

**This Report has been cleared
for submission to the Board by
the Programme Manager F Clinton**
Signed: J. Leeves Date: 10/2/10

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



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

TO:	Directors
FROM:	Technical Committee Environmental Licensing Programme.
DATE:	10 th February 2010.
RE:	Objection to Proposed Decision for a revised licence for Cork County Council, Youghal Landfill, Licence Register W0068-03.

Application Details	
Class of activity:	3 rd Schedule: 1, 5(P), 6, 7, 12 and 13. 4 th Schedule: 2, 3, 4, 9, 10, 11 and 13.
Location of activity:	Youghal Mudlands, Youghal, Co. Cork.
Section 42(1)b notice issued:	18/06/2009.
Article 16(3)(a)(i) issued:	27/07/2009.
Article 16(3)(a)(i) reply received:	26/08/2009 & 27/08/2009.
PD issued:	19/10/2009.
First Party Objection received:	16/11/2009 ¹ .

This report relates to an objection by the licensee Cork County Council (CCC) to a Proposed Decision (PD) on a revised Waste Licence for an existing landfilling activity at Youghal Mudlands, Youghal, Co. Cork.

CCC has operated a landfill at Youghal since 1972 and was first granted a licence for Youghal Landfill on the 18th December 2000 (Reg. No. W0068-1) with a subsequent review to accommodate an intensification of landfill activity (Reg. No. W0068-02 – granted on 18th January 2005).

This review of the licence is primarily concerned with ensuring that the landfill is operating in compliance with all relevant requirements of the Landfill Directive (1999/31/EC) including the need to divert biodegradable municipal waste from landfill. Waste must be treated before disposal in the landfill and treatment must now reflect pre-treatment technical guidelines published in 2009 by the Agency – *Municipal Solid Waste – Pre-treatment and Residuals Management: An EPA Technical Guidance Document*. Limits on the acceptance of biodegradable municipal

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

waste are introduced. There is a consequential need, set out in the PD, to update and revise waste acceptance procedures, maintain records to demonstrate compliance with new requirements and provide periodic reports on waste disposal and recovery at the facility. New conditions for the prevention, control and monitoring of odour have been introduced.

There were no submissions made in relation to this application prior to it being considered by the Board at Proposed Decision stage. The Board approved the recommendation of the inspector to grant a licence and a Proposed Decision (PD) was issued by the Agency on the 19th October 2009.

Consideration of the Objection by Technical Committee

This report considers **one valid first party objection**, in the form of cover page, a ten-page objection (under a series of sub headings) 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 (TC), comprising of Mr. Breen Higgins (Chair) and Ms. Ciara Maxwell 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 inspector, Ms. Caroline Murphy, and the sectoral technical expert, Mr. Brian Meaney, who also provided comments on the points raised.

First Party Objection

No.	Objector Name and Address	Date Received
1	Mr. Nicholas Bond, Cork County Council, Inniscarra, Co. Cork.	16 th November 2009.

1. Mr. Nicholas Bond for and on behalf of CCC.

This report considers **one valid first party objection** submitted as a ten-page objection addressed to the Agency in the form of a number of points relating to areas of waste management within the CCC area of jurisdiction and also in relation to specific conditions contained within the PD.

The objection is divided into a number of sub-headings, the individual headings will be considered within this report, as follows:

1.0 Background

The licensee outlines the background to this review of the Youghal Landfill licence (Reg. No. W0068-03), i.e., to accommodate the requirements of Section 46(2)(b) of the Waste Management Acts, 1996 to 2008, the requirements of Articles 5 and 6 of the Landfill Directive and Article 49(5) of the Waste Management Regulations 2004, whilst also reinforcing the principle of Best Available Technology (BAT) within this sector.

2.0 Waste Management Strategy for the Cork Region

The objection outlines, over two pages, the general waste management strategy employed by CCC since 1995, and points to the high level strategic documents produced by CCC in order to give direction to waste management in the region. These publications include the Waste Management Plan for Cork County (1999 & 2004). A review of the 2004 plan was undertaken in 2009 and approved by the Deputy County Manager. This review concluded that the existing plans will see the 2010 biodegradable municipal waste (BMW) targets, as specified in the Landfill Directive, being achieved and could potentially see the target being exceeded. It is the view of the licensee that, due to the pro-active approach taken by the Council in relation to reducing the quantity of waste being disposed of to landfill, the necessary infrastructure is in place, or will be in place, to achieve the obligations of the Landfill Directive.

3.0 Waste Diversion Initiatives

The review of the 2004 waste management plans noted that despite an overall upward trend in the quantity of waste being produced the quantity of waste going to landfill had decreased. The licensee states that this is a direct result of initiatives taken by the Council, including:

- Separate Kerbside Collection of Household Waste,
- Pay by Use,
- Civic Amenity Sites and Bring Banks,
- Home Composting,
- Establishment of the Environmental Awareness and Research Unit,
- Establishment of the Waste Prevention Team, and
- The development of Materials Recovery Facility.

CCC is also in the process of procuring an Interim Waste Processing Service (IWPS) to pre-treat Cork City and Cork County Council municipal waste streams.

4.0 Meeting the Landfill Diversion Targets

Under this heading the licensee states that it considers the EPA Technical Guidance Document *Municipal Solid Waste – Pre-treatment & Residuals Management* to be a ‘blunt instrument’ and ‘a wholly inadequate proposition’. Additionally, the licensee believes that it ignores two core principles of European Waste Strategy, namely, the Polluter Pays Principle and the Producer Responsibility Principle. It is considered by the first party that the methodology used in the calculation of the targets and their allocation to landfill places a disproportionate burden on the Council.

5.0 Licence Conditions

Paragraph 5.0 of the objection raises points in relation to four specific conditions contained within the licence. Each condition will be considered in line with the layout of the objection and the Technical Committee’s evaluation of each point will be elaborated upon accordingly.

Condition 5.2.8:

The licence notes that Condition 5.2.8 of the PD sets limits on the acceptance of BMW at Youghal Landfill per calendar year. This is considered by the licensee to be inaccurate as the diversion targets stipulated in the Landfill Directive (1999/31/EC) are applicable from 16th July 2010 in an Irish context.

Technical Committee's Evaluation:

The PD notes that the relevant date is in fact the 1st of July 2010 and that the condition requires the licensee to measure diversion rates '*on a calendar year basis, ... or part thereof*'. This inclusion at the end of the condition allows the licensee to calculate the diversion rates on a pro-rata basis for the initial year, i.e., 2010.

Recommendation: No change.

Condition 5.2.10 and 5.2.14:

The licensee states that both sub-conditions referred to above will place an onus on the landfill operator to initiate a thorough monitoring regime in line with *Schedule D* of the PD in order to ensure that treated BMW accepted at the facility has been stabilised. An onus is also placed on the operator to determine the biodegradable content of the municipal solid waste being disposed at the facility. The licensee has estimated that this may necessitate undertaking 500 tests per annum.

Technical Committee's Evaluation:

Condition 5.2.10 obliges the licensee to determine the biodegradable municipal waste (BMW) content of municipal waste accepted for disposal at the landfill. The draft '*Protocol for the Evaluation of Biodegradable Municipal Waste sent to Landfill by Pre-treatment Facilities*' and accompanying spreadsheet provides preliminary BMW factors to enable licensees to make the necessary calculations. The licensee can equally commission its own surveys to determine its own site-specific factors (Condition 5.2.12).

Condition 5.2.14 obliges the licensee to monitor the respiration activity of bio-stabilised residual waste (the term as defined in the PD) according to a 200 tonne frequency set out in *Schedule D.8*. This frequency of monitoring can be reduced by agreement if the licensee proposes an alternative protocol in accordance with condition 5.2.11. The licensee is entitled to work with its suppliers of bio-stabilised residual waste to establish biological treatment efficacy through measurement of biological treatment process parameters at the treatment facility.

Recommendation: No change.

Condition 7.6.3:

Cork County Council poses the following two questions in its objection,

- (i) What constitutes ambient odour monitoring?
- (ii) What analysis method or technique is required?

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.

Recommendation: No change.

Condition 7.7.1:

The licensee states that they have grave Health and Safety concerns regarding the supplementing of the gas flare with a natural gas source. Furthermore, the first party states that these concerns have been outlined in previous correspondence going back to September 2008. There would also be an additional burden on the Council to install supplementary pipework and tanking despite the fact that it may not be required for '*many years to come*'. The licensee also considers that the condition does not take account of the improvements in gas flare technology, which now allows for lower levels of methane (>12%) to be burned off.

Technical Committee's Evaluation:

The requirement of the licence is such that it requires the landfill gas flare to be capable of operating with a gas support fuel in order to facilitate effective treatment of landfill gas in the event that the landfill gas itself is not capable of supporting combustion. It is not prescriptive in terms of specific infrastructure required to facilitate this. This requirement is, however, considered to be BAT for the sector given the potential for odorous gas release in the event of the flare not being supported by the landfill gas alone. This continues to be a risk despite the notable technological advances in gas management infrastructure.

While it is acknowledged that this may place an extra financial burden on the licensee it is not considered to be excessive in the overall context of the landfilling activity. The issues of Health and Safety have not been considered as part of this review exercise and should continue to be addressed by way of communication with the Office of Environmental Enforcement.

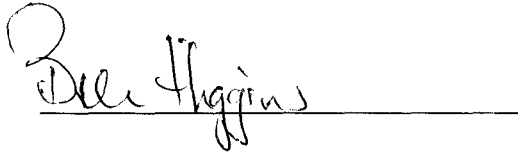
Recommendation: No change.

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.

Signed

A handwritten signature in cursive script that reads "Breen Higgins". The signature is written in black ink and is positioned above a solid horizontal line that extends to the right.

Breen Higgins

Inspector

Office of Climate, Licensing and Resource Use

for and on behalf of the Technical Committee