



**OFFICE OF LICENSING & GUIDANCE**

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

<b>TO:</b>	Directors	
<b>FROM:</b>	Technical Committee	<b>- LICENSING UNIT</b>
<b>DATE:</b>	15 March 2005	
<b>RE:</b>	Objection to Proposed Decision for Kerry County Council, Muingnaminnane Landfill, Tralee. Register No. 1-3	

Proposed Decision Details	
Class(s) of activity:	3 <sup>rd</sup> Schedule: 2, 4, 5(P), 6, 7, 11, 12, 13. 4 <sup>th</sup> Schedule: 2, 3, 4,10, 11, 13.
Location of activity:	Muingnaminnane, Tralee Co. Kerry.
Licence application received:	8/09/2003
PD issued:	3/11//2004
First party objection received:	No objection
Valid Third Party Objections received	30/11/2004 Raemore & District Resident's Association (Jack O'Sullivan EMS)
Submissions on Objections received:	22/12/2004 Kerry County Council (Applicant). J McGrath, Director of Services

This report relates to an application from Kerry County Council for the extension of the engineered landfill into a 14.6 ha site (currently coniferous forestry) adjacent to the northern boundary of the existing landfill. Kerry County Council have operated a lined landfill at Muingnaminnane, Tralee, since 1994. The proposed extension will be developed in five phases, each containing two separate cells, over a ten-year lifespan. A total waste quantity of 1,182,255 tonnes will be landfilled on the entire facility (32ha site) with approximately 620,000T at the proposed extension. The current waste acceptance figure of 77,000tpa will be maintained, which accounts for 90% of waste collected in County Kerry. The present Composting and Civic Amenity Facility will also be maintained.

There were 2 submissions made in relation to this application and these were considered by the Board at proposed decision stage. The Directors approved the recommendation to grant a waste licence and a **proposed decision** was issued by the Agency on 3 November 2004. The Agency decided on 14 December that an Oral Hearing of the objections was not necessary and took the view that the objections could be fully and adequately considered and assessed by technical committee.

### **Consideration of the Objection by Technical Committee**

The Technical Committee (TC), comprising of Malcolm Doak (Chair) and Bernie Murray, has considered all of the issues raised and this TC Report details the Committee's comments and recommendations.

This report considers one valid third party objection as set out below, and introduces (where applicable) the one valid submission on objection (applicant) into the text for convenience:

### **Third Party Objections**

#### ***Raemore & District Resident's Association (Jack O'Sullivan EMS)***

This objection consists of a report (dated 30 November 2004) addressed to the Agency as 14 pages and two Appendices (App I: High Court Settlement dated Oct 1993; App II: Photographs of facility 19 Sept 2003). The TC combines the documents together and discusses it below, in three sections:

#### **(1) Existing Landfill Enforcement Record**

Much of the text in the Association's report (10 of 14 pages) deals with the original landfill licences (1-1 and 1-2) and their enforcement records, and include details on two site inspections carried out in April 2001 and September 2003 by the *Raemore & District Resident's Association*. Details of a High Court settlement in 1993 between the residents and Kerry County Council are also recorded. The Association considers the landfill facility is in non-compliance with its waste licence.

#### **Submission on Objection**

Kerry County Council (the applicant) submits that much of the objection refers to previous agreements and discussions with the *Raemore & District Resident's Association* and that the current landfill licence (1-2) is in compliance and has a low number of complaints on the EPA files. An agreement has been formalised with the Residents Association for the setting up of a *community fund* as per the terms of Condition 13.4 of the proposed decision (1-3). Furthermore the Council state there is a good working relationship with the Association.

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

*The TC note that the existing enforcement/compliance record was discussed comprehensively in the Inspector's Report attached to the recommended PD*

of 3 November 2004 and should not be a matter for the TC whose function is to assess objections to the PD only. However, the TC notes the comments contained in the Association's report regarding the enforcement of the previous licences and takes particular note of the comments from Kerry County Council regarding an agreement re. community funding. Further there have been no complaints received by the EPA in respect of North Kerry Landfill in 2003, 2004, and none to date in March 2005. Four site inspections of the landfill facility were carried out by the Agency in 2004.

### **Recommendation**

No Change
-----------

## **(2) Grounds for Objection**

*Raemore & District Resident's Association* set out some general principles as to why the landfill facility should not be extended, citing the following:

- The County Council has failed to implement recycling in the county and hence reduce the landfill requirement;
- The landfill continues to accept waste from all of Co. Kerry rather than north Kerry as was originally intended;
- The facility is located on high ground with high rainfall and run-off from the landfill will pollute two river basins;
- The landfill lies near an SAC;
- The new extension and waste disposal will be seen from a 'scenic route' road;
- The increase in size of the facility will result in an increase of nuisances;
- The extension will add to the problems associated with farming.

### **Submission on Objection**

The applicant refers to each of the above points as four pages basing much of its commentary on details assembled from the EIS which would have already been addressed in the Inspector's Report attached to the recommended PD.

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

*Many of the matters raised by the Raemore & District Resident's Association were discussed comprehensively in the Inspector's Report attached to the recommended PD of 3 November 2004. The TC refers in particular to Section 6 of the Inspector's Report which discusses the natural heritage of the area, and Section 4 which details the requirements for the construction of two new surface water lagoons, and Section 5 which details a new buffer zone and screening requirements at/adjacent to the scenic route(s). The Agency satisfied itself, prior to the issue of the PD, that the carrying on of the waste activities would not cause environmental pollution. In addition it also carried out an assessment of the EIS and was also satisfied that it complied with the*

*Environmental Impact Assessment and Licensing Regulations. Emissions from the facility are controlled by the conditions of the PD.*

**Recommendation**

No Change

**(3) Conditions of the Proposed Decision**

*Raemore & District Resident's Association* (the objectors) list several conditions of the PD to which they object (see 3.1 to 3.6):

**3.1 Security & Fencing**

The objectors consider the fencing requirements proposed in Condition 3.5 should be maintained indefinitely so that wildlife will not gain access to any buried waste – wildlife must be prevented from burrowing into waste.

**Technical Committee's Evaluation**

*The removal of fencing is controlled; it can only occur with EPA agreement and under 'Condition 4 – Restoration & Aftercare'. The Committee is satisfied that when/if fencing is removed the final capping requirements set out in Condition 4.4 will prevent animal burrowing into the waste.*

**Recommendation**

No Change

**3.2 Landfill Gas Monitoring**

The objector states that the gas flare be maintained and in operation/standby at all times, and that carbon filters on any monitoring wells are changed regularly.

**Technical Committee's Evaluation**

*The TC is satisfied that the maintenance requirements set out in Conditions 3.15.2, 3.15.4, and 8.3 will manage landfill gas infrastructure and monitoring.*

**Recommendation**

No Change

**3.3 Composting**

The objector requires that compost is made without the generation of odours and leachate. Further they specify the composting area be roofed (wet and windy site location) and that the infrastructure is written into the PD rather than currently, where the Condition refers to an Article 14 letter reply. However the composting process as per the PD, they are largely agreeable with.

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

The TC note Condition 3.19 of the PD is written in terms of an Article 14 reply. The TC reviewed the reply and note it is not entirely specific as a defined composting infrastructure. The Article 14 reply summarises current infrastructure consists of a concrete slab to a maximum licenced intake of 2000T/annum and mentions the facility may be upgraded. Further, composting trials are current including windrow turners and the use of new shredding equipment.

The TC note that the PD as written specifies the 'Installation of Compost Facility' as a Specified Engineering Work (SEW) and the max tonnage is 2000T (but can be varied upwards by agreement). Conditions 5.6 and 5.7 specify several handling requirements for the production of compost.

Overall, the TC consider the best technology for composting is not necessarily indoors and the facility should be encouraged to pilot new technology. However any pilot phase should be made concrete and a new composting proposal shall be submitted in a timely manner, and be fixed under the terms of an SEW etc. Hence the following items are recommended to be inserted into the PD:

### **Recommendation**

**Add** the following new Conditions as:

3.19.2 The licensee shall within six months of the date of grant of this licence complete all pilot phase composting trials and shall submit a report to the Agency on the recommended composting infrastructure as required by Condition 3.3.

5.6.19 All wastewater from composting operations shall be collected and re-used in the composting process where possible. Any wastewater from the composting operations which is not re-used shall be either discharged to the leachate collection system or tankered off-site for treatment at a location to be agreed in advance with the Agency.

**Amend** the following entry under *Schedule B: Specified Engineering Works*:

**Replace and Delete** 'Installation of Compost Facility'

#### **Insert**

'Modifications to the Composting Facility'.

### **3.4 Lifespan of the Landfill**

*Raemore & District Resident's Association* consider the proposed lifespan of the landfill (until 2014) imposes a heavy burden on the host community since there has been a landfill in the area since 1994. It is suggested the EPA reduce the lifespan of the facility to 2010, and that no further waste licence applications for the landfill be accepted by the Agency.

#### **Submission on Objection**

The applicant submits that no time limit be imposed on the facility but rather the landfill footprint be capped to agreed contours beyond which the facility should not extend.

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

*Completion of the landfill to the final contours determined by Condition 4.2 and 4.3 of the PD is not a time limit that can be specified since annual waste acceptance rates may fall due to national recycling figures etc. However, Condition 4.7 of the PD sets out that the landfill shall be restored within two years of the cessation of waste deposition.*

#### ***Recommendation***

No Change
-----------

### **3.5 Treatment of Inert Waste**

*Raemore & District Resident's Association* consider that the treatment of inert waste 'where technically feasible' is questionable.

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

*Condition 5.2.4 refers. The TC considers that this condition is ambiguous. It should be replaced by a condition which refers to the Landfill Directive and its waste acceptance principles which include treatment aspects:*

#### ***Recommendation***

<b>Replace</b> Condition 5.2.4 with the following:
--

5.2.4 Inert waste accepted at the facility shall comply with the standards established in the EU Decision (2003/33/EC).
---

### **3.5 Daily Cover Material**

*Raemore & District Resident's Association* consider that the type of daily cover specified in Condition 5.5 is poor given their experience of seeing the plastic sheeting in use on such a windy site, during their two site visits.

#### **Submission on Objection**

The applicant submits that daily cover will consist of soils or an alternative.

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

*Condition 5.5 refers. The TC considers that the nature of the cover material is a matter for the enforcement office at the EPA.*

#### **Recommendation**

No Change
-----------

### **3.6 Biological Assessment**

*Raemore & District Resident's Association consider that the frequency of Biological Assessments at the two rivers be quarterly rather than annually as proposed.*

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

*Condition 8.9 refers. The biological assessment of the Rivers Lee and Smearlagh are required to determine the impact of the landfill facility and extension on the rivers (if any). Biological assessments are largescale studies requiring many resources and timing with seasonal conditions. They are normally done as a once-off in any Agency licence to determine a baseline. In this case the PD specifies an annual event. The TC notes the already comprehensive monitoring schedule for surface water parameters to include weekly and quarterly sampling. Furthermore, the PD requires effective leachate and surface water infrastructure to prevent/control water emissions from the landfill. Also the facility will be subject to Agency inspections and audits to ensure licence compliance. Emissions from the facility will also be sampled and analysed by the sampling and monitoring team of the Agency. Notwithstanding the above, Condition 8.2 gives scope to altering the frequency of monitoring.*

#### **Recommendation**

No Change
-----------

### **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) for the reasons outlined in this report.

Signed:

\_\_\_\_\_

Malcolm Doak, Inspector, for and on behalf of the Technical Committee.