

Objection to PD WL 0178-02 by Greenstar

***Greenstar Holdings Ltd., Killagh More, Ballybaun, Ballintober, Ballinasloe,
Co. Galway***

Objection by Licensee Greenstar

Contact name: Margaret Heavey, Greenstar, Fassaroe, Bray, Co. Wicklow

Introduction

Greenstar hereby objects to the PD WL 0178-02 for the Connaught Residual Landfill for the reasons outlined hereunder. An Oral Hearing is requested to discuss this objection and a payment of €600 accompanies this appeal. The conditions appealed, together with proposed alternative wording, are described as follows:

Appealed Conditions

Licence Condition 1.6

Existing Wording:

1.6 Waste Treatment

Only waste that has been subject to treatment shall be accepted for disposal at the landfill facility.

(i) Treatment shall reflect published EPA technical guidance as set out in Municipal Solid Waste - Pre-treatment and Residuals Management, EPA, 2009.

(ii) With the agreement of the Agency, this condition shall not apply to:

- inert wastes for which treatment is not technically feasible;*
- other waste for which such treatment does not contribute to the objectives of the Landfill Directive as set out in Article 1 of the Directive by reducing the quantity of the waste or the hazards to human health or the environment.*

Proposed Wording:

(i) Treatment shall reflect published EPA technical guidance as set out in Municipal Solid Waste - Pre-treatment and Residuals Management, EPA, 2009 and the EU Directive on the landfilling of waste.

Reason for Change:

To comply with EU law.

Licence Condition 1.7.1

Existing Wording:

Unless otherwise as may be specified by the Agency, the following limits shall apply:

(i) 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 (BMW), measured on a calendar year basis or, in 2010 and 2013, part thereof,

(ii) From 1 July 2013 to 30 June 2016 inclusive, a maximum of 24% by weight of MSW accepted for disposal to the body of the landfill shall comprise BMW, measured on a calendar year basis or, in 2013 and 2016, part thereof, and

(iii) From 1 July 2016, a maximum of 15% by weight of MSW accepted for disposal to the body of the landfill shall comprise BMW, measured on a calendar year basis or, in 2016, part thereof,

unless an alternative has been agreed in writing by the Agency in accordance with condition 1.7.2.

Proposed Wording:

(i) From 1 July 2010 to 30 June 2013 inclusive, a limit, to be agreed with the Agency, of municipal solid waste (MSW) accepted to the body of the landfill shall comprise biodegradable municipal waste (BMW), measured on a calendar year basis or, in 2010 and 2013, part thereof,

(ii) From 1 July 2013 to 30 June 2016 inclusive, a limit, to be agreed with the Agency, of MSW accepted to the body of the landfill shall comprise BMW, measured on a calendar year basis or, in 2013 and 2016, part thereof, and

(iii) From 1 July 2016, a limit, to be agreed with the Agency, of MSW accepted to the body of the landfill shall comprise BMW, measured on a calendar year basis or, in 2016, part thereof, unless an alternative has been agreed in writing by the Agency in accordance with condition 1.7.2.

Reason for Change:

The term 'for disposal' should be removed from the wording of this condition as it is contrary to the Landfill Directive (Council Directive 1999/31/EC) which refers only to biodegradable waste 'going to' landfill.

At the EPA Waste Workshop held in the Hodson Bay Hotel in Athlone on 21st and 22nd October 2009, Dr Jonathan Derham confirmed that the percentages used in this condition are now significantly out of date. He presented a completely new set of percentages to the invited audience of licensees. The difference between the scale of infrastructure and investment required in this PD wording, and that which would be required if the percentages used by Dr Derham were to be used is a very significant 50%. To use the current percentages, knowing they are flawed, would in itself be a flaw. To avoid this, and to allow BMW diversion through upper hierarchy means with lower carbon footprint, i.e. recycling, the Agency should use a wording which does not specify BMW accepted as a percentage of landfilled MSW; we

Objection to PD WL 0178-02 by Greenstar

contend that to express biowaste diversion from landfill as a percentage of landfilled MSW will lead to a discouragement of recycling of both biodegradable and non-biodegradable waste. The focus should be on increasing the absolute level of biodegradable waste diversion. The Agency could limit the amount of non-processed waste delivered directly to landfill and thereby put the onus on the waste collectors to either invest in biowaste treatment or ensure they dispose of their waste through a MRF which can divert biowaste from landfill.

It is of concern both in terms of environmental risk and anti-competitiveness, that the Agency has not sought to attach conditions restricting BMW intake in all landfill licences currently accepting or licensed to accept MSW.

Licence Condition 1.7.2

Existing Wording:

Two or more licensed landfills may seek the agreement of the Agency that collectively they will arrange to comply with condition 1.7.1. Such agreement may be sought by review of the landfill licence for any facility seeking an increase in the limits set out in condition 1.7.1, and by technical amendment of any licence for a facility seeking a decrease. Such agreement will be contingent on the net combined acceptance of biodegradable municipal waste at the participating facilities remaining unchanged.

Proposed Wording:

Two or more licensed facilities may seek the agreement of the Agency that collectively they will arrange to comply with condition 1.7.1. Such agreement may be sought by technical amendment of any licence for a facility seeking a decrease. Such agreement will be contingent on the net combined acceptance of biodegradable municipal waste at the participating facilities remaining unchanged.

Reason for Change:

The condition shouldn't just be open to landfills. As outlined in our objection to 1.7.1, increased BMW diversion through recycling at a MRF upstream of the landfill should be the Agency's focus and the conditions imposed on the landfill operator should reflect upstream recycling and landfill diversion. Not to allow this would place the expansion of recycling at a disadvantage compared to the expansion of bio-stabilisation technology.

There is no need for a time consuming and costly full licence review of a waste licence unless overall tonnage is to be increased.

Licence Condition 1.8.1

Existing Wording:

The licensee shall determine the biodegradable municipal waste content of MSW accepted for disposal to the body of the landfill. Waste that has been bio-stabilised in accordance with condition 1.8.4 shall not be considered BMW.

Proposed Wording:

Objection to PD WL 0178-02 by Greenstar

When testing protocols have been agreed to the satisfaction of the Agency, the licensee shall determine the biodegradable municipal waste content of MSW accepted for disposal to the body of the landfill. Waste that has been bio-stabilised in accordance with condition 1.8.4 shall not be considered BMW.

Reason for Change:

It is premature to obligate the testing BMW in advance of the establishment of agreed protocols.

Licence Condition 1.8.2

Existing Wording:

Bio-stabilised residual wastes meeting the requirements of

- *Condition 1.8.4, or*
- *an alternative protocol as may be agreed with the Agency based on biological treatment process parameters (e.g. validated residence time and temperature parameters at the treatment facility), received at the landfill facility may be included in the determination of MSW quantities accepted at the facility for the purposes of Condition 1.7.1.*

Proposed Wording:

Bio-stabilised residual wastes meeting the requirements of

- *Condition 1.8.4, or*
- *an alternative protocol as may be agreed with the Agency based on biological or chemical treatment process parameters (e.g. validated residence time and temperature parameters at the treatment facility), received at the landfill facility may be included in the determination of MSW quantities accepted at the facility for the purposes of Condition 1.7.1.*

Reason for Change:

To allow access to a greater range of available and emerging tests.

Licence Condition 1.8.3

Existing Wording:

In determining BMW content, the licensee shall use approved calculation factors for BMW content of municipal waste streams published by the EPA. With the agreement of the EPA, alternative factors can be used if they have been determined following waste characterisation carried out in accordance with EPA-approved characterisation protocols including, where appropriate, the use of EPA-approved contractors.

Proposed Wording:

In determining BMW content, the licensee shall use approved calculation factors for BMW content of municipal waste streams published by the EPA. With the agreement of the EPA, alternative factors can be used if they have been determined following waste characterisation carried out in accordance with EPA-approved characterisation protocols.

Objection to PD WL 0178-02 by Greenstar

Reason for Change:

Independent third party consultants used by licensees should not have to be selected from EPA 'approval lists'. This could be considered to be anti-competitive.

Licence Condition 1.8.4

Existing Wording:

In the case of bio-stabilised residual wastes, stabilisation means the reduction of the decomposition properties of the waste to such an extent that offensive odours are minimised and that the respiration activity after four days is <10mg O₂/g DM until 1 January 2016 and <7mg O₂/g DM thereafter.

Proposed Wording:

In the case of bio-stabilised residual wastes, stabilisation means the reduction of the decomposition properties of the waste to such an extent that offensive odours are minimised and that the respiration activity after four days is <10mg O₂/g DM.

Reason for Change:

The added limitation post 2015 is excessive and has a detrimental effect on the bankability of biostabilisation technology, probably preventing its construction. The limit itself gives very little extra benefit for the costs involved.

Licence Condition 1.9.2.1

Existing Wording:

"Operation of the borrow area is limited to 8.00am and 8.00pm Monday to Friday inclusive and 8.00am – 3.00pm on Saturdays."

Proposed Wording:

"Operation of the borrow area is limited to 8.00am - 8.00pm Monday to Friday inclusive and 8.00am - 3.00pm on Saturdays."

Reason for Change:

There is a typing error in the condition. '8.00am and 8.00 pm' should read '8.00am - 8.00pm'

Licence Condition 5.4.1

Existing Wording:

Bio-stabilised residual waste shall only be used as landfill cover where it has been stabilised in accordance with Condition 1.8.4 (or meets the requirements of an alternative protocol as may be agreed under condition 1.8.2), and complies with any requirements of the

Objection to PD WL 0178-02 by Greenstar

Department of Agriculture, Fisheries and Food relating to the management of animal by-products and has been agreed in advance with the Agency.

Proposed Wording:

Bio-stabilised residual waste shall only be used as landfill cover where it has been stabilised in accordance with Condition 1.8.4 (or meets the requirements of an alternative protocol as may be agreed under condition 1.8.2) and has been agreed in advance with the Agency.

Reason for Change:

There is full suite of conditions already existing in the waste licence which collectively meet the requirements of the Department of Agriculture to ensure that farm animals or food chain does not come in contact with waste.

Licence Condition 7.1

Existing Wording:

"The licensee shall ensure that vermin, birds, flies, mud, dust, litter and odours do not give rise to nuisance at the facility. Any method used by the licensee to control any such nuisance shall not cause environmental pollution."

Proposed Wording:

"Emissions from the activities shall be free from odour at levels likely to cause significant odour annoyance outside the site, as perceived by an authorised officer of the Agency, unless the operator has used appropriate measures agreed with the Agency under condition 7.8 to prevent or to minimise the odour to the lowest level possible using BAT."

The licensee shall ensure that birds, vermin, dust, mud and flies do not cause pollution and are managed in accordance with the requirements of this waste licence."

Reason for Change:

The suggested wording in relation to odour is based on that used by the Environment Agency (England and Wales) in the licensing of waste facilities. The wording obliges the operator to keep the facility free from odour annoyance or to prevent odour as much as is practicable using Best Available Techniques.

Proposed accompanying change to Glossary of Definitions

Odour Annoyance: The factors which determine odour annoyance, known as the FIDOL factors, are summarised as follows:

- Frequency of exposure
- Intensity of exposure
- Duration of exposure
- Offensiveness/Character of odours
- Location of exposure

Objection to PD WL 0178-02 by Greenstar

Proposed changes to Schedule D of this waste licence intend to substantially increase the monitoring obligation of licensees in a manner that allows the application of the FIDOL principles in the scientific determination of odour annoyance using methodologies accepted as BAT in other European Countries and which are currently the subject of draft CEN guidance.

Schedule D, Table D.9, Ambient Odour Monitoring

Existing Wording:

Parameter	Frequency	Method
Odour	Monthly	As agreed with the Agency

Proposed Wording:

Parameter	Frequency	Method
Odour	Bi-Annually <i>Note 1</i>	<i>Note 2</i>

Note 1: Monitoring to commence within six months of the commencement of disposal of waste and thereafter on a bi-annual basis.

Note 2: Monitoring shall be carried out using a method described in the Draft CEN Standard CEN/TC264/WG2 or any replacement standard, to the agreement of the Agency.

Reason for Change:

To ensure that the methodology for assessing ambient odour is based on Best International Practice and Best Available Techniques.

Condition 7.8

Existing Wording:

None

Proposed Wording:

Odour Control

- 7.8.1 *The licensee shall, not later than six months after the implementation of this condition undertake an independent odour assessment and prepare an odour management plan. The odour assessment shall include but is not limited to the identification and quantification of any significant odour sources, an assessment of the suitability and adequacy of the control system(s) for preventing or minimising impact on sensitive receptors. The Odour Management Plan shall include measures and a timescale for the implementation of recommendations from the Odour Assessment. These proposals shall include VOC surface emissions surveys with trigger levels for target values subject to approval with the Agency.*
- 7.8.2 *The licensee shall, within three months of the date of grant of this waste licence, submit a programme and plan to the Agency for its agreement for the monitoring and assessment of odours arising from the facility, including the odour monitoring specified in Schedule D of this waste licence.*

Reason for Insertion:

Objection to PD WL 0178-02 by Greenstar

This condition is based on the wording of conditions 6.10, 6.11 and 8.14 of W0146-01 (Knockharley). In addition it provides for the monitoring of VOC surface emissions monitoring measures to ensure as much as practicably possible that fugitive VOCs are being captured thus reducing potential for odour nuisance.

Licence Condition 11.12

Existing Wording:

The Licensee shall report to the Agency such data and records, and at such frequency, as may be specified by the Agency in order to demonstrate compliance with the requirements of Condition 1.7.1. From 1 January 20 10, and unless otherwise advised by the Agency, the licensee shall submit quarterly summary reports to the Agency within one week of the end of each quarter on the quantity of MSW and BMW accepted at the landfill during the preceding quarter and on a cumulative basis for the calendar year to date. The report shall detail the tonnage of MSW and BMW accepted and the basis (including all calculation factors) on which the figures have been calculated.

Proposed Wording:

From 1 January 2010, and unless otherwise advised by the Agency, the licensee shall submit quarterly summary reports to the Agency within ten days of the end of each quarter on the quantity of MSW and BMW accepted at the landfill during the preceding quarter. The report shall detail the tonnage of MSW and BMW accepted and the basis (including all calculation factors) on which the figures have been calculated.

Reason for Change:

The condition as worded is excessively onerous and out of line with existing quarterly reporting requirements.

Licence Condition 12.2

Existing Wording:

12.2.1 The licensee shall pay to the Agency an annual contribution of €31,446, 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 to 2008. The first payment shall be a pro-rata amount for the period from the date of grant of this licence to the 31st day of December, and shall be paid to the Agency within one month from the date of grant of the licence. In subsequent years the licensee shall pay to the Agency such revised annual contribution as the Agency shall from time to time consider necessary to enable performance by the Agency of its relevant functions under the Waste Management Acts 1996 to 2008, and all such payments shall be made within one month of the date upon which demanded by the Agency.

12.2.2 In the event that the frequency or extent of monitoring or other functions carried out by the Agency needs to be increased, the licensee shall contribute such sums as determined by the Agency to defray its costs in regard to items not covered by the said annual contribution.

Objection to PD WL 0178-02 by Greenstar

Proposed Wording:

12.2.1 The licensee shall pay to the Agency an annual contribution of €25,000, 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 to 2008. The first payment shall be a pro-rata amount for the period from the date of grant of this licence to the 31st day of December, and shall be paid to the Agency within one month from the date of grant of the licence. In subsequent years the licensee shall pay to the Agency such revised annual contribution as the Agency shall from time to time consider necessary to enable performance by the Agency of its relevant functions under the Waste Management Acts 1996 to 2008, and all such payments shall be made within one month of the date upon which demanded by the Agency.

Reason for Change:

The proposed increase is out of line with inflation / deflation and the process for its calculation has not been explained by the Agency. This condition is lacking in transparency.

Schedule A: Waste Acceptance

Existing Wording:

Table A.1 Waste Categories and Quantities for Disposal

Waste Type	Maximum (Tonnes Per Annum) ^{Note 1}
Household	45,000
Commercial	27,500
Industrial non-hazardous	24,500
Asbestos waste	3,000
TOTAL	100,000

Note 1: The tonnage of household waste, commercial waste and industrial waste may be altered with the prior agreement of the Agency provided that the total amount of these wastes accepted at the facility does not exceed the combined tonnage of 97,000 tonnes per annum (as specified in the total above)

Table A.2 Waste Categories and Quantities for Recovery

Waste Type	Maximum (Tonnes Per Annum)
Inert Wastes (for the purposes of restoration and aftercare)	27,320

Table A.3 Total Permitted Landfill Capacity

Total Quantity of waste permitted to be placed at the landfill facility (over authorised life of facility)	1,452,125 m ³
--	--------------------------

Objection to PD WL 0178-02 by Greenstar

Proposed Wording:

“Table A.1 Waste Categories and Quantities

Waste Type	Maximum (Tonnes Per Annum) ^{Notes 1 & 2}
Household	45,000
Commercial	27,500
Industrial non-hazardous	24,500
Construction & Demolition Waste ^{Note 3}	27,320
Asbestos Waste	3,000
TOTAL	127,320

Note 1: The tonnage of household waste, commercial waste and industrial waste may be altered with the prior agreement of the Agency provided that the total amount of these wastes accepted at the facility does not exceed the combined tonnage of 100,000 tonnes per annum (as specified in the total above)

Note 2: C&D or Inert waste/secondary materials or compost imported to the site for use in construction and waste covering operations. A detailed statement (with mass balance) of waste used in construction and covering operations should be included as part of the AER

Note 3: This waste stream may include asbestos for disposal in accordance with Section 2.3.3 of the Annex to the Council Decision 2003/33/EC

Reason for Change:

The current restriction on the permissible quantities of inert waste at the site for recovery, restoration and development works (as detailed in Schedule A, Table A.2 of the licence) could result in odour nuisance and the environmentally unsound practice of importing raw materials for development works.

Significant quantities of inert waste materials are used in the construction of internal haul roads and in daily landfill covering operations. A restriction in the acceptance of suitable cover material could result in avoidable odour nuisances. It is also the considered opinion of Greenstar that the use of recovered inert wastes for the construction of on site haul roads is both economically and environmentally preferable to the purchase of raw materials from an off-site source resulting in additional costs to the operator and additional, yet avoidable vehicle movements. The proposed changes will also bring the East Galway licence into line with other similar licences, such as W0081-03 (KTK) and W0201-02 (Drehid) which have no such restrictions on inert waste acceptance.

D.8: Waste Monitoring

Existing Wording:

Waste Class	Frequency	Parameter	Method
Bio-stabilised residual waste	Every 200 tonnes from each source ^{note1}	Respiration activity after 4 days	To be agreed by the Agency

Note 1: Frequency can be reduced if an alternative protocol is agreed by the Agency under condition 1.8.2.

Proposed Wording:

The monitoring should be at a frequency to be agreed with the Agency.

Reason for Change:

This is an overly excessive frequency with no apparent basis in published research and would cause significant Health and Safety risk at MRFs through the excessive extra machine movements demanded by the high number of waste characterisations needed prior to the preparation of samples for analysis. It is not yet clear as to how the responsibility for carrying

Objection to PD WL 0178-02 by Greenstar

out this rate of testing is to be transferred to the MRFs. It would also impose testing and reporting costs of more than €150,000 per annum on customers of this one landfill. It is noted that Mr. Jim Moriarty confirmed at the EPA Waste Workshop held in the Hodson Bay Hotel, Athlone, on the 21st and 22nd October 2009, that the Agency itself would cover the full cost of testing for each landfill for the first year.

*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.

Ann Kehoe

From: Licensing Staff
Sent: 16 November 2009 15:39
To: margaret.heavey@greenstar.ie
Cc: Licensing Staff
Subject: Successful Objection Payment for Licence Number W0178-02. (Reference Number: W0178-02-091116033818)

Thank you for your online Applicant Objection and Oral Hearing for licence number W0178-02. 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 W0178-02-091116033818. Please retain this for future reference.

Regards,

Environmental Protection Agency

*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.

Ann Kehoe

From: Licensing Staff
Sent: 16 November 2009 16:01
To: Accounts Receivable
Subject: FW: Successful Objection Payment for Licence Number W0178-02. (Reference Number: W0178-02-091116033818)

Please process on line payment below.

Regards
Ann

From: Licensing Staff
Sent: 16 November 2009 15:39
To: margaret.heavey@greenstar.ie
Cc: Licensing Staff
Subject: Successful Objection Payment for Licence Number W0178-02. (Reference Number: W0178-02-091116033818)

Thank you for your online Applicant Objection and Oral Hearing for licence number W0178-02. 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 W0178-02-091116033818. Please retain this for future reference.

Regards,

Environmental Protection Agency

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.

Ann Kehoe

Obj (3) App
+
OH Reg

From: Margaret Heavey [margaret.heavey@greenstar.ie]
Sent: 16 November 2009 15:39
To: Licensing Staff
Subject: New Applicant objection entered for Reg no: W0178-02. (Reference Number: W0178-02-091116033818)
Importance: High
Attachments: W0178-02 - East Galway Licence Objection.pdf

Title: Ms
First Name: Margaret
SurName: Heavey
Organisation Name: Greenstar
Address Line 1: Fassaroe
Address Line 2: Bray
Address Line 3:
County: Wicklow
Post Code: 0000
Phone Number:
Email: margaret.heavey@greenstar.ie
Objector Type: Applicant
Oral Hearing: Yes

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.