

The Environmental Protection Agency

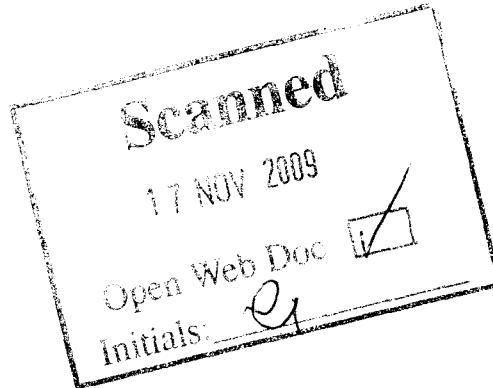
Headquarters

P.O. Box 300

Johnstown Castle Estate

County Wexford

Date: 12th November 2009



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Submission no 134
W0248-01.

Re: Proposed decision for a waste licence review (Landfill for Non-hazardous Waste).

Waste Licence Registered Number: W007703

Licensee: Cavan County Council

Location of Facility: Corranure Landfill, Lismagratty and Corranure Townlands, Cootehill Road, Cavan, Co. Cavan

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Dear Sirs

We, **Cavan Better Waste Management Group** wish to make the following objection on the above application for a proposed decision for a waste licence review (Landfill for Non-hazardous Waste). We furthermore request an oral hearing of our objection in relation to License W0077-03.

Summary Introduction

- It was with disbelief that we and the entire local community learned of the decision of the agency to grant a revised waste license to the licensee. Given the track record of both the licensee and the operator in relation to this facility we are stunned that the agency sees fit to ignore both residents concerns and the agency's own concerns with the facility. We question why the agency is ignoring the reports of their own inspectors. Numerous violations have been recorded at the facility. Nothing changes at the facility, the operations are of a sub-standard nature and the agency still would have us believe that the licensee is conforming to the standards set down by law. It is not a surprise to us that this facility has recorded the most complaints from the public over the past number of years. The level of complaints is an indication of the anger and despair that the public have with this facility and with the lack of enforcement of the conditions of the landfill licence by the agency.
- The 90,000 tonnage limit (waste intake) allowed on the site is excessive given the nature, topography, location and the sites close proximity to a county town not to mention its proximity to local schools and residential housing and sites of historic interest.
- We believe that the 90,000 tonnage limit is hindering the licensee from successfully operating the facility in accordance with EPA requirements. The licensee has proved they are incompetent in operating the facility.
- The agency site inspection reports at the facility clearly indicate the agency's concerns that the licensee would exceed the allowable tonnage limit at the facility, for this reason the volume of waste intake should be greatly reduced in order for the landfill site to be operated to a reasonable standard.
- The operators of the facility are different to the license holders. Oxigen Environmental is operating the facility, while Cavan County Council is the licence holder and owner of the facility. To this end we feel that the applicants name on this licence is deliberately misleading. Accountability and responsibility for the long standing and ongoing problems at this facility is not being accepted by either the

licensee or the operator. We feel that the arrangement between them is totally unsuitable, does not exist anywhere else that we can see and we would ask the agency to demand that either the licensee or the operator take full ownership and responsibility for the facility.

- The operators (Oxigen Environmental) of the facility had no prior experience of operating a landfill. This has been confirmed by representatives from Oxigen Environmental. Given Oxigen's previous history of operating the facility (in continuous breach of the licence), we feel that they are incompetent and should be relieved from their duty of operating the facility. In such a sensitive and dangerous facility we are staggered that the licensee would allow a company with little or no experience in this particular field to be approved to operate such a facility. We are also mystified as to how the agency approved this arrangement and would strenuously call on the agency to have the operator removed from this facility.

Part 1: Waste Disposal Activities:

Class 1: Is this a new class compared with old licence?

Class 7: Chemical treatment This should not be allowed.

The current operators of the facility have no experience in dealing with Class 7, 11 of waste and therefore this type of waste should not be allowed at the site. Given the close proximity of the site to surrounding streams and water courses there is a high possibility of further ground and water contamination if this waste material is accepted at the facility.

Waste Recovery Activities:

Class 2 , 3, 4, 9, 11, 12 & 13 of waste recovery:

We object to the above classes of waste recovery, as the operator is inexperienced in this field. The facility is unsuitable for acceptance of this type of waste, given that the existing landfill comprised a water pond and that in itself should have been an indication that there would be problems in time due to water contamination. Again the site is unsuitable for the acceptance of the above types of waste recovery.

Part II Conditions

Condition 1 Scope of Licence:

Section 1.2: There is reference to drawing no. DG 0012-01 REV. F01 Corranure Landfill site plan (Dated 20th June 2007). This drawing has not been attached to the above licence review application. Therefore we are unable to fully evaluate this application and a revised and complete licence document should be forwarded for further review to the objector (Cavan Better Waste Management).

Section 1.5 Waste Acceptance: Schedule A:

Waste Acceptance has been breached previously by the operator as noted by the agency. Waste was accepted at the facility and recorded by the operator under an incorrect category of waste. This was detected by an EPA inspector on-site. To this end it is clear that the operator is operating the facility in a 'rogue' fashion with no respect for the Law in force. We wish to inspect the records of waste acceptance at the facility from 2005 to present, to establish that no further category limits have been altered or exceeded.

We wish to request that the EPA advise on how they enforce compliance with the acceptance of waste to ensure the Licensee does not exceed its tonnage limit and to ensure the type of waste accepted at the facility is in compliance with the Licence conditions.

Section 1.5 Waste Acceptance and hours of operation:

We contend that waste is been accepted at the facility outside of the hours specified. An example of a breach of waste acceptance outside of normal working hours at the facility is as follows:

An articulated truck was recorded entering onto Cavan Bye Pass and heading in the direction of the Main Dublin road at 8.35am. This was after the articulated truck had deposited its contents at the facility. We are amazed at how this size of truck can deposit its contents and enter onto the Cavan Bye Pass within 5 minutes of the facility been legally able to accept waste. We have requested in the past that the EPA monitor the hours of waste acceptance at the facility. This request has been ignored even though breaches are continuously occurring.

The hours of operation at the facility by Oxigen employees has been exceeded on numerous occasions. We ask that the EPA make available any agreements that the Licensee/operator have with the EPA for working at the facility outside legal working times (as noted in the Licence).

Section 1.5.1.3: Landfill

We ask that the EPA provide us with any and all agreements that they have entered into with the operator with regard to waste acceptance on Sundays and Bank holidays.

Section 1.6

The operator has breached this condition (eg: preparatory works on cell 4 have been undertaken). Please advise that there is an agreement in place to allow for these works between the licensee/operator and the agency. Please forward such documents for approval.

Section 1.7:

We recommend that this licence be not granted to the licensee due to its failure to operate the facility in accordance with the Licence conditions covered by Waste Licence Register No. W0077-02

With regard to the last paragraph in Condition 1:

‘to formally adopt licensed area boundary adjustments’:

We are unable to assess this at present, as we were not provided with any site location maps of the facility (land holding). Therefore we request that a revised/amended application be forwarded for further review. Since there has been a huge increase in the amount of land available for landfill by the licensee since the previous waste license was granted we ask that all maps provided by the licensee be up to date, accurate and independently assessed by the agency.

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Condition 2 Management of the Facility

Section 2.1 Facility Management

The current landfill facility manager is inexperienced and unqualified and incapable of managing the facility. What attributes does this person bring to this position? The problems at the facility have been exacerbated since his appointment. The management/staff turnover rate at the facility is extremely high due to the lack of experience among landfill management at the facility. This is extremely worrying for local residents. The operator of the facility does not appear concerned about the importance of employing experienced staff at the facility. To this end it has been proven that the operator has not complied with the requirements of the licence.

Section 2.1.1.2

We contend that the civic waste facility at the landfill is not properly managed or operated.

Waste does not appear to be adequately segregated and is passed off as recycling, while it is more suitable to landfill (we are of the opinion that recyclable waste is being land filled when in fact persons depositing same are on the assumption it is to be recycled). We wish to view the qualifications and experience records for the supervisor at the civic waste facility. We also wish to inspect the log book for intake of recyclable goods which are being deposited in the civic waste facility. This should include tonnage of materials and should include records of where the goods are forwarded for future recycling.

Section 2.2 Management Structure

Due to the high level of turnover in the management structure at the facility, we wish to view all correspondence with regard to changes in management structure which was forwarded to the agency by the licence holder of the facility. The licence states that a landfill manager undertakes a FAS course to be eligible to manage a landfill. This in our view is totally inadequate and given the previous record of the operator it proves that this procedure is not sufficient to train a person to operate as a landfill manager. We ask the EPA to review this procedure given the current environmental challenges that are being experienced at the facility.

Section 2.3.2.1 EMS

We have not been provided with the EMS schedules. Therefore we wish to view the EMS & the annual reviews which would have been undertaken at the facility. In the absence of such documents we would ask the agency to suspend the licence for the facility.

Section 2.3.2.2 Landfill Environmental Management Plan

The breaches to the current licence render the EMP inadequate

We ask the question of who is responsible for the preparation and implementation of EMS and EMP plans? Is it the licensee or the operator? This arrangement needs to be formalised and documented.

Section 2.3.2.4 Awareness & Training Programme

We feel that the above awareness and training programme is inadequate and is not been implemented at the facility. We wish to view the documentation since 2005 in relation to this programme.

Section 2.4 Communications Programme

There is no evidence that this communication programme is in operation at the facility. This procedure appears none operational. There is no information available to the public concerning the environmental performance at the facility. The licensee and operator need to implement procedures for reports of licence breaches when first noticed/reported. We strongly contend that information from the facility is drip-fed to the public and furthermore a communications training programme for all staff members of the operator is strongly advised given our experience in dealing with them on a regular basis.

Condition 3 Facility Infrastructure

3.2 Phased Construction Plan:

The operator has not adhered to this condition in the past. Initial development works have been undertaken on Cell 4 prior to the granting of the license for this cell. Furthermore we believe that previous construction plans submitted by the licensee are inadequate because after previous works at the facility there have been numerous breaches of the license. The

works completed have not achieved the objectives set out by the license issued by the agency so we ask that the agency follow their own guidelines and revoke the license issued to the licensee.

3.3 Specified Engineering Works:

We would like the agency to examine in detail all previous specified engineering works submitted by the licensee as we feel that this may provide some clues as to where mistakes were made in the past by the licensee. We feel that it is worthless for the agency to demand that the licensee follow the same specified engineering works as before. The agency needs to write a new set of rules to ensure that the specified engineering works are adhered to. Perhaps the agency could write these new rules taking into account the track record of the licensee & operator in mind.

3.4 Facility Notice Board:

The notice board at the facility is not legible and has never been seen to the general public. The dimensions of the board do not correspond to the dimensions outlined in Section 3.4.1.

3.5 Facility Security:

We believe that due to the highly dangerous nature of operations at the landfill that the licensee/operator needs to provide full time overnight & weekend security on site to ensure safety for all local residents. Also this would serve a dual purpose as there is no 24 hour cover for residents to complain to. Phone calls are not being answered by the operator during the overnight period.

3.6 Facility Roads & Site Surfaces:

The facility entrance area runs alongside the R188. The volume of traffic using both the landfill and civic waste facilities is extremely high given the huge increase to 90,000 tonnes of waste being accepted at the facility. This has resulted in a very dangerous situation where HGV's and cars/vans are attempting to merge onto the R188 leaving the landfill. It's only a matter of time until somebody is killed at the entrance to this facility. We most definitely believe that the licensee needs to undertake a major traffic survey on the R188 and install a roundabout or traffic lights at the entrance to the facility. Furthermore the R188 from both the bypass and the Covehill Rd side is in very poor condition along the edges and a major upgrade of the road to introduce a second lane from the bypass to the landfill is required prior to the granting of any licence.

3.7 Facility Office:

We believe that the requirements for the facility office are out of date and need to be updated. Full public access to the facility office needs to be provided. Also all documents

relating to the facility need to be on public view. A separate area for the public to inspect and copy such documents needs to be constructed within the facility office.

3.8 Waste Inspection & Quarantine Areas:

We contend that these areas are not being properly examined by the agency. We would like the agency to provide inspection reports for these areas as well as a copy of the drawings that show how the drainage from these areas is directed to the leachate storage lagoon. If such drawings are not available we would ask that the agency suspend their decision on the license.

3.9 Weighbridge & Wheel Cleaner:

The wheel cleaner is not provided for all vehicles leaving the civic waste facility. Some may pass through a cleaner but not any coming from the civic waste facility. Why have the agency not addressed this in the past? Again we need to see the drawings for the drainage system from this area to ensure the water is being properly drained and we would ask the agency to insist on daily cleaning and drainage in this area. Also we believe that all commercial vehicles entering and leaving the landfill should be pressure washed to ensure high standards of cleaning.

3.11.1 Landfill Lining:

With regards to landfill lining that has been undertaken we question whether a qualified liner installation contractor has been used and did the operator use certified personnel and equipment to perform the work. We would like to see the back-up documentation that would have had to be provided to the agency by the operator in relation to landfill lining. Also has the liner system been certified by an independent, licensed engineer and has the operator used a quality assurance consultant that certifies the geosynthetic materials have been properly installed.

3.12 Buffer Zone:

We have not been provided with access to Drawing No. DG0030-01. F01 and we would require this before reviewing this section. We would ask the agency to suspend decision on the license approval until such time as we can review this drawing. We do believe that it would be better for all concerned if an updated drawing were provided as the previous one relates to 30/08/04. Perhaps the agency could request this from the licensee.

3.13 Leachate Management Infrastructure:

We contend that the requirements under this section are insufficient and lacking in any forward thinking in relation to new technologies to deal with leachate treatment/collection and storage. There has been significant advances in the use of high speed enzymes to break

down organic contaminants which leads to a significant reduction in nutrient levels prior to discharge into the environment. Why have these methods not been used in the guidelines by the agency? These advancements would be beneficial both to the operator and the residents. There would be a reduction in the use of chemicals, aeration and traditional treatment which would benefit the residents and the operator would have reduced costs so we believe this section needs to be updated to reflect the changing technologies available in this area.

3.14 Landfill Gas Management:

On numerous occasions in the past the landfill flare at the facility has been extinguished leading to leakages of highly dangerous gases into the atmosphere. We contend that this is due to flaws in the construction process of the gas flare and/or the use of inexperienced personnel on the operational side. We would like to examine in some detail the drawings relating to the construction of the landfill gas flare. We have some questions in relation to this area

1. Did the licensee undertake a gas pumping trial to establish the capacity of the permanent flare prior to construction of the flare?
2. Was a gas sealing plug of stone used around the gas collection pipe and was this inspected by the agency?
3. Was the pipe installed with the appropriate fall to ensure efficient collection and are there records available to confirm this?
4. Does the agency believe that the Dept of Environment publication "Protection of New Buildings and Occupants from Landfill Gas", which was published in 1994 to be sufficiently up to date to use even with revisions and would it not be better that the agency recommend to the Dept that a new more protective and updated publication be prepared.

3.15 Surface Water Management:

We presume that there is a comprehensive surface water management plan and that the licensee has provided same to the agency. We would like to view a copy of this plan to ensure that the best practice is being followed by the operator. In the absence of this we would ask that the agency insist on such a plan being submitted by the licensee prior to final license approval.

3.16 Groundwater Management:

We are not confident with the quality, volume and the area of groundwater testing currently being undertaken by the licensee. The facility covers a huge area and pollution of groundwater would be catastrophic for the local area. With this in mind we would ask the agency as a priority to review in detail the groundwater testing currently being undertaken and introduce more stringent guidelines for the licensee.

3.18 Telemetry:

We would be concerned that the equipment being used to record leachate levels be checked to ensure that it makes use of the best equipment available in the industry.

- For example, is the operator using a pressure transmitter to accurately measure the level of leachate? If so, is the information being constantly monitored on a computerised system by the operator?
- Has the agency inspected and approved the telemetry system in use recently and are they confident that this system is the best available in the industry?
- Has the agency been supplied with details on the personnel using this equipment to ensure they have been properly trained in the use of the equipment?

3.19 Monitoring Infrastructure:

3.19.1 Landfill Gas: The escape of landfill gases from this facility over a long period of time has caused enormous damage to the community and atmosphere. The health of local people has been endangered. If you have the misfortune to live close to this facility your chances of getting cancer/respiratory problems are much greater. The huge problem of location with this facility cannot be ignored, its' proximity to a large number of homes has and will cause great stress and problems for the residents. The toxic landfill gases from this facility have reached as far as Ballyhaise and Cavan Town.

What is the best way to manage landfill gas? We need assurance from the agency that the toxic containments have been filtered out and have been treated with a non-burn technology. We would be concerned that the Agency's Landfill Manual is not stringent enough for this operator given that violations have continued unabated over the past number of years. The huge increase to 90,000 tonnes capacity of landfill per annum at this facility has been a major contributory factor in the problems with landfill gases at this facility.

Condition 4 Restoration & Aftercare

4.2 The final height of the facility should be much lower than that stipulated in Section 4.2. Why does the agency feel it necessary to create an eyesore which is more than 13 storeys high? Surely this is dangerous and completely unnecessary given the huge area of land that is under the control of the licensee at the facility.

4.3 .1 We contend that the time guideline for permanent capping for a cell is much too generous. Two years is much too long to allow a cell to remain open without being capped. The dangers associated with this should demand that this be reduced significantly. Also, as this part of the process is so important we ask how much time is being spent by the agency on site when final capping is being undertaken to ensure proper procedures are being followed. We would argue that the inspector would need to stay on site for the duration of this exercise.

Condition 5 Facility Operation & Waste Management:

We have concerns about the testing and treatment of waste at the facility.

1. Is all waste arriving at the facility being treated onsite or before arriving onsite to ensure the amount of waste being landfilled is being minimised. If treatment is being conducted prior to arrival at the facility what steps has the agency taken to ensure compliance with regulations
2. What is the current situation at the facility when dealing with inert waste?. Is there a physical sorting of this waste prior to landfill disposal. We would hope that all attempts have been made to treat this waste. It is not sufficient to accept that all inert waste cannot be treated.
3. What proactive steps has the licensee taken since the previous licence was granted to ensure that waste accepted at the facility has been checked thoroughly to ensure compliance. When were the procedures for acceptance and handling of waste at the facility last updated. The agency should verify that these are up to date prior to any decision on licence approval

Section 5.2.8

We would have grave concerns with this get out clause in the requirement for meeting biodegradable municipal waste targets as specified in Section 5.2.7. All landfill facilities should have the same targets. Giving the operators this opportunity will create a situation where some facilities are not meeting their (BMW) targets but are being subsidised by other facilities who are. We understand the combined waste remains unchanged but we feel that this would reward operational mis-management. If the operator cannot run the facility to meet their targets they should not be in this line of business.

Section 5.3 & 5.4

There should be a suitably qualified person checking the waste at the working face.

- Is the agency confident with the personnel list supplied by the licensee/operator?
- Does the agency regularly check the working face to ensure compliance with regulations?
- Is the working face being covered every evening, who is verifying this?
- Have cameras been erected so that a video record can be kept for the agency to ensure operations at the working face are of best practice?

Section 5.6 Landscaping

The facility at Corranure is disgusting when viewed from the R188 as it is impossible to avoid given that it is on top of the road almost. For anybody entering or leaving Cavan Town the visual impact of the site not to mention the odours present a terrible picture of Cavan and has damaged tourism in the area significantly. The landscaping efforts along the R188 by the

licensee are non-existent and we feel that this requires a major overhaul. It must be apparent to the agency that the licensee has done nothing to even try and reduce the awful views that everybody sees on a daily basis passing the facility.

Also what landscaping has been done further inside the facility, nothing that is noticeable, we feel that the agency is not enforcing their own standards in this area and we would ask as a priority that they demand a separate plan from the licensee/operator as to how they intend addressing these issues. Again this needs to be requested prior to any decision on the licence application.

In general, operational controls at the facility have significantly damaged the local environment and we would have no confidence and nor should the agency in the ability of the licensee to implement changes in this area.

Condition 6 Emissions

Section 6.1

Reference is made in this point to the Emission Limit Values set out in schedule C. These limits are of a technical nature and we require clarification in non technical terms to explain the relevance of these limits, whether they are adequate and how the agency will ensure the licensee is accurately measuring and recording values. Schedule C also makes reference to locations referenced in Table D, monitoring locations. We require a map showing these locations in order to access whether they are suitable and appropriate to the current situation at the facility. We also wish to see when and on what basis these monitoring locations were chosen. We note that a 2008 EPA site inspection report recorded a concern of the level of suspended solids in the surface water at the facility.

We contend that the foul and offensive odours that have emanated from the landfill into the local environment and into our homes are of 'environmental significance' and therefore the license holder and the operator have not in the past and cannot in the future adhere to the following statement: 'There shall be no other emissions of environmental significance'.

Section 6.2

Over the past 4 years there has been significant impairment of the quality of air and hence the quality of life of the families living within a few miles radius of this landfill. Sixteen consecutive agency site inspection reports have recorded non compliance with this condition. This very night as we compile this objection, (Nov 12th, 2009) there is once again the disgusting smell of toxic odours from the landfill filling our homes,

sickening our children and doing untold damage to many aspects of our lives. We object most strenuously to the granting of this license as this condition has not been met, is not being met and will not be met by the current licence holder/operator.

Section 6.3

The details in this section are of a technical nature and we require clarification in non technical terms to explain the relevance of these limits/triggers, whether they are adequate and how the EPA will ensure the licensee is accurately measuring and recording values.

Section 6.4

We wish to see the drawing (reference DG0009) illustrating the monitoring locations for ground water. We wish to review the basis of the selection of these locations and also when they were selected. Also given the size of the facility we content that three monitoring boreholes for ground water is insufficient. We wish to see a much wider water monitoring and testing system in place whereby there are more locations tested on a more frequent basis, taking into account recent rainfall levels.

Section 6.5

This conditions needs to be more stringent to ensure that any surface water runoff from the active cell, or the tops and sides of the capped cells is properly managed ensuring any pollution is avoided.

Condition 7 Nuisance Control

7. We have notified the licensee and the agency on numerous occasions over the past few years regarding the breaches of this condition. Indeed we have had to contact the operator, Oxigen and the license holder, Cavan Co. Council about the terrible state of the top of Cell 3A, all strewn with litter. This was very visible from the road. Also the litter had at times blown on to the surrounding fields and the road. Flocks of birds also can be seen around the facility and also landing on the front gardens of nearby homes. Some of the agency site inspections reports have also found non compliances in this area.

Site inspection report of 2/12/08 records breaches of this Section 7.3.4 whereby the working face at the facility was very untidy and poorly covered and that there was a significant amount of loose litter located in Cell3B.

This condition of the license would seem to be non technical and quite straightforward to implement and yet the licensee and the operator have in the past not bothered to adhere to these conditions. Once again we must contend that with their past history it is likely that they will breach this condition again in the future and on this basis we object to the granting of the license.

Condition 8 Resource Use and Energy Efficiency

Since the previous licence was granted in 2005 we would be interested in discovering what steps the licensee has taken to improve the energy efficiency at the facility. Has the audit completed by the licensee been independently assessed by either the agency or a third party? We would be concerned that this condition is too vague and that more stringent guidelines need to be determined by the agency and communicated to the licensee.

Condition 9 Monitoring

The licensee has not been carrying out any off site monitoring for odours at off site locations around the facility.

The operator of the facility is also not carrying out any off site monitoring for odours at off site locations surrounding the facility as required by the Licence.

The licensee and operator of the facility are carrying out insufficient water testing of streams and wells in off site locations surrounding the facility. Recently pollution of open water streams were observed and noted by the EPA.

Section 9.15 Archaeological Assessment

The facility is in close proximity to a fort. This fort dates back to around 500/1000 AD and is of significant historical interest. Any proposal to interfere or operate in close proximity to this fort would have a detrimental negative impact on our past history. Can the agency provide us with recent photographs to ensure this area has or will not be disturbed? Has the agency/licensee sought assistance from An Taisce/Dept of the Heritage and local historians to ensure all undisturbed areas are properly assessed before work is carried out? Assuming they have we would like to see all documentation provided as part of this assessment.

Section 9.19 Odour control & Monitoring

The problem with gas odours at off site locations has been ongoing for some years now.

The agency in its site inspection reports over the last two years have continuously complained about the poor treatment of waste at the site which is causing off site odour. The operator of the facility has ignored the findings contained in the agency site inspection reports and has done little to combat the ongoing odour problems. The operator & licensee of the facility have failed to resolve the problem with off-site odours coming from the landfill.

The cause of the gas odours is due to the miss management of the facility and lack of experienced staff on site. To date there has been numerous changes in management and staff over the last 2 years at the facility. This is due to the operator employing unskilled and unqualified personnel for the job. The gas extraction system at the facility has failed and a new system should be implemented.

The agency is continuously receiving complaints from the general public about odour problems in the surrounding areas. We feel that the odour monitoring at the facility is completely inadequate and the systems in place have failed on numerous occasions, causing considerable annoyance and discomfort to local residents, schools etc.

To this end we feel that the licensee and operator of the facility cannot successfully operate the facility and therefore it should be closed permanently.

Condition 10 Contingency Arrangements

We feel that there is no adequate contingency plan in place at present at the facility. During periods of bad smell/odours coming from the landfill, we regularly are unable to get in touch with representatives from the landfill, nor is there anyone available to answer phones etc. The problem with ongoing odours coming from the landfill facility has not been

adequately dealt with either by the licensee or the operator, nor have the agency enforced the non compliance issues or prosecuted the licensee and operator.

We would ask that the agency review the Emergency Response Procedure submitted by the licensee and investigate whether this is adequate given the problems that have arisen in this area. We are not satisfied that the licensee is capable of protecting the environment given the problems that have been identified at the facility.

Condition 11 Records

Section 11.1

As Cavan Co Council is the license holder it is their responsibility to ensure the records are held at the facility office. However the facility office appears to be under the control and security of the operators, Oxigen. The odour patrol records are prepared by the Oxigen staff. In the past we have had concerns that these odour patrol records were not accurate and indeed we found that they did not have the correct townlands recorded on them.

Also we would like to refer you to the agency site inspection report of 2/12/08 in which the agency expressed their concern that the Scada system was under the control of the Cavan Co. Co. and not under the control of the facility operator. This confusion between the licensee and the operator we feel is deliberate to make it nigh on impossible for accountability to be enforced.

Section 11.2

Once again we note that although it is the licensee's responsibility to maintain accurate records for each load of waste arriving at the facility, in reality it is a member of the Oxigen staff that actually does so. We refer to the observation in the agency site inspection report of 24/9/08 and subsequent reports in which the agency made observations regarding the waste acceptance figures at the facility and also about the source and nature of waste "fines" and how they were recorded.

Section 11.5

We would be very interested in the documentation regarding complaints logged by the licensee. The public have complained hundreds of times over the past two years to the licensee/operator and we would expect that the agency will find copies of all such

complaints. If there are a low number of complaints recorded it will only confirm our fears that incomplete records are being kept by the licensee.

Condition 12 Report and Notifications

Section 12.2

We refer to a recent breach of this condition (see inspection report 2/12/08) whereby a well drilling auger had broken within the waste body and the auger had been left in the partially drilled well overnight whereby odours were venting to the atmosphere. Such an occurrence should have been treated as an incident and reported to the agency as such. We believe that the agency is not being notified promptly of incidents at the facility or at all in some cases and it is only due to the vigilance of the public that the agency is kept up to date with problems at the facility. This is not the way to handle a major landfill operation, full time inspectors need to be in place and if the agency has insufficient funds for this they should consider petitioning the courts to compel the operator/licensee to provide the necessary funds. Another solution would be that the funds necessary for monitoring could be included by the agency under Condition 13 and the licensee would have to comply.

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Conclusion

As the agency is no doubt aware the level of feelings in the community regarding this facility are at an all time low. We have established some indisputable facts regarding this facility.

1. The location is much too close to an urban population
2. The licensee has treated the agency with contempt regarding the operations at this facility
3. The operator cannot run the facility safely and does not have adequate personnel to do so
4. The level of waste entering this facility has grown enormously over the past 5 years and this has lead to significant operational problems
5. The local people have been much too forgiving and understanding with the problems associated with the facility, how many times do parents literally have to clean up vomit from their sick children because of dreadful gas emissions from this facility before the agency will revoke this licence

We strenuously object to the granting of this new licence and we ask the agency to close this facility as soon as the current licence expires. We would like to point out to the agency that many members of the Cavan community also wished to object to this licence but were prevented by the heavy cost involved. The agency's fees in this regard are excessive and are an obstacle to the public's right to be heard, in future please revise your fees in order that all the individual concerns of the public can be heard by the agency. We represent the community and they have asked us to let their concerns be known to the agency through this objection.

Yours Sincerely,

Cavan Better Waste Management Group

C/O Peter Sexton

Killygoan

Cavan

Co.Cavan

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