

Aisling M Kehoe

Subject: W0201-02

From: John Connolly [mailto:John.Connolly@bnm.ie]
Sent: 16 April 2009 15:34
To: Laura Burke
Cc: Frank Clinton
Subject: W0201-02

Ms Laura Burke,
Director,
Office of Climate, Licensing and Resource Use, EPA.

Dear Ms. Burke,

I refer to the Agency's decision to grant a revised waste licence (Reg No. W0201-02) to Bord na Móna Plc, subject to conditions, in respect of a facility at Drehid Waste Management Facility, in the townlands of Parsonstown, Loughnacush, Kilkeaskin, Drumond, Timahoe West, Coolcarrigan, Killinagh Lower and Killinagh Upper, Carbury, County Kildare.

We have received a copy of the Agency's final decision (FD) and the relevant extract from the 577th Licensing Meeting of the Agency, held on 24th March 2009, and wish to make the following comments and requests.

Condition 8.1.2 of the FD does not reflect the decision of the Directors to amend the recommendation in A.5 of the Technical Committee Report. Specifically, the Director's decision was to:

"Amend Condition 8.1.2 to read: The pre-treatment referred to in Condition 8.1.1 must include diversion or treatment of Biodegradable Municipal Waste (BMW) in line with any published EPA Guidance."

While condition 8.1.2 contains that sentence, it also contains text which appears to have been carried over (in clerical error) from the proposed decision (PD), as follows:

- "(i) By 1st January 2010 a minimum of 50% of all BMW accepted at the facility shall be biologically pre-treated (including diversion).
- (ii) By 1st January 2013 a minimum of 70% of all BMW accepted at the facility shall be biologically pre-treated (including diversion).
- (iii) By 1st January 2016 a minimum of 90% of all BMW accepted at the facility shall be biologically pre-treated (including diversion)."

Accordingly we request that the above text be deleted from condition 8.1.2 of the FD, by way of Clerical Amendment, in order to reflect the decision of the Directors.

Condition 1.5 of the FD details hours of waste acceptance and operation. Our objection to the PD condition was twofold in that:

- (a) it did not provide for late or broken down trucks to be accepted, as provided for in Section 3.13.1 of the EIS, and
- (b) it proposed to impose a new requirement to close the facility on Public Holidays

We understand and accept the Directors' recommendation (in respect of their consideration of A.2 of the Technical Committee Report) that a condition detailing hours of waste acceptance and operation be included in the licence, which in any event is provided for in the EIS submitted with both planning and licensing applications. We also acknowledge the Agency's extension of hours of acceptance and operation in the FD, thus providing us with some flexibility to deal with the issue at (a) above.

However (and in addition to the reasons articulated in our objection), removal of the flexibility from an already established enterprise to carry on its operations (heretofore legitimately) for an additional nine days each year imposes an excessively harsh burden. We believe that this was not the intention of the Directors and accordingly request that the text "(Public Holidays excluded)" be deleted from condition 1.5 of the FD, by way of Technical Amendment.

While Schedule A.2.2 of the FD may reflect the decision of the Directors (in respect of their consideration of A.12 of the Technical Committee Report) to clarify the unit of measure of the capacity of the landfill, our objection sought clarification of the content of the new PD Schedule A.2.2 relating to the total quantity of waste permitted to be disposed in the landfill facility (over authorised life of facility).

Succinctly put, the total quantity of waste planned to be disposed in the landfill facility over its authorised life is 4,080,000 tonnes, equivalent to 5,040,000 m3 of void space, as outlined in Table 3.4.2 of the EIS.

We acknowledge and accept the preference and logic for specifying capacity as consented air space and accordingly request that the quantitative text "4,080,000 m3" be replaced with "5,040,000 m3" in Schedule A.2.2 of the FD, by way of Clerical Amendment, in order to reflect the true position.

Yours Sincerely,

John Connolly,

Infrastructure Development Manager
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