

	Unauthorised Waste Activities Team Office of Environmental Enforcement
To:	Mr. Paddy Nolan
From:	Jim Moriarty & Margaret Keegan
Date:	11 th January 2006
Subject:	Waste licence application 221-1

Further to your memo of 21st December, I subsequently received the information in the internal post during the Christmas holiday period. I have also reviewed the Inspectors Report prepared by Dr. Tom McGloughlin.

I have spoken with Dara Lynott and have reviewed the information provided. The purpose of the review exercise on our part was not to second guess what has already been written about this application but rather to provide comments on how this site would be viewed in the context of the Ministerial Policy Direction issued under Section 60 of the Waste Management Act.

It is noted that a significant quantity of waste (approximately 100,000m³) has been illegally deposited on this site for periods unknown. There is no information available to me regarding who was responsible for the illegal dumping that took place. There is a residential development in Labre Park which are about 50m north of the site boundary. Accordingly, the issue of appropriate sanctions has to be considered. A site investigation was carried out comprising the construction of 3 GW monitoring boreholes and approximately 30 trial pits. These revealed that there was C&D waste, municipal waste and loose fill in all the trial pits.

Section 60 Direction calls for enhanced enforcement against illegal operators. Relevant sections from the Direction are reproduced here in italics as they relate to the proposed activities at Labre Park.

The Policy Direction says ;

Certain sites should at all times be remediated such as:

- *lands proximate to existing or planned residential development or educational facilities, in which case remediation shall require the removal, in the shortest practicable time, of all waste except only where it is shown that an alternative solution provides greater protection to the environment and the health of the local population;*

Where it is deemed appropriate to leave waste in situ the holder of the waste shall:

- *carry out, or arrange for the carrying out, of a risk assessment to determine the environmental impact, if any, of the waste illegally deposited;*
- *make application for a permit or licence to the relevant local authority or the Agency which will determine the actions required by the holder to remediate and manage the site into the future;*

- *comply with any permit or licence so given to ensure that all remediation and management measures determined by that permit or licence are complied with and that the site poses no identifiable future threat to the environment or human health;*
- *not be permitted to import greater quantities of material for deposition other than such inert material/soil as may be necessary for site conditioning.*

The information provided by Dublin City Council in their application has, in my view, a number of significant gaps. In relation to Groundwater quality, there is no upstream GW monitoring available as the GW1 monitoring borehole was vandalised. Standard practice as recommended in BS10175 (Code of Practice for Site Investigation) would be to have results from at least one upgradient and two downgradient groundwater monitoring points before any inferences are drawn. The two downstream boreholes indicate significantly elevated levels of ammonia (up to 9.9mg/l as against an Interim Guideline Value of 0.15mg/l). The explanation proffered is that the elevated ammonia could be attributed to two sources; either leachate from waste or it may be naturally occurring. DCC go on to say that the low lying areas of Ballyfermot would historically have been waterlogged with a high water table and as such would have been anaerobic, thereby explaining the high ammonias. The logic here is questionable and I consider that a background monitoring point is necessary in order to, especially given the presence of municipal waste in the trial pits, justify the assertion that the high ammonia levels are naturally occurring. It would be one thing to say that were there no indication of waste deposited in the vicinity but this is not the case. In addition, it is preferable that inferences are not drawn on a single monitoring event (as is the case here) but would be based on a series of monitoring events, typically quarterly monitoring for a year.

Summary

The Section 60 policy direction is quite clear in stating that sites adjacent to residential developments should be remediated, such remediation to include the removal of waste. The proposed development is proximate to a residential development. The S60 policy direction is also clear on the need for comprehensive risk assessments to be carried out on illegally deposited waste.

I do not consider that the investigations carried out by DCC are comprehensive enough to constitute an Environmental Risk Assessment (ERA) as provide for by the Section 60 Policy Direction. This is because of the absence of an upstream GW monitoring point and insufficient explanation of high ammonia levels in the groundwater.

My recommendation would be that a comprehensive ERA be carried out at the site before an EPA licence is granted.