

**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**

<b>TO:</b>	Directors
<b>FROM:</b>	Technical Committee - Environmental Licensing Programme
<b>DATE:</b>	10 <sup>th</sup> February 2010
<b>RE:</b>	Objection to Proposed Decision for <b>Louth County Council, Whiteriver Landfill Site</b> , Waste Reg. No. <b>W0060-03</b> .

**Application Details**

Classes of activity (P = principle activity):	4 <sup>th</sup> Schedule: Class 2, 4, 9, 10 & 13 3 <sup>rd</sup> Schedule: Class 1, 4, 5(P), 6, 7, 12 & 13
Quantity of waste managed per annum:	96,000 tonnes
Classes of waste:	Household, commercial, construction and demolition, industrial non-hazardous sludges, industrial non-hazardous solids and waste imported for restoration purposes.
Location of facility:	Whiteriver Landfill Site, Whiteriver and Gunstown Townland, Dunleer, County Louth.
Section 42(1)(b) notice issued:	18 June 2009
Article 16(3)(a)(i) notice issued:	27 July 2009
Article 16(3)(a)(i) reply received:	21 August 2009
PD issued:	19 October 2009
First party objection received:	16 November 2009 <sup>1</sup>

This report relates to an objection by Louth County Council (the licensee) to a Proposed Decision (PD) on a revised Waste Licence for Whiteriver Landfill Site located at Whiteriver and Gunstown Townland, Dunleer, County Louth. Whiteriver is an existing landfill facility operated by Louth County Council in a rural part of the county. The landfill was developed as a clay lined containment landfill in 1983. The original waste licensee (Reg. No. W0060-01) was granted on 10 October 2000. A revised licence (Reg. No. W0026-02) was granted 17 September 2003, primarily for the extension of the landfill by way of constructing six new engineered lined cells.

<sup>1</sup> Note that the closing date for receipt of objections was 15<sup>th</sup> November 2009, which fell on a Sunday. Therefore, objections were accepted up to 5 p.m. on Monday 16<sup>th</sup> November 2009.

On 18 June 2009, the Environmental Protection Agency initiated a review of the waste licence relating to the landfilling activities at Whiteriver Landfill Site, waste licence register number W0060-03. The licence review was initiated having regard, *inter alia*, to the requirements of the Council Directive 1999/31/EC on the landfill of waste (the *Landfill Directive*) and the Waste Management (Licensing) Regulations 2004, with reference to the diversion of biodegradable municipal waste from landfill and the treatment of waste prior to landfill in accordance with *Municipal Solid Waste – Pre-treatment and Residuals Management: An EPA Technical Guidance Document*, published 19 June 2009. The review also enhances the licence's control and management of odours as requested by the Office of Environmental Enforcement on foot of odour complaints received in relation to the facility.

No submissions were received in relation to the licence review.

### **Consideration of the Objection**

This report considers **one valid first party objection**, in the form of cover page, a five-page objection and two appendices. The main issues raised in the objection are summarised below and where appropriate under various different headings. However, the original objection and supporting documentation should be referred to at all times for greater detail and expansion of particular points.

The Technical Committee, comprising of Ciara Maxwell (Chair) and Breen Higgins, has considered all of the issues raised in the Objection and this report details the Committee's comments and recommendations following the examination of the objection together with discussions with the licensing inspector, Caroline Murphy, the enforcement inspector Eamonn Merriman and the sectoral technical expert Brian Meaney who also provided comments on the points raised.

This report considers the first party objection.

## **First Party Objection**

The licensee makes 5 points of objection concerning various conditions and schedules of the Proposed Decision. These are dealt with in the order in which they appear in the objection.

### **A.1. Condition 5.13.2**

*The licensee objects to the wording of this clause which reads as follows:*

**The waste acceptance procedures established under Condition 5.3.1 shall provide.....**

**5.13.2 For non pre-cleared customers, the visual inspection and testing of waste in the waste inspection area pending acceptance/rejection;**

*According to the licensee non-cleared customers frequenting the landfill will comprise mainly of members of the public using the public tipping area. Whiteriver Landfill serves a largely rural area in mid-Louth and the majority of the population does not avail of a private waste collection service for non-recyclable waste. According to the licensee, it is not practical to undertake visual inspections of waste brought by members of the public in the waste inspection area due to the numbers that arrive at particular times. The licensee proposes to visually inspect each load of waste from the public and reject non-compliant material (e.g., paper, cardboard, glass, metal, wood, etc.). In this manner, the licensee will achieve a standard that is at least comparable to a two-bin system. The licensee proposes to supervise the public tipping area on a full time basis to achieve this level of control over the waste being accepted.*

Technical Committee's Evaluation: The Technical Committee accepts that the procedures for the acceptance and handling of all wastes, which are required to be updated under Condition 5.3.1, should reflect the practical operations at the landfill whilst meeting the requirements of the licence. Condition 5.13.2 does not mean to be prescriptive in relation to the inspection of black bin waste from members of the public. It is noted that Section 2.2.1 of 'Council Decision of 19 December 2002 establishing criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 of and Annex II to Directive 1999/31/EC (2003/33/EC)' states that 'Municipal waste as defined in Article 2(b) of the Landfill Directive that is classified as non-hazardous in Chapter 20 of the European waste list, separately collected non-hazardous fractions of household wastes and the same non-hazardous materials from other origins can be admitted without testing at landfills for non-hazardous waste.'

In order to clarify Condition 5.13.2, the Technical Committee recommends allowing flexibility in the condition to facilitate the inspection of waste delivered by members of the public at the public tipping area.

**Recommendation:** Amend Condition 5.13.2 as follows:

For non pre-cleared customers (**excluding private vehicles arriving at the public tipping area**), the visual inspection and testing of waste in the waste inspection area pending acceptance/rejection;

#### **A.2. Condition 5.5 1 (b)**

*The licensee objects to Condition 5.5.1(b) which reads as follows:*

- (b) The working face of the landfill shall be no more than 2.5 metres in height after compaction, no more than 25 metres wide and have a slope no greater than 1 in 3.**

*The Licensee requests that the width of the working face be widened from 25 metres to 35 metres in order to safely accommodate two vehicles ejecting waste simultaneously and to allow for the possibility of having to tow vehicles from time to time.*

Technical Committee's Evaluation: The Technical Committee notes that Condition 5.5.1 commences with the phrase "*Unless the prior agreement of the Agency is given, the following shall apply at the landfill.....*". This enables the Agency to accommodate such alternatives under the terms of the licence if deemed appropriate in light of health and safety issues and traffic management considerations. The licensee is advised to lodge a request for any proposed change to the width of the working face, giving the reasons for the change, detailing any increases or changes in emissions (e.g., odour, windblown litter, etc.) and providing an assessment of likely impacts of any increases/changes in emissions with the Office of Environmental Enforcement. Since this matter is considered to be outside the remit of this waste licence review, and as the Condition already allows flexibility for agreement with the Agency, the Technical Committee recommends no change.

**Recommendation:** No change.

### A.3. Condition 8.16.6

*The licensee objects to Condition 8.16.6 which states:*

#### **8.16.6 Leachate holding tanks/lagoons shall be covered, and head gases vented to treatment as may be required by the Agency.**

*The licensee states that leachate is treated at the on site treatment plant (constructed 1985) prior to being tankered off site for treatment at a municipal wastewater treatment plant. The treatment plant consists of a lagoon, lined with high density polyethylene, and contains two floating surface aerators.*

*The licensee notes that the EPA's Landfill Site Design Manual (EPA, 2000) lists as a disadvantage of aeration lagoons, that they are "not amenable to covering to conserve heat". The licensee contends that the lagoon is not amenable to covering and that doing so would create a confined space and create the potential for build up of hazardous gases. The licensee is furthermore concerned that there may be an adverse effect on the aeration process and the consequential air stripping of methane and ammonia.*

*In 2006, the licensee commissioned Odour Monitoring Ireland to identify the risk of odour impact of the leachate treatment lagoon on the surrounding population (copy of report provided in Appendix 2 of objection). The report concludes that the leachate lagoon is not a significant source of odours and it is unlikely that covering the leachate lagoon will significantly improve the elimination of odour since it is such a non-significant odour emissions source in comparison to other odours within the landfill site. The licensee therefore requests that Condition 8.16.6 be removed.*

**Technical Committee's Evaluation:** Condition 8.16.6 was inserted in the PD as part of a suite of measures proposed by the Agency to prevent, control and monitor odour emissions at several landfills that have been the subject of a high number of odour complaints in the past. It requires that tanks/lagoons be covered in the first instance and also acts as an enabling condition requiring that head gases be vented to treatment as may be deemed appropriate by the Agency.

The Technical Committee notes that odour is a significant issue at this facility; already in 2010 two odour complaints have been lodged with the Office of Environmental Enforcement. The air dispersion modelling report supplied by the licensee demonstrates that emissions from the lagoon results in an odour plume spreading to 140 metres (no aeration) to 220 metres (during aeration) to the northwest of the facility boundary. However, the model shows that nearby residential/amenity and industrial facilities will perceive no significant odour impacts.

The Technical Committee considers that while the leachate lagoon may not represent the most significant source of odour, it does contribute to odour emissions and as such every effort should be made to minimise impacts. In order to allow the licensee an opportunity to re-assess the significance of the aeration lagoon as an odour source, including an assessment of the utilisation of floating surface aerators, and to investigate the feasibility of covering the lagoon and venting head gases to treatment, the Technical Committee recommends that Condition 8.16.6 be amended to facilitate Agency agreement of alternative measures as deemed appropriate.

**Recommendation:** Amend Condition 8.16.6 as follows:

**8.16.6 Unless otherwise agreed by the Agency, leachate holding tanks/lagoons shall be covered, and head gases vented to treatment as may be required by the Agency.**

#### A.4. Schedule A.1: Waste Acceptance

The licensee requests that Schedule A.1 be amended to allow an increase to the limit on Industrial Non-Hazardous Sludges from 300 tonnes per annum to 3,300 tonnes per annum. The licensee notes that a request to increase sludge intake was made to the Agency, dated 26/02/2007 (copy of letter enclosed as Appendix 1 of the Objection).

Technical Committee's Evaluation: Schedule A.1 reads as follows:

#### A.1 Waste Acceptance

**Table A.1 Waste Categories and Quantities**

Waste Type	Maximum (Tonnes Per Annum) (2001)
Household	31,200
Commercial	20,800
Construction and Demolition	5,000
Industrial Non-Hazardous Sludges	300
Industrial Non-Hazardous Solids	34,700
Waste Imported for restoration purposes	4,000
<b>TOTAL</b>	<b>96,000</b>

**Note 1:** The categories and quantities (with the exception of sludges) referred to in this table may be amended with the agreement of the Agency provided the total quantity of waste specified is not exceeded.

The Technical Committee notes that Schedule A.1 (Note 1) enables the licensee to amend categories and quantities of waste types, with the exception of sludges, with the agreement of the Agency, provided that the total amount of waste accepted does not exceed 96,000 tonnes. The Committee notes that the Office of Environmental Enforcement (OEE) responded to the licensee's request to increase the limit on sludges by letter dated 14<sup>th</sup> March 2007 (Ref. W0060-02/war01em). The OEE indicated that such a change could not be accommodated within the existing licence (W0060-02) and advised that the licensee should seek a technical amendment/review of the licence.

The Technical Committee is of the view that this issue is outside the scope of this licence review. It is new information that was not assessed during the review process and is therefore beyond the remit of the Technical Committee. The Committee recommends that the licensee should seek a decision as to whether the proposed change can be accommodated under a technical amendment or if a licence review is necessary from the Office of Climate, Licensing and Resource Use.

**Recommendation:** No change.

### **A.5. Condition 5.15.1**

*The licensee considers that the wording of Condition 5.15.1 lacks clarity due to the double use of the word “unless”. The licensee request clarification as to whether this condition allows Agency discretion on the Biodegradable Municipal Waste (BMW) limits other than when an agreement is in place under Condition 5.15.2.*

*The licensee states that as Whiteriver serves a largely rural region with limited potential for separate kerbside collection, it is unreasonable to expect such a landfill to achieve the same levels of diversion of BMW as landfills serving large urban areas and waste transfer stations.*

*Furthermore, the licensee states that it is not practical for local authorities to enter into agreements as envisaged by Condition 5.15.2 with the private sector. The licensee considers that where such agreements are possible they should be dealt with by way of technical amendment rather than licence review.*

Technical Committee’s Evaluation: Condition 5.15 reads as follows:

#### **5.15 Limit on acceptance of biodegradable municipal waste**

**5.15.1** Unless otherwise as may be specified by the Agency, the following limits shall apply:

- (i) From 1 July 2010 to 30 June 2013 inclusive, a maximum of 40% by weight of municipal solid waste (MSW) accepted for disposal to the body of the landfill shall comprise biodegradable municipal waste (BMW), measured on a calendar year basis or, in 2010 and 2013, part thereof,
- (ii) From 1 July 2013 to 30 June 2016 inclusive, a maximum of 24% by weight of MSW accepted for disposal to the body of the landfill shall comprise BMW, measured on a calendar year basis or, in 2013 and 2016, part thereof, and
- (iii) From 1 July 2016, a maximum of 15% by weight of MSW accepted for disposal to the body of the landfill shall comprise BMW, measured on a calendar year basis or, in 2016, part thereof,

unless an alternative has been agreed in writing by the Agency in accordance with Condition 5.15.2.

**5.15.2** Two or more licensed landfills may seek the agreement of the Agency that collectively they will arrange to comply with Condition 5.15.1. Such agreement may be sought by review of the landfill licence for any facility seeking an increase in the limits set out in Condition 5.15.1, and by technical amendment of any licence for a facility seeking a decrease. Such agreement will be contingent on the net combined acceptance of biodegradable municipal waste at the participating facilities remaining unchanged.

The Technical Committee confirms that Condition 5.15.1 allows the EPA to vary the percentage limits applied at landfill if deemed appropriate, independent of any agreements made under Condition 5.15.2. Any such variations will be based on the actual recorded figures for the landfilling of waste during 2008, 2009 and 2010.

The EPA technical guidance document *Municipal Solid Waste – Pre-treatment and Residuals Management*, which is based on 2007 statistics, specifies that the maximum allowable BMW content in municipal solid waste (MSW) accepted at landfill should be 40% (by weight) for 2010. The guidance document also notes that as further statistical data becomes available the EPA will update this direction to the sector, if appropriate. Recent trends suggest a fall in the quantities of municipal waste being sent to landfill<sup>2</sup>. Should data submitted by landfill operators and the wider waste industry for the

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<sup>2</sup> It is estimated that a total of 3,224,281 tonnes of municipal waste was generated in Ireland in 2008, a decrease of 5% on the 2007 figures. (Source: *National Waste Report 2008*, EPA, 2009)

National Waste Report 2009 support this fall, then the EPA may, if deemed necessary, revisit the diversion obligations specified for landfill operators. Condition 11.7 of the PD provides for quarterly reporting of municipal waste and biodegradable municipal waste landfilling rates, thus progress on landfilling rates can be closely tracked.

With regard to the issue of diversion of BMW in a rural area the Technical Committee notes that the Ministerial Circular WPPR 17/08 (31-07-2008) requires that the brown bin (for source segregated biodegradables) be implemented as a matter of urgency for all urban areas over 1,500 persons. The circular also recommends that Local Authorities use the Waste Collection Permit authorisation system and/or By-Laws as appropriate to ensure the separate collection/source separation of biodegradables. It is anticipated that the initial targets as outlined in Condition 5.15.1(i) of the PD will be achieved through a combination of the three-bin initiative, diversion of biodegradables to home composting programmes, existing and pending biowaste treatment capacity, improved removal rates for paper and cardboard waste and implementation of the Waste Management (Food Waste) Regulations 2009 (S.I. No. 508 of 2009). This will provide an opportunity, prior to the deadline for the achievement of the second target, for the sector to further develop its network of treatment facilities throughout the State.

Condition 5.15.2 provides the option that two or more landfills may seek the agreement of the Agency to comply with the targets specified under Condition 5.15.1. The decision to negotiate with a privately operated or local authority operated landfill rests completely with the licensee. On the issue of whether a technical amendment or review is to be used in the context of such agreements, the Agency has decided that a proposal to increase BMW limits under Condition 5.15.2 would require assessment in accordance with Section 40(4) of the Waste Management Act 1996 to 2008 and hence require a licence review. The review process also facilitates public participation. Therefore the Technical Committee recommends no change.

**Recommendation:** No change.

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#### **Condition 8.16.1 - Typographical Error**

The Technical Committee notes a typographical error in the PD in the wording of Condition 8.16.1 and recommends that the wording be amended for clarity. The Condition currently reads as follows:-

*8.16.1 Within six months of the date of grant of this licence, the licensee shall submit to the Agency for agreement, an Odour Management Plan (OMP) for the facility. The plan, as agreed, shall be implemented **from the by a time of commencement of waste activities unless otherwise as agreed by the Agency.** (emphasis added)*

**Recommendation:** Replace Condition 8.16.1 with the following:

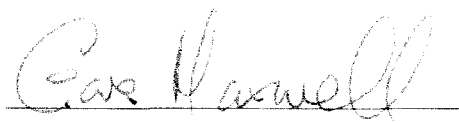
Within six months of the date of grant of this licence, the licensee shall submit to the Agency for agreement, an Odour Management Plan (OMP) for the facility. The plan, as agreed, shall be implemented from the time of commencement of waste activities unless otherwise as agreed by the Agency.

### **Overall Recommendation**

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

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

Signed.

A handwritten signature in cursive script, appearing to read "Ciara Maxwell", is written over a horizontal line.

Ciara Maxwell

for and on behalf of the Technical Committee