



## OFFICE OF CLIMATE, LICENSING & RESOURCE USE

### ENVIRONMENTAL LICENSING PROGRAMME MEMORANDUM

<b>TO:</b>	LAURA BURKE, DIRECTOR
<b>C.C:</b>	Frank Clinton, Programme Manager
<b>FROM:</b>	Brian Meaney, Senior Scientific Officer
<b>DATE:</b>	10 <sup>th</sup> February 2010
<b>RE:</b>	Request for a Technical Amendment to Waste Licence Register Number <b>W0047-02</b> held by Neiphin Trading Ltd in relation to a waste facility at <b>Kerdiffstown</b> , Nass, Co. Kildare

#### Introduction

Neiphin Trading Ltd operates an integrated waste facility and landfill at Kerdiffstown, Naas, Co. Kildare for the acceptance, transfer, processing and landfilling of municipal waste, commercial and industrial waste and construction and demolition waste. The licensee is authorised to process up to 630,000 tonnes of waste per annum. Up to 235,000 tonnes of commercial, industrial and non-hazardous construction and demolition waste and household dry recyclables and 65,000 tonnes of biodegradable waste for composting can be accepted at the facility. A further 330,000 tonnes of historically deposited waste per annum can be excavated for processing and recovery.

The facility was originally licensed on 16 July 2003. A reviewed licence was granted on 27 September 2006. No technical amendments have been made to the licence.

#### Details of Request For Technical Amendment

On 22 January 2009 the licensee requested technical amendment of the licence under Section 42B of the Waste Management Acts 1996 to 2008. The licensee sought amendment to:

- condition 6.16.1 regarding the location and depth of landfill gas monitoring wells on the facility perimeter; and
- condition 1.5 regarding a requested increase in the area of land to be regulated under the licence.

#### Condition 6.16.1 states:

The licensee shall operate perimeter landfill gas monitoring boreholes at maximum 45m intervals around the periphery of the facility. These boreholes should be installed to 2m below the groundwater table or to 2m below the maximum depth of landfilled waste, whichever is the least.

The following text is sought:

“The licensee shall install and maintain perimeter landfill gas monitoring boreholes in accordance with the scheme proposed in correspondence from the licensee dated January 22<sup>nd</sup> 2009 (their reference: W0047/02TechAmend0901).”<sup>1</sup>

There are three reasons given by the licensee for the request. First, it is not considered necessary for the stated frequency/spacing of wells (every 45m) to be installed around the *entire* perimeter. At certain points in the perimeter, it is asserted that there is a reduced risk posed by landfill gas migration where, for example, deposited waste has been removed or there are no nearby properties. As an alternative approach, the licensee proposes four different zones at different parts of the perimeter, with varying frequency (45-250m) and depth of wells (shallow to deep - 6m) depending on the apparent risk<sup>2</sup> posed in those zones.

Second, the licensee is concerned that strict adherence to the licence condition regarding well depth could result in the natural boulder barrier beneath the site being breached leading to pollution of the underlying groundwater.

Third, it is contended that the design of the monitoring wells required by condition 6.16.1 is inappropriate to detect the shallow migration of gases.

In response to the request for this amendment, I would note that there is no detailed technical information provided in the request that would allow for a complete assessment of the claims made or the requested alternative approach. This being the case, it is not possible to agree to the alternative approach proposed by the licensee. However:

- given that the required frequency/spacing of boreholes is the same for areas where waste is deposited and areas where there is no waste (or nearby properties), and
- the fact that the licensee has raised concerns about the environmental impact of adhering to the borehole design required by the condition,

I recommend the following amendment to condition 6.16.1 (amendment underlined):

Except as may be otherwise agreed or directed by the Agency, the licensee shall operate perimeter landfill gas monitoring boreholes at maximum 45m intervals around the periphery of the facility. These boreholes shall be installed for the purpose of detecting the off-site migration of landfill gas and, except as may be otherwise agreed or directed by the Agency, should be installed to 2m below the groundwater table or to 2m below the maximum depth of landfilled waste, whichever is the least.

*Condition 1.5* states:

For the purposes of this licence, the facility authorised by this licence, is the area of land outlined in red on Drawing No. NTL/1001 Rev A – Site Location Map of the application. Any reference in this licence to “facility” shall mean the area thus outlined in red colour (as appropriate). The licensed activities shall be the carried on only within the area outlined.

An amendment is sought to make reference to a new drawing (number NTL/09/02) which incorporates a newly purchased parcel of land into the licensed area.

In response to this request, I should note that no information has been provided on the nature of the land proposed to be incorporated into the licensed area. No information has been provided on the state of the environment within the parcel of land, its past use or uses and whether it is subject to historic contamination. No information is provided on the purpose to which the land will be put in the context of the licensed activities. It would generally not be

<sup>1</sup> This is the date and their reference number of the correspondence requesting technical amendment of the licence.

<sup>2</sup> Based principally on questions to do with the proximity of receptors, and whether there is waste deposited in the area close to the perimeter zones.

appropriate to agree such a change in a licensed boundary without full licence review. For these reasons, I recommend refusal of the request for technical amendment of condition 1.5.

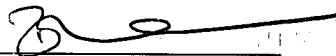
**Recommendations**

In relation to the requested amendment of condition 6.16.1, I recommend refusal. However I recommend amendment of the condition as set out above.

In relation to the requested amendment of condition 1.5, I recommend refusal of the licensee's request for technical amendment.

I have received correspondence from the Office of Environmental Enforcement who have confirmed that the requested changes cannot be accommodated under the existing licence.

Signed:



Brian Meaney  
Senior Scientific Officer  
Environmental Licensing Programme  
Office of Climate, Licensing & Resource Use