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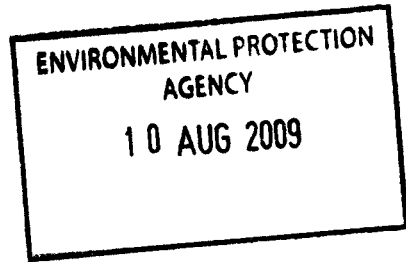
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7th August 2009

Anne Bolger
Environmental Protection Agency
Headquarters
PO Box 3000
Johnstown Castle Estate
Co. Wexford



Re: Notice in Accordance with Article 14(2)(b)(ii) of the Waste Management (Licensing) Regulations

Dear Ms. Bolger,

In response to the request for information regarding the above for Rilta Environmental Ltd- Waste Licence W0192-03 and in addition to the information sent on 5th August 2009, please find enclosed one (1) original plus one (1) copy of additional information in hardcopy format of additional correspondence with the HSA. Please also find enclosed two (2) copies of the requested information in electronic searchable PDF format on CD-ROM.

If you have any queries regarding this report, please contact me at your earliest convenience.

Yours sincerely,

Siobhán Tinnelly
Senior Scientist

Directors: D.A. Downes (Chairman) L.E. Waldron (Managing Director) M.F. Garrick R.F. Tobin J. Collieran B.J. Downes S. Finlay P.J. Fogarty D. Grehan J.P. Kelly B.M. Mulligan B. Murray C. O'Keeffe F. Renkema (Dutch) E.J. Harrigan (Company Secretary)

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RILTA ENVIRONMENTAL Ltd.

Review of Waste Licence 192-03

Response to Request for Additional Information II Environmental Protection Agency (EPA) Article 14(2)(b)(ii)

August 2009

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TOBIN CONSULTING ENGINEERS



REPORT

PROJECT:

Waste Licence Review 192-03
Response to Request for Additional Information II
Environmental Protection Agency (EPA)

CLIENT:

Rilta Environmental Ltd.
Block 402,
Grant's Drive
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DOCUMENT AMENDMENT RECORD

Client:	Rilta Environmental Ltd.
Project:	Waste Licence Review 192-03
Title:	Response to Request for Additional Information II – EPA

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PROJECT NUMBER: 4709				DOCUMENT REF:			
A	Additional Information Response II -EPA	CW	0708/09	MH	0708/09	DG	0708/09
Revision	Description & Rationale	Originated	Date	Checked	Date	Authorised	Date
TOBIN Consulting Engineers							

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APPENDIX

APPENDIX A – Correspondence from the HSA (Part II)

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As requested by the Environmental Protection Agency (EPA), and in accordance with Article 14(2)(b)(ii) of the Waste Management (Licensing) Regulations, Rilta Environmental Ltd. (hereafter referred to as Rilta) have responded to the further information items as follows:

ITEM 4

Indicate if the REACH regulations apply and provide written confirmation of the status of the processed waste oil from the Health and Safety Authority regarding MSDS, REACH and legislation related to the packaging and labelling of products/chemicals.

Response:

While this issue has already been addressed in the original response, Rilta Environmental has received additional information from the H.S.A., which confirms that the REACH regulations do not apply in this case. This added communication explains that the REACH regulations will not apply provided the reprocessing of the waste does not chemically modify the oil. The reprocessing of waste oil in this case will not involve any chemical modification of the oil. As REACH does not apply, neither will the CPL/CLP regulations apply. See appendix A for the full communication from the H.S.A.

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APPENDIX A

Correspondence from the HSA (Part II)

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From: Colin Smith [mailto:colin_smith@hsa.ie] **On Behalf Of** REACH Right
Sent: 06 August 2009 16:20
To: Thompson, Kieran
Subject: REACH Query 8148

Dear Kieran,

You have already received a response from my colleague with regard to the second query you sent in relating to the recovery of waste (RFI 8016), however, as you had sent in an initial query on this matter and I have been on leave, I wanted to send you out a reply detailing the requirements under REACH regarding waste and it's recovery.

Query:

One of our companies deal with hazardous waste.

Some of the hazardous waste we have waste oils which we clean and return into the market . How does Reach apply to this?

""Indicate if the REACH regulations apply and provide written confirmation of the status of the processed waste oil from the Health and Safety Authority regarding MSDS, REACH and legislation related to the packaging and labelling of products/chemicals""

Do the REACH regulations apply?

Hazardous waste is covered by the Waste legislation which is outside the scope of REACH. However, **REACH applies to recovered waste once it ceases to be waste**. Recovery businesses are considered to be manufacturers under REACH, so the manufacturer may have registration obligations if they are recovering substances in quantities > 1 tonne per year.

In specific cases, where a **substance which has already been registered is recovered, an exemption from the registration obligation may apply (Article 2 (7) (d))**. However, if the substance itself is chemically modified in the recovery process, then the recovered substance may have to be registered.

Article 2 (7) (d) states that "*Substances, on their own, in preparations or in articles, which have been registered in accordance with Title II and which are recovered in the Community if:*

- (i) ***the substance that results from the recovery process is the same as the substance that has been registered in accordance with Title II;***

If, the substance has not been registered at manufacturing or import stage, the recovered substance has to be registered following the recovery operation before being put to a new use. If the substance itself was modified in the recovery and the modified substance has not been registered, then the recovered substance has to be registered.

- (ii) ***the information required by Articles 31 or 32 relating to the substance that has been registered in accordance with Title II is available to the establishment undertaking the recovery."***

The legal entity that carries out the recovery must ensure that information on the registered substance is available for it, and that information must comply with the rules on information provision in the supply chain. This means that the legal entity who undertook the recovery must have obtained one of the following:

- a safety data sheet, as required by Article 31 (1) or (3), on the registered substance,
- other information sufficient to enable users to take protection measures, as required by Article 31 (4), for the registered substance, or
- the registration number, if available, the status of the substance under the authorisation part of REACH, details of any applicable restrictions under REACH and information necessary

to allow appropriate risk management measures to be identified and applied, as required in accordance with Article 32 (1).

This exemption under Article 2(7)(d) does not require that the substance has been registered by an actor in the same supply chain.

How do you go about getting a MSDS for a product you produce?

Taking into account the information given above, if REACH applies to your products and a SDS must be prepared for this recovered product, this must be carried out by a competent person. Therefore, if the company does not have the expertise in-house to do this, they must obtain the services of a competent person i.e. a person that has the necessary training, expertise and knowledge in this area. The SDS must be in compliance with Article 31 of REACH and follow the guide as set out in Annex II to the regulation.

What do we have to do with our reprocessed oil to bring it in line with the legislation related to the packaging and labelling of products, if anything?

The product will have to be classified packaged and labelled in accordance with the current CPL/CLP regulations.

If you have any further queries or require additional clarification please contact the REACHright helpdesk.

Kind Regards,

Colin Smith
On Behalf of REACHright.

NEW! Subscribe to REACH/CLP E-Bulletin

The information provided here is given as guidance only based on the REACH Regulation no 1907/2006. This information is not, and is not intended to be, a legal interpretation of the Regulation and does not constitute legal advice. The REACH helpdesk accepts no liability with regard to how this information may be interpreted or used. Interpretation of, and compliance with, the REACH Regulation in relation to specific substances remains the responsibility of those who are manufacturing, importing, distributing or using such substances.

For all queries on REACH and CLP, please contact our helpdesk on 1890 289 389, or email reachright@hsa.ie or clp@hsa.ie