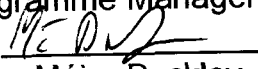


This memo has been cleared for submission to the Board by the Programme Manager F. Clinton
Signed:  Date: 8-7-10
Maire Buckley

**OFFICE OF CLIMATE,
LICENSING &
RESOURCE USE**



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

TO:	Directors
FROM:	Technical Committee - LICENSING UNIT
DATE:	7 th July 2010
RE:	Objection to Proposed Decision for Rilta Environmental Limited, Block 402, Grant's Drive, Greenogue Business Park, Rathcoole, Co. Dublin, Waste Reg. No. W0192-03

Application Details	
Class(s) of activity:	3 rd Schedule: Classes 7,11,12 & 13 4 th Schedule: Classes 2,3,4,6,8 & 13(P)
Location of activity:	Block 402, Grant's Drive, Greenogue Business Park, Rathcoole, Co. Dublin.
Licence application received:	30 th January 2009
PD issued:	26 th February 2010
First party objection received:	None
Third Party Objection received	24 th March 2010
Submissions on Objections received:	8 th April 2010
Additional Information received:	N/A

Company

This report relates to an objection received by the Agency to a PD issued to Rilta Environmental Limited, on 26th February 2010 at their facility in Block 402, Grant's Drive, Greenogue Business Park, Rathcoole, Co. Dublin. Rilta Environmental Limited operate an integrated waste management facility at this location, and their throughput is limited to 110,000 tonnes per annum under the conditions of their existing licence, Reg. No. W0192-02.

Approximately 65 people are employed at the facility.

Consideration of the Objections by Technical Committee

This report considers one valid third party objection and one valid submission on the third party objection. The main issues raised in the objection and the submission on the third party objection, are summarised below and where appropriate under various headings. However, the original objection, submission and supporting documentation should be referred to at all times for greater detail and expansion of particular points.

The Technical Committee, comprising of Mr. Donal Grant and Ms. Ewa Babiarczyk has considered all of the issues raised in the objection and this report details the Committee's comments and

recommendations following the examination of the objections together with discussions with the Licensing Inspector, Ms. Marie O'Connor.

For clarity the submission on the objection made by the First Party in relation to the Third Party objection is dealt with in association with the objection to which they relate.

Third Party Objections

Objector Name and Address	Date Received
Mr. Declan Ryan, Managing Director, ENVA Ireland Ltd. t/a ENVA, Clonminam Industrial Estate, Portlaoise, Co. Laois.	24 th March 2010.

Mr. Ryan submitted an 11-page objection to a number of conditions in the recommended determination on behalf of ENVA Ireland Limited. The letter outlined a number of observations under three headings which Mr. Ryan wishes to be addressed by the Agency.

Objection A: Acceptance of hazardous waste for on-site treatment

The objector commented on seven separate aspects of the licence application and the proposed decision, all of which concern a perceived lack of clarity within the proposed decision to control the nature and/or types of hazardous wastes authorised for treatment at the facility. He has also outlined three recommendations which he believes will address the problems. For the purposes of addressing this objection, the Technical Committee will evaluate all individual observations on the objection as one and shall provide a detailed overall response, while also taking into account the submission from the applicant on ENVA's objection.

1,2,3 & 4: The objector states that a significant number of the wastes listed in Attachment H.1: **Materials Handling**, of the licence application were not permitted under the previous licence. However these were listed in the licensee's 2008 AER, having been accepted on site. He has also stated that a number of wastes are listed for treatment in the Hydrocarbon Treatment Plant although these are not listed in Attachment H.1. Furthermore, he has stated that a number of the wastes listed in Attachment H.1 are poorly described and may have the wrong EWC code assigned.

5: The objector states that the company he represents was subjected to more rigorous assessment by the Agency during the course of their waste licence application (W0184-01), particularly in relation to waste stream acceptance at the facility. He believes that Rilta Environmental Limited was not subjected to the same level of scrutiny as his company had been and therefore Rilta may have an unfair advantage over their competition.

6: The objector notes that the Agency intends to require the applicant to review their waste acceptance procedures but it is not clear how this is effected within the Proposed Decision.

7: The objector believes that adequate segregation of substances, to minimise the risk from incompatible substances, has not been fully addressed in the PD.

In order to address the issues outlined above, the objector has suggested a number of recommendations which he believes the Agency should take account of. These include:

- *In the interest of clarity and transparency, it is suggested that Schedule A.2 [of the PD] be amended to clearly show and differentiate which waste streams/EWC codes are approved for treatment at the facility.*
- *Additional EWC codes should not be permitted without an appropriate assessment of the waste streams consistent with the approach being taken across the sector.*

- *The licence should allow for the enforcement of an appropriate storage/segregation plan for the facility appropriate to the range of wastes being accepted.*

Submission on Objection:

In response to the objection submitted by ENVIA Ireland Ltd., Mr. Colm Hussey of Rilta Environmental submitted a 5 page letter to the Agency, addressing the issues raised by Mr. Ryan. In his response to Section A. of the objection, Mr. Hussey states that *'a series of strict waste acceptance procedures has been developed by Rilta Environmental to ensure that waste being accepted at the facility is suitable for treatment'*. He goes on to state that sampling and bench testing of all new waste streams will be conducted before the waste is accepted on site, to ensure that the material is suitable for treatment. Where sampling determines that a material is not suitable for treatment, Rilta Environmental has the capacity to repack the material and store the waste in an appropriately designed storage warehouse prior to disposal or recovery off-site.

On a separate note Mr. Hussey states that during their application for their existing waste licence (W0192-02), the term 'Hydrocarbon Waste Treatment Plant' was replaced by the use of the term 'Aqueous Waste Treatment Plant' following an objection by Rilta Environmental Ltd., at the PD stage.

Technical Committee's Evaluation:

Third Party Objection A. Acceptance of hazardous waste for on-site treatment

1,2,3 & 4: In her Inspector's report to the Board, the Environmental Licensing Programme Inspector, Ms. Marie O'Connor, addressed the issue of the treatment of materials at the facility which were not permitted under the previous licence (W0192-02). In the first section of the Inspector's Report, she states that the Agency successfully prosecuted Rilta Environmental Limited for this offence. In relation to the materials not being listed in Attachment H.1 of the licence review application, note 4 to *Schedule A2. Waste Acceptance* of the PD states that any additional hazardous wastes, other than those listed in Attachment H.1 may only be accepted with the agreement of the Agency. The Technical Committee conferred with Ms. E. Cooney, the OEE Inspector for the facility and she expressed concern at the variety of wastes being accepted at the facility, which were then being treated in the Hazardous Waste Treatment Centre. She felt that an additional condition was required to ensure that the material being accepted for treatment in the Hazardous Waste Treatment Centre was pre-approved by the Agency, thereby assisting the OEE in controlling operations at the facility. The condition proposed and recommended by the OEE Inspector should be Condition 8.16 of the licence and is outlined below.

Consequent to the addition of Condition 8.16 to the licence, a condition for the maintenance of appropriate records of each waste treated at the Hazardous Waste Treatment Centre should also be included under Condition 11.

5: The EPA licence application assessment procedure is an approved internal procedure which is applied by all Inspectors when assessing licence applications.

6: Condition 8.11 of the PD contains 7 sub-conditions relating to waste acceptance and characterisation procedures. In particular, condition 8.11.3 only permits the acceptance of hazardous waste at the facility, when an effective procedure for accepting and handling the waste is in place. Condition 8.11.2 of the PD requires the licensee to maintain detailed procedures in relation to waste acceptance and characterisation at the facility. The technical committee is of the opinion that the addition of the word 'treatment' in condition 8.11.2, should serve to ensure that this aspect of the waste handling is also adequately controlled.

7: Condition 8.5 and *Schedule D Specified Engineering Works* of the PD provide for the installation and maintenance of appropriately designed waste storage areas to ensure adequate segregation of wastes.

Submission on Objection:

The Technical Committee has no specific comments on Mr. Hussey's response to Objection A. However, in relation to his statement regarding the term 'Hydrocarbon Waste Treatment Plant' he does not ask that the terms be exchanged in the Final Licence W0192-03. As the term 'Hydrocarbon Waste Treatment Plant' and not 'Aqueous Waste Treatment Plant' is used throughout the licence application, these shall not be changed in the Final Licence W0192-03.

Recommendation:

Replace condition 8.11.2 of the PD with the following condition:

8.11.2 The licensee shall maintain detailed written procedures and criteria for the acceptance, handling, **treatment**, sampling and bulking of all wastes to include decontamination, labelling, compatibility testing, analysis, weighing, documentation, transfer, storage and record keeping.

Insert the following conditions into the PD:

8.16 Only those wastes assigned Disposal/Recovery Code "Treatment D9" as listed in Attachment H.1 of the application may be treated at the Hydrocarbon Waste Treatment Centre, unless otherwise agreed by the Agency. No other waste shall be accepted for treatment at the Hydrocarbon Waste Treatment Centre without the prior written approval of the Agency.

11.17 A record shall be kept of each waste treated at the Hydrocarbon Waste Treatment Centre. The record shall include the following:

- (i) The tonnage, EWC code and full description of the waste;
- (ii) The acceptance criteria for the waste, including the appropriateness of the treatment having regard to the composition of the waste;
- (iii) The results of analysis of the waste.

Objection B: Emissions Control

Mr. Ryan objected to the level of control contained within the Proposed Decision for emissions to sewer and emissions to the atmosphere. He believes that the parameters to be monitored and the monitoring frequency proposed in the PD will not be sufficient to ensure proper control of emissions from a hazardous waste facility. He also suggested that the lower levels of monitoring offers an unfair advantage to Rilta Environmental Limited over their competitors due to the consequential reduction in associated costs.

For emissions to sewer, as detailed in *Schedule B.3* of the PD, Mr. Ryan lists a number of parameters which he believes have been overlooked by the Sanitary Authority in setting the parameters to be monitored, and which have been imposed on other similar licensed facilities. He states that *'it may be that the Sanitary Authority has not been made aware of the vast array of waste streams coming in for treatment' and have not fully considered the inclusion of parameters such as those placed on other licensed facilities treating chemical wastes of the same characteristics.'*

He also states that the frequency with which monitoring is proposed for discharges to sewer are not consistent with other similar hazardous waste treatment facilities. He believes that the nature of the materials treated at the facility changes so much that the characteristics of the discharge can vary significantly from day to day. On this basis he believes that the monitoring frequency outlined in *Schedule C.3.2* of the PD should be increased.

In relation to the controls on emissions to atmosphere contained within the PD, Mr. Ryan believes that the infrastructure at the facility will be insufficient to prevent accidental emissions to atmosphere. He references the BREF for Waste Treatment Industries and in particular, '*Chapter 5.2 where BAT no. 72(d) indicates BAT to include 'enclosing all treatment/reaction vessels and ensuring that they are vented to the air via an appropriate scrubbing and abatement system'*'. He then goes on to acknowledge that such infrastructure is largely precautionary as the treatment processes are not expected to evolve significant air emissions.

He concludes by requesting that the '*conditions controlling emissions should be reviewed to ensure the necessary measures are required to ensure robust control of both sewer and air emissions*'.

Submission on objection

In response to ENVA Ireland's objection, Mr. Hussey's submission also dealt with the emissions to sewer and air separately. In relation to the emissions to sewer, Mr. Hussey outlined the waste acceptance policies adopted by Rilta Environmental Limited to prevent any hazardous substances receiving improper treatment and discharging to the foul sewer. He also noted that parameters may vary from licence to licence and that no two facilities are the same. He also stated that a representative from South Dublin County Council takes monthly samples of the discharge to sewer and conducted a due diligence visit to the facility as part of the licence application.

In response to the objection to the emissions to air, Mr. Hussey states that the reference to BAT in the BREF relates specifically to neutralisation reactor vessels, which are currently being commissioned on site by Rilta Environmental Limited. He also states that the treatment processes carried out at the facility have been undertaken in the same manner for a number of years and that abatement of emissions is controlled by conditions 5.1, 5.2, 6.9 and *Schedule C.1.1* of their existing licence.

Technical Committee's Evaluation:

Third Party Objection B: Emissions Control

As noted by ENVA Ireland in their objection, the Sanitary Authority, in this case South Dublin County Council, has primary responsibility for the setting of emission limit values and monitoring regimes for discharges to sewer operated by that Sanitary Authority. During her assessment of the licence application, the Licensing Inspector wrote to the Sanitary Authority, requesting their consent to accept the discharge to their sewer, and included a copy of monitoring results submitted by the applicant of the quality of their final effluent. The Inspector also reminded the Sanitary Authority that there were no changes proposed, by the Applicant, from the existing limits which received their consent in 2007, during a previous licence review.

The response from South Dublin County Council provided for the discharge to sewer and included emission limit values for a list of parameters, and monitoring requirements for those parameters, and a number of other relevant parameters. These requirements were incorporated into the PD and, in the opinion of the Inspector, are adequate to address the control of discharges to sewer.

As stated previously, the monitoring requirements contained within the PD are the same as those prescribed in the existing licence W0192-02. Having spoken to the OEE Inspector assigned to this facility, there have only been a small number of minor exceedances of the emission limit values

prescribed in that licence, and the Inspector is satisfied that the licensee is capable of ensuring on-going compliance with the requirements of the PD.

For emissions to atmosphere, the operations conducted at the facility are not expected to generate any significant volumes of gases requiring abatement. As with the emissions to sewer, the controls on the emissions to atmosphere that are specified in the existing licence are to be retained in the PD as any changes arising as a result of this licence review are not expected to result in changes to the emissions from the facility. The OEE Inspector for the facility is satisfied that the controls in place are adequate to protect the environment.

Submission on objection:

Mr. Hussey's comments have been noted by the Technical Committee and have been taken into account during its considerations.

Recommendation: No change

Objection C: Proposed production of fuel from waste oils

- (i) REACH: In their objection, ENVA Ireland outlined the scope of the REACH Regulations (1907/2006/EC) and the requirements for registration of substances or materials. They believe that the applicant has not pre-registered their proposed fuel oil from the Waste Oil Treatment System and requested that *'to provide a robust transition from waste legislation to substance legislation the license [sic] should include a requirement for the applicant to demonstrate their compliance with Regulation (EC) No 1907/2006 before placing processed fuel on the market as a non-waste substance'*.
- (ii) Waste Oil Recovery Process: The objector discussed the monitoring requirements set out in *Schedule C.8 Processed Waste Oil Monitoring* of the PD. They believe that monitoring for a number of parameters can be removed from this schedule as they are irrelevant and unnecessarily expensive. They also suggest that the Agency process for approving test methods for the analysis of the finished fuel oil product should include all companies involved in manufacturing fully recovered fuel oils derived from waste oils in Ireland, resulting in a common and consistent approach.

Mr. Ryan also suggested an amendment to *Schedule A.3 Wastes acceptable for the production of processed fuel oil in the Waste Oil Treatment System* of the PD to remove the restriction on the use of chlorinated hydrocarbons in the recovered fuel oil process. In ENVA's experience most waste oils will have a small proportion of chlorine in them therefore it may prove difficult to enforce this restriction. He suggests that this restriction be removed from the PD as *Schedule C.8 Processed Waste Oil Monitoring* of the PD prescribes a chlorine limit for the final product, which he considers sufficient to control chlorine levels in the final product.

Submission on Objection

- (i) In his submission Mr. Hussey stated that Rilta Environmental Limited pre-registered the product under Regulation (EC) No. 1907/2006 in 2008.

- (ii) Mr. Hussey stated that the quality parameters for their recovered fuel oil product, proposed in their licence application, were based on advice and consultation with leading personnel within the industry, both in Ireland and the UK. While they did acknowledge in their application that the limit values they suggested would be difficult to meet, they were committed to achieving the standards and did not request any changes to the quality standards prescribed in *Schedule C.8* of the PD.

Mr. Hussey agreed with the objector that the PD should, at a minimum, allow for the possibility of the inclusion of waste oils containing chlorine in the recovered fuel oil production process. He stated that this would offer a recovery option for these wastes in Ireland rather than Rilta, ENVA and others having to export the waste for treatment.

Technical Committee's Evaluation:

- (i) The Health and Safety Authority are the competent authority in Ireland for the implementation of Regulation (EC) No. 1907/2006. Condition 11.5 of the PD requires the licensee to notify the Health and Safety Authority in writing of the characteristics and quantities of the reprocessed waste oil prior to the product being sent off site for use as a fuel. This shall ensure their obligations under the REACH Regulations are adequately addressed.
- (ii) The Technical Committee notes the following extract from the Inspector's report to the Board:

'The RD also proposes to limit the waste oils that may be accepted for treatment in this [Waste Oil Treatment System] process to those which do not contain chlorinated oils thus minimising emissions of HCl and the possibility for the formation of dioxins'.

The Technical Committee also agrees with the Inspector when she states that insufficient information is currently available on the potential for generation of chlorinated products during the end-use combustion of the recovered fuel oil, therefore the prohibition in the PD on acceptance of chlorinated waste products for use as raw materials in the Waste Oil Treatment System is maintained.

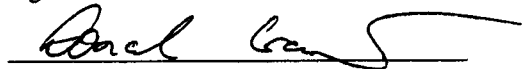
Recommendation: No change.

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 any amendments proposed in this report.

Signed



Donal Grant

for and on behalf of the Technical Committee