

Comhairle Contae Chorcaí Cork County Council

Environment Directorate,
Inniscarra, Co. Cork.

An Rannóg Comhshaoil,
Inis Cara, Co. Chorcaí.

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Ms. Noeleen Roche
Programme Officer
Environmental Licencing Programme
Office of Climate, Licencing & Resource Use
Environmental Protection Agency
Johnstown
Co. Wexford

21st July 2011

RE: Notification in accordance with Regulation 7(5) of the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008 of a proposed decision on a historic landfill certificate of authorisation application, in respect of Newmarket Landfill, County Cork.

Dear Noeleen,

I refer to your correspondence dated 23rd June last enclosing the Agencies proposed decision in relation to the application by Cork County Council for a certificate of authorisation in respect of Newmarket Landfill.

I note in particular that there is an opportunity provided to Cork County Council to make representations on this Proposed Decision and I would like to take the opportunity, based on the findings of the environmental risk assessment, to request a number of amendments to the proposed decision.

As you are aware the Tier 2 and Tier 3 Environmental Risk Assessment prepared by O'Callaghan Moran concludes that the Newmarket Landfill is a "Low Risk" site and that the waste contained therein is categorised as inert. O'Callaghan Moran also reported that no leachate was recorded during the intrusive investigations, i.e. trial pitting and drilling, and that both groundwater and surface water sample analysis indicate that any residual leachate generated is not impacting off-site receptors. Thus in light of these findings Cork County Council wish to make a submission in relation to the following conditions:

Condition 2.4 and Condition 2.5

The residual waste contained in the landfill in Newmarket has been classified as 'inert'. Directive 1999/31/EC defines 'inert waste' as "waste that does not undergo any significant physical, chemical or biological transformations. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter which it comes into contact in a way likely to give rise to environmental pollution or harm human health". As it is thus considered that no measures will be necessary to prevent environmental damage and that any resource implication for the Agency relating to this site will be negligible Cork County Council requests the removal of both conditions.

Condition 3.1(a)

Section 10.2 of the EPA manual *Landfill Site Design* (EPA, 2000) lists the main objectives in designing a landfill capping system as to:

- minimise infiltration of water into the waste;
- promote surface drainage and maximise run off;
- control gas migration; and
- provide a physical separation between waste and plant and human life.

The landfill cap at Newmarket was recorded as varying between 0.3m and 1.5m in thickness and is heavily overgrown. The absence of leachate in both trial pits and boreholes and the fact that both groundwater and surface water sample analysis indicate that any residual leachate generated is not impacting off-site receptors suggest that infiltration of water is not a significant issue. It is envisaged that slope and evapotranspiration play a positive role in this regard. Due to the fact that the landfill is in the final stages of landfill gas generation, with negligible amounts of methane and low carbon dioxide concentrations, control of gas migration is not considered an issue.

Given the above, the inert nature of the waste and the risk based approach promoted by the Agency in the Code of Practice it is considered that the restoration of the landfill as stipulated under Condition 3(a) should not be included in the Certification of Authorisation. Such a measure is seen as more pertinent to the specified monitoring programme. In the unlikely event that this programme determined a change in the status quo vis a vis leachate generation or that there was a deterioration in groundwater or surface water quality associated with the presence of the landfill the Council could thereby be instructed by the EPA to undertake the necessary restoration works.

Condition 3.3

The timeframe for the completion and submission of the validation report should relate to the completion of restoration works. Cork County Council requests that this condition is amended accordingly.

Condition 3.4.1

Newmarket Landfill has been classified as 'low risk', 'inert' and as having no impact on off-site receptors. It is requested therefore that the requirement for annual monitoring be terminated where the monitoring results for 5 consecutive years show no increase in emissions and/or no deterioration in groundwater or surface water quality.

Condition 3.4.3

It is not the role of Cork County Council to develop trigger levels. Relevant thresholds are set down in statute and where gaps exist these have been addressed by the EPA, among others. It is standard practice to relate the concentration of parameters measured to those on the statute or other recognised standards and thus it is requested that Condition 3.4.3 be removed.

Condition 3.8

The Council is unclear of its responsibilities as described by the sentence "*The site shall be maintained in a good condition at all times*" and clarification would thus be appreciated. It is not the intention of the Council to implement any horticultural management programme for the site but rather to allow it revert to its natural unmanaged state and in doing so promote biodiversity.

The person dealing with this matter is Dr Cormac O'Suilleabhain

Should you wish to discuss this matter further please do not hesitate to contact me.

Yours sincerely,



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