REPORT TO THE

ENVIRONMENTAL PROTECTION AGENCY

ON

THE ORAL HEARING OF THE OBJECTIONS TO THE PROPOSED DECISION

IN RESPECT OF

THE WASTE LICENCE APPLICATION FOR ADVANCED ENVIRONMENTAL SOLUTIONS (IRELAND) LIMITED T/A ERWIN COBBE WASTE DISPOSAL AT DEER PARK CROSS, BALLYMORRIS, KILBRIDE PORTARLINGTON, CO. LAOIS

REG. NO. 96-1

Chairman: Mr. Peter Carey

Assisted by: Mr. Brendan Wall

Grenday Wall

Held on 15th and 16th October 2002

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Acknowledgements

Mr. Brendan Wall and I would like to acknowledge the administrative support services provided by Ms. Yvonne Clooney and Ms. Karen Vaughey over the duration of the Oral Hearing in the Killeshin Hotel, Portlaoise, Co. Laois.

I would also like to record my appreciation of the excellent assistance provided to me by Mr. Brendan Wall in the preparation and running of the oral hearing.

1. RECOMMENDATION SUMMARY

As Chairman of the oral hearing I recommend that a waste licence be refused to Advanced Environmental Solutions (Ireland) Limited t/a Erwin Cobbe Waste Disposal for the waste activities listed in Table 1 below at Deerpark Crossroads, Ballymorris, Kilbride, Portarlington, Co. Laois. The Assistant Chairman endorses this recommendation. The reasons for this recommendation are detailed in Section 5 of this report.

2. BACKGROUND TO THE APPLICATION

An application to the Environmental Protection Agency (the Agency), for a waste license was made on 05/03/99 by Erwin Cobbe Waste Disposal to operate an existing and unauthorised waste transfer station, recycling facility, and proposed burner unit for the disposal and recovery of some 23,000 tonnes of non-hazardous waste per annum, at Deerpark Crossroads, Ballymorris, Kilbride, Portarlington, Co. Laois. The waste transfer station is located on a quarry backfilled with waste, the nature of which is unclear. Advanced Environmental Solutions (Ireland) Ltd acquired Erwin Cobbe Waste Disposal on 06/07/01.

Table 1: The classes of activity applied for by the applicant

Waste Disp	osal Activities, in accordance with the Third Schedule of the Waste Management Act 1996
Class 11	Blending or mixture prior to submission to any activity referred to in a preceding paragraph of this Schedule
Class 13	Storage prior to submission to any activity referred to in a preceding paragraph of this Schedule, other than temporary storage, pending collection, on the premises where the waste concerned is produced

Waste Recovery Activities, in accordance with the Fourth Schedule of the Waste Management Act 1996

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Class 2	Recycling or reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)
Class 3	Recycling or reclamation of metals and metal compounds
Class 4	Recycling or reclamation of other inorganic materials
Class 8	Oil re-refining or other re-uses of oil
Class 9	Use of any waste principally as a fuel or other means to generate energy
Class 11	Use of waste obtained from any activity referred to in a preceding paragraph of this Schedule
Class 12	Exchange of waste for submission to any activity referred to in a preceding paragraph of this Schedule
Class 13	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

The Principal Activity applied for was Class 13 of the Third Schedule.

The Agency, during the assessment of the application, received 114 submissions on the application. The Inspector responsible for assessing the application recommended that a licence be granted subject to conditions. The Inspectors Report and Recommended Proposed Decision are contained in Appendix A of this report

A Proposed Decision by the Board of the Agency, which proposed the refusal of a waste licence, was issued on 21/02/02. The Proposed Decision as issued, is contained in Appendix B of this report.

Objections to the Proposed Decision were received from:

- Advanced Environmental Solutions t/a Erwin Cobbe Waste Disposal; and
- Laois County Council

Copies of the objections as received by the Agency are contained in Appendix C of this report. One submission on the objections was received from Advanced Environmental Solutions t/a Erwin Cobbe Waste Disposal. A copy of the submission is contained in Appendix D, Submission on Objections, of this report.

A Technical Committee was formed to consider the objections and the one submission on the objections. On 17/06/02 the Agency wrote, in accordance with Article 34 of the Waste Management (Licensing) Regulations, to the Applicant and the other objector to the Proposed Decision in regard to additional matters to be taken into account by the Agency (contained in Appendix E). Specifically this was a report of a site inspection carried out by an Inspector of the Agency on 06/06/02. Objectors could make submissions in relation to this inspection. AES made a submission on the 01/07/02 (contained in Appendix F). A report by the Technical Committee was submitted to the Agency. This report included a recommendation that a Waste Licence be granted subject to conditions (Technical Committee Report is contained in Appendix G). At a meeting of the Agency on the 16/07/02, the Agency decided to hold an Oral Hearing. I was appointed by the Agency on the 06/08/02 to conduct the Oral Hearing. The Agency also appointed Mr. Brendan Wall (Acting Senior Inspector) to assist me. The letters of appointment are contained in Appendix H of this report.

The Oral Hearing was held in Portlaoise, Co. Laois on 15th and 16th October 2002.

This is a report on the oral hearing of the objections to the proposed decision. All written material, drawings and photographs submitted to the Oral Hearing are contained within Appendix's I, J and K of this report.

3. ORAL HEARING

3.1 OPENING REMARKS BY CHAIRMAN

I opened the Oral Hearing by explaining the process to those present, introduced myself and Mr. Brendan Wall and presented our letters of appointment. I stressed that the hearing would be conducted without undue formality. I pointed out that Mr. Wall and I carried out a visit to the waste facility in question on 04/10/02.

Mr. William O Brien (Barrister) and Mr. Noel O'Meara, Dr. John Mc Namara and Mr. Pat Alley represented the applicant, Advanced Environmental Solutions trading as Erwin Cobbe Waste Disposal. Mr. O Brien stated to the hearing that Mr. Pat Alley and Dr. John Mc Namara would be giving evidence on behalf of the applicant. Mr. O Brien requested that Mr. Alley be allowed give evidence early as he had a meeting to attend at 11.30am. I confirmed that Mr. Alley would be facilitated as best possible.

Mr. Frank Heslin, Senior Engineer and Mr. Pilkington represented Laois County Council. Mr. Heslin stated that if the public were allowed to give evidence that they would not be calling any other witnesses.

I reconfirmed that members of the public would be given an opportunity to give evidence after the formal parties had given their evidence.

The order of presentation was agreed as follows:

- i) Advanced Environmental Solutions t/a Erwin Cobbe Waste Disposal;
- ii) Laois County Council;
- iii) Members of the Public. The following members of the public gave evidence:
 - Mr. David Malone
 - Mr. Michael Cullen
 - Ms. Collette Callaghan
 - Mr. Aidan Mullens
 - Ms. Mary Murphy
 - Mr. John Maloney TD
 - Ms. Lilly Champ
 - Ms. Joyce Dempsey

The appendices contain copies of all written material presented at the Oral Hearing. Appendix I contains copies of written submissions (Papers No. 1 to 6), copies of legal submissions (2) are contained in Appendix J and a copy of the closing statement from Laois County Council is contained in Appendix K of this report. This report is a summary of the presentations and issues raised at the oral hearing.

3,2 PRESENTATIONS OF EVIDENCE

3.2.1 Presentation by Mr. Pat Alley (Applicant)

Mr. Alley (Advanced Environmental Solutions (AES) t/a Erwin Cobbe Waste Disposal) submitted a written paper to the Oral hearing (Appendix I, Papers No. 1) and read out the part relating to 'AES History'. Mr. Alley outlined the history of AES, noting that the company started trading in July 2001 and that it has become the largest waste management company which controls its own waste in the country. Mr. Alley referred to waste companies, which have been acquired by AES, including Midland Waste Company in Navan. He stated that the EPA recently commended the Midland Waste facility in Navan and that they (Midland Waste) had also been nominated by Repak as contractor of the year. Mr. Alley highlighted waste recovery activities in which AES are involved. Mr. Alley concluded by stating that AES deal with 500,000 tonnes of waste annually and that the facility at Ballymorris, Portarlington, which AES acquired from Erwin Cobbe Waste Disposal, accounts for less than 10% of this tonnage.

Response to questions

Laois County Council indicated that they had no questions for the witness.

A number of the members of the public wished to ask Mr. Alley questions. Mr. O Brien (AES) objected to members of the public asking questions or giving evidence at the hearing.

I ruled that members of the public could ask those giving presentations for clarification and could, if they wished, give evidence on issues relating to whether a licence should be refused or granted.

In response to questions Mr. Alley stated the following:

- Only 2 acres were used for waste handling at the Midlands Waste facility in Navan.
- Some 50,000 tonnes of waste is collected in Laois but not all of this waste goes to the Ballymorris facility. Mr. Alley stated that there was no comparison between the Midland Waste facility and the Ballymorris facility.
- Dr. Mc Namara would answer questions relating to waste tonnages and the entrances at the Ballymorris facility. He stated that Dr. Mc Namara was familiar with details of all meetings concerning the facility, including any meetings with residents and that he (Dr. Mc Namara) would answer any questions relating to such meetings.

Mr. Alley stated that he had a meeting, which he had to attend and would not be available for the rest of the hearing.

I asked Mr. Alley if he could be available later in the afternoon or early next day to answer any questions that may arise which Dr. Mc Namara could not answer.

Mr. Alley stated that he would not be available to return to the hearing.

I advised Mr. Alley that if questions did arise which could not be answered I would have to note a 'no answer' in my report.

Other questions, which some members of the public wanted to put to Mr. Alley, included matters relating to planning permission, legality of the environmental impact statement and the use of unauthorised waste facilities in Laois. I ruled that these matters were not the subject of this oral hearing and therefore did not require an answer from Mr. Alley. In addition some members of the public tended to give evidence rather than put questions of clarification to Mr. Alley. In such cases I ruled that members of the public would be given an opportunity to give evidence later and that they should focus the questions on the evidence given and on matters relating to whether a licence should be refused or granted with or without conditions.

Mr. O Brien (AES) referred to an Agency document, relating to the conduct of Oral Hearings. He stated that the document referred only to objectors giving evidence and that members of the public should not be allowed to give evidence.

I informed Mr. O Brien that I would allow time at the close of the oral hearing for legal submissions. I reiterated to Mr. O Brien that I had already ruled that members of the public could ask witnesses for clarification and could, if they wished, give evidence on issues relating to whether a licence should be refused or granted.

3.2.2 Presentation by Dr John Mc Namara (Applicant)

Dr Mc Namara continued to read from the written paper, which had been submitted to the Oral Hearing by Mr. Alley (Appendix I, Papers No. 1). This included the following:

- The Proposed Decision (PD) issued (to refuse a waste licence) was at variance with the Inspector's Recommendation;
- Only three reasons were cited for the refusal of 10 different classes of waste activities;
- AES objects to Reason One (given below) of the PD issued, as AES do not intend to use the burner unit and as such Reason One is no longer valid; The Agency considers that the proposal to burn 6,000 tonnes/annum wood, paper and cardboard waste by using an integrated burner and heat exchanger unit, the Talbott C9, does not meet the requirements of the EU Incineration of Waste Directive (2000/76/EC).
- AES objects to Reason Two (given below) of the PD issued, as AES does not intend
 to use a briquetting process at the facility. Hence they argued that Reason Two in the
 PD is no longer valid;

The applicant has not demonstrated that the raw materials proposed for the briquetting process do not contain hazardous substances, which would render the subsequent product unsuitable for use as a fuel.

• AES objects to Reason Three (given below) of the PD issued, as AES feel 'the dismantling of the burner coupled with the decommissioning of the briquetting activity, mitigates strongly against the above reason being used as grounds for refusing a licence'.

There is insufficient information in the application to satisfy the Agency that environmental nuisance from the facility can be controlled, given the proximity of residences to the boundary.

In response to questions from Mr. O'Brien (AES Barrister), Dr. Mc Namara stated the site was on a backfilled quarry. He stated that some of the waste collected is stored overnight. Dr. Mc Namara stated AES did not intend to carry on waste activities relating to burning of waste or briquetting of waste. Equipment relating to the burner has been dismantled although some of the heavy equipment is still on site. Detailed reasons were only given in the decision for the refusal of two waste activities. The only reason given for refusal of the other eight classes applied for is the third reason in the PD. Mr. O Brien read out Reason Three of the PD. Dr. Mc Namara referred to their objection/submission, which had been submitted in relation to reason three. Dr. Mc Namara confirmed that he had received a copy of the Technical Committee (TC) Report, which recommends that a waste licence be granted with conditions. Dr. Mc Namara stated AES have concerns about certain activities refused within the TC Report, e.g. class 11 of the third schedule, he stated that without class 11 they couldn't operate a transfer station. He stated that to issue a licence with Conditions was not fair, as the process now did not give them an opportunity to object to Conditions, which they may not agree with.

Mr. O'Brien (AES) stated that the Agency's Technical Committee Report supports their views that a licence should be granted.

Issues raised from questions to Dr. Mc Namara:

Proposed Waste Activities, Waste Types and Tonnages

• Dr. Mc Namara stated that the waste activities relating to the burner and briquetting process were not formally withdrawn during the application process. He stated that these activities were down to the previous owner of the site and stated that they would not now take place. Dr. Mc Namara estimated that 200 tonnes of waste per week comes across the weighbridge. Of this some 100 tonnes is municipal waste, the rest consists of commercial and construction and demolition (C&D) waste. Dr. Mc Namara stated some cardboard and timber waste is recovered. Waste for disposal goes to Kyletalesha Landfill while waste for recovery goes to other facilities including Bailey Recycling. Dr. Mc Namara stated past tonnages would not accurately reflect the waste currently accepted at the facility as AES also have purchased Midland Refuse Laois, and more trucks are now going directly to Kyletalesha Landfill compared to previous years. He stated that agricultural waste and SRM are not accepted or stored at the facility. He stated that approximately 40 tonnes of waste would be left on site during the day

I requested Dr. Mc Namara to provide more comprehensive details on quantities and types of waste and facilities to which waste is being removed. Dr. McNamara confirmed that he would do his best to get this information.

Mr. O Brien objected to Dr. Namara having to get information such as waste records. I informed Mr. O Brien that it was my opinion that waste tonnage's were linked to potential nuisances and that such information was relevant. Again, I requested that details of waste tonnages be provided. I informed Dr. Mc Namara that if such details could not be provided that I would have to note it in my report.

- Dr. Mc Namara stated that the classes of activity applied for in the application were: Under Third Schedule of the Waste Management Act, 1996
 - Class 11: which relates to the bulking up of waste for transport to landfill;
 - □ Class 13: which relates to the storage of the bulked waste prior to submission to authorised landfill.

Under Fourth Schedule of the Waste Management Act, 1996

- □ Class 2: which relates to the recovery of cardboard;
- □ Class 3: which relates to the recovery of metals and compound, a magnet can take out the ferrous material;
- □ Class 4: which relates to recovery of construction and demolition waste including glass;
- □ Class 8: which they did not intend to carry on and for which no description was given;
- Class 9: which they did not intend to carry on and related to the burner;
- □ Class 11: use of waste and is needed for the waste activity involving cardboard;
- □ Class 12: exchange from one activity to another; and
- □ Class 13: storage of waste prior to submission to another waste recovery activity.

Facility Operational Procedures

In response to questions Dr. Mc Namara provided the following information:

- A copy of the current operational procedures at the facility was not available as they
 were being updated.
- Skip waste is tipped on site, a grab picks out metal, the waste is fed through a trommel (rotating sieve), paper and cardboard is picked and the rest of the waste is loaded and brought straight to landfill.
- The vast majority of waste activities are carried on outdoors. The loading of the trommel is also outdoors, although the trommelling of waste is indoors and the loading of the truck with waste, which has passed through the trommel, is indoors.
- AES were succeeding in having no waste on site at weekends. He stated the facility was not operational on Sundays and therefore there was no facility manager present.
- He submitted nuisance records (Appendix I, Papers No.1).

Hours of operation:

Questions were asked of Dr. Mc Namara about facility hours of operation. Dr. Mc Namara stated the hours proposed were 8am to 8pm. Residents were concerned that waste is left at the facility on weekends and concerns were raised that the Manager was not present on the weekend especially on a Sunday. They said evidence was available on video from the security cameras.

Bird Control:

Dr. Mc Namara stated Bird Control Ireland would deal with bird control at the facility. He stated any birds previously poisoned occurred prior to AES taking over the facility. He stated bird-scaring devices would be used and he could not comment on the presence of a rookery at the facility. He stated a falconer comes once a month. Dr. Mc Namara added that he was not a bird expert.

Rat Control

Local residents stated that rats were a problem for years. Dr. Mc Namara stated Rentokil have been contracted to deal with rats.

Hardstanding

In response to a question on the area of hardstand in the yard, Dr. Mc Namara stated hardstanding was being been put in place at the facility and was due to be completed by Saturday (19/10/02).

In response to questioning on the proposed surfacing of the facility, Dr. Mc Namara stated it was AES intention to place surfacing suitable for waste activities to be carried on.

Facility Security

Dr. Mc Namara stated AES would install additional fencing to the western side of the facility. In response to questions he informed the hearing that any gaps in the fencing would be filled in. One resident noted that waste was spilling over the small wall at the back of the facility.

Waste Shredding

Dr. Mc Namara stated that the timber shredder had not been operating for a while and that no decision had been taken on whether the shredding of waste would be continued at the facility. In terms of nuisance control for the shredder, Dr. Mc Namara stated that the shredder worked under negative air pressure and all waste activities relating to it were carried on indoors.

Odours

Odour was a question raised by several residents. Dr. Mc Namara stated Envirotech have been contacted to deal with odour. In relation to closure of the Ballymorris facility, he stated AES have applied (permit applications to the local authority) for two sites in Laois (to carry on certain waste activities).

In relation to odours Dr. Mc Namara stated that an odour control agent was sprayed 3-4 times a day (1 litre a month). Dr. Mc Namara stated there has been breakdowns in the odour procedures. Concerns were expressed about substances in the odour masking agent and the risk to groundwater. Mr. Mc Namara stated that the material data safety sheets for the chemicals were available. Ms Murphy claimed that these controls were not working.

I noted that the Assistant Chairman and I did not observe the controls described by Dr. Mc Namara during our visit to the facility on 04/10/02.

Dr. Mc Namara stated that environmental nuisances are an issue at the facility and since AES have taken over they have tried to put in place a system to minimise impact.

Facility Drainage

In response to concern raised in relation to runoff of odour spray, Dr. Mc Namara stated that drainage at the facility was an area identified as requiring financial input. He stated that a tank had been installed to collect runoff. He stated that there was a problem with standing water. Dr. Mc Namara stated that wastewater collected in the sump is tankered off-site to Navan. No records were available for the removal of the wastewater and no details were available for the last removal of the wastewater. He stated that not all of the wastewater was going to Navan and that in the past all wastewater would have discharged to a soak pit. Dr. Mc Namara stated that there was an open drain at the facility, which does get blocked with waste. He stated that there is a daily checklist and, if blocked, the drain is cleaned.

I noted that the Assistant Chairman and I during our visit to the facility on 04/10/02 observed that this drain was blocked with waste.

In response to whether water is causing odour, Dr. Mc Namara stated that there was a possibility that stagnant water could be a source of odour.

Mr. O'Brien (AES) stated Dr. Mc Namara had come to the hearing unarmed because proper reasons were not given by the Agency as to why the licence was refused, and as such he did not know what information would be requested.

I informed Mr. O Brien that I would note his comment, but that information on drainage at the facility should be available.

Access to the Facility

In relation to access to the facility Dr. Mc Namara stated that in twenty years no accident had occurred. He stated that there was a problem with insurance cover. He stated that AES had not received a traffic report relating to traffic access to the site, from the local authority, which they had stated to AES that they would provide. Dr. Mc Namara stated that the entrance to the facility is via the main automatic gate.

Groundwater

Dr. Mc Namara stated that nickel found in the groundwater was localised at the site. He stated that AES propose to do more monitoring and install more boreholes. If necessary they will pump and treat the groundwater. He stated that no nickel had been detected in private wells using instrumentation with detection limits to 5ppm. He stated *E.coli* levels were high but these were due to animal manure. Dr. Mc Namara provided groundwater results (Appendix I, Papers No. 1).

In response to questions on private wells Dr. Mc Namara stated that, according to the Mid Western Health Board, contamination of private wells was due to bacterial contamination.

Soil Remediation

In response to questions on how they propose to clean up the spillage around the oil tank. Dr. Mc Namara stated that it depended on the location of the access gate to the facility. He stated that another AES facility had a similar incident and a company called Atlas dealt with approximately three tonnes of soil. The soil was removed, treated and reinstated. AES propose to do the same at Ballymorris.

Facility Closure & Facility Building

Dr. Mc Namara stated that AES were a new company and intended to be compliant with legislation. He stated they had an agreement with residents to leave the facility by 2003 and that was their intention.

Dr. Mc Namara stated that they had not decided on a closure plan yet. He stated that the plan was raised with the council and he suggested the possibility of a garage type facility.

In response to questions on AES's proposal to cease operations by July 2003 and whether a waste licence would cover the period, Dr. Mc Namara stated that a waste licence does not usually specify dates and that it is a matter for EPA.

In response to the potential requirement to put infrastructure in place and AES's proposal to close the facility in July 2003, Dr. Mc Namara stated that he hoped it would be covered in the licence.

Dr Mc Namara stated that most transfer stations are in effect large warehouses, but that in this case the facility structure does not allow waste accepted at the facility to be deposited directly inside the building and to do so would require structural works. In response to whether AES are willing to put infrastructure in if the facility is to close in July 2003, Dr. Mc Namara stated that AES would have no problem putting a building in place. In response to whether waste could be deposited within the existing facility, Dr. Mc Namara stated that waste could not be deposited inside the building unless a wall was knocked.

3.2.3. Presentation by Mr. Frank Heslin (Laois County Council)

Mr. Heslin, on behalf of Laois Co. Council made the following points:

- A closure plan should be put in place for the site at Ballymorris, which should specifically take into consideration groundwater remediation. Initial concern is for the applicant to undertake a groundwater risk assessment.
- The facility is operating in many respects illegally.
- There is a need for the facility to be monitored under a strict regulatory framework.
- County Laois is within the Midland Waste Region Plan, which only allows for a civic waste facility.

Mr. Heslin's response to questions.

- Mr. Heslin stated Laois County Council's main concern relates to a strict regulatory framework being in place. He stated that in their experience the Agency is very strict and their view is that the Agency runs a tight rigid ship.
- Mr. Heslin noted local residents concerns about groundwater.
- In response to concerns about buried waste and to a question on whether the Council know what was buried on site, Mr. Heslin stated they want a risk assessment to be carried out to determine what is buried on the site. In his opinion a risk assessment would take 6 to 8 months.
- Mr. Heslin stated that the site is not suitable for the waste activities currently being carried on and that he would not support what is currently in place.

In response to questions from the public about what would happen if a licence is refused I pointed out that if refused then Laois CC would be the responsible authority, while if granted then the Agency would be the competent authority to enforce the licence.

- In response to questions from Mr. O'Brien (AES), Mr. Heslin stated that the facility was badly managed for a long time and it is now in a period of change. Mr. Heslin stated the regulatory framework has changed and that was what he was referring to.
- In response to whether nuisances at the facility have increased or decreased, Mr. Heslin stated that while significant meetings were held between AES and the residents, there was a long way to go. He noted that the new company was taking a more positive view.

Once the formal objectors had presented their evidence the public were given an opportunity to present evidence.

3.2.4 Presentation by Mr. David Malone

Mr. Malone, who stated he was representing Environment Action Alliances Ireland, submitted a written paper (Appendix I, Papers No. 2). Mr. Malone stated:

- He had registered a complaint with the EU Commission about this facility.
- The application for the facility was legally invalid. He has studied the information and it is not clear to him what is submitted.
- He questioned the validity of the EIS and noted that it is unclear whether the application is for 10,000 or 23,000 tonnes per annum.

I requested that Mr. Malone confine his evidence to that of the application and facts on whether a licence should or should not be granted. I informed Mr. Malone that I would allow time before the close of the hearing for legal submissions.

Mr. Malone stepped down at this point.

3.2.5 Presentation by Mr. Michael Cullen

Mr. Cullen read from a written submission, which is attached as Appendix I, Papers No. 3. His presentation included the following points:

- The neighbours are not looked after, and don't want a licence issued.
- Mismanagement prior to July 2001 is E Cobbe's doing, and evidence indicates that AES have also mismanaged the facility since they have taken it over.
- · Residents deserve a better standard quality of life.
- The facility does not have planning permission (details included in Mr. Cullens written submission on planning were not dealt with during his evidence).
- He provided clippings from newspapers relating to the facility.
- He noted the comments from EPA inspections of the facility.
- He referred to Grounds 2, 7, and 9 from the Inspectors Report on the Recommended PD. Mr. Cullen read out Ground 2 and stated others at the Hearing would cover Grounds 7 and 9.
- Mr. Cullen highlighted photos, which are included with his submission, taken on the 06/10/02. Only two of the photos are relevant to the facility at Ballymorris (top two photos of the second page of photos presented). The other photos presented do not relate to the facility and evidence on these was not permitted during the hearing.
- Mr. Cullen concluded with reasons why the Agency should refuse a licence to AES, which include operating history and mis-management of the site; location and size of the site; the environmental impact odours, litter and noise.

Comments from AES and Mr. Cullen's response to Questions from AES

- In response to an objection by AES on the use of the word "dump" and whether is it fair to say that the facility is now not a dump, Mr. Cullen stated it is now called a transfer station.
- AES pointed out that in relation to Ground 2 of the Inspectors Report, which Mr. Cullen had read from, that the comment is the Inspectors and not that of AES.
- Mr. Cullen stated there was evidence that the condition had not been complied with. However, Mr. O Brien corrected this and pointed out that these conditions are not in force at the moment and that these are recommended conditions only.
- In relation to the two photos, Dr. Mc Namara pointed out timber waste, which was left on the site in the photograph. In relation to other wastes shown in the photograph Dr. McNamara stated it was plastic and other waste.

3.2.6 Presentation by Ms. Collette Callaghan

Ms. Callaghan stated:

- She doesn't want this facility operating.
- She said that she has endured 22 years of pure "hell" and also speaks for her daughter on this issue.
- The conditions, which she has experienced, are not ideal at present, odours were bad over the summer.

3.2.7 Presentation by Mr. Aidan Mullens

Mr. Mullens stated that:

 He had concern about the role of Laois County Council in controlling this facility as well as others;

I ruled that Mr. Mullens should confine his evidence to that of the PD and whether a licence should or should not be granted.

- He stated that the other well-managed facilities mentioned by AES are different in that they are in industrial areas.
- He raised safety issues relating to the road
- He stated that this facility is in a scenic area, being developed as a walking route, and the siting of this facility in the middle of all this would be stupid. Quality of life to people in this area is the key issue not boreholes and water tables. He said that people outside the area don't appreciate the anger of the locals.

3.2.8 Presentation by Ms. Mary Murphy

Ms. Murphy read from a written submission, which is attached as Appendix I, Papers No. 4. Ms. Murphy's evidence included:

- A statement of the affect the facility is having on her including:
 - Odour, fly and rat nuisances. She said she couldn't open windows because of the presence of blue bottles.
 - Health impacts she referred to letters from her doctors, which are included in her submission.
 - Details on falls from her bicycle due to the road conditions.
 - □ That she was sprayed with water from the site while passing the site, and complained to Laois County Council but nothing was done.
- She stated that waste is piled high at weekends.
- She stated that she had explained the problems to Dr. Mc Namara who assured her the site would be clean.
- She stated that there was a fire at the site during August.

Ms. Murphy's Response to Questions

 In response to when she last detected an odour, Ms. Murphy stated last Sunday morning. Ms Murphy submitted a log of nuisance records (odour, flies and daily remarks) as recorded by her during the period 28/07/02 to 24/08/02.

3.2.9 Presentation by Mr. J. Maloney TD

Mr. Maloney TD stated that based on evidence brought to him at this hearing, indications are that nothing much has changed at the facility. He stated it was difficult living in an area where problems exist. He stated that he supported the position of the residents and the refusal of a licence. He stated that Laois County Council had ignored the concerns of the residents. He stated that he had concerns prior to AES taking over. He referred to meetings with AES, which in his opinion had little outcome. He stated that he was chairperson of Kyletalesha landfill community association, which had similar issues as this site and that the local authority involved the residents. He based his opposition on

concerns not addressed. He stated that there was no goodwill from AES and highlighted that AES would not use an alternative entrance. He stated that he regretted Mr. Alley could not be present for the hearing. He stated that it was his view that a compromise could be reached. The entrance is in his opinion a key point and has not been considered by AES. Residents tried to get it addressed, but the insurance issue was not raised. He stated he could not ignore the history of the facility and noted that the previous owner is now a Director with AES. He stated that he could not compare Kyletalesha Landfill with the Ballymorris site as Kyletalesha landfill is a properly monitored landfill, the public will pay for aftercare of the facility and it has an Agency licence. He stated that the Ballymorris facility is in a dangerous location, not an adequate size, with nearby residents and in an agriculture area.

Mr. Maloney's Response to Questions

• In response to whether a waste licence should be issued or refused, Mr. Maloney said that he did not agree with a licence being issued.

3.2.10 Presentation by Ms. Lilly Champ

Ms. Champ read from a written submission, which is attached as Appendix I, Papers No.

5. Ms. Champ statement and evidence included the following points:

- She wants the facility closed down straight away and the licence refused.
- Her farm is 15 feet from the AES facility.
- Her water supply is from a well downstream of the waste facility.
- Groundwater is polluted and she has been informed by the Midland Health Board not
 to drink the water from her well or to give it to cattle. She stated the cost of giving
 mains water to cattle would not be viable (approximately 2000 Euro per year).
- She stated that AES have monitoring results from the well but AES in their submission state that they haven't.
- · Lack of fencing between the farm and the waste facility.
- Roads are dangerous because of all the traffic.
- New access gate to facility only opened in the last 3 years.
- Flies from the waste facility are giving rise to nuisances in her home.
- Rats from the facility interfere with her crops. It costs her €23 a week to put down bait.

Ms. Champ Response to Questions

- Ms Champ stated that she has reports of well monitoring results. Ms. Champ submitted the water results, which are attached in Appendix I, Papers No. 5.
- In response to questions from AES, Ms. Champ stated that the handwriting 'All Those were acceptable levels. Hydrocarbons were also below MAC' was on the results document when received.
- A member of the public pointed out that it couldn't be assumed that the handwriting
 was from a laboratory and requested to know if the other reports of monitoring by
 AES had been returned to Ms. Champ. AES stated that they would provide details on

these (they were given an opportunity to do so during further questioning of Dr. Mc Namara, See Section 3.2.12).

- Ms. Champs disagreed with AES's view, which was that the source of pollution could be farm waste due to nickel being within the acceptable concentration limits and ammonia being very high.
- In response to being asked when the last time there was a nuisance with flies, Ms. Champ stated yesterday.

Day two of the oral hearing commenced with the Chairman noting that there was one other person to present evidence.

On resumption of day 2 of the oral hearing Mr. O'Brien asked to adjourn while taking legal advice on behalf of his client. I ruled that there would be no adjournment and that the hearing would continue.

3.2.11 Presentation by Ms. Joyce Dempsey

Ms. Dempsey stated that she has concern about rats, odours, fencing around the facility, noise, and the number of trucks on the road and potholes. She stated that there had been no improvement at the facility. Ms. Dempsey handed in a written submission (Appendix I, Papers No. 6) of a record detailing date, time, and activity of lorries at the facility. Ms Dempsey stated that Laois County Council had done nothing about the facility.

Ms. Dempsey's Response to Questions

- In response to Mr. O Brien (AES), Ms. Dempsey stated that the applicant had agreed not to conduct activities before 8.00am. Mr. O'Brien stated that agreements between the residents and the applicant were not an Agency issue.
- In response to whether AES have made improvements at the facility, for example, put up fencing, daily inspection reports, contracted Rentokil to deal with rat nuisances, contacted bird control, contacted Envirotech in relation to odour control, Ms. Dempsey stated that these are not working as residents still have to put up with odours, flies, rats. She stated that she did not disagree that the company has put in place strategies and tactics to deal with nuisances. She stated that this was done on paper but not on the ground.
- In relation to details in the submission of 19/08/02 (black smoke and smuts coming from the site), Mr. O' Brien stated that the applicant was not burning rubbish but carrying out fire training.
- Ms. Dempsey referred to a High Court agreement between residents and the applicant.

I asked Ms. Dempsey if she had a copy. Mr. O'Brien (AES) strongly objected to this document being submitted and stated that it was not relevant. He referred to the fact that I had no legal advisor present. I reminded Mr. O'Brien that this was not a court hearing. I noted Mr. O'Brien's concerns in relation to the document and I informed him that I would rule later on whether the document could be submitted.

I decided that a copy of the High Court Agreement could be accepted. I asked Ms. Dempsey if she wished to submit the document. Mr. O'Brien continued to object to the submission of the document. He pointed out that Ms. Joyce was not named on the agreement, to which Ms. Joyce stated that it included her husband. I ruled that if Ms. Joyce wished to submit the document that I would accept it. Mr. O'Brien again reiterated his objection. I advised Mr. O'Brien that I would note his concerns and that if he wished he could make a legal submission detailing his objection. Mr. O'Brien declined this offer but stated that he had concerns that the agreement could influence the Agency's decision. He stated that the document has no value in this forum as it does not prove anything and the licensing process is forward looking. He stated that he was concerned that the Agency will look at this agreement and that it would sow seeds in their minds that the applicant has not done certain things. He claimed that it provides nothing in relation to the issues, that it is an irrelevant document and it has the potential to prejudice the decision. He stated that he wished it to be on record that I did not obtain legal advice on the matter. He also referred to the prejudice effect outweighing evidence and that the entire agreement, amounts to contract between parties.

I informed Mr. O'Brien that I in fact had taken legal advice on the matter. I requested the applicant to clarify if they had been party to the agreement to which the applicant confirmed that they had been.

3.2.12 Further Questions to Dr. Mc Namara

Dr. McNamara provided a summary of waste entering and leaving the facility from the start of 2002 up to week ending 12/10/02 (Appendix I, Papers No. 1). He stated the vast majority of waste (municipal and construction and demolition wastes) goes to Kyletalesha landfill. He stated that waste recycling is increasing as the year goes on (i.e. timber and cardboard).

I asked Dr. Mc Namara a number of questions to clarify issues raised previously and also issues arising from our (Chairman and Assistant) visit to the facility on 04/10/02.

- In response to whether meat waste is accepted at the facility, he stated that meat waste does not go to the transfer station.
- In response to questions about rat control at the facility, Dr. Mc Namara stated Rentokil were contracted.
- In response to whether bird control is used at the Midland Waste Facility, Dr. Mc Namara stated that generally at a transfer station there would not be a need for bird control, but given the infrastructure at Ballymorris it is needed.
- In response to a question to clarify if waste activities will be carried on outdoors, Dr. Mc Namara stated that if needed a building would be constructed and that judging from the details in the Agency's Technical Committee Report and the conditions in the Inspector's Recommended PD that it would be required. He stated that if it were in the licence it would have to be complied with. In response to whether AES had any proposal for a building, Dr. Mc Namara stated that they had no proposal.

- In response to a question to clarify the identity of the other waste types shown in photographs presented by Mr. Cullen, Dr. Mc Namara stated that the majority of waste was timber but that there could have been wheat chaff from a flour mill.
- I pointed out that during our site visit of 4/10/02, the Assistant Chairman and I had noted odours, dust and flies in the area where Dr. Mc Namara pointed to the possible location of wheat chaff. Litter was noted inside the facility entrance while skips without covering were observed bringing waste to the facility. In addition I pointed out that we had observed open drainage gullies blocked with waste, drainage chambers full while a lorry was still being washed down with no obvious place for drainage to flow. In reply Dr. Mc Namara stated that all skips should have covers on them and that site inspection should pick up anything around the site.
- In response to questions on groundwater Dr. Mc Namara submitted monitoring results of a sample marked as 'Lilly Champ, Ballymorris, Portarlington' (Appendix I, Papers No. 1) and analysed by the East Coast Area Health Board. He referred to previous monitoring results submitted by Ms. Champ and stated that nickel was below maximum admissible concentration, so it was unlikely that pollution of the well can be attributed to the facility. He stated that the conclusion from the Environmental Health Officer is different to that of evidence presented. He stated that there is evidence of pollution but not that of industrial pollution, and stated that the high levels of ammonia and nitrates would suggest sources such as agricultural, sewage or fertilisers. He stated elevated levels of manganese in groundwater or soils may be associated with high levels in soils.
- Dr. McNamara referred to recorded chlorine levels in results submitted by Ms. Champ and stated that they cannot be correct as the total chlorine does not equate to free plus residual chlorine.
- Dr. Mc Namara stated that water on site comes from the public supply.
- In response to whether AES had carried out any landfill gas monitoring, Dr. Mc Namara stated that no monitoring was undertaken in the past. However if they have to commence monitoring they will. Dr. Mc Namara noted that landfill gas had not been mentioned previously and only came out of the Agency's Technical Committee Report.
- In relation to drainage at the facility Dr. Mc Namara stated that in the past percolation was the main source of drainage from the facility. He stated that AES had just (that week) installed a tank at the facility, prior to that the percolation area was used. He stated that he wished to clarify that it was only the facility in Navan which tankered wastewater to Navan. He stated that no wastewater has been tankered from the Ballymorris facility.
- In relation to the Talbot Unit, Dr. Mc Namara stated that it was still on site, but is not connected and is not useable. He stated that it weighs approximately 12 tonnes and will be taken off-site.

3.3 Legal Submissions

3.3.1 Legal Submission on behalf of AES (applicant)

Mr. O'Brien read from the legal submission, which is attached as Appendix J, Legal Submission No.1. Mr. O Brien stated that as the legal submission had been prepared prior to hearing that he wished to add some extra points. His submission included the following points:

- No adequate reasons were given for the refusals except for one of the activities for which a waste licence was required. This is a clear violation of the principles of natural justice and of the EPA's obligation to give reasons for their decisions particularly when the Inspectors Recommended granting the licence for some activities. This is ultra virus by the EPA.
- Reasons for the decisions were not adequate a simple two liner given in relation to eight activities. He referred to previous cases in the High Court and that when reasons for a decision are not explicitly given, they can be implicitly found in the Inspector's Report. This can not be done in this case since the Boards Decision was to refuse and the Inspector's Recommendation was to grant.
- Since the Inspectors report is relevant in determining what the Proposed Decision (PD) is, and since the PD differs from the Inspectors Report in material respects, the applicant does not know the reasons for the PD.
- The company had to turn up not knowing what evidence to give. He stated that there
 was no requirement for the Agency to give reasons but they had a constitutional right
 to know.
- The applicant, AES, withdraws waste activities Class 8 and 9 of the fourth Schedule of the WMA.
- Mr. O Brien stated procedures were unfair for the following reasons:
 - (1) Reasons inadequate concerning impact on residents. Referred to regulations EPA, licensing regulations, 1994, Art 17; Agency may ask for further information. (Note the Regulations referred to here relate to Integrated Pollution Control activities and not Waste Management licensing activities).
 - (2) Proposed decision does not take account of Inspectors Report and therefore on what basis did the Agency arrive at a different decision.
 - (3) Failing to give reasons for the refusal (as detailed in written submission).
 - (4) Did not give specific reasons why Inspectors Report recommendations were not followed.
- Too much time has been spent looking to the past. The licensing process is a forward looking process and should not be looking at wrong doings that happened 15 years ago. He stated that this is relevant for the following reasons in that normally either:
 - (1) PD is issued for refusal with reasons why activities are not able to be carried on; or
 - (2) PD is granted with conditions attached.

In either of these the next stage would be objections. If the PD were for refusal, they would know the reasons and could object, and could come to the oral hearing with arguments. If a PD is granted with conditions, they could object to conditions they

did not agree with. Residents could also do likewise. In either scenario the company would know the case it has to make. AES came blind to this hearing. While the company had seen the Inspector's Report, it was not followed and therefore was not of much assistance. He stated that, when they turn up, they can be asked questions on anything, he gave the example of drainage at the facility.

I pointed out to Mr. O'Brien that drainage had been raised as an issue in the Site Inspection Report issued under Article 34 to the objectors and to which AES had responded.

Mr. O Brien acknowledged this fact. He stated however it was unfair not knowing the area of concern and that it left AES in an impossible position. He stated that if information was not provided then it might well be related to procedure deficits leading up to this hearing. He referred to the fact that if certain information was not provided at the hearing that it would be noted in the Oral Hearing Report. He gave the example of waste tonnages.

I pointed out to Mr. O'Brien that in my opinion waste tonnages were relevant.

Mr. O Brien agreed with this. He stated that the Oral Hearing Report would be submitted to the Agency and a decision will be made, either to grant a licence with conditions or refuse the licence. He stated that the companies concern is that a decision will be made to grant a licence imposing conditions. In the normal course of events when a PD is issued, the applicant has the opportunity to come back to the Agency with objections. He stated that, following the oral hearing, if a decision to grant a licence is made then the applicant will have no way of challenging the conditions imposed. He asked for some mechanism to be put in place to ensure that any decision arising out of the oral hearing would not be final, that a door be left open for the company to come back to whatever forum to argue conditions. He suggested that the mechanism could take the form of adjourning the hearing.

I advised Mr. O'Brien that the hearing would not be adjourned at this time.

Mr. O'Brien stated that if the decision is to refuse then that is that. In almost every other case the applicant has an opportunity to object to the PD issued. He stated that AES have been denied fair procedures because the process is flawed.

3.3.2 Legal Submission by Mr. David Malone

Mr. Malone, who stated he was representing Environment Action Alliances Ireland read from the written submission attached as Appendix J, Legal Submission No.2. Mr. Malone's submission included:

• He agreed with the PD and therefore did not formally object.

- He stated that AES were changing the application by dropping classes of activity. He stated that this should not be allowed and he believes that if AES withdraw activities that they must re-apply.
- He stated that an Environmental Impact Statement (EIS) is needed and this should deal with the overall project. He stated that under the Waste Management Act, the Agency must implement Directives.
- He stated that AES have not identified how they intend to deal with the waste throughput (600 tonnes) proposed for the incinerator since withdrawing that activity.
- He noted the complaint made to the EU about this facility.
- Mr. Malone stated that Section 12 (g) of the (Waste Management (Licensing) Regulations 2000 (SI Regulation No. 185) in relation to waste quantities had not been dealt with by AES. He claims that this has not been complied with and that the information has not been submitted.

Comments from AES on Mr. Malone's Legal Submission

Mr. O Brien, on behalf of the applicant, stated that the matter raised on the second page of Mr. Malone's legal submission is evidence and should not be considered as part of a legal submission.

I noted Mr. O'Brien's point. In relation to Mr. Malone's second reason contained in his legal submission, I pointed out that AES had stated that they were not shredding timber waste at the moment.

3.4 Closing Statements

3.4.1 AES (Mr. Michael O'Brien)

Mr. O Brien stated that one point he wished to bring up strongly relates to the conclusions in the Technical Committee Report. Recommendations on activities refused include Class 11 of the Third Schedule of the Waste Management Act and Class 11 and 12 of the Fourth Schedule of the Waste Management Act. These activities were recommended for licensing in the original Inspector's Report. He suggested that they seem to be refused on the basis of a misunderstanding, he indicated that Class 11 of Third Schedule would be almost automatic in any Agency licence granted for a waste transfer station. The reason given in the Agency's Technical Committee Report is related to the wood burner, which he stated doesn't make sense (i.e. the activity is wider than just the burner) particularly since Class 8 of the Fourth Schedule, relating to the use of fuel is refused.

3.4.2 Laois County Council (Mr. Frank Heslin)

Mr. Heslin read from the written submission attached as Appendix K, Laois County Council Document. Mr. Heslin's statement included:

- A statement of concern in relation to the risk of groundwater contamination and a request for an assessment and remedial plan to be put in place.
- That current operations (transfer station and materials recovery facility) are unauthorised.

- That Laois County Council has taken legal actions against the owners to stop unauthorised development.
- That Laois County Council is not satisfied with the current level of environmental management on the site.
- That Laois County Council does not support the continuing operation of current activities on the site.
- That the Midlands Regional Waste Management Plan proposes a civic amenity site in the environs of Portarlington.

3.5 Closing Comments

I stated to all present that my function as Chairman was to report to the Agency on the Oral Hearing. I thanked all present for their attendance and interest, and the administrative staff for their help, the hotel, and stated that the Agency would act within its statutory obligation in coming to a decision on the licence. I closed the Oral Hearing at 12.40pm.

4. CONSIDERATION OF PRESENTATIONS/OBJECTIONS TO THE PROPOSED DECISION

4.1 General - Procedure followed

In Sections 4.2 to 4.4 I consider the presentations made at the Oral Hearing, including those by the general public, the objections and submissions to the PD and information provided in the application.

4.2 Consideration of the Presentation/Objection by AES to the PD

In relation to Reasons One and Two given in the PD, I note the applicant no longer wishes to apply for waste activities relating to the burner unit and the briquetting process. I note that AES in their objection clearly state 'there will not be any activity under Class 9 or 11 of the Fourth Schedule of the Waste Management Act, 1996 nor will the EU Incineration of Waste Directive be applicable to any activity at the facility'. At the Oral Hearing, AES reconfirmed the withdrawal of the waste activity under Class 9 but not that under Class 11, which they stated related to the use of waste involving the recovery of cardboard.

I note the applicant considers that the withdrawal of waste activities related to the burner unit and briquetting process mitigates against Reason Three in the PD for refusing a Waste Licence. I also note that the applicant considers the Reasons given in the PD are largely unrelated to the actual activity to be carried out. However, I note that the applicant, in their objection, also states that they are particularly concerned with the environmental performance of the facility at Ballymorris. In their presentation at the Oral Hearing and in their objection, the applicant stated that they have initiated and implemented a number of schemes to monitor, control and ameliorate "environmental nuisance", which encompasses vermin, birds, flies, dust, odours, and litter. I note the applicant considers that these control measures can be termed operational procedures, which they believe can be regulated by the conditions of a licence.

I noted during the Oral Hearing that the applicant stated that they had come unprepared because of what they considered to be the inadequate reasons given in the PD. I consider that the applicant should be able to provide details on measures proposed and operational controls at their waste facility, especially where remedial measures are required. In relation to environmental nuisance and operational controls at the facility, I consider that the following issues merit specific consideration.

Waste operations & infrastructure

I note that the acceptance of household and commercial waste is to be in the open yard. In order to recover waste from the household waste and commercial waste streams the waste is to be loaded outdoors onto a trommel, from which cardboard and plastic can be separated indoors. No details were given in the application as to how the applicant proposes to deal with construction and demolition waste, as noted in the Inspectors

Report. I note, based on current waste tonnage's (contained in Appendix I Papers No. 1, for the year 2002 up to 12/10/02, 13,106 tonnes has been accepted of which 12,840 tonnes has gone to landfill, 98% of the waste accepted), that the facility predominantly caters for the disposal of waste.

The measures cited by the applicant, to control nuisances are noted. However, it is my opinion that the handling and processing of waste outdoors at the facility is the main source of the environmental nuisances arising at the facility. It is noted that the presentations made by local residents at the Oral Hearing described a history of nuisances associated with the facility. The Agency inspection on the 6 June 2002 also presents a picture of poor waste handling practices.

It is also noted that the applicant did not propose any improvements to the handling and processing of waste at the facility, other than if the Agency requires waste to be processed indoors that they will abide by it. During the Oral Hearing Dr. Mc Namara stated that the building on site was not suitable for the handling and processing of all waste indoors and that waste would have to be handled outdoors. I consider that an open transfer station is not considered to be best practice. It will in my opinion lead to leachate generation, contamination of surface water in the yard and potential nuisances such as odours, dust, litter and noise. In the event that off-site landfill facilities are closed due to high winds then there is the real possibility that waste will be left outdoors for long periods. While the Agency has in its determination of other waste facilities required the handling of waste in-doors, I consider that in this instance, since the applicant has given an undertaking to cease activities by July 2003, the timeframe involved is not sufficient to warrant such a requirement. In addition, it is noted with some concern that although the applicant has given an undertaking to cease operations by July 2003, they have yet to prepare a closure plan. While I accept Dr. Mc Namara's point that warehouses can have many uses, I consider that the applicant needs to prepare a closure plan for agreement with the relevant authorities.

I note that a letter from the Planning Section of Laois County Council dated 02/07/01, which was treated as a submission, advised the Agency not to issue a licence in respect of any activity for which a valid planning permission does not exist on the site at Ballymorris.

Waste Activities Applied for by Applicant

At the Oral Hearing, the applicant stated that the reasons in the PD only explained the refusal of one out of the eight activities applied for. In relation to the classes of waste activities applied for, Dr. Mc Namara provided an explanation of the proposed waste activities to take place on site. I have examined the application and can only find a description of waste activities received as part of the application on 08/04/99 (attached as Appendix L). The waste activities applied for by the applicant were subsequently modified to reflect the classes of waste activity to be carried on at the facility (Classes 1 and 2 of the Third Schedule and Class 10 of the Fourth Schedule as set out in the

application by the applicant refer to waste activities elsewhere i.e. not at the Ballymorris facility).

The descriptions provided in the application do not correspond to those given by Dr. Mc Namara at the Oral Hearing. It is a matter for the applicant to ensure that the classes of activity being applied for are clearly described and reflect the activities proposed. I consider that the description of the activities contained in the waste licence application to be of a poor standard.

Landfill Gas

There is a history of landfilling of mixed waste at this facility, which is located in an old quarry. Landfill gas generation can give rise to significant risks if not controlled. To date no landfill gas monitoring has been carried out.

4.3 Consideration of the Presentation/Objection by Laois County Council to the PD The objection by Laois County Council relates to the issues of groundwater management and facility closure.

Groundwater

I note the concerns of the local residents and of Laois County Council (contained in their objection and as outlined at the Oral Hearing) in relation to groundwater at the facility. I note the applicant did not provide any specific details in relation to groundwater remediation in the application or at the Oral Hearing, other than to state that they intend to carry out further monitoring. Boreholes drilled within the facility boundary indicate that mixed waste has been landfilled at the facility. The Geological Survey of Ireland has classified the underlying aquifer as regionally important and the groundwater vulnerability at the site as extreme.

Regarding ongoing waste activities at the facility, there is a continuing risk of environmental pollution from the drainage system, as some of the drainage system is open, with waste deposited directly onto it, and it discharges into a percolation area. This drainage system is prone to blockage as evident from Agency inspections. It is also noted that AES, during the Oral Hearing, submitted a copy of the environmental record for the period 01/07/02 to the 06/07/02, and that during this period according to their own records the open drain was blocked on two days. Details submitted during the application process indicate that the truckwash, the percolation area and the fuel storage areas appear to be having an impact on groundwater quality. I also note that pollution of groundwater has already occurred at the facility and open drains are still in operation. No details were provided on the drainage system. Information contained within the application also indicates that groundwater movement is in a northerly direction towards the River Barrow where nine springs discharge 2,000m³ per day to the river. I note that there are potential users of groundwater down gradient of this facility. I also note that the applicant has not seen the necessity to carry out any remedial works.

Laois County Council, in their objection, has requested that the Agency require the applicant to submit a Groundwater Risk Assessment and Groundwater Remediation Plan. I note that Laois County Council, who are the responsible authority for waste management and environmental protection within their functional area, have powers under the Waste Management Act to require the applicant to carry out this work. Indeed I consider that the local authority should have requested this work some time ago. I also note that Laois County Council were advised by the Agency in a letter dated 28/01/02 to sample the drinking water in wells downstream of the facility and to take action as appropriate in relation to the results. Laois County Council has not taken a proactive approach to dealing with these issues at the facility, which is an unauthorised waste facility (no planning permission, no waste permit or waste licence) and is the subject of complaints to the EU Commission.

Facility Closure

I note that AES have given an undertaking to cease current waste activities at the Ballymorris facility by July 2003. The Chairman of AES, in correspondence to the Agency dated 07/09/01, has also referred to this agreement and their intention to leave the Ballymorris site. It is noted that the applicant does not have any plan for the facility once waste activities cease. Laois County Council in their objection requested that the Agency require the applicant to supply a closure plan. The applicant's response to this is that they have lodged applications with Laois County Council for two other facilities in the county. This does not address the facility closure.

Information submitted as part of the application, and received by the Agency on 07/09/01, indicated that an environmental risk assessment and a site decommissioning plan would be prepared. This correspondence included reference to the High Court Agreement (the company has undertaken to cease operations within two years) and that decommissioning would be carried out within the context of the findings and recommendations of the risk assessment and decommissioning plan. The risk assessment and site decommissioning plan were not submitted to the Agency during the application process nor were they provided during the Oral Hearing.

I note Laois County Council also requested that the Closure Plan include the applicants proposals for alternative routes of waste movement within County Laois and the Midlands Waste Management Region. Waste movement within County Laois and the Midlands Waste Management Region, is the responsibility of the relevant local authorities, in this case Laois County Council.

4.4 Consideration of the Presentation by Members of the Public to the PD

Local residents in their presentations gave reasons on why a licence should be refused. I note that their reasons include the mismanagement of the facility, environmental nuisances created by the operation of the facility and concerns over groundwater pollution. I consider that these issues have been dealt with in Sections 4.2 and 4.3.

Appendices

Appendix A: Inspector's Report & Recommended Proposed Decision dated 17/01/01.

Appendix B: Proposed Decision issued by the Board of the Agency

Appendix C Objections to Proposed Decision

Appendix D Submission by AES on Laois County Council Objection

Appendix E Article 34 Notice

Oral	Hearing	Report
~,	1100, 1114	ILCPOIL

Appendix G

Appendix G Agency Technical Committee's Report

Appendix H Letters of Appointment

Appendix I Oral Hearing Submissions

Table 1: Register of Papers Presented at the Oral Hearing.

Number	Presenter	Representing
Papers No. 1	Mr. Pat Alley	AES t/a Erwin Cobbe
-	Dr. John Mc Namara	
Papers No. 2	Mr. David Malone	Member of the public
Papers No. 3	Mr. Michael Cullen	Member of the public
Papers No. 4	Ms. Mary Murphy.	Member of the public
Papers No. 5	Ms. Lily Champ	Member of the public
Papers No. 6	Ms. Joyce Dempsey	Member of the public

, Papers No. 1. Advanced Environmental Solutions (Ireland) Limited t/a Erwin Cobbe Waste Disposal at Deer Park Cross, Ballymorris, Portarlington, Co. Laois.

Oral Hearing on objections to the Proposed Decision issued by the Environmental Protection Agency

AES

Papers No. 2. Mr. David Malone

Representing Environmental Action Alliance - Ireland Member of the Public Papers No. 3. Mr. Michael Cullen

Papers No. 4. Ms. Mary Murphy

Papers No. 5. Ms. Lilly Champ

Papers No. 6. Ms. Joyce Dempsey

Appendix J Oral Hearing Legal Submissions

Legal Submission No. 1 Mr. Michael O Brien

Representing AES

Legal Submission No. 2 Mr. David Malone

Representing Environmental Action Alliance - Ireland Member of the Public Appendix K Closing Statement

Closing Statement No. 1 Mr. Frank Heslin

Representing Laois County Council

Oral	Hearing	Report
~		11000.

Appendix L

Appendix L Application Details - Activities Applied for

Appendix M Recommended Decision

DECISION

On the basis of the information available to it, the Agency, pursuant to its powers under Section 40(1) of the Waste Management Act, 1996, refuse to grant a waste licence to Advanced Environmental Solutions (Ireland) Ltd trading as Erwin Cobbe Waste Disposal to carry on the waste activities that are the subject of waste licence application register number 96-1 at Ballymorris, Kilbride, Portarlington, Co. Laois

ACTIVITIES REFUSED & REASONS FOR THE DECISION

The Agency is not satisfied, on the basis of the information available that the continued operation of the facility would comply with and not contravene the requirements of Section 40(4) of the Waste Management Act, 1996:

The classes of activity applied for by the applicant and reasons for refusal

Waste Disposal Activities, Third Schedule of the Waste Management Act 1996

Class 11 Blending or mixture prior to submission to any activity referred to in a preceding paragraph of this Schedule

Described in the application as blending and mixing of metals, glass, drink cans, cardboard, paper and fines (compost) (see Appendix L for the description as given in the application) and described by the applicant at the Oral Hearing, as the bulking up of waste to be transported to landfill.

Reasons

- The carrying on of the waste activity outdoors is not considered BATNEEC (best available technology not entailing excessive cost).
- The drainage at the facility is not adequate and the existing building is in a poor state of repair. No proposals were put forward by the applicant in relation to these matters.
- Waste blending and mixing as carried on at the facility has given rise to environmental nuisances and the proposed activity has the potential to continue to give rise to environmental nuisances.
- There is a risk of environmental pollution from the carrying on of waste activities outdoors without proper infrastructure.

Class 13 Storage prior to submission to any activity referred to in a preceding paragraph of this Schedule, other than temporary storage, pending collection, on the premises where the waste concerned is produced

Described in the application as the principal activity and refers to the handling of domestic, commercial and industrial waste (see Appendix L for further details) and described by the applicant at the Oral Hearing, as the storage of bulked waste prior to the submission to authorised landfill.

Reasons

As per the reasons given for Class 11 above.

Waste Recovery Activities, Fourth Schedule of the Waste Management Act 1996

Class 2 Recycling or reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)

Described in the application as the production of fines for composting from the trommel and described by the applicant at the Oral Hearing, as the recovery of cardboard.

Reasons

 This activity is related to the processing of mixed waste accepted at the facility outdoors. The activity cannot be carried on due to the refusal of Class 11 of the Third Schedule.

Class 3 Recycling or reclamation of metals and metal compounds

Described in the application as the reclamation of metals and described by the applicant at the Oral Hearing, as the recovery of metals and compounds (a magnet takes out the ferrous material).

Reasons

- Insufficient information has been submitted in the application to allow an assessment of this waste activity.
- This activity is related to the processing of mixed waste accepted at the facility outdoors. The activity cannot be carried on due to the refusal of Class 11 of the Third Schedule.

Class 4 Recycling or reclamation of other inorganic materials

Described in the application as the recovery of 'glass' and described by Dr. Mc Namara at the Oral Hearing, as the recovery of construction and demolition waste including glass.

Reasons

- Insufficient information has been submitted in the application to allow an assessment of this waste activity
- This activity is related to the processing of mixed waste accepted at the facility outdoors. The activity cannot be carried on due to the refusal of Class 11 of the Third Schedule.

Class 8 Oil re-refining or other re-uses of oil

Described in the application as 'engine oil for space heating' and for which the applicant stated there was no description given in the application and that they did not wish to carry on the activity.

Reason

The applicant has withdrawn this activity.

Class 9 Use of any waste principally as a fuel or other means to generate energy

Described in the application as 'shredding of timber, wood off cuts, cardboard, paper and forestry waste for waste heat burner' and described by the applicant at the Oral Hearing as related to the burner and that they did not wish to carry on the activity.

Reason

The applicant has withdrawn this activity.

Class 11 Use of waste obtained from any activity referred to in a preceding paragraph of this Schedule

Described in the application as the recycling of metal, glass, wood, cardboard and paper and described by the applicant at the Oral Hearing as the use of waste involving the recovery of cardboard.

Reasons

- Insufficient information has been submitted in the application to allow an assessment of this waste activity.
- This activity is related to the processing of mixed waste accepted at the facility outdoors. The activity cannot be carried on due to the refusal of Class 11 of the Third Schedule.

Class 12 Exchange of waste for submission to any activity referred to in a preceding paragraph of this Schedule

Described in the application as waste for recycling, waste for composting, waste for energy generation, waste for re-use (oil) and described by the applicant at the Oral Hearing as the exchange of waste from one activity to another.

Reasons

- All the classes of waste activities referred in the proceeding paragraphs have been recommended for refusal.
- Insufficient information has been submitted in the application to allow an assessment of this waste activity.

Class 13 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

Described in the application as the 'storage of end line waste and subsequent disposal at landfill site at Kyletalesha' and described by the applicant at the Oral Hearing as the storage of waste prior to submission to another waste recovery activity.

Reasons

- The description of this waste activity given in the application relates to waste disposal and hence it cannot be licensed under the Fourth Schedule of the Waste Management Act.
- Insufficient information has been submitted in the application to allow an assessment of this waste activity.

5. RECOMMENDATION

I have considered all the information provided and presented at the Oral Hearing and relating to the application. I recommend that all classes of waste activities applied for be refused and hence that a waste licence be refused. In coming to this recommendation, I consider that these activities would not comply with the requirements of Section 40(4) of the Waste Management Act 1996. Table 2 provides a description of the waste activities and the reasons for refusal of the waste activities.

Table 2: The classes of activity applied for by the applicant and reasons for refusal

Waste Disposal Activities, Third Schedule of the Waste Management Act 1996

Class 11 Blending or mixture prior to submission to any activity referred to in a preceding paragraph of this Schedule

Described in the application as blending and mixing of metals, glass, drink cans, cardboard, paper and fines (compost) (see Appendix L for the description as given in the application) and described by the applicant at the Oral Hearing, as the bulking up of waste to be transported to landfill.

Reasons

- The carrying on of the waste activity outdoors is not considered BATNEEC (best available technology not entailing excessive cost).
- The drainage at the facility is not adequate and the existing building is in a poor state of repair. No proposals were put forward by the applicant in relation to these matters.
- Waste blending and mixing as carried on at the facility has given rise to
 environmental nuisances and the proposed activity has the potential to
 continue to give rise to environmental nuisances.
- There is a risk of environmental pollution from the carrying on of waste activities outdoors without proper infrastructure.

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Described in the application as the principal activity and refers to the handling of domestic, commercial and industrial waste (see Appendix L for further details) and described by the applicant at the Oral Hearing, as the storage of bulked waste prior to the submission to authorised landfill.

Reasons

As per the reasons given for Class 11 above.

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Described in the application as the production of fines for composting from the trommel and described by the applicant at the Oral Hearing, as the recovery of cardboard.

Reasons

 This activity is related to the processing of mixed waste accepted at the facility outdoors. The activity cannot be carried on due to the refusal of Class 11 of the Third Schedule.

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Described in the application as the reclamation of metals and described by the applicant at the Oral Hearing, as the recovery of metals and compounds (a magnet takes out the ferrous material).

Reasons

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Reasons

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- This activity is related to the processing of mixed waste accepted at the facility outdoors. The activity cannot be carried on due to the refusal of Class 11 of the Third Schedule.

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Reason

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Reason

• The applicant has withdrawn this activity.

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Reasons

- All the classes of waste activities referred in the proceeding paragraphs have been recommended for refusal.
- Insufficient information has been submitted in the application to allow an assessment of this waste activity.

Class 13 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

Described in the application as the 'storage of end line waste and subsequent disposal at landfill site at Kyletalesha' and described by the applicant at the Oral Hearing as the storage of waste prior to submission to another waste recovery activity.

Reasons

- The description of this waste activity given in the application relates to waste disposal and hence it cannot be licensed under the Fourth Schedule of the Waste Management Act.
- Insufficient information has been submitted in the application to allow an assessment of this waste activity.

I note in the Inspector's Report, in the section on Recommendations, that one of the reasons for recommending grant of a licence was that it offered a mechanism for remediation of groundwater and the orderly closure and monitoring of the facility. I also concur with the Inspector's view but recommend refusal of a licence for the reasons given above.

A copy of my recommended decision to refuse grant of a waste licence is attached as Appendix M.

I referred earlier to the role of the local authority in relation to this waste facility. I note that local residents were very critical of the council's role in dealing with the issues in relation to this facility over the years. In recommending refusal of the waste licence, I am aware that it will be the local authority's responsibility to ensure that the facility is closed properly and that any remediation works necessary are carried out. I note that the Local Authority has two principal mechanisms available under which it may take actions in relation to this facility, (i) the Waste Management Act and (ii) the Planning and Development Act. A letter from the Department of the Environment dated 23/11/00, which has been treated as a submission, refers to the need to provide formal guidance to local authorities regarding their role and functions in relation to the oversight and control of waste activities. I concur with this view. In relation to guidance for the local authority, I recommend that at a minimum and in accordance with its powers under the Waste Management Act, Laois County Council require this applicant:

- (1) To carry out a detailed groundwater risk assessment and remediate the groundwater pollution linked to the facility;
- (2) To carry out an assessment of whether landfill gas is being generated from the buried waste, and if this is the case then carry out appropriate landfill gas monitoring and mitigation measures at the facility;
- (3) To clean up the area around the oil tank and remediate any contaminated soil;
- (4) Ensure that all waste is removed from the facility within one week of the issue of the final decision; and
- (5) That a closure plan for the facility be prepared and implemented.

The conditions contained in the Agency's Inspector's Recommended PD and the Agency's Technical Committees Report (both of which are contained within Appendix's of this report) relating to this facility may be used by the local authority as guidance on the requirements for groundwater remediation/monitoring and landfill gas monitoring.

At the oral hearing local residents also raised concerns about other waste facilities (e.g. Lea Road) and the Oral hearing team recommends that Laois County Council investigate these sites and take appropriate action to ensure that unauthorised waste activities are not being carried out.

Appendices

. () Appendix A: Inspector's Report & Recommended Proposed Decision dated 17/01/01.

INSPECTORS REPORT

WASTE LICENCE REGISTER NUMBER 96-1

APPLICANT: Erwin Cobbe Waste Disposal

FACILITY: Ballymorris, Kilbride, Portarlington, Co. Laois.

Recommendation: That a licence be granted subject to conditions. All waste

activities shall cease until the infrastructure required by this

licence is put in place and planning permission is obtained.

(1) Introduction

Advanced Environmental Solutions (Ireland) Ltd trading as Erwin Cobbe Waste Disposal have applied to operate an existing and unauthorised waste transfer station, recycling facility, and burner unit (not yet in use) at Deerpark Crossroads. Ballymorris, Kilbride, Portarlington, Co. Laois. Advanced Environmental Solutions (Ireland) Ltd acquired Erwin Cobbe Waste Disposal on 6 July 2001.

The transfer station facility lies approximately 1.5 km south of Portarlington, in a predominantly rural area and has been in operation since c. 1979. The site is rectangular in shape with dimensions of 50m x 160m and covers an area of approximately 0.8 hectares. The site occupies a former limestone quarry which was previously landfilled with municipal waste in the 1970s by the applicant. Concrete and hardcore lie over the old waste mounds, on which the waste transfer station now sits.

The facility handles approximately 22,000 tonnes of non-hazardous waste and has a weighbridge and offices (portacabin). A group of corrugated steel sheds (17m wide x 60m long) accommodates a trommel separating system; a wood and cardboard shredder, a free standing steel silo (to hold 20 tonnes of shredded material), a Talbott C9 Combustion and Heat Exchange Unit (Burner), a cooling water based dissipater. and a 10m high exhaust stack. Four private dwellings lie within a 300m radius of the facility. A plan showing the location of the facility to which the application relates is provided in Appendix 1.

The maximum annual tonnage applied for in the application is 22,845 tonnes to include the burning of 6,000 tonnes of waste paper/cardboard/wood. The hot water produced is to be used in the manufacture of waste paper/cardboard/wood briquettes to be sold commercially as a solid fuel. The applicant has applied for Classes 11 and 13 (Principal) under licensed waste disposal activities, and Classes 2, 3, 4, 8, 9, 11, 12 and 13 under licensed waste recovery activities, in accordance with the Third and Fourth Schedules of the Waste Management Act, 1996.

The facility has also applied for a Waste Permit from Laois Co. Co. (dated 15 September 1999) and is currently the subject of High Court Proceedings (planning issues). Furthermore, An Bord Pleanala (ABP) on 19 December 2000 refused permission for the development comprising the retention of the storage silo (for shredded cardboard and wood) and dissipater (attached to the side of the burner unit). A copy of the ABP decision is attached (Appendix 2) and the reasons for the refusal include that it would constitute a material intensification of use which cannot be satisfactorily accommodated in this location, and the proposed development would

give rise to additional traffic and endanger public safety. One of the Directors of Advanced Environmental Solutions (Ireland) Ltd, Mr Erwin Cobbe, the former owner, is subject to an EU complaint (P99/5122) where it is alleged that he is carrying out illegal waste activities at four sites in the Portarlington Area.

The applicant has notified the Agency that the intended period of the waste activity is 24 months as per letter (paragraph 3) from EMAI on behalf of Advanced Environmental Solutions (Ireland) Ltd., received by the Agency on 12 September 2001.

Site Visits:

DATE	PURPOSE	PERSONNEL
20 May 1999	Site Notice Check	P. Carey/M. Keegan
14 September 2000	Site Visit	M. Doak
5 January 2001	Site Visit	M. Doak/D. Shannon
5 October 2001	Site Visit	M. Doak

General Information:

Quantity of Waste (tpa)	22,845 tonnes per annum	
EIS required	No	
Number of Submissions received	114	

(2) Facility Development

Currently all incoming waste and contents of skips are emptied onto the waste receiving area floor and lifted by mechanical grab into the trommel and conveyor belt where cardboard is handpicked by two persons. Fines fall through the trommel openings onto a concrete floor underneath. Larger pieces of waste and plastic are carried onto the moving conveyor by the rotating trommel and into waiting 40t trailer vehicles for movement to landfill. The main purpose of the trommel is to separate out the cardboard and plastic sheeting from the body of domestic waste for re-sale or re-use.

In the past, the fines falling out of the trommel have been classed by Cobbe to be reclaimed organic substances/compost. The applicant considers that up to 1,500 tonnes of waste fall from the trommel per annum (Article 16 Response, received by Agency on 6 December 2000). Up to October 2000, Cobbe indicated that all such material was being sent to a vermicomposter (P Holesworth) operator based in Co.

Tipperary (Article 16 Response, received by Agency on 3 October 2000). However the Agency has received confirmation from Mr Holesworth (23 October 2000) that he only ever received a pilot batch of 40 litres on 12 June 1999. On 6 December 2000 in response to an Article 16 request, Cobbe stated that the destination of the trommel waste is 'at the landfill at Offaly'. An Agency inspection of the facility on 5 January 2001 showed that the fines falling from the trommel contain a significant amount of inorganic material including small pieces of hard plastic and glass and the occasional battery lying within a limited matrix of fine soft, dark organic material typical of municipal waste. Furthermore Agency staff visited another Cobbe owned site in Kilbride (open tillage fields) on 5 January 2001 in relation to an EU complaint (P99/5122) to determine if waste activities are being carried out at this site. A wide expanse of fine material was noted to be spread into thin layers which consisted of a soft, dark organic matrix with a significant concentration of inorganic material including small pieces of plastic, glass, and domestic appliance batteries. This material was very similar to waste observed underneath the trommel at the Ballymorris facility on the same day.

I consider the trommel waste arising at Ballymorris to be a municipal waste as per the European Waste Catalogue. It should not be regarded as organic compost or ashes as the applicant has suggested in the past. As a result, and to avoid illegal dumping of this waste I am specifying in Condition 5.6.3 that all fines from the trommel system shall only be transferred to an appropriate facility agreed by the Agency and that written records of its disposal be kept as per Condition 10.2.

The proposed decision requires the applicant to have adequate duty and standby capacity for all items of plant deemed critical for the processing of waste. The current infrastructure for the waste transfer provision include weighbridge, weighbridge office, truck wash and truck parking/skip storage areas, trommel, conveyor belt, and cardboard compactor unit. The proposed decision makes provision for this infrastructure.

The proposed decision requires the applicant to review the existing security and fencing, to review the status of the existing weighbridge and the existing septic tank system on the facility. A roof must be added to the waste receiving area prior to commencement of the licence since all incoming waste is liable to heavy wetting in the existing waste receiving yard. Rainwater from this roof should be diverted to a gravel drain at the edge of the concrete yard. The two above ground fuel storage tanks are to be moved to another part of the facility as proposed by the applicant. However, both tanks must be bunded as per Condition 3.15. Foul water (including sewage, drainage/leachate from waste transfer building, wheelwash etc.) which is generated on site will be collected in an underground tank (Condition 3.13) and tankered to a wastewater treatment plant agreed with the Agency. The entire facility is required to be covered by impermeable concrete within three months of grant of licence.

A significant proportion of the waste intake applied for is construction and demolition waste (6,000 tpa). There are no details in the application or later Article 16 responses as to how the licensee proposes to deal with this waste. However Agency site visits have shown that this material is stockpiled at two adjacent concrete bays to the south of the main waste receiving area prior to shipment and recovery offsite. Condition 3.19 specifies that this area be constructed to an appropriate standard. A record of offsite recovery of the construction and demolition waste must be kept as per Conditions 10.2 and 5.6.

The burner and associated infrastructure is discussed in Section 4 Emissions to Air.

(3) Waste Types and Quantities

Conditions 1.4 and 5.2 of the Proposed Decision controls the quantities and types of waste to be accepted at the facility. The total quantity of waste to be accepted and handled at the facility shall not exceed 22,845 tonnes per annum. Of the 22,845 tonnes per annum a maximum 6,000 tonnes per annum of untreated/uncontaminated wood can be burned to fuel the burner as per Schedule A.

(4) Emissions to Air

No information on existing noise and dust levels was presented by the applicant although monitoring locations were specified in the attached Drawing No c20/00008A1B. The applicant specifies six dust monitoring and four noise monitoring locations, all positioned along the boundaries of the facility. Monitoring locations, requirements and emission limit values are set in Schedule D of the proposed decision in order to control any fugitive dust emissions and noise emissions from activities on site.

The Agency inspection of the facility on 5 October 2001 (unannounced) was a cause for concern with regard to odours emanating from the waste receiving area and in the vicinity of the trommel unit. Very strong acidic and foul smelling odours were coming from the fines and matter falling from the trommel system onto the concrete floor beneath. Furthermore a strong leachate/domestic waste odour was originating from the waste receiving yard. Several days of rain had preceeded the visit. The yard is open to rain as are certain parts of the trommel. It was obvious that the fines underlying the trommel had been lying there for some days since as well as the foul odours, maggots were seen to grow within the mass of material. All waste shall be removed at the end of each working day as per Condition 5.5.1 from each of the areas discussed. Waste for disposal is required to be stored in sealed covered containers and removed off-site within twenty four hours of its acceptance at the facility as per Conditions 5.9 and 5.10.

The applicant has applied to burn 6,000 tonnes/annum wood, paper and cardboard waste under Class 9 of licensed waste recovery activities, 4th Schedule WMA by using an integrated burner and heat-exchanger unit, the Talbott C9 installed in early 1999 to a commercial 'off the peg' design originating from Talbott's Heating Ltd., Stafford UK (see Appendix 1(b) for schematic diagram of unit). The arising hot water is to be used in the manufacture of waste paper/cardboard/wood/sawdust briquettes to be sold commercially. The associated items include a conveyor, hopper, shredder, magnet, cardboard and wood silo, 9m stack, and hot water dissipator. The C9 is rated 2,500kw and is rectangular in shape with dimensions 7m long, 1.5m wide, and 1.3m high. Information supplied by the applicant sets out in detail the burner workings and technical details (20 April 2001). In summary the waste material for combustion is fed into a three chamber combustion unit by a direct auger feed. It is calculated that the theoretical residence time for a temperature of 850 deg C while burning wood waste at a design rate of 500kg/hr, is 0.53 secs.

The applicant proposes to utilise a 'Spanex' briquetting press in order to briquette 100 tonnes per week (5,200tpa) of 'waste timber, sawdust, cardboard, and paper waste' under Class 9 of licensed waste recovery activities, 4th Schedule. The 5,200tpa will be sourced from the incoming waste as per Condition 1.4 and Schedule A. The briquettes are to be sold commercially as an alternative fuel. I consider that the briquette raw material should be emission and contaminant free and therefore specify in Condition 5.5 the EWC code for the material that can be used. The machinery for this aspect has not yet been acquired (see Appendix 1(c) for details of unit). I consider it would be necessary to declassify the briquette product from a waste to a fuel since the public or consumer would otherwise require either a waste permit or licence to burn such briquettes. It therefore would be desirable to specify a (fuel) standard which the briquette product will achieve. However, currently none is available. Furthermore emission controls must be established to ensure that the activity does not cause environmental pollution. These can be set under Condition 6 of the proposed decision.

The unit appears to meet the TA Luft 1986 emission limit values for wood burning furnaces which burn uncontaminated waste wood. As a result the Proposed Decision has been drafted to permit use of this unit while excluding any other waste burning such as treated wood, cardboard and paper. In order to avoid confusion and to highlight this assessment the Talbott C9 unit is referred hereafter to as a wood burner/burner plant as per Conditions 3.11, 5.4, and 6.3.

(5) Emissions to Groundwater

A hydrogeological investigation of the facility was undertaken by the applicant during October 2000 in response to an Article 16 notice. A total of five boreholes were drilled at the facility, three being completed as permanent monitoring wells in the underlying limestone bedrock. The other two shallower wells were excavated temporarily into the underlying made ground deposits to determine the depth of the landfill material. Borehole logs for the five wells indicate that municipal type waste

lies to a depth of 3.3m in the mid to south part of the facility. The three monitoring wells were subject to two groundwater monitoring rounds in October 2000 and May 2001 for a wide range of organic inorganic and metal parameters. Analysis parameters were more wide ranging for the May 2001 monitoring round in response to an Article 16 notice of 13 March 2001. Specifically the May analyses were List 1 substances, VOCs, SVOCs, pesticides, cyanide and metals.

The regional geology of the area consists of Carboniferous Limestones overlain by a thin layer of Quaternary clay and sands and gravels. The five boreholes drilled in October 2000 show that depth to rock at the facility ranges from 2.5m to greater than 15m (increasing to the north), illustrating that rock has been excavated from the quarry over time. The northern part of the facility has not been filled with municipal waste; the void is filled with gravel stone and clay. The Geological Survey of Ireland has classified the underlying limestone bedrock as a Regionally Important Fractured Aquifer, which has an extreme vulnerability to pollution. Two private wells abstract water from the aquifer 350m downgradient¹. The aquifer has potential future use as a public water supply. Regional groundwater flow is to the west/north west towards the River Barrow which lies 1.2km northwest of the facility. The underlying water-table is in the region of 3.6m coincident to the top of rock and the bottom of the buried waste.

The two rounds of analysis results show elevated levels of mineral oil and nickel in the three permanent bedrock wells. Results for all other parameters including List 1 substances were at or below the level of detection and below the maximum admissible concentrations (MAC) set out in the Drinking Water Regulations (SI No. 81 of 1988). In October 2000 for mineral oil, MW3 showed a value of 720µg/l and MW2 showed a value of 170µg/l. Both results lie above the Dutch Target Value of 50µg/l, and one (MW3) is above the Dutch Intervention Value of 600µg/l. The higher value at MW3 may be explained by its proximity to the existing two above ground fuel storage tanks (ASTs) and diesel dispensing pump, where the surface of the soil in the vicinity of the tanks is heavily stained with a diesel type substance. Nickel was sampled for in May 2001 and was detected in all three wells ranging in concentration from 0.02mg/l to 0.135mg/l (MW-1). The concentration of nickel in MW-1 is above the Drinking Water Regulations MAC (0.05mg/l). However the concentration of nickel in all three wells is above the 0.02mg/l standard set out in the EU Drinking Water Directive (98/83/EC). The pH was in the region of 5.8. The presence of such nickel concentrations and low pH is indicative of industrial pollution. Given that the underlying limestone is a regionally important aquifer and that two private wells abstract water from the aquifer 350m downgradient, the groundwater must be remediated to prevent ongoing pollution (Condition 3.20.2). The remediation techniques must be agreed by the Agency.

¹ I recommend that the Agency writes to the Local Authority advising them of the location of the two private wells, and request them to sample the drinking water arising.

The applicant proposes to move the above ground fuel storage tanks to the south of the facility and to carry out the proper bunding procedures. It is a condition of the proposed decision that the applicant shall take measures (within nine months) to remove and dispose of the hydrocarbon contaminated soils where mineral oil concentration is >50mg/kg (Dutch Target Value for soils). The contaminated soils must be disposed of at a licensed facility and the excavation must be infilled by clean contaminant free soil/hardcore which is not a waste.

The proposed decision provides for the monitoring of three on-site wells and two offsite private wells 350m west and 400m north west to include analysis for List I organic and metals (including nickel), and mineral oil. The quality of the underlying groundwater must not in the future be impacted on by licensee activities. In particular the concentration of mineral oil and nickel must be monitored each quarter. Condition 1.10.2 would permit the Agency to issue a notice in order to rectify this matter if necessary.

(6) Emissions to Surface Waters

Presently up to 50% of the surface is covered in concrete which drains to an interceptor type chamber and soakage pit to the northern boundary. The remainder of surface consists of hardcore gravel where much storage of skips and traffic movement occurs. The facility currently exhibits no surface run-off; there are no discharges to surface water, all water soaks into the ground. To avoid groundwater pollution and any possible surface water pollution the licensee shall provide, and maintain an impermeable hardstanding surface in all areas of the facility within three months from the date of grant of licence (Condition 3.5.2). All hardstanding areas shall drain to a oil separator and grit chamber the standard of which must meet the Class I separator European Standard prEN 858 'Installations for the separation of light liquids' within six months. Furthermore the proposed decision establishes that all water arising from the separator shall be discharged to the secondary wastewater treatment system of the sewage treatment system.

(7) Other Significant Environmental Impacts of the Development

None

(8) Waste Management, Air Quality and Water Quality Plans

The Midland Waste Plan was adopted in December 2000 and provides for an increase in recycling facilities in general. The proposed development was mentioned as one of three waste transfer stations in Co Laois which have an application with the Agency.

(9) Submissions

114 submissions were received in relation to this application and I have had regard to the submissions in making my recommendation to the Board.

The submissions are discussed below under subject matter as Grounds 1 to 10 incl. Each of the Grounds are commented on in the context of the Proposed Decision.

Ground 1: EIA

A number of submissions raise matters concerning the environmental impact assessment or lack at the facility and issues relating to the Environmental Impact Assessment Regulations and the EU EIA Directives. The vast majority of these submissions originated from Mr David Malone trading as Environmental Action Alliance – Ireland (EAAI) of 60 St Joseph's Terrace, Portarlington, Co. Offaly.

- Why has an EIS not been asked for by the Agency;
- It is considered that an EIS is mandatory for the proposed development;
- The EPA and Laois Co Co failed to request an EIS from Cobbe and as a result EAAI have registered a complaint with EU Comimission (No, P99/5122);
- The non-technical summary of the EIS prepared for An Bord Pleanala is not up to standard;
- Did the Agency request the EIS for the same reasons as An Bord Pleanala;
- Infringements of EU laws by the Irish Planning Authorities and the EPA.

Comment

EIA requirements derive from European Communities Directive 85/337/EEC (as amended by Directive 97/11/EC) on the assessment of the effects of certain public and private projects on the environment. The primary objective of the EIA Directive is to ensure that projects which are likely to have significant effects on the environment are subject to an assessment of their likely impacts. The approach adopted in the Directive is that EIA is mandatory for all Annex I projects on the basis that these project classes will always have significant environmental effects. Thresholds are specified in respect of most project types in the Annex. In the case of Annex II projects, Member States must determine on a case-by-case basis or on the basis of thresholds or other criteria, or a combination of both approaches, whether or not a project should be subject to EIA. In addition to transposing the mandatory requirements which apply to Annex I projects, Ireland choose to set thresholds for each of the project classes in Annex II as set out (as Part II in Schedule) in the EC (Environmental Impact Assessment) Regulations (S.I. No. 351 of 1998) recently amended by the EC (Environmental Impact Assessment) (Amendment) Regulations (S.I. No. 93 of 1999).

A review of Part II No 11 (b) of the First Schedule (S.I. No. 93 of 1999) specifies that an EIS should be implemented where "Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part I* of this Schedule".

* Part I waste activities deal with hazardous waste and incineration of non-hazardous

waste installations; these are not applicable to the applicant's facility. It is apparent that this application does not need to carry out an EIS since the annual tonnage thresholds fall below the EIA threshold of 25,000 tonnes as set out in Part II of the Schedule of the EIA Regulations. As discussed at the beginning of this Inspector's Report, the maximum annual tonnage applied for in the application is 22,845 tonnes to include the burning of 6,000 tonnes of waste paper/cardboard/wood.

An EIS was prepared for An Bord Pleanala by the applicant to address planning issues in April 2000. The Agency on 4 May 2000 requested a copy of the EIS. The Agency further requested 15 copies of the EIS on 13 March 2001 from the applicant since the original request of 4 May 2000 was not fulfilled. These were received on 14 May 2001 and were subsequently dispatched to the relevant statutory bodies.

The Agency has assessed this application using the documents submitted as part of the original application received at the Agency on 5 March 1999, and numerous other documents submitted to the Agency arising out of further information requests by the Agency under Articles 12, 14, and 16 of the Waste Management Licensing Regulations up to 12 September 2001. The Agency was satisfied that it had enough information arising out of the various requests above in order to reach a proposed decision.

Ground 2: Nuisances

A number of submissions raise matters concerning nuisances. Nuisances encompass vermin, birds, flies, dust, odours and litter.

- The local community and residents adjacent to the yard will be subjected to persistent odours, noise levels and nuisances. Increased vermin, flies, insects and birds will result from the proposed development. The quality of life for the local residents will also be affected;
- Odours are a particular problem in warm weather and over weekends. They are a particular problem for Mrs Murphy who cannot open her windows due to the offending smells;
- The increased vermin will impact on the adjacent agricultural fields and on the potato crop of one farming neighbour, as well as humans;
- Is the dust which arises from the facility contaminated;
- Refuse destined for the Cobbe yard is often left outside the main gates and causes littering problems;

Comment

Potential nuisances are controlled by Condition 7 of the proposed decision. There shall be daily nuisance inspections of the immediate surrounds for nuisances. Furthermore specific conditions have been written for the removal of the waste arising as trommel fines or the general waste in the receiving yard (Conditions 5.5.1; 5.6.3;

and 5.10) since this material/waste is the main source of the odour problems in the past. All waste shall be removed at the end of each working day as per Condition 5.5.1. Waste for disposal is required to be stored in sealed covered containers and removed off-site within twenty four hours of its acceptance at the facility as per Conditions 5.9 and 5.10. Such conditions will ensure that odours are kept to a minimum at the facility. The licensee shall establish and maintain a Stakeholders Group composed of representatives of the local community. The licensee shall convene monthly meetings in order to update the Stakeholders on works, progress, Agency correspondence, and nuisance/emissions aspects arising (Condition 2.4.2). Compliance with the conditions of the proposed decision will ensure that no environmental pollution will arise from the licensed activities. The onus is on the applicant to be in compliance with the proposed decision at all times and this will be verified by the submission of reports/results required and regular site inspections. If the applicant is found to breach any condition, then the Agency will take the necessary enforcement action.

Ground 3: Licence/permit/planning queries

A number of submissions examine matters concerning waste licensing or permitting issues, and planning issues:

- The incinerator at the facility was installed without any planning permission;
- There is no permit or licence for the facility as is necessary under the Waste Management Act;
- Does the site require a Waste Permit or a Waste Licence;
- Status of Application Query;
- Laois Co Co consider that a planning permission for the facility must be issued before any waste licence is granted;
- An Bord Pleanala have refused the Cobbe facility planning permission;
- The Cobbe facility is currently in a High Court case on matters of planning taken by Laois Co Co and An Bord Pleanala;
- The site notice erected does not comply with Art 7 of the EPA Licensing Regulations (SI No. 85 of 1994);
- The Agency cannot grant a waste licence for an illegal development or unauthorised development. How can the Agency process an application for an illegal activity;
- The location of the facility is incompatible and it cannot sustain a private enterprise of this nature. The proposed development is not suited to a rural residential and farming area;

Comment

The application is for a waste facility under the Waste Management Act, 1996 and is not assessed under the EPA Licensing Regulations which apply to the licensing of scheduled industry as per the EPA Act of 1992. Furthermore the site notice was deemed to be in compliance with the Waste Licensing Regulations on 20 May 1999. The facility operator has also applied for a Waste Permit with Laois Co. Co. (dated 15 September 1999).

The issues of planning raised here are outside the scope of the proposed decision and are a matter for the planning authority and An Bord Pleanala. The proposed decision will ensure that the facility will not impact significantly on the environment. No proposal for an incinerator has been received and a new application would be required for such a facility under Class 8, Third Schedule of the Waste Management Act. The proposed decision limits the Talbott C9 unit under Class 11, Fourth Schedule of the Waste Management Act to its operation as a wood burner which uses untreated/uncontaminated wood to supply fuel and heat the hot water heating system.

Ground 4: Road network/traffic/residential area

A number of submissions are concerned with the quality and size of surrounding roads and land use in the immediate area.

- This development will result in undesirable levels of traffic on routes which are unsuitable for traffic. The traffic on the road network has increased over time and it has had a detrimental effect on the local roads and the use of these roads by the local community;
- The waste vehicles will generate unacceptable levels of noise, dust, fumes, odours, litter and other nuisances and will generally undermine the local environment, disrupt traffic flow, impact on the flora/fauna along the roads, impact on the neighbouring farm and cattle movements and damage the local road network;
- The facility should not be located on a site which is badly served by access roads.

Comment

The issue of traffic is outside the scope of the proposed decision and is a matter for the roads and planning authorities.

Ground 5: Vehicle Repair

A number of submissions are concerned with the operation of a vehicle and motor repair element at the facility.

- Operation of vehicle/truck repair and vehicle storage on site;
- Operation of vehicle lorry washer which sprays out onto adjoining road

Comment

Vehicle repair and washing is a matter for the planning authorities since it is not a waste activity. However the proposed decision specifies conditions for a wheelwash (Condition 3.8). The proposed decision does not allow the re-use or recycling of waste oil at the facility. Waste Oil must be disposed of via licensed waste contractors as per Condition 5.6.1.

Ground 6: Operating Hours

A number of submissions are concerned with the operational hours of the facility and the nuisances caused in the past by night-time operations:

- Operation of facility at 4am on 5th January 2001;
- Operation of facility at 6am on 25th February 2001;
- Irregular operational hours in general and breaks in sleep.

Comment

Compliance with the conditions attached to the proposed decision (Condition 1.7) will ensure that the residential neighbourhood will not be disturbed by this facility's operations during the unsociable hours referred to above.

Ground 7: Soil, Groundwater and Water Quality

A number of submissions are concerned about surface water and groundwater sampling and analysis and soil quality issues:

- The facility/site when vacated should be checked and made safe regarding water pollution;
- Ms Lilly Champ (farmer) utilises a spring well 500m downgradient from the Cobbe facility for all her stock and personal drinking water needs; Is her well safe and will it be tested by the Agency;
- The Corrig-Ballymorris Residents Association request that soil analysis be done at the facility for pesticides, blood, organics and hydrocarbons/solvents etc.

Comment

A hydrogeological investigation of the facility was undertaken by the applicant during October 2000. Three monitoring wells were subject to two groundwater monitoring rounds in October 2000 and May 2001 by the applicant. No soil sampling has been undertaken to date since the site lies on rockhead. However matrix grab samples were taken in October 2000 to understand the makeup of the yard infill. These results are discussed in Section 5 of the Inspector's Report. The proposed decision provides for the monitoring of three on-site wells and two off-site private wells 350m west and 400m north west to include the well lying on Ms Champ's property (Conditions 3.20 and 8.10). The groundwater results from the two monitoring rounds show that the ground and underlying groundwater at the facility has not been impacted by the wide range of contaminants stated above apart from blood and pesticides. Both these parameters however were indirectly analysed for. Blood concentration is not easily determined in groundwater or soils since it is a straight chained organic/metal substance which biodegrades rapidly. Pesticides were anlysed for as part of the List I organic suite. However, the site has caused nickel and hydrocarbon (diesel) pollution insitu, which must be immediately stopped and remediated if necessary. The neighbouring wells downgradient must also be assessed immediately (Condition 3.20.1).

Ground 8: Complaints against the Agency

A number of submissions are concerned about Agency actions over this waste application:

- Tardiness of EPA:
- EPA ignoring submission of Mr David Malone's (EAAI) submission of October 1999;
- No action ever taken by EPA over the environmental issues arising at the Cobbe facility;
- Agency has already decided to grant a waste licence Mr David Malone (17/7/01);

Comment

The information submitted with the waste licence application is available for public viewing at the Agency's offices and also at the offices of the local authority. The Agency has assessed this application using the documents submitted as part of the original application received at the Agency on 5 March 1999, and numerous other documents submitted to the Agency arising out of further information requests by the Agency under Articles 12, 14, and 16 of the Waste Management Licensing Regulations up to 12 September 2001. The Agency was satisfied that it had enough information arising out of the various requests above in order to reach a proposed decision. An Article 16(1) compliance was issued on 4 December 2001 in respect of Advanced Environmental Solutions (IRL) Ltd. The Agency has not yet made any decision in relation to this application. The issuing or refusal of a Waste Licence for

this facility can only occur after a proposed decision is issued and the required period for receipt of any objections has passed.

Ground 9: Medical and Health issues

A number of submissions are concerned about this aspect

- A Medical Social Worker at St Vincent's hospital expresses her assessment that
 the existence of the facility in the neighbourhood of Mrs Murphy's home has
 affected her both psychologically and emotionally;
- The health of the people and future generations will be affected and should be protected.

Comment

It is considered that compliance with the conditions attached to the proposed decision will ensure that this facility will have no significant impact on human health or the local environment.

Ground 10: General

A total of 12 submissions refer to individual issues not referred to in Grounds 1 to 9 above. Certain of these items are not actual submissions but are more a request for information. However they are listed below for completeness:

- 1. Copy of letter sent to Laois Co Co setting out nuisance complaints for the Cobbe facility;
- 2. Freedom of Information request from EAAI on 6 August 1999. Agency responded on 13 August 1999;
- 3. Copy of letter sent to Laois Co Co setting out notes of a site inspection undertaken by a third party consultant of the Cobbe facility;
- 4. Copy of High Court Affidavits sent to Agency as a matter of information from local residents on upcoming planning appeal case at Cobbe facility;
- 5. Copy of An Bord Pleanala decision 13 July 2000;
- 6. Copy of list of complaints received at Laois Co Co regarding issues at the Cobbe facility:
- 7. Dept of Env & Local Govt correspondence on a recent EU complaint for the Cobbe facility;
- 8. Copy of High Court Affidavits sent to Agency as a matter of information from solicitor acting on behalf of local residents on upcoming planning appeal case at Cobbe facility;
- 9. Refuse collection has been withdrawn by Erwin Cobbe for a neighbouring residence in July 2001 (4).

Comment

These matters have been noted and considered.

(10) Recommendations

Advanced Environmental Solutions (Ireland) Ltd trading as Erwin Cobbe Waste Disposal have applied to operate an existing unauthorised waste transfer station, recycling facility, and burner unit (not yet in use) at Deerpark Crossroads, Ballymorris, Kilbride, Portarlington, Co. Laois. Advanced Environmental Solutions (Ireland) Ltd acquired Erwin Cobbe Waste Disposal on 6 July 2001.

The unauthorised Erwin Cobbe Waste Disposal waste transfer station has been in existence since the early 1980s and has been subject to many legal challenges by Laois County Council environment and planning sections. The unauthorised facility is in contravention of planning law, Laois County Council enforcement notices and An Bord Pleanala decisions. The facility in more recent years has been the subject of serious environmental complaints from the surrounding neighbours to the Agency since the time of application (5 March 1999). The facility is also the subject of an EU complaint (P99/5122). The facility has been developed on an *ad hoc* basis; waste handling structures and the burner unit were emplaced with no proper regard of environmental or planning law.

Groundwater analysis results of May 2001 confirm that the facility has caused environmental pollution (nickel and diesel range organics) of the underlying groundwater body which is classed as a regionally important aquifer by the Geological Survey of Ireland. Three private wells extract water from the same aquifer 350m downgradient. The nickel pollution is a result of previous municipal waste which was emplaced into an unlined limestone quarry at the watertable. The hydrocarbon contamination is a result of poor site housekeeping practices. The underlying groundwater must be remediated and the source of the pollution be removed.

The applicant has notified the Agency that the intended period of the waste activity is 24 months as per letter (paragraph 3) from EMAI on behalf of Advanced Environmental Solutions (Ireland) Ltd., received by the Agency on 12 September 2001. This is the outcome of discussions the new owners have had with the adjacent residents over the past few months prior to High Court proceedings.

Operations occurring onsite are causing problems for the residents. Furthermore the groundwater which the same neighbours use, must also be remediated.

This inspector is facing a dilemma on whether to recommend the grant of a licence to Advanced Environmental Solutions (Ireland) Ltd (AES) for the continued operation of the facility or whether to refuse. A refusal offers no clear mechanism to alleviate the many problems at the AES facilty. A recommendation to grant a licence would allow for the remediation of groundwater and the operator to deal with the environmental nuisances and other problems arising. A recommendation to grant will rationalise the situation at the facility and will present a blueprint for the new owners to work with. This will ensure that adequate infrastructure is in place, the groundwater is remediated, the facility will be closed in an orderly fashion and monitored.

I recommend the grant of a licence for the following reasons:

- 1. I am satisfied that the activity concerned, carried out in accordance with the conditions attached will not cause environmental pollution particularly with regard to the underlying groundwater quality.
- 2. I am satisfied that the best available techniques will be used to prevent or eliminate groundwater pollution and air emissions/nuisances from the activity if carried out in accordance with the conditions as attached to the licence.
- 3. I am satisfied that emissions from the wood burner will not result in the contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value, prescribed under any other enactment.

However, in making this recommendation I consider that it is essential that all waste activities at the facility as listed and described in Part I: Activities Licensed, shall cease until the infrastructure required by this licence is put in place. The cessation of activities will be completed within the context of a decommissioning plan to be agreed as per Condition 4 of this licence.

I recommend that the re-use of oil Class 8 under licensed waste recovery activities, be refused for the following reason:

Class 8 - Waste Oil Re-use

No specific proposals for the re-use of oil were included as part of the licence application.

Signed

Dated: 17/1/2002

Mr Malcolm Doak

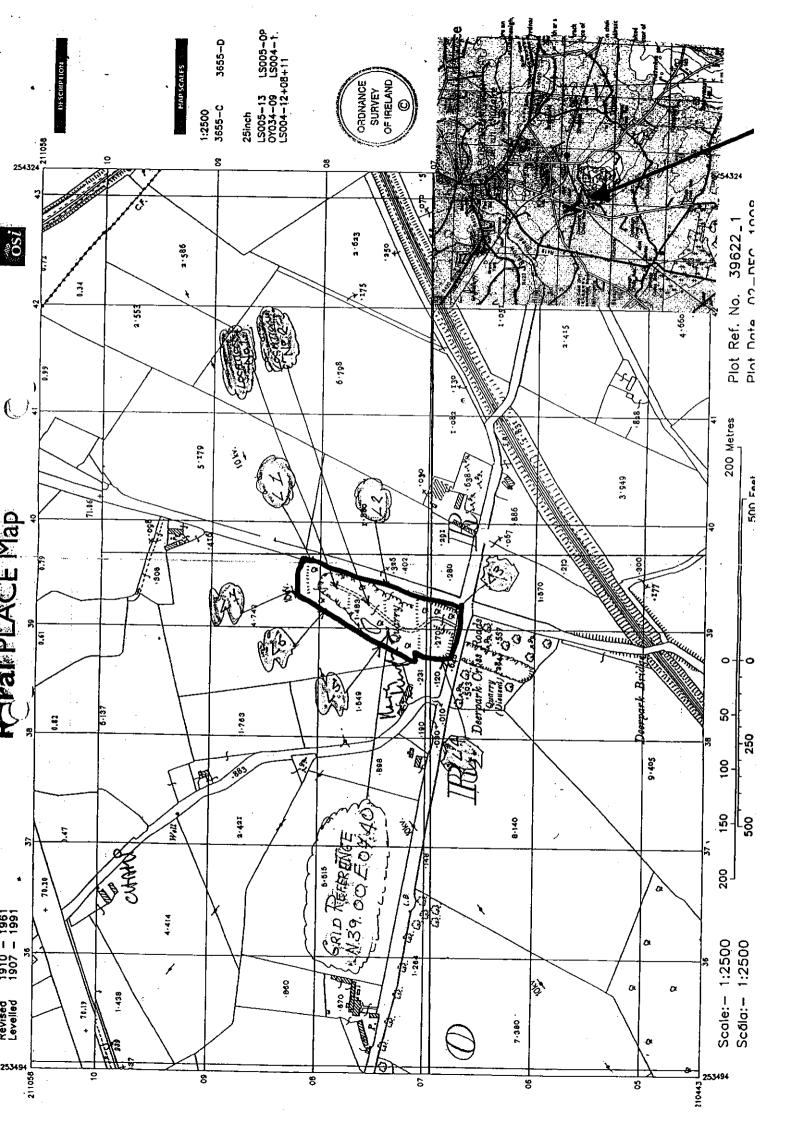
Inspector, Environmental Management & Planning.

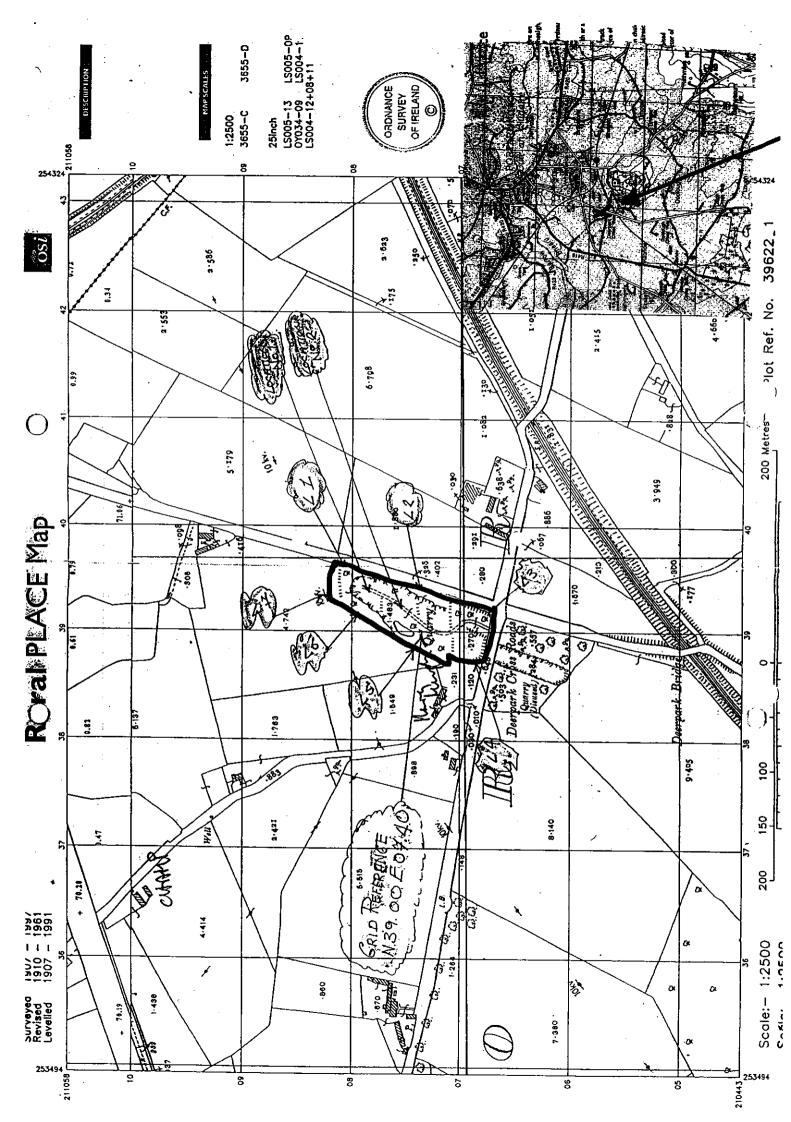
APPENDIX 1

a) MAP OF LOCATION

b) DIAGRAM OF TALBOTT BURNER/HEAT EXCHANGE UNIT

c) SPANEX BRIQUETTING PRESS





BHSU LUFT- UND UMWELTTECHNIK GMBH EIN UNTERNEHMEN DER BRUNNER-GRUPPE

POSTFACH 1450 · D-37165 USLAR
OTTO-BRENNER-STRASSE 6 · D-37170 USLAR

12 (0.5571) Ø 304-0

13 (0.5571) 304-111

E-Mail: SPAENEX@t-online.de

SPÄNEX

EIN UNTERNEHMEN DER BRUNNER-GRUPPE BHSU LUFF- UND UMWELTECHNIK GMBH

POSTFACH 1450 · D-37165 USLAR
OTTO-BRENNER-STRASSE 6 · D-37170 USLAR
(0.5571) D. 3.04-0

W. (0.5571) 3.04-111

E-Mail: SPAENEX@t-online.de



Technical data

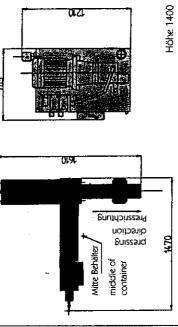
presses SHB 50-250

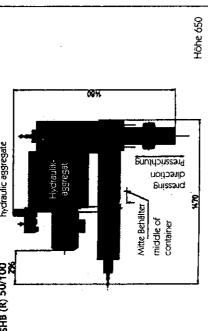
SPÄNEX briquetting

professional disposal systems with know-how

SHB (R) 150

Höhe 650 hydraulic aggregate pressing direction Mitte Behälter container middle of SHB (R) 50/100





SAME

SHB 250

SPAN

bunkers 0,85 - 14m3 selectively with filter

automatic start transport lines

automatic bag-filling plant

measuring of briquett length

safety switch

text display

pressing direction

middle of container

Mitte Behälter

oil cooler for multi-shift operation oil heater for outdoor installation

Shape of Brouletts ninks octoson shape at 70 m octoson shape her a 20 m octoson shape at 20 m octoson shape 7,5 7,35 ٠ 7,5 R 10 7,5 6,0 60 7,5 Höhe 1500 0,45 5,5 5,5 怨 ⋛ Technical data drive motor 400 V/50 output¹⁾

e de la companya de l depends upon the material density/structure

densification

1:100

single installation 125 x 70 mm

Co. Westmeath, (Rathewen

ROGERS ENGINEERING

fax 043 76251

tel 043--76183

Recycling and sawmill machinery

Ein Unternehmen.

is compressed and saves transport volume

> - all of them are briguetted environmental, because the

SPÄNEX-briquetting pres-

plastic material, cotton etc.

from processing resp. shaping

are the "raw material" for the SPÄNEX briquetting presses.

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■ residues of wood, paper,

■ waste – flaky and easyweight –

■ waste from data processing is

Talbott[®]S

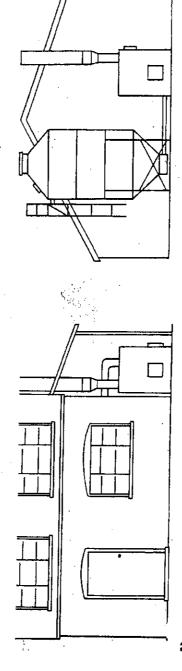
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<u>,</u>									
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Heat Output KW / HB	20	100	150	300	009	1000	1500	2000	
Weight in Ka	2000	2500	3500	7000	11000	13000	20000	27000	
Chimmney Outlet Size	178mm	203mm	254mm	305mm	355mm	406mm	457mm	508mm	
Height Warm Air Models	2050mm	2170mm	2530mm	2630mm	3020mm	3020mm	3100mm	3300mm	
Height Water Boller Models	2050mm	2170mm	2355mm	2530mm	2770mm	2670mm	2850mm	3100mm	
Width	1000mm	1000mm	1250mm	1500mm	1500mm	1500mm	1500mm	1500mm	
Length Warm Air Models	1440mm	1760mm	2105mm	2735mm	3935mm	5150mm	7335mm	8535mm	
Length Water Boller Models	1000mm	1250mm	1500mm	2000mm	3000mm	4000mm	6000mm	7000mm	3
Access Door Size	470mm x 470mm	470mm x 470mm	545mm x 545mm						
Model	Ç	23	ខ	ঠ	පි	8	C2	{	

for HOT AIR DISTRIBUTION OUTLET ils & specifications on request. C9, C10 and larger models, deta Ref Hot Air units only allow access at front

N.B. Where height is critical allow tolerance for induced Draught Fan.
HOPPERS - SILOS - BUNKERS - SILO DISCHARGERS - CONVEYORS - MOVING FLOORS - CHIPPERS. Available for automatic units. Details on request. Also where heat output requirement does not match nearest unit specials can be supplied.

NSTALLATION EXAMPLES OF 1



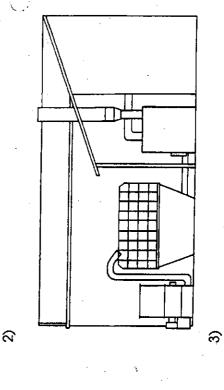
- 1) Hand fed unit heating a property.
 2) Automatic sawdust combustion unit heating a factory.
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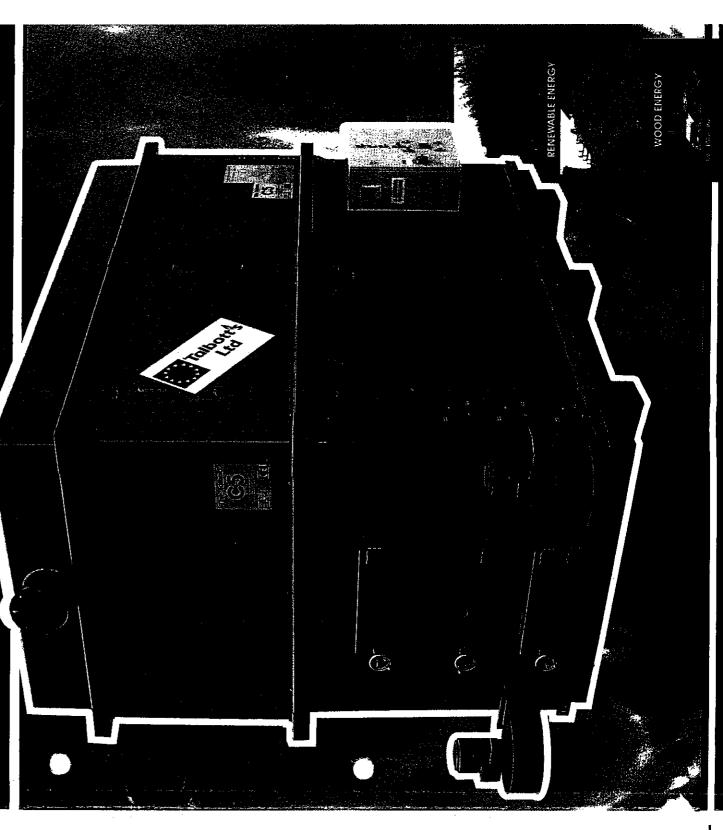


Talbott

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50KW TO 3000KW C1 TO C10 RANGE Combustion Units



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TO CIO RANGE Combustion Units C1

Talbott's have over 3000 installations world wide.

Paper briquettes

Chipboard Sawdust

Wood

Cardboard

Shavings

Farm woodchips

Dust

Pallets

Briquettes

General

Combustion

Logs

Refuse

Paper

Wood off cuts

20 years of manufacture and the C range The products are well proven over the last signed to complement our existing re ge taking us beyond the year 2,000

All heat exchangers water type and warm air type are pressure tested.

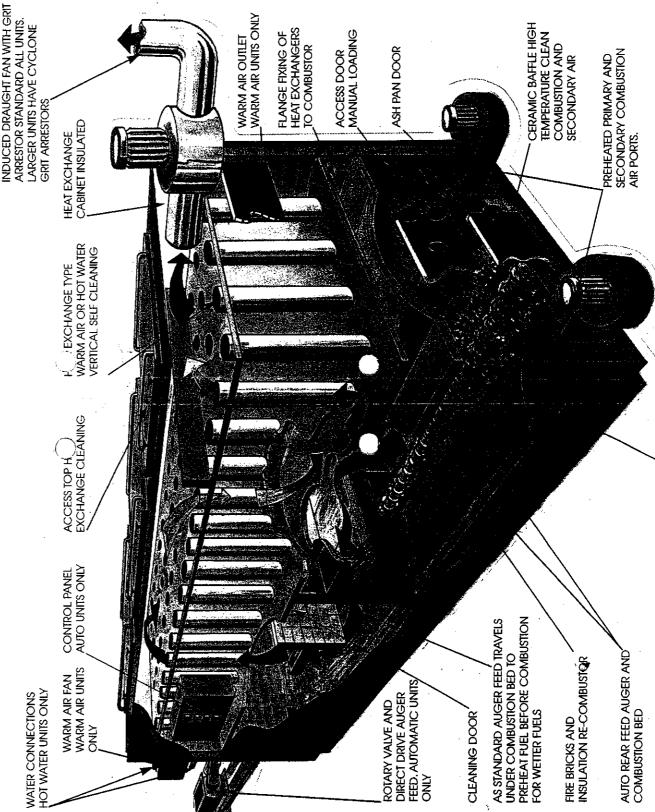
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can be converted to C Range auto units. Details on request. These hand fed units We also supply Hand Fed units CM1 to CM6, Hot Air and Hot Water.

Combustion and particle control that complies with E.P.A. monitoring and gives complete combustion control For the larger units complete CO² simultaneously.



- ligher outputs available by modulizing unit sizes together (2000 kw) • C10 (3000 kw) (1500 kw) (2500 kw (1000 kw 80. . C .C7 (50kw) . C4 (300 kw) $(100 \, \text{kw})$. C3 (150 kw) . C5 (600 kw)
- Woodworking Industry
- Farming and Forestry
- Paper / Waste Industry
- Domestic and Commercial
- General Manufacturing and Service Industry
- Clean combustion preheated
 - Separate Heat Exchangers
- Vertical Heat Exchange pipes that self clean for consistent efficiency to Combustor, for life use
 - Primary and secondary ceramic advanced method working. combustion zones. Most
 - Fully insulated combustion zone.
 - Thermal recycling

FLOW TRIPLE PASS SELF CLEANING COMBUSTION

PRIMARY/SECONDARY TERTIARY AIR CONTROL LEVERS

APPENDIX 2

ABP Decision

One Rockle 11.17120 P.A.Resako (1974) Yourskas

The Secretary,
Environmental Protection Agency
Waste Management Licensing,
P.O. Box 3000,
Johnstown Castle Estate,
Wexford.

ENVIRONMENTAL PROTECTION AGENCY
22 DEC 2000

An Bord Pleanála

2 0 DEC 2000

Appeal Re: Retention of storage silo and dissipater.
Ballymorris, Portarlington, County Laois.

Dear Sir/Madam.

An order has been made by An Bord Pleanala determining the above-mentioned appeal under the Local Government (Planning and Development) Acts, 1963 to 1999. A copy of the order is enclosed.

Yours faithfully,

Maura Shehabeddin Administrative Assistant

Encl:

NA 102 (LG)

> Floor 3, Block 6 Irish Life Centre Lower Abbey Street Dublin 1

Tel: (01) 872 8011 Fax: (01) 872 2684 Web:http://www.pleanala.ie email:bord@pleanala.ie

Úrlar 3, Bloc 6 Lárionad Irish Life Sráid na Mainistreach Íochtarach

An Bord Pleanála



LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1999

County Laois

Planning Register Reference Number: 99/1076

APPEAL by Erwin Cobbe care of Declan Brassil and Company of 230 Pace Road, Littlepase, Blanchardstown, Dublin against the decision made on the 10th day of November, 2000 by the Council of the County of Laois to refuse permission for development comprising the retention of storage silo and dissipater at Ballymorris, Porartlington, County Laois:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1999, permission is hereby refused for the said development for the reasons set out in the Schedule hereto.

SCHEDULE

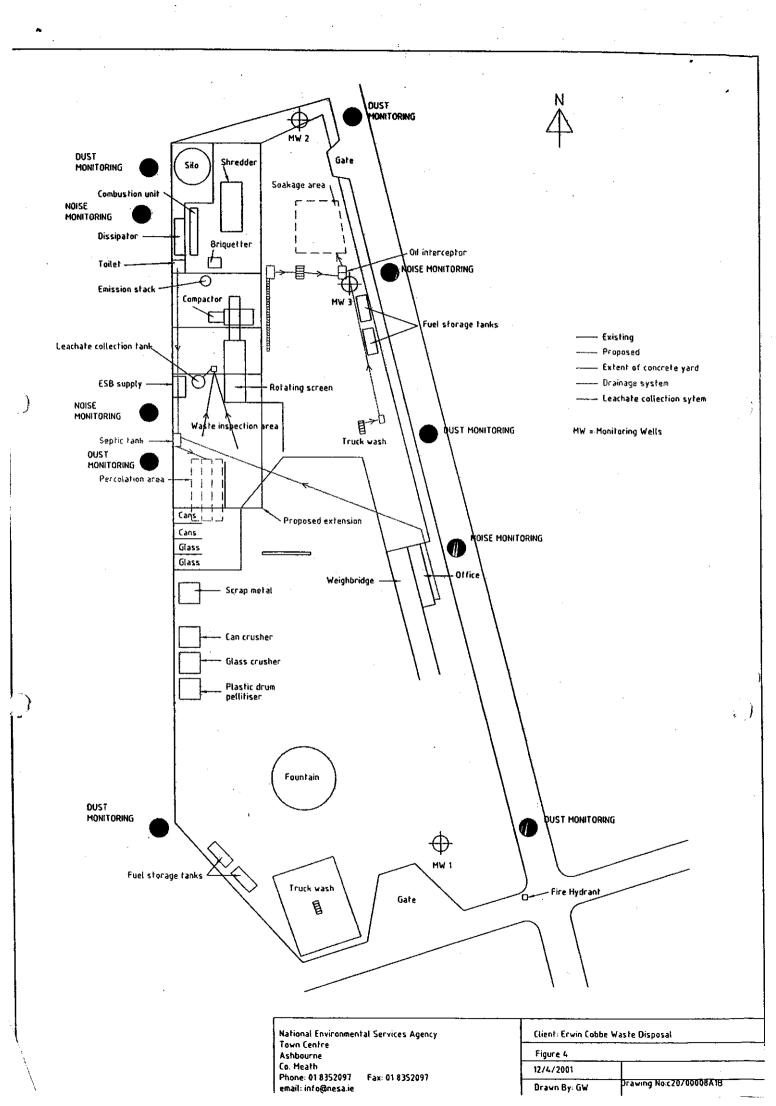
- 1. Having regard to its rural location, proximity to residential development and to the restricted size of the site, it is considered that, taken together with existing and permitted development on the site, the proposed development would constitute a material intensification of use which cannot be satisfactorily accommodated in this location. The proposed development would, therefore, be contrary to the proper planning and development of the area.
- 2. The proposed development to be retained and its use for the manufacture of briquettes would, having regard to existing and permitted development on the site, give rise to additional traffic movements of heavy commercial vehicles on approach roads to the site which are substandard in width and alignment to cater for such proposed development. The proposed development would, therefore, endanger public safety by reason of traffic hazard.



ann en Quin

Member of An Bord Pleanála duly authorised to authenticate the seal of the Board.

Dated this 19 day of December, 2000.



Headquarters, P.O. Box 3000, Johnstown Castle Estate County Wexford, Ireland

WASTE LICENCE PROPOSED DECISION INSPECTORS RECOMMENDATION

Waste Licence

96-1

Register Number:

Applicant:

Advanced Environmental Solutions

(Ireland) Ltd trading as Erwin Cobbe

Waste Disposal

Location of Facility:

Ballymorris, Kilbride, Portarlington, Co.

Laois.

INTRODUCTION

This introduction is not part of the licence and does not purport to be a legal interpretation of the licence.

This licence permits Advanced Environmental Solutions (Ireland) Ltd trading as Erwin Cobbe Waste Disposal to operate a waste transfer station, recycling facility and a wood burner at Deerpark Crossroads, Ballymorris, Kilbride, Portarlington, Co. Laois.

All waste activities at the facility listed and described in Part I: Activities Licensed and Authorised by this Licence **shall cease until infrastructure is in place and planning permission is obtained**. The cessation of activity will be completed within the context of a decommissioning plan to be agreed as per Condition 4 of this licence.

The facility shall only be operated during the hours of 8am to 6pm Monday to Friday inclusive and 9.30am to 6.00pm on Saturdays. The facility must remain closed on Sundays and on Bank Holidays.

The quantity of waste to be accepted is limited to 22,845 tonnes annually to include the burning of 6,000 tonnes of waste untreated wood in order to provide hot water for the manufacture of waste paper/cardboard/wood briquettes to be sold commercially as a solid fuel. This licence does not permit the burning or incineration of any other waste such as treated wood, cardboard, paper and municipal waste.

The facility (which lies on a former bedrock quarry) overlies a regionally important limestone aquifer. Three private wells lie 350m downgradient and the aquifer has potential future use. Previous infilling of the quarry with municipal waste by Erwin Cobbe Waste Disposal has polluted the groundwater with nickel and has caused the pH to become slightly acidic. Oil storage activities have also polluted the aquifer with diesel hydrocarbons. The proposed decision includes measures to remediate the groundwater.

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DECISION & REASONS FOR THE DECISION

The Agency is satisfied, on the basis of the information available, that the waste activity, or activities, licensed hereunder will comply with the requirements of Section 40(4) of the Waste Management Act, 1996.

In reaching this decision the Agency has considered the application and supporting documentation received from the applicant, all submissions received from other parties and the report of its inspector.

Part I Activities Licensed

In pursuance of the powers conferred on it by the Waste Management Act, 1996, the Environmental Protection Agency (the Agency) proposes, under Section 40(1) of the said Act to grant this Waste Licence to Advanced Environmental Solutions (Ireland) Ltd trading as Erwin Cobbe Waste Disposal to carry on the waste activity/activities listed below at Ballymorris, Kilbride, Portarlington, Co. Laois subject to conditions, with the reasons therefor and the associated schedules attached thereto set out in the licence.

Licensed Waste Disposal Activities, in accordance with the Third Schedule of the Waste Management Act 1996

Class 11.	Blending or mixture prior to submission to any activity referred to in a preceding paragraph of this Schedule.
	This activity is limited to the mixture of untreated and uncontaminated wood from different sources prior to eventual disposal in the onsite wood burner.
Class 13	Storage prior to submission to any activity referred to in a preceding paragraph of this Schedule, other than temporary storage, pending collection, on the premises where the waste concerned is produced.
	This activity is limited to the temporary storage of waste prior to removal off-site for disposal at an appropriate alternative facility.

Licensed Waste Recovery Activities, in accordance with the Fourth Schedule of the Waste Management Act 1996

Class 2.	Recycling or reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes):
	This activity is limited to the removal of wood and cardboard from the incoming waste stream and the storage of cardboard wastes to be sent off site for reprocessing.
Class 3.	Recycling or reclamation of metals and metal compounds:
·	This activity is limited to the removal of metal from the incoming waste stream and the storage of metal wastes to be sent off site for reprocessing.
Class 4.	Recycling or reclamation of other inorganic materials:
	This activity is limited to the receipt, holding of inert construction and demolition wastes (such as bricks, cement, ceramics, soils) to be sent off site for reprocessing.
Class 9.	Use of any waste principally as a fuel or other means to generate energy:
	This activity is limited to the operation of a wood burner which uses untreated/ uncontaminated wood to supply fuel for the plant.
Class 11.	Use of waste obtained from any activity referred to in a preceding paragraph of this Schedule:
	This activity is limited to the operation of a briquette making machine to compact shredded waste cardboard and shredded wood into individual briquettes for re-sale.
Class 12.	Exchange of waste for submission to any activity referred to in a preceding paragraph of this Schedule:
	This activity is limited to the shredding of untreated wood to supply fuel for the wood burner plant and raw material for the briquette making machine.
Class 13.	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:
	This activity is limited to the storage of untreated wood in a bulk silo, the main storage vessel for fuel for the burner.

Part II: Activities Refused

In pursuance of the powers conferred on it by the Waste Management Act, 1996, the Environmental Protection Agency (the Agency) proposes, under Section 40(1) of the said Act to refuse the following classes of activities.

Refused waste recovery activities, in accordance with the Fourth Schedule of the Waste Management Act, 1996

Class 8.	Oil re-refining or other re-uses of oil:	
	Reason: No relevant proposals were included in the licence application.	

INTERPRETATION

All terms in this licence should be interpreted in accordance with the definitions in the Waste Management Act, (the Act), unless otherwise defined in this section.

Aerosol

A suspension of solid or liquid particles in a gaseous medium.

Adequate lighting

20 lux measured at ground level.

Agreement

Agreement in writing.

Annually

At approximately twelve monthly intervals.

Attachment

Any reference to Attachments in this licence refers to attachments submitted as part of the waste licence application.

Application

The application by the licensee for this waste licence.

Appropriate facility

A waste management facility, duly authorised under relevant law and technically suitable.

BATNEEC

Best Available Technology Not Entailing Excessive Cost as defined in Section 5(2) of the Act.

Bi-annually

All or part of a period of six consecutive months.

Biodegradable

waste

Any waste that is capable of undergoing anaerobic or aerobic decomposition, such as food, garden waste, sewage sludge, paper

and paperboard.

Condition

A condition of this licence.

Construction and Demolition Waste

All wastes which arise from construction, renovation and demolition activities.

Containment boom

A boom which can contain spillages and prevent them from entering drains or watercourses.

Daytime

8.00 a.m. to 10.00 p.m.

Documentation

Any report, record, result, data, drawing, proposal, interpretation or other document in written or electronic form which is required by this licence.

Drawing

Any reference to a drawing or drawing number means a drawing or drawing number contained in the application, unless otherwise specified in this licence.

Emergency

Those occurrences defined in Condition 9.4

Emission Limits

Those limits, including concentration limits and deposition levels established in Schedule C.

European Waste Catalogue (EWC) A harmonised, non-exhaustive list of wastes drawn up by the European Commission and published as Commission Decision 94/3/EC and any subsequent amendment published in the Official Journal of the European Community.

Foul water

Sewage and drainage from waste transfer building, wheelwash, truck wash, ramp, waste inspection and receiving area and run-off from all

hardstanding areas associated with waste processing.

Green waste

Wood(excluding timber), plant matter such as grass cuttings, and other vegetation.

Hours of Operation The hours during which the facility is authorised to be operational. The hours of operation of a facility are usually longer than the hours of waste acceptance to facilitate preparatory and completion works, such as the washing and cleaning of yard areas.

Hours of Waste Acceptance

The hours during which the facility is authorised to accept waste. Different activities within the facility, such as the civic waste facility, may have different hours of waste acceptance.

Industrial Waste

As defined in Section 5(1) of the Act.

Inert waste

Waste that does not undergo any significant physical, chemical or biological transformations. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health. The total leachability and pollutant content of the waste and the ecotoxicity of the leachate must be insignificant, and in particular not endanger the quality of surface water and/or groundwater.

Landfill Directive

Council Directive 1999/31/EC

Licence

A Waste Licence issued in accordance with the Act.

Licensee

Advanced Environmental Solutions (Ireland) Ltd trading as Erwin Cobbe Waste Disposal.

Liquid Waste

Any waste in liquid form and containing less than 2% dry matter. Any waste tankered to the facility.

Maintain

Keep in a fit state, including such regular inspection, servicing, calibration and repair as may be necessary to adequately perform its function.

Mobile Plant

Self-propelled machinery used for the emplacement of wastes or for the construction of specified engineering works.

Monthly

A minimum of 12 times per year, at approximately monthly intervals.

Municipal waste

As defined in Section 5(1) of the Act.

Night-time

10.00 p.m. to 8.00 a.m.

Noise Sensitive Location (NSL)

Any dwelling house, hotel or hostel, health building, educational establishment, place of worship or entertainment, or any other facility or area of high amenity which for its proper enjoyment requires the absence of noise at nuisance levels.

Oil Separator

Device installed according to the draft European Standard prEN 858 (Installations for the separation of light liquids, e.g. oil and petrol). Often referred to as an Oil Interceptor.

Recyclable Materials Those waste types, such as cardboard, batteries, gas cylinders, etc, which may be recycled

Quarterly

At approximately three monthly intervals.

Sample(s)

Unless the context of this licence indicates to the contrary, samples

shall include measurements by electronic instruments.

Specified Emissions Those emissions listed in Schedule C: Emission Limits of this licence.

Specified Engineering Works

Those engineering works listed in Schedule B: Specified Engineering

Works of this licence.

Trigger Level

A parameter value specified in the licence, the achievement or exceedance of which requires certain actions to be taken by the

licensee.

Weekly -

During all weeks of plant operation, and in the case of emissions, when emissions are taking place; with no more than one measurement in any

one week.

White Goods

Refrigerators, cookers, ovens and other similar appliances.

EPA Working Day

Refers to the following hours; 9.00 a.m. to 5.30 p.m. Monday to Friday

inclusive.

PART III CONDITIONS

CONDITION 1 SCOPE OF THE LICENCE

- 1.1. Waste activities at the facility shall be restricted to those listed and described in Part I: Activities Licensed and authorised by this licence.
- 1.2. For the purposes of this licence, the facility is the area of land outlined in red on the Drawing labelled 'Site Plan' of the application dated 5 March 1999. Any reference in this licence to "facility" shall mean the area thus outlined in red.
- 1.3. This licence is for the purposes of waste licensing under the Waste Management Act 1996 only and nothing in this licence shall be construed as negating the licensee's statutory obligations or requirements under any other enactments or regulations.
- 1.4. The maximum tonnage of waste to be accepted at the facility shall not exceed 22,845 tonnes per annum.
- 1.5. Only those waste categories and quantities listed in Schedule A: Waste Acceptance, shall be accepted at the facility.
- 1.6. No hazardous wastes or liquid wastes shall be accepted at the facility.
- 1.7. Waste Acceptance Hours and Hours of Operation
 - 1.7.1.1. Waste shall only be accepted at the facility between the hours of 8.30am to 5.30pm Monday to Friday inclusive and 10am to 5.00pm on Saturdays.
 - 1.7.1.2. The facility shall only be operated during the hours of 8am to 6pm Monday to Friday inclusive and 9.30am to 6.00pm on Saturdays.
 - 1.7.1.3. The facility must remain closed on Sundays or on Bank Holidays.
- 1.8 All waste activities at the facility listed and described in Part I: Activities Licensed and authorised by this licence shall cease within two years of the date of grant of this licence. The cessation of activities will be completed within the context of a decommissioning plan to be agreed with the Agency as per Condition 4 of this licence.
- 1.9 The following shall constitute an incident for the purposes of this licence:
 - a) an emergency;
 - b) any emission which does not comply with the requirements of this licence;
 - c) any exceedance of the daily duty capacity of the waste handling equipment;
 - d) any trigger level specified in this licence which is attained or exceeded; and
 - e) any indication that environmental pollution has, or may have, taken place.
- 1.10 Where the Agency considers that a non-compliance with any condition of this licence has occurred, it may serve a notice on the licensee specifying:
 - 1.10.1. That only those wastes as specified, if any, in the notice are to be accepted at the facility after the date set down in the notice;

- 1.10.2. That the licensee shall undertake the works stipulated in the notice, and/or otherwise comply with the requirements of the notice as set down therein, within the time-scale contained in the notice; and
- 1.10.3. That the licensee shall carry out any other requirement specified in the notice.

When the notice has been complied with, the licensee shall provide written confirmation that the requirements of the notice have been carried out. No waste, other than that which is stipulated in the notice, shall be accepted at the facility until written permission is received from the Agency.

1.11 Every plan, programme or proposal submitted to the Agency for its agreement pursuant to any Condition of this licence shall include a proposed timescale for its implementation. The Agency may modify or alter any such plan, programme or proposal in so far as it considers such modification or alteration to be necessary and shall notify the licensee in writing of any such modification or alteration. Every such plan, programme or proposal shall be carried out within the timescale fixed by the Agency but shall not be undertaken without the agreement of the Agency. Every such plan, programme or proposal agreed by the Agency shall be covered by the conditions of this licence

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CONDITION 2 MANAGEMENT OF THE FACILITY

- 2.1 Facility Management
 - 2.1.1 The licensee shall employ a suitably qualified and experienced facility manager who shall be designated as the person in charge. The facility manager or a nominated, suitably qualified and experienced, deputy shall be present on the facility at all times during its operation.
 - 2.1.2 Both the facility manager and deputy, and any replacement manager or deputy, shall successfully complete both the FAS waste management training programme (or equivalent agreed with the Agency) and associated on site assessment appraisal within twelve months of appointment.

2.2 Management Structure

- 2.2.1 Prior to the commencement of waste activities, the licensee shall submit written details of the management structure of the facility to the Agency. Any proposed replacement in the management structure shall be notified in advance in writing to the Agency. Written details of the management structure shall include the following information
 - the names of all persons who are to provide the management and supervision of the waste activities authorised by the licence, in particular the name of the facility manager and any nominated deputies;
 - b) details of the responsibilities for each individual named under a) above; and
 - details of the relevant education, training and experience held by each of the persons nominated under a) above.

2.3 Environmental Management System (EMS)

- 2.3.1 The licensee shall establish and maintain an EMS. Within six months from the date of grant of this licence, the licensee shall submit to the Agency for its agreement a proposal for a documented Environmental Management System (EMS) for the facility. Following the agreement of the Agency, the licensee shall establish and maintain such a system. The EMS shall be updated on an annual basis with amendments being submitted to the Agency for its agreement.
- 2.3.2 The EMS shall include as a minimum the following elements:
 - 2.3.2.1 Schedule of Environmental Objectives and Targets

The objectives should be specific and the targets measurable. The Schedule shall address the two year period of operation as a minimum. The Schedule shall include a time-scale for achieving the objectives and targets and shall comply with any other written guidance issued by the Agency.

2.3.2.2 Environmental Management Plan (EMP)

The EMP shall include, as a minimum, the following:

- methods by which the objectives and targets will be achieved in the coming year and the designation of responsibility for targets;
- (ii) any other items required by written guidance issued by the Agency.
- 2.3.2.3 Corrective Action Procedures

The Corrective Action Procedures shall detail the corrective actions to be taken should any of the procedures detailed in the EMS not be followed.

2.3.2.4 Awareness and Training Programme

The Awareness and Training Programme shall identify training needs, for personnel who work in or have responsibility for the licensed facility.

- 2.4 Communications Programme
 - 2.4.1 The licensee shall establish and maintain a Communications Programme to ensure that members of the public can obtain information at the facility, at all reasonable times, concerning the environmental performance of the facility. This shall be established within six months of the date of grant of this licence.

CONDITION 3 FACILITY INFRASTRUCTURE

- 3.1 The licensee shall establish all infrastructure referred to in Condition 3 this licence prior to the acceptance of waste at the facility.
- 3.2 Specified Engineering Works
 - 3.2.1 The licensee shall submit proposals for all Specified Engineering Works, as defined in Schedule B: Specified Engineering Works, to the Agency for its agreement at least two months prior to the intended date of commencement of any such works. No such works shall be carried out without the prior agreement of the Agency.
 - 3.2.2 All specified engineering works shall be supervised by a competent person(s) and that person, or persons, shall be present at all times during which relevant works are being undertaken.
 - 3.2.3 Following the completion of all specified engineering works, the licensee shall complete a construction quality assurance validation. The validation report shall be made available to the Agency on request. The report shall include the following information;
 - a) a description of the works;
 - b) as-built drawings of the works:
 - c) records and results of all tests carried out (including failures);
 - d) drawings and sections showing the location of all samples and tests carried out;
 - e) daily record sheets/diary;
 - f) name(s) of contractor(s)/individual(s) responsible for undertaking the specified engineering works;
 - g) name(s) of individual(s) responsible for supervision of works and for quality assurance validation of works;
 - h) records of any problems and the remedial works carried out to resolve those problems; and
 - i) any other information requested in writing by the Agency.
- 3.3 Facility Notice Board
 - 3.3.1 The licensee shall provide and maintain a Facility Notice Board on the facility so that it is legible to persons outside the main entrance to the facility. The minimum dimensions of the board shall be 1200 mm by 750 mm.
 - 3.3.2 The board shall clearly show:
 - a) the name and telephone number of the facility;
 - b) the normal hours of opening:
 - c) the name of the licence holder:
 - d) an emergency out of hours contact telephone number;
 - e) the licence reference number; and
 - f) where environmental information relating to the facility can be obtained.

3.4 Facility Security

3.4.1 Within one month of the date of grant of this licence proposals for site security including Closed Circuit Television (CCTV) to be installed at the facility and the upgrading of external fencing as appropriate shall be submitted to the Agency for its agreement.

3.5 Site Hardstanding

3.5.1 The licensee shall provide, and maintain an impermeable hardstanding surface (200mm of concrete over sub-base) in all areas of the facility within three months from the date of grant of this licence. In addition, the floor of the buildings and hardstanding areas at the facility shall be constructed to British Standard 8110. All hardstanding areas shall drain to a Class I oil separator and grit chamber.

3.6 Facility Office

- 3.6.1 The licensee shall provide and maintain an office at the facility. The office shall be constructed and maintained in a manner suitable for the processing and storing of documentation.
- 3.6.2 The licensee shall provide and maintain a working telephone and a method for electronic transfer of information at the facility.
- 3.7 The existing weighbridge shall be maintained in such condition as to accurately measure the weight of all vehicles using it, and must accommodate the weighing of both incoming and outgoing traffic. The accuracy of the weighbridge shall be tested and demonstrated by the licensee and shall be reported to the Agency within one month from the date of grant of this licence. Thereafter, the weighbridge shall be calibrated in accordance with the manufacturer's specifications and reported to the Agency. A written record of such tests and any maintenance or remedial work arising from them shall be maintained by the licensee.

3.8 Wheelwash

- 3.8.1 The licensee shall establish and maintain a wheelwash at the entrance of the facility in accordance with the specifications outlined in the Agency's guidance document 'Landfill Manuals Landfill Site Design'. The wheelwash must be operated on vehicles leaving the facility and exiting onto the public road.
- 3.8.2 The wheelwash shall be inspected on a daily basis and drained as required. Silt, stones and other accumulated material shall be removed as required from the wheel cleaner and disposed of at an appropriate facility. The wheelwash water shall drain only to the Class I oil separator and grit chamber or as otherwise agreed with the Agency.

3.9 Facility Layout

- 3.9.1 A Waste Inspection Area and a Waste Quarantine Area shall be provided and maintained at the facility.
- 3.9.2 These areas shall be constructed and maintained in a manner suitable, and be of a size appropriate, for the inspection of waste and subsequent quarantine if required. The waste inspection area and the waste quarantine area shall be clearly identified and segregated from each other.
- 3.9.3 The Waste Inspection and Receiving Area and associated infrastructure including trommel, conveyor belt, and cardboard compactor unit shall be

- provided and maintained as shown in Drawing No. C20/00008A1 dated 12 September 2000.
- 3.9.4 All drainage from the areas identified in Condition 3.9.3 shall be to the leachate collection tank as shown in Drawing No. C20/0008B1 or as otherwise agreed with the Agency.
- 3.9.5 The Waste Inspection and Receiving Area shall be roofed as shown in Drawing No. C20/00008A1.
- 3.10 Waste handling, ventilation and processing plant
 - (i) Items of plant deemed critical to the efficient and adequate processing of waste at the facility shall be provided on the following basis:
 - · 100% duty capacity;
 - 50% standby capacity available on a routine basis;
 - Provision of contingency arrangements and/or back up and spares in the case of breakdown of critical equipment.
 - (ii) Prior to the commencement of waste activities at this facility, the licensee shall provide a report for the agreement of the Agency detailing the duty and standby capacity in tonnes per day, of all waste handling and processing equipment to be used at the facility. These capacities shall be based on the licensed waste intake, as per Schedule A.
 - (iii) The quantity of waste to be accepted at the facility on a daily basis shall not exceed the duty capacity of the equipment at the facility. Any exceedance of this intake shall be treated as an incident

3.11 Burner Plant

- 3.11.1 The wood burner area and Workshop Building/Toilets, and associated infrastructure including conveyor, hopper, shredder, bullet magnet, cardboard and wood silo, wood burner, stack and briquetter shall be provided and maintained as set out in Drawing No. C20/00008A1 dated 12 September 2000.
- 3.12 Vehicle cleaning facilities shall be provided and maintained at the location shown in Drawing No. C20/0008B1 "Existing and Proposed Drainage System". The arising effluent water shall drain only to the Class I oil separator and grit chamber or as otherwise agreed with the Agency.

3.13 Leachate Holding Tank

- 3.13.1 The licensee shall provide and maintain the leachate holding tank at the location shown in Drawing No. C20/0008B1 and referred to therein as "Leachate Collection Tank". The holding tank shall be fitted with a high level visual alarm.
- 3.13.2 All liquid run-off from the floor of the Waste Inspection Area and Workshop Building, the compactors and any other areas where waste is handled or processed, all vehicle washwater, and all washwater from the washing of the wood burner, wheelie bins and skips that contained non-inert waste shall be discharged to and stored in the leachate holding tank pending disposal off-site as set out in Condition 6.8.2.

3.14 Waste Water Treatment Plant

3.14.1 The licensee shall provide and maintain a Waste Water Treatment plant at the facility for the treatment of waste water arising on-site. The treatment plant shall be located as shown in Drawing No. C20/0008B1 unless otherwise agreed with the Agency. Any percolation area shall satisfy the criteria set out in the Wastewater Treatment Manual, *Treatment Systems for Single Houses*, published by the Environmental Protection Agency.

3.15 Tank and Drum Storage Areas

- 3.15.1 The licensee shall provide and maintain the proposed new fuel storage tanks at the location shown in Drawing No. C20/0008B1 (south-west corner of facility) within within nine months from the date of grant of this licence. All tank and drum storage areas shall be rendered impervious to the materials stored therein. The two existing Above Ground Storage Tanks (ASTs) will be decommissioned as per the Dangerous Substance regulations within nine months from the date of grant of this licence.
- 3.15.2 All tank and drum storage areas shall, as a minimum, be bunded, either locally or remotely, within nine months from the date of grant of this licence, to a volume not less than the greater of the following:
 - (a) 110% of the capacity of the largest tank or drum within the bunded area; or
 - (b) 25% of the total volume of substance which could be stored within the bunded area.
- 3.15.3 All drainage from bunded areas shall be diverted for collection and safe disposal.
- 3.15.4 All inlets, outlets, vent pipes, valves and gauges must be within the bunded area.
- 3.15.5 The integrity and water tightness of all the bunds and their resistance to penetration by water or other materials stored therein shall be confirmed by the licensee and shall be reported to the Agency within six months of the date of grant of this licence. This confirmation shall be repeated at least once every three years thereafter and reported to the Agency on each occasion.

3.16 Removal of Contaminated Soil

- 3.16.1 During the decommissioning of the two existing Above Ground Storage Tanks (ASTs) or no later than nine months from the date of grant of this licence, the licensee shall take measures to remove and dispose of the hydrocarbon contaminated soils which lie in the vicinity of the ASTs. The contaminated soils must be excavated and removed from site to a depth where mineral oil concentration is less than or equal to 50mg/kg under the direction of a specialist to be agreed by the Agency. The contaminated soils must be disposed of at an appropriate facility. The excavation must be infilled by clean contaminant free soil/hardcore which is not regarded as a waste.
- 3.17 Silt Traps and Oil Separators/Interceptors
 - 3.17.1 The oil separator shall meet the Class I separator European Standard prEN 858 'Installations for the separation of light liquids' within six months of the date of grant of this licence.
- 3.18 Drainage system, pipeline testing

- 3.18.1 The storm and foul sewer systems shall be established and maintained as set out in Drawing No. C20/0008B1 "Existing and Proposed Drainage System", unless otherwise agreed in advance by the Agency.
- 3.18.2 Within six months from the date of grant of this licence all foul sewer gullies, drainage grids and manhole covers shall be painted with red squares whilst all surface water discharge gullies, drainage grids and manhole covers shall be painted with blue triangles. These colour codes shall be maintained so as to be visible at all times during facility operation, and any identification designated in this licence (e.g. SW1) shall be inscribed on these manholes.
- 3.18.3 The drainage system, bunds, silt traps and oil separators shall be inspected weekly, desludged as necessary and properly maintained at all times. The oil interceptor shall be cleaned out at least once every six months. All sludge and drainage from these operations shall be collected for safe disposal. A written record shall be kept of the inspections, desludging, cleaning, disposal of associated waste products, maintenance and performance of the interceptors, bunds and drains.
- 3.18.4 Prior to the commencement of waste activities the integrity and water tightness of all underground pipes and tanks and their resistance to penetration by water or other materials carried or stored therein shall be tested and demonstrated by the licensee and shall be reported to the Agency.
- 3.19 Construction and Demolition Waste Recovery Area.
 - 3.19.1 Prior to the commencement of waste activities the licensee shall provide and maintain a construction and demolition waste recovery area. This infrastructure shall at a minimum comprise the following:
 - a) an impermeable concrete slab; and
 - b) collection and disposal infrastructure for all run-off.
 - c) appropriate bunding to provide visual and noise screening
 - d) All stockpiles shall be adequately contained to minimise dust generation.

3.20 Groundwater Management

- 3.20.1 Prior to the commencement of waste activities, the licensee shall report to the Agency on the quality of the underlying groundwater at the two private wells which lie 350m west and 400m north-west of the facility as shown in Plot Ref No. 39622_1. The analyses should be as specified in Schedule D, Table D.4.2.
- 3.20.2 The licensee shall carry out remediation works to remove the elevated nickel and diesel range organic pollutants from the underlying groundwater and remove the contaminating source within a timescale specified by the Agency. The remediation technique, cleanup criteria and timescale shall be agreed with the Agency.

REASONS to provide appropriate threshold ure to the protection of the environment.

CONDITION 4 RESTORATION AND AFTERCARE

4.1. A proposal for a Decommissioning and Aftercare Plan for the facility shall be submitted to the Agency within six months of the date of grant of this licence. The licensee shall include the following issues within the proposal: Decommissioning the two existing

ASTs; decontamination of the groundwater; removal of the polluting source and restoration of the facility. The licensee shall update this plan when required by the Agency.

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CONDITION 5 FACILITY OPERATIONS

- 5.1 All waste processing shall be carried within the boundaries of the Waste Inspection and Receiving Area and Burner / Workshop Area.
- 5.2 The following non-hazardous, non-liquid wastes only shall be accepted at the facility subject to the quantities listed in Schedule A.1 and A.2:
 - a) Household Municipal Waste;
 - b) Commercial and Industrial waste of similar composition to Municipal Waste;
 - c) Construction and Demolition Waste;
 - d) Wood:
 - e) · Cardboard;
 - f) Paper.
- 5.3 Waste Acceptance and Characterisation Procedures
 - 5.3.1 Prior to commencement of waste acceptance at the facility the licensee shall establish and maintain detailed written procedures for the acceptance, handling, separation, and disposal of wastes including waste for use in the wood burner.
 - 5.3.2 Waste arriving at the facility shall be inspected at the point of entry to the facility and subject to this inspection, weighed, documented and directed to the Waste Receiving Area. Each load of waste arriving at the Waste Inspection and Receiving Area shall be inspected upon tipping within this building. Only after such inspections shall the waste be processed for disposal or recovery.
 - 5.3.3 All suspect materials identified by the visual inspection of the waste shall be diverted to the Waste Quarantine Area, or other designated area as agreed in advance by the Agency, for further examination and classification. Materials other than those permitted by this licence shall be submitted to an alternative appropriate facility.
 - 5.3.4 A record of all inspections of incoming waste loads shall be maintained.
 - 5.3.5 Waste shall only be accepted at the facility from known customers or new customers subject to initial waste profiling and waste characterisation off-site. The written records of this off-site waste profiling and characterisation shall be retained by the licensee for all active customers and for a two year period following termination of licensee/customer agreements. There shall be no casual public access to the facility.
- 5.4 Burner Operation
 - 5.4.1 Waste Disposed of by Burner On-Site.

- 5.4.1.1 No on-site burning of waste shall take place other than uncontaminated wood and untreated wood.
- 5.4.1.2 Waste wood or wood input into the burner shall only be by way of an automatic screw auger system which drives shredded waste from the main storage silo to the combustion chamber.
- 5.4.1.3 A log shall be maintained on site for inspection by the Agency of the operating times of the Wood Burner.

5.5 Briquetting Press

5.5.1 The briquette raw material should be none other than uncontaminated wood and untreated wood as per EWC code 20 01 07 and 20 01 38.

5.6 Operational Controls

- 5.6.1 The floor of the Waste Inspection and Receiving Area, the floor under the trommel area, and Burner Workshop Area shall be cleared of all waste and washed down at the end of the working day. The floor of the storage bays for recovered wastes shall be washed down and cleaned on each occasion such bays are emptied.
- 5.6.2 Scavenging shall not be permitted at the facility.
- 5.6.3 Gates shall be locked shut when the facility is unsupervised.
- 5.6.4 The licensee shall provide and use adequate lighting during the operation of the facility in hours of darkness.
- 5.6.5 Fuels shall only be stored at appropriately bunded locations on the facility.
- 5.6.6 All tanks and drums shall be labelled to clearly indicate their contents.
- 5.6.7 No smoking shall be allowed on the facility (other than in the facility office as shown on Drawing No. C20/0008B1).

5.7 Off-site Disposal and Recovery

- 5.7.1 Waste sent off-site for recovery or disposal shall only be conveyed by a waste contractor agreed by the Agency.
- 5.7.2 All waste transferred from the facility shall only be transferred to an appropriate facility agreed by the Agency;
- 5.7.3 All waste falling from the Trommel system shall only be transferred to an appropriate facility agreed by the Agency. Written records of trommel sorted waste removed from the facility shall be maintained as per Condition 10.2 of this licence.
- 5.7.4 Ash and soot from the wood burner shall only be transferred to an appropriate facility agreed by the Agency;
- 5.7.5 All wastes removed off-site for recovery or disposal shall be transported from the facility to the consignee in a manner which will not adversely affect the environment.
- 5.8 Construction and Demolition Waste Recovery Area
 - 5.8.1 Only Construction and Demolition waste shall be accepted at this Area. Wastes which are capable of being recovered shall be separated and shall be stored

temporarily in this area prior to being subjected to other recovery activities at the facility or transport off the facility.

- 5.8.2 All stockpiles shall be maintained so as to minimise dust generation.
- 5.9 All waste deposited in the Facility shall be either:
 - a) into a skip;
 - b) into the hopper of the trommel for disposal;
 - c) into a receptacle for recovery; or
 - d) in the case where inspection is required, into a designated inspection area.
 - e) in the case of Construction and Demolition waste, into the Construction and Demolition waste area as per Condition 5.8.
- Unless subject to the prior agreement of the Agency, a maximum of ten enclosed waste containers (including sealed containers of compacted waste or fully enclosed collection vehicles containing waste), shall be stored on the facility overnight. These containers shall be stored at areas clearly designated for this purpose. Waste for disposal must be removed off-site within 24 hours of its acceptance at the facility.

5.11 Maintenance

- 5.11.1 All treatment/abatement and emission control equipment shall be calibrated and maintained, in accordance with the instructions issued by the manufacturer/supplier or installer. Written records of the calibrations and maintenance shall be made and kept by the licensee.
- 5.11.2 The licensee shall maintain and clearly label and name all sampling and monitoring locations.
- 5.11.3 The licensee shall maintain the compactor and shredder in accordance with the manufacturer's instructions.

5.12 Landscaping

- 5.12.1 Within twelve months of the date of grant of this licence, the licensee shall implement a landscaping programme to include details on (but not limited to):
 - a). the time-frame for landscaping works in relation to facility development;
 - b). species and minimum age composition and the suitability of the hedge/tree mix for the area;
 - c). total area(s) to be planted;
 - d). tree protection; and
 - e), post planting management.

REASON: To provide for appropriate operation of the facility to ensure brotestion of the environment

CONDITION 6 EMISSIONS

- 6.1. No specified emission from the facility shall exceed the emission limit values set out in Schedule C: Emission Limits of this licence. There shall be no other emissions of environmental significance.
- 6.2. The licensee shall ensure that the activities shall be carried out in a manner such that emissions do not result in significant impairment of, or significant interference with the environment beyond the facility boundary.
- 6.3. Emission limit values for emissions to atmosphere in this licence shall be interpreted in the following way:-
 - 6.3.1. For the waste burner the following shall apply:

For continuous monitoring:

- (i) No 24 hour mean value shall exceed the emission limit value.
- (ii) All 30 minute mean values taken continuously over an annual period shall not exceed the emission limit value.

For non continuous monitoring:

- (i) For any parameter where, due to sampling/analytical limitations, a 30 minute sample is inappropriate, a suitable sampling period should be employed and the value obtained therein shall not exceed the emission limit value.
- (ii) No 30 minute mean value shall exceed the emission limit value.
- 6.4 The concentration and volume limits for emissions to atmosphere specified in this licence shall be achieved without the introduction of dilution air and shall be based on gas volumes under standard conditions of:-
 - 6.4.1 In the case of non-combustion gases:
 - (i) Temperature 273K, Pressure 101.3 kPa (no correction for oxygen or water content).
 - 6.4.2 In the case of combustion gases other than from waste incineration:
 - (i) Temperature 273K, Pressure 101.3 kPa, dry gas; 3% oxygen for liquid and gas fuels; 6% oxygen for solid fuels.
 - 6.4.3 In the case of waste incineration:
 - (i) Temperature 273K, Pressure 101.3 kPa, dry gas; 11% oxygen.
- 6.5. There shall be no direct emissions to groundwater.
- 6.6. There shall be no clearly audible tonal component or impulsive component in the noise emissions from the activity at the noise sensitive locations.

6.7. Surface Water

6.7.1. All surface waters arising on the site shall be collected and directed via the site drainage system to a Class I Oil Separator as set out in Drawing No. C20/0008B1 "Existing and Proposed Drainage System".

6.8. Disposal of Foul Water

- 6.8.1. No foul water shall be discharged to surface water.
- 6.8.2. All foul water removed from the leachate collection tank shall be disposed of by tankering off-site in fully enclosed tankers subject to the off site disposal procedures set out in Condition 5.6. The frequency of removal shall be such that a minimum of 10% spare capacity is maintained at all times in the leachate collection tank.

REASON: To control emissions from the facility and provide for the protection of the environment.

CONDITION 7 ENVIRONMENTAL NUISANCES

- 7.1. At all times other than Bank Holiday weekends all waste for disposal shall be removed from the facility within forty eight hours of its arrival on site. At Bank Holiday weekends such waste shall be removed from the facility within seventy two hours of its arrival on site.
- 7.2. The licensee shall, at a minimum of daily intervals, inspect the facility and its immediate surrounds for nuisances caused by vermin, birds, flies, mud, dust and odours. Written records shall be made of all inspections and any actions taken as a result of these inspections.
- 7.3. The road network in the vicinity of the facility shall be kept free from any debris caused by vehicles entering or leaving the facility. Any such debris or deposited materials shall be removed without delay.

7.4. Litter Control

- 7.4.1. All loose litter accumulated within the facility and its environs shall be removed and appropriately disposed of on a daily basis.
- 7.5. Any waste placed on or in the vicinity of the facility, other than in accordance with the requirements of this licence, shall be removed by the licensee immediately and in any event by 10.00 a.m. of the next working day, after such waste is discovered. Such waste shall be disposed of at an appropriate facility.
- 7.6. The licensee shall ensure that all vehicles delivering waste to and removing waste and materials from the facility are clean and appropriately covered and that there shall be no liquid discharges from the waste transported therein.

7.7. Dust Control

- 7.7.1. In dry weather the areas of the facility used by vehicles shall be sprayed with water as and when required to minimise airborne dust nuisance.
- 7.7.2. Water sprinklers shall be operated in the waste handling areas, as and when required for the prevention of dust nuisance.

CONDITION 8 MONITORING

- 8.1. The licensee shall carry out such monitoring and at such locations and frequencies as set out in Schedule D: Monitoring and as specified in this licence. Unless otherwise specified by this licence, all environmental monitoring shall commence no later than two months after the date of grant of this licence.
- 8.2. The licensee shall amend the frequency, locations, methods and scope of monitoring as required by this licence only upon the written instruction of the Agency and shall provide such information concerning such amendments as may be requested in writing by the Agency. Such alterations shall be carried out within any timescale nominated by the Agency.
- 8.3. Monitoring and analysis equipment shall be operated and maintained in accordance with the manufacturers' instructions (if any) so that all monitoring results accurately reflect any emission, discharge or environmental parameter.
- 8.4. The licensee shall provide safe and permanent access to all on-site sampling and monitoring points and to off-site points as required by the Agency.
- 8.5. The licensee shall maintain all sampling and monitoring points, and clearly label and name all sampling and monitoring locations, so that they may be used for representative sampling and monitoring.
- 8.6. The licensee shall install on all emission points such sampling points or equipment, including any data-logging or other electronic communication equipment, as may be required by the Agency. All such equipment shall be consistent with the safe operation of all sampling and monitoring systems.
- 8.7. All automatic monitors and samplers shall be functioning at all times (except during maintenance and calibration) when the activity is being carried on, unless alternative sampling or monitoring has been agreed, in writing, by the Agency for a limited period. In the event of the malfunction of any continuous monitor, the licensee shall contact the Agency as soon as practicable, and alternative sampling and monitoring facilities shall be put in place. Prior written agreement for the use of alternative equipment, other than in emergency situations, shall be obtained from the Agency.

8.8. Noise Monitoring

8.8.1. Noise monitoring as specified in *Schedule D: Monitoring* shall be carried out on an annual basis during operational hours. The first such monitoring shall be undertaken within six months of the date of the grant of this licence.

8.9. Groundwater Monitoring

- 8.9.1. Groundwater monitoring wells shall be sampled and analysed in accordance with Schedule D of this licence. A report of such results shall be submitted in accordance with Schedule E of this licence.
- 8.9.2. Within six months of the date of grant of this licence, the two private wells which lie 350m west and 400m north-west of the facility at the location shown in Plot Ref No. 39622_1, shall be incorporated into the monitoring schedule, subject to the agreement of the well owners.
- 8.9.3. A groundwater contour plan to reconstruct summer and winter groundwater levels and flow direction under the facility shall be submitted to the Agency in the first year of the licence.

CONDITION 9 CONTINGENCY ARRANGEMENTS

- 9.1. In the event of an incident the licensee shall immediately:
 - a) identify the date, time and place of the incident;
 - b) carry out an immediate investigation to identify the nature, source and cause of the incident and any emission arising therefrom;
 - c) isolate the source of any such emission;
 - d) evaluate the environmental pollution, if any, caused by the incident;
 - e) identify and execute measures to minimise the emissions/malfunction and the effects thereof:
 - f) provide a proposal to the Agency for its agreement within one month of the incident occurring to:
 - i) identify and put in place measures to avoid reoccurrence of the incident; and
 - ii) identify and put in place any other appropriate remedial action.
- 9.2. The licensee shall, prior to commencement submit a written Emergency Response Procedure (ERP) to the Agency for its agreement. The ERP shall address any emergency situations which may originate on the facility and shall include provision for minimising the effects of any emergency on the environment. This shall include a risk assessment to determine the requirements at the facility for fire fighting and fire water retention facilities. The Fire Authority shall be consulted by the licensee during this assessment.
- 9.3. The licensee shall have in storage an adequate supply of containment booms and/or suitable absorbent material to contain and absorb any spillage at the facility. Once used the absorbent material shall be disposed of at an appropriate facility.
- 9.4. In the event of pollution occurring at the two private wells which lie 350m west and 400m north-west of the facility the licensee shall provide for an alternative supply.
- 9.5. Emergencies
 - 9.5.1. In the event of a complete breakdown of equipment or any other occurrence which results in the closure of the Waste Inspection, Receiving Area and Woodburner /Workshop Area, any waste arriving at or already collected at the facility shall be transferred directly to appropriate landfill sites or any other appropriate facility until such time as the transfer station building is returned to a fully operational status. Such a breakdown event will be treated as an emergency and rectified as soon as possible.
 - 9.5.2. All significant spillages occurring at the facility shall be treated as an emergency and immediately cleaned up and dealt with so as to alleviate their effects:
 - 9.5.3. In the event that monitoring of local wells indicates that the facility is having a significant adverse effect on the quantity and/or quality of the water supply this shall be treated as an emergency and the licensee shall provide an alternative supply of water to those affected;

CONDITION 10 RECORDS

- 10.1 The licensee shall keep the following documents at the facility office.
 - a) the current waste licence relating to the facility;
 - b) the current EMS for the facility;
 - c) the previous year's AER for the facility;
 - d) all written procedures produced by the licensee which relate to the licensed activities.
- The licensee shall maintain a written record for each load of waste arriving at and departing from the facility. The licensee shall record the following:
 - a) the date;
 - the name of the carrier (including if appropriate, the waste carrier registration details);
 - c) the vehicle registration number;
 - d) the name of the producer(s)/collector(s) of the waste as appropriate;
 - e) the name of the waste facility (if appropriate) from which the load originated including the waste licence or waste permit register number;
 - f) a description of the waste including the associated EWC codes;
 - g) the quantity of the waste, recorded in tonnes
 - the name of the person checking the load; and.
 - i) where loads or wastes are removed or rejected, details of the date of occurrence, the types of waste and the facility to which they were removed.

10.3 Written Records

The following written records shall be maintained by the licensee:

- a) the types and quantities of waste recovered at the facility each year. These records shall include the relevant EWC Codes;
- b) all training undertaken by facility staff;
- results from all integrity tests of bunds and other structures and any maintenance or remedial work arising from them;
- d) details of all nuisance inspections; and
- the names and qualifications of all persons who carry out all sampling and monitoring as required by this licence and who carry out the interpretation of the results of such sampling and monitoring.
- The licensee shall maintain a written record of all complaints relating to the operation of the activity. Each such record shall give details of the following:
 - a) date and time of the complaint;
 - b) the name of the complainant;
 - c) details of the nature of the complaint;
 - d) actions taken on foot of the complaint and the results of such actions; and,

- e) the response made to each complainant.
- 10.5 A written record shall be kept of each consignment of foul water removed from the facility. The record shall include the following:
 - a) the name of the carrier;
 - b) the date and time of removal of foul water from the facility;
 - the volume of foul water, in cubic metres, removed from the facility on each occasion;
 - d) the name and address of the Waste Water Treatment Plant to which the foul water was transported;
 - e) any incidents or spillages of foul water during its removal or transportation.
- 10.7 A written record shall be kept at the facility of the programme for the control and eradication of vermin and fly infestations at the facility. These records shall include as a minimum the following:
 - a) the date and time during which spraying of insecticide is carried out;
 - b) contractor details;
 - c) contractor logs and site inspection reports;
 - d) details of the rodenticide(s) and insecticide(s) used;
 - e) operator training details;
 - f) details of any infestations;
 - g) mode, frequency, location and quantity of application; and,
 - h) measures to contain sprays within the facility boundary.

REASON: To provide tot the keeping of proper records of the operation of the facility

CONDITION 11 REPORTS AND NOTIFICATIONS

- 11.1 Unless otherwise agreed by the Agency, all reports and notifications submitted to the Agency shall:
 - (a) be sent to the Agency's headquarters;
 - (b) comprise one original and three copies unless additional copies are required;
 - (c) be formatted in accordance with any written instruction or guidance issued by the Agency;
 - (d) include whatever information as is specified in writing by the Agency:
 - (e) be identified by a unique code, indicate any modification or amendment, and be correctly dated to reflect any such modification or amendment;
 - (f) be submitted in accordance to the relevant reporting frequencies specified by this licence, such as in Schedule E;
 - (g) be accompanied by a written interpretation setting out their significance in the case of all monitoring data; and

- (h) be transferred electronically to the Agency's computer system if required by the Agency.
- 11.2 In the event of an incident occurring on the facility, the licensee shall:
 - a) notify the Agency as soon as practicable and in any case not later than 10.00 am the following working day after the occurrence of any incident;
 - b) submit a written record of the incident, including all aspects described in Condition 9.1(a-e), to the Agency as soon as practicable and in any case within five working days after the occurrence of any incident; and
 - c) Should any further actions be taken as a result of an incident occurring, the licensee shall forward a written report of those actions to the Agency as soon as practicable and no later than ten days after the initiation of those actions.

11.3 Waste Recovery Reports

Within twelve months of the date of grant of this licence, a report examining waste recovery options shall be submitted to the Agency for its agreement. This report shall address methods to contribute to the achievement of the recovery targets stated in national and European Union waste policies and shall include the following:

- a) proposals for the contribution of the facility to the achievement of targets for the reduction of biodegradable waste to landfill as specified in the Landfill Directive;
- the separation of recyclable materials from the waste;
- c) the recovery of Construction and Demolition Waste;
- d) the recovery of metal waste;
- e) the recovery of commercial waste, including cardboard;
- f) composting of biodegradable or green waste at the facility having regard to good practice and sustainability;

11.4 Monitoring Locations

11.4.1. Within six months of the date of grant of this licence, the licensee shall submit to the Agency an appropriately scaled drawing(s) showing all the monitoring locations that are stipulated in this licence. The drawing(s) shall include the reference code of each monitoring point.

11.5 Annual Environmental Report

- 11.5.1 The licensee shall submit to the Agency for its agreement, within thirteen months from the date of grant of this licence, and one month after the end of each calendar year thereafter, an Annual Environmental Report (AER).
- 11.5.2 The AER shall include as a minimum the information specified in Schedule H: Content of Annual Environmental Report and shall be prepared in accordance with any relevant written guidance issued by the Agency.

REASON: To provide for proper reporting, and notification of the Agency.

CONDITION 12 CHARGES AND FINANCIAL PROVISIONS

12.1 Agency Charges

- 12.1.1 The licensee shall pay to the Agency an annual contribution €17.819 sum as the Agency from time to time determines, 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 Act, 1996. The licensee shall in January 2003 and subsequent years, not later than January 31 of each year, pay to the Agency this amount updated in accordance with changes in the Public Sector Average Earnings Index from the date of the licensee to the renewal date. The updated amount shall be notified to the licensee by the Agency. For the first year of operation, the licensee shall pay a pro rata amount from the date of this licence to 31st December. This amount shall be paid to the Agency within one month of the date of grant of this licence.
- 12.1.2 In the event that the frequency or extent of monitoring or other functions carried out by the Agency needs to be increased the licensee shall contribute such sums as determined by the Agency to defraying its costs.
- 12.2 Financial Provision for Closure, Restoration and Aftercare
 - 12.2.1 The licensee shall arrange for the completion of a comprehensive and fully costed Environmental Liabilities Risk Assessment for the facility which will address liabilities arising from the carrying on of the activities to which this licence relates. A report on this assessment shall be submitted to the Agency for its agreement within **one** month of date of grant of this licence.
 - 12.2.2 Within three months of the date of grant of this licence, the licensee shall make a Proposal for Financial Provision to the Agency for its agreement to cover any liabilities incurred by the licensee in carrying on the activities to which this licence relates. Such provision shall be maintained by the licensee unless otherwise agreed by the Agency.
 - 12.2.3 The amount of financial provision, held under condition 12.2.2 shall be reviewed and revised as necessary, but at least annually. Any proposal for such a revision shall be submitted to the Agency for its agreement.
 - 12.2.4 The licensee shall within two weeks of purchase, renewal or revision of the financial provision required under condition 12.2.2, forward to the Agency written proof of such indemnity.
 - 12.2.5 Unless otherwise agreed any revision to the fund shall be computed using the following formula:

Cost = (ECOST x WPI) + CiCC

Where:

Cost = Revised restoration and aftercare cost

ECOST = Existing restoration and aftercare cost

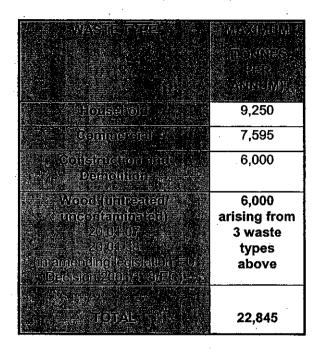
WPI = Appropriate Wholesale Price Index [Capital Goods, Building & Construction (i.e. Materials & Wages) Index], as published by the Central Statistics Office, for the year since last closure calculation/revision.

CiCC = Change in compliance costs as a result of change in site conditions, changes in law, regulations, regulatory authority charges, or other significant changes.

REASON. To provide for apequate financing for monitoring and financial provisions for measures to protect the covingament.

SCHEDULE A: Waste Acceptance

A.1 Waste Acceptance Categories and Quantities



Specified Engineering Works SCHEDULE B:

Removal of Contaminated Soll from vicinity of existing AST farm.

Remediation and cleanup of underlying groundwater to Irlsh and EU drinking water standards. Installation of new bunded fuel storage area and dispensing pumps to southwest of facility. Installation of roof for the waste handling, processing, recycling/recovery infrastructure. Installation of Wheelwash.

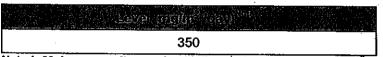
Any other works notified in writing by the Agency.

SCHEDULE C: Emission Limits

C.1 Noise Emissions: (Measured at any noise sensitive location).

65	45
J 35 '	40

C.2 Dust Deposition Limits: (Measured at the monitoring points indicated in Table D.2.1).



Note 1: 30 day composite sample with the results expressed as mg/m²/day.

C.3 Emissions to Atmosphere:

Location:

Waste Wood Burner

Volume to be emitted:

Maximum rate per hour:

5,000 m³

Maximum Waste Wood Burner Capacity: 500 kg/hour wood waste

the known of the second			emes to variety date
			30 minute mean
			(mg/m³)
Englishment Line Comment of the Comm	raktingskomi attateamaneraenpre	SSECT ASSOCIATED PAINT	50
Logi particulate matter			150
Extrapolational			60
dividance dinosite			4
SUIDIU OXIGE (SEXOR)			400
X 00 - 14 - 15 - 15 - 15 - 15 - 15 - 15 - 15			450
0			250

Emission Point Reference No.'s:

Burner Stack

SCHEDULE D: Monitoring

Monitoring to be carried out as specified below.

D.1 Monitoring of Emissions to Atmosphere

Emission Point Reference No.: Waste Wood Burner Stack

And the second s		A the green made and the control of
	Quarterly	To be agreed with the Agency
Iolal Panculates	Quarterly	To be agreed with the Agency
-Galbion monoxide	Quarterly	To be agreed with the Agency
Allifacion Oxides (as No.)	Quarterly	To be agreed with the Agency
Oxides of Sulphur	Quarterly	To be agreed with the Agency

D.2 Dust

Table D.2.1 Dust Monitoring Locations

Monitoring locations shall be the six dust monitoring points as set out in Drawing No. c20/0008A1B (12/4/2001) of the application. The licensee should number the monitoring locations as D1, D2 etc and resubmit the drawing (with such numbers annotated) with the results of the first monitoring round.

Table D.2.2 Dust Monitoring Frequency and Technique

?siendach	्राक्ताकारक महावाककर	្នាស់ នៅក្នុង ក្រុងស្រីស្រីស្រី ខេត្តការប្រាស់
និស្សាស្រីចេលខាល់ប្រហែលប្រការប្រភាពប្រភិពិបិបិបិបិបិបិបិបិបិបិបិបិបិបិបិបិបិបិ	Three times a year Note 2	Standard Method Note 1
dust direction	Monthly Note 4	Standard Method Note 3

Note 1: Standard method VDI2119 (Measurement of Dustfall, Determination of Dustfall using Bergerhoff Instrument (Standard Method) German Engineering Institute). A modification (not included in the standard) whereby 2 methoxy ethanol may be employed to eliminate interference due to algae growth in the gauge.

Note 2: Twice during the period May to September, or as otherwise specified in writing by the Agency.

Note 3: British Standard BS 1747: Part 5 "Directional dust gauges".

Note 4: Unless otherwise instructed by the Agency.

D.3 Noise

Table D.3.1 Noise Monitoring Locations

Monitoring locations shall be the four noise monitoring points as set out in Drawing No. c20/00008A1B (12/4/2001) of the application. The licensee should number the monitoring locations as N1, N2 etc and resubmit the drawing (with such numbers annotated) with the results of the first monitoring round.

Table D.3.2 Noise Monitoring Frequency and Technique

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		Annual	Standard Note 1
TKAN TE		Annual	Standard Note 1
4(6)5540	Milliones). **	Annual	Standard Note 1
- Prequen	Manalysisia A - 124	Annual	Standard Note 1
	ani kanalysis) 🚐 💝 🚞	7	<u> </u>

Note 1: "International Standards Organisation. ISO 1996. Acoustics - description and Measurement of Environmental noise. Parts 1, 2 and 3."

D.4 Groundwater Emissions

Monitoring locations shall be those as set out in Table D.1.1, Drawing No. C20/0008B1 of the application, and Figure 3 'Monitoring Wells Location' of Article 16 response dated 5th January 2000.

Table D.4.1 Groundwater Monitoring Locations

	MW 1
Ĺ	MW 2
L	MW3
L	Private Well West as required by Condition 8.10.2
L	Private Well North-west as required by Condition 8.10.2

Table D.4.2 Groundwater Monitoring Frequency and Techniques

No. a. o. Co.	to the adjustment of	
the second second second		
Leitedsováte v esve († 1917)	Quarterly	Electronic Dipmeter (to site OD)
Hading 1 45 agust 1 1 is	Monthly	On site handheld meter
10H	Monthly	On site handheld meter
Eenige a Curé	Monthly	On site handheld meter
Dissolvacieryaja)	Quarterly	On site handheld meter
fotalizikilinis	Quarterly	Standard Methods
Arrivido)a	Quarterly	Standard Methods
Shionide	Quarterly	Standard Methods
Jión - Constant	Quarterly	Standard Methods
Manganese	Quarterly	Standard Methods
Total Óxídised Nitrogen ** =	Annually	Standard Methods
Onthophosphäte :-	Annually	Standard Methods
Polassidin	Annually	Standard Methods
Diesel Range Organics	Quarterly	GC/MS
Petrolemi Range Organics	Quarterly	GC/MS
ABMEX Value METELE	Quarterly	GC/MS
Est (// Zordanic) Substances Notes	Annually	GC/MS
	•	, ,
acaolmium a a a a a a a a a a	Annually	AA/ICP
	Annually	AA/ICP
Nicke	Quarterly	AA/ICP
Sevander ' 20 3 4 7 2	Annually	AA/ICP
### Pale Colifornis Nate A	Annually	Standard Methods
Total Collorus Note:	Annually	Standard Methods

- Note 1: All the analysis shall be carried out by a competent laboratory using standard and internationally accepted procedures. The testing laboratory and the testing procedures shall be agreed with the Agency in advance.
- Note 2: Diesel Range Organics (DRO) should be reported as Mineral Oil using Gas Chromatography / Mass Spectrometry (GC/MS).
- Note 3: Samples screened for the presence of organic compounds using Gas Chromatography / Mass Spectrometry (GC/MS) and using the list I/II Substances from EU Directive 76/464/EEC and 80/68/EEC as a guideline. Recommended analytical techniques include: volatiles (US Environmental Protection Agency method 524 or equivalent), semi-volatiles (US Environmental Protection Agency method 525 or equivalent, and pesticides (US Environmental Protection Agency method 608 or equivalent).
- Note 4: If there is evidence of bacterial contamination, the analysis at up gradient and downgradient monitoring points should include enumeration of total bacteria at 22°C and 37°C and faecal streptococci.

SCHEDULE E :Recording and Reporting to the Agency

	randiji de nage	Forting Const. graviting 199
Environmental Management System Updates	Annually	One month after the end of the year reported on.
Annual Environment Report (AER)	Annually	Thirteen months from the date of grant of licence and one month after the end of each calendar year thereafter.
Record of incidents	As they occur	Within five days of the incident.
Bund, tank and container integrity assessment	Every three years	Six months from the date of grant of licence and one month after end of the three year period being reported on.
Underground pipe and tank integrity assessment	Prior to commencement	
Specified Engineering Works reports	As they arise	Prior to the works commencing.
Monitoring of Groundwater Quality	Quarterly	Ten days after end of the quarter being reported on.
Monitoring of Foul water	Quarterly	Ten days after end of the quarter being reported on.
Dust Monitoring	Three times a year	Ten days after the period being reported on
Noise Monitoring	Annually	One month after end of the year being reported on.
Any other monitoring	As they occur	Within ten days of obtaining results.

Note 1: Unless altered at the request of the Agency

SCHEDULE F : Content of the Annual Environmental Report

Reporting Period.

Waste activities carried out at the facility.

Quantity and Composition of waste recovered, received and disposed of during the reporting period and each previous year (relevant EWC codes to be used)

Summary report on emissions

Summary report of Waste Analysis for Disposal by Incineration

Burner Record

Summary of results and interpretations of environmental monitoring, including a location plan of all monitoring locations.

Resource and energy consumption summary.

Development / Infrastructural works in place and planned, to process waste quantities projected for the following year (including plant operating capacity, provision of adequate standby capacity and provision of contingency; backup and spares in the case of breakdown)

Schedule of Environmental Objectives and Targets for the forthcoming year.

Report on the progress towards achievement of the Environmental Objectives and Targets contained in previous year's report.

Full title and a written summary of any procedures developed by the licensee in the year which relates to the facility operation. Tank, drum, pipeline and bund testing and inspection report.

Progress on remediation/cleanup of groundwater, aquifer and removal of underlying municipal waste.

Monitoring of private water supplies/provision of alternative supplies.

Reported Incidents and Complaints summaries.

Review of Nuisance Controls.

Reports on financial provision made under this licence, management and staffing structure of the facility, and a programme for public information

Volume of foul water produced and volume of foul water transported off-site.

Any other items specified by the Agency.

NOTE 1 Content to be revised subject to the agreement of the Agency after cessation of waste acceptance at the facility.

Signed o	on behalf of	the said Agency	
on the	day of	***	Authorised Person

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Appendix B: Proposed Decision issued by the Board of the Agency

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Waste Management Act, 1996

NOTIFICATION OF A PROPOSED DECISION ON AN APPLICATION FOR A WASTE LICENCE IN ACCORDANCE WITH SECTION 42(2) OF THE WASTE MANAGEMENT ACT, 1996.

In pursuance of the powers conferred on it by the above mentioned Act, the Environmental Protection Agency (the Agency) proposes, under Section 40(1) of the said Act, to determine the following waste licence application:

Waste Licence Register No:

96-1

Applicant:

Advanced Environmental Solutions (Ireland) Limited t/a Erwin Cobbe

Waste Disposal, The Cottage, Tipper Road, Naas, Co. Kildare.

Facility:

Deer Park Cross, Ballymorris, Portarlington, Co Laois.

The application was received by the Agency on 05/03/99.

Waste activities to which the application applies:

Refused waste disposal activities, in accordance with the Third Schedule of the Waste Management Act, 1996

Class 11. Blending or mixture prior to submission to any activity referred to in a preceding paragraph of this Schedule.

Class 13. Storage prior to submission to any activity referred to in a preceding paragraph of this Schedule, other than temporary storage, pending collection, on the premises where the waste concerned is produced.

Refused waste recovery activities, in accordance with the Fourth Schedule of the Waste Management Act 1996

Class 2.	Recycling or reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes).
Class 3.	Recycling or reclamation of metals and metal compounds.
Class 4.	Recycling or reclamation of other inorganic materials.
Class 8.	Oil re-refining or other re-uses of oil.
Class 9.	Use of any waste principally as a fuel or other means to generate energy.
Class 11.	Use of waste obtained from any activity referred to in a preceding paragraph of this Schedule.
Class 12.	Exchange of waste for submission to any activity referred to in a preceding paragraph of this Schedule.
1	

Class 13.

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.

Proposed Decision It is proposed to refuse to grant a waste licence to the above named applicant to carry on the waste activities specified above, that are the subject of the above referenced application, at the above named facility. A copy of the proposed decision, including the reasons for it, accompanies this notification.

OBJECTIONS & ORAL HEARINGS

Any person may object to the proposed decision, in accordance with section 42 of the Waste Management Act, 1996, at any time no later than 20 March 2002. A person making an objection may also request an oral hearing of the objection, in accordance with Section 42 of the Act, at any time no later than the date specified above. It is important to note that any objection to a proposed decision/request for an oral hearing must be received by the Agency before the appropriate period expires.

An objection/request for an oral hearing must be made <u>either</u> by sending the objection or request by prepaid post to the Agency, or by leaving the objection or request with an employee of the Agency at the Headquarters of the Agency in Wexford during office hours, i.e. 9 a.m. to 5 p.m. Monday to Friday.

An objection against the proposed decision must state in full the grounds of the objection. An objection and a request for an oral hearing of an objection must each be accompanied by the appropriate fee. An objection and a request each must also comply with the other statutory requirements in relation to objections and requests for oral hearings as set out in the Waste Management Act, 1996 and the Waste Management (Licensing) Regulations, S.I. No. 133 of 1997. Extracts from the Act and the Regulations accompany this notification. For the purposes of making an objection and/ or a request for an oral hearing, the address of the principal office of the Agency is P.O. Box 3000, Johnstown Castle Estate, County Wexford. In the event that:

- (a) no objection is taken against the proposed decision or
- (b) an objection or objections is or are taken against the proposed decision and the objection or objections is or are withdrawn,

the decision of the Agency will be in accordance with the proposed decision and will be issued as soon as may be after the appropriate period expires.

Signed on behalf of the Agency:
On the 21st day of February, 2002 Breda Sheehan Authorised Person

re: Proposed Decisions of the Environmental Protection Agency in respect of Waste Licence applications

Fees for the making of Objections and Oral Hearing requests

Fees for making an Objection:

- Article 43 (1) A fee shall be paid to the Agency in respect of the making of an objection.
 - (2) Subject to sub-article (3), the fee payable under sub-article (1) shall be the amount indicated in column (3) of Part II of the Third Schedule opposite the appropriate mention of objection in column (2) of the said Part of the Schedule.
 - (3) Where an objection is made to the Agency by -
 - (a) a local authority,
 - (b) a planning authority
 - (c) a sanitary authority,
 - (d) the Central Fisheries Board,
 - (e) An Taisce The National Trust for Ireland,
 - (f) Bord Failte,
 - (g) in the case of an activity any part of which is situate within the functional area of the Shannon Free Airport Development Company Limited, that Company,

a reduced fee shall be payable in respect of the said objection, in accordance with sub-article (2).

Fees for making a request for an Oral Hearing (payable in addition to the fee payable for making the associated objection)

- Article 45 (1) A fee shall be paid to the Agency in respect of a request for an oral hearing of an objection.
 - (2) The fee payable under sub-article (1) shall be the amount indicated in column (3) of Part II of the Third Schedule opposite the mention of a request for an oral hearing in column (2) of the said Part of the Schedule.

Extract from Third Schedule (Part II) of the Regulations

(1)	(2)	(3) Amount of fee (£)
Article 43	Objection by the applicant or licensee	250
	Objection by an authority or body mentioned in Article 43(3)	50
	Objection by any other person	150
Article 45	Request for an oral hearing	50

re: Proposed Decisions of the Environmental Protection Agency in respect of Waste Licence applications

Fees for the making of Objections and Oral Hearing requests

Fees for making an Objection:

- Article 43 (1) A fee shall be paid to the Agency in respect of the making of an objection.
 - (2) Subject to sub-article (3), the fee payable under sub-article (1) shall be the amount indicated in column (3) of Part II of the Third Schedule opposite the appropriate mention of objection in column (2) of the said Part of the Schedule.
 - (3) Where an objection is made to the Agency by -
 - (a) a local authority,
 - (b) a planning authority
 - (c) a sanitary authority,
 - (d) the Central Fisheries Board,
 - (e) An Taisce The National Trust for Ireland,
 - (f) Bord Failte,
 - (g) in the case of an activity any part of which is situate within the functional area of the Shannon Free Airport Development Company Limited, that Company,

a reduced fee shall be payable in respect of the said objection, in accordance with sub-article (2).

Fees for making a request for an Oral Hearing (payable in addition to the fee payable for making the associated objection)

- Article 45
- (1) A fee shall be paid to the Agency in respect of a request for an oral hearing of an objection.
- (2) The fee payable under sub-article (1) shall be the amount indicated in column (3) of Part II of the Third Schedule opposite the mention of a request for an oral hearing in column (2) of the said Part of the Schedule.

Extract from Third Schedule (Part II) of the Regulations

(1)	(2)	(3) Amount of fee (£)
Article 43	Objection by the applicant or licensee	250
men to j	Objection by an authority or body mentioned in Article 43(3)	50
	Objection by any other person	150
Article 45	Request for an oral hearing	50

- (ii) A request for an oral hearing of an objection which is not accompanied by such fee (if any) as may be payable in respect of such request shall not be considered by the Agency.
- (c) A request for an oral hearing of an objection shall be made within the appropriate period, and any request received by the Agency after the expiration of that period shall not be considered by it.
- 42(10) An objection, or a request for an oral hearing under subsection (9), shall be made—

(a) by sending the objection or request by prepaid post to the Agency, or

- (b) by leaving the objection or request with an employee of the Agency, at the principal office of the Agency, during office hours, or
- (c) by such other means as may be prescribed.
- 42(11) (a) Where a request for an oral hearing of an objection is made in accordance with subsection (9), or otherwise where an objection has been made, the Agency shall have an absolute discretion to hold an oral hearing in relation to the objection and, if it decides to hold such a hearing, it shall give notice in writing of that decision to—

(i) the applicant or the holder of the licence, as the case may be,

- (ii) where relevant, the local authority in whose functional area the activity, the subject matter of the pro-posed waste licence or the waste licence, as the case may be, is intended to be, or is, carried on,
- (iii) any person who requested an oral hearing, and

(iv) such other person as may be prescribed.

- (b) Where the Agency decides not to hold an oral hearing under this subsection, it shall give notice in writing of its decision to the person who requested the oral hearing.
- 42(12) In this section "the appropriate period" means the period of 28 days beginning on the day on which notification is sent under *subsection* (2) in respect of the matter concerned.
- 43—(1) (a) Where
 - (i) no objection is made in accordance with section 42 (3) to the Agency in relation to a decision that it proposes to make in respect of an application made to it for the grant of a waste licence or in consequence of a review conducted by it of a waste licence, or
 - (ii) any objection or objections that has or have been so made to it in relation thereto is or are withdrawn,

the decision of the Agency in relation to that application or in consequence of the review shall be that as notified by it under section 42 (2).

(b) Where the decision of the Agency is to grant a waste licence or a revised waste licence, such a licence shall be granted by it as soon as may be after the making of the decision.



Headquarters, P.O. Box 3000, Johnstown Castle Estate County Wexford, Ireland

WASTE LICENCE APPLICATION **PROPOSED DECISION**

Waste Licence

Register Number:

Applicant:

96-1

Advanced Environmental Solutions (Irelanda)

Ltd trading as Erwin Cobbe Waste Disposal

Location of Facility:

Ballymorris, Kilbride, Portarlington, Co.

Laois.

Proposed Decision

On the basis of the information available to it, the Agency, pursuant to its powers under Section 40(1) of the Waste Management Act, 1996, proposes to refuse to grant a waste licence to Advanced Environmental Solutions (Ireland) Ltd trading as Erwin Cobbe Waste Disposal to carry on the waste activities that are the subject of waste licence application register number 96-1 at Ballymorris, Kilbride, Portarlington, Co. Laois.

In reaching this decision the Agency has considered the application and supporting documentation received from the applicant, all submissions received from other parties and the report of its inspector.

Activities Refused

Refused waste disposal activities, in accordance with the Third Schedule of the Waste Management Act, 1996

Class 11.	Blending or mixture prior to submission to any activity referred to in a preceding paragraph of this Schedule.
Class 13.	Storage prior to submission to any activity referred to in a preceding paragraph of this Schedule, other than temporary storage, pending collection, on the premises where the waste concerned is produced.

Refused waste recovery activities, in accordance with the Fourth Schedule of the Waste Management Act 1996

Class 2,	Recycling or reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes).
Class 3.	Recycling or reclamation of metals and metal compounds.
Class 4.	Recycling or reclamation of other inorganic materials.
Class 8.	Oil re-refining or other re-uses of oil.
Class 9.	Use of any waste principally as a fuel or other means to generate energy.
Class 11.	Use of waste obtained from any activity referred to in a preceding paragraph of this Schedule.
Class 12.	Exchange of waste for submission to any activity referred to in a preceding paragraph of this Schedule.
Class 13.	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.

Reasons for the proposed decision:

- 1. The Agency considers that the proposal to burn 6,000 tonnes/annum wood, paper and cardboard waste by using an integrated burner and heat-exchanger unit, the Talbott C9, does not meet the requirements of the EU Incineration of Waste Directive (2000/76/EC).
- The Applicant has not demonstrated that the raw materials proposed for the briquetting process do not contain hazardous substances which would render the subsequent product unsuitable for use as a fuel.
- 3. There is insufficient information in the application to satisfy the Agency that environmental muisances from the facility can be controlled, given the proximity of residences to the boundary.

Signed on behalf of the said Agency on the 21st day of February, 2002

Breda Sheehan, Authorised Person

Appendix C Objections to Proposed Decision

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Administration
Waste Management Licensing
EPA
PO Box 3000
Johnstown Castle Estate

Ref. Register No. 96-1

Dear Sirs

Co. Wexford

I refer to your letter of 21^{st} February 2002 and the notification of a proposed determination on the licence application by AES (Ireland) Ltd.

NAAS, CO. KILDARE.

EMAIL: info@aesirl.ie

The applicant, AES (Ireland) Ltd., wishes to object to the Agency's proposed decision and specifically the stated reasons for the proposed decision. The required fee is enclosed.

In making this objection AES are primarily addressing the explicit reasons, numbers 1-3, in the Proposed Decision refusing the granting of a licence.

Should the board reverse the decision and issue conditions of licence, AES assume that they will have the opportunity to make further submissions on any future Proposed Decision.

Also attached is a commentary on the Inspectors Report that was submitted to the board of the Agency in relation to this Proposed Decision. It is our understanding that this report is not a formal part of the Proposed Decision (as it was not supplied as part of, or as an appendix to, the Proposed Decision issued February 21st 2002) but may have been material to the decision-making process and therefore deserves our comment.

The following are enclosed:

Formal Objection

• Attached Supporting Documentation, Appendix 1 (A1)

• Comments on EPA Inspectors Report, Appendix 2 (A2)

• Cheque € 318

If you require any further details or clarification please do n

Best Regards.

Dr. John MacNamara

Cc Dr. John Ryan, EMAI Ltd.

Time 3.28.

20 MAR 2002

Signature
Environmental Protection Agency, HQ.
P.O. Box 3000 Ohnstown Castle Football

ADVANCED ENVIRONMENTAL SOLUTIONS (IRELAND) LTD.

UNIT 1, MONREAD COMMERCIAL PARK, MONREAD ROAD,

PHONE: 045-981613 FAX: 045-981621



Formal Objection

Objector details

Name:

AES (Ireland) Ltd. t/a Erwin Cobbe Waste Disposal (the Applicant). Unit 1, Monread Commercial Park, Monread Road, Naas, Co. Kildare.

Address: Facility:

Deer Park Cross, Ballymorris, Portarlington, Co. Laois.

Agency reason for proposed decision and Applicants grounds for objection

1. The Agency considers that the proposal to burn 6,000 tonnes/annum wood, paper, and cardboard waste by using an integrated burner and heat-exchange unit, the Talbott C9, does not meet the requirements of the EU Incineration of Waste Directive (2000/76/EC).

Applicant objection to this reason

The applicant wishes to inform the Agency that the said burner unit is not, and has not been, operational at the applicant's facility. Furthermore, the applicant does not intend to use this technology as a waste disposal/energy recovery activity. The applicant had begun the process of decommissioning the burner unit with the intention of removing the burner unit off-site. Therefore, there will not be any activity under Class 9 or 11 of the Fourth Schedule of the Waste Management Act, 1996 nor will the EU Incineration of Waste Directive will not be applicable to any activity at the facility. (Please see attachment A1 Document 1 for clarification from the owner of the burner.)

Thus, the stated Agency reason for the proposed decision is not applicable to this application.

2. The Applicant has not demonstrated that the raw materials proposed for the briquetting process do not contain hazardous substances which would render the subsequent product unsuitable for use as a fuel.

Applicant objection to this reason

The applicant can also confirm to the Agency that there will not be any briquetting activity at the facility. This activity was associated with the operation of the aforementioned burner and due to the removal of the burner will not be carried on at the facility. Therefore, there is no potential for the burning of hazardous substances, as referred to in the proposed decision.

Thus, the stated Agency reason for the proposed decision is not applicable to this application.

3. There is insufficient information in the application to satisfy the Agency that environmental nuisances from the facility can be controlled, given the proximity of residences to the boundary.





Applicant objection to this reason

The applicant feels that the dismantling of the burner coupled with the decommissioning of the briquetting activity, mitigates strongly against the above reason being used as grounds for refusing a Waste Licence. The fact that no incineration will occur on site eliminates all possible environmental nuisances and pollution from this particular source. AES Ireland Ltd. is particularly concerned with the environmental performance of the site at Ballymorris. The company is acutely aware of its neighbours at Deer Park Cross and is committed to providing the resources to control any potential environmental nuisances. Taking that 'environmental nuisances' encompasses 'vermin, birds, files, dust, odours and litter' as mentioned in the Inspector's Report (17/01/02) the applicant, AES, has initiated and implemented a number of schemes to monitor, control and ameliorate these nuisances.

Theses include

- A daily inspection (now documented and recorded) of the facility and the surrounding area for the above nuisances.
- The control of nuisances caused by vermin has been improved by a revised and updated contract with *Rentokill*. This new contracts includes a 50% increase in annual site visits executed by *Rentokill*; and also incorporates 'a yearly vermin report' by a qualified field biologist. Please see a copy of the attached contract, A1 Document 2.
- In relation to birds, the applicant, AES, have engaged the services of *Bird Control Ireland* to assuage avian nuisances. Please see the attached letter (A1 Document 3) from Bird Control Ireland, outlining their proposals (and their reasons for the delay in implementation).
- AES have also contracted Envirotech concerning odour control and abatement at the facility, please see the attached correspondence (A1 Document 4). AES have also initiated operational procedures on site instructing that waste for disposal is removed from the site within 24 hours, hence limiting likely odour problems.
- The potential nuisance associated with dust is now greatly reduced given that the operation of both the burner and the briquetting unit is no longer part of AESs plans for the site. In addition, extra cladding enclosing the trommel has recently been installed. This improvement will further limit any nuisance associated with dust. It should also be noted that facilities are in place for the spraying of waste with water (and odour-masking agents) in the event of extended spells of dry and hot weather, again the aim being to minimise nuisance dust.
- AES employees perform a daily check of the environs removing any litter that
 may have inadvertently been dropped, this activity is now documented and
 recorded.



- AES have also contacted Morrissey Fencing (A1 Document 5) in relation to upgrading the fencing around the boundary of the site; please see attached quotation. This improvement will further diminish the effect of nuisances on the nearby residents.
- AES management have also met with representatives of the residents in the area. In an effort to work with neighbours, AES commissioned (and financed) three independent laboratories (Bord ná Mona, Teagas, & the Eastern Health Board) to analysis the quality of the water at Mrs Champs farm. AES have not as yet (19th March 02) received formal notification of these results.
- AES Ltd. intends to allocate required resources for the monitoring and management of any potential nuisances as an integral part of its implementation of an overall environmental management systems (EMS).
- The company recently commissioned a third party environmental audit of the facility and have used the findings of this report as a basis for developing a plan for the ongoing management of the site. Furthermore, the company has commissioned consultants to draft operational procedures for the facility and also to conduct staff training. AES Ltd. intends to implement these measures in association with complying with the requirements of the Agency as outlined in a waste licence (see attached summary report, A1 Document 6).

In summary, the applicant is of the view that the reasons for the proposed decision outlined in the Agency's correspondence of the 21st February, are largely unrelated to the actual activity to be carried on-site. The burner unit is not to be used as waste to energy activity and is being removed off-site with a concomitant removal of the briquetting activity. In addition, AES Ltd. is committed to operating the facility so as to minimise any potential environmental nuisance to its neighbours. The success of this commitment will be monitored through internal review at management level, within the context of the implementation of an EMS and also, it is anticipated, through thorough third party review by the EPA.



Supporting Documents

Document Ref Code	Document
A1 Document 1	Letter from Erwin Cobbe via Arthur Cox re the current status of the Burner
A1 Document 2	Service Agreement with Rentokill for the Ballymorris Site
A1 Document 3	Notification from Bird Control Ireland re services for the Ballymorris Site
A1 Document 4	Notification from Envirotech re Odour Abatement agents
A1 Document 5	Notification from Morrissey Fencing re the Ballymorris site
A1 Document 6	EMAI summary report on requirements for a waste licence

Environmental Protection
Agency
Waste Licensing
Received 29 MAR 2002
Initials

ARTHUR COX

EARLSFORT CENTRE, HARLSFORT TERRACE, DUBLIN 2 TEL +353 1 618 0000 FAX +353 1 618 0618 DX 27 DUBLIN mail@arthurcox.com http://www.arthurcox.com

Britast

STOKES HOUSE, 17-25 COLLEGE SQUARE HAST BELEAST BT1 6HD TELEPHONE +44 28 9023 0007 Fix +44 28 9023 3464

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NEW YORK

570 LEXINGTON AVENUE, 28111 FLOOR New York, NY 10022 TEEPRONE +1 212 759 0808 Eax +1 212 688 3237

GG/IT/ck

19th March 2002

BY FAX & POST

The Board of the Environmental Protection Agency Johnstown Castle Est Co Wexford

Our Client: Erwin Cobbe Re:

Application for a Waste Licence for Premises at Ballymorris, Co Laois

Dear Sirs.

Our client has asked us to write to you concerning a burner which is currently located on AES's site at Ballymorris, Co Laois. The said burner was attached to a silo and dissipater, which silo and dissipater have now been removed from the premises at Ballymorris.

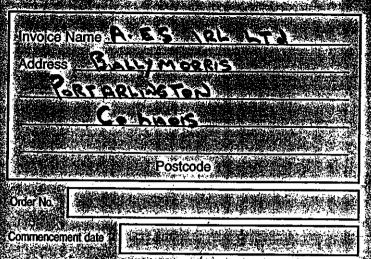
The burner cannot operate without the silo and dissipater, and in any event, our client instructs us to advise you that he undertakes not to use the burner and that it will be removed from the site at Ballymorris as soon as is practicable.

Yours faithfully,

Author Cox ARTHUR COX

JAMES O'DWYER PAUL MULAEGHUN DAN A. SCHIT DANIEL E. O'CONNOR PETER MCLAUGHUN ROBERT BOLION JOHN V. O'DWYER RONAR WALSH DONOGH CROWLLY JOHN S. WALSH MICHARE MISCHES JOSEPH LEVDEN WILLIAM JOHNSTON RUGENE MCCAGEL NICHOLAS G. MOORE DECLAY HAVES DAVID O'DONORIO COLA DESGAN CARLO SULLIVAN ISABEL FOLLY JOHN MEADE COSOR MCDORNELL PATRICK MCGOVERN GRAINNE HERNESSY SEAMES GIVEN COLIK BYRNE CAROLINE DEVELY CLARAN BOGGER GRECORY GLYNN DAVID FOLEY STEPHEN HEGARTY DECLAN DRISTAND SARAH CUNNET KATHLEEN GARRETT PADRAG Ó RÍORDÁIN ELIZABETH BOTHWIELL WILLIAM DAY ANDREW LENNY JOHN MENTON PATRICK O'BRIUN OBIA O'CONNOR, BRIAN O'GORMAN, MARK SAUNDERS, MARK BARR, JOHN MATSON, DEBORAH SPENCE, MARGARIT MULDIOWNEY

SERVICE AGREEMENT



VAT exempt No.



Rentokii Pest Control Rentokii Initial Limited 77 Jerenure Road East, Dublin

1: RENTOKIL INITIAL LIMITED agree to make \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	
	inspections and treatments per annum at regular intervals
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- 2. The client agrees to pay a one off installation charge of Epost plus a quarterly scharge of Ehook. All payments are subject to VAT at the appropriate rate. Initial charges are due on commencement of the agreement and subsequent payments quarterly in advance. In the event of late payment, interest may accrue, at the sole discretion of Rentokil Initial Limited, at a rate of 10% per month until payment is received. All payments are to be made to Rentokil Initial Limited at 47. Terenure Road East, Dublin 6, where this agreement shall be deemed to have been made. Rentokil Initial Limited reserves the right to increase charges following expiry of the first year.
- 3. This agreement may only be terminated or service deleted on an anniversary of the commencement date, provided that written notification is given by the party terminating it to the other at least 3 months prior to such anniversary date. Addition of a new service to this agreement automatically extends the anniversary date by 12 months after the addition date.
- 4. The client agrees to allow Rentokil Initial Limited inspectors or operators unhindered access to the premises at all reasonable hours for the purpose of carrying out the treatments or inspections of the premises.
- 5. Whilst this agreement is in force the client undertakes not to use or allow to be used on the premises any other methods of treatment whatsoever against the above-mentioned vermin as such other methods may seriously interfere with those of Rentokil Initial Limited.
- 6. The person signing this agreement warrants that he/she has the authority of the client to make this contract on the clients behalf.

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Signed for RENTOKIL INITIAL LIMITED		
Signed for RENTOKIC INITIAL LIMITED		
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LHANGE O'NEILL		
	1.5	4



Bird Control Ireland Ltd.

FAX Message

Christor O Brica Erwin Cobbe Waste Disposal **Portarlington** Co. Laoise

21 February 2002

Dear Christor,

I have drawn up a Bird Control Plan for Erwin Cobbe as requested and ordinarily you would have received it by now. However we suffered a lightening strike here at Bird Control which destroyed our entire computer network and phone system.

The system hard disk has been sent to the UK for information retrieval and I will forward the programme to you as soon as possible. I estimate this will be about three weeks. I hope you will bear with us as we have a lot of information to catch up on for our clients.

Meanwhile we have purchased a new computer system with appropriate security to avoid such upsets in future.

Yours Sincerely,

Jeron Milsh-Jeremy Nicholson Managing Director



29th January 2002

Mr James Heffernan Erwin J. Cobbe Kilbride Portarlington Co. Kildare

Dear Mr. Heffernan

I would like to thank you for taking the time to try our product.

As we discussed in our phone conversation, Odourblock 720E is designed to counteract rancid odours. It functions as an extremely potent masking agent which is effective over a wide range of applications.

Its application in relation to your particular needs would be advised as follows:

- For truck washing the addition of 100 to 200 mls of Odourblock 720E can be placed either into the reservoir the power washer is drawing from, or in with the detergent draw line that is used for washing.
- A knap sack containing a one in ten dilution (ie 1 ltr of Odourblock 720E to 10 ltrs of water) can be sprayed directly around the skips once emptied.
- Odourblock 720E can be sprayed directly over the waste on-site to prevent the occurrence of odours.

Envirotech would also be pleased to quote for storm water analysis or any other analysis that needs to be carried out on your site.

I will be in contact over the next fortnight to answer any queries or you may contact me on 086 8564339.

Kind regards

Yours sincerely

Declan Costigan

TECHNICAL SALES



MORRISSEY

FENCING LTD.

BALLINALACKEN, BALLYRAGGET, CO. KILKENNY, IRELAND. Tel: 056 33733 Fax: 056 33368

Quotation for Fencing at the AES Site in Ballymorris (6th March 2002)

Palisade Fencing for section of site as per

€ 8000

discussion

Vat @ 12.5% € 1000

Total € 9000

Best regards,

Q.p.

Hem

Martin Morrissey

Quotations are valid for 1 month from date of issue

lace of Registration; Ireland. Registered Office as above. Registration No. 273313 Director: Martin Morrissey.



Mr. Christoir O'Brien

AES (Ireland) Ltd. Unit 1 Monread Industrial Park Maonread Road Naas Co. Kildare

14th February 2002

Ref. AES waste transfer facility at Portarlington, Co. Laois

Dear Christoir

I refer to our ongoing discussions regarding the E. Cobbe site and preparation for compliance with the EPA licence.

I enclose a summary of the items that will need to be addressed – procedures, reports, monitoring etc. - typical of EPA requirements. I would advise that you consider adopting the EMS route from the start— not only will it provide a focus and driver to address the EPA requirements but you will be required to implement an EMS as a condition of licence.

As I have mentioned to you, the time scale for completion of many of the items will be immediate since the Agency are aware of the 2 year life span of the site.

If you have any queries/comments, please do not hesitate to contact me.

Best regards

Dr. John Ryan

Typical requirements of Waste Licence

A. Site management

Given that there will be a condition of licence to encapsulate all activities, including reporting and procedure development, into a structured environmental management system (EMS), it is recommended that AES adopt an EMS approach from day 1. Furthermore, using this approach will give confidence that the management tools will be available to facilitate licence compliance.

B. Procedures and EMS elements required immediately to support the waste licence

- 1. Environmental objectives and targets with specific objectives and measurable targets reviewed on an ongoing basis and submitted to the EPA for approval;
- 2. Environmental management programme timetable to achieve objectives and targets-reviewed on an ongoing basis and submitted to the EPA for approval;
- 3. Corrective action procedure and associated forms and records;
- 4. Emergency response procedure with associated forms and records;
- 5. Awareness and training procedure to identify training needs and then provide training;
- Description of the site management structure supply for agreement changes to be notified to EPA for agreement – include info on competence and qualifications;
- 7. Communications Programme so that general public can get info on the environmental performance of the site;
- 8. Management of unacceptable wastes including quarantine; handling and reporting
- 9. Decommissioning and aftercare Plan this will be of particular concern to the EPA given the short life span of the site;

C. Additional reports required

- 1. Proposal for an EMS this to be submitted for approval to EPA, the EMS then established and maintained (see Section A);
- 2. Annual environmental report (AER) 12 months from date of licence summarises environmental performance over year;
- 3. Bund integrity analysis;
- 4. Risk assessment on fire fighting and fire water retention faculties;
- 5. Environmental liabilities risk assessment
- 6. Proposal for financial provision to cover any liabilities current or potential see point 5.
- 7. Engineering works (specified by EPA) report to EPA for approval 2m in advance of starting project;
- 8. Quality assurance validation on works specified in point 5;
- 9. Weighbridge accuracy
- 10. Any new waste processing activity any change to be sent to EPA for agreement in advance of commencing;

D. Recording to be completed – in excess of Sections B+C

- 1. Nuisance caused by the site
- 2. Any emission that exceeds a licence limit or other statutory limit
- 3. Incidents/potential contamination
- 4. Cessation of activity for >28d
- 5. Incident with potential for pollution
- 6. Any emergency
- 7. Monitoring results (see Section E)
- 8. Incoming waste information

- 9. Outgoing waste information
- 10. On site recovery/disposal
- 11. Complaints

E. Monitoring required

- 1. Noise probably twice a year
- 2. Dust annual
- 3. Emissions to any percolation area
- 4. Emissions to ground and surface waters

F. Infrastructure issues

- 1. Site notice board
- 2. Site security report
- 3. Completion of hardstanding/concreting
- 4. Waste inspection area
- 5. Waste quarantine area
- 6. Truck wash analysis
- 7. Bunded fuel storage
- 8. All storage of liquids to be clearly identified
- 9. Site drainage plan
- 10. Class 1 oil water interceptor
- 11. Roof water to surface water
- 12. Foul water holding tank
- 13. Identification of all drains/grills
- 14. Site lighting
- 15. Safe, permanent and identified monitoring points

Note – waste activity at the site will be limited to the scope of the licence. This is defined based on information supplied throughout the application process.

Portlaoise residents pilot recycling scheme

By James Russell

THE residents of the Beladd Estate on the Stradbally Road, Portlaoise will be the first in the town to have their recyclable waste collected by Advanced Environmental Solutions (AES), the sole waste collection company operating in Laois.

Environmentally friendly residents will now be able to recycle plastic milk and mineral bottles,

milk and mineral bottles, acwispapers, magazines, cardboard and aluminium drink cans in a door to door collection service provided free to AES customers.

Blue coloursd wheelie bins for recyclables were delivered to the Beladd householders last week in a pitot programme which is to up over four mooths. householders which is to pilot programme which is to run over four months. National cross country Champion Anne Keenan-Buckley was among the residents to receive a bia. Also present at the

Also present at the launch of the recycling project were representatives from AES and Laois County Council, who will

company operating in I be monitoring the project in order to improve recycling rates county wide. Damhnait McGuire, Waste Education Officer, Laois County Council has been overseeing the measurement of waste coming from the Beladd Estate over the past months in order to compare the percentage reduction of inadfilled waste following the recycling initiative's introduction. "We were amazed to find that 62 per cent of people surveyed in Beladd already recycled glass and cans, while 18 per cent were recycling paper and magazines. Many of the residents who don't recycle said they felt they would start now." recycle said they felt they would start now."

Margaret Heavy, Senior Executive Engineer, Waste Management, Laois County Council explained that under the Midlands Waste Management Plan, door to Management rian, door to door collection of recyclables was proposed for the towns of Portiaoise, Portarlington and Mountmellick. "The Mountnellick. "The objective is to divert as much waste as possible from landfill through recycling. The target for the midlands is to recycle 47 per cent of the waste, no easy task considering that at present over 93 per cent of the waste collected from lacis householders and Laois householders and businesses goes directly to the county landfill site.

This project will set the

Pictured at the launch of the first Kerbside Collection Scheme for recyclables at Beladd, Stradbally Roas Portlandse on Friday last were, Fr. Jim Kelly (AES), Karen Cuddy (Asst. Staff Officer, Environment Section Laois County Council), John McNamara (AES), Emma Bowler (in the bin), Oliver O'Reilly (AES), Am Keenan-Buckley, Eveni Cobbe (AES), Margaret Heavey (Laois County Council) and Damhmalt McGuth (Senior Executive Engineer, Waste Management, Laois County Council).

Heuston Station Travelling by rail this St. Patrick's Weekend?

As part of our ongoing major investment in Heuston Station and the Kildare Rail Route, essential signalling and track work will take place over this Bank Holiday Weekend. A Special St. Patrick's Weekend InterCity Timetable, detailing all rail arrangements for passengers using Heuston Station. is available free of charge from all InterCity Stations and Offices

NORMAL SERVICE: THURS 14TH & FRI 15TH MARCH

Normal rail services to and from Heuston Station will operate on Thursday 14th, friday 15th and from 13.00 hours on Monday 18th March. On Saturday, 16th March the following trains will depart

- 07.10 to Cork
- 07.30 to Waterford 08.05 to Westport
- 08.20 to Cork

• 07.20 to Galway

- 08.45 to Limerick

COACH TRANSFERS: SAT 16TH - MON 18TH MARCH

Between 09.00 hours Saturday 16th and 13.00 hours on Monday 18th March, bus transfers will operate to and from Heuston Station Passengers will be transferred between Heuston Station and Kildare for Cork and Kerry trains, between Heuston Station and Newbridge for Limerick, Galway and Mayo trains and between Heuston Station and Athy For Waterford trains.

Control Cards will be required by passengers wishing to travel from Heuston Station on all Saturday services up to 14.00 hours. These control cards are now available and must be booked in advance.

Bookings may be made in person at Heyston Station or The Travel Centre 35, Lr. Abbey Street, Dublin L. Credit card bookings may be made by phoning (01) 703 1855 (up until 8th March).

ADVICE TO PASSENGERS WITH SPECIAL NEEDS

Any mobility impaired passengers requiring to travel during the period of curtailed service should contact our special needs helpline a (01)703 2634 between 09.00hrs and 17.30hrs Monday to Friday.

COMMUTER (ARROW) SERVICES: Mon 11th - Mon 18th MARCH

from Monday 11th to Sunday 17th March, Commuter (ARROW) services will not serve Cherry Orchard or Clondalkin Stations. Also, from Monday 11th to Friday 15th March the 11.00hrs service from Heuston Station to Kildare and the 11.55hrs from Kildare to Heuston Station will be cancelled.

On Friday 15th March only, the 21.45hrs and 22.45hrs services from Heuston Station to Kitdare and the 22.50hrs Kildare to Heuston Station service will be cancelled. No commuter (ARROW) services will operate on the Kildare route on Saturday 16th, Sunday 17th or Monday 18th March.

> We apologise for any inconvenience caused by these suspensions, which are unfortunately essential in order to improve our Rail Network.





This investment is funded by the Irish Government under the National Development Plan 2000 - 2006 and the European Union.





Karyn Cuddy (Assistant Staff Officer, Environmental Section, L. Council), presenting 'Green' shopping bags to children from Beladd, Road, Portlaoise on Friday last. Also in the picture is Daimhnait McGr neer, Waste Management, Laois County Council).

standards for future kerbside collection in county Laois. A We are grateful to the residents of Beladd for leading the way," she concluded.

way," she concluded.

Dr. John McNamara, Environmental Manager for AES, was delighted with the new initiative. "We are pleased to be the first waste management company to introduce this recycling scheme into the county and we are determined to play our part in cooperating with Laois County Council and our customers in meeting our environmental responsibilities. We eventually hope to establish a waste recycling centre for

degradable waste that contain a composting and another centre degradable waste. centres will obta as set by Repair of or per cent of pack waste, rising to 50 pc

Council meeting called

MOUNTMELLICK area meeting scheduled to take place on Monday, March 4 was called off their sufficient attending to make up a

Just two of the four Mountmellick councillors Cilr John Moloney and Clir Seamus McDonald turned up to the meeting, with an apology from Cllr Joe apology from Cllr Joe Digan and a no-show from Cllr David Goodwin.

The meeting was rescheduled for Monday,



10th - 18th March



Commentary on Inspector Report

Section 1 - Introduction

Environmental Protection
Agency
Waste Licensing
Received 20 MAR 2002

Paragraph 3, 4 & 5

As previously mentioned in relation to the proposed decision, the applicant had begun the process of decommissioning the burner unit with the intention of removing the burner unit off-site. Therefore, there will not be any activity under Class 9 or 11 of the Fourth Schedule of the Waste Management Act, 1996 nor will the EU Incineration of Waste Directive will not be applicable to any activity at the facility.

Section 2 - Facility Development

Paragraph 4

We note the Inspectors comments in relation to 'trommel fines'.

AES are currently rolling out an initiative to supply customers with "2nd bins" to facilitate the recycling and recovery of dry materials at source (please see attached press clipping, A2 Document 2). AES have ordered 30,000 2nd bins for customers in the Midlands Region; these bins will be delivered free to customers in the near future.

It is envisaged that the trommel will primarily be used as part of the 'picking-line' for the recovery of the pre-segregated 'dry recyclables'. Any contaminants arising from municipal waste will be isolated by the trommelling process and then will be transferred with other municipal waste fractions to an appropriately licenced facility.

AES are confident that source separation, combined with more efficient tromelling will have a positive effect.

Paragraph 6:

Existing Security and Fencing:

Access to the site is controlled electronically; all visitors must contact reception for admittance. The site is monitored by CCTV.

AES have also contacted *Morrissey Fencing* in relation to upgrading the fencing around the boundary of the site (please see Appendix 1 Document 7). This improvement will further diminish the effect of nuisances on the nearby residents.

Weighbridge:

The weighbridge was inspected by Pracia-Molen on March 13th and 14th 2002; the bridge is due to be lifted and recalibrated on Wednesday March 20th 2002.

Existing Septic Tank Facility:

As part of ongoing maintenance of site infrastructure, the septic tank will be examined for compliance against the criteria set out in the Wastewater Treatment Manual, Treatment Systems for Single Houses, published by the EPA.



Roof and Diversion of Roof Water:

In relation to this issue, the first item to be addressed was the upgrading of the existing roof; new guttering has already been installed on the existing waste transfer building. As mentioned in response to Reason No. 3 (for refusal of waste licence) additional cladding has also been installed.

Fuel Storage Tanks:

We note the comment of the inspector that requires the relocation and bunding of the fuel tanks. It is our intention to proceed as per our application.

Foul Water:

We note the comment of the inspector that requires the ongoing provision of the leachate collection tank. It is our intention to proceed as per our application.

Concrete:

Waste transfer is currently carried out on a concrete surface; it is our intention to maintain an impermeable concrete surface in the areas where this activity is carried out. We feel that it is an excessive recommendation to require that the whole site be concreted.

Construction and Demolition Waste:

Since the take over of the facility from Erwin Cobbe, AES are *currently* reviewing its position on the processing of construction and demolition waste.

Records are maintained in relation to all incoming and outgoing waste on an ongoing basis.

Section 3 - Waste Types and Quantities

<u>Paragraph 1:</u> The quantification of the waste stream in relation to the acceptance of wood and wood products is now a moot point as no burning of said material will occur on site.

Section 4 - Emissions to Air

Paragraph 1: Dust & Noise

The removal of the burner will reduce the emissions to atmosphere and remove the requirement to monitor parameters such as CO, SO₂, NOx etc. AES proposes to conduct Noise and Dust monitoring as per agency guidelines.

Paragraph 2: Odour

The improved cladding on the waste transfer building will have a positive effect in relation to odour control in the waste receiving area.

As previously mentioned, AES have contracted *Envirotech* concerning odour control and abatement at the facility, please see Appendix 1, Document 4. AES have also initiated operational procedures on site instructing that waste for disposal is removed from the site within 24 hours, hence limiting likely odour problems.

AES

Paragraphs 3, 4 & 5: Burner and Briquetting Process

As mentioned above, these processes will not be occurring on site.

Section 5 Emissions to Groundwater

Paragraph 3:

There are a number of infrastructural changes which will benefit the protection of the groundwater. Among these are the relocation and bunding of the fuel tanks, the upgrading of the interceptor to Class 1 status and the ongoing improvements in drainage on site.

AES intend to further investigate groundwater conditions and seek additional professional advice in advance of commenting on the inspector's suggested remediation.

Paragraph 4 Monitoring

We note the comment of the inspector which requires the ongoing provision of the groundwater monitoring.

Section 6 - Emission to Surface Waters

In relation to the concreting of the entire facility see comments in relation to Section 2 Paragraph 6.

In relation to the provision of an oil separator and grit chamber the comments of the inspector have been noted

Section 7 - Other Significant Environmental Impacts of the Development

The comments of the inspector have been noted.

Section 8 - Waste Management, Air Quality and Water Quality Plans

AES is demonstrating its commitment to recycling in the Midlands Region through its initiative with Laois County Council as mentioned in the comment on Section 2 Paragraph 4.

Section 9 - Submissions

Ground (1) EIA

The comments of the inspector have been noted.

Ground (2) Nuisances

See response to Reason No. 3 of the Proposed Decision

In relation to meetings with Stakeholders; AES management have met with residents twice since the end of January 2002. AES have also brought a delegation of residents to visit the Civic Amenity Centres in Navan and Dundalk (28/1/02).



Ground (3) Licence/Permit/Planning Queries

The major planning issues relate to the installation and operation of the burner. As mentioned previously this process will **not** be occurring on site.

Ground (4) Road Network/Traffic/Residential Area

The comments of the inspector have been noted.

Ground (5) Vehicle Repair

The comments of the inspector have been noted.

Ground (6) Operating Hours

The comments of the inspector have been noted.

Ground (7) Soil, Groundwater and Water Quality

The comments of the inspector have been noted. We also refer to our own comments – see Section 5 Paragraph 4.

Ground (8) Complaints against the Agency

The comments of the inspector have been noted.

Ground (9) Medical & Health Issues.

The comments of the inspector have been noted.

Ground (10) General

The comments of the inspector have been noted.

Section 10 - Recommendations

AES is a professional waste management company. The policy of the company is to manage waste in a manner which maximises the reuse and recycling of materials while minimising the volume sent to landfill; this is achieved by utilising the most modern technologies, ensuring regulatory compliance and working in partnership with customers and organisations at international, national, regional and local level.

<u>Paragraph 3</u> refers to 'poor site housekeeping practices'; as is evident from this submission and the attached documents, AES are making very positive steps towards remedying this situation with a formal management system approach.

<u>Paragraph 4</u>: It would be the intention of the company to submit a decommission and aftercare plan for the facility and an environmental liabilities risk assessment.

Final Recommendation of the Inspector.

We accept the Inspectors recommendation that the licence be granted subject to standard conditions. However, we feel that the cessation of waste activities until the suggested upgrading of the infrastructure is wholly completed is unduly excessive. We would propose that agreed improvements should be made sequentially while the facility is operating under licence from the Agency. An immediate cessation of activities at the facility would have the effect of increasing waste diverted to landfill

AES

as this site accounts for a sizeable amount of the recovered materials in the Midlands Region. Such a closure could also jeopardise the ongoing household recycling scheme in County Laois and the Midlands.



ois County Council

mhairle Chontae

as an Chontae

: (0502) 64000

unty Hall

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rtlaoise ntae Laoise

LAOIS COUNTY COUNCIL

COMHAIRLE CHONTAE LAOISE

OUR REF:

Ms. Eve O'Sullivan. Programme Officer, Waste Management Licensing, **Environmental Protection Agency**, PO Box 3000. Johnstown Castle Estate, Co. Wexford.

YOUR REF:

RECEIVED Time 14/2

2 0 MAR 2002

Signature
Environmental Protection Agency, HQ.
Environmental Protection Agency, HQ.
On Box 3000 ohnstown Castle Estate
On Wexford.

19th March 2002

Re. Objection to Proposed Decision Waste Licence Register No. 96-1

Dear Ms. O'Sullivan,

Laois County Council objects and requires modification to the Proposed Decision issued on 21st February 2002 for a Waste Licence Application in respect of a Facility at Deer Park Cross, Ballymorris, Portarlington.

Reasons for the objection are as follows:

- 1. The EPA Licence Inspector, in The Inspector's Report for this Application, has highlighted his concerns about the polluted status of groundwater samples taken at the site. In the interest of environmental protection and public health, Laois County Council requests that the Environmental Protection Agency requires the applicant to submit to the Agency a Groundwater Risk Assessment and Groundwater Remediation Plan, for the agreement of The Agency, and to implement any measures considered necessary by the Agency, within a timeframe agreed with The Agency.
- 2. In the interest of environmental protection at the landfill site and in the interest of regulation of waste collection legislation, Laois County Council requests the Environmental Protection Agency to require the applicant to submit a Closure Plan to the Agency for it s agreement. The closure plan should include the applicant's proposals for alternative routes of waste movement within Co. Laois and The Midlands Waste Management Region.

Yours Sincerely,

Director of Services.

Environment and Planning

bsite: w.laois.ie

paffairs@laoiscoco.ie

ect Phone Nos.

ception 64000 64182 nning 64039

tor Taxation 64009 ving Licences 64004 Dev. Board 64026

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Fáilte Romhat ó a Dhéanamh Gaeilge

Appendix D Submission by AES on Laois County Council Objection



ADVANCED ENVIRONMENTAL SOLUTIONS (IRELAND) LTD.

UNIT 1, MONREAD COMMERCIAL PARK, MONREAD ROAD,

NAAS, CO. KILDARE.

PHONE: 045-981613 FAX: 045-981621

EMAIL: info@aesirl.ie

Environmental Protection Agency Waste Licensing

2 2 APR 2002

Initials.

Received

19th April 2002

Karen O'Brien Programme Officer Waste Management Licensing

Re: Objection to Proposed Decision issued on 21st Febuary 2002 in relation to Reg No. 96-1

Dear Ms O'Brien,

As a party to the objections of the Proposed Decision issued on 21st Febuary 2002 (Reg 96-1) please find attached a submission commenting on the objections lodged by Laois County Council.

Yours sincerely.

Dr John MacNamara



Formal Submission to the objection lodged by Laois County Council

Details of Submitter

Name:

AES (Ireland) Ltd. t/a Erwin Cobbe Waste Disposal (the Applicant).

Address:

Unit 1, Monread Commercial Park, Monread Road, Naas, Co. Kildare.

Facility:

Deer Park Cross, Ballymorris, Portarlington, Co. Laois.

In their first reason for making their objection to the PD, Laois Co. Co. are concerned that the applicant should "submit to the Agency a Groundwater Risk Assessment and Groundwater Remediation Plan". AES address this issue in Appendix 2 Section 5 of our original objection "AES intend to further investigate groundwater conditions and seek additional professional advice". Subsequently AES have had initial discussions with S.M. Bennet & Co. Ltd. (Hydrogeological & Environmental Consultants) on this matter. AES is aware that hydrogeological conditions will be a consideration in terms of the potential environmental liabilities on site. Particular attention will be paid to this matter during the completion of any environmental risk assessment.

The second reason for Laois Co. Co. objection is that they want the applicant to provide "a Closure Plan to the Agency" and that this closure plan should include "the applicant's proposals for alternative routes of waste movement within Co. Laois and the Midlands Waste Management Region". In our original objection AES have commented on the conclusions reached by the Inspector in his Final Recommendation, namely that the "licence be granted subject to standard conditions". AES expect that a Closure Plan would be a standard condition of any licence for a facility of this type, and that AES would fulfil it's obligations according to the conditions set out in its licence.

It is also worth noting that AES are currently working in cooperation with Laois Co. Co. and the Midlands Waste Management Region in developing a new Materials Recycling Facility (MRF) and a new site for the biological treatment of waste. It should also be noted that AES have already given an undertaking to cease the current activities on the Ballymorris site by July 2003. It is envisaged that by that date AES's domestic collection service will be rationalised, our MRF and Biological Treatment facilities operational, which will then negate the need for the current operations at the Ballymorris facility.

Appendix E Article 34 Notice

ENVIRONMENTAL PROTECTION AGENCY An Ghníomhaireacht um Chaomhnú Comhshaoil



Dr. John MacNamara AES (Ireland) Limited t/a Erwin Cobbe Waste Disposal Unit 1, Monread Commercial Park

Monread Road

Naas

Co. Kildare

PO Box 3000 Johnstown Castle Estate County Wexford Ireland

Tel: +353 53 60600

Fax: +353 53 60699

Bosca Poist 3000 Eastát Chaisleán Bhaile Sheáin Contae Loch Garman Éire

Email: info@epa.ie Website: www.epa.ie

Date

17th June 2002

Our ref.

Reg. No. 96-1

re: Notice pursuant to Article 34 of the Waste Management (Licensing) Regulations, (S.I. 133 of 1997), in respect of a waste licence application by Advanced Environmental Solutions (Ireland) Limited t/a Erwin Cobbe Waste Disposal for a facility at Deer Park Cross, Ballymorris, Portarlington, Co Laois.

Dear Dr. MacNamara

I am to advise that the Agency, in deciding on the above reference waste licence application. proposes to take the following matter into account which was not raised in the objections to the Agency's proposed decision on the application.

Additional matter which the Agency proposes to take into account:

Report of site visit carried out by an Inspector of the Agency on 6th June 2002. (Conv. attached).

You may make a submission in writing to the Agency in relation to this matter. Any such submission should include all the information and documentation you consider necessary, and should be received by the Agency no later than Monday 1st July 2002.

It should be noted that any submission or elaboration received after 1st July 2002 shall not be considered by the Agency.

Please note that the application's register number is 96-1. It is important that all correspondence in relation to this matter is directed to Administration, Waste Management Licensing, Environmental Protection Agency, Headquarters, PO Box 3000, Johnstown Castle Estate, County Wexford quoting the register number.

Yours sincerely

Ma Bolger
Ana Bolger

Programme Officer

Waste Management Licensing

Encl.

By Registered Post

n Ryan, EMAI Limited, Village House, 26 Cork Street, Dublin 8



SITE INSPECTION REPORT

Facility:

AES (Ireland) Ltd, t/a Erwin

Cobbe Waste Disposal,

Deer Park Cross, Ballymorris,

Portarlington, Co. Laois

Date of Visit:

06 June 2002

Time of Visit:

10:40 to 12:45

Operator:

AES (Ireland) Ltd

Waste Licence Application No. 96-1

Inspector:

Mr. David Shannon

Inspector, EPA

Visit Criteria:

Unannounced site

inspection

SUMMARY

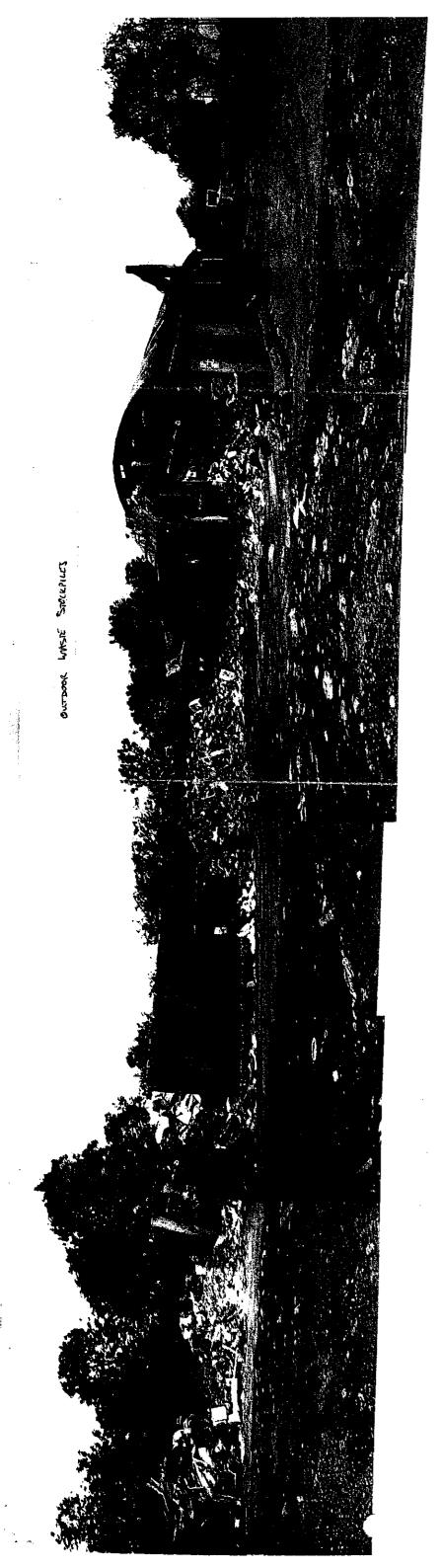
An inspection was made of the Advanced Environmental Solutions (Ireland) Ltd transfer station at Deer Park Cross in Portarlington. Observations made during the inspection are detailed below.

NOTES ON THE SITE VISIT

- ☐ I arrived on site at 10:40 and introduced myself to the receptionist at the site office before commencing the site inspection.
- I observed the Talbott C9 burner unit in the building in the northwest of the facility. The burner unit was empty and not in use. I noted that the silo unit (for storage of shredded waste), the dissipator and the exhaust stack had been removed from the facility. In the absence of the exhaust stack, dissipator and storage silo to feed the burner unit it is unlikely that the burner unit could function.
- ☐ I did not observe a briquetting press within the facility.
- A timber shredder was in operation in the building in the north of the site. I observed a large pool of oil on the concrete floor beside the shredder unit, suggesting that oil was leaking from the unit. Sawdust covered some of the oil spill. The noise levels generated by the shredder unit were very high and I consider that ear protection would be required within the building that houses the shredder. Shredded timber passed through a magnet unit that removed metal (nails) and was then conveyed via a series of pipes into a sealed Ro-Ro skip.
- I observed five stockpiles of waste outdoors, as outlined below.
- There was an outdoor stockpile of metal in an area along the western side of the facility, to the south of the main buildings. In this area I also noted several burnt oil filters, the remains of burnt car tyres and seven car batteries, three of which were leaking onto the ground. Most of the waste was on concrete but some was on hardcore. There was a pool of black liquid on the ground beside the metal storage area. I measured the conductivity (1270µS/cm) and temperature (21.4°C) of this liquid.
- To the immediate north of the metal stockpile there was a stockpile of construction and demolition (C&D) waste which was stored outdoors on concrete.
- Immediately north of the C&D waste there were concrete slabs, approximately three metres in height, around the eastern and southern sides of a stockpile of uncovered waste. The stockpile of waste included refuse sacks, paper, cardboard, plastic, kitchen waste, timber, metal and carpet. The wall along the western perimeter of the facility bounded the western side of this stockpile. Some of the waste, including plastic sheeting, had spilled over the western boundary wall. The stockpile of waste covered an area of approximately 7 metres by 7 metres and reached a height of over 2 metres in places.

	I observed a small pot the conductivity (100	ool of liquid on the conc 060µS/cm) and temperat	rete surface at the baure (17.8°C) of this l	ase of the concrete slabs. I measured iquid.
	There was another of	There was another outdoor stockpile of waste, consisting principally of timber, along the western coundary of the facility, close to the southern portion of the main buildings.		
<u>.</u>	Domestic waste was Dawoo grab was use at the base of the tr within the building, sawdust within the	stored outside of the build to load this waste into ommel and the course which carried it to an waste being loaded in	ildings on a concrete to the trommel, the fi fraction passed from articulated truck partion the trommel and	area adjacent to the trommel unit. A ne fraction of the waste dropped out in the trommel onto a conveyor belt ked within the building. There was if the loading activity gave rise to and in the vicinity of the trommel.
-	Most of the trommel onto the ground, the the loading plant with	re was an uncovered se	at the base of the unction approximately	nit, where the fine fraction drops out 2 metres in height, which provides
<u>a</u>	The drainage gulley debris.	along the eastern side	of the trommel and	buildings was partially blocked by
	I detected occasional odours from waste held on-site. These odours were particularly noticeable to the south of the waste storage areas, and near the weighbridge.			
	I noted evidence of diesel or oil spillages on the ground in the southeast of the facility, near the facility entrance. There were also signs of diesel spillages on the concrete around the diesel dispenser and on the permeable ground at the rear of the dispenser.			
	I walked outside the perimeter of the facility to check for offsite nuisances. When I exited the facility through the entrance gate in the south of the facility to commence the inspection for offsite nuisances I could hear the timber shredder. The shredder was turned off before I had departed from the southern boundary of the facility and therefore I was unable to assess possible offsite noise nuisance generated by the shredder.			
a	I noted some plastic with occasional litte west of the facility.	litter outside the wester, which appeared to ha	rn boundary of the five flowed from the	acility. I also noted some mud mixed facility into the adjoining field to the
	the facility.			hat may allow unauthorised access to
٥	Dr. John MacNamar out a site inspection objection to the prop	and that I could not o	I was on site and I discuss the status of	explained to him that I was carrying the waste licence application or the
٥	vermin control docu 20/03/02, 15/04/02 activity noted durin	imentation, which inclu and 22/05/02. Accordin	ded reports on visiting to the Rentokil reports. At the time of	records. He showed me the Rentokil s made by Rentokil to the facility on ports there was no evidence of rodent my inspection the staff on site were nuisances.
	I left the facility at 1	2:45.		
Re	port prepared by:	D.Shannon	Signed	D. Strennen
			Date:	D. Shenner







Appendix F Submission by AES on Article 34 Notice



ADVANCED ENVIRONMENTAL SOLUTIONS (IRELAND) LTD.

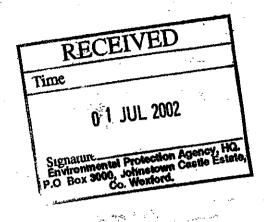
Unit 1, Monread Commercial Park, Monread Road,

NAAS, CO. KILDARE.

PHONE: 045-981613 FAX: 045-981621

EMAIL: info@aesirl.ie

Administration
Waste Management Licensing
EPA
PO Box 3000
Johnstown Castle Estate
Co. Wexford



Ref. Register No. 96-1

July 1st 2002

Dear Sirs

I refer to your letter of 17th June 2002 concerning 'Additional matter which the Agency proposes to take into account' in respect of the Waste Licence Application (96-1).

The applicant, AES (Ireland) Ltd., wish to submit to the Agency the attached documents which comment on the Inspector's site visit on June 6th 2002 and his subsequent report.

The following are enclosed:

- Formal Submission
- Photographs
- Attachments to the submission

If you require any further details or clarification please do not hesitate to contact me.

Best Regards,

Dr. John MacNamara

Cc Dr. John Kyan, EMAI Ltd.

Formal Submission

Submission details

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Name:	AES (Ireland) Ltd. t/a Erwin Cobbe Waste Disposal (the Applicant)
Waste Licence	:96-1
Application No:	
Address:	Unit 1, Monread Commercial Park, Monread Road, Naas, Co. Kildare.
Facility:	Deer Park Cross, Ballymorris, Portarlington, Co. Laois

Comments on Mr. David Shannon's notes from his 'unannounced site inspection' June 6th 2002. The series of comments presented in this submission are taken in sequence based upon Mr. Shannon's report.

- The Inspector's comments that the Talbott C9 burner has been dismantled and decommissioned and his assertion that burner is inoperable is correct
- The Inspector is correct in his assessment that there is no briquetting press on the site.
- O The timber shredder had broken down two days before the inspection, the unit had been repaired, unfortunately some oil had leaked form the unit; this oil had been covered with sawdust so as to absorb the oil and contain the spill. This sawdust has since been removed and cleaned. The contaminated sawdust was bagged and placed beside the Waste Oil Receptacle in the Quarantine Area, vide infra.
- In relation to the first of the stockpiles, the inspector observed several oil filters and car batteries. The inspector did not mention the presence of a 'Waste Quarantine Area' which AES have installed on the Ballymorris Site (see attached photos). This quarantine area is used for liquid containers, waste oil, gas cylinders, batteries and fluorescent tubes; management on the site have instructed all operators to place such materials in their respective receptacles, these procedures have been in place for the past three months; however it is possible that the filters/batteries identified by the Inspector were either missed by the operators or else were awaiting transfer to the waste quarantine area.

The measurement of conductivity by immersing the probe into a stationary puddle of water is far from ideal in terms of a reproducible and reliable methodology for this type of analysis. It is also debatable as to the relevance of this measurement given the technique employed.

- The metal stockpile along with construction & demolition waste was stored on concrete; this is in keeping with procedures at other licensed facilities for these types of material.
- The stockpile to the north of the C&D was a 'temporary' store of commercial and domestic waste (as observed by the inspector). 'Temporary' is used in this context to indicate that the material had arrived at the facility that morning, would be processed for recyclates that afternoon after which the residuals would be transferred to Kyletaleasha Landfill (such a system is in keeping with the regime outlined in the licence conditions which were planned for this site). Any materials which may end up outside the site perimeter or in boundary ditch/hedgerow are removed at the end of each day.
- Again the presence of a 'small pool of liquid', for which the conductivity was
 measured in the same manner as describe above, adds little to the unambiguous
 information gathered during the site visit.
- The timber stockpile along with the construction & demolition waste was stored on concrete; this is in keeping with procedures at other licensed facilities for these types of material.
- The inspector noted the presence of "sawdust that dropped to the ground in the vicinity of the trommel", it should be noted that since the last EPA inspection AES have installed extra shuttering around the trommel which minimises dust escaping outside the vicinity of the trommel itself.
- The gulley along the eastern side of the trommel along with the drainage in general site has already been identified by AES as a matter requiring attention (see objection to Proposed Decision). AES have begun work on the drainage at the facility; AES have replaced eve chutes and guttering on the main waste handling building in the last 3 months. AES acknowledge the comment of the inspector that this gulley "was partially blocked" and have now set in motion a monitoring and cleaning regime for existing gullies on site.

- The inspector noted "occasional odours" on site; again as was highlighted in the objection to the Proposed Decision, AES's operating procedure is to process and turnaround (i.e. transfer to a licensed waste disposal site) all organic waste on the same day it is accepted on site. Such procedures greatly minimise the nuisance associated with odours. AES have also engaged the services of Envirotech and use their Odourblock spray daily on site, this product ameliorates unpleasant odours in the facility and the surrounding area.
- The diesel stains around the dispensers have been noted in the past, both by the Agency and AES. This issue has been identified by AES as a topic requiring attention, AES are planning a bunded area for diesel storage and distribution (pumps), this work has been deferred temporarily as the future location of the tanks and bunded area are pending a traffic survey from Laois Co. Co. (regarding entrance/egress at the site) and a final decision on the provision of grant aid for a new wheel wash from the Cleaner Greener Production Programme, which if approved would influence the location of the bunded diesel storage area.
- o In relation to the Inspector's observations regarding the noise from the timber shredder during his offsite/perimeter inspection, Mr Shannon states that he could hear the timber shredder while approaching the exit at the southern gate. The Inspector then notes that "the shredder was turned off" before he had the exited the site, it should be noted here that the unit shut down as all the timber in the hopper had been shredded.

Note, this shredded material is then transported to Finsa Wood Products for recycling. It is also debatable that the inspector would be able to have made an objective assessment of the potential noise nuisance by simply walking around the perimeter of the site (or for that matter in the shed housing the unit)

- The inspector noted and photographed some plastic litter on the western boundary of the site. The site is bordered by a field on the western side, the litter photographed and presented in the Inspector's report is from the 'temporary' storage of waste which was probably being processed that day. At the close of business each day the site perimeter is inspected and cleaned if necessary. It should also be noted that the inspector did not report the presence of any litter or debris from his examination of the southern / eastern public roadways which surround the site.
- The inspector raised the issue of "occasional gaps [in the fencing] along the perimeter of the facility". AES had previously indicated to the Agency, in it's objection to the Proposed Decision, the company's intention to replace sections of

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the perimeter fencing. These improvements were scheduled for the week beginning June 10th, this work has since been carried out and completed; please see the attached photographs.

- o Finally the inspector notes that he saw the nuisance inspection records from Rentokill (which incidentally indicated no vermin activity on site). The inspector also noted that staff were unable to locate documented reports for other nuisances; the reason for this was that the facility manager Mr. James Heffernan was off-site during Mr. Shannon's visit, unfortunately Mr. Heffernan had these actual reports with him on the day; however a selection of these 'nuisance monitoring sheets' are attached with this response.
- o Please also find attached a copy of a site visit report from 'Bird Control Ireland'.

 This report was held offsite in AES's Nenagh office.

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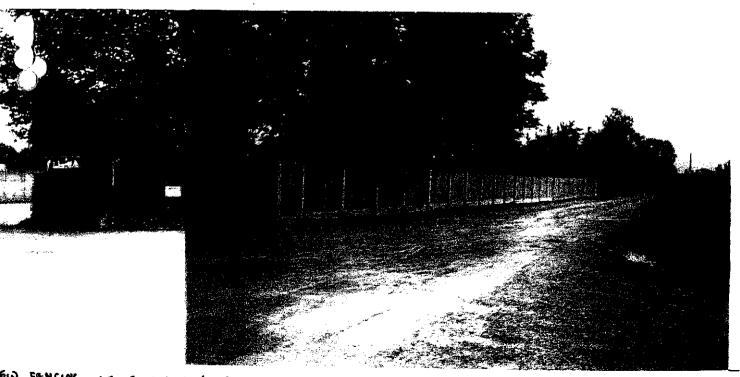
In conclusion it may be instructive to briefly summarise the improvements in facilities and procedures at the Ballymorris site since AES assumed control.

- Decommissioning and dismantling of the Burner and Briquetting units
- Introduction of daily checks for nuisances within and around the perimeter of the site
- New contract with 'Rentokill' for vermin control
- Site visit and consultation from 'Bird Control Ireland'
- Purchase and use of Odourblock technology from Envirotech
- Installation of a Waste Quarantine Area for hazardous materials accepted inadvertently on site
- The installation of additional shuttering around the waste sorting/handling area
- Repairs and improvements to eves, gutters and drainage on site
- The fitting of new fencing around the perimeter of the site
- Plans for a new bunded area for diesel tanks and pumps

List of attachments:-

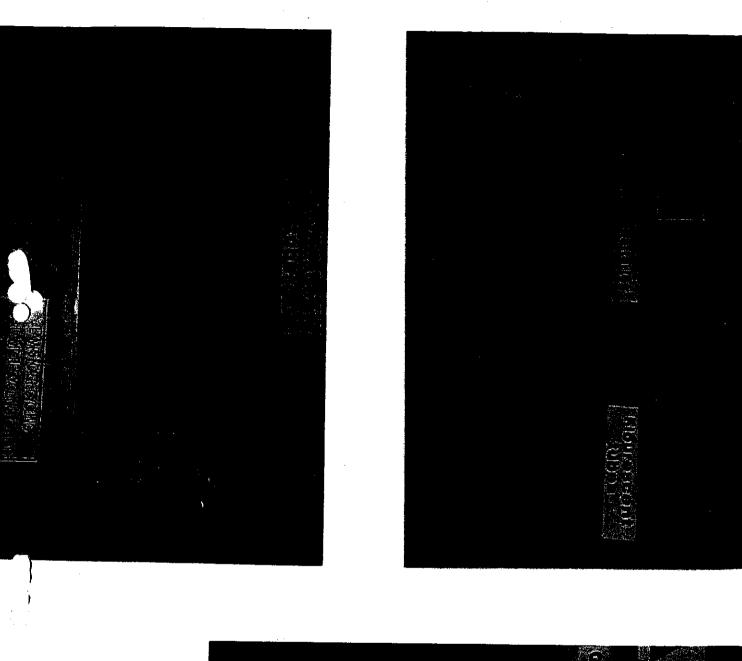
- Photographs of new Waste Quarantine Area
- Photographs of new fencing around the site perimeter
- Photocopies of a selection of Nuisance Monitoring Records
- Letter from Envirotech re their Odourblock Product, also included is a Material
 Safety Data Sheet and a copy of an invoice for the product
- Site visit and consultancy report from Bird Control Ireland Ltd
- Copy of a letter from the EPA short-listing AES's proposal of a washwater system using recycled water to clean fleet vehicles at Ballymorris for funding via the Cleaner Greener Production Programme. Also included are the technical specifications of this proposal.

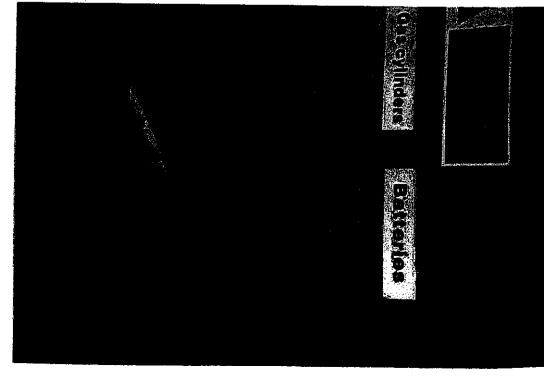
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James Heffernan **EFM 014** APPROVED BY REPORT PERIOD AES Ballymorris ENVIRONMENTAL RECORD NUISANCE MONITORING Criostoir O'Brien February 2002 ISSUED BY TITLE Date

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29th January 2002

Mr James Heffernan Erwin J. Cobbe Kilbride Portarlington Co. Kildare

Dear Mr. Heffernan

I would like to thank you for taking the time to try our product.

As we discussed in our phone conversation, Odourblock 720E is designed to counteract rancid odours. It functions as an extremely potent masking agent which is effective over a wide range of applications.

Its application in relation to your particular needs would be advised as follows:

- For truck washing the addition of 100 to 200 mls of Odourblock 720E can be placed either into the reservoir the power washer is drawing from, or in with the detergent draw line that is used for washing.
- A knap sack containing a one in ten dilution (ie 1 ltr of Odourblock 720E to 10 ltrs of water) can be sprayed directly around the skips once emptied.
- Odourblock 720E can be sprayed directly over the waste on-site to prevent the occurrence of odours.

Envirotech would also be pleased to quote for storm water analysis or any other analysis that needs to be carried out on your site.

I will be in contact over the next fortnight to answer any queries or you may contact me on 086 8564339.

Kind regards

Yours sincerely

Declan Costigan

TECHNICAL SALES



Odourblock 720 E

Rev No: 01

Date: 01/09/2000

1. IDENTIFICATION OF THE SUBSTANCE/PREPARATION AND COMPANY/UNDERTAKING

A: Product Name

: Odourblock 720 E

B: Company

: Environmental Technology Ltd

Ballycurreen Ind. Estate

Kinsale Road

Cork Ireland

C: Telephone

: (+353)21-4962554

Telefax

: (+353)21-4962345

Emergency Phone No

: (+353)86-2568258

2. COMPOSITION/INFORMATION ON INGREDIENTS

Chemical characterisation:

A: Description

: Proprietary blend of odour counterveillant compounds.

3. HAZARDS IDENTIFICATION

A: Description

: May cause irritation to skin and eyes.

B:

Hazardous components

1. Description:

2. Symbol

3. R-Phrases

Irritant .

R36

Irritating to eyes

R38

Irritating to skin

4. FIRST AID MEASURES

A Eye Contact

(i) Rinse well with water for at least 15 minutes

- if irritation persists seek medical advice.

B Skin Contact

(i) Wash with water. Remove contaminated clothing.

C Ingestion

(i) Wash out mouth with water. Do not induce vomiting.

Seek immediate medical advice..

D Inhalation

(i) Remove to fresh air and rest. If irritation persists seek

medical advice.

Material Safety Data Sheet

ENVIROTECH

Ode	ourblock 720 E			
Rev	No:01 Date: 01/09	/2000		
5.	FIRE-FIGHTING MEAS	URES		
	A Special Hazards	(i)		nal decomposition may cause emission of carbon xide/dioxide.
·	B Extinguishing media - Suitable	(i) (ii) (iii) (iv)		on Dioxide r spray/jet
	C Special protective equipment for fire figh	ter(i)	Wear	self contained breathing aparatus.
6.	ACCIDENTAL RELEAS	SE MEA	SURES	
	A Personal Precautions		(i)	Wear gloves/goggles.
	B Environmental Precau	ıtions	(i) (ii)	Keep away from drains. Avoid contact with surface water or groundwater.
			(iii)	Inform local authority in case of large spills.
}	C Methods for cleaning	up	(i)	Collect with absorbent material such as sand or earth, place in a skip.
7.	HANDLING AND STOR A Handling	RAGE	(i)	Avoid contact with skin & eyes. Wear gloves and goggles.
	B Storage		(i)	Store in a cool dry place.

ENVIROTECH

Odourblock 720 E Date: 01/09/2000 Rev No:01 EXPOSURE CONTROLS/PERSONAL PROTECTION 8. Ensure material is stored in a well-ventilated A General Protection (i) Do not allow material to enter drains. (ii) Avoid spillages. (iii) Wear PVC gloves. **(i) B** Personal Protection (ii) Wear safety goggles. PHYSICAL AND CHEMICAL PROPERTIES 9. : Dark green colour Appearance (i) : Fresh/minty odour Odour (ii) :>1 mm Hg @ 25°C (iii) Vapour pressure : Approx. 1.01 Specific gravity (iv) Vapour density _ : <1 (v) STABILITY AND REACTIVITY 10. Stable under normal conditions. (i) A Conditions to avoid Oxidising Agents B Materials to avoid (i) Reducing agents (ii) C Hazardous decomposition products: Combustion may lead to emission of oxides of carbon TOXICOLOGICAL INFORMATION 11. No experimental toxicity values available. (i) (ii) Material is a skin and eye irritant. **ECOLOGICAL INFORMATION** 12.

No experimental toxicity values available.

Inherently biodegradability

(i)

(ii)

ENVIROTECH

Odourblock 720 E

Rev No: 01

Date 01/09/2000

13. DISPOSAL CONSIDERATIONS

(i) Dispose of observing all local authority regulation to an authorised disposal facility.

14. TRANSPORT INFORMATION

(i) No special requirements.

15. REGULATORY INFORMATION

A Labelling	(i) (ii)	Symbols R-phrases	Irritant R36 R38	Irritating to eyes Irritating to skin
·	(iii)	S-Phrases	S24	Avoid contact with skin
	• •		S25	Avoid contact with eyes
•			S36	Wear suitable protective

B National Legislation/Regulations.

16. OTHER INFORMATION

A Recommended uses and restrictions.

This product is used in the treatment of water

and wastewater. For correct dosing and application always consult with your

Envirotech representative.

B Training advice.

N/A

C Further information.

N/A

D The information given in this data sheet is based on our current knowledge and is given in good faith. However it should not be construed as a warranty for which Environmental Technology assumes legal responsibility.

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Ballycurreen Industrial Estate, Kinsale Road, Cork, Ireland. Phone: (021) 4962554/4962518. Fax: (021) 4962345 E-mail: entech@iol.ie

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AES Ltd. Springfort Crops. Nemach Co Tipperary

Delivered To:

AES Ltd. Springfort Gross. Nenagh Co Tipperary

INVOICE

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Bird Control Ireland Ltd.

Erwin Cobbe Waste Disposal, Trading as AES Cobbe

Location

Portarlington, Co Laoise.

Type

Waste Transfer Station

Area

3 Acres approx.

Survey Date December 18, 2001. 1600 Hrs.

Survey by

Jeremy Nicholson

Manager

James Heffernan

AES Cobbe Waste Transfer Station is situated about 4 Km West of Portarlington

Lands around the station are mainly Pasture with some Bog Land in the vicinity also.

The nearest urban area is Portarlington 4 Km East

The site caters for Domestic waste. No toxic or hazardous material is taken on site.

Identified Hazards on Site

There is frequent Heavy Traffic on site Overhead power lines cross over the yard close to the main gate.

Bird Control

There is not currently a bird control program at AES COBBE

Factors that will influence Bird Control at AES COBBE

- Public Health and Safety
- High wire fencing around the perimeter poses a threat to pursuit falcons as it is difficult to see.
- Relatively remote location and low density housing
- Size of the site

Birds at AES COBBE Transfer Station

The following species were observed around the site. It should be noted that this was a casual viewing and BCI would undertake a full survey prior to bird control measures being employed in order to establish the base line for monitoring and evaluating the programme.

Corvus frugilergus

Rook

Corvus corone

Hooded Crow

Corvus monedula Sturnus vulgaris Jackdaw Starling

Montacilla alba yarrallii

Pied Wagtail

Pica pica

Magpie

Comments

A rookery is visible to the West of the site.

Rooks could be seen to scout the area and a number were in close proximity to the station.

No Gulls were seen however it is presumed that occasional raids may occur as is common with most sites of this nature. Emo Lake is close to the station and would provide Gulls with the water they need on a daily basis.

A determined, daily bird control programme needs to be implemented and maintained particularly to tackle the numbers of Corvids and possibly Gulls that may be frequenting the site.

No one method of bird scaring used in isolation will be successful. A multifaceted programme will be required.

The health risks associated with pest birds should not be under estimated, Staff should be made aware of health and safety issues involved.

Appendix 1; Health Hazzards caused by Pest Birds

Bird Control Ireland Ltd operate strict Health and Safety procedures. Confer Appendix 2; Health and Safety Procedures.

Control of Birds at AES COBBE, Waste Transfer Station

Bird Control Ireland Ltd recommends the following course of action;

- Continue daily covering of waste material, this will minimize access to refuse after hours.
- Initiate a Bird Control Programme, jointly operated by BCI Ltd and AES COBBE

Bird Control Methodology Statement

The objective is to make AES COBBE a Hostile Zone for birds. BCI Ltd achieve this by building an Association of Mortal Danger with various deterrents. In so doing birds will be reluctant to approach the site even when BCI are not at the station.

Site Survey

The bird population will be surveyed on Five separate occasions during the first month. Details to include, Species, Numbers, Percentages, Lounging time on site.

The survey will establish a recognized base from which the programme can be monitored and evaluated.

Bird control measures will be introduced in month two.

- A combination of Falcons, Species Specific Distress Calls, Fire Arms and Visual deterrents will be utilized. These will be applied and rotated without regular pattern to make AES unattractive to foraging Gulls and Corvids (Crows).
- Bird Control Ireland Ltd will manage the programme. A weekly programme will be planned by Jeremy Nicholson and operated daily by the site Bird Control Manager.
- AES COBBE will nominate one person to under go training and be responsible for daily employment of deterrents.
- BCI Ltd will visit the site Twice a week for the first Month and Twice a month thereafter.
- Each site visit will be for a duration of two hours during which, falcons will be flown, Acoustic / Visual deterrents employed, Management plan updated and liaison with site management.
- A visit log will be written up at the end of each visit documenting,
 Date, Time in / out, Actions on site, Comments.

Bird Control Programme cont

- The daily activities will be signed off at the end of each day on a prepared sheet in the Bird Control Manual.
- A monthly report will be submitted to AES COBBE giving details of Bird Numbers on site, The months activities, Comments, Recommendations, and Summary.

The visit log for that month will be included with the report.

- A year end report will be written containing all information relevant to the programme. This will include the year end survey and a comparison of details submitted in the original survey.
- A Site Manual will be provided containing relevant information, safety data sheets etc.
- A Planner Board will be mounted in the site office for easy reference

Falcons for Portarlington

Peregrine, Saker Falcons, and Harris Hawks may be flown depending on the time of day, weather, and the falcons readiness to fly.

Initially aggressive pursuit falcons targeting Rooks will be employed. Harris Hawks may also be used for localised dominance of the site yard.

Falcons and Hawks are used in tandem with Acoustic and Visual deterrents. The

Falcons threat of Mortal Danger is associated with the deterrents so that birds will be reluctant to approach the area when the deterrents are deployed.

Large powerful falcons must be flown to intimidate Corvids and Gulls

Distress Calls

The acoustic distress call system for AES COBBE will be the hand portable, Scarecrow Patrol. This unit represents the best acoustic and digital technology available.

Scarecrow distress calls are in use on Irish airfields such as Dublin, Cork, Shannon and The Air Corps, Civilian and Military airfields in the U.K. and in Landfills throughout Ireland and the U.K.

Scarecrow patrol has a selection of calls to include, Herring Gull, Blackheaded Gull, Magpie, Rook, Jackdaw, Starling.

Distress Calls Cont

Other calls may be added, including the latest Feral Pigeon distress call, Sparrow, Carrion Crow and Common Gull.

This unit also has a live speech (Loud Hailer) mode and an attention getting whistle. Its use as a Loud Hailer may be useful in emergency situations.

Visual Deterrents

Visuals employed are used to support the two anchor systems. Daily rotation reinforces the fearful response achieved to make the site a hostile zone for birds.

• Helikite A helium filled kite that "hovers" above the site, Ideal for days when the wind is not so strong. Its performance reminds the birds of a falcon and harnesses the fear installed by live falcon flights.

The Helekite is mounted via a 13 M pole so that the kite line will not become entangled in site machinery.

Three locations will be selected around the yard for mounting a bracket to hold the pole. It is assumed that AES fitters will be able to fashion a suitable bracket with material on site.

- Flapping Hawk Kite A realistic hawk kite that flaps its wings as it flies. Even from close up this kite looks life like. Its action reminds the target birds of the live predator.

 Mounted from the 13 M pole the Hawk Kite launches its self in the wind.
- Rotating Flash Scarecrows
 Bright flashing, wind powered unit that reinforces the element of danger in the area.

 These flash units can be seen by birds from a long way and have proved useful on sites throughout the country.
 Mounted on a three foot metal post they are moved daily for maximum effect
- Predator Eye Balloons Two foot, brightly coloured balloon with holographic predator eyes that "follow" birds in the fashion of a stalking predator. Suspended from eight foot maypoles and spring to give a constant motion.
- Other products such as **Predator Models** from our own stores may also be used depending on the situation

Fire Arms

Silenced Shot Gun would help establish the association of Mortal Danger with visual deterrents. This Fire Arm is very quiet, discharging Sub Sonic Rounds and will not disturb nearby residents.

Shot Guns will be used by BCI Ltd in association with Falcons, Distress Calls and Visual Deterrents. The Objective is hammer home the message that the site is no longer a safe place. It is <u>not</u> intended to cull large numbers of Corvids.

Shooting will not in its self achieve anything. It is the Association of Mortal Danger that we build up around the Acoustic and Visual deterrents using a shot gun as another element that is successful

Control of pest bird is not an exact science and our staff will adjust the programme as the situation unfolds.

During periods of inclement weather, such as Gales, Fog or Rain, falcons will not be flown. Other techniques may be used such as the above or products from our own stores.

Bird Control may spend more time on site than quoted during the first calendar month. Extra time as decided by BCI for the first month will not incur extra charge. Additional hours after the first month will incur charges as per terms.

ENVIRONMENTAL PROTECTION AGENCY An Ghníomhaireacht um Chaomhnú Comhshaoil

Regional Inspectorate Rich is * Clonskeagh Road Dublin 14, Ireland

Tel: +353 1 268 0100 Fax: +353 1 266 0199 Cigireacht Réigidnach Den Rachare Bethar Clusin Steath. Buile Átha Cliath 14. Éire

Email: info@epa.ie Di Rqa.vfav :Slizdaw

Mr Croiston O'Brien Advanced Environmental Solutions 15 Bridge Street Portlaoise Co. Lacis

Date

OUT THE

Your rel.

..... 22-April 2002

Ref. To recycle washwater used to clean fleet vehicles and reduce water consumption (2001-CP-35/68)

Dear Mr O'Brien,

Further to your proposal submitted under the Cleaner Greener Production Programme, I am pleased to inform you that it has been short-listed. Any subsequent offer of grant aid is subject to the satisfactory resolution of certain conditions. Please see the attached evaluation summary for more detail on the evaluation of the proposal and the conditions that must be met prior to any offer of funding.

You will be contacted in the near future by the Clean Technology Centre, who are managing the programme on behalf of the EPA, to discuss the requested clarifications with you. There may also be further queries and/or clarifications required in relation to the budgetary aspects of the proposal once it has been looked at in further detail by the programme accountants.

Yours sincerely

Helen

Helon Walsh

Cleaner Greener Production Programme





PROPOSAL EVALUATION SUMMARY REPORT

	To recycle washwater used to clean fleet ve	hicles and reduce water consumption
		Proposal 35
Lead organisation	Advanced Environmental Solutions	Na
41:31 151	350	
Consensus score		The state of the s
Comments on the propo	13. 14. 14. 14. 14. 14. 14. 14. 14. 14. 14	and important

This is a simple, straightforward, small-scale demonstration project addressing a good and important concept. Good transferability - relevant to other transport fleet businesses. Potentially wide application. Approach is simple, and likelihood of success seems high. Commitment to negotiate with suppliers is good and should be honoured. No real novelty in dissemination - apart from site visits from educational groups. Applicant did not address possible reduction of detergent usage and associated emissions. It should be clarified whether new bay is actually replacing the existing washing facility or whether it is in addition to this one. Clarify how the collected waste sludge will be dealt with. Good value for money, if dissemination activities are improved.

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Is the proposal qualitied for funding?	
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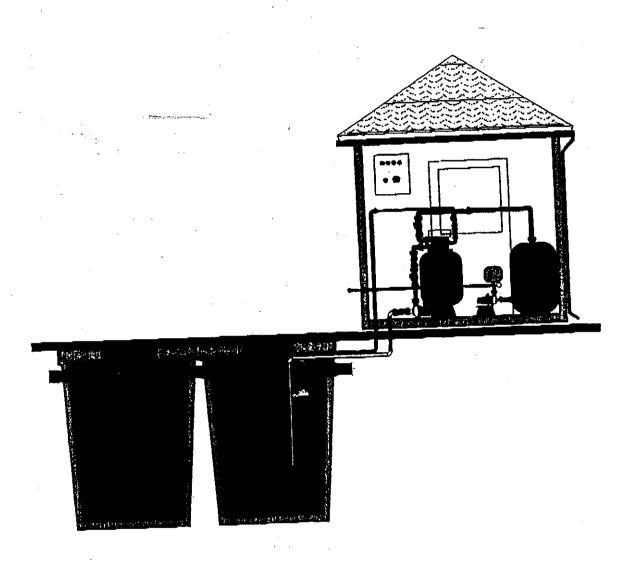
Major clarifications are required before funding:

- Clarify if the technology is innovative in Ireland.
- Clarify whether the new washbay is to be used as an alternative to, or in conjunction with, the existing washbay.
- Clarify how the collected waste sludge will be dealt with.
- Detail any possible detergent savings, if relevant.
- Confirm commitment to meter water usage (and detergent usage, if relevant) before and after implementation of the project.





ASWAcycle Water Recycling System for Car wash



Type: ASWAcycle HP-A
Water Recycling for high pressure car wash
with Technical Room above ground

Technical Specification Water Recycling System for high-pressure car wash System: ASWAcycle HP-A

Water Recycling System for high-pressure car wash consists of the following components:

13:

Grit and sludge chamber

Prefabricated reinforced concrete tank for underground installation, build to the highest Standards

Hexagon tank:

1720 mm on top

Depth:

2100 mm

Depth over all:

2300 mm

Wall thickness:

. 75 mm

Bottom thickness:

100 mm

Capacity on water level:

Inlet/Outlet pipe PVC:

2600 litre **DN 150**

Concrete cover lid:

Load 125 kn

Ductile manhole trap:

Load 125 kn, 600 mm dia

Separator for light liquids and Buffer tank

Prefabricated reinforced concrete tank for underground installation, build to the highest Standards

Hexagon tank:

1720 mm on top

Depth:

2100 mm

2300 mm

Depth over all:

75 mm

Wall thickness:

Bottom thickness:

100 mm

Capacity on water level:

2600 litre

Inlet 90 degree pipe:

DN 150 PVC

Outlet pipe overflow:

DN 150 HDPE

Build in Coalescence

DN 150 HDPE, NS 6, with

Separator Class 1

Filter from HDPE

Load 125 kn

(overflow)

Concrete cover lid:

Load 125 kn, 600 mm dia

Ductile manhole trap:

Technical Building

Prefabricated Insulated cladding shed for aboveground installation, build to the highest Standards

Specifications on request

Technical Equipment installed and wired up in Technical Building

 Special Filter System made of resistant polyester plastic; with filter nozzles fitted in form of a star; special Filling; full automatic back wash with pressure switch for filtration, clear rinse, back rinse

Filter performance up to < 10 µm

Feed up to 10 cub/hour

Submersible stainless steel feed pump with twinchannel impeller, designed to handle suspended solids up to 50 mm in diameter

Performance: 12-15 cub/hour

Three-phase motor 380-415 V 1.5 kw, 50 Hz

 Threaded centrifugal pump with open impeller, all components in contact with liquid made from stainless steel

Performance:140 litre/minute

Three-phase motor 380-415 V 1.5 kw, 50 Hz

Pressure: 2.5 bar

25 litre Pressure vessel with pressure switch and

A STANCE

- Dept. - Dept. (App. 1997) - Dept. - Dept. (App. 1997)

gauge

- Internal biological treatment system to stop any odour and for better water quality.
- 5. Storage tank for recycled water, rotationally moulded in one peace

Length: 1600 mm 670 mm Width: 1100 mm Height: Capacity: 900 litre

6. Control panel, via SPS, visual and acoustic alarm

Appendix G Agency Technical Committee's Report

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This Report/Memo has been cleared for submission to the Board by the Director, A. Butler and Programme Managers, P.

Noton & G. Carty Signed: Aboleh Date: 117102

MEMO

TO:

Board of Directors

FROM:

Tadhg O'Mahony

CC:

DATE:

11 July 2002

SUBJECT: Technical Committee Report on Objections to Proposed Decision - Reg. No. 96-1

Application Details	
Applicant:	Advanced Environmental Solutions (Ireland) Limited t/a Erwin Cobbe Waste Disposal
Lesation of Adivity	Deer Park Cross, Ballymorris, Portarlington, Co. Laois.
Proposed Degision issued.	21/02/02
Objections received:	20/03/02
Submission on objections received:	22/04/02
Inspector	Mr. Malcolm Doak

Consideration of the objections/submissions on the objections

Objections were received from Advanced Environmental Solutions (Ireland) Ltd., and Laois County Council, in relation to the Proposed Decision while submissions on the objections were received from Advanced Environmental Solutions (Ireland) Ltd. only. The objections and submissions have been summarised and paraphrased. The complete objections and submissions are attached.

The Technical Committee (Tadhg O'Mahony, Chairperson, Michael Henry and Helen Maher committee members) have considered all of the issues raised and this report details the Committee's recommendations following the examination of the objections/submissions on objections.

Objection A: Advanced Environmental Solutions (Ireland) Ltd.(AES Ltd.)

General Grounds:

In making this formal objection the applicant is primarily addressing the three explicit reasons outlined in the Proposed Decision for the refusal to grant a licence. Advanced Environmental Solutions (Ireland) Ltd also provide a commentary on the Inspectors Report that was submitted to the board of the Agency which accompanied the Proposed Decision.

Specific Grounds:

Objections to Proposed Decision

Grounds 1 and 2 - Proposed Decision - Integrated burner / heat exchanger unit and associated briquetting process

"Agency Reasons (1 and 2) for Proposed Decision"

The Agency considers that the proposal to burn 6,000 tonnes/annum wood, paper and cardboard waste by using an integrated burner and heat exchanger unit, the Talbott C9, does not meet the requirements of the EU Incineration of Waste Directive (2000/76/EC). The applicant has not demonstrated that the raw materials proposed for the briquetting process do

not contain hazardous substances, which would render the subsequent product unsuitable for use as a fuel.

Objection: The burner unit is not and has not been operational at the facility, and the applicant does not intend to use this technology as a waste disposal/recovery activity. The applicant had begun the process of decommissioning the burner unit with the intention of removing the burner unit off-site. The applicant provides a letter from their solicitor Arthur Cox Ltd. attached to this objection, to reiterate this statement. Therefore, there will not be any activity under Class 9 or 11 of the Fourth Schedule of the Waste Management Act, 1996 nor will the EU Incineration of Waste Directive be applicable to any activity at the facility. The applicant also confirms to the Agency that there will not be any briquetting process at the facility. The briquetting process was associated with the operation on the aforementioned burner unit and therefore will not be carried out at the facility

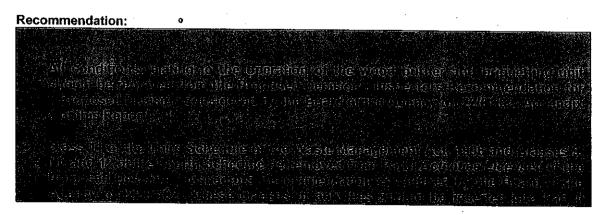
Technical Committee Evaluation:

The Technical Committee notes the Arthur Cox Ltd letter, which states that the applicant "undertakes not to use the burner and that it will be removed from the site at Ballymoris as soon as is practicable".

As the status of the burner and briquetting unit was critical to the Technical Committee's assessment of this aspect of the objection, Mr. David Shannon, Inspector EPA inspected the Facility which is the subject of the objection. The purpose of this inspection was to determine whether the burner unit and the briquetting unit were in place and operational at the facility. The Site Inspection by Mr. Shannon confirmed that the burner unit had been decommissioned and the briquetting plant was no longer present at the facility. The Site Inspection Report was circulated to the objectors and this is attached as Appendix 1 of this Report. AES Ltd. made a submission to the Agency on the Site Inspection Report on 01 July 2002 and this is attached as Appendix 2 of this report. In this submission AES Ltd confirmed that the burner had been dismantled and decommissioned and that there was no briquetting press on the site.

In light of the above, the Technical Committee recommend that a Proposed Decision should be issued to reflect this situation, to provide controls over the possible continued operation of the facility and to ensure appropriate remediation, restoration and aftercare measures are implemented at the facility. The Technical Committee have reviewed and amended, as necessary the Proposed Decision which accompanied the Inspector's Report considered by the Board of the Agency on 22 January 2002. The Technical Committee Recommended PD is included in Appendix 3 of this Report. Any additional text to the Inspector's original Recommendation for a Proposed Decision is highlighted in bold font. (See Appendix 4 to this Report for the Inspectors original Recommendation for a Proposed Decision considered by the Board on 22 January 2002

It is the recommendation of this Technical Committee that the continued operation of the facility should be contingent on certain infrastructure being installed and commissioned and procedures being implemented prior to the acceptance of waste at the facility. This is reflected in Condition 5.1 of the Technical Committee Recommendation. Condition 5.1 requires that all the relevant infrastructure required by Condition 3 be installed and commissioned to the satisfaction of the Agency and the relevant procedures required by the licence be agreed with the Agency prior to the acceptance of any waste at the facility. It should be noted that certain elements of the infrastructure required to be installed may require planning permission and this is a matter for the licensee to address and is provided for in Condition 1.3 of the Technical Committee Recommendation.





Ground 3 - Proposed Decision - Environmental nuisance

"Agency Reason Number 3 for Proposed Decision"

There is insufficient information in the application to satisfy the Agency that environmental nuisance from the facility can be controlled, given the proximity of residences to the boundary.

Objection: The applicant feels that the dismantling of the burner coupled with the decommissioning of the briquetting activity mitigates strongly against the above reason being used as grounds for refusing a Waste Licence. Taking that "environmental nuisance" encompasses " vermin, birds, flies, dust, odours, and litter" as mentioned in the Inspector's Report (17/01/02) the applicant has initiated and implemented a number of schemes to monitor, control and ameliorate these nuisances.

These include:

- Daily inspection of the facility for nuisances.
- > A revised Rentokill contract to carry out 12 site visits/annum and an annual vermin report.
- Bird Control Ireland are contracted to alleviate avian nuisance.
- > Envirotech are contracted concerning odour control and abatement at the facility.
- > Dismantling the burner has reduced potential dust nuisance and extra cladding has been added to enclose the trommel.
- > Daily inspection and removal of litter.
- Quotation sought to upgrade fencing.
- Management meet with Stakeholders.
- Independent analysis of the water supply of the local residents.
- > Third party environmental audit of the facility with a view to implementing an Environmental Management System.

In summary, the applicant is of the view that the reasons for the Proposed Decision outlined in the Agency's Proposed Decision (21/02/02) are largely unrelated to the actual activity to be carried out.

Technical Committee Evaluation:

Condition 7 of the Technical Committee Recommended PD includes conditions which specify measures to be implemented at the facility for the control of environmental nuisances. Condition 10 requires the licensee to keep written records of the programme for the control of vermin and insect infestations at the facility. The Technical Committee recommend that a new condition be included, Condition 7.8 requiring the licensee to submit site specific

programmes for odour, bird and vermin control at the facility. This Condition is included in the Technical Committee Recommended PD to the Board.

In addition to the above, in order to reduce the potential for nuisances associated with the activities undertaken at the facility, the Technical Committee recommend that all waste activities and storage of waste destined for recovery be undertaken within an enclosed waste transfer building or in appropriate fully enclosed containers. This is addressed in Conditions 5.5.1 and 5.5.2 of the Technical Committee Recommendation to the Board. See also Technical Committee Evaluation and Recommendation under Grounds 1 and 2.

Recommendation:

Commentary by Objector on Inspectors Report

AES Ltd. included in their objection a separate attachment providing their commentary on the Inspectors Report in relation to the application. The following is a summary of the issues raised in this commentary

1. Burner Unit

The licensee has commenced decommissioning the burner unit with the intention of removing the burner unit off-site. Thus it is stated that there will be no activity under Class 9 or 11 of the Fourth Schedule of the Waste Management Act ,1996 or the EU Incineration of Waste Directive.

2. Facility Development - Trommel Fines

The Inspector classified the trommel fines as municipal waste as per European Waste Catalogue. To avoid illegal dumping of this waste Condition 5.6.3 proposes that all fines from the trommel system shall only be transferred to an appropriate facility agreed by the Agency and that written records of its disposal be kept under condition 10.2.

The applicant notes the Inspectors comments in relation to "trommel fines". It is envisaged that the trommel will primarily be used as part of the "picking line" for the recovery of the presegregated "dry recyclables". Any contaminants arising from municipal waste will be isolated by the trommelling process and then transferred with other municipal waste fractions to an appropriately licensed facility.

Additional Elements of facility development:

- Existing Security & Fencing: Access to the site is controlled electronically, CCTV monitors the site. AES Ltd. have also contacted Morrissey Fencing in relation to upgrading the fencing around the boundary of the site.
- Weighbridge: The weighbridge was inspected by Pracia-Molen and is due to be lifted & calibrated in March 2002.
- <u>Septic Tank</u>: The septic tank will be examined for compliance against the criteria set out in the EPA Wastewater Treatment Manual, Treatment Systems for Single Houses.
- Roof & Diversion of Roof Water: New guttering has been installed on the existing waste transfer building.
- Fuel Storage: The applicant intends to proceed as per outlined in the application.
- Foul Water: The applicant intends to proceed as per outlined in the application.
- <u>Concrete:</u> Waste transfer is currently carried out on a concrete surface. The applicant considers that it is an excessive recommendation to require that the whole site be concreted.
- <u>Construction & Demolition Waste:</u> The applicant is currently reviewing its position on the processing of construction and demolition waste.

3. Waste Types & Quantities

The quantification of the waste stream in relation to the acceptance of wood and wood products is no longer valid as no burning of said material will occur on site.

4. Emissions to Air

The removal of the burner will reduce the emissions to atmosphere and the requirement to monitor parameters such as CO, SO₂, NO_X etc. Noise & Dust monitoring will be as per agency guidelines.

Improved cladding will have a positive effect on odour control. The applicant has also initiated operational procedures on site instructing that waste for disposal is removed from the site within 24 hrs.

5. Emissions to Groundwater

The applicant intends to further investigate groundwater conditions and seek additional professional advice in advance of commenting on the Inspector's suggested Remediation.

Inspectors Recommendations

a) Inspector's Recommendation: "The hydrocarbon contamination is a result of poor site housekeeping practices. The underlying groundwater must be remediated and the source of the pollution be removed."

The inspector refers to "poor site housekeeping practice", as is evident from this submission the applicant is making positive steps towards remedying this situation with a formal management system approach.

b) Inspector's Recommendation: "The applicant has notified the Agency that the intended period of the waste activity is 24 months..."

The applicant intends to submit a decommissioning and aftercare plan for the facility and an environmental liabilities risk assessment.

c) Inspector's Recommendation: I consider that it is essential that all waste activities at the facility as listed and described in Part I: Activities Licensed, shall cease until the infrastructure required by this licence is put in place.

The applicant deems that the cessation of waste activities until the suggested upgrading of the infrastructure is wholly completed as unduly excessive. The applicant proposes that agreed improvements should be made sequentially while the facility is operating under licence from the Agency.

Technical Committee Evaluation:

The Technical Committee have noted the issues raised by the objector in relation to the Inspectors Report. Issues raised which were previously raised in Grounds 1 and 2 and Ground 3 of this objection have been addressed under the Technical Committee's Evaluation and Recommendations in relation to these issues.

Objection B: Laois County Council

General grounds

In the interest of environmental protection and public health, Laois County Council requests that the Environmental Protection Agency require the applicant to submit to the Agency a Groundwater Risk Assessment and Groundwater Remediation Plan.

Laois County Council requests that the Environmental Protection Agency require the applicant to submit a Closure Plan to the Agency for its agreement. The closure plan should include the applicant's proposal for alternative routes of waste movement within County Laois, and the Midlands Waste Management Region.

Technical Committees Evaluation:

See Technical Committee Evaluation under Grounds 1 and 2. Condition 4 of the Technical Committee Recommended PD outlines requirements for Decommissioning and Aftercare including groundwater remediation works at the facility. With regard to waste movement refer to Condition 5.6 Off-site Disposal and Recovery. Waste movement within County Laois and the Midlands Waste Management Region, is the responsibility of the relevant Regional Waste Authority.

Recommendation:	

Submission on the Objection by Laois County Council from Advanced Environmental Solutions (Ireland) Ltd.,

Grounds

 Submission to the Agency of a Groundwater Risk Assessment & Groundwater Remediation Plan

The applicant intends to further investigate groundwater conditions and seek additional professional advice. The applicant will take particular attention of this matter during the completion of an environmental risk assessment.

Submission of a Closure Plan to the Agency

The applicant expects that a Closure Plan would be a standard condition of any licence for a facility of this type, and the applicant would fulfil it's obligations according to the conditions set out in its licence. The applicant has given an undertaking to cease the current activities on the Ballymorris site by July 2003.

Technical Committees Evaluation:

See Technical Committee Evaluation under Grounds 1 and 2 and under Comments on Emissions to Groundwater Section of the Inspectors Report. The applicant is also obliged to adhere to requirements under any other enactments or regulations as per Condition 1.3 of the PD. Condition 4 of the Technical Committee Recommended PD outlines requirements for Decommissioning and Aftercare including groundwater remediation works at the facility.

Recommendation:

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Signed: 1 1

Tadhg O'Mahony

Technical Committee Chairperson

Appendix 1: Site Inspection Report Following Site Visit 06 June 2002 by Mr. David Shannon, Inspector EPA.

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SITE INSPECTION REPORT

Facility:

AES (Ireland) Ltd, t/a Erwin

Date of Visit:

06 June 2002

Cobbe Waste Disposal,

Deer Park Cross, Ballymorris,

Time of Visit:

10:40 to 12:45

Portarlington, Co. Laois

96-1

AES (Ireland) Ltd

Waste Licence Application No.

Inspector:

Operator:

Mr. David Shannon

Inspector, EPA

Visit Criteria:

Unannounced site

inspection

SUMMARY

An inspection was made of the Advanced Environmental Solutions (Ireland) Ltd transfer station at Deer Park Cross in Portarlington. Observations made during the inspection are detailed below.

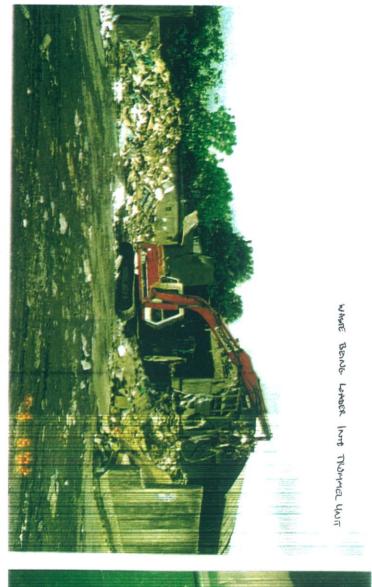
NOTES ON THE SITE VISIT

- □ I arrived on site at 10:40 and introduced myself to the receptionist at the site office before commencing the site inspection.
- I observed the Talbott C9 burner unit in the building in the northwest of the facility. The burner unit was empty and not in use. I noted that the silo unit (for storage of shredded waste), the dissipator and the exhaust stack had been removed from the facility. In the absence of the exhaust stack, dissipator and storage silo to feed the burner unit it is unlikely that the burner unit could function.
- I did not observe a briquetting press within the facility.
- A timber shredder was in operation in the building in the north of the site. I observed a large pool of oil on the concrete floor beside the shredder unit, suggesting that oil was leaking from the unit. Sawdust covered some of the oil spill. The noise levels generated by the shredder unit were very high and I consider that ear protection would be required within the building that houses the shredder. Shredded timber passed through a magnet unit that removed metal (nails) and was then conveyed via a series of pipes into a sealed Ro-Ro skip.
- I observed five stockpiles of waste outdoors, as outlined below.
- There was an outdoor stockpile of metal in an area along the western side of the facility, to the south of the main buildings. In this area I also noted several burnt oil filters, the remains of burnt car tyres and seven car batteries, three of which were leaking onto the ground. Most of the waste was on concrete but some was on hardcore. There was a pool of black liquid on the ground beside the metal storage area. I measured the conductivity (1270µS/cm) and temperature (21.4°C) of this liquid.
- To the immediate north of the metal stockpile there was a stockpile of construction and demolition (C&D) waste which was stored outdoors on concrete.
- Immediately north of the C&D waste there were concrete slabs, approximately three metres in height, around the eastern and southern sides of a stockpile of uncovered waste. The stockpile of waste included refuse sacks, paper, cardboard, plastic, kitchen waste, timber, metal and carpet. The wall along the western perimeter of the facility bounded the western side of this stockpile. Some of the waste, including plastic sheeting, had spilled over the western boundary wall. The stockpile of waste covered an area of approximately 7 metres by 7 metres and reached a height of over 2 metres in places.

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		oool of liquid on the con 1060µS/cm) and temper		he base of the concrete slabs. I measured this liquid.
		outdoor stockpile of villity, close to the southe		principally of timber, along the western main buildings.
	Dawoo grab was us at the base of the t within the building, sawdust within the	ed to load this waste in rommel and the course, which carried it to an waste being loaded	nto the trommel, the fraction passed in articulated truck into the tromme	crete area adjacent to the trommel unit. A he fine fraction of the waste dropped out from the trommel onto a conveyor belt parked within the building. There was I and the loading activity gave rise to ground in the vicinity of the trommel.
	onto the ground, the			he unit, where the fine fraction drops out ately 2 metres in height, which provides
	The drainage gulley debris.	along the eastern sid	e of the trommel	and buildings was partially blocked by
		al odours from waste he torage areas, and near th		odours were particularly noticeable to the
	facility entrance. Th		diesel spillages or	in the southeast of the facility, near the 1 the concrete around the diesel dispenser
ū	through the entrance I could hear the timb	e gate in the south of the ber shredder. The shred	e facility to comr lder was turned of	fsite nuisances. When I exited the facility nence the inspection for offsite nuisances if before I had departed from the southern possible offsite noise nuisance generated
				he facility. I also noted some mud mixed the facility into the adjoining field to the
-	There were occasion the facility.	nal gaps along the perio	meter of the facil	ity that may allow unauthorised access to
	Dr. John MacNama out a site inspection objection to the prop	n and that I could not	le I was on site as discuss the statu	nd I explained to him that I was carrying s of the waste licence application or the
a	vermin control docu 20/03/02, 15/04/02 activity noted durin	amentation, which included and 22/05/02. According	uded reports on v ng to the Rentoki tions. At the time	tion records. He showed me the Rentokil risits made by Rentokil to the facility on I reports there was no evidence of rodents of my inspection the staff on site were ther nuisances.
	I left the facility at 1	2:45.		
Rej	port prepared by:	D.Shannon	Signed —	D. Shannon
			Date:	D. Stenner

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FINES UNDER TRAMMIL





Appendix 2: Submission by AES Ltd. on Site Inspection Report Following Site Visit 06 June 2002 by Mr. David Shannon, Inspector EPA.



ADVANCED ENVIRONMENTAL SOLUTIONS (IRELAND) LTD.

UNIT 1, MONREAD COMMERCIAL PARK, MONREAD ROAD,

NAAS, CO. KILDARE.

PHONE: 045-981613 Fax: 045-981621

EMAIL: info@aesirl.ie

Administration
Waste Management Licensing
EPA
PO Box 3000
Johnstown Castle Estate
Co. Wexford



Ref. Register No. 96-1

July 1st 2002

Dear Sirs

I refer to your letter of 17th June 2002 concerning 'Additional matter which the Agency proposes to take into account' in respect of the Waste Licence Application (96-1).

The applicant, AES (Ireland) Ltd., wish to submit to the Agency the attached documents which comment on the Inspector's site visit on June 6th 2002 and his subsequent report.

The following are enclosed:

- Formal Submission
- Photographs
- Attachments to the submission

If you require any further details or clarification please do not hesitate to contact me.

Best Regards,

Dr. John MacNamara

Cc Dr. John Rvan, EMALLtd.

Formal Submission

Submission details

Name:	AES (Ireland) Ltd. t/a Erwin Cobbe Waste Disposal (the Applicant)
Waste Licence	:96-1
Application No:	
Address:	Unit 1, Monread Commercial Park, Monread Road, Naas, Co.
	Kildare.
Facility:	Deer Park Cross, Ballymorris, Portarlington, Co. Laois

Comments on Mr. David Shannon's notes from his 'unannounced site inspection' June 6th 2002. The series of comments presented in this submission are taken in sequence based upon Mr. Shannon's report.

- o The Inspector's comments that the Talbott C9 burner has been dismantled and decommissioned and his assertion that burner is inoperable is correct
- The Inspector is correct in his assessment that there is no briquetting press on the site.
- The timber shredder had broken down two days before the inspection, the unit had been repaired, unfortunately some oil had leaked form the unit; this oil had been covered with sawdust so as to absorb the oil and contain the spill. This sawdust has since been removed and cleaned. The contaminated sawdust was bagged and placed beside the Waste Oil Receptacle in the Quarantine Area, vide infra.
- In relation to the first of the stockpiles, the inspector observed several oil filters and car batteries. The inspector did not mention the presence of a 'Waste Quarantine Area' which AES have installed on the Ballymorris Site (see attached photos). This quarantine area is used for liquid containers, waste oil, gas cylinders, batteries and fluorescent tubes; management on the site have instructed all operators to place such materials in their respective receptacles, these procedures have been in place for the past three months; however it is possible that the filters/batteries identified by the Inspector were either missed by the operators or else were awaiting transfer to the waste quarantine area.

The measurement of conductivity by immersing the probe into a stationary puddle of water is far from ideal in terms of a reproducible and reliable methodology for this type of analysis. It is also debatable as to the relevance of this measurement given the technique employed.

- o The metal stockpile along with construction & demolition waste was stored on concrete; this is in keeping with procedures at other licensed facilities for these types of material.
- The stockpile to the north of the C&D was a 'temporary' store of commercial and domestic waste (as observed by the inspector). 'Temporary' is used in this context to indicate that the material had arrived at the facility that morning, would be processed for recyclates that afternoon after which the residuals would be transferred to Kyletaleasha Landfill (such a system is in keeping with the regime outlined in the licence conditions which were planned for this site). Any materials which may end up outside the site perimeter or in boundary ditch/hedgerow are removed at the end of each day.
- o Again the presence of a 'small pool of liquid', for which the conductivity was measured in the same manner as describe above, adds little to the unambiguous information gathered during the site visit.
- The timber stockpile along with the construction & demolition waste was stored on concrete; this is in keeping with procedures at other licensed facilities for these types of material.
- The inspector noted the presence of "sawdust that dropped to the ground in the vicinity of the trommel", it should be noted that since the last EPA inspection AES have installed extra shuttering around the trommel which minimises dust escaping outside the vicinity of the trommel itself.
- The gulley along the eastern side of the trommel along with the drainage in general site has already been identified by AES as a matter requiring attention (see objection to Proposed Decision). AES have begun work on the drainage at the facility; AES have replaced eve chutes and guttering on the main waste handling building in the last 3 months. AES acknowledge the comment of the inspector that this gulley "was partially blocked" and have now set in motion a monitoring and cleaning regime for existing gullies on site.

- The inspector noted "occasional odours" on site; again as was highlighted in the objection to the Proposed Decision, AES's operating procedure is to process and turnaround (i.e. transfer to a licensed waste disposal site) all organic waste on the same day it is accepted on site. Such procedures greatly minimise the nuisance associated with odours. AES have also engaged the services of Envirotech and use their Odourblock spray daily on site, this product ameliorates unpleasant odours in the facility and the surrounding area.
- O The diesel stains around the dispensers have been noted in the past, both by the Agency and AES. This issue has been identified by AES as a topic requiring attention, AES are planning a bunded area for diesel storage and distribution (pumps), this work has been deferred temporarily as the future location of the tanks and bunded area are pending a traffic survey from Laois Co. Co. (regarding entrance/egress at the site) and a final decision on the provision of grant aid for a new wheel wash from the Cleaner Greener Production Programme, which if approved would influence the location of the bunded diesel storage area.
- o In relation to the Inspector's observations regarding the noise from the timber shredder during his offsite/perimeter inspection, Mr Shannon states that he could hear the timber shredder while approaching the exit at the southern gate. The Inspector then notes that "the shredder was turned off" before he had the exited the site, it should be noted here that the unit shut down as all the timber in the hopper had been shredded.

Note, this shredded material is then transported to Finsa Wood Products for recycling. It is also debatable that the inspector would be able to have made an objective assessment of the potential noise nuisance by simply walking around the perimeter of the site (or for that matter in the shed housing the unit)

- o The inspector noted and photographed some plastic litter on the western boundary of the site. The site is bordered by a field on the western side, the litter photographed and presented in the Inspector's report is from the 'temporary' storage of waste which was probably being processed that day. At the close of business each day the site perimeter is inspected and cleaned if necessary. It should also be noted that the inspector did not report the presence of any litter or debris from his examination of the southern / eastern public roadways which surround the site.
- O The inspector raised the issue of "occasional gaps [in the fencing] along the perimeter of the facility". AES had previously indicated to the Agency, in it's objection to the Proposed Decision, the company's intention to replace sections of

the perimeter fencing. These improvements were scheduled for the week beginning June 10th, this work has since been carried out and completed; please see the attached photographs.

- o Finally the inspector notes that he saw the nuisance inspection records from Rentokill (which incidentally indicated no vermin activity on site). The inspector also noted that staff were unable to locate documented reports for other nuisances; the reason for this was that the facility manager Mr. James Heffernan was off-site during Mr. Shannon's visit, unfortunately Mr. Heffernan had these actual reports with him on the day; however a selection of these 'nuisance monitoring sheets' are attached with this response.
- o Please also find attached a copy of a site visit report from 'Bird Control Ireland'. This report was held offsite in AES's Nenagh office.

 $PTO \Rightarrow$

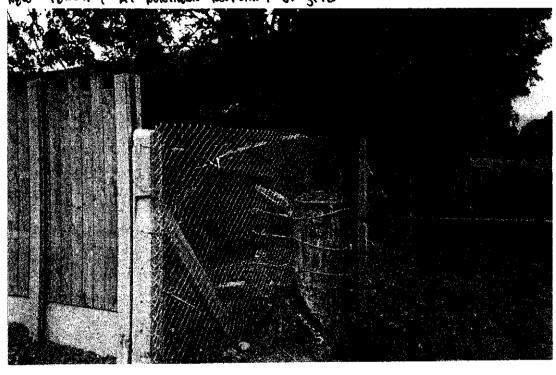
In conclusion it may be instructive to briefly summarise the improvements in facilities and procedures at the Ballymorris site since AES assumed control.

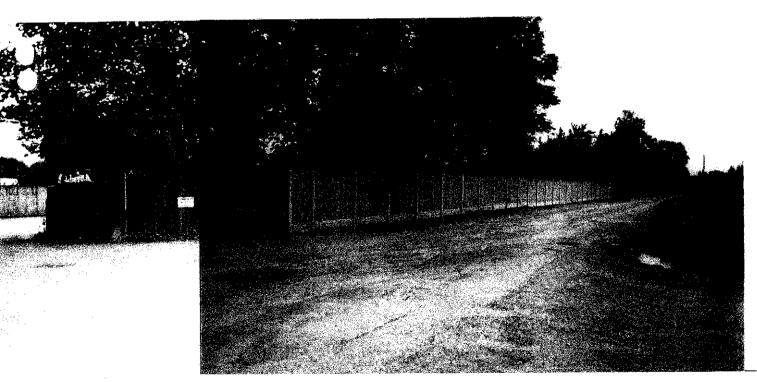
- Decommissioning and dismantling of the Burner and Briquetting units
- Introduction of daily checks for nuisances within and around the perimeter of the site
- New contract with 'Rentokill' for vermin control
- Site visit and consultation from 'Bird Control Ireland'
- Purchase and use of Odourblock technology from Envirotech
- Installation of a Waste Quarantine Area for hazardous materials accepted inadvertently on site
- The installation of additional shuttering around the waste sorting/handling area
- Repairs and improvements to eves, gutters and drainage on site
- The fitting of new fencing around the perimeter of the site
- Plans for a new bunded area for diesel tanks and pumps

List of attachments:-

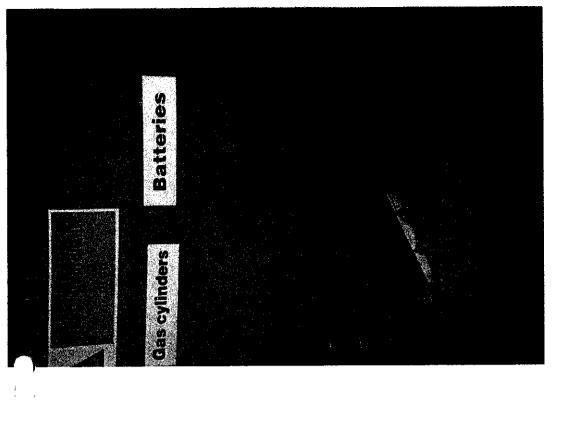
- Photographs of new Waste Quarantine Area
- Photographs of new fencing around the site perimeter
- Photocopies of a selection of Nuisance Monitoring Records
- Letter from Envirotech re their Odourblock Product, also included is a Material
 Safety Data Sheet and a copy of an invoice for the product
- Site visit and consultancy report from Bird Control Ireland Ltd
- Copy of a letter from the EPA short-listing AES's proposal of a washwater system using recycled water to clean fleet vehicles at Ballymorris for funding via the Cleaner Greener Production Programme. Also included are the technical specifications of this proposal.

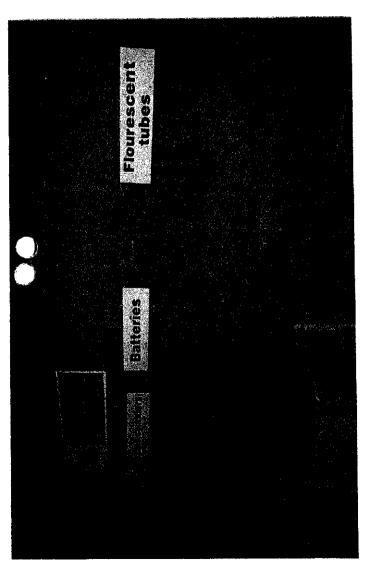
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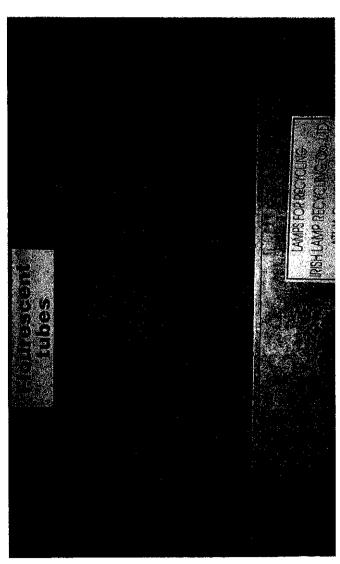




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EFM 014	REF	NUISANCE MONITORING	TITLE	
	AL RECORD	ENVIRONMENTAL RECORD		
	norris	AES Ballymorris		

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	James Heffernan	EFM 014		

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29th January 2002

Mr James Heffernan Erwin J. Cobbe Kilbride Portarlington Co. Kildare

Dear Mr. Heffernan

I would like to thank you for taking the time to try our product.

As we discussed in our phone conversation, Odourblock 720E is designed to counteract rancid odours. It functions as an extremely potent masking agent which is effective over a wide range of applications.

Its application in relation to your particular needs would be advised as follows:

- For truck washing the addition of 100 to 200 mls of Odourblock 720E can be placed either into the reservoir the power washer is drawing from, or in with the detergent draw line that is used for washing.
- A knap sack containing a one in ten dilution (ie 1 ltr of Odourblock 720E to 10 ltrs of water) can be sprayed directly around the skips once emptied.
- Odourblock 720E can be sprayed directly over the waste on-site to prevent the occurrence of odours.

Envirotech would also be pleased to quote for storm water analysis or any other analysis that needs to be carried out on your site.

I will be in contact over the next fortnight to answer any queries or you may contact me on 086 8564339.

Kind regards

Yours sincerely

Declan Costigan
TECHNICAL SALES



ENVIROTECH

Odourblock 720 E

Rev No: 01

Date: 01/09/2000

IDENTIFICATION OF THE SUBSTANCE/PREPARATION AND 1. COMPANY/UNDERTAKING

Product Name Α.

: Odourblock 720 E

B: Company : Environmental Technology Ltd

Ballycurreen Ind. Estate

Kinsale Road

Cork Ireland

Telephone C:

: (+353)21-4962554

Telefax

: (+353)21-4962345 : (+353)86-2568258

Emergency Phone No

COMPOSITION/INFORMATION ON INGREDIENTS 2.

Chemical characterisation:

Description A:

: Proprietary blend of odour counterveillant

compounds.

HAZARDS IDENTIFICATION 3.

Description A:

: May cause irritation to skin and eyes.

Hazardous components B:

1. Description:

2. Symbol

Irritant

3. R-Phrases

Irritating to eyes R36 Irritating to skin **R38**

FIRST AID MEASURES 4.

A Eye Contact

Rinse well with water for at least 15 minutes (i) - if irritation persists seek medical advice.

B Skin Contact

Wash with water. Remove contaminated clothing. (i)

C Ingestion

Wash out mouth with water. Do not induce vomiting. (i) Seek immediate medical advice..

D Inhalation

Remove to fresh air and rest. If irritation persists seek (i) medical advice.

Material Safety Data Sheet

ENVIROTECH

Odo	ourblock 720 E			
Rev l	No:01 Date: 0	1/09/2000		
5.	FIRE-FIGHTING MI	EASURES		
	A Special Hazards	(i)	Therm	aal decomposition may cause emission of carbon kide/dioxide.
	B Extinguishing med	ja		
	- Suitable	(i)	Foam	
		(ii)		n Dioxide
		(iii) (iv)	Powd	· spray/jet er
		(11)	10440	√.
	C Special protective equipment for fire	fighter(i)	Wear	self contained breathing aparatus.
6.	ACCIDENTAL REL	EASE MEA	SURES	
	A Personal Precauti	ons	(i)	Wear gloves/goggles.
	B Environmental Pr	ecautions	(i)	Keep away from drains.
	B Whalloffinefirm 11	CCAUCIONS	(ii)	Avoid contact with surface water or
				groundwater.
			(iii)	Inform local authority in case of large spills.
	C Methods for clear	ing up	(i)	Collect with absorbent material such as sand or earth, place in a skip.
		_	- -	
7.	HANDLING AND S A Handling	TORAGE	(i)	Avoid contact with skin & eyes. Wear gloves and goggles.
	B Storage		(i)	Store in a cool dry place.

Material Safety Data Sheet

ENVIROTECH

Odoi	urblock 720) E		
Rev N	o:01	Date: 01/09/2000		·
3.	EXPOSURE	CONTROLS/PERS	ONAL	PROTECTION
	A General J	Protection	(i)	Ensure material is stored in a well-ventilated area.
			(ii) (iii)	Do not allow material to enter drains. Avoid spillages.
	B Personal	Protection	(i) (ii)	Wear PVC gloves. Wear safety goggles.
9.	PHYSICAL	AND CHEMICAL	PROPE	RTIES
	(i) (ii) (iii) (iv) (v)	Appearance Odour Vapour pressure Specific gravity Vapour density	: Fre: : >1 :	k green colour sh/minty odour mm Hg @ 25°C prox. 1.01
10.	STABILITY	Y AND REACTIVIT	Ϋ́	
	A Conditio	ns to avoid	(i)	Stable under normal conditions.
	B Material	s to avoid	(i) (ii)	Oxidising Agents Reducing agents
	Combustion	ous decomposition po may lead to emission	n of oxic	les of carbon
11.	TOXICOL	OGICAL INFORM	ATION	
	(i) No ((ii) Mat	experimental toxicity erial is a skin and eye	values a initant	available.
12.	ECOLOG	ICAL INFORMATI	ON	
	(i) No (ii) Inho	experimental toxicity erently biodegradabil	values a	available.

ENVIROTECH

Odourblock 720 E

Rev No: 01

Date 01/09/2000

13. DISPOSAL CONSIDERATIONS

(i) Dispose of observing all local authority regulation to an authorised disposal facility.

14. TRANSPORT INFORMATION

(i) No special requirements.

15. REGULATORY INFORMATION

A I	Labelling	(i) (ii) (iii)	Symbols R-phrases S-Phrases	Irritant R36 R38 S24 S25 S36	Irritating to eyes Irritating to skin Avoid contact with skin Avoid contact with eyes Wear suitable protective
				S36	Wear suitable protective clothing

B National Legislation/Regulations.

16. OTHER INFORMATION

A Recommended uses and restrictions.

This product is used in the treatment of water and wastewater. For correct dosing and

application always consult with your

Envirotech representative.

B Training advice.

N/A

C Further information.

N/A

D The information given in this data sheet is based on our current knowledge and is given in good faith. However it should not be construed as a warranty for which Environmental Technology assumes legal responsibility.







Ballycurreen Industrial Estate, Kinsale Road, Cork, Ireland. Phone: (021) 4962554/4962518. Fax: (021) 4962345 E-mail: entech@iol.ie

Customer AES Ltd. Springfort Cropp. Nenagh Co Tipperary	Delivered To: AES Ltd. Springfort Gross. Nenagh Go Tipperam:
<u></u>	

INVOICE

Your order number Goods sent per 40332 trans count:		Date sent	Invoice date (tax point) 15 He / 2002	Invoice number VAT Authorisation No.		
		15 Mar. 2002		0000015503		
Quantity	Description		· · · · · · · · · · · · · · · · · · ·	VAT	Unit Price	Amoun
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5: Unless specifically quoted above, this invoice is strictly nett and due for payment within 30 days from date of the Value Added Tax is always nett. Claims regarding damaged goods or non-delivery cannot be entertained unless ad within 7 days from despatch date and confirmed in writing. Discounts where applicable have been deducted.

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IR£			510.06
EUR€	535.24	112.40	847.64



Bird Control Ireland Ltd.

Erwin Cobbe Waste Disposal, Trading as AES Cobbe

Location

Portarlington, Co Laoise.

<u>Type</u>

Waste Transfer Station

Area

3 Acres approx.

Survey Date December 18, 2001. 1600 Hrs.

Survey by

Jeremy Nicholson

Manager

James Heffernan

AES Cobbe Waste Transfer Station is situated about 4 Km West of Portarlington

Lands around the station are mainly Pasture with some Bog Land in the vicinity also.

The nearest urban area is Portarlington 4 Km East

The site caters for Domestic waste. No toxic or hazardous material is taken on site.

Identified Hazards on Site

There is frequent Heavy Traffic on site Overhead power lines cross over the yard close to the main gate.

Bird Control

There is not currently a bird control program at AES COBBE

Factors that will influence Bird Control at AES COBBE

- Public Health and Safety
- High wire fencing around the perimeter poses a threat to pursuit falcons as it is difficult to see.
- Relatively remote location and low density housing
- Size of the site

e-mail: bci@eircom.net

Birds at AES COBBE Transfer Station

The following species were observed around the site. It should be noted that this was a casual viewing and BCI would undertake a full survey prior to bird control measures being employed in order to establish the base line for **monitoring** and **evaluating** the programme.

Corvus frugilergus

Rook

Corvus corone

Hooded Crow

Corvus monedula

Jackdaw

Sturnus vulgaris

Starling

Montacilla alba yarrallii

Pied Wagtail

Pica pica

Magpie

Comments

A rookery is visible to the West of the site.

Rooks could be seen to scout the area and a number were in close proximity to the station.

No Gulls were seen however it is presumed that occasional raids may occur as is common with most sites of this nature. Emo Lake is close to the station and would provide Gulls with the water they need on a daily basis.

A determined, daily bird control programme needs to be implemented and maintained particularly to tackle the numbers of Corvids and possibly Gulls that may be frequenting the site.

No one method of bird scaring used in isolation will be successful. A multi-faceted programme will be required.

The health risks associated with pest birds should not be under estimated, Staff should be made aware of health and safety issues involved.

Appendix 1; Health Hazzards caused by Pest Birds

Bird Control Ireland Ltd operate strict Health and Safety procedures. Confer Appendix 2; Health and Safety Procedures.

Control of Birds at AES COBBE, Waste Transfer Station

Bird Control Ireland Ltd recommends the following course of action;

- Continue daily covering of waste material, this will minimize access to refuse after hours.
- Initiate a Bird Control Programme, jointly operated by BCI Ltd and AES COBBE

Bird Control Methodology Statement

The objective is to make AES COBBE a Hostile Zone for birds. BCI Ltd achieve this by building an Association of Mortal Danger with various deterrents. In so doing birds will be reluctant to approach the site even when BCI are not at the station.

Site Survey

The bird population will be surveyed on Five separate occasions during the **first month**. Details to include, Species, Numbers, Percentages, Lounging time on site.

The survey will establish a recognized base from which the programme can be monitored and evaluated.

Bird control measures will be introduced in month two.

- A **combination** of Falcons, Species Specific Distress Calls, Fire Arms and Visual deterrents will be utilized. These will be applied and rotated without regular pattern to make AES unattractive to foraging Gulls and Corvids (Crows).
- Bird Control Ireland Ltd will manage the programme. A weekly programme will be planned by Jeremy Nicholson and operated daily by the site Bird Control Manager.
- AES COBBE will nominate one person to under go **training** and be responsible for daily employment of deterrents.
- BCI Ltd will visit the site Twice a week for the first Month and Twice a month thereafter.
- Each site visit will be for a duration of two hours during which, falcons will be flown, Acoustic / Visual deterrents employed, Management plan updated and liaison with site management.
- A visit log will be written up at the end of each visit documenting, Date, Time in / out, Actions on site, Comments.

Bird Control Programme cont

- The daily activities will be signed off at the end of each day on a prepared sheet in the Bird Control Manual.
- A monthly report will be submitted to AES COBBE giving details of Bird Numbers on site, The months activities, Comments, Recommendations, and Summary.

The visit log for that month will be included with the report.

- A year end report will be written containing all information relevant to the programme. This will include the year end survey and a comparison of details submitted in the original survey.
- A Site Manual will be provided containing relevant information, safety data sheets etc.
- A Planner Board will be mounted in the site office for easy reference

Falcons for Portarlington

Peregrine, Saker Falcons, and Harris Hawks may be flown depending on the time of day, weather, and the falcons readiness to fly.

Initially aggressive pursuit falcons targeting Rooks will be employed. Harris Hawks may also be used for localised dominance of the site yard.

Falcons and Hawks are used in tandem with Acoustic and Visual deterrents. The Falcons threat of Mortal Danger is associated with the deterrents so that birds will be reluctant to approach the area when the deterrents are deployed.

Large powerful falcons must be flown to intimidate Corvids and Gulls

Distress Calls

The acoustic distress call system for AES COBBE will be the hand portable, Scarecrow Patrol. This unit represents the best acoustic and digital technology available.

Scarecrow distress calls are in use on Irish airfields such as Dublin, Cork, Shannon and The Air Corps, Civilian and Military airfields in the U.K. and in Landfills throughout Ireland and the U.K.

Scarecrow patrol has a selection of calls to include, Herring Gull, Blackheaded Gull, Magpie, Rook, Jackdaw, Starling.

Distress Calls Cont

Other calls may be added, including the latest Feral Pigeon distress call, Sparrow, Carrion Crow and Common Gull.

This unit also has a live speech (Loud Hailer) mode and an attention getting whistle. Its use as a Loud Hailer may be useful in emergency situations.

Visual Deterrents

Visuals employed are used to support the two anchor systems. Daily rotation reinforces the fearful response achieved to make the site a hostile zone for birds.

• Helikite A helium filled kite that "hovers" above the site, Ideal for days when the wind is not so strong. Its performance reminds the birds of a falcon and harnesses the fear installed by live falcon flights.

The Helekite is mounted via a 13 M pole so that the kite line will not become entangled in site machinery.

Three locations will be selected around the yard for mounting a bracket to hold the pole. It is assumed that AES fitters will be able to fashion a suitable bracket with material on site.

- Flapping Hawk Kite A realistic hawk kite that flaps its wings as it flies. Even from close up this kite looks life like. Its action reminds the target birds of the live predator.
 Mounted from the 13 M pole the Hawk Kite launches its self in the wind.
- Rotating Flash Scarecrows
 Bright flashing, wind powered unit that reinforces the element of danger in the area.

 These flash units can be seen by birds from a long way and have proved useful on sites throughout the country.
 Mounted on a three foot metal post they are moved daily for maximum effect
- Predator Eye Balloons Two foot, brightly coloured balloon with holographic predator eyes that "follow" birds in the fashion of a stalking predator. Suspended from eight foot maypoles and spring to give a constant motion.
- Other products such as Predator Models from our own stores may also be used depending on the situation

Fire Arms

Silenced Shot Gun would help establish the association of Mortal Danger with visual deterrents. This Fire Arm is very quiet, discharging Sub Sonic Rounds and will not disturb nearby residents.

Shot Guns will be used by BCI Ltd in association with Falcons, Distress Calls and Visual Deterrents. The Objective is hammer home the message that the site is no longer a safe place. It is <u>not</u> intended to cull large numbers of Corvids.

Shooting will not in its self achieve anything. It is the Association of Mortal Danger that we build up around the Acoustic and Visual deterrents using a shot gun as another element that is successful

Control of pest bird is not an exact science and our staff will adjust the programme as the situation unfolds.

During periods of inclement weather, such as Gales, Fog or Rain, falcons will not be flown. Other techniques may be used such as the above or products from our own stores.

Bird Control may spend more time on site than quoted during the first calendar month. Extra time as decided by BCI for the first month will not incur extra charge. Additional hours after the first month will incur charges as per terms.

ENVIRONMENTAL PROTECTION AGENCY An Ghníomhaireacht um Chaomhnú Comhshaoil

Regional Inspectorate Richvion Clonskeagh Road Dublin 14, Ireland

Tel: +353 1 268 0100 Fax: +353 1 268 0199 Cigireacht Reigithach Dea-Redhare Hother Clusin Sceath Buile Arna Cliath 14. Éire

Email: info@epa.ie Website: WATE epalie

Mr Croiston O'Brien Advanced Environmental Solutions 15 Bridge Street **Fortlaoise** Co. Laois

Date

Our ref

Your ref.

.... 22-April 2002 Ref. To recycle washwater used to clean fleet vehicles and reduce water consumption (2001-CP-35/68)

Dear Mr O'Brien,

Further to your proposal submitted under the Cleaner Greener Production Programme, I am pleased to inform you that it has been short-listed. Any subsequent offer of grant aid is subject to the satisfactory resolution of certain conditions. Please see the attached evaluation summary for more detail on the evaluation of the proposal and the conditions that must be met prior to any offer of funding.

You will be contacted in the near future by the Clean Technology Centre, who are managing the programme on behalf of the EPA, to discuss the requested clarifications with you. There may also be further queries and/or clarifications required in relation to the budgetary aspects of the proposal once it has been looked at in further detail by the programme accountants.

Yours sincerely

Cleaner Greener Production Programme



PROPOSAL EVALUATION SUMMARY REPORT

	To recycle washwater used to clean fleet vehicles and reduce water consumption
Project title:	To recycle washwater used to crous Proposal 35
Lead organisation:	Advanced Environmental Solutions Proposal No.
Consensus score	350
Comments on the propos	al good and important

This is a simple, straightforward, small-scale demonstration project addressing a good and important concept. Good transferability - relevant to other transport fleet businesses. Potentially wide application. Approach is simple, and likelihood of success seems high. Commitment to negotiate with suppliers is good and should be honoured. No real novelty in dissemination - apart from site visits from educational groups. Applicant did not address possible reduction of detergent usage and associated emissions. It should be clarified whether new bay is actually replacing the existing washing facility or whether it is in addition to this one. Clarify how the collected waste sludge will be dealt with. Good value for money, if dissemination activities are improved.

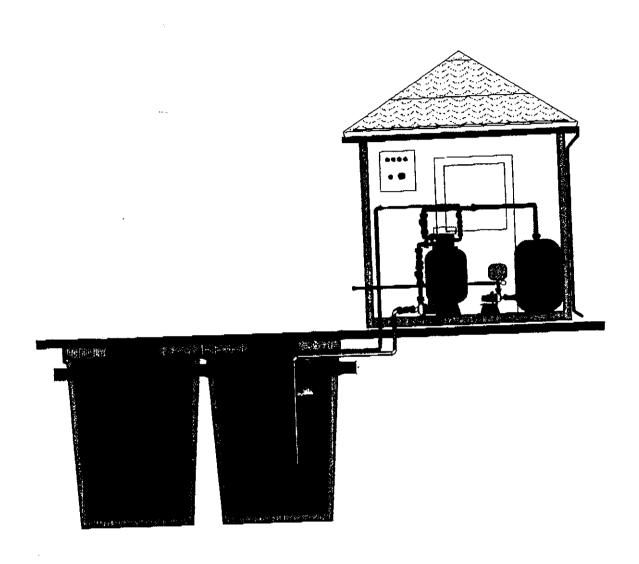
dissemmanos de la	
YES	, NO
Is the proposal qualified for funding?	and the second s
Any conditions:	
All Soro funding:	

Major clarifications are required before funding:

- Clarify if the technology is innovative in Ireland.
- Clarify whether the new washbay is to be used as an alternative to, or in conjunction with, the existing washbay.
- Clarify how the collected waste sludge will be dealt with.
- Detail any possible detergent savings, if relevant.
- Confirm commitment to meter water usage (and detergent usage, if relevant) before and after implementation of the project.



ASWAcycle Water Recycling System for Car wash



Type: ASWAcycle HP-A

Water Recycling for high pressure car wash with Technical Room above ground

Water Recycling System for high-pressure car wash consists of the following components:

Pro S

Grit and sludge chamber

Prefabricated reinforced concrete tank for underground installation, build to the highest Standards

Hexagon tank:

1720 mm on top

Depth:

2100 mm

Depth over all:

2300 mm

Wall thickness:

75 mm

Bottom thickness:

100 mm

Capacity on water level:

2600 litre

Inlet/Outlet pipe PVC:

DN 150

Concrete cover lid:

Load 125 kn

Ductile manhole trap:

Load 125 kn, 600 mm dia

Separator for light liquids and Buffer tank

Prefabricated reinforced concrete tank for underground installation, build to the highest Standards

Hexagon tank:

1720 mm on top

Depth:

2100 mm

Depth over all:

2300 mm

Wall thickness:

75 mm

Bottom thickness:

100 mm

Capacity on water level:

2600 litre

DN 150 PVC

inlet 90 degree pipe:

Outlet pipe overflow: Build in Coalescence DN 150 HDPE

DN 150 HDPE, NS 6, with Filter from HDPE

Control of the Berline Control

Separator Class 1

(overflow)

Load 125 kn

Concrete cover lid: Ductile manhole trap:

Load 125 kn, 600 mm dia

Technical Building

Prefabricated Insulated cladding shed for aboveground installation, build to the highest Standards

Specifications on request

14 -

Technical Equipment installed and wired up in Technical Building

1. Special Filter System made of resistant polyester plastic; with filter nozzles fitted in form of a star; special Filling; full automatic back wash with pressure switch for filtration, clear rinse, back ก่กรе

Filter performance up to < 10 μm

Feed up to 10 cub/hour

2. Submersible stainless steel feed pump with twinchannel impeller, designed to handle suspended solids up to 50 mm in diameter

Performance: 12-15 cub/hour

Three-phase motor 380-415 V 1.5 kw, 50 Hz

3. Threaded centrifugal pump with open impeller, all components in contact with liquid made from stainless steel

Performance:140 litre/minute

Three-phase motor 380-415 V 1.5 kw. 50 Hz

Pressure: 2.5 bar

25 litre Pressure vessel with pressure switch and

ASMITTED TO THE STATE OF THE ST

gauge

. . . .

- Internal biological treatment system to stop any odour and for better water quality.
- Storage tank for recycled water, rotationally moulded in one peace

Length: 1600 mm 670 mm Width: Height: 1100 mm Capacity: 900 litre

6. Control panel, via SPS, visual and acoustic alarm

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Appendix 3: Technical Committee Recommended Proposed Decision

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Appendix 4: Inspectors Recommendation for a Proposed Decision considered by the Board 22 January 2002.

Headquarters, P.O. Box 3000, Johnstown Castle Estate County Wexford, Ireland

WASTE LICENCE PROPOSED DECISION TECHNICAL COMMITTEE RECOMMENDATION

Waste Licence

96-1

Register Number:

Applicant:

Advanced Environmental Solutions

(Ireland) Ltd trading as Erwin Cobbe

Waste Disposal

Location of Facility:

Ballymorris, Kilbride, Portarlington, Co.

Laois.

INTRODUCTION

This introduction is not part of the licence and does not purport to be a legal interpretation of the licence.

This licence permits Advanced Environmental Solutions (Ireland) Ltd trading as Erwin Cobbe Waste Disposal to operate a waste transfer station, recycling facility and a wood burner at Deerpark Crossroads, Ballymorris, Kilbride, Portarlington, Co. Laois.

All waste activities at the facility listed and described in Part I: Activities Licensed and Authorised by this Licence shall cease until infrastructure is in place and planning permission is obtained. The final cessation of activity will be completed within the context of a decommissioning plan to be agreed as per Condition 4 of this licence.

The facility shall only be operated during the hours of 8am to 6pm Monday to Friday inclusive and 9.30am to 6.00pm on Saturdays. The facility must remain closed on Sundays and on Bank Holidays. The quantity of waste to be accepted is limited to 22,845 tonnes annually.

The facility (which lies on a former bedrock quarry) overlies a regionally important limestone aquifer. Three private wells lie 350m downgradient and the aquifer has potential future use. Previous infilling of the quarry with municipal waste by Erwin Cobbe Waste Disposal has polluted the groundwater with nickel and has caused the pH to become slightly acidic. Oil storage activities have also polluted the aquifer with diesel hydrocarbons. The proposed decision includes measures to remediate groundwater contamination associated with previous waste disposal operations at the facility.

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DECISION & REASONS FOR THE DECISION

The Agency is satisfied, on the basis of the information available, that the waste activity, or activities, licensed hereunder will comply with the requirements of Section 40(4) of the Waste Management Act, 1996.

In reaching this decision the Agency has considered the application and supporting documentation received from the applicant, all submissions received from other parties and the report of its inspector.

Part I Activities Licensed

In pursuance of the powers conferred on it by the Waste Management Act, 1996, the Environmental Protection Agency (the Agency) proposes, under Section 40(1) of the said Act to grant this Waste Licence to Advanced Environmental Solutions (Ireland) Ltd trading as Erwin Cobbe Waste Disposal to carry on the waste activity/activities listed below at Ballymorris, Kilbride, Portarlington, Co. Laois subject to conditions, with the reasons therefor and the associated schedules attached thereto set out in the licence.

Licensed Waste Disposal Activities, in accordance with the Third Schedule of the Waste Management Act 1996

Class 13	Storage prior to submission to any activity referred to in a preceding paragraph of this Schedule, other than temporary storage, pending collection, on the premises where the waste concerned is produced.
	This activity is limited to the temporary storage of waste prior to removal off-site for disposal at an appropriate alternative facility.

Licensed Waste Recovery Activities, in accordance with the Fourth Schedule of the Waste Management Act 1996

Class 2.	Recycling or reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes):
	This activity is limited to the removal of wood and cardboard from the incoming waste stream and the storage of these wastes to be sent off site for reprocessing.
Class 3.	Recycling or reclamation of metals and metal compounds:
	This activity is limited to the removal of metal from the incoming waste stream and the storage of metal wastes to be sent off site for reprocessing.
Class 4.	Recycling or reclamation of other inorganic materials:
	This activity is limited to the receipt, holding of inert construction and demolition wastes (such as bricks, cement, ceramics, soils) to be sent off site for reprocessing.
Class 13.	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:
	This activity is limited to the storage of waste prior to removal off site Class 2, 3 and 4.

Part II: Activities Refused

In pursuance of the powers conferred on it by the Waste Management Act, 1996, the Environmental Protection Agency (the Agency) proposes, under Section 40(1) of the said Act to refuse the following classes of activities.

Refused waste recovery activities, in accordance with the Third Schedule of the Waste Management Act, 1996

Class 11. Blending or mixture prior to submission to any activity referred to in a preceding paragraph of this Schedule.

Reason: The mixture of untreated and uncontaminated wood from different sources prior to eventual disposal in the onsite wood burner is no longer applicable at the facility as the wood burner and briquetting units have been decommissioned.

Refused waste recovery activities, in accordance with the Fourth Schedule of the Waste Management Act, 1996

Class 8.	Oil re-refining or other re-uses of oil:
	Reason: No relevant proposals were included in the licence application.
Class 9.	Use of any waste principally as a fuel or other means to generate energy:
	Reason: the operation of a wood burner which uses untreated/ uncontaminated wood to supply fuel for the plant is no longer applicable at the facility as the wood burner has been decommissioned.
Class 11.	Use of waste obtained from any activity referred to in a preceding paragraph of this Schedule:
	Reason: The operation of a briquette making machine to compact shredded waste cardboard and shredded wood into individual briquettes for re-sale is no longer applicable at the facility as the briquetting units has been decommissioned.
Class 12.	Exchange of waste for submission to any activity referred to in a preceding paragraph of this Schedule:
	Reason: The shredding of untreated wood to supply fuel for the wood burner plant and raw material for the briquette making machine is no longer applicable at the facility as the wood burner and biquetting unit have been decommissioned

INTERPRETATION

All terms in this licence should be interpreted in accordance with the definitions in the Waste Management Act, (the Act), unless otherwise defined in this section.

Aerosol

A suspension of solid or liquid particles in a gaseous medium.

Adequate lighting

20 lux measured at ground level.

Agreement

Agreement in writing.

Annually

At approximately twelve monthly intervals.

Attachment

Any reference to Attachments in this licence refers to attachments submitted as part of the waste licence application.

Application

The application by the licensee for this waste licence.

Appropriate

facility

A waste management facility, duly authorised under relevant law and

technically suitable.

BATNEEC

Best Available Technology Not Entailing Excessive Cost as defined in Section 5(2) of the Act.

Bi-annually

All or part of a period of six consecutive months.

Biodegradable

waste

Any waste that is capable of undergoing anaerobic or aerobic decomposition, such as food, garden waste, sewage sludge, paper

and paperboard.

Condition

A condition of this licence.

Construction and

Demolition Waste

All wastes which arise from construction, renovation and demolition activities.

Containment boom

A boom which can contain spillages and prevent them from entering drains or watercourses.

Daytime

8.00 a.m. to 10.00 p.m.

Documentation

Any report, record, result, data, drawing, proposal, interpretation or other document in written or electronic form which is required by this licence.

Drawing

Any reference to a drawing or drawing number means a drawing or drawing number contained in the application, unless otherwise specified in this licence.

Emergency

Those occurrences defined in Condition 9.4

Emission Limits

Those limits, including concentration limits and deposition levels established in Schedule C.

European Waste Catalogue (EWC)

A harmonised, non-exhaustive list of wastes drawn up by the European Commission and published as Commission Decision 94/3/EC and any subsequent amendment published in the Official Journal of the

European Community.

Foul water.

Sewage and drainage from waste transfer building, wheelwash, truck wash, ramp, waste inspection and receiving area and run-off from all hardstanding areas associated with waste processing.

Green waste

Wood(excluding timber), plant matter such as grass cuttings, and other vegetation.

Hours of Operation The hours during which the facility is authorised to be operational. The hours of operation of a facility are usually longer than the hours of waste acceptance to facilitate preparatory and completion works, such as the washing and cleaning of yard areas.

Hours of Waste Acceptance

The hours during which the facility is authorised to accept waste. Different activities within the facility, such as the civic waste facility, may have different hours of waste acceptance.

Industrial Waste

As defined in Section 5(1) of the Act.

Inert waste

Waste that does not undergo any significant physical, chemical or biological transformations. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health. The total leachability and pollutant content of the waste and the ecotoxicity of the leachate must be insignificant, and in particular not endanger the quality of surface water and/or groundwater.

Landfill Directive

Council Directive 1999/31/EC

Licence

A Waste Licence issued in accordance with the Act.

Licensee

Advanced Environmental Solutions (Ireland) Ltd trading as Erwin Cobbe Waste Disposal.

Liquid Waste

Any waste in liquid form and containing less than 2% dry matter. Any waste tankered to the facility.

Maintain

Keep in a fit state, including such regular inspection, servicing, calibration and repair as may be necessary to adequately perform its function.

Mobile Plant

Self-propelled machinery used for the emplacement of wastes or for the construction of specified engineering works.

Monthly

A minimum of 12 times per year, at approximately monthly intervals.

Municipal waste

As defined in Section 5(1) of the Act.

Night-time

10.00 p.m. to 8.00 a.m.

Noise Sensitive Location (NSL)

Any dwelling house, hotel or hostel, health building, educational establishment, place of worship or entertainment, or any other facility or area of high amenity which for its proper enjoyment requires the absence of noise at nuisance levels.

Oil Separator

Device installed according to the draft European Standard prEN 858 (Installations for the separation of light liquids, e.g. oil and petrol). Often referred to as an Oil Interceptor.

Recyclable Materials Those waste types, such as cardboard, batteries, gas cylinders, etc, which may be recycled

Quarterly

At approximately three monthly intervals.

Sample(s)

Unless the context of this licence indicates to the contrary, samples

shall include measurements by electronic instruments.

Specified **Emissions** Those emissions listed in Schedule C: Emission Limits of this licence.

Specified Engineering Works

Those engineering works listed in Schedule B: Specified Engineering Works of this licence.

Trigger Level

A parameter value specified in the licence, the achievement or exceedance of which requires certain actions to be taken by the

licensee.

Weekly

During all weeks of plant operation, and in the case of emissions, when emissions are taking place; with no more than one measurement in any one week.

White Goods

Refrigerators, cookers, ovens and other similar appliances.

EPA Working Day

Refers to the following hours; 9.00 a.m. to 5.30 p.m. Monday to Friday

inclusive.

PART III CONDITIONS

CONDITION 1 SCOPE OF THE LICENCE

- 1.1. Waste activities at the facility shall be restricted to those listed and described in Part I: Activities Licensed and authorised by this licence.
- 1.2. For the purposes of this licence, the facility is the area of land outlined in red on the Drawing labelled 'Site Plan' of the application dated 5 March 1999. Any reference in this licence to "facility" shall mean the area thus outlined in red.
- 1.3. This licence is for the purposes of waste licensing under the Waste Management Act 1996 only and nothing in this licence shall be construed as negating the licensee's statutory obligations or requirements under any other enactments or regulations.
- 1.4. The maximum tonnage of waste to be accepted at the facility shall not exceed 22,845 tonnes per annum.
- 1.5. Only those waste categories and quantities listed in Schedule A: Waste Acceptance, shall be accepted at the facility.
- 1.6. No hazardous wastes or liquid wastes shall be accepted at the facility.
- 1.7. Waste Acceptance Hours and Hours of Operation
 - 1.7.1.1. Waste shall only be accepted at the facility between the hours of 8.30am to 5.30pm Monday to Friday inclusive and 10am to 5.00pm on Saturdays.
 - 1.7.1.2. The facility shall only be operated during the hours of 8am to 6pm Monday to Friday inclusive and 9.30am to 6.00pm on Saturdays.
 - 1.7.1.3. The facility must remain closed on Sundays or on Bank Holidays.
- 1.8 No commercial or municipal waste shall be accepted at the facility until the waste transfer building has been upgraded to the satisfaction of the Agency.
- 1.8 All waste activities at the facility listed and described in Part I: Activities Licensed and authorised by this licence shall cease within two years of the date of grant of this licence unless otherwise specified in advance by the Agency. The cessation of activities will be completed within the context of a decommissioning plan to be agreed with the Agency as per Condition 4 of this licence.
- 1.9 The following shall constitute an incident for the purposes of this licence:
 - a) an emergency;
 - b) any emission which does not comply with the requirements of this licence;
 - c) any exceedance of the daily duty capacity of the waste handling equipment;
 - d) any trigger level specified in this licence which is attained or exceeded; and
 - e) any indication that environmental pollution has, or may have, taken place.
- 1.10 Where the Agency considers that a non-compliance with any condition of this licence has occurred, it may serve a notice on the licensee specifying:
 - 1.10.1 That only those wastes as specified, if any, in the notice are to be accepted at the facility after the date set down in the notice;

- 1.10.2 That the licensee shall undertake the works stipulated in the notice, and/or otherwise comply with the requirements of the notice as set down therein, within the time-scale contained in the notice; and
- 1.10.3 That the licensee shall carry out any other requirement specified in the notice.

When the notice has been complied with, the licensee shall provide written confirmation that the requirements of the notice have been carried out. No waste, other than that which is stipulated in the notice, shall be accepted at the facility until written permission is received from the Agency.

1.11 Every plan, programme or proposal submitted to the Agency for its agreement pursuant to any Condition of this licence shall include a proposed timescale for its implementation. The Agency may modify or alter any such plan, programme or proposal in so far as it considers such modification or alteration to be necessary and shall notify the licensee in writing of any such modification or alteration. Every such plan, programme or proposal shall be carried out within the timescale fixed by the Agency but shall not be undertaken without the agreement of the Agency. Every such plan, programme or proposal agreed by the Agency shall be covered by the conditions of this licence

Reason: To clarify the scope of this ligence

CONDITION 2 MANAGEMENT OF THE FACILITY

- 2.1 Facility Management
 - 2.1.1 The licensee shall employ a suitably qualified and experienced facility manager who shall be designated as the person in charge. The facility manager or a nominated, suitably qualified and experienced, deputy shall be present on the facility at all times during its operation.
 - 2.1.2 Both the facility manager and deputy, and any replacement manager or deputy, shall successfully complete both the FAS waste management training programme (or equivalent agreed with the Agency) and associated on site assessment appraisal within twelve months of appointment.
- 2.2 Management Structure
 - 2.2.1 Prior to the commencement of waste activities, the licensee shall submit written details of the management structure of the facility to the Agency. Any proposed replacement in the management structure shall be notified in advance in writing to the Agency. Written details of the management structure shall include the following information
 - the names of all persons who are to provide the management and supervision of the waste activities authorised by the licence, in particular the name of the facility manager and any nominated deputies;
 - b) details of the responsibilities for each individual named under a) above; and
 - details of the relevant education, training and experience held by each of the persons nominated under a) above.
- 2.3 Environmental Management System (EMS)
 - 2.3.1 The licensee shall establish and maintain an EMS. Within six months from the date of grant of this licence, the licensee shall submit to the Agency for its agreement a proposal for a documented Environmental Management System

(EMS) for the facility. Following the agreement of the Agency, the licensee shall establish and maintain such a system. The EMS shall be updated on an annual basis with amendments being submitted to the Agency for its agreement.

- The EMS shall include as a minimum the following elements: 2.3.2
 - Schedule of Environmental Objectives and Targets 2.3.2.1

The objectives should be specific and the targets measurable. The Schedule shall address the two year period of operation as a minimum. The Schedule shall include a time-scale for achieving the objectives and targets and shall comply with any other written guidance issued by the Agency.

Environmental Management Plan (EMP) 2.3.2.2

The EMP shall include, as a minimum, the following:

- methods by which the objectives and targets will be (i) achieved in the coming year and the designation of responsibility for targets;
- any other items required by written guidance issued by the (ii) Agency.
- Corrective Action Procedures 2.3.2.3

The Corrective Action Procedures shall detail the corrective actions to be taken should any of the procedures detailed in the EMS not be followed.

Awareness and Training Programme 2.3.2.4

> The Awareness and Training Programme shall identify training needs, for personnel who work in or have responsibility for the licensed facility.

- Communications Programme 2.4
 - The licensee shall establish and maintain a Communications Programme to 2.4.1 ensure that members of the public can obtain information at the facility, at all reasonable times, concerning the environmental performance of the facility. This shall be established within six months of the date of grant of this licence.

REASON: To make provision for the proper management of the activity on a planned basis having regard to the desirability of ongoing assessment, recording and reporting of matters affecting the environment.

CONDITION 3 FACILITY INFRASTRUCTURE

- 3.1 The licensee shall establish all infrastructure referred to in Condition 3 this licence prior to the acceptance of waste at the facility.
- 3.2 Specified Engineering Works
 - 3.2.1 The licensee shall submit proposals for all Specified Engineering Works, as defined in Schedule B: Specified Engineering Works, to the Agency for its agreement at least two months prior to the intended date of commencement of any such works. No such works shall be carried out without the prior agreement of the Agency.
 - 3.2.2 All specified engineering works shall be supervised by a competent person(s) and that person, or persons, shall be present at all times during which relevant works are being undertaken.
 - 3.2.3 Following the completion of all specified engineering works, the licensee shall complete a construction quality assurance validation. The validation report shall be made available to the Agency on request. The report shall include the following information;
 - a) a description of the works;
 - b) as-built drawings of the works;
 - c) records and results of all tests carried out (including failures);
 - d) drawings and sections showing the location of all samples and tests carried out;
 - e) daily record sheets/diary;
 - f) name(s) of contractor(s)/individual(s) responsible for undertaking the specified engineering works;
 - g) name(s) of individual(s) responsible for supervision of works and for quality assurance validation of works;
 - records of any problems and the remedial works carried out to resolve those problems; and
 - i) any other information requested in writing by the Agency.
- 3.3 Facility Notice Board
 - 3.3.1 The licensee shall provide and maintain a Facility Notice Board on the facility so that it is legible to persons outside the main entrance to the facility. The minimum dimensions of the board shall be 1200 mm by 750 mm.
 - 3.3.2 The board shall clearly show:
 - a) the name and telephone number of the facility;
 - b) the normal hours of opening;
 - c) the name of the licence holder;
 - d) an emergency out of hours contact telephone number;
 - e) the licence reference number; and
 - f) where environmental information relating to the facility can be obtained.

3.4 Facility Security

3.4.1 The licensee shall maintain site security including Closed Circuit Television (CCTV) at the facility. The external fencing shall be upgraded and repaired as appropriate within three months of the date of grant of this licence.

3.5 Site Hardstanding

3.5.1 The licensee shall provide, and maintain an impermeable hardstanding surface (200mm of concrete over sub-base) in all areas of the facility within three months from the date of grant of this licence. In addition, the floor of the buildings and hardstanding areas at the facility shall be constructed to British Standard 8110. All hardstanding areas shall drain to a Class I oil separator and grit chamber.

3.6 Facility Office

- 3.6.1 The licensee shall provide and maintain an office at the facility. The office shall be constructed and maintained in a manner suitable for the processing and storing of documentation.
- 3.6.2 The licensee shall provide and maintain a working telephone and a method for electronic transfer of information at the facility.
- 3.7 The existing weighbridge shall be maintained in such condition as to accurately measure the weight of all vehicles using it, and must accommodate the weighing of both incoming and outgoing traffic. The accuracy of the weighbridge shall be tested and demonstrated by the licensee and shall be reported to the Agency within one month from the date of grant of this licence. Thereafter, the weighbridge shall be calibrated in accordance with the manufacturer's specifications and reported to the Agency. A written record of such tests and any maintenance or remedial work arising from them shall be maintained by the licensee.

3.8 Wheelwash

- 3.8.1 The licensee shall establish and maintain a wheelwash at the entrance of the facility in accordance with the specifications outlined in the Agency's guidance document 'Landfill Manuals Landfill Site Design'. The wheelwash must be operated on vehicles leaving the facility and exiting onto the public road.
- 3.8.2 The wheelwash shall be inspected on a daily basis and drained as required. Silt, stones and other accumulated material shall be removed as required from the wheel cleaner and disposed of at an appropriate facility. The wheelwash water shall drain only to the Class I oil separator and grit chamber or as otherwise agreed with the Agency.

3.9 Facility Layout

- 3.9.1 A Waste Inspection Area and a Waste Quarantine Area shall be provided and maintained at the facility.
- 3.9.2 These areas shall be constructed and maintained in a manner suitable, and be of a size appropriate, for the inspection of waste and subsequent quarantine if required. The waste inspection area and the waste quarantine area shall be clearly identified and segregated from each other.
- 3.9.3 The Waste Inspection and Receiving Area and associated infrastructure including trommel, conveyor belt, and cardboard compactor unit shall be provided and maintained as shown in Drawing No. C20/00008A1 dated 12 September 2000. The trommel shall be maintained such that waste including sawdust does not spill over onto the ground in the vicinity of the trommel.

- 3.9.4 All drainage from the areas identified in Condition 3.9.3 shall be to the leachate collection tank as shown in Drawing No. C20/0008B1 or as otherwise agreed with the Agency.
- 3.9.5 The Waste Inspection and Receiving Area shall be roofed as shown in Drawing No. C20/00008A1.
- 3.10 Waste handling, ventilation and processing plant
 - (i) Items of plant deemed critical to the efficient and adequate processing of waste at the facility shall be provided on the following basis:
 - · 100% duty capacity;
 - 50% standby capacity available on a routine basis;
 - Provision of contingency arrangements and/or back up and spares in the case of breakdown of critical equipment.
 - (ii) Prior to the commencement of waste activities at this facility, the licensee shall provide a report for the agreement of the Agency detailing the duty and standby capacity in tonnes per day, of all waste handling and processing equipment to be used at the facility. These capacities shall be based on the licensed waste intake, as per Schedule A.
 - (iii) The quantity of waste to be accepted at the facility on a daily basis shall not exceed the duty capacity of the equipment at the facility. Any exceedance of this intake shall be treated as an incident.

3.11 Workshop Building

- 3.11.1 Workshop Building/Toilets, and associated infrastructure shall be provided and maintained as set out in Drawing No. C20/00008A1 dated 12 September 2000.
- 3.12 Vehicle cleaning facilities shall be provided and maintained at the location shown in Drawing No. C20/0008B1 "Existing and Proposed Drainage System". The arising effluent water shall drain only to the Class I oil separator and grit chamber or as otherwise agreed with the Agency.
- 3.13 Leachate Holding Tank
 - 3.13.1 The licensee shall provide and maintain the leachate holding tank at the location shown in Drawing No. C20/0008B1 and referred to therein as "Leachate Collection Tank". The holding tank shall be fitted with a high level visual alarm.
 - 3.13.2 All liquid run-off from the floor of the Waste Inspection Area and Workshop Building, the compactors and any other areas where waste is handled or processed, all vehicle washwater, wheelie bins and skips that contained non-inert waste shall be discharged to and stored in the leachate holding tank pending disposal off-site as set out in Condition 6.8.2.

3.14 Landfill Gas

3.14.1 Within twelve months of the date of grant of this licence, the licensee shall submit an assessment of the requirements for landfill gas management at the facility to the Agency for agreement. The assessment shall take into account site specific requirements for the active collection and flaring of landfill gas at the facility based on results of landfill gas monitoring at the facility and the potential for landfill gas to be generated in the historical waste disposal areas within the facility.

3.14.2 If required the flare shall be of an enclosed type design and shall be installed along with the necessary infrastructure within the timescale agreed with the Agency. Flare unit efficiency shall be tested once it is installed and once every three years thereafter.

3.15 Waste Water Treatment Plant

3.15.1 The licensee shall provide and maintain a Waste Water Treatment plant at the facility for the treatment of waste water arising on-site. The treatment plant shall be located as shown in Drawing No. C20/0008B1 unless otherwise agreed with the Agency. Any percolation area shall satisfy the criteria set out in the Wastewater Treatment Manual, Treatment Systems for Single Houses, published by the Environmental Protection Agency.

3.16 Tank and Drum Storage Areas

- 3.16.1 The licensee shall provide and maintain the proposed new fuel storage tanks at the location shown in Drawing No. C20/0008B1 (south-west corner of facility) within within nine months from the date of grant of this licence. All tank and drum storage areas shall be rendered impervious to the materials stored therein. The two existing Above Ground Storage Tanks (ASTs) will be decommissioned as per the Dangerous Substance regulations within nine months from the date of grant of this licence.
- 3.16.2 All tank and drum storage areas shall, as a minimum, be bunded, either locally or remotely, within nine months from the date of grant of this licence, to a volume not less than the greater of the following:
 - (a) 110% of the capacity of the largest tank or drum within the bunded area; or
 - (b) 25% of the total volume of substance which could be stored within the bunded area.
- 3.16.3 All drainage from bunded areas shall be diverted for collection and safe disposal.
- 3.16.4 All inlets, outlets, vent pipes, valves and gauges must be within the bunded area.
- 3.16.5 The integrity and water tightness of all the bunds and their resistance to penetration by water or other materials stored therein shall be confirmed by the licensee and shall be reported to the Agency within six months of the date of grant of this licence. This confirmation shall be repeated at least once every three years thereafter and reported to the Agency on each occasion.

3.17 Silt Traps and Oil Separators/Interceptors

3.17.1 The oil separator shall meet the Class I separator European Standard prEN 858 'Installations for the separation of light liquids' within six months of the date of grant of this licence.

3.18 Drainage system, pipeline testing

- 3.18.1 The storm and foul sewer systems shall be established and maintained as set out in Drawing No. C20/0008B1 "Existing and Proposed Drainage System", unless otherwise agreed in advance by the Agency.
- 3.18.2 Within six months from the date of grant of this licence all foul sewer guilies, drainage grids and manhole covers shall be painted with red squares whilst all surface water discharge gullies, drainage grids and manhole covers shall be painted with blue triangles. These colour codes shall be maintained so as to be visible at all times during facility operation, and any identification designated in this licence (e.g. SW1) shall be inscribed on these manholes.
- 3.18.3 The drainage system, bunds, silt traps and oil separators shall be inspected weekly, desludged as necessary and properly maintained at all times. The oil interceptor shall be cleaned out at least once every six months. All sludge and drainage from these operations shall be collected for safe disposal. A written record shall be kept of the inspections, desludging, cleaning, disposal of associated waste products, maintenance and performance of the interceptors, bunds and drains.

- 3.18.4 Prior to the commencement of waste activities the integrity and water tightness of all underground pipes and tanks and their resistance to penetration by water or other materials carried or stored therein shall be tested and demonstrated by the licensee and shall be reported to the Agency.
- 3.19 Construction and Demolition Waste Recovery Area.
 - 3.19.1 Prior to the commencement of waste activities the licensee shall provide and maintain a construction and demolition waste recovery area. This infrastructure shall at a minimum comprise the following:
 - a) an impermeable concrete slab; and
 - b) collection and disposal infrastructure for all run-off.
 - appropriate bunding to provide visual and noise screening
 - d) All stockpiles shall be adequately contained to minimise dust generation.

REASON: To provide appropriate intrastructure for the profession of the environment.

CONDITION 4 RESTORATION AND AFTERCARE

- 4.1 A proposal for a Decommissioning and Aftercare Plan for the facility shall be submitted to the Agency within six months of the date of grant of this licence. The licensee shall include the following issues within the proposal: Decommissioning the two existing ASTs; decontamination of the groundwater; removal of the polluting source and restoration of the facility. The licensee shall update this plan when required by the Agency.
- 4.2 Removal of Contaminated Soil
 - 4.2.1 During the decommissioning of the two existing Above Ground Storage Tanks (ASTs) or no later than nine months from the date of grant of this licence, the licensee shall take measures to remove and dispose of the hydrocarbon contaminated soils which lie in the vicinity of these tanks. The contaminated soils must be excavated and removed from site to a depth agreed in advance by the Agency. The contaminated soils must be disposed of at an appropriate facility. The excavation must be infilled with appropriate inert material.
- 4.3 Groundwater Management
 - 4.3.1 Prior to the commencement of waste activities, the licensee shall report to the Agency on the quality of the underlying groundwater at the two private wells which lie 350m west and 400m north-west of the facility as shown in Plot Ref No. 39622 1.
 - 4.3.2 The licensee shall submit a report detailing the proposed remediation works to remove the elevated nickel and diesel range organic pollutants from the underlying groundwater resource and removal of the contaminating source to the Agency within six months of the date of grant of this licence for agreement. The remediation technique, cleanup criteria and timescale shall be agreed in advance with the Agency.
 - 4.3.2 The licensee shall undertake the remediation works agreed under Condition 4.3.2 within the timescale specified by the Agency and in accordance with the terms of the agreement.

CONDITION 5 FACILITY OPERATIONS

- 5.1 No waste shall be accepted at the facility until all the relevant infrastructure required by Condition 3 has been installed and commissioned to the satisfaction of the Agency, the relevant procedures required by the licence having been agreed with the Agency and without the prior written agreement of the Agency.
- 5.2 All waste processing shall be carried within the boundaries of the Waste Inspection and Receiving Area and Workshop Area.
- 5.3 The following non-hazardous, non-liquid wastes only shall be accepted at the facility subject to the quantities listed in Schedule A.1 and A.2:
 - a) Household Municipal Waste;
 - b) Commercial and Industrial waste of similar composition to Municipal Waste;
 - c) Construction and Demolition Waste;
 - d) Wood:
 - e) Cardboard;
 - f) Paper.
- 5.4 Waste Acceptance and Characterisation Procedures
 - 5.4.1 Prior to commencement of waste acceptance at the facility the licensee shall establish and maintain detailed written procedures for the acceptance, handling, separation, disposal and recovery of wastes.
 - 5.4.2 Waste arriving at the facility shall be inspected at the point of entry to the facility and subject to this inspection, weighed, documented and directed to the Waste Receiving Area. Each load of waste arriving at the Waste Inspection and Receiving Area shall be inspected upon tipping within this building. Only after such inspections shall the waste be processed for disposal or recovery.
 - 5.4.3 All suspect materials identified by the visual inspection of the waste shall be diverted to the Waste Quarantine Area, or other designated area as agreed in advance by the Agency, for further examination and classification. Materials other than those permitted by this licence shall be submitted to an alternative appropriate facility.
 - 5.4.4 A record of all inspections of incoming waste loads shall be maintained.
 - 5.4.5 Waste shall only be accepted at the facility from known customers or new customers subject to initial waste profiling and waste characterisation off-site. The written records of this off-site waste profiling and characterisation shall be retained by the licensee for all active customers and for a two year period following termination of licensee/customer agreements. There shall be no casual public access to the facility.
- 5.5 Operational Controls
 - 5.5.1 All processing of municipal and commercial waste at the facility shall be undertaken within an enclosed waste transfer building.

- 5.5.2 Waste destined for recovery shall be stored either within the waste transfer station or in appropriate fully enclosed containers within the facility boundary unless otherwise agreed in advance with the Agency.
- 5.5.3 The floor of the Waste Inspection and Receiving Area, the floor under the trommel area shall be cleared of all waste and washed down at the end of the working day. The floor of the storage bays for recovered wastes shall be washed down and cleaned on each occasion such bays are emptied.
- 5.5.4 Scavenging shall not be permitted at the facility.
- 5.5.5 Gates shall be locked shut when the facility is unsupervised.
- 5.5.6 The licensee shall provide and use adequate lighting during the operation of the facility in hours of darkness.
- 5.5.7 Fuels shall only be stored at appropriately bunded locations on the facility.
- 5,5.8 All tanks and drums shall be labelled to clearly indicate their contents.
- 5.5.9 No smoking shall be allowed on the facility (other than in the facility office as shown on Drawing No. C20/0008B1).

5.6 Off-site Disposal and Recovery

- 5.6.1 Waste sent off-site for recovery or disposal shall only be conveyed by a waste contractor agreed by the Agency.
- 5.6.2 All waste transferred from the facility shall only be transferred to an appropriate facility agreed by the Agency;
- 5.6.3 All waste falling from the Trommel system shall only be transferred to an appropriate facility agreed by the Agency. Written records of trommel sorted waste removed from the facility shall be maintained as per Condition 10.2 of this licence.
- 5.6.4 All wastes removed off-site for recovery or disposal shall be transported from the facility to the consignee in a manner which will not adversely affect the environment.
- 5.7 Construction and Demolition Waste Recovery Area
 - 5.7.1 Only Construction and Demolition waste shall be accepted at this Area. Wastes which are capable of being recovered shall be separated and shall be stored temporarily in this area prior to being subjected to other recovery activities at the facility or transport off the facility.
 - 5.7.2 All stockpiles shall be maintained so as to minimise dust generation.
- 5.8 All waste deposited in the Facility shall be either:
 - a) into a skip;
 - into the hopper of the trommel for disposal;
 - c) into a receptacle for recovery; or
 - d) in the case where inspection is required, into a designated inspection area.
 - e) in the case of Construction and Demolition waste, into the Construction and Demolition waste area as per Condition 5.7.

Unless subject to the prior agreement of the Agency, a maximum of ten enclosed waste containers (including sealed containers of compacted waste or fully enclosed collection vehicles containing waste), shall be stored on the facility overnight. These containers shall be stored at areas clearly designated for this purpose. Waste for disposal must be removed off-site within 24 hours of its acceptance at the facility.

5.10 Maintenance

- 5.10.1 All treatment/abatement and emission control equipment shall be calibrated and maintained, in accordance with the instructions issued by the manufacturer/supplier or installer. Written records of the calibrations and maintenance shall be made and kept by the licensee.
- 5.10.2 The licensee shall maintain and clearly label and name all sampling and monitoring locations.
- 5.10.3 The licensee shall maintain the compactor and shredder in accordance with the manufacturer's instructions.

5.11 Landscaping

- 5.11.1 Within twelve months of the date of grant of this licence, the licensee shall implement a landscaping programme to include details on (but not limited to):
 - a). the time-frame for landscaping works in relation to facility development;
 - b). species and minimum age composition and the suitability of the hedge/tree mix for the area;
 - c). total area(s) to be planted;
 - d). tree protection; and
 - e). post planting management.

REASON: To provide for appropriate operation of the facility to ensure protection of the environment.

CONDITION 6 EMISSIONS

- 6.1. No specified emission from the facility shall exceed the emission limit values set out in Schedule C: Emission Limits of this licence. There shall be no other emissions of environmental significance.
- 6.2. The licensee shall ensure that the activities shall be carried out in a manner such that emissions do not result in significant impairment of, or significant interference with the environment beyond the facility boundary.
- 6.3. There shall be no direct emissions to groundwater.
- 6.4. There shall be no clearly audible tonal component or impulsive component in the noise emissions from the activity at the noise sensitive locations.
- 6.5. Surface Water
 - 6.5.1. All surface waters arising on the site shall be collected and directed via the site drainage system to a Class I Oil Separator as set out in Drawing No. C20/0008B1 "Existing and Proposed Drainage System".
- 6.6. Disposal of Foul Water
 - 6.6.1. No foul water shall be discharged to surface water.
 - 6.6.2. All foul water removed from the leachate collection tank shall be disposed of by tankering off-site in fully enclosed tankers subject to the off-site disposal procedures set out in Condition 5.7. The frequency of removal shall be such that a minimum of 10% spare capacity is maintained at all times in the leachate collection tank.

REASON: To control emissions from the facility and provide for the protection of the environment.

CONDITION 7 ENVIRONMENTAL NUISANCES

- 7.1. At all times other than Bank Holiday weekends all waste for disposal shall be removed from the facility within forty eight hours of its arrival on site. At Bank Holiday weekends such waste shall be removed from the facility within seventy two hours of its arrival on site.
- 7.2. The licensee shall, at a minimum of daily intervals, inspect the facility and its immediate surrounds for nuisances caused by vermin, birds, flies, mud, dust and odours. Written records shall be made of all inspections and any actions taken as a result of these inspections.
- 7.3. The road network in the vicinity of the facility shall be kept free from any debris caused by vehicles entering or leaving the facility. Any such debris or deposited materials shall be removed without delay.
- 7.4. Litter Control
 - 7.4.1. All loose litter accumulated within the facility and its environs shall be removed and appropriately disposed of on a daily basis.

- 7.5. Any waste placed on or in the vicinity of the facility, other than in accordance with the requirements of this licence, shall be removed by the licensee immediately and in any event by 10.00 a.m. of the next working day, after such waste is discovered. Such waste shall be disposed of at an appropriate facility.
- 7.6. The licensee shall ensure that all vehicles delivering waste to and removing waste and materials from the facility are clean and appropriately covered and that there shall be no liquid discharges from the waste transported therein.

7.7. Dust Control

- 7.7.1. In dry weather the areas of the facility used by vehicles shall be sprayed with water as and when required to minimise airborne dust nuisance.
- 7.7.2. Water sprinklers shall be operated in the waste handling areas, as and when required for the prevention of dust nuisance.
- 7.8. Within four months of the date of grant of this licence, the licensee shall implement site specific programmes for odour control, bird control and vermin (rodents and insects) control at the facility. These programmes shall be agreed in advance with the Agency.

Reason: To provide for the control of nuisance.

CONDITION 8 MONITORING

- 8.1. The licensee shall carry out such monitoring and at such locations and frequencies as set out in Schedule D: Monitoring and as specified in this licence. Unless otherwise specified by this licence, all environmental monitoring shall commence no later than two months after the date of grant of this licence.
- 8.2. The licensee shall amend the frequency, locations, methods and scope of monitoring as required by this licence only upon the written instruction of the Agency and shall provide such information concerning such amendments as may be requested in writing by the Agency. Such alterations shall be carried out within any timescale nominated by the Agency.
- 8.3. Monitoring and analysis equipment shall be operated and maintained in accordance with the manufacturers' instructions (if any) so that all monitoring results accurately reflect any emission, discharge or environmental parameter.
- 8.4. The licensee shall provide safe and permanent access to all on-site sampling and monitoring points and to off-site points as required by the Agency.
- 8.5. The licensee shall maintain all sampling and monitoring points, and clearly label and name all sampling and monitoring locations, so that they may be used for representative sampling and monitoring.
- 8.6. The licensee shall install on all emission points such sampling points or equipment, including any data-logging or other electronic communication equipment, as may be required by the Agency. All such equipment shall be consistent with the safe operation of all sampling and monitoring systems.
- 8.7. All automatic monitors and samplers shall be functioning at all times (except during maintenance and calibration) when the activity is being carried on, unless alternative sampling or monitoring has been agreed, in writing, by the Agency for a limited period. In the event of the malfunction of any continuous monitor, the licensee shall contact the Agency as soon as practicable, and alternative sampling and monitoring facilities shall

be put in place. Prior written agreement for the use of alternative equipment, other than in emergency situations, shall be obtained from the Agency.

8.8. Noise Monitoring

8.8.1. Noise monitoring as specified in *Schedule D: Monitoring* shall be carried out on an annual basis during operational hours. The first such monitoring shall be undertaken within six months of the date of the grant of this licence.

8.9. Groundwater Monitoring

- 8.9.1. Groundwater monitoring wells shall be sampled and analysed in accordance with Schedule D of this licence. A report of such results shall be submitted in accordance with Schedule E of this licence.
- 8.9.2. Within six months of the date of grant of this licence, the two private wells which lie 350m west and 400m north-west of the facility at the location shown in Plot Ref No. 39622_1, shall be incorporated into the monitoring schedule, subject to the agreement of the well owners.
- 8.9.3. A groundwater contour plan to reconstruct summer and winter groundwater levels and flow direction under the facility shall be submitted to the Agency within twelve months of the date of grant of this licence.

REASON: To ensure compliance with the conditions of this licence by provision of a satisfactory system of monitoring of emissions

CONDITION 9 CONTINGENCY ARRANGEMENTS

- 9.1. In the event of an incident the licensee shall immediately:
 - a) identify the date, time and place of the incident;
 - b) carry out an immediate investigation to identify the nature, source and cause of the incident and any emission arising therefrom;
 - c) isolate the source of any such emission;
 - d) evaluate the environmental pollution, if any, caused by the incident;
 - e) identify and execute measures to minimise the emissions/malfunction and the effects thereof;
 - f) provide a proposal to the Agency for its agreement within one month of the incident occurring to:
 - i) identify and put in place measures to avoid reoccurrence of the incident; and
 - ii) identify and put in place any other appropriate remedial action.
- 9.2. The licensee shall, prior to commencement submit a written Emergency Response Procedure (ERP) to the Agency for its agreement. The ERP shall address any emergency situations which may originate on the facility and shall include provision for minimising the effects of any emergency on the environment. This shall include a risk assessment to determine the requirements at the facility for fire fighting and fire water retention facilities. The Fire Authority shall be consulted by the licensee during this assessment.

- 9.3. The licensee shall have in storage an adequate supply of containment booms and/or suitable absorbent material to contain and absorb any spillage at the facility. Once used the absorbent material shall be disposed of at an appropriate facility.
- 9.4. In the event that monitoring of the two private wells which lie 350m west and 400m north-west of the facility, or other local wells within 250m of the facility, indicates that the facility is having a significant adverse effect on the quantity and/or quality of the water supply this shall be treated as an emergency and the licensee shall provide an alternative supply of water to those affected.

9.5. Emergencies

- 9.5.1. In the event of a complete breakdown of equipment or any other occurrence which results in the closure of the Waste Inspection, Receiving Area and Workshop Area, any waste arriving at or already collected at the facility shall be transferred directly to appropriate landfill sites or any other appropriate facility until such time as the transfer station building is returned to a fully operational status. Such a breakdown event will be treated as an emergency and rectified as soon as possible.
- 9.5.2. All significant spillages occurring at the facility shall be treated as an emergency and immediately cleaned up and dealt with so as to alleviate their effects;
- 9.5.3. In the event that monitoring of local wells indicates that the facility is having a significant adverse effect on the quantity and/or quality of the water supply this shall be treated as an emergency and the licensee shall provide an alternative supply of water to those affected;

REASON. To ensure compliance with the conditions of this licence by provision of a satisfactory system of monitoring of emissions.

CONDITION 10 RECORDS

- 10.1 The licensee shall keep the following documents at the facility office.
 - a) the current waste licence relating to the facility;
 - b) the current EMS for the facility;
 - c) the previous year's AER for the facility;
 - d) all written procedures produced by the licensee which relate to the licensed activities.
- The licensee shall maintain a written record for each load of waste arriving at and departing from the facility. The licensee shall record the following:
 - a) the date;
 - b) the name of the carrier (including if appropriate, the waste carrier registration details):
 - c) the vehicle registration number;
 - d) the name of the producer(s)/collector(s) of the waste as appropriate;
 - e) the name of the waste facility (if appropriate) from which the load originated including the waste licence or waste permit register number;
 - f) a description of the waste including the associated EWC codes;
 - g) the quantity of the waste, recorded in tonnes
 - h) the name of the person checking the load; and,

 i) where loads or wastes are removed or rejected, details of the date of occurrence, the types of waste and the facility to which they were removed.

10.3 Written Records

The following written records shall be maintained by the licensee:

- a) the types and quantities of waste recovered at the facility each year. These records shall include the relevant EWC Codes;
- b) all training undertaken by facility staff;
- results from all integrity tests of bunds and other structures and any maintenance or remedial work arising from them;
- d) details of all nuisance inspections; and
- e) the names and qualifications of all persons who carry out all sampling and monitoring as required by this licence and who carry out the interpretation of the results of such sampling and monitoring.
- 10.4 The licensee shall maintain a written record of all complaints relating to the operation of the activity. Each such record shall give details of the following:
 - a) date and time of the complaint;
 - b) the name of the complainant;
 - c) details of the nature of the complaint;
 - d) actions taken on foot of the complaint and the results of such actions; and,
 - e) the response made to each complainant.
- 10.5 A written record shall be kept of each consignment of foul water removed from the facility. The record shall include the following:
 - a) the name of the carrier:
 - b) the date and time of removal of foul water from the facility;
 - c) the volume of foul water, in cubic metres, removed from the facility on each occasion;
 - the name and address of the Waste Water Treatment Plant to which the foul water was transported;
 - e) any incidents or spillages of foul water during its removal or transportation.
- 10.7 A written record shall be kept at the facility of the programme for the control and/ eradication of vermin and insect infestations at the facility. These records shall include as a minimum the following:
 - a) the date and time during which spraying of insecticide is carried out;
 - b) contractor details;
 - c) contractor logs and site inspection reports;
 - d) details of the rodenticide(s) and insecticide(s) used;
 - e) operator training details;
 - f) details of any infestations;
 - g) mode, frequency, location and quantity of application; and,
 - measures to contain sprays within the facility boundary.

CONDITION 11 REPORTS AND NOTIFICATIONS

- 11.1 Unless otherwise agreed by the Agency, all reports and notifications submitted to the Agency shall:
 - (a) be sent to the Agency's headquarters;
 - (b) comprise one original and three copies unless additional copies are required;
 - (c) be formatted in accordance with any written instruction or guidance issued by the Agency;
 - (d) include whatever information as is specified in writing by the Agency;
 - (e) be identified by a unique code, indicate any modification or amendment, and be correctly dated to reflect any such modification or amendment;
 - (f) be submitted in accordance to the relevant reporting frequencies specified by this licence, such as in Schedule E;
 - (g) be accompanied by a written interpretation setting out their significance in the case of all monitoring data; and
 - (h) be transferred electronically to the Agency's computer system if required by the Agency.
- 11.2 In the event of an incident occurring on the facility, the licensee shall:
 - a) notify the Agency as soon as practicable and in any case not later than 10.00 am the following working day after the occurrence of any incident;
 - b) submit a written record of the incident, including all aspects described in Condition 9.1(a-e), to the Agency as soon as practicable and in any case within five working days after the occurrence of any incident; and
 - c) Should any further actions be taken as a result of an incident occurring, the licensee shall forward a written report of those actions to the Agency as soon as practicable and no later than ten days after the initiation of those actions.

11.3 Waste Recovery Reports

Within twelve months of the date of grant of this licence, a report examining waste recovery options shall be submitted to the Agency for its agreement. This report shall address methods to contribute to the achievement of the recovery targets stated in national and European Union waste policies and shall include the following:

- a) proposals for the contribution of the facility to the achievement of targets for the reduction of biodegradable waste to landfill as specified in the Landfill Directive;
- b) the separation of recyclable materials from the waste;
- c) the recovery of Construction and Demolition Waste;
- d) the recovery of metal waste;
- e) the recovery of commercial waste, including cardboard;
- f) composting of biodegradable or green waste at the facility having regard to good practice and sustainability;

11.4 Monitoring Locations

11.4.1. Within six months of the date of grant of this licence, the licensee shall submit to the Agency an appropriately scaled drawing(s) showing all the monitoring locations that are stipulated in this licence. The drawing(s) shall include the reference code of each monitoring point.

11.5 Annual Environmental Report

- 11.5.1 The licensee shall submit to the Agency for its agreement, within thirteen months from the date of grant of this licence, and one month after the end of each calendar year thereafter, an Annual Environmental Report (AER).
- 11.5.2 The AER shall include as a minimum the information specified in Schedule H: Content of Annual Environmental Report and shall be prepared in accordance with any relevant written guidance issued by the Agency.

REASON: To provide for proper reporting and notification of the Agency.

CONDITION 12 CHARGES AND FINANCIAL PROVISIONS

12.1 Agency Charges

- 12.1.1 The licensee shall pay to the Agency an annual contribution €17.819 sum as the Agency from time to time determines, 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 Act, 1996. The licensee shall in January 2003 and subsequent years, not later than January 31 of each year, pay to the Agency this amount updated in accordance with changes in the Public Sector Average Earnings Index from the date of the licensee to the renewal date. The updated amount shall be notified to the licensee by the Agency. For the first year of operation, the licensee shall pay a pro rata amount from the date of this licence to 31st December. This amount shall be paid to the Agency within one month of the date of grant of this licence.
- 12.1.2 In the event that the frequency or extent of monitoring or other functions carried out by the Agency needs to be increased the licensee shall contribute such sums as determined by the Agency to defraying its costs.
- 12.2 Financial Provision for Closure, Restoration and Aftercare
 - 12.2.1 The licensee shall arrange for the completion of a comprehensive and fully costed Environmental Liabilities Risk Assessment for the facility which will address liabilities arising from the carrying on of the activities to which this licence relates. A report on this assessment shall be submitted to the Agency for its agreement within one month of date of grant of this licence.
 - 12.2.2 Within three months of the date of grant of this licence, the licensee shall make a Proposal for Financial Provision to the Agency for its agreement to cover any liabilities incurred by the licensee in carrying on the activities to which this licence relates. Such provision shall be maintained by the licensee unless otherwise agreed by the Agency.
 - 12.2.3 The amount of financial provision, held under condition 12.2.2 shall be reviewed and revised as necessary, but at least annually. Any proposal for such a revision shall be submitted to the Agency for its agreement.
 - 12.2.4 The licensee shall within two weeks of purchase, renewal or revision of the financial provision required under condition 12.2.2, forward to the Agency written proof of such indemnity.
 - 12.2.5 Unless otherwise agreed any revision to the fund shall be computed using the following formula:

Cost = (ECOST x WPI) + CiCC

Where:

Cost = Revised restoration and aftercare cost

ECOST = Existing restoration and aftercare cost

WPI = Appropriate Wholesale Price Index [Capital Goods, Building & Construction (i.e. Materials & Wages) Index], as published by the Central Statistics Office, for the year since last closure calculation/revision.

CiCC = Change in compliance costs as a result of change in site conditions, changes in law, regulations, regulatory authority charges, or other significant changes.

REASON: To provide for adequate financing for monitoring and financial provisions for measures to protect the environment.

SCHEDULE A: Waste Acceptance

A.1 Waste Acceptance Categories and Quantities

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Note 1: The waste quantities for the waste types specified in Schedule A.1 may be amended subject to the prior agreement with the Agency provided the overall total of waste accepted at the facility does not exceed 22,845 tonnes per annum.

SCHEDULE B: Specified Engineering Works

Removal of Contaminated Soil from vicinity of existing AST farm.

Remediation and cleanup of underlying groundwater to Irish and EU drinking water standards. Installation of new bunded fuel storage area and dispensing pumps to southwest of facility.

Upgrading of waste transfer building and related waste handling, processing, recycling/recovery infrastructure.

Installation of Wheelwash.

Any other works notified in writing by the Agency.

SCHEDULE C: Emission Limits

C.1 Noise Emissions: (Measured at any noise sensitive location).

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55	45

C.2 Dust Deposition Limits: (Measured at the monitoring points indicated in Table D.2.1).

350

Note 1: 30 day composite sample with the results expressed as mg/m²/day.

SCHEDULE D: Monitoring

Monitoring to be carried out as specified below.

D.1 Dust

Table D.1.1 **Dust Monitoring Locations**

Monitoring locations shall be the six dust monitoring points as set out in Drawing No. c20/00008A1B (12/4/2001) of the application. The licensee should number the monitoring locations as D1, D2 etc and resubmit the drawing (with such numbers annotated) with the results of the first monitoring round.

Table D.1.2 **Dust Monitoring Frequency and Technique**

Three times a year Note 2 Standard Method Note 1 Dust Direction Note 4 Standard Method Note 3	Carrina (C)	Tradition segment	Andres de ligation de la ligation de
Dust Direction ' Monthly Note 4 Standard Method Note 3	Gust Deposition (mg/m²/day)	Three times a year Note 2	Standard Method Note 1
	DUST Direction	Monthly Note 4	Standard Method Note 3

Note 1: Standard method VDI2119 (Measurement of Dustfall, Determination of Dustfall using Bergerhoff Instrument (Standard Method) German Engineering Institute). A modification (not included in the standard) whereby 2 methoxy ethanol may be employed to eliminate interference due to algae growth in the gauge.

Note 2: Twice during the period May to September, or as otherwise specified in writing by the Agency.

Note 3: British Standard BS 1747: Part 5 "Directional dust gauges".

Note 4: Unless otherwise instructed by the Agency.

D.2 Noise

Table D.2,1 Noise Monitoring Locations

Monitoring locations shall be the four noise monitoring points as set out in Drawing No. c20/00008A1B (12/4/2001) of the application. The licensee should number the monitoring locations as N1, N2 etc and resubmit the drawing (with such numbers annotated) with the results of the first monitoring round.

Table D.2.2 Noise Monitoring Frequency and Technique

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L(A)Eq (80 minutes)	Annual	Standard Note 1
L(A) ₁₀ [30 minutes]	Annual .	Standard Note 1
L(A) (30 minutes)	Annual	Standard Note 1
Frequency Analysis(4/3	Annual	Standard Note 1
Østave band analysis)		

Note 1: "International Standards Organisation. ISO 1996. Acoustics - description and Measurement of Environmental noise. Parts 1, 2 and 3."

D.3 Groundwater Emissions

Monitoring locations shall be those as set out in Table D.1.1, Drawing No. C20/0008B1 of the application, and Figure 3 'Monitoring Wells Location' of Article 16 response dated 5th January 2000.

Table D.3.1 Groundwater Monitoring Locations

MW 1
MW 2
MW3
Private Well West as required by Condition 8.10.2
Private Well North-west as required by Condition 8.10.2

Table D.3.2 Groundwater Monitoring Frequency and Techniques

Graundwater Lavel	Quarterly	Electronic Dipmeter (to site OD)
Electrical Conductivity	Monthly	On site handheld meter
	Monthly	On site handheld meter
Temperature	Monthly	On site handheld meter
Dissolved Oxygen	Quarterly	On site handheld meter
Total Alkalimity	Quarterly	Standard Methods
Anthonia	Quarterly	Standard Methods
Chloride	Quarterly	Standard Methods
Eng.	Quarterly	Standard Methods
Mangaresp.	Quarterly	Standard Methods
Fotal Oxidised Nitrogen	Annually	Standard Methods
Official ospinate	Annually	Standard Methods
Polassium	Annually	Standard Methods
Diesel Range Organies Notes	Quarterly	GC/MS
Petrojeum Range Organies	Quarterly	GC/MS
BTEX and MILE	Quarterly	GC/MS
List III organic Substances Notes	Annually	GC/MS
Cacimium	Annually	AA/ICP :
Meroury	Annually	AA/ICP
Nickel	Quarterly	AA/ICP.
Gyanide	Annually	AA/ICP
Faecal Coliforms Note 4	Annually	Standard Methods
Total Coliforms Note 4	Annually	Standard Methods

- Note 1: All the analysis shall be carried out by a competent laboratory using standard and internationally accepted procedures. The testing laboratory and the testing procedures shall be agreed with the Agency in advance.
- Note 2: Diesel Range Organics (DRO) should be reported as Mineral Oil using Gas Chromatography / Mass Spectrometry (GC/MS).
- Note 3: Samples screened for the presence of organic compounds using Gas Chromatography / Mass Spectrometry (GC/MS) and using the list I/II Substances from EU Directive 76/464/EEC and 80/68/EEC as a guideline. Recommended analytical techniques include: volatiles (US Environmental Protection Agency method 524 or equivalent), semi-volatiles (US Environmental Protection Agency method 525 or equivalent, and pesticides (US Environmental Protection Agency method 608 or equivalent).
- Note 4: If there is evidence of bacterial contamination, the analysis at up gradient and downgradient monitoring points should include enumeration of total bacteria at 22°C and 37°C and faecal streptococci.

SCHEDULE E :Recording and Reporting to the Agency

	Partient	ARGOL SPINISHED NO THE
Environmental Management System Updates	Annually	One month after the end of the year reported on.
Annual Environment Report (AER)	Annually	Thirteen months from the date of grant of licence and one month after the end of each calendar year thereafter.
Record of incidents	As they occur	Within five days of the incident.
Bund, tank and container integrity assessment	Every three years	Six months from the date of grant of licence and one month after end of the three year period being reported on.
Underground pipe and tank integrity assessment	Prior to commencement	
Specified Engineering Works reports	As they arise	Prior to the works commencing.
Monitoring of Groundwater Quality	Quarterly	Ten days after end of the quarter being reported on.
Monitoring of Foul water	Quarterly	Ten days after end of the quarter being reported on.
Dust Monitoring	Three times a year	Ten days after the period being reported on
Noise Monitoring	Annually	One month after end of the year being reported on.
Any other monitoring	As they occur	Within ten days of obtaining results.

Note 1: Unless altered at the request of the Agency

SCHEDULE F : Content of the Annual Environmental Report

Reporting Period.

Waste activities carried out at the facility.

Quantity and Composition of waste recovered, received and disposed of during the reporting period and each previous year (relevant EWC codes to be used)

Summary report on emissions

Summary report of Waste Analysis for Disposal by Incineration

Burner Record

Summary of results and interpretations of environmental monitoring, including a location plan of all monitoring locations.

Resource and energy consumption summary.

Development / Infrastructural works in place and planned, to process waste quantities projected for the following year (including plant operating capacity, provision of adequate standby capacity and provision of contingency, backup and spares in the case of breakdown)

Schedule of Environmental Objectives and Targets for the forthcoming year.

Report on the progress towards achievement of the Environmental Objectives and Targets contained in previous year's report.

Full title and a written summary of any procedures developed by the licensee in the year which relates to the facility operation. Tank, drum, pipeline and bund testing and inspection report.

Progress on remediation/cleanup of groundwater, aquifer and removal of underlying municipal waste.

Monitoring of private water supplies/provision of alternative supplies.

Reported Incidents and Complaints summaries.

Review of Nuisance Controls.

Reports on financial provision made under this licence, management and staffing structure of the facility, and a programme for public information

Volume of foul water produced and volume of foul water transported off-site.

Any other items specified by the Agency.

NOTE 1 Content to be revised subject to the agreement of the Agency after cessation of waste acceptance at the facility.

Signed on	behalf of the said	d Agency	•
on the	day of	****	Authorised Person

Appendix H Letters of Appointment

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ENVIRONMENTAL PROTECTION AGENCY An Ghníomhaireacht um Chaomhnú Comhshaoil



Mr P. Carey Senior Inspector Environmental Management & Planning Division PO Box 3000 Iohnstown Castle Estate County Wexford Ireland

Tel: +353 53 60600 Fax: +353 53 60699 Bosca Poist 3000 Eastát Chaisleán Bhaile Sheáin Contae Loch Garman Éire

Email: info@epa.ie Website: www.epa.ie

Date

Our ref.

Your ref.

19 August 2002

re:

Oral Hearing

AES (Irl) Ltd t/a Erwin Cobbe Waste Disposal

Dear Mr Carey

The Agency has decided to hold an Oral Hearing on objections to the proposed decision of the AES (Irl) Ltd t/a Erwin Cobbe Waste Disposal, Waste Licence application (Reg.No.96-1).

At a meeting of the Agency held on 6 August 2002 the Directors of the Agency decided to appoint you to conduct the Oral Hearing in accordance with the provisions under Section 44(1) of the Waste Management Act, 1996. Mr. B. Wall was appointed to assist you.

You are required to conduct the hearing in accordance with Section 44(1)(b), and to comply fully with the requirements set out in Section 44 and in supporting Regulations referred to in Section 44(4)(a).

I am also to advise that Article 30(1) of the Waste Licensing Regulations SI No.185 of 2000 provides that a person appointed by the Agency to conduct an oral hearing shall, by virtue of such appointment, be an authorised person for the purposes of the Act.

Yours sincerely

Frances Curran

Board Secretary

Seal of the Agency:

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ENVIRONMENTAL PROTECTION AGENCY An Ghníomhaireacht um Chaomhnú Comhshaoil



Mr B Wall
Inspector
Environmental Management & Planning Division

PO Box 3000 Johnstown Castle Estate County Wexford Ireland

Tel: +353 53 60600 Fax: +353 53 60699 Bosca Poist 3000 Eastát Chaisleán Bhaile Sheáin Contae Loch Garman Éire

Email: info@epa.ie Website: www.epa.ie

Date

Our ref.

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19 August 2002

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The Directors also decided to appoint you to assist Mr Carey.

Yours sincerely

Frances Curran Board Secretary Environmental Protection Agency

2 Q AUG 2002

Seal of the Agency:



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Appendix I Oral Hearing Submissions

Table 1: Register of Papers Presented at the Oral Hearing.

Number	Presenter	Representing
Papers No. 1	Mr. Pat Alley Dr. John Mc Namara	AES t/a Erwin Cobbe
Papers No. 2	Mr. David Malone	Member of the public
Papers No. 3	Mr. Michael Cullen	Member of the public
Papers No. 4	Ms. Mary Murphy.	Member of the public
Papers No. 5	Ms. Lily Champ	Member of the public
Papers No. 6 Ms. Joyce Dempsey		Member of the public

Papers No. 1. Advanced Environmental Solutions (Ireland) Limited t/a Erwin Cobbe Waste Disposal at Deer Park Cross, Ballymorris, Portarlington, Co. Laois.

Oral Hearing on objections to the Proposed Decision issued by the Environmental Protection Agency

AES

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AES History

AES was established in 1996 as Waste Recycling Ireland and commenced trading as Advanced Environmental Solutions (Ireland) in July 2001, through the acquisition of Midland Refuse Service (Laois) Ltd, O'Brien Waste Recycling in Nenagh and Erwin Cobbe Waste Disposal. Since then AES has expanded by 'organic' growth as well as acquiring 9 business in a specific area of operations targeted by AES.

Included in AES family of operations is Midland Waste Company in Navan which was recently commended by the EPA and just last week was nominated by RePak as contractor of the year. This particular business unit within AES collects domestic and commercial refuse and recyclables. The operations are sited on an 8 acre facility located on the edge of Navan, the site houses a Materials Recovery Facility which has an EPA licence to accept for recovery and recycling 100,000 tonnes per annum.

In summary from July 1st last year up to today, AES has become the largest waste management company (which controls its own waste) in the country.

AES stated policy is to manage waste in a manner which maximises the reuse and recycling of material while minimising the volume sent to landfill; this is achieved by utilising the most modern technologies, ensuring regulatory compliance and working in partnership with customers, stakeholders and local, regional and national government organisations.

AES is engaging in a major capital spend in the Midland Region (including Nenagh, Tullamore, Portlaoise, Navan, Naas/Newbridge, Kilkenny and Dublin), AES are committed to providing recycling infrastructure in the region including a state of the art materials recycling facility (MRF) and a biological treatment centre for 'compostable' waste.

AES has also initiated kerbside collection of 'dry' recyclables in 6 counties. To date AES have distributed nearly 5000 second bins 'free of charge' to householders in Laois, Wicklow, Offaly, Tipperary (NR), Kildare and Meath from a planned total of 60,000. It should also be noted that AES have received no funding from central government or local authorities for these new programmes. It is the intention of AES to provide all its domestic customers with free 2nd wheelie bins for 'dry recyclables'. Recovery of recyclables in these schemes is running at over 20%, ie 20% of the domestic 'waste' in areas with 2nd bins is being diverted from landfill. (Yesterday distribution of approximately 800 free 2nd bins began in Birr)

For commercial customers AES have distributed approximately 100 baling machines, this year alone, for cardboard, paper, plastic & packaging waste. The majority of these balers have been installed in retail outlets, AES provide, service and maintain these balers for business that may otherwise simply dispose of this material, AES provide a free collection service for these materials. AES has also commenced a collection run

specifically for the recovery and recycling of newsprint (a material not included in Repak's remit)

For industrial customers AES provide a 'one stop shop' for all non-hazardous waste and recyclable streams. Working with specific industries AES has decrease tonnages going to landfill by better managing how company's recover potentially 'recyclable' material. In one particular case AES have three employees working full time in an industrial facility segregating and sorting recyclables and ensuring residuals are transported to an authorised landfill (to date a 50% diversion rate has been achieved).

AES's commitment to environmental protection and regulatory compliance is exemplified by the fact that since July of 2001 AES have employed three staff members with third level scientific qualifications and relevant experience in environmental matters. This environmental team lead by Dr. John MacNamara sets standards of compliance both internally and externally for our business. These standards embrace full compliance with local, national and EU *environmental* legislation; part of the remit by which AES's environmental team operate is based upon the realisation of company policy to maximise recycling tonnages using Best Available Technologies together with a plan to implement the international standard ISO 14001 at AES sites.

One final point, AES are contributing gratis their waste management services to the next summer Special Olympics.

AES's Objections to the Proposed Decision

In January 2001 a "Waste Licence Proposed Decision Inspectors Recommendation" was made available on the public file associated with this application. The recommendation of the Agency's inspector was to grant a licence for Classes 11 & 13 of the Third Schedule and Classes 2, 3, 4, 9, 11, 12 and 13 of the Fourth Schedule.

However on February 21st AES received notification from the EPA that the Proposed Decision for the Ballymorris Site, issued by the EPA Board was completely at variance with the recommendations of the Agency's own internal experts, the Board's Proposed Decision was to refuse a Waste Licence for the facility.

The Board of the Agency cited three reasons for refusing a total of 10 different classes of disposal and recovery activities (as defined in the 1996 Waste Management Act). Within the proscribed date, AES objected to the 3 reasons cited by the Agency as a grounds for the refusal of the license. These objections are a matter for the public record, but as this oral hearing has specific terms of reference in dealing with these same objections only, a brief synopsis is provided herein.

Reason One

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1. The Agency considers that the proposal to burn 6,000 tonnes/annum wood, paper, and cardboard waste by using an integrated burner and heat-exchange unit, the Talbott C9, does not meet the requirements of the EU Incineration of Waste Directive (2000/76/EC).

Applicant objection to this reason

AES wish to inform this oral hearing that AES did not acquire the C9 burner, disappator, silo, briquetting unit or ancillary equipment when the business was purchased from Mr. Erwin Cobbe. All this equipment was 'red circled' by AES; AES requested Mr Cobbe to decommission & dismantle all this equipment, for which he duly obliged.

AES informed the Agency that "the said burner unit is not, and has not been, operational at the applicant's facility. Furthermore, the applicant does not intend to use this technology as a waste disposal/energy recovery activity". Furthermore AES has had the unit (and its associated ancillary equipment) decommissioned and dismantled. This has been verified by an unannounced site inspection visit by Mr. David Shannon (an Inspector with the Agency) on June 6th 2002. In his report Mr. Shannon States that "The burner unit was empty and not in use. I noted that the silo unit (for storage of shredded waste), the dissipator and exhaust stack had been removed from the facility"

Therefore Reason 1 stated above for refusing this licence is (and has been since AES took over operations of the Ballymorris site) no longer relevant. Hence AES feel that refusing a licence on this ground is not tenable.

Reason Two

2. The Applicant has not demonstrated that the raw materials proposed for the briquetting process do not contain hazardous substances which would render the subsequent product unsuitable for use as a fuel.

Applicant objection to this reason

Again AES wish to state for the purpose of the record at this oral hearing that it did not acquire the C9 burner, disappator, silo, briquetting unit or ancillary equipment when the business was purchased from Mr. Erwin Cobbe. All this equipment was 'red circled' by AES; AES requested Mr Cobbe to decommission & dismantle all this equipment, for which he duly obliged

AES replied to the Agency again confirming that "there will not be any briquetting activity at the facility. This activity was associated with the operation of the

aforementioned burner and due to the removal of the burner will not be carried on at the facility. Therefore, there is no potential for the burning of hazardous substances, as referred to in the proposed decision"

Again Mr. Shannon report to the Agency from his site visit in June 2002 states that "I did not observe a briquetting press within the facility".

Therefore Reason 2 state above for refusing this licence is (and has been since AES took over operations of the Ballymorris site) no longer relevant. Hence AES feel that refusing a licence on this ground is not tenable.

Reason Three

3. There is insufficient information in the application to satisfy the Agency that environmental nuisances from the facility can be controlled, given the proximity of residences to the boundary.

Applicant objection to this reason

In response to this reason AES felt that "the dismantling of the burner coupled with the decommissioning of the briquetting activity, mitigates strongly against the above reason being used as grounds for refusing a Waste Licence." This opinion was based on the fact that there is no possibility of emission from the burner (or briquetting unit) hence no nuisances from this source can arise.

Typically however 'environmental nuisances' encompasses 'vermin, birds, files, dust, odours and litter', as it would with every waste facility in the country, contained in AES's objection to the Board's Proposed Decision AES highlighted procedures, systems and infrastructure which contribute to eliminating environmental nuisances at the site. Subsequent details were also provided to the Agency in submission made after Mr. Shannon's site visit.

Since taking over the site (and the licence application) AES has initiated and implemented a number of schemes to monitor, control and ameliorate potential nuisances

Theses include

- a) A daily inspection (now documented and recorded) of the facility and the surrounding area for the above nuisances.
- b) The control of nuisances caused by vermin has been significantly improved by a revised and updated contract with *Rentokill*. This new contracts includes a 50%

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increase in annual site visits executed by *Rentokill*; and also incorporates 'a yearly vermin report' by a qualified field biologist.

- c) In relation to birds, the applicant, AES, have engaged Bird Control Ireland to prepare a program to assuage avian nuisances.
- d) AES have also contracted *Envirotech* concerning odour control and abatement at the facility. Every load tipped on site is treated with this odour control and abatement solution
- e) AES have also initiated operational procedures on site to prevent waste material being stored on the tipping area overnight. On certain occasion when for various reasons (high winds forcing landfill closure, see letter from Laois County Council, unfavourable landfill operating hours, mechanical difficulties etc) Refuse Collection Vehicles failed to empty loads at the Co. Laois landfill, AES forwarded these truck onto another authorised transfer station in Dublin (again AES incurred the expense of transportation and the higher gate fees in order to prevent waste being stored on the ground overnight) see representative invoice.
- f) The potential nuisance associated with dust is now greatly reduced given that the operation of both the burner and the briquetting unit is no longer (nor never will be) part of AESs plans for the site. In addition, extra cladding enclosing the trommel has recently been installed. This improvement will further limit any nuisance associated with dust. It should also be noted that facilities are in place for the spraying of waste with water (and odour-masking agents) in the event of extended spells of dry and hot weather, again the aim being to minimise nuisance dust.
- g) AES employees perform a daily check of the environs removing any litter that may have inadvertently been dropped; this activity is now documented and recorded.
- h) AES contracted *Morrissey Fencing* to upgrading the fencing around the boundary of the site.
- i) Installation of a Waste Quarantine Area for hazardous materials accepted inadvertently on site
- j) AES management have met with representative of the residents in the area to discuss their concerns
- k) New surfacing has recently been completed on the site (see photos)

AES feel that the Board's decision to refuse a licence for 8 valid classes of disposal and recovery activities (excluding Classes 8 & 9 of the Fourth Schedule) solely on grounds of

"insufficient information in the application" for what can be term operational procedures (which in turn can be regulated by conditions in a licence) is not justified (particularly in the light of the information to be presented at the oral hearing on measures to be taken to prevent nuisances), and are therefore of the opinion that the PD be reversed and a licence be granted.

Laois County Council's Objections

Laois County Council made two distinct arguments for objecting to the Proposed Decision issued by the Board of the Agency.

The first of which concerns the need for a Groundwater Risk Assessment and remediation plan. AES formally responded by stating that "AES intend to further investigate groundwater conditions and seek additional professional advice". Since then AES have seized this initiative by taking water samples from boreholes on site and in the immediate vicinity.

The basis for Laois County Council second formal objection is twofold, firstly they requested the Agency to require the applicant to supply a Closure Plan for the site and ensure that the applicant finds alternatives for domestic waste "movement within County Laois". Again AES have responded proactively by lodging applications for 2 separate facilities in the county which could be used when current activities in Ballymorris discontinued at their present level.

Comments on the "Proposed Decision Inspectors Recommendation".

Should the Agency, following this Oral Hearing, decided to grant a licence with conditions, AES then feel that natural justice can only be served if the applicant has an opportunity to comment/object to any conditions contained in any future proposed decision/licence.

It was with this in mind that AES made a number of concise comments in relation to the Inspectors Report of 17/01/02 as an appendix to AES's formal objection to the Board's Proposed Decision. (It should be noted that AES did not automatically receive a copy of either the "Proposed Decision Inspectors Report" or the "Inspector's Report", but had to apply to the Agency for a copy after learning of their existence). In the correspondence received by AES from the Agency containing the Board's Proposed Decision (21/2/02), the correspondence stated that any objections lodged with the Agency "must state in full the grounds of the objection" hence limiting objections to the Board's Proposed Decision only. Therefore AES has had no formal opportunity to comment/object to potential conditions that may be attached should a licence be granted.

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The possibility of such a scenario becoming a reality (i.e. a licence with conditions being granted) is further enhanced after a second group of independent experts from within the Agency published a "Technical Committee Proposed Decision" which recommended granting a licence for Class 13 of the Third Schedule and Classes 2, 3, 4, and 13 of the Fourth Schedule. (It should be noted that AES were informed about the existence of this report on 1/10/02). As was cited in AES's legal submission AES has not been afforded the opportunity to which one is entitled under natural justice to formally object to the refusal of Class 11 of the Third Schedule and Classes 11 & 12 of the Forth Schedule or to comment/object to any proposed conditions to be contained in a licence eventually issued.

Therefore it is the AES's opinion that the proposed recommendation contained in paragraph 1.14 of AES legal submission represents an equitable solution to all parties involved in this process.

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Laois County Council, Landfill Site, Mountmellick Road, Portlaoise, Co. Laois. 05 – July - 2002

To Whom It May Concern:

In response to your letter re: closure of Kyletalesha Landfill Sit due to inclement weather.

The Landfill was closed on the 1st the 20th and the 22nd February, the 26th April and the 20th and 24th May 2002 due to inclement weather conditions.

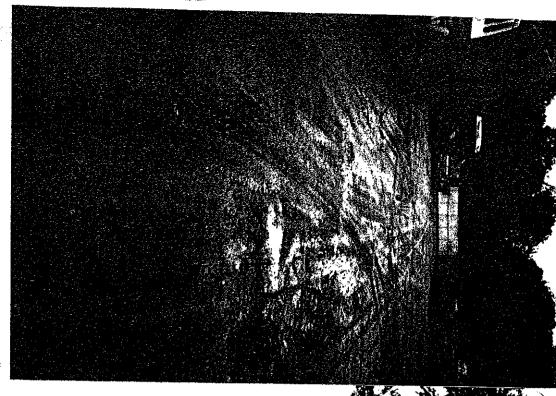
Any further inquiries do not hesitate in contacting us.

Yours Sincerely,

Kenneth Farrell Facility Manager Leg (i)

Lig (ii)

Lie (iii)









PADRAIG THORNTON WASTE DISPOSAL Ltd.

Killeen Road, Dublin 10.

gen. tel: 01 623 5133

fax: 01 623 5131

e-mail: creditcontrol@thorntons-recycling.ie

AES(ADVANCED ENVIRONMENTAL SOULTIONS)LTD ATTEN:ERWIN COBBE 15 LOWER BRIDGE STREET PORTLAOISE

205864

V.A.T. No. 45373331

DATE 31/05/02

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PADRAIG THORNTON WASTE DISPOSAL Ltd.

Killeen Road, Dublin 10.

gen. tel: 01 623 5133 fax: 01 623 5131

e-mail: creditcontrol@thorntons-recycling.ie

AES(ADVANCED ENVIRONMENTAL SOULTIONS) LTD
ATTEN:ERWIN COBBE
15 LOWER BRIDGE STREET
PORTLAOISE
CO.LAOIS

209336

V.A.T. No. 4537333I

DATE 31/07/02

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15-0CT-02 TUE 15:32

0502 63980

77 00C Kevin Moyles **Public Analyst** Tel No: 01-6612022

Fax No: 01-6628532

Date of this Report: 26/03/02

EAST COAST AREA HEALTH BOARD

Public Analyst's Laboratory,

Sir Patrick Dun's.

Lower Grand Canal Street,

Dublin 2.

REPORT ON ANALYSIS OF A SAMPLE OF WATER

Marked:

Lilly Champ, Ballymorris, Portarlington

Received on:

19/02/02

Submitted by: M Mulhare

Report To:

Mr Declan Mulhare, PEHO.,

Midland Health Board, Health Centre,

Dublin Road,

Portlaoise, Co. Laois.

Date of Sampling: 18/02/02

Time of Sampling: 14:15

Lab. Ref. No: Report No:

1687/02/396 WP 1687/02/396 WP /1 /C

Order No:

476866

Reporting Analyst(s): KMcC/RH

Date work commenced: 19/02/02

Appearance

Odour

Ì

Slightly dull; some suspended particles #

None #

MAC VALUE RESULT SOP 4 1.61# Turbidity (NTU) 6<pH<9 7.0 # Hydrogen Ion [pH] (pH Unit) 20 14** # Colour (mg/l Pt-Co) 1500 1180# Conductivity (uS/cm at 20o C) 0.3 (8.75)Ammonium (mg/l NH4) SOP PALCW 002 0.1 0.016 Nitrite (mg/l NO2) SOP PALCW 002 50 (54.70)Nitrate (mg/l NO3) SOP PALCW 002 250 72.0 Chloride (mg/l Cl) SOP PALCW 002 160# Total Hardness (mg/l Ca) 200 147 Iron (ug/l Fe) SOP PALCW 001 3000 < 20 Copper (ug/l Cu) SOP PALCW 001 5000 44 Zinc (ug/l Zn) SOP PALCW 001 50 <10# Lead (ug/l Pb) 50 (400)Manganese (ug/l Mn) SOP PALCW 001

NOTES: MAC Value indicates the EU Maximum Admissible Concentration as implemented in S.I. 81 of 1988, Drinking Water Regulations. ** Colour measured on Laboratory Filtered Sample. Circling, with (), indicates that the EU MAC Value is exceeded.

MICROBIOLOGICAL EXAMINATION:

Date work commenced: 19/02/02

SOP PALM 0108

Coliforms in 100 ml MPN

78

SOP PALM 0108 -

Escherichia coli in 100 ml MPN

24

The Public Analyst's Laboratory is a National Accreditation Board (NAB) accredited laboratory under Registration No(s). 099T (Microbiology) and 100T (Chemistry). # = Test not accredited by the NAB.

Judged by the chemical analysis and microbiological examination

The water is not fit for human consumption without sterilisation.

The water may be unfit, even on boiling, for infants because of the high nitrate content (cyanosis danger).

FURTHER OBSERVATIONS

MOUNT 并把处理特别的基础。 RECENED ЕÃ

Conditions under which this report is issued

This report may not be used for the purposes of advertising or publicity.

The sample or samples mentioned in this report will be disposed of one week after the date of this report (water and effluent samples will be discarded immediately) unless instructions to the contrary have been previously notified by the sender.

Every possible care is taken in issuing any advice herein but no liability whatsoever is accepted in connection with it.

A report on a proprietary article is given on the understanding that no attempt will be made to reproduce the article by a person other than the manufacturer.

m218/89

Page 2 of 2 Lab.Ref.No.

1687/02/396WP

Further Observations

Concentration of manganese exceeds the EEC MAC for drinking water. Manganese is excessive and should be removed. The level of manganese could render the water unsuitable for culinary and laundry purposes an could impart an astringent metallic taste to the water. The concentration of nitrate exceeds the EEC MAC for drinking water. The presence of nitrate in ground waters is cause for suspicion of past sewage pollution or concentration of ammonia exceeds the EEC MAC for drinking water. The presence of ammonia in a water sample is normally associated with organic matter contamination. The water is excessively hard.

For advice on treatment of your water supply refer to the Yellow Pages (or equivalent directory) under Water Treatment and Water Filtration & Purification Equipment.

Charge for this Report EUR83 Bill

Authorised by K. Moyles, Dublin Region Public Analyst.

Any communication concerning this report should be addressed to the Public Analyst. Report issued subject to conditions overleaf. This report relates only to the items tested. This report shall not be reproduced except in full without the approval of the testing laboratory. Any opinions expressed in the report do not form part of the scope of accreditation.

MIDLAND HEALTH BOAND RECEIVED 2 Arr 2002 EA E.H.O. DEPARTMENT

Conditions under which this report is issued

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m218/89

Papers No. 2. Mr. David Malone

Representing Environmental Action Alliance - Ireland
Member of the Public

,



FUROPEAN COMMISSION

DIRECTORATE-GENERAL
ENVIRONMENT

Directorate B - Integration policy and instruments

ENV.B.3 - Legal affairs, activities related to legislation and enforcement of Community law

Brussels, 12 April 2000 D(0) 431008

Mr. David Malone, EAA-I, 60 St. Joseph's Terrace, Portarlington, County Offaly, IRELAND

Dear Mr. Malone,

I refer to previous correspondence in relation to your complaint <u>P99/5122</u> relating to possible lack of compliance with waste legislation in County Laois, in particular at sites at Lea and Ballymorris.

The complaint would appear to raise the following core issues: the apparent failure to effectively implement the permit system of Article 9 of Directive 75/442/EEC as amended by Directive 91/156/EEC (framework waste), and application of Directive 85/337/EEC (impact assessment) to landfills.

In the light of this, the Commission has asked the Irish authorities for detailed comments on the claims made, with an indication of the up-to-date position on the condition of the two waste facilities and their permitting, as well as full details of the measures being taken to ensure compliance with Directive 85/337/EEC.

The response of the Irish authorities is currently awaited, and I will keep you informed of developments.

Yours sincerely

G. KREMLIS, Head of Unit

Rue de la Loi 200, B-1049 Bruxelles/Wetstraat 200, B-1049 Brussel - Belgium - Office: BU-9 1/185. Telephone: direct line (+32-2)296.65.26, switchboard 299.11.11. Fax: 299.10.70. Telex: COMEU B 21877. Telegraphic address: COMEUR Brussels.

Papers No. 3. Mr. Michael Cullen

Member of the Public

) .

Clarifications:

- Why are AES applying for a waste license at Deerpark when they have agreed to cease the current activities there by July 2003?
- Would this license apply to other sites or just Deerpark specifically?

Introduction:

- State name and position
- Projects Blackhall Bridge Restoration, Solving drainage issues, Community Alert Group
- A number of members in our group are also involved in projects at County level
- Part of Development of Sli Slainte walkway development
- O The committee and residents are opposed to the granting of a licence to AES as the History of this site is one of mis-management

The Area:

- o Residential and Agricultural Activity
- Illegal dump has been operating in Deerpark since 1979, 23 years of torment for our neighbours
- Activities have included the dumping of household and Industrial waste even though planning permission was granted for construction and demolition waste only

Site Location:

- Situated on 1.71 acres of land which is far too small for the activities carried out there
- Adjacent to cross roads with main entrance a danger to other road users
- Situated in close proximity to residential housing causing serious concerns for our neighbours who will be speaking shortly

Planning Permissions:

- 1979 Permission for storage and recycling of waste paper and depositing of builders waste – GRANTED
- 1982 Erection of machinery store/workshop GRANTED
- 1991 Retention of workshop roof/lorry compound /washbay and yard – GRANTED
- 1992 Erect extension to workshop for paper recycling – GRANTED
- 1995 Permission to develop a carpark, skip and large vehicle park – GRANTED
- 1999 Retention to retain silo and dissipater on site – REFUSED
- Reasons for refusal: 1. Nature and location would be seriously prejudicial to the residential amenities of the area and would be contrary to the proper planning and development of the area
- 2. The proposed development and consequent material intensification of use can not be satisfactorily accommodated on this restricted site given the sites location and size and the existing permitted development on this site
- O 3. The proposed development would give rise to additional traffic movements of heavy vehicles on approach roads to the site which are sub standard in width and alignment to cater for such a development and as such would cause a serious traffic hazard

- This site was NEVER granted permission to dump domestic or industrial waste
- This site was NEVER granted permission to become a transfer station for waste

Inaction:

- Why were the planning laws not enforced and the people carrying out these illegal activities prosecuted?
- Why did our neighbours have to suffer due to an illegal operation

)

• Why were they denied the quality of life that the rest of us can enjoy?

Leinster Express 1991:

- Article dated 29th June 1991
- O Marie Corcoran stated: "I live very near the dump. I feel my children cannot be let out in the garden or walk in the air because of the smell. It is so bad that I cannot open the windows in my home".
- I was quoted as saying: It is a sad reflection on LCC to say in 1990's a time when environmental issues are to the fore that the health and well being of ordinary people be put at risk.
- Mr John Kennedy secretary of LCC at the time stated: "Mr Cobbe has written to the council informing them that he will close the dump within the next three to four weeks"
- Mr Kennedy did not expect the residents to have to tolerate flies, smells etc
- He stated: "When people bring this to our attention we certainly follow them up
- 11 Years later this illegal dump is still operating there was NO follow up by LCC

F Heslin Letter:

- O Written by our committee on 20th March 2002
- Extract "We all should be able to enjoy the fresh air of the countryside. However for our neighbours who live in proximity of this site there is a smell of waste/refuse around their homes. If they open their windows the smell enters their houses along with a large number of Blue bottle flies that are present in the vicinity. Your logo is Working in Partnership with the Community, we are appealing to you to work in harmony with the people of Deerpark. All our neighbours ask for is the standard quality of life that they are entitled to".
- As no reply was received a second letter was written on 26th April 2002
- We had to contact John Maloney TD to request LCC to reply to our letter
- Reply from LCC 26th June 2002: We note your concern in relation to the Ballymorris facility and we also wish to see the position regularised as soon as possible
- No further correspondence took place, no meetings with our committee were requested by LCC

EPA Site Visit:

- o Inspectors report 17th January 2002
- o Ground 2 Nuisances:
- Ground 7 Soil Groundwater and Water quality
- o Ground 9 Medical and Health issues

EPA 2nd Visit:

- Timber shredder pool of oil underneath
- Five stock piles of waste stored outdoors
- Burnt oil filters and stock pile of metal
- Uncovered waste, stock pile of waste, refuse sacks, paper, cardboard, plastic, kitchen waste, covering area of 7 x 7 metres wide and 2 metres high
- This is in sharp contrast to the Comments made by AES on Nuisances in the January report on daily inspection procedures
- Drainage gully partially blocked
- Occasional odours from waste held on site.
 Particularly noticeable to the south of the waste storage areas and near the weighbridge
- Diesel and oil spillages on the ground and around the diesel dispenser
- Off site nuisances timber shredder was heard but switched off when inspector exited the site
- Plastic litter outside the western boundary of the facility. Also mud mixed with litter

• EPA photographs attached to this report do not reflect that of a site that is properly managed

Sunday 06/10/02:

- o Photographs taken of facility at Deerpark
- O Waste was visible on conveyor belt
- Yard extremely untidy as seen from photograph
- Lea Road Portarlington photograph shows broken down galvanise located on side of main Portarlington Dublin road and numerous skips/ tankers remaining on site
- Barrow Bridge Portarlington Developed river walk on Laois side of river. AES parking facility for skips and lorries on Offaly side of river which greatly detracts from the best amenity in our town – The River Barrow
- Our photographs do not reflect that of an operation that is properly managed

EU News:

- Irish Independent 02/10/02
- Two illegal waste dumps in Co Laois in Lea and Deerpark Portarlington as named by EU Environment Commissioner Margo Wallstorm
- o Leinster Express 12/10/02
- o Euro test for Laois dumps

Conclusion:

- It is essential that the EPA refuse waste permit license to AES based on the following reasons:
- The operating history of its owners and mis management of the site
- The location of the site
- o The size of the site
- The environmental impact odours, litter, noise
- The residents in the Balymorris area are adamant that this facility be closed permanently and be returned to it natural environment. We are fully prepared to ensure that closure will take place
- Our neighbours have served one life sentence of twenty years and are three years into their second sentence for crimes they did not commit

waste installations; these are not applicable to the applicant's facility. It is apparent that this application does not need to carry out an EIS since the annual tonnage thresholds fall below the EIA threshold of 25,000 tonnes as set out in Part II of the Schedule of the EIA Regulations. As discussed at the beginning of this Inspector's Report, the maximum annual tonnage applied for in the application is 22,845 tonnes to include the burning of 6,000 tonnes of waste paper/cardboard/wood.

An EIS was prepared for An Bord Pleanala by the applicant to address planning issues in April 2000. The Agency on 4 May 2000 requested a copy of the EIS. The Agency further requested 15 copies of the EIS on 13 March 2001 from the applicant since the original request of 4 May 2000 was not fulfilled. These were received on 14 May 2001 and were subsequently dispatched to the relevant statutory bodies.

The Agency has assessed this application using the documents submitted as part of the original application received at the Agency on 5 March 1999, and numerous other documents submitted to the Agency arising out of further information requests by the Agency under Articles 12, 14, and 16 of the Waste Management Licensing Regulations up to 12 September 2001. The Agency was satisfied that it had enough information arising out of the various requests above in order to reach a proposed decision.

Ground 2: Nuisances

A number of submissions raise matters concerning nuisances. Nuisances encompass vermin, birds, flies, dust, odours and litter.

- The local community and residents adjacent to the yard will be subjected to persistent odours, noise levels and nuisances. Increased vermin, flies, insects and birds will result from the proposed development. The quality of life for the local residents will also be affected;
- Odours are a particular problem in warm weather and over weekends. They are a particular problem for Mrs Murphy who cannot open her windows due to the offending smells;
- The increased vermin will impact on the adjacent agricultural fields and on the potato crop of one farming neighbour, as well as humans;
- Is the dust which arises from the facility contaminated;
- Refuse destined for the Cobbe yard is often left outside the main gates and causes littering problems;

Comment

Potential nuisances are controlled by Condition 7 of the proposed decision. There shall be daily nuisance inspections of the immediate surrounds for nuisances. Furthermore specific conditions have been written for the removal of the waste arising as trommel fines or the general waste in the receiving yard (Conditions 5.5.1; 5.6.3;

and 5.10) since this material/waste is the main source of the odour problems in the past. All waste shall be removed at the end of each working day as per Condition 5.5.1. Waste for disposal is required to be stored in sealed covered containers and removed off-site within twenty four hours of its acceptance at the facility as per Conditions 5.9 and 5.10. Such conditions will ensure that odours are kept to a minimum at the facility. The licensee shall establish and maintain a Stakeholders Group composed of representatives of the local community. The licensee shall convene monthly meetings in order to update the Stakeholders on works, progress, Agency correspondence, and nuisance/emissions aspects arising (Condition 2.4.2). Compliance with the conditions of the proposed decision will ensure that no environmental pollution will arise from the licensed activities. The onus is on the applicant to be in compliance with the proposed decision at all times and this will be verified by the submission of reports/results required and regular site inspections. If the applicant is found to breach any condition, then the Agency will take the necessary enforcement action.

Ground 3: Licence/permit/planning queries

A number of submissions examine matters concerning waste licensing or permitting issues, and planning issues:

- The incinerator at the facility was installed without any planning permission;
- There is no permit or licence for the facility as is necessary under the Waste Management Act;
- Does the site require a Waste Permit or a Waste Licence;
- Status of Application Query;
- Laois Co Co consider that a planning permission for the facility must be issued before any waste licence is granted;
- An Bord Pleanala have refused the Cobbe facility planning permission;
- The Cobbe facility is currently in a High Court case on matters of planning taken by Laois Co Co and An Bord Pleanala;
- The site notice erected does not comply with Art 7 of the EPA Licensing Regulations (SI No. 85 of 1994);
- The Agency cannot grant a waste licence for an illegal development or unauthorised development. How can the Agency process an application for an illegal activity;
- The location of the facility is incompatible and it cannot sustain a private enterprise of this nature. The proposed development is not suited to a rural residential and farming area;

Ground 5: Vehicle Repair

A number of submissions are concerned with the operation of a vehicle and motor repair element at the facility.

Operation of vehicle/truck repair and vehicle storage on site;

Operation of vehicle lorry washer which sprays out onto adjoining road

Comment

Vehicle repair and washing is a matter for the planning authorities since it is not a waste activity. However the proposed decision specifies conditions for a wheelwash (Condition 3.8). The proposed decision does not allow the re-use or recycling of waste oil at the facility. Waste Oil must be disposed of via licensed waste contractors as per Condition 5.6.1.

Ground 6: Operating Hours

A number of submissions are concerned with the operational hours of the facility and the nuisances caused in the past by night-time operations:

- Operation of facility at 4am on 5th January 2001;
- Operation of facility at 6am on 25th February 2001;
- Irregular operational hours in general and breaks in sleep.

Comment

Compliance with the conditions attached to the proposed decision (Condition 1.7) will ensure that the residential neighbourhood will not be disturbed by this facility's operations during the unsociable hours referred to above.

Ground 7: Soil, Groundwater and Water Quality

A number of submissions are concerned about surface water and groundwater sampling and analysis and soil quality issues:

The facility/site when vacated should be checked and made safe regarding water pollution;

Ms Lilly Champ (farmer) utilises a spring well 500m downgradient from the Cobbe facility for all her stock and personal drinking water needs; Is her well safe and will it be tested by the Agency;

The Corrig-Ballymorris Residents Association request that soil analysis be done at the facility for pesticides, blood, organics and hydrocarbons/solvents etc.

Comment

A hydrogeological investigation of the facility was undertaken by the applicant during October 2000. Three monitoring wells were subject to two groundwater monitoring rounds in October 2000 and May 2001 by the applicant. No soil sampling has been undertaken to date since the site lies on rockhead. However matrix grab samples were taken in October 2000 to understand the makeup of the yard infill. These results are discussed in Section 5 of the Inspector's Report. The proposed decision provides for the monitoring of three on-site wells and two off-site private wells 350m west and 400m north west to include the well lying on Ms Champ's property (Conditions 3.20 and 8.10). The groundwater results from the two monitoring rounds show that the ground and underlying groundwater at the facility has not been impacted by the wide range of contaminants stated above apart from blood and pesticides. Both these parameters however were indirectly analysed for. Blood concentration is not easily determined in groundwater or soils since it is a straight chained organic/metal substance which biodegrades rapidly. Pesticides were anlysed for as part of the List I organic suite. However, the site has caused nickel and hydrocarbon (diesel) pollution insitu, which must be immediately stopped and remediated if necessary. The neighbouring wells downgradient must also be assessed immediately (Condition 3.20.1).

Ground 8: Complaints against the Agency

A number of submissions are concerned about Agency actions over this waste application:

- Tardiness of EPA;
- EPA ignoring submission of Mr David Malone's (EAAI) submission of October 1999;
- No action ever taken by EPA over the environmental issues arising at the Cobbe facility;
- Agency has already decided to grant a waste licence Mr David Malone (17/7/01);

Comment

The information submitted with the waste licence application is available for public viewing at the Agency's offices and also at the offices of the local authority. The Agency has assessed this application using the documents submitted as part of the original application received at the Agency on 5 March 1999, and numerous other documents submitted to the Agency arising out of further information requests by the Agency under Articles 12, 14, and 16 of the Waste Management Licensing Regulations up to 12 September 2001. The Agency was satisfied that it had enough information arising out of the various requests above in order to reach a proposed decision. An Article 16(1) compliance was issued on 4 December 2001 in respect of Advanced Environmental Solutions (IRL) Ltd. The Agency has not yet made any decision in relation to this application. The issuing or refusal of a Waste Licence for

this facility can only occur after a proposed decision is issued and the required period for receipt of any objections has passed.

Ground 9: Medical and Health issues

A number of submissions are concerned about this aspect

A Medical Social Worker at St Vincent's hospital expresses her assessment that the existence of the facility in the neighbourhood of Mrs Murphy's home has affected her both psychologically and emotionally;

The health of the people and future generations will be affected and should be

protected.

Comment

It is considered that compliance with the conditions attached to the proposed decision will ensure that this facility will have no significant impact on human health or the local environment.

Ground 10: General

A total of 12 submissions refer to individual issues not referred to in Grounds 1 to 9 above. Certain of these items are not actual submissions but are more a request for information. However they are listed below for completeness:

1. Copy of letter sent to Laois Co Co setting out nuisance complaints for the Cobbe facility:

2. Freedom of Information request from EAAI on 6 August 1999. Agency responded on 13 August 1999;

3. Copy of letter sent to Laois Co Co setting out notes of a site inspection undertaken by a third party consultant of the Cobbe facility;

4. Copy of High Court Affidavits sent to Agency as a matter of information from

local residents on upcoming planning appeal case at Cobbe facility;

5. Copy of An Bord Pleanala decision 13 July 2000;

6. Copy of list of complaints received at Laois Co Co regarding issues at the Cobbe

7. Dept of Env & Local Govt correspondence on a recent EU complaint for the

Cobbe facility; 8. Copy of High Court Affidavits sent to Agency as a matter of information from solicitor acting on behalf of local residents on upcoming planning appeal case at Cobbe facility;

9. Refuse collection has been withdrawn by Erwin Cobbe for a neighbouring

residence in July 2001 (4).

Comment

These matters have been noted and considered.

))

Kilbride, Portarlington, Co Laois.

20th March 2002

Mr Frank Heslin, Environmental Section, Laois County Council, County Hall, Portlaoise, Co Laois.

Dear Mr Heslin,

On behalf of the Portlaoise Road Community Alert Area Group we wish to highlight the serious problems being experienced by a number of our neighbours who live in our Community area.

Our Organisation was formed in 1994. During this time we have successfully undertaken a number of projects. These include the setting up of a Community Alert Group, the Restoration of Blackhall Bridge, addressing Drainage issues, acquiring public lighting at dangerous junctions in our area. We have also held a number of social functions which helps to maintain the Community spirit that presently exists. All of these projects were carried out in conjunction with a number of organisations. These include: Laois County Council, FAS, Laois Leader, Portarlington Community Development Association, Portarlington Tidy Towns Committee and also with our Public Representatives.

Unfortunately, there is one issue that we have yet to resolve: The Waste Disposal Facility at Deerpark Cross, Ballymorris.

We all should be able to enjoy the fresh air of the Countryside. However for our neighbours who live in proximity of this site there is a smell of waste/refuse around their homes. If they open their windows the smell enters their homes along with the large number of "Blue Bottle Flies" that are present in the vicinity. There have also witnessed a greater number of Vermin in this area than in other parts of the Countryside.

Witnesses who live near the site have seen waste being extracted from dump lorries by a large grab and transferred into an open top trailer where the refuse remains until after the weekend. These actions have been denied by the proprietor but yet it is visible for any passer by to witness.

I attach a copy of the EPA's refusal to grant a licence to the proprietor. I refer to class 13 of this refusal which states:

"Storage prior to submission to any activity referred to in a preceding paragraph of this Schedule, other than temporary storage pending collection, on the premises where the waste concerned is produced."

Why is the proprietor of this site allowed to store waste refuse in the Deerpark premises when the license refusal clearly states not to. The planning permission granted for this site is for storage of cardboard only. Cardboard generally does not smell nor attract flies.

I also attach a copy of a letter from Laois County Council to Councillor Ray Cribbin, re entrance to the site. The Council has recommended closing the entrance no. 2. Can this recommendation be enforced by the Council?

We as a group have very strong feelings on this issue. We all have one life to live, why should our neighbours have to live with the effects of this facility for one day longer.

Your logo is working "In Partnership With The Community", we are appealing to you to work in harmony with the people of Deerpark. All our neighbours ask for is the standard quality of life that they are entitled to. Their plight so far has fallen on deaf ears.

We look forward to a favourable response to this letter. We are willing to assist you in any way possible to bring this issue to a satisfactory conclusion. We will continue to work with Laois County Council to improve our community into the future.

Yours faithfully,

Una Newman Secretary



LAOIS COUNTY COUNCIL

COMHAIRLE CHONTAE LAOISE

OUR REF:

YOUR REF:

aois County Council ounty Hail ortlaoise

Comhairle Chontae aoise ras an Chontae

Portlaoise Contae Laoise

el: (0502) 64000 ax: (0502) 22313

email:

corpaffairs@laoiscoco.ie

website: www.laois.ie

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64055

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Human Resources 64075 Road Design 64155

Central Area Off. 64168 Fire Charges 64059

Service Charges 64058

Ray Cribbin, M.C.C. Main Street Portarlington Co. Laois

6th August, 2002

Re: Site at Ballymorris, Portarlington

Dear Councillor,

I refer to the above and to our recent conversation and I enclose information on all planning application received from enforcement proceedings taken against Mr. Cobbe in respect of the site at Ballymorris, Portarlington - as requested.

Yours sincerely,

Senior Executive Officer

Planning

I.McC/PC



Planning History

A total of 7 planning applications have been received in respect of development at this site in Ballymorris since 1979.

Plg Ref No. 611/79
 Application for permission to store waste paper for the establishment of a paper recycling unit at the Quarry, Deerpark Cross, Ballymorris, Portarlington.

Planning permission was refused for this particular development.

 Plg. Ref No. 896/79
 Application for permission for storage and recycling of waste paper and depositing builders waste at Ballymorris, Portarlington, Co. Laois.

Planning permission granted by Laois County Council subject to 19 Conditions. Appealed by the Ballymorris Residents Association and An Bord Pleanala granted permission subject to 13 conditions.

 Plg Ref. No. 178/82 Erection of a machinery store/workshop at Ballymorris, Portarlington, Co. Laois

Permission granted subject to 14 conditions.

 Plg Ref. No. 353/91
 Retain workshop roof/Lorry Compound/ Washbay and Yard at Deerpark Crossroads, Ballymorris, Portarlington, Co. Laois.

Plg. Ref. No. 131/92

Planning permission granted for the above by Laois County Council on the 20/11/1991

Erect extension to workshop for paper recycling at Deerpark Cross, Portarlington, Co. Laois

Permission granted by Laois County Council subject to 6 conditions on the 30/6/1992.

• Plg Ref. No. 95/644

Permission to develop a carpark, skip and large vehicle park at Ballymorris, Portarlington, Co. Laois

Planning permission granted by Laois County Council on the 16/1/96 subject to 7 conditions

• Plg Ref. No. 99/1076

Permission to retain storage silo and dissapater on site at Ballymorris, Portarlington, Co. Laois.

Planning permission for retention was refused by Laois County Council and An Bord Pleanala and this structure was subsequently removed.

The planning files are available for inspection, if required.

Unauthorised Development

U.D. 10/99

This file relates to the unauthorized erection of a silo/dissipater at Ballymorris, Portarlington, Co. Laois.

An application for retention of this structure was made and was subsequently refused by Laois County Council and An Bord Pleanala. An enforcement notice was served instructing Mr. Cobbe to remove this structure. He eventually complied with the terms of the notice and removed the silo/dissipater.

Laois County Council also served an enforcement notice on Mr. Cobbe on the 11/7/00. The notice related to an unauthorised weighbridge, office, trammel/separater of waste and waste material.

Mr. Cobbe claimed that each of the above constituted exempted development and subsequently challenged the Councils view by way of a Section 5 reference to An Bord Pleanala. The Bord ruled in the Council's favor staring that each of the items referred the above DID NOT in fact constitute exempted development. Mr. Cobbe has fought a High Court Judicial Review of An Bord Pleanala's Decision. We are presently awaiting a date for this hearing in the High Court.



Residents living alongside the dump at Ballymorris, Portarlington (From Left) Deirdre Rogers, Collette December 1997 and Nellie D'Callaghan and Joe and Nellie D'Callaghan and Joe and Nellie D'Callaghan and Marie Corcoran, Pat and Mark Rogers, Matt O'Callaghan and Joe and Nellie D'Callaghan, Mick and Marie Corcoran, Pat and Mark Rogers, Matt O'Callaghan and Joe and Nellie D'Callaghan, Mick and Marie Corcoran, Pat and Mark Rogers, Matt O'Callaghan and Joe and Nellie D'Callaghan and D'Callaghan

Private Dump angers Portarlington residents

NAUSEATING odours, swarms of files and bluebottles, acavenging crows and rodents are all part of the day to day living environment of a group of householders in Portarlington who reside in the yiemity of a private dump at Rollsmore's Cross Portarlington. Ballymorris Cross, Portarlington.

Marie Corcoran from
Deerpark at sumong the residents concerned shout the
proximity of the slump
which at the optiperty of
white disposal contractor,
P. win 1. Cobbe from Kildes

live very near the nump. I like to breathe clear

INSIDE

THIS WEEK

Mountmellick

Firm

Receives

Quality

Award (

Prestigious

Répert by:--FIDELMA FRENEY

air. I like to walk in the air. I feel that my children can't be led out in the garden of walk in the air because of the nauscating smell and the

Horrible

Mrs Corcoran, mother-ofcontinued:"It horrible. It is so bad that if you open the windows in my house you have flies and bluebottles all over the place immediately. It is especially bad during the warm weather. I buy more fly spray than anybody else. You feel that your house is dirty. I was involved in the Milk RAS about three weeks

CASTLETOWN Community Association are holding a Midsummer Barbeque at the Com-munity Centre in Castle-

addition to Barbeque Supper, there will be live entertainment Dave the featuring Moynahan Big Band and a rsteen A Bar Extension

ago. Approximately 150 children and adults took part. They had to put part. They had to put scarves and hankies over mouths. It was dreadful. I was embarrassed because the dump was in my

Nellie White from Deerpark is similarly concerned. park is similarly concerned.

I am ashamed of people coming into my house because of the lies. The smell is especially bad on some occasions when they are transferring material from one bin to another.
The material must be coming from an abattoir, lt. smells like the innards of chickens. We have to close the windows and the doors to keep the stink out."

Shooting Rats

As far as Mrs White is concerned, the dump also constitutes a health hazard. "The rats, the flies and the scavenger birds are causing a health hazard. Some men amuse themselves by going to the Dump and shooting rats. They leave the dead rats there. There is a danger of birds picking up dead rats and other toxic materials and carrying them overland."

Matt O'Callaghan lives beside the dump. "We are plagued with flies and also with rats. We can't do much about the rats. You can't leave a bag of potatoes out in the garage or it would be eaten by the rats. It is frightening. A couple of years ago a rat got into the house from Sunday to Tuesday. He came out and attacked our Labrador. You can't leave the back door open because of the rats.

bad especially if it is a murky evening. Recently they were transferring slurry from one container to a rectangular container. The rectangular container over loaded and the slurry flowed down the road leaving a pool of slurry outside my gate. It took two

(Continued on Page 56)

ABOUT ONE half of the of a new post—primary of to the results of the postate morning.

Of those who did von Community School whirt

The ballot of parents with children presently attending a post-primary school in Portlaoise was carried out by the Portlaoise firm of

chartered accountants
Bardon Molumby & Co.

A total of 733 ballot
forms were posted, 19 of
which were returned by the
Post Office, leaving a valid poll of 714

The total number of ballot forms received by the deadline — 10 a.m. on Tuesday — was 380, Fifteen of these were invalid, leaving a total of 365 valid forms.

Two Options

Parents were given two options: either a Community School or a Community College, in view of the Minister for Education's statement that there could only be one new post primary school for Portlaoise. A total of 328 voted in favour of a Community School and 37 voted for a Community College.

The ballot was carried out by Mr Chris Bardon and the count was supervised by Inspector Michael Morris, Mr. Bardon expressed the belief that the response was about average for a postal poll. The results had been laxed to the Minister's office, the trustees of the three second level schools and other in-

terested parties.

INTENSERR F.F. MAJOR

Report by:— JOHN WHELAN

CANVASSING Council Thursday's elections has intensified over the weekend with working campaigners virtually every hour of daylight, even Sunday in a bid to secure votes.

under coming DELLOM (heir majority.

A swing against FF would leave them vulnerable and possibly see them relinquishing their overall majority to Fine Gael supported

Jimmy Kelly. "We will be doing significantly better in Porttanise where we will gain win back is Tiunahinch and Luggacurran," proclaimed Fine Gael stalwart Tom Keenan yesterday, himself tiped to head the poll by his supporters.

But this was firmly re-butted by Fianna Fail's John Moloney, Chairman of their county or-ganisation. He claimed that indications were that Fianna Fail would win an extra seat in the Borris-

in-Ossory area while he was confident they would hold their ground elsewhere. He conceded that there was a tough battle on ju his own area of Tinnahinch where Joe Digan only beat Mick Lalor by four votes in 1985 and every vote now, especially in the Camross district is crucial to each

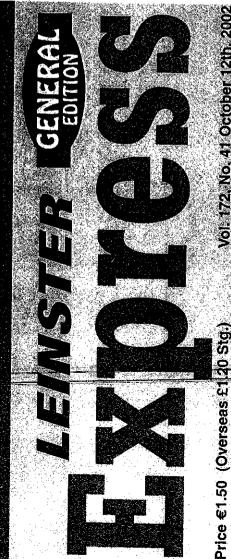
party.
Labour for their part were otpimistic of an improvement in their fortunes, which would give them at least two



town this Friday at 10pm.

la Laois, Fianna Fail extreme pressure from the combined opposition as they attempt to hold onto

Labour and indepedent,



Vol. 172, No. 41 October 12th, 2002



aois dumps uro test for

By James Russell

situated at Ballymorris, Portarlington and Lea, Portarlington - have come under the scrutiny of the European Commission for failing to comply with **FWO** Laois waste operations EU waste directives.

Walstrom attacked the Irish Government last week for failing to deal with the fact that the two operations - along with another three in Ireland - were still operating Environment commissioner Margo without a permit.

The European Court of Justice is

ro. Matthew Hayes and Jennifer Horlan, school secretary at the auction of the contents of Ballyfin House at e Lew Business Park, Portlaoise on Saturday.

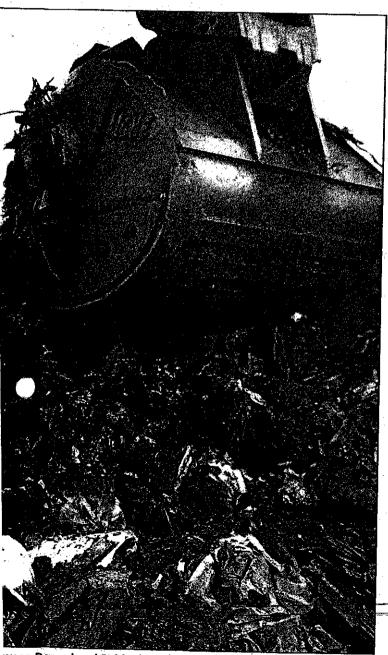
close to a decision on both cases, and while Lea has ceased to operate, it is believed that waste is still present on the site. Ballymorris is still in operation by Protection Agency (EPA) public hearing on Tuesday, October 15 in the freland (who purchased the site and business from Erwin Cobbe last year) and is the subject of a Environmental Advanced Environmental Solutions Ltd The hearing will be held as a result Killeshin Hotel, Portlaoise from 10am.

of an application made by Advanced (Continued on Page 10)



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sives for dumped



ween Donard and Baltinglass, Co Wicklow. Pic: Aidan Crawley

iemicals f exploenough, chemist -making known ıtainers ₃y were y have poisons

into the earth.

Bags labelled "highly explosive" have been found as well as empty sacks of potassium nitrate. There are also quantities of acids and weedkiller.

Local people are furious. One woman told the Irish Independent, "It appears we

are surround by these toxic dumps - that's three in the immediate vicinity. I can't believe it. At this stage the Co Council should hold a meeting with the locals and tell us exactly what the situation is and how dangerous it could be to our families' health".

Government in clash with EC over 'landfill shame' claim

Conor Sweeney in Brussels

Government has clashed with the European Commission after it "named. and shamed" Ireland for breaches of environmental

Failure to deal with five landfill sites operating without licences and questions over an Environmental Directive were highlighted by the Environment Commissioner, Margo Wallstrom, in Brussels vesterday.

There was "no evidence that Ireland has cleaned up the illegal waste dumps or imposed sanctions on the culprits," said the Commission in its report on one of the sites, near the Boyne Estuary.

Ireland was ranked fourth on a list of countries facing legal action over landfill sites which could pollute soil and contaminate groundwater if not properly treated. The sites in question are in Laois, Louth and Waterford.

Greece and Spain top the list of pending cases, with 10 each, followed by Italy with eight and Ireland with five. Britain, France and Germany each face one action.

Environment Minister, Martin Cullen, demanded the Commission withdraw its separate complaint over the new Landfill Directive, saying that one of the first acts he took after taking office was to sign the new legislation into law, in July 2002.

Last night, the Commission said it welcomed the Irish move, but was still studying the new law, to see if it complied with EU rules.

However, the Commission points to five other complaints against the Government. "The problem with these cases is that these landfills have been operat-ing without a permit," said a spokeswoman for Com-missioner Wallstrom last

night. She defended the decision to criticise Ireland over the 1999 Landfill Directive, which lays down tight controls over landfill sites. The Commission's legal experts have yet to conclude the minister's actions last July were sufficient, she said.

Four of the five Irish cases have already been sent to the European Court of Justice. The first case, in Lea, Co Laois, involves a waste facility which operated for years without a permit. Although Ireland claims the site closed in September 2001, "it has not provided any evidence that the site was cleaned up or sanctions imposed on the operator," states the Commission.

In Ballymorris, Co Laois, a site is still operating after several years without a permit, despite the court case, said the Commission.

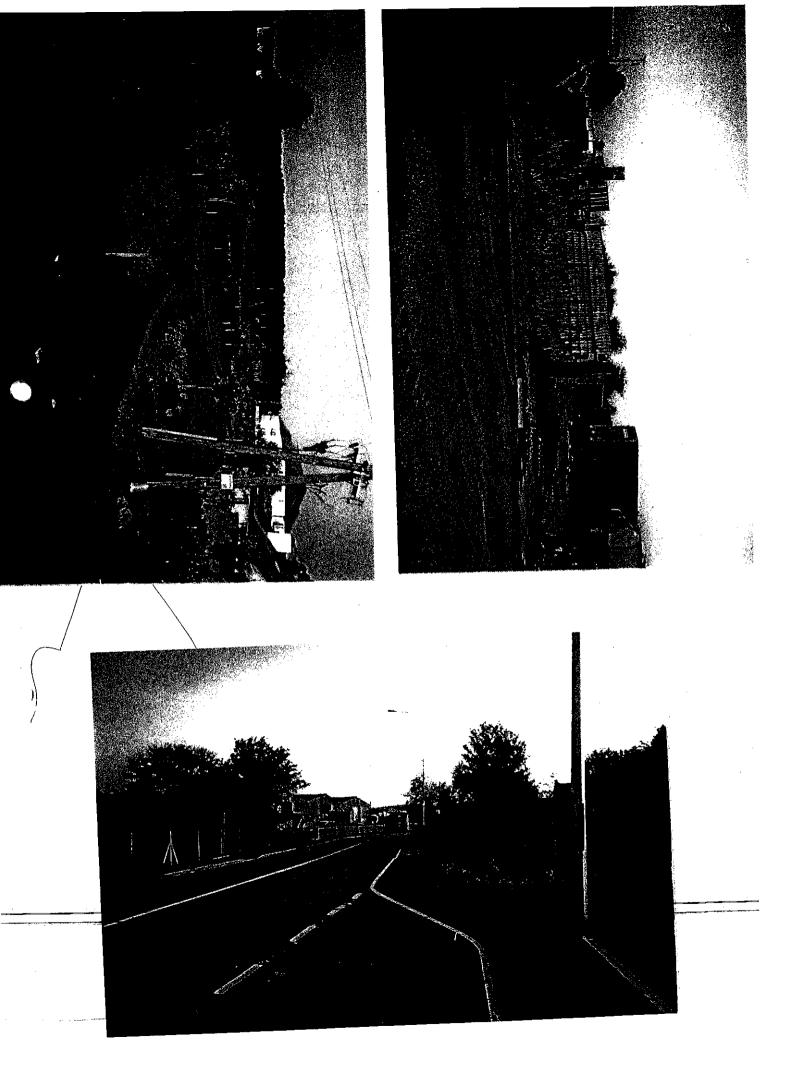
At Greenore, Co Louth, a port company dumped material on the foreshore over several years. From photo evidence, the Commission discovered construction and demolition waste was dumped without a permit and is still there.

In Co Waterford, there has been dumping on several small wetlands without permit, said the Commission. Although the Government claims these have stopped, no sanctions have been applied and some wetlands still contain waste.

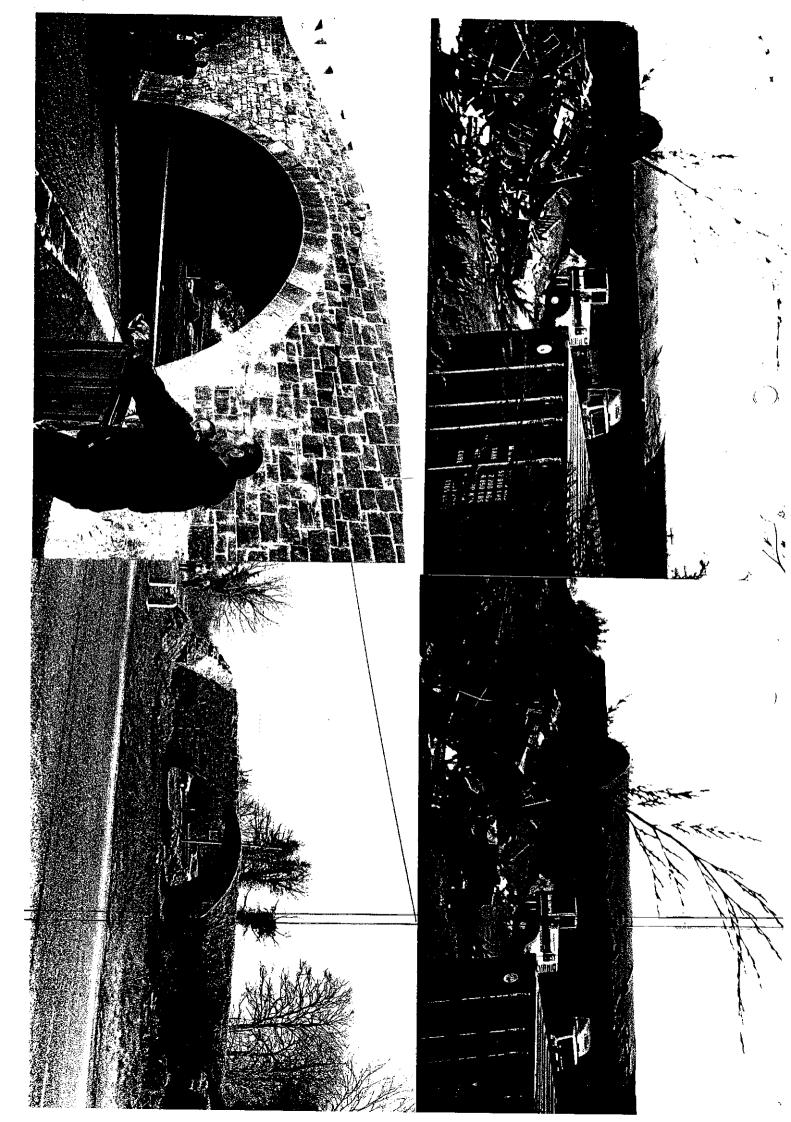
The final case, where the legal action has just commenced, concerns a landfill on a special protection area in the Boyne Estuary on the east coast of Ireland. The Commission claims there is no evidence Ireland has cleaned up the illegal dumps or taken action against the culprits.

Last night a spokesman for the Environment Department said there were ongoing talks with the Commission "with a view to resolving these mot

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DOC NO



Papers No. 4. Ms. Mary Murphy

Member of the Public

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Mary Murphy

Ballymorris, Portarlington, Co. Laois. Tel: (0502) 45841

Advanced Environmental Solutions (Irl.) Ltd., Unit 1, Monread Commercial Park, Monread Road, Naas, Co. Kildare.

For the attention of Dr. John MacNamara:

09 April 2002

Re: Waste Disposal Facility - Deerpark, Ballymorris, Portarlington, Co. Laois.

Dear Dr. MacNamara,

We were very pleased with your recent visit to our neighbourhood and welcomed the opportunity to talk to you in person regarding our concerns with the above facility.

Major cleaning took place during the same week (Friday 29th and Saturday 30th March) and we were all very happy with the result. We had a lovely Easter Sunday free from all odours, litter, flies etc. However by Wednesday of the following week we were back to 'square one', and were so disappointed as quite a lot of people had remarked how pleasant it had been over the previous few days.

What can you do to ensure proper, <u>regular</u> "housekeeping" on the site in question? We certainly wish to improve our relationship with your Company, but this can only occur if we see *positive*, *permanent* improvements to the present situation.

As you mentioned in your letter, your Company are currently working on improvements both in terms of procedures and infrastructure at the site. We would appreciate if you could outline, in writing, details of these improvements and also the time frame involved. We are happy with the re-instatement of our refuse collection service — It hasn't been easy for us out here, and we see this as a positive step forward towards a conclusion to our grievances.

Another direct effect of our proximity to the above site came to the surface recently. I had a valuation carried out on my property with the following result: My house (on ¼ of an acre plus a ¾ acre field to the left hand side) was valued in the region of €69,835 (or £55,000). Considering a very similar dwelling with similar proximity to the Town, but not to the above facility, was recently sold for approximately €120,625 (or £95,000), this is hard reality to accept. It highlights the importance of how our local environment impacts many areas of our lives, which one would not usually question.

I don't wish to continue bombarding you with telephone calls, written correspondence etc. all I wish for is a quiet, peaceful existence in my home of almost 40 years.

I thank you again for your positive assistance to date and look forward to your response.

Yours in anticipation.

MARY MURPHY

Copies:

Mr. Ian McCormack, Planning, Laois County Council, Portlaoise.

Cllr. Ray Cribbin, Main Street, Portarlington.

Mr. John Maloney T.D., 27 Patrick St., Mountmellick.

Mr. Sean Fleming T.D., Castletown, Portlaoise.

Cllr. Michael Costello, Bracklone Street Portarlington.

Mary Murphy

Ballymorris, Portarlington, Co. Laois. Tel: (0502) 45841

Advanced Environmental Solutions (Irl.) Ltd., The Cottage, Tipper Road, Naas, Co. Kildare

For the urgent attention of Mr. Patrick Alley:

25 March 2002

Re: Waste Disposal Facility - Deerpark, Ballymorris, Portarlington, Co. Laois.

Dear Mr. Alley,

I am writing to you on behalf of my neighbours and myself in an effort to highlight and resolve the issue of the awful, unacceptable conditions we are experiencing in our area, with regard to the above facility.

We have been living in this area most of our lives and for many years enjoyed the beautiful countryside, the fresh air, peace and tranquillity. However, this has all changed over the past few years, and indeed has worsened in recent times. The awful odours which are emanating from the above site are unbearable. We cannot even open our windows, and if we do the smell enters our homes along with vast numbers of blue bottle flies — even at this time of year. We have seen a huge increase in the number of vermin around the area and are afraid to leave our doors open.

The site is in a deplorable condition. We have seen for ourselves that rubbish is piled high over-night and over weekends. Not just cardboard (even though Planning permission for this site granted storage of cardboard only), but all types of waste material, which is being extracted from dump lorries and transferred into an open trailer, where it remains for long periods of time — Hence creating terrible smells! The rubbish is in piles on the ground around the site and near the ditches. This is a fact, and has become a regular occurrence.

We cannot live in such conditions, it's unfair to expect any human being to tolerate this situation – Indeed, I don't imagine you would like to live with this on your doorstep? We are prisoners in our own homes and feel we are being very unfairly treated and pushed aside - this simply can't go on any longer. We are now appreaching Easter Weekend and do not need such worry and torment.

You have promised in the past that this site would be kept clean, but it is worse than ever. We appeal to you to take our concerns on-board and act immediately to clean up the above site. We need action right away — No rubbish / debris on site over-night or over this Easter weekend (or, indeed, any future weekends).

All we want is to look forward to a beautiful Spring and Summer, where we can enjoy our gardens, and we can open our windows, let fresh air in, without these odours, flies, vermin etc.

Surely that isn't a lot to ask for and we know you have the power to do something positive for the benefit of all of us!

Yours in anticipation.

MARY MURPHY

Copies:

Mr. Frank Heslin, Environmental Section, Laois County Council, Portlaoise.

Clir. Ray Cribbin, Main Street, Portarlington.

Mr. John Maloney T.D., 27 Patrick St., Mountmellick.

Mr. Sean Fleming T.D., Castletown, Portlaoise.

Cllr. Michael Costello, Bracklone Street Portarlington.

Mr. Adrien Lydon, RTE., Prime Time, Dublin.

Ms. Gillian Byrne, E.P.A., PO Box 3000, Johnstown Castle Estate, Wexford.

	40 August 2002	09 August 2002 Friday	08 August 2002	07 August 2002 Wednesday	06 August 2002	05 August 2002 Monday	04 August 2002	03 August 2002	02 August 2002	01 August 2002	31 July 2002	30 July 2002	29 July 2002	28 July 2002	Date
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Dr. Laurence Fullam French Church St. Portarlington Co. Laois

TEL./FAX 0502 23333

TO WHOM IT MAY CONCERN

Date: 12 SEP 02

Re: MARY MURPHY,

DEERPARK, PORTARLINGTON.

Date of Birth: 3 AUG 1946 GMS No: 2091437A

Dear ,

This lady has been widowed for some years and lives on what used to be a quite country road.

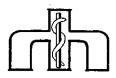
Over recent years the presence of and traffic toe and from a waste disposal company beside her has caused her immense distress.

In recent times she has developed diverticulitis and irritable bowel syndrome and has been prescribed anti-depressents which she really does not care to take and Mary relates many of her symptoms and their progress to her upset with the environmental conditions obtaining her in area.

Yours sincerely,

Dr Laurence Fullam

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MIDLAND HEALTH BOARD

MIDLAND REGIONAL HOSPITAL AT PORTLAOISE, CO.LAOIS. TELEPHONE: (0502) 21364 FAX: (0502) 22986

25th of September 02

To Whom It May'Concern:

Re:

Mrs. Mary Murphy, Ballymorris, Portarlington, Co. Laois

Date of Birth: 03/08/1946

Dear Sir or Madam:

This is to certify that this lady is under considerable mental stress and has physical symptoms as a result of this land fill site which is being developed very close to her home. This has a detrimental effect on her physical and mental well being.

Yours sincerely,

Mr. P. M Naughton

CONSULTANT SURGEON





JAISH NATIONAL

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Mount St Anne's, Killenard, Portarlington, Co Laoise. Phone 0502 26153

RE: Mary Murphy.
Ballymorris Road,
Portarlington,
Co. Laoise.

25/9/2002.

To whom it may concern,

Mary Murphy is being treated by me for high levels of stress, anxiety, and insomnia. Her mental health is in a poor state due to having to cope night and day with the consequences of the presence and operation of the waist management depot on Ballymorris road.

Yours sincerely,

Fr.Martin Spillane.
Psychotherapist / Counselor.

·.)

Dr. Laurence Fullam Frenchchurch St. Portarlington Co. Laois

TEL./FAX 0502 23333

TO WHOM IT MAY CONCERN

Date: 27 FEB 01

Re: MARY MURPHY,

DEERPARK, PORTARLINGTON.

Date of Birth: 3 AUG 1946

GMS No: 2091437A

Dear Ms/Sir,

This widowed lady has a number of medical complaints going back over the years and at present is being attended by ourselves and the Coombe Hospital in Dublin.

She frequently presents as very distressed about her physical situation in that she is afraid to ride a bicycle along the road, has fallen several times because of irregularities, poor road surface etc. and is disturbed at irregular hours by heavy traffic which attends a local depot.

She feels her situation could be alleviated by re housing and to this end is prepared to negotiate from her present position with the Council.

Yours sincerely,

Dr Laurence Fullam

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Quality of life D

Effect ON Myself. I have lived here for the fas. 37 years. Since, 1979, I have suffeked bad adoms, blue both Rats and other VERMON. The snells and odours are sickly and unbearable. When my relations and friends Call J am ashamed to bring them out into my lovely garden. however I Now notice a tall off in my friend visiting because of these dread pul broblems, and health has deteriated in the pastyears - My local G.P. Dr. Jull 1St. Vincent's Hosp, and Mr. Naugh

Surgeon, have letters gone in ON My behalf. Because of poor Road Condition's Courses by lorries, I have had sever falls off my bieycle:

this site I have I seen who has been buried there over the year paints, thinner's, gewellary, Nickle Soa dead poultry wheat milling, chen Residues and anything lese the would fill a hole. This operations been run for year's on deceined and misin hormation. and misinformation.

The Mental anguish a physical Frustration Suffered by me and my neighbour's shoul never have happened. this application for this se please Return this sete to natu FROM where it came, and allow us to live what's left of our lives free FROM anxiety, Torment and Frystration. the E.P.A. I have always for them helpful and courtous.

Papers No. 5. Ms. Lilly Champ

Member of the Public

Farming 15 pt brown puelling 200 fots

G fully reject that A.E.S. Erwin bobbe

should get a waste licence to carry on

dumping of Deerpark Cross. 9 want to see it

completely closed down, straight away!!! Ot took to years to build this barm hard work The quality of life for the readents here is gone. We cannot walk up our lovely road past it anymore, our health is in danger.

I st is a terrible stinking atmosphere to have to live in and rear young shildren in In a los bouncil report it states that all ground water is highly polluted. We have had numerous testo done on our spring well It is so polluted, we were told by Midland Heath Board never to drink it ourselves and not to give it to our cattle either as it is full of poison. This well was sunk into a rock and was pure when bored. A.E.S have get results of the 3 tests but say in their submission. that they have not what will we do for our lovely refreshing spring well nows? Also in the submission, they state that they have a grand fence around the site. There is no fence whatsoever between the farmers land joing it, access can also be gained though the hedge of the garden of the ajoining house nearly 200 yds in all. The gate can be opened by access from Labergarie Rd as the fencing is not finished to a high standard. There is a travellors haltine site 50 metres owner located on the travellors halting site so metres away located on the conal road and they carry all they can out of Stray dogs go in off main had, corry out out bones the

the lave to clean up. Do this good enough? the cannot farm in comfort impossible to drive havy machinery over the alle cannot take our cattle to pasture for the last 5 years as the volume of lorries coming and going in and out at the lonies are departing through the getes ajoining roadway they sometimes disregard looking to the right as we have hard many near accidents prevented by our own quick judgements. We cannot put up with this any longer. Our homes are inwaded with blue battles, the like no one has ever son, last comes day when we had and all apu ti croticus the rate sum to like our potatoes and ofter regetables, better than the poison they say is laid. This terrible loss to ser income as we live off the form Our fields are boside the dump. terming is hard enough without all this terment! We can only move our co when the dump is this the way to farm? Rats, Poisen (23 a week

INDEPENDENT MICRO LAB LTD

Lismard Business Park, Timahoe Road, Portlaoise, Co. Laois Phone (0502) 20819/62550 Fax: (0502) 20878 E-mail: iml@esatclear.ie

Our Ref:

Form 1 No. 00000/00

Your Ref

FINAL REPORT

Yes

Mrs. Lily Champ, Ballymorris, Portarlington, Co. Laois. Received on 11/02/02 by SL Testing commenced on 11/02/02

Coliforms E.coli cfu/100ml cfu/100ml

Ref Description Lot Man date Exp date Verified Lab No

202876 2

COMMENTS

Comments on sample 202876:

Water Analysis

These results do exceed the limits laid down in EU regulations covering water intended for human consumption for the above tests.

General comments

* Denotes test not ILAB accredited

Approved signatory: _______ Approved signatory: _______

Date report issued: 15/02/02

Page 1 of 1

2	1 2 2					Contact by the second	e Well	TIVE (Same Depol)	Maxo	AS C. Blank	5	Cocation		スカメウ いっこ	Samples: TORTIARLINETON		(0310 On:8/4/0:X	Analyston: A > OH:		TOTAL AND FAECAL COLIFORMS
inte = Too Numerous						, h4	LOC / TOTO 4 M	00000	\(\begin{aligned} \begin{aligned} align	100 3.30 0 0	Total Faccal Total	Count	ime Time	Í	Stock Medium Lot No.:	Date Propared: 2/4/02	Medium: me	Total		XS
o To Count							多三の人	·	(2)	0	al Faccal	Coliforms/100ml Comments			46 0222001	2/4/02	mendo mec	tal Faccal		
												11.5				h 55	Start 35 oc 45 oc	Total Faecal	Incubator Temperatures	

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Drinking Water Sampling Sheet. Water Pollution Laboratory. Lanis County Council

Sampling Date & 4-09 Sample taken by A.S.

Water Supply				
	PORTARLIN	TIN POCTARL	- POXTARL.	
Sampling Location	Marol	Graverjan	Privata	
	station	Tap	1 ——	
Bottle Marking	(Kitchen)		isell	
	3	4	5	
Time	10.40	10.55	11.25	
Public Group Private				
Laboratory No.	Public	Public	Privale	
Odour	·			
Taşte	(nluine	CIC	Oki.	
AT AN	Olc	OK	CK	
temperature	,			
Tree Residual Chlorine	07-8	A C D	* (5 4)	
MENCL (MDL + 0.02)	0 [8 -	0.55	O12	
Horal (Colduit Cliferan MgM CL (MDL = 0.01)	1.04	0.35	0.33 (Cons)	i
Conductivity	633	712	1174	
Comments				

Colour Standards:

Standard	Test Value 1 Tolerance	Instrument Reading
Ulzak	Zero	Zero
Sid. i	0.21 +/- 0.09 (0.12 - 0.30)	0.21
S(d. 2	0.82 +/- 0.10 (0.72 - 0.92)	8.87
Std. 3	1,54 +/- 0,11 (1:4) = 1,65)	1.59

Pretent
Whom get results
from EPA.

(HC test heede.

Brinking Water Sample - Report of Analysis

Report to Laols Co. Co.

Water Supply Champ's House, Portarlington.

Sampling Location Private well (Champs) Portarlington.

Description LS -- Miscellaneous

Sample Type Drinking Water C1-C3

Private

Environmental Protection Agency, Regional Water Laboratory, Kilkenny.

Sample No. |2201760 Sampling Date | 08/04/2002 Sampling Time 11:25

Sampled by Angela Southey

	Parameter	Units	MAC*	Result	Parameter	Unlls	MAC*	Hesalt
	Chemical, Physical + (<u>Organoleptic</u>	<u>Parameters</u>	<u>s</u>	Trace Meta	<u>Iş</u>		
	Colour	Hazen	20	5	Aluminium	ا۵ ا/ویر	200	
	Turbidity 100	NTU	10	51	Iron	μg/l Fe	200	1
	Ödəur	(Diln. 1/2/3	2@12°C}	1	Manganese	μg/I Mn	50	
	Taste	(Diln. 1/2/3	3@25°C}		Copper	μg/i Cu	500	1
	Temperature	ic.	25"C		Zinc	µg/LZn	1000	i t
	ρH		6≤pH<9	7.1	l.ead	µg/IPb	50	
Inclax:	Conductivity	μS/cm @25°0	C 1650	1322	Cadmium	μg/I Cd	5	
11.700	Calcium	mg/l Ca	200		Antirnony	µg/I Sb	10	
	Magnesium	mg/l Mg	50	15.9	Arsenic	μg/l As	50	
	Sedium	mg/l Na	150	45.0	Barium	µg/l Ba	500	
Jen S	ที่ <mark>ตักสรร</mark> ายกา	≀ng/l K	12	72.5	Beryllium	µg/l Be		1
High	Hardness (Hotal)	mg/LCaCO3		423	Boron	μg/I B	2000	
,	A!kafinity	mg/LCaCO3			Chromium	µg/l Cr	50	
	Sulphate	mg/LSO4	250	40.4	Cobalt	μg/I Co		
	Chloride	mg/LCI	250	70	Mercury	μg/illg	1.0	
13 1	Fluoride	mg/LF	1.0	. 0.1	Nickel	µg/I Ni	50	
Hyba	Nitrate	mg/INO3	50	43.0	Selenium	µg/l Se	10	
	Nitrite	mg/LNO2	0 1	0,016	Silver	µд/ГАд	10	
NECTO	Amrionia	rng/I NH4	0.3	15.75.	Thallium	μg/l Ta		
けんりい	Phosphorus	µg/LP2O5	5000	156	Thorium	μg/l Th		•
·	Total Organic Carbon	rng/i C		;	Tin	μg/I Sn		:
	Inhalomethanes (THM)	µg/t	100	•	Uranium	μg/i U		. !
	Total Residual Chlorine	mg/l CI			Vanadium	µg/I V		
	Lice Residual Chlorine	mg/LCT						
		-						1
	Microbiological Paran	<u>neters</u>			114d	LL TI	wse	WORD
	Zetel coliterane	(3.00)	N. 1	; 1		- OL	0.00	ا ا
	Total colitorms	/100ml	None			خر	$\alpha \alpha$	PT able
	Faecal coliforms	/100ml	None			le	U0 (<	•
	Total Bacteria @22°C	/ml		:	المذ		~ !-5	•
	Total Bacteria @37°C	/ml		1	् । [।] १५८	rocarb	0115	WOKO
	Faecal Streptococci	/100ml	None	:	akal	2-12: 2	Kin i A.	~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~
	Clostridia Perfringens	/100ml	1	1	0.30	というとう	TULFTO	-

MAC = Maximum Admissable Concentration - Results exceeding the MAC are highlighted (bold) in the table above. The Sanitary Authority should warn or notify consumers of any risk to health

REMARKS: Interim report - awaiting metals. Sample to be re-taken for volatile organic compound analysia. Result indicate that this water supply is polluted.

Printed On 11/04/20

	± 2€1 2€0€	REG WATER LAB
, ,	EXCEEDANCE REPORT	SHEET
	Original Test Ref. No.: Original Test Date: ∯I ↓IO⊋ Original Test Carried Out By:	Rev 0 Date: [16] 4.1 0.2
Natu	e of Exceedance:	
	total of 11 coliforms / 100m	I were detected
,	The Private Well of Lily (1	namp's Farmin
A	ellymoris Portarlington.	Chlorine, Conductivity
a	nd Potassium, N.trate ranin	ronia were very high
3	ce attached EPA Report & d	lata Sheets)
Sign	d: A. Druttey	Title: Environmental Tech
Rem	dial Action: Rescon, Acod (Le Well toda	ey (16/4(02).
	Sent Sample to EPA for	Hydro Carbon analysis.
	Retesting som the For Colife	ornico de Todays
_	Chipina levels were 10	-09 (ree) × 0.07
F	stal) - suggesting contam.	nation - anductivity
	Jan Still at PID 1170 MST	(m.) Other results pond.
Sigr	d: A Souther	Title: an above
If YE	Date: / / I	ices Issued?: YES/NO Date: I I L = TNIC Colforns=12/100m
H02	-Board Comments: Colony Counts Total	
Cor	ctice Action Procedure:	Colopania
	citice Action Procedure.	
_		
Sign	ed:	Title:

Signed: Signed: Signed; Date: Date: Date:

Circulation:

Area Office: County Hall: Laboratory:

-

Papers No. 6. Ms. Joyce Dempsey

Member of the Public

Dates of entry activity outside of agreed hours These dates were observed by various residents and are random.

4/7/01

6:45 am lorry went onto site and picked up skip

4/7/01

7:35am tanker entered site and left at 7:50am

4/7/01

20:40 lorry and skip left site

5/7/01

6:05am lorry left site with 1/2 size container and went down la Bergerie road

6/7/01

7:50 am lorry left site with skip

10/7/01

7:25am lorry on site. Tanker left site at 7:30am Guillefoyle written on front.

20/7/01

9:30pm domestic refuse truck entered site red and yellow tow truck 1eft

24/7/01

7:55am big lorry container entered site

24/8/01

7:50am lorry went on site

28/10/01

Sunday 3:30 p.m. Lorry left site. Box type container with opening on rear end.

9/5/02

00:35am lorry left site- driver was having difficulty closing gate.

9/5/02

7:40 lorry moving around site

9/10/11/05/02

Smells are very bad. New machine for loading waste in operation. Very loud

12/03/02

7:45am lorry entered site

Sunday 2/6/02

3pm Box type container on site. \Joe jr. spoke to driver. He had the code and was working for Erwin Cobbe he said. He stopped talking when Joe jr. told him there was to be no work there on Sundays. The driver then started saying he was just picking up a pipe for himself, after already saying he was working for Erwin Cobbe.

8/8/02

7; 40 lorry went onto site with rubbish

19/8/02

11am black smoke and smuts coming from site

1999 No 75 MCA

Tuesday the 3rd day of July 2001

MANAGEMENT ACT 1996

BEFORE MR JUSTICE HERBERT

IN THE MATTER OF SECTION 27 OF THE LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT 1976 (AS AMENDED)
AND IN THE MATTER OF SECTION 58 OF THE WASTE

BETWEEN

MARIE CORCORAN PATRICK JOSEPH HYLAND JOYCE HYLAND
MICHAEL J TURLEY ANNE TURLEY PATRICK LEWIS GREGORY
FOX DEBORAH FOX WESLEY DEMPSEY JOSEPH WHYTE DORA
HICKEY DERMOT HICKEY NELLIE WHYTE AND JOSEPH WHYTE
APPLICANTS

AND

ERWIN COBBE

RESPONDENT

The Applicants Motion pursuant to Notice of Motion dated the 29th day of July 1999 and the Respondent's Motion pursuant to Notice of Motion dated the 7th day of December 1999 both having been listed for hearing before the Court this day in the presence of Counsel for the Applicants and Counsel for the Respondent

And on hearing said Counsel respectively

IT IS ORDERED that Advanced Environmental Solutions (Ireland)

Limited be joined as a Respondent to these proceedings

And the Respondents for themselves and their successors and assigns by the their Counsel undertake to the Court

- (i) not to use the silo and dissipater
- (ii) to provide a hard surface to the entire site not already covered by concrete
- (iii) (a) until 3rd July 2003 (or earlier should they so decide) to use the site in accordance with its current use only between the hours of 8am and 8pm and not on Sundays
- (iv) to cease the current use of the site insofar as same consists of recycling (or as categorised by the Applicants Waste Recovery and Storage) and to abandon reliance upon Planning Permission 131/1992 on 3rd July 2003 save that the Respondent shall not be obliged to remove the buildings the subject of said permission

IT IS ORDERED that the proceedings be struck out of the List with no Order as to costs

REGISTRAR

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Appendix J Oral Hearing Legal Submissions

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Legal Submission No. 1 Mr. Michael O Brien

Representing AES

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WASTE LICENCE REF NO 96-1

Facility: Ballymorris, Kilbride, Portarlington, County Laois.

Applicant: Advanced Environmental Solutions (Ireland) Ltd trading as

Erwin Cobbe Waste Disposal

Legal Submission

- 1.1 This application was for a licence for a number of waste disposal and recovery activities i.e. Waste Management Act 1996, Third Schedule Class 11 and Class 13 & Waste Management Act 1996, Fourth Schedule Classes 2, 3, 4, 8, 9, 11, 12 and 13.
- 1.2 The inspector appointed recommended approval for activities Classes 11& 13 of the Third Schedule and activities Classes 2, 3, 4, 9, 11, 12, and13 of the Fourth Schedule
- 1.3 The Technical Committee recommended approval for activities Class 13 of the Third Schedule and activities Classes 2, 3, 4, and 13 of the Fourth Schedule

The proposed determination refused permission for all activities.

1.4 However, the proposed determination gave reasons for refusal for only one activity i.e. Fourth Schedule, Class 9 i.e. use of any waste as a fuel

or other means to generate energy. (This is express in reason 1 in the PD and implied in reason 2 which deals with hazardous substances in the briquetting process, a process which is for using waste as a fuel in Class 9.)

- 1.5 The reason given relating to environmental nuisances is an operational reason which can be addressed by a condition attached to the waste licence and which will be fully addressed by the applicant at the oral hearing.
- 1.6 No reasons and no adequate reasons were given for the refusals for all but one of the activities for which a waste licence was required. This is a clear violation of the principles of natural justice and of the EPA's obligation to give reasons for their decisions particularly when the inspector recommended granting the licence for some activities. This is ultra vires the EPA.

In Ni H-Eili v Environmental Protection Agency and Roche Ireland,
Supreme Court 30 July 1999 the plaintiff, inter alia, alleged, that the
Agency had breached it statutory duty under article 28 of the Environmental
Protection Agency Act (Licensing) Regulations 1997, to provide reasons for
its decision. In dealing with this argument, the Supreme Court drew a
distinction, between the adequacy of reasons given for a proposed
determination and the adequacy of reasons given for the final decision made
after dealing with objections to the proposed determination. It considered
that the former was primarily relevant to the applicant since conditions
imposed constitute intrusions on his industrial enterprise. Applying O'Keeffe

on the entire document constituting the proposed determination which includes a combination of reasons given for its decision and the conditions and the reasons given for those conditions. It is submitted that the same applies with respect to a Proposed Determination.

On the extent of the duty to give reasons, the Supreme Court held that the degree of particularity with which reasons should be stated depends on the circumstances of each case. It implied that in that case, which was a complicated one involving many objections, the EPA was required to identify "serious" objections made. The EPA's actual decision on the licence did not set out reasons for accepting or rejecting submissions but the court inferred that the EPA granted the licence because it accepted the inspector's recommendations. It suggested that it might have been "more appropriate" for the EPA to state (and for the secretary to record in the minutes of its decisions), that the Board accepted not merely the inspector's recommendations but also his findings and conclusions but concluded that the acceptance of the recommendations necessarily implied acceptance of the conclusions on which they were based. Having thus decided, the court held that the reasons for the Agency's decision were contained in the inspectors report and that it was not necessary on grounds of practicability "in the circumstances of this case" (a complex and contentious one) to repeat those reasons in the minutes of the EPA's Board meeting. Accordingly, in this particular case, the court held that there was sufficient compliance with the statutory requirement to give reasons for the EPA Board to accept the recommendations and (implicitly) the findings and conclusions in the inspector's report.

The Court did not sanction this method of giving reasons for decisions in all cases because it held that the Environmental Protection Agency Act (Licensing) Regulations 1995 anticipated that the record of the Agency's decision would itself explain "shortly and simply" why objections were rejected. It stated that reasons for a decision should be readily available without the need for excessive research or inquiry.

- 1.7 By requiring administrative authorities to give proper reasons for their decisions, the courts are carrying out a quality control function on administrative decision-making a function that is particularly important in view of deference to decisions taken by specialist administrative tribunals like the EPA. The scope of the *O'Keeffe* test is such that if this function is not taken seriously, the rule of law may be undermined in administrative decision-making.
- 1.8In Ni h-Eile the Supreme Court drew a distinction, between the adequacy of reasons given for a proposed determination and the adequacy of reasons given for the final decision made after dealing with objections to the proposed determination. It considered that the former was primarily relevant to the applicant since conditions imposed constitute "intrusions on his industrial enterprise". Since the inspector's report is relevant in determining what the PD is, and since the PD differs from the inspector's report in material respects, the applicant does not know the reasons for the PD.

^{1.9} In this case, the applicant is entitled to know why the EPA differed from the recommendations of its inspector in refusing permission for Activities

Classes 11 & 13 of the Third Schedule and activities Classes 2, 3, 4, 11, 12, and 13 of the Fourth Schedule and the recommendations of the Technical Committee in refusing permission for Activities Class 13 of the Third Schedule and activities Classes 2, 3, 4, and 13 of the Fourth Schedule. The applicant has been given no reasons whatsoever (apart from an operational reason which probably applies to the burner only) for the proposed refusal in respect of most of the activities in respect of which the licence application was made and does not know what case it has to make at this oral hearing.

- to give reasons for its refusal in a PD but it is submitted that there is an implied obligation because this is a decision which affects the property and other constitutional rights of the applicant. It is submitted that this was recognised in *Ni h-Eili* where the Supreme Court drew a distinction, between the adequacy of reasons given for a proposed determination and the adequacy of reasons given for the final decision made after dealing with objections to the proposed determination. It considered that the former was primarily relevant to the applicant since conditions imposed constitute intrusions on his industrial enterprise. It is submitted that this duty applies particularly in the current situation where:
 - (a) reasons for refusal were given for only one activity
 - (b) the EPA decision on the Proposed Determination differs from that of its inspector and internal experts, and because

- (c) the applicant does not know the reasons for the proposed refusal of a licence of the activities applied for because the inspector recommended granting a licence for some activities.
- The applicant in this case has no indication of what case he has to 1.11 make in order to obtain a licence for activities, Third Schedule Classes 11 & 13 and Fourth Schedule activities Classes 2, 3, 4, 11, 12, 13 when the internal EPA Inspector's reports overwhelmingly support its case for the licence for the following Activities, Third Schedule Classes 11 & 13 and Fourth Schedule activities Classes 2, 3, 4, 11, 12, 13 and while the subsequent Technical Committee's report recommended granting a licence for Class 13 of the Third Schedule and activities Classes 2, 3, 4, and 13 of the Fourth Schedule. It should also be noted that in the Technical Committee's Proposed Decision when specific reasons were given for refusing Class 11 of the Third Schedule and Classes 11 & 12 of the Forth Schedule, those reasons were based on relating these classes of activities exclusively to the briquetting unit. However in the Non-Technical Summary attached to the original application it was stated in response to Article 12 (I) i Plant, Method and Process that "All waste arriving on site is weighed and recorded before being tipped in the segregation area. A mechanical grab transfers the waste material to a Rotary screen that allows the fines to drop through to a loading area. The course material is conveyed to a waiting trailer unit that is transported to landfill. Paper and good quality cardboard are compacted and sent for recycling."

The activities described in italics encompass Class 11 of the Third Schedule and Classes 11 & 12 of the Fourth Schedule. Therefore the assessment of

the Technical Committee's Proposed Decision to refuse Class 11 of the Third Schedule and Classes 11 & 12 of the Forth Schedule, based solely on briquetting related processes fails to take into consideration other recovery and disposal procedures which are encompassed by these classes.

1.12 In this case, it appears that the EPA took into account matters in respect of which there was no or no sufficient evidence before it in refusing a licence because the inspector's report and the Technical Committee recommended granting the licence for some activities. It also failed to take account of the fact that the site is now operated by a waste company with a good environmental record which has implemented substantial improvements on the site. Since acquiring the site in Ballymorris the applicant has appointed a team of three scientifically qualified members to its staff. The applicant has also dismantled and made inoperable the burner, removed the briquetting unit, installed a waste quarantine area, improved guttering and drainage on site, commenced daily litter patrols, purchased odour abatement equipment, improved site security with new fencing, employed external contractor for vermin control, resurfaced sections of the yard, and meet with concerned local residents. Daily operational procedures have also been revised to eliminate the possibility of nuisances, all of which will be listed in the applicant submission during the oral hearing.

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1.13 The EPA has therefore has denied the applicant an opportunity of

addressing the reasons for refusal in this oral hearing or by written

submissions because the applicant does not know what reasons justify the
proposed determination. This is a breach of the applicant's natural and

constitutional rights to know why a decision affecting his rights has been taken.

1.14 Accordingly, the applicant requires that:

- (a) the EPA gives it an opportunity to know why its application for Activities Classes 11 & 13 of the Third Schedule and Classes 2, 3, 4, 11, 12 and 13 of the Fourth Schedule has been refused,
- (b) that the EPA provide reasons why it differs from the recommendations of its inspector and
- (c) having been informed as to the reasons why its application is being refused, the applicant be entitled to an opportunity to make submissions with respect to these reasons. The EPA can give this opportunity by providing the required reasons and adjourning, resuming or re-opening the oral hearing and allowing the applicant to address the reasons for the proposed refusals and allowing the other objector to comment on the applicant's submissions re same.

However, please note that the applicant only requires reasons to be given for the *refusal* of a licence for activities Classes 11 & 13 of the Third Schedule and Classes 2, 3, 4, 11, 12 and 13 of the Fourth Schedule because it accepts the refusal of the licence for all other activities and does not intend to carry out these other activities on its site now or at any future time and hereby withdraws its application in respect of these activities.

Legal Submission No. 2 Mr. David Malone

Representing Environmental Action Alliance - Ireland Member of the Public

EAA-I Environmental Action Alliance-Ireland

Enforcing Community Environmental Laws in Ireland

The following are Environmental Action Alliance-Ireland (EAA-I) legal reasons why the EPA should refuse Advanced Environmental Solutions a license for the waste facility at the Ballymorris Portarlington Co Laois.

Agency 1st Reason for Proposed Decision

The Agency considers that the proposal to burn 6,000 tonnes per annum of wood, paper, and cardboard waste by using an integrated burner and heat-exchange unit, the Talbott C9, does not meet the requirements of the EU Incineration of Waste Directive (2000/76/EC).

EAA-I does not believe that AES can make significant changes to the license application after the proposed decision. Especially as AES have not identified how they intend to deal with the 6,000 tonnes of wood paper, and cardboard waste. Accordingly, the Agency's reason for the proposed decision is applicable to the license application in which it was requested to assess.

Agency 2nd Reason for Proposed Decision

The Applicant has not demonstrated that the raw materials proposed for the briquette process do not contain hazardous substances, which would render the subsequent product unsuitable for use as a fuel.

Again AES decided after the EPA proposed decision not to produce briquettes, but have not established whether the waste materials, namely, the wood, paper, and cardboard contain hazardous materials. AES informed the Oral hearing that the timber is presently being shredded at the Ballymorris site. EAA-I understands that the shredder was part of the Talbot C 9 waste activity.

Agency 3rd Reason for Proposed Decision

There is insufficient information in the application to satisfy the Agency that environmental nuisance from the facility can be controlled, given the proximity of residents to the boundary.

EAA-I agrees with the Agency on the grounds that size of the site is inadequate to deal with 23,000 tonnes of waste, which AES confirmed at the Oral hearing is being disposed of on ground in an open area. This activity is causing ongoing environmental nuisance and environmental pollution as defined in the Waste Management Act of 1996

"Environmental Pollution" means, in relation to waste, the holding, transport, recovery or disposal of waste in a manner, which would. to a significant extent, endanger human health or harm the environment, and in particular-

- (a) create a risk to waters, the atmosphere, land, soil, plants or animals,
- (b) create a nuisance through noise, odours or litter, or

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(c) adversely affect the countryside or places of special interest.

In this regard, The EPA inspectors report (page 4) states that the Agency inspection of the Ballymorris site on 5th October 2001 (unannounced) was a cause for concern with regard to odours emanating from the waste receiving area and in the vicinity of the trommel unit. Very strong acidic and foul smelling odours were coming from the fines and matter falling from the trommel system onto the concrete floor beneath. Furthermore, a strong leachate/domestic waste odour was originating from the waste receiving yard. Several days of rain had preceded the visit. The yard is open to rain as are certain parts of the trommel. It was obvious that the fines under the trommel had been lying there for some days since as well as the foul odours, maggots were seen to grow within the mass of material. In addition, the EPA inspectors report (Page 7) states that hydrocarbon contaminated soil must be disposed of at a licensed facility. This is hazardous waste in which requires planning permission and a license from the EPA to be removed and disposed.

In conclusion, EAA-I is requesting the EPA to refuse the license for the Ballymorris site because AES have not supplied relevant, credible or sufficient information pertaining to any of the waste activities in the license application.





EUROPEAN COMMISSION

DIRECTORATE-GENERAL
ENVIRONMENT
Directorate B - Integration policy and instruments
ENV.B.3 - Legal affairs, activities related to legislation and enforcement of Community law

Brussels, 12 April 2000 D(0) 431008

Mr. David Malone, EAA-I, 60 St. Joseph's Terrace, Portarlington, County Offaly, IRELAND

Dear Mr. Malone,

I refer to previous correspondence in relation to your complaint <u>P99/5122</u> relating to possible lack of compliance with waste legislation in County Laois, in particular at sites at Lea and Ballymorris.

The complaint would appear to raise the following core issues: the apparent failure to effectively implement the permit system of Article 9 of Directive 75/442/EEC as amended by Directive 91/156/EEC (framework waste), and application of Directive 85/337/EEC (impact assessment) to landfills.

In the light of this, the Commission has asked the Irish authorities for detailed comments on the claims made, with an indication of the up-to-date position on the condition of the two waste facilities and their permitting, as well as full details of the measures being taken to ensure compliance with Directive 85/337/EEC.

The response of the Irish authorities is currently awaited, and I will keep you informed of developments.

Yours sincerely

G. KREMEIS

Head of Unit

Rue de la Loi 200, B-1049 Bruxelles/Wetstraat 200, B-1049 Brussel - Belgium - Office: BU-9 1/185. Telephone: direct line (+32-2)296.65.26, switchboard 299.11.11. Fax: 299.10.70. Telex: COMEU B 21877. Telegraphic address: COMEUR Brussels.

Appendix K Closing Statement

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Closing Statement No. 1 Mr. Frank Heslin

Representing Laois County Council

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Oral Hearing for Waste Licence application by Advanced Environmental Solutions (Ireland) Ltd for a facility at Ballymorris, Portarlington

Closing Statement from Laois County Council (16th October, 2002)

- I. We emphasise our concern in relation to the risk of groundwater contamination on the site and request that an assessment and remedial plan be put in place.
- II. The current operations (transfer station and materials recovery facility) are unauthorized.
- III. Laois County Council has taken legal action against the owners in order to stop unauthorised development on the site.
- IV. Laois County Council is not satisfied with the current level of environmental management on the site.
- V. Laois County Council does not support the continuing operation of current activities on the site.
- VI. The Midlands Regional Waste Management Plan proposed a civic amenity site in the environs of Portarlington. (The residents may have visited similar facilities in Navan and Dundalk). Laois County Council, having adopted the plan, supports in principle the establishment of a properly regulated civic amenity facility in the environs of Portarlington, subject to the necessary statutory approvals such as planning permission.

gry.

Frank Heslin Senior Engineer

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 $Appendix\ L\ Application\ Details-Activities\ Applied\ for$



D. & A. BINVIRONMENTA L. SERVICES

"The Willows"
Moorefield Drive
Newbridge
Co. Kildare
Ireland

Tel: (045) 432287

Ms. M. Keegan Waste Licensing Section Environmental Protection Agency Johnstown Castle Estate Co. Wexford

Date: 31 March 1999

Refer: Erwin Cobbe Waste Licence Application

Dear Ms. Keegan

Attached please find definitions of the Waste Activities, listed for the Deerpark Cross Facility. This relates to the Third and Fourth Schedule of the Waste Management Act 1996.

Hope this information will help you advance the application.

Yours sincerely

Donal Mullins

Environmental Protection Agency Waste Licensing

Received 08 APR 1999

Initials _ 03

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THIRD SCHEDULE

WASTE DISPOSAL ACTIVITIES

- There is no permanent deposit of any waste at the Deerpark Cross facility.
 However scrap metal, glass and aluminium can remain on site for a few months, while waiting for a commercial volume to be generated prior to shipment.
- 2. There is no land treatment at the Deerpark Cross Facility.

 However sludge is spread in Laois and adjoining counties. The land spreading application will provide more detailed information.
- 11. Blending and mixing of: (a) Metals

Environmental Protection Agency Waste Licensing Received 0.8 APR 1999

Initials 0B

- (b) Glass
- (c) Drink Cans (Aluminium)
- (d) Drink cans (Steel)
- (e) Cardboard
- (f) Paper
- (g) Fines (Compost)
- 13. Refers to Domestic, Commercial and Industrial Waste being handled in the following way:
- ❖ Weight of incoming waste recorded on Weighbridge.
- Deposited in segregation area.
- Primary separation by Hand.
- Secondary separation by Tramel i.e. Rotating Screen.
- Temporary storage provided for all segregated waste.
- End of line Waste recorded on Weighbridge and taken to landfill at Kyletalesha.

FOURTH SCHEDULE WASTE ACTIVITIES

- 2. Production of Fines for Composting from Mechanical Rotating Screen.
- 3. Reclamation of Metals
- 4. Glass.
- 8. Engine oil for Space Heating.
- 9. Shredding of Timber, Wood off cuts, Cardboard, Paper and Forestry Waste for Waste heat burner.
- 10. Landspreading *not* at Deerpark Cross Facility. Spreading Agriculture Waste for recovery.

11. Recycling, Metal, Glass, Wood, Cardboard and Paper.

12. Waste for recycling.

Waste for Composting

Waste for Energy Generation.

Waste for Re-Use (Oil)

Environmental Protection
Agency
Waste Licensing
Received 0.8 APR 1999

Initials 0

13. Storage of End Line Waste and subsequent disposal at landfill site at Kyletalesha, as stated in the principle activity of the Third Schedule.

Appendix M Recommended Decision

DECISION

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On the basis of the information available to it, the Agency, pursuant to its powers under Section 40(1) of the Waste Management Act, 1996, refuse to grant a waste licence to Advanced Environmental Solutions (Ireland) Ltd trading as Erwin Cobbe Waste Disposal to carry on the waste activities that are the subject of waste licence application register number 96-1 at Ballymorris, Kilbride, Portarlington, Co. Laois

ACTIVITIES REFUSED & REASONS FOR THE DECISION

The Agency is not satisfied, on the basis of the information available that the continued operation of the facility would comply with and not contravene the requirements of Section 40(4) of the Waste Management Act, 1996:

The classes of activity applied for by the applicant and reasons for refusal

Waste Disposal Activities, Third Schedule of the Waste Management Act 1996

Blending or mixture prior to submission to any activity referred to in a Class 11 preceding paragraph of this Schedule

Described in the application as blending and mixing of metals, glass, drink cans, cardboard, paper and fines (compost) (see Appendix L for the description as given in the application) and described by the applicant at the Oral Hearing, as the bulking up of waste to be transported to landfill.

Reasons

- The carrying on of the waste activity outdoors is not considered BATNEEC (best available technology not entailing excessive cost).
- The drainage at the facility is not adequate and the existing building is in a poor state of repair. No proposals were put forward by the applicant in relation to these matters.
- Waste blending and mixing as carried on at the facility has given rise to environmental nuisances and the proposed activity has the potential to continue to give rise to environmental nuisances.
- There is a risk of environmental pollution from the carrying on of waste activities outdoors without proper infrastructure.

Storage prior to submission to any activity referred to in a preceding Class 13 paragraph of this Schedule, other than temporary storage, pending collection, on the premises where the waste concerned is produced

Described in the application as the principal activity and refers to the handling of domestic, commercial and industrial waste (see Appendix L for further details) and described by the applicant at the Oral Hearing, as the storage of bulked waste prior to the submission to authorised landfill.

Reasons

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As per the reasons given for Class 11 above.

Waste Recovery Activities, Fourth Schedule of the Waste Management Act 1996

Class 2 Recycling or reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)

Described in the application as the production of fines for composting from the trommel and described by the applicant at the Oral Hearing, as the recovery of cardboard.

Reasons

 This activity is related to the processing of mixed waste accepted at the facility outdoors. The activity cannot be carried on due to the refusal of Class 11 of the Third Schedule.

Class 3 Recycling or reclamation of metals and metal compounds

Described in the application as the reclamation of metals and described by the applicant at the Oral Hearing, as the recovery of metals and compounds (a magnet takes out the ferrous material).

Reasons

- Insufficient information has been submitted in the application to allow an assessment of this waste activity.
- This activity is related to the processing of mixed waste accepted at the facility outdoors. The activity cannot be carried on due to the refusal of Class 11 of the Third Schedule.

Class 4 Recycling or reclamation of other inorganic materials

Described in the application as the recovery of 'glass' and described by Dr. Mc Namara at the Oral Hearing, as the recovery of construction and demolition waste including glass.

Reasons

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- Insufficient information has been submitted in the application to allow an assessment of this waste activity
- This activity is related to the processing of mixed waste accepted at the facility outdoors. The activity cannot be carried on due to the refusal of Class 11 of the Third Schedule.

Class 8 Oil re-refining or other re-uses of oil

Described in the application as 'engine oil for space heating' and for which the applicant stated there was no description given in the application and that they did not wish to carry on the activity.

Reason

The applicant has withdrawn this activity.

Class 9 Use of any waste principally as a fuel or other means to generate energy

Described in the application as 'shredding of timber, wood off cuts, cardboard, paper and forestry waste for waste heat burner' and described by the applicant at the Oral Hearing as related to the burner and that they did not wish to carry on the activity.

Reason

The applicant has withdrawn this activity.

Class 11 Use of waste obtained from any activity referred to in a preceding paragraph of this Schedule

Described in the application as the recycling of metal, glass, wood, cardboard and paper and described by the applicant at the Oral Hearing as the use of waste involving the recovery of cardboard.

Reasons

- Insufficient information has been submitted in the application to allow an assessment of this waste activity.
- This activity is related to the processing of mixed waste accepted at the facility outdoors. The activity cannot be carried on due to the refusal of Class 11 of the Third Schedule.

Class 12 Exchange of waste for submission to any activity referred to in a preceding paragraph of this Schedule

Described in the application as waste for recycling, waste for composting, waste for energy generation, waste for re-use (oil) and described by the applicant at the Oral Hearing as the exchange of waste from one activity to another.

Reasons

- All the classes of waste activities referred in the proceeding paragraphs have been recommended for refusal.
- Insufficient information has been submitted in the application to allow an assessment of this waste activity.

Class 13 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

Described in the application as the 'storage of end line waste and subsequent disposal at landfill site at Kyletalesha' and described by the applicant at the Oral Hearing as the storage of waste prior to submission to another waste recovery activity.

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Reasons

- The description of this waste activity given in the application relates to waste disposal and hence it cannot be licensed under the Fourth Schedule of the Waste Management Act.
- Insufficient information has been submitted in the application to allow an assessment of this waste activity.

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