

This report has been cleared for submission to the Director by the Programme Manager Frank Clinton

Signed Dechoe Date 27/1/11

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



INSPECTORS REPORT ON A LICENCE REVIEW

TO:	DIRECTORS	
FROM:	Brian Meaney	- Licensing Unit
DATE:	14 January 2011	
RE:	EPA-initiated review of a waste licence for KTK Landfill Limited, Licence Register No. W0081-04.	

Type of facility:	Landfill
Class(es) of Activity (P = principal activity):	4 th Schedule: Class 1[P], 5, 11 & 13 3 rd Schedule: Class 3, 4 & 13
Quantity of waste managed per annum:	275,000 tonnes
Classes of Waste:	Non-hazardous commercial, industrial, construction and demolition, sludges.
Location of facility:	Brownstown and Carnalway, Kilcullen, County Kildare.
Licence review initiated:	31 st August 2010
Third Party submissions:	None
Licensee submission:	None
EIS Required:	No
New or existing facility (i.e. operational pre- or post-16 July 2001)	Existing
Site Inspection	None

On 31 August 2010, the Environmental Protection Agency initiated a review of the waste licence relating to the landfilling activities at KTK Landfill, waste licence register number W0081-03. The review was initiated by writing to the licensee and placing a newspaper notice in the Irish Independent. The reasons for initiating the review are as follows:

- Section 46(2)(b) of the Waste Management Acts, 1996 to 2008, requires that the EPA review a waste licence if “new requirements (whether in the form of standards or otherwise) are prescribed, by or under any enactment or Community act, being requirements that relate to the conduct or control of the activity to which the waste licence relates.” In this case, there is a need to further elaborate and 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.
- There is also the need to give effect to 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.
- Article 52(5) of the Waste Management (Licensing) Regulations 2004, as amended, requires the EPA to review a waste licence in order that a landfill will operate in compliance with the relevant requirements of the Landfill Directive. In this regard, an assessment of the landfill conditioning plan was carried out by the Office of Environmental Enforcement and taken into account in the review of the licence.
- There is also a need to further the general Best Available Techniques (BAT) obligation to reduce the overall environmental impact of landfill. In this context, there are newly elaborated 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 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.

The conditions limiting the acceptance of biodegradable municipal waste will contribute to implementation of the National Strategy on Biodegradable Waste (Department of the Environment, Heritage and Local Government, 2006).

In August 2008, the landfill operator closed the landfill. Kildare County Council then granted a 4 year extension of planning to October 2012. The landfill operator in 2009 began accepting some waste material for disposal and use in achieving final contours. A review of the licence is now required to ensure landfill operations are compliant with the Landfill Directive and national standards regarding acceptance of biodegradable municipal waste.

A number of conditions are to be amended and some new conditions are proposed . The following is a full list of new or amended conditions and schedules in the licence (not including minor textual amendments or corrections):

Table 1 List of new or amended conditions

Condition or Schedule	Replacing an existing condition	New condition	Description
Definitions or Interpretation		✓	To include new definitions.
2.2.2.2	✓		Revised Environmental Objectives and Targets

Condition Number	Replaces an existing condition	New condition	Description
			schedule requirements
2.2.2.3	✓		Landfill Environmental Management Plan
3.17.3		✓	Groundwater trigger levels
5.2 and 5.4	✓		Restructure of existing conditions per OEE recommendation
5.5 and 5.6	✓		Updated leachate management condition to reflect sewer discharge (as opposed to tanker discharge)
6.19.12		✓	Restriction that only bio-stabilised residual waste that meets the treatment standard may be used as landfill cover.
6.21		✓	Condition requiring use of competent laboratories and testing to CEN standards.
8.3.5 to 8.3.10	✓	✓	Updated and new conditions on waste acceptance and waste acceptance procedures
8.4		✓	New condition, partially replacing existing condition, on waste treatment prior to landfilling
8.5 and 8.6		✓	New conditions limiting acceptance of biodegradable municipal waste and requiring monitoring and reporting of biodegradable content of waste.
8.8	✓		Amendment of existing condition 8.8 and its sub-conditions.
11.12	✓		Updated condition on waste recovery reports
11.13		✓	Condition with new detailed requirements for waste records
11.14		✓	Obligation to issue waste acceptance receipts
11.15		✓	New condition regarding notification of the Agency in the event of failure of waste to meet waste acceptance criteria
11.16		✓	Requirement for reporting to demonstrate compliance with diversion targets
11.17		✓	Requirement to submit reports in accordance with conditions and schedules
12.1	✓		Amendment of Agency annual charge to current charge for 2011.
12.2.1	✓		Variation of sanitary authority charge for sewer discharge
12.3 and 12.4	✓		Amendment of financial provision conditions
Schedule A, Table A.1	✓		Removal of allowance for asbestos (6,000 tonnes per annum) and reallocation to allowance for commercial waste (228,750 tonnes).
Schedule A, Table A.2		✓	Restriction on permitted landfill capacity
Schedule B.3,		✓	Emission limit values for discharge to sewer

Condition	Deletion	Amendment	Description
emissions to sewer			
Schedule C.1.3, landfill gas monitoring		✓	Introduction of explicit requirement for continuous monitoring for landfill gas in site office and sewer discharge
Schedule C.2.2, leachate discharge to sewer		✓	Monitoring of sewer discharge
Schedule C.3, meteorological monitoring		✓	Additional meteorological monitoring requirements
Schedule C.4, waste monitoring		✓	Monitoring requirement for biostabilised residual waste

Condition 8.8 of the existing licence allows and controls the deposition of asbestos at the landfill. It is proposed for deletion as approval for the development of new asbestos cells was previously refused by the OEE and the operator has indicated it will not propose landfilling asbestos in this final phase of work. The existing condition 8.8.4 will remain, renumbered and slightly amended, as **condition 8.8** as it regulates the minimum final depth for deposited asbestos waste.

Finally, Kildare County Council consented in accordance with section 52 of the Waste Management Acts 1996 to 2010 to allow a discharge of leachate to sewer. **Condition 5.5** contains new sub-conditions implementing this consent. Emission limit values are set out in *Schedule B.3* and monitoring requirements in *Schedule C.2.2*.

Compliance with Directives/Regulations

Table 1 (above) sets out new and amended conditions that, subject to compliance with those conditions, will ensure that the facility operates in conformance with the provisions of the Landfill Directive (1999/31/EC).

Proposed Decision

It is my opinion that the new/amended conditions proposed in the attached Recommended Decision address: BAT as set out in the Pre-Treatment Guidance Document (referenced above); the requirements of article 52(5) of the Waste Management (Licensing) Regulations, 2004, as amended; and provisions of the Landfill Directive (1999/31/EC). The new/amended conditions will not cause any new or increased emissions over and above the emission limit values specified in the licence. Thus the requirements of section 40(4) of the Waste Management Acts 1996 to 2008 will continue to be met.

Submissions

As the EPA initiated this review, the licensee was entitled to make a submission. No submission was made by the licensee. No third party submissions were made.

Prosecution

On the 4th October 2010 at Naas District Court, KTK Landfill Limited pleaded guilty to four charges brought by the Environmental Protection Agency in relation to offences under Sections 14(6)(c), 39(1) and 39(9) of the Waste Management Act (as amended) for breaches of its waste licence (W0081-03). The Company admitted breaching conditions of its licence by:-

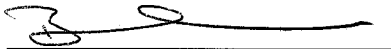
1. Providing false and misleading information to an authorised person and the Agency.
2. Permitting emissions to surface water which were of environmental significance and were not specified emissions.
3. Permitting leachate levels in the waste to exceed a level of 1.0m over the top of the liner at the base of the landfill.
4. Failing to contact the Agency as soon as practicable after the malfunction of a continuous monitor and failing to put in place alternative monitoring facilities.

The court imposed fines of €2,000 on each of the four charges and EPA costs were awarded.

Recommendation

I have considered all the documentation governing the grounds for the review of this licence and recommend that the Agency grant a revised licence subject to the conditions set out in the attached RD and for the reasons as drafted.

Signed



Brian Meaney
Inspector

Procedural Note

In the event that no objections are received to the Proposed Decision on the application, a licence will be granted in accordance with Section 43(1) of the Waste Management Acts 1996-2008.

