

		OFFICE OF ENVIRONMENTAL SUSTAINABILITY	
INSPECTOR'S REPORT ON AN APPLICATION FOR A CERTIFICATE OF AUTHORISATION FOR A CLOSED LANDFILL			
TO:	Micheal Lehane, Director		
FROM:	Ewa Babiarczyk, Inspector,	Environmental Licensing Programme	
DATE:	9 th March 2021		
RE:	Withdrawal of Application by South Dublin County Council for a Certificate of Authorisation for a landfill at Bohernabreena Road, Tallaght, Dublin 24. Certificate of Authorisation Application Register Number H0402-01.		

1. Introduction

This Inspector's Report concerns the receipt of a notification from South Dublin County Council of the withdrawal of its certificate of authorisation (CoA) application (CoA Reg. No. H0402-01) on 3rd February 2021.

2. Assessment

The CoA application was received by the Agency on 2nd December 2019. It was noted that the operational period for the landfill stated in the application is 01/01/1970 to 01/12/1974, indicating that the landfill operated outside the time period specified in the definition for a closed landfill in the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008 (S.I. No. 524 of 2008).

The Regulations define a Closed Landfill as:

"a landfill site operated by a local authority for the recovery or disposal of waste without a waste licence on any date between 15 July 1977 and 27 March 1997 (i.e. prior to the entry into force of the Waste Management (Licensing) Regulations, 1997 (S.I. No. 133 of 1997))"

The operational dates given in the application suggested that the site is not defined as a Closed Landfill in accordance with the Regulations and consequently, is not required to have a Certificate of Authorisation.

The Agency requested in email correspondence on 22nd December 2020 to the Eastern-Midlands Regional Waste Management Office, for the applicant to confirm whether the operational dates given in the application were correct. South Dublin County Council confirmed on 27th January 2021 with the said office that the dates were correct.

Subsequently, in email correspondence received by the Agency on 3rd February 2021, South Dublin County Council stated that having confirmed that the Bohernabreena Landfill was a "Pre-1977 landfill", the Council was formally withdrawing the application.

No refund request of the application fee of €5,000 paid in respect of the application has been received. However, the Agency agreed with the Eastern-Midlands Regional Waste Management Office that the fee paid in respect of the application Reg. No. H0402-01 will be transferred to the new CoA application by South Dublin County Council for the Friarstown Landfill, which is anticipated to be submitted in the first quarter of 2021.

3. Recommendation

It is recommended that the Agency accepts the withdrawal of the application Reg. No. H0402-01 and informs the applicant of the decision in accordance with procedure.

It is also recommended that the CoA application fee of €5,000 paid in respect of the application Reg. No. H0402-01 is transferred to the CoA application for the Friarstown Landfill.

Signed:



Ewa Babiarczyk
Inspector