


This Report has been cleared for submission to the Board by Marie O'Connor,  
Programme Manager

Signed: 

Dated: 7 October 2019



## OFFICE OF ENVIRONMENTAL SUSTAINABILITY

### REPORT OF THE TECHNICAL COMMITTEE ON REPRESENTATIONS MADE ON A DRAFT CERTIFICATE OF AUTHORISATION

TO: Each Director

FROM: Technical Committee Environmental Licensing Programme

DATE: 7 October 2019

RE: Representation on a draft Certificate of Authorisation issued to Kildare  
County Council for a closed landfill at Carrigeen, Clane, County Kildare.  
Certificate of Authorisation Register Number H0210-01.

#### Application Details

Type of facility:	Closed landfill as defined in the Regulations <sup>1</sup>
Application received:	19 March 2014
Draft Certificate issued:	12 April 2019
First party representation received:	8 May 2019

## 1. Background to this report

The site is located in a residential area approximately 1km south of Clane village, at the end of a cul-de-sac which provides access to paddocks and a number of houses.

The site is currently divided into three sections: used as a garden to the west, a paddock centrally, and disused / scrub to the east. The surrounding land use is residential and amenity. There are approximately 17 residences within 250m radius of the site: a single dwelling is located 7.5m to the west of the waste body; a second dwelling is located 40m southeast of the waste body. The River Liffey is 85m to the east of the waste body and flows parallel to

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<sup>1</sup> Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008 (S.I. No. 524 of 2008).

the eastern boundary in a northerly direction. A stream located 6.5m north of the site joins the River Liffey at about 85m to the north-east of the site. Millicent Golf Course is immediately south of the waste body.

The risk assessment has categorised the site as moderate risk (Class B) with the pollutant linkages identified as: Leachate migration to surface water and groundwater, and off-site human receptors from landfill gas migration.

For the purposes of the risk assessment, continued agricultural 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) is 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 Caitriona Collins (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.

This report considers one valid first party representation

Kildare County Council submitted a representation in relation to a number of requirements set out in the draft Certificate of Authorisation.

### **Condition 3.1**

The applicant expressed concern in relation to the requirement to carry out the remediation within 12 months of the date of grant of the Certificate of Authorisation and stated that an extension of time may have to be sought to complete the measures.

Technical Committee's Evaluation: The Technical Committee notes that Condition 3.1, as drafted, includes the provision "...or as otherwise agreed by the Agency". However, for the reasons stated by the applicant, it is likely that a longer timeframe than within 12 months from date of grant of the Certificate of Authorisation will be required. As such, the Technical Committee recommends a change from 12 to 18 months, while maintaining the provision "...or as otherwise agreed by the Agency".

#### Reason for Decision:

The Technical Committee propose to amend Condition 3.1 as set out below and has reached its decision having regard to the following reason:

- To provide for a more reasonable timeframe for the implementation of measures.

**Recommendation:** Amend Condition 3.1 to read as follows:

3.1 The local authority shall implement the following measures within **18 months** of the date of grant of this certificate of authorisation or as otherwise agreed by the Agency.

### Condition 3.1(a)

The applicant expressed concern about the requirement to install the gas collection trench around the waste body, as specified in Condition 3.1(a) and in this regard cited the proposed line of the trench that was outlined in the Tier 2 and 3 Environmental Risk Assessment that was submitted with the application. The reason for the concern expressed is that the proposal took into account minimal disruption of grounds around the private residential dwelling.

Technical Committee's Evaluation: The Technical Committee notes that Condition 3.1, as drafted, includes the provision "...or as otherwise agreed by the Agency" and this provision is intended to address all requirements specified under Condition 3.1. As such, flexibility that may be sought by the local authority in relation to the line of the gas collection trench may be addressed by this provision.

**Recommendation:** No change

### Condition 3.5

The applicant contends that the monitoring frequency specified in Condition 3.5 (biannually for leachate, surface waters, groundwater and visual inspection and quarterly for landfill gas) is excessive and seeks that it be reviewed, taking into account the annual monitoring results and trends over the last number of years.

Technical Committee's Evaluation: The Technical Committee considers that the monitoring frequency specified in Condition 3.5 is appropriate in the first instance, until a comprehensive set of monitoring results is gathered following commencement of remediation works. The Technical Committee further notes that Condition 3.8 of the provides for the monitoring frequency to be amended with the agreement of the Agency, and as such the applicant's request can be addressed in this manner.

**Recommendation:** No change

### Monitoring

The applicant has sought clarification of the monitoring requirements in terms of the schedule of parameters for surface waters, groundwaters, leachate and landfill gas and proposes a list of parameters.

Technical Committee's Evaluation: The Technical Committee notes that the draft Certificate of Authorisation does not specify the parameters to be monitored. However, Condition 3.5(f) specifies the requirement to assess the monitoring results against trigger levels and/or standard reference values for relevant pollutants including environmental quality standards set out in the Environmental Objectives Surface Waters and Groundwater Regulations. As such, Condition 3.5(f) can be considered to inform the applicant as to the parameters to be monitored.

**Recommendation:** No change

### Condition 3.5(e)

The applicant indicates a proposal to sample from BH01 and BH02, as referenced to the application files, in fulfilment of the requirement set out in Condition 3.5(e) to monitor two downgradient boreholes.

Technical Committee's Evaluation: The Technical Committee notes that the applicant is not seeking any change to the draft Certificate of Authorisation in this regard and as such, the proposed sampling boreholes can be advised by the applicant to the Office of Environmental Enforcement following issue of the Certificate of Authorisation.

**Recommendation:** No change

### Condition 3.7

The applicant seeks confirmation if monitoring is required in relation to the trigger levels specified for surface emissions over the waste body and identified features in Condition 3.7, and at what frequency.

Technical Committee's Evaluation: The Technical Committee notes that monitoring frequencies are specified in Condition 3.5. However, the Technical Committee further notes that the monitoring frequency for surface emissions over the waste body is not specified and as such, recommends that the draft Certificate of Authorisation be amended to clarify this.

Reason for Decision:

The Technical Committee propose to amend Condition 3.5 as set out below and has reached its decision having regard to the following reason:

- To provide for greater clarity in relation to the requirements for monitoring against specified trigger levels.

**Recommendation:** Amend Condition 3.5 to include a new requirement d) as follows:

**d) monitoring of surface emissions over the waste body and other identified features on a quarterly basis;**

And renumber d), e) and f) to **e), f) and g)**, respectively.

### Ownership

The applicant took the opportunity to reiterate that the site, although operated by Kildare County Council as a municipal facility, was never in public ownership and remains privately owned. The applicant is seeking that the Certificate of Authorisation would provide for some flexibility in the final remediation design to allow Kildare County Council to negotiate the details with the landowners.

Technical Committee's Evaluation: The Technical Committee notes that the purpose of the Certificate of Authorisation is to authorise the remediation measures required, and as identified in the risk assessments carried out. The final design detail for the remediated site

is not specified in the Certificate of Authorisation, and as such, those details may be discussed with the Office of Environmental Enforcement at an appropriate time.

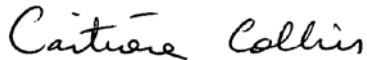
**Recommendation:** No change

### 3. 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,
- (ii) subject to the conditions and reasons for same in the Draft Certificate of Authorisation, and
- (iii) subject to the changes recommended in this report.

Signed



Caitriona Collins

Date 07/10/2019

Senior Inspector

for and on behalf of the Technical Committee