

MEMO

TO: Board of Directors

FROM: Brian Donlon,

CC:

DATE: 20th Sept. 2002

**SUBJECT : Waste Licence Application Register Number 76-1 Long Pavement.
Applicant: Limerick City Council**

There has been a serious lack of progress on the waste licence application for the former landfill at Longpavement (76-1) which was made by Limerick City Council (LCC). LCC made an incomplete waste licence application in September 1998. In the meantime despite a number of requests from the EPA and promises by LCC that all outstanding information would be submitted, there has been a drip-feed response to our requests for information in respect of the application.

Correspondence in 2002.

The following section highlights the main correspondence on the application in 2002.

1. A revised application form was received on the **6/2/02**.
2. The Agency examined the information submitted and on **22/2/02** required LCC to investigate landfill gas migration as a matter of urgency due to the high levels reported and due to the potential for landfill gas migration. This was required within one week of the date of our notice (**1/3/02**). We indicated that a full assessment of their information would be undertaken and that further correspondence would be issued.
3. On the **5/4/02** the Agency issued an Article 14 notice to LCC. We reminded them that the landfill gas migration issues had not been responded to and requested that the Article 14 notice be replied to by **5/6/02**.
4. LCC wrote to the Agency on the **9/4/02** stating that they would take steps to supply the information requested. They attached a report from their consultants indicating that IGSL refused to return to the site until they were guaranteed a safe working environment. LCC stated that they are working with local community representatives on that matter. LCC requested a meeting with EPA. On the **3/5/02** I telephoned both Dick Tobin (LCC) and Mr Brian Beirne (Arups) and left messages for them regarding their request. I have not received any telephone calls from either person.
5. No reply has been received to date to our Article 14 notice, which was due on 5/6/02.

Assessment of Information on Hand

In the attachments (Tables 1,2) to this memo I outline the information that is outstanding in relation to this application. It is clear that a significant amount of information is outstanding under many of the headings listed.

Of particular concern is the absence of any landfill gas-monitoring data since 2000. I have represented this on Figure 1 that accompanies this memo. On numerous occasions at meetings and in written correspondence, Agency personnel have highlighted our concerns regarding the high levels of landfill gas at a number of locations on the facility and the absence of any landfill gas control measures.

Options:

There are a number of options open to the Agency.

1. The Agency takes the unprecedented step of proceeding to and issuing a PD despite the absence of sufficient information to make it a valid application. This could have the effect of forcing the applicant to provide the information if they wish to object to any of the conditions in the PD.
2. The Agency could consider that the application is abandoned, advise LCC of the requirements under the Landfill Manuals: Landfill Operational Practices Manual, Monitoring Manual and the Landfill Restoration Manual.
3. Resort to the use of Sections 62 and 63 of the Environmental Protection Agency Act 1992. This would be difficult to conclude, as it would place the onus on the EPA to provide the information on environmental pollution issues and the financial capacity of the City Council.

Recommendation:

The application is of a poor standard and in the event that we informed LCC that the application was abandoned (Option 2 above) it is highly unlikely the situation on the ground with respect to landfill gas migration would improve. LCC may interpret this as a reason to take a “do-nothing” approach. The Agency has previously highlighted information available on landfill gas monitoring and control measures. There are measures open to the Agency under Section 62/63 of the EPA Act 1992 although from our legal advice it appears that the steps open to us, short of legal proceedings, may be tortuous and prolonged. The remedy for failure by the local authority to comply with the directions of the Agency under Sections 62/63 is for the Agency to carry them out and recover costs as a simple contract debt in the courts.

I recommend that due to the delays in forwarding information and the reluctance of Limerick City Council to reply to our notices that Option 1 is taken, as there is a serious risk of environmental pollution in particular from landfill gas migration.

Table 1. Information required to make application Article 12 compliant

Heading	Comment	Article 12 Compliance
Waste Activities to be undertaken	Activities to be undertaken and the Principal Activity not clarified	Article 12(1)(f)
Quantity of wastes to be used in Restoration	Figure Varied from 175-350,000 tonnes	Article 12(1) (g)
Infrastructure & Drainage arrangements	Not described	Article 12(1) (i)
Expected noise emissions at NSL from restoration works	Noise levels not described – NSL not described	Article 12(1) (k) (l)
Leachate treatment	4 options listed – but no details on expected emissions	Article 12(1) (k) (l)
Landfill Gas	V little recent information – see attached schematic	Article 12(1) (k) (l)
Monitoring Locations	Figure 5 of Remediation Options Report – How many installed???	Article 12(1) (m)
Contingency arrangements	Not described	Article 12(1) (o)

Table 2. Information required to make application Article 13 compliant

Heading	Comment	Article 25 – Compliance
Non-Technical Summary	Needs to be provided	Para 2(e)
Development (size and scale) Restoration of Facility Option appraisal (Leachate)	Details required on phasing Figure 5 of Remediation Options Report – How many installed???	Para 2(a)
Human Beings	Baseline on no. of dwellings (temp and permanent) within 250, 500m ? Likely impacts and mitigation measures proposed to minimise impact on human beings	Para 2(b) Para 2(c)(d)
Flora & Fauna	Update on pNHA adjacent	Para 2(b)
Air	Likely impacts and Mitigation measures proposed Baseline data required of air quality / noise Likely impacts and Mitigation measures proposed	Para 2(c)(d) Para 2(b) Para 2(c)(d)

Fig. 1. Landfill Gas Monitoring Results at Longpavement (taken in 2000)



