

This Report has been cleared for submission to the Board by acting Programme Manager Jonathan Derham
 Signed: Date: 23/9/08



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

INSPECTORS REPORT ON A LICENCE APPLICATION

To:	Directors
From:	Donal Grant - ENVIRONMENTAL LICENSING PROGRAMME
Date:	23/09/08
RE:	APPLICATION FOR A WASTE LICENCE REVIEW FROM NURENDALE LTD. (T/A PANDA WASTE SERVICES), RATHDRINAGH, BEUPARC, NAVAN, CO. MEATH, LICENCE REGISTER NO. W0140-02

Application Details	
Type of facility:	Non-Hazardous Materials Recovery Facility
Class(es) of Activity (P = principal activity):	3 rd Schedule: 11, 12, 13 4 th Schedule: 2, 3, 4(P), 11, 13
Quantity of waste managed per annum:	165,000tpa currently, 250,000tpa applied for
Classes of Waste:	Dry recyclable non-hazardous household, commercial & industrial wastes.
Location of facility:	Rathdrinagh, Beuparc, Navan, Co. Meath
Licence application received:	01-May-2007
Third Party submissions:	Four
EIS Required:	No
Article 14 Notices sent:	26-July-2007, 15-April-2008
Article 14 compliance date:	01-Oct-2007, 13-May-2008, 15-Aug-2008
Site Inspection:	01-June-2007

1. Facility

The existing licence for the Panda Waste facility was granted in April 2005 and provided for an extension of the licensee's waste acceptance limits from 24,000tpa to 165,000tpa. The facility is a non-hazardous waste materials recycling and transfer

operation and has expanded rapidly since being granted its first licence in July 2002. The current infrastructure includes a reception and administration building, two large waste acceptance and handling buildings and a large waste processing yard including a timber shredding area. The licensee also owns an area of land (approx. 1.7 ha) to the rear of the existing facility and it is this land which will be developed as part of the proposed licence review. The applicant proposes to construct a new waste processing building which is intended to cater for the treatment of dry recyclable waste and non-hazardous WEEE, and a constructed wetland (reed bed) system for the treatment of site surface water. Apart from the increase in waste quantities accepted, the applicant is also requesting a number of changes to their existing licence as part of this licence review. The applicant proposes to alter the site boundary to take in the proposed new building and reed bed system and to relocate a dust monitoring location (DS3) from its current location to a new location at a point on the extended site boundary. They also wish to alter the licence to allow them to agree changes to their hours of waste acceptance with an OEE officer in the future, rather than be tied to hours set in the licence. Having consulted with the OEE officer assigned to this facility, this request was refused and the hours of operation specified in the existing licence have been retained in the recommended decision. This refusal was based on the close proximity of a number of local residents to the site and historical complaints relating to out of hours traffic to and from the site.

2. Operational Description

The main processes at the facility include the treatment and handling of household, commercial & industrial (C&I), construction & demolition (C&D) and compostable waste. These processes are currently undertaken in the two existing waste processing buildings (Building 1 & Building 2), the timber shredding area and in the two enclosed composting tunnels. WEEE is not currently accepted at the site however the applicant anticipates accepting and treating non-hazardous WEEE in the proposed new waste processing building. The WEEE will be accepted on site in the Commercial & Industrial waste category so no change to the waste categories accepted on site are proposed.

Table 1: Proposed Waste Categories and Quantities

Waste Types	Maximum Tonnes per annum (tpa)
Household	35,000
Commercial & Industrial	75,000
Construction & Demolition	120,000
Compostable	20,000
Total	250,000

Building 1 is used for all domestic, commercial and industrial mixed waste and dry recyclables. Source segregated dry recyclables are compacted and sent for recovery. The mixed waste is mechanically treated using a shredder, trommel and magnet to separate out the ferrous and organic fines waste fractions, the latter is then sent to the on-site in-vessel composting system. Non-recyclable residual waste is sent to landfill.

Building 2 is used to segregate the C&D waste using a shredder, trommel, wind blower, magnet, ballistic separator and a picking line for ferrous metals, rubber, etc.

The applicant expects the percentage of dry recyclables in the overall MSW and C&I waste streams to increase significantly in the coming years and propose to handle all dry recyclable waste processing in a proposed new building (Building 3), allowing Building 1 to be used exclusively for the treatment of the mixed waste from the domestic and commercial & industrial collections.

3. Use of Resources

Diesel and gas oil are the two primary fuels used on site and account for 96% of the site energy consumption. They are used to run the fleet of road trucks and yard machinery and the volumes consumed are expected to increase with the proposed increases in waste acceptance and treatment.

The site used 782 MW/hr of electricity in 2006 and this too is expected to rise when the waste quantities increase.

The applicant intends to use roof water from one of the process buildings in its dust suppression system and the office and sanitary facilities will use water from the mains.

4. Emissions

4.1 Air:

The biofilter is the only actual or proposed point source emission to atmosphere from this facility, with the main emissions being fugitive dust and odours. The primary sources of dust emissions are vehicle movement during dry periods and the timber shredding operation, which is conducted outdoors at present. Dust monitoring is carried out at four different locations around the site (D1 – D4). Monitoring results from 2005 and 2006 indicate that dust emissions at D1, D2 & D4 are not above the emission limit values set out in Schedule B.4 of the existing licence. Monitoring at D3 has shown that dust deposition levels at that point regularly breach the emission limit value and the applicant wishes to relocate the monitoring point to the southern boundary of the site. At present D3 is not located at the boundary of the site and is close to Building 1. It is also only 30 metres from the timber shredding operations and the applicant believes it is not representative of dust deposition levels beyond the site boundary. The proposal to relocate the dust monitoring point is granted by the Agency under condition 6.15.1 of the RD, however it shall be relocated to the eastern boundary of the site in order to remain upwind of any dust generated in the main yard. The basis for moving the dust monitoring location to the site boundary is taken from the rationale articulated in a judgement made in the *Environmental Protection Agency v Greenstar Recycling (Munster) Limited* case in 2006 in relation to odours from a facility. In that case the judge concluded that compliance with a condition requiring that 'odours do not give rise to nuisance at the facility' is impossible and a licensee should only be required to ensure that nuisance does not arise beyond the site boundary as a result of their operations. In relation to the Panda Waste facility the nuisance may be caused by dust rather than odour but the principle remains the same and thus the dust monitoring point shall be moved to the site boundary to ensure compliance.

Condition 8.6 of the RD requires the applicant to conduct all timber shredding operations indoors and this will greatly reduce the dust generated on site, particularly

in close proximity to D3. This requirement was also contained within their existing licence and the applicant has so far failed to move the timber shredding operations indoors. As the site boundary is to be extended to the south, the Recommended Decision (RD) also requires the provision of an additional dust monitoring point (D5) to be located at the new southern boundary under condition 6.15.2 of the RD.

Dust abatement measures currently being employed at the site include damping down the hardstanding areas around the site and the timber shredding area. This will continue under condition 6.13.2 however the requirement to dampen dust should be reduced once the timber shredding operations are housed indoors.

4.2 Emissions to Sewer

There will be no emissions to sewer from this facility.

4.3 Process Wastewater

Condition 3.13 of the existing licence requires all process wastewater (floor washdown and vehicle wash water) to be directed to a bunded storage tank for holding prior to disposal off-site in a Local Authority WWTP. This protocol is maintained in the RD and the requirement to collect all process waste water and treat it off-site is retained as condition 3.14 of the RD. The existing 13m³ wastewater holding tank will be sufficient to handle all waste water arising on site as the proposed development works at the site are expected to result in a reduction in the generation of process wastewater.

4.4 Storm Water Runoff

At present all surface water arising on site is diverted through a silt trap and interceptor before discharging to a small stream at the southern boundary of the site. Schedule C.2.2 of the existing licence provides for the regular monitoring of this discharge by the licensee. The licensee proposes to build a constructed wetland (reed bed) system on the site to provide additional treatment to the storm water before it discharges at SW1. All surface water falling on the site will be diverted via silt traps and an oil interceptor to the constructed wetland upon its completion, with the exception of roof water from the proposed new waste processing building (Building 3). All roof water from Building 3 will be diverted to an underground storage tank for reuse as a dust suppressant in the processing buildings and in the waste handling yard. Until Building 3 and the constructed wetland are completed, all surface water will continue to discharge to the stream at SW1. Once the constructed wetland is completed and commissioned it shall discharge to the same stream as the existing surface water discharge point (SW1). The location of the SW1 monitoring point will have to be moved at this time. The applicant has confirmed that no process wastewater will be diverted to the wetland system at any time.

4.5 Emissions to ground/groundwater:

All sanitary waste discharges via a Biocycle Unit and percolation area. The RD requires the maintenance and monitoring of this unit, as well as regular desludging.

4.6 Wastes Generated:

Wastes produced on site will include general office and canteen waste and sludge from interceptors. The quantities produced are not expected to rise substantially after the proposed expansion of operations.

4.7 Noise:

The primary sources of noise at the facility arise from the traffic on site and the operation of plant and machinery. Annex 1 to this report contains a map showing the proximity of the site to local residences. The applicant proposed to enclose the timber shredder by the end of 2007, which will mean that all site plant will be housed indoors, thus reducing the potential for noise emissions beyond the site boundary. However, as of April 2008, this had not yet been enclosed and is included as a requirement under condition 6.17.3 of the RD.

A number of complaints have been received by the Agency regarding noise associated with activities at the facility. The majority of these relate to a service garage operated by the licensee, however this is adjacent to the site and is not inside the licensed facility boundary. Noise monitoring at the facility is conducted quarterly at four boundary locations and the results of the monitoring for 2006 showed that the ELVs for noise were not exceeded at the facility. As the site is located beside the N2 national road the monitoring results are dominated by background noise from the road traffic. The RD retains the noise monitoring programme required under the existing licence.

As can be seen in the map in Annex 1, all of the nearest noise sensitive receptors are located to the north of the facility. The boundary extension to the south of the facility and the location of the new waste processing building in that southern extension, should also reduce the potential for nuisance from noise, dust and odours to local residents as the site is to be extended away from all sensitive receptors.

4.8 Nuisance:

The organic fraction of the waste accepted at the facility would be attractive to both birds and vermin, however the fact that all waste is handled indoors means that neither are attracted to the site. An external contractor is employed to control vermin at the site.

The RD includes standard conditions for the control and management of vermin, litter, odour and dust nuisance. The boundary extension to the south of the facility should also reduce the potential for nuisance from dust, odours and noise to local residents as the site is to be extended away from all sensitive receptors.

5. Restoration

The site has been licensed since 2002 and has expanded its operations continuously since then. The decommissioning and restoration of the site is not expected to occur in the near future. Standard conditions regarding closure of the facility have been included in Condition 10 of the RD.

6. Cultural Heritage, Habitats & Protected Species

There are no protected habitats, areas or species affected by the proposed expansion in activities at this site.

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

In the North East Region Waste Management Plan, endorsed by Meath County Council in 2006, it is stated that additional capacity will be required in the region to accommodate increased quantities of source-separated waste, with particular reference to material recovery facilities and waste transfer stations. It also states that *'there remains a lack of development [in the North East Region] in treating key waste fractions such as biodegradable waste and construction and demolition waste, which needs to be addressed if the Regional target is to be achieved'*.

8. Environmental Impact Statement

The Agency received a letter from the local authority confirming that an EIS was not required as part of the planning process. The Agency received an EIS in 2005 as part of the previous licence review (W0140-02). This EIS documentation was included in consideration for this current review application.

9. 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 - as may be relevant - to the way the facility is located, designed, built, managed, maintained, operated and decommissioned.

10. Compliance with Directives/Regulations

The proposed operation is compliant with all relevant EU waste and environmental laws.

11. Compliance Record

The OEE officer assigned to this facility has received several complaints from residents in the vicinity of the facility since 2005. The majority of these relate to noise and dust from the site and vehicular movement to/from the site outside of its licensed hours of operation. The opinions of the OEE officer have been included in consideration of this application.

12. Fit & Proper Person Assessment

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

13. Recommended Decision

The RD sets increased limits for waste acceptance at the facility however it prohibits the applicant from accepting the increased quantities of waste until such time as all appropriate infrastructure has been installed, which will allow for the processing of all waste indoors. 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.

14. Submissions

There were four submission made in relation to this application.

14.1 Submission from Mr Sean Wall, Dublin Rd., Rathdrinagh, Beauparc, Navan, Co. Meath:

Mr. Wall makes his objection to the granting of a revised waste licence on behalf of nine local residents. The residents previously objected to Meath County Council during the planning application phase of the project and are objecting to the Agency on the same grounds. They state that *'further development of this facility causes huge concern to the local residents...,we believe a facility of this nature should be positioned in a non-residential area with amenities and services to enable secure and rigorous processing of such material'*. They also state that the following issues will arise as a result of expansion at the facility:

1. Increased odour emissions
2. Increased numbers of vermin and insects
3. Increased volumes of traffic
4. Increased noise levels – traffic and plant operations
5. Environmental impact
6. Impact on wildlife
7. Impact on local dairy animals
8. Proximity to shop
9. Unknown health risks to local residents
10. Negative effect on the value of local residential properties.

Comment:

In relation to the issues raised by the applicant, a number of these concerns are addressed by conditions in the Recommended Decision while the remaining concerns are beyond the remit of the Agency and should be directed to the relevant local authority.

1. Increased odour emissions: the only potential source of emissions onsite is from the mixed waste handled in Building 1 and the biofilter. The odour control measures in the building are considered BAT and the biofilter, if operated in accordance with Schedule C.1.1, should not cause any odours beyond the site boundary.

2. Increased numbers of vermin and insects: Condition 5.8 requires the applicant to control all vermin and insects that may be attracted to the site. A vermin control procedure is currently in place at the site and although the waste acceptance limit will increase, all waste will still be handled in vermin controlled buildings.
3. Increased volumes of traffic: This is a matter for the Planning Authority and would have been addressed during consideration of the application for planning permission.
4. Increased noise levels – traffic and plant operations: Again the Planning Authority is responsible for controlling the volume of road traffic associated with works at the facility. The Agency can only enforce noise emanating from within the site boundary and Schedule B.4 of the RD sets emission limit values for noise levels at the nearest sensitive receptor.
5. Environmental impact, impact on wildlife, impact on local dairy animals: If the facility is operated under the conditions of the RD it will have no significant impact on the surrounding environment, including any wild-life or domestic animals.
6. Proximity to shop, negative effect on the value of local residential properties: These are both issues for the Planning Authority and are beyond the remit of the Agency.
7. Unknown health risks to local residents: Ms. Ciara O’Murcú, an Environmental Health Officer with the Health Service Executive made a submission on this application (see below) and stated that she had no objections to the proposed development subject to a number of conditions, which are dealt with below.

14.2 Submissions were received from Mr. Terry Kearns and Mr. Gerard Lynch.

Both of their objections raised the same concerns and these concerns shall be outlined individually below:

1. Hours of operation – both submissions claim that plant and machinery are operating at the facility outside of their licensed hours of operation.
2. Odours emanating from the facility – if the facility is operated in accordance with the conditions of its existing licence then odours should not be detectable outside the site boundary.
3. Large volumes of dust being deposited outside the site boundary – Mr. Lynch claims that the levels of dust being produced at the site is having a detrimental effect on the health of his dairy cows.

All of these concerns have been forwarded to the Office of Environmental Enforcement as they relate to the existing licence, W0140-02. The provisions of the RD addresses these concerns and should help to minimise these issues in the future.

14.3 Submission from Ms. Ciara O’Murcú, an Environmental Health Officer with the Health Service Executive.

Ms. O’Murcú stated that she, on behalf of the Health Service Executive, had no objections to the licence review subject to a number of conditions. The thirteen conditions she cited are all covered under conditions of the RD.


15. Charges

The Agency charge for the facility in 2008 was €14,760. No changes have been made to the manner in which charges are levied in 2008 so the RD requests the licensee pay an annual charge of €14,760 to the Agency.

16. Recommendation

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

Signed



Donal Grant, Inspector

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 1996-2008.

Annex 1: Location of site (outlined in red) in proximity to local residents

