

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

Frank Clinton

Signed Na H.

Date 06/05/2010.



OFFICE OF CLIMATE, LICENSING & RESOURCE USE

INSPECTORS REPORT ON A LICENCE APPLICATION

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| TO: | DIRECTORS |
| FROM: | Suzanne Wylde - Licensing Unit |
| DATE: | 6 th May 2010 |
| RE: | Application for a waste Licence from Irish Packaging Recycling Ltd, Beauparc Business Park, Rathdrinagh, Navan, Co. Meath, Licence Register W0263-01 |

Application Details

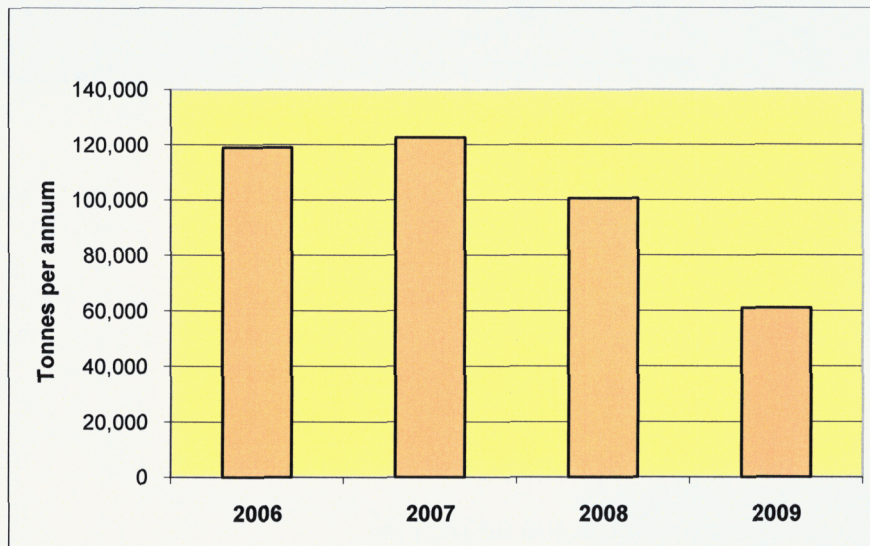
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|--|---|
| Type of facility: | Non-Hazardous Materials Recovery Facility |
| Class(es) of Activity (P = principal activity): | 4 th Schedule: Recycling or reclamation of organic substances which are not used as solvents (including composting and other biological processes) (P). Recycling or reclamation of metals and metal compounds. Recycling or reclamation of other inorganic materials. Storage of waste intended for submission to any activity referred to in a preceding paragraph of this Schedule, other than temporary storage, pending collection, on the premises where such waste is produced. |
| Quantity of waste managed per annum: | 200,000 tonnes |
| Classes of Waste: | Dry recyclable non-hazardous household, commercial & industrial wastes. |
| Location of facility: | Irish Packaging Recycling Ltd, Lower Ballymount Road, Walkinstown, Dublin 12 |
| Licence application received: | 13 th February 2009 |
| Third Party submissions: | One to date |
| First Party submissions: | One to date |
| Article 14 Notices sent: | 28 th May 2009 |
| Article 14 compliance date: | 3 rd September 2009 |
| Site Inspection: | 30 th April 2009 |

1. Facility

Irish Packaging Recycling Ltd, trading as PANDA Waste Services Ltd (PANDA), operates an existing waste transfer station at Lower Ballymount Road, Walkinstown, Co. Dublin. The existing facility operates under a waste permit from South Dublin County Council (WPR 021/2). The recently introduced Waste Management (Facility Permit and Registration) Regulations, 2007 introduced a processing threshold of 50,000 tonnes per year for waste recycling facilities. Facilities that accept more than that are now required to hold a waste licence from the Agency.

The licence application initially requested that Irish Packaging Recycling Ltd (IPRL) be licensed to accept 150,000 tonnes of waste per annum. The applicant subsequently informed the Agency in their response to the request for further information under Article 14 of the Waste Management (Licensing) Regulations (S.I. No. 395 of 2004) that they proposed to accept 200,000 tonnes of waste annually. The licence application is for Classes 2, 3, 4 & 13 of the Fourth Schedule of the Waste Management Acts (1996-2010), i.e., waste recovery activities. Table 1 shows details of the waste tonnages accepted at the facility from 2006 to August 2009.

Figure 1: Graph showing tonnages of waste accepted per annum at Irish Packaging Recycling Ltd (t/a Panda Waste Services) from 2006 to 2009



There is a staff compliment of twenty-six (26) people employed at the facility. The facility is currently permitted to operate from "...06-00 and 03-00hrs, Monday to Sunday, 7 days per week", as per the waste permit issued by South Dublin County Council, i.e., the facility was permitted to operate on a 21-hour day basis. The waste types accepted at the facility include mixed dry recyclables and segregated paper, plastic and cardboard. IPRL also operates a confidential document shredding business at the site. The facility does not accept any waste for disposal.

The location of the facility is on Lower Ballymount Road (Figure 1). The area has been extensively developed for industrial and commercial purposes since the 1960's. The facility is bordered to the north by a green field, to the east and west by commercial and industrial premises and to the south by Lower Ballymount Road and more commercial and industrial premises. A tributary of the River Camac also runs along the northern boundary of the site. The closest residential premises is approximately 200 metres to the east of the site.

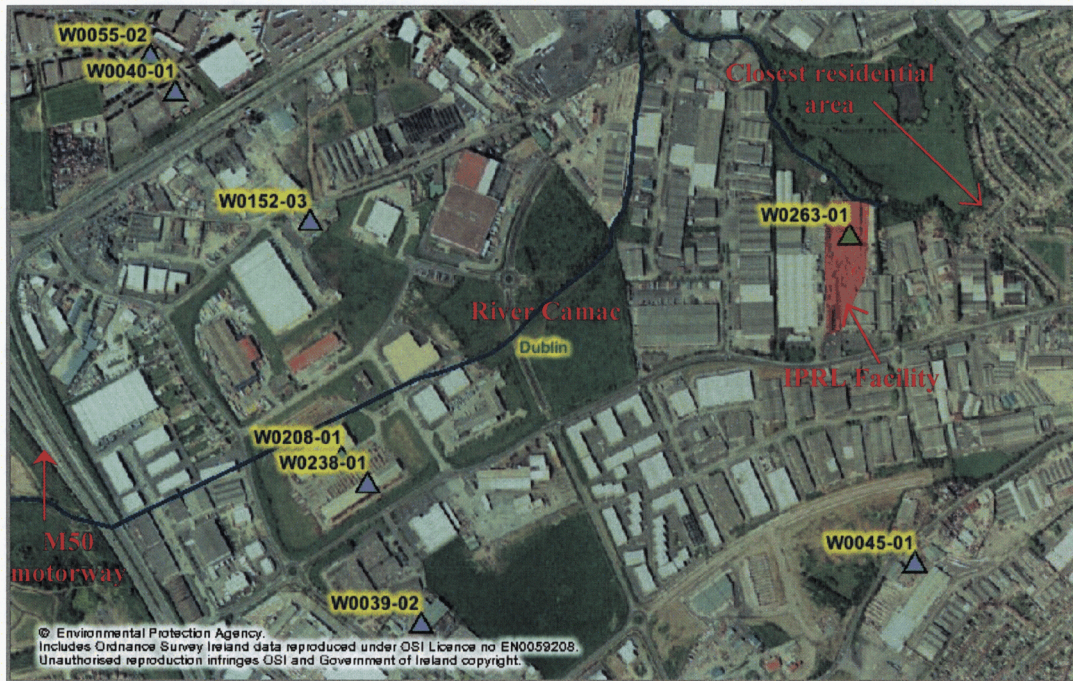


Figure 2 : Aerial Photograph showing Irish Packaging Recycling Facility Ltd and surrounding area.

The original operators of the site, Smurfit Kappa Recycling Ireland, were first issued with a waste permit for the facility in 2000. The facility was subsequently taken over by Irish Packaging Recycling Ltd., PANDA, one of the largest waste management companies operating in the Greater Dublin and surrounding regions, after they acquired the business in 2007. South Dublin County Council (SDCC) issued the current permit in September 2007 to IPRL t/a PANDA.

2. Operational Description

The IPRL facility to date has only accepted recyclable materials and has not intentionally taken non-recyclables. The mixed dry recyclables predominantly come from PANDA's household "green bin" and commercial collection services in the Greater Dublin area. The sources of paper and cardboard include shops, factories, newspaper houses and offices.

Table 1: Total proposed waste acceptance.

| Waste Type | Tonnes |
|---------------------------------------|----------------|
| Mixed Dry Recyclables | 50,000 |
| Segregated Paper, Plastic & Cardboard | 50,000 |
| Mixed Municipal Solid Waste (MSW) | 50,000 |
| Construction & Demolition Waste | 50,000 |
| Total | 200,000 |

Table 1 above shows the breakdown of the proposed waste for the site. The IPRL facility currently accepts both mixed dry recyclables and segregated paper, plastic and cardboard. It proposes to accept mixed municipal solid waste and construction and demolition waste in the future. No waste from the IPRL transfer station will be

sent for landfill, subject to Condition 8.12 of the attached RD. The condition states that no waste shall be sent to landfill from the facility except in exceptional circumstances where there is no value for the items to be sent for recovery. The condition also states that no putrescible waste shall be included in this caveat.

On arrival at the site all delivery vehicles are directed to the facility weighbridge at the entrance to the site. The loads are also inspected at the weighbridge and any loads which are found to contain unsuitable wastes are not accepted. Following acceptance at the weighbridge the delivery vehicles are directed to the Recycling Building for off-loading. Any waste found to be unsuitable following off-loading is returned to the delivery vehicle where possible or stored in the waste quarantine area of the site pending its removal off-site to an appropriate facility.

All waste transfer and processing is, and will continue to be, carried out inside the Recycling Building. Baled dry recyclables (plastic, paper and cardboard) are, at present, stored externally on the open paved areas of the facility.

The mixed recyclables are sorted manually and mechanically into the different waste streams (paper, cardboard, plastic, glass, metal) using a sorting line incorporating a loading hopper, conveyor belt, picking line, ballistic separators and magnets. The paper, cardboard, plastic and metal cans are baled. The glass is collected in a bin.

Mixed municipal solid waste will be delivered to the site primarily in refuse collection lorries and enclosed compactors. MSW may, on occasion, be accepted at the site from skips. MSW accepted at the facility will not receive any pre-treatment at the facility. MSW will simply be unloaded inside the recycling building and reloaded into ejector trailers. The majority of MSW will be transferred off-site on the day it is accepted. It is likely that some MSW will be stored overnight, depending on the time it arrives at the facility and the operational hours of the end destination facilities. The material will be dispatched from the IPRL facility to another Panda waste facility located in Navan, Co. Meath (Nurendale Ltd trading as Panda Waste Services Ltd, Waste licence no. W0140-03) for processing. Condition 8.12 of the RD specifies that the applicant shall not send any waste to landfill.

The Construction & Demolition (C&D) waste will initially be sorted manually and mechanically and, depending on the type (wood, concrete, rubble, soil, tiles) will either be shredded or screened to produce a saleable end product. Some materials may require further processing and will be sent to other recovery facilities suitable for this. All sorting of the C&D waste will be carried out inside the waste transfer building.

As already mentioned that facility was permitted by SDCC to operate from 0600 to 0300, seven days a week. The applicant has requested to operate on a 24-hour basis, seven days a week. The closest residential property is 200m away. There were no submissions on the licence application from residents in these houses in relation to noise or nuisances arising from the operation of the facility, nor has the company or the local authority received any complaints. The facility is located in a dense industrial area, with a number of other facilities operating on a 24-hour basis. Condition 1.8 of the RD allows for 24-hour operation of the site. *Schedule B.4. Noise Emissions* includes noise limits for both day and night times.

3. Use of Resources

- Fuel

Gas oil and road diesel are used to fuel the plant and trucks servicing the facility. Approximately 90,000 litres of road diesel is used by trucks and plant at the facility. Approximately 75,000 litres of gas oil are used solely in plant at the facility.

- Electricity

The site uses 1,199.34 MWhrs of electricity each year.

- Water

Water is supplied to the facility by the public water scheme. Approximately 6,500m³ of water are consumed by the facility on an annual basis.

4. Emissions

4.1 Air

There are no process emissions to air. Due to the nature of the type of facility in question, there is a potential for emissions to atmosphere from the facility to include dust and vehicle exhaust emissions. However, the potential for dust emissions from the facility is minimised by the fact that all waste processing activities with the potential to generate dust (shredding, screening, baling) are carried out internally.

There are exhaust emissions from vehicles arriving and leaving the site. All deliveries to the site are in bulk to minimise site traffic. The majority of the vehicles are diesel fuelled and use AdBlue¹ to reduce nitrogen oxide emissions. A road sweeper will be hired in as required during dry weather periods to sweep the open paved areas.

4.2 Dust & Odour

The facility does not accept any odour forming material and dust is not an issue at the facility, at present. The proposal to accept mixed municipal waste presents the possibility of odour becoming a problem, and construction and demolition waste may present an issue with dust.

The RD as drafted prevents the applicant from accepting any mixed municipal or construction and demolition waste until such time as all appropriate infrastructure has been installed (Condition 1.2). This includes the installation of a dust & odour management system. The system shall at a minimum include dust curtains, or an alternative agreed by the Agency, as well as negative air pressure in the building dealing with putrescible waste (Condition 3.11).

4.3 Emissions to Sewer

The facility does not generate any process wastewater and as such there are no process emissions to sewer. Sanitary effluent is directed to the facility foul drainage system that connects to the municipal foul sewer and is treated in the local authority wastewater treatment plant.

4.4 Emissions to Surface Waters

There are no process emissions to surface waters.

4.5 Storm Water Runoff

Surface water run-off from the paved yard areas and roofs is collected in the surface water drainage system and discharged, via a silt trap, to the stream that runs along the northern site boundary. There is oil interceptor installed at the storm water discharge at present.

¹ AdBlue is the registered trademark for AUS32 (Aqueous Urea Solution 32.5%) and is used in a process called selective catalytic reduction (SCR) to reduce emissions of oxides of nitrogen from the exhaust of diesel vehicles. It is carried onboard SCR-equipped trucks and buses in specially designed tanks and is dosed into the SCR system at a rate equivalent to 3-5% of diesel consumption.

Condition 3.19 of the attached Recommended Decision requires the applicant to ensure that all discharges to surface water pass through an oil interceptor and silt trap prior to discharge.

4.6 Process waste water

The processing building does not have any internal floor drains at present. It is not envisaged that there will be a significant amount of leachate run-off from the waste streams delivered to the facility. The applicant proposes to install a collection drain in the floor along the internal walls of the Recycling Building. This will collect any leachate run-off from the municipal solid waste proposed to be accepted at the facility. This will also collect any leachate run-off that may occur from waste stored in the quarantine area of the building. It is not envisaged that there will be any significant amount of leachate run-off from the municipal solid waste in the Recycling Building. The drain will discharge to an adequately sized storage tank in which the leachate run-off will be stored. Leachate will be stored in the tank until it is removed off site for treatment at a waste water treatment plant. *Schedule D: Specified Engineering Works* of the attached RD requires the applicant to develop the facility to include suitable abatement systems, recycling/recovery, waste handling and processing infrastructure.

Condition 6.19, Operational Controls, requires the applicant to wash down any floor areas which have come into contact with putrescible waste on a daily basis. The applicant shall ensure that all wastewater generated from the washdown process shall be collected for appropriate disposal.

4.7 Emissions to ground/groundwater

There are no direct emissions to ground from the facility. The extensive paved areas are provided with surface water collection drains, and the secondary containment of the oil storage (fuel for onsite vehicles) areas minimises the potential for short term direct or indirect discharges to ground or groundwater in the event of a spill.

4.8 Wastes Generated & Materials Handling

Non-recyclable and canteen waste are currently sent off site for disposal. IPRL operates a source separation system for office and canteen waste. Office paper and packaging waste is recovered on-site. Waste oils generated during plant and vehicle maintenance will be collected and sent to an authorised facility off-site for recovery.

The RD, as drafted, requires the applicant to carry out all waste processing inside the recycling building. All wastes/materials must be stored inside the recycling building, with the exception of wood, metal or masonry materials, which may be stored out in the open yard (Condition 8.1). This may be changed with the prior agreement of the Agency. Indoor storage of materials for recovery will help to ensure the recyclability of the materials and thereby assist the applicant in reaching the recycling and recovery targets (Condition 2.2. Environmental Management System). The applicant will be required to report to the Agency on an annual basis on the achievement of the waste recovery targets.

4.9 Noise

The noise sources on site include waste transport vehicles, forklifts and the equipment used to sort and recover the waste, all of which are and will be housed inside the building. No complaints have been received by the company in relation to noise emissions from the facility. *Schedule C.4 Noise Monitoring* of the attached RD requires noise levels from the facility be monitored on an annual basis.

4.10 Nuisance

Due to the inert and odourless nature of the waste that has been accepted at the facility to date, there have been no issues with odour, vermin or birds at the facility. The possibility of dust and odour emissions as a result of new waste streams at the facility is discussed in 4.2 above. The RD requires that daily inspections of the immediate surrounds for nuisances shall be conducted by the company.

5. Cultural Heritage, Habitats & Protected Species

There are no recorded features of architectural, archaeological or historical importance within the site boundary. The site is not located on or adjacent to any ecologically designated area. There are no significant environmental emissions from the facility, which could give rise to adverse effects on designated sites.

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

The proposed development of the transfer station to increase its waste acceptance from 50,000 tonnes per annum to 200,000 tonnes per annum is in line with the policies and objectives of the "*Waste Management Plan for the Dublin Region 2005-2010*" and is contributing to meeting the recycling targets set out by the Plan.

7. Environmental Impact Statement (EIS)

South Dublin County Council, the planning authority, does not have any record of a planning application relating to the site at Lower Ballymount Road. Therefore, the planning authority has never requested that an EIS be carried out for the site.

Condition 1.6 of the RD states that the waste licence is for purposes of waste licensing under the Waste Management Acts 1996 to 2010 only and nothing in the licence negates the licensee's statutory obligations, or requirements under any other enactments or regulations.

8. 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.

9. Compliance with Directives/Regulations

The existing facility is compliant with existing EU waste and environmental legislation. The facility does not fall within the scope of the IPPC Directive. In relation to the Groundwater Directive, the facility has no direct emissions to groundwater.

10. Fit & Proper Person Assessment

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

11. Recommended Decision

The RD sets increased limits for waste acceptance at the facility. However, the recommended decision prohibits the applicant from accepting putrescible waste and construction and demolition waste until such time as the appropriate infrastructure has been installed. I am satisfied that the conditions, as set out in the attached RD, will adequately address all emissions from the facility and ensure that the facility is managed in a manner that will not cause environmental pollution.

12. Submissions

There were two (2) submissions made in relation to this application.

- 12.1 Submission from Mr John Quinlivan on behalf of Environment Services South Dublin County Council (SDCC). Mr Quinlivan stated in his submission that the requirements of the Waste Licensing Regulations have not been fulfilled by the applicant. Mr Quinlivan pointed out –

“...the applicants failure to submit an Environmental Impact Statement as required under European Directives and particularly in light of the recent European Court of Justice ruling (C-486/04 Commission v Italy).....the Agency has the authority to address issues of non-compliance with Waste Licensing Regulations governing the submission of applications by way of seeking the submission of documents/information.”

Agency Response: The Agency is not the competent authority to request an EIS. The details, scope, content, thresholds and exemptions associated with an EIS are detailed under the Planning & Development Regulations. The EPA is not a prescribed authority under these Regulations.

The Agency requested the applicant, in accordance with Article 14(2)(b)(ii) of the Waste Management Licensing Regulations (2004) to confirm if SDCC Planning Department required an EIS. The planning authority responded as follows:

“As no planning application has been made, the issue of an EIS does not arise.However, if a planning application were to be submitted conforming to the details on the EPA website then an EIS would be required.”

The Planning Department was subsequently asked to confirm if the facility was in compliance with all relevant planning legislation. The Planning Department at SDCC responded that they do not certify whether or not a facility is in compliance with Planning Legislation.

The Agency has the authority to grant a licence for waste activities at the site. However, a licence under the Waste Management Act (1996-2010) does not exempt the applicant from any other legislation which may not be the responsibility of the Agency. Condition 1.6 of the attached RD states that the nothing in the licence shall be construed as negating the licensee’s statutory obligations, or requirements under any other enactments or regulations.

- 12.2 Submission from A & L Goodbody Solicitors, International Financial Services Centre, North Wall Quay, Dublin 1 on behalf of the applicant in response to the submission made by Environment Services, South Dublin County Council. A&L Goodbody Solicitors on behalf of the applicant stated:

“The current licence application is not for a proposed development, but is for an existing activity that has been in operation since 1984.....Our clients

existing activity is not subject to the EIS requirements set out in article 13(1) of the 2004 Regulations.”

Agency Response:

An EIS is required for waste disposal activities with an annual intake greater than 25,000 tonnes, or at waste facilities where the extension of the development would result in an increase in size greater than 25% of the appropriate threshold. Based on the applicant's request to accept 200,000 tonnes of waste per annum, the facility would require an EIS. However as I have already pointed out it is the Planning Authority that must request the EIS and while the Agency may grant a waste licence to the facility, it does not exempt the applicant from any other relevant legislation.

13. Charges

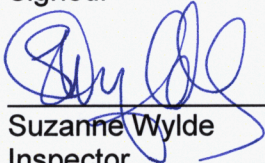
The Recommended Decision requires that the applicant pay an annual contribution of **€9,070.72** towards the cost of monitoring the activity or otherwise in performing any functions in relation to the activity as the Agency considers necessary for the performance of its functions under the Waste Management Acts 1996-2010.

14. Recommendation

In preparing this report and the Recommended Determination I have consulted with Agency sectoral advisor Mr Brian Meaney, Senior Inspector.

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 RD and for the reasons as drafted.

Signed:



Suzanne Wylde
Inspector

Office of Climate, Licensing & Resource Use

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 1996-2010.

