

This report has being cleared for submission to the Board by Senior Inspector: Brian Meaney

Signed: *Joseph Kennedy* Date *01/09/09*



**OFFICE OF CLIMATE,
LICENSING &
RESOURCE USE**

INSPECTORS REPORT ON A LICENCE REVIEW

TO:	DIRECTORS	
FROM:	Caroline Murphy	- Licensing Unit
DATE:	31 August 2009	
RE:	EPA-initiated review of a waste licence for North Tipperary County Council – Ballaghveny Landfill, Ballymackey, County Tipperary. Licence Register No. W0078-03.	

Application Details

Type of facility:	Landfill
Class(es) of Activity (P = principal activity):	4 th Schedule: Class 2, 3, 4, 10, 11 & 13 3 rd Schedule: Class 1, 2, 4, 5 (P), 11, 12 & 13
Quantity of waste managed per annum:	49,000 tonnes
Classes of Waste:	Municipal and commercial waste, green waste for composting, non-hazardous C & D waste and pre-treated sludge waste.
Location of facility:	Ballaghveny Landfill, Ballymackey, County Tipperary.
Licence review initiated:	18 th June 2009
Third Party submissions:	No
Licensee submission:	No
Article 16(3)(a)(i) Notification	27 th July 2009
Article 16(3)(a)(i) Reply	27 th Aug 2009
EIS Required:	No
New or existing facility (i.e. operational pre- or post-16 July 2001)	Existing
Site Inspection	None

On 18 June 2009, the Environmental Protection Agency initiated a review of the waste licence relating to the landfilling activities at Ballaghveny Landfill, waste licence register number W0078-03. The review was initiated by writing to the licensee and placing a newspaper notice in the Irish Independent – copies of each document attached. The reasons for initiating the review are as follows:

- 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 further elaborate and 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. In this regard, an assessment of the landfill conditioning plan was carried out by the Office of Environmental Enforcement and taken into account in the review of the licence.
- 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* published 19 June 2009) 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 conditions limiting the acceptance of biodegradable municipal waste will contribute to implementation of the National Strategy on Biodegradable Waste (Department of the Environment, Heritage and Local Government, 2006).

The principal new/updated conditions relate to the following:

1. The requirement to treat all waste prior to acceptance for disposal (condition 8.1.1).
2. The imposition of new limits on the amount of biodegradable municipal waste that can be accepted at the facility (condition 8.11). From 1 January 2010, only 40% of municipal waste accepted at the facility for landfilling can be

biodegradable. In 2013 this reduces to 24% and in 2016 to 15%. The benefits of this restriction include a reduction in landfill gas generation and hence odour nuisance potential and reduced leachate generation.

3. The need to measure waste intake and report compliance with the conditions described in items 1 and 2 above (condition 11.16).
4. Condition 3.28 prohibits the use of bio-stabilised residual waste¹ as daily cover unless the material has been stabilised in accordance with condition 8.12.4 of the licence and satisfies Department of Agriculture, Fisheries and Food requirements in relation to the treatment of animal by-products, recently articulated in DAFF guidance^{2,3}. Material not meeting these requirements must be disposed of in the landfill body.
5. The need to ensure that all potential environmental liabilities are addressed (condition 12.2).

A number of other conditions are also amended or inserted. Existing conditions with timeframes have been altered to remove references to dates now past. The following is a full list of new or amended conditions and schedules in the licence (not including technical amendments previously made):

Table 1 List of new or amended conditions

Condition or Schedule number	Replacing an existing condition?	New condition?	Description
Interpretation		✓	To update with new definitions and to refer to Waste Management Acts, 1996 to 2008
1.7	✓		Change to refer to Waste Management Acts, 1996 to 2008
1.8	✓		Waste Licence Register Number Updated
2.2.2.2		✓	Revised Environmental Objectives and Targets schedule requirements
2.2.2.4		✓	Landfill Environmental Management Plan
3.16.5	✓		Reference bund design guidance
3.28		✓	Only bio-stabilised residual waste may be used as landfill cover.
6.11		✓	To ensure competent testing of waste
8.1.1	✓		Only pre-treated wastes permitted at landfill
8.1.6		✓	Update requirement for waste acceptance procedures
8.1.9		✓	To prohibit the acceptance of explosive, corrosive,

¹ Defined in the PD.

² Conditions for approval and operation of composting plants treating animal by-products in Ireland, 27 March 2009, Department of Agriculture, Fisheries and Food, Animal By-Products Section.

³ Conditions for approval and operation of biogas plants treating animal by-products in Ireland, 27 March 2009, Department of Agriculture, Fisheries and Food, Animal By-Products Section.

Condition or Schedule number	Replacing an existing condition?	New condition?	Description
			oxidising or flammable material to the landfill.
8.1.10		✓	Prohibit the dilution or mixture of waste in order to fulfil waste acceptance requirements.
8.1.11		✓	Waste checking, inspection and record keeping
8.1.12		✓	Requirement to provide written acknowledgement of receipt of each delivery of waste to the facility.
8.11		✓	Limits the acceptance of BMW
8.12		✓	Determining the BMW content of the accepted waste.
8.13		✓	Storage in the waste quarantine area
11.11		✓	Updated waste recording requirements
11.12	✓		Waste recovery reports.
11.14		✓	Notification of receipt of waste that does not meet waste acceptance criteria.
11.16		✓	Requirements for reporting to demonstrate compliance with diversion targets.
12.1.1	✓		Change to refer to Waste Management Acts, 1996 to 2008 and OEE Inspector invoice total for 2009.
12.2.3	✓		Updated section 12.2.3 to provide a cross reference to section 12.2.2.
12.3		✓	Requiring landfill costs be covered by disposal charges
Schedule A, Table A.2.2		✓	Total Permitted Landfill Capacity by volume
Schedule C, Table C.1.3	✓		Updated table to conform with Landfill Annex Revision 6.
Schedule C, Table C.4		✓	Waste Monitoring
Schedule E	✓		Updated reporting requirements.
Schedule G	✓		AER

Compliance with Directives/Regulations

Table 1 sets out new and amended conditions that, subject to compliance with those conditions, will ensure that the facility operates in conformance with the provisions of the Landfill Directive (1999/31/EC).

Proposed Decision

It is my opinion that the new/amended conditions proposed in the attached Recommended Decision address: BAT as set out in the Pre-Treatment Guidance Document (referenced above); the requirements of article 52(5) of the Waste

Management (Licensing) Regulations, 2004, as amended; and the provisions of the Landfill Directive (1999/31/EC). The new/amended conditions will not cause any new or increased emissions over and above the emission limit values specified in the licence. Thus the requirements of section 40(4) of the Waste Management Acts 1996 to 2008 will continue to be met.

Submissions

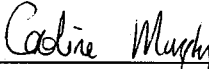
As the EPA initiated this review, the licensee was entitled to make a submission. No submission was received from the licensee.

No third party submissions were received by the Agency.

Recommendation

I have considered all the documentation governing the grounds for the review of this licence and recommend that the Agency grant a revised licence subject to the conditions set out in the attached RD and for the reasons as drafted.

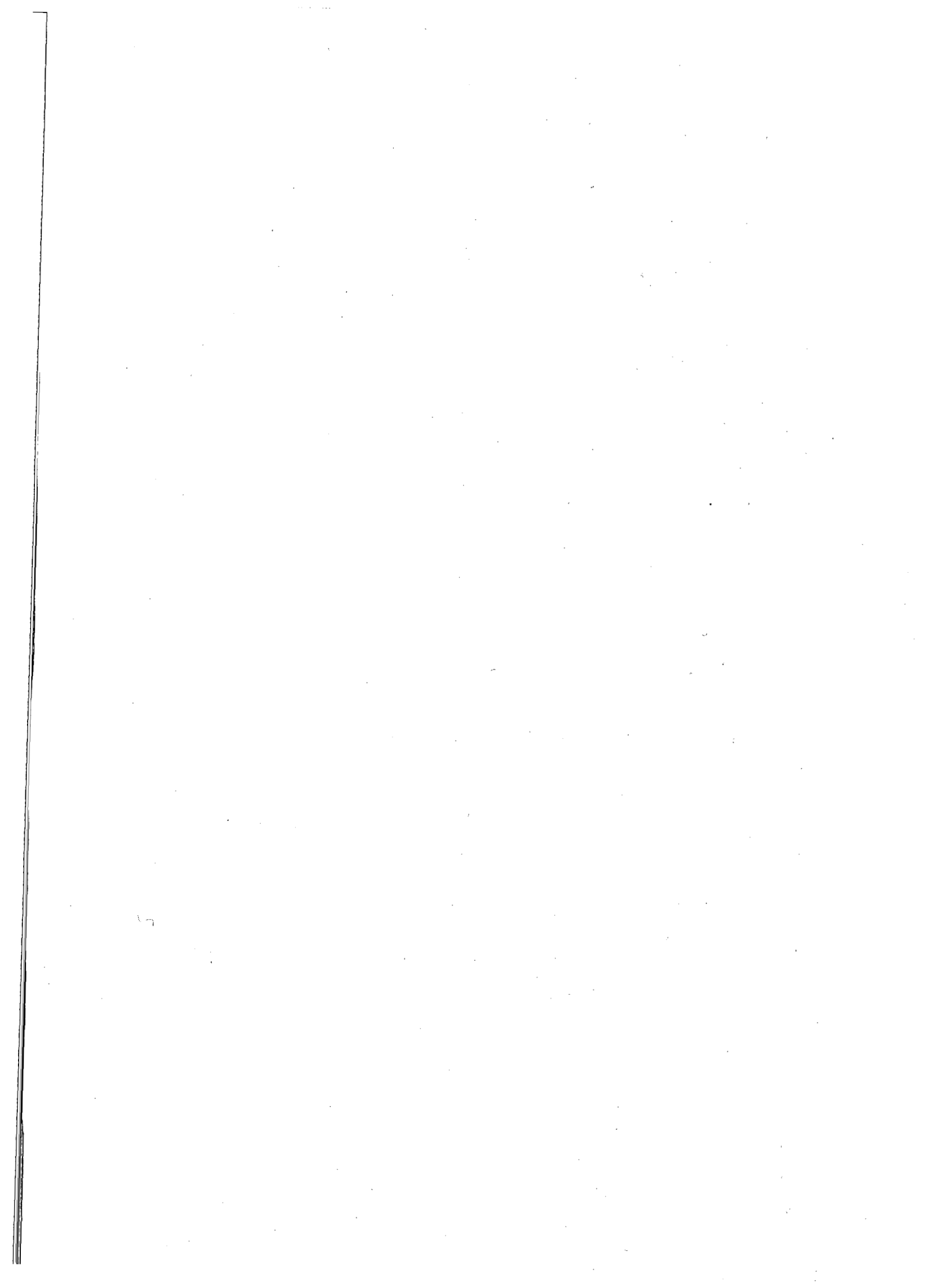
Signed



Caroline Murphy
Inspector

Procedural Note

In the event that no objections are received to the Proposed Decision on the application, a licence will be granted in accordance with Section 43(1) of the Waste Management Acts 1996-2008.





OFFICE OF CLIMATE, LICENSING & RESOURCE USE

INSPECTOR'S REPORT ON A LICENCE REVIEW

TO:	DIRECTORS	
FROM:	Brian Meaney	OCLR - Licensing Unit
DATE:	31 August 2009	
RE:	EPA-initiated review of 25 landfill licences	

The Board will be aware of the initiation of 25 landfill licence reviews by the Agency in June 2009. The Recommendation Decisions and inspectors' reports have today been provided to the Board. This note is intended to remind Directors of the reasons for the licence review and to highlight certain issues arising from the review.

In the first instance, the publication on 19 June 2009 of the EPA document *Municipal Solid Waste – Pre-treatment and Residuals Management: An EPA Technical Guidance Document* commenced the review process and provided the grounds and text for several of the new conditions proposed for the licences. The Board has considered this document before.

The Pre-Treatment Guidance Document sets out the limitations that should be applied at the landfill gate in order to ensure that the biodegradable municipal waste (BMW) diversion targets set down in the Landfill Directive (1999/31/EC) are achieved. These limit values have been included in the proposed revised licences. There are also a number of new conditions governing how licensees should measure their intake of BMW and demonstrate compliance with the limits.

The Landfill Directive (1999/31/EC) requires that all waste be pre-treated before landfill. An appropriate condition is proposed for those licences that do not already have such a condition. For those that already have a pre-treatment condition, a new condition is proposed that makes specific reference to the Pre-Treatment Guidance Document.

A number of other new conditions have been inserted into licences, including:

- A requirement to revise waste acceptance procedures (to reflect amongst other things the new requirements on pre-treatment of waste and acceptance of biodegradable municipal waste);

- New requirement for quarterly waste acceptance reports (to allow for interim tracking towards BMW diversion targets);
- New requirements for waste checking, inspection and record keeping;
- A prohibition on the use of bio-stabilised residual waste as daily cover (see below for more details) and a schedule governing its monitoring;
- Prohibitions on explosive, corrosive, oxidising, flammable wastes and waste tyres and the placing of gypsum waste in cells accepting biodegradable waste;
- Prohibition on the dilution of waste for the purpose of meeting waste acceptance criteria;
- Upgraded condition on waste recovery reports;
- The requirement for a Landfill Environmental Management Plan;
- Upgraded "schedule of objectives and targets" condition;
- Upgraded conditions on Environmental Liabilities Risk Assessment and the making of financial provision to cover liabilities;
- The requirement to ensure that gate fees will cover all costs; and
- A limitation on the total quantity of waste permitted to be placed at the landfill over its authorised life.

Some conditions listed above have been previously included in some landfill licences, depending on the age of the licence. Where deemed necessary, existing conditions were upgraded such that all facilities have the same conditions.

Several landfill operators requested changes to various conditions in their submissions to the licence reviews. In some instances, these were accepted and proposed in the Recommended Decisions. Some proposed changes were taken across the board to all licences¹. Some requests in submissions were rejected on the basis that amendment would require greater technical assessment than was possible within the bounds of this review project.

In response to significant odour complaints/problems at certain landfills, the OEE requested that new odour conditions be inserted into 11 licences. These new conditions for odour management plans will provide for the prevention, control and monitoring of odour at the landfills. A new schedule is proposed for the monthly monitoring of ambient odour in and around the landfill. The methodology will be subject to agreement with OEE but is in use by OEE at several sites already and involves the systematic checking for odour at a series of locations upwind, downwind and within the landfill.

¹ For example, conditions governing the use of waste quarantine areas and a change in the AER due date to 31 March are proposed for all licences – upgraded in all cases to the latest template condition.

There are some issues I would like to particularly bring to your attention.


1. The following condition:

“Two or more licensed landfills may seek the agreement of the Agency that collectively they will arrange to comply with condition <BMW diversion % limits>. Any agreements entered into become part of this licence. In seeking agreement the following factors, as a minimum, shall be addressed in any proposal submitted to the Agency: ...”,

has been inserted into every licence. The Agency’s legal advisor, Barry Doyle, has reservations about the condition and has advised against its use. The consequence of the condition is that two landfills would agree alternative BMW allowances that would in effect be a departure from the limits expressed in the licence conditions. The net outcome would be same in terms of the total quantity of BMW landfilled. But one landfill would be authorised by agreement to take more BMW than the licence originally allowed (while the other would take less).

2. I would also like to highlight the proposal to allow Greenstar to accept asbestos waste (a hazardous waste) at their East Galway landfill (Reg No. W0178). This amendment was requested by Greenstar in their submission¹. The proposed amendment to the licence is made primarily on the basis that there is already provision in the licence to accept “non-hazardous asbestos waste” (and the proposed revision will amend the anomaly stemming from the fact that all asbestos has been classified as hazardous since 2002) and there is currently no capacity in the State for the landfilling of asbestos, meaning all asbestos waste is exported. The proposal satisfies a recommendation of the National Hazardous Waste Management Plan that hazardous waste landfill (for asbestos) be provided at a regional level.
3. A prohibition on the use of bio-stabilised residual waste as daily cover has been introduced into every licence, except where the waste has been treated to the standard specified in the licence and as may be specified by the Department of Agriculture for the treatment of animal by-products. This type of waste, at varying states of bio-stabilisation, is widely used as daily cover. The proposed change will impact on current MBT (mechanical biological treatment) operators and on landfills. There is limited capacity at present to treat residual waste to this standard. However I have in recent weeks had pre-application meetings with two large regional operators who intend applying for licences for treatment facilities for residual waste that will meet the required standard.

Approved for submission
to the Board of the Agency
M. Flanagan 3/9/2009

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END

¹ It was also requested in relation to Greenstar’s other landfills at Knockharley (W0146-01) and Ballynagran (W0165-01) but was rejected.

