

*This Report has been cleared for submission to the Board by David Flynn,
Programme Manager*

Signed: Valerie Roche Date: 29/11/17



**OFFICE OF
ENVIRONMENTAL
SUSTAINABILITY**

**REPORT OF THE TECHNICAL COMMITTEE ON A
REPRESENTATION ON A DRAFT CERTIFICATE OF
AUTHORISATION FOR A CLOSED LANDFILL**

TO:	Directors
FROM:	Technical Committee - LICENSING UNIT
DATE:	27 November 2017
RE:	Representation on a draft certificate of authorization issued to Cork County Council in relation to a closed landfill at Kealaline, Co. Cork, Reg No. H0089-01

Application details

Type of facility:	Closed landfill ¹ , as defined in the Regulations ²
Location of facility:	Kealaline (Kealaline), situated in Co. Cork between Glengarrif and Bantry
Certificate of authorisation register number:	H0089-01
Section 22 register number:	S22-02405
Application received:	1/8/2014
Date of draft certificate of authorisation:	18/10/2017
Date first party representation received:	13/11/2017

¹ "Closed landfill" means a landfill site operated by a local authority for the recovery or disposal of waste without a waste licence on any date between 15 July 1977 and 27 March 1997 (i.e. prior to the entry into force of the Waste Management (Licensing) Regulations 1997 (S.I. No. 133 of 1997).

² Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008 (S.I. No. 524 of 2008).

Consideration of the first party representation

The Technical Committee, comprising of Brian Meaney, has considered the issues raised in the first party representation and this report details the Committee's comments and recommendations following the examination of the representations.

The text of the representation should be read for a full understanding of the issues raised by the applicant.

This report considers the valid first party representation.

1. Condition 3.1

Condition 3.1 of the draft certificate of authorisation states that Cork County Council shall implement certain measures within 12 months of the date of grant of the certificate of authorisation. Cork County Council requests that 4 years is allowed instead. The extended time is required for procurement of design, construction services, materials and finance and completion of the works. The Council also needs time to engage with the local community.

Technical Committee's Evaluation:

It is not clear why it will take four years to procure services, engage the community and complete the work for which authorisation was sought by Cork County Council as a matter of priority. I accept however that 12 months is a short period for the matters described by the Council, particularly engagement with the local community and tendering for technical and construction services. I recommend that 30 months is allowed for completion of the measures set out in condition 3.1, namely, in summary:

- preparation of the landfill profile;
- installation of a landfill cap;
- installation of a passive gas venting system; and
- installation of stock-proof fencing.

Recommendation: Amend condition 3.1 as follows:

3.1 Having regard to the risk assessment carried out under Regulation 6(1) of the Regulations, Cork County Council shall implement the following measures within **30 months** of the date of grant of this certificate of authorisation:

...<the remainder of the condition as per the draft certificate of authorisation>.

2. Condition 3.3

Condition 3.3 of the draft certificate of authorisation states that Cork County council shall compile a validation report within 30 months of the date of the grant of the certificate of registration. Cork County Council requests that this period is extended to provide for the extended period for completing the works (see discussion on condition 3.1 above).

Technical Committee's Evaluation:

The 30 month period for completing the validation report was timed to be some 18 months after completion of the works which, according to condition 3.1, were to take 12 months. The purpose of the extended period is to allow for several rounds of sampling to be carried out before signing off on a validation report.

Extending the period for completing the works to 30 months (see above) means extending the period for completing the validation report by a similar time.

Recommendation: Amend condition 3.3 as follows:

3.3 Cork County Council shall compile a validation report in accordance with the requirements of chapters 7.3 and 8.2.4 of the Code of Practice. Unless otherwise agreed by the Agency, the validation report shall be submitted to the Agency within **48 months** of the date of grant of this certificate of authorisation.

3. Condition 3.4.2(h) and 3.4.3

Condition 3.4.2(h) requires the Council to assess environmental monitoring results against the Surface Water Regulations 2009 and the Groundwater Regulations 2010.

Condition 3.4.3 requires the Council to develop and maintain groundwater and surface water monitoring and leachate and landfill gas trigger levels.

The Council states it is not its role to develop trigger levels and this should be done by the EPA and others.

The Council seeks deletion of condition 3.4.3. The Council seeks amendment to condition 3.4.2(h) but does not propose revised wording to be used.

Technical Committee's Evaluation:

The purpose of trigger levels is to allow the Council to determine, after works have been completed at the closed landfill and after each round of environmental sampling and analysis, whether environmental pollution indicators are trending towards improvement or decline. They are intended as a management tool to be used by the Council and to have a benchmark against which to compare monitoring results.

In the context of groundwater and surface water monitoring, the Council will have access to the aforementioned environmental objectives regulations for groundwater and surface water and will likely use, in a context appropriate to this closed landfill, the environmental quality standards expressed there.

For leachate and landfill gas trigger levels, there are not to my knowledge environmental quality standards available in statute for these substances. There are however a number of sources of information on typical values to be found for certain constituents of leachate and landfill gas. Alternatively, it may be that the trigger levels will be derived from currently monitored levels at the landfill for leachate and landfill gas. To reiterate, the purpose is to have a benchmark against which future monitoring results can be compared and trends identified. Such trends might include, for example, reducing strength of leachate and reduced methane content in landfill gas.

Recommendation: No change

Overall Recommendation

It is recommended that the Board of the Agency grant a certificate of authorisation to the applicant

- (i) for the reasons outlined in the draft certificate of authorisation and
- (ii) subject to the conditions and reasons for same in the draft certificate of authorisation, and
- (iii) subject to the amendments proposed in this report.

Signed



A handwritten signature in blue ink, appearing to read "Brian Meaney", is written over a horizontal line.

Brian Meaney