

This memo has been cleared for
Submission to the Director by
the Programme Manager F. Clinton

Signed: Maire Buckley Date: 18-11-11
Máire Buckley

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

■ ENVIRONMENTAL PROTECTION AGENCY
An tAidmhearcacht um Chaomhnaíocht

LICENSING PROGRAMME MEMORANDUM

TO:	Director
FROM:	Aoife Loughnane, Environmental Licensing Programme
DATE:	18 th November 2011
RE:	Request to withdraw a Waste Licence Review Application Reg. No. W0009-04 Balleally Landfill, from Fingal County Council.

A waste licence review application, Reg. No. W0009-04 Balleally Landfill, was received from Fingal County Council on 14th May 2009, in order to seek increased emission limit values (ELVs) for the discharge of treated leachate to the Rogerstown Estuary. Fingal County Council has now requested the withdrawal of this licence review application and is seeking a refund of the €25,000 application fee.

Background

Fingal County Council has operated a landfill at Balleally since 1971. The licensing history of the facility is as follows:

- The original waste licence Reg. W0009-01 was granted by the Agency on 16th February 2000;
- A revised waste licence Reg. W0009-02 was granted on 8th January 2003;
- Technical amendments were issued on 9th August 2005 (WEEE amendment) and 28th October 2005 (IPPC Directive compliance).
- A further revised waste licence Reg. W0009-03 was granted on 21st December 2009 (Landfill Directive compliance).

Balleally landfill is fast approaching capacity, with waste disposal activities due to be completed by December 2011. Fingal County Council cannot meet the ELVs in the existing licence for the discharge of leachate to the Rogerstown Estuary, which is a designated Special Area of Conservation (SAC) and Special Protection Area for birds (SPA). The leachate treatment plant on site is capable of achieving a treated effluent concentration of 750 – 1000 mg/l COD, whereas the licence ELV is 125 mg/l COD. Therefore, Fingal County Council has stopped operating the leachate treatment plant and untreated leachate is currently being tankered to Ringsend waste water treatment plant (approximately 110m³ per day). The current licence review application (Reg. W0009-04) was received on 14th May 2009, in order to seek increased ELVs for the discharge of treated leachate to the Rogerstown Estuary.

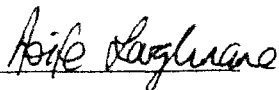
The licence review application (W0009-04) was assessed in accordance with the Waste Management (Licensing) Regulations 2004 to 2011. An Article 14(2)(b)(ii) letter requesting further information (including an Appropriate Assessment under the Habitats Directive) was issued on 7th September 2009. However, due to the delay in responding to the request for further information, progress in processing this application has been minimal.

On 24th June 2011, a meeting was held between the Agency and Fingal County Council to discuss the waste licence review application. The proposal to discharge treated leachate to the Rogerstown Estuary is no longer the preferred option, and Fingal County Council now intends to discharge partially treated leachate to the proposed new Portrane Donabate WWTP via a new sewer connection. The new Portrane Donabate WWTP (65,000 p.e. capacity) is expected to be commissioned by March 2012. Waste Water Discharge Licence (WWDL) review application D0114-02 was received by the Agency on 23rd September 2011, in order to expand the agglomeration boundary to include Rush and Lusk, and the review also includes a proposal for the treatment of Balleally landfill leachate at the new WWTP. It was agreed at the meeting by both parties that waste licence review application W0009-04 should be withdrawn, as it no longer reflects the proposed leachate disposal arrangements.

On 14th October 2011, the Agency issued an Article 21(2) abandonment notice to Fingal County Council, requesting a submission in writing within one month as to why the application should not be considered as having been withdrawn. Fingal County Council responded on 7th November 2011 with a letter requesting the withdrawal of the licence application and seeking a refund of the €25,000 application fee. They have also requested the Agency's agreement to proceed with an application for a Technical Amendment of the existing waste licence (W0009-03) in order to authorise the discharge of partially treated leachate to the new Portrane Donabate WWTP via sewer.

Recommendation

1. Given that the applicant's proposals have changed significantly from those in licence review application W0009-04, I recommend that the Agency agree to the withdrawal of the review application. The facility will remain a licensed activity and the existing waste licence (W0009-03) will remain in force.
2. Fingal County Council paid an application fee of €25,000. I recommend that a 50% refund (€12,500) be made, having regard to Article 45(1)¹ of the Regulations and the fact that no recommendation or decision on the licence application had been reached prior to the applicant's request to withdraw.
3. Fingal County Council may request a Technical Amendment of waste licence W0009-03 to accommodate the discharge of partially treated leachate to the new Portrane Donabate WWTP via sewer. It is likely that such a proposal could be accommodated by a Technical Amendment, subject to the Agency receiving consent for the discharge to sewer (under Section 52 of the Waste Management Acts 1996 to 2011) from the Water Services Authority (Fingal County Council), and subject to the impact of leachate acceptance and treatment at the new WWTP having been assessed in the WWDL review process. However, it will only be appropriate for the Agency to consider such a request once the WWDL review D0114-02 has been completed.



Aoife Loughnane, Inspector
Environmental Licensing Programme

¹ Article 45(1) of the Waste Management (Licensing) Regulations 2004 to 2011 states "The Agency shall have an absolute discretion to refund or waive up to half of any fee payable in respect of a particular application where it is satisfied that the payment in full of the fee would not be just and reasonable having regard to the relevant circumstances of the activity".