



OFFICE OF CLIMATE CHANGE, LICENSING & RESOURCE USE

REPORT OF THE TECHNICAL COMMITTEE ON OBJECTIONS TO LICENCE CONDITIONS

TO:	Directors	
FROM:	Technical Committee	- LICENSING UNIT
DATE:	11 th July 2007	
RE:	Objection to Proposed Decision for Waterford County Council, Tramore Waste Management Site, Waste Reg: W0075-02	

Application Details	
Type of facility:	Integrated waste management facility incorporating closed landfill, civic waste facility & proposed green waste composting facility.
Classes of Activity Authorised: (P = principal activity):	3 rd Schedule: Class 12, 13 4 th Schedule: Class 2 (P), 3, 4, 10, 11, 13
Classes of Activity Refused:	3 rd Schedule: Class 4 4 th Schedule: Class 9, 12 <i>Note: The review of W0075-01 results in Classes 1 & 4 of the 3rd Schedule being removed and the addition of Class 10 to the 4th Schedule activities.</i>
Quantity of waste managed:	15,000 tpa* (to include 1,000 tpa green waste for composting) <i>* This quantity does not include material for landfill restoration</i>
Classes of Waste:	Inert waste for landfill restoration. Municipal waste, separated recyclables, household hazardous waste, C & D waste, WEEE and green waste to be accepted at the CWF.
Location of facility:	Tramore Intake & Burrows, Tramore, Co. Waterford
Licence application received:	8/12/04
PD issued:	29-03-07
First party objection received:	25-04-07
Third Party Objection received	None

Company

This report considers the objections to a Proposed Decision for a review of the EPA Waste Licence for Waterford County Council's Waste Management Facility at

Tramore, Co Waterford. The Review was initiated to provide for the composting of up to 1,000 tonnes per annum of green waste at the Tramore facility.

The facility currently comprises a closed landfill and a Civic Waste Facility, on a c.12 hectare site located approximately 1km east of Tramore town. The unlined landfill had been in operation since approximately 1939; it obtained an EPA waste licence in September 2001, and the disposal of waste to landfill ceased at the facility on 31st December 2005. The facility is bounded on the landward side by a caravan park and on the seaward side by the estuarine and coastal habitats associated with Tramore Dunes and Backstrand, which are a designated Special Area of Conservation (SAC) and Special Protection Area (SPA) for birds. Current waste activities on-site are focused on the landfill capping and restoration works, and the operation of the civic waste facility (CWF).

Consideration of the Objection

The Technical Committee, comprising of Dr J Derham (Chair) and Ms M O'Connor, has considered all of the issues raised in the Objections and this report details the Committee's comments and recommendations following the examination of the objections.

This report considers one valid first party objection. No third party objections were received.

First Party Objection

The applicant makes 11 points of objection.

1. Condition 1.6

The applicant requests that construction related activities be permitted for longer hours than specified in the licence. In addition the applicant wants operational hours specified (currently not specified).

Technical Committee's Evaluation: The Technical Committee accept the points raised in the objection. Hours of operation involving one hour either side of waste acceptance hours would be appropriate. Construction related impacts are by their nature short-term. Given the location of the facility and the nature of the operations, the implications of these changes are negligible.

Recommendation: Add the following sub-conditions to Condition 1.6:

1.6.3 The facility shall be operated (excluding construction activities) only between 0800 and 1900hrs Monday to Saturday, and 0900 and 1400hrs Sunday, unless otherwise agreed with the Agency.

1.6.4 Construction activities shall be carried out only between 0730 and 2000hrs Monday to Saturday, unless otherwise agreed with the Agency.

2. Condition 2.1.2

The applicant requests that as the facility is not an operational landfill and is a CA site that the specific FAS waste managers training requirements identified in Condition 2.1.2 be amended to specify the FAS operatives training (2 day).

Technical Committee's Evaluation: The condition as drafted already provides for the possibility of agreeing with the Agency alternative training requirements. That said the Technical Committee believe that the Facility manager should if possible receive the more advanced FAS Waste Managers qualification. The applicants are mistaken in their belief that the FAS Waste Managers training is for landfill operations only. Although the landfill is not receiving waste it will have to be actively managed (leachate, gas, restoration, etc..) for many years. This aftercare management as well as management of the CA site with composting are of sufficient scale, including technical and regulatory complexity as to merit the Waste Managers training. The condition is drafted in such a way that the requirement is not necessarily a pre-requisite, however the licensee will have to demonstrate as part of their EMP that the relevant training is scheduled.

Recommendation: No change.

3. Condition 3.13.3

The applicant objects to the specification of a concrete surface in the condition and requests that tarmacadam be identified as acceptable.

Technical Committee's Evaluation: The condition as drafted already provides that alternative surface dressings can be agreed with the Agency. The 'equivalency' of an alternative surface has to have regard to the risk due to operations undertaken thereon. The relief the applicants seek is already provided for in the licence.

Recommendation: No change

4. Condition 3.15

The applicant objects to the requirement for a waste inspection and quarantine area given that the site is not an operating landfill (operates as a CA facility mainly).

Technical Committee's Evaluation: All waste facilities that are importing waste for processing/recovery/disposal must provide for the unexpected receipt of unsuitable wastes (for the authorised activities) or unknown wastes. To believe that such an eventuality would not be likely, would be naive. Such receipts will need to be inspected and/or quarantined pending a decision as to their fate (e.g. asbestos sheet found in some household C&D waste following its delivery). The condition as drafted already provides for the scale and design of such a technical facility to be 'appropriate' to the operations in

question. Such designs can vary from containers standing on self-bunded pallets, to a more sophisticated solution involving drainage, concrete bunding, air handling, etc. The licensee is free to agree with the OEE the detail for such a technical requirement having regard to the nature of the activity in question.

Recommendation: No change

5. Condition 3.16

The applicant objects to the requirement to maintain a wheel wash for all HGVs leaving the facility given that following the restoration phase the vehicles using the site will be to and from the CA area where heavy soiling is not likely.

Technical Committee's Evaluation: The applicant misunderstands the condition. Firstly the condition asks for wheel cleaning equipment. This is a lower order requirement than a full wheel-wash facility. Most operators address the 'cleaning equipment' requirement by maintaining a power hose or similar. Secondly the condition does not require all HGV vehicles to always be washed prior to exit. The condition specifically states that cleaning must be used 'as required'. This leaves the discretion as to the need for use of the wheel cleaner up to the competent site manager having regard to the risk or severity of soiling. The relief the applicants seek is already provided for in the licence.

Recommendation: No change.

6. Condition 5.8.1

The applicant objects to the linkage of agreement with the Agency for the leachate removal with agreement on the treatment of same. Separate contractors will be involved. In addition the applicant requests that the 3 month period specified in the condition for the submission of the effluent treatment agreement be extended to 9 months. The reason for the latter suggestion is that the applicants are currently assessing the quantity and character of the leachate produced on site, and in the absence of this information an agreement with a treatment agent will not be possible.

Technical Committee's Evaluation: It is recognised that the agreement for the removal and treatment of the leachate can be by separate contractors. An amendment of the wording of Condition 5.8 would bring this clarity. Leachate tankered off-site is a waste and has to be consigned as such. Therefore the authorisation of contractors to transport the leachate from the site is managed under Conditions 8.2, 8.3 and 11.10 of the licence – there is no need to duplicate the provision in Condition 5.8. As to the agreement of the recipient Treatment Plant, the Technical Committee do not find the applicants objection persuasive. Irish statutory requirements that already exist for the movement of waste within the State require that – in this case – the leachate waste cannot be transferred to a waste contractor without being characterised. This has been the case since at least the Collection Permit Regulations came into effect in 2001. The applicant has been monitoring the leachate quality from the landfill since at least when the first licence was issued in 2001. There is

ample information available to permit establishment of a treatment agreement. In relation to the issue of volumes, this point is also irrelevant. The recipient WWTP will have operational volumetric loading limitations as well as pollution loading capacities. These are known. It will be possible for the recipient plant to declare the daily or weekly load limits for the recipient leachate such as it is known at this time. If the nominated plant cannot take the entire volume or load generated, then the applicant will have to source a second treatment plant using the same process. It is recognised that the quality/quantity of the leachate will vary over time, particularly as the landfill capping program advances. The applicants can respond to these changes by revising treatment requirements with their contractor and notifying these to the Agency via condition 11.10.

The three month period specified in the PD is more than satisfactory.

Recommendation: Delete the text '*... removal (from the site) ...*' from Condition 5.8.1.

7. Condition 6

The applicants object to the monitoring stipulations mandated by Condition 6 (and the associated Schedule C) of the licence, and ask that the monitoring be amended to reflect correspondence between the applicant and the OEE dated 8-9-2006.

Technical Committee's Evaluation: In the cited 2006 correspondence the applicant refers to the *EPA Landfill Monitoring Guidance Manual* recommended monitoring for landfill sites in the aftercare phase. The historic landfill is currently being capped and could not be said to have entered the normal aftercare phase yet. In addition, the operator failed to install landfill gas extraction and leachate management infrastructure within the periods specified in the original licence. This infrastructure is only recently installed and some elements of it is still being commissioned (linked with the capping). The applicant was successfully prosecuted (in 2006) in relation such matters. The Technical Committee believe it is premature at this time to reduce the monitoring programme to the low-frequencies associated with lower risk aftercare. The site has not entered this phase yet and the more frequent monitoring will help in the early identification of incomplete or ineffective closure. Such a precautionary approach is important given the sensitivity of the local environment (refer Inspectors Report). On certified completion of the closure phase and stabilisation of the facility emissions profile (i.e. in aftercare phase), the applicant can apply under Condition 6.6 of their licence to have the monitoring frequencies and scope amended to reflect the reduced risk. It should be notes that some of the monitoring stipulations in the PD do already reflect the requests of the applicant and the altered risk profile for the facility (e.g. dust – as may be required; noise – annually; leachate toxicity – as may be required).

Recommendation: No change.

8. Condition 6.22.1

The applicant requests a 4 month extension to the period specified in the condition (2 months) for a report reviewing the monitoring infrastructure at the facility. This is to allow for completion on ongoing drilling works and the capping of the facility.

Technical Committee's Evaluation: The Technical Committee accept the point of objection.

Recommendation: Amend the period specified in the first sentence of Condition 6.22.1 to read '... six months ...'.

9. Conditions 10.1.1 and 6.14.3

The applicant wants the periods specified in these conditions for the completion of restoration of the facility (2 years) and placement of permanent capping (18 months) to be extended to 3 years in both cases - to 31 December 2008. The main reason advanced is the relative shortage of capping material supply (soils & subsoils). The applicant does state that the synthetic cap will be in place by the end of 2007 and covered with 300mm of soils with the remainder (700mm) being placed as material arrives.

Technical Committee's Evaluation: Effective landfill managers should anticipate the future requirement for closure and capping of a landfill facility, and should in the normal course of business be stockpiling soils for that certain eventuality. The applicants in this case have not prepared in such a manner and are now 'catching up' so to speak. The applicants comment that they have to date obtained approximately half of the 218,000t of subsoils/topsoils needed to cap/restore the facility. The Technical Committee note that a semi-permanent cap will be in place by the end of 2007 (synthetic layer with 300mm cover). Whilst it is possible for the operators to harvest soils from virgin landscape it is recognised that this is not the most sustainable solution. The sourcing of surplus soils from development activities (roads, etc.) in the region is a more sustainable option. Having regard to the provision of a semi-permanent cap and 33% of the necessary cover by the end of 2007 the applicants objection is considered reasonable.

Recommendation: Delete condition 6.14.3 as it is superfluous in the context of Condition 10.1.1.

In Condition 10.1.1 replace the text '*... within two years of the final cessation of waste being deposited at the landfill.*', with the text '*... by 31 December 2008.*'.

10. Condition 10.2

The applicants would like the condition to refer to the most up-to-date proposals regarding closure and restoration.

Technical Committee's Evaluation: The Technical Committee accepts that this request provides a more up-to-date wording to the condition.

Recommendation: Replace conditions 10.2.1 and 10.2.2 with the following:

- 10.2.1 Landscaping of the facility shall be as described in *Restoration and Aftercare Plan 2005* submitted to the Agency on 5/10/2005.
- 10.2.2 Unless otherwise agreed by the Agency, the finished (post settlement restored) levels of the landfill shall be as indicated in Drawing No. MDR0349Mi0005F01 showing final restoration contours (dated May 2006 and submitted in relation to Waste Licence Register W0075-01).

11. Schedule E

The applicants wish to amend by objection some of the reporting specifications in Schedule E of the PD. Specifically they want the quarterly report return date to read 'within 10 days of obtaining results' so-as to allow for laboratory turn-around.

Technical Committee's Evaluation: The report deadline specified in the PD is a standard condition in all waste and IPPC licences, and to date has not presented undue difficulty for operators. In the case of where daily samples for complex chemicals is specified (i.e. not field determined), it is accepted that a 10 day turn-around with a report to the EPA (from month end) may be a strain. However no-such monitoring is specified in the applicants PD. Indeed, the minimum wet chemical sample test frequency specified in the PD is quarterly, so if a licensee takes the sample on the first day of the quarter this gives them approximately 100 days to turn around the report. Weekly sampling of landfill gas is specified, however this is undertaken by standard portable field equipment that outputs direct to computer and does not require laboratory analysis. The objection lacks credibility and cannot be upheld.

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 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 J Derham

for and on behalf of the Technical Committee