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This report has been cleared by the Programme Manager for submission to the Board/OCLR Director
Signed: [Signature] Dated: 26/02/2009

LICENSING UNIT MEMORANDUM

TO:	Ms. Laura Burke
FROM:	Caroline Kelly
C.C:	Frank Clinton
DATE:	26 th February 2009
RE:	Dunmore Landfill Waste Licence No. W0030-02 Request for Technical Amendment

Background:

Dunmore Landfill has been operating since 1989. Kilkenny County Council was granted a waste licence for Dunmore Landfill on the 23rd November 1999. (Reg. No. W0030-02). A revised licence was granted on the 10th May 2002. The licensed activities are: disposal activities – *Classes 1, 4, 5, and 13* of the Third Schedule, and recovery activities – *Classes 2, 3, 4, 9, 10, 11 and 13* of the Fourth Schedule of the Waste Management Acts 1996-2008. The licence was amended on 20th October 2005 (Technical Amendment A) to bring it in compliance with the IPPC Directive under the provision of Section 76(4) of the Waste Management Acts 1996-2008.

The landfill consists of 14 cells, 13 of which are now full. Ten of these cells have been capped, while Cells 12 and 13 (which adjoin the active Cell 14) have been given intermediate cover.

Kilkenny County Council was granted a technical amendment (Technical Amendment B) to their licence on 20th June 2008. The purpose of this amendment was to amend Condition 1.5.3 of the licence which stated:

Only commercial and industrial wastes, not including foodstuffs, may be deposited in Cell 14

The purpose of this restriction on putrecible waste is explained in the Inspector's Report for licence W0030-02 and was concerned with the potential to generate odours from the disposal of putrecible waste allied with the fact that there are up to six residences within 200m of Cell 14. The lifting of this restriction by technical amendment was based on commitments by the licensee to reduce, but not eliminate the intake of putrecible waste accepted by the introduction of a three-bin collection system and substantial investment in odour prevention through the installation of landfill gas management infrastructure. The lifting of the restriction was also considered necessary and desirable to facilitate the accelerated closure of Cell 14 and, consequently, the final closure of the facility – should the restriction on the

acceptance of mixed municipal waste (MSW) have been retained, it is estimated that Cell 14 would be active for another 11 years.

Technical Amendment

Condition 1.5.3 of licence W0030-02 was amended to allow the licensee to accept MSW in Cell 14 up until 1st January 2009:

1.5.3 *Subject to paragraphs (i) and (ii) below, only waste that has been subject to adequate pre-treatment (including source separation) is permitted to be accepted at the facility after 1st January 2009.*

- (i) Treatment shall, as a minimum, reflect commitments in the Joint Waste Management Plan for the Southeast Region 2006-2011, as well as any EPA guidance as may be published.*
- (ii) This requirement may, subject to the agreement of the Agency, not apply to:*
 - inert wastes for which treatment is not technically feasible*
 - other waste for which such treatment does not contribute to the objectives of the Landfill Directive as set out in Article 1 of the Directive by reducing the quantity of the waste or the hazards to human health or the environment.*

Thereafter, the licensee may only accept waste that has been subject to adequate pre-treatment (including source separation). This deadline was based on the proposed implementation by Kilkenny County Council of a three-bin collection system by the 1st of January 2009, which would have ensured compliance with the revised condition.

Kilkenny County Council have requested that Condition 1.5.3 be amended for a second time to allow for an extension of the time period for acceptance of MSW to 31st December 2009 based on the following reasons:

1. The implementation date for the introduction of the three-bin collection system of 1st January 2009 could not be achieved by Kilkenny County Council due to the following:
 - Lack of available facilities to provide for the treatment of biodegradable waste arisings.
 - Lack of agreed statutory definition of pre-treatment together with identification of standards applicable to pre-treatment.
 - Lack of clarity with respect to national waste management policy pending completion of international review.

- Private sector resistance to the introduction of the three-bin system.
2. At the current rate of filling of Cell 14 with MSW, it is anticipated that the Dunmore landfill will close in September 2009.

Compliance

The OEE was consulted in relation to the request for technical amendment. A site visit was carried out by the OEE on 5th November 2008, where some non-compliances were noted. The non-compliances related primarily to the size of the open working face of Cell 14 and the inadequate provision of intermediate cover. The OEE has received a response from Kilkenny County Council to this report stating that the corrective actions as outlined have been implemented.

Historically, the major enforcement issue at this site has been odour. The technical amendment granted on 20th June 2008 provided for odour control through the implementation of recommended engineering and operational measures (Condition 5.13). It is noted that there have been no odour complaints in relation to the facility since the commencement of the last technical amendment. Additionally, the most recent odour survey carried out by the OEE during a site visit on 5th November 2008, reported no significant interference with the locality.

Recommendation

Having considered the arguments presented by the applicants, as well as the supporting statements of the OEE, I am satisfied that the amendment of Condition 1.5.3 to extend the timeframe for the acceptance of MSW at Cell 14 to the 31st December 2009 is in the best interest of the long term management of emissions and closure issues for this facility.

I am further satisfied that the proposed change satisfies the criteria for use of the Technical Amendment process articulated in the Waste Management Acts (1996-2008) under Section 42B, by facilitating the operation of the licence whilst not resulting in the relevant requirements of Section 40(4) ceasing to be satisfied.

I recommend acceptance of the attached technical amendment (Technical Amendment C for Waste Licence Register W0030-02).



Caroline Kelly

Inspector

Environmental Licensing Programme

Office of Climate, Licensing and Resource Use