



o'daly architects

Sub ④

Commons Road, Navan, Co. Meath

t: 046 9021283
f: 046 9077570
e: mail@djodaly.ie

Our Ref: D/7.033

Environmental Protection Agency,
Office of Climate,
Licensing & Resource Use,
P.O. Box 3000,
Johnstown Castle Estate,
Co. Wexford.



Date: 12/12/2008

SUBMISSION ON BEHALF OF "CAVAN BETTER WASTE MANAGEMENT"

Re/ Application by Oxigen Environmental Ltd, of Merrywell Industrial Estate, Ballymount Road Lower, Ballymount, Dublin 22 for Licence to operate an Integrated Waste Management Facility for recycling and reclamation of inorganic materials on site at Lismagratty and Corranure Townlands, Cootehill Road, Cavan, Co. Cavan. Environmental Protection Agency Reference: WO248/01.

Dear Sir/ Madam,

This submission concerns an application for licensing of an Integrated Waste Management Facility at Lismagratty and Corranure Townlands, Cootehill Road, Cavan, Co. Cavan. The proposal involves the licensing of a landfill for: 90,000 tons per annum as development of phase 3 (cells 3 & 4) on lands adjacent to existing landfill facility already licensed and the subject matter of Licence Reg. No. W0077-01, 02, and 03, currently under review by the Agency. The application further envisages a Civic Amenity Centre and associated infrastructure, a Materials Recovery Facility (MRF) to process 180,000 tons per annum and a Biological Waste Treatment Facility (including Mechanical Biological Treatment) treating up to 65,000 tons per annum of segregated domestic and commercial organic waste.

My clients are totally opposed to the granting of this licence for the development of these lands as an extension or addition to the landfill facility currently operated on the site. My clients hereby record their total opposition to the granting of this licence and would make the following submissions;

1. Operation of present facility.

It has been shown that the operation of the present facility both by Cavan County Council (the former operators) and Oxigen Environmental Ltd., (the present operators) that the site is badly run and is causing severe problems for all those living in the vicinity. The conviction handed down by the District Court to Cavan County Council for non-compliance with the current licence is testament to the unacceptable manner in which the site is currently run. Reports prepared by the Environmental Protection Agency at the time of inspections on the following dates; 14/07/08, 18/08/08, 07/10/08, 15/10/08 and 07/11/08, all highlight non-compliance with the licence currently in operation. My clients have no confidence in the ability of either Cavan County Council or Oxigen Environmental Ltd., to operate this facility or any extension or amended facility proposed. Indeed, if the present breaches, at a time when a licence application is before the Agency are anything to go by, it would appear matters would likely get worse after a licence might be put in place, since one would expect best practice at a time when a licence is pending.

Any confidence that the local community might have had in the Environmental Protection Agency itself is fast diminishing and the final section in recent reports under "Follow Up Actions" stating, *"the licensee shall take the actions required to close out the non compliances and observations raised in this site inspection report. These actions will be verified during subsequent inspections."*, would seem to imply that this is as far as the Environmental Protection Agency are prepared to go. This is an inadequate response to the difficulties affecting the lives of all the families in the local vicinity and indeed the air quality in Cavan town, Ballyhaise, Butlersbridge and the surrounding rural areas.

2. Airborne Odours and their Impact

The most obvious effect of the existing facility is the airborne odour, which has a constant presence in one form or another in a five kilometre radius. The odour is particularly bad during cold, clear weather, but can flare up at any time. Unfortunately it is noted by many residents in the area, as being worse at weekends than during the week. This is a particular annoyance since, to some, this implies that, at times when staff from the Local Authority, the Operator or the Environmental Protection Agency are not available, regulation is flouted and the position is worse than at times when inspection officers are available.

The odour presently experienced in the immediate vicinity will continue and will most probably be compounded if a new licence arrangement is put in place, since it is quite evident and has even been admitted in meetings with the Local Authority and with Oxigen Environmental Ltd.,

that " *there will be an odour*" from any development of this nature.

It is not clear what health risk the odours may bring, but even in themselves, they are causing considerable disruption to the local community, who cannot open the windows in their houses at any time, cannot hang out clothes to dry on an external clothes line and indeed cannot enjoy the use of their gardens throughout the year. This state of siege cannot continue and the only way by which the matter can be resolved is by the closing of the present facility and by the rejection of the application for a licence in this instance.

3. Loss of Value to Property

Local people who have been granted planning permission by the Local Authority have built homes at considerable expense inclusive of landscaped gardens, etc. All of this work should endow the local people with valuable property. This however is not the case, since the properties in this area are not saleable, not just in present recession times but even at a time before the present economic downturn. The only way that value can be restored to these properties is by the closing of this facility. To further licence landfill in the area and allow recycling and reclamation of inorganic materials would only serve to compound present problems, by giving a permanent status to a site, which the local community had originally understood would be completely closed by 2016. If future landfill is required, which is questionable under EU Regulation, surely it should be placed in a more remote area where it does not cause difficulty for a community and where an integrated waste management facility, including recycling and reclamation of inorganic materials can take place without effecting an entire town and outlying villages.

4. Road Usage

The present road serving this facility is accessed from the Cavan by-pass, however the road itself was not designed to accommodate present-day, large refuse trucks. One would question the number of trucks now necessary to bring the large tonnage proposed by Oxigen Environmental Ltd., to the new facility and one must question whether the road is suitable and safe for such use.

5. Pollution of Ground-Water and Streams

It is evident that there has been escape of lechiate in the past and tests on the present facility show moderate to severe contamination downstream of the facility. Local residents would question whether this is to get worse if the facility is to be expanded. The practice of piping lechiate from the facility to a gathering tank nearer the town and then conveying it by tanker to

the public sewer is hardly an appropriate measure for a facility of this nature and it is contended that this type of operation is contrary to good health practice. At this point one must also query the nature of the lechiate and whether it is appropriate that it should be processed at a town sewerage treatment plant which is surely only designed to treat normal sewerage and not concentrate lechiate.

6. Flora and Fauna

The impact of the facility on Flora and Fauna in the immediate vicinity has, in the opinion of the local community, not been properly assessed and we call on the EPA to conduct a proper assessment before valuable Flora and Fauna are lost.

7. Health of the Community

The health issue raised by this proposal must be considered under a number of headings:

- The odour and what may be carried on the air.
- The impact of lechiate and contaminants on ground-water and on local streams.
- The impact on families who cannot use their gardens and are confined to their houses.
- The stress being experienced by families who are living in such conditions and in houses which have a value considerably below the cost of building same.

All of the issues outlined herein coupled with the breaches of the existing licence all point to one conclusion;

This facility is incorrectly positioned and should not be expanded at this location.

The facility that is presently licensed should be closed down at the earliest possible time and a location for a new facility should then be considered at a more remote location where it will have less impact on the people of Cavan town and the surrounding area.

I, on my Clients' behalf, urge the Agency to refuse this licence application and to show increased diligence in their inspections of the present facility, to ensure that it is properly run during its closing phases and during maintenance and aftercare of the facility. It is only in this way that the lives of the local residents can be returned to what can be considered as normal living conditions.

I await communication of the decision of the Agency in this matter in due course.

Signed on behalf of Cavan Better Waste Management,



David J. O'Daly.
M.R.I.A.I. (Agent)

For inspection purposes only.
Consent of copyright owner required for any other use.