



greenstar

setting the standard

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Mr. D. Masterson,
Office of Environmental Enforcement,
Environmental Protection Agency,
PO Box 3000,
Johnstown Castle Estate,
Co. Wexford.



21 June 2011

Dear Mr. Masterson,

**Re: W0165-02
Request for Technical Amendment of Waste Licence**

This submission presents a request by the licensee, Greenstar Holdings Limited, to the Environmental Protection Agency (EPA) to make a Technical Amendment to a condition of the Waste Licence for the licensed non-hazardous waste landfill facility at Ballynagran, Coolbeg and Kilcandra, County Wicklow.

Greenstar Holdings Limited (Greenstar) was granted a waste licence for a Non-Hazardous Waste Landfill on the 5th of September 2003 (Register Number W0165-01) that was subsequently reviewed by the Agency which issued a revised licence (W0165-02) on 23/3/2010. The licence is subject to 12 Conditions and seven schedules (Schedules A to G) covering, *inter alia*, the development, operation, management and monitoring of the landfilling activity.

The licensee seeks to have the facility opening hours modified to facilitate the acceptance of waste on public holidays.

1 Introduction

In accordance with the section 42B of the Waste Management Act, 1996 (inserted by section 38 of the Protection of the Environment Act, 2003) the Agency may amend a waste licence for the purposes of:

- (a) *Correcting any clerical error therein,*

- (b) *Facilitating the doing of anything pursuant to a condition attached to the licence where the doing of that thing may reasonably be regarded as having been contemplated by the terms of the condition or the terms of the licence taken as a whole but which was not expressly provided for in the condition, or*
- (c) *Otherwise facilitating the operation of the licence and the making of the amendment does not result in the relevant requirements of section 40(4) ceasing to be satisfied.*

Greenstar submits that Condition 1.8 of the Licence be amended which will fulfil two purposes, namely;

- i) *facilitating the “doing” of the works and the resulting environment protection that was contemplated by the conditions requiring the works to be carried out, and,*
- ii) *facilitating the operation of the licence.*

We respectfully submit, for the Agency to decide, that the making of the amendments as proposed will not result in the relevant requirements of section 40(4) of the WMA, 1996 ceasing to be satisfied, namely:

- (4) *The Agency shall not grant a waste licence unless it is satisfied that—*
 - (a) *any emissions from the recovery or disposal activity in question (“the activity concerned”) will not result in the contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value, prescribed under any other enactment,*
 - (b) *the activity concerned, carried on in accordance with such conditions as may be attached to the licence, will not cause environmental pollution,*
 - (c) *the best available technology not entailing excessive costs will be used to prevent or eliminate or, where that is not practicable, to limit, abate or reduce an emission from the activity concerned,*
 - (d) *if the applicant is not a local authority, the corporation of a borough that is not a county borough, or the council of an urban district, subject to subsection (8), he or she is a fit and proper person to hold a waste licence,*
 - (e) *the applicant has complied with any requirements under Section 53.*

2 Proposed Technical Amendment

The current waste licence, W0165-02, contains the following Condition 1.8 which (had been modified following the Agency review of W0165-01 for the principal purposes of inserting biodegradable municipal waste (BMW) diversion targets).

2.1 Condition 1.8

2.1.1 Current Wording

The current wording of this condition is:

1.8 Waste Acceptance Hours and Hours of Operation

- 1.8.1 Waste may only be accepted at the facility for disposal at the landfill between the hours of 8.00am and 6.00pm Monday to Saturday inclusive.
- 1.8.2 The landfill at the facility may only be operated during the hours of 7.00am and 7.00pm Monday to Saturday inclusive.
- 1.8.3 Waste shall not be accepted at the landfill on Sundays or on Public Holidays.

2.1.2 Proposed Amended Wording

The proposed amended wording of this condition is as follows:

- 1.8.3 Waste shall not be accepted at the landfill on Sundays or on Public Holidays, unless otherwise agreed with the Agency.

This proposed wording reflects that included in the waste licence for Greenstar's MRF at Fassaroe, and the licence for the Drehid landfill operated by Bord Na Móna.

In practice the Licensee will seek the approval of the Agency to open on a case by case basis rather than secure a blanket approval for all public holidays. The first such request will be for Monday 1st August, 2011.

2.2 Grounds for Amendment

2.2.1 Original Waste Licence Application

The original Waste Licence Application submitted in 2001 made no distinction between workings days and sought to open Monday to Saturday inclusive.

The Inspector's Report on the application considers to the waste acceptance and operational hours as follows:

<p>Environmental nuisances are controlled by Condition 7 of the recommended PD.</p> <p>(3) Waste Types/Quantities/Hours of Waste acceptance</p> <p>In accordance with the Landfill Directive, all wastes accepted at the facility will be required to undergo treatment prior to acceptance. The applicant applied to dispose a total of 180,000 tonnes of waste per annum at the facility. However, the recommended PD does not allow the disposal of 5,000 tonnes of industrial sludge as I consider it is not appropriate for sludges to be disposed of at a residual landfill. Therefore, the applicant will be allowed to dispose of 175,000 tonnes of waste and this comprises of 62,500 tonnes of household waste, 67,500 tonnes of commercial waste and 45,000 tonnes of industrial waste. In addition, Schedule A allows the annual acceptance of up to 28,000 tonnes of recycled construction and demolition waste of a suitable nature for the purposes of recovery and restoration of the facility.</p> <p>The applicant applied to accept waste at the facility between the hours of 8.00am and 6.00pm Monday to Saturday with pre-opening and post closure activities taking place for up to one hour on either side of the waste acceptance hours. The recommended PD provides for these hours of waste acceptance while the operational hours are limited to 7.00am to 7.00pm (Monday to Saturday).</p>
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Heretofore, the licensee recognised that the licence contained an unnecessary limitation in relation to working hours but sought not to address it as customer demand for those opening times did not exist at that time (although it was envisaged that they may exist in the future). However it has now come about that, prompted by developments in the sector, the ability to operate the landfill on public holidays is now a requirement and the licence ought to be corrected accordingly.

The licensee acknowledges that the original EIS stated that the landfill would not operate on Bank Holidays but respectfully submits that the content of the waste licence application takes precedence.

The submission by the applicant in relation to the review of the licence requesting that “public holiday” be substituted for “bank holiday” in condition 1.8.3 merely compounded what was an error in the first instance.

2.2.2 Environmental Impact

It is submitted that operating the landfill on occasional public holidays will not generate additional environmental impacts and will, owing to the presence of staff, enhance the already high quality of management of the facility.

The overall quantity of waste managed at the facility will not increase and remain within the limits set in the licence. Accordingly the overall traffic volumes generated by waste deliveries will not increase. Vehicles access the facility via a short length (c. 250m) of the L1113 from its junction with the N11 (national primary route). The L1113 is a sign-posted diversion route for N11 traffic.

The potential for environmental nuisances caused by operating the facility on occasional public holidays is insignificant as the routine operation of the facility possesses an excellent record of compliance with the licence.

The recent commencement of enabling works for the application of the engineered landfill cap will result in the completion of landfilling in the southernmost area of the landfill. Landfilling will then progress in a northerly direction away from the southern flank.

2.2.3 Waste Collection Demands

Notwithstanding that it was originally envisaged by the licensee that the facility would open on Mondays to Saturdays the trend in waste collection times has resulted in an increased demand for facilities to remain open on Saturdays and on public holidays. This demand is more apparent where the landfill serves large urban areas where both commercial and household waste collections continue. Customers are

demanding reliable routine services rather than intermittent ad-hoc arrangements catering for public holidays.

Additionally, the efficient use of waste collection resources, equipment and facilities requires that even short-duration backlogs are eliminated from the system. It appears to be a requirement that Municipal Solid Waste is collected and disposed of as efficiently and as promptly as possible to avoid environmental issues at intermediate facilities that are generally located in urban areas. The disposal facilities are therefore required to accommodate the industry demands of and regulatory controls on the waste collection system.

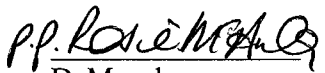
2.2.4 Other Facilities

The landfill at Ballynagran relies to an extent on the Greenstar MRF at Fassaroe (W0053-03) which benefits from the conditional opening hours that facilitate opening on public holidays.

Another facility that would potentially deliver to Ballynagran on public holidays is the Ballymount Baling Station (W0003-03) operated by Greenstar on behalf of South Dublin County Council.

We trust the Agency will look favourably upon this request for amendment of Waste Licence W0165-02 to facilitate opening on public holidays which will be the exception rather than the norm. Should require any further information please do not hesitate to contact the undersigned or the Facility Manager Mr John Jones.

Yours sincerely,


D. Monahan
For and on behalf of Greenstar

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