

 <p>epa Environmental Protection Agency <i>An Ghníomhaireacht um Chaomhnú Comhshaoil</i></p>	OFFICE OF ENVIRONMENTAL SUSTAINABILITY
ENVIRONMENTAL LICENSING PROGRAMME	
TO:	Directors
FROM:	Environmental Licensing Programme
DATE:	14/11/2016
RE:	Technical Amendment to Industrial Emissions Licence Register Number W0146-02 held by Knockharley Landfill Limited.

1. Background

A letter from the Department of Communications, Climate Action and Environment was received by the Agency on 10/11/2016. The Department expressed the view, all other options having been exhausted, that there is a serious risk in the immediate future of environmental pollution occurring as a result of outlets not be available to manage the anticipated residual municipal waste arising between now and end-of-year. The Department also expressed the view that a situation could not be allowed to unfold whereby waste remains uncollected given the public health and environmental risks associated with such a scenario. The Department asked the Agency as a matter of urgency to review all options open to the regulatory authorities to prevent or limit such pollution.

Having considered the Department's letter, the Board of the Environmental Protection Agency instructed the Environmental Licensing Programme on 11/11/2016 to pursue options, including technical amendment of licences, in an effort to find a solution to prevent the risk of environmental pollution arising from the lack of waste management capacity for residual waste.

Subsequent to this instruction, the licensee, Knockharley Landfill Limited, sought on 11/11/2016 a technical amendment of licence register number W0146-02 to authorise a temporary increase in the annual limitation on waste acceptance at the landfill.

2. Options

The options considered here are those open to the Agency.

It is not evident that the Agency has a wide choice of options that will provide additional waste disposal capacity between now and year-end. The licensee has identified an excess of 120,000 tonnes that will be collected by the waste industry in 2016 but for which the waste industry has not arranged outlets. There are three options presented by the licensee in their request for technical amendment, viz.:

- store residual waste at transfer stations;
- export residual waste; and
- increase the rate of landfilling of waste at available landfills.

In relation to the second option, the Agency has no regulatory or policy control over the export of waste and cannot bring about an increase in waste exports.

In relation to the first and third options, the Agency regulates all significant transfer stations and all landfills. The licensee rules out the storage of waste at transfer stations due to space constraints as well as environmental pollution and health risks arising. It is clear the storage of up to 120,000 tonnes of waste at transfer stations has significant potential for emissions and nuisance to be caused. It has not been possible to evaluate the actual space constraints at transfer stations and to consider each transfer station individually. In any event, no transfer station operator has sought the EPA's authorisation or agreement to temporarily store additional quantities of waste to year-end.

This leaves the landfills, from which two landfill operators have sought technical amendment of their licences to carry the burden of the additional 120,000 tonnes of waste: Ballynagran Landfill Limited and Knockharley Landfill Limited.

There would appear to be no option available to the Agency other than to solely consider the two technical amendment requests received.

3. Technical Amendment request

On 11/11/2016, the Agency received a request for technical amendment of Industrial Emissions licence register number W0146-02.

The licensee is authorised to accept up to 175,000 tonnes of waste per annum for disposal plus 25,000 tonnes of construction and demolition waste for recovery.

The licensee has sought authorisation to take an additional 80,000 tonnes of waste for disposal and 15,000 tonnes of construction and demolition waste between now and 31/12/2016.

Licence register number W0146-02 was granted on 23/3/2010 having been reviewed by the Agency for the purpose primarily of the Landfill Directive. The revised licence was subsequently amended three times, on 15/1/2013, 1/10/2013 and 20/12/2013, for the following reasons, respectively:

- to introduce conditions for the purposes of the Groundwater Regulations;
- to allow an 8-week trial on metal recovery from incinerator bottom ash; and
- to become an Industrial Emissions licence.

The technical amendment request is grounded in the fact that the Drehid landfill, to use the licensee's words, suddenly and unexpectedly ceased the acceptance of waste on 10/11/2016. This closure is the reason given by the licensee as to why there is a shortfall in disposal capacity in the Eastern-Midlands Region of 120,000 tonnes.

The licensee states the following:

- there is 210,000m³ of void space available at the landfill;
- plant and equipment is available to handle the increased intake of waste;
- the size of the working face will have to be increased and this can be agreed under condition 5.6 of the licence;
- waste will be placed in landfill cells that have been constructed in accordance with the licence;
- existing leachate management infrastructure is adequate;

- the landfill gas management infrastructure will be monitored, maintained and expanded as required by condition 6.10 of the licence [on odour control and monitoring];
- there will be no new emissions and the total landfill capacity will not change.

The licensee also stated that the increased allowance sought for 2016 will be taken from the 2017 authorised allowance. If the technical amendment request is agreed on this basis, this will have the net effect that the licensee will be authorised to accept only 105,000 tonnes in 2017 (including 10,000 tonnes of construction and demolition waste). The licensee stated it will apply for a licence review in 2017 in order to claw back the tonnage that was reallocated from 2017 to 2016.

4. Assessment

It is firstly necessary to take issue with the licensee's reasons for seeking technical amendment. It appears to be an overstatement of facts that the closure of the Drehid landfill by its owner is the sole factor in creating a shortfall of 120,000 tonnes. Further, the licensee attributes the shortfall to being a regional shortfall. In fact there exists a national shortfall in waste disposal capacity.

It would appear that the greatest environmental risk arising from an authorisation to increase waste intake is one of fugitive emissions and consequent odour nuisance. The licensee has proposed no specific details on how landfill gas will be managed in an enhanced way given the proposed increased intake of waste. However the licence conditions are clear in their intention and requirements and these will remain unchanged and can be enforced in case of inadequate enhancement of gas management and/or the occurrence of odour nuisance.

In terms of emissions to water, these are currently limited to stormwater discharges and do not emanate from the landfill body. The increased rate of waste intake will not result in new or increased discharges to surface water and will not change the quality of existing discharges.

With regard to the licensee's intention to apply for a licence review in 2017, there would appear to be little administrative benefit in carrying out such a licence review if its sole purpose is clawing back the 95,000 tonne allowance of waste acceptance as may become authorised by technical amendment. In the interest of reducing the administrative burden on the Agency, it is preferable that the additional 95,000 tonnes as may be authorised for 2016 be taken from the overall capacity of the landfill which is limited in Schedule A of the licence to 3,616,955m³.

5. Appropriate Assessment

A screening for appropriate assessment was carried out and this is documented separately.

6. Technical amendment

The technical amendment of any licence in the manner requested here, that is, to provide for a 47% increase in waste acceptance, would not normally be carried out by the Agency. The following factors allow a technical amendment to be considered in this instance:

- the increase is short-term, for a period of 7 weeks from today's date;
- there will be no change or increase in discharges to surface water;
- the risk of increased odour nuisance exists but is capable of being managed, and in the event that significant odour nuisance is caused, additional mitigation measures can put in place by the licensee or, if the Agency deems it necessary, the increased waste intake can be scaled back to a level that doesn't create a significant odour nuisance; and

- the fact that a shortfall in waste disposal capacity to year-end will in all likelihood lead to waste remaining uncollected with resultant environmental and public health risks arising.

The accompanying proposal for a technical amendment will, if issued by the Agency, allow the licensee to accept an additional 95,000 tonnes of waste at the landfill in 2016. The making of the amendment will not result in the relevant requirements of Section 83(5) of the EPA Acts 1992 to 2012 ceasing to be satisfied.

Signed,



Brian Meaney on behalf of the Environmental Licensing Programme