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Signed: *Grainne O'Leary* Date: *24/1/13*.



OFFICE OF CLIMATE, LICENSING & RESOURCE USE

ENVIRONMENTAL LICENSING PROGRAMME MEMORANDUM

TO: DARA LYNOTT, DIRECTOR

C.C: Frank Clinton

FROM: Brian Meaney - Environmental Licensing Programme

DATE: 24 January 2013

RE: Proposal for Technical Amendment of Waste Licence Register Number **W0048-01** held by **Marrakesh Limited** in relation to a landfill at Kilmurry South, Kilmacanogue, Bray, Co. Wicklow.

Introduction

Marrakesh Limited operates an inert landfill at Kilmacanogue, Bray, Co. Wicklow. The licensee is authorised to dispose of up to 100,000 tonnes of construction and demolition waste per annum.

The facility was licensed in October 2000. The licence was technically amended in October 2005 to incorporate requirements of the IPPC Directive.

According to AERs submitted by the licensee since 2008, no waste has been deposited in the landfill since that time. Verbal communication with the licensee indicates that no waste was landfilled for several years before 2008. In 2011, some 60,000 tonnes of waste was accepted at the facility for recovery. Unsold recovered waste is stockpiled on-site pending sale. No waste is landfilled. According to the AER for 2011, there is no predicted date to complete the landfill.

Details of Technical Amendment

In 2009 an analysis of the existing licence was carried out by OEE regarding its compliance with the requirements of the Landfill Directive (1999/31/EC). A number of deficiencies in the licence were identified and these gaps are proposed for rectification through amendment of certain conditions and schedules of the licence:

- As an inert landfill, the basic requirement of the Landfill Directive is that it be lined. The Kilmurry South landfill is unlined. A new condition 4.19 will require that any newly developed areas of the landfill are lined in accordance with the Directive.
- A new condition 5.3.4, to be inserted by technical amendment, proposes that, in the absence of a risk assessment (proposed condition 5.3.3) demonstrating

that the need for a liner in this instance is not necessary, only a limited list of wastes may be deposited in the landfill, namely:

- soil and stone;
 - recovered C&D waste that is suitable for use as an engineering material and would, in normal circumstances, be sold by the licensee for use in unlined groundworks and other fill applications; and
 - glass.
- Other amendments to condition 5.3 will ensure that waste acceptance procedures, procedures for characterising and periodically testing the waste and a number of other matters are in accordance with the requirements of the Landfill Directive.
 - The proposal for a new condition 9.13.4 will satisfy the Landfill Directive requirements to have groundwater trigger levels determined.
 - The proposal for a new Schedule D.6 will specify the detail to be observed around compliance testing, taken from the requirements of the Landfill Directive.
 - The proposal for a new Table F.3 in Schedule F will satisfy the Landfill Directive's requirement to specify the total quantity of waste authorised to be deposited in the landfill.

Conditions 8.1 and 8.2 respectively of the licence require restoration and aftercare plans for the facility. It is proposed to insert a new condition 8.5 to require the completion of a new closure, restoration and aftercare management plan (CRAMP), taking into consideration the existing plans and stating what financial provisions are in place underwrite CRAMP costs.

A partially completed landfill should not be left open indefinitely with no filling taking place. It is proposed to insert a new condition 8.6 into the licence that will require the filling of all remaining void space and commencement of all final capping works no later than 2016, unless agreed otherwise with the Agency in case of difficulty in sourcing suitable fill material.

The licensee wishes to retain the construction and demolition waste recovery plant at the facility. The existing condition 5.5 of the licence states that no waste can be accepted at the facility once the restoration requirements of the licence have been achieved. An amended condition 5.5 is proposed that would allow for continued acceptance of construction and demolition waste for treatment and recovery. In the event that it proves necessary to move the recovery plant and associated material storage areas to make way for closure and restoration works at the landfill, a new entry is proposed in *Schedule C: Specified Engineering Works* of the licence to facilitate agreement of such developments.

A proposed new condition 11.3 will address the requirement of the Waste Management Acts 1996 to 2012 that landfill gate fees are adequate to address development, operation, restoration and aftercare costs at the landfill.

In addition, the following conditions and definitions are proposed for the purposes of the European Communities Environmental Objectives (Groundwater) Regulations 2010:

- condition 9.13.5; and
- insertion of the terms "compliance point" and "compliance value" and amendment to the definition of "incident" in the Interpretation section of the licence.

Consultation with licensee

In accordance with section 42B(3) of the Waste Management Acts 1996 to 2011, the licensee was informed by letter dated 2 October 2012 that a number of amendments were to be made to the licence on foot of the Landfill Directive and the Groundwater Regulations. I also spoke by telephone to the licensee and their representatives on dates in January and December 2012. The licensee expressed concern that eventual closure of the landfill would affect the construction and demolition waste recovery business. The licensee was also concerned that adequate material might not be obtained to ensure the timely completion and closure of the landfill. The proposed amendments address these concerns.

Recommendation

I recommend amendment of the licence as proposed above.

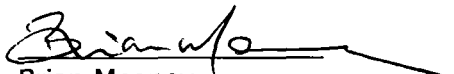
The licence has been assessed against the requirements of the:

- European Communities Environmental Objectives (Surface Waters) Regulations 2009; and
- European Communities Environmental Objectives (Groundwater) Regulations 2010.

The licence is compliant with the requirements of these regulations.

The proposed technical amendment of the licence in accordance with sections 42B(1)(c) of the Waste Management Acts 1996 to 2012 will not result in the requirements of section 40(4) of the Acts ceasing to be satisfied.

Signed:


Brian Meaney