

 <p>Environmental Protection Agency An Ghníomhaireacht um Chaomhnú Comhshaoil</p>	OFFICE OF ENVIRONMENTAL SUSTAINABILITY
ENVIRONMENTAL LICENSING PROGRAMME	
TO:	Dr Eimear Cotter, Director
FROM:	Suzanne Wylde, Inspector, Environmental Licensing Programme
DATE:	23 August 2019
RE:	Technical Amendment to Industrial Emissions Licence Register Number: W0033-01, held by Louth County Council for Drogheda Landfill – Drogheda Borough Council, Collon Road, Mell, Drogheda, Louth.

1. Background

The Corporation of Drogheda was granted a licence, (Reg. No. W0033-01), on 30th December 1999 for a facility located at Collon Road, Mell, Drogheda, Co. Louth. The licence was issued under the Waste Management Act, 1996, as amended, for disposal and recovery activities. The licence relates to a closed landfill with an operational civic waste facility.

The licence has been amended twice (18th June 2013, Technical Amendment A and 21st June 2016, Technical Amendment B). Technical Amendment B related to the acceptance of hazardous WEEE at the facility.

It has become apparent since the grant of the licence, that waste was deposited in areas that are outside of the licensed facility boundary. These areas were/are not owned by the local authority. Technical Amendment A related to a similar request to that being considered under this technical amendment for the inclusion of a parcel of land where waste was historically landfilled. The local authority submitted trial pit information in support of the request for Technical Amendment A outlining the nature and quantities of waste concerned. The inspector's report for Technical Amendment A states that "*The entirety of the site was assessed as part of the licence application. The landfill footprint, as assessed, has not changed.*"

2. Technical Amendment request

The Agency received a request for a technical amendment, under Section 42B of the Waste Management Acts, 1996, as amended, of the licence, W0033-01, from Louth County Council on 10th September 2018.

The request is for a change to the boundary of the landfill to take in an additional 1.22 hectares of land where historically waste was landfilled. The land has been purchased by Louth County Council from a third party. The licensee submitted the change of ownership papers for the land with the request. Specified engineering works have been submitted to the Office of Environmental Enforcement for approval to cap this area of the landfill and provide appropriate monitoring including for gas and groundwater.

The licensee stated in the technical amendment request that Louth County Council considers that a baseline report¹ is not required as the parcel of land in question has always been included with the existing facility boundary for the purposes of monitoring groundwater and landfill gas.

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

I have consulted with the OEE team, in relation to this technical amendment request. The OEE confirmed that the proposed technical amendment cannot be accommodated under the existing licence. OEE has confirmed that there are no legal proceedings in train in respect of this licence.

4. Appropriate Assessment

Appendix 1 lists the European Sites assessed, their associated qualifying interests and conservation objectives along with the assessment of the effects of the activity on the European Sites.

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 specified in Appendix 1.

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 cannot 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 required, and for this reason determined that a Natura Impact Statement would be required. The reason for this decision is based on the lack of clarity provided in support of this technical amendment request as to whether a source-pathway-receptor relationship exists in relation to the waste that has been landfilled, the groundwater in the area and the surface waters.

5. Assessment

The technical amendment request was submitted without any supporting information, in particular there was no information on the nature or quantities of waste that has been landfilled outside of the site boundary. Therefore, as stated in the appropriate assessment screening above, I cannot be certain of the source-pathway-receptor relationship between the waste in the parcel of land under consideration for inclusion within the licensed boundary, the groundwater and the surface waters in the vicinity.

Louth County Council submitted a request for approval to the OEE on 5th November 2018 in relation to the specified engineering works for the capping of the lands in question. This request has not been approved, pending the outcome of the assessment of this technical amendment request.

¹ Baseline report means information on the state of soil and groundwater contamination by relevant hazardous substances as per the European Commission Guidance concerning baseline reports under Article 22(2) of Directive 2010/75/EU on industrial emissions.

The OEE has been in correspondence with the licensee for some time to regularise the situation in relation to the historically landfilled areas outside the facility boundary. I understand that there is more historically landfilled land to be included in the licensed boundary of the site.

The inspectors report for the previously referred to Technical Amendment A, states that the OEE identified the error in the licensed site boundary, as delineated in the licence, in 2002.

6. Recommendation

I recommend that the requested amendment to increase the site boundary be refused on the basis that an appropriate assessment of the activity is required. I further recommend that the licensee should be advised that a licence review application should be submitted to the EPA to regularise the situation.

Signed,



Suzanne Wylde

Inspector

Environmental Licensing Programme

Appendix 1: Assessment of the effect(s) of activity on European site(s) and proposed mitigate measures.

	European Site (site code)	Distance/ Direction from facility	Qualifying interests (* denotes a priority habitat)	Conservation objectives
1	River Boyne and River Blackwater SAC (002299)	~1km of the facility	Habitats Alkaline fens Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i> , <i>Salicion albae</i>)* Species Salmon (<i>Salmo salar</i>) Otter (<i>Lutra lutra</i>) River Lamprey (<i>Lampetra fluviatilis</i>)	http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002299.pdf
2	Boyne Coast and Estuary SAC (001957)	~4km of the installation	Habitats Estuaries Mudflats and sandflats not covered by seawater at low tide Annual vegetation of drift lines Salicornia and other annuals colonising mud and sand Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) Embryonic shifting dunes Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) Fixed coastal dunes with herbaceous vegetation (grey dunes)*	http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO001957.pdf
3	Clogher Head SAC (001459)	~11km of the facility	Habitats Vegetated sea cliffs of the Atlantic and Baltic coasts European dry heaths	http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO001459.pdf
4	River Boyne and River Blackwater SPA (004232)	~2km of the facility	Birds Kingfisher (<i>Alcedo atthis</i>)	http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004232.pdf
5	Boyne Estuary SPA (004080)	~3km of the facility	Birds Shelduck (<i>Tadorna tadorna</i>) Golden Plover (<i>Pluvialis apricaria</i>) Redshank (<i>Tringa totanus</i>) Sanderling (<i>Calidris alba</i>) Knot (<i>Calidris canutus</i>) Black-tailed Godwit (<i>Limosa limosa</i>) Little Tern (<i>Sterna albifrons</i>) Turnstone (<i>Arenaria interpres</i>) Grey Plover (<i>Pluvialis squatarola</i>) Lapwing (<i>Vanellus vanellus</i>) Oystercatcher (<i>Haematopus ostralegus</i>)	http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004080.pdf

			Habitats Wetlands	
6	River Nanny Estuary and Shore SPA (004158)	~9km of the facility	Birds Knot (<i>Calidris canutus</i>) Sanderling (<i>Calidris alba</i>) Golden Plover (<i>Pluvialis apricaria</i>) Oystercatcher (<i>Haematopus ostralegus</i>) Herring Gull (<i>Larus argentatus</i>) Ringed Plover (<i>Charadrius hiaticula</i>) Habitats Wetlands	http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004158.pdf