

Applicant Sub

W0201-03

**Ann Kehoe**

**From:** John Connolly [John.Connolly@bnm.ie]  
**Sent:** 14 July 2009 19:45  
**To:** Brian Meaney  
**Cc:** Ann Kehoe  
**Subject:** Proposed Licence Review W0201-03 - Submission

**Attachments:** W0201-03 Submission to EPA 140709.doc



W0201-03  
Submission to EPA 140

Brian Meaney,  
Senior Scientific Officer,  
Environmental Licensing Programme,  
Environmental Protection Agency,  
Headquarters,  
PO Box 3000,  
Johnstown Castle Estate,  
Co. Wexford,  
Ireland

14th July 2009

Proposed Waste Licence Review  
Waste Licence Register No. W0201-03

Re: Notice under section 42(1)(b) of the Waste Management Acts 1996 to  
2008 and article 10 of the Waste Management (Licensing) Regulations 2004, 18th June  
2009

Dear Brian,

Please find attached submission, in accordance with article 10 of the Waste Management  
(Licensing) Regulations 2004. Please confirm receipt.

Yours Sincerely,

John Connolly,

Infrastructure Development Manager  
Bord na Móna plc

Leabeg,  
Tullamore,  
Co. Offaly.

tel : +353 (0)57 9345979  
fax : +353 (0)57 9345179  
mobile : +353 (0)86 2412426  
e-mail : john.connolly@bnm.ie

For inspection purposes only.  
Consent of copyright owner required for any other use.

---

Bord na Mona p.l.c.

Registered Office: Main Street, Newbridge, Co.Kildare  
Registered No: 297717

The information contained in this email and in any attachments is confidential and is  
designated solely for the attention and use of the intended recipient(s). This  
information may be subject to legal professional privilege. If you are not an

intended recipient of this email, you must not use, disclose, copy, distribute or retain this message or any part of it. If you have received this email in error, please notify us immediately and delete all copies of this email from your computer system(s).

VIRUS WARNING: You are requested to carry out your own virus check before opening any attachment. Bord na Mona plc accepts no liability for any loss or damage which may be caused by software viruses.

---

This email has been scanned by the MessageLabs Email Security System.  
For more information please visit <http://www.messagelabs.com/email>

---

*For inspection purposes only.  
Consent of copyright owner required for any other use.*

## Submission to Environmental Protection Agency

by Bord na Móna plc

### Re Proposed Waste Licence Review (Waste Licence Register No. W0201-03)

13<sup>th</sup> July 2009

#### 1.0 Introduction

This submission is made by Bord na Móna plc in accordance with article 10 of the Waste Management (Licensing) Regulations 2004, in response to the Environmental Protection Agency's notice of 18<sup>th</sup> June 2009.

#### 2.0 Previous Submissions

This submission is made **in addition** to the following previous submissions:

(a) Bord na Móna's submission to EPA re *Municipal Solid Waste – Pre-Treatment & Residuals Management : Technical Guidance Document – Consultation*, 13<sup>th</sup> October 2008.

(b) Bord na Móna's objection to conditions 8.1.1, 8.1.2, and 8.1.3 of EPA Proposed Decision on Waste Licence Review Application (Waste Licence Register No. W0201-02), 28<sup>th</sup> November 2008.

#### 3.0 Municipal Solid Waste - Pre-treatment & Residuals Management An EPA Technical Guidance Document, EPA 2009

##### 3.1 Minimum Pre-Treatment Obligations

###### Derivation of Proposed Limits

The minimum treatment obligations set out in Figure 8 for biodegradable waste treatment reflect the national strategy for biodegradable waste and Landfill Directive obligations. Based on current statistics<sup>20</sup> and waste trends it is expected that for waste report years 2010, 2013 and 2016, the tonnage of BMW accepted at landfill nationally must be less than 25%, 15% and 9% (respectively) of the municipal solid waste generated in those report years. This will translate to a maximum allowable BMW content in MSW accepted at landfill of 40% (by weight) for 2010; 24% (by weight) for 2013; and, 15% (by weight) for 2016 and subsequent years (i.e. an approximate 5% per annum decrease in the BMW permitted to landfill). These limits are set having regard to both the cited EU diversion obligations, and the BAT obligation to reduce the overall environmental impact of landfill. The limits will be subject to periodic review as demanded by annual waste statistical returns, however significant fluctuations in the limits presented are not expected.

The basis for the calculations employed in the derivation of the guidance limits above is neither clear nor transparent. Indeed, based on current statistics, we believe that the calculation / estimate of the “*maximum allowable BMW content in MSW accepted at landfill*” for 2010 (i.e. 40% by weight) is flawed. We estimate that the quantum of this ‘proposed limit’ should be between 55% and 64%, depending on the relative levels of stabilisation (and reduction) followed by landfill, versus complete diversion of BMW. The discrepancy may be explained by the fact that as BMW is diverted from landfill, the denominator used to calculate the ‘proposed limit’ reduces. As the numerator is fixed (at 967,433 tonnes for 2010), the effect is to increase the ‘proposed limit’. We would be happy to discuss this further with the Agency.

#### Inappropriateness of Proposed Limits

Notwithstanding our submission above, with respect to the derivation of the ‘proposed limits’, it is inappropriate to attempt to measure compliance with the diversion targets of the landfill directive by reference to the quantum of MSW landfilled. Clearly any objective assessment must consider the various pre-treatment realities (or lack thereof) upstream of the landfill.

To illustrate this point, MSW emerging from incineration preceded by a 3 bin collection system needs to be assessed very differently to MSW which is consigned directly to landfill. While it is estimated that a tonne of the former originates from a ‘parent’ weight of some 12.5 tonnes and contains no biodegradable fraction (as it is an ash residue from the incineration process), a tonne of the latter is the parent waste and is estimated to be 70% biodegradable.

How then is the BMW proportion to be calculated ?

Is it by reference to the MSW landfilled (as proposed in the guidance document) ?

i.e.  $\{(1 \times 0) + (1 \times 0.7)\} / (1 + 1) = 35.5\%$

or by reference to the ‘parent’ MSW ?

i.e.  $\{(1 \times 0) + (1 \times 0.7)\} / (12.5 + 1) = 5.2\%$

Clearly it has to be the latter in order to have any relevance, but the guidance document proposes the former.

### **3.2 Validation of Pre-Treatment**

In the absence of adequate consultation on the preparation and implementation of the related enforcement plan, it is impossible for us to engage meaningfully with the EPA at this stage. We understood from a meeting with Agency on 8<sup>th</sup> October 2008 (during the public consultation period on the draft guidance document) that this consultation would be forthcoming. Indeed, in his assessment of submissions received on the draft document, the EPA inspector repeatedly acknowledges the need for such consultation. Clearly, the timing of the consultation is critical and we respectfully request that it is adequately conducted before the Agency issues a proposed decision by way of this

review. It is only in this way that we can realistically engage in the process, and work collaboratively with the Agency to tease out how relevant conditions should be crafted.

### 3.3 Other Conditions

The Agency's notice of 18<sup>th</sup> June 2009 refers to the possibility of amendments to existing conditions during the course of the proposed review. As this licence has been reviewed only very recently (W0201-02), we respectfully suggest that any proposed amendments should arise only from the diversion and pre-treatment requirements of the landfill directive, and only where absolutely necessary. It is our experience that unnecessary 'tinkering' or 'tweaking' with licence conditions in the review process can be frustratingly difficult and expensive to have reversed.

*For inspection purposes only.  
Consent of copyright owner required for any other use.*

For inspection purposes only.  
Consent of copyright owner required for any other use.