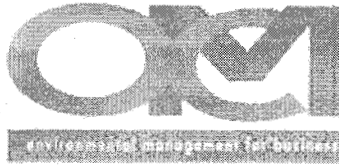


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Dr. Karen Creed,  
Programme Officer,  
Office of Climate, Licensing & Resource Use,  
Environmental Protection Agency,  
Headquarters P.O. Box 3000,  
Johnstown Castle Estate,  
County Wexford

25<sup>th</sup> March 2011.

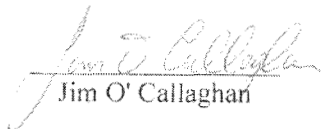
RE: Objection to Proposed Decision Application for Waste Licence Ref. No. W0079-02 Greenstar Limited, Unit 41, Cookstown Industrial Estate, Pallasgath Dublin.

Dear Dr Creed,

On behalf of Greenstar Limited, I enclose the grounds for objection to the Proposed Decision on Waste Licence application W0079-01. The objection fee (€500) has been paid electronically.

If you have any queries, please call me.

Yours sincerely,

  
Jim O'Callaghan

0904801801/JOC/MS

Encl

cc: Mr. Malcolm Dowling, Greenstar Limited

email: [info@ocallaghantomoran.com](mailto:info@ocallaghantomoran.com) Website: [www.ocallaghantomoran.com](http://www.ocallaghantomoran.com)

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**Objection To**  
**Proposed Decision**  
**Waste Licence Application No.W0079-02**  
**Greenstar Limited**

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**Prepared For: -**

Greenstar Limited,  
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Ballyogan Business Park,  
Ballyogan Road,  
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Dublin 18.

**Prepared By: -**

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Rutland Street,  
Cork.

**25<sup>th</sup> March 2011**

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## 1. INTRODUCTION

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Greenstar Limited (Greenstar), Unit 6 Ballyogan Business Park, Ballyogan Road, Sandyford Dublin 18, the applicant, in accordance with Section 42 of the Waste Management Acts 1996 to 2010 objects to the Proposed Decision (PD) to refuse to grant a revised Waste Licence (Application Register W0079-02) for its facility at Unit 41, Cookstown Industrial Estate. The relevant fee (€500) is enclosed, and the grounds for the objection are presented in Section 2.

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## 2. GROUNDS FOR OBJECTION

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The Agency's reasons for refusal presented in the PD are based on the Directors consideration of conclusions and recommendations in the OCLR Inspector's Report dated 10<sup>th</sup> February 2010. The individual grounds for refusal are in italics, followed by Greenstar's objection.

*1. The nature of the waste activities requested in the licence review application, including the storage and handling of waste metals in an uncovered yard, is considered likely to cause or lead to environmental pollution.*

The waste activities requested in the review application are End of Life (ELV) vehicle and metals recovery. These are common waste recovery activities and do not involve any unique process or emission. The Agency is of the opinion, apparently based on site specific conditions, that the proposed activities would cause or lead to environmental pollution. The PD does not define what is meant by environmental pollution, but as there is subsequent separate reference to noise and dust nuisance, it is assumed it refers to the risk to surface water, soil and groundwater.

The Agency's position that storage and handling of waste metals in an uncovered yard is likely to cause or lead to environmental pollution is not consistent with the technical requirements specified in Annex 1 of Council Decision 2000/53/EC on End of Life Vehicles (ELV), which is transposed by the Second Schedule of the Waste Management (End of Life) Regulations 2006 (Regulations). Furthermore, it is contrary to the guidance on ELV facilities issued by the Department of the Environment, Heritage and Local Government (DEHLG)<sup>1</sup>, and the approach taken by the Local Authorities who regulate the majority of ELV and metal waste recovery facilities.

The Council Decision, Regulations and Guidance do not prohibit the storage and handling of metal wastes in open yards, subject to the provision of appropriate control measures. Waste Permits issued by the Local Authorities allow the handling and storage of metal wastes in uncovered yards provided it is carried out on an impermeable surface with an appropriate surface water drainage system in place. The Council Decision, Regulations, Guidance and Local Authority practice explicitly acknowledge that the storage and handling of metal waste in open areas can be done in a manner that is not likely to cause or lead to environmental pollution.

The Greenstar facility complies with the technical requirements of the Council Decision and the Second Schedule of the Regulations and the DEHLG Guidance. The open yard where the metals are handled is paved with concrete, which prevents infiltration of rainfall to the soil

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<sup>1</sup> Waste Management (End of Life Vehicles) Regulations 2006(SI No 262 of 2006) Frequently Asked Questions

and or groundwater. This is acknowledged in Section's 5.3 and 5.5 of the Inspector's Report on the Licence Application *'There are no emission to surface water....The majority of the site is a concrete surface which minimises the potential for discharges to ground or groundwater in the event of a spill or leak'*.

The rainwater run-off from the sections of the yard used to store metal waste is collected and passed through a silt trap and appropriately sized Class 2 oil interceptor before discharge to the municipal foul sewer. The drainage system in this area was substantially upgraded in 2009, involving the construction of new drains, gullies and the installation of a new interceptor, and the design was approved in advance by the Office of Environmental Enforcement following a period of consultation.<sup>2</sup>

The routine monitoring of the discharge to sewer, including that conducted in 2010, has demonstrated that it complies with the emission limit values set in the current Licence. In addition to complying with the technical requirements of the Council Decision and Regulations, these measures comply with the guidance in the Agency's draft BAT Guidance Note on the Waste Sector :Transfer Activities (April 2008).

## Conclusion

Greenstar considers that, based on the control measures already provided which were approved by the Agency and comply with BAT, the proposed activities are not likely to cause or lead to soil, water or groundwater contamination.

*2 The operation of the metal recovery activities outdoors and in a built up area has the potential to impact on neighbouring premises with noise and dust emissions that would be at nuisance levels*

The issue of noise nuisance is dealt with below and the following addresses dust emissions. The facility is in an industrial estate and there are no nearby sensitive receptors. Although the facility was not operational between April 2006 and November 2008, dust monitoring was carried out until July 2007 and this identified a number of exceedances of the deposition limit, indicating that there are significant off-site sources of dust.

The Inspector's Report notes that from January to July 2009, dust levels at the rear site boundary (D2) exceeded the limit value for six of the seven months. (Refer to Tables in Appendix A of the Inspector's Report). In response to these exceedances, the dust control programme was augmented. The subsequent dust monitoring, from August 2009 to October 2010, confirmed the effectiveness of these measures, with the deposition limits at all the monitoring points exceeded on only three occasions out of forty two measurements over the fourteen month period. Section 5.1 of the Inspector's Report acknowledges that compliance with the dust deposition limits improved from mid 2009, *'which may have been due to the implementation of dust mitigation measures'*.

<sup>2</sup> W0079-01/ak/15NH.doc

## Conclusion

The dust monitoring carried out between April 2006 and November 2008, when the facility was closed, identified exceedances of the dust deposition limit at the on-site monitoring locations. The monthly monitoring conducted since the augmentation of the dust control measures at the facility has demonstrated that these measures have proven to be effective, a fact acknowledged by the Inspector. Greenstar considers that the monitoring data does not support the Agency's position that dust emissions from the waste activities are or will be a cause of nuisance and that this is not a reasonable ground for refusal.

*3. The licensee has not demonstrated, based on noise monitoring results from 2009 to 2010, when undertaking the requested activities, the ability to comply with the standard noise limits of 55dB(A) (daytime) and 45dB(A) (night-time) at the nearest noise sensitive locations, boundary and neighbouring premises.*

The PD states that the ability to comply with the 45 dB night-time limit has not been demonstrated. However it is not proposed to operate during night time, which is defined in the Licence as 2200 to 0800 hours. Therefore the 45 dB limit is not relevant and is not a reasonable ground for refusal.

The PD states that the ability to comply with the daytime limit of 55dB(A) 'at the nearest noise sensitive locations, boundary and neighbouring premises' has not been demonstrated. These three locations are dealt with separately below.

### Noise Sensitive Locations

The facility is located in a long established industrial estate with commercial and light industrial premises adjoining to the north, west and east. The site is surrounded by concrete walls approximately 2m high to the north, east and west.

The closest residential properties are approximately 240m east of the facility boundary. Tallaght Hospital, which is identified as a noise sensitive location (NSL) in the current noise monitoring programme, is 190m south west of the facility. There is a FAS training centre immediately south of the facility entrance and a pharmaceutical manufacturing facility (Ricesteele Limited) adjoining the northern boundary

The noise monitoring conducted to date, both in compliance with the Licence conditions and as requested by the Agency during the Licence Review process has clearly demonstrated that the noise emissions from the facility are not adversely affecting the nearest NSL (Tallaght Hospital) or the nearest private residences.

The definition of a NSL in the Licence includes, *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 absence of noise at nuisance levels.* Offices or industrial and commercial operations are excluded from the definition. The Inspector states that the FAS training centre and offices, which was established since the granting of the current Licence, is a NSL. The reason for this opinion is not given, but it is assumed that the Agency considers it to be an 'educational establishment'.

At the Agency's request, noise monitoring was carried out outside the FAS building at times when the Greenstar facility was operational and closed. The Inspector acknowledges that the background noise levels at the monitoring point were higher than 55dB when the Greenstar facility was closed and that this was due to traffic noise and commercial activities in the industrial estate (refer to Table 3 below which is an extract from the Inspector's report).

**Table 3. Noise monitoring (daytime) at off-site locations 12<sup>th</sup> May 2010**

Monitoring Location	Description	Facility operation	L <sub>Aeq</sub> 30 min	L <sub>A90</sub> 30 min Note 1
NSL1	Tallaght Hospital (north eastern gate)	Open	56	52
		Closed	55	48
Station 2	Across road from facility entrance, 6m from façade of FAS training building and offices	Open	66	57
		Closed	61	46
Station 3	South east corner of Ricesteele Ltd. premises (adjoins north boundary of facility)	Open	66	61
		Closed	54	52
Station 4	In vacant lot between 2 dwellings at Colbert's Fort 275m east of facility)	Open	53	44
		Closed	50	40

Note 1: The noise level exceeded for 90% of the time interval. T. This level is generally taken to represent the 'background noise' level.

The Inspector notes that when the Greenstar facility was operating, noise levels at Station 3 were 11dB higher than the background levels. In addition, tonal components were audible from reversing alarms and impulsive components arose from container loading. The Inspector states that the Agency Guidance (Guidance Note for Noise in Relation to Scheduled Activities 2006) recommends that noise emissions from a facility should be penalised by 5dB if the noise includes a clearly audible tonal and/or impulsive component.

However the actual level measured was 57dB, which if the 5dB penalty is added, increases to 62dB. This is only 7dB above the 55dB limit for a NSL. Furthermore, as the monitoring was not carried out inside the building the internal levels are not known. Building designers typically apply a high level of noise insulation, expected to reduce noise levels by at least 25dB.



Noise assessments are typically based on external measurements, because residents and occupants of high amenity areas have the right to enjoy the use of their gardens and adjoining lands. As the FAS centre was constructed in an existing industrial area with high background noise levels, FAS clearly considered that it did not require the same level of protection against noise as that of a house or other high amenity use.

The Inspector concludes that the survey results (7dB above the daytime limit for an NSL) highlights the facility has the potential to cause a significant noise related impact at the FAS training centre. The Inspector does not appear to have considered the fact that occupants/users of the centre have never complained about noise from the Greenstar facility, although the noise levels are comparable to those measured at a neighbouring premises.

#### Site Boundary

Greenstar acknowledges that the 55 dB (A) limit cannot be achieved at the site boundary. This is common to many, if not all, waste management and industrial activities. This is recognised in the Agency's Guidance, where Section 3.3 recommends the establishment of limits for NSL. Section 3.4 states that for Industrial Estates where limits may be set at the boundary, such limits may be higher than at the NSL to reflect the relative proximity of the noise. The Guidance also states that noise limits may be set on individual sources of noise, taking cognisance of the target limit levels to be achieved either at the boundary or nearest NSL.

#### Neighbouring Premises

The site is located in a long established industrial area, with a number of large industrial units in the vicinity. The PD does not identify the 'neighbouring premises' but the Inspector's report confirms that this is the Ricesteele facility (the single objector to the application), where Greenstar also conducted noise monitoring at the request of the Agency. The Inspector states that notable noise level increases were attributable to the operations at the Greenstar facility, with an increase of 9dB above the background level. However the actual level measured was 61dB in a yard outside the Ricesteele manufacturing building. Including the 5dB penalty for impulsive noises increases the level to 66dB(A), which is 11dB(A) above the daytime limit for a NSL.

The Inspector acknowledges that Ricesteele is not by definition a noise sensitive location, but considers the standard noise limits (45dB nighttime and 55dB daytime) should apply outside the Ricesteele building to avoid noise-related nuisance. Ricesteele is a pharmaceutical manufacturer, whose operations themselves generate noise, and the yard could not be categorised as being similar to residential or high amenity land use

The Agency's Guidance includes a correlation between noise levels as measured in dB(A) and how that is perceived, which are presented below

Sound level dB(A)	Description
0	Absolute silence
25	Very quiet room
35	Rural night-time setting with no wind
55	Day-time, busy roadway 0.5 km away
70	Busy restaurant
85	Very busy pub, voice has to be raised to be heard
100	Disco or rock concert
120	Uncomfortably loud, conversation impossible
140	Noise causes pain in ears

The noise levels measured outside the Ricesteele facility are less than those occurring in a busy restaurant. Furthermore in linking of NSL noise limits with 'nuisance', the Agency establishes a threshold for noise-related nuisance of 45dBA night time and 55dBA daytime for any occupant of an industrial estate.

### Conclusion

The Agency considers that noise levels recorded at two off-site locations, which are less than those encountered in a busy restaurant, constitute noise-related nuisance. The off-site locations include the yard of adjoining lot occupied by a manufacturing activity, and the second is at the entrance to a nearby training centre neither of which constitutes high amenity landuse. In the context of the site location in a busy industrial estate, where ambient noise levels already exceed the NSL day time limit Greenstar considers that the Agency's opinion is not justified.

4. *The licensee has not proposed noise mitigation measures that are considered adequate or effective. The licensee stated in their licence review application that they cannot accept or process all metals indoors. Therefore it is concluded that the activities proposed in the application would result in significant noise emissions.*

The mitigation measures in place include acoustic barriers (2m high concrete walls on three sides of the facility); confinement of certain operations to within buildings; replacement of track machine to eliminate potentially significant tonal emissions; changes in operational practices to minimise impulsive emissions (associated with dropping metal, and the telescopic loader scraping on the ground; change in operations when loading containers and using skid steer loader).

The Agency concludes that, as it is not possible to accept or process all metals indoors, the activities proposed in the application would result in significant noise emissions. The Agency's position in the PD that it is mandatory to carry out waste acceptance and processing indoors is not consistent with its own Guidance which states that, where practicable, noisy activities should be undertaken indoors.

## Conclusion

Greenstar considers that the noise mitigation measures provided are appropriate for an activity located in a busy industrial estate. The Agency's assessment of significance is based on noise levels outside adjoining and nearby premises, which are less than those occurring in a busy restaurant and are consistent with those typically encountered in industrial/commercial estates. Greenstar does not consider this to be a justifiable ground for refusal.

## Final Comment

Greenstar considers, based on the reasons presented above, that proposed decision to refuse the application is not justified. Greenstar made the application on the basis of advice received from the Office of Climate, Licensing and Resource (OCLR) in response to a request for a Technical Amendment. The OCLR Inspector's Report on the Technical Amendment recommended that *'the licensee be advised that a waste licence review is required to accommodate the requested changes on the basis of the scale and scope of the requested change of activities. The licence review application shall specifically address the emissions associated with the proposed activities which were not considered by the Agency prior to granting the existing waste licence'*.

At the time the OCLR advised Greenstar to apply for the review, the OCLR was aware that facility activities were a source of noise emissions. The Inspector's Report on the Technical Amendment notes that OEE had reviewed a noise survey provided by the licensee, which was conducted in December 2008, that had recorded results of between 58 and 69 dB(A) LAeq (30 minutes). The Inspector notes that the results were above the standard emission limit values for noise of 55 dB(A) LAeq (30 minutes) during the daytime and that the monitoring report stated that the elevated noise levels were associated with a multiple of sources including traffic and emissions from surrounding commercial premises.

Therefore, in reaching a decision that a Licence Review was required, the OCLR was aware that the noise levels from the activity were similar to those that the Agency considers to constitute a nuisance. However, the OCLR did not identify the impact of these noise levels on neighbouring properties in the industrial estate as being of concern or something that should be addressed in a review. The only issue raised was that the current Licence did not contain ELVs for noise.

Greenstar completed the assessment of noise impacts on the basis that the activity was located in a busy industrial estate and that the nearest noise sensitive location was the Tallaght Hospital. While the OCLR, when processing the application, requested additional noise monitoring at a number of locations, both within and outside the boundary of the industrial estate, Greenstar was not and could not have been aware that the OCLR considered premises at the site boundary and nearby to be Noise Sensitive Locations, as defined in the current Licence.

For reasons outlined in this objection, Greenstar respectfully requests that the Agency to amend the proposed decision and grant the application.

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