

*Extract from the Minutes of the 776<sup>th</sup> Licensing Meeting of the Environmental Protection Agency, held on 17 June 2014 at EPA Headquarters, Johnstown Castle Estate, Co Wexford.*

1. The 776<sup>th</sup> Licensing Meeting of the Agency was held on 17 June 2014, in EPA Headquarters, Johnstown Castle Estate, Co Wexford.

Directors Present: D Lynott (Chair)  
G O'Leary & M Crowe.

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

*Licensee:* **Murphy Environmental Hollywood Limited**  
**Hollywood Great**  
**Nag's Head**  
**Naul**  
**County Dublin**

*Register of Licence No:* **W0129-03**

The Directors considered a recommendation from the Office of Climate, Licensing, Research and Resource Use that the Agency refuse to grant an Industrial Emissions Licence made by Murphy Environmental Hollywood Limited. The following documentation was submitted: Report of the Inspector dated 12 June 2014, Addendum to the Inspectors Report dated 16 June 2014, 4 Appendices and the draft Recommended Determination. The Directors noted that this was a review of Waste Licence No. W0129-02 issued by the Agency in May 2008.

A copy of the licence application was available electronically.

Brian Meaney, Matthew Craig, Marcus Ford & Andrew Browne gave verbal presentations.

#### **Inspector's Report**

The Directors noted the Inspector's Report and also noted in relation to the section on Financial Provision that every Financial Provision is site specific and individual to each licensee. It was clarified that the reference to third party reports on page 24 of the Geosyntec report, referred to the following:

- (i) K.T. Cullen & Co (1994). Report on Hydrogeological Investigations at the Bog of the Ring.
- (ii) GSI (2005). Bog of the Ring Groundwater Protection Zones.

Following discussion and based on the information before them, the Directors approved the recommended decision to refuse to grant an Industrial Emissions licence to Murphy Environmental Hollywood Limited for their facility at Hollywood Great, Nag's Head, Naul, County Dublin, Register of Licence No. W0129-03, for the following reasons:

It is considered that the proposed activity that is the subject of the licence review application presents an unacceptable risk of input of hazardous substances into groundwater which is prohibited under the Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution as implemented by S.I No. 9 of 2010, European Communities

Environmental Objectives (Groundwater) Regulations, 2010, Regulation 9. Furthermore, the Board of the Agency considered that:

- The Groundwater Protection Responses for landfills (Department of Environment Community & Local Government, EPA & GSI, 1999) indicate that the installation of the proposed activity in the geological setting, as proposed, is not generally acceptable. The conditions in which the proposed activity would be acceptable have not been demonstrated to exist.
- The groundwater beneath the landfill site, as proposed, is vulnerable to contamination from the proposed activity.
- The abstraction of groundwater at the Bog of the Ring (public water supply) may influence the groundwater levels beneath the landfill site, as proposed. Consequently, if the water abstraction at the Bog of the Ring were to reduce significantly or cease altogether, this may result in a rebound of groundwater levels beneath the landfill site, as proposed. This scenario would present an unacceptable risk to groundwater because the rising groundwater levels would have the potential to undermine the integrity of the landfill.

It is considered that the situation and design of the proposed activity do not meet the necessary conditions for preventing pollution of the soil and groundwater. It is further considered that the landfill liner system, including the artificially completed geological barrier as proposed in this setting, does not provide sufficient attenuation capacity, with regard to the extent and depth of the artificially completed geological barrier and the potential for its integrity to be undermined by rising groundwater levels, to prevent a potential risk to soil and groundwater, which are requirements of the Landfill Directive.

It is considered that the applicant is not a fit and proper person as defined in Section 84(4)(c) of the EPA Act of 1992, as amended, and the applicant cannot therefore satisfy the Agency in relation to the requirements of Section 83(5)(xi) of the same Act with regard to the proposed activity.