

***Extract from the Minutes of the 665th Licensing Meeting of the
Environmental Protection Agency, held on 21 June 2011
at Headquarters, Johnstown Castle Estate, Co Wexford***

1. The 665th Licensing Meeting of the Agency was held on 21 June 2011, in EPA Headquarters, Johnstown Castle Estate, Co. Wexford.

Directors Present: M Kelly (Chair).
M Crowe; M Ó Cinnéide.

In Attendance: F Clinton; B Meaney – Agenda Item 2;
F Clinton; P Byrne; N Byrne – Agenda Item 3;
T O'Reilly acted as Minute Secretary.
D Breen – Training.

3. **Recommended Decision on an Application for a Review of a Waste Licence**

Licensee: **Wicklow County Council
Ballymurtagh Landfill
Ballygahan Upper
Ballygahan Lower
Tinnahinch
County Wicklow**

Register of Licence No: **W0011-02**

The Directors considered a recommendation from the Office of Climate, Licensing and Resource Use that the Agency approve the Recommended Decision to grant a Waste Licence. The following documentation was submitted: Recommended Decision, Addendum to Inspector's Report and Legal Advice from Barry Doyle and Company Solicitors dated 20 June 2011. The Directors noted that this is a review of Waste Licence No. W0011-02 issued by the Agency on 3 April 2001. The Directors further noted that they had deferred their decision at their meeting on 7 June 2011.

A copy of the licence application was available electronically.

B Meaney gave a verbal presentation.

Inspector's Report

The Directors noted the clarifications contained in the Addendum to the Inspector's Report.

Recommended Licence

Decision & Reasons for the Decision

Delete existing wording '*The Environmental Protection Agency is the applicant and the report of its inspector*'.

Replace with new wording as follows '*The Environmental Protection Agency is satisfied, on the basis of the information available, that subject to compliance with the conditions of this licence, any emissions from the activity will comply with and will*

not contravene any of the requirements of the Waste Management Acts 1996 (as amended).

Having regard to the location of the facility at Ballymurtagh, Ballygahan Upper, Ballygahan Lower, Tinnahinch, County Wicklow, the nature of the activity and the type and quantity of the materials deposited, it is considered that the proposed activity, if managed, operated and controlled in accordance with the licence will not result in the contravention of any relevant environmental quality standards or cause environmental pollution.

The Board was satisfied that the information submitted by Wicklow County Council and the Inspector's report provided a comprehensive investigation of the impact of the discharges from the activity on the receiving environment.

Based on this investigation, the Board agreed with the Inspector's assessment that any potential additional impact on groundwater or associated surface waters which might be associated with leachate from the activity would not be significant having regard to the ongoing substantial impact caused by acid mine drainage associated with historic mining activities at the site of, and in the vicinity of, the activity.

The Board considered the alternatives available for the management of waste at the site of the activity, including the removal of the waste deposited at the site, and considered that the best practicable environmental option is to licence the landfill subject to the conditions and technical precautions contained in the licence, which include a prohibition on the acceptance of waste at the landfill, additional monitoring requirements and an option to pump and treat leachate if it proves necessary.

The licensee is considered a 'fit & proper person' to hold a licence. The licence requires that all necessary measures are taken to prevent accidents and to limit the consequences for the environment if an accident occurs. In addition, on cessation of the activity, the licence stipulates the measures to be taken to avoid any risk of environmental pollution and to return the site to a satisfactory state.

In reaching this decision the Environmental Protection Agency has considered the application for a licence and the supporting documentation received from the applicant, the report of its Inspector and any other relevant material submitted by the Applicant.

Conditions

- 3.17** Remove last paragraph 'In the event that landfill cap to the greatest extent possible'.
- 6.16.1** Insert new last sentence as follows 'In the event of failure to install wells as required, the licensee shall propose alternative methods of assessing leachate level, to be agreed by the Agency'.
- 6.16.6** Amend 1st paragraph as follows 'In the event of an exceedence of trigger levels of contamination of groundwater. If it is established that the landfill is the source of contamination, factors into account:'
- 6.21** Insert new 2nd sentence as follows 'This shall include a report on the adequacy and performance of the surface water run-off management infrastructure to

ensure and confirm it is diverting overland flow from the landfill cap to the greatest extent possible’.

Amend next sentence as follows ‘A report on *the landfill cap performance* shall be provided grant of this licence *and thereafter every three years as part of the Annual Environmental Report*’.

Schedule

C.5 Receiving Water Monitoring

Amend location information as follows ‘SW1, SW2, SW4, SW5 (*at Avoca bridge*) on Avoca River (or at alternative locations as may be agreed or directed)

Following discussion, the Directors decided to grant a licence, as modified, to Wicklow County Council, for their facility at Ballymurtagh Landfill, Ballygahan Upper, Ballygahan Lower, Tinnahinch, County Wicklow, Register of Licence No W0011-02, subject to the conditions as set out in the licence.