

**This Report has been cleared
for submission to the Board by
the Programme Manager F Clinton**
Signed: [Signature] Date: 10/2/10

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



**REPORT OF THE TECHNICAL COMMITTEE ON
OBJECTIONS TO LICENCE CONDITIONS**

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| TO: | Directors |
| FROM: | Technical Committee - LICENSING UNIT |
| DATE: | 10 February 2010 |
| RE: | Objection to Proposed Decision for Greenstar Holdings Ltd., Waste Reg: W0146-02 |

| Application Details | |
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| Classes of Activity (P = principal activity): | 4 th Schedule: 4, 9, 11 & 13 3 rd Schedule 1, 4, 5 (P), 6 & 13 |
| Location of activity: | Knockharley, Navan, Co.Meath. |
| Licence review initiated: | 18/06/09 |
| PD issued: | 19 th October 2009. |
| First party objection received: | 16 th November 2009. ^{Note 1} |
| Third Party Objection received | 13 th November 2009 (Knockharley and District Residents Association). |
| Submissions on Objections received: | None. |
| Additional Information received: | None. |

Note 1: In accordance with Section 17(1) of the Waste Management Acts (1996 to 2008), as the final date for a valid objection was a Sunday (15th November), all valid objections received up to and including Monday 16th November were regarded as having been received before the expiration of the objection period.

Company

On 18th June 2009, the Environmental Protection Agency initiated a review of the waste licence relating to the landfilling activities at Knockharley Landfill, waste licence register number W0146-02. The main reasons for initiating the review were:

- To 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.
- To incorporate 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 the 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.

- To address odour issues as requested by the Office of Environmental Enforcement on foot of odour complaints received in relation to the facility.

One submission was received (first party) in relation to the application and this was considered by the Board at PD stage.

Consideration of the Objection

On 2nd February 2010 the Board of the Agency approved the recommendation of the Licensing Inspector that an oral hearing of the objections was not required in this case based on the following criteria:

1. Whether there were any new issues not previously raised that are specific to the location or the development.
2. The sensitivity of the location/local environment.
3. Whether it is a matter of national or regional importance.
4. The scale or complexity of the development.
5. Whether there was any significant new information.

The Technical Committee, comprising of Seán O Donoghue (Chair) and Jennifer Cope, has considered all of the issues raised in the Objections and this report details the Committee's comments and recommendations following the examination of the objections. The Technical Committee consulted Agency Inspector Brian Meaney (expert for waste sector), in relation to waste issues.

This report considers the first and third party objections. There were no submissions on either of the objections.

First Party Objection

The applicant makes 17 points of objection, each of which have been dealt with below.

A.1. Acceptance of asbestos waste (interpretation section and proposed new condition)

The licensee requests the inclusion of a condition to allow the disposal of asbestos waste at the facility, and also a definition/explanation of the term "Asbestos Waste" in the interpretation section of the licence. The applicant has supplied a proposed wording in the objection for both the condition and the definition/explanation.

Technical Committee's Evaluation: The same request was included as part of a submission from the licensee made prior to the Proposed Decision (PD). In addressing the request the inspector's report states that "regarding the request to permit the acceptance of asbestos for disposal at the facility, it is not possible to evaluate the impact in the absence of a full technical assessment of the proposed changes." Neither the RD nor the PD allow for the disposal of asbestos waste at the facility. As the Board has already made a decision on this matter having given full consideration to the licensee's request, the Technical Committee sees no reason to recommend any change to the PD in this regard. However there is a licence review application currently with the Agency for this facility (W0246-03) and the licensee has included therein a proposal to accept up to 10,000 tonnes of construction materials containing asbestos waste.

Recommendation: No change.

A.2. Condition 1.5

The licensee requests the amendment of this condition, which prevents the disposal of hazardous wastes at the facility, in order to exempt “hazardous wastes suitable for disposal in non-hazardous landfills in accordance with Article 6(c)(iii) of Council Directive 1999/33/EC”. The purpose of this amendment is to allow the disposal of asbestos waste at the facility, as outlined in A.1 above.

Technical Committee’s Evaluation: As per A.1 above, it is not recommended to allow the disposal of asbestos waste at the facility at present, and therefore it is also not recommended to amend this condition.

Recommendation: No change.

A.3. Condition 1.6

The licensee proposes an amendment to a section of the condition as follows (additional wording in bold text):

*“(i) Treatment shall reflect published EPA technical guidance as set out in **Municipal Solid Waste – Pre-treatment and Residuals Management, EPA 2009 and the EU Directive on the landfilling of waste.**”*

Technical Committee’s Evaluation: The EPA technical guidance document *Municipal Solid Waste – Pre-treatment and Residuals Management, EPA 2009*, fully addresses the requirements of the landfill directive and the technical committee does not consider it necessary to include any specific reference to the Landfill Directive.

Recommendation: No change.

A.4. Condition 1.13.1

The licensee objects to the wording of condition 1.13.1 and states “the term ‘disposal’ should be removed from the wording of this condition as it is contrary to the Landfill Directive (Council Directive 1999/31/EC) which refers only to biodegradable waste ‘going’ to landfill.”

The licensee has requested the removal of the percentage limits from this condition, on the basis that the percentages used are significantly out of date, and the use of more up to date percentage figures will have a big impact in terms of required infrastructure and investment.

Furthermore, the use of percentage figures is flawed and targets should be expressed in terms of tonnes. The licensee believes that the use of percentages disincentivises recycling of both biodegradable and non-biodegradable waste. The Agency should focus on increasing the absolute level of biodegradable waste diversion, and should limit the amount of non-processed waste delivered directly to landfill. This would require waste collectors to invest in biowaste treatment or use MRF facilities.

The licensee notes that from the EPA Waste Workshop in October 2009 it is acknowledged that the percentage figures will change.

The licensee also states 'It is a concern both in terms of environmental risk and anti-competitiveness, that the Agency has not sought to attach conditions restricting BMW intake to all landfill licences currently accepting or licensed to accept MSW.'

Technical Committee's Evaluation: In accordance with the landfill directive: “‘landfill’ means a waste disposal site for the deposit of the waste onto or into land.” Landfilling as an activity is disposal. The use of the term ‘disposal’ in the condition is not contrary to the Landfill Directive.

The calculations on BMW diversion from landfill in the EPA technical guidance document *Municipal Solid Waste – Pre-treatment and Residuals Management (2009)* were based on 2007 statistics. The guidance stated that as further statistical data became available the EPA would update this direction to the sector, as necessary. The 2008 National Waste Report identifies that there has been a decrease in the generation of municipal waste. This may allow for an increase in the percentage limit in order to ensure that diversion of BMW from landfill is adequate to meet the requirements of the Landfill Directive and a change in the percentage has been signalled accordingly. Condition 1.13.1 allows for the EPA to vary percentage limits.

With regard to the use of percentage limits as opposed to tonnages, the licensee does not elaborate on how this disincentivises waste recycling. The percentage limits specified in the condition are derived directly from the percentages specified in Article 5 of the landfill Directive 1999/31/EC as they have been applied to national statistics in the National Strategy on Biodegradable Waste and most recently updated in the National Waste Report 2008. With regard to the proposal to *limit the amount of non-processed waste delivered directly to landfill*, condition 1.6 prohibits the landfilling of untreated waste.

The EPA initiated a review of 25 landfill licences in June 2009. It is anticipated that all landfills that accept municipal solid waste will be reviewed prior to commencement or prior to July 2010.

Based on the above the technical committee do not consider it necessary to amend this condition.

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| Recommendation: No change. |
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A.5. Condition 1.13.2

The licensee proposes a change to Condition 1.13.2 to remove the requirement to review the landfill licence in order to allow an increase in the limits set out in Condition 1.13.1. The licensee objects to applying for a review of a waste licence unless overall tonnage is to be increased.

The licensee states that the agreement allowed under the condition should not be restricted to landfills, and upstream waste facilities such as MRFs should be included, as increased BMW diversion through recycling at a MRF upstream of the landfill should be the Agency's focus. The conditions should reflect upstream recycling and landfill diversion. Not to do this would place the expansion of recycling at a disadvantage compared to the expansion of bio-stabilisation technology.

Technical Committee's Evaluation:

An application for a waste licence review will only be required when there is a proposed increase in the limits set out in condition 1.13.1. A technical amendment may be sought for a decrease. An increase in BMW acceptance at the landfill may give rise to odour nuisance at the landfill given the fact that BMW is odour forming. Therefore the EPA would be required to assess the impact of an increase in BMW acceptance at the landfill under a licence review and there would be a need to allow public participation.

The purpose of this licence review is primarily to implement the Landfill Directive. The EPA has not at this time proposed allowing collective agreements with facilities other than landfills. The limits apply to all landfill operators, but compliance with the limits will impact on upstream waste operations.

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| Recommendation: No change. |
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A.6. Condition 1.14.1

The licensee requests an amendment to the condition requiring it to determine the biodegradable municipal waste content of Municipal Solid Waste (MSW) accepted for disposal at the facility. The amendment would only require such determination when testing protocols have been agreed to the satisfaction of the Agency. The licensee requests the amendment on the basis that it is premature to require such testing in advance of agreed testing protocols.

Technical Committee's Evaluation:

The EPA has published a draft "Protocol for the Evaluation of Biodegradable Municipal Waste sent to Landfill by Pre-Treatment Facilities" for public consultation. Submissions have been invited up to 1 April 2010. It is anticipated by OEE that this guidance will be finalised prior to the 1 July 2010 implementation date for BMW diversion. In the interim, the licensee should be in a position to use the preliminary BMW factors published in that document or to use locally generated factors, subject to the agreement of the Agency, in accordance with condition 1.14.3.

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| Recommendation: No change. |
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A.7. Condition 1.14.2

The licensee requests that chemical treatment processes be included in this condition (in addition to biological treatment processes) with regard to criteria for defining waste as bio-stabilised. This would allow access to a greater range of available and emerging tests.

Technical Committee's Evaluation: There appears to be confusion between the reference to biological treatment processes for stabilisation and the testing of the bio-stabilised residual waste. The wording proposed by the applicant makes reference to chemical treatment process parameters, however it appears to the technical committee that the intent of the objection is to include chemical tests for measuring the extent of biostabilisation. The committee does not see how the amended wording proposed will meet the purpose of the objection. The condition makes no reference to the test method for determining biostabilisation.

Recommendation: No change.

A.8. Condition 1.14.3

The licensee requests the removal of the reference to the use, where appropriate, of EPA approved contractors for the determination of calculation factors for use in determining BMW content. This is requested as it is considered to be anti-competitive.

Technical Committee's Evaluation: The enabling condition allowing the Agency to require the use of EPA-approved contractors is, *inter alia*, designed to ensure consistency in determination of BMW factors should this prove necessary in light of variable or inconsistent findings being reported from treatment or landfill facility operators. The ability to carry out the characterisation in accordance with approved protocols will be the qualifying criterion for approval. It is therefore not the opinion of the committee that this practice will be anti-competitive.

Recommendation: No change.

A.9. Condition 1.14.4

This condition defines biostabilisation of residual waste as, inter alia, the reduction of respiration activity such that after four days it is < 10mg O₂/g DM, and < 7mg O₂/g DM from January 1st 2016. The licensee objects to the post 2016 limitation, stating that it is excessive, has a detrimental effect on the bankability of existing biostabilisation technology, and will probably prevent its construction. Also, this limit provides very little extra benefit for the costs involved.

Technical Committee's Evaluation: The relevant EPA guidance, (*Municipal Solid Waste – Pre-treatment and Residuals Management: An EPA Technical Guidance Document* published 19 June 2009) specifies the 10mg O₂/g DM and 7mg O₂/g DM standards. With regard to the 7 mg O₂/g DM standard, the guidance states: “The higher standard required from 2016 onwards reflects the desire to reduce the residual landfill gas production potential in the bio-stabilised waste sent to landfill. The higher standard is appropriate under the terms of BAT.” This guidance was published following consultation with industry stakeholders.

Recommendation: No change.

A.10. Condition 1.16

The licensee objects to the wording of the condition and states that there are already conditions in the waste licence which meet the requirements of the Department of Agriculture to ensure that farm animals or the food chain does not come into contact with waste.

Technical Committee's Evaluation: The purpose of this condition is to ensure full compliance with any requirements of the Department of Agriculture, Fisheries and

Food relating to the management of animal by-products. The technical committee sees no reason for change in this regard.

Recommendation: No change.

A.11. Condition 2.5.1

The licensee requests an amendment to this condition such that the requirement to conduct an energy audit within one year of the granting of the licence is replaced by a requirement to conduct such audits "at intervals as required by the Agency". This is requested as the licensee has already submitted a report on such an audit to the Agency.

Technical Committee's Evaluation: Consultation with the OEE on this matter revealed that the licensee, while having completed an energy audit in 2007, failed to submit a report on the audit to the Agency as required by its licence (Reg. No. W0246-01). It is therefore necessary for the revised licence to retain the requirement as stated in the PD.

Recommendation: No change.

A.12. Condition 6.11

The licensee requests the removal of this condition as repeated attempts by Greenstar have failed to agree on a location for the monitor with the school board. The company is concerned that some locations would give rise to interference due to fumes from farm and road traffic, and the results would be therefore be of limited use.

Technical Committee's Evaluation: This request was included as part of a submission from the licensee made prior to the PD, which was fully addressed in the inspector's report, and the PD retained this condition unchanged. As the Board has already made a decision on this matter having given full consideration to the licensee's request, the Technical Committee sees no reason to recommend any change to the PD in this regard.

Recommendation: No change.

A.13. Condition 7.1

The licensee requests the amendment of this condition to the following:

"Emissions from the activities shall be free from odour at levels likely to cause significant odour annoyance outside the site, as perceived by an authorised officer of the Agency, unless the operator has used appropriate measures agreed with the Agency under condition 8.1.4 to prevent or, where that is not practicable, to minimise the odour. The licensee shall ensure that birds, vermin, dust, mud and flies do not cause pollution and are managed in accordance with the requirements of this waste licence."

Technical Committee's Evaluation: This request was included as part of a submission from the licensee made prior to the PD, which was fully addressed in the inspector's report, and the PD retained this condition unchanged. As the Board has already made a decision on this matter having given full consideration to the licensee's request, the Technical Committee sees no reason to recommend any change to the PD in this regard.

Recommendation: No change.

A.14. Schedule D, Table D.10

The licensee requests a biannual ambient odour monitoring frequency (the PD requires monthly monitoring), and also that monitoring need not commence until six months from the date of commencement of waste disposal. The licensee also requests that the monitoring method is specified in the table as one of those described in the draft CEN Standard CEN/TC264/WG2.

Technical Committee's Evaluation:

The Office of Environmental Enforcement (OEE) currently operates to a standard procedure when undertaking odour assessments in the vicinity of landfill facilities. This methodology requires the use of a Field Sheet for odour assessment at the landfills – mapping odour intensity on a grid basis, taking account of local topography and prevailing weather conditions. Whilst the document has not yet been formally published OEE have provided the Standard Operating Procedure to a number of landfill operators in order to assist operators in assessing odour impact. It is considered that the use of this procedure will allow operators to trend odour impact over a prolonged period in the immediate vicinity of the landfill. It is the intention of the OEE to formalise this document and to make it available to all landfill operators in the short term.

This request, in its entirety, was originally included as part of a submission from the licensee made prior to the PD and was fully addressed in the inspector's report. The PD imposed a monthly monitoring frequency, using a method to be agreed with the Agency which will enable a database of odour incidence to be developed. As the Board has already made a decision on this matter having given full consideration to the licensee's request, the Technical Committee sees no reason to recommend any change to the PD in this regard.

Recommendation: No change.

A.15. Odour control (proposed new condition)

The licensee has proposed a condition which requires the licensee to undertake an odour assessment and prepare an odour management plan, and specifies the scope of both. The condition also requires the submission to the Agency of a programme for ongoing odour monitoring and assessment. The licensee states that the proposed condition is based on conditions in the current licence and will help to reduce the potential for odour nuisance.

Technical Committee's Evaluation: This request was originally included as part of a submission from the licensee made prior to the PD and was fully addressed in the inspector's report.

As outlined in the inspector's report, condition 6.10 of the PD imposes new obligations regarding prevention, assessment and management of odour. This is due to the number of odour complaints received in relation to Knockharley landfill. The Office of Environmental Enforcement has identified the facility as being in need of enhanced control regarding the prevention and management of odour.

As the Board has already made a decision on this matter having given full consideration to the licensee's request, the Technical Committee sees no reason to recommend any change to the PD in this regard.

Recommendation: No change.

A.16. Condition 11.10

The licensee requests three changes to the condition:

- 1. The removal of the first sentence, which requires the licensee to report to the Agency such data and records, and at such a frequency, as may be specified by the Agency to demonstrate compliance with condition 1.13.1.*
- 2. The deadline for the submission of quarterly reports to be extended from a week to ten days after the end of the reporting period.*
- 3. The removal of the requirement to report on compliance on a cumulative basis for the calendar year to date.*

The licensee submits these objections on the basis that the requirements are excessively onerous and out of line with existing quarterly reporting requirements.

Technical Committee's Evaluation: This condition requires the licensee to monitor for compliance with condition 1.13.1 on an ongoing basis. It is considered that the licensee should be able to produce figures within one week of the end of each quarter to demonstrate compliance with the relevant targets (both quarterly and year to date), and that such practice would be consistent with good management of the landfill. This is not considered excessively onerous, and the licensee has not provided any specific details in this regard.

Recommendation: No change.

A.17. Schedule D, Table D.9 Waste Monitoring

The licensee states that the requirement to sample every 200 tonnes from each waste source (and test for respiration activity after 4 days) is an excessively high sampling frequency, would be excessively costly (€200,000 per annum for customers of the landfill), and will cause significant health and safety risks due to the increased number of machine movements needed to get the samples. The licensee states that it is unclear how responsibility for carrying out this rate of sampling is to be transferred to the Materials Recovery Facilities

(MRFs). The licensee notes also that the Agency has committed to covering the full costs of such testing for the first year.

Technical Committee's Evaluation: A draft "Protocol for the Evaluation of Biodegradable Municipal Waste sent to landfill by Pre-Treatment Facilities", November 2009, is available to download from the EPA's website and refers to the sampling frequency. The draft Protocol sets out the sampling and monitoring regime which will provide acceptable evidence to the EPA of BMW content of MSW sent to landfill.

The guidance in the draft Protocol and the associated reporting spreadsheet will be field tested over the coming months with a view to finalising the documents by July 2010. Any interested party is invited to make a submission on the content and operation of the protocol up to 1 April 2010.

Table D.9 refers solely to the monitoring of biostabilised residual waste which is defined in the licence as "residual biodegradable municipal waste that has been treated to achieve an EPA-approved biodegradability stability standard (as defined in this licence) prior to landfilling or alternative use agreed." The monitoring frequency referred to in Table D.9 can be reduced if an alternative protocol is agreed with the Agency under Condition 1.14.2, such an alternative protocol to incorporate the correlation of biological treatment process parameters with the biostabilisation standard.

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| Recommendation: No change. |
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Third Party Objections

The third party objection is from Knockharley and District Resident's Association, and is signed by Mr. Patrick Lawlor, Chairman of the Association. The document contains several points of objection each of which have been dealt with below. The document also contains many observations, questions, comments and requests which relate to topics largely outside the scope of the licence, and these are dealt with separately below.

B.1 Interpretation.

A list of terms from this section is presented which the objectors believe to require clearer definition:

Biodegradable Municipal Waste: *The word "wood", as used in the explanation of this term in this section, needs to be defined for the purpose of this licence.*

Construction and Demolition (C & D) Waste: *The definition needs to say whether woodchip is included.*

Daily Cover: *It needs to be stated whether this includes woodchip, and if so, in what quantities.*

Emission Limits: *Explanation should include the words "limits laid out in other regulations".*

Intermediate cover:

Alternatives to soil need to be defined.

Liquid waste:

The reference to waste “tankered to the facility” should be removed as this does not apply to this facility.

Technical Committee’s Evaluation: Explanations have been provided below where required to clarify issues raised in the objection. It is not appropriate in the interpretation section of the licence to do other than define terms in their correct context vis-à-vis the waste licence. Given that these terms are defined or explained in the interpretation section, and controls relating to these terms is contained in the main conditions of the licence, no changes are recommended.

BMW: The definition in the PD is not contrary to that used in the National Strategy for Biodegradable Waste. Wood is a biodegradable material and if from a municipal source is biodegradable municipal waste. Condition 1.14 of the PD sets out how biodegradable municipal waste is to be measured at the landfill

C & D Waste: Woodchip arising from a construction and demolition activity would be rightly classified as C & D waste. EWC code 17 02 01 is for wood waste derived from C & D activities.

Daily Cover: It is not appropriate to be overly specific in this section of the licence as to what constitutes adequate daily cover. The application of daily and intermediate cover is controlled under conditions 1.16 and 5.7 and specific aspects can be agreed with the OEE on an ongoing basis, based on guidance and best practice as these evolve over time. The Agency is currently preparing revised guidance on this topic which is expected to be finalised in 2010.

Intermediate cover: As for daily cover above, it is not appropriate to be overly specific in the licence interpretation, as it is controlled under condition 5.7 and specific aspects can be agreed with the OEE on an ongoing basis, based on guidance and best practice as these evolve over time.

Emission Limits: This term seeks to explain and define terms only as they apply within the context of the licence. Note also that Condition 1.3 of the PD states: “This licence is for the purposes of waste licensing under the Waste Management Acts 1996 to 2008 only and nothing in this licence shall be construed as negating the licensee’s statutory obligations or requirements under any other enactments or regulations.”

Liquid waste: Condition 1.5 of the PD prohibits the disposal of liquid waste at the facility. The definition of liquid waste in the PD makes it clear that any wastes tankered to the facility are included. The amendment suggested by the objectors would remove this clarity about the acceptability of acceptance of such waste.

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| Recommendation: No change |
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B.2 Condition 1.13.2

The Association requests the removal of this condition as it allows the sowing of confusion as to the amount of biodegradable material being landfilled in any particular facility, and could theoretically allow up to 100% biodegradable waste being landfilled at a facility, with all the

attendant nuisance. The objection states that it is contradictory to EU Directives, and notes also that the EPA legal advisor recommended removal of this condition.

Technical Committee's Evaluation: The condition makes it clear that a licence review will be required in order to increase the limits set out in condition 1.13.1. This condition therefore does not in itself allow any such increases. The review mechanism would require all third party submissions and objections to be addressed, and also that Section 40(4) of the Waste Management Acts 1996 to 2008 be satisfied, i.e. that the activity will not cause environmental pollution.

Any revised licence issued in these circumstances would have revised limits clearly specified, so that there would be no confusion regarding the amounts of BMW allowed to be disposed at the landfill.

The objection does not specify which EU Directives it believes this condition contradicts. Legal advice received by the EPA is an aid to decision making and no more, and the Board of the Agency makes all decision relating to the content of its licences.

Recommendation: No change

B.3 Condition 1.15

The Association requests the addition of a condition 1.15.5 to this condition, which would state that failure to comply with any licence condition will result in a withdrawal of permission for the acceptance of waste.

Technical Committee's Evaluation: This condition amounts to a compulsory revocation or suspension of the licence in the event of a non-compliance with any licence condition. Section 48 A of the Waste Management Acts 1996 to 2008 specify that the Agency may revoke or suspend a waste licence if it appears to the Agency that the holder of the licence no longer satisfies the requirements of Section 40(7) for being regarded as a fit and proper person.

The inclusion of such the condition requested by the Association would remove the discretion of the Agency to apply the provisions of Section 48A, and therefore cannot be considered further by the committee.

Recommendation: No change.

B.4 Condition 2.4

The Association requests the addition of a requirement that a public file mirroring that kept by the Agency is available at the facility for inspection by any member of the public.

Technical Committee's Evaluation: It is not considered practicable or possible for the licensee to maintain a file completely identical to the Agency's file at all times. The

wording of the condition in the PD requires information concerning the environmental performance of the facility to be available to the public at all reasonable times, and this is considered adequate for the purpose of allowing the public to be informed in this regard.

Recommendation: No change.

B.5 Condition 5.9.5

The Objection questions why the deadline for permanent capping of filled cells has been extended to 24 months from 12 months in the current licence.

Technical Committee's Evaluation: This matter was addressed in the Inspector's Report (see submission No. 8) and the change that was proposed reflects current practice in landfill licensing by the EPA.

Recommendation: No change.

B.6 Condition 6.10.1

The Objectors believes this condition to be superfluous, and requests that it reflects changes from July 2010 onwards.

Technical Committee's Evaluation: It is not stated in the objection why the condition is superfluous. On the latter point, the odour management plan is not required to be submitted to the Agency until six months after the date of grant of licence, which will be post July 2010. The plan will be expected to be relevant to the circumstances pertaining to the operation of the landfill at that time.

Recommendation: No change.

B.7 Condition 6.10.7

The Association states that this condition should be removed, as no odorous or odour-forming wastes should be accepted at the facility as it has caused nuisance to date, and any such acceptance is a de facto breach of licence conditions. It should be replaced with a condition banning acceptance of odorous wastes.

Technical Committee's Evaluation: It is considered that the operation of the landfill in accordance with the conditions specified in the PD will prevent odour nuisance. Municipal waste is by its nature odour forming because of the disposal by householders and businesses of biodegradable waste. But the requirement in condition 1.13.1 to progressively reduce the quantities of biodegradable municipal waste disposed of at the landfill is expected to have a positive impact in terms of odour.

Recommendation: No change.

B.8 Condition 6. (proposed new condition)

The Association requests a new condition which would require the regular monitoring of emissions off site. Monitoring locations should be on and off site, in sensitive areas, i.e. close to the facility boundary, downwind of the facility, and near the local Primary School.

Technical Committee's Evaluation: Condition 8.1 and Schedule D of the licence requires ambient monitoring for dust, noise, VOC (in air), surface water, groundwater, and meteorological parameters. It also specifies in detail in many cases the required monitoring parameters, methods, locations and frequencies. Given that the objection is not specific as to what extra ambient monitoring is necessary the technical committee cannot recommend any amendment or addition to the Schedule other than as may be recommended elsewhere in this report.

Recommendation: No change.

B.9 Condition 8.

The Association requests a condition regarding noise monitoring.

Technical Committee's Evaluation: Condition 8.1 and Schedule D specify the noise monitoring parameters, locations, frequencies and methods to be used to demonstrate compliance with the noise limit values specified in Schedule C. The objection is unspecific regarding what extra requirements it would have placed on the licensee.

Recommendation: No change.

B.10 Condition 11.8

The objection states that it is vital that this condition (which requires the licensee to issue a written acknowledgement to waste carriers/contractors of receipt of each delivery of waste to the facility for disposal in the landfill) applies to all deliveries to the facility, including waste for "recovery".

Technical Committee's Evaluation: Condition 10.2 of the PD requires the licensee to maintain a written record for each load of waste arriving at the facility, and to state whether the waste is for disposal or recovery and if recovery, for what purpose. The condition also requires a range of other relevant information such as the relevant waste codes, tonnages etc. to be recorded.

The committee is of the opinion that Condition 10.2 should address any concern raised in the objection, although it should be noted that the objection doesn't say why it's vital that deliveries of waste for recovery be receipted. Note also that the requirement for receipts is dictated by the Landfill Directive.

Recommendation: No change.

B.11 Schedule A

The objection requests the amendment of the total waste acceptance limit (200,000 tonnes per annum) specified in Table A.1 to that specified in the planning permission (132,000 tonnes per annum initially), particularly in light of directives promoting reduction of waste sent to landfill. The objection also queries the safeguards against contaminated C&D waste being dumped.

Technical Committee's Evaluation: The planning and waste licensing regimes are two separate regulatory processes. The limit of 200,000 tonnes per annum in the PD is unchanged from that in the current licence, and its amendment was not within the scope of this licence review. Licence review application Reg. No. W0146-03 is currently with the Agency for assessment and proposes a doubling of the waste acceptance limit to 400,000 tonnes per annum as part of a significant expansion of the facility. The subject matter of this point of objection is pertinent to the ongoing review as sought by the licensee (W0146-03) and the technical committee therefore considers that this objection point will be more appropriately dealt with in the processing of that ongoing review application W0146-03.

Recommendation: No change

B.12 Schedule D, Table D3.1

The objection requests clearer definition of dust emissions controls required at the facility. The objection also requests samples to be taken fortnightly rather than monthly, due to a history of "unsuitable" samples reported, and the possibility of high dust emissions over a period of days being "lost" due to the "averaging out" effect over a whole month. Dust monitoring on and off site is also requested in order to establish the impact of the facility on the environment.

Technical Committee's Evaluation: Dust emissions control and monitoring was not within the scope of this licence review, however (as per B.11 above), such issues may be considered in the determination of licence review application W0146-03. The subject matter of this point of objection is pertinent to the ongoing review as sought by the licensee (W0146-03) and the technical committee therefore considers that this objection point will be more appropriately dealt with in the processing of that ongoing review application W0146-03.

Recommendation: No change

B.13 Schedule D, Table D7.1

The Association requests monthly monitoring of flue gas emissions from the flare, in particular SO₂ due to health impact on the community. The objection also states that PM_{2.5} monitoring should be included, as this is required for energy plants by EU Directive.

Technical Committee's Evaluation: The objection is presumably referring to the Large Combustion Plant Directive (2001/80/EC), which has no requirements for monitoring of PM 2.5. The Directive on Ambient Air Quality and Cleaner Air for Europe (Directive 2008/50/EC) however sets ambient standards for PM 2.5, and is required to be transposed into Irish Law by May 2010.

However, monitoring of flue gas emissions was not within the scope of this licence review, and therefore the committee will not consider this matter. The subject matter of this point of objection is pertinent to the ongoing review as sought by the licensee (W0146-03) and the technical committee therefore considers that this objection point will be more appropriately dealt with in the processing of that ongoing review application W0146-03.

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| Recommendation: No change |
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B.14 Licence Introduction.

The Association points to a reference in this section to the waste intake limit of 200,000 tonnes per annum, and states that this limit should be synchronised with lower limits specified in the planning permission for the facility. The objection also states that the use of the terms "waste intake", waste "placed" in the landfill, and waste "recovery", leads to confusion regarding the actual level of waste intake due to the lack of clear definitions of these terms.

Technical Committee's Evaluation: Firstly it should be noted that the Introduction section is not part of the licence, but its purpose is to provide contextual information on the facility and the licence. The objection to the specified waste acceptance limit is dealt with specifically under objection to Schedule A (see B.11).

With regard to the terms used, for clarity, the waste acceptance limit specified in Schedule A covers municipal, commercial and industrial wastes accepted for disposal at the facility, as specified in condition 1.4, and C & D waste for recovery at the facility.

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| Recommendation: No change |
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B.15 Condition 12.1.2.

Given that the Agency has the power to charge the licensee for any monitoring it has to carry out, and due to the history of nuisance from the facility, the Agency should impose a levy of 50c per ton of waste, allowed under condition 12 of the PD, in order to facilitate the permanent presence of an EPA Agent on site.

Technical Committee's Evaluation: Condition 12.1.2 of the PD allows the Agency to recoup from the licensee any additional costs imposed in enforcing the licence due to increased enforcement effort. There is therefore no need for the licence to specify a levy for this purpose.

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| Recommendation: No change |
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The objection also contains observations, comments, questions and requests as mentioned previously, which are outlined, along with the committee's response, as follows:

1. *The Association states that the €200 fee for making an objection is outrageously high in the current economic climate, and believes a charge of €20 is sufficient to prevent vexatious objections.*

This fee is set down in the Waste Management (Licensing) Regulations, 2004, S.I. No. 395 of 2004. It is beyond the remit or power of the Agency to change this fee.

2. *A clear and precise programme of enforcement and monitoring should be written into the licence, as it is unclear how the licence's requirements with regard to biodegradable waste are to be monitored and enforced.*

The licence can impose conditions on the licensee, and detailed and broad ranging monitoring conditions were proposed in the PD. The enforcement of the licence is a matter for the OEE. With regard to biodegradable waste, see the response to objection point A.6 above regarding the method of determination of BMW content in MSW.

3. *A levy of €1.89 per ton of waste was set a number of years ago, the funds from which were to be used to mitigate the effect of the landfill on the local community. This should be increased to €10 per ton, and be subject to annual review. This would be a meaningful contribution and would be in keeping with the aims of "changing our ways".*

This levy was not imposed by the Agency, and there is no such requirement in the PD or the existing licence. The Agency therefore has no remit in changing it.

4. *The licence allows waste intake from the North East Region only. Will this be enforced?*

This is not a condition of the licence and hence cannot be enforced by the Agency. This type of limitation is generally a planning issue.

5. *Clarification is requested of the phrase "in the conditions of the landfill" as used in condition 1.8.*

This text is taken directly from the Landfill Directive. The meaning of the condition is that waste cannot be accepted at the landfill which, when placed in the landfill, would have the properties specified in condition 1.8.

6. *Clarification is requested of the term “biostabilised waste” as used in condition 1.14.4, and also on how this is monitored, and by whom.*

Biostabilised residual waste is defined in the Interpretation section of the PD. The licensee will be required to sample and analyse biostabilised residual waste accepted for disposal at the landfill or use as daily cover (in accordance with schedule D.9) or demonstrate biostabilisation by means of an alternative protocol as may be agreed under condition 1.14.2.

7. *How will condition 1.14.6 be enforced?*

The results of the licensee’s analysis of waste samples, as outlined above, will allow the enforcement of this condition.

8. *What are the implications of the revised Condition 1 for emissions from the landfill and what are the health implications? Has an EIS been carried out for the proposed changes in waste tonnage and type? Any EIS associated with the application should be available to the public, so that impacts such as landfill gas flaring and leachate recirculation can be examined.*

The Agency initiated this licence review, and there is no associated licence application or EIS. The waste tonnages specified in Schedule A of the PD are unchanged from the current licence W0146-01. The implications of the revised condition 1 are reduced landfilling of BMW, and, it would be expected, reduced generation of landfill gas.

There is an application for a licence review (W0146-03) currently with the Agency initiated by the licensee requesting expansion of the facility and an increase in waste tonnage allowed to be accepted at the facility.

The Agency is satisfied that operation of the landfill in compliance with the conditions of the licence will not result in environmental pollution or adverse health impacts.

9. *With regard to landfill gas flaring the emissions modelling results should be publicly available.*

Condition 3.15.2, which deals with flaring of landfill gas, was not the subject of this licence review, and the provisions of the PD will cause reduced amounts of BMW to be sent to the landfill and hence reduced amount of landfill gas to be generated. No revised emission modelling was therefore required. Any emissions modelling conducted for any licence application for the facility (i.e. Reg. No.s W0146-01 and W0146-03) is available for public inspection along with all other information submitted as part of the applications.

10. *How are cells to be kept totally independent of each other, and how is gypsum waste to be kept separate from biodegradable waste (as required by condition 1.9). Are there implications for the use of gypsum as a cover material?*

In accordance with an instruction issued to licensees in an EPA circular letter in June 2007, the licensee’s waste acceptance procedures should ensure that only gypsum wastes which are segregated prior to arrival at the landfill are accepted at the facility. Furthermore, upstream waste treatment facilities are required to segregate gypsum. Gypsum is not permitted to be used as cover as a matter of best practice, and in accordance with permitted cover materials as defined in the interpretation section of the licence. It is for the licensee to determine operationally how gypsum waste, if accepted, is kept separate from biodegradable waste.

11. *The condition requiring the installation of a continuous ambient VOC monitor has not been enforced.*

Condition 6.11 of the PD requires the licensee to install a continuous VOC monitor at the school, or otherwise at a location to be agreed with the Agency. This condition is identical to condition 6.12 of licence Reg. No. W0146-01. The licensee has outlined (see objection point A.12 above) difficulties in achieving agreement with the School Board on the exact location of the monitor. However the Association has not objected to the condition in any way, merely commented on its enforcement, which is a matter for the OEE.

12. *What are the safeguards against contaminated C & D waste being accepted at the landfill?*

The waste acceptance procedures required by Condition 5 of the licence, in conjunction with the requirement to inspect each waste load delivered to the facility are designed to ensure that only wastes permitted to be accepted in the licence will be accepted at the facility.

Overall Recommendation

It is recommended that the Board of the Agency grant a licence to the applicant

- (i) for the reasons outlined in the proposed determination and
- (ii) subject to the conditions and reasons for same in the Proposed Determination,
and
- (iii) subject to the amendments proposed in this report.

Signed



Seán O Donoghue

for and on behalf of the Technical Committee