



OFFICE

This memo has been cleared for submission to the board by Frank Clinton, Programme Manager

Signed: Gráinne Doyleby. Date: 12/12/2013

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

TO:	Directors
FROM:	Technical Committee - Environmental Licensing Programme
DATE:	12 December 2013
RE:	Objection to a Proposed Decision (PD) issued to KMK Metals Recycling Limited, Cappincur Industrial Estate, Daingean Road, Tullamore, County Offaly, Licence Register W0113-04.

**Application Details**

Type of facility:	Hazardous and non-hazardous waste treatment and transfer.
Classes of Activity (P = principal activity):	4 <sup>th</sup> Schedule: Classes R4, R5, R7, R8, R11, R12, R13.
Quantity of waste managed per annum (application):	35,000 tonnes
Classes of Waste:	Waste electrical and electronic equipment (WEEE), batteries, metal-bearing sludges and other waste.
Location of facility:	Cappincur Industrial Estate, Daingean Road, Tullamore, County Offaly.
Licence application received:	20 October 2009
PD issued:	26 September 2013

**1. Company and background to this report**

The application relates to an existing waste treatment and transfer station operated by KMK Metals Recycling Limited. The facility is licensed by the Agency (waste licence Register No. W0113-03) and is licensed to accept 20,000 tonnes of waste per annum. The review of this waste licence is concerned with: (i) an increase in the waste acceptance threshold to 35,000 tonnes per annum, (ii) an extension of the facility boundary and (iii) to authorise the operation of new equipment for WEEE dismantling and recycling and an associated dust emission point.

This report relates to a valid first party objection received by the Agency in relation to the Proposed Decision (PD) issued to KMK Metals Recycling Ltd on 26 September 2013.

**2. Consideration of the objection**

The issues raised in the objection are summarised under the headings below. The original objection should be referred to at all times for greater detail and expansion of particular points.

Objector's Name	Date Received
KMK Metals Recycling Limited	17 October 2013

The Technical Committee (TC), comprising of Caroline Murphy (Chair) and Michael Owens, has considered all of the issues raised in the objection and this report details the Committee's comments. Each issue raised in the objection is outlined in turn below.

**Objection 1.**            *Schedule B.2: Emissions to Water and Condition 6.10.3.*

The licensee objects to the setting of emission limit values of 35mg/l for suspended solids and 2mg/l for mineral oil on storm water emission points CX, DX and E, for the following reasons:

- a trigger level of 50mg/l for suspended solids is currently in place under licence Register No. W0113-03;
- suspended solids is not a parameter listed in the EC Environmental Objectives (Surface Waters) Regulations 2009 (EO Regulations);
- the land drain to which the storm water discharges is not a designated river; and
- as the discharge volume is very low these emission limit values are seen as inappropriate.

The licensee proposes that suspended solids and mineral oil are added to the list of parameters in Condition 6.10.3 which require the establishment of trigger levels and that they are removed from *Schedule B.2*.

**Technical Committee's Evaluation**

Storm water at the facility is discharged to a land drain with low flow (approximately 0.09m<sup>3</sup>/s<sup>1</sup>). This land drain connects to the Tullamore River approximately 500m south of the facility. The segment of the Tullamore River to which the drain discharges is protected for use as a source of drinking water. Another segment of the Tullamore River approximately 3.5km downstream from the segment of the river to which the drain discharges is classified as a nutrient sensitive water.

Under the existing licence storm water discharges at the facility, at points CX and DX, are measured against trigger and action levels which include the following:

Parameter	Trigger level (mg/l) <sup>Note 1</sup>	Action level (mg/l) <sup>Note 1</sup>
Suspended solids	50	100
Mineral oil	1	2

Note 1: 2012 Annual Environmental Report (AER).

*Mineral oil:*

The Inspector's Report highlighted that given the periodic occurrence of high readings for mineral oil in storm water discharges from the facility it was seen as appropriate to impose emission limit values as opposed to trigger levels for this parameter at emission points CX, DX and E. An emission limit value of 2mg/l for mineral oil was included in *Schedule B.2* of

<sup>1</sup> Drain Impact Report for KMK Metals Recycling Limited W0113-03 at Cappincur Industrial Estate, Daingean Road, Tullamore, Co. Offaly, 26 September 2011.

the PD. This limit value reflects the current action level. The 2012 AER and the *Drain Impact Report* (September 2011) demonstrated that in general discharges from CX and DX are under this threshold. As such it is the view of the Technical Committee that 2mg/l for mineral oil is an appropriate emission limit value for this parameter for storm water discharges.

*Suspended solids:*

The Inspector's Report highlighted that an emission limit value was imposed for suspended solids for emissions from the above locations (CX, DX and E) as there is no equivalent environmental quality standard. An emission limit value of 35mg/l for suspended solids was included in *Schedule B.2* of the PD.

The Technical Committee noted that the currently licensed action level of 100mg/l could not be used as an equivalent emission limit value as this exceeds the 50mg/l threshold specified in the EC (Quality of Surface Water Intended for the Abstraction of Drinking Water) Regulations 1989 (S.I. No. 294/1989). It was also noted that the 35mg/l emission limit value proposed reflects the threshold specified in the Urban Waste Water Treatment Regulations 2001, as amended (S.I. No. 254/2001).

The 2012 AER and the *Drain Impact Report* (September 2011) indicate that storm water emissions at point CX should be capable of staying under the 35mg/l limit value; however, it also indicates that emissions from point DX have exceeded this limit value on occasion. The three measurements at point DX in 2012 resulted in one exceedance of the trigger level and two exceedances of the action level.

It is the view of the Technical Committee that a 35mg/l emission limit value is appropriate as:

- it is the function of the silt traps and oil interceptors, required by Condition 3.16, to remove suspended solids from storm water prior to discharge;
- emission point CX is capable of staying under this emission limit value; and
- any exceedance of the emission limit value will be treated as an incident which will require investigation and measures to be put in place to avoid a recurrence of the incident (as per Condition 9.3).

**Recommendation:**

No change
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**Objection 2.**                    *Schedule C.2.3: Monitoring of Storm Water Emissions*

The licensee requested that the monitoring frequency for all metals be reinstated from quarterly to biannually as the monitoring history demonstrates that there is no need for change.

**Technical Committee's Evaluation**

The Inspector's Report highlighted that in the AERs for 2010 and 2011 certain parameters (including ammonia, zinc, chromium, nickel and lead) in discharges from CX and DX occasionally exceeded environmental quality standards<sup>2</sup> that are applicable to surface water bodies. It was also reported that parameters such as suspended solids and COD were high on several occasions in 2010 and 2011. Therefore, it is the view of the Technical Committee that an increase in monitoring frequency from biannually to quarterly is justified.

In any case, Condition 6.7 of the PD facilitates the frequency of monitoring to be amended with agreement of the Agency following evaluation of test results.

<sup>2</sup> European Communities Environmental Objectives (Surface Waters) Regulations 2009

**Recommendation:**

No change

**Objection 3.**            Schedules B.4, C.1.1 and C.1.2

The licensee requested that the emission point reference numbers listed in *Schedule B.4, C.1.1* and *C.1.2* be amended to reflect the revised environmental monitoring locations map (F.1.1 b) submitted on 31 August 2012.

**Technical Committee's Evaluation**

The PD makes reference to the dust monitoring and air emission points as set out in Drawing No. F.1.1 a of the application instead of Drawing F.1.1 b. Drawing number F.1.1 b was the third drawing of its type submitted as part of the waste licence review application. This drawing proposed a reduction in the number of ambient dust monitoring locations in the current licence from six to four, one in each direction - north (A2-1), south (A2-3), east (A2-2) and west ((A2-4). This proposal also removes the monitoring point in the centre of the facility and both monitoring points to the north, and creates a new single northerly monitoring location (A2-1) on the extended site boundary. It should be noted that the 2012 AER demonstrated that dust deposition levels at the six current ambient dust monitoring locations were less than 13% of the current licence limit value of 350 mg/m<sup>2</sup>/day.

It is recommended to change the reference numbers in the PD to those as set out in Drawing F.1.1 b.

**Recommendation:**

- Amend *Schedule B.1* as follows:

Delete emission point reference number A2-8 and replace with A2-5.

- Amend *Schedule B.4* as follows:

Delete emission point reference number A2-5.

- Amend *Schedule C.1.1* as follows:

Delete emission point reference number A2-8 and replace with A2-5.

- Amend *Schedule C.1.2* as follows:

Delete emission point reference number A2-8 and replace with A2-5.

**Objection 4.**            Schedule B.1: Emissions to Air

The licensee has highlighted that the proposed emission limit value of 10mg/m<sup>3</sup> for total particulates is lower than the current licensed limit of 12.5mg/m<sup>3</sup>. The licensee considers that this limit should remain as 12.5 mg/m<sup>3</sup> as the Air Quality Standard is predicted to be reached only when total particulate emission levels reach 12.5mg/m<sup>3</sup>.

**Technical Committee's Evaluation**

In the Inspector's Report it was identified that:

- (i) the manufacturer of the abatement equipment claims a maximum of 10mg/m<sup>3</sup> of total particulates will be emitted;
- (ii) an emission of 12.5mg/m<sup>3</sup> would result in a combined process and background concentration of 40µg/m<sup>3</sup> of total particulates. The Air Quality Standard for this parameter is 40µg/m<sup>3</sup>; and

- (iii) taking into consideration the above and that the licensee proposes to install a cyclone before the bag filter, it was seen as appropriate to reduce the emission limit to 5mg/m<sup>3</sup>.

On reviewing the Recommended Decision the Board of the Agency decided that an emission limit value of 10mg/m<sup>3</sup> would be more appropriate than 5mg/m<sup>3</sup>.

Assuming a linear relationship between emission and ground level concentration it can be concluded that an emission level of 10mg/m<sup>3</sup> would result in a combined process and background concentration of 36.7µg/m<sup>3</sup>. Therefore applying a limit of 10mg/m<sup>3</sup> will ensure that emissions from the facility will not lead to a breach of the total particulate Air Quality Standard.

**Recommendation:**

No change

**Objection 5.**            Schedule C.2.2: Monitoring of Emissions to Water

The licensee considers that the composite sampler required by note 1 and 2 of the above schedule is unnecessary for reasons which include:

- (i) composite samplers are required to detect trends over time;
- (ii) the use of the wastewater treatment system (WWTS) will be consistent from day-to-day; and
- (iii) wastewater is attenuated and mixed at different stages in the WWTS to ensure the final effluent is consistent in nature.

The licensee therefore proposes that grab sampling would be a suitable method of monitoring.

The licensee also requests that flow is monitored daily by visual inspection only.

**Technical Committee's Evaluation**

*Schedule C2.2* sets the monitoring requirements for emission point F which discharges treated sanitary effluent only (rather than a treated process effluent). The technical committee therefore accepts that grab sampling should be an adequate sampling method for this discharge. However, it is not considered that visual inspection is an adequate means of monitoring flow.

**Recommendation:**

Amend *Schedule C.2.2* as follows:

- Amend text of Note 1 to read as follows:

'All samples taken at 'F' shall be prior to dilution with storm water.'

- Delete Note 2.

- Delete the text 'Daily Note 2' from the column headed 'Monitoring Frequency'.

**Objection 6.**            Condition 8.5 Loading and unloading of waste

The licensee has requested that the loading and unloading of hazardous WEEE be permitted in outdoor areas or alternatively that Condition 8.5 be removed from the PD.

The licensee feels that this requirement is not applied to other similar facilities, it would put the company at an unfair commercial disadvantage, the loading and unloading does not

constitute the treatment of waste and there is no requirement in the WEEE Directive or the WEEE Treatment Standard to support this condition. The licensee therefor

e considers that there is no environmental benefit gained from imposing this requirement.

#### **Technical Committee's Evaluation**

Condition 8.5 states "*Unless otherwise agreed by the Agency, only non-hazardous WEEE shall be loaded or unloaded outside...*"

Condition 8.5 facilitates the agreement of alternative loading and unloading arrangements with the Agency. The OEE will be able to agree appropriate loading and unloading arrangements for hazardous WEEE subject to more detailed proposals than are contained in the objection.

#### **Recommendation:**

No change.

#### **Objection 7.**            Condition 8.7 Storage of hazardous WEEE

The licensee requests that the Agency permits temporary outdoor storage of hazardous WEEE on the following grounds:

- (i) the outdoor storage of WEEE is incidental to site operations;
- (ii) it is acceptable for certain types of WEEE to be stored outdoors;
- (iii) some WEEE streams are sourced from civic amenity sites at which WEEE is stored outdoors;
- (iv) the WEEE Regulations 2011 specify that weather-proof covering should be provided for appropriate areas; and
- (v) all outdoor storage areas are serviced by the site drainage infrastructure including interceptors and silt traps.

#### **Technical Committee's Evaluation**

Condition 8.7 states "*Unless otherwise agreed by the Agency, only non-hazardous WEEE may be stored outside...*"

Condition 8.7 facilitates the agreement of alternative storage arrangements with the Agency. The OEE will be able to agree appropriate storage arrangements for hazardous WEEE subject to more detailed proposals than are contained in the objection.

#### **Recommendation:**

No change

#### **Additional item – text on Appropriate Assessment in Decision and Reasons for Decision**

A screening for appropriate assessment was undertaken to assess, in view of scientific knowledge and the conservation objectives of relevant European sites, if the activity, individually or in combination with other plans or projects is likely to have a significant effect on any European sites. The screening assessment demonstrated that the activity is not likely to have significant effects, in terms of maintaining favourable conservation status of the qualifying interests, on the European sites having regard to their conservation objectives. It is necessary, in accordance with Agency procedures, to insert appropriate text in the Decision and Reasons for Decision of the licence proposed to be granted. The proposed text is as follows:


A screening for Appropriate Assessment was undertaken to assess, in view of best scientific knowledge and the conservation objectives of the site, if the activity, individually or in combination with other plans or projects is likely to have a significant effect on European Sites. In this context, particular attention was paid to the European sites at Charleville Wood SAC [site code 000571], Raheenmore Bog SAC [site code 000582], Split Hill and Long Hill Esker SAC [site code 001831], Clara Bog SAC [site code 000572], River Barrow and River Nore SAC [site code 002162] and Clonaslee Esker and Derry Bog SAC [site code 00859] and the Agency considered, for the reasons set out below, that the activity is not directly connected with or necessary to the management of those sites as European Sites and that it can be excluded on the basis of objective scientific information, that the activity, individually or in combination with other plans or projects, will have a significant effect on a European site, and accordingly the Agency determined that an Appropriate Assessment of the activity is not required. It has been determined that this facility does not have the potential for significant effects on any European site due to the absence of significant environmental emissions, the absence of pathways and the distance to European sites mitigates against the potential for significant effects on any European site.

### **3. Overall Recommendation**

It is recommended that the Board of the Agency grant a licence to the applicant

- (i) for the reasons outlined in the Proposed Decision, and
- (ii) subject to the conditions and reasons for same in the Proposed Decision, and
- (iii) subject to the amendments proposed in this report.

Signed:



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Caroline Murphy, Inspector  
for and on behalf of the Technical Committee