

R Ryan
6/12/2019



Ceased Licence Memo

DATE:	07/10/2019
TO:	Tom Ryan, OEE Director
FROM:	Helen Boyce, Inspector
SUBJECT:	Propose to Cease Waste Licence Reg. No. W0143-01.

1. RECOMMENDATION

As the carrying on of the activity to which Waste Licence Reg. No. W0143-01 relates has not been substantially commenced within a period of 3 years beginning on the date on which the licence was granted, I recommend the following:

1. That the OEE issue a letter of notification to the Licensee under Section 49(1) of the Waste Management Act 1996, as amended stating that the licence has ceased to have effect from 30/05/2005 and the activity cannot now commence under this licence.
2. That the OEE notifies Mayo County Council of the above.
3. That the OEE make the relevant amendments to the OEE database and notifies the other internal offices [ORM, Accounts] to reflect the change in the licence's status to Ceased.

2. SUMMARY

Name of Licensee	McGrath Industrial Waste Ltd
Registration Number	W0143-01
Facility Address	Gortnafolla, Castlebar, Co. Mayo.
Class of Activity	14.1 Non-hazardous waste transfer station
Dated Licence Issued	30/05/2002
Date Licence Ceased	30/05/2005

3. FACILITY LOCATION

The facility is located approximately 500 metres off the N5 Castlebar-Dublin road and is 6km northeast of Castlebar. It is located in a rural area adjacent to a quarry and surrounded by agricultural lands.

4. FACILITY HISTORY

The facility was licenced in May 2002 to operate a non-hazardous waste transfer and recycling

facility. At the time of the licence application (29/09/2000), McGrath was carrying on unauthorised waste operations, i.e. waste was taken into the site in skips and sorted for recycling with residual waste being sent to landfill. There was also historical land-filling of non-hazardous waste (~38,000 tonnes) at the site however this had not taken place for a number of years prior to the licence application. Wastes deposited included plastic packaging, cardboard, timber, construction and demolition waste, glass, garden/green waste, municipal waste, septic tank sludge and animal waste. The licence did not permit the acceptance of waste until after the proposed transfer station was built. The infrastructure was never built and the licenced activity never commenced. The licence does not refer to, nor, authorise the historic landfill on the site.

Legal advice was sought by OEE in April 2019 regarding whether Waste Licence W0143-01 could be categorised as “Ceased; Never Commenced” given the presence of the illegal landfill. The advice provided is summarised below:

- The activities licenced in Part I of the licence never commenced.
- The monitoring obligations set out in the licence never commenced (*although the Licensee did carry out monitoring of surface water, ground water and landfill gas*).
- As the licenced activity never commenced, the Agency can treat the licence as having ceased to have effect pursuant to Section 49 of the Waste Management Act 1996 (“where the activity to which a waste licence relates has not been substantially commenced within the period of 3 years beginning on the date on which the licence was granted.....then that licence shall cease to have effect on the expiry of said period.”)
- The licence ceased to have effect 3 years after it was granted, i.e. 30th May 2005.

5. CONDITION OF SITE

<p>Known contamination: There is an historic unlined landfill at the site containing non-hazardous waste however recent (March 2019) monitoring of surface water, ground water and landfill gas carried out demonstrates there is no significant impact on the environment. There were no concerns noted regarding the groundwater monitoring results or the landfill gas results. The emission limit values for landfill gas concentrations specified in the licence related to the concentration measured in any building on or adjacent to the facility which were never built. E-Coli was noted in the surface water samples however it is considered that this is due to the surrounding agricultural industry rather than the historic landfill or the licenced facility.</p>
<p>Remediation: There is no remediation programme associated with the facility.</p>
<p>Other Environmental Liabilities: There are no other known environmental liabilities associated with the facility.</p>

6. AGENCY’S ASSESSMENT

Site inspections carried out since the licence was granted in May 2002 all confirmed that the licenced activity never commenced. The most recent inspection was carried out on 22/11/2018 and again it was confirmed that the licensable activity had never commenced at this site.

The Licensee had been carrying out monitoring of groundwater, surface water and landfill gas over the years and the most recent monitoring was carried out in March 2019 demonstrated that there is no significant impact from the facility on the environment. As the licenced activity never commenced, the

Agency can treat the licence as having ceased to have effect pursuant to Section 49 of the Waste Management Act 1996.

7. FINANCIAL CHARGES & ACCOUNTS

Liaison with Financial Charges and Accounts has confirmed that there are no outstanding financial charges associated with this licence.

Signed: Helen Boyce
Helen Boyce, Inspector
Office of Environmental Enforcement, Castlebar

Dated: 07/10/2019