

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

TO:	Directors	
FROM:	Technical Committee	- LICENSING UNIT
DATE:	13 July 2005	
RE:	Objection to Proposed Decision for Bord Na Móna Plc for a Landfill Facility at Drehid (between Clane & Edenderry), Co Kildare Reg. No. 201-1.	

Application Details

Class(s) of activity:	3 rd Schedule: 3.1, 3.4, 3.5 (P), 3.6, 3.13 4 th Schedule: 4.2, 4.11, 4.13
Location of activity:	Parconstown, Loughnacush, Kilkeaskin, Drummond, Timahoe West, Coolcarrigan, Killinagh. Co Kildare.
Licence application received:	2 February 2004
PD issued:	11 March 2005
First party objection received:	4 April 2005
Third Party Objection received	5 April 2005 North West Kildare Environmental Promotion Group
Submissions on Objections received:	One – invalid – received after closing date.

Facility

This report relates to an application for a new waste facility on the site of a previously worked *Bord Na Mona* peatland (Timahoe Bog) comprising c.2,500ha. The Timahoe Bog has been subject to peat harvesting activities for nearly 50 years and is extensively drained. Commercial scale harvesting has now ceased and the area is slowly revegetating.

The proposed decision permits a composting operation accepting 25,000tpa bio-wastes for processing, and a 120,000tpa residual waste landfill, incorporating all the associated infrastructure. The landfill will accept residual waste only, *i.e.* it has been subjected to pre-treatment in accordance with the requirements of the Landfill Directive. It is expected the facility will have an operational life of c.20 years. The landfill foot-print will be approximately 21ha and will have a capacity of c.2.3Mt waste (2.86Mm³ available void). The nearest residential dwelling is 1km from the landfill footprint. Class 5 of the Third Schedule is the principal activity.

The aquifer beneath the site is classed under the Groundwater Protection Scheme (DoE-EPA-GSI) as locally important. The subsoils beneath the site are very low permeability (8.2×10^{-10} m/s), and vary in thickness from 9m to 128m. The vulnerability of the aquifer is rated as LOW (Groundwater Protection Scheme), with a Landfill response of R1 (landfill acceptable, subject to construction to BAT).

There were 7 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 11 March 2005. The Agency on 4 May noted that two valid objections had been received and one of these requested an Oral Hearing. The Agency decided that an Oral Hearing of the objections was not necessary.

Consideration of the Objection by Technical Committee

The *Technical Committee* (TC) comprising of EurGeol Malcolm Doak (Chair) and Pernille Hermansen examined and considered the one valid third party objection and the one valid first party objection. The first and third party objections are individually assessed below:

First Party Objection

Objections Received	Date Received
Mr Damien Grehan, Operations Director TES Consulting Engineers on behalf of the applicant	6 April 2005.

Third Party Objection

Objector Name and Address	Date Received
North West Kildare Environmental Promotion Group	6 April 2005.

FIRST PARTY OBJECTION

The consultant for the applicant submitted a four page letter objection (dated 4 April 2005) addressing the Agency on a number of conditions contained in the proposed decision of 11 March 2005:

Conditions:

(i) **Condition 3.8**

The objection considers that the requirement for duplicate and or sub-samples is an onerous one, particularly since the condition specifies refrigeration of the duplicate but does not specify a time limit when samples can be discarded. It is not clear if the samples have to stay on-site.

Technical Committee's Evaluation

The Technical Committee notes that this is a new provision in recent licences having regard to the sampling and analysis requirements of the Office Environmental Assessment. However a time limit for storage of samples would need to be specified and the refrigeration aspect is normally required only for volatile compounds. Also storage for duplicates is often undertaken at the destination laboratory under strict Qa/Qc and chain of custody in a secure environment, and is often part of the laboratory analyses contract particularly at labs that analyse for volatiles. Laboratory storage of samples off-site may be better than samples on-site in order to avoid possible cross contamination particularly at a busy landfill facility. In order to provide clarity the following changes are recommended:

Recommendation

Amend Condition 3.8 to the following:-

Sampling equipment shall be operated and maintained such that sufficient sample is collected to meet both internal monitoring requirements and those of the Agency. A separate composite sample or homogeneous sub-sample (of sufficient volume as advised) should be retained for Agency use. Volatile sample duplicates/sub-samples shall be refrigerated immediately after collection and retained in a refrigerator. The storage of all duplicates/sub-samples shall be at the facility or at the laboratory of receipt for a maximum of two months under a chain of custody or as required by the Agency.

(ii) **Condition 3.15.1 Oil Separator at the Borrow Pit**

The applicant objects to this condition as it refers to the establishment of an oil separator at the borrow pit where there is no hardstanding. Their view is there will be no emission abatement with an oil separator.

Technical Committee's Evaluation

The Technical Committee notes that a borrow pit is a temporary measure to source clays and gravels for landfill liner construction. Much of the plant is mobile. The main emissions from a borrow pit will be dust and suspended solids in water. The emissions of oils from machinery will be minimal; spills, if any, would be taken up directly by the clay soils. The licence should be seeking to control the clay gravel

sediment emissions in the main, the requirement for an interceptor is not necessary since it only achieves mineral oil reduction and much drainage works and paving would be required. However, the requirement for a silt trap shall remain to control clay/sediment emissions to water. This can be done by installing silt traps downstream of the land drains at the discharge points to river. The following changes are recommended including the typographical error for the ISO number:

Recommendation

Amend Condition 3.15.1 to the following:-

The licensee shall install and maintain silt traps and oil separators at the facility to ensure that all storm water discharges from the facility hard standing, service areas and borrow pits pass through a silt trap and oil separator (**except from borrow pits**) prior to discharge. The separator shall be a Class I full retention separator and ~~the silt traps and separator~~ shall be in accordance with ~~I.S. EN 585-2:2003~~ EN 858-1:2002 (separator systems for light liquids).

(iii) **Condition 3.20 Wheelcleaner**

The applicant objects to this condition since it requires all lorries to use the wheel cleaner even pre waste acceptance and during landfill construction.

Technical Committee's Evaluation

The Technical Committee considers that wheel cleaning is required at all stages of the project and particularly at the construction stage, to avoid fouling of the local road network.

Recommendation

No Change

(iv) **Condition 3.25 High liquid level alarms**

The applicant objects to this condition since it requires the fitting of alarms at the time of licence commencement.

Technical Committee's Evaluation

The Technical Committee considers the condition requires alarms on all liquid storage infrastructure, but of course such cannot occur until they are built. Enforcement of conditions by the Agency will take such matters into account.

Recommendation

No Change

(v) **Condition 3.27** **Wind Sock**

The applicant objects to this condition since it requires guidance on the position of windsock emplacement as the main road is 7km from the roadway, and seeks Agency agreement.

Technical Committee's Evaluation

The Technical Committee considers the condition is clear, and importantly results in a windsock being emplaced on-site immediately, particularly during construction works. Agency intervention on this matter is not necessary. If the windsock is incorrectly placed, the enforcement of the licence will seek to modify this.

Recommendation

No Change

(vi) **Condition 6.8** **Weekly inspection of drainage**

The applicant objects to this condition since it will require weekly inspection and onerous 'opening-up' operations. They seek a monthly inspection regime.

Technical Committee's Evaluation

The Technical Committee considers the weekly inspections are necessary having regard to the scale and type of activities involved.

Recommendation

No Change

(vii) **Condition 7.1** **Annual energy audit**

The applicant objects to this condition since it contains double wording and refers to two different events; within one year of operations, or within one year of licence.

Technical Committee's Evaluation

The Technical Committee notes this and considers an energy audit is more concerned with normal operations the following deletion from the end of the first line is recommended:

Recommendation

Amend Condition 7.1 to the following:-
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Within the first year of operation of the activity the licensee shall carry out an audit of the energy efficiency of the site within one year of the date of grant of this licence. The audit shall be carried out in accordance with the guidance published by the Agency; "Guidance Note on Energy Efficiency Auditing". The energy efficiency audit shall be repeated at intervals as required by the Agency.

(viii) **Condition 8.4** **Reference to legislation**

The applicant objects to this condition since it refers to language that is not necessary given that the licence once issued is in accordance with such national and European legislation.

Technical Committee's Evaluation

The Technical Committee considers the condition is required to enable the proper enforcement of conditions by the Agency. This is particularly required where waste is dispatched overseas to Europe (via TFS).

Recommendation

No Change

(ix) **Condition 11.2** **Reporting emissions**

The applicant objects to this condition since it requires reporting to the Agency for all incidents/emissions, no matter how significant.

Technical Committee's Evaluation

The Technical Committee considers the condition is proper since any breaches of the requirements of the licence should be reported. A compliant facility will not need to report such. Further, this is a standard condition in licences issued by the Agency.

Recommendation

No Change

(x) **Condition 12.2.3** **FP commencement**

The applicant objects to the wording of this condition. They propose that 'commencement of activities' be replaced by 'prior to the acceptance of waste'.

Technical Committee's Evaluation

The condition requires that financial provision shall be made prior to commencement of the activity. The Technical Committee considers the condition wording is proper since 'activity' can mean other aspects of the licence as per the Third and Fourth Schedule of the WMAs. The WMAs define 'activity' in Section 4.

Recommendation

No Change

Schedules:

(i) Schedule B.2 Emission Limit for Ammonia

The applicant requests that the ELV for ammonia of 0.5mg/l, is deleted since ammonia values from peatlands are well in excess of the 0.5mg/l value expressed in the proposed decision.

Technical Committee's Evaluation

The ELV specified is for both borrow pit and landfill lagoon emissions. The Technical Committee considers this point is only a matter for the borrow pit alone and should not include the landfill infrastructure and emissions arising from it. The following change is recommended.

Recommendation

At Schedule B.2 table, add 'Note 1' as follows: Ammonia (as NH₄)^{Note 1}.

Add the following to table base:

Note 1: Not applicable to borrow pit works.

THIRD PARTY OBJECTION

1. North West Kildare Environmental Promotion Group

The objectors submitted a nine-page letter objection (dated 4 April 2005) addressed to the Agency in the form of sections on matters of a general nature. None of the sections refer directly to the proposed decision of 11 March 2005 or its conditions, they relate only to the EIS.

The 16 sections of the objection are:

1. Introduction
2. Need for landfill
3. Site selection process
4. Risk to ground and local groundwater supply
5. High amenity site
6. High archaeological significance
7. Flood plains
8. Consideration of dwellings
9. Ecology
10. Water Framework Directive
11. National Biodiversity Plan
12. Effect on Tourism
13. Asbestos (existing on-site)
14. Fire Risk
15. Breaches of EU Directives
16. Summary

Technical Committee's Evaluation

The same group (North West Kildare Environmental Promotion Group) made two submissions on 4 May 2004 and 29 June 2004. All sections of this objection are direct copies or précis of the individual sections of the submission of 4 May 2004. For example:

section 11 of the objection = section 20 of the submission

section 13 of the objection = section 17 of the submission

section 14 of the objection = section 11 of the submission

Section 16 of the objection (Summary) is three lines long and concludes that a number of environmental reasons exist as to why the EPA should reconsider their decision to grant a waste licence for landfill. The group/objection requests an Oral Hearing to present their case against the landfill. On 4 May the Board decided that an Oral Hearing of the objections was not necessary.

The Technical Committee refers you to the Inspector's Report of 1 February 2005 which accompanied the proposed decision. Section 11.6 of the Inspector's Report (pages 14 to 18) discusses in detail the two submissions from the *North West Kildare Environmental Promotion Group* and directly replies to matters raised about the EIS, the same matters as are in this objection.

The Directors considered the two submissions from the *North West Kildare Environmental Promotion Group* at the proposed decision stage. A **proposed decision** was issued by the Agency on 11 March 2005.

The Technical Committee considers that these issues have already been fully considered by the Board and that there are no significant new issues raised by this objection and deem that no changes are required to the proposed decision as a result of the content of the objection.

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
Senior Inspector
For and on behalf of the Technical Committee