

This Report has been cleared
for submission to the Board by
the Programme Manager F Clinton

Signed: *[Signature]* Date: 10/02/10

**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 Bord na Mona Plc., Drehid Waste Management Facility, In the townlands of Parsonstown, Loughnacush, Kilkeaskin, Drummond, Timahoe West, Coolcarrigan, Killinagh, Lower & Killinagh Upper, County Kildare. Waste Reg. Number: W0201-03

Application Details

Class(s) of activity:	3 rd Schedule: 1, 4, 5(P), 6 & 13. 4 th Schedule: 2, 11 & 13.
Location of activity:	Drehid Waste Management Facility, In the townlands of Parsonstown, Loughnacush, Kilkeaskin, Drummond, Timahoe West, Coolcarrigan, Killinagh, Lower & Killinagh Upper, County Kildare
Quantity of waste managed per annum:	360,000 tonnes - Landfill 25,000 tonnes - Composting
Licence review initiated:	18 th June 2009
Proposed Decision issued:	19 th October 2009
First party objection received:	16 th November 2009 ^{Note 1}
Third Party Objection received	None
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.

Introduction

This report relates to a licence review of the Drehid Waste Management Facility waste licence (W0201-02) granted to Bord na Mona by the Environmental Protection Agency (EPA) on the 09/04/2009. The licence review was initiated by the EPA on 18/06/2009, principally to give effect to the following:

- 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;

- Article 49(5) of the Waste Management (Licensing) Regulations 2004 which states that waste that has not been subject to treatment shall not be accepted or disposed of in a landfill facility; and
- Best Available Techniques (BAT) obligation to reduce the overall environmental impact of landfill in particular the acceptance of biodegradable municipal waste at landfill.

The licensee made a submission (dated 14/07/09) in relation to the waste licence review, which was considered by the Board of the EPA at the Proposed Decision (PD) stage. The EPA issued a PD on the licence review on 19th October 2009. Bord na Mona lodged an objection to the PD on 16/11/09.

Consideration of the Objection

The Technical Committee, comprising of Stuart Huskisson (Chair) and Aoife Loughnane, 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. The Technical Committee consulted the Office of Climate, Licensing & Resource Use (OCLR) waste sectoral expert Brian Meaney, in relation to the issues raised.

This report considers the first party objection which consists of three main points. The main issues raised in the objection are summarised below, however, the original documents should be referred to at all times for greater detail and expansion of particular points.

First Party Objection

The licensee has raised three points of objection to the PD. There were no third party objections or submissions on objections.

A.1. Condition 2.2.2.3

The licensee points out that the existing waste licence (W0201-02) does not relate solely to landfill activities and requests that the original licence condition in relation to an Environmental Management Programme, addressing landfilling and composting activities, be included in the Final Licence.

Technical Committee's Evaluation: The Technical Committee consider that the amendment from an Environmental Management Programme (EMP) to a Landfill Environmental Management Programme (LEMP) is appropriate as landfilling is the principal activity carried out at the facility and this activity requires particular emphasis due to the evolving requirements for the sector. It is noted that the maximum quantity of waste that may be accepted at this facility is 360,000 tonnes/annum for landfilling and significantly less for composting (25,000 tonnes/annum).

The Technical Committee note that Condition 2.2.2.3 (LEMP) of the PD refers to Condition 2.2.2.2, which requires the licensee to prepare and maintain a Schedule of Environmental Objectives and Targets. The Schedule of Environmental Objectives and Targets is required to, as a minimum, provide for a review of all operations and processes. Therefore while the EMP has changed in focus, it still requires the licensee to review and consider all activities carried out at the facility.

For clarity, the Technical Committee recommends inserting the definition of LEMP in the licence glossary of terms, and deleting the definition of EMP. The references to EMP in other licence conditions (2.2.2.3 and 6.31) should also be amended to refer to LEMP.

Recommendation: Delete Glossary entry for EMP and insert entry for LEMP and amend the heading to Condition 2.2.2.3 and Condition 6.31 to read as follows.

EMP	Environmental Management Programme
LEMP	Landfill Environmental Management Programme

Amend the heading to Condition 2.2.2.3 to refer to LEMP, as follows:

Condition 2.2.2.3 Landfill Environmental Management Programme (LEMP)

Amend Condition 6.31 to refer to LEMP, as follows:

Condition 6.31 The licensee shall establish and operate a fly population/infestation monitoring and control programme. This programme shall be supported by documented procedures which shall be available on-site for inspection by the EPA as part of the LEMP. The procedures shall include recording of use of any pesticides. The scope of the programme shall be risk based and subject to periodic review.

A.2. Condition 6.1 and Schedule C.5

The licensee states that to their knowledge no laboratory in Ireland has developed a standard that would satisfy the condition with respect to the testing of respiration activity of bio-stabilised residual waste. The licensee raises concern that the description of the test method is vague and that the Agency may request the analysis be undertaken at a laboratory outside the state or at a laboratory within the state which monopolises this analysis, both of which could be impractical and costly.

Technical Committee's Evaluation: The Technical Committee acknowledge that at present there is very limited capability to carry out respiration activity testing (AT₄) in Ireland. This is probably due to respiration activity testing being newly specified by the EPA as a requirement for bio-stabilised residual waste and demand for this particular test has not been present up to now.

There are a few different methods of respiration activity testing to meet the AT₄ standard, e.g. German and Austrian methods. It is noted that the German method is included in the appendices of the draft *Protocol for the Evaluation of Biodegradable Municipal Waste sent to landfill by Pre-Treatment Facilities* (EPA, November 2009), which is available for download on the EPA website.

AT₄ testing is currently available in the UK (on a limited basis - only one laboratory identified) and is carried out extensively in Germany and Austria.

It is considered that the requirement for respiration activity testing to prove the stability of bio-stabilised residual waste is likely to lead to an increased demand for AT₄ testing, which may lead to an increase in the capacity for carrying out this testing in Ireland.

The Technical Committee note that there are only a small number of facilities in Ireland which biologically treat the residual fraction of MSW at present. Therefore the demand for this testing at present is likely to be low, at least for an initial period, until such time as a greater number of facilities are able to treat residual waste to the applicable stabilisation criteria.

The Technical Committee note that the EPA Office of Environmental Enforcement are currently in the process of carrying out some research work on respiration activity testing which may provide additional useful information.

The Technical Committee's evaluation in relation to Objection A.3 (below) includes information in relation to the possible agreement of an alternative protocol for the determination of stability (Condition 8.1.4.2) or the possible amendment of the bio-stabilised residual waste monitoring frequency under Condition 6.9.

Recommendation: No Change.

A.3. Schedule C.5

The licensee objects to the frequency of testing of bio-stabilised residual waste, i.e. "Every 200 tonnes from each source". The licensee requests that this testing frequency be reduced, as the practicalities and costs associated with this sampling and analysis frequency are considered onerous.

Technical Committee's Evaluation: The EPA published a draft *Protocol for the Evaluation of Biodegradable Municipal Waste sent to landfill by Pre-Treatment Facilities* (EPA, November 2009), which is available for download on the EPA website. This draft protocol sets out the proposed sampling and monitoring regime required for the evaluation of bio-stabilised residual waste and includes the recommended testing of every 200 tonnes of bio-stabilised residual waste sent to landfill.

The Technical Committee consider that regular monitoring of the respiration rate of the bio-stabilised residual waste accepted at the facility, as specified in the draft protocol and PD, is necessary to ensure that this stabilised waste consistently meets the specified stabilisation criteria (Condition 8.1.4.4).

Footnote 1 to Table C.5, as referred to by the licensee, allows for the specified sampling frequency to be amended if an alternative protocol is agreed by the Agency under Condition 8.1.4.2 based on biological treatment process parameters (e.g. validated residence time and temperature parameters at the treatment facility). This means that the licensee may not need to carry out monitoring of the bio-stabilised residual waste at the specified frequency if the up-stream pre-treatment waste facility can prove that their treatment process can consistently achieve the stabilisation criteria specified/agreed under Condition 8.1.4.2.

The Technical Committee note that the monitoring frequency may also be amended, with the agreement of the Agency under Condition 6.9, based on the evaluation of monitoring results from an initial period of testing at the specified frequency.

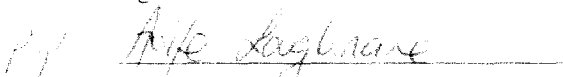
Recommendation: No Change.

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



Stuart Huskisson

for and on behalf of the Technical Committee