

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 Fingal County Council - Balleally Landfill, Balleally, Lusk, County Dublin. Licence Register No. W0009-03.

Application Details	
Type of facility:	Landfill
Class(es) of Activity (P = principal activity):	4 th Schedule: Class 2, 3, 4, 9, 11 & 13 3 rd Schedule: Class 1, 5 (P), 10, 12 & 13
Quantity of waste managed per annum:	451,500 tonnes
Classes of Waste:	Household, Commercial, Sewage Sludge (treated), Construction and Demolition, Industrial Sludges.
Location of facility:	Balleally, Lusk, County Dublin
Licence review initiated:	18 th June 2009
Third Party submissions:	One, 28 th July 2009
Licensee submission:	No
Article 16(3)(a)(i) Notification	27 th July 2009
Article 16(3)(a)(i) Reply	04 th August 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 Balleally Landfill, waste licence register number W0009-02. The review was initiated by writing to the licensee and placing a newspaper notice in the Irish Independent. 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.

In addition, two technical amendments made to the licence since its issue have been inserted and consolidated into the text.

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 1.11).

2. The imposition of new limits on the amount of biodegradable municipal waste that can be accepted at the facility (condition 1.12). 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 11.8).
4. Condition 5.5.3 prohibits the use of bio-stabilised residual waste¹ as daily cover unless the material has been stabilised in accordance with condition 1.13.4 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 guidance². Material not meeting these requirements must be disposed of in the landfill body³.
5. The need to ensure that all potential environmental liabilities are addressed (condition 12.4).

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.
1.3	✓		Change to refer to Waste Management Acts, 1996 to 2008
1.11	✓		Only pre-treated wastes permitted at landfill
1.12		✓	Limits the acceptance of BMW
1.13		✓	Determining the BMW content of the accepted waste.
2.3.2.1	✓		Revised Environmental Objectives and Targets schedule requirements
2.3.2.3		✓	Landfill Environmental Management Plan
3.11.5	✓		Reference made to bund design guidance.
5.2.2	✓		Prohibition of waste tyres at the facility.
5.2.5		✓	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
5.2.6		✓	Prohibit the dilution or mixture of waste in order to fulfil waste acceptance requirements.
5.2.7	✓		Establishment of waste acceptance procedures
5.2.8		✓	Waste checking, inspection and record keeping
5.2.9		✓	To prohibit the acceptance of gypsum waste at a landfill accepting biodegradable waste.
5.3	✓		Storage in the Waste Quarantine Area
5.5.3		✓	Only bio-stabilised residual waste may be used as landfill cover.
8.11		✓	To ensure competent testing of waste
10.2	✓		Updated waste recording requirements
11.3	✓		Inclusion of waste recovery report requirements.
11.7		✓	Notification of receipt of waste that does not meet waste acceptance criteria.
11.8		✓	Requirements for reporting to demonstrate compliance with diversion targets.
12.1.1	✓		Change to refer to Waste Management Acts, 1996 to 2008 and reference the OEE Inspector invoice total for 2009.
12.3		✓	Requiring landfill costs be covered by disposal charges
12.4		✓	Environmental Liabilities Risk Assessment
Schedule A, Table A.2		✓	Total Permitted Landfill Capacity by volume
Schedule D, Table D.9		✓	Waste Monitoring
Schedule E	✓		Recording and reporting to the Agency
Schedule F	✓		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.

One third-party submission was received by the Agency on the 28th July 2009 from An Taisce. The following items were addressed in the submission:

An Taisce state that an appropriate assessment should be carried out on the integrity of any SAC/SPA within, or in close proximity to, the landfill site.

Response:

Article 6(4) of the Habitats Directive (92/43/EC) requires that “any plan or project not directly connected with or necessary to the management of [a designated] site but likely to have a significant effect thereon ... shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives.” The Directive goes on to say: “In the light of the conclusions of the assessment of the implications for the site ..., the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned.”

This desktop review of the waste licence of the landfill is not considered a “plan or project” for the purposes of article 6(4) of the Habitats Directive. Therefore the need for appropriate assessment, or more appropriately, screening for appropriate assessment, does not arise. Were the *licensee* to propose a “plan or project” that required a review of the landfill licence, then it would be appropriate to consider screening for appropriate assessment.

In any event, additional assessments are not considered necessary for the current review as the proposed changes to the licence are not considered to have potential to cause significant environmental effects, as they will in fact lead to improved management and control of the landfill facility.

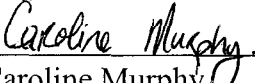
Recommendation:

No change

Overall Recommendation

I have considered all the documentation governing the grounds for the review of this licence, including the submission detailed above, 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.