



This report has been cleared by the Programme Manager for submission to the Board/OCLR Director

Signed: Anthony Kelly Dated: 6/5/09

TECHNICAL AMENDMENT REQUEST TO A WASTE LICENCE	
TO:	Director
FROM:	Patrick Byrne/Anne Pearson
DATE:	6 th May 2009
RE:	Technical Amendment Request from Greenstar Materials Recovery Ltd, W0079-01, Unit 41, Cookstown Industrial Estate, Tallaght, Dublin 24.

Summary

This report deals with a technical amendment request, received by the Agency on the 9th March 2009, from Greenstar Materials Recovery Ltd, W0079-01, Unit 41, Cookstown Industrial Estate, Tallaght, Dublin 24. Greenstar Materials Recovery Ltd. requested amendment to four of the conditions of their existing waste licence and proposed the upgrade of the site drainage.

In correspondence to the Agency (OEE and Dr. Jonathan Derham) received 22nd October 2008 the licensee stated that proposed changes to activities carried out on-site would result in a change of the principal activity to that of recycling or reclamation of metals and metal compounds (Class 4 of the Fourth Schedule of the Waste Management Act 1996-2008). The licensee also proposes to accept end of life vehicles which are currently not provided for in the waste licence.

Background

Waste license W0079-01 was granted to National Waste Management Ltd on 24th January 2000. The licence was transferred to Greenstar Materials Recovery Ltd. in 2004.

The facility is licensed to carry out the following activities:

<i>Licensed waste disposal activities, in accordance with the Third Schedule of the Waste Management Act, 1996</i>	
Class 13:	Storage prior to submissions to any activity referred to in a preceding paragraph of this Schedule, other than temporary storage, pending collection, on the premises where the waste concerned is produced.
<i>Licensed waste recovery activities, in accordance with the Fourth Schedule of the Waste Management Act 1996</i>	
Class 3:	Recycling and reclamation of metals and metal compounds.
Class 4:	Recycling and reclamation of inorganic materials.
Class 13:	Storage prior to submissions to any activity referred to in a preceding paragraph of this Schedule, other than temporary storage, pending collection, on the premises where the waste concerned is produced.

The facility is licensed to accept 145,000 tonnes per annum of non-hazardous waste. Of this total annual tonnage, 30% may be commercial and industrial non-hazardous solids and 70% may be construction and demolition waste, see Schedule H of the waste licence.

Waste activities at this facility ceased on 21st April 2006. The Office of Environmental Enforcement received a waste licence surrender application on 1st June 2006. As part of the surrender process, the Agency undertook an exit audit of the facility on 12th September 2007. Following this audit the Agency requested a number of corrective actions be carried out. Surrender of the waste licence was not completed due to changes in the market conditions and Greenstar Materials recovery Ltd. deciding to retain the facility.

Correspondence received on the 22nd October 2008 from the licensee stating the intention to re-commence waste activities, with the processing of ferrous metal being the main activity. The Office of Environmental Enforcement carried out a site inspection on 17th December 2008. Ferrous and non-ferrous waste metal acceptance and processing activities had commenced on-site, with Midland Scrap Metal Co. Ltd. leasing the facility. Waste metals are sourced from construction and demolition sites, industries using metals, individual householders and waste recovery facilities. The Office of Environmental Enforcement issued non-compliances against Conditions 5.4, 5.5, 5.8 and 5.10 as a result of this site inspection. The Office of Environmental Enforcement (OEE) were consulted in relation to the technical amendment request.

Greenstar have requested a technical amendment of their existing licence under section 42B(1) of the Waste Management Acts 1996 to 2008 to accommodate the ferrous and non ferrous metal acceptance and processing and specifically amendment of conditions 5.4, 5.5, 5.8 and 5.10.

Section 42B(1) states:

42B(1) The Agency may amend a waste licence for the purposes of—

- (a) correcting any clerical error therein,*
- (b) facilitating the doing of any thing pursuant to a condition attached to the licence where the doing of that thing may reasonably be regarded as having been contemplated by the terms of the condition or the terms of the licence taken as a whole but which was not expressly provided for in the condition, or*
- (c) otherwise facilitating the operation of the licence and the making of the amendment does not result in the relevant requirements of section 40(4) ceasing to be satisfied.*

Requested Technical Amendment

1. Proposed Amendments to Existing Conditions.

- (i) Greenstar Materials Recovery Ltd. wish to amend Condition 5.4 of the waste licence to remove the requirement for initial off-site characterisation of wastes from unknown customers.

Condition 5.4 states:

Waste must only be accepted at the facility from known customers or new customers subject to initial waste characterisation off-site. The written records of this off-site waste profiling shall be retained by the licensee for all active customers and for a two year period.

- (ii) Greenstar Materials Recovery Ltd. wish to amend Condition 5.5 to require the inspection of all arriving wastes in accordance with procedures agreed with the Agency.

Condition 5.5 states:

Subject to Condition 4.6, waste arriving at the facility shall be weighed, documented and directed to the Transfer Station Building, as shown on Attachment E3 "Waste Handling". The waste shall then be deposited on the floor of the Waste Transfer Building for visual inspection. Only following visual inspection and assessment shall the waste be processed for disposal or recovery.

- (iii) Greenstar Materials Recovery Ltd. wish to amend Condition 5.10 to allow individual householders and commercial enterprises to deliver wastes to the facility.

Condition 5.10 states:

There shall be no casual public access to the facility and scavenging shall not be permitted at the facility.

Consideration 1:

The requested amendments to Conditions 5.4, 5.5 and 5.10 of waste licence W0079-01 cannot be accommodated under Section 42B(1) of the Waste Management acts 1996-2008 as they are beyond what is considered reasonable under the terms of Section 42B(1), the existing waste licence was not granted for the acceptance and processing of ferrous and non ferrous metals.

Acceptance of waste from householders and commercial enterprises at the facility has not been provided for in the existing licence and cannot be accommodated by a technical amendment.

2. External Processing of Ferrous Metals

Greenstar Materials Recovery Ltd. are requesting that Condition 5.8 be amended to allow external processing of metals in yard areas. The licensee states this is necessary due to the size of processing equipment required.

Condition 5.8 states:

Subject to Condition 5.2, no waste shall be placed, or allowed to accumulate outside the Transfer Building other than metals, wood or other dry solid waste in trailers/skips/containers pending removal from the site, unless agreed in advance by the Agency.

Consideration 2:

The Office of Environmental Enforcement noted, following the site inspection on 17th December 2008, that Ferrous metals are being processed and stored outside in the open yard. The OEE noted that the processing of wastes in yard areas and the significant amount of contamination observed in the wastes represented an unacceptable risk to surface waters. The licensee has proposing to upgrade the surface water drainage system and install a Class I interceptor.

Processing of ferrous and non ferrous metals has noise implications which were not considered as part of the waste licence. A noise survey provided by the licensee and conducted on 10th December 2008 contained results of between 58 and 69 dB(A) L_{Aeq} (30 minutes). These results are above the standard emission limit values for noise of 55 dB(A) L_{Aeq} (30 minutes) during the daytime. It is noted in the noise monitoring report that elevated noise levels are associated with a multiple of sources including traffic and emissions from surrounding commercial premises.

The request to amend Condition 5.8 cannot be accommodated under Section 42B(1) of the Waste Management Acts 1996-2008 on the basis that the waste licence does not provide for

the processing of waste in yard areas, the processing of ferrous and non ferrous metals is not provided for in the licence, emission limit values for noise emissions or surface water emissions are not provided for in the waste licence.

3. Principal Activity

The principal activity under the waste licence, Reg W0079-01, is Class 13 of the Third Schedule of the Waste Management Act 1996. The acceptance and processing of ferrous and non-ferrous metals as the main activity on-site would result in a change of principal activity to that of Class 3 of the Fourth Schedule of the Waste Management 1996-2008: *Recycling and reclamation of metals and metal compounds* as acknowledged by the licensee in correspondence received on the 22nd October 2008.

4. Wastes Types and Quantities to be Accepted at the Facility

The licensee proposes to accept the following types and approximate quantities of waste:

- 30,000 tonnes per annum of ferrous metal
- 3,500 tonnes per annum of discarded equipment (wastes from electrical and electronic equipment)
- 1,000 tonnes per annum of non-ferrous metal
- 3,000 tonnes per annum of discarded vehicles and end-of life vehicles
- 3 tonnes of spent catalysts containing gold, silver, rhenium, rhodium, palladium, iridium or platinum
- 10 tonnes of wooden pallets
- 2,000 tonnes of glass waste (from end of life vehicles).

Small quantities of residual fuel, lubricants, brake fluid, antifreeze, batteries and tyres will also be contained in the end-of life vehicles.

The waste licence, under Schedule H, does not identify the acceptance of wastes such as electrical and electronic equipment, discarded vehicles and end-of life vehicles, spent catalysts or glass waste from end of life vehicles.

5. End of life Vehicles

The licensee is proposing to treat end of life vehicles in a de-polluting area currently under construction. No details of this de-polluting area or any proposed environmental mitigation measures are provided in the licensee's correspondence received by the Agency. The proposed activity was not provided for under the existing waste licence.

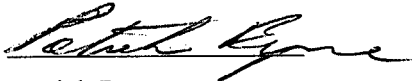
Consideration 3, 4 and 5:

The above changes, proposed by the licensee, were not considered by the Agency when assessing the waste licence. It is considered that the scale and scope of the changes are beyond the scope of a technical amendment. It is considered more appropriate that the licensee apply for a licence review for the changes proposed. It is also noted that the proposed activities may be accommodated under a 'facility permit', Class 4 and Class 12 of the Third Schedule of the Waste Management (Facility Permit and Registration) Regulations 2007 and 2008, subject to the existing waste licence being surrendered.

Recommendation

I recommend that the licensee's technical amendment request be rejected for the reasons identified above under consideration of points 1 - 5.

I recommend that the licensee be advised that a waste licence review is required to accommodate the requested changes on the basis of the scale and scope of the requested change of activities. The licence review application shall specifically address the emissions associated with the proposed activities which were not considered by the Agency prior to granting the existing waste licence.



Patrick Byrne

Licensing Inspector