

South Tipperary County Council
County Hall, Clonmel, Ireland.

Telephone 052-26152/26149/1800 202627
Fax 052-34391

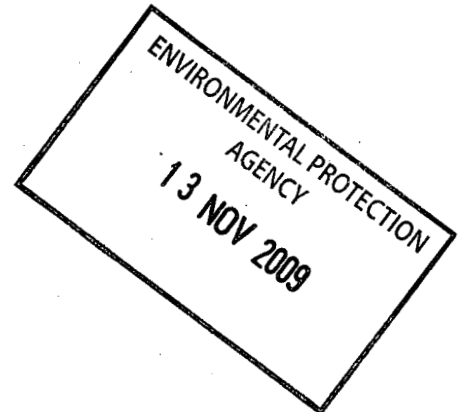
E-mail secretary@southtippcoco.ie
www.southtippcoco.ie



063 (U) APP
Comhairle Contae Thiobraid Árann Theas
Aras an Chontae, Cluain Meala, Éire.

Teileafon 052-26152/26149/1800 202627
Fax 052-34391

Ms. Josephine Kennedy,
Officer of Climate, Licensing & Resource Use,
Environmental Protection Agency,
Headquarters,
PO Box 3000,
Johnstown Castle Estate,
Co. Wexford.



12th November 2009

Ref: W0074-03

RE: Objection to the Proposed Decision on Waste Licence W0074-03.

Dear Ms. Kennedy:

South Tipperary County Council wishes to object to some of the conditions in the Proposed Decision of the Environmental Protection Agency on Waste Licence W0074-03. The objections are outlined below.

Objection No. 1 – Condition 3.14.2

"The existing surface water French cut-off drain at Area 4 shall be as specified in drawing No. 2002-024-03-002 Rev B, unless otherwise agreed by the Agency"

This Condition has been in the Waste Licence since the first issue in June 2002. At that time Cells 3 and 4 had not been developed. As part of the development of these cells the drain referenced in this Condition was removed, as it would allow leachate to drain offsite once waste was placed in this area. Therefore this Condition should be removed as the drain it references no longer exists.

Objection No. 2 - Conditions 5.2.4, 5.2.5 and 5.2.6

From Condition 5.2.4: *"these procedures (for the acceptance and handling of all wastes) shall include details of the treatment of all waste to be carried out in advance of acceptance at the facility."*



Enquiries to Environment Section



From Condition 5.2.5: *"Only waste that has been subject to treatment shall be accepted for disposal at the landfill facility."*

From Condition 5.2.6: *"From 1 July 2010 to 30 June 2013 inclusive, a maximum of 40% by weight of municipal solid waste (MSW) accepted for disposal to the body of the landfill shall comprise biodegradable municipal waste, measured on a calendar year basis or, in 2010 and 2013, part thereof."*

Considering the current infrastructure available to South Tipperary County Council and the finances available in the current economic climate, compliance with the requirement that all waste must be pre-treated before being accepted for landfill will not be possible by the date of the issue of the licence or by 1 July 2010.

A 2-bin collection system has been in place in the South Tipperary since 2006 for the separate collection of dry recyclables, so there is pre-treatment already in place for MSW collected by the Council. However, the introduction of a third bin system or some type of mechanical pre-treatment would involve a significant financial investment, which would be particularly onerous considering the short remaining life of the landfill. The majority of the MSW accepted at Donohill landfill is generated by the South Tipperary County Council's refuse collection service. In 2009 it is estimated that the Council will dispose of approximately 7,500 tonnes of MSW at Donohill landfill, approximately 80% of the MSW accepted at the site for disposal. It is estimated that this waste contains 53% BMW. The reduction of the BWM to 40% in 2010 will therefore result in the diversion of 1,000 tonnes per annum. The landfill is a legacy landfill first opened in 1989 and will be filled in by 2012. This amounts to approximately a diversion of 1,500 tonnes of BMW over the remaining lifetime of the landfill. The Council request that this condition be removed.

Objection No. 3 – Condition 8.11.2 (iv); (v) and (ix)

"The OMP referred to in 8.11.1 shall include:

- (iv) Arrangements for the biannual preparation of an independent assessment and report on surface VOC emission at the facility following completion of waste acceptance in any cell / sub-cell.*
- (v) Use of interim capping system at inter cell boundaries.*
- (ix) Monitoring – VOC surface emission from capped areas.*

This Condition has a long list of requirements for odour monitoring and testing. Some of these requirements are already in place as part of our landfill gas management system and will continue to be implemented. However, some of the requirements seem to be exceedingly onerous and these are mentioned above.

Bi-annual VOC surface emission monitoring is too frequent considering that the Agency has also included a charge for one additional VOC surface

emission monitoring round in their annual fee. This would mean that VOC surface emission monitoring would be carried out three times a year.

The use of an interim capping system at inter cell boundaries is not possible at Donohill for technical reasons for anything more than the current intermediate cap of subsoil on this side slope. The interim boundary between Cell 4 and Cell 1 is very steep and has been assessed as only stable in the short term, making further works on this slope unfeasible for safety reasons. The steepness of the side slope and the previous rotational slip in this area mean that any additional interim capping in this area will not be possible. This will be the last inter cell boundary onsite as Cell 4 is the final cell at the facility.

This Condition was included "on foot of odour complaints received in relation to the facility" (*Inspectors Report on a Licence Review*; Caroline Kelly; 31 August 2009). This reasoning is not accurate as there have been a total of three odour complaints regarding Donohill Landfill in the past six years. This is an excellent record and does not indicate that there is an odour nuisance issue at this facility. The Council request that this Condition should be amended or removed to reflect this.

Objection No. 4 – Condition 12.1.1

From Condition 12.1.1: *"The licensee shall pay to the Agency an annual contribution of €25,154, or such sum as the Agency from time to time determines, having regard to variations in the extent of reporting, auditing, inspection, sampling and analysis or other functions carried out by the Agency, towards the cost of monitoring the activity as the Agency considers necessary for the performance of its functions under the Waste Management Acts 1996 – 2008."*

South Tipperary County Council paid the EPA a fee of €25,154 in 2009, and this condition requires that this be the standard fee into the future. The Agency have previously informed us that the reason that the annual fee was so high in 2008 and 2009 was to cover the cost of the Surface VOC Analysis carried out by OMI.

The Council requests clarification that this monitoring will be carried out on behalf of the Agency annually on a permanent basis or the fee should be reduced accordingly to take into account that this monitoring may be reduced in future years. The continuation of this monitoring is possibly not going to be continued on a permanent basis if the Agency is requiring licensees to fund this monitoring directly on a bi-annual basis.

Objection No. 5 – Schedule A.3

Total quantity of waste permitted to be placed at the landfill facility (over authorised life of facility): 159,836m³.

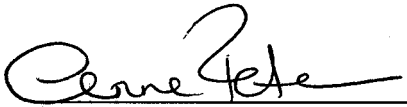
The limit on total permitted quantity of waste to be placed at the landfill facility over the authorised lifetime is set out in this Schedule as 159,836m³. This figure was calculated on the assumption that there would be no settlement of waste due to decomposition or that the current cell which is built on a bog would not sink.

Both of these scenarios are likely to occur which would mean that this volume of waste is an underestimation of the actual quantity of waste which can be filled in the space under the dome shape with a final height not exceeding 115m OD Malin as set out in Condition 4.2 of the Waste Licence. The Council request that the permitted waste volume be increased to 200,000m³, to take these factors into account.

The Council would welcome the opportunity to discuss these matters further with the Agency. If you have any queries regarding this submission please do not hesitate to contact this office.

The appropriate fee will be lodged to the EPA bank account by Electronic Funds Transfer in the November 11th, a confirmation email regarding the payment will be sent to the Agency today.

Yours sincerely,



Anne Peters
Executive Engineer
Environment Section

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