

Headquarters
P.O. Box 3000
Johnstown Castle Estate
County Wexford
Ireland

APPLICATION FOR AN INDUSTRIAL EMISSIONS LICENCE
Final Determination

Licence Application Register Number:	W0129-03
Company Register Number:	448931
Applicant:	Murphy Environmental Hollywood Limited
Location of installation:	Hollywood Great Nag's Head Naul County Dublin

ENVIRONMENTAL PROTECTION AGENCY ACT 1992 AS AMENDED

**NOTIFICATION OF DECISION OF THE AGENCY TO REFUSE
AN INDUSTRIAL EMISSIONS LICENCE UNDER SECTION 83(1)
OF THE ENVIRONMENTAL PROTECTION AGENCY ACT 1992,
AS AMENDED.**

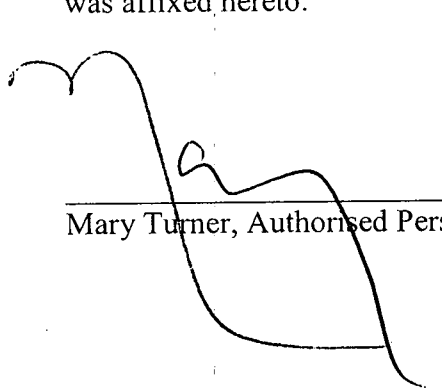
Reference number in
Register of licences: W0129-03

Further to notice dated 25/06/2014 the Agency in exercise of the powers conferred on it by the Environmental Protection Agency Act 1992 as amended, for the reasons hereinafter set out in the attached Decision, has refused to grant an Industrial Emissions licence to Murphy Environmental Hollywood Limited, Hollywood Great, Nags Head, The Naul, County Dublin, CRO number 448931, to carry on the activities set out below at Hollywood Great, Nags Head, The Naul, County Dublin.

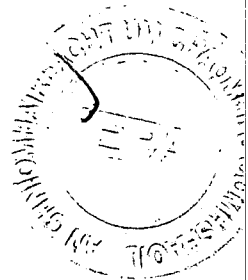
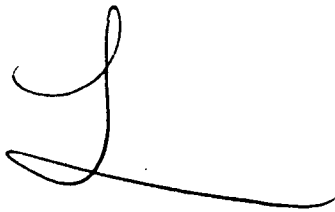
- 11.1 The recovery or disposal of waste in a facility, within the meaning of the Act of 1996, which facility is connected or associated with another activity specified in this Schedule in respect of which a licence or revised licence under Part IV is in force or in respect of which a licence under the said Part is or will be required;
- 11.2(b) Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving physico-chemical treatment;
- 11.4(a)(iv) Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day involving treatment of slags and ashes;
- 11.5 Landfills, within the meaning of section 5 (amended by Regulation 11(1) of the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008 (S.I. No. 524 of 2008)) of the Act of 1996, receiving more than 10 tonnes of waste per day or with a total capacity exceeding 25,000 tonnes, other than landfills of inert waste; and
- 11.6 Temporary storage of hazardous waste, (other than waste referred to in paragraph 11.5) pending any of the activities referred to in paragraph 11.2, 11.3, 11.5 or 11.7 with a total capacity exceeding 50 tonnes, other than temporary storage, pending collection, on the site where the waste is generated;

GIVEN under the Seal of the Agency this 6th day of January 2016

PRESENT when the seal of the Agency
was affixed hereto:



Mary Turner, Authorised Person



Decision & Reasons for the Decision

The Environmental Protection Agency is not satisfied, on the basis of the information available, that the requirements of Section 83(5) of the Environmental Protection Agency Act 1992 as amended have been met, in relation to:

- the activities that are the subject of the licence review application, and
- the status of the applicant as a fit and proper person,

and the Agency hereby refuses to grant an Industrial Emissions licence to Murphy Environmental Hollywood Limited, Hollywood Great, Nag's Head, Naul, County Dublin, CRO Number 448931.

In reaching this decision the Environmental Protection Agency has considered the documentation relating to the licence application, Register Number W0129-03. This includes supporting documentation and an objection received from the applicant, all submissions received from other parties and the reports of the Licensing Inspectors. In particular, the Agency has noted and given consideration to the following reports:

- (i) Geosyntec Consultants, *Review report on an IED waste licence application by MEHL with focus on geological and hydrogeological aspects*, June 2014
- (ii) Deloitte & Touche, *Report for Environmental Protection Agency reviewing the financial position of Murphy Environmental Hollywood Ltd*, May 2014
- (iii) Deloitte & Touche, *Report for Environmental Protection Agency reviewing the financial position of Murphy Environmental Hollywood Ltd*, Update October 2015

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 therefore considered that it is not open to the Agency to grant a licence. Notwithstanding this conclusion, the Agency determined that it was nonetheless appropriate also to consider the ground of objection considering the status of the applicant as a Fit & Proper Person.

The Agency is not satisfied with the adequacy of the particulars provided by the applicant. These are not sufficient to establish its ability to meet the financial commitments or liabilities arising under the ELRA and CRAMP that would be entered into or incurred in carrying on, or in consequence of ceasing to carry on, the proposed activity. The Agency therefore determined that the applicant would not be a fit and proper person to hold a licence for this installation.

◆

Schedule of Activities Refused

- 11.1 The recovery or disposal of waste in a facility, within the meaning of the Act of 1996, which facility is connected or associated with another activity specified in this Schedule in respect of which a licence or revised licence under Part IV is in force or in respect of which a licence under the said Part is or will be required;
- 11.2(b) Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving physico-chemical treatment;
- 11.4(a)(iv) Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day involving treatment of slags and ashes;
- 11.5 Landfills, within the meaning of section 5 (amended by Regulation 11(1) of the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008 (S.I. No. 524 of 2008)) of the Act of 1996, receiving more than 10 tonnes of waste per day or with a total capacity exceeding 25,000 tonnes, other than landfills of inert waste; and
- 11.6 Temporary storage of hazardous waste, (other than waste referred to in paragraph 11.5) pending any of the activities referred to in paragraph 11.2, 11.3, 11.5 or 11.7 with a total capacity exceeding 50 tonnes, other than temporary storage, pending collection, on the site where the waste is generated;

◆

Sealed by the seal of the Agency on this the 6th day of January 2016.

PRESENT when the seal of the Agency was affixed hereto:



Mary Turner, Authorised Person

