

Extract from the Minutes of the 831st Licensing Meeting of the Agency was held on 8 December 2015, at EPA Headquarters, Johnstown Castle Estate, Co. Wexford

1. The 831st Licensing Meeting of the Agency was held on 8 December 2015, at EPA Headquarters, Johnstown Castle Estate, Co. Wexford.

Directors Present: L Burke (Chair);
D Lynott, M Crowe, M Ó Cinnéide, G O’Leary & A McGarry

7. **Objection to Proposed Determination of an Application for an Industrial Emissions Licence**

(i) *Licensee:* **Murphy Environmental Hollywood Limited
Hollywood Great
Nag’s Head
Naul
County Dublin**

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

The Directors considered the following documentation: Proposed Determination issued on 25 June 2014; one First Party objection, the Report and recommendations of the Technical Committee, Office of Climate, Licensing, Research and Resource Use dated 30 June 2015, a Deloitte report dated 29 October 2015 and an Addendum Report to the Technical Committee Report dated 3 December 2015.

A copy of the licence application was available electronically.

Brian Meaney gave a verbal presentation on the background to the installation and then left the meeting.

John McEntagart gave a verbal presentation.

Technical Committee Report

The Directors noted the Technical Committee Report and the Addendum Report to the Technical Committee Report and approved the recommendations of the Technical Committee.

The Directors agreed to amend the Decision and Reasons for the Decision to read as follows:

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.

Following discussion, the Directors decided to refuse a licence, to Murphy Environmental Hollywood Limited for their Installation located at, Hollywood Great, Nag's Head, Naul, County Dublin, Register of Licence No W0129-03.