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This report has been cleared for Submission
to the OCLR Director by the Programme Manager
F. Clinton
Signed: Naill Date: 26/11/09

**LICENSING &
RESOURCE USE****LICENSING PROGRAMME MEMORANDUM****TO:** MS. LAURA BURKE, DIRECTOR**CC:** Mr. Frank Clinton**FROM:** Seán O Donoghue**DATE:** 26th November 2009

Greenstar Recycling (Munster) Limited, Glanmire, Co. Cork, request for
a technical amendment of licence Reg. No. W0136-02.

Background

Following discussions with the Office of Environmental Enforcement, the above licensee wrote to the OCLR in February 2009 requesting a technical amendment of its licence. The licensee, Greenstar Recycling (Munster) Limited operates a waste transfer station and recycling facility at Sarsfieldcourt Industrial Estate, Sarsfieldcourt, Glanmire, Co. Cork under EPA licence Reg. No. W0136-02. They are licensed to accept non-hazardous waste (primarily household, commercial and industrial waste) up to a maximum of 99,017 tonnes per annum. Composting of up to 5,000 tonnes per annum of source separated biodegradable waste is also authorised.

The licensee requested a technical amendment of condition 1.10 of its licence relating to Waste Acceptance Hours and Hours of Operation, to extend waste acceptance hours and to operate on a 24 hour/7 day per week basis if necessary. Under the current licence, the hours of waste acceptance are 08:00–18:00 Mon–Fri, and 08:00–14:00 on Sat. The hours of operation are 07:00–20:00 Mon–Fri, and 07:00–15:00 Sat. They are not permitted to operate on Sundays or on Bank Holidays.

The Agency rejected the request in June 2009, primarily on the basis of the likelihood of public interest in the subject of the request, given the large number (78) of submissions received on the original licence application in 2000, and in the context of odour complaints and non-compliances with the licence. The Agency wrote to the licensee in June 2009 to inform it of this decision, and to advise that the request would be more appropriately processed by means of a licence review.

Licensee request

In October 2009 the licensee resubmitted a request for a technical amendment to its licence to increase hours of waste acceptance and operation, and also to reduce from 5 to 1 the number of noise monitoring locations in the licence.

The licensee supplied supporting information, including a noise survey, to support its contention that the extended hours will not impact significantly on the environment. The

licensee also clarified that no submissions or third party objections were received when the licence was reviewed in 2003, and makes several other points of clarification in support of its case. The licensee points out that an adjacent facility which holds a waste permit is permitted to operate on a 24 hour, 7 day basis, and that Greenstar's operation is at a distinct commercial disadvantage in relation to its competitors due to the constraints imposed by this condition.

The licensee also makes reference to technical amendments to licences held by Greenstar (Greenstar Ltd. Millennium Business Park, Reg. No. W0183-01, and Greenstar Material Recovery Ltd., Greenogue, Reg. No. W0188-01), granted in February 2006 and February 2007 respectively. These amendments allowed 24/7 acceptance of waste (in the case of W0183-01) and enabled the Agency to agree changes to the hours of operation and waste acceptance under the terms of the licence (in the case of W0188-01). The licensee has highlighted the similarities in the nature of the three requests and of the circumstances surrounding the requests

Assessment

Section 42B(c) of the Waste Management Acts 1996 to 2008 allows the Agency to make amendments to waste licences ("technical amendments") in order to facilitate the operation of the licence, where the amendment will not result in the requirements of Section 40(4) of the Acts ceasing to be satisfied. The Agency would therefore have to be satisfied that no environmental pollution would be caused by any extension of operating hours permitted by a licence amendment.

The OEE when consulted on this amendment request, have indicated that there are odour nuisance concerns about the facility. The odour impact on the vicinity would have to be assessed by the Agency prior to allowing the requested extension of hours. Such an assessment is more appropriately conducted through the mechanism of a licence review than a technical amendment.

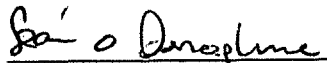
It should also be noted that there have been several odour complaints about the facility received by the Agency in 2009 from members of the public. It is therefore likely that members of the public will have an interest in any extension of waste acceptance and operating hours at the facility. The mechanism for technical amendment of a licence does not make any allowance for the public to make submissions on amendment requests.

With regard to the technical amendments granted to other Greenstar facilities mentioned above, OEE records do not indicate any odour nuisance concerns regarding these facilities at the time of the making of the amendments. OEE records also indicate that no complaints have been received in relation to the Millennium Business Park facility since the licence was issued in 2004. In relation to the Greenogue facility, no complaint has been made other than the single complaint in August 2004, and this matter is addressed in the inspector's memo, which recommended approval of the amendment. This complaint was made within one week of the granting of the licence for the facility. It is clear from this that there is a significantly greater likelihood of public interest in any extension of operating or waste acceptance hours at the Glanmire facility than at these two facilities.

Recommendation

I recommend that the requested licence amendment be refused for the reasons outlined above, and that if the licensee wishes to proceed, they should apply for a licence review. The EPA OEE inspector for the site, Siobhán McDonnell, was consulted in relation to this amendment request.

Signed



Seán O Donoghue

Inspector

Office of Climate, Licensing & Resource Use