



**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> | 21 <sup>st</sup> September 2006                                  |                         |
| <b>RE:</b>   | OBJECTION TO A PROPOSED DECISION FOR A WASTE<br>LICENCE-W0049-02 |                         |

| Application Details            |  |
|--------------------------------|--|
| Class(s) of activity:          | 3rd Schedule: Class 1  |
| Location of activity:          | Clonbullogue Ash Repository,<br>Cloncreen, Clonbullogue, Co Offaly |
| Licence application received:  | 7/12/2005  |
| PD issued:                     | 10th July, 2006  |
| First Party Objection received | 4 <sup>th</sup> August 2006  |

**Company**

This report relates to an application by Bord na Móna Energy Limited (BNM) for a review of an existing waste licence (W0049-01) which was issued on 20/04/00).

The PD permits the operation of a non-hazardous waste landfill located at Cloncreen, Clonbullogue, Co. Offaly. The waste intake is limited to 70,000t per annum comprising of industrial non-hazardous solids. The waste consists of bottom and fly ash from co-fuelling of peat, biomass and Category 3 meat and bone meal.

There was one (1) submission made in relation to this application and this was considered by the Board at the Proposed Decision stage. The Directors approved the recommendation to grant a waste licence and a PD was issued by the Agency on 10<sup>th</sup> July 2006. The Agency received one valid objection (from the 1<sup>st</sup> party) regarding the PD on 4<sup>th</sup> August 2006.

## Consideration of the Objection

The Technical Committee, comprising of Dr Tom McLoughlin (Chair) and Bernadette Murray, has considered all of the issues raised in the objection raised by the first party and this report details the Committee's comments and recommendations following the examination of the objection. The TC consulted Damien Masterson, OEE in relation to a reference that the applicant made in their objection.

## First Party Objection

The applicant submitted an objection addressing the Agency on a number of conditions contained in the Proposed Decision of 10<sup>th</sup> July 2006:

### **Condition 1.2, Schedule A.2 Waste Acceptance (note 3) and the Introduction**

The applicant requested that the wording in the above sections of the PD should reflect the current waste being disposed at the site i.e. bottom and fly ash from fuelling of peat.

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

The Technical Committee are in agreement with the applicant to amend the wording of the Introduction and Schedule A.2-Waste Acceptance (Note 3). There is no need to amend Condition 1.2 as it refers to Schedule A.

### ***Recommendation***

Amend the Introduction to read:

*The waste consists of bottom and fly ash **from the fuelling of peat and/or the co-fuelling of peat, biomass and Category 3 meat and bone meal.***

*Amend Schedule A.2 Waste Acceptance Note 3 to read:*

*The facility is allowed to only accept ash **from fuelling of peat and/or co-fuelling of peat, biomass and/or Category 3 meat and bone meal from Edenderry Power No 654)** for disposal at the landfill.*

Condition 1.2. No change

### ***Condition 1.5.3-Waste Acceptance - Sundays and Public Holidays***

The applicant objects to this condition on the grounds that the Edenderry Power Ltd does not have the capacity for 48 hour storage. They state that ash waste was permitted to be accepted at Clonbullogue during Public Holidays under the previous licence W0049-01. They requested that this condition be removed from the licence.

***Technical Committee's Evaluation***

The Technical Committee are in agreement with the applicant in this regard and recommend that this condition be removed as this site is very remote and the movement of waste to this site on Sundays and Public Holidays will have a negligible impact on the environment.

***Recommendation***

**Delete Condition 1.5.3**

**Condition 3.3-Deposition of waste at new cells**

The applicant claims that this has already been agreed by an OEE Inspector and requested that it be removed.

***Technical Committee's Evaluation***

After examining the letter that was sent to the applicant by the OEE inspector in August 2005, it appears that permission was granted on the applicant's request to amend the specification of the lining system to be used in Phase 3 of the facility for the acceptance of ash from peat combustion. However, it transpires that the Construction Quality Assurance report as requested by the OEE inspector has not been sent to the Agency.

***Recommendation***

**No change**

***Condition 10.3-Fianl capping of landfill***

The applicant objects to this condition and claims that the current mix used for the final capping is approx. 80:20 Peat: Mineral Soil and they provided a report which supports their argument that this type of capping provides a good soil mix for seeding and re-vegetation. They requested that this condition be changed to specify an 80:20 Peat: Mineral Soil mix.

***Technical Committee's Evaluation***

The TC are in agreement with the applicant and are of the opinion that a mixture of 80:20 Peat : Mineral soil is suitable for capping landfills.

### ***Recommendation***

Amend Condition 10.3- Final Capping to read:

Unless otherwise agreed by the Agency, the final capping shall consist of a minimum 1m thick soil layer consisting of **80:20** mix of Peat: **Mineral soil mix**.

### ***Condition 6.1 7 & Schedule C5-Noise***

The applicant states that there is only one noise sensitive location associated with the Ash Repository at N5 and argue that due to the remoteness of the site, noise levels have not been an issue and the new ash deposition method currently in place has resulted in a reduction of noise levels. They request that Condition 6.17 and Schedule C. 5 be modified.

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

The applicant objects to this condition on the grounds that this facility has only one noise sensitive location N5—a dwelling house c.900m away and the level of activity at the site is low. According to the inspectors report the noise emission limit has only been exceeded once over the past four years and this exceedance was attributed to passing traffic in the area of the monitoring location.

### ***Recommendation***

The TC are in agreement that condition 6.17 be amended.

The TC are in agreement that Schedule C5 be changed so that monitoring is carried out at the N5 location and replace '**annual**' in Schedule C.5 with '**as may be required by the Agency**'.

### ***Recommendation***

Amend condition 6.17

The licensee shall carry out a noise survey of the site operations **as may be required by the Agency**. The survey programme shall be undertaken in accordance with the methodology specified in the 'Environmental Noise Survey Guidance Document' as published by the Agency.

Amend Schedule C.5 Noise monitoring-Emission reference points as follows to read:

### ***C.5 Noise Monitoring***

**Emission Point Reference No.:**

**N5 and any noise sensitive locations as may be required by the Agency.**

**Location:**

Location of monitoring point as shown on Drawing Reference 2401057-6 *Environmental Monitoring & Sampling Locations*, unless otherwise

agreed by the Agency.

| Parameter                                    | Monitoring Frequency              | Analysis Method/Technique  |
|--|-----------------------------------|----------------------------|
| L(A) <sub>EQ</sub> [30 minutes]              | As may be required by the Agency. | Standard <sup>Note 1</sup> |
| L(A) <sub>10</sub> [30 minutes]              | As may be required by the Agency. | Standard <sup>Note 1</sup> |
| L(A) <sub>90</sub> [30 minutes]              | As may be required by the Agency. | Standard <sup>Note 1</sup> |
| Frequency Analysis(1/3 Octave band analysis) | As may be required by the Agency. | Standard <sup>Note 1</sup> |

**Note 1:** "International Standards Organisation. ISO 1996. Acoustics - description and Measurement of Environmental noise. Parts 1, 2 and 3."

***Conditions 2.2.1, 2.2.2, 6.1, 6.7, 8.1.5, 10.7, & 12.2.2.***

The applicant states that as it is not planned to incinerate MBM at Edenderry Power Ltd for the immediate future (if ever), consequently, it would not be possible to prepare and submit an updated EMS, Leachate Monitoring Programme, Groundwater monitoring trigger levels, updated procedures, CRAMP or ELRA relating to the deposition of MBM ash, as required by the above conditions within the time period specified. The applicant therefore requests that the requirement to submit these reports/plans within 3,6 & 12 months of grant of licence, be replaced by a requirement to submit within a certain period prior to acceptance of MBM ash.

***Technical Committee's Evaluation***

The TC are in agreement with the applicant's proposal.

***Recommendation***

***Amend Condition 2.2.1 as follows***

The licensee shall operate and maintain an Environmental Management System (EMS). Within six months of the date of grant of this licence, the licensee shall submit to the Agency for its agreement a proposal for the updating (where appropriate) of the documented Environmental Management System (EMS) for the facility. **Also, it should be updated within 6 months prior to acceptance of MBM ash.** The EMS shall thereafter be updated on an annual basis with amendments being notified to the Agency, as part of the AER.

**No need to amend condition 2.2.2**

**Amend Condition 6.1 as follows:**

Within twelve months of the date of grant of this licence, the licensee shall submit an updated leachate monitoring programme to include for leachate monitoring in all cells (Cells 1 to 8) at the landfill. **Also, it should be updated within 6 months prior to acceptance of MBM ash.** Leachate monitoring shall be carried out at the leachate collection point and two other points in each cell.

**No need to amend condition 6.7**

**Amend Condition 8.1.5 as follows:**

Within three months of the date of grant of this licence, the licensee shall submit to the Agency for its agreement written updated procedures (where appropriate) for the acceptance and handling of all wastes. **Also, it should be updated within 6 months prior to acceptance of MBM ash.** These procedures shall include details of the pre-treatment of all waste to be carried out in advance, of acceptance at the facility and shall also include methods for the characterisation of waste in order to distinguish between inert, non-hazardous and hazardous wastes. The procedures shall have regard to the EU Decision (2003/33/EC) on establishing the criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 and Annex II of Directive (1999/31/EC) on the landfill of waste.

**Amend Condition 10.7 as follows:**

Within twelve months of the date of grant of this licence, the licensee shall prepare for agreement by the Agency, a fully detailed and costed plan for the closure, restoration and long-term aftercare of the site or part thereof. This plan shall have regard to the commitments given in the application documentation for Licence Register 49-1 and W0049-02 (as may be varied herein). **This plan must be updated within 12 months after acceptance of MBM ash.**

**Amend Condition 12.2.2 as follows:**

The licensee shall arrange for the completion, by an independent and appropriately qualified consultant, of a comprehensive and fully costed Environmental Liabilities Risk Assessment (ELRA), which addresses the liabilities from past and present activities. The assessment shall include those liabilities and costs identified in Condition 10 for execution of the CRAMP. A report on this assessment shall be submitted to the Agency for agreement within twelve months of date of grant of this licence. The ELRA shall be reviewed as necessary to reflect any significant change on site **(including acceptance of MBM ash)**, and in any case every three years following initial agreement: review results are to be notified as part of the AER.

## **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

---

Dr Tom McLoughlin for and on behalf of the Technical Committee