

MEMO

TO: Board of Directors	FROM: Maeve McHugh
CC:	DATE: 24/11/03
SUBJECT : Dunsink Landfill (aka Dunsink Civic Amenity) Technical Committee Report	

Application details

Application Details	
Applicant:	Fingal County Council
Location of Activity:	Dunsink Lane, Fingal, Co. Dublin
Reg. No.:	127-1
Licensed Activities under Waste Management Act 1996:	Third Schedule: Class 4 Fourth Schedule: Classes 2, 3, 4, 9, 11, and 13
Proposed Decision issued on:	15/08/03
Objections received:	2 objections: Cllr. Dessie Ellis, and Eamonn Walsh, Fingal County Council
Submission on Objection	1 from Cllr. Dessie Ellis
Inspector that drafted PD:	Mary O'Hara/ Dr. Brian Donlon

Objections received

A Technical Committee was established to consider the objections.

The Technical Committee included;

Maeve McHugh, Chairperson

Sean O'Donoghue, Committee member

This is the Technical Committee's report on the objection.

OBJECTIONS

1. **Objection lodged by Cllr. Dessie Ellis**

1.1 The extension period of three years is too long as, in 1996 a promise was made to local residents that the landfill would be closed and this was the sole reason that residents tolerated the landfill in the meantime. The objector also states that he feels that one year would be sufficient to carry out the required works.

Submission on Objection

None

Technical Committee Evaluation

No specific licence condition is referred to here. See TC’s response to objections 2.1 and 2.2 below which deal with the amount of waste permitted to be accepted at the facility and the timeframes for operations at the facility. Condition 4.6 does however require that the facility be restored within 3 years. Given the amount of waste that is to be used in the restoration process a 3-year period is reasonable.

Recommendation

As per 2.1 and 2.2 below.

- 1.2 *The gates and environs of the landfill have become a dumping ground over the last number of months.*

Submission on Objection

None

Technical Committee Evaluation

The TC notes this observation made by the objector.

Recommendation

No change

- 1.3 *Amenities promised as part of the landfill closure plan have not been delivered – these include a landscaping plan and access to playing pitches.*

Submission on Objection

None

Technical Committee Evaluation

The objector is referring to promises made in the past. The Agency has jurisdiction over a waste facility only when a licence has been granted. At that point the conditions of a licence will be binding. The Landfill Restoration and Aftercare Plan relating to the licence is required to be submitted within six months of the date of grant of the licence (ref. Condition 4.1 of the Proposed Decision). Any licence granted will relate only to the activities within the facility boundary. It will be a matter for the local community to discuss with the council the use to be made of the lands when the restoration works have been completed and the aftercare plan has been put in place. FCC will make a proposal for aftercare use etc. as part of the restoration and aftercare plan.

Recommendation

No change

- 1.4 *Truck traffic coming and going to the landfill is dangerous and inconvenient.*

Submission on Objection

None

Technical Committee Evaluation

Any licence granted will relate only to the activities within the facility boundary, as the Agency are not the competent authority with regard to issues such as planning, roads, traffic etc. The restoration work is however essential and trucks will have to be used to deliver the waste material to the site. The work will end in 3 years after which the site will be restored.

Recommendation

No change

- 1.5 *The current leachate pool has never been cleaned and is full of silt and other materials. It has overflowed twice causing serious damage to the health and safety of the environment.*

Submission on Objection

None

Technical Committee Evaluation

A fish kill in the River Tolka was caused by leachate spillage due to the failure of a pump in the leachate collection system. Condition 5.7 of the Proposed Decision governs the management of leachate at the landfill including the requirement to maintain a minimum freeboard of 0.75m in the leachate lagoon at all times in order that any such spillages in the future will be prevented. Condition 3.16 requires that, within six months of the date of grant of the licence a telemetry system is installed which will record the leachate levels in the lagoon and the quality of the surface water at the inlet to the surface water lagoons and being discharged to the perimeter streams.

Recommendation

No change

- 1.6 *The site will require full time vigilance even after use by way of monitoring as well as a physical presence.*

Submission on Objection

None

Technical Committee Evaluation

The TC agree that certain security measures at the facility should be specified in the Proposed Decision, particularly as some additional security issues such as fly-tipping are discussed further under Section 2.10 below. The TC also feel that given that the Proposed Decision refers to the restoration and aftercare of the landfill, rather than its continued use, Condition 2.1 could be more appropriately reworded to require appropriate supervision of the facility during restoration and aftercare works. The TC also notes that Condition 3.16

requires that a telemetry system which will provide further vigilance over leachate management issues after the restoration and aftercare works are complete and a full-time human presence is no longer necessarily required.

Recommendation

Change Condition 2.1 to read as follows:

The licensee shall employ a suitably qualified facility manager with experience commensurate with the level of expertise required who shall be designated as the person in charge. The facility manager or a nominated, suitably qualified and experienced, deputy shall be present on the facility at all times during the operation of **the Civic Waste and composting facilities and during landfill restoration and aftercare works.**

Change Condition 3.1 to read as follows:

Within three months of the date of grant of this licence, the licensee shall carry out a review of the site security arrangements for the site and submit to the Agency for its agreement a report to include **details on the feasibility of installing the following: security fencing and gates around the entire facility boundary, a CCTV security system and any other improvements** considered necessary.

2. Objection Lodged by Eamonn Walsh, Fingal County Council.

2.1 *Condition 1.2: Attachment B” of the Council’s Art 14 response included a revised site layout - Fig No. 1. B (Rev A). The site boundary of the original application was revised to exclude an area of the site that has been developed as a football pitch. This part of the site had not received any waste other than uncontaminated soil for the purpose of constructing the playing field. The purpose of excluding this area from the licensed facility is so that it can be handed over to the Parks Department at an early date for letting. A further area has been added to the site on its northern side. This is an area not included in the original application and which was being recovered for the development of further playing pitches. Further quantities of inert material and soil are required to be imported into this area to complete the recovery operation, and this is the reason for its inclusion within the licensed facility.*

Fingal County Council (FCC) therefore requests that Condition 1.2 be amended to read:

“For the purposes of this licence, the facility is the area of land outlined in red on Drawing No. “Dunsink Landfill General Site Layout Figure No. 1.B (Rev. A)” in Attachment B.2 of the Article 14 response”.

Submission on Objection

The submitter objects strongly to the proposed inclusion within the landfill boundary of an area to the north of the landfill. The fields were purchased by the Corporation to replace three playing pitches removed from other locations

in the area and there was a clause in the sale of lands that the lands would only be used for amenity i.e. football pitches. He also states that these fields were let for cattle grazing and not being recovered and developed as playing fields. He states that waste was never dumped on the fields, that they do not require capping and that FCC's contention that they do require capping is an attempt by them to grab what they can to facilitate the building industry's waste being dumped on fields paid for by public money. This would reduce the total intake of waste by one third and would reduce the lifespan of the facility by one year.

Technical Committee Evaluation

With regard to the second area mentioned in the objection above i.e. the area which the applicant proposes to include within the facility boundary the TC are of the opinion that the improvement of the area for subsequent use as football pitches should be dealt with as part of the normal planning process and not under the conditions of a waste licence. The TC also feels that the inclusion of any new area within the facility boundary at this late stage in the application process is inappropriate, as the information was not contained in the application.

In relation to the area, which the applicant proposes to exclude from the facility boundary, the TC are of the opinion that sufficient information has not been submitted in order to allow the exclusion of this area. It is therefore thought that in order to potentially allow the exclusion of this area in the future the licensee should submit revised site drawings (1) highlighting the area in question and (2) showing the facility boundary as it would be if that area were to be excluded. The licensee should also provide additional data to show to the satisfaction of the Agency that, as is suggested in the objection above, only uncontaminated soils have ever been deposited in the relevant area.

Recommendation

Reword Condition 1.2 to read as follows:

For the purposes of this licence, the facility is the area of land outlined in red on Drawing No. 'Dunsink Landfill, General Site Map, Figure 1B' of the application, **unless otherwise agreed by the Agency**. Any reference in this licence to "facility" shall mean the area thus outlined in red or agreed amendments, subject to Condition 3.18.

Insert Condition 3.18 as follows:

Should the licensee propose to exclude from the facility the area referred to on Figure No 1.B (Rev. A) as 'Sports Grounds' the following should be submitted:

- **Two appropriately scaled drawings: one highlighting the area proposed to be excluded and one showing clearly the facility boundary as it would be, if that area were to be excluded.**
- **A report for agreement by the Agency detailing the assessment of the specified lands, including the results and analysis of all monitoring and investigations to prove that the area proposed to be excluded does not contain and has not contained any waste, other than clean, uncontaminated soils.**

- 2.2 *Condition 1.4: Schedule A referred to in this condition proposes a maximum intake of 186,000 tonnes per annum of inert waste for restoration. This figure appears to be based on the landfill being restored at a constant rate over a three-year period and on the capping quantities outlined in Attachment D.6 of the Council's Art 14 response. These quantities do not take account of inert materials required for the recovery of the area on the northern side of the landfill to form new football pitches. This area was filled with inert waste prior to the closure of the landfill in August 2002. The estimated quantity of material required to fill this area is approximately 300,000 tonnes. It is expected that the filling of this area could be completed within the first year after issue of the licence. The Council requests that the waste quantities detailed in Schedule A be revised to take account of this. The Council also requests that the words "unless otherwise agreed with the Agency" be inserted after whatever figure is specified for the maximum annual tonnage of inert waste specified for restoration in Schedule A.*

Submission on Objection

The submitter writes: There is no recovery required on the northern side of the landfill to form new football pitches, as evidenced in a letter from FCC in 1996. Mr Walsh (FCC) should be called upon to explain these discrepancies. The Council without permit began illegal dumping on the north face, which is not visible from the entrance of the landfill and went unnoticed until the recent closure. No permission was sought for this development and an overflow in this area last year resulted in a fish kill in the River Tolka (evidenced by a copy of a letter from a Senior Fisheries Environmental Officer from the Eastern Regional Fisheries Board). FCC knowingly dumped zinc sludge, mercury waste and asbestos fibres over the years.

Technical Committee Evaluation

Note the TC's evaluation in Section 2.1 above is that the additional area proposed by the applicant for inclusion within the facility boundary should not be allowed. This being the case no additional allowance of inert waste tonnage should be necessary to provide for the infilling of the area. The TC notes however that during the restoration and aftercare works at the facility materials may not need to be imported into the site at a constant rate. The tonnage referred to in the Proposed Decision is based on the restoration of the landfill at a constant rate over three years using figures taken from the information supplied in the waste licence application Article 14 response. The TC suggest therefore that while there is no requirement to change the overall tonnage of waste for restoration referred to in Schedule A of the PD the rate at which it may be used could be variable.

Recommendation

Change Table A.1.1 to read as follows:

Waste Type	Maximum (Tonnes Per Annum)
Civic Amenity/ Bring Centre Recyclables	3,500
White Goods	3,000
Inert Waste for Restoration	186,000 ^{Note 1}
Green Waste for Composting	3,000 (open windrow process) or 7,500 (Enclosed/ in vessel process) ^{Note 2}
TOTAL	195,500 (incl windrow process) or 200,000 (incl Enclosed/ in vessel process)

Note 1: On average, over three years.

Note 2: Only with the prior agreement of the Agency.

- 2.3 *Condition 1.5.1: FCC believes that the proposed hours (08.00 – 18.00 Monday to Friday) of acceptance of waste for remediation and restoration of the facility are too restrictive, bearing in mind the desire of both the Council and local communities to complete restoration within the shortest possible timeframe, and considering also the under-estimation and uncertainty regarding the quantity of material required for capping and restoration to the satisfaction of the Agency (refer to our objection to Condition 4). The availability of suitable material is not constant, and the Council must be in a position to maximise inputs when the opportunity arises. FCC therefore seeks to change this condition to allow acceptance of such waste “between the hours of 08.00 and 20.00 Monday to Saturday inclusive, unless otherwise agreed with the Agency”.*

Submission on Objection

The submitter writes: ‘FCC is surely not serious about extending the proposed hours of opening from 8 a.m. to 8 p.m. The hours specified in the licence are sufficient and the local roads are already overcrowded with traffic. FCC are being hypocritical to align their intention to complete restoration in the shortest possible timeframe with that of the Local community as they have had since 1996 to complete the capping and in fact have recapped section of the site several times to facilitate the large building firms waste and the housing of traveller communities who were transferred from Blanchardstown and Clonsilla to solve the problems of their own constituents and to the detriment of the Finglas area’.

Technical Committee Evaluation

The Inspector’s report states that the applicant did not state hours for waste acceptance as part of the application for a waste licence. This despite the information being requested in the waste licence application form for landfills, and in these circumstances the Inspector recommended the hours for waste acceptance specified in Condition 1.5. It is noted by the TC however that there is scope in the existing Condition 1.5.1 to allow the agreement of alternative hours for waste acceptance.

Recommendation

No change

- 2.4 *Condition 1.5.3: As currently written, this condition again is unreasonably restrictive and has no provision for the Council to revert to the Agency for permission to operate outside the hours specified. The Council does not intend to operate the Civic Waste Facility outside the hours proposed by the Agency. In the case of works associated with the restoration of the landfill, however, the Council would like a degree of flexibility, on the grounds that this work is very much dependent on weather conditions, and in the interest of completing the works within the shortest possible timeframe, would like to be in a position to take full advantage of suitable conditions. FCC therefore seeks a re-wording of this condition to “Facility operation shall only be between the hours of 08.00 and 20.00 Monday to Saturday inclusive, unless otherwise agreed with the Agency”.*

Submission on Objection

As for 2.3 above

Technical Committee Evaluation

The TC notes that the hours for facility operation specified in Condition 1.5.3 should be sufficient under most circumstances but that the words ‘unless otherwise agreed’ should be inserted to allow for more flexibility.

Recommendation

Include the words ‘. **unless otherwise agreed by the Agency**’ at the end of Condition 1.5.3.

- 2.5 *Condition 3.7: FCC believes that the requirement to construct and maintain a Waste Inspection Area is unreasonable given the type of waste to be accepted and the proximity of the site to Balleally Landfill (Waste Licence 9-2), which has a waste acceptance area, and to which any suspect loads could be directed for inspection. The Council therefore requests that this condition be deleted or amended to allow for the use of the inspection area at Balleally.*

Submission on Objection

The submitter writes that it is necessary to have a waste inspection area due to the history of mismanagement at this site (e.g. illegal disposal of mercury residue, leachate overspill to Tolka River leading to fish kills and a prosecution by the Fisheries Board).

Technical Committee Evaluation

The installation and maintenance of an appropriate waste inspection is essential at landfill where waste is being accepted, even when the licence refers only to the restoration and aftercare of the facility. Other landfill licences granted for restoration and aftercare have specified the requirement for a waste inspection area.

Recommendation

No change

- 2.6 *Condition 3.8: The Council requests that this condition be removed from the licence. A weighbridge was maintained at Dunsink landfill up until the closure of the facility for the reception of municipal waste in 1996. The weighbridge was then removed and relocated to Balleally Landfill. As only inert waste shall be accepted for the purposes of remediation and restoration of the landfill under the new licence, and this waste will not be subject to the landfill levy, the Council requests that a volume rather than a weight based record of inert waste inputs be kept. For statistical purposes and as a check, total waste inputs can be measured from topographical surveys and corresponding weights accurately estimated. This request will also have implications for Condition 10 (Records).*

Submission on Objection

The submitter writes: “Our concerns are that the Council are clearly expecting an increase in demolition waste and are working closely with Dublin Corporation in this regard. It is important to have checks on the waste tonnage given the huge amount of demolition waste, which will result from the demolition of the high rise building in Ballymun and proposed demolition works in Finglas.

Mr Walsh states that the waste used in the restoration of the landfill under the new licence will not be subject to the landfill levy. Our advice is that this would be illegal given the ‘polluter pays principal’”.

Technical Committee Evaluation

The TC is of the opinion that the tonnage of incoming loads of inert waste could be accurately estimated without the use of a weighbridge. In the absence of a weighbridge on-site the licensee will be required to formulate, maintain and regularly calibrate a register of tonnage per unit volume (e.g. tonnes per m³) of each specific inert waste type from each demolition or excavation project, by use of the weighbridge at Balleally or similar.

Recommendation

Change Condition 3.8 to read as follows:

Weighbridge

The licensee shall provide and maintain a weighbridge at the facility.

Or

In the absence of a weighbridge at the facility the licensee shall estimate the tonnage of each incoming waste load as per Condition 10.6.

Insert new Condition 10.6 to read to read as follows:

In the absence of a weighbridge on-site the licensee will be required to formulate, maintain at the facility office and regularly calibrate a register of tonnage per unit volume (e.g. tonnes per m³) of each specific inert waste type from each demolition or excavation project, by use of a calibrated weighbridge.

Change Condition 10.2 to read as follows:

The licensee shall maintain a written record for each load of restoration material arriving at the facility, excluding those arriving at the Civic Waste Facility. The licensee shall record the following: -

- a) The date;
- b) The name of the carrier;
- c) The vehicle registration number;
- d) The name of the producer(s)/collector(s) of the waste as appropriate;
- e) The name of the waste facility from which the load originated including the waste licence or waste permit register number (if appropriate);
- f) A description of the waste including the associated EWC codes;
- g) **The estimated volume of waste, recorded in m³, or;**
- h) The **estimated** quantity of the waste, recorded in tonnes;
- i) The name of the person checking the load; and
- j) Where loads or wastes are removed or rejected, details of the date of occurrence, the types of waste and the facility to which they were removed.

- 2.7 *Conditions 4.2 and 4.3: FCC finds these conditions contradictory in that 4.2 specifies the design of the final capping of the facility and pre-judges the outcome of the report and recommendations referred to in 4.3. None of the landfill has been capped to the specification of 4.2. Much of it has, however been capped with subsoil. In some areas this cap is more than 2m deep. This facility has not accepted municipal waste for disposal since 1996. Relatively small quantities of biodegradable waste were disposed of at the civic waste facility between 1996 and 2002. Landfill gas and leachate production has already decreased in line with expectations. It is unreasonable in these circumstances for the Agency to insist on the capping specifications detailed*

in 4.2 for all areas of the site. FCC requests that Condition 4.2 be deleted from the proposed licence and that condition 4.3 be re-worded as follows:

“Within three months of the date of grant of the licence, the licensee shall submit a report on those areas of the landfill that have previously been capped. This report shall include details on (1) the areas that have been capped, (2) the type and depth of capping installed, (3) the state of the capped areas and (4) recommendations for completing the capping of the landfill. Having considered this report the Agency will notify FCC of the extent and nature of works required for the completion of the capping”.

Submission on Objection

The submitter writes: “To state that none of the landfill has been capped to the specifications of Condition 4.2 is plainly untrue as more than half of the total acreage of the landfill was capped to this specification in the early 90’s – this was seen and confirmed by an engineer of FCC Mr Martin Lavell when. He sought our co-operation to dump demolition waste between the edge of the landfill and the M50. The entire southern face of the landfill (next to Dunsink Lane) was also capped”.

Technical Committee Evaluation

It is the opinion of the TC that the intention of Conditions 4.2 and 4.3 are that following the report required by Condition 4.3 any new areas that are required to be capped should be capped to the specification of Condition 4.2.

Recommendation

Change the positions of Conditions 4.2 and 4.3 so that Condition 4.3 comes first. Change Condition 4.3 (now renamed Condition 4.2) so that the last line reads: “Any recommendations arising from this report and a timetable for implementation **of all capping works** shall be agreed **by** the Agency and implemented **accordingly**”.

Change Condition 4.2 (now renamed Condition 4.3) to read as follows:

“Following the outcome of the report required by Condition 4.2 above, any areas deemed to require final capping shall be capped to the following specification:

a) a Top soil (150-300mm)....”

- 2.8 *Condition 4.5: Some areas have already been capped with good quality soil to depths of 2 metres or more, and it is considered that a synthetic barrier would not be necessary to augment the clay cap in such areas for the purpose of tree planting. FCC requests that the requirement of this condition be reviewed in light of the contents and recommendations of the report required under condition 4.3.*

Submission on Objection

It is true that the amount of leachate has dropped considerable due to the double capping of inert soil the largest amount of contaminated water now comes from the gas extraction plant.

Technical Committee Evaluation

The TC notes that the submission on the objection seems to refer mistakenly to a topic other than Condition 4.5. The TC notes that the Restoration and Aftercare Plan for the facility is not yet finalised as it is to be submitted to the Agency within six months of the date of grant of the licence therefore the planting of trees is not a requirement of the Proposed Decision. The reasons for the requirement for the use of an additional synthetic barrier on areas where tree planting is proposed is documented in the Agency's Landfill Manual 'Landfill Restoration and Aftercare' and this is considered best practice.

Recommendation

No change

- 2.9 *Condition 4.6: FCC is concerned that a rigid timetable is proposed for the restoration of the facility in the absence of agreement on the extent and nature of the works and waste intakes proposed in the licence. The Council therefore requests that the Agency re-consider the proposed timescale in light of the outcome of our objection to Conditions 1.4 and 1.5 and the Agency's consideration of the report referred to in Condition 4.3. It is also requested that any proposed timescale should commence only when the Agency notifies the Council of the extent of works necessary for restoration, rather than from the issue date of the licence, and that a mechanism for reverting to the Agency for additional time in the event of delays which are outside of the control of the Council, such as those caused by adverse weather conditions.*

In the interest of the early provision of additional community facilities the Council would have no objection to a shorter timescale being imposed for the recovery of the area referred to under our objection to conditions 1.2 and 1.4 above, provided that the Agency agrees to the timely import of the additional material required. This area contains inert waste only and requires to be raised in order to develop additional football pitches.

Submission on Objection

The submitter writes: "The landfill could easily be completed in one year if the will to do so was there by the Council, adverse weather has hardly stopped the dumping of inert waste given the basic good stone base roads constructed many years ago throughout the landfill to all faces of it.

The lorries can dump alongside these roads and the track machines can spread the rubble at will. However it is obvious to us the Council is more concerned with using or abusing our environment to the economic benefit of the builders and developers to get rid of their waste for free. This proposal will be bitterly

opposed by us as with the proposal to extend dumping to the ex hospital natural fields purchased by Dublin Corporation as playing fields in 1992.

These fields were never part of a landfill site. If any further attempt is made by FCC to extend dumping to these natural fields, we will seek legal redress in the High Court”.

Technical Committee Evaluation

The TC do not propose any significant material change to the Proposed Decision based on the objections to Conditions 1.4, 1.5 and 4.3.

Recommendation

No change

- 2.10 *Condition 7.3.1: Regular illegal dumping occurs on Dunsink Lane and on lands adjoining the lane. This dumping is associated mainly with a number of the occupiers of lands adjacent to the lane who have been involved for a number of years in illegal waste activities. A task force comprising of FCC and a number of other agencies has been established to deal with this problem. This activity is not related to the operation of the Council facility at Dunsink, but rather to the illegal waste collection activities of some of the occupiers of the lane.*

FCC is extremely concerned that the proposed wording of this condition will place an onus on the Council to enter lands in the vicinity of the landfill on a daily basis to remove waste, which has been illegally collected by the occupiers of those lands. The effect of this would be to continually free up more space for further illegal dumping at the expense of the Council, thereby encouraging the continuation of the activity. Furthermore, this condition would unreasonably interfere with the Council’s enforcement powers under certain sections of the Waste Management Act, and the plans being put in place by the task force could be undermined. There is also the issue of the safety of our employees in entering these lands to remove waste, with or without the landowner’s permission.

The Council therefore requests that its obligations under this condition in relation to litter control are limited to loose litter or other waste placed in the facility or on Dunsink Lane itself.

Submission on Objection

Through the years both Dublin Corporation and FCC have had responsibility for Dunsink Lane – they have both been negligent at the expense of the nearby residents of Ratoath, Rathvilly, Valley Park etc. We agree that the safety of their employees is at serious risk, but Fingal were the creators of the problems with the overloading of this area with so many traveller families in such a condensed area. The EPA should not allow them to shirk their obligations to Dunsink Lane and loose litter etc.

Technical Committee Evaluation

The TC notes the submitter’s comments on historical illegal dumping. A clear distinction has to be made between illegal waste activities and litter/fly tipping. The condition as in the PD is primarily related to litter and fly tipping and its focus is to maintain a clean environment around the facility. This condition is not intended to interfere with or replace circumstances where there is more extensive and intensive waste dumping about which the Council in association with other Agencies are taking a certain course of action. The general issue of illegal dumping can be taken into account under the Agency’s programme of monitoring the environmental performance of local authorities.

Recommendation

No change

- 2.11 *Condition 8.7: KT Cullen & Co undertook a topographical survey on behalf of the Council at Dunsink Landfill late last year. There have been no inputs of inert waste to Dunsink Landfill since August 2002. As the ground contours have not changed since that date the Council requests that the Agency accepts this survey and we seek an appropriate re-wording of the condition that would not place an obligation on the Council to undertake another survey so soon.*

Submission on Objection

The submitter writes that the residents are concerned that the landfill should be closed as soon as possible as FCC and Dublin City Council are incompetent.

Technical Committee Evaluation

The TC feels that an up-to-date topographical survey will be sufficient for the purposes of Condition 8.7. Therefore the survey referred to above will be sufficient if no changes have occurred since it was carried out.

Recommendation

Change Condition 8.7 to read as follows:

“The licensee shall submit an up-to-date topographical survey within four months of the date of grant of this licence”.

Delete the last line of the condition ‘The survey shall be in accordance with...’

- 2.12 *Condition 11.6.1: The submission of an Annual Environmental Report in March 1, 2004 would require the full implementation of Condition 2.3 and the completion of a phased restoration plan under condition 4.1 (6 month timescale). Having regard to the likely issue date of the licence and the required content of the AER as detailed in Schedule H, FCC requests that the first AER not be required for submission until the 31st January 2005.*

Submission on Objection

The submitter writes: “We urge the EPA to stick to the phased basis and the submission of a restoration and aftercare plan within six months of the grant of

licence. Mr Walsh's request for an eleven-month submission is typical of this Council stalling on procedures".

Technical Committee Evaluation

The TC feel that this condition should refer to 2005 given the timescale for issue of the licence.

Recommendation

Change Condition 11.6.1 to read as follows:
"The licensee shall submit to the Agency for its agreement by February 1st **2005** and within one month of the end of each year thereafter an Annual Environmental Report (AER) **referring to the previous calendar year**".

- 2.13 *Condition 12.2: FCC considers that, in the context of closure and aftercare costs the requirement for an Environmental Liabilities Risk Assessment to be undertaken is both unreasonable and unnecessary in the case of a Local Authority facility, and is more appropriate to the private sector. This facility has not accepted municipal waste since 1996 and the conditions under which the facility will be restored in accordance with the licence include in particular the submission of an ERP under Condition 9.2 providing for minimising the effects of any emergency on the environment.*

Furthermore, this Council had a track record of meeting the costs associated with the small number of past incidents at this facility that had an effect on the environment.

The environmental risks associated with the closure and aftercare of this facility are far less than those of an active landfill still accepting waste for disposal such as Fingal's facility at Balleally, which is also situated in a more environmentally sensitive area, yet no similar condition was imposed in licence 9-2 which was granted by the Agency earlier this year.

The Council therefore requests that the financial provision of licence 127-1 for closure, aftercare and restoration should be the same as those of licence 9-2, and that condition 12.2 should be amended accordingly.

Submission on Objection

The submitter writes that the FCC engineer is living in denial of the scale of past incidences at the facility.

Technical Committee Evaluation

The TC agrees that the requirement to carry out an Environmental Liabilities Risk Assessment is normally limited to the private sector.

Recommendation

Change Condition 12.2 to read as follows:
12.2 Financial Provision for Closure, Restoration and Aftercare

The licensee shall within six months of the date of grant of this licence establish and maintain a fund, or provide a written guarantee, that is adequate to assure the Agency that the licensee is at all times financially capable of implementing the Restoration and Aftercare Plan required by Condition 4. The type of fund established and means of its release/recovery shall be agreed by the Agency prior to its establishment.

Any fund established shall be maintained in an amount always sufficient to underwrite the current Restoration and Aftercare Plan.

The licensee shall revise the cost of restoration and aftercare annually and any details of the necessary adjustments to the fund or guarantee must, within two weeks of the revision, be forwarded to the Agency for its agreement. Any adjustment agreed by the Agency shall be effected within four weeks of said written agreement.

Unless otherwise agreed any revision to the fund shall be computed using the following formula:-

$$\text{Cost} = (\text{ECOST} \times \text{WPI}) + \text{CiCC}$$

Where: -

Cost = Revised restoration and aftercare cost

ECOST = Existing restoration and aftercare cost

WPI = Appropriate Wholesale Price Index [Capital Goods, Building & Construction (i.e. Materials & Wages) Index], as published by the Central Statistics Office, for the year since last closure calculation/revision.

CiCC = Change in compliance costs as a result of change in site conditions, changes in law, regulations, regulatory authority charges, or other significant changes.

Signed: _____

Dated: _____

Maeve McHugh