



**OFFICE
LICENCE
RESOURCE USE**

This report has been cleared for Submission to the Board by the Programme Manager
 Frank Clinton
 Signed: *[Signature]* Date: 11/12/10

REPORT OF THE TECHNICAL COMMITTEE ON OBJECTIONS TO LICENCE CONDITIONS

TO:	Directors	
FROM:	Technical Committee	- LICENSING UNIT
DATE:	2 nd November 2010	
RE:	Objection to a Proposed Decision (PD) for Irish Packaging Recycling Limited (T/A Panda Waste Services Ltd.) in relation to a facility at Lower Ballymount Road, Walkinstown, Dublin 12, Waste Licence Register No. W0263-01.	

Application Details	
Class of activity:	Fourth Schedule: Classes 2(P), 3, 4 and 13.
Location of activity:	Lower Ballymount Road, Walkinstown, Dublin 12.
Licence application received:	13 th February 2009
PD issued:	29 th June 2010
First Party Objection received:	22 nd July 2010
Third Party Objection Received	None

Company

This report relates to objections received by the Agency to a Proposed Decision (PD) issued to Irish Packaging Recycling Ltd. (T/A Panda Waste Services Ltd.) on the 29th June 2010 at their facility in Lower Ballymount Road, Walkinstown, Dublin 12.

Irish Packaging Recycling Ltd. (IPRL) was previously authorised under Waste Facility Permit Register Number WPR 021-02, which was issued by South Dublin County Council and expired on the 31st August 2010. This Waste Facility Permit authorised the sorting, separating, baling, storage, shipping of recovered paper, plastic and wood packaging. The annual intake for the recovery activity is planned to exceed the threshold for a waste facility permit specified in the Waste Management (Facility Permit and Registration) Regulations 2007, as amended, and therefore the facility must have a waste licence to authorise future activities.

The applicant has stated that the recovery classes 2, 3, 4 and 13 of the Fourth Schedule of the Waste Management Acts 1996 to 2010 are applicable to the activities proposed for the facility. No Third Schedule activities were applied for. The applicant sought the acceptance of mixed municipal waste at the facility. This was refused in

the PD. The applicant also sought the acceptance of 200,000 tonnes of waste per annum. This too was refused.

Consideration of the Objections by Technical Committee

The Technical Committee comprised of Caroline Murphy (Chair) and Brian Meaney. This report contains the comments and recommendations of the technical committee following an examination of the objections. Discussions were held with the Licensing Inspector, Ms. Suzanne Wylde.

This report considers one valid first party objection, which was submitted by O'Callaghan Moran & Associates on behalf of the applicant. The main issues raised in the objection are summarised below. However, the original objection should be referred to at all times for greater detail.

First Party Objection

O'Callaghan Moran & Associates on behalf of the applicant.

The applicant submitted a letter addressed to the Agency in the form of a short introduction and two points of objection as set out below.

Objection No. 1: Part II Schedule of Activities Refused

The applicant feels that the Agency's refusal of mixed Municipal Solid Waste (MSW) and the total annual waste input of 200,000 tonnes is contrary to the statement in Part II Schedule of Activities Refused "*None of the proposed activities as set out in the licence application have been refused*".

Technical Committee's Evaluation:

The applicant specified in the waste licence application form and the subsequent response to the notice issued by the Agency in accordance with Article 14(2)(b)(ii) of the Waste Management (Licensing) Regulations 2004, that Classes 2 (principal), 3, 4 and 13 of the Fourth Schedule of the Waste Management Acts 1996 to 2010 relate to the application and that none of the classes in the Third Schedule relate to the application.

The refusal in the PD of an allowance for mixed MSW and the subsequent reduction of the "Non-Hazardous Waste Total" to 150,000 tonnes/annum in Schedule A does not impact on the classes of activity applied for under the Fourth Schedule as the facility is required to be licensed under these classes of activity in order to carry out the activities licensed by the PD. None of the activities requested under the Fourth Schedule of the Waste Management Acts 1996 to 2010 were refused by the Agency.

Recommendation:

No change.

Objection No. 2:

The grounds for the Agency's refusal of mixed MSW and the total waste acceptance of 200,000 tonnes/annum is queried given that these items were recommended by the licensing inspector. The objection states: "[The RD] also contained conditions that ensured the acceptance and processing of the Mixed Municipal Solid Waste would be carried out in a manner that would not contravene any of the requirements of section 40(4) of the Waste Management Acts 1996 to 2010". IPRL have stated "...that the operational conditions set in the Recommended Decision would ensure that the acceptance of Mixed Municipal Solid Waste and total annual input of 200,000 tonnes will not result in any environmental impairment". The applicant requests that the Conditions 3.11, 6.19.1, 8.2.2, 11.13 and Schedule A2 be amended to authorise the acceptance of Mixed MSW and 200,000 tonnes of waste annually.

Technical Committee's Evaluation:

Waste Facility Permit Register Number WPR 021/2 was issued to IPRL on the 1st September 2007 and permitted the acceptance of paper and cardboard, textiles, end-of-life tyres, plastic, wood and waste from the mechanical treatment of wastes (EWC 19 12 12) - dry recyclable material only. No other waste types were permitted at the facility. This waste facility permit expired in August 2010.

South Dublin County Council noted in correspondence with IPRL on the 14th July 2009 (provided as Attachment C to the article 14 notice) that the facility was in non-compliance with the conditions of the waste facility permit for the acceptance of c. 439 tonnes of mixed municipal waste (EWC 20 03 01) and the removal of c. 3,612 tonnes of waste with the same waste code.

The licence review application proposed the following wastes streams would be accepted at the facility:

Table 1: Original Waste Acceptance Proposal

Waste Type	Tonnes/annum
Mixed Dry Recyclables	50,000
Paper and Cardboard	100,000
Total	150,000

During a site visit carried out by the EPA on the 30th April 2009 the applicant stated an intention to also apply for mixed municipal waste and construction and demolition waste at the facility. In the applicant's subsequent response to an article 14 notice dated 1st September 2009, it was proposed to accept the following waste streams (changes underlined):

Table 2: Updated Waste Acceptance Proposal

Waste Type	Tonnes/annum
Mixed Dry Recyclables	50,000
Segregated Paper, <u>Plastic</u> and Cardboard	<u>50,000</u>
<u>Mixed Municipal Solid Waste</u>	<u>50,000</u>
<u>Construction and Demolition Waste</u>	<u>50,000</u>
Total	<u>200,000</u>

The applicant did not provide any update on the original information received in the application with regard to emissions that may result from the process (which is proposed to include mixed MSW acceptance and pre-treatment), assessment of the possible effects of emissions on the environment, proposed additional monitoring and sampling points, and emergency procedures to prevent unexpected emissions. It is likely that MSW could be managed at the facility in a manner that would not cause environmental pollution. It is perhaps unfortunate that the applicant did not fully bring forward their proposed arrangements for managing MSW at the facility.

It was stated by the applicant that *“The facility does not accept waste for disposal... The municipal solid waste will be subject to preliminary treatment at the facility before being sent for further treatment and recycling at the PANDA operated Materials Recovery Facility in County Meath...”* IPRL has also stated that *“There may be occasions...where all of the MSW cannot be consigned within 24 hours as the end destinations may not be open, for example residual waste landfills.”*

The Panda operated materials recovery facility in Co. Meath mentioned above is authorised under waste licence registration number W0140-03. This facility is licensed to carry out classes 2, 3, 4, 11 and 13 of the Fourth Schedule (waste recovery activities); and classes 11, 12 and 13 of the Third Schedule (waste disposal activities).

The Recommended Decision (RD) proposed to limit the scope of the activities under *Condition 1.2 “Activities at this facility shall be limited as set out in Schedule A: Limitations of this licence. Until such time as all appropriate infrastructure expressly identified in this licence has been installed to the satisfaction of the Agency, no Mixed Municipal Waste (containing putrescible waste) or Construction and Demolition Waste shall be accepted at the facility.”* The quantities of mixed MSW to be accepted and the requirements of *Condition 1.2* were reflected in *Schedule A, Table A.2 Waste Categories and Quantities*. *Condition 8.12* of the RD specified that *“No waste shall be sent to landfill from the facility”*.

The application is for classes 2, 3, 4 and 13 of the Fourth Schedule (recovery classes) of the Waste Management Acts 1996 to 2010. The applicant has stated that the facility does not and will not accept waste for disposal. However, it has been stated, perhaps inadvertently, that one available avenue for a fraction resultant from the pre-treatment of MSW is residual waste landfill. The applicant has not applied for any disposal classes of activity to be covered under this licence application.

It is stated that MSW will be transferred to the Panda facility in Co. Meath. This facility is authorised to carry out disposal activities (although its principal activity is recovery) and there is a possibility that this MSW could directly enter the disposal chain and not be processed for recovery at the Co. Meath facility. As the IPRL licence cannot exert control over the activities at Panda’s facility in Co. Meath, and as no assurance was or can be provided that all MSW sent to that facility will be recovered, the technical committee finds it cannot propose the authorisation of MSW for recovery at IPRL.

Therefore, we do not find grounds for amendment to the PD.

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 Decision and
- (ii) subject to the conditions and reasons for same in the Proposed Decision

Signed:

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Caroline Connell

Inspector

Office of Climate, Licensing and Resource Use

