Obj. (7)

Licensing Unit
Office of Licensing & Guidance
Environmental Protection Agency
Johnstown Castle Estate
County Wexford

15/10/2007

Dear Sir/Madam,

RE: Request for Oral hearing on Waste Licence Approval W0231-01

CEWEP Ireland is requesting an Oral Hearing into the proposed decision to grant a waste licence to the proposed landfill at Tooman/Nevitt. It is submitted that the proposed project is not in line with Irish waste policy, and will have a negative impact on Ireland's ability to meet the Landfill Directive (1999/31/EC). It is also submitted that due to excess landfill capacity in Ireland, the facility is not needed and poses an unnecessary risk to the environment. Therefore, the proposed facility is not consistent with sustainable development, and would not attain the:

> *proper balance … between the need to protect the environment (and the cost of such protection) and the need for infra-structural, economic and social progress and development*

referred to in Environmental Protection Agency Act, 1992 as amended.

Guidelines on the EPA website suggest factors influencing the decision to hold an Oral Hearing include issues of national or regional importance and any significant new information.

CEWEP believes that the operation of this landfill is a matter of national importance. As highlighted in CEWEP's original objection to the application for a waste licence, the landfill will contribute to the already considerable excess of landfill capacity in Ireland. This has negative implications for Ireland's entire waste management system, including:

- Reducing the cost of landfill and so encouraging the use of landfill, which in turn inhibits the development of waste treatment options higher in the waste hierarchy
- Adversely affecting Ireland's ability to meet biodegradable waste diversion targets as outlined in the EU Landfill Directive
- Unnecessarily impacting on the environment.

New figures compiled by CEWEP (see Appendix A) demonstrate that this excess capacity is already having the above impacts, by driving down the cost of landfill,

compromising the development of alternatives like composting, and causing more waste than ever to go to landfill. This is clearly against European and Irish waste policy, as outlined in CEWEP's previous submission. CEWEP believes that the new figures constitute significant new information and that it demonstrates the premise of the original objection.

Furthermore, since the application for a waste licence was submitted in January 2007, there have been a number of developments in waste policy and waste reports that reinforce the requirement to move away from landfill. These include:

- **Bioenergy Action Plan** which seeks to maximise the recovery of useful materials and energy from residual waste, where thermal treatment with energy recovery is the preferred option, followed by mechanical biological treatment with energy recovery and mechanical biological treatment of fully stabilised residue to landfill as a last resort.

- **Climate Change Strategy** which recognises diverting waste from landfill will reduce greenhouse gas emissions from the waste sector. Looking forward, it seeks increased diversion of biodegradable waste from landfill and the maximum recovery of useful materials and energy from residual waste.

- **Climate Change Mitigation Report** by the Intergovernmental Panel for Climate Change (IPCC) which focuses on alternative strategies to landfill for greenhouse gas avoidance, finding that emissions could be largely avoided by controlled aerobic composting and thermal processes.

- **EPA vision**, which recognises that Ireland is over-reliant on landfilling waste and is a long way from meeting targets for diverting biodegradable waste from landfill. It highlights the requirement to meet these landfill diversion targets, and to develop the necessary key infrastructure for the management of waste and recovery of resources.

- **National Development Plan 2007-2013**, which recognises that even with improving recycling rates, increasing waste generation is having an ongoing impact on landfill rates. It reinforces the strategy to thermally treat residual waste as a preferred option.

- **Agreed Programme for Government**, which reinforces the commitment to meeting landfill diversion targets, and sets a new target for consigning less than 10% of waste to landfill in the future. It also looks to restrict landfill capacity by ensuring the landfills currently provided for under regional waste management plans should be the last to be constructed for a generation. CEWEP addressed the provision for this landfill in the Dublin Regional Waste Management Plan in its previous submission.

It is submitted that the Fingal landfill development is not in line with these policy documents and that the EPA must have regard to European and Irish policy in making decisions on awarding operating licences to waste management facilities.

CEWEP recognises that the proposed waste licence attempts to restrict the amount of biodegradable waste being consigned to the landfill, by applying the condition that only *residual* household and commercial waste (348,000 tonnes per annum) can be accepted. In the licence, *residual* is defined as

> *"...waste that has been subjected to pre-treatment (including, inter alia, pre-segregation of recyclables and of the biodegradable fraction, mechanical-biological treatment, energy recovery) to extract, to the maximum practical and available extent having regard to BAT, the recyclable/reusable components and energy benefit, in order to contribute to the objectives of the Landfill Directive as set out in Article 1 of the Directive"*

However, CEWEP would contend that this condition cannot be adequately monitored or enforced given the mixed application of pre-treatment across the collection region for this landfill. That is, in the absence of mechanical-biological treatment or energy recovery (the development of which CEWEP would argue is being inhibited by excess landfill capacity) the landfill will rely on pre-segregation of recyclables and of the biodegradable fraction. This requires that households and commercial premises have access to brown bin collection services or other outlets for biodegradable waste. Should the landfill commence operation before the catchment area for the landfill has access to such outlets, the landfill could not be considered to be receiving residual waste. However, monitoring and enforcing this would be extremely difficult.

You are aware from Indaver Ireland's submission dated 05/01/2007 that the EPA have in their view both the legal right, and the legal obligation, to refuse to sanction additional unnecessary landfill capacity. CEWEP agrees with this view and seeks the opportunity at an Oral Hearing to ensure that this issue has been fully considered by EPA.

Should you have any queries or comments on this, please do not hesitate to contact us on the details included below.

Yours Sincerely,

Jackie Keaney

Jackie Keaney
Vice-President of CEWEP

Appendix A: CEWEP Report on Landfill Capacity

Ireland's Reliance on Landfill: *Changing Our Ways?*

CEWEP Briefing Paper

October 2007

Ireland's Ongoing Reliance on Landfill

Since Ireland's first waste policy document in 1998, *Changing Our Ways,* one of the key priorities for waste management has been to reduce our reliance on landfill. Between 2001 and 2004 the amount of municipal solid waste (MSW) going to landfill decreased by as much as 8% despite high economic growth. However, according to new CEWEP figures, the amount of waste going to landfill has begun to increase again and Ireland's reliance on landfill is now greater than ever.

This document attempts to provide insight into how this new trend arose and explores the impacts it has on the Irish waste management system.

Landfill on the increase

CEWEP has found the amount of MSW sent to landfill in 2006 increased by approximately 220,000 tonnes, or 11% on 2005 deposits (see Appendix). This continues an upward trend in waste consigned to landfill since 2004, as shown in Figure 1 below.

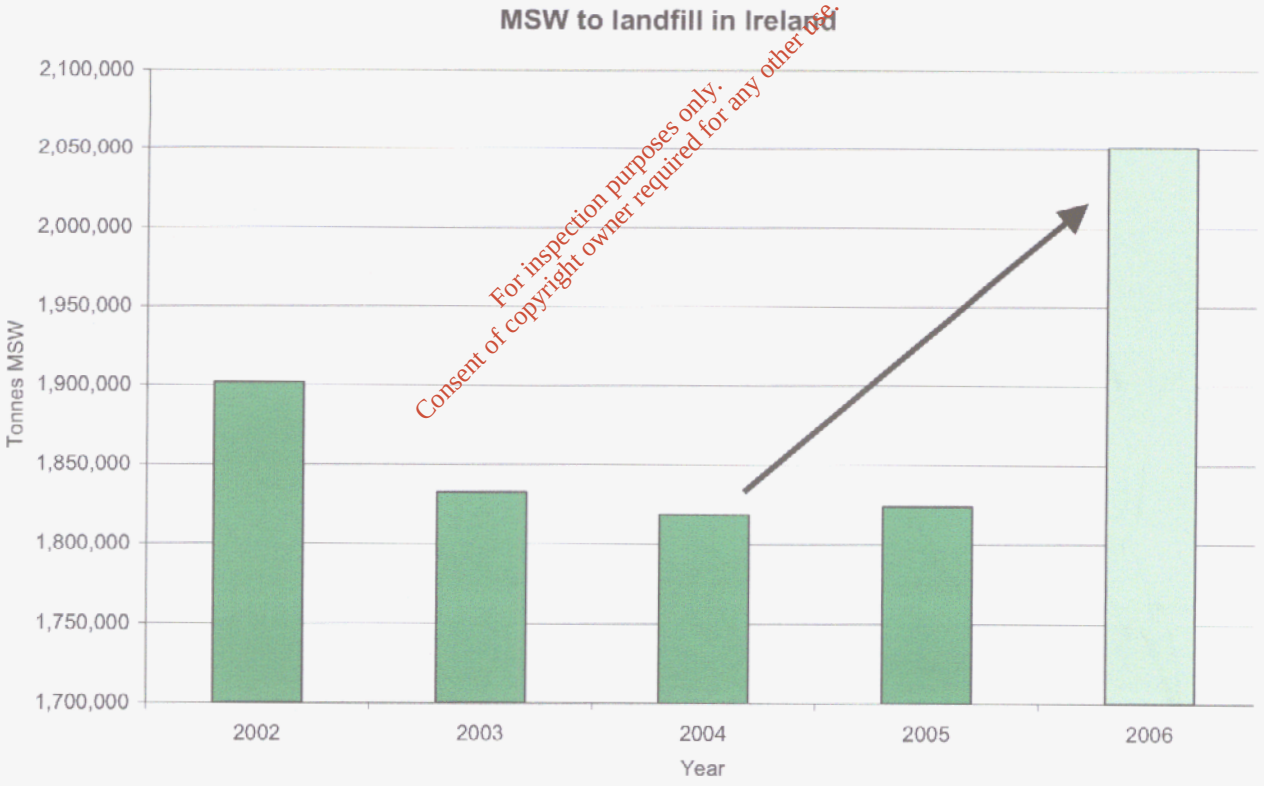

Figure 1: MSW Deposits to Landfill with CEWEP figure for 2006

SOURCE: EPA, Annual Environmental Reports

Until now, Ireland's performance in waste management had been improving. Recycling rates have nearly tripled since 2001, placing Ireland ahead of Britain, France, Italy and Finland in terms of performance. In the meantime though, little progress has been made to change how we manage residual waste and Ireland continues to be heavily reliant on landfill.

Falling behind targets

Landfill does have a role to play in Ireland's waste management system. However, it is the lowest priority in the waste hierarchy because it is the least efficient at recovering materials and energy from waste and has the greatest environmental impacts. As outlined in *Changing Our Ways,* a heavy reliance on landfill can inhibit recycling and the development of an integrated waste management system.

European waste policy aims to dramatically reduce Europe's reliance on landfill and minimise the environmental impacts of waste management. The Landfill Directive sets out ambitious targets for Member States to reduce the amount of biodegradable waste going to landfill. Ireland has obtained a four year extension on these targets and must meet its first Landfill Directive target in 2010, or in just over two years. This will require a reduction in the amount of biodegradable waste currently going to landfill by 35%, with further reductions by 56% and 70% for 2013 and 2016 respectively.

As shown above, the amount of biodegradable waste going to landfill (being approximately 72% of MSW[1]) is currently increasing rather than decreasing. Considerable progress is required if Ireland is to reverse this trend and meet the first EU landfill diversion target in 2010. The *National Strategy on Biodegradable Waste* recognises this represents a *"huge challenge to the Irish waste industry"*. However, if the targets cannot be met, Ireland could face fines of over €500,000 per day[2]

The Landfill Directive is not the only driver for a reduction in landfill use. The *Agreed Programme for Government*[3] also sets targets for landfill diversion, committing to reducing municipal solid waste (MSW) to landfill to just 10% or less of waste arising. This is more challenging than the EU targets and far more ambitious than the original *Changing Our Ways* target of 50% diversion of household waste from landfill.

Further, Ireland must reduce greenhouse gas emissions in line with commitments under the Kyoto Protocol. Landfills typically emit far more greenhouse gases than other forms of waste treatment. Reducing reliance on landfill can therefore help reduce emissions from the waste sector. With emissions in 2005 nearly double the 2012 target, Ireland needs to urgently take up on solutions like this if it is to meet its Kyoto obligations.

Cheap and easy

The amount of waste going to landfill is on the increase because there are no legal or economic reasons to bring residual waste anywhere else. Landfill is the cheapest and easiest option.

Landfill gate fees are now as low as €60/tonne[4] in some areas, down from as high as €240/tonne, because there is an oversupply of approved landfill capacity. The total

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[1] EPA, *National Waste Report 2005*, 2005, available at http://www.epa.ie
[2] *Explanatory Memorandum to the Landfill (Maximum Landfill Amount) Regulations for Northern Ireland*
[3] Department of the Taoiseach, available at http://www.taoiseach.gov.ie/
[4] Cre, *New Government has to make Changes for Composting*, Newsletter 15-August 2007, 2007, available at http://www.cre.ie

amount of approved[5] landfill capacity (approx. 3.5 million tonnes per annum) is 75% more than what is required to dispose of residual MSW (just over 2 million tonnes per annum). When compared with the amount of waste Ireland *is allowed* to send to landfill under the Landfill Directive, this excess is even greater.

Although reduced waste charges are good for consumers in the short term, landfill charges that are too low inhibit development and prevent competition in the long term. Developers will not take the risk or make the effort of investing in alternative programmes or infrastructure that, due to higher environmental standards, cost more than landfill. In this way, low landfill charges impact on everything from waste prevention, reuse and recycling[6] to mechanical biological treatment and waste-to-energy for residual waste. Consumers are effectively left without a choice and landfill continues to have a stranglehold on the waste sector.

This ongoing reliance on landfill, driven by excess landfill, low landfill charges and a lack of strong drivers, cannot continue. Ireland must change its ways if it is to meet both EU and national targets and develop a modern, sustainable waste management system. Landfill must be made either too expensive or illegal for certain wastes, or greater incentives must be put in place for the development of alternatives. For more information on this or other related matters please refer to the CEWEP Ireland website www.cewepireland.com.

[5] Refers to landfill capacity with planning approval. Landfill having approval to operate in the form of a Waste Licence is higher at almost 4 million tonnes per annum.
[6] Cre, *New Government has to make Changes for Composting*, Newsletter 15-August 2007, 2007, available at http://www.cre.ie

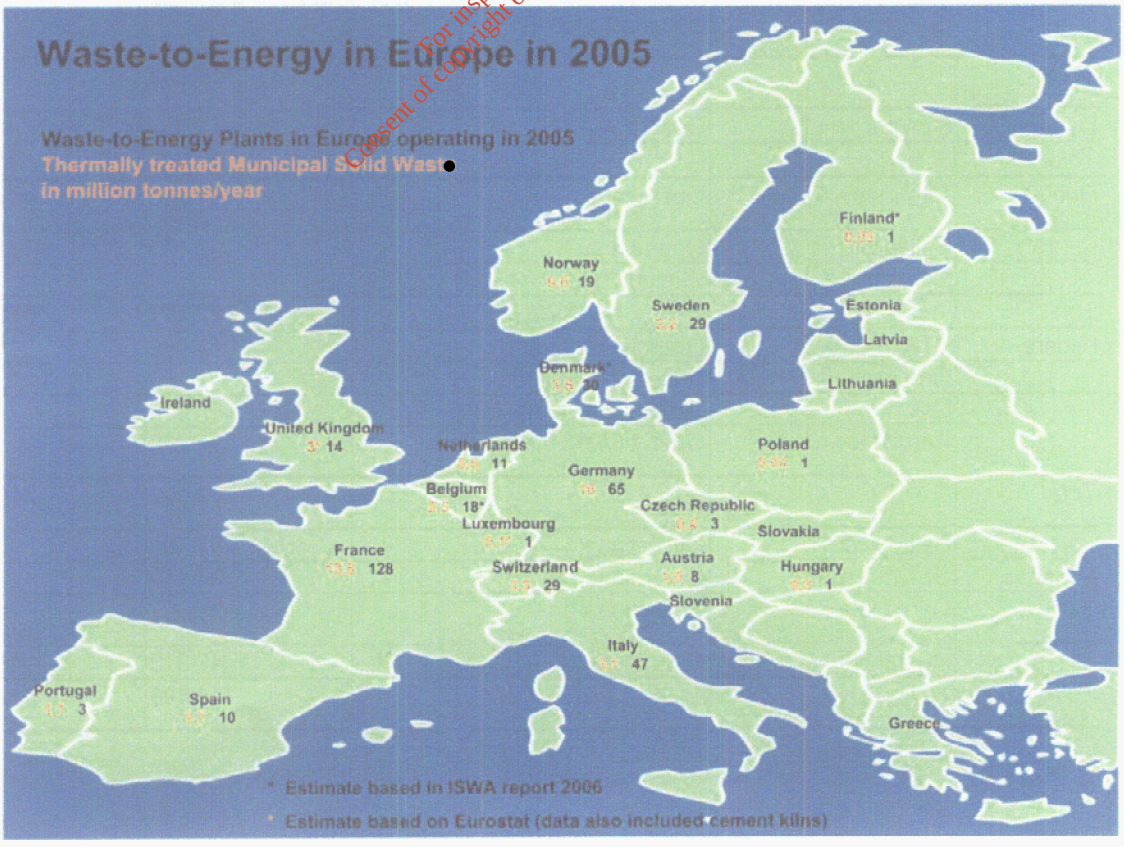
CEWEP Ireland

CEWEP, the Confederation of European Waste to Energy Plants, represents over 340 waste-to-energy plants across Europe in 16 countries, treating approximately 48 million tonnes of waste per year. Our aim is to highlight the many benefits that waste-to-energy can bring as part of a sustainable waste system.

Waste-to-energy plants, or incinerators with energy recovery, treat municipal waste (household and similar wastes), which remains after waste prevention, reuse and recycling activities. They can produce both electricity and heat for industrial and household users. In this role, waste-to-energy technology can:

- Recover the maximum energy value from waste, in line with the European waste policy to avoid waste or use waste as a resource.
- Help meet European Landfill Diversion targets by providing an alternative to landfill for mixed residual biodegradable waste
- Help meet renewable energy targets, greenhouse gas emission targets and energy security of supply goals
- Reduce the volume of waste sent to landfill by up to 90% and render it inert, extending the lifespan and improving the quality of existing landfill

CEWEP's Mission is to secure as part of Government waste and energy policy the banning of landfill of untreated combustibles waste. This is consistent with the principles of the waste hierarchy above, and more importantly, EU and Irish waste management policy.



Appendix: Landfill Figures

Waste Region	Landfill	Current Status	Waste Deposited (Based on AERs 2006)	Waste Deposited (Based on EPA 2005)
	Inagh	Operational	33,712	52,942
Clare Limerick Kerry	Gortadroma	Operational	82,119	39,718
	North Kerry	Operational	59,621	33,166
Total			**175,451**	**125,826**
	Ballaghaderreen	Operational	19,850	15,350
Connaught	Derrinumera	Operational	26,713	28,956
	Rathroeen	Operational	18,318	25,834
	Pollboy	Closed	0	119,735
	Connaught Regional	Closed	0	162
	East Galway	Operational	71,245	0
Total			**136,125**	**190,037**
	Derryconnell	Due for closure	9,483	9,143
Cork	East Cork	Closed	42,971	27,226
	Kinsale Road	Due for closure	41,480	39,749
	Youghal	Operational	11,899	3,066
	Bottlehill	Built but not operational	0	0
	Ballyguyroe	In planning system	0	0
Total			**105,833**	**79,184**
Donegal	Ballynacarrick	Operational	32,908	34,417
Total			**32,908**	**34,417**
Dublin	Arthurstown	Operational	591,755	497,274
	Balleally	Operational	130,498	121,199
	Ballyogan	Closed 2006	0	7,113
Total			**722,253**	**625,586**
Kildare	KTK	Operational	252,806	241,225
	Drehid	Under construction	0	0
	Usk	Under review with ABP	0	0
	Kerdiffstown	Operational	0	0
Total			**252,806**	**241,225**
	Ballaghveny	Operational	31,789	23,156
Midlands	Ballydonagh	Operational	30,110	21,841
	Derryclure	Operational	35,687	20,533
	Kyletalesha (1)	Operational	47,313	46,955
Total			**144,898**	**112,485**

Waste Region	Landfill	Current Status	Waste Deposited (Based on AERs 2006)	Waste Deposited (Based on EPA 2005)
	Corranure	Operational	85,869	46,083
North East	Scotch Corner	Operational	18,003	31,286
	Whiteriver	Operational	68,846	74,349
	Knockharley	Operational	156,043	136,114
Total			**328,762**	**287,832**
	Donohill	Operational	23,724	18,629
South East	Dunmore (1)	Due for closure	19,059	18,526
	Kilbarry	Closed 2006	0	14,995
	Killurin	Due for closure	9,224	12,941
	Powerstown	Operational	35,721	29,115
	Tramore	Closed 2006		25,167
Total			**87,728**	**119,373**
Wicklow	Rampere	Operational	11,504	8,101
	Ballynagran	Operational - recently opened	52,691	0
Total			**64,195**	**8,101**
Total			**2,050,959**	**1,824,066**

(1) 2006 figures unavailable – 2005 figures used

Data source: www.epa.ie; www.pleanala.ie; Regional Waste Management Plans; White Young Green Environmental Consultants; landfill operators.

Note: The landfill deposit figures in the table above were compiled from Annual Environmental Reports from landfill operators, as compiled by CEWEP (2006) and EPA figures from the *National Waste Database 2005* (2005). It is intended to serve as a useful indicator of landfill trends, accounting for household and commercial waste deposits only (representative of municipal waste).

The identified upward trend in deposits is supported by reports that household waste sent to landfill by Local Authorities has increased as per the report by the Local Government Management Services Board, *Service Indicators in Local Authorities 2006*, 2007, available at http://www.lgmsb.ie.

The EPA will publish official figures on municipal and biodegradable waste to landfill based on surveys later in 2007.

Catherine O'Keeffe

From: Gayle Pierce [gpierce@indaver.ie]
Sent: 17 October 2007 14:14
To: Catherine O'Keeffe
Cc: Jackie Keaney; Claire Shellshear
Subject: Objection W0231-01

Hello Catherine,

As per our conversation today, the address to accompany the submission is as follows:

CEWEP Ireland
PO Box 10285
Dublin 1

Tel: 01 271 8729

Thank you for your assistance.

Kind regards,

Gayle Pierce

Communications Co-ordinator
Indaver Ireland I 4 Haddington Terrace I Dun Laoghaire I Co. Dublin
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