

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

Signed: *Nolven Roche*

Dated: 29<sup>th</sup> August 2018



OFFICE OF ENVIRONMENTAL SUSTAINABILITY

**REPORT OF THE TECHNICAL COMMITTEE ON OBJECTIONS TO LICENCE CONDITIONS**

TO: Each Director

FROM: Technical Committee - Environmental Licensing Programme

DATE: 29<sup>th</sup> August 2018

RE: Representation on a Draft Certificate of Authorisation issued to Sligo County Council for a facility at Finisklin, County Sligo. Certificate of Authorisation Number H0006-01.

**Application Details**

Type of installation:	Closed landfill
Application received:	16 <sup>th</sup> August 2012
Draft Certificate issued:	20 <sup>th</sup> June 2018
First party representation received:	19 <sup>th</sup> July 2018

**1. Background to this report**

The Finisklin landfill is located on reclaimed land adjacent to Sligo town. It is on the southern shore of the Garavogue Estuary and was filled over estuarine mudflats.

The site of the closed landfill is unused although commercial activities have been carried out in the past. Adjacent areas, also on land reclaimed using waste, are occupied and have been for some time.

The Sligo and Environs Development Plan 2010-2016 has the landfill partly zoned for mixed use and partly for open space. The proposal for the latter in the northern part of the site is the development of a public amenity. No mixed use has been proposed or defined in the application. Therefore, for the purposes of the risk assessment, a public amenity use has been envisaged by the Qualified Person.

**2. Consideration of the Representation**

The issues raised in the first party representation in relation to the Draft Certificate of Authorisation (CoA) are summarised below. The representation should be referred to at all times for greater detail and expansion of particular points.

The Technical Committee (TC) comprising of Dr Magnus Amajirionwu (Chair) has considered all the issues raised in the representation and this report details the Committee's comments and recommendations following the examination of the representation.

First-Party Representation:

Sligo County Council made their representation in four points as follows:

**Representation 1: Condition 1.1 Delineation of closed landfill**

*For the purposes of this certificate of authorisation, the closed landfill authorised by this certificate of authorisation is the area of land outlined in blue and red on Figure 2 of the Risk Assessment dated March 2011 and provided with the application on 16 August 2012. Any reference in this certificate of authorisation to "closed landfill" shall mean the area thus outlined in blue and red. Activities associated with the closed landfill shall be carried on only within the area outlined.*

Sligo County Council contends that the closed landfill site boundary should solely comprise the lands outlined within the red line boundary in Figure 1 of the Risk Assessment dated March 2011 (see Appendix A). Sligo County Council excludes the part delineated by the blue line in Figure 2 of the Risk Assessment dated March 2011, because (according to Sligo County Council) it 'represents land that does not fall under the remit of the Code of Practice and associated legislation'. It also claims that these lands were not under the control of Sligo County Council at the time of its filling out but rather Sligo Harbour Commissioners who were abolished in 2006.

The Council's concerns are practical regarding areas where commercial buildings have been built on reclaimed and landfilled land. The representation states that "the Council will not have direct control over these lands to enforce the conditions required under the Certificate other [sic] controlling operations under normal regulatory procedures."

**Technical Committee's Evaluation**

Sligo County Council delineated the closed landfill according to its interpretation of "closed landfill" which was taken to mean the area filled between 1977 and 1997. TC believe this approach is incorrect, and recommend a definition as in the Draft CoA which covers the entire extent of waste deposits at Finisklin.

The TC also notes that in 2006, "the property, rights and liabilities of Sligo Harbour Commissioners were transferred to Sligo County Council"<sup>1</sup>, as previously noted in the Inspectors' Report. Therefore, the exclusion of waste deposited by Sligo Harbour Commissioners appears inconsistent with the transfer of the Commissioners' liabilities to the Council. Such liabilities presumably include the landfill to its full extent. Figure 2 includes the "extent of fill" in blue and the delineated "closed landfill" in red (see Appendix A).

The TC considers that the Draft CoA is clear and correct in the fact that the full extent of waste fill is not limited to the red line only but includes, also, waste fill within the blue line.

With regard to the final paragraph above, it is not clear which of the CoA's conditions will create difficulties in this regard. The Council will have to take a practical approach to, for example, the condition requiring a cap to be applied to the landfill, incident reporting to the EPA and visual inspection and gas monitoring, applying these when they are relevant to the areas outside the Council's ownership.

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<sup>1</sup> Sligo Champion, 9/8/2006: <http://www.independent.ie/regionals/sligochampion/news/port-played-a-key-role-in-the-development-of-sligo-27528051.html>

**Recommendation:**

No change.

**Representation 2: Condition 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) *Prepare and implement a programme of 24-hour pumping trials for seven days, at at least 5 gas yielding monitoring locations (12% v/v or above) to determine the quantity and characteristics of the landfill gas. This programme shall be submitted to the Agency and approval obtained in advance of implementation. The monitoring programme shall be completed within 4 months of the date of this certificate of authorisation.*

Sligo County Council stated that compliance with this condition would be extremely expensive. This is in view of the inadequacy of the existing wells and necessity to install new gas monitoring wells. Sligo County Council, therefore, suggests that it would be proper to determine the number of gas monitoring wells after a programme design (which includes a programme of 24-hour pumping trials) has been completed and approved by the Agency.

**Technical Committee's Evaluation**

The total area historically used as a landfill at Finisklin is approximately 24 hectares with 650,000 tonnes estimated waste content. There is also the continuing risk posed by the presence of methane from the site. Reported concentrations of methane ranging from 8% to 68% v/v above the upper explosive limit of 5% v/v were recorded at eight onsite locations in 2017. These locations include northern and southern parts of the landfill. One was recorded beyond the southern boundary. Results of the internal landfill gas surveys confirm that gas has been migrating offsite and entering properties adjoining the northeast of the site. TC considers the specification of at least 5 representative gas monitoring wells as adequate and precautionary for the following reasons:

- i. the size and quantity of waste in the closed landfill, and
- ii. public health and safety.

**Recommendation:**

No change.

**Representation 3: Condition 3.1 (c) and (e).**

*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.*

- c) *Install a permeable landfill cap, minimum 500mm.*

*e) Unless otherwise agreed by the Agency, install gas vents in the landfill body at appropriate locations such that the increased back-pressure caused by the cap does not result in increased lateral movement of gas.*

Sligo County Council is seeking clarification in relation to Condition 3.1 (c) which specifies that a permeable landfill cap will be required, and Condition 3.1 (e) which according to Sligo County Council suggests that an **impermeable** cap will be required – ‘given the indication that the cap could result in the increased lateral movement of gas’.

#### **Technical Committee’s Clarification**

The condition requires a **permeable** cap. The placement of 500mm of permeable capping material will result in backpressure and the lateral migration of gas, albeit to a less degree when compared to the effect of an impermeable capping material.

#### **Recommendation:**

No change.
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#### **Representation 4: Condition 3.1 (f).**

*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.*

*f) Install and maintain boundary fencing or walls at an appropriate location on or near the perimeter of the closed landfill to prevent public access to any undeveloped areas of the facility.*

Sligo County Council is seeking clarification as to whether the proposed landscape plan contained in the Addendum Environmental Risk Assessment submitted to the Agency on 29<sup>th</sup> August 2017 is approved as part of the draft CoA. ‘Secondly, whether the implementation of the landscape plan would be considered to be development and as such public access can be permitted to the landscape areas’.

#### **Technical Committee’s Clarification**

The TC notes that the proposed remedial actions and the risk assessment completed by the Qualified Person has included a proposed landscape plan. TC also notes that Condition 1.5 of the CoA ensures that future beneficial uses of the site are not unnecessarily restricted. The EPA is not the competent authority to determine whether the implementation of the landscape plan is considered a ‘development’ or otherwise.

Condition 1.6 specifies requirements that should be met for the construction of any buildings at the “southern”, “middle” and “northern” areas of the closed landfill.

TC is of the view that in the interest of public health and safety, the specification in Condition 3.1 to install and maintain boundary fencing or walls to prevent public access to any undeveloped areas of the facility is both a sensible and practical approach.

**Recommendation:**

No change.

**6 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.

Signed:



Magnus Amajirionwu  
Inspector

Date: 29/08/2018

# Appendix A: Finisklin landfill blue and red boundary lines

