

 Environmental Protection Agency <i>An Ghníomhaireacht um Chaomhú Comhshaoil</i>	OFFICE OF ENVIRONMENTAL SUSTAINABILITY
ENVIRONMENTAL LICENSING PROGRAMME	
TO:	Eimear Cotter, Director
FROM:	Suzanne Wylde, Inspector, Environmental Licensing Programme
DATE:	21 January 2019
RE:	Technical Amendment to Waste Licence Register Number: W0129-02, held by Integrated Materials Solutions Limited Partnership, Hollywood Great, Nags Head, The Naul, Co Dublin.

1. Background

A waste licence (Register Number W0129-01) was first granted to Murphy Concrete (Manufacturing) Ltd in the Naul, Co. Dublin by the Environmental Protection Agency on 4th December 2002 for operating an inert landfill. A revised licence was issued by the Agency on 21st May 2008 (W0129-02) to increase the landfill footprint and to increase the tonnages accepted. The licence was amended on 23rd June 2011 (Clerical Amendment A) and again on 28th November 2018 (Technical Amendment B). The licence was transferred to Integrated Materials Solutions Limited Partnership (IMS) in June 2017.

2. Technical amendment request

The Agency received a request on 6th December 2018 from Integrated Materials Solutions Limited Partnership (W0165-02) to technically amend their licence. The licensee requested a derogation of the 3 x Waste Acceptance Criteria (WAC) limits under paragraph 2 of the annex to EC Council Decision 2003/33/EC establishing criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 of and Annex II to Directive 1999/31/EC (Landfill Directive) for sulphate, chloride, antimony, selenium, molybdenum, arsenic and total Dissolved Solids (TDS). The licensee also requested a two times increase for total organic carbon (TOC).

In order for this request to be granted the licensee was required to demonstrate to the competent authority (the EPA) that the predicted emissions from the site will present no additional risk to the environment, to allow the EPA to determine if a derogation can be applied to these parameters for the specified waste. The specified wastes are soil and stones and dredging spoil.

The licensee submitted a Hydrogeological Risk Assessment (HRA) to the Office of Environmental Enforcement (OEE) on 8th June 2018. Subsequent correspondence and meetings between the licensee and the OEE concluded on 27th November 2018 when the OEE determined that while they were satisfied with the technical elements of the submission, the OEE was of the opinion, that the request necessitated a technical amendment to the waste licence. This amendment request was submitted on 6th December 2018.

The specific type of wastes which the amendment request relates to are soil and stone (17 05 04) and dredging material (17 05 06). The pollutant content of some parameters in these

wastes may fall outside of the limits specified in *Schedule A.4: Limit Values for Pollutant Content for Inert Waste Landfills* of the licence. These waste types can display a range of chemical profiles. Dredging spoil regularly contains elevated levels of sulphate and chloride due to the coastal environmental and saline influences. Soil and stone can also contain elevated concentrations of a number of parameters which may be naturally occurring or due to site history. The waste licence and Landfill Directive allow for the regulator to increase the limits on a site-specific basis if it is demonstrated that the predicted emissions from the site will present no additional risk to the environment. The specified waste types and parameters have been shown to present no additional risk to groundwater if deposited at the Hollywood landfill.

3. Consultation with the Office of Environmental Enforcement (OEE)

I have consulted with the OEE inspectors Cathal Gahan and Kevin Motherway (hydrogeological expert, now retired from the EPA), in relation to this technical amendment request. The OEE confirmed that the proposed request cannot be accommodated under the existing licence.

Kevin Motherway reviewed the information submitted by the applicant and provided the following assessment:

Having:

- *reviewed the correspondence from IMS regarding their revised request to now only request Soil & Stone, 17 05 04 & Dredging Spoil 17 05 04 at up to x3 times the Inert Landfill WAC as specified in 2003/33/EC and;*
- *having considered their proposals to track the deposition of the waste;*
- *and having reviewed their revised Risk assessment from Golder Associates dated 6 September 2018;*

I am now of the opinion that given the lower risk profile of these materials and the level of containment of the facility that it would be acceptable from a groundwater protection perspective to allow up to x3 WAC as set out in Section 2 of 2003/33/EC. Notwithstanding this I would note that such a significant change in WAC from those set out in W0129-02 would have to be considered carefully in terms of the principle of such an alteration by agreement with OEE; it would however in my opinion be acceptable from an environmental risk perspective given the nature of the materials requested by the licensee.

I would also note that the licensee is currently undertaking significant hydrogeological assessment to characterise any connection with the Bog of the Ring water resource. I would not preclude any further consideration of increases in WAC of other suitable EWC codes on a risk-basis, should this hydrogeological characterisation, when completed, prove a further reduced risk profile.

There are no legal proceedings in train in respect of this licence.

4. Technical Assessment

As I have stated previously the hydrogeological expert in the OEE carried out a detailed assessment of the proposed amendment to the licence in terms of any possible increased risk to the groundwater in the area that may be posed by permitting an increase in certain

contaminants in the soil and stones and dredging spoil accepted at the landfill. He concluded that the requested derogation is acceptable from an environmental risk perspective.

5. Appropriate Assessment

The landfill in the Naul, Co. Dublin is located approximately 10km upstream of the Rogerstown Estuary Special Area of Conservation. The site is selected for the protection of priority habitats listed under Annex 1 of the Habitats Directive and for the protection of species listed under Annex II of the same directive. The site is also selected, under the Birds Directive, for the conservation of wild birds.

A screening for Appropriate Assessment was undertaken to assess, in view of best scientific knowledge and the conservation objectives of the site, if the 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(s) at Rogerstown Estuary Special Area of Conservation and Rogerstown Estuary Special Protection Area.

The activity is not directly connected with or necessary to the management of any European Site and the Agency considered, for the reasons set out below, that it can be excluded, on the basis of objective information, that the activity, individually or in combination with other plans or projects, will have a significant effect on any European Site and accordingly determined that an Appropriate Assessment of the activity was not required.

This determination is based on the fact that the proposed amendments will not result in a material change to the nature of the discharges from the agglomeration.

6. Recommendation

I recommend that the licence amendment be approved as set out in the attached Recommended Technical Amendment. The making of the amendment will not result in the relevant requirements of Section 83(5) of the EPA Acts 1992, as amended, ceasing to be satisfied.

Signed



Inspector
Environmental Licensing Programme