

**This Report has been cleared
for submission to the Board by
the Programme Manager F Clinton
Signed: *F Clinton* Date: *5/2/09*.**

**OFFICE OF
LICENSING &
GUIDANCE**



**REPORT OF THE TECHNICAL COMMITTEE ON
OBJECTIONS TO LICENCE CONDITIONS**

TO:	Directors
FROM:	Technical Committee - LICENSING UNIT
DATE:	5 th March 2009
RE:	Objection to Proposed Decision (PD) for Nurendale Ltd (T/A Panda Waste Services Ltd), Waste Reg: W0140-03 located at Rathdrinagh, Navan, Co. Meath.

Application Details	
Class(s) of activity (P = Principal Activity):	Third Schedule: Classes 11, 12 & 13 Fourth Schedule: Classes 2, 3, 4(P), 11 & 13
Location of activity:	Rathdrinagh, Navan, Co. Meath.
Licence application received:	1 st May 2007
PD issued:	23 rd October 2008
First party objection received:	None
Third Party Objection received:	Two objections received 19 th November 2008
Submission on Objections received:	One submission received 18 th December 2008

Company

Nurendale Ltd, (T/A Panda Waste Services Ltd) operates a non-hazardous waste materials recycling and transfer facility. The licensee is currently licensed to accept 165,000 tonnes, which was previously increased from 24,000 tonnes.

This review application (W0140-03) relates to the proposed extension of the existing facility including the following:

- An increase in annual waste intake from 165,000tpa to 250,000tpa.
- To alter the site boundary to take in a proposed new building and reed bed system.
- To relocate a dust monitoring location (DS3).
- To be allowed to agree changes to hours of waste acceptance with an OEE officer.

The facility in the Proposed Decision (PD) as drafted will be permitted to accept 250,000 tonnes of waste, to include household, commercial & industrial, construction & demolition and compostable wastes.

Four submissions were received in relation to the application and these have been taken into consideration for the PD. Two Third Party Objections have been received on the Proposed Decision, one of which included a request for the Agency to hold an Oral Hearing.

Under the Waste Management Acts, 1996-2008 the Agency has an absolute discretion to hold an oral hearing in relation to an objection. On the 9th December 2008, the Board of the Agency decided that an Oral Hearing of the objection from the 3rd party was not required, and that the objection could be fully and adequately considered and assessed by a technical committee.

Consideration of the Objections

The Technical Committee, comprising of Suzanne Wylde (Chair) and Caroline Kelly has considered all of the issues raised in the Objections and this report details the Committee's comments and recommendations following the examination of the objections together with discussions with the Inspector, Donal Grant, who also provided comments on the points raised.

This report considers the two third party objections received from:

- (A) Mr Terry Kearns, Rathdrinagh, Beauparc, Navan, Co. Meath.
- (B) Mr Gerry Lynch, Rathdrinagh, Beauparc, Navan, Co. Meath.

One submission on the objection was received from the licensee on these objections.

Third Party Objections

Messers Kearns and Lynch both object to the granting of the Proposed Decision (PD) on the issues considered below. The objections are in italics and have been paraphrased due to their lengthy nature. None of the conditions raised were specific to any of the conditions in the licence.

Both parties objecting to the PD are local residents who also made submissions during the application phase. Their concerns were addressed in the PD issued and were also forwarded to the Office of Environmental Enforcement as they related to the existing licence W0140-02.

A.1 Increased Capacity

"The proposed decision to review the existing waste licence extending the physical footprint and operational capacity is pushing the boundaries of acceptability.facility is already a development that is more suited to an industrial zone.....An allowance in the tonnage increase will reflect in an increase of all current environmental and social nuisances to us and all residents who live in the immediacy of the facility."

Submission on objection:

The licensee made a submission on the objections. The submission addressed the claims of environmental nuisance associated with noise, odours and dusts and a risk

to groundwater. The licensee stated in the submission that "...current operations, or future activities authorised under the Licence..." would not be "...a cause of significant nuisance or environmental pollution."

Technical Committee's Evaluation:

In order for the EPA to grant a licence, or review a licence in this case, it must be satisfied that the activities at the facility will not cause environmental pollution. This is also one of the basic requirements for selecting a suitable location for a waste transfer facility, as per the "Draft BAT Guidance Notes for the Waste Sector: Transfer Activities". The Agency is satisfied in this case, that when the facility is operated in adherence to the conditions set out in the PD, it will not cause environmental pollution.

Condition 1.3 of the PD states:

Activities at this facility shall be limited as set out in Schedule A: Limitations of this licence. Until such time as all appropriate infrastructure expressly identified in this licence has been installed to the satisfaction of the Agency, annual waste intake shall be limited to 165,000 tonnes per annum. Subject to agreement with the Agency, the licensee shall be permitted to accept a maximum waste intake of 250,000 tonnes per annum

Therefore, that the applicant is not permitted to increase the operational capacity of the facility until such time as the appropriate works have been carried out at the site to facilitate this work.

Prior to the company being granted its first licence by the Agency in 2002, the site was operated as an unauthorised waste transfer station. The licence conditions granted in that licence and subsequent licences, including the Proposed Decision (W0140-03), have stipulated that the licensee shall manage and operate the facility to ensure that the activities do not cause environmental pollution. The request for an increase in the allowed tonnages accepted at the site have been reflected in the PD, in terms of monitoring required, number of monitoring stations, etc.

The closest noise sensitive receptors and residents are all located to the north, northeast or northwest end of the site (Appendix 1). The proposed expansion to the site boundary is to the south of the site. The expansion proposes to move the waste processing to the southern end of the site, in a new, entirely enclosed building. This proposal is also subject to grant of planning permission. One of the outcomes of relocating the waste processing to the other end of the site would be a reduction in noise, dust and odour nuisance to local residents from the site.

Recommendation: No change

A.2. Odour Generation & Abatement

One objection made reference to the standard of odour abatement in place at the facility:

"The bio-filter odour treatment unit that is currently in use at the site is totally inadequate and is merely a masking agent not a solution to the problem.....This does not fit the Best Available Technology model which is at the basis of much EPA documentation and as such the continued use of this existing bio-filter is unacceptable."

The objection also refers to the "self-regulation" of Panda Waste in terms of the daily odour assessment and the unacceptability of this to the local residents. The objection requested "...assessments be carried out at least weekly by qualified independent observers and that the EPA would survey local residents on a number of occasions per year as to the effectiveness of the abatement plant". The objection also requested that the frequency of the monitoring in *Schedule C.1.1. Control & Monitoring of Emissions to Air* is increased to bi-monthly at least for parameters such as pH, Ammonia and Mercaptans. The objection also called for Hydrogen Sulphide to be included as a monitoring parameter.

Technical Committee's Evaluation:

The BAT note for the composting sector is still at the draft stages and as such there is no BAT for odour management for the composting sector. The biofilter unit at the facility is used to treat odours from the in vessel composting units and not the site in general. All waste is handled indoors in the waste processing building.

As per the Technical Committee's Evaluation in A.1 above, the relocation of the waste handling building to the southern end of the site, away from the closest sensitive receptors will be to their benefit.

The PD also includes a new Condition 3.11.4:

The licensee shall undertake, as required by the Agency, an odour assessment, which shall include as a minimum the identification and quantification of all significant odour sources and an assessment of the suitability and adequacy of the odour abatement system(s) to deal with these emissions. Any recommendations arising from such an odour assessment shall be implemented following agreement with the Agency.

The TC recommends that this condition be amended to require the licensee to carry out an odour assessment within 6 months of the date of grant of the licence, and annually thereafter. Should the odour assessments show that odour management at the facility is adequate to ensure that odour from the site is not a nuisance, beyond the site boundary, then the Agency may choose to review the frequency of the assessments.

Mr Kearns requested, in his objection, that hydrogen sulphide be added as a control parameter in *Schedule C.1.1. Control & Monitoring of Emissions to Air*. If organic material does not get fully aerated, gets compacted, or becomes too wet, the oxygen levels will reduce and anaerobic organisms take over. This can result in the compost producing foul odours as anaerobic bacteria release methane gas and hydrogen sulphide. Hydrogen sulphide is a highly noxious gas that smells like rotten eggs. For this reason the TC recommends that hydrogen sulphide be included as an additional parameter for monitoring in *Schedule C.1.1 Control & Monitoring of Emissions to Air*.

Recommendation:

Amend Condition 3.11.4 to read:

The licensee shall undertake **an odour assessment, within 6 months of the date of grant of licence and annually thereafter, unless otherwise agreed with the Agency. This assessment** shall include, as a minimum, the identification and quantification of all significant odour sources and an assessment of the suitability and adequacy of the odour abatement system(s) to deal with these

emissions. Any recommendations arising from such an odour assessment shall be implemented following agreement with the Agency.

Amend *Schedule C.1.1. Control & Monitoring of Emissions to Air*, as below, to include Hydrogen Sulphide as a monitoring parameter.

Control Parameter	Monitoring	Key Equipment ^{Note 1}
Bed Media		
Odour Assessment ^{Note 2}	Daily	Designated employee (Subjective)
Condition and Depth of biofilter ^{Note 3}	Daily	Designated employee (Visual)
Moisture content	Bi-Annually	Moisture gauge
pH	Bi-Annually	pH probe
Ammonia	Bi-Annually (Inlet & Outlet gas)	Sampling tubes, fresh bed media
Mercaptans	Bi-Annually (Inlet & Outlet gas)	Sampling tubes, fresh bed media
Hydrogen Sulphide	Bi-Annually (Inlet & Outlet gas)	Standard Method
Total viable counts	Annually (Inlet & Outlet gas)	Sampling equipment, fresh bed media
Air Handling		
Flow/Negative Air Pressure	Pressure gauge/flow	Fans/air pumps
<p>Note 1: The licensee shall maintain appropriate access to standby and/or spares to ensure the operation of the abatement system.</p> <p>Note 2: This subjective assessment should be carried out by a staff member immediately upon arriving on site.</p> <p>Note 3: The biofilter shall be examined to ensure that no channelling is evident, and that moisture content is adequate. Watering, turning, restructuring and the addition of supplementary bed materials, or total bed replacement shall be carried out, as required, subject to bed performance.</p>		

A.3 Hours of Operation

Both objectors made reference to the hours of operation and the apparent lack of adherence to the times set out in the licence.

".....some mornings they are working in their yard from 5.00am.....our family is awake during the night....."

"Noise from the operating of waste handling and processing equipment can be heard emanating from the premises as late as 1am on numerous occasions.....We would urge the EPA to direct Panda Waste Services Ltd (under Condition 3.4.2 Facility Security) to install extra CCTV cameras, with digital time-stamping, throughout the facility and that digital recordings from these be inspected regularly to ensure that licensed operational hours are not contravened".

Technical Committee's Evaluation:

The concerns raised in this objection refer to the existing licence and have been passed on to the Office of Environmental Enforcement (OEE). The scope of both the existing licence and the PD includes licensed hours of waste acceptance and hours of operation. Activities at the facility outside of these hours are regarded as a non-compliance with the licence and as such are subject to further action by the OEE.

The TC wishes to point out that the licensee requested, as part of the licence review, to alter the licence to allow them to agree changes to their hours of waste acceptance and hours of operation with an OEE officer in the future. The inspector refused this request on the basis of the close proximity of a number of local residents to the site and the historical complaints relating to hours activity at the site. There are twenty two residences within a 0.5km radius of the site. The majority of these residences are located to the north and south of the site along the main N2 roadway.

Recommendation: No change

A.4 Dust Nuisance

"Dust emanating from the facility is a constant nuisance.....request extra monitoring points be set up to measure dust deposition at sensitive locations in proximity to the facility including at residential dwellings downwind of the prevailing wind direction and that further abatement technologies be employed.....on items of equipment that give rise to this type of nuisance emission."

Technical Committee's Evaluation:

The OEE has received a number of complaints from local residents relating to this facility in the past. A large proportion of these complaints have related to dust emanating from the site. The primary sources of dust emissions from the site are traffic movements during dry weather spells and the timber shredding operations, which are currently being conducted outdoors. Condition 8.6 of the PD states:-

"All waste processing (including timber shredding) shall be carried out inside the waste transfer building, or composting units as may be appropriate."

This condition requires the licensee to move the timber shredding operations indoors and should considerably reduce any dust emanating from the facility.

The PD also includes provision for the relocation of one dust monitoring point (D3) to a location on the site boundary representative of the dust nuisance generated from the main yard. The decision to locate the dust monitoring point (D3) at the eastern boundary of the site was based on rationale in a judgement made in the *Environmental Protection Agency v Greenstar Recycling (Munster) Limited* in 2006, as per the Inspectors Report. The main thrust of the judgement was that the licensee should only be required to ensure that nuisance does not arise beyond the site boundary.

The objection requests that the dust monitoring points be located *"...at residential dwellings downwind of the prevailing wind direction..."* The TC believes that the objection was referring to installing more representative monitoring points and that the choice of words was a misunderstanding, given that the inspectors report makes reference to installing monitoring points *upwind*. Condition 6.15.2 of the PD requires the licensee to provide an additional dust monitoring point, on the southern boundary of the site, upwind of the new waste processing building. In addition to this Condition 6.15.1 requires the licensee to relocate an existing monitoring point to the eastern boundary of the site, where it will better represent any dust nuisance from the facility.

Recommendation: No change

A.3 Litter nuisance

One third party objection states that in addition to the dust nuisance from the facility *"There is also paper, dust and plastic on the grass where the cows are eating. It is very hard to clear the bits of paper off the grass completely."*

Technical Committee's Evaluation:

The issue of litter nuisance from the facility was addressed during the assessment period of this application and was referred to the OEE. Conditions 5.8 and 6.12.1 of the PD both address litter nuisance emanating from the facility and are suitably enforced by the OEE.

Recommendation: No change

A.4 Reed Bed/Constructed Wetland

One of the third party objections objects to the building of a reed-bed/constructed wetland system. The objection considers that the building of a reed bed/constructed wetland at the facility would lead to foul odour emissions and *"would be a breeding ground for vermin and flies"*. The objection continues stating:

"The protection of both ground and surface waters is paramount and this cannot be guaranteed by the either existing or proposed treatment facilities at the Panda Waste site.....It is unacceptable that a point discharge at SW1 of soiled surface water from a waste handling facility is tolerated by the EPA.....Assimilative capacity should be determined.....We would urge that the frequency of monitoring....be greatly increased.....The volume of flow of the receiving stream should be monitored.....as should water quality....."

The objection also mentions that infrastructural requirements of a reed bed for a facility of this size would be more suited to an urban or industrial area, where the discharge could be directed to a public foul and surface water sewer systems.

Technical Committee's Evaluation:

The reed bed/constructed wetland for Panda Waste has been designed to provide attenuation of flows within the stormwater drainage system already in place at the site. It will also provide passive treatment to collected surface water before discharge to the watercourse. The reed bed is being proposed in conjunction with the treatment already in place at the site for storm water and surface water run-off, and should lead to an overall improvement in water quality.

The wetland system will not be used to treat sanitary waste or leachate from the waste processing activities at the facility. These waste streams will continue to be treated by the biocycle system or be tankered off site, respectively. Due to the nature of the material, i.e. stormwater runoff, being treated in the wetland, it should not prove to attract vermin and flies.

An artificial liner will be installed on the base of the wetland cell to provide environmental protection and thereby prevent infiltration to the groundwater system, protecting groundwater. Infiltration will be prevented by installing an artificial liner. It is envisaged that a 2.5mm impermeable liner will be set on quarry dust.

The PD requires the licensee to continue to monitor the stormwater discharge from the facility at the discharge point for a definitive set of parameters. The TC is satisfied with the list of parameters and the frequency of the monitoring for the discharge as set out in *Schedule C.2.2. Monitoring of Emissions to Water*. The requirement in the PD and existing licence for all tanks, drums and containers to be bunded ensures that any trade effluent or contaminants will not enter the stormwater system.

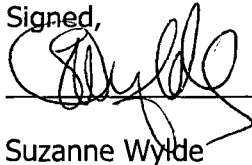
Recommendation: No change

Overall Recommendation

It is recommended that the Board of the Agency grant a licence to the applicant

- (i) for the reasons outlined in the proposed determination and
 - (ii) subject to the conditions and reasons for same in the Proposed Determination,
- and
- (iii) subject to the amendments proposed in this report.

Signed,



Suzanne Wyld

for and on behalf of the Technical Committee

Appendix 1

Map showing the landuse of the area surrounding the facility.
 Site area outlined in red.
 Expansion to site will be to the immediate south of the facility.

