



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:	25 March 2020
RE:	Representation on a draft Certificate of Authorisation issued Limerick City and County Council for a closed landfill at Churchtown, Newcastle West, County Limerick. Certificate of Authorisation Register Number H0291-01.

Application Details

Type of facility:	Closed landfill as defined in the Regulations ¹
Application received:	12 July 2018
Draft Certificate issued:	2 October 2019
First party representation received:	24 October 2019

1. Background to this report

The site is located within a disused limestone quarry on the north-western perimeter of Newcastle West, County Limerick. The landfill site extends to an area of domestic dwellings and is accessed from the Old Mill Road, approximately 150m west of its junction with the R521 Road. The back gardens of a number of dwellings extend over the waste footprint, after Limerick County Council sold a narrow strip of land to those householders.

The risk assessment has categorised the site as high risk (Class A) with the pollutant linkages identified as:

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

- leachate migration to private wells;
- leachate migration to the underlying aquifer; and
- lateral and vertical landfill gas migration to surrounding houses.

2. Consideration of the Representation

This report considers one valid first party representation from Limerick City and County Council in relation to a number of requirements set out in the draft Certificate of Authorisation which 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 Caitríona 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.

2.1. Condition 2.3 Environmental Liabilities

The applicant seeks information on what financial provision is required considering the low risk classification of the site and that the works will be undertaken by adequately insured contractors.

Technical Committee's Evaluation: The Technical Committee considers that the matter of appropriate financial provision is a matter that will be dealt with as part of the implementation and enforcement of the Certificate of Authorisation. Condition 2.3 of draft CoA addresses this and Limerick City and County Council should liaise with the Agency (OEE) on this matter.

Recommendation: No change

2.2. Condition 3.1 "The local authority shall implement the following measures within 12 months..."

Condition 3.4 "...the validation report shall be submitted to the Agency within 30 months of the date of grant..."

The applicant has indicated that the timeframes specified in relation to the undertaking of works may be an issue considering planning consent and associated requirements such as tendering and funding.

Technical Committee's Evaluation: The TC 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 timeframe of 12 months from date of grant of the Certificate of Authorisation is not achievable. As such, the Technical Committee recommends a change from 12 to 18 months, while maintaining the provision "...or as otherwise agreed by the Agency". The TC further notes that condition 3.4 also includes the provision "unless otherwise agreed by the Agency" in relation to the 30-month timeframe and as such, no change is recommended in this regard.

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:

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.

2.3. Condition 3.3

The applicant expressed concern about the requirement to obtain authorisation for the discharge of landfill leachate to the sewer within six months of the date of grant of this Certificate of Authorisation, stating that the timeframe is within the remit of Irish Water.

Technical Committee's Evaluation: The TC acknowledges that the timeframe is dependent on obtaining the authorisation from Irish Water. However, it further considers that it is essential that the authorisation is obtained in a prompt manner and recommends that the timeframe be linked to seeking the authorisation rather than obtaining the authorisation.

Reason for Decision:

The Technical Committee propose to amend condition 3.3 as set out below and has reached its decision having regard to the following reason:

- To provide for a more reasonable timeframe for obtaining the authorisation.

Recommendation: Amend condition 3.3 to read as follows:

The local authority shall, within **three** months of the date of grant of this Certificate of Authorisation, **seek** authorisation under Section 16 of the Water Pollution Act for the discharge of landfill leachate to the sewer, **and obtain such authorisation within 12 months of the date of grant of this Certificate of Authorisation.**

2.4. Condition 3.6 (b) "monitoring on a quarterly basis for leachate (sample, analyse, characterise, and measure the level of leachate) in all leachate monitoring boreholes"

The applicant states that there are no specific leachate monitoring boreholes at the site, just a leachate sump.

Technical Committee's Evaluation: The TC considers that leachate migration is one of the key risks associated with the presence of closed landfills. The site investigations carried out indicate that the waste body is partially saturated with perched leachate and that there is an associated risk of leachate migration into the groundwater body and towards a nearby stream. It is therefore considered appropriate that the requirement to carry out quarterly monitoring of leachate is appropriate. However, it is further noted that the draft Certificate of Authorisation does not provide for the installation of leachate monitoring boreholes and the TC considers that such a requirement should be provided for in condition 3.1, given the high risk classification of the site.

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 clarity around leachate monitoring requirements.

Recommendation: Amend condition 3.1 to include a new condition 3.1 e) as follows:

e) Install three leachate monitoring boreholes within the waste body, unless otherwise agreed by the Agency.

And renumber the remaining paragraphs that follow as f), g) and h).

2.5. Condition 3.6(d) "monitoring on a quarterly basis to detect the presence and concentration of benzene in all on-site and off-site monitoring boreholes"

The applicant stated that according to the Tier 3 report, no elevated levels of benzene were detected in GW1 – GW3 in June 2013 and that no benzene was detected in the landfill during the initial Tier 2 site investigations in 2007. The applicant contends that the quarterly monitoring required appears onerous, given the fact that elevated benzene was only detected off-site and maybe because of cross contamination from an off-site source. The applicant further states that condition 3.9 of the draft Certificate of Authorisation requires an investigation into the source of elevated concentrations of benzene.

Technical Committee's Evaluation: The TC considers that the monitoring requirements for benzene are appropriate, until such time as more information becomes available through the investigation required under condition 3.9. The TC further notes that condition 3.10 of the draft Certificate of Authorisation provides for the location, frequency, methods and scope of monitoring, sampling and analyses to be amended with the agreement of the Agency, and as such recommends no change.

Recommendation: No change.

2.6. Condition 3.18 Communications

The applicant contends that a communications programme in relation to the risks posed by landfill gas and its migration does not appear to be necessary, given the findings of the site investigation.

Technical Committee's Evaluation: The TC considers that the communications programme, as required in the draft Certificate of Authorisation includes requirements that may not be in proportion to the findings of the site investigation and an alternative communications programme is recommended.

Reason for Decision:

The Technical Committee propose to amend condition 3.18 as set out below and has reached its decision having regard to the following reason:

- To provide for more proportionate communications requirements.

Recommendation: Amend condition 3.13 to read as follows:

Condition 3.1 Communications Programme

- (i) The certificate of authorisation holder shall establish maintain and implement a Communications Programme to ensure that members of the public can obtain information from the local authority concerning the closed landfill.
- (ii) The communications programme shall inform members of the public what they can and should do to protect their property and health.
- (iii) The local authority shall, as part of the communications programme, publish groundwater and surface water monitoring data bi-annually in a manner accessible by the public.

3. Appropriate Assessment – Technical Committee Review

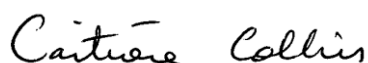
The TC has reviewed the inspector’s Appropriate Assessment in the Inspector’s Report and, taking into account the representation received, and the content of this TC report, the TC is satisfied that the Inspector’s Report provides an adequate examination and evaluation of the effects of the activities on the European Sites concerned, Lower River Shannon SAC [Site Code: 002165], Askeaton Fen Complex SAC [Site Code: 002279], Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA [Site Code: 004161] and River Shannon and River Fergus Estuaries SPA [Site Code: 004077] in the light of their conservation objectives.

4. 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



Caitríona Collins

Date 25/03/20

Senior Inspector

for and on behalf of the Technical Committee