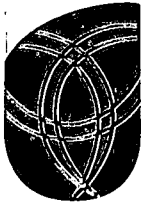


Submission, No. 4



CARLOW COUNTY COUNCIL

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Date: 13th September, 2013

Our Ref: MJM/PM

Ms. Noeleen Keavey,
Programme officer,
Office of Climate, Licensing & Resource use,
EPA Headquarters,
PO. Box 3000,
Johnstown Castle Estate,
Co. Wexford.

Environmental Protection
Agency
18 SEP 2013

RE: Waste Licence Application – O’Toole Composting Ltd., Ballinrane, Fenagh,
Co. Carlow. W0284-01

Dear Ms. Keavey,

With reference to your correspondence dated August 22nd last and to the non technical summary dated August 19th 2013 submitted by O’Toole Composting Ltd., a number of issues arise as follows:

- (1) The Term “Waste Transfer Station” is used in the overview of proposed development and elsewhere in the document. Carlow County Council are not aware of any authorisation under waste management legislation to operate this facility as a waste transfer station.
- (2) Stage 1 development proposes to increase intake of municipal solid waste for drying & stabilising. This activity has commenced.
- (3) Stage 1 proposes to increase to a maximum tonnage of 20,000 of waste per annum. Waste accepted from the general public and commercial customers in 2012 exceeded 28,000 tonnes.
- (4) Reference made to planning permission granted for the construction of a civic amenity building is unclear. Planning permission granted under PL Ref: 08/321 for a recycling / storage facility is at the end of its 5 year duration and a current application 13/214 has been lodged to extend the duration of this permission. Permission granted under PL Ref: 06/668 was in respect of a storage building. Until a decision is made in respect of PL Ref 13/214 to extend the duration of planning permission associated with the proposed recycling/storage facility neither permission would provide sanction for the expansion referred to at paragraph 2 of the overview of proposal.

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through the waters of time

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- (5) *Need for proposed development.* Under this heading it is claimed that no other transfer facilities operate in Carlow for the acceptance of commercial waste. While this is the case significant public investment has provided a civic amenity site and landfill facility for waste requirements in the county. The proposed activity operates without a requirement to charge a landfill levy to the general public for the disposal of waste. This part of the submission suggests that the facility is particularly focussed on the recycling/composting of biodegradable waste. Information submitted by O'Toole Composting to Carlow County Council relating to tonnages of waste leaving the site from 1/01/2013 to 27/06/2013 shows 42% of waste leaving the site going for disposal with the balance leaving the site for recovery elsewhere. This represents the activities of a transfer station.
- (6) Where the use of this term waste transfer station is intended to relate to skip waste in accordance with Class 10 of the Waste Management (Facility Permit and Registration) Regulations 2007, 85% recovery is required. Full details of waste streams have not been provided to Carlow County Council to facilitate the inclusion of Class 10 permissible activities under a waste permit review.
- (7) This site currently holds a waste facility permit up to 10,000 tonnes per annum. This amount was exceeded in 2012 by more than 18,000 no. tonnes and has already been exceeded in 2013. While it is accepted that the application for a waste licence before the EPA is as a result of the increase in tonnages of waste accepted and changes in the types of activity involved.
- (8) *Traffic* - several references are made to traffic and in particular proposed expansion is stated to result in "overall increase in traffic of less than 5% of the current traffic volumes". The increase in the current level of traffic from that which was taken into consideration in relation to planning permission granted under PL Ref: 03/314 by An Bord Pleanála Ref: PL 01.204497 is not dealt with. It is the opinion of the Water and Environment Section of Carlow County Council that traffic levels associated with the level of activity proposed by quantified in their own right and not referenced in relation to an unknown termed as "current levels". Given the large increase in waste amounts accepted at the facility which have necessitated this application it cannot be argued that the increase in traffic movements is not significant from that which has been authorised by planning permission initially.
- (9) *Planning Permission* – Carlow County Council is currently considering an application to review waste facility permit WFP-CW-1-003-01. It is the view of our planning department that the facility has moved from being a commercial composting facility to a general waste disposal facility accessible by the public. This may constitute a change of use which is a material change of use because the characteristics of the new use would appear to be different from that which is permitted. Carlow County Council cannot process the application for permit review until confirmation of planning compliance is secured by the applicant or details of planning exemption for any intensification or change of use which may have taken place is provided.

(10) Article 11 Submission - Carlow County Council made an Article 11

Submission to the EPA recently seeking clarification on the acceptance at this facility of black bag municipal waste EWC 200301, up to 19,000 tonnes per annum. The operator proposed to carry out a composting activity on mixed black bag waste, first shredding and screening the waste. The resulting product to be stabilised bio-waste meeting AT4 standards. In response the Agency determined that a permit is required under Class 10 of Part 1 of the Third Schedule of the Waste Management (Facility Permit & Registration) Regulations 2007. This determination being dependent on the operator demonstrating that thresholds under Class 10 are met. As dealt with earlier under item 6, these requirements are not being met at present.

- (11) Waste Water – The document states that waste water from the facility is being collected in holding tanks on site, for reuse at the facility or for removal off site by tankers to a waste water treatment plant. No waste water from the operation is currently being accepted at any waste water treatment plant operated by Carlow County Council. Details of where this material is being taken off site for treatment should be sought from the applicant.
- (13) Reference is made to screening for Appropriate Assessment. Carlow County Council would like to review the screening documentation referred to and in particular its determination that the development “will have no impact on the SAC”.

Carlow County Council feels unable to process further its review of WFP-CW-1-003-01 until confirmation of planning compliance is provided by the operator. This matter requires clarification as part of your licensing process also with particular reference to intensification of use. It should be clearly stated what level the increase in traffic will be and from what level that increase is being measured.

In general the non-technical summary provided seeks to generalise the activities proposed on site as an extension to or expansion of an existing transfer or recycling facility. The existing activities that are proposed for expansion have not been authorised leading to an incremental increase over time that is significant. It is the objective of the local authority that all aspects of the activities currently operating and proposed will be fully regulated under waste management and planning regulations at the end of this process.

Where any further information is required in relation to this facility please let me know.

Yours sincerely,


Mary J. Mulholland,
Senior Executive Officer,
Water Services & Environment.

Env/waste/fwp/applications/o'toole2013