



OFFICE

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

Signed: Gráinne O'Leary Date: 29/1/14

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

TO:	Directors
FROM:	Technical Committee - Environmental Licensing Programme
DATE:	29 January 2014
RE:	Objection to a Proposed Decision (PD) issued to Advanced Environmental Solutions (Ireland) Limited, Cappincur Industrial Estate, Cappancur, Tullamore, County Offaly, Licence Register W0104-03

Application Details

Type of facility:	Non-hazardous materials recovery/waste transfer facility.
Classes of Activity (P = principal activity):	3 rd Schedule: D13, D14, D15. 4 th Schedule: R3(P), R4, R5, R12, R13.
Quantity of waste managed per annum (application):	60,000 tonnes.
Classes of Waste:	Municipal solid waste, construction and demolition waste, dry recyclable waste, non-hazardous household, commercial and industrial waste, separately collected bio-waste.
Location of facility:	Cappincur Industrial Estate, Tullamore, County Offaly.
Licence application received:	19 February 2013.
PD issued:	5 December 2013.

1. Company and background to this report

The application relates to an existing materials recovery and waste transfer station operated by Advanced Environmental Solutions (Ireland) Limited. The licensee applied for a review of a waste licence to increase waste acceptance from 50,000 tonnes of waste per annum to 60,000 tonnes of non-hazardous waste.

This report relates to a valid first party objection received by the Agency in relation to the Proposed Decision issued to Advanced Environmental Solutions (Ireland) Limited on 5 December 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
Advanced Environmental Solutions (Ireland) Limited	10 January 2014

The Technical Committee (TC), comprising of Brian Meaney (Chair) and Ewa Babiarczyk, 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. Part I Schedule of Activities Licensed

Class D14 Repackaging prior to submission to any of the operations numbered D 1 and D 13.

The applicant points out a typographical error in the text of class D14 presented in the PD.

Technical Committee's Evaluation

The applicant is correct.

Recommendation:

Amend the text of Class D14 in *Part I Schedule of Activities Licensed* as follows (amendment in bold):

Class D14 Repackaging prior to submission to any of the operations numbered D1 **to** D13.

Objection 2. Condition 3.5 Retention of samples of aqueous emissions

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

The applicant objects to the apparent indefinite nature of the obligation to retain samples and suggests that a 2 week period for sample retention be specified in the condition.

Technical Committee's Evaluation

The request is reasonable. The Technical Committee consulted with Mr Peter Webster of the Office of Environmental Assessment who advised that a sample is of no analytical use to the Agency after a maximum period of 48 hours.

Recommendation:

Amend condition 3.5 as follows (amendment in bold):

In the case of composite sampling of aqueous emissions from the operation of the facility, a separate composite sample or homogeneous sub-sample (of sufficient volume as advised) shall be retained **for a period of 48 hours** for EPA use.

Objection 3. Condition 3.8.2 Retention of CCTV recordings

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

The applicant objects to the apparent indefinite nature of the obligation to retain recordings and suggests that a retention period is agreed by the Agency. The applicant also suggests the condition include a requirement for digital date stamping.

Technical Committee's Evaluation

The request is reasonable in that it would not be expected that a licensee would keep recordings indefinitely. However it is impossible to be definitive as an investigation might commence at any time and require older records, sometimes several years old. The cost of storing digital files in off-site repositories is not known to the Technical Committee but is unlikely to be large and is facilitated in the recommended condition below. It would seem reasonable that the licensee should be able to seek the OEE's approval to destroy older records. The recommendation below explicitly provides for this and OEE can assess the request in light of timely knowledge of the activities at the facility.

Recommendation:

Amend condition 3.8.2 as follows (amendment in bold):

The licensee shall **maintain** a CCTV system which records all truck movements into and out of the facility. The CCTV system shall be operated at all times **with digital date stamping**. **Unless otherwise agreed by the Agency**, copies of recordings **shall be kept on site or stored electronically at a secure off-site location** and made available to the Agency on request.

Objection 4. Condition 3.20.3 Fire and storm water retention

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.

The applicant states that the control system for surface water is currently designed to ensure that contaminated water is contained with the surface water drains, which will act as containment ponds. Amendment of the condition is sought such that site storm water can be contained in the surface water collection system and not released from the site.

Technical Committee's Evaluation

The Technical Committee has no information on the capacity of the surface water drains and whether they would provide adequate capacity to meet the requirements of condition 3.20.1 which requires a risk assessment to determine whether the activity should have a fire-water retention facility and condition 3.20.2 that requires a risk management programme should it be found that a significant risk exists for the release of contaminated fire-water. It would appear to the Technical Committee that evaluation of the surface water drains as being adequate for fire-water containment should be addressed through conditions 3.20.1 and 3.20.2. No change to the condition is recommended.

A typographical error is noted in condition 3.20.3 as published in the PD. The word "licenses" in the final sentence should read "licensee".

Recommendation:

Amend condition 3.20.3 as follows (amendment in bold):

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 **licensee** shall have regard to any guidelines issued by the Agency with regard to firewater retention.

Objection 5. Condition 5.5 Trigger levels for storm water discharge to a drainage ditch

5.5 Storm Water Emissions to Surface Water

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

The applicant considers the trigger levels in the PD for BOD and ammonia are too low when compared with the emission limit values specified in Schedule B.1 of the existing licence:

Suspended solids	25mg/l
BOD	5mg/l
Ammonia (as N)	1mg/l
Mineral oils	5mg/l
pH	6-9
Chloride	250mg/l
Conductivity	1,000µS/cm

The applicant refers to the Agency's *Guidance on the setting of trigger values for storm water discharges to off-site surface waters at EPA IPPC and waste licensed facilities, 2012*. It is proposed that the licence in this instance should allow the procedure in the guidance to be followed, viz.: (1) the trigger level should be the average plus 2 standard deviations for warning limits and the average plus 3 standard deviations for the action limit, or (2) the 90%ile and 95%ile values could be used as warning and action limits respectively. The following trigger levels are sought in the licence:

BOD	3.5mg/l
Total ammonia (as N)	0.95mg/l

Technical Committee's Evaluation

The Technical Committee notes that rainwater that falls on the facility discharges, via a silt trap and interceptor, to a drainage ditch running at the site boundary. It has been the Agency's practice to impose Environmental Quality Standards on discharges to drainage ditches for the following reasons:

- drainage ditches can run dry;

- the water in drainage ditches can soakaway to ground;
- it is often impractical to fence off such ditches or pipe the discharge to a watercourse where higher concentrations of contaminants can be assimilated.

The inspector's report to the Board acknowledged that meeting the trigger levels specified in the PD will be challenging. It will require in the first instance a review of housekeeping practices at the facility to ensure that all efforts are been made to maintain a clean site and avoid contamination of rainwater (which should, according to the Agency's guidance referred to above, remain uncontaminated and natural) before it leaves the site. In this regard it is noted that the OEE in an inspection report dated 23/7/2013 specified the following corrective action for the licensee (in the context of dust emissions):

"The Licensee shall regularly clean the yard and vehicles traversing the site, and shall keep the site free from debris to minimise dust emissions from site activities."

Minimising dust deposition on the site will also minimise the contamination of storm water run-off.

The function of a trigger level is to provide for early detection of potential problems and condition 6.16.2 of the PD requires the development of a response programme to address instances where trigger level values are exceeded.

The condition, as written, allows for variation in the trigger levels should it be the case, for example, that the licensee can demonstrate that a higher trigger level will not cause environmental pollution or it proves impossible through all reasonable means to keep within the trigger levels. Thus, in the opinion of the Technical Committee, there are a number of steps to be taken by the licensee before it is appropriate for the Agency to agree a relaxation of trigger levels currently set at the Environmental Quality Standards.

Recommendation:

No change

Objection 6. Condition 6.6 Groundwater monitoring well sampling equipment

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.

The applicant considers that the requirement for sampling equipment to be to Agency specifications is unduly onerous and that it should be sufficient that equipment is fit for purpose.

Technical Committee's Evaluation

The Technical Committee considers that the licensee can agree the specification of the equipment with the Agency.

Recommendation:

Amend Condition 6.6 to read as follows: 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 agreed by the Agency.
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Objection 7. Condition 8.13 Documentation on BMW content of dispatched waste to landfill

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.

The applicant states that it is difficult to accurately determine the biodegradable fraction of loads dispatched to landfill because outgoing loads are comprised of a blend of inbound loads, each with a different BMW (biodegradable municipal waste) percentage factor. The applicant states that accurate calculation of the BMW content is only possible at the end of a reporting period following a mass balance of incoming materials accepted at the facility.

The applicant proposes the following wording for a condition:

The licensee shall ensure that each load of municipal waste or treated municipal waste dispatched to landfill be characterised to determine its biodegradable content.

Technical Committee's Evaluation

The Technical Committee acknowledges the difficulty in determining the BMW content of mixed loads dispatched to landfill and this is the reason why the OEE published a list of BMW factors to be applied to various types of municipal waste (whether it be treated, and to what extent, or untreated). The applicant's proposal to seek an obligation to characterise each and every load of waste dispatched to landfill would appear misinformed and is considerably more onerous than the existing condition. The applicant's proposal is therefore rejected as being impractical and unnecessarily onerous and expensive.

The Technical Committee does not accept that the applicant does not (or cannot) have detailed knowledge of the source of incoming waste, the weight of materials extracted from the waste at the facility and the waste dispatched to landfill. It does not appear an onerous requirement, armed with this knowledge, to estimate the BMW content of dispatched loads and to be sufficiently accurate that the landfill operator can rely on the information for their own reporting to the Agency on BMW intake.

Recommendation:

No change

Objection 8. Condition 8.14 Disposal of waste accepted for recovery

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.

The applicant argues that this condition is flawed as it fails to take account of the fact that the treatment of waste will seek to maximise the recovery of recyclable material but there will always be a certain proportion that is rejected and must be disposed of. The proportion will vary depending on such factors as cleanliness and moisture content. Deletion of the condition is sought.

Technical Committee's Evaluation

The Technical Committee acknowledges that some waste accepted for recovery will need to be rejected. The condition however is intended to ensure that such rejection is not the licensee's fault or brought about through poor site practices. The condition also allows for the Agency to agree to the disposal of waste accepted for recovery. It is clear that elaboration of the condition will assist the licensee to comply with the condition. An amended condition is proposed.

Recommendation:

Amend condition 8.14 as follows (amendment in bold):

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. **This condition shall not apply to non-recyclable waste or waste with limited market value that is rejected for disposal by the licensee from the incoming waste.**

Objection 9. Condition 9.4.1 Breakdown of equipment

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 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.

The applicant considers the condition to be unduly onerous given that the breakdown of equipment would mean a temporary cessation in waste treatment that can occasionally occur at any waste management facility. Amendment to the condition is sought such that it refers to prolonged closure of the facility.

Technical Committee's Evaluation

The Technical Committee accepts the point and recommends amendment to the condition.

Recommendation:

Amend condition 9.4.1 as follows (amendment in bold):

In the event of a breakdown of equipment or any other occurrence which results in the closure of the transfer station building **for more than 48 hours**, any waste arriving at the facility or, **in the case of putrescible waste**, already accepted 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. **The breakdown of equipment or any other occurrence which results in the closure of the transfer station building, regardless of duration, shall** be treated as an emergency and rectified as soon as possible.

Objection 10. Condition 12.3.3 Financial provision

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 included in the annual 'Statement of Measures' report identified in Condition 12.3.1.

The applicant states than an ELRA (Environmental Liabilities Risk Assessment) and DMP (Decommissioning Management Plan) has been provided and accepted by the Agency under

the existing licence. The applicant appears to indicate that a financial provision is in place for the existing ELRA, although this is not clear.

Technical Committee's Evaluation

The Technical Committee consulted with the Agency's Internal Legal Team and was advised that:

- according to the LEMA system, no ELRA/DMP costings have been approved by the Agency; and
- no financial provision is in place.

The existing ELRA and DMP, as submitted by the licensee, will have dealt with a facility whose waste intake is limited to 50,000 tonnes per annum. This licence will authorise the acceptance of 60,000 tonnes. Condition 12.3.2 of the PD requires a new ELRA to be prepared within 12 months of the date of grant of the licence. Condition 10.2 of the PD requires an annual review of the DMP. It would seem unlikely that considerable amendment of these documents will be required in order to accommodate the increase in authorised waste acceptance. The Technical Committee also considers that financial provision can be arranged in good time before annual waste acceptance at the facility exceeds 50,000 tonnes.

Recommendation:

No change

Objection 11. Schedule C.5 Noise monitoring

Location	Measurement	Frequency
N1, N2, N3, N4 and NSL as indicated on Drawing No. 1 in the application documentation. 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	Daytime dB $L_{A,T}$ (30 minutes) Evening dB $L_{A,T}$ (30 minutes) Night-time dB $L_{Aeq,T}$ (15 – 30 minutes)	Quarterly
Period	Minimum Survey Duration	
Daytime	4 hour survey with a minimum of 3 sampling periods at each noise monitoring location. ^{Note 2}	
Evening-time	2 hours survey with a minimum of 1 sampling period at each noise monitoring location.	
Night-time ^{Note 1}	3 hour survey with a minimum of 2 sampling periods at each noise monitoring location.	

Note 1: Night-time measurements should be made between 2300hrs and 0400hrs, Sunday to Thursday, with 2300hrs being the preferred start time.

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.

The applicant states the content of this table has been superseded by publication of the following table that appears in a document on the Agency's website as FAQ on *Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4)* and requests amendment of Schedule C.5 to reflect the new information.

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.

Technical Committee’s Evaluation

The applicant is correct to point out that the table 5 of NG4 has been amended by the FAQ document. The FAQ provides guidance on how survey periods should be calculated. There are 5 NSLs specified in the PD, meaning that the following minimum survey periods (based on 30-minute readings) should apply:

- Daytime: 3 consecutive 30 minute readings by 5 NSLs = 3x30x5 = 450 minutes or 7.5 hours.
- Evening: 1 x 30 minute reading by 5 NSLs = 1x30x5 = 150 minutes or 2.5 hours.
- Night: 2 consecutive 30 minute readings by 5 NSLs = 2x30x5 = 300 minutes or 5 hours.

The FAQ notes that the “4 hour survey” specified in the RD relates to a minimum survey period. The survey periods calculated here are more onerous than those expressed in the PD. It is proposed to use the new table 5 from the FAQ to amend Schedule C.5.

Recommendation:

Amend Schedule C.5 as follows:

C.5 Noise Monitoring

Location	Measurement	Frequency
N1, N2, N3, N4 and NSL as indicated on Drawing No. 1 in the application documentation. 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	Daytime dB L _{Ar, T} (30 minutes) Evening dB L _{Ar, T} (30 minutes) Night-time dB L _{Aeq, T} (15 – 30 minutes)	Quarterly
Period	Minimum Survey Duration	
Daytime	A minimum of 3 sampling periods at each noise monitoring location. <i>Note 2</i>	
Evening-time	A minimum of 1 sampling period at each noise monitoring location.	
Night-time <i>Note 1</i>	A minimum of 2 sampling periods at each noise monitoring location.	

Note 1: Night-time measurements should be made between 2300hrs and 0400hrs, Sunday to Thursday, with 2300hrs being the preferred start time.

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.

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:



Brian Meaney
Brian Meaney, Senior Inspector
for and on behalf of the Technical Committee