

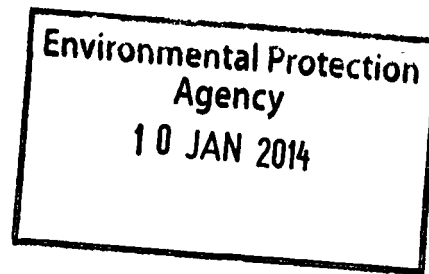


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-with nature

ADVANCED ENVIRONMENTAL SOLUTIONS (IRELAND) LTD

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Environmental Protection Agency
P.O. Box 3000
Johnstown Castle Estate
County Wexford



9th January 2014

RE: OBJECTION TO THE PROPOSED DECISION ISSUED IN RESPECT OF THE WASTE LICENCE REVIEW APPLICATION FOR AES TULLAMORE (WASTE LICENCE REGISTER NUMBER W0104-03).

Dear Sir/Madam,

Please find attached an objection to the Proposed Decision issued by the Agency on the 5th December 2013 in respect of a revised waste licence for Advanced Environmental Solutions (Ireland) Limited (Tullamore), Cappincur Industrial Estate, Cappincur, Tullamore, County Offaly.

This objection is made by Advanced Environmental Solutions (Ireland) Limited in relation to a number of conditions or schedules within the Proposed Decision for W0104-03. In certain instances, the purpose of the objection is to provide for clarification on the condition or schedule. The grounds of the objection are stated in full including the reasons, consideration and arguments on which they are based.

A cheque for €500.00 is included in respect of the objection fee.

Yours sincerely,

John Egan
Environmental Officer
Advanced Environmental Solutions (Ireland) Ltd



Directors: G D'Arcy, J Daly, M Barry, J G Ryan, E Moran
Registered Office: Bord na Móna Offices, Main Street, Newbridge, Co. Kildare
Registered in Ireland No: 224173 V.A.T. No.: IE 8224173 C



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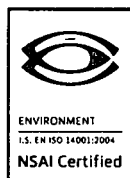
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AES Tullamore – Objection to PD

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**OBJECTION TO THE PROPOSED DECISION ISSUED IN
RESPECT OF THE WASTE LICENCE REVIEW
APPLICATION FOR AES TULLAMORE (WASTE LICENCE
REGISTER NO. W0104-03)**

January 2014



Directors: G D'Arcy, J Daly, M Barry, J G Ryan, E Moran
Registered Office: Bord na Móna Offices, Main Street, Newbridge, Co. Kildare
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1 INTRODUCTION

This objection is made by Advanced Environmental Solutions (Ireland) Limited in relation to a number of conditions or schedules within the Proposed Decision for W0104-03. In certain instances, the purpose of the objection is to provide for clarification of the condition or schedule.

As set out below, the condition or schedule to which the objection relates is stated. The grounds of the objection are stated in full including the reasons, considerations and arguments on which they are based.

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2 CONDITIONS/SCHEDULES TO WHICH OBJECTION RELATES

2.1 PART 1: SCHEDULE OF ACTIVITIES LICENSED

Class D 14 Repackaging prior to submission to any of the operations numbered D 1 and D 13.

Grounds for Objection

It is submitted that the description of Class D14 should read: "*Repackaging prior to submission to any of the operations numbered D 1 to D 13.*"

2.2 LICENCE CONDITION 3.5

3.5 In the case of composite sampling of aqueous emissions from the operation of the facility, a separate composite sample or homogenous sub-sample (of sufficient volume as advised) shall be retained as required for EPA use.

Grounds for Objection

Given that it would not be practicable to retain water samples on site indefinitely, it is submitted that Condition 3.5 should include a time line for the retention of samples on site.

It is suggested that Condition 3.5 is reworded to: "*In the case of composite sampling of aqueous emissions from the operation of the facility, a separate composite sample or homogenous sub-sample (of sufficient volume as advised) shall be retained for a minimum period of 2-weeks, for EPA use.*"

2.3 LICENCE CONDITION 3.8.2

3.8.2 The licensee shall install a CCTV system which records all truck movements into and out of the facility; the CCTV system shall be operated at all times and copies of recordings kept on site and made available to the Agency on request.

Grounds for Objection

It is submitted that it would be impracticable to retain CCTV recordings on site on an indefinite basis. Hence, it is considered that Condition 3.8.2 should include a provision for agreeing on a retention period for digital recordings.

It is suggested that Condition 3.8.2 is reworded to: "*The licensee shall maintain a CCTV monitoring system which records all waste vehicle movements into and out of the facility. The CCTV system shall be operated at all times with digital date stamping. Copies of recordings shall be kept on site for a period to be agreed with the Agency. Copies of stored recordings shall be made available to the Agency on request.*"

2.4 LICENCE CONDITION 3.20.3

3.20.3 In the event of a fire or a spillage to storm water, the site storm water shall be diverted to the containment pond. The licensee shall examine, as part of the response programme in Condition 3.20.2 above, the provision of automatic diversion of storm water to the containment pond. The licenses shall have regard to any guidelines issued by the Agency with regard to firewater retention.

Grounds for Objection

The design of the control system for the surface water is such that contaminated water ("In the event of a fire or a spillage to storm water") will be contained within the surface water drains, which will act as containment ponds.

It is suggested that Condition 3.20.3 is reworded to: *"In the event of a fire or a spillage to storm water, the site storm water shall be contained in the surface water collection system and not released from site. The licensee shall examine, as part of the response programme in Condition 3.20.2 above, the provision of automatic isolation of surface water lagoons. The licensee shall have regard to any guidelines issued by the Agency with regard to firewater retention"*.

2.5 LICENCE CONDITION 5.5

5.5 Unless otherwise agreed by the Agency, the trigger levels for the surface water discharge from the facility to the drainage ditch on the southern perimeter of the facility at location SW1 are:-

- (i) Suspended Solids 25 mg/l
- (ii) BOD 2.6 mg/l
- (iii) Total Ammonia (as N) 0.14 mg/l

Grounds for Objection

The emission limit values specified in Schedule B1 of W0104-02 are as follows:-

- (i) Suspended Solids 25 mg/l
- (ii) BOD 5 mg/l
- (iii) Ammonia (as N) 1.0 mg/l
- (iv) Mineral Oils 5 mg/l
- (v) pH 6-9
- (vi) Chloride 250 mg/l
- (vii) Conductivity 1,000 µS/cm

The trigger levels for BOD and Total Ammonia are respectively set at 52% and 14% of the licence limits and are thus considered too low.

According to the EPA's Guidance on the Setting of Trigger Values for Storm Water Discharge to Offsite Surface Waters at EPA IPPC and Waste Licensed Facilities (Revision 1 dated 15/03/2012), *"the trigger level condition has the function of providing for early*

detection of likely contamination problems such that intervention can be put in place (e.g. shut off discharge, stop leak etc.).

Once the data is available, the next step is deciding how the trigger values should be set. Two approaches could be used here:

1. The average plus 2 standard deviations for warning limit and the average plus 3 standard deviations for the action limit.
2. The 90%ile and 95%ile values could be used as the warning and action limits respectively.

Care should be taken not to set the values so tight that resources are wasted responding to non-contamination events”.

On the basis of the above mentioned extracts from the guidance document, it is suggested that the trigger levels specified in W0104-03 be amended for location SW1 to reflect the 90%ile values for BOD and Total Ammonia as determined from results of analysis from the 2012 and 2013 monitoring period:-

- (i) BOD 3.5 mg/l
- (ii) Total Ammonia (as N) 0.95 mg/l

2.6 LICENCE CONDITION 6.6

6.6 The licensee shall ensure that groundwater monitoring well sampling equipment is available/installed on-site and is fit for purpose at all times. The sampling equipment shall be to Agency specifications.

Grounds for Objection

It is agreed that the equipment that is used on site needs to be fit for purpose but requiring it to be to Agency specifications could result in a prohibitively onerous requirement on the Applicant. It is submitted that the requirement to provide 'fit for purpose' equipment is in itself sufficient. Furthermore, there is a potential for contamination of well sampling equipment if continuously installed on-site.

It is suggested that Condition 6.6 is reworded to: *“The licensee shall ensure that groundwater monitoring well sampling equipment is available on-site and is fit for purpose at all times.”*

2.7 LICENCE CONDITION 8.13

8.13 Each load of waste dispatched to landfill shall be accompanied by documentation verifying the type of treatment carried out on the waste and, in the case of municipal waste or treated municipal waste, its biodegradable content.

Grounds for Objection

Outbound waste loads from AES Tullamore comprise of a blend of inbound loads; consequently, it would be very difficult to accurately determine the biodegradable fraction of

a co-mingled waste load, where different BMW percentages would apply. In practice, accurate calculation of the biodegradable content of a waste load to landfill from a materials recovery facility would only be possible at the end of a reporting period following a mass balance analysis at the point of receipt.

It is suggested that Condition 8.13 be reworded to: *"The licensee shall ensure that each load of municipal waste or treated municipal waste dispatched to landfill be characterised to determine its biodegradable content"*.

2.8 LICENCE CONDITION 8.14

| |
|---|
| 8.14 Unless agreed by the Agency the licensee shall not dispose of any waste that has been accepted at the facility for the purpose of a recovery activity. |
|---|

Grounds for Objection

Given the nature of a Materials Recovery Facility, it is submitted that this Condition is flawed. The mechanical treatment process will strive to maximise the extraction of recyclables and thereby the recovery of the waste accepted. Ultimately, the recovery of recyclables will be dependent on the quality (e.g. cleanliness, moisture content, etc.) of the waste. Hence, waste that has been accepted at the facility for the purpose of a recovery activity (i.e. extraction of recyclables) may have to be rejected for disposal due to poor quality and unsuitability for recovery.

It is suggested that Condition 8.14 be removed/deleted.

2.9 LICENCE CONDITION 9.4.1

| |
|---|
| 9.4.1 In the event of a breakdown of equipment or any other occurrence which results in the closure of the transfer station building, any waste arriving at, or already collected, at the facility shall be transferred directly to an appropriate landfill sites or 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. |
|---|

Grounds for Objection

It is submitted that a 'breakdown of equipment or any other occurrence which results in the closure of the transfer station building' would be a temporary cessation in waste treatment that would occasionally occur at any waste management facility. It is considered that the transfer of such waste to an alternative facility is not a reasonable and balanced reaction to a cessation in waste treatment.

It is suggested that Condition 9.4.1 is reworded to: *"In the event of a breakdown of equipment or any other occurrence which results in the prolonged closure of the facility, any waste arriving, or already collected, at the facility shall be transferred directly to an alternative authorised facility until such time as the facility is returned to a fully operational status. Such a breakdown event will be treated as an emergency and rectified as soon as possible."*

2.10 LICENCE CONDITION 12.3.3

12.3.3 As part of the measures identified in Condition 12.3.1, the licensee shall, to the satisfaction of the Agency and prior to annual waste acceptance exceeding 50,000 tonnes make financial provision to cover any liabilities associated with the operation (including closure). The amount of indemnity held shall be reviewed and revised as necessary, but at least annually. Proof of renewal or revision of such financial indemnity shall be or revision of such financial indemnity shall be included in the annual 'Statement of Measures' report identified in Condition 12.3.1.

Grounds for Objection

An Environmental Liabilities Risk Assessment (ELRA) and Decommissioning Management Plan (DMP) have been provided (and accepted by the Agency) for the licensed facility. Financial provision to cover any liabilities associated with the operation (including closure) is considered as part of the ELRA. It is considered that an additional measure to provide a financial provision prior to annual waste exceeding 50,000 tonnes would serve little benefit if a financial tool has already been agreed with the Agency following compilation of the ELRA.

It is suggested that Condition 12.3.3 be removed/deleted.

2.11 LICENCE SCHEDULE C.5

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| C.5 Noise Monitoring | | |
|--|--|-----------|
| Location | Measurement | Frequency |
| <p>N1, N2, N3, N4 and NSL as indicated on Drawing No. 1 in the application documentation.</p> <p>Other noise sensitive locations within the vicinity of the facility or as may be otherwise agreed/directed, or as may be amended under Condition 6.9</p> | <p>Daytime dB L_{A,T} (30 minutes)</p> <p>Evening dB L_{A,T} (30 minutes)</p> <p>Night-time dB L_{Aeq,T} (15 – 30 minutes)</p> | Quarterly |
| Period | Minimum Survey Duration | |
| Daytime | 4 hour survey with a minimum of 3 sampling periods at each noise monitoring location. <small>Note 2</small> | |
| Evening-time | 2 hours survey with a minimum of 1 sampling period at each noise monitoring location. | |
| Night-time <small>Note 1</small> | 3 hour survey with a minimum of 2 sampling periods at each noise monitoring location. | |
| <p>Note 1: Night-time measurements should be made between 2300hrs and 0400hrs, Sunday to Thursday, with 2300hrs being the preferred start time.</p> <p>Note 2: Sampling period is to be the time period T stated within the relevant licence. Typically this will be either 15 minutes or 30 minutes in duration. This applies to day, evening and night time periods.</p> | | |

Grounds for Objection

It is submitted that the content of the table in Schedule C.5 has been superseded by the Table 5 provided in the EPA response to Q.3 in its FAQs on the 'Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4)'. For convenience, this Table 5 is provided below.

Table 5 Recommended Minimum Survey Durations

| Period | Minimum Survey Duration |
|--|---|
| Daytime (07:00 to 19:00hrs) | A minimum of 3 sampling periods ¹ at each noise monitoring location. |
| Evening (19:00 to 23:00hrs) | A minimum of 1 sampling period at each noise monitoring location. |
| Night-time ² (23:00 to 07:00hrs) | A minimum of 2 sampling periods at each noise monitoring location. |

- viii. Sampling period is to be the time period T stated within the relevant licence. Typically this will be either 15 minutes or 30 minutes in duration. This applies to day, evening and night time periods.
- ix. Night-time measurements should normally be made between 23:00hrs and 04:00hrs, Sunday to Thursday, with 23:00hrs being the preferred start time.

With the introduction of 'Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4)' as published by the Environmental Protection Agency, the likely waste licence sampling periods for noise monitoring locations will be 30 minutes for day and evening, and 15 – 30 minutes for night.

With the requirement in Table C.5 for a minimum of 3 sampling periods at each daytime noise monitoring location. This, in conjunction with the requirements for evening and night time sampling would result in an excessively long noise monitoring event.

'Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4)' is a guidance note and not a standard. Interpretation of its application in terms of sampling should be on a case by case basis determined by the specifics of the site in question, by a suitably competent person (as referenced in EPA response to Q.10 in the aforementioned FAQs).

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