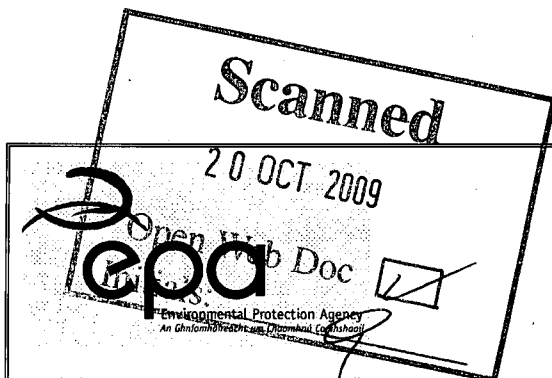


This report has being cleared for submission to the Board by Senior Inspector: Brian Meaney

Signed: Brian Meaney 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 Wexford County Council - for landfill within the townlands of Holmestown Great, Glenduff, Bolgerstown, Muchwood, Ballyeaton, County Wexford - Licence Register No. W0191-01

Application Details	
Type of facility:	Landfill
Classes of Activity (P = principal activity):	4 th Schedule: 2, 3, 4, 9, 10, 11, 12, and 13 3 rd Schedule: 1, 4, 5(P), 6, 7, 11, 12, 13.
Quantity of waste managed per annum:	80,000 tonnes
Classes of Waste:	Non-hazardous household and commercial waste, waste for composting, construction and demolition waste for recovery, household and commercial waste for recovery at the Civic Waste Facility and Materials Recovery Facility.
Location of facility:	Within the townlands of Holmestown Great, Glenduff, Bolgerstown, Muchwood, Ballyeaton, County Wexford.
Licence review initiated:	18 th June 2009
Third Party submissions:	No
Licensee submission:	17 th July 2009
Article 16(3)(a)(i) Notification	27 th July 2009
Article 16(3)(a)(i) Reply	14 th August 2009
EIS Required:	No
New or existing facility (i.e. operational pre- or post-16 July	New

2001)	
Site Inspection	None

On 18 June 2009, the Environmental Protection Agency initiated a review of the waste licence relating to the landfilling activities within the townlands of Holmestown Great, Glenduff, Bolgerstown, Muchwood, Ballyeaton, County Wexford, waste licence register number W0191-02. 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 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 5.17).
2. The imposition of new limits on the amount of biodegradable municipal waste that can be accepted at the facility (Condition 5.18). 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 11.7)

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 5.19.4 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.
2.3.2.1	✓		Updated condition re Environmental Objectives and Targets
2.3.2.3		✓	Landfill Environmental Management Plan (LEMP)
5.2.6		✓	To prohibit the acceptance of explosive, corrosive, oxidising or flammable material to the landfill
5.2.7		✓	Gypsum not to be placed with biodegradable waste.
5.2.8		✓	Prohibit the dilution or mixture of waste in order to fulfil waste acceptance requirements
5.2.9		✓	Notification to the Agency of any waste not meeting waste acceptance criteria
5.2.10		✓	Waste testing
5.3	✓		Waste Quarantine
5.5.3		✓	Only bio-stabilised residual waste may be used as landfill cover.
5.17		✓	Only pre-treated waste to be accepted at the landfill.
5.18		✓	Limits on acceptance of Biodegradable Municipal Waste (BMW)
5.19		✓	Determine BMW content of MSW
5.20		✓	Provisions to be included in waste acceptance procedures
5.21		✓	Waste receipts
6.9		✓	Odour Management Plan (OMP)

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
10.2	✓		Waste Records
11.3	✓		Updated Waste Recovery Reports
11.7		✓	Demonstrate compliance with diversion targets
12.2		✓	Environmental Liabilities
12.4		✓	Requiring landfill costs be covered by disposal charges
Schedule A, Table A.2		✓	Total permitted landfill capacity
Schedule F	✓		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) 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. A submission was received from the licensee. The following are the items addressed in the submission:

Item 1:

"It is our view that in considering any amendments to the above waste license that the EPA should consult with the licensee through its Facility Manager at the Holmestown Waste Manage Facility (WMF). WCC consider that practitioners may be able to offer assistance in developing best environmental and economic options to attaining the objectives of the review"

Response:

The Facility Manager of Holmestown WMF was entitled to make submission to the Agency with regard to this review to raise issues of concern. Regarding

implementation of the licence conditions, the EPA is consulting with a number of operators in the waste industry to obtain data on waste characterisation.

Recommendation:

No change on foot of this submission.

Item 2:

"The above report does not address the issue of treatment capacity for the organic fraction on a national or regional basis. The implementation of a separate organics collection for population centres >1,500 is dependent on having available treatment capacity. It will not be possible to roll out a 3 bin system if sufficient outlets for the organic material do not exist in the region."

Response:

It is not clear what report the submission refers to. In any event, the issue of separate organics collection and the establishment of treatment facilities or outlets are outside the scope of this licence. On the capacity question, recent research carried out by Cré, and published in an InterTrade Ireland Report (Market Report on the Composting and Anaerobic Digestion Sectors, May 2009), shows that not only is there is a significant amount of biodegradable waste treatment capacity currently available on the island of Ireland, but that there is also significant potential extra capacity available to build should the extra BMW come onto the market.

Recommendation:

No change on foot of this review

Item 3:

"The review should allow WCC as landfill operator adequate time to implement change. Changes to landfill licences may affect waste collectors and processors, and may involve planning/EIS/DAFF licensing and regulation."

Response:

The requirement that all wastes be pre-treated before acceptance to the landfill is set out in the Landfill Directive (1999/31/EC), which commenced in 2001. There is a national requirement that this be implemented for all landfill sites. Condition 5.17 of the Proposed Decision will have immediate effect. Regarding the development of new waste acceptance procedures, condition 5.2.1 allows one month for their submission to the Agency for agreement. It is inevitable that change will impact on those waste collectors and processors that wish to have continued access to landfill.

Recommendation:

No change on foot of this submission

Item 4:

"Wexford County Council supports the principle of separation at source for BMW in population catchments >1,500 as the first step in reducing the amount of organics

going to landfill. If this approach is to be effective – it will need to be reinforced by legislation and advertising campaigns and be incentivised at a national level so that its effective in terms of achieving good participation rates in urban areas”

Response:

The Agency does not disagree with the overall view that appropriate policy and effective management of household and commercial waste at the local level will be required to achieve separation at source. However this is outside the scope of this licence review.

Recommendation:

No change on foot of this submission.

Item 5:

“Please clarify the pre-treatment requirements for the SE region given its significant rural population outside of population centres >1,500. What can reasonably be expected in terms of participation rates and the affordability in the current economic climate”

Response:

This is a matter of local authority waste policy in the south-east region and is not within the scope of this licence review.

Recommendation:

No change on foot of this submission.

Item 6:

“Please clarify what, if any, criteria or procedures for validation of pre-treatment criteria will apply to the Holmestown WMF. What form will these criteria take and who will undertake same”.

Response:

The Agency is developing guidance on the validation of pre-treatment criteria.

Recommendation:

No change

Item 7:

“It is important that any new licence requirements enable landfill operators to provide an affordable service to customers”.

Response:

This is a matter for the landfill operator, notwithstanding the provisions of Condition 12.4 which requires that the costs of the setting up, operation closure and after care be covered by the price charged for the disposal of waste at the facility in accordance with the provisions of Section 53A of the Waste Management Acts, 1996 to 2008.

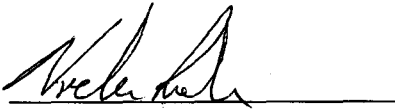
Recommendation:

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



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.

