

This Report has been cleared
for submission to the Director
by Frank Clinton

Signed  Dated 29/8/2013



**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: 27 August 2013

RE: Request for Technical Amendment to Waste Licence Register Number **W0029-04**, held by **Offaly County Council** in relation to **Derryclure Landfill**, Derryclure and Killeigh, Tullamore, Co. Offaly.

The facility at Derryclure Landfill is operated by Offaly County Council. Waste acceptance at the landfill ceased in October 2011. Civic amenity and waste transfer activities continue. Both of these activities are operated by private enterprise under contract to Offaly County Council.

A licence was first granted in November 1999. The licence was reviewed three times, most recently in October 2010. The licence was technically amended in January 2013 for the purposes of the European Communities Environmental Objectives (Groundwater) Regulations 2010.

Details of request for technical amendment under section 42B of the Waste Management Acts 1996 to 2013

The licensee has requested amendment of the licence to authorise the use of a "mobile waste transfer plant" at the facility.

There are two operational areas currently at the facility – other than the landfill that is in the restoration and aftercare management phase. The first is a civic waste facility to which members of the public have access to deposit waste. The second is known as the Transfer Area and was previously used by members of the public to deposit waste for landfill. The deposited waste was moved daily to the landfill by Council staff. Since closure of the landfill, the deposited waste is moved off-site to other authorised facilities. The proposed "mobile waste transfer plant" is to be installed in the Transfer Area.

It is proposed to install a covered conveyor system that is capable of transferring waste from refuse collection vehicles into bulk compactor trailers. It is anticipated that two collection vehicles would visit twice a day and fill 5 compactors for transport to (relatively) distant waste facilities. Mixed municipal waste and dry recyclable waste are proposed for transfer at the facility.

The conveyor system is covered so there is little potential for wind-blown litter to be generated. In the event that waste falls outside of the trailers being loaded, condition 6.30 is proposed to ensure that any debris is immediately cleaned up. The existing condition 5.3 will regulate and control any potential for litter generation generally.

Regarding the potential for odour generation due to the exposure of mixed municipal waste, the conveyor system is enclosed so the potential for significant wind-blown odour appears small. The existing condition 5.2 will regulate and control any potential for odour generation generally. To avoid overnight storage of potentially odorous waste, the proposed condition 8.21 will require the daily dispatch of any waste accepted at the facility for bulk transfer. The Agency's environmental information system shows no residences within a 500m radius of the location of the proposed activity. There are no records on Agency databases of odour complaints at the facility since February 2012, around the time the landfill stopped accepting waste.

According to the licensee, the area proposed for the bulk transfer activity drains to a holding tank that is emptied at intervals to an off-site waste water treatment plant. The proposed condition 3.30 will ensure this, or a similar, arrangement remains in place.

The proposed condition 3.29 provides for the Agency's agreement to operate the waste transfer plant to be withdrawn in the event that the plant's operation leads to environmental pollution or nuisance or other non-compliance with the conditions of the licence.

Schedule A.1 *Limitations* of the licence does not provide for waste transfer activities to be carried out. It is proposed to insert the following activity into the list of authorised waste-related activities:

- Transfer of municipal waste for dispatch to authorised facilities

There is no change proposed in the classes of activity authorised in the licence (in the context of the Third and Fourth Schedules of the Waste Management Acts 1996 to 2013), nor on the principal activity.

It is proposed that up to 10,000 tonnes of mixed municipal waste and 2,500 tonnes of dry recyclable waste would be accepted for transfer. Schedule A.2 of the existing licence contains two tables on waste acceptance: one for the landfill (which is no longer relevant) and one for waste accepted for recovery, with the latter table incorporating:

- the acceptance of waste for composting (activity not commenced);
- inert waste acceptance for use in landfill engineering etc.; and
- waste to be accepted at the civic waste facility.

It is proposed to insert a new Table A.5 in Schedule A.2 to clarify the limitations on waste acceptance at the mobile waste transfer plant.

In order to distinguish this waste transfer area from the civic waste facility, it is proposed to:

- insert a definition of civic waste facility into the licence, for the purposes of clarity in the context of this licence; and
- prohibit public access to the bulk waste transfer area (proposed condition 8.20).

The hours of waste acceptance and facility operation currently expressed in condition 1.8 of the licence relate solely to the landfill and civic waste facilities. A new condition 1.8.3 is proposed to regulate waste transfer activities according to the opening times of the civic waste facility.

The lack of opportunity for public participation in the technical amendment process is a matter of concern. Offaly County Council has not consulted with residents in advance of making this proposal but has stated that residents will be updated in the event that the proposal is implemented. The Council sees no legal requirement for public consultation and does not consider that the proposal warrants public consultation. The low risk of nuisance (odour, litter) being caused by operation of the waste transfer plant and the distance to residences, coupled with the existing and proposed conditions of the licence, will mitigate against there being a negative public response to the activity. That being said, should poor operation of the activity lead to the generation of environmental pollution or nuisance, the conditions of the licence (existing and proposed) will allow the Agency to bring about cessation of the bulk transfer activity.

Recommendation

I recommend that the Agency make a technical amendment of licence register number W0029-04 under Section 42B(1)(c) of the Waste Management Acts 1996 to 2013 as proposed in the attached recommendation for a technical amendment.

Signed:



Brian Meaney