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**WASTE MANAGEMENT (CERTIFICATION OF HISTORIC UNLICENSED
WASTE DISPOSAL AND RECOVERY ACTIVITY) REGULATIONS 2008**

HISTORIC LANDFILL

CERTIFICATE OF AUTHORISATION

Decision of Agency, under Regulation 7(6) of the Waste Management (Certification of
Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008

Reference Number: H0030-01

In pursuance of the powers conferred on it by the Waste Management (Certification of
Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008, the
Environmental Protection Agency (the Agency) grants, under Regulation 7(6) of the said
Regulations, this Certificate of Authorisation to Clare County Council, Áras Contae
Chláir, New Road, Ennis, County Clare, in respect of the closed landfill at Kilrush landfill,
Dysert, Kilrush, County Clare, subject to conditions set out in the Certificate of
Authorisation.

A copy of the Decision is attached.

Sealed by the Seal of the Agency on this the 1st day of September 2022

PRESENT when the seal of the Agency

was affixed hereto:


Tara Gillen, Authorised Person



Headquarters
P.O. Box 3000
Johnstown Castle Estate
County Wexford
Ireland

Closed Landfill Certificate of Authorisation

Certificate of Authorisation Number:	H0030-01
Certification of Authorisation Holder:	Clare County Council
Name of Facility:	Kilrush Landfill
Location of Facility:	Dysert, Kilrush, County Clare.

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Glossary of Terms

All terms in this Certificate of Authorisation should be interpreted in accordance with the definitions in the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008 (S.I. No. 524 of 2008) unless otherwise defined in the Certificate of Authorisation.

Agency	Environmental Protection Agency.
Agreement	Agreement in writing.
Annually	At approximately twelve-monthly intervals.
Application	The application by the local authority for this Certificate of Authorisation including the risk assessment, any amendments to the risk assessment, additional information received from the local authority and other documents provided by the local authority.
Certificate of Authorisation	Includes this document and the application.
Closed Landfill	As defined in the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008.
Code of Practice	As defined in the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008.
Biannually	All or part of a period of six consecutive months.
Documentation	Any report, record, results, data, drawing, proposal, interpretation or other document in written or electronic form which is required by this Certificate of Authorisation.
Drawing	Any reference to a drawing or drawing number means a drawing or drawing number contained in the application, unless otherwise specified in this Certificate of Authorisation.
Environmental Pollution	As defined in the Waste Management Act 1996 as amended.
Heavy Metals	This term is to be interpreted as set out in "Parameters of Water Quality, Interpretation and Standards" published by the Agency in 2001. ISBN 1-84095-015-3.

Incident	<p>The following shall constitute an incident for the purposes of this Certificate of Authorisation:</p> <ul style="list-style-type: none">(i) an emergency;(ii) any emission which does not comply with the requirements of this Certificate of Authorisation;(iii) malfunction or breakdown of key environmental abatement, control or monitoring equipment;(iv) any trigger level specified in this Certificate of Authorisation which is attained or exceeded, excluding landfill gas within the waste body; and(v) any indication that environmental pollution has, or may have, taken place.
Inert Waste	<p>Waste that does not undergo any significant physical, chemical or biological transformations. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health. The total leachability and pollutant content of the waste and the ecotoxicity of the leachate must be insignificant, and in particular not endanger the quality of surface water and/or groundwater.</p>
Maintain	<p>Keep in a fit state, including such regular inspection, servicing, calibration and repair as may be necessary to perform its function adequately.</p>
Necessary Measures	<p>As defined in the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008.</p>
Relevant Heavy Metals	<p>Heavy metals for analysis shall include, as a minimum, those metals identified as relevant, having regard to the risk assessment and surface water and groundwater monitoring results as required by this Certificate of Authorisation.</p>
Risk Assessment	<p>As defined in the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008.</p>
Sample	<p>Unless the context of this document indicates to the contrary, the term sample or samples shall include measurements taken by electronic instruments.</p>
Status	<p>As defined in the Water Framework Directive, in relation to surface water and groundwater.</p>
The Local Authority	<p>Clare County Council, Áras Contae an Chláir, New Road, Ennis, County Clare.</p>
Trigger Level	<p>A parameter value the achievement or exceedance of which requires certain actions to be taken by the local authority.</p>

Reasons for the Decision

In granting this Certificate of Authorisation, the Agency determines that the risk assessment submitted by the local authority as part of the application for a Certificate of Authorisation is adequate. To ensure appropriate protection for human health and the environment and to ensure conformity with the provisions of Council Directive 2008/98/EC and Council Directive 2006/118/EC, the conditions set out in Part II of this Certificate of Authorisation are specified as further necessary measures in addition to those identified by the risk assessment.

The Agency also considers that the activity will not adversely affect the integrity of any European Site and has decided to impose conditions for the purposes of ensuring it does not do so. It has determined that the activity, if managed, operated and controlled in accordance with the Certificate of Authorisation, will not have any adverse effect on the integrity of any of those 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 Sites at Lower River Shannon SAC (site code: 002165) and River Shannon and River Fergus Estuaries SPA (site code: 004077).

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. A Natura Impact Statement was not requested as it was considered that there was sufficient information available to allow Appropriate Assessment to be carried out.

The reason for the determination that an Appropriate Assessment was required is as follows:

- There is a hydrological connection between the closed landfill and the above listed European Sites, which are located 5.7km downstream of the site within the Mouth of the Shannon (waterbody code: IE_SH_060_0000). This connection is via the land drains, which are located immediately adjacent to the site and discharge into the Moyadda Beg River (waterbody code: IE_SH_27W010100), which flows into the Kilcarroll Stream (waterbody code: IE_SH_27W010100), which then discharges into the Mouth of the Shannon.

The Agency has completed the Appropriate Assessment of potential impacts on these sites and has made certain, based on best scientific knowledge in the field and in accordance with the European Communities (Birds and Natural Habitats) Regulations 2011 as amended, pursuant to Article 6(3) of the Habitats Directive, that the activity, individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site, in particular Lower River Shannon SAC (site code: 002165) and River Shannon and River Fergus Estuaries SPA (site code: 004077), having regard to their conservation objectives and will not affect the preservation of

these sites at favourable conservation status if carried out in accordance with this Certificate of Authorisation and the conditions attached hereto for the following reasons:

- specifically, the remedial works will be undertaken to minimise the potential for water pollution in the Lower River Shannon SAC (site code: 002165) and River Shannon and River Fergus Estuaries SPA (site code: 004077) and will ensure that there will be no significant impact on these European Sites; and
- the project alone, which consists of the remediation of the closed landfill, or in-combination with other projects, will not adversely affect the integrity and conservation status of any of the qualifying interests of the Lower River Shannon SAC (site code: 002165) and River Shannon and River Fergus Estuaries SPA (site code: 004077).

The Agency is satisfied that no reasonable scientific doubt remains as to the absence of adverse effects on the integrity of those European Sites: Lower River Shannon SAC (site code: 002165) and River Shannon and River Fergus Estuaries SPA (site code: 004077).

No representation having been received to the proposed Certificate of Authorisation, the Certificate of Authorisation is granted in accordance with the terms of the proposed Certificate of Authorisation and the reasons therefor.

Part I Authorisation of a Closed Landfill

The Environmental Protection Agency (the Agency) grants, under Regulation 7(6) of the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008 (the Regulations), this Certificate of Authorisation to Clare County Council, Áras Contae an Chláir, New Road, Ennis, County Clare, in respect of the closed landfill at Dysert, Kilrush, County Clare, subject to conditions set out in Part II and schedule set out in Part III of this Certificate of Authorisation.

Part II Conditions

Condition 1. Scope

- 1.1 For the purposes of this Certificate of Authorisation, the closed landfill authorised by this Certificate of Authorisation is the area of land outlined in red on Drawing titled 'Figure 2.3: Surrounding Landuse' (drawing submitted with correspondence received on 2nd March 2021) submitted with the application. Any reference in this Certificate of Authorisation to "closed landfill" shall mean the area thus outlined in red.
- 1.2 No waste shall be accepted at the closed landfill.
- 1.3 No waste shall be burned at the closed landfill.
- 1.4 The facility shall be controlled, operated and maintained, and emissions shall take place as authorised by this Certificate of Authorisation. No material change that will result in an increase in the actual or potential nature or quantity of any emission shall be carried out or commenced without the agreement of the Agency.
- 1.5 Nothing in this Certificate of Authorisation shall prohibit authorised beneficial uses of the site of the closed landfill provided that such uses do not interfere with the integrity of the remediation measures adopted.
- 1.6 The Risk Assessment for the site shall be re-evaluated and provided to the Agency in the event of future developments or changes in land use at the site, if required by the Agency.

Reason: <i>To clarify the scope of this Certificate of Authorisation.</i>
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Condition 2. Notifications, Records and Reports

- 2.1 The local authority shall notify the Agency, in a format as may be specified by the Agency, 2 months in advance of the intended date of commencement of the remediation works.
- 2.2 The local authority shall notify the Agency as soon as practicable after the occurrence of any incident. The incident notification shall be provided in a format as may be specified in relevant guidance issued by the Agency.
- 2.3 The local authority shall keep the following documents available for inspection by the Agency at all reasonable times and to members of the public by request:
- (a) Records of all sampling, analyses, measurements, examinations, calibrations and maintenance;
 - (b) Records of incidents;
 - (c) Records of all complaints of an environmental nature;
 - (d) The validation report prepared on completion of the remediation; and
 - (e) Other documentation required by this Certificate of Authorisation or as may be otherwise directed by the Agency.
- 2.4 The local authority shall assign the necessary resources, including financial, to complete the remediation measures specified in this Certificate of Authorisation and risk assessment and to respond to any incident.
- 2.5 The local authority shall annually pay to the Agency €1,083, or such sum as the Agency from time to time determines in accordance with charges policy, for the performance of its functions under the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008 in relation to the closed landfill regulated by this Certificate of Authorisation.

Reason: *To provide for the collection and reporting of adequate information on the activity. To provide for adequate resources for monitoring and measures to protect the environment.*

Condition 3. Management and Monitoring

3.1 The local authority shall implement, unless otherwise agreed by the Agency, the following measures within 24 months of the date of grant of this Certificate of Authorisation:

- (a) Minimise the disturbance of deposited waste to the extent possible;
- (b) Remove, for disposal or recovery at an appropriate facility, waste from the adjacent ditches or any area outside the waste body, and waste resulting from remediation works, within three months of the date of grant of this Certificate of Authorisation or the date of generation of waste from remediation works where applicable;
- (c) Install a low permeability landfill cap over the waste body, minimum 1m with 1mm thick low permeability geomembrane, or equivalent, to achieve a hydraulic conductivity of less than or equal to 1×10^{-9} m/s;

The landfill cap shall incorporate the following elements installed in accordance with the EPA Landfill Manuals – Landfill Site Design and its design shall be agreed by the Agency prior to installation:

- (i) Water drainage layer. Uncontaminated surface water drained from the water drainage layer shall discharge to an appropriate local drain or ditch.
- (d) Install a compacted clay perimeter berm around the waste body. The clay berm shall be integrated with the landfill cap and achieve the same hydraulic conductivity;
- (e) Install and operate a gas management system, as specified below.

The design of the gas management system (layout, depth, sealing etc.) shall be in accordance with the EPA Landfill Manuals – Landfill Site Design.

The gas management system shall include the following elements:

- (i) Five gas vent pipes, one of which shall be in the centre of the waste body, with fans or rotating cowls, as appropriate.
 - The gas vent pipes shall not be perforated above ground level; and
 - The spacing between the gas vent pipes shall be sufficient to achieve adequate gas venting.
- (f) On agreement by the Agency, the gas management system and associated infrastructure may be removed or altered if required.
- (g) Install at least two leachate monitoring boreholes within the waste body, if required by the Agency;
- (h) Install at least three groundwater monitoring boreholes, one of which shall be upgradient of the waste body and two of which shall be downgradient of the waste body; and
- (i) Reseed grass within the site.

3.2 Site Notice Board

- (a) The local authority shall, within one month of the date of grant of this Certificate of Authorisation and for the duration of the remediation works, provide a Site Notice Board on the closed landfill site so that it is legible to persons outside the main entrance to the closed landfill site. The minimum dimensions of the board shall be 1200 mm by 750 mm.
- (b) The board shall clearly show:
 - (ii) The name of the Certificate of Authorisation holder;
 - (iii) The name of the closed landfill site;
 - (iv) The Certificate of Authorisation reference number;
 - (v) The contact telephone in relation to the closed landfill site; and
 - (vi) Where information relating to the closed landfill site can be obtained.

3.3 The local authority shall manage the closed landfill and the remedial works to ensure that discharges and emissions from the closed landfill do not cause environmental pollution or deterioration in the status of the receiving surface water body or groundwater body.

3.4 The local authority shall carry out appropriate monitoring on a biannual basis to identify any impact on the quality of water abstracted at wells downgradient of the landfill. Monitoring results shall be assessed against drinking water standards.

3.5 The local authority shall compile a validation report in accordance with the requirements of the Code of Practice. Unless otherwise agreed, the validation report shall be submitted to the Agency within 30 months of the date of grant of this Certificate of Authorisation. Additional measures shall be implemented, as agreed by the Agency, in the event remediation has not been successful.

3.6 The local authority shall assess the results of all monitoring carried out to confirm whether the closed landfill continues to achieve the objectives set for it in the risk assessment or this Certificate of Authorisation. Where objectives are not achieved, additional remediation measures shall be implemented, as agreed by the Agency.

3.7 The local authority shall submit to the Agency, by the 31st March of each year, an annual update covering the previous calendar year. This update, which shall be to the satisfaction of the Agency, shall include as a minimum the information specified in Condition 3.9 and *Schedule A: Monitoring*, of this Certificate of Authorisation.

3.8 The local authority shall, within 30 months of the date of grant of this Certificate of Authorisation, submit a drawing showing the following elements interpolated:

- (a) Extent of the waste body and the area capped, as required under Condition 3.1(c);
- (b) The locations of the gas management system infrastructure, as required under Condition 3.1(e); and
- (c) All monitoring points for landfill gas, leachate, groundwater and surface water.

- 3.9 The local authority shall conduct, record and assess:
- (a) A visual inspection of the landfill to ensure, on an annual basis, that the condition of the site has not deteriorated;
 - (b) Monitoring (sample, analyse and characterise) of leachate as required in *Schedule A.1 Leachate Monitoring*, of this Certificate of Authorisation, if required by the Agency.
 - (c) Monitoring of landfill gas as required in *Schedule A.2 Landfill Gas Monitoring*, of this Certificate of Authorisation.
 - Landfill gas monitoring results shall be assessed and reported against the following trigger levels, for landfill gas measured at the monitoring wells, as set out in the EPA Landfill Manuals – Landfill Monitoring:
 - Methane, greater than or equal to 1.0% v/v; and
 - Carbon dioxide, greater than or equal to 1.5% v/v.
 - (d) Monitoring (sample, analyse and characterise) of surface water as required in *Schedule A.3 Surface Water Monitoring*, of this Certificate of Authorisation.
 - (e) Monitoring (sample, analyse and characterise) of groundwater as required in *Schedule A.4 Groundwater Monitoring*, of this Certificate of Authorisation.
 - (f) Screening of groundwater for trace organic substances, on an annual basis, in accordance with the EPA Landfill Manuals – Landfill Monitoring and any subsequent amendments.
 - (g) The sensitivity of the monitoring methods utilised for monitoring under Condition 3.9 and *Schedule A: Monitoring*, of this Certificate of Authorisation shall have an appropriate limit of detection to allow for comparison of pollutant concentrations against the relevant trigger levels as set out in Condition 3.9, standard reference values and/or parametric values. The analysis shall be carried out in an appropriately accredited laboratory.
 - (h) The assessment and reporting of monitoring results for leachate, surface water and groundwater against standard reference values and parametric values for relevant pollutants, including environmental quality standards in the European Communities Environmental Objectives (Surface Waters) Regulations 2009, as amended, European Communities Environmental Objectives (Groundwater) Regulations 2010, as amended, EPA Interim Guideline Values (IGV) and European Union (Drinking Water) Regulations 2014, as amended.
- 3.10 Unless otherwise agreed by the Agency, the local authority shall carry out a monthly review of the gas management system and details of any problems with the system.
- 3.11 The location, frequency, timeframes, methods and scope of monitoring, visual inspections, sampling and analyses and reporting requirements as set out in this Certificate of Authorisation, may be amended with the agreement of the Agency following evaluation of test results and/or relevant proposals.

3.12 Soil and stone

3.12.1 Soil and stone imported for use in remedial, corrective or other engineering works at the closed landfill shall be greenfield soil and stone or soil and stone of equivalent nature and character in terms of chemical and physical contamination.

3.12.2 Documented acceptance, storage/stockpiling and utilisation procedures shall be operational in advance of receipt of such materials. Records shall be maintained showing the site of origin of the soil and stone and its nature.

3.13 No emissions, including odours and noise, from works carried on at the site shall result in an impairment of, or an interference with amenities or the environment beyond the facility boundary or any other legitimate uses of the environment beyond the facility boundary.

3.14 The local authority shall ensure, at all times after the grant of this Certificate of Authorisation, that all infrastructure and all equipment required under this Certificate of Authorisation has been and is:

- (i) installed;
- (ii) commissioned;
- (iii) present on site;
- (iv) functioning at all times (except during maintenance and calibration); and
- (v) calibrated and maintained in full working order.

In the event of the malfunction of any abatement equipment, the local authority shall notify the Agency as soon as practicable, and alternative abatement and monitoring facilities shall be put in place. The use of alternative equipment, other than in emergency situations, shall be as approved by the Agency.

3.15 The local authority shall ensure that the closed landfill does not result in an impairment of, or an interference with, amenities or the environment at the facility or beyond the facility boundary (including those arising from activities; including landfill gas, odours, noise, dust, litter, mud, vermin and birds).

3.16 Wells and boreholes

3.16.1 Groundwater monitoring wells shall be constructed having regard to the guidance given in the EPA Landfill Manuals - Landfill Monitoring and any subsequent amendments.

3.16.2 All wellheads shall be adequately protected to prevent contamination or physical damage.

3.16.3 All wells and boreholes shall be adequately sealed to prevent surface contamination and, as may be appropriate, decommissioned according to the UK Environment Agency guidelines "Decommissioning Redundant Boreholes and Wells", unless otherwise agreed by the Agency.

3.17 The local authority shall clearly label and provide safe and permanent access to all on-site sampling and monitoring points and to off-site points as required by the risk assessment or this Certificate of Authorisation. The requirement with regard to off-site points is subject to the prior agreement of the landowners concerned.

3.18 Incidents

In the event of an incident the local authority shall immediately:

- (a) If necessary, contact the emergency services;
- (b) Carry out an investigation to identify the nature, source and cause of the incident and any emission arising therefrom;
- (c) Isolate the source of any such emission;
- (d) Evaluate the environmental pollution, if any, caused by the incident;
- (e) Identify and execute measures to minimise the emissions/malfunction and the effects thereof;
- (f) Restore compliance in the shortest possible time and carry out any preventative actions to prevent recurrence of the incident;
- (g) Identify the date, time and place of the incident; and
- (h) Notify the Agency (in accordance with Condition 2.2) and all other relevant authorities including, where relevant, the Water Services Authority and Inland Fisheries Ireland.

3.19 Communications Programme

- 3.19.1 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.
- 3.19.2 The Communications Programme shall inform members of the public what they can and should do to protect their property and health.
- 3.19.3 The local authority shall, as part of the Communications Programme, publish landfill gas, landfill leachate, groundwater and surface water monitoring data biannually in a manner accessible by the public.

<p>Reason: <i>To make provision for the proper closure of the activity ensuring protection of the environment.</i></p>

Part III: Schedules

Schedule A: Monitoring

A.1 Leachate Monitoring

Monitoring locations: The leachate monitoring boreholes installed in accordance with Condition 3.1(g)

Parameter	Monitoring frequency
Biochemical Oxygen Demand (BOD) (mg O ₂ /l)	Biannually
Ammonium (µg/l N)	
Molybdate Reactive Phosphorus (MRP) (µg P/l)	
Calcium (mg/l)	
Manganese (µg/l)	
Potassium (mg/l)	
Cyanide (µg/l)	
Polycyclic Aromatic Hydrocarbons (µg/l)	
Arsenic (µg/l)	
Nickel (µg/l)	
Other Relevant Heavy Metals (µg/l)	
Faecal Coliforms (cfu/100ml)	
Total Coliforms (cfu/100ml)	
Other parameters as may be required by the Agency.	

A.2 Landfill Gas Monitoring

Monitoring locations: Gas vent pipes installed in accordance with Condition 3.1(e)(i); and
At the nearest dwelling, if required by the Agency subject to gas monitoring at the gas vent pipes.

Parameter	Monitoring frequency ^{Note 1}
Methane (CH ₄ %v/v)	Quarterly
Carbon dioxide (CO ₂ %v/v)	
Oxygen (O ₂ %v/v)	

Note 1: Landfill gas monitoring shall be carried out in accordance with the EPA Landfill Manuals – Landfill Monitoring and the EPA Air Guidance (AG) Notes, including any subsequent amendments.

A.3 Surface Water Monitoring

Monitoring locations: Drainage ditch at monitoring locations SW100 and SW101;
 Drainage ditches at monitoring locations SW105 and SW106; and
 The Wood river at monitoring point SW102.

Parameter	Monitoring frequency
Biochemical Oxygen Demand (BOD) (mg O ₂ /l)	Quarterly
Total Ammonia (mg N/l),	
Molybdate Reactive Phosphorus (MRP) (mg P/l)	
Electrical Conductivity (µS/cm)	
pH	
Sodium (mg/l)	
Chloride (mg/l)	
Potassium (mg/l)	
Manganese (µg/l)	
Cadmium (µg/l)	
Chromium (µg/l)	
Copper (µg/l)	
Lead (µg/l)	
Mercury (µg/l)	
Nickel (µg/l)	
Zinc (µg/l)	
Relevant Heavy Metals (µg/l)	
Polycyclic Aromatic Hydrocarbons (µg/l)	
Faecal Coliforms (cfu/100ml)	
Total Coliforms (cfu/100ml)	
Other parameters as may be required by the Agency.	

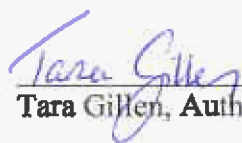
A.4 Groundwater Monitoring

Monitoring locations: The groundwater monitoring boreholes installed in accordance with Condition 3.1(h)

Parameter	Monitoring frequency
Biochemical Oxygen Demand (BOD) (mg O ₂ /l)	Quarterly
Ammonium (µg N/l)	
Molybdate Reactive Phosphorus (µg P/l)	
Calcium	
Manganese (µg/l)	
Potassium (mg/l)	
Cyanide (µg/l)	
Arsenic (µg/l)	
Relevant Heavy Metals (µg/l)	
Polycyclic Aromatic Hydrocarbons (µg/l)	
Faecal Coliforms (cfu/100ml)	
Total Coliforms (cfu/100ml)	
Other parameters as may be required by the Agency.	

Sealed by the seal of the Agency on this the 1st September 2022.

PRESENT when the seal of the Agency
was affixed hereto:



Tara Gillen, Authorised Person

