

This document has been cleared for submission to the Board by the Senior Inspector, Mr Brian Meaney

Signed: *Donata Richards*, Date: 16/08/2016



OFFICE OF ENVIRONMENTAL SUSTAINABILITY

REPORT OF THE TECHNICAL COMMITTEE ON OBJECTIONS TO LICENCE CONDITIONS

TO:	Directors
FROM:	Technical Committee - Environmental Licensing Programme
DATE:	16 th August 2016
RE:	Objection to a Proposed Determination (PD) issued to Nurendale for an installation at Rathdrinagh, Beauparc, Navan, County Meath, Licence Register W0140-04

Application Details

Type of installation:	Integrated waste management installation including non-hazardous materials recovery, biological treatment, electricity production using combined heat and power plant, refuse derived fuel production and a civic amenity facility.
Category of Activity under IED (2010/75/EU):	Category 5.3 (b) Recovery, or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75 tonnes per day involving one or more of the following activities, and excluding activities covered by Directive 91/271/EEC: (i) Biological treatment (ii) Pre-treatment of waste for incineration or co-incineration
Class of Activity under the EPA Acts 1992, as amended:	Class 11.4(b) Recovery, or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75 tonnes per day involving one or more of the following activities, (other than activities to which the Urban Waste Water Treatment Regulations 2001 (S.I. no 254 of 2001) apply: (i) Biological treatment (ii) Pre-treatment of waste for incineration or co-incineration

	<p>Class 11.1</p> <p>The recovery or disposal of waste in a facility, within the meaning of the Act of 1996, which facility is connected or associated with another activity specified in this Schedule in respect of which a licence or revised licence under Part IV is in force or in respect of which a licence under the said Part is or will be required.</p>
Licence application received:	23 September 2009
PD issued:	2 June 2016
First party objection received:	29 June 2016
Third party objections received:	26 June 2016, 27 June 2016, 28 June 2016, 29 June 2016
Submissions on objections received:	3 August 2016

1. Company and background to this report

This application relates to a review of Nurendale's existing Industrial Emissions Licence. The licence review application (Reg No. W0140-04) is seeking to make the following changes to the existing licence.

- extend the licence area to encompass a new building (Building 4), which will be used to biologically treat organic waste and organic fines to produce compost and stabilised waste respectively;
- use biogas generated by anaerobic digestion to generate electricity and heat in an on-site combined heat and power (CHP) plant;
- install a solid recovered fuel (SRF)/refuse derived fuel (RDF) manufacturing plant in building 3, which will utilise waste fractions resultant from the processing of municipal solid waste (MSW);
- amend Condition 1.5.3 of the existing licence to permit the continuous operation of the biological treatment and the SRF/RDF manufacturing systems; and
- amend Condition 8.6 of the existing licence to allow the operation of the construction and demolition (C&D) waste processing plant in a dedicated area outside the transfer building.

This report considers the first party objection received by the Agency in relation to the Proposed Determination (PD) issued to Nurendale on 2 June 2016 and seven third party objections, as listed below.

2. Consideration of the objections

The main issues raised in the objections and submissions on objections are summarised below. The original objections should be referred to at all times for greater detail and expansion of particular points.

Objector's Name	Objection Received	Submission on Objections Received
Ms Marie Dunne (Brennan)	27 June 2016	3 August 2016
Ms Helen and Mr Tony Kearns	27 June 2016	3 August 2016
Mr Bob McMahon	28 June 2016	3 August 2016
Ms Ruth Scott	28 June 2016	3 August 2016
Mr John and Ms Theresa Outram	28 June 2016	3 August 2016
O'Connell & Clarke Solicitors on behalf of Peter Sweetman & Associates	29 June 2016	
Ms Chantel and Mr Gary Lynch	29 June 2016	
Nurendale	29 June 2016	

The Technical Committee (TC), comprising of Caitríona Collins (Chair) and Magnus Amajirionwu, has considered all of the issues raised in the objections, and submission on objections, and this report details the Committee's comments.

The third party objections are summarised according to the following themes and issues:

Location, traffic and health and safety

1. Ms Dunne raises concern over the expansion of the installation and the location of same, with respect to health and safety in particular, and also expresses concern relating to the use of an illegal entrance. This matter of the location was also raised by Ms Scott and Ms and Mr Kearns who also raised a concern regarding traffic volumes. These concerns were also expressed by Mr and Ms Outram in the context of increased waste acceptance at the installation. Mr McMahon also cites the proximity of the installation to the commercial premises that includes a petrol station, restaurant, shops and hairdresser. Ms Scott makes reference to the fire that occurred at the site in 2012 and expresses concern about the risk of fire and explosion in the future. Mr and Ms Outram also cite their concerns about possible explosion.

Technical Committee's Evaluation:

The planning authority has confirmed that all elements and proposed elements of the installation proposed to be licensed are planning compliant and, in so doing, have indicated that the location of the installation is satisfactory for planning purposes. The EIA carried out by the Agency indicates that there will not be significant impact on the environment from traffic associated with activities at the installation and that the mitigation measures proposed will prevent an occurrence of significant adverse effect on air quality. In addition, the air

dispersion model described in the Inspector's Report shows that there will be no adverse impacts from emissions to air outside the installation boundary.

The authorised tonnage of waste accepted will not change from the existing licence and therefore will not result in changes to traffic volumes, albeit that the licensee has not operated at or close to the existing, and to be, authorised intake of 250,000 tonnes of waste per annum. Conditions are included in the PD to address the risk of fire, including a waste storage plan and fire risk assessment. The objectors have not specified any proposed change to the PD.

Recommendation:

No change.

Acquisition and expansion

2. Ms Dunne raises concern about the takeover by Nurendale of Greenstar and requests that the Agency seek a new application. This matter was also raised by Ms and Mr Kearns. Mr McMahon also cites the extent of the waste activities carried out by Nurendale, with reference to its acquisition of other waste companies.

Technical Committee's Evaluation:

The acquisition of Greenstar by Nurendale is not a relevant matter for consideration as part of the licence application. The extent of the waste activities carried out by Nurendale at the installation will, if licensed and regardless of any acquisitions made by the applicant, be constrained by the conditions and schedules of the licence.

Recommendation:

No change.

Health impacts, odour and noise

3. Mr and Ms Kearns express concern about the impact on their son's health who suffers from childhood asthma. They also express concern about potential outbreak of listeria from the biogas plant, a concern which was also expressed by Mr and Ms Lynch in their objection.

Technical Committee's Evaluation:

The HSE made a submission during the licence application process following a site visit to the installation and raised no issues. With regard to air quality, the air dispersion model described in the Inspector's Report shows that there will be no adverse impacts from emissions to air outside the installation boundary.

There is no evidence that the biogas plant will present a risk of a listeria outbreak. The Food Safety Authority of Ireland's Microbial Factsheet Series, Issue No. 1, September 2011 on *Listeria monocytogenes* states that the bacterium is ubiquitous in the environment and can cause disease that results in a high mortality rate. The main route of infection is via

consumption of contaminated food (80-90% of cases) and infection can also be transmitted directly from infected animals as well as between humans.

Article 1 of Regulation 1069/2009 on animal by-products states that the purpose of the Regulation is to lay down rules in order to prevent and minimise risks to public and animal health arising from animal by-products and in particular to protect the safety of the food and feed chain. The proposed biological treatment facility will be regulated by the Department of Agriculture, Food and Marine under this Regulation and controls will be imposed regarding the sanitisation of compost generated therein.

Recommendation:

No change.

- 4. Ms Scott raises several concerns with regard to odour, air and noise pollution, including the use of odour masking chemicals. Mr and Ms Outram also expressed concern about the use of odour masking chemicals and nuisance caused by odour, noise, flies and dust, while Mr and Ms Lynch expressed concern about odour in the context of proximity of the site to their home.

Technical Committee’s Evaluation:

The level of complaints from the installation has reduced over the last number of years, with six complaints in 2016 to date (four relating to odour and one each relating to noise and out of hours operation (June 2016 and July 2016)). The Technical Committee is satisfied that the conditions of the licence are such that compliance with same will not cause environmental pollution and odour masking chemicals may only be used with the express satisfaction of the Agency. The points made in relation to noise pollution are not specific and it is unclear what the objector is seeking in relation to reduced noise emissions from the installation. The licence provides for odour and noise control and emission limits are set out in Schedule B of the licence.

Recommendation:

No change.

- 5. Ms Scott expresses concern about the possibility of burning material other than woodchip in the biomass furnace and possible health impacts. Mr and Ms Outram also expressed concern that waste other than biomass, such as RDF and tyres, may be treated in the biomass furnace. They also express concern about the biological treatment (anaerobic digestion) plant and the potential for bacteria and viruses to be released to the environment.

Technical Committee’s Evaluation:

The HSE made a submission during the licence application process following a site visit to the installation and raised no issues. As set out in the Inspector’s Report, the applicant has not sought authorisation to burn anything other than biomass in the furnace. The emissions from the biomass furnace and the combined heat and power plant have been identified by

the applicant and modelled; this is described in the Inspectors Report. Compliance with the emission limit values in the licence will ensure that no air pollution will be caused. A programme of monitoring is also provided for in the licence.

Recommendation:

No change.

6. Ms Scott raised some concerns about the types of waste to be accepted at the installation and the treatment processes involved. In particular, Ms Scott is concerned about the production of organic compost and the acceptance of slurry and end of life vehicles at the installation. In addition, Mr and Ms Outram raise concern about the potential emissions from the waste processes at the installation and the type of waste treated.

Technical Committee's Evaluation:

The waste types to be accepted at the installation are set out in schedule A.2 of the licence and are limited to the following wastes.

- construction and demolition waste;
- source segregated dry recyclables;
- biowaste; and
- municipal solid waste.

With the exception of a limited range of household and household-type hazardous wastes, all other wastes to be accepted are non-hazardous. The applicant has not sought to accept slurry or end of life vehicles at the installation. The waste processes to take place on site are limited to the following:

- Mechanical processing of construction and demolition (C&D) waste;
- Mechanical processing of source segregated dry recyclables;
- Biological processing of biowaste and organic fines; and
- Mechanical processing of Municipal Solid Waste.

All waste treatment and storage are to take place indoors with the exception of storage for recovered C&D waste. Compliance with the emission limit values will ensure that no air pollution will be caused.

Recommendation:

No change.

Compliance record and complaints

7. Mr McMahon raises concern about the compliance record of the applicant under its existing licence and conviction in 2009. Concerns about the applicant's compliance record and previous conviction were also expressed by O'Connell & Clarke Solicitors on behalf of Mr Sweetman. Ms Scott refers to previous complaints made, although it is not clear to whom the complaints were made, and the past record of the licensee.

Technical Committee's Evaluation:

The level of complaints from the installation has reduced over the last number of years, with six complaints in 2016 to date (four relating to odour and two relating to noise and/or out of hours operation (June 2016 and July 2016)). The Technical Committee is satisfied that the conditions of the licence are such that compliance with same will not result in environmental pollution being caused. The conviction referred to by the objector relates to the licence (W0140-02) prior to the existing licence, for accepting a tonnage of waste that exceeded the maximum annual tonnage permitted.

Recommendation:

No change.

8. O'Connell & Clarke Solicitors on behalf of Mr Sweetman contends that the compliance record of the applicant has not been adequately investigated by the Agency in order that the Agency can be satisfied that emissions from the activity will comply with and will not contravene any of the requirements of Section 83(5) of the EPA Act.

Technical Committee's Evaluation:

The Office of Environmental Enforcement was consulted as part of the licence application assessment, details of which are set out in section 14 of the Inspectors Report. The Technical Committee is satisfied that the conditions of the licence are such that compliance with same will not cause environmental pollution.

Recommendation:

No change.

EIA and public consultation

9. Mr McMahon expresses concern about the legality of the EIA carried out, given the split functions between the EPA and the planning authority.

Technical Committee's Evaluation:

An EIA has been completed in accordance with Section 83(2A)(b) of the EPA Acts and is documented in the Inspectors Report.

Recommendation:

No change.

10. O'Connell & Clarke Solicitors on behalf of Mr Sweetman express concern that "the inspector is attempting to carry out an Environmental Impact Assessment of matters which come beyond matters that come within the functions of the Agency" and extracts from the inspectors report for this licence application, and other licence applications, are quoted by the objector. There is no elaboration on the point of objection other than this

statement. The objector has also submitted that the Agency made reference in its EIA to the Lower River Suir SAC, which is some one hundred miles from the installation.

Technical Committee's Evaluation:

The objector has not specified any proposed change to the PD and has not identified the matters relating to EIA that it claims the Agency has considered but that may fall outside its functions. The reference to the Lower River Suir SAC in the heading to section 12(b)(i) of the Inspectors Report appears to be a typographical error. The narrative in that section of the Inspectors Report correctly refers to the European sites in the vicinity of the installation. In any event, the Proposed Decision of the Agency contains no reference to the Lower River Suir SAC.

The Technical Committee notes that the objection lodged by O'Connell & Clarke Solicitors on behalf of Mr Sweetman enclosed a copy of the High Court Judgement of Mr Justice Hedigan delivered on 17th September 2013 (Holly Hunter and Nurendale Limited Trading as Panda Waste, 2012 No. 470 MCA). However, the objector has not made reference to the judgement in its objection and its relevance is not clear to the Technical Committee.

Recommendation:

No change.

11. Mr and Ms Outram expressed concern that the applicant did not communicate the extent of their plans to residents in relation to planning and EPA licence applications.

Technical Committee's Evaluation:

The applicant made the necessary arrangements to inform the public of its application for a licence from the Agency, in accordance with the legislation. The Agency placed all documents relating to the licence review application on its public website. Between October 2011 and June 2014, more than 200 submissions were made to the Agency demonstrating that the local community was in fact aware of the proposed development, albeit evidently from information provided by parties other than the applicant.

Recommendation:

No change.

The first party objection is summarised according to the following points:

12. Condition 3.6.2 in relation to impermeable surfaces –

The applicant is seeking that the time allowed for the repair of any defects in concrete surfaces be extended from five working days to eight weeks, as some works may require the use of a building contractor.

Technical Committee's Evaluation:

The maintenance of impermeable surfaces is required for the protection of the environment from any runoff that may otherwise percolate to ground. The Technical Committee considers that it is reasonable that the licensee be required to remedy defects within five working days.

Recommendation:

No change.

13. Condition 3.10.5 in relation to the quantity of waste to be accepted on a daily basis –

The applicant is seeking that the restriction on the quantity of waste accepted at the installation be related to the duty capacity in general, and not to the duty capacity on a daily basis. C&D waste is cited as a waste stream where the quantity stored prior to processing may exceed the daily duty capacity but not exceed the overall duty capacity of the equipment.

Technical Committee's Evaluation:

Wastes that may cause odours should be processed promptly and therefore the daily duty capacity is deemed appropriate in such cases. Regarding the storage of C&D waste pending its treatment, the Waste and Materials Storage Plan to be prepared under the licence will set out the constraints for this storage activity.

Recommendation:

Amend condition 3.10.5 as follows:

The quantity of **residual, food and odour forming** waste to be accepted at the installation shall not exceed the daily duty capacity of the equipment at the installation. Any exceedance of this intake shall be treated as an incident.

14. Condition 3.11.2(b) in relation to maintaining buildings at negative air pressure –

The applicant objects to the requirement for negative air pressure to be maintained at buildings and areas for the storage and treatment of residual, food and odour forming waste. In particular, the applicant states that the buildings where SRF is manufactured should not require negative air pressure and the condition, as worded, means that operations in Buildings 1 and 3 will have to cease until negative air pressure is installed. Specifically, the applicant is seeking that this requirement be contingent on the findings of the odour impact assessment required under condition 6.16.1.

Technical Committee's Evaluation:

The condition relates to buildings and areas where residual, food and odour forming waste is treated and stored. If it can be demonstrated that the waste is not residual, food and odour forming, then the requirement for negative air pressure to be maintained does not apply. In any case, the applicant has proposed that Building 3 will be kept under negative air pressure and air will be extracted from the wet and dry processing areas and routed through a dust filter and carbon filter before being emitted to atmosphere at emission point A2-6. In the case of building 1, the predicted odour emission from the existing adjacent biofilter (A-1) was not modelled and no emission point is authorised from Building 1.

Recommendation:

No change.

15. Condition 3.11.2(c) in relation to the biofilter at Building 1 –

The condition states that the biofilter associated with Building 1 shall not be operated. The applicant is requesting that provision be made in the condition to allow that biofilter to be operated in the future.

Technical Committee's Evaluation:

The biofilter associated with Building 1 was not included in the odour model provided with the licence review application. The Board of the Agency previously considered this emission point and decided not to accept the inspector's recommendation to provide for the future operation of the biofilter associated with Building 1.

Recommendation:

No change.

16. Condition 3.15 in relation to construction and demolition waste recovery –

The applicant contends that the reference to Building 2 in the condition in relation to C&D waste recovery restricts the use of the building for C&D waste recovery only and requests that this restriction be removed to allow the building to be used for other waste processes.

Technical Committee's Evaluation:

The use of the building for other waste processes should be permissible within the constraints of the licence as may be granted.

Recommendation:

Amend Condition 3.15 as follows:
Delete "(Building 2)" in the heading of the condition.

17. Condition 6.12 in relation to colour coding of gullies, drainage grids and manhole covers – The applicant contends that maintaining the colour coding of gullies, drainage grids and manhole covers at all times is not practical due to the constant wear from vehicular traffic and suggests instead that maintaining colour coded up to date drawings would be more reasonable and practical.

Technical Committee's Evaluation:

It is important that the gullies, drainage grids and manhole covers at the installation are appropriately identified at all times and it is the view of the Technical Committee that colour coding on drawings may not be sufficient in the event of an incident and possible need for rapid response.

Recommendation:

No change.

18. Condition 8.11.7 in relation to waste inspections –

The applicant contends that the requirement to maintain a record of all inspections of incoming waste is onerous and not practical and that condition 8.11.6 would suffice, and cites condition 8.11.3 of the current licence.

Technical Committee's Evaluation:

It is noted that the proposed condition 8.11.7 (the subject of the objection) is identical to condition 8.11.6 in the existing licence. It is essential that all waste loads are inspected and records maintained, to allow for effective management and enforcement at the installation.

Recommendation:

No change.

19. Condition 8.11.9 in relation to recovery of waste –

The applicant contends that the condition requiring that any waste accepted for recovery at the installation shall not be disposed may be restrictive in the event that outlets for SRF at cement kilns become unavailable for extended periods.

Technical Committee's Evaluation:

It is not desirable that waste which was intended for recovery should subsequently be disposed, and indeed contravenes the principles of the waste hierarchy. However, it is noted that disposal may be necessary in certain, exceptional, circumstances. It is further noted that the condition provides for waste to be disposed with the agreement of the Agency, which would accommodate the scenario described by the applicant.

Recommendation:

No change.

20. Condition 8.12.1 in relation to external storage of waste –

The applicant is concerned about the prohibition on the external storage of waste, which was allowed under the existing licence under condition 8.10 in relation to stable, non-nuisance and non-pollutant forming processed waste, and requests that the new licence provide for the external storage of such waste.

Technical Committee's Evaluation:

The Technical Committee is satisfied that the external storage of waste should be prohibited under the licence, in the interest of preventing nuisance from odour and dust and the contamination of stormwater.

Recommendation:

No change.

21. Condition 8.12.11 in relation to storage of biogas –

The applicant is concerned that the prohibition on the storage of biogas at the installation will not accommodate the biogas that will occupy the head space of the fermenters.

Technical Committee's Evaluation:

It is the view of the Technical Committee that the biogas occupying the headspace of the fermenters does not constitute storage. This headspace represents the production of the biogas and the biogas must be constantly withdrawn from this headspace to avoid a pressure buildup.

Recommendation:

No change.

22. Condition 8.18.4 in relation to dispatch of bales –

The applicant contends that the dispatch of bales in order of first in first out is not practical given the requirement to store waste indoors, where access to bales at the rear of the storage area may be difficult, and seeks that bales should be allowed to be stored externally.

Technical Committee's Evaluation:

Storage of bales should be such that the principle of first-in-first-out is implemented, in the interest of minimising odour nuisance from aging bales, the prevention of fire risk and maintaining access to the rear of storage areas. Efficient management and rotation of materials should ensure the condition can be complied with.

Recommendation:

No change.

Submissions on objections

Each of the five submissions on objections presented concerns around the applicant's record of non-compliance and its requests for changes to the conditions of the PD. The objectors also reiterated their concerns with regard to the location of the facility, citing in particular the nuisance caused by odour and concerns over traffic safety. In addition, Ms Ruth Scott raised the matter of fire risk in her submission on objection and restated her concern about the burning of other materials in the event of virgin woodchip being unavailable.

A number of the submissions also stated that an EPA representative had recently visited the site.

Technical Committee's Evaluation:

The Technical Committee has considered the specific objections made by the applicant in its objection and has proposed changes in 2 of the 11 conditions objected to by the applicant, for which reasons have been presented above. All other points raised by the objectors in their submissions on objections have already been addressed above. Three site visits were carried out by inspectors from the Office of Environmental Enforcement in 2016 to date, which included two odour assessments (one compliant and one non-compliant). Issues arising included outdoor storage of baled waste (non-compliance), which was observed at the most recent site visit to have been rectified by the licensee.

3. Environmental Impact Assessment Directive – Reasoned Conclusion Update

The TC has reviewed the assessment in the Inspector's Report and, taking into account the objections received, and the contents of this TC report, the TC considers that the likely significant direct and indirect effects of the activity have been identified, described and assessed in an appropriate manner as respects the matters that come within the functions of the Agency, and as required by Section 83(2A) and Section 87(1G)(a) of the EPA Act 1992 as amended.

It is considered that the mitigation measures as proposed in the Inspector's Report will adequately control any likely significant environmental effects from the activity.

It is also considered that the proposed activity, if managed, operated and controlled in accordance with the licence conditions included in the PD, with the inclusion of the amendments proposed in this report, is unlikely to damage the environment as a whole and the risk of potential impacts occurring is not unacceptable.

It is further considered that the proposed activity, if managed, operated and controlled in accordance with the licence conditions included in the PD, with the inclusion of the amendments proposed in this report, will not cause environmental pollution or the breach of any environmental quality or emission standard, and can be authorised by the Agency in accordance with Section 83(5) of the EPA Act as amended.

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

Signed:



Caitriona Collins, Inspector
for and on behalf of the Technical Committee