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18 June 2009

Re: Ballaghaderreen Landfill

Dear Director of Services, Environment

**Notice under section 42(1)(b) of the Waste Management Acts 1996 to 2008 and article 10 of the Waste Management (Licensing) Regulations 2004.**

**Notice**

Notice is hereby given that the EPA intends initiating a review of licence register number W0059-02, Ballaghaderreen Landfill.

**Grounds/reasons for review**

Section 46(2)(b) of the Waste Management Acts, 1996 to 2008, requires that the EPA review a waste licence if "new requirements (whether in the form of standards or otherwise) are prescribed, by or under any enactment or Community act, being requirements that relate to the conduct or control of the activity to which the waste licence relates." In this case, there is a need to give effect to articles 5 and 6 of Council Directive 1999/31/EC on the landfill of waste (the Landfill Directive) regarding the treatment of waste prior to landfill and diversion of biodegradable municipal waste from landfill.

There is also the need to give effect to article 49(5) of the Waste Management (Licensing) Regulations 2004 which states that waste that has not been subject to treatment shall not be accepted or disposed of in a landfill facility.

Article 52(5) of the Waste Management (Licensing) Regulations 2004, as amended, requires the EPA to review a waste licence in order that a landfill will operate in compliance with the relevant requirements of the Landfill Directive.

There is also a need to further the general Best Available Techniques (BAT) obligation to reduce the overall environmental impact of landfill. In this context, there are newly elaborated limits on the acceptance of biodegradable municipal waste at landfill (expressed in the document *Municipal Solid Waste – Pre-treatment and Residuals Management: An EPA Technical Guidance Document* to be published 19 June 2009, copy enclosed) that have regard to the need to implement and achieve landfill diversion targets set out in Landfill Directive. The diversion of biodegradable municipal waste will, *inter alia*, reduce landfill gas production and have consequent benefits regarding greenhouse gas emissions and the potential for odour nuisance.

The EPA will also (a) determine whether new conditions on odour prevention and control should be proposed, (b) amend, replace or delete a number of other conditions where this is appropriate and (c) propose new conditions where these are deemed necessary.

On 19 June, a newspaper notice will be published in the Irish Independent in accordance with article 10 of the Waste Management (Licensing) Regulations 2004 stating that the EPA is initiating a review of your landfill licence.

#### **Submissions**

In accordance with article 10 of the Waste Management (Licensing) Regulations 2004, you are entitled to make a submission within one month of the date of this notice, i.e. by 18 July 2009. As the offices of the Agency are closed on that day, the latest date for receipt of submissions is extended to 20 July 2009. Late submissions will not be considered.

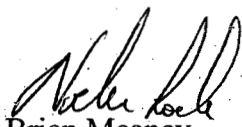
#### **Next steps**

There is nothing for you to do unless you wish to make a submission.

You will in due course be notified of the EPA's proposed decision regarding your licence. A 28-day objection period will open thereafter and you will then be entitled to make an objection in the usual way. From the point at which the proposed decision issues, the usual licensing process will be followed, as described on the EPA's website at [www.epa.ie/whatwedo/licensing](http://www.epa.ie/whatwedo/licensing).

Should you require further information, please contact the undersigned or Ms. Ann Kehoe ([ann.kehoe@epa.ie](mailto:ann.kehoe@epa.ie)).

Yours sincerely,

  
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