


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

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



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An tAonmhéideacht in Gaeltacht, Comhairle

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LICENSING &  
RESOURCE USE**

**INSPECTOR'S REPORT ON A LICENCE REVIEW**

<b>TO:</b>	DIRECTORS	
<b>FROM:</b>	Caroline Kelly	- Licensing Unit
<b>DATE:</b>	31 August 2009	
<b>RE:</b>	EPA-initiated review of a waste licence for Bord Na Móna – Drehid Waste Management Facility, Licence Register No. W0201-03	

<b>Application Details</b>	
Type of facility:	Landfill
Classes of Activity (P = principal activity):	4 <sup>th</sup> Schedule: 2, 11, and 13 3 <sup>rd</sup> Schedule: 1, 4, 5(P), 6, and 13.
Quantity of waste managed per annum:	360,000 tonnes to landfill 25,000 to composing unit.
Classes of Waste:	Non-hazardous municipal, commercial and industrial wastes.
Location of facility:	In the townlands of Parsonstown, Loughnacush, Kilkeaskin, Drummond, Timahoe West, Coolcarrigan, Killinagh Lower and Killinagh Upper, County Kildare
Licence review initiated:	18 <sup>th</sup> June 2009
Third Party submissions:	None
Licensee submission:	14 <sup>th</sup> July 2009
Article 16(3)(a)(i) Notification	27 <sup>th</sup> July 2009
Article 16(3)(a)(i) Reply	9 <sup>th</sup> August 2009
EIS Required:	No
New or existing facility (i.e. operational pre- or post-16 July 2001)	New
Site Inspection	None

On 18 June 2009, the Environmental Protection Agency initiated a review of the waste licence relating to the landfilling activities at Drehid Waste Management Facility waste licence register number W0201-03. 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 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, a 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 8.1).
2. The imposition of new limits on the amount of biodegradable municipal waste that can be accepted at the facility (Condition 8.1.2.). 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 8.1.5)
4. Condition 6.26.13 prohibits the use of bio-stabilised residual waste<sup>1</sup> as daily cover unless the material has been stabilised in accordance with Condition 8.1.4.4 of the licence and satisfies Department of Agriculture, Fisheries and Food requirements in relation to the treatment of animal by-products, recently

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<sup>1</sup> Defined in the PD.

articulated in DAFF guidance<sup>2,3</sup>. Material not meeting these requirements must be disposed of in the landfill body.

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.
2.2.2.2	✓		Environmental Objectives and Targets
2.2.2.4		✓	Landfill Environmental Management Plan (LEMP)
6.3	✓		Waste testing
6.26.13		✓	Only bio-stabilised residual waste may be used as landfill cover.
8.1.1	✓		Only pre-treated waste to be accepted at the landfill.
8.1.2 and 8.1.3	✓		Limits on acceptance of Biodegradable Municipal Waste (BMW)
8.1.4	✓		Determine BMW content of MSW
8.1.5	✓		Report on compliance with diversion targets
8.1.10	✓		Revised waste acceptance procedures
8.1.15	✓		Notification to the Agency of any waste not meeting waste acceptance criteria
8.15		✓	Waste quarantine
11.9	✓		Waste records
Schedule C.5	✓		Waste Monitoring
Schedule E	✓		Reporting
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

<sup>2</sup> 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.

<sup>3</sup> 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.

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:

The licensee is of the opinion that the calculations employed in the derivation of the guidance limits on BMW allowed to landfill are neither clear nor transparent. Additionally, the licensee is of the opinion that the limit of maximum allowable BMW content in MSW accepted at landfill should be between 55% and 64%.

#### Response:

Condition 8.1.2 sets out the limits on acceptance for biodegradable municipal waste, which for calendar years 2010, 2011 and 2012 is set at a maximum 40% by weight of MSW. However, this is subject to the following proviso '*Unless otherwise as may be specified by the Agency*'. Therefore, this factor may be revisited where necessary without being contrary to the licence conditions in the RD.

#### Recommendation:

No change on foot of the submission

#### Item 2:

The licensee expressed concern regarding the calculation of BMW proportions, particularly in relation to residue from incineration and also with regard to the validation of pre-treatment.

#### Response:

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

#### Recommendation:

No change on foot of the submission

#### Item 3:

The licensee requested that given the very recent review to this licence (W0201-02, dated 9<sup>th</sup> April 2009) that amendments be made only to conditions relating to the diversion and pre-treatment requirements of the landfill directive.

#### Response:

The main scope of this review is to ensure that the licence conditions give effect to the provisions of Articles 5 and 6 of the Landfill Directive, as currently implemented in Ireland, and the limits on acceptance of BMW set out in the EPA's guidance '*Municipal Solid Waste – Pre-treatment and Residuals Management: An EPA Technical Guidance Document* published 19 June 2009'. Such changes are outlined in table 1 above.

Recommendation:

No change on foot of the submission

### 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.

