

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

Signed: *Joseph Kennedy* Date: 21/08/09

**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 Offaly County Council – Derryclure Landfill, Derryclure, Tullamore, County Offaly. Licence Register No. W0029-03	

Application Details	
Type of facility:	Landfill
Class(es) of Activity:	4 th Schedule: Classes 2, 3, 4 & 13 3 rd Schedule: Classes 1, 4, 5, 7, 11 & 13
Quantity of waste managed per annum:	40,000 tonnes
Classes of Waste:	Household, Commercial, Industrial Non-Hazardous Solids, Treated Sewage Sludge, Construction and Demolition Waste.
Location of facility:	Derryclure, Tullamore, County Offaly
Licence review initiated:	18 th June 2009
Third Party submissions:	No
Licensee submission:	No
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 Derryclure Landfill, Derryclure,

Tullamore, County Offaly waste licence register number W0029-03. 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 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, 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 5.2.2)
2. The imposition of new limits on the amount of biodegradable municipal waste that can be accepted at the facility (Condition 5.2.3). 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 5.2.8 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 (Conditions 12.2.1, 12.2.5 and 12.2.6).

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.
2.3.2.1	✓		Updated Environmental Objectives and Targets
2.3.2.3		✓	Landfill Environmental Management Plan
5.2.1	✓		Waste acceptance procedures
5.2.2	✓		Only pre-treated wastes permitted at landfill
5.2.3 and 5.2.4		✓	Limits the acceptance of BMW
5.2.5		✓	Determine BMW content of MSW
5.2.6		✓	Stabilised BMW may be included in MSW totals
5.2.7		✓	Calculation of BMW content
5.2.8		✓	Definition of bio-stabilised residual wastes
5.2.9		✓	Monitoring of bio-stabilised wastes
5.2.10		✓	Action for wastes not meeting bio-stabilisation standards
5.2.11		✓	Provide evidence of compliance with waste acceptance conditions
5.2.12		✓	Provisions to be included in waste acceptance procedures
5.2.13		✓	To prohibit the acceptance of explosive, corrosive, oxidising or flammable material to the landfill
5.2.14		✓	Prohibit the dilution or mixture of waste in order to fulfil waste acceptance requirements

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
5.3	✓		Waste quarantine.
5.5.3		✓	Only bio-stabilised residual waste may be used as landfill cover.
5.8.4		✓	Gypsum not to be placed with biodegradeable waste.
8.12		✓	Waste testing
10.2	✓		Waste recording
10.8		✓	Waste receipts
11.3	✓		Waste reports
11.7		✓	Notification to the Agency of any waste not meeting waste acceptance criteria
11.8		✓	Report on compliance with diversion targets
12.2.1	✓		Environmental Liabilities Risk Assessment
12.2.4	✓		Requiring landfill costs be covered by disposal charges
12.2.5		✓	Statement of measures in relation to prevention of environmental damage and financial provisions for remedial action
12.2.6		✓	Financial provision for closure and aftercare
Schedule A, Table A.3		✓	Total Permitted Landfill Capacity by volume
Schedule D, Table D8		✓	Waste Monitoring
Schedule E		✓	Recording and Reporting to the Agency.
Schedule H	✓		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; 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.

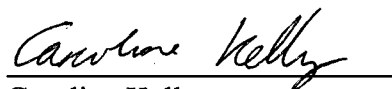
Submissions

As the EPA initiated this review, the licensee was entitled to make a submission. No submission was received from the licensee or third parties.

Recommendation

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

