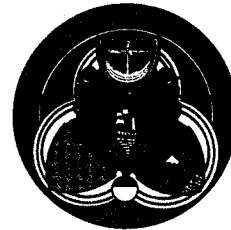


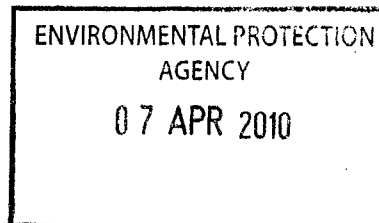
Comhairle Contae Chorcaí Cork County Council

Environmental Department,
Inniscarra, Co. Cork.
Tel: (021) 4532700 • Fax (021) 4532727
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01 April 2010

Ms Caroline Kelly
Office of Climate, Licencing and Resource Use
Environmental Protection Agency
PO Box 3000
Johnstown Castle
Co. Wexford



**Re: Certificate of Authorisation Application for Newmarket Landfill
Application No. H0001-01
Request for further information in accordance with Regulation 7(4) of Waste
Management (Certification of Historic Unlicensed Waste Disposal and
Recovery Activity) Regulations, 2008**

Dear Ms. Kelly,

I note the contents of your request for further information in relation to the Certificate of Authorisation Application for Newmarket Landfill and I wish to respond as follows:

Please note that for ease of reference I have pasted your requested items into this document with the responses of Cork County Council below each item.

1) **Appropriate Assessment:**

Please carry out screening to determine if an appropriate assessment is required in accordance with Article 6(3) of the Habitats Directive (92/43/EEC). Where it has been determined through screening that an appropriate assessment is required, complete the Appropriate Assessment and forward a copy of the report on this assessment. The assessment should consider the following impacts on the designated site:

1. The impact of the existing landfill
2. The objectives of proposed remediation measures with regard to existing impacts identified in item 1.
3. The impact of any physical works carried out at the site as part of the remediation plan.

Please refer to the NPWS guidance document '*Appropriate Assessment of Plans and Projects in Ireland*' with regard to this assessment.

1) Cork County Council response:

It would appear that the appropriate assessment referred to in accordance with the habitats directive is essentially an updating process to cover the legislation. Cork County



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Council will proceed with the Screening and if an Appropriate Assessment is required, Cork County Council we will proceed with the appropriate assessment.

2) Leachate sampling and testing

It is noted that leachate boreholes were sampled over a short three week period during late June to early July 2008. The Agency requests that further monitoring be carried out in order to verify that the reduction of risk categories for SPR 8 and 9 from Moderate to Low is appropriate. As such, the Agency requests the following:

- a) Boreholes on site should be sampled again for leachate. Where leachate is present, a comprehensive suite of analysis should be carried out, as per the EPA Landfill Manual on Landfill Monitoring (2nd Edition, 2003), or equivalent.
 - b) If no leachate is present, the leachate potential of the waste should be determined by additional trial pitting, to allow for leachability testing of the waste. Leachability testing should be carried out in accordance with the UK NRA document '*Leaching tests for assessment of contaminated land: Interim NRA guidance. National Rivers Authority R&D Note 301. (1994)*', and the results compared to the relevant thresholds under the EPA guidance document '*Towards setting guideline values for the protection of groundwater in Ireland*' and the European Communities Environmental Objectives (Groundwater) Regulations, 2010 (S.I. No. 9 of 2010).
- 2) The Tier II report commissioned by Cork County Council and carried out by O'Callaghan Moran & Associates confirmed the waste on site as being inert.
- a. It is noted that this report was completed in accordance with the EPA Code of Practice and prior to the development of the guidance matrix which was subsequently developed by the OEE for use in such Tier II site investigations.
 - b. I note that the matrix does not mention the testing of wastes over a longer timeframe.
 - c. Cork County Council is conscious of the present financial situation and does not see the need to re-test the waste to confirm the report findings.
 - d. However if further testing is required – it is suggested that the matrix be updated/ amended to reflect this requirement.

3) Underlying clays and bedrock

The Tier II investigation does not indicate that the native clays underlying the waste materials and overlying the bedrock are sufficiently thick or of such a permeability to provide an effective barrier layer to potential leaching to the underlying aquifer. In the absence of specific information on this layer, the Agency requests that additional groundwater monitoring to be carried out for indicator or previously elevated parameters to confirm the initial sets of results for groundwater quality.

- 3) The report states that the site is underlain by firm grey clay and notes that this layer retards the movement of leachate vertically with the resultant lateral displacement of any infiltrating rainfall or leachate laterally to the surface water system.
- 4) Leachate migration to the underlying bedrock aquifer is not significant because the aquifer is a poor aquifer and the groundwater will be discharging into the surface water.

- 6) The Tier II report commissioned by Cork County Council and carried out by O'Callaghan Moran & Associates recommended that the landfill be covered with a layer of c250mm top soil and planted with grass seed. This was completed in May 2009. Photos of the site will be forwarded to your office.

In the case where any drawings already submitted are subject to revision consequent on this request, a revised drawing should be prepared in each case. It is not sufficient to annotate the original drawing with a textual correction. Where such revised drawings are submitted, provide a list of drawing titles, drawing numbers and revision status, which correlates the revised drawings with the superseded versions.

Please supply the information in the form of one original plus one copy within *eight weeks* of the date of this notice. In addition, please submit one copy of the requested information in electronic searchable PDF format on a CD-ROM to the Agency. Please note that all maps/drawings should not exceed A3 in size.


Please note that the application's register number is H0001-01. Please direct all correspondence in relation to this matter to *Administration, Environmental Licensing Programme, Office of Climate, Licensing & Resource Use, Environmental Protection Agency, Headquarters, PO Box 3000, Johnstown Castle Estate, County Wexford* quoting the register number.

The Waste Policy section of the Department of the Environment, Heritage and Local Government is holding a workshop on the 11th May 2010 to give feedback on lessons learned in relation to Tier II site investigations that were completed by Local Authorities throughout the county (as part of the DoEHLG Pilot Project). As the Certification Application for Newmarket seems to be the first such application Cork County Council would like to put forward the issues raised in this letter for discussion. Cork County Council feels that the Certification process is the most important element in closing out all our unregulated sites and if there is information that is needed in the Tier II Investigations for the closeout of Certification Applications then this needs to be included in the Matrix.

Accordingly I request that the eight (8) week response time as indicated in your correspondence be extended to allow for consideration of the issues raised.

I look forward to hearing from you in relation to this matter

Yours faithfully,



Kieran Coffey
A/Senior Executive Engineer
Environment Directorate
Cork County Council

cc Pat Fenton DoEHLG, Patrick Chan EPA

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