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16/11/2009 16:05

13<sup>th</sup> November 2009

**EPA Waste License Register Number: W0109-02**

**Applicant: Clare County Council, New Road, Ennis, Co. Clare**

**Central Waste Management Facility – Ballyduff Beg**

**Objection to proposed decision of a review of a waste licence in accordance with Section 42(2) of the Waste Management Acts 1996 to 2008**

Clare county Council wishes to object to the proposed decision of a review of a waste licence in accordance with Section 42(2) of the Waste Management Acts 1996 to 2008. The EPA notified the proposed decision on 19<sup>th</sup> October 2009.

Clare County Council details its objection below including the grounds for the objection and the reasons, consideration and arguments on which our objections are based.

Clare County Council also requests an Oral Hearing into the objection.

### **Part 1 Activities licensed**

We object to the removal of Class 2 Land treatment, including biodegradation of liquid or sludge discards in soils.

Reason: This activity was previously licensed and its removal reduces the services on offer by Clare County Council to the users of the facility.

We request that the list of Licensed Waste Recovery Activities be extended to include for temporary storage of WEEE as agreed in the Agency letter of the 2<sup>nd</sup> August 2005 and temporary storage of abandoned vehicles (ref Agency letter of the 15<sup>th</sup> December 2005).

## Part 2 Conditions

### **Condition 1 Scope of licence**

#### **Condition 1.13 Waste Treatment**

Clare County Council objects to this condition.

Reasons: The condition limits Clare County Councils services at the facility to a number of our customers. In particular the condition limits the services that Clare County Council (CCC) can provide to private customers. We wish to advise the Agency that "cold callers" who avail of the Central Waste Management Facility (CWMF) for disposal of black bag waste, are also availing of our recycling facilities for acceptance of green waste, all recyclable streams and household hazardous waste. CCC is of the view that the provision of these recycling facilities at the same site ensures that pre-treatment of the waste is carried out by the householder. Many of these private customers operate home composting bins and heaps and are very committed to waste prevention reduction re-use and re-cycling.

It is important that we can continue to accept residual waste from private individuals as this ensures that the waste is disposed of in an environmentally sound manner. Many residents in rural areas are not in a position to, or choose not to, avail of a waste collection service. They manage waste by recycling, composting and disposing of residuals to landfill. They are charged for disposal of the residual waste either by bag or by weight, so there is an incentive for them to separate recyclables and organics prior to disposal. If the condition 1.13 is not removed then CCC will be required to increase our black bag waste acceptance fee in order to pay for further treatment by a third party, with consequent negative implications for the way in which individuals manage their waste. It may tempt others to dispose of their waste by less environmentally sound methods, e.g. by burning and dumping, which would negatively impact on the environment and would be costly to police. We understand that there are some remote rural areas in Clare that are still not serviced by waste collectors due to access difficulties (narrow roads, hilly areas). The needs of residents in these locations must also be taken into account.

This condition is considered to be unnecessary and also to have the potential to negatively impact on environmental quality.

**Condition 1.15.1 Limit on acceptance of biodegradable municipal waste.**

Clare County Council objects to this condition.

Reasons: Clare County Council is concerned that the biodegradable municipal waste (BMW) limits presented in 1.15.1 (particularly (ii) and (iii)) are not achievable. Our concern is based on the recent waste characterisation survey presented by the EPA, which indicate that the actual content of biodegradable municipal waste in municipal solid waste from a 3-bin system averages 47%. For facilities where the bulk of the waste load is collected from households, even where a 3-bin system is in place, it appears that the more stringent biodegradable municipal waste percentage limits are not achievable unless bio-stabilised residual waste is also landfilled. In addition, we request clarification on whether bio-stabilised residual waste utilised as daily/weekly landfill cover can be taken into account when calculating the site BMW levels as per condition 1.15?

The absence of a uniformly imposed three-bin system across all collectors favours those who choose not to operate such a collection.

The absence of large-scale bio-stabilization processes in the Irish market at this stage makes the implementation of the BMW limits unreasonable and unachievable.

For these reasons the condition is considered to be unreasonable.

**Condition 1.15.2**

Clare County Council objects to this condition.

Reasons: Clare County Council is not in a position to avail of the benefits of this condition as we do not have another landfill available that we may join with. The condition therefore favours those landfills or operators who operate (for example) inert landfill facilities. This condition may therefore disrupt the business at our landfill and reduce the services available to the customers at our facility.

In addition the condition by its very nature results in one landfill breaching the terms of its own license.

For these reasons the condition is inequitable.

#### **Condition 1.16**

Clare County Council objects to this condition.

Reasons: Clare County Council considers that the imposition of these terms is arbitrary and unfair. The use of approved calculation factors published by the EPA for waste streams is open to abuse. If a collector or landfill operator states that they have a three bin collection system and shows accompanying evidence of roll out of the bins with publicity, etc but never actually collects any brown bin material, (or more likely collect nominal small amounts), then they can avail of the 47% approved calculation factor. This defect mitigates against the collector and landfill operator which collects brown material rigorously. This makes enforcement of this condition too onerous on the operator of the landfill.

For these reasons the condition is arbitrary and inequitable.

#### **Condition 1.17**

Clare County Council objects to this condition.

Reasons: Clare County Council considers that this condition conflicts with the stated requirements in Part 1 Activities licensed in terms of the tonnages listed in Class 5. We have stated previously our objection to the removal of Class2 from this item.

#### **Condition 3.16**

Clare County Council objects to this condition.

Reasons: Clare County Council has stated previously its objection to the imposition of new diversion targets and the reasons therefore. On this basis we object to this condition. If our objection to the introduction of diversion targets is not upheld then we consider that there is no need for this condition until after 1 Jan 2011.

**Condition 5.15.2, 5.15.3, 5.15.6 and 5.15.9**

Clare County Council requests that these conditions be modified to reflect the composting system in place at the CWMF site. With the agreement of the Agency, Clare County Council replaced the original proposed windrow system with an aerated static pile, which by its nature does not require daily turning and daily temperature measurement. At present, only the aerated static pile is in use at the site and only green waste is composted. The in-vessel digesters included in the original proposal have not been commissioned. In the event that they are to be brought into use in the future, the design, installation and operation of the final system will follow the details submitted to and agreed with the Agency (ref CCC letter of the 30<sup>th</sup> August 2004 and EPA reply of the 7<sup>th</sup> September 2004).

**Condition 7.11 (Generally)**

Clare County Council objects to this condition.

Reasons: Clare County Council is aware that only certain landfills have had this condition imposed on them as part of this licence review. The imposition of the condition is therefore Arbitrary and favours landfills which do not have these conditions imposed. There is no evidence to suggest that the imposition of this condition takes proper account of issues such as complexity of terrain, distance to receptors, facility size or on number of odour complaints received. If the condition is applied only to those licences with reported odour complaints over a certain threshold, we would point out to the Agency that this is a variable which may alter at any of the licensed sites and is therefore Arbitrary.

The imposition of this condition restricts the services that Clare County Council can offer to the customers in its facility.

**Condition 7.11.2 (ix) (Specifically)**

Clare County Council objects to this condition.

Reasons: It is not clear to Clare County Council whether this monitoring is to be carried out by CCC staff or whether the biannual preparation of an independent assessment and report on surface VOC emissions is considered adequate to meet the requirement of condition 7.11.2 (ix).

**Condition 7.11.5 (Specifically)**

Clare County Council objects to this condition.

Reasons: It is not clear to Clare County Council whether these trigger levels are proposed for monitoring results obtained during the twice annual independent odour assessment or whether this monitoring is to be carried out by CCC staff (see comment under 7.11.2 above). If the latter, what method of measurement/instrumentation will be required? How will meteorological variations be taken into account (eg variation in atmospheric pressure, wind speed, relative humidity)? If the detection instrument to be used is the PID/FID detector, its detection limit appears from OMI reports to be quite close to the lower trigger level of 50ppmv. What is the accuracy of data in the 50ppmv range?

The potential value of surface emission monitoring is well recognised by CCC. We agree that the measurement of surface VOC emissions is an effective comparative tool for assessing cap integrity, weld connections around wells, potential for gas release from active areas etc. We have employed Odour Monitoring Ireland (OMI) to carry out a number of surveys of this nature in the past. However, we are concerned that the application of trigger level limits to the results obtained and the resultant classification of any exceedence of those limits as an incident, makes too many scientific assumptions about a methodology which may be subject to variations due to weather conditions such as atmospheric pressure, wind speed, surface temperature, humidity. OMI stated in a report to CCC (dated 23<sup>rd</sup> January 2009) that "the continuous kinematic "Odour hog" with integrated GPS (is a useful technique) for comparison in leakage area within the same landfill facility on different surveys but is not for cross comparison of VOC leakage between landfills due to a number of factors including, mass flow of VOC on the day of measurement, relative odorous nature of the detected compounds within individual facilities, etc". This statement would appear to validate our concern in relation to assigning fixed value limits to site VOC emissions.

Clare County Council agrees that there is merit in retaining an independent company to carry out periodic surface VOC surveys. We are also of the opinion that there may be a benefit to carrying out a certain amount of in-house monitoring to check cap integrity etc. All of these surveys will provide a useful comparative tool for the site

(and for the EPA) in assessing improvements/weaknesses in surface emissions. However, we object to the proposal to assign the trigger level limits described in 7.11.5 to survey results. We do not believe there is adequate data available to assign these limits; we are concerned about the accuracy of data generated at the lower end of the range, given that the OMI instrument appears to have a detection limit of 31ppm; we are concerned about variation in results that may occur with changes in meteorological conditions. We are also concerned about the resultant requirement to report any surface VOC exceedences as incidents.

For these reasons the condition is inequitable and excessively onerous.

#### **Condition 9.21**

Clare County Council objects to this condition.

Reasons: Health and Safety requirements are a statutory requirement and should not be license conditions.

#### **Condition 11.3**

Clare County Council objects to this condition.

Reasons: the requirement to employ a consultant to carry out these functions is Arbitrary and takes no account of the fact that suitably qualified staff are available in Clare County Council to carry out these tasks.



**Schedule E.****Table E.2.1 (and Schedule F5)**

Clare County Council received the approval of the Agency in September 2006 to discontinue monitoring for flare stack particulates, on health and safety grounds (ref letter to the Agency of the 18<sup>th</sup> August 2006 and reply dated 15<sup>th</sup> September 2006). We request therefore that the particulates monitoring requirement be removed from tables E.2.1 and F5 or that the statement "or as otherwise agreed with the Agency" be included under the parameter list.

**Table E.5.1**

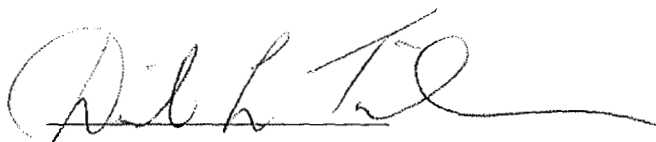
Clare County Council requests that the statement "or as otherwise agreed with the Agency" be included here. In addition to the locations listed, CCC presently carries out surface water monitoring at SW1a, SW11 and SW12, as agreed with the Agency.

**Schedule G Table g.1**

Clare County Council objects to this schedule.

Reasons: The values and totals in this table are not in accordance with our previous license limits and in particular are not in agreement with stated tonnages in Part 1 Activities licensed Class 5.

Yours faithfully,



David Timlin  
Director of Services  
Environment & Water Services  
Clare County Council  
New Road  
Ennis.



**Ann Kehoe**

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**From:** Licensing Staff  
**Sent:** 16 November 2009 16:22  
**To:** dtimlin@clarecoco.ie  
**Cc:** Licensing Staff  
**Subject:** Successful Objection Payment for Licence Number W0109-02. (Reference Number: W0109-02-091116041722)

Thank you for your online Applicant Objection and Oral Hearing for licence number W0109-02. Your objection has been received by the Environmental Protection Agency and will be acknowledged once the Objection has been validated.

A fee of €600 will be debited from your credit card once the objection has been confirmed.

Your reference number is W0109-02-091116041722. Please retain this for future reference.

Regards,

Environmental Protection Agency

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## Ann Kehoe

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**From:** David Timlin [dtimlin@clarecoco.ie]  
**Sent:** 16 November 2009 16:17  
**To:** Licensing Staff  
**Subject:** New Applicant objection entered for Reg no: W0109-02. (Reference Number: W0109-02-091116041722)  
**Importance:** High  
**Attachments:** W0109-02 Objection CCC Nov 16 2009.pdf

**Title:** Mr  
**First Name:** David  
**SurName:** Timlin  
**Organisation Name:** Clare County Council  
**Address Line 1:** Environment and Water Services Department  
**Address Line 2:** New Road  
**Address Line 3:** Ennis  
**County:** Clare  
**Post Code:** 0000  
**Phone Number:** 000  
**Email:** dtimlin@clarecoco.ie  
**Objector Type:** Applicant  
**Oral Hearing:** Yes

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**Ann Kehoe**

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**From:** Licensing Staff  
**Sent:** 16 November 2009 16:29  
**To:** Accounts Receivable  
**Subject:** FW: Successful Objection Payment for Licence Number W0109-02. (Reference Number: W0109-02-091116041722)

Please process online payment

Regards  
Ann

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**From:** Licensing Staff  
**Sent:** 16 November 2009 16:22  
**To:** dtimlin@clarecoco.ie  
**Cc:** Licensing Staff  
**Subject:** Successful Objection Payment for Licence Number W0109-02. (Reference Number: W0109-02-091116041722)

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