

This report has been cleared for submission to the Board by the Programme Manager Frank Clinton.
Signed de laune Date 19/8/10

OFFICE OF
CLIMATE, LICENSING &
RESOURCE USE



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

TO:	Directors
FROM:	Technical Committee - LICENSING UNIT
DATE:	27/07/2010
RE:	Objection to Proposed Decision for Miltown Composting Limited Waste Licence Reg. No. W0270-01

Application Details

Classes of activity: (P=principal activity)	4 th Schedule: 2 (P), 13
Location of activity:	Milltownmore, Fethard, County Tipperary
Licence application received:	26/5/2009
PD issued:	22/4/2010
First party objection received:	19/5/2010
Third Party Objection received	None received

Company and Background

Miltown Composting applied for a waste licence for a composting plant that accepts a broad range of compostable materials including source segregated household kitchen waste; catering wastes; non-hazardous wastewater sludges; and organic fines from the treatment of municipal waste. The facility operates under a local authority permit and has approval from the Department of Agriculture, Fisheries and Food to operate as a composting plant accepting animal by-products. The facility began operation in 2004 and originally had capacity to process up to 10,000 tonnes annually. The availability of source-segregated household organic waste in the South East Region, along with the Waste Management (Food Waste) Regulations, 2009, creates the demand for an expansion in biological treatment capacity. Miltown Composting has identified a range of potential customers and has decided to increase capacity to 24,500 tonnes/year.

Consideration of the Objection

The Technical Committee, comprising of Brian Meaney and Michael Owens, 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 objection, together with discussions with the Licensing Inspector, Dr Tom McLoughlin and sectoral expert Mr Caoimhín Nolan of the OEE. This report considers the first party objection from the applicant.

First Party Objection

The applicant made six objections in a 4-page report from its agent O'Callaghan Moran and Associates. The objections are addressed here in the order in which they appear in that report.

Objection 1 - Biofilters

Condition 3.7.1 of the PD requires the provision of two biofilters – one for duty and one standby – to ensure adequate treatment of emissions during replacement of bed media in any one of the filters. The applicant objects on the basis that this is an unreasonable imposition in terms of:

- a) cost;*
- b) practicality in terms of space available adjoining the buildings; and*
- c) the fact that the existing biofilter is split into two beds which allows the media to be changed in one while the other remains in service.*

Regarding the latter point, the applicant states that media replacement can take 2-3 days but given the distance to the nearest sensitive receptors (>900m) no environmental impact is anticipated. The applicant requests that the requirement for two biofilters be removed.

Technical committee's evaluation:

Biofilters are designed to operate for some time without having to change the biological medium. The licence application states that "every 1 - 2 years, part of the biofilter material (wood chips) are replaced by fresh material, in order to maintain the odour removal efficiency of the filter." It would not appear acceptable that the entire biofilter should be taken out of service to accommodate a medium change. This would create the potential for exceedences on emission limit values and generation of odours. However given that the biofilter is split into two beds, the applicant claims that at least half of the biofilter can be kept operational at all times. There is no information in the licence application on the how the biofilter was sized or whether half of the biofilter provides adequate treatment capacity to meet the emission limit values proposed in the PD. If half the biofilter is inadequate based on the design principles, then it may be possible for the operator to take other steps to temporarily reduce the load on the biofilter (for example: by throttling air throughputs or reducing waste intake or undertaking process changes to reduce the volume of odorous air requiring treatment in the first place).

We recommend deletion of the requirement for two biofilters. We recommend that emissions monitoring be carried out during medium replacement at the discretion of the Agency to ensure that emission limit values are observed and can be complied with during medium replacement events.

Recommendation:

1. Delete condition 3.7.1(iv).
2. Insert new condition 3.7.6 as follows:

3.7.6 No more than one half of the biofilter shall be taken out of service at any one time for the purpose of changing the filter medium. The licensee shall notify the Agency two weeks in advance of such work and shall outline the steps that will be taken to ensure that emissions are compliant with this licence during the work. The licensee shall, if so instructed by the Agency, take odour samples (as defined in *Schedule C.1.2* or as may be otherwise defined by the Agency) of air emissions at the biofilter during such works for the purpose of demonstrating compliance with the licence. The other half of the biofilter shall not be taken out of service until such time as the new medium is operating effectively as may be demonstrated by emissions monitoring.

Objection 2 – Continuous monitoring

Condition 3.11 requires continuous monitoring of temperature and oxygen in the composting process to be provided within six months of grant of licence. Schedule C, Table C.1.4 Monitoring of Composting Processes repeats the requirement.

The applicant objects to the requirement on the basis that temperature is already subject to continuous monitoring and operational experience has shown this to be adequate in ensuring a suitable product is made. The applicant requests that the requirement to continuously monitor oxygen be removed.

Technical committee's evaluation:

The key regulatory control parameters in producing a compost are time and temperature. Inadequate air or oxygen supply will result in reduced temperature. Reduced temperature will result in a compost not satisfying the treatment requirements of the Department of Agriculture, Fisheries and Food under the Animal By-products Regulation 1774/2002 (articulated in *Conditions for Approval and Operation of Composting Plants Treating Animal By-Products in Ireland*, DAFF, 2009). In the DAFF guidance, the control parameters for compliance with treatment standards are time and temperature.

The PD sets out the compost quality standard that must be met in order for Miltown Composting's product to be classified as a compost. That standard deals with the following parameters in the context of the final product: respiration activity, germination potential, curing and potential for reheating and trace elements. The standard does not dictate process controls.

The technical committee agrees that temperature control is adequate to ensure that the compost is manufactured to the necessary standard. It is apparent however, from speaking with sectoral expert Mr Caoimhín Nolan of the OEE, that it is necessary for the EPA to be assured that the composting process remains aerobic and does not turn anaerobic and lead to emissions of methane.

Thus periodic oxygen monitoring is appropriate and Mr Nolan is in agreement with the recommendation made in this report.

Recommendation:

In condition 3.11(i), delete 'and oxygen content'.

In *Table C.1.4 Monitoring of Composting Processes*, in the 'Oxygen content' row, amend Monitoring Frequency from 'Continuous' to '**Daily**'.

Objection 3 – Meteorological monitoring

Condition 6.7 of the PD would require the licensee to provide and maintain suitable infrastructure at the facility for the automated monitoring and recording of wind speed, wind direction and rainfall. The applicant objects to this condition on the basis that the context of the site location and distance from sensitive receptors does not justify an on-site station in order to ensure that facility activities will not result in any impacts offsite.

Technical committee's evaluation:

It is appropriate that, in the event of odour complaints, the wind direction and weather conditions are noted. It is the opinion of the technical committee that the recommended condition, as replacement for the existing PD condition, is adequate at a facility of this scale and at such distance (900m) from the nearest sensitive receptor. (A farm is located at 500m).

Recommendation:

Delete the existing condition 6.7 and replace with the following:

The licensee shall, within three months of the date of grant of this licence, install in a prominent location on the site a wind sock, or other wind direction indicator, which shall be visible from the public roadway outside the site. In the event of a complaint, the licensee shall observe and record the wind direction and weather conditions at the time of the complaint. The record shall become part of the complaint record required under condition 11.10 of this licence.

Objection 4 – Agency charges

Condition 12.1.1 requires the payment of an annual charge of €7,612. The applicant objects to this charge stating it is excessive based on the nature of the activity, the extent of the monitoring that the Agency is likely to carry out and the current economic climate. Milltown requests that the initial annual contribution be reduced to €3,000.00.

Technical committee's evaluation:

The annual charge proposed for Milltown Composting is not out of line with similar facilities of a similar scale. The facility is currently classified as a C2 enforcement category. A C2 enforcement category is considered to represent facilities that present a lower risk of environmental pollution. In 2010, the

median charge applying to a C2 waste facility is €7,613 (average charge in 2010 is €7,214).

The 2010 enforcement charges are determined having regard to the effort required to ensure effective enforcement of each licensed facility. This includes compliance assessment, undertaking audits and inspections and sampling and analysis of emissions, as appropriate. Consequently, there will be differences in the charges between individual licensed facilities and from year to year.

The technical committee has reviewed the proposed enforcement charge and is satisfied that the charge is correct and appropriate. The Agency has made every effort to ensure that the enforcement charges imposed accurately reflect the enforcement effort to be expended.

Recommendation:
No change.

Objection 5 – Table C.2.1 Monitoring of Emissions to Water

Schedule C of the PD requires a composite sampler to be installed within 3 months of grant of licence and that all samples thereafter are to be collected as 24-hour flow proportional composite samples. The applicant objects to this requirement on the basis that discharges are dependent on rainfall and are rarely likely to be of a 24-hour duration to allow for flow proportional sampling. The applicant requests that the requirement for 24-hour flow proportional composite sampling be removed.

Technical committee’s evaluation:

The table in question is reproduced below. It relates to the discharge of storm or surface water run-off from the yard and roof. There are no emission limit values associated with the discharge. There is no requirement to monitor flow on the discharge. The frequency of sampling is bi-annual and it would not appear reasonable to impose investment in a composite sampler (plus flowrate equipment) which would lie idle for 363 days of the year. The technical committee recommends deletion of the requirement.

It is also apparent that the unnumbered footnote to the table is not necessary and should be deleted.

Table C.2.1 Monitoring of Emissions to Water

Emission Point Reference No.:	Point SW1 on Drawing No 5	
Biochemical Oxygen Demand	Bi-annually ^{Note 1}	Standard Method
Suspended Solids	Bi-annually	Standard Method
Ammonia (as N)	Bi-annually	Standard Method

The test method in the above schedule have been amended to include reference to Standard Method.

Note 1: The licensee shall install a composite sampler within three months of date of grant of this licence. All samples thereafter shall be collected on a 24 hour flow proportional composite sampling basis.

Recommendation:

In *Schedule C: Control and Monitoring, Table C.2.1 Monitoring of Emissions to Water*:

- a) delete Note 1; and
- b) delete the footnote to the table 'The test method ... Standard Method.'

Objection 6 – Table C.2.2 Noise Monitoring

Schedule C of the PD requires quarterly monitoring of noise emissions. Condition 6.25 requires annual monitoring. The applicant highlights the apparent inconsistency and requests clarification that annual monitoring is required.

Technical committee's evaluation:

There is indeed an inconsistency in the two parts of the PD. Given the relatively small scale of the activity and the distance to sensitive receptors, the technical committee recommends maintaining the annual frequency for noise monitoring.

Recommendation:

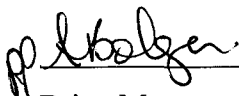
In Schedule C: Control and Monitoring, Table C.2.2 Noise Monitoring, amend four instances of 'Quarterly' with 'Annually'.

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 the amendments proposed in this report.

Signed



Brian Meaney
for and on behalf of the Technical Committee