

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

INSPECTOR'S REPORT ON A LICENCE REVIEW

TO:	DIRECTORS	
FROM:	Caroline Kelly	- Licensing Unit
DATE:	31 August 2009	
RE:	EPA-initiated review of a waste licence for Limerick County Council – Gortadroma Landfill, Gortadroma, Ballyhahill, County Limerick - Licence Register No. W0017-04	

Application Details	
Type of facility:	Landfill
Class(es) of Activity (P = principal activity):	3 rd Schedule Classes 1, 2, 4, 5P, 6, 7, 11 and 13 4 th Schedule: Classes 2, 3, 4, 9, 10, 11, 12 and 13
Quantity of waste managed per annum:	130,000 tonnes
Classes of Waste:	For Disposal Household waste; Commercial waste; Industrial non-hazardous sludge; Industrial non-hazardous solids
Location of facility:	Gortadroma, Ballyhahill, County Limerick
Licence application received:	Not relevant
Licence review initiated:	18 th June 2009
Third Party submissions:	17 th July 2009 Limerick/Clare/Kerry Region 28 th July 2009 An Taisce 21 st August 2009 HSE
Licensee submission:	16 th July 2009
Article 16(3)(a)(i) Notification	27 th July 2009
Article 16(3)(a)(i) Reply	26 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 Gortadroma Landfill, Gortadroma, Ballyhabill, County Limerick waste licence register number W0017-04. 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.

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 8.6.
2. The imposition of new limits on the amount of biodegradable municipal waste that can be accepted at the facility (Condition 8.7.1). 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 (Conditions 11.12)
4. Condition 3.30 prohibits the use of bio-stabilised residual waste¹ as daily cover unless the material has been stabilised in accordance with Condition 8.8.4 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 12.3).

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:

Table 1 List of new or amended conditions

Condition or Schedule number	Replacing an existing condition?	New condition?	Description
Definitions or Interpretation		✓	To update with new definitions.
2.2.2.2	✓		Revised Environmental Objectives and Targets schedule requirements
2.2.2.4		✓	New condition to provide Landfill Environmental Management Plan
3.30		✓	Only bio-stabilised residual waste may be used as landfill cover.
6.18		✓	Establishment of groundwater monitoring trigger levels
6.23.11		✓	Gypsum not to be placed in cells containing biodegradable waste.
8.2.6		✓	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
8.2.7		✓	Prohibit the dilution or mixture of waste in order to fulfil waste acceptance requirements
8.2.8		✓	Waste checking, inspection and record keeping
8.2.9		✓	Waste receipts
8.6		✓	Only pre-treated wastes permitted at landfill
8.7		✓	Limits the acceptance of BMW
8.8		✓	Determining the BMW content of the accepted waste
8.9		✓	Waste quarantine
11.6		✓	Waste recording requirements
11.9	✓		Updated waste recovery reporting requirements
11.11		✓	Notification to the Agency of any waste not meeting waste acceptance criteria
11.12		✓	Report on compliance with diversion targets
12.2		✓	Requiring landfill costs be covered by disposal charges
12.3		✓	Environmental liabilities
Schedule A, Table A.2.1	✓		Amalgamation of household and commercial waste types into one category, Municipal Solid Waste, and removal of sludge from accepted waste.
Schedule A, Table A.2.2		✓	Total permitted landfill capacity by volume
Schedule C, Table C.3	✓		Amended table to include daily monitoring for evaporation and atmospheric humidity and to provide for additional monitoring locations.
Schedule C, Table C.6		✓	Waste monitoring
Schedule E	✓		Recording and reporting to the Agency.
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 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. A submission was received from the licensee. The following are the items addressed in the submission:

Condition 3.24.2

The licensee requested that Condition 3.24.2 relating to the monitoring of leachate levels be amended to reduce the number of monitoring points to two per future constructed cell and one for each fully restored cell.

Response:

Given the limited scope and purpose of this review, it is not appropriate to consider a proposed amendment of such import as part of this review in the absence of an assessment of the potential impact on the operation of the facility.

Recommendation:

No change

Condition 6.21

The licensee requested that the condition relating to the inspection of side slopes of the facility be amended to allow for a weekly visual inspection rather than an annual stability assessment.

Response:

The requirement to annually assess the stability of the side slopes of the facility is a standard condition for licensed sites and sets out the minimum inspection requirements for the side slopes at the facility. However this does not preclude the licensee from carrying out more frequent inspections. Therefore, an amendment to this condition is not considered necessary.

Recommendation:

No change

Condition 1.2 and Schedule A: Limitations

The licensee requested that *Schedule A: Limitations* be amended to remove sludges from the waste types accepted at the facility under Table A2.1 Waste Categories and Quantities.

Additionally, the licensee stated that the quantity and proportions of household and commercial waste received can be variable.

Response:

Given that sludges can no longer be accepted for disposal at the landfill (condition 8.2.5), it is proposed to remove the sludge allowances from Table A.2.1.

On the second item, Schedule A of the licence already allows the quantities of individual waste types to be adjusted with the prior agreement of the Agency (see Note 1 of Table A.2.1). Thus the licensee's second request is already addressed in the licence and requires no amendment. However, given that the variation in the quantities of household and commercial waste received together with the fact that such wastes could be considered jointly under the overall term of Municipal Solid Waste, the licence has been amended to amalgamate the existing maximum tonnages for household and commercial waste. This allows for a total tonnage of MSW (Household and Commercial Waste) of 111,000 tonnes.

Recommendation:

Remove allowance for sludge disposal from Table A.2.1.

Amalgamate the allowances for household and commercial waste into one "municipal waste category" with an acceptance limit of 111,000 tonnes per annum.

Condition 5.1 and Schedule B: Emission Limits

The licensee requested that emission limit values for leachate tankered off-site be removed from the licence. Additionally, the licensee has requested that the daily discharge volume for treated leachate be increased.

Response:

Given the limited scope and purpose of this review, it is not appropriate to consider the proposed amendments of such import as part of this review in the absence of an assessment of the potential impact on the operation of the facility.

Recommendation:

No change

A third party submission was received by the Agency from Limerick/Clare/Kerry Regional Waste Management Office. The following are the items addressed in the submission:

A request was made for confirmation by the Agency that the collection and waste segregation in operation in the Limerick/Clare/Kerry region is satisfactory.

Response:

This is a matter outside the scope of this licence.

Recommendation:

No change

In relation to odour, the submission stated as follows:

'The region have decided not to include any submission in relation to odour as Jim Moriarty has clarified that the OEE have requested that the licensing department of the EPA upgrade the licences to the modern template which includes the requirement for an odour management plan and criteria for gas collection and management with priority to be placed on landfill with high odour complaint levels'

Response:

The OEE have not identified that this site is a priority site with request to odour. The existing odour and landfill gas conditions are sufficient.

Recommendation:

No change

A third party submission was received by the Agency from An Taisce. The following is 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

A third party submission was received by the Agency from the HSE. The following is addressed in the submission:

The submission comprised a copy of internal correspondence within the HSE with regard to Limerick County Council’s submission relating to this licence review. The HSE state that they are satisfied that the change to conditions requested by Limerick County Council in their submission have significant merit and that they have no objections to the submission on public health grounds.

Response:

Limerick County Council’s submission requesting changes to certain conditions of the licence as part of this review have already been discussed and responded to as part of this inspector’s report.

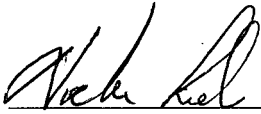
Recommendation:

No change

Overall Recommendation

I have considered all the documentation governing the grounds for the review of this licence, including submissions, 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



VP
Caroline Kelly
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

