharge consent have been included in the RD, with the exception of the following: "*Best Available Technology for the sector shall be used to treat and manage the trade effluent*". The Agency considers that the facility satisfies BAT, as confirmed under the *Best Available Techniques (BAT)* section of this report.

6.3 Storm Water Runoff

Surface water run-off from all external hardstand areas and from the roofs of the facility buildings is discharged to the River Griffeen at one location (SW3) on the northern site boundary. All surface water passes through a grit trap, oil interceptor and surface water attenuation tank (600,000 litre capacity) before discharge to the river at a controlled flow rate, not exceeding 6 litres/second/hectare (planning permission requirement). There will be no change to the surface water drainage network as a result of the licence review.

Firewater Retention

There is an existing firewater retention tank installed on the site. In the event of a fire, a diversion valve on the site's surface water drainage network allows for the diversion of any contaminated firewater to this tank and not to the storm water attenuation tank. Condition 3.16 of the RD requires the licensee to have regard to the guidelines issued by the Agency with regard to firewater retention.

6.4 Emissions to ground/groundwater:

There are no licensed emissions to ground/groundwater from the facility. The licensee currently undertakes groundwater monitoring at 3 locations, 1 upgradient and 2 downgradient of the site. Monitoring results have shown an increase in concentrations of a number of parameters including pH, conductivity, chloride, sulphate, potassium, sodium, and various metals. In April 2007, the OEE requested that the licensee engage a suitably qualified person

to carry out a review of groundwater monitoring, including a re-assessment of flow direction, sampling methods and the need for additional boreholes. A report on this investigation is due to be submitted shortly to OEE.

The RD maintains the existing groundwater monitoring regime. Condition 6.18 requires a review of the licensee's groundwater monitoring (as per OEE correspondence dated 25/04/07), with a report to be submitted to the Agency within three months of the date of grant of licence. Any recommendations arising from the report or reports on groundwater investigations must be implemented within such a period and in a manner to be agreed with the Agency.

6.5 Wastes Generated:

There will be no change in wastes generated at the facility as a result of the licence review.

6.6 Noise:

The licence review will not give rise to any change in infrastructure or processing at the facility and therefore no anticipated change in noise emissions.

7. ENVIRONMENTAL LIABILITIES RISK ASSESSMENT (ELRA)

An ELRA for the facility was completed in June 2005. The main potential sources of contamination/hazards at the facility were identified as foul water from the vehicle wash, on-site spillages and contaminated firewater. The risks assessed were fire, explosion and spillage. Condition 12 of the RD requires the ELRA to be reviewed as necessary to reflect any significant changes on site, and in any case every three years following initial agreement.

8. WASTE MANAGEMENT PLAN

This facility is identified as a licensed hazardous waste facility in the Dublin Waste Management Plan 2005-2010. In 2003, a total of 179,416 tonnes of contaminated soil was produced in the Dublin Region, compared to only 16,000 tonnes in 1998. The majority of contaminated soil in 2003 was produced in the Dublin City Council functional area, and almost 70% of this was generated by brownfield regeneration projects. Due to the nature of the material and the cost of remediation, it is difficult to manage within Ireland and specialised treatment is required abroad. In addition it is difficult, year-on-year, to predict with any degree of accuracy the likely tonnages of this waste stream given that it is development generated.

9. ENVIRONMENTAL IMPACT STATEMENT

I have examined and assessed the EIS and having regard to the statutory responsibilities of the EPA, I am satisfied that it complies with Article 94 and Schedule 6 of the Planning and Development Regulations, 2001 (S.I. No. 600 of 2001) and Waste Management (Licensing) Regulations, 2004 (S.I. No. 395 of 2004).

10. BEST AVAILABLE TECHNIQUES (BAT)

I have examined and assessed the application documentation and I am satisfied that the site, technologies and techniques specified in the application and as confirmed, modified or specified in the attached Recommended Decision comply with the requirements and principles of BAT. I consider the technologies and techniques as described in the application, in this report, and in the RD, to be the most effective in achieving a high general level of protection of the environment having regard to the way the facility is located, designed, built, managed, maintained, operated and decommissioned.

11. COMPLIANCE WITH EU DIRECTIVES

IPPC Directive (96/61/EC)

This facility falls within the scope of Annex I of Council Directive 96/61/EC concerning Integrated Pollution Prevention and Control, under category 5.1 *'Installations for the disposal or recovery of hazardous waste as defined in the list referred to in Article 1(4) of Directive 91/689/EEC, as defined in Annexes IIA and IIB (operations R1, R5, R6, R8 and R9) to Directive 75/442/EEC and in Council Directive 75/439/EEC of 16 June 1975 on the disposal of waste oils (2), with a capacity exceeding 10 tonnes per day'*.

The Recommended Decision, as drafted, takes account of the requirements of the Directive, which was transposed into Irish law by the Protection of the Environment Act 2003. In particular, Condition 7 provides conditions dealing with water, energy and raw materials use, reduction and efficiency on-site. Condition 9 addresses accident prevention and emergency response, and Condition 10 deals with decommissioning management.

Solvents Directive (1999/13/EC)

The licensee has quantified solvent usage in the reconditioning of waste drums at the facility as 1.8 tonnes per annum. This quantity is below the 5 tonne threshold set for activity 8 *'other coating including metal, plastic, textile, fabric, film and paper coating'* of Schedule 2 of the Solvents Regulations (S.I. No. 543 of 2002), therefore the licensee is not required to meet the requirements of these Regulations. The Solvents Regulations limits and requirements are specified in the existing licence, as the annual solvent usage had not previously been determined. Given that the facility has been operational since December 2004, it is now clear that annual solvent usage at the facility is less than 5 tonnes, therefore the relevant controls are removed from the RD. *Schedule A.3* specifies that the quantity of organic solvents used at the facility shall not exceed 5 tonnes per annum.

Environmental Liability Directive 2004/35/EC

Condition 10 makes provision for the proper closure of the site following cessation of the activity, ensuring protection of the environment.

Water Framework Directive 2000/60/EC

The only discharge to receiving waters from this facility is uncontaminated surface water runoff which discharges to the Griffeen River via a silt trap, oil interceptor and surface water attenuation tank.

Habitats Directive (92/43/EC) & Birds Directive (79/409/EEC)

This site is located in an industrial estate. There will be no impact on any designated sites as a result of the licence review.

12. COMPLIANCE RECORD

The compliance record at this facility has been generally satisfactory, however a number of non-compliances have been noted since licence W0192-01 was issued, most notably the exceedence of the maximum annual waste quantity in 2006 and exceedences of ELVs for air, dust & trade effluent. Issues relating to the waste tonnage exceedence have been dealt with by OEE, and this licence review application seeks an increase in annual waste throughput at the facility.

Since September 2006, the Agency has received 3 odour complaints relating to this facility from John Paul Construction Ltd, the occupiers of the site located to the north of the facility. The licensee is in communication with the parties concerned and is working to minimise fugitive emissions. OEE carried out odour inspections in November 2006, and more recently on 9th October 2007, during which a faint sweet chemical odour was detected off site, downwind of the facility, and was confirmed by the OEE Inspectors to be consistent with the characteristics of the odour detected on-site. The odour was not considered to be at nuisance

levels off site at the time of the assessment, however the licensee was reminded of the requirement to ensure that activities on-site be carried out in a manner such that emissions do not result in an impairment of, or interference with the environment beyond the facility boundary. Condition 6.26 of the RD requires an odour assessment to be conducted, to include recommendations for further odour control/abatement measures at the facility.

13. FIT & PROPER PERSON ASSESSMENT

The legal, technical and financial standing of the applicant qualifies them to be considered Fit and Proper Persons.

14. RECOMMENDED DECISION (RD)

In preparing this report and the RD, I have consulted with Agency technical and sectoral advisor Dr. Jonathan Derham and with the Enforcement Inspector for the facility, Donal Howley. Overall, the RD maintains the same operational controls and monitoring requirements as the existing licence, W0192-01. *Schedule A* specifies revised limits on waste quantities, and *Schedule B* sets revised ELVs for discharges to air and water. The requirement to carry out biological monitoring of the River Griffeen has been removed from the RD, on the basis that the only discharge to receiving waters from this facility is uncontaminated surface water run-off (*Schedule B.4* sets surface water discharge limits for mineral oils and suspended solids at emission point SW3, i.e. after the run-off has passed through the Class I interceptor). The RD also reflects the licence format changes that have occurred since licence W0192-01 was issued.

I am satisfied that the conditions set out in the RD will adequately address all emissions from the facility and will ensure that the carrying on of the activities in accordance with the conditions will not cause environmental pollution.

15. SUBMISSIONS

No submissions were received in relation to this licence review application.

16. CHARGES

The invoiced financial charge for 2007 was €15,409. The charge proposed in the RD is €18,339, which has been calculated based on the enforcement effort required for the facility. This charge takes account of the additional OEE resources required to examine the odour assessment report and the hydrogeological investigation of the site.

17. RECOMMENDATION

I have considered all the documentation submitted in relation to this application and recommend that the Agency grant a revised licence subject to the conditions set out in the attached RD and for the reasons as drafted.

Signed

Aoife Loughnane

Office of Climate, Licensing & Resource Use

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.