

<b>MEMO</b>			
<b>TO:</b>	Board of Directors	<b>FROM:</b>	Brian Donlon
<b>CC:</b>		<b>DATE:</b>	16/1/03
<b>SUBJECT :</b> Carrowbrowne Landfill Site, Technical Committee Report			

### **Application details**

<b>Application Details</b>	
Applicant:	Galway City Council
Location of Activity:	Carrowbrowne Landfill Site
Reg. No.:	13-1
Proposed Decision issued on:	3/7/02
Licensed Activities under Waste Management Act 1996 as allowed under the Proposed Decision:	Third Schedule: Classes 5,6,7,13 Fourth Schedule: Classes 2,3,4,9, 13
Objections received:	3
Valid Submissions on Objections received	2
Inspector that drafted PD:	Dr Michael Henry

### **Objections received**

A Technical Committee was established to consider objections from the following:

- No. 1 Ms Fionnuala Cawhill & Associates
- No. 2 Mr Joe O'Neill, Galway City Council
- No. 3 Mr Peter Sweetman

Valid submissions on the objections received from Objectors 1 and 2 above were also considered.

### **The Technical Committee included;**

Brian Donlon, Chairperson, Kealan Reynolds, Inspector, Eamonn Merriman, Inspector  
This is the Technical Committee's report on the objection.

### **Objection 1: Ms Fionnualla Cawhill & Associates**

On behalf of their clients Des Rooney and Kathleen Curley of Castlegar Concerned Community, they object to the PD on the following grounds:

- 1.1 The granting of a licence in the manner proposed by the Agency for disposal of waste at the site whether into a lined cell as proposed or otherwise would be a breach of Section 40(4) of the Waste Management Act, 1996. The Agency's own Inspector advised it as follows:  
"I consider that the disposal of waste into a lined cell (as proposed by the applicant) at the facility would not comply with the requirements of Section 40(4) of the Waste Management Act, 1996"

On being asked for clarification he repeated this advice:

“Therefore the development of an engineered landfill for waste disposal at the Carrowbrowne landfill facility is not acceptable”.

The Board of the Agency has apparently disregarded the advice of its technical Inspector. We note also that the Director of the Agency with particular responsibility for waste licensing was opposed to the decision of the Board of the Agency to overrule its Inspector and to allow landfill on the site.

### **Submission on Objection by Galway City Council (GCC)**

They consider that the site is suitable for an engineered landfill.

### **Technical Committee Evaluation**

*The TC notes the karstic nature of the underlying limestone and vulnerability of the underlying bedrock aquifer to pollution. The bedrock aquifer is classified as a Regionally Important aquifer and in the area of the proposed extension has an extreme vulnerability (approximately 1m of low permeability subsoil). The TC considers that in accordance with the DOELG/EPA/GSI Groundwater Protection Responses for Landfills, the development of an engineered landfill for waste disposal at this location is not acceptable.*

*The deposition of waste in the area as allowed in the PD may require the large-scale excavation of waste prior to the development of new cells. This would have a significant impact in terms of odour from these works. It is likely that the existing leachate lagoon may need to be relocated. GCC have indicated elsewhere (in their objection to Condition 3.13.1) that this operation would require planning permission. The cost of this relocation would be significant and in the period between construction there may also be issues relating to the collection and storage of leachate. This relocation would also involve redirection of the leachate collection pipework to the relocated lagoon.*

*Further, the proposed extension will result in significant visual impacts on the surrounding landscape and in particular from the N84 to the south west and north west of the facility. The current ground levels at the north western section of the site (area of proposed new cell) are in the range of 8-12mOD and the development of a lined cell in this area would result in a final maximum height of 22mOD. Therefore, in certain parts of the area in question, there will be a height increase of approximately 14mOD.*

*The TC considers that the disposal of waste into a lined cell at the facility as allowed in the Proposed Decision would not comply with the requirements of Section 40(4) of the Waste Management Act, 1996 for the reasons set out in the Inspectors Report.*

***Recommendation***

<p><b><u>Delete or Amend the Following Conditions as they relate to Waste Disposal:</u></b></p> <ol style="list-style-type: none"><li>1. Introduction: Remove the references to landfilling of waste at the facility in this section.</li><li>2. Delete Class 5 of the 3<sup>rd</sup> Schedule under Part 1 (Activities Licensed)</li><li>3. Add Class 5 of the 3<sup>rd</sup> Schedule under Part II (Activities Refused) Reason: The proposed activity would not comply with Section 40(4) of the Waste Management Act 1996.</li><li>4. Amend Condition 1.4 as follows: <b>Only those waste types listed in Schedule A: Waste Acceptance of this licence shall be accepted at the facility.</b></li></ol>
<p>5. Amend Condition 3.13.1 as follows: <b>The leachate management system shall provide for the collection, storage and pre-treatment of leachate prior to its discharge to sewer.</b></p>
<ol style="list-style-type: none"><li>6. Amend 3.16.1(ii) – remove reference to “such as the liner”</li><li>7. Delete reference to “leachate levels in lined cells” in Condition 3.19(a) and in Table D.4.3.</li><li>8. Delete Conditions 1.5, 1.6, 1.8.1.1, 3.12, 5.3, 5.4.1, 5.9.4 (sic), 6.6.1, 7.3.1, 11.3.1, 11.3.3(a,b), 12.3 as these relate only to the deposition of waste in lined cells</li><li>9. Delete 2<sup>nd</sup> row in Schedule A-Table A.1 Waste Acceptance (i.e. Ref to household, commercial and industrial waste)</li><li>10. Delete reference to “development of engineered lined cells” in Schedule B.</li><li>11. Delete reference to “leachate levels in lined cells” in Table D.4.3.</li></ol>

1.2 The site is inherently an unsuitable site for landfill. This has been recognised by all independent technical experts.

**Submission on Objection by Galway City Council**

They state that the reasons for this objection (and 1.3, 1.4 & 1.5) are not given as required under Section 42(4)(d) and can't be considered by the Agency.

**Technical Committee Evaluation**

*The TC agrees that the site is unsuitable for extension of the existing landfill. This was discussed under 1.1 above. The TC considers that the objection could have been made clearer but that the thrust was in accordance with that covered in Objection 1.1.*

***Recommendation***

No further change.
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1.3 The use of the site for landfill is in breach of the Agency's own Landfill Site Selection Manual.

**Technical Committee Evaluation**

*The Agency has not published a Landfill Site Selection Manual. It is available in draft form and is expected to be published in early 2003. However, for the reasons outlined in 1.1 above the TC consider that the site is unsuitable for landfill.*

**Recommendation**

No further change.

1.4 The underlying aquifer is extremely vulnerable to pollution and the landfill is already polluting this groundwater.

**Technical Committee Evaluation**

*The bedrock aquifer is classified as a Regionally Important aquifer and in the area of the proposed extension has an extreme vulnerability. The results of historical groundwater monitoring have shown that the facility has impacted significantly on groundwater resources at and in the vicinity of the facility. The TC considers that in accordance with the GSI Groundwater Protection Responses for Landfills it is not deemed suitable for landfill of non-hazardous waste.*

**Recommendation**

No further change.

1.5 The proposed disposal of waste would have negative impacts on European sites under the Habitats Directive.

**Technical Committee Evaluation**

*The Technical Committee considers that the facility is unsuitable for the disposal of waste for the reasons outlined in recommendation 1.1 above and therefore waste disposal activities would not have any negative impacts on any European sites under the Habitats Directive.*

**Recommendation**

No further change

1.6 The proposed disposal of waste would have negative impacts on salmonid waters protected under the Freshwater Fish Directive.

**Technical Committee Evaluation**

*The Technical Committee considers that the facility is unsuitable for the disposal of waste for the reasons outlined in recommendation 1.1 above and therefore waste disposal activities would not have any negative impacts on any salmonid waters.*

**Recommendation**

See Recommendation to Objection 1.1

1.7 The proposed reopening of the landfill is in conflict with all previous permissions granted on the site which have always been for temporary use envisaging rapid closure of the site. If it were to grant this licence the Agency would be deciding:

- a. that previous decisions of An Bord Pleanála in relation to the environmental impact of landfill at this location was made in error
- b. that the public can have no confidence in environmental regulatory agencies making consistent decisions.

**Technical Committee Evaluation**

*The Agency is an independent body. Each waste application is assessed in accordance with the waste licensing regulations. However, the TC considers that the site is unsuitable for landfill and that the landfilling activity should be refused.*

**Recommendation**

No further change
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1.8 Galway Corporation is an unfit person to operate a waste disposal facility outside its own functional area. It has been fined by the High Court a sum of £50,000 for contempt of court in relation to the operation of this landfill.

**Technical Committee Evaluation**

*The Waste Management Act 1996 provides that the Agency shall not grant a waste licence unless it is satisfied that the applicant (other than a local authority or the corporation of a borough that is not a county borough) is a fit and proper person to hold a waste licence. GCC are exempt from the fit and proper person provision of the Act.*

**Recommendation**

No Change.
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1.9 The proposed decision would permit the continuing discharge of partially-treated leachate to Galway Bay via the sewer system. By virtue of Section 40 of the Waste Management Act, it is not legally open to the Agency to license pollution and therefore the proposed decision is *ultra vires* the Agency. The impact of this discharge has not been addressed in the EIS.

**Technical Committee Evaluation**

*Section 40 of the Waste Management Act, 1996 requires that the recovery or disposal activities licensed will not cause environmental pollution. The Technical Committee consider that the facility is not suitable for the disposal of waste and it is considered that other waste activities that are catered for in the licence would not give rise to environmental pollution. The leachate will be treated in the new WWTP currently undergoing commissioning trials and due to commence operations in March/April 2003.*

**Recommendation**

No Change
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1.10 The Connaught Waste Management Plan (CWMP) does not comply with the requirements of the Waste Management Act, in particular Section 22(c). As such, there is no valid Waste Plan and the application is therefore invalid because it is being made outside the statutory waste management framework.

**Technical Committee Evaluation**

*The CWMP was made in September 2001. There is no Section 22(c) of the WMA. However, the TC considers that the reference made in this objection may be to Section 22(6)(c). Reference is made in the CWMP to the remediation and upgrading of the Carrowbrowne facility and to provide an additional 3 years of operation of the facility or as long as is allowable under the Agency’s waste licensing system. Given that the plan refers to the operation of the facility under the Agency’s waste licensing system this would infer that the facility would be subject to the requirements of the Waste Management Act, 1996.*

**Recommendation**

No Change.

1.11 The composting area is outside the site area originally designated in the application information. Following the making of the original application, the site area for which application is being made was changed to include lands closer to local residences. However, there was no site notice nor other public notices for this major change in the application. Therefore the application is invalid either in its entirety or at least insofar as it purports to relate to an extended site area.

**Technical Committee Evaluation**

*Additional information including a revised site map and compost location was submitted as part of the waste licence application. This was available for inspection on public files in the offices of the Agency.*

**Recommendation**

No Change

1.12 Condition 3.12.1 of the licence envisages excavation of waste. This is not envisaged in the Environmental Impact Assessment and therefore is outside the scope of the application. It would be ultra vires for the Agency to grant a licence for an environmentally significant activity not explicitly included in the application and accompanying EIS. The interference with parts of the site was expressly precluded by order of the High Court and the developer has not sought to vary that order.

**Technical Committee Evaluation**

*The TC considers that there should be no further landfilling at the facility for the reasons outlined in Objection 1.1 above. Consequently, it is not envisaged that there would be large-scale excavation of waste at the facility to facilitate any lining works. Works to reduce the steepness of the side slopes (if deemed necessary) at the facility could be allowed under Conditions 5.5.2 and 5.5.3. Restoration work details were outlined in the EIS which made reference to profiling of waste to achieve final contours.*

**Recommendation**

No Further Change to Recommendation 1.1.

1.13 Condition 3.13.1 makes reference to Boreholes G7 and G11. One of these boreholes is covered and has not been accessible for years.

**Technical Committee Evaluation**

*Condition 3.13.3 refers to these boreholes. GCC did not comment on this objection in their submission. However, Condition 3.20.1 does require the replacement of unsuitable infrastructure.*

**Recommendation**

No Change
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1.14 Condition 3.2.1 purports to set up a consent mechanism for works listed in Schedule B on the basis of design proposals to be submitted. In the absence of this design information at this stage it is not possible for the Agency to make the proposed decision. This is because:

- The absence of this information means that the application is inadequate, and the Condition 3.2.1 is an acknowledgement by the Agency of the inadequacy of the application
- The absence of this information means that the EIA is inadequate
- In the absence of this information, the Agency is not in a position to carry out EIA of the proposal
- In the absence of this information, the Agency is not in a position to be satisfied that the proposals in the licence application will not cause pollution.

**Submission on Objection by Galway City Council**

They state that this objection is unclear as required under Section 42(4)(d) of the WMA 1996 and can not be considered by the Agency. However, they draw the Agencies attention to the Inspectors Report (p.7) which states that the “EIS complies with the EIA regulations”.

**Technical Committee Evaluation**

*Sufficient details on proposals were supplied to enable the Agency to be satisfied that the EIS complies with the EIA Regulation and the application was determined to be in compliance with the licensing regulations. Operations relating to provision of infrastructure at waste licensed facilities are generally on-going. The inclusion of the Condition relating to Specified Engineering Works provides for on-going Agency agreement regarding the appropriate infrastructure for the protection of the environment. Further details such as the “as-built “ drawing of the works can only be submitted upon their completion.*

**Recommendation**

No Change.
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1.15 Although the site notice of August 1999 and the newspaper notice of 5 August 1999 stated there was a revised Environmental Impact Statement, no copy of the EIS was available on the public file at the Agency Headquarters when our consultant inspected the file on 29 July 2002. Either the required document was not submitted or the Statement has not been put on public display as required, thereby preventing us from addressing issues, which may be appropriate to this objection.

An oral hearing of this objection was requested on a number of grounds.

**Technical Committee Evaluation**

*The TC has been informed (via our records held by Waste Administration) that the consultant arrived at 11:30am on the 29<sup>th</sup> July to view this application, another waste licence application (18-1) and four IPC enforcement files. The consultant requested that various documentation be copied for him and this was subsequently sent to him on the following day. The EIS and waste licence application documentation was made available to the consultant.*

*The Board of the Agency decided not to grant an Oral Hearing on this application at their meeting of the 10/9/02.*

**Recommendation**

No Change
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**Objection 2: Galway City Council**

2.1 **Condition 1.4 / A.1 Waste Acceptance**

Galway City Council seek clarification for Note 1: “*unless otherwise agreed with the Agency*”. For example, if they requested permission to increase the waste tonnage to be accepted at the facility would this mean a review of the licence.

**Technical Committee Evaluation**

*The TC note that the applicant indicated that 9,500 tonnes of organic waste is generated in Galway city. The TC considers that Note 1 provides scope for minor increases in waste recovery operations either at the Civic Waste Facility or through composting at the facility subject to the prior agreement of the Agency. Any significant changes in waste tonnages proposed to be accepted would require submission of a review application.*

**Recommendation**

No change
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2.2 **Condition 2.3 Environmental Management System**

The City Council proposed that an EMS be produced for the existing landfill, the proposed composting and civic waste facility but not for the proposed landfill until such time as this development might commence.

They requested that this condition be reworded as below:

*Environmental Management System (EMS)*

2.3.1 *The licensee ..... commenced activities at the .....*

*Environmental Management Plan (EMP)*

(iv) *on the development of the proposed lined cells.....*



**Technical Committee Evaluation**

The TC consider that a new cells for the deposition of waste should not be allowed at this facility (refer to objection 1.1 above). However, the TC notes that Condition 2.3.1 provides for annual updates of the Environmental Management System, and that this process provides a suitable mechanism for incorporating changes at the facility over time.

**Recommendation**

No change.

**2.3 Objection to Condition 3.4.1**

As there is only one main entrance to the facility at Carrowbrowne Landfill Site, GCC consider that it is only necessary to install CCTV at the entrance at which waste is accepted at the facility. They suggested that the wording of the Condition is changed as follows:

*“Prior to the acceptance of waste at the facility, the licensee shall install CCTV cameras at the entrance at which waste is accepted at the facility. The CCTV camera system shall be operation 24 hours per day, 7 days per week.*

**Technical Committee Evaluation**

The TC notes that Condition 3.4.2 requires the provision of security gates and fencing around the perimeter of the site. The TC considers, therefore, that CCTV cameras are only required at the entrances through which waste is accepted.

**Recommendation**

Replace Condition 3.4.1 as follows:  
*Prior to the acceptance of waste at the facility, the licensee shall install CCTV cameras at the entrance(s) at which waste is accepted at the facility. The CCTV camera system shall be operation 24 hours per day, 7 days per week.*

**2.4 Objection to Condition 3.7 Waste Inspection and Quarantine Areas**

GCC consider that it is unclear as to whether this condition refers to the composting facility or the proposed landfill facility. The City Council consider it appropriate to provide an inspection and quarantine area at the composting facility prior to the acceptance of waste for composting at the facility and at the proposed landfill prior to the acceptance of waste for disposal at the facility and as such recommend that Condition 3.7. be reworded as below:

*Prior to the acceptance of waste for disposal to landfill at the facility, a Waste Inspection area and a Waste Quarantine Area shall be provided and maintained at the facility.*

**Add New Condition 3.7.2**

*Prior to the acceptance of waste for composting at the facility a Waste Inspection area and a Waste Quarantine Area shall be provided and maintained at the facility.*

**Technical Committee Evaluation**

The TC considers that Condition 3.7.1 encompasses all proposed waste activities at the facility. However, the TC considers that more than one Waste Inspection/Waste Quarantine area may be provided at the facility and that the Condition be amended to reflect this.

**Recommendation**

Amend Condition 3.7.1 as follows:  
Prior to the acceptance of waste at the facility, a Waste Inspection Area(s) and a Waste Quarantine Area(s) shall be provided and maintained at the facility.

Amend Condition 3.7.2 as follows:

These areas shall be constructed and maintained in a manner suitable, and be of a size appropriate, for the inspection of waste and subsequent quarantine if required. The Waste Inspection Area(s) and the Waste Quarantine Area(s) shall be clearly identified and segregated from each other.

## 2.5 **Objection to Condition 3.11.1**

GCC propose that the wording of this condition be changed to:

*“The licensee shall provide and maintain a banded fuel storage area at the facility if fuel is to be stored at the facility. Fuels shall only be stored at this location.*

The reason for this is that at present the City Council does not propose to store fuel at the facility.

### **Technical Committee Evaluation**

*The TC notes that Condition 5.5.8 specifies that fuels may only be stored in bunds at the facility.*

*The TC notes that there is no reason to compel fuel storage at the facility. However, the TC notes that in the event that fuel is stored at the facility the bund details should be as set out in Condition 3.11.1.*

### **Recommendation**

Amend Condition 3.11.1

The licensee shall provide and maintain a banded fuel storage area at the facility **if fuel is to be stored at the facility**. Fuels shall only be stored at this location.

## 2.6 **Objection to Condition 3.13.1**

GCC consider that the lined cells could be developed with the existing leachate treatment system in situ. The relocation of some of the lined cells will require a new planning permission. As such the City Council request that the condition be reworded as follows:

*“Prior to the development of the lined cells at the facility the licensee shall have in place a leachate treatment system which shall provide for the adequate collection, storage and pre-treatment of leachate prior to its discharge to sewer.”*

### **Submission on Objection by Ms Fionnuala Cawhill & Associates**

GCC appear to making another change of plan. The application is based on an EIS for a particular design. The lined cells require the relocation of the leachate treatment system. It would be inappropriate to alter conditions in order to facilitate application(s) that have not been made.

### **Technical Committee Evaluation**

*The TC does not recommend the development of a new lined cells at this facility and had previously recommended the amendment of Condition 3.13.1 to cater for this(see Objection 1.1, point 5).*

### **Recommendation**

No further change.

**The leachate management system shall provide for the collection, storage and pre-treatment of leachate prior to its discharge to sewer.**

**2.7 Objection to Condition 4.1**

GCC propose that the wording of this condition be changed to:

*“Prior to the commencement of waste disposal activities at the facility, ………”*

The reason for this change of wording is that this condition is not relevant to the composting or civic waste facility elements of the facility and as such will not be required until such time as the landfill element of the facility is developed.

**Submission on Objection by Ms Fionnuala Cawhill & Associates**

A Restoration and Aftercare plan for the facility is relevant because there is an existing landfill on site for which restoration and aftercare is required.

**Technical Committee Evaluation**

*The TC does not recommend the landfilling of waste at this facility (see objection 1.1). However, the TC considers that in addition to a Restoration and Aftercare Plan for the existing landfill, one is required for the Civic Waste Facility and the Composting Area in the event of their closure. A report on the effectiveness of the restoration works for those parts of the landfill, which have been previously restored should also be included in the Restoration and Aftercare Plan.*

**Recommendation**

Amend Condition 4.1 as follows:

**Within three months of the date of grant of licence**, the licensee shall submit to the Agency for agreement a Restoration and Aftercare Plan for the facility. This shall include the following: details on the emplacement of the final capping/restoration layer(s) over the landfill, **areas of the landfill that have previously been restored**, landscaping plans, tree planting, **restoration of the Civic Waste Facility and Composting Area in the event of their closure**, afteruse details and details on the final restoration of the facility. The plan shall have regard to the guidance published in the Agency’s Landfill Manual: ‘*Landfill Restoration and Aftercare*’. **The restoration of the existing landfill shall be completed within 24 months of the date of grant of this licence.**

**2.8 Objection to Condition 4.3**

GCC propose that the wording of this condition be changed to:

*“Unless otherwise agreed with the Agency under Condition 4.1 above, the final capping of the lined cell shall consist of the following: ………”*

The reason for this is that the capping of the existing landfill is substantially completed and they consider that this condition is not relevant until such time as further landfilling activities are developed at the facility.

**Technical Committee Evaluation**

*For the reasons outlined in Objection 1.1 the TC consider that there should be no landfilling of waste at the facility. The restoration of previously landfilled areas that have not been capped should achieve the standard specified in Condition 4.3. For those parts of the landfill, which have been previously restored a report on the effectiveness of the restoration works and any*

recommendations necessary to achieve the standard set out in Condition 4.3 should be submitted within three months as required under Condition 4.1.

**Recommendation**

No change to Condition 4.3.
No further change to Condition 4.1

**2.9 Objection to Condition 5.1.1**

GCC propose that the wording of this condition be changed to:

*“Prior to the acceptance of the waste specified in (i) and (iv) below at the facility, the licensee shall develop and maintain detailed procedures for the acceptance and handling of these wastes at the facility. These shall .....*”

The reason for this suggested change to the wording is that Waste Acceptance Procedures for the landfill and the restoration material will not be applicable until waste is accepted for landfilling, should landfilling activities be developed at the facility.

**Submission on Objection by Ms Fionnuala Cawkhill & Associates**

They do not disagree with the proposed amendment, but wish to point out that as there is an existing landfill on site that acceptance procedures for restoration works are immediately relevant.

**Technical Committee Evaluation**

*As the Technical Committee recommend refusal of a landfill extension, a procedure for the acceptance of non-hazardous waste for disposal is no longer required. However, the Technical Committee notes that the existing landfill’s final cap has not yet been completed. Therefore, inert waste may be accepted for this purpose immediately after licence issue. Waste acceptance procedures for both the Civic Waste Facility and the composting process need be developed prior to their commencement.*

**Recommendation**

Amend Condition 5.1.1 as follows:  Prior to the acceptance of <b>the following waste streams</b> at the facility, the licensee shall develop and maintain detailed procedures for the acceptance and handling of (i) inert wastes for restoration of the facility, (ii) agreed wastes at the Civic Waste Facility and (iii) wastes for composting.
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**2.10 Objection to Condition 5.3.2**

GCC propose that the wording of this condition be changed to:

*“With the exception of baled waste, all waste deposited at the working face shall be compacted, using a steel wheeled compactor and covered as soon as practicable and at any rate prior to the end of the working day.”*

The reason for this is that they would like to have the option to bale the waste, should landfilling activities be developed at the site.

### **Technical Committee Evaluation**

*As the TC recommends no disposal of waste in lined cells, Condition 5.3 is no longer required.*

#### **Recommendation**

Delete Condition 5.3.
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### **2.11 Objection to Condition 5.6.7**

GCC seek clarification regarding the 30 tonnes restriction on dry matter per hectare and considers that this is very restrictive.

### **Technical Committee Evaluation**

*The TC note that this limitation is as specified in the Working Document “Biological Treatment of Biowaste” (2<sup>nd</sup> draft, 12/2/01) of the European Commission. However, the working document also states that whenever justified for ensuring a higher level of environmental protection or for improving the quality and characteristics of the soil, the competent authority (in this case the Agency) shall decide, on a case-by-case basis, on lower or higher allowable quantities. The TC considers that this condition should be amended to allow the Agency to approve increased application rates in specific circumstances.*

#### **Recommendation**

Amend Condition 5.6.7.
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Compost of Class 2 Standard shall be considered a product, and shall be used according to best agronomic practice. <b>Unless otherwise agreed with the Agency</b> , it shall be used in a quantity not exceeding 30 Tonnes dry matter per hectare (on a three year average).
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### **2.12 Objection to Condition 5.6.8 and Condition 5.6.9**

GCC propose that the wording of Condition 5.8 be reworded as follows:

“Unless otherwise agreed by the Agency composting not reaching the standards designated Class 1 or Class 2 shall be considered a waste, and the details recorded as required under Condition 10.6.”

They recommended that an additional condition be added as follows

“With the agreement of the Agency, stabilised biowaste to the standards as set out in the Working Document on the Biological Treatment of Biowaste 2<sup>nd</sup> Draft may be used as set out in that same document”

The reason for the suggested change in wording is that the City Council consider that there may be alternatives to bringing the waste to another facility and would wish to be open to consider these options with the Agency’s agreement.

The City Council refers the Agency to Page 8 of the Working Document on the Biological Treatment of Biowaste 2<sup>nd</sup> Draft whereby it states that “Member states may authorise the use of stabilised biowaste fulfilling the requirement of Annex III as a component in artificial soils or in those land applications that are not destined to food and fodder crop production (such as final

landfill cover with a view to restoring the landscape, landscape restoration in old and disused quarries and mines, anti-noise barriers, road construction, golf courses, ski slopes, football pitches and the likes)”.  
Annex III of the aforementioned document was attached as Appendix 1.

#### **Submission on Objection by Ms Fionnuala Cawhill & Associates**

They oppose this change. There is a public interest as to certainty as to the meaning of conditions of the licence and the quality of compost.

#### **Technical Committee Evaluation**

*The TC notes that there were two classes of compost listed in the Proposed Decision (Schedule F). The TC considers that, on occasion, biowaste treated at the facility may not meet with the standards of the Class 1 and 2 listed in the PD. We consider that a third class, namely Stabilised Biowaste as per Annex III of the Working Document on the Biological Treatment of Biowaste 2<sup>nd</sup> Draft, should be catered for in this licence. The TC consider that Stabilised Biowaste may be used in artificial soils or in land applications that are not used for food and fodder crop production with the prior agreement of the Agency.*

*The TC also considers that residual waste may arise from the composting process that would require disposal or treatment at another facility and, as such, a record should be made of such waste dispatched from the facility.*

#### **Recommendation**

*Add to interpretation*

**‘Stabilised biowaste’ means the waste resulting from the mechanical/ biological treatment of unsorted waste or residual municipal waste as well as any other treated biowaste which does not comply with the environmental quality classes 1 or 2 of Schedule F of this licence;**

**‘compost’ means the stable, sanitised and humus-like material rich in organic matter and free from offensive odours resulting from the composting process of separately collected biowaste, which complies with the environmental quality classes 1 and 2 of Schedule F of this licence**

*Amend Condition 5.6.5 to read:*

Compost **and Stabilised Biowaste** shall comply with the Quality Standards as specified in *Schedule F: Standards for Compost and Stabilised Biowaste Quality*, of this licence, unless otherwise agreed with the Agency.

*Change Condition 5.6.8 to read:*

**Subject to the prior agreement of the Agency, Stabilised Biowaste may be used in artificial soils or in land applications that are not used for food and fodder crop production.**

*Add Condition 5.6.9 to read:*

**Compost not reaching the standards designated Class 1 or Class 2, and Stabilised Biowaste shall be considered a waste and the details recorded as required under Condition 10.6**

*Amend the first line of Condition 10.6 as follows:*

**A written record shall be kept for each load of waste departing from the facility**

Amend Point 2 of Schedule F as follows:

**Trace Elements** <sup>Note 1</sup>

**Maximum Trace Element Concentration Limits** <sup>Note 2</sup>

Parameter (mg/kg, dry mass)	Compost Class 1 <sup>Note 4</sup>	Compost Class 2 <sup>Note 4</sup>	Stabilised Biowaste <sup>Note 4</sup>
Cadmium (Cd)	0.7	1.5	<b>5</b>
Chromium (Cr)	100	150	<b>600</b>
Copper (Cu)	100	150	<b>600</b>
Mercury (Hg)	0.5	1	<b>5</b>
Nickel (Ni)	50	75	<b>150</b>
Lead (Pb)	100	150	<b>500</b>
Zinc (Zn)	200	400	<b>1500</b>
<b>PCB's</b> <sup>Note 5</sup>	-	-	<b>0.4</b>
<b>PAH's</b> <sup>Note 5</sup>	-	-	<b>3</b>
Impurities >2mm <sup>Note 3</sup>	<0.5%	<0.5%	<3%
Gravel and Stones >5mm <sup>Note 3</sup>	<5%	<5%	-

**Note 1:** These limits apply to the compost just after the composting phase and prior to mixing with any other materials.

**Note 2:** The above alone should not be taken as an indication of suitability for addition to soil as the cumulative metal additions to soil should be first calculated.

**Note 3:** Compost must not contain any sharp foreign matter measuring over a 2 mm dimension that may cause damage or injury to humans, animals and plants during or resulting from its intended use

**Note 4:** Normalised to 30% organic matter

**Note 5:** **Threshold limits for these organic pollutants to be amended for consistency with the revised Sewage Sludge Directive when available.**

**2.13 Objection to Condition 7.3.3**

GCC propose that the wording of this condition be changed to:

*“All loose litter or other waste arising from activities from the facility, placed on or in the vicinity of the facility and its environs shall be removed, subject to the agreement of the landowners, immediately and in any event by 10:00am on the next working day after such waste is discovered.”*

The reason for this suggested change in wording is that they consider that other activities in the vicinity of the facility may cause windblown litter. As previously stated, there will be no landfilling carried out for some time. If the decision is made to proceed with the landfill, the working face will be the only exposed part of the landfill; litter netting will be in place and it will be obvious if litter escaped from the landfill and this will be cleaned up immediately by their staff. It should also be noted that the paper and plastic element of the City Council’s domestic collection waste stream is separated out in the waste stream at source for recovery, thus reducing the opportunity for wind-blown litter to escape from the landfill during operations.

**Submission on Objection by Ms Fionnuala Cawhill & Associates**

They fundamentally oppose this proposal. They state that legally the owners of business premises are responsible for litter outside their premises no matter how it arises. A local authority acting as a waste authority and accepting waste at the site should be responsible for litter in the vicinity of the facility. They refer to the neighbouring waste facility (Reg No. 106-1)

and state that the only acceptable approach is to have at least one and ideally both under an enforceable responsibility.

**Technical Committee Evaluation**

*The TC considers that litter may arise from the operation of the facility. Consequently, the TC considers that the licensee should be responsible for litter outside their facility.*

**Recommendation**

No change.

2.14 **Objection to Condition 7.6.1**

GCC consider it impractical to maintain a bird of prey presence every day at the facility. A bird of prey has been used at the City Councils composting facility at Sandy Road on a fortnightly basis to the extent that there is no bird problem at the site whatsoever. It is also impractical and costly to expect the bird of prey to be on the site at times when the facility may be shut early.

They have examined this condition in other licences and, based on these, request that the wording of this condition be reworded as follows:

“The licensee shall ensure that birds do not give rise to nuisance at the facility or the immediate areas of the facility. Within three months of the date of grant of this licence, the licensee shall submit proposals to the Agency for its agreement for bird control at the facility. The use of gas operated bird scaring devices is prohibited at the facility.”

**Technical Committee Evaluation**

*The TC notes that the first part of the proposed reworded condition is already provided by Condition 7.1 and that nuisance from birds will be monitored on a weekly basis (Condition 8.11). The TC considers that, as it does not recommend landfilling of waste at the facility, as the existing landfill is partially capped and as Condition 5.4 requires the application of intermediate cover, a bird of prey may not be required in all cases. The TC considers that the licensee should choose the bird control measures and that their effectiveness be monitored on a weekly basis.*

**Recommendation**

Amend Condition 7.6.1:  
**Birds shall be prevented from gathering on and feeding at the facility by the use of bird scaring techniques. The use of gas operated bird scaring devices is prohibited at the facility.**

2.15 **Objection to Condition 8.1**

GCC propose that the wording of this condition be changed to:

“The licensee shall carry out such monitoring and at such locations and frequencies as set out in Schedule D: Monitoring of this licence of this licence and as specified in this licence. Unless otherwise specified by this licence, all environmental monitoring of commenced activities



permitted by this licence shall commence no later than two months after the date of grant of the licence.”

The reason for this suggested change in wording is that they consider that monitoring related to landfilling activities cannot be carried out until such time as landfilling starts at the facility.

**Submission on Objection by Ms Fionnuala Cawhill & Associates**

They are astonished by the Objection. The environment in the vicinity of the facility is acknowledged by all at this stage to be polluted by the facility. The on-going pollution from the facility must be monitored.

**Technical Committee Evaluation**

*The TC considers that all monitoring should commence no later than the time stipulated in the PD. Historical landfilling has resulted in environmental pollution and the monitoring of the landfill for gas and other environmental media should commence as soon as possible.*

**Recommendation**

No change.
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2.16 **Objection to Condition 12.1.1**

“The licensee shall pay to the Agency an annual contribution of €24,995 or such sum as the Agency .....

The City Council considers that the annual fee of €24,995 is not appropriate for a facility that initially relates to composting and a civic waste facility only. The fee for monitoring should be reduced taking this factor into account with provision to increase, if and when landfilling commences.

**Submission on Objection by Ms Fionnuala Cawhill & Associates**

They state that this is a matter for the Agency to calculate. They indicate that the Councils argument is based on the premise underlying their objection above (re commencement of monitoring).

**Technical Committee Evaluation**

*The TC consider that on account of its recommendation to refuse a landfill extension, that there will be less Agency input into the assessment of engineering reports on lining works. Consequently, the annual fee may be slightly reduced.*

**Recommendation**

Amend Condition 12.1  Change annual fee to €23,309.
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**Objection 3: Peter Sweetman & Associates**

Mr. Sweetman objected to the Proposed Decision for the following reasons:

3.1 “No Environmental Impact Assessment has been carried out by the Agency, in particular but not exhaustive.” (sic)

- a. The indirect effect on an European Site of Conservation importance (Lough Corrib) has not been carried out
- b. The indirect effect on an European Site of Conservation importance (Clare River) has not been carried out
- c. The Interaction of the foregoing has not been carried out
- d. The effect on groundwater as per the Groundwater Directive has not been assessed
- e. The effect of discharging the leachate indirectly into a European Site of Conservation Importance has not been assessed
- f. The direct and/or the indirect effect of the facility on Human Beings has not been assessed.

He noted that the Agency is obliged under European Law to assess all environmental impacts and in particular the direct or indirect effects on a European Site and may not grant a license if the development is likely to have a significant effect on the European site.

#### **Submission on Objection by Ms Fionnuala Cawkhill & Associates**

They agree with the statements in this objection, which raise fundamental legal issues as to the operation of the EIA process by the Agency. The legal scheme whereby the Irish authorities implement a purported division between environmental pollution effects and other effects and then purport to carry out EIA on each sub-set of effects with no EIA of interactions across the division is in breach of the EIA Directive. They are concerned that the Agency may consider that the carrying out of EIA is not part of its functions. They suggest that the Agency should clarify this aspect of its role to all parties.

#### **Submission on Objection by Galway City Council**

GCC considers that this is a matter for the Agency but draw attention to the statement on p.7 of the IR, which states that “The EIS complies with the EIA regulations”.

#### **Technical Committee Evaluation**

*The EIS that accompanied the waste licence application was deemed to comply with the EIA regulations (see Pages 1,7 of the Inspectors Report). Section 5 of the EIS as received by the Agency in July 1999 assesses the “Significant Environmental Effects and Proposed Mitigation Measures”. This section of the EIS discusses the predicted effects of the facility on surface water and groundwater in the vicinity of the facility that would include the Clare River and Lough Corrib. In addition this section of the EIS assesses the impact of leachate on the surface water and groundwater in the vicinity of the facility and in Section 3 of the EIS the movement of the groundwater and its connection with surface water is discussed. The EIS also includes a comprehensive assessment of the existing quality and nature of the groundwater at and around the facility. Section 5.7 of the EIS addresses the environmental effects and proposed mitigation measures for the effect of the facility on Human Beings.*

*Furthermore, the Agency is satisfied that the application has been assessed in accordance with National Legislation, which transposes EU Directives.*

#### **Recommendation**

No Change.
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#### **Administrative Correction**

Conditions 8.6 & 8.12 are in conflict. The TC recommends that Condition 8.12 be deleted.

SIGNED

DATE:

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Dr Brian Donlon  
Chairperson