

This report was approved for submission to the Board by Programme Manager Frank Clinton.
 Signed: K. Rooney Date: 12/8/2010



LICENSING & RESOURCE USE

REPORT OF THE TECHNICAL COMMITTEE ON OBJECTIONS TO LICENCE CONDITIONS

TO:	Directors
FROM:	Technical Committee - Environmental Licensing Programme
DATE:	6 th August 2010
RE:	Objection to Proposed Decision for NURENDALE LIMITED Trading As Panda Waste Services , Waste Licence Reg. No.: W0261-01

Application Details

Classes of activity: (P=principal activity)	3 rd Schedule: 11, 12, 13 4 th Schedule: 2(P), 3, 4 and 13
Location of activity:	Cappagh Road, Finglas, Dublin 11.
Licence application received:	13 th February 2009
PD issued:	27 th April 2010
First party objection received:	21 st May 2010
Third Party Objection received	None received

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Company

This proposed decision relates to a proposal to expand the Nurendale Ltd., T/A Panda Waste Services Ltd., materials recovery and waste transfer facility at Cappagh Road, Finglas, Dublin 11. The existing facility operates under a waste permit issued by Fingal County Council which authorises the acceptance and processing of 50,000 tonnes per annum of construction and demolition waste (C&D), and commercial and industrial waste (C&I) waste. The applicant proposes to expand the existing facility to allow the acceptance and processing of 200,000 tonnes per annum of C&D and C&I and source segregated dry recyclables.

The applicant proposes to develop this facility in three stages:

Stage 1: (already completed) involved the C&D/C&I recycling building, two weighbridges, foul and surface water drainage system, perimeter security fencing, internal access roads and hard-standing areas, administration area, ESB substation and car parking.

Stage 2: the construction of a dry recyclables building and a paper and cardboard building.

Stage 3: (not part of this application) the construction of a Municipal Solid Waste (MSW) building.

Consideration of the Objection

The Technical Committee, comprising of Loretta Joyce (Chair) and Jennifer Cope, has considered all of the issues raised in the Objection. This report details the Committee's

comments and recommendations following the examination of the Objection together with discussions with inspector, Aoife Loughnane who also provided comments on the points raised.

This report considers the valid first party objection.

First Party Objection

Nurendale Ltd. T/A as Panda Waste Services Ltd. makes 3 points of objection. The objections are listed as points A.1 to A.3 below.

A.1 Condition 1.2 and Schedule A.2

Condition 1.2 reads as follows:

Activities at this facility shall be limited as set out in *Schedule A: Limitations* of this licence. Until such time as the proposed 'stage 2' infrastructure (i.e. Dry Recyclables Building and Paper & Cardboard Building) has been installed to the satisfaction of the Agency, annual waste intake shall be limited to 50,000 tonnes per annum. Subject to the agreement of the Agency, the licensee shall be permitted to accept a maximum waste intake of 200,000 tonnes per annum.

Schedule A.2 reads as follows:

A.2 Waste Acceptance

Table 1: Waste Categories and Quantities

Waste Type		Maximum (Stage 1) Note 2 (Tonnes Per Annum)	Maximum (Stage 2) Note 2 (Tonnes Per Annum)
Non-Hazardous Wastes ^{Note 1}	Construction and Demolition	50,000	75,000
	Dry Recyclable Household, Commercial and Industrial ^{Note 3}	--	35,000
	Paper & Cardboard	--	90,000
Total		50,000	200,000

Note 1: Any proposals to accept other compatible non-hazardous waste types must be agreed in advance by the Agency. The limitation on individual non-hazardous waste types may be varied with the agreement of the Agency subject to the total limit for non-hazardous waste staying the same.

Note 2: In accordance with Condition 1.2 of this licence, waste acceptance shall be limited to 50,000 tonnes per annum until such time as the 'Stage 2' infrastructure has been installed to the satisfaction of the Agency. Subject to the prior written agreement of the Agency, the licensee shall be permitted to accept a maximum waste intake of 200,000 tonnes per annum.

Note 3: Excluding mixed municipal solid waste.

The applicant objects to Schedule A.2 on the basis that Schedule A.2 approves the acceptance of 50,000 tonnes of C&D waste but does not allow the acceptance of Dry Recyclable Household, C&I waste or Paper & Cardboard in Stage 1. The applicant points out that Note 1 allows for the limitation on individual non-hazardous waste types to be varied subject to agreement with the Agency.

The applicant states that due to the downturn in the economy, the volume of C&D waste generated in the Dublin Region has significantly reduced. However, there remains a need to provide recycling capacity for Dry Recyclables and Paper & Cardboard. The applicant notes that the Dry Recyclables, Paper & Cardboard can be processed in a designated area inside the existing building and this will not require the provision of any new or augmentation of existing mitigation measures.

The applicant requests that Schedule A.2 be amended to allow for the acceptance of 10,000 Dry Recyclables and Paper and Cardboard and 40,000 tonnes of C&D waste in Stage 1. The overall annual inputs will not exceed 50,000 tonnes until Stage 2 is completed.

Technical Committee's Evaluation:

The Technical Committee is satisfied that Schedule A.2 may be amended in order to adjust the waste type processed during 'Stage 1'. It is not considered necessary to amend Condition 1.2. It is, however, considered necessary to amend Condition 3.11.2 to reflect the change in waste type processed in the C&D Waste Recovery area during 'Stage 1'.

Recommendation:

Amend Schedule A.2 as outlined in recommendation below

Amend Condition 3.11.2 to read:

- 3.11 Construction and Demolition Waste Recovery Area
- 3.11.1 The licensee shall provide and maintain a construction and demolition waste recovery area. This infrastructure shall at a minimum comprise the following:
- (i) an impermeable concrete slab;
 - (ii) collection and disposal infrastructure for all run-off;
 - (iii) appropriate bunding to provide visual and noise screening; and
 - (iv) containment of all stockpiles to minimise dust generation.
- 3.11.2 **Upon completion of 'Stage 2' infrastructure, only Construction and Demolition waste shall be accepted at this area unless otherwise agreed.** Wastes that are capable of being recovered shall be separated and shall be stored temporarily in this area in advance of being subjected to other recovery activities at the facility or transported off the facility.

A.2. Condition 1.3 and Schedule A.2, Note 3

Condition 1.3 reads as follows:

Mixed municipal solid waste shall not be accepted at the facility.

Schedule A.2, Note 3 reads as follows:

A.2 Waste Acceptance

Table 1: Waste Categories and Quantities

Waste Type		Maximum (Stage 1) ^{Note 2} (Tonnes Per Annum)	Maximum (Stage 2) ^{Note 2} (Tonnes Per Annum)
Non-Hazardous Wastes ^{Note 1}	Construction and Demolition	50,000	75,000
	Dry Recyclable Household, Commercial and Industrial ^{Note 3}	--	35,000
	Paper & Cardboard	--	90,000
Total		50,000	200,000

Note 1: Any proposals to accept other compatible non-hazardous waste types must be agreed in advance by the Agency. The limitation on individual non-hazardous waste types may be varied with the agreement of the Agency subject to the total limit for non-hazardous waste staying the same.

Note 2: In accordance with Condition 1.2 of this licence, waste acceptance shall be limited to 50,000 tonnes per annum until such time as the 'Stage 2' infrastructure has been installed to the satisfaction of the Agency. Subject to the prior written agreement of the Agency, the licensee shall be permitted to accept a maximum waste intake of 200,000 tonnes per annum.

Note 3: Excluding mixed municipal solid waste.

The applicant objects to Condition 1.3 and to Schedule A.2, Note 3. The applicant accepts that only dry recyclables from the household and commercial & industrial wastes will be accepted at the facility. However, the applicant states that the term mixed municipal waste and the associated EWC Code 20 03 01 is applied by waste operators, including the applicant, to the mixed dry recyclables collected in the 'green bin' as there is no single EWC Code for the contents, which can include, paper, cardboard, plastic, glass and textiles. The code is assigned dry recyclables in the weighbridge recording system. The applicant notes that the Agency also assigns EWC 20 03 01 to mixed dry recyclables in the National Waste Survey Returns that are completed by the Local Authorities.

To avoid confusion when auditing weighbridge records and compiling the Annual Environmental Report returns, the applicant requests that the term mixed municipal solid waste be amended to 'mixed municipal waste containing putrescible materials'.

Technical Committee's Evaluation:

The TC acknowledges that the EWC code 20 03 01 mixed municipal waste may be assigned to mixed dry recyclables collected in the 'green bin'. However, a description is required in addition to the EWC code and this should avoid any potential confusion. The intention of these conditions is to ensure that only mixed dry recyclables and no 'black bin' waste is accepted at this facility. The TC recommends amending the conditions to exclude 'mixed municipal solid waste, other than mixed dry recyclables' in order to clarify this further.

Recommendation:

Amend Condition 1.3 to read:

Mixed municipal solid waste, **other than mixed dry recyclables as described in Schedule A.2.**, shall not be accepted at the facility.

Amend Schedule A.2 to read:

A.2 Waste Acceptance

Table 1: Waste Categories and Quantities

Waste Type		Maximum (Stage 1) ^{Note 2} (Tonnes Per Annum)	Maximum (Stage 2) ^{Note 2} (Tonnes Per Annum)
Non-Hazardous Wastes ^{Note 1}	Construction and Demolition	40,000	75,000
	Dry Recyclable Household, Commercial and Industrial ^{Note 3}	10,000	35,000
	Paper & Cardboard		90,000
Total		50,000	200,000

Note 1: Any proposals to accept other compatible non-hazardous waste types must be agreed in advance by the Agency. The limitation on individual non-hazardous waste types may be varied with the agreement of the Agency subject to the total limit for non-hazardous waste staying the same.

Note 2: In accordance with Condition 1.2 of this licence, waste acceptance shall be limited to 50,000 tonnes per annum until such time as the 'Stage 2' infrastructure has been installed to the satisfaction of the Agency. Subject to the prior written agreement of the Agency, the licensee shall be permitted to accept a maximum waste intake of 200,000 tonnes per annum.

Note 3: Excluding mixed municipal solid waste, **other than mixed dry recyclables**

A.3. Condition 8.1

Condition 8.1 reads as follows:

All waste processing (including timber shredding and gypsum recovery) shall be carried out inside the materials recovery and waste transfer buildings. All wastes/materials shall be stored within the materials recovery and waste transfer buildings except wood, metals, masonry wastes and other wastes/materials with the prior agreement of the Agency, which can be stored in the open yard.

The applicant objects to Condition 8.1 on the basis that while it is acknowledged that this Condition allows the storage of waste materials other than those specifically referred to,

subject to the Agency's approval, in order to avoid confusion in future compliance audits, the applicant requests that baled plastics and baled paper cardboard be included in the list of materials that can be stored in the open yard.

Technical Committee's Evaluation:

The TC notes from the IR that the inspector consulted Jim Moriarty, Waste Sectoral Team, Office of Environmental Enforcement regarding this issue. The main concern is that outdoor storage could compromise the recyclability of the material. Another concern is the potential contamination of surface water run-off from the open yard areas which drains into the surface water drainage system. The applicant intends to expand the existing facility in order to accept dry recyclables, paper and cardboard and should therefore ensure the building expansion includes sufficient storage space for these waste materials including baled plastics and baled paper and cardboard. The TC recommends no change to this condition.

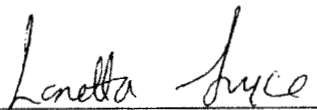
Recommendation: No change.

Overall Recommendation

It is recommended that the Board of the Agency grant a licence to the licensee,

- (i) for the reasons outlined in the Proposed Decision and
- (ii) subject to the conditions and reasons for same in the Proposed Decision,
and
- (iii) subject to the amendments proposed in this report.

Signed,



Loretta Joyce, for and on behalf of the Technical Committee