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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**

TO:	Directors
FROM:	Technical Committee ENVIRONMENTAL LICENSING PROGRAMME
DATE:	10 th February 2010
RE:	Objection to Proposed Decision for a waste licence review from South Tipperary County Council, for Donohill Landfill, Garryshane, Donohill, County Tipperary. Licence Register: W0074-03

Application Details	
Class(s) of activity:	4 th Schedule: Classes 3,4, 9 & 13 3 rd Schedule: Classes 1,4, 5P & 7
Location of activity:	Garryshane, Donohill, County Tipperary
PD issued:	19 October 2009
First party objection received:	13 November 2009
Third Party Objection received	None
Submissions on Objections received:	None

Introduction

Donohill Landfill, a 4ha rural landfill is surrounded on all sides by agricultural land and lies 7km north of Tipperary town and 0.5km south of Donohill village. The facility lies on a predominantly limestone gravel deposit (previously worked as a sand and gravel quarry to the watertable) within a marshy area. South Tipperary has operated a landfill at Donohill since 1989.

On 18 June 2009, the Environmental Protection Agency initiated a review of the waste licence relating to the landfilling activities at Donohill Landfill, Garryshane, Donohill, County Tipperary waste licence register number W0074-03. The review was initiated by writing to the licensee and placing a newspaper notice in the Irish Independent.

Consideration of the Objection

The Technical Committee (TC), comprising of Yvonne Furlong (Chair) and Ann Marie Donlon, 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 objections together with discussions with the sectoral technical expert, Mr. Brian Meaney, who also provided comments on the points raised.

This report considers a valid first party objection submitted by South Tipperary County Council.

First Party Objection

A.1. Condition 3.14.2

South Tipperary County Council states that this condition has been in their waste licence since its first issue in June 2002. They state that at the time cells 3 and 4 had not been developed. As part of the development of these cells the drain referenced in Condition 3.14.2 has been removed as it would allow leachate to drain offsite once waste was placed in the area.

South Tipperary County Council requests that this condition is removed as the drain it references no longer exists.

Technical Committee's Evaluation:

The TC has not been provided with a copy of the written agreement of the Office of Environmental Enforcement to allow for the removal of this drain. The TC notes the current wording of this condition, which states that the drain shall be as specified in the licence application unless otherwise agreed with the Agency. For these reasons the TC does not propose to change this condition.

Recommendation: No Change

A.2. Conditions 5.2.4, 5.2.5 & 5.2.6

South Tipperary County Council argue that considering the current infrastructure available to them and the finances available in the current economic climate, compliance with the requirement that all waste must be pre-treated before being accepted for landfill will not be possible by the date of the issue of the licence or by 1 July 2010.

South Tipperary County Council argue that there is pre-treatment already in place for Municipal Solid Waste (MSW) collected by the Council, as a 2-bin collection system, for the separate collection of dry recyclables, has been in place in South Tipperary since 2006. South Tipperary County Council state that the introduction of a third bin system or some type of mechanical pre-treatment would involve a significant financial investment, which would be particularly onerous considering the short remaining life of the landfill. The majority of the MSW accepted at Donohill landfill is generated by the South Tipperary County Council's refuse collection service.

It was estimated for 2009 that the Council would dispose of approximately 7,500 tonnes of MSW at Donohill landfill (approximately 80% of the MSW accepted at the site for disposal). It is estimated that this waste contains 53% Biodegradable Municipal Waste (BMW). The reduction of the BMW to 40% in 2010 would therefore result in the diversion of 1,000 tonnes per annum. The landfill is a legacy landfill first opened in 1989 and will be filled in by 2012. This amounts to approximately a diversion of 1,500 tonnes of BMW over the remaining lifetime of the landfill.

Technical Committee's Evaluation:

The TC notes that aspects of this objection are outside the scope of this licence review as it deals with the lack of infrastructure for the provision of pre-treated waste to the landfill. The

licence deals with the acceptance of pre-treated waste and not the provision of infrastructure for waste pre-treatment.

The EPA technical guidance document 'Municipal Solid Waste – Pre-treatment and Residuals Management 2009' clearly states that a source separated collection system, i.e. 2 bin or equivalent, is the minimum acceptable pre treatment for MSW landfills. The TC also note the requirements of the Ministerial Circular WPPR 17/08 (31-7-2008) to each County & City Manager which advises that a 'brown bin' (for source segregated biodegradables) be implemented as a matter of urgency for all urban areas over 1,500 persons. The 3rd bin for organics is now a matter of national policy.

The EPA technical guidance document 'Municipal Solid Waste – Pre-treatment and Residuals Management 2009' which was based on 2007 statistics, stated that the maximum allowable BMW content in MSW accepted at landfill should be 40% (by weight) from 1 July 2010; 24% (by weight) from 1 July 2013; and 15% (by weight) from 1 July 2016 and subsequent years. This guidance also stated that as further statistical data became available the EPA would update this direction to the sector, as necessary.

The TC clarifies that the limits specified in Condition 5.2.6 are based on data on municipal solid waste generated at a national level to ensure compliance with the landfill diversion targets. The 2008 National Waste Report reported a 5% decrease in municipal solid waste generated in 2008 compared to 2007. It is also stated that 'if the data from landfill operators and the waste industry for the NWR 2009 supports this fall the EPA will, if deemed necessary, revisit the diversion obligations specified for landfill operators'. Therefore the percentage limits would increase under these circumstances and with the objective of ensuring that the Landfill directive diversion targets can be met, but not exceeded. Consequently the wording of Condition 5.2.6 provides for the Agency to specify new limits as necessary following review of statistical data.

Recommendation: No Change

A.3. Conditions 8.11.2(iv),(v) & (ix)

South Tipperary County Council state that some of the requirements of these conditions are exceedingly onerous.

South Tipperary County Council believe that bi-annual VOC surface emission monitoring is too frequent considering that the Agency has also included a charge for one additional VOC surface emission monitoring round in their annual fee. This would mean that VOC surface emission monitoring would be carried out three times a year.

The objection outlines that the use of an interim capping system at inter cell boundaries is not possible at Donohill for technical reasons for anything more than the current intermediate cap of subsoil on the side slope. The interim boundary between Cell 4 and Cell 1 is very steep and has been assessed as only stable in the short term, making further works on this slope unfeasible for safety reasons. The steepness of the side slope and the previous rotational slip in this area mean that any additional interim capping in this area will not be possible. This will be the last inter cell boundary onsite as Cell 4 is the final cell at the facility.

South Tipperary County Council argues that this condition was included on foot of odour complaints received in relation to the facility and believes that this reasoning is not accurate as there have been a total of three odour complaints regarding Donohill Landfill in the past six years.

South Tipperary County Council believes this to be an excellent record and that it does not indicate that there is an odour nuisance issue at this facility.

South Tipperary County Council request that this Condition should be amended or removed to reflect this.

Technical Committee's Evaluation:

The TC confirmed with the Office of Environmental Enforcement (OEE) that this facility does not generate significant odour complaints. The TC notes from Section A.4 below that surface VOC monitoring was required by the Agency in 2009. The results of this monitoring indicated significant passive venting of landfill gas from diffuse and localised sources. The TC consider that in this circumstance the surface VOC emission monitoring assessment and reporting at the facility is necessary to quantify landfill gas loss but odour checks on-site and offsite are unnecessary.

The TC notes the licensee concern in relation to site-specific conditions that pose difficulties for the interim capping requirements. Given that this landfill is within two years of closure (stated by South Tipperary County Council in the objection to Condition 5.2.4, 5.2.5 & 5.2.6 (Section A.2 above)) and that this condition deals with odour management on site the TC considers that this requirement is unnecessary.

Recommendation: Replace current Condition 8.11.2 (v), below

Use of sacrificial gas extraction systems; phased capping of the waste body; and an interim capping system at inter-cell boundaries;

With the following Condition 8.11.2 (v):

Use of sacrificial gas extraction systems; and phased capping of the waste body;



Replace current Condition 8.11.2 (ix), below

Monitoring:- VOC surface emissions from capped areas, odour checks off-site and on-site, receipt and evaluation/verification of odour complaints received.

With the following Condition 8.11.2 (ix):

Monitoring:- VOC surface emissions from capped areas, receipt and evaluation/verification of odour complaints received.



A.4. Conditions 12.1.1

The objection states that South Tipperary County Council paid the EPA a fee of €25,154 in 2009, and this condition requires that this be the standard fee into the future. The objection

states the Agency had previously informed them that the reason that the annual fee was high in 2008 and 2009 was to cover the cost of the Surface VOC Analysis carried out by Odour Monitoring Ireland.

South Tipperary County Council requests clarification that this monitoring will be carried out on behalf of the Agency annually on a permanent basis or the fee be reduced accordingly to take into account that this monitoring may be reduced in future years. The objection states that the continuation of this monitoring is possibly not going to be continued on a permanent basis if the Agency is requiring licensees to fund this monitoring directly on a bi-annual basis.

Technical Committee's Evaluation:

This is the enforcement fee for the licence and the amount outlined in the PD is the fee the landfill was invoiced in 2009. The TC notes that as per Condition 12.1.1 of the licence the contribution is reviewed by the Agency from time to time having regard to variations in the extent of reporting, auditing, inspection, sampling and analysis or other functions carried out by the Agency.

Recommendation: No Change

A.5. Schedule A.3

The total permitted quantity of waste to be placed at the landfill over the authorised lifetime of the facility is set out in Schedule A as 159,836m³.

South Tipperary County Council states that this figure was calculated on the assumption that there would be no settlement of waste due to decomposition or that the current cell which is built on a bog would not sink. Both of these scenarios are likely to occur which would mean that this volume of waste is an under estimation of the actual quantity of waste which can be filled in the space under the dome shape with a final height not exceeding 115m OD Malin as set out in Condition 4.2 of the Waste Licence.

South Tipperary County Council request that the permitted waste volume be increased to 200,000m³, to take these factors into account.

Technical Committee's Evaluation:

The TC accepts the statement of the licensee and recommends the proposed change.

Recommendation: Replace current Table, below

Table A.3 Total Permitted Landfill Capacity

Total quantity of waste permitted to be placed at the landfill facility (over authorised life of facility)	159,836 m ³
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With the following Table,

Table A.3 Total Permitted Landfill Capacity


Total quantity of waste permitted to be placed at the landfill facility (over authorised life of facility)	200,000 m ³
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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 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


Yvonne Furlong

for and on behalf of the Technical Committee