

 <p>epa Environmental Protection Agency An Ghníomhaireacht um Chaomhnú Comhshaoil</p>	OFFICE OF ENVIRONMENTAL SUSTAINABILITY
ENVIRONMENTAL LICENSING PROGRAMME	
TO:	Dr Eimear Cotter, Director
FROM:	Michelle Reddy, Inspector, Environmental Licensing Programme
DATE:	22 August 2019
RE:	Technical Amendment to Industrial Emissions Licence Register Number: W0078-03, held by Tipperary County Council for an installation at Ballaghveny Landfill, Ballymackey, County Tipperary.

The Agency received a request on 7th January 2019 from Tipperary County Council, Licence Reg. No W0078-03 to technically amend their Licence. The request relates to leachate management as per Condition 6.2.2 of Licence W0078-03. Condition 6.2.2 states "Leachate levels in the waste shall not exceed a level of 1.0m over the top of the liner at the base of the landfill".

1. Background

Tipperary County Council was granted a licence ; Reg. No. W0078-01, on 4th May 2001 for an installation located at Ballaghveny Landfill, Ballymackey, County Tipperary. The installation is licenced under Classes 11.5 and 11.1 of the First Schedule to the EPA Act 1992 as amended.

Tipperary County Council is authorised to operate a non-hazardous landfill at Ballaghveny Landfill under IE (Industrial Emissions) Licence register number W0078-03 and is permitted to accept 49,000 tonnes of non-hazardous waste per annum including municipal waste, commercial waste, construction and demolition waste, pre-treated sludge and green waste for composting.

A revised licence, Licence Reg. No. W0078-02, was issued to Tipperary County Council on 15th June 2006. This licence was further revised and Licence Reg. No. W0078-03, was issued on 21st December 2009.

The licence granted to Tipperary County Council (Reg. No. W0078-03) was amended for the purposes of Section 82A(11) of the EPA Act 1992 as amended, on 19th December 2013. This amendment gives effect to the requirements of Directive 2010/75/EU (Industrial Emissions Directive).

The licence was amended on 28th June 2010, (Technical Amendment A) which related to limits on acceptance of municipal waste at the installation, reporting and waste monitoring. A second amendment on 15th January 2013 (Technical Amendment B) was to bring the licence into conformity with the the provisions and requirements of the European Communities Environmental Objectives (Surface Wates) and Environmental Objectives (Groundwater) Regulations. A third amendment on 19th June 2018, (Technical Amendment C) was to allow a change to the licence boundary.

Waste acceptance at the landfill ceased in February 2011, however, the Office of Environmental Enforcement approved the recommencement of waste acceptance at Ballaghveny Landfill on 2nd April 2019.

2. Technical Amendment request

On the 7th January 2019, the Agency received a request for a Technical Amendment of IE Licence Reg. No. W0078-03, to change the wording in Condition 6.2.2 in order to allow leachate levels in cells 8 & 9 to be managed to a minimum of 0.2m below the groundwater level at nominated reference groundwater wells.

Condition 6.2.2 states "Leachate levels in the waste shall not exceed a level of 1.0m over the top of the liner at the base of the landfill".

3. Consultation with the Office of Environmental Enforcement (OEE)

I have consulted with the OEE team, in relation to this technical amendment request. The OEE confirmed that the proposed amendment cannot be accommodated under the existing licence. OEE has confirmed that there are no legal proceedings in train in respect of this licence.

4. Assessment

The licensee stated that the cell liner at cells 8 & 9 is compromised. Due to the basal line leaks, groundwater inflow into the cell occurs where the groundwater level outside a leak exceeds the leachate level inside. The groundwater inflow causes the leachate level to rise above the 1m threshold for large parts of the year, resulting in leachate leaking out to the surrounding groundwater causing contamination. This requires leachate to be pumped from the cells to try keep the level below the 1m threshold, which in turn induces further groundwater flow. This results in the production of large quantities of dilute leachate at the site which is tankered off-site for treatment at a wastewater treatment plant.

The licensee indicated in a pre-app meeting on the 10th October 2018 that a licence review application is to be submitted in the last quarter of 2019.

There have been multiple non-compliances issued to the licensee in relation to leachate levels exceeding the licence limit of 1m above the basal liner in leachate wells LS06 (Cell 9) and LS03 (Cell 8). This is in non-compliance with Condition 6.2.2 of Licence Reg. No. W0078-03.

This request constitutes regularising an on-going breach of a licence condition and would require a review of the licence in accordance with EPA *Guidance on requests for alterations to a Licensed Industrial or Waste Activity*.

5. Recommendation

I recommend that the requested licence amendment to change Condition 6.2.2 Leachate Management be refused as the proposed alteration would regularise an on-going breach of a licence condition. The licensee should be advised to submit a licence review application.

Signed,



Michelle Reddy
Inspector
Environmental Licensing Programme