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**WASTE LICENCE PROPOSED DECISION
FINGAL – ORAL HEARING**

**JOINT BRIEF OF EVIDENCE
FOR
LARRY O'TOOLE & ELEANOR BOLAND
(RPS CONSULTING ENGINEERS LTD)**

March 2008

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1. Introduction

This is presented as a joint Brief of Evidence from Larry O'Toole and Eleanor Boland. Larry O'Toole is a Director of the Waste & Energy Division of RPS Consulting Engineers Ltd, Dublin and a Chartered Civil Engineer with over 20 years experience in civil and geotechnical engineering, waste management planning and infrastructural development.

He is responsible for overseeing the technical input relating to the design and layout of the proposed landfill which has been considered and assessed in the Environmental Impact Statement (EIS) and the submission of the Waste Licence Application to the Agency.

Eleanor Boland is an Associate with RPS and a Chartered Civil Engineer with extensive experience of landfill design and construction and the project manager for the design of the facility which forms the basis of the application to the EPA.

This brief of evidence addresses the following:

1. Background to Waste Licence Application
2. General Description of Proposed Development
3. Applicant's Objection to Proposed Decision
4. Applicant's Response to Third Party Objections to PD

2. Background to Waste Licence Application

The Waste Licence Application for the Fingal Landfill was submitted to the Agency on 5th July 2006 in accordance with Article 12 of the Waste Management (Licensing) Regulations, 2004. An EIS was submitted in support of the Application in accordance with Article 13 of the Regulations.

The following additional information in the form of 'Replies to Requests for further information in accordance with Article 14(2)(b)(ii) of the Waste Management Regulations' was also submitted to the Agency.

- 19th December 2006 in response to EPA letter dated 11th October 2006
- 19th January 2007 in response to EPA letter dated 16th November 2006
- 18th May and 25th June 2007 in response to EPA letter dated 23rd March 2007.

In their letter to Fingal County Council dated 22nd May 2007 the EPA acknowledged that the Waste Licence Application was in compliance with Article 14(2)(a) of the Waste Management (Licensing) Regulations.

The Agency issued a Proposed Decision, reference W0231-01 (the PD) on 20th September 2007.

Fingal County Council submitted objections to the PD on 16th October 2007. A further submission on third party objections to the PD was submitted by Fingal County Council to the Agency on 20th November 2007.

As provided for in the PD, the proposed landfill will be designed, constructed, operated and restored in accordance with and to meet the requirements of:

- EU Directive on the Landfill of Waste (1999) known as the 'Landfill Directive'
- EPA Landfill Site Design Manual (2000)
- EPA Manual on Restoration and Aftercare (1999)
- EPA Manual on Operational Practices (1997)
- EPA Monitoring Manual (2003)

The overriding objective of the Application is to ensure that all measures are taken to prevent or eliminate or where that is not practicable to limit, abate or reduce an emission from the activity concerned. It is also acknowledged that, in accordance with Section 40(4) of the Waste Management

Act, 1996 as amended in 2003, the Agency shall not grant a waste licence unless it is satisfied that, *inter alia*

- any emissions from the facility will not result in the contravention of any standard
- the activity will not cause environmental pollution
- the activity complies with the EU Landfill Directive,
- that best available techniques will be employed,
- that the activity will be consistent with the objectives of the relevant waste management plan

3. General Description of the Proposed Development

The proposed development comprises a new fully engineered landfill on a 'greenfield' site in north County Dublin. The need for the landfill was first identified in the Dublin Waste Management Strategy published in 1997 and is proposed as one element of a proposed integrated waste management system for the Dublin Region which is further set out in the Waste Management Plan for the Dublin Region 2005-2010. In addition to the prevention, minimisation, reuse, recycling and recovery of waste, the Dublin Waste Management Plan recognises the need for a facility for the disposal of residual wastes that cannot be recycled or recovered. This approach is consistent with both EU Policy and National Waste Policy since 1998 as expressed in successive policy documents including 'Changing Our Ways' (1998) and 'Taking Stock and Moving Forward' (2004).

The landfill disposal area will incorporate approximately 57 hectares which will be developed in discrete lined cells and which will include the provision of leachate collection and treatment and gas collection and utilisation. A remaining area of approximately 153 hectares is to be used as a buffer area for screening/ landscaping of the landfill, and will also incorporate supporting landfill site infrastructure.

The landfill will provide approximately 11,000,000 cubic metres of void space or approximately 9,400,000 tonnes of waste over its lifetime which will cater for a maximum annual tonnage of approximately 500,000 tonnes of waste in the initial development period. Following the development of the proposed Waste-To-Energy (WTE) facility at Poolbeg it is expected that this will reduce to less than 300,000 tonnes in accordance with the predicted requirement for landfill in the Region as outlined in Chapter 1 of the EIS which accompanied the Waste Licence Application. It is proposed that the landfill will have enough capacity to serve the Dublin Region as a non-hazardous landfill for up to 30 years depending on the progress of the implementation of other elements of the Dublin Waste Management Plan.

The landfill will accept municipal waste, non-hazardous commercial waste, construction and demolition waste, biological sludge from the leachate treatment plant proposed on site and possibly bottom ash from the proposed Waste-to-Energy Plant at Poolbeg. No hazardous waste other than the normal hazardous component which constitutes less than 1% of household waste will be accepted at the facility.

The landfill will be designed and operated using 'Best available techniques' (or BAT), having regard to the standards and guidance set down by the Agency in their Landfill Manuals and in accordance with any Waste Licence that is issued by them for the proposed facility.

The lining systems installed at the landfill will comply with 'best available techniques' or BAT and at a minimum will be designed and constructed having regard to the requirements of the EPA Landfill Site Design Manual and to meet the requirements of the EU Landfill Directive and any Waste Licence issued by the EPA.

Any proposed lining system design will be sent to the EPA for their approval in accordance with the licence requirements for Specified Engineering Works.

The landfill cells will be capped to meet the requirements of the EU Landfill Directive, the EPA Landfill Site Design Manual and as required under any EPA Waste Licence issued for the site.

A leachate collection system will be installed in the base of the cells to collect leachate generated within the waste. The leachate may be recirculated back into capped cells to accelerate the continued

breakdown of the waste. Pre-treated leachate will be pumped or tinkered to the Fingal County Council sewer network for final treatment at an off-site municipal treatment plant.

The EU Landfill Directive specifies that all landfills receiving biodegradable waste will have the gas collected, treated and used or, as a minimum, flared. A gas management system including gas extraction and flaring system will be installed at the site from the outset and extended during progressive capping of the cells. The gas management system will meet the requirements of any Waste Licence issued by the Agency and details of the gas management system will be submitted as Specified Engineering Works to the EPA for their approval in advance of construction.

Surface water from the capped landfill will be collected and discharged to a proposed attenuation area at the south east corner of the facility, from where the quality of the surface water will be continuously monitored and subsequently discharged to the local streams.

Effluent from the waste lorry wheelwash facilities, the machinery compound, the waste inspection area, the gas compound and the surfaced roads around the site will be passed through an oil/petrol interceptor prior to outfalling to the surface water feature.

An extensive monitoring programme will be established for the facility and monitoring will be carried out throughout the lifetime of the facility from pre-operation through the operation phase and on into the closure and aftercare period.

Closure and restoration of the landfill will be carried out having regard to the EPA Manual "Landfill Restoration and Aftercare" (1999) and to comply with the EU Landfill Directive and any conditions set down by the EPA in a Waste Licence.

Monitoring of groundwater, surface water, leachate and landfill gas will continue after closure of the landfill as recommended in the Landfill Directive and until such time as the Waste Licence has been surrendered to the EPA.

5. Objections to PD

Fingal County Council are broadly satisfied with the conditions set out in the Proposed Decision dated 20th September 2007. There are a number of conditions where amendments are sought on specific grounds. These amendments have been requested in the document titled 'Objections to Proposed Decision for Waste Licence W0231-01' which was submitted to the Agency by Fingal County Council on 16th October 2007. These remain for consideration by the Agency.

However Fingal County Council's objections to Conditions 3.28 and 6.34 are withdrawn.

In addition Fingal County Council wishes to further clarify its position in relation to its objection in respect of Condition 8.1.2 and Schedules B and C.

Condition 8.1.2

The information previously submitted to the Agency on 16th October 2007 in relation to this condition is to be taken as read. However in addition the following is submitted as supplemental information.

In accordance with Section 40(4)(cc) of the Waste Management Act, as amended 2003, the EPA shall not grant a waste licence unless the activity concerned is consistent with the objectives of the relevant waste management plan and will not prejudice measures to be taken by the relevant local authority for the purpose of the implementation of any such plan. In the opinion of Fingal County Council imposing such a condition in the form of the current wording will be inconsistent with the objectives of the Dublin Waste Management Plan.

On the basis therefore of the objection previously submitted and the above further information it is requested that the Agency consider revising the wording of this Condition to reflect National and European Policy and the Waste Management Plan for the Dublin Region 2005 -2010 and delete Condition 8.1.2. It is also further requested that Condition 8.1.1 be amended to state:

'Only residual wastes, which have been subjected to pre-treatment, shall be accepted for disposal at the landfill facility'.

Schedules B and C

In addition to the information submitted by Fingal County Council in the 'Objections to Proposed Decision for Waste Licence W0231-01' of 16th October 2007, we wish to furnish further evidence in support of our objection.

6. Response to Third Party Objections to PD

We have addressed these in our 'Submission on Objections to Waste Licence Proposed Decision' which was submitted to the Agency on 20th November 2007.

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