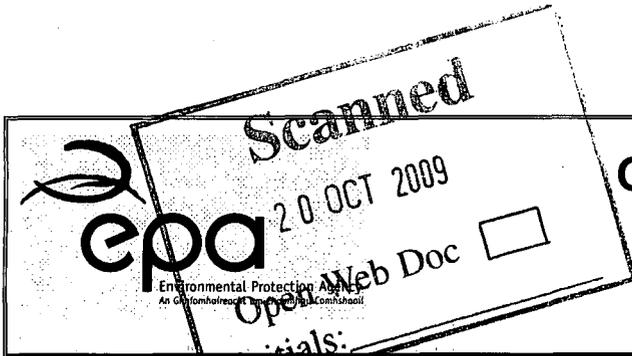


This report has being cleared for submission to the Board by Senior Inspector: Brian Meaney

Signed: *Joseph Kennedy* Date: *01/09/09*



**OFFICE OF CLIMATE,
LICENSING &
RESOURCE USE**

INSPECTOR'S REPORT ON A LICENCE REVIEW

TO:	DIRECTORS
FROM:	Michael Owens - Licensing Unit
DATE:	31 August 2009
RE:	EPA-initiated review of a waste licence for Laois County Council - Kyletalesha Landfill, Licence Register No. W0026-03

Application Details	
Type of facility:	Landfill
Class(es) of Activity (P = principal activity):	3 rd Schedule: 2, 4, 5 (P), 6, 7, 11 & 13 4 th Schedule: 2, 3, 4, 9, 11 & 13
Quantity of waste managed per annum:	47,100 tonnes
Classes of Waste:	Household, commercial, industrial non hazardous solids, sewage sludge, construction and demolition.
Location of facility:	Clonsoughy, Kyleclonhobert, County Laois
Licence review initiated:	18/06/09
Third Party submissions:	1 (28/07/09)
Licensee submission:	No
Article 16(3)(a)(i) Notification	27/07/09
Article 16(3)(a)(i) Reply	18/08/09
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 Kyletalesha Landfill, waste licence register number W0026-03. 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 operator’s 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.
- There is a need to enhance the licence’s control and management of odour as requested by the Office of Environmental Enforcement on foot of odour complaints received in relation to the facility.

In addition, one technical amendment made to the licence since its issue has 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 5.13).
2. The imposition of new limits on the amount of biodegradable municipal waste that can be accepted at the facility (condition 5.14). 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 5.15.7 and 11.8).
4. Condition 5.5.1 prohibits the use of bio-stabilised residual waste¹ as daily cover unless the material has been stabilised in accordance with condition 5.15.4 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 12.2).

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.
1.5.3		✓	Prohibits the acceptance of explosive, corrosive oxidising or flammable wastes.
1.5.4		✓	Prohibits dilution or mixture of waste as a means of meeting waste acceptance criteria.
2.3.2.1	✓		To update requirements for Environmental Objectives and Targets.
2.3.2.3		✓	Landfill Environmental Management Plan (LEMP)
5.2.1		✓	Development of waste acceptance procedures.
5.2.3		✓	Sets out additional requirements for waste acceptance procedures.

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
5.2.4		✓	Sets out requirement for written receipt for waste consignments accepted for disposal at the facility.
5.2.5		✓	Prohibits acceptance of gypsum waste at the site.
5.3	✓		Sets out new requirements for use of waste quarantine area.
5.5.1		✓	Sets out requirements for the nature of landfill cover.
5.13	✓		Sets out requirements with regard to treatment of waste prior to acceptance at the landfill facility.
5.14		✓	Sets out limits and timeframes for percentage of biodegradable waste acceptable at the facility.
5.15		✓	Sets out how the percentage of biodegradable waste should be determined.
8.14		✓	Sets out requirements with regard to odour monitoring and management.
8.16		✓	Sets out requirements for testing and analysis of waste accepted at the facility.
10.2	✓		To update requirements for written records for each waste consignment arriving at the facility.
11.3	✓		Sets out requirement for waste recovery reports
11.7		✓	Sets out requirement to notify the Agency where waste received at the facility fails to meet the waste acceptance criteria.
11.8		✓	Sets out requirement for compliance with waste diversion targets.
12.2		✓	Sets out requirements with regard to Environmental Liabilities.
12.3		✓	Sets out requirements with regard to the setting of landfill gate fees to cover landfill operation, closure and aftercare.
Schedule A Table A.3		✓	Sets out total permitted landfill capacity.
Schedule D Table D.9		✓	Sets out the frequency of monitoring for bio stabilised residual waste.
Schedule D Table D.10		✓	Ambient odour monitoring
Schedule G	✓		Note requiring the agreement of the Agency for the continued use of certain wastes (solid road planings, solid tarmacadam, solid asphalt) for recovery at the facility
Schedule H	✓		Sets out additional reporting requirements in the Annual Environmental Report.

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; provisions of the Landfill Directive (1999/31/EC); and the concerns regarding odour nuisance as notified by the Office of Environmental Enforcement. 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 from An Taisce. The following are the items 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. In addition, they also recommend the carrying out of an assessment to ensure that the landfill is not having adverse effects on the integrity of the Natural Heritage Area within which the landfill lies.

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.

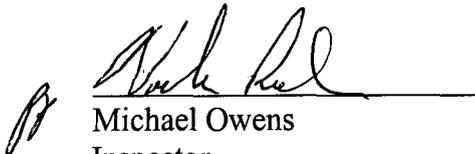
Recommendation:

No change

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


Michael Owens
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.