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Signed: Gráinne Uglyesby

Date: 10/5/13



OFFICE OF CLIMATE, LICENSING & RESOURCE USE

ENVIRONMENTAL LICENSING PROGRAMME MEMORANDUM

TO: DARA LYNOTT, DIRECTOR

C.C: Frank Clinton, Programme Manager

FROM: Brian Meaney, Senior Inspector

DATE: 10th May 2013

RE: Request for Technical Amendment to Waste Licence Register Number **W0001-04**, held by **Kerry County Council** in relation to **North Kerry Landfill**, Muingnaminnane, Tralee, Co. Kerry

North Kerry Landfill is operated by Kerry County Council and is authorised to accept up to 75,000 tonnes of waste per annum for disposal – a mix of household, commercial, industrial and construction and demolition waste – as well as 2,000 tonnes of biodegradable waste for composting. According to the AER for 2011, 16,545 tonnes of waste were accepted in that year. Waste acceptance decreased steadily in the three years 2009-2011 from an annual average of around 55,500 tonnes in the period 2000-2008. The landfill had, according to the AER, developed capacity in three cells for some 95,000 tonnes of waste. Undeveloped licensed capacity is approximately 450,000 tonnes.

A licence was first granted in July 1998. The licence has been reviewed three times, most recently in March 2010.

Details of request for technical amendment under section 42B of the Waste Management Acts 1996 to 2012

1. The licensee has requested amendment of the licence to authorise the discharge of leachate by sewer to Castleisland waste water treatment plant.
2. The licensee has requested amendment of the licence to authorise the storage of material as may arise on an emergency basis during environmental clean-ups or as a result of environmental disasters such as oil spills.
3. The licensee has requested amendment of the scope of monitoring of the licence.

Amendment 1

Leachate is currently carried by tanker from the landfill. It is proposed instead to build a pipeline to carry leachate 10.8km to Castleisland waste water treatment plant. The waste water discharge from Castleisland agglomeration is licensed as

D0180-01. Condition 4.12 of that licence requires the Agency's agreement for any input of leachate into the treatment plant in excess of 4% of total dry weather inflow. The inspector's report for D0180-01 acknowledges the proposal to pipe leachate to the treatment plant.

A section 52 notice was issued to the Water Services Authority (Kerry County Council) seeking its authorisation for a sewer discharge. No response to this notice was received. That being the case, amendments to the following conditions and schedules of the licence are proposed in order to facilitate the change, as follows:

- 6.7.3;
- 6.8;
- 8.17;
- 8.18;
- 8.19;
- 10.8; and
- Schedule C.5.

Amendment 2

Kerry County Council is obliged to prepare an oil and hazardous and noxious substances spill contingency plan under the Sea Pollution Acts, 1999 to 2006. The request for technical amendment describes the material most likely to be accepted as heavy fuel oil contaminated material. The intention would be that, in the event of an accident or incident, contaminated material would in the first instance be brought directly to appropriate treatment/disposal facilities. The infrastructure at the landfill site is only proposed in the event that capacity at other facilities is exceeded. This being the case it is considered that the temporary use of "controlled locations" such as the infrastructure available at the licensed landfill site is a proportionate and reasonable response by the local authority. In the context of environmental pollution, the proposal is presented as one that would "contribute to the overarching objective of best possible environmental, economic, effective and financial outcome for the region affected by the consequences of a spill event."

It is proposed that material arising under the plan would be brought, should capacity elsewhere be limited or unavailable, to the licensed facility. The licensee has identified two quarantine areas and a composting slab as potential storage areas for contaminated material. Each of these areas is contained and has controlled drainage to existing composite-lined lagoons at the facility, two of which receive no leachate from landfill cells. Run-off and leachate collected from the storage areas in the lagoons will be transported off-site for appropriate treatment.

The technical amendment is sought on the basis that the licence precludes the use of the facility in an emergency situation. This reason does not seem correct in that the licence does not specifically preclude the use of the facility in a regional emergency. And it is not clear that the Agency would take a principled stance in prohibiting the temporary storage of contaminated materials at the facility in the event of such an emergency and there being no other options available to handle such material. Having said that, if the facility is to be specifically mentioned in the county's contingency plan, it is as well that the licence provides for all available safeguards against environmental pollution in the event of the facility being called on during an emergency. The following conditions of the licence are consequently proposed for amendment:

Condition 1: to provide for general agreement for the use of the facility as an emergency response facility under Kerry County Council's oil and hazardous and noxious substances spill contingency plan.

Condition 2: to provide procedures to be implemented in the event of an emergency arising.

Condition 3: to ensure that infrastructure to be used in response to the Council's spill contingency plan is fit for purpose, is regularly checked and will not allow for the discharge of run-off or leachate.

Condition 5: to keep the period of storage of emergency material and resulting leachate to a minimum.

Condition 8: to implement a dedicated environmental monitoring programme in the event of the facility being used in response to an emergency.

Condition 11: to ensure a copy of the Kerry County Oil and Hazardous and Noxious Substances Spill Contingency Plan is held at the facility.

Condition 12: to ensure that the licensee seeks the Agency's agreement to the use of the facility in case of an emergency response, or, where this is not reasonably possible given the emergency nature of such an event, to inform the Agency as soon as possible after commencement of such use.

Amendment 3

Condition 6.5.3 of the licence requires the continuous monitoring of conductivity, pH and TOC of the surface water/groundwater retention ponds. The licensee has sought replacement of TOC with ammonia due to the unreliability of TOC instrumentation and equipment. The OEE has already agreed the change under condition 8.2 of the licence. An amendment to condition 6.5.3 will formalise the change.

European Communities Environmental Objectives (Groundwater) Regulations 2010

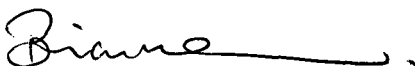
The following conditions and definitions are proposed for the purposes of the European Communities Environmental Objectives (Groundwater) Regulations 2010:

- conditions 8.16; and
- insertion of the terms "compliance point" and "compliance value" in the Interpretation section of the licence.

Recommendation

I recommend that the Agency make a technical amendment of licence register number W0001-04 under Section 42B(1)(c) of the Waste Management Acts 1996 to 2012 as proposed in the attached recommendation for a technical amendment.

Signed:



Brian Meaney
Senior Inspector
Environmental Licensing Programme