



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

## Closed Landfill Recommended Certificate of Authorisation

|   |   |
|---|---|
| <b>Certificate of Authorisation Number:</b>   | H0233-01                                  |
| <b>Certification of Authorisation Holder:</b> | Kilkenny County Council                   |
| <b>Location of Facility:</b>                  | Shermans, Ballyragget,<br>County Kilkenny |

## Glossary of Terms

All terms in this certificate of authorisation should be interpreted in accordance with the definitions in the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008 (S.I. No. 524 of 2008) unless otherwise defined in the certificate of authorisation.

|                                     |  |
|-------------------------------------|--|
| <b>Agency</b>                       | Environmental Protection Agency.   |
| <b>Agreement</b>                    | Agreement in writing.  |
| <b>Annually</b>                     | At approximately twelve-monthly intervals.   |
| <b>Application</b>                  | The application by the local authority for this certificate of authorisation including the risk assessment, any amendments to the risk assessment, additional information received from the local authority and other documents provided by the local authority.   |
| <b>Certificate of authorisation</b> | Includes this document and the application.  |
| <b>Closed landfill</b>              | As defined in the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008.   |
| <b>Code of Practice</b>             | As defined in the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008.   |
| <b>Documentation</b>                | Any report, record, results, data, drawing, proposal, interpretation or other document in written or electronic form which is required by this licence.  |
| <b>Drawing</b>                      | Any reference to a drawing or drawing number means a drawing or drawing number contained in the application, unless otherwise specified in this licence.   |
| <b>Environmental pollution</b>      | As defined in the Waste Management Act 1996 as amended.  |
| <b>Incident</b>                     | <p>The following shall constitute an incident for the purposes of this certificate of authorisation:</p> <ul style="list-style-type: none"><li>(i) an emergency;</li><li>(ii) any emission which does not comply with the requirements of this certificate of authorisation;</li><li>(iii) any trigger level specified in this certificate of authorisation which is attained or exceeded; and</li><li>(iv) any indication that environmental pollution has, or may have, taken place.</li></ul> |



|                            |  |
|----------------------------|--|
| <b>Inert waste</b>         | Waste that does not undergo any significant physical, chemical or biological transformations. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health. The total leachability and pollutant content of the waste and the ecotoxicity of the leachate must be insignificant, and in particular not endanger the quality of surface water and/or groundwater. |
| <b>Maintain</b>            | Keep in a fit state, including such regular inspection, servicing, calibration and repair as may be necessary to perform its function adequately.  |
| <b>Necessary measures</b>  | As defined in the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008.   |
| <b>Risk assessment</b>     | As defined in the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008.   |
| <b>Sample</b>              | Unless the context of this document indicates to the contrary, the term sample or samples shall include measurements taken by electronic instruments.  |
| <b>The local authority</b> | <b>Kilkenny County Council, County Hall, John Street, Kilkenny</b>   |
| <b>Trigger level</b>       | A parameter value the achievement or exceedance of which requires certain actions to be taken by the local authority.  |

## Part I Authorisation of a closed landfill

The Environmental Protection Agency (the Agency) proposes to grant, under Regulation 7(5) of the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008 (the Regulations), this certificate of authorisation to **Kilkenny County Council, County Hall, John Street, Kilkenny**, in respect of the closed landfill at **Shermans, Ballyragget, County Kilkenny**, subject to conditions set out in Part II and the Reasons for Decision in Part III.

## Part II Conditions

### Condition 1. Scope

- 1.1 For the purposes of this certificate of authorisation, the closed landfill authorised by this certificate of authorisation is the area of land outlined in **red** on **Figure. 2.3 of the Tier 3 Environmental Risk Assessment of a Former Municipal Landfill dated December 2017** submitted with the application. Any reference in this licence to “closed landfill” shall mean the area thus outlined in **red**. Activities associated with the closed landfill shall be carried on only within the area outlined.
- 1.2 **No waste, including waste soil and stone, shall be accepted at the closed landfill.**
- 1.3 No waste shall be burned at the closed landfill.
- 1.4 The facility shall be controlled, operated and maintained, and emissions shall take place as authorised by this certificate of authorisation. No material change that will result in an increase in the actual or potential nature or quantity of any emission shall be carried out or commenced without the agreement of the Agency.
- 1.5 Nothing in this certificate of authorisation shall prohibit authorised beneficial uses of the site of the closed landfill that do not interfere with the integrity of the remediation measures adopted.

|  |
|--|
| <b>Reason:</b> <i>To clarify the scope of this certificate of authorisation.</i> |
|--|

### Condition 2. Notifications, Records and Reports

- 2.1 The local authority shall notify the Agency as soon as practicable after the occurrence of any incident. The incident notification shall be provided in a format as may be specified in relevant guidance issued by the Agency.
  - 2.1.1 The local authority shall keep the following documents available for inspection by the Agency at all reasonable times and to members of the public by request: records of all sampling, analyses, measurements, examinations, calibrations and maintenance;
  - 2.1.2 records of incidents;
  - 2.1.3 records of all complaints of an environmental nature;
  - 2.1.4 the validation report prepared on completion of the remediation; and
  - 2.1.5 other documentation required by this certificate of authorisation or as may be otherwise directed by the Agency.



## 2.2 Environmental Liabilities

The local authority shall put in place and maintain a financial provision for costs of likely events or accidents/incidents related to the closed landfill and associated works.

- 2.3 The local authority shall annually pay to the Agency **€1100**, or such sum as the Agency from time to time determines in accordance with charges policy, for the performance of its functions under the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008 in relation to the closed landfill regulated by this certificate of authorisation.

**Reason:** *To provide for the collection and reporting of adequate information on the activity. To provide for adequate financing for monitoring and financial provisions for measures to protect the environment.*

## Condition 3. Management and Monitoring

- 3.1 The local authority shall implement the following measures within **12 months** of the date of grant of this certificate of authorisation or as otherwise agreed by the Agency.

- a) **Install a landfill cap, minimum 1000mm as proposed in the risk assessment.**
- b) **Install and maintain surface water management measures as proposed in the risk assessment.**
- c) **Install gas protection measures as proposed in the risk assessment.**
- d) **Minimise the disturbance of deposited waste to the extent possible.**

- 3.2 The local authority shall manage the closed landfill to ensure that discharges and emissions from the closed landfill do not cause environmental pollution or deterioration in the status of the receiving surface water body or groundwater body.

- 3.3 The local authority shall compile a validation report in accordance with the requirements of the Code of Practice. Unless otherwise agreed, the validation report shall be submitted to the Agency within **30 months** of the date of grant of this certificate of authorisation.

- 3.4 The local authority shall assess the results of all monitoring carried out to confirm whether the closed landfill continues to achieve the objectives set for it in the risk assessment or this certificate of authorisation.

- 3.5 The local authority shall annually conduct and record:

- a) a visual inspection of the landfill to ensure that the condition of the site has not deteriorated.
- b) monitoring for leachate (sample, analyse, characterise, and measure the level of leachate) in all leachate monitoring boreholes;
- c) monitoring to detect the presence and concentration of landfill gas in all monitoring boreholes;
- d) monitoring (sample, analyse and characterise) of groundwater from at least three available groundwater monitoring boreholes, two of which shall be downgradient of the closed landfill; and

- e) the assessment of monitoring results against trigger levels and/or standard reference values for relevant pollutants including environmental quality standards in the European Communities Environmental Objectives (Surface Waters) Regulations 2009 and European Communities Environmental Objectives (Groundwater) Regulations 2010, as amended.
- 3.6 The location, frequency, methods and scope of monitoring, sampling and analyses, as set out in this certificate of authorisation, may be amended with the agreement of the Agency.
- 3.7 Soil and stone imported for use in remedial, corrective or other engineering works at the closed landfill shall be greenfield soil and stone or soil and stone of equivalent nature and character in terms of chemical and physical contamination. **The soil and stone shall not be classified as waste.**
- Documented acceptance, storage/stockpiling and utilisation procedures shall be operational in advance of receipt of such materials. Records shall be maintained showing the site of origin of the soil and stone and its nature.
- 3.8 No emissions, including odours and noise, from works carried on at the site shall result in an impairment of, or an interference with amenities or the environment beyond the facility boundary or any other legitimate uses of the environment beyond the facility boundary.
- 3.9 The local authority shall ensure that the closed landfill does not result in an impairment of, or an interference with, amenities or the environment at the facility or beyond the facility boundary (including those arising from emissions (including odours, noise, dust, litter and mud), vermin and birds).
- 3.10 Wells and boreholes
- 3.10.1 Groundwater monitoring wells shall be constructed having regard to the guidance given in the Agency's landfill manual "Landfill Monitoring".
- 3.10.2 All wellheads shall be adequately protected to prevent contamination or physical damage.
- 3.10.3 All wells & boreholes shall be adequately sealed to prevent surface contamination and, as may be appropriate, decommissioned according to the UK Environment Agency guidelines "Decommissioning Redundant Boreholes and Wells", unless otherwise agreed by the Agency.
- 3.11 Soil and stone imported for use in remedial, corrective or other engineering works at the closed landfill shall be greenfield soil and stone or soil and stone of equivalent nature and character in terms of chemical and physical contamination. **The soil and stone shall not be classified as waste.**
- Documented acceptance, storage/stockpiling and utilisation procedures shall be operational in advance of receipt of such materials. Records shall be maintained showing the site of origin of the soil and stone and its nature.
- 3.12 The local authority shall clearly label and provide safe and permanent access to all on-site sampling and monitoring points and to off-site points as required by the risk assessment or this certificate of authorisation. The requirement with regard to off-site points is subject to the prior agreement of the landowners concerned.
- 3.13 Incidents
- a) In the event of an incident the local authority shall immediately:



- (i) if necessary, contact the emergency services
- (ii) carry out an investigation to identify the nature, source and cause of the incident and any emission arising therefrom;
- (iii) isolate the source of any such emission;
- (iv) evaluate the environmental pollution, if any, caused by the incident;
- (v) identify and execute measures to minimise the emissions/malfunction and the effects thereof;
- (vi) identify the date, time and place of the incident;
- (vii) notify the Agency (in accordance with condition 2.1) and all other relevant authorities including, where relevant, the Water Services Authority and Inland Fisheries Ireland.

**Reason:** *To make provision for the proper closure of the activity ensuring protection of the environment.*

## **Part III: Schedules**

### **Schedule 1: Reasons for Decision**

In proposing to grant this certificate of authorisation, the Agency determines that the risk assessment submitted by the local authority as part of the application for a certificate of authorisation is adequate. To ensure appropriate protection for human health and the environment and to ensure conformity with the provisions of Council Directive 2006/12/EC and Council Directive 80/68/EC, the conditions set out in Part II of this certificate of authorisation are specified as further necessary measures in addition to those identified by the risk assessment.

A screening for Appropriate Assessment was undertaken to assess, in view of best scientific knowledge and the conservation objectives of the site, if the proposed activity, individually or in combination with other plans or projects is likely to have a significant effect on any European Site. In this context, particular attention was paid to the European Site at the River Barrow and River Nore [SAC 002162].

That the activity is not directly connected with or necessary to the management of the site as a European Site and that it can be excluded on the basis of objective scientific information, that the activity, individually or in combination with other plans or projects, will have a significant effect on a European site, and accordingly the Agency determined that an Appropriate Assessment of the activity is not required.

The reason for this determination is as follows:

- The closest Natura 2000 site is the River Barrow and River Nore [SAC 002162] which is located approximately 1.5km east of the site. Given the distance from the Sherman former landfill site, the proposed remedial works do not present any risk to the River Barrow and River Nore SAC.



## **Part IV: SIGNATURE / SEAL**

**Draft Certificate of Authorisation Sign off**

**Signed on behalf of the said Agency**

\_\_\_\_\_  
On the xx day of xxxxx, 200X

xxxxxxxxxxxxx

**Authorised Person**