

MEMO			
TO:	Board of Directors	FROM:	Ted Nealon
CC:		DATE:	04 October 2001
SUBJECT : Technical Committee Report on Objections to Proposed Decision – Reg. No. 18-1.			

Application Details	
Applicant:	Waterford Corporation
Location of Activity:	Kilbarry Landfill Site, Kilbarry, Waterford City, Co. Waterford
Reg. No.:	18-1
Licensed Activities under Waste Management Act 1996:	Third Schedule: Classes 1, 2, 4, 5, 7, 11 and 13 Fourth Schedule: Classes 3, 4, 9, 11, 12 and 13
Proposed Decision issued on:	24/05/01
Objections received:	18/06/01, 20/06/01
Submissions on objections received:	03/08/01
Article 34 notice:	29/08/01
Inspector:	Mr. Tadhg O Mahony

Consideration of the objections and submissions on objections The Technical Committee (Ted Nealon, Chairperson, Dave Shannon and Malcolm Doak committee members) has considered all of the issues raised and this report details the Committee's comments and recommendations following the examination of the objections on October 1st 2001.

Objections and submissions on objections received

Two objections to the proposed decision were received from:

1. Richard and Mary Murphy, Lacken Road, Kilbarry, Waterford.
2. Environmental Management Services Ltd on behalf of the Waterford Environmental Action Committee.

Each of the objectors also made a submission on the other party's objection.

Objection No.1: Richard and Mary Murphy

Ground A1 (Flooding)

The landfill filled in a floodplain and marshland sponge and is now contributing to flooding in the area. Flooding on 5th November of 2000 was particularly bad.

Technical Committee's evaluation

The Technical Committee notes that much of the country was flooded in early November 2000 and that Condition 4.19 sets out the surface water management requirements at the facility. A study is being undertaken by the Office of Public Works in relation to flooding associated with the John's River and the Technical Committee considers that, based on the

findings of the study, the licensee should submit proposals to ensure that the landfill does not cause flooding.

Recommendation

Insert NEW Condition 4.19.4 as follows:

Within three months of the completion of the Office of Public Works study in relation to flooding associated with the Johns River in Waterford City, the licensee shall submit proposals to ensure that the landfill does not cause flooding in the vicinity of the facility.

Ground A2 (Nuisance)

Nuisance is caused by mud and dirt on roads, vermin, insects and noise associated with the facility.

Technical Committee's evaluation

The Technical Committee considers that Condition 6.3, which requires the road network in the vicinity of the facility to be kept free from debris caused by vehicles entering or leaving the facility and Condition 4.10, which requires a wheelwash within 3 months of the date of grant of the licence, are sufficient to control mud and dirt on the roads in the vicinity of the facility. The controls established by conditions 6.1, 6.2, 6.10 and 3.14 are considered appropriate to control and minimise nuisance from vermin and insects. The application of daily cover, as specified by Condition 5.12, will also assist in minimising such nuisance. Emission limit values for noise are set out in Schedule G1 and these, together with the requirement that there be no clearly audible tonal or impulsive component in the noise emissions from the activity at any noise sensitive location, are considered appropriate to control noise emissions from the facility.

Recommendation

No change

Ground A3 (Gas Hazard)

Gas is not under control at the facility. Gas is very evident at the facility, flaring of gas is not undertaken and the passive venting system is not considered satisfactory.

Technical Committee's evaluation

The Technical Committee notes that landfill gas management at the facility is required as set out in Condition 4.16 and that this includes a requirement for active abstraction, collection and flaring of gas within twelve months of the date of grant of the licence. The technical committee considers that the collection and flaring of gas should commence within six months of the date of grant of the licence and recommend that a temporary system be connected up in order to control the gas while the permanent system is being installed. The technical committee also considers that passive venting wells are not best practise and that the use of passive venting wells should cease within six months of the date of grant of the licence.

Recommendation

Renumber Conditions 4.16.4 to 4.16.8 as Conditions 4.16.5 to 4.16.9 respectively and insert the following as a NEW Condition 4.16.4 and any original reference to these conditions elsewhere in the licence:

Within six months of the date of grant of this licence, a temporary system for the active abstraction, collection and flaring of landfill gas at the facility shall be installed and all existing passive wells shall be connected to the collection system. Passive venting from wells shall cease within six months of the date of grant of this licence.

Ground A4 (Fly tipping and other littering)

Flytipping is carried out on a regular basis outside the facility, the site is not secure from unauthorised access and the Corporation appears to have a passive toleration of scavengers.

Technical Committee's evaluation

The Technical Committee considers that the provisions of Condition 6.5 will ensure that any flytipped waste that may be placed on or in the vicinity of the facility will be removed by the licensee for appropriate disposal. The daily litter patrol required by Condition 6.4.6 is considered appropriate to identify any waste that may have been flytipped in the vicinity of the facility. Scavengers are prohibited by Condition 5.15. The installation and maintenance of security fencing, as required by Condition 4.4, will assist in deterring scavengers when the facility is unsupervised.

Recommendation

No change

Ground A5 (Freon Gas Recycling)

The freon gas from refrigeration equipment is not collected satisfactorily and scavengers have been observed snapping the piping at the condensers and evaporators, thereby facilitating the escape of freon gas.

Technical Committee's evaluation

The Technical Committee notes that the proposed decision requires equipment and written procedures for the degassing of refrigerators to be maintained (Condition 5.20.1.) The technical committee considers that the procedures for the handling and extraction of CFC's should be agreed with the Agency within three months of the date of grant of a licence. To prevent unauthorised degassing of refrigerators the technical committee recommends the installation of security fencing and gates around the metal recovery area in addition to the security measures set out in Conditions 4.4.1 to 4.4.3.

Recommendation

Renumber Condition 5.20.2 as Condition 5.20.3 and insert the following as a NEW Condition 5.20.2:

Within three months of the date of grant of this licence, the licensee shall submit to the Agency for its agreement, procedures for the extraction and handling of CFC's.
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Renumber Conditions 4.4.2 and 4.4.3 as Conditions 4.4.3 and 4.4.4 respectively and insert the following as a NEW Condition 4.4.2:

Within six months of the date of grant of this licence a minimum 2.5m high palisade fencing with a lockable gate shall be installed and maintained around the Metal Waste Recovery Area. The gates shall be kept locked when the Metal Waste Recovery Area is not being supervised.
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Ground A6 (Fires)

Fires are a frequent occurrence at the facility and are left to burn out unattended with no regard to wind direction or ferocity.

Technical Committee's evaluation

The Technical Committee notes that the end of life vehicle compound appears to have been the principal source of fires at the facility. The requirement of Condition 5.20.2 to remove fuel and oil from all vehicles and machinery accepted at the facility, and the installation of security fencing around the Metal Waste Recovery Area, as recommended in Ground A5, will reduce the possibility of fire in this area. Smoking is prohibited across most of the facility by Condition 5.18 and Condition 10.4 prohibits the burning or combustion of waste at the facility.

To further reduce the possibility of fire the Technical Committee considers that any waste accepted at the facility that is smoking or appears to be on fire should be diverted to the waste quarantine area until the risk of fire is eliminated. The Technical Committee notes that Conditions 10.4 and 10.7 include measures to be taken should a fire break out at the facility.

Recommendation

Insert NEW Condition 5.22 as follows:

Any waste accepted at the facility that is smoking or appears to be on fire shall be diverted to the Waste Quarantine Area and appropriately managed. Such waste shall not be landfilled until the licensee is satisfied that there is no risk of fire from the waste.

Amend Condition 4.8.1 to read as follows:

A Waste Inspection Area and a Waste Quarantine Area shall be provided and maintained at the facility. The design details/specifications of this area shall be as shown in Drawing No. Art.16-8 Rev.A - Details of Waste inspection/Waste Quarantine Area. **The waste quarantine area shall be constructed of reinforced concrete so as to be suitable for the temporary deposit of waste that appears to be on fire.**

Ground A7 (Health)

The objector's breathing is constantly congested and family members are ailing with breathing and related problems. The water from a surface well feeding the Murphys house was contaminated in 1985. The Corporation connected the house to a mains supply but the family does not feel safe drinking the tap water supplied by the Corporation as the regions aquifer is under the landfill. In 2000 various coloured liquids seeped from the ground at the back of the Murphy's residence and fish in their garden pond died. A licence should be prevented in view of the chance of future contamination of the aquifer. Birds abound the landfill in thousands and are a potential health hazard. Living near an unlined landfill is dangerous.

Technical Committee's evaluation

The Technical Committee considers that the landfill gas management required by Condition 4.16, the ban on the passive venting of gas wells, as recommended in Ground A3, and the application of daily cover to the waste at the landfill, as set out in Condition 5.12, will ensure that emissions to air do not give rise to nuisance or cause a danger to health in the vicinity of the facility. Furthermore the technical committee notes that a paper titled "The Health Effects of Controlled Landfill Sites – An Overview" by L. Heasman (Proceedings Sardinia 99, Seventh International Waste Management and Landfill Symposium), concluded that the extensive evidence available does not support any causal link between health effects studied and residents near landfill sites. More recent studies on human health impacts from landfills have not proposed or proven any causal links between the health effects recorded and any emissions from landfills.

The quality of the mains water supply is outside the scope of the waste licence and is controlled by the European Communities (Quality of Water Intended for Human Consumption) Regulations. The local authority is required to comply with these Regulations, which include a provision whereby the local authority must take all reasonable steps to warn users of the water supply where there is an unacceptable risk to public health.

In order to assess the quality of the groundwater in the vicinity of the Murphy's residence the technical committee considers that a groundwater monitoring borehole should be installed between the waste body and the Murphy's residence. This borehole should be included in the monitoring programme.

The Technical Committee notes that the aquifer and surface water are polluted and that Section 40(4) of the Waste Management Act, 1996 precludes the Agency from granting a licence if the activity concerned, carried on in accordance with the conditions attached to the licence, will cause environmental pollution. The proposed decision allows non-inert waste to be disposed in an unlined cell (Landfill Area 4.) and the Technical Committee notes that this could lead to further pollution of the underlying aquifer and the surface water. The Technical Committee considers that all non-inert waste must be landfilled in lined cells, as this will ensure that the activities licensed will not cause environmental pollution. However, the

Technical Committee is aware of the need for temporary storage for waste at the landfill while the lined cells are being constructed and therefore recommend that a Waste Storage area, lined with 2.5mm thick HDPE be constructed to this purpose. The Technical Committee recommend that this area be constructed on an area which has been previously been landfilled and that it be constructed so that a layer of drainage stone, 0.5m thick, be lain across the base to collect the leachate and to protect the liner. The base of the liner should drain to a sump in one corner, in which the leachate will collect and from which it shall be pumped out and discharged to sewer. The liner should extend at least 1.5m up the sides of this area. The Technical Committee further recommends that this area shall be utilised for a maximum period of 8 months at which stage it will be decommissioned. The design and construction of the Waste Storage Area shall be included as a Specified Engineering Works.

The measures established by Condition 6.9 and the application of daily cover, as required by Condition 5.12, are considered appropriate for control birds at the facility.

Recommendation

Amend Condition 9.7 to read as follows:

The licensee shall within three months of the date of grant of this licence, submit to the Agency a drawing showing the location and design details of one groundwater monitoring **well** upgradient and two groundwater monitoring **wells** downgradient of the facility boundary. **One of the monitoring wells shall be between the waste body and the dwelling house of Richard and Mary Murphy.** Subject to the agreement of the landowners the monitoring wells shall be constructed and commissioned within six months of the date of grant of this licence and shall be included in the monitoring programme set out in Schedule F: Monitoring.

Amend Condition 5.3 to read as follows:

Waste shall only be disposed of in Landfill Area 1 **and Landfill Area 4** following the placement of the liner system in accordance with Condition 4.14.2 and the commissioning of a leachate collection and abstraction system to the satisfaction of the Agency.

Amend Condition 4.8.1 as follows:

A Waste Inspection Area, a Waste Quarantine Area **and a temporary Waste Storage Area** shall be provided and maintained at the facility. The design details/specifications of this area shall be as shown in Drawing No. Art.16-8 Rev.A - Details of Waste Inspection/Waste Quarantine Area. **The waste quarantine area shall be constructed of reinforced concrete so as to be suitable for the temporary deposit of waste that appears to be on fire. The Waste Storage Area shall initially be constructed on an area previously landfilled, though preferably not landfilled within the twelve months prior to the date of grant of this licence, and shall comprise the following design:**

- a). **A gas collection layer in the upper part of the existing landfilled area to ensure that the gas does not collect under the liner,**
- b). **An engineered base for the liner to be constructed on 0.5m of clay or similar appropriate design,**
- c). **A liner of 2.0mm thick LLDPE overlain by a geotextile and a minimum of 0.5m of drainage stone,**
- d). **Collection pipework within the layer of drainage stone,**
- e). **The liner shall extend a minimum of 1.5m up the sides of the area,**
- f). **The base of the area shall be designed to ensure that any leachate shall drain to a sump within the lined area.**
- g). **Leachate which accumulates in that sump shall be removed and discharged and so that a freeboard of at least 0.5m is maintained.**
- h). **The Waste Storage Area shall be decommissioned within 12 months of the date of grant of this licence and any waste or sludge remaining will be moved to the permanently lined cells as per Condition 5.3.**

Introduce a NEW Condition 5.1 and renumber the other conditions in the section. The new Condition 5.1 shall be as follows:

Notwithstanding other conditions of this licence, waste may be stored, prior to being disposed of to landfill, in the Waste Storage Area referred to in Condition 4.8.1.

Insert a NEW condition, Condition 5.6.4 as follows:

Waste shall only be stored in the Waste Storage area as and from 8 months of the date of grant of this licence.

Amend Part I Activities Licensed, Class 13 of the Third Schedule as follows:

This activity is limited to the storage of waste in the civic waste facility and in the waste inspection/quarantine **and storage areas** prior to such waste being deposited in the landfill or the removal of such waste offsite for disposal at an appropriate alternative facility.

Amend Schedule E Specified Engineering Works by inserting the following:

Installation of the Waste Storage Area.

Ground A8 (Leachate)

There is no leachate collection system at the landfill and no effective treatment plant in Waterford. The proposed decision allows the Corporation to continue sending leachate to John's River for a period of 12 months

Technical Committee's evaluation

Condition 4.15.2 and 5.3 requires the commissioning of a leachate collection and abstraction system. The Technical Committee is aware that the procurement and installation of all the required infrastructure takes a period of time and this is provided for in the proposed decision. The Technical Committee also notes that Condition 4.15.5 requires that leachate collected in the perimeter drain must be discharged to the Cork Road Sewer, which ultimately discharges to the River Suir. (The new sewage treatment plant for Waterford will not be in place for another two years). The Technical Committee considers that an environmental assessment of the sewer and leachate discharge should be commissioned to determine the impact, if any, that such discharge is having on the River Suir water quality.

Recommendation

Insert the following NEW Condition 4.15.10

Within three months of the date of grant of this licence the licensee shall submit a report on the leachate discharge from the Cork Road sewer to determine its impact on the water quality of the River Suir. The report shall include the location(s), including six figure grid references, of the discharge point(s) from the sewer.

Insert the following NEW Condition 4.15.11

Should the report referred to in Condition 4.15.10.1 indicate that the discharge of leachate from the Cork Road sewer is having an adverse effect on the quality of the River Suir, the licensee shall arrange to tanker the leachate offsite for appropriate treatment and, within twelve months of the date of grant of this licence, install a leachate treatment plant which will treat leachate to the standard set out in Schedule G5.

Insert the following NEW Condition 4.15.12

Within fourteen months of the date of grant of this licence any leachate discharged from the facility shall achieve the emission limit values specified in Schedule G5.

Ground A9 (Housing)

There are thousands of houses, schools, businesses, churches and restaurants near the landfill. A dump cannot be located within 250m of a housing development.

Technical Committee's evaluation

The issues raised in Ground A9 are planning issues and as such are outside the remit of this waste licence. The Technical Committee is not aware of a 250m guidance distance between a landfill and dwelling house and is not aware of this being required by law.

Recommendation

No change.

Ground A10 (Sludge)

The sludge lagoon is unlined and contains sludge of unknown composition. Sludge was observed disappearing in seconds through the base of the lagoon as if through a plughole.

Technical Committee's evaluation

The Technical Committee notes that the existing, unlined sludge disposal area is to be decommissioned within one month of the date of grant of a licence, that proposals for reducing the quantity of sludge to be accepted at the facility are required and that the proposed decision prohibits the disposal of untreated sludge at the facility.

The proposed decision (Condition 5.7) originally specifies that, within one month of the date of grant of a licence, sludge may only be disposed in a segregated area within Landfill Areas 1 and 4. As discussed in Ground A7, a new temporary and lined waste storage area is to be constructed prior to the permanent completion and lining of Landfill Areas 1 and 4. Therefore Condition 5.7 needs to be amended to reflect this.

Recommendation

Amend Condition 5.7.1 as follows:

Within one month of the date of grant of this licence, sludges shall only be disposed of in the **temporary Waste Storage Area** specified in Condition 4.8.1.

Ground A11 (Synopsis)

There is no apparent management or care taken of the site. The general area has been abused in the past.

Technical Committee's evaluation

The Technical Committee notes that the licence will control future operations at the facility and the licence will be enforced by the Agency. The licence requires that appropriate management arrangements be put in place to ensure that the requirements of the licence are complied with.

Recommendation

No change

Objection No.2: Environmental Management Services Ltd on behalf of the Waterford Environmental Action Committee.

Ground B1 (Location)

The site is intrinsically very unsuitable being located on a flood plain almost surrounded by recent and newly built housing developments.

Technical Committee's evaluation

The site is an existing greenfield site and consequently the suitability of the location is not an issue for consideration in the waste licence.

Recommendation

No change.

Ground B2 (Environmental pollution)

Environmental pollution has, and continues to be, caused by the landfill. There is a significant risk of further environmental pollution. An extremely vulnerable aquifer of regional importance has been contaminated by leachate from the landfill.

Technical Committee's evaluation

The Technical Committee recognises that environmental pollution has been caused by the landfill. By restricting the disposal of non-inert waste to lined cells (see ground A7) the Technical Committee considers that future waste disposal activities at the facility will not cause contamination of the aquifer.

Recommendation

No change.

Ground B3 (Kilbarry Bog)

The landfill has contaminated and destroyed the wildlife and conservation value of the Kilbarry Bog and is threatening the habitats and conservation value of the adjacent National Heritage Area.

Technical Committee's evaluation

The surface water, leachate and groundwater management requirements established by Conditions 4.15 and 4.19 and the restriction of future waste disposal of non-inert waste to lined cells will provide protection to the adjacent bog and pNHA. Details of the ongoing protection from any impacts from the landfill on the habitats within and adjoining the pNHA must be included in the Restoration and Aftercare Plan (Condition 8.2).

Recommendation

No change.

Ground B4 (Nuisance)

The landfill has given rise to a considerable degree of local nuisance that is still ongoing.

Technical Committee's evaluation

The Technical Committee considers that adherence to the nuisance controls required by Condition 6 will ensure that the operation of the facility will not give rise to nuisance.

Recommendation

No change.

Ground B5 (Granting of a waste licence)

A waste licence should not have been granted by the Agency in respect of this facility.

Technical Committee's evaluation

No waste licence has been granted for this facility to-date. However, a Proposed Decision has been issued and is the subject of these objections.

Recommendation

No change.

The Technical Committee's recommendation in Ground A7 that the disposal of non-inert waste be restricted to lined cells will ensure that future waste disposal activities at the facility will not adversely affect the aquifer.

Recommendation

No change.

Ground B10 (Housing)

The proposed decision permits the continuing use of a landfill that is almost surrounded by housing developments, with further residential developments planned.

Technical Committee's evaluation

This is a planning matter and is outside of the remit of a waste licence.

Recommendation

No change

Ground B11 (Kilbarry Bog)

The proposed decision fails to ensure the rehabilitation of the Kilbarry Bog pNHA or to adequately protect Kilbarry Bog and adjoining wetlands in the future.

Technical Committee's evaluation

Refer to the Technical Committees' evaluation of Ground B3 and to the recommendations given in Ground A7 to amend Condition 5.3, Ground A1 to insert Condition 4.19.4 and Ground A8 to insert Condition 4.15.10

Recommendation

No change.

Ground B12 (Leachate)

There is no requirement for the treatment of leachate, other than conditioning to remove methane. The proposed decision allows the discharge of untreated leachate to the city's sewerage system, which discharges directly to the tidal River Suir and its tributaries.

Technical Committee's evaluation

The Technical Committee considers that an environmental assessment of the sewer and leachate discharge should be commissioned to determine the impact, if any, that such discharge is having on the River Suir water quality. Should this assessment indicate that the leachate discharge is adversely affecting the River Suir then the Technical Committee considers that the leachate should be appropriately treated such that it meets specified emission limit values and does not adversely affect the River Suir.

Recommendation

Refer to the recommendations given in Ground A8.

Ground B13 (Groundwater)

The proposed licence requires the installation of only three groundwater monitoring boreholes and has no requirement for the extraction and treatment of groundwater found to be contaminated.

Technical Committee's evaluation

Condition 9.13 permits the Agency to require further groundwater monitoring wells and further groundwater investigations should it become evident that such monitoring wells are necessary, and that groundwater remediation is required.

Recommendation

No change.

Ground B14 (Planning)

The history of the landfill, planning, land use and sustainable urban development issues are discussed.

Technical Committee's evaluation

These issues are a matter for the Local Authority and are outside the scope of a waste licence.

Recommendation

No change.

Ground B15 (Waste management policy)

The waste management plan, waste management strategy and disposal of waste suitable for recycling are discussed.

Technical Committee's evaluation

During the application process the Agency had regard to the current Waste Management Plan, as set out in the legislation. Condition 5.21 of the proposed decision requires proposals for separation and recovery at the facility.

Recommendation

No change.

Ground B16 (European Waste Policy, the Landfill Directive and the Packaging Waste Directive)

European policy and directives are discussed. The provisions of the Directives must be complied with in Ireland. The quantity of biodegradable and packaging waste sent to landfill must be reduced significantly over the coming years. The waste management hierarchy and the encouragement of prevention, reuse and recycling of waste are emphasised. There is a need to reduce to a minimum the quantity of waste for disposal.

Technical Committee's evaluation

The Landfill Directive gives existing landfills eight years to comply with its requirements, however the Agency did issue a notice under Article 34 of the Waste Management (Licensing) Regulations introducing necessary elements of the Landfill Directive. Condition 5.21 of the proposed decision requires proposals for separation and recovery at the facility. The Technical Committee notes that the limits imposed on the annual tonnage of waste that may be accepted at the facility refer to the maximum tonnage allowed. If the quantity of waste reduces due to recovery initiatives then there is no prohibition on Waterford Corporation reducing the quantity of waste being disposed at the landfill.

Recommendation

No change.

Ground B17 (National Waste Management Policies)

National waste management policies are outlined.

Technical Committee's evaluation

The Technical Committee is aware of National Waste policy and notes that Condition 5.21 of the proposed decision requires proposals on recovery and waste separation.

Recommendation

No change.

Ground B18 (Recovery)

Examples of waste recovery in towns and cities within Australia, Canada, Belgium, Italy and the UK are provided.

Technical Committee's evaluation

The Technical Committee notes with interest the description of recovery rates in other countries and notes that Condition 5.21 of the proposed decision requires proposals on recovery and waste separation.

Recommendation

No change.

Ground B19 (Aquifer)

For planning purposes untreated wastes in a municipal solid waste landfill must be regarded as hazardous and a long term threat. The risk to the underlying aquifer has been demonstrated and application of the precautionary principle requires that no further deposit of waste should be permitted.

Technical Committee's evaluation

Hazardous waste is defined in EU and Irish legislation and does not include unsorted municipal waste. The Technical Committee considers that by restricting the disposal of non-inert waste to lined cells, the future waste disposal activities at the facility will not cause environmental pollution of the aquifer.

Recommendation

No change.

Ground B20 (Leachate and groundwater)

Leachate is to be collected, stripped of methane and piped to the Cork Road sewer within twelve months of the date of grant of a licence. In the interim period leachate will continue to pollute surface water and groundwater. Groundwater beneath and downgradient of the facility is contaminated. Drawdown wells should be installed to create a cone of depression beneath the site. A treatment plant should be constructed to remove contaminants from contaminated groundwater before it is discharged to the estuary.

Technical Committee's evaluation

Refer to Ground A8 and B13.

Recommendation

No change.

Ground B21 (Contamination of a regionally important aquifer)

Comparisons were drawn between Doora Landfill and Kilbarry Landfill. It was argued that as the two sites were similar then the same considerations should apply and the Agency should refuse to allow further landfilling.

Technical Committee's evaluation

The Technical Committee recommends that in order to protect the underlying aquifer no further disposal of non-inert waste should be permitted in unlined areas of the facility. The Technical Committee considers that it is acceptable however to dispose of non-inert waste in lined cells and that such waste activities would not cause environmental pollution of the underlying aquifer.

Recommendation

No change.

Ground B22 (Natural Environment Protection Objectives)

The landfill has caused considerable destruction of a wetland habitat. The remaining area of the wetland is under threat.

Technical Committee's evaluation

Refer to the evaluation given in Ground B3.

Recommendation

No change.

Ground B23 (Nuisance)

The nuisance and adverse impacts on local businesses that were described in submissions on the waste licence application are continuing.

Technical Committee's evaluation

The Technical Committee considers that adherence to the nuisance controls required by Condition 6 will ensure that the operation of the facility will not give rise to nuisance, or adversely affect local business.

Recommendation

No change.

Ground B24 (Traffic)

The traffic situation is worsening and the road network serving the facility is inadequate. The continued operation of the landfill will cause a significant traffic hazard. The licence should require a road improvement and traffic management scheme.

Technical Committee's evaluation

Traffic management and control in the county and areas surrounding this facility are matters for the Road Authority (County Council). On site traffic is taken into account as part of the consideration of the waste licence application.

Recommendation

No change.

Ground B25 (Conclusions)

The landfill is intrinsically unsuitable for the continuing disposal of waste, it lies on a floodplain over a vulnerable, regionally important aquifer. It is causing nuisance. The presence of the aquifer and the likelihood of further contamination require that the landfill be closed and rehabilitated. The comparison with Doora Landfill leads to the conclusion that the Agency may be legally precluded from granting a waste licence which permits further waste disposal.

Technical Committee's evaluation

Nuisance is dealt with in Ground B23. The issue of a vulnerable, regionally important aquifer underlying the site is dealt with in Ground B21.

Recommendation

No change.

Submissions on Objections.

Submission 1 by Eugene Daly and Jack O’Sullivan on behalf of the Waterford Environmental Action Committee concerning the Objection by Richard and Mary Murphy.

The submission reiterates all the points made in the objection by Richard and Mary Murphy.

Technical Committee’s evaluation

The Technical Committee notes the submission and that the submission agrees with the grounds made by Richard and Mary Murphy in their objection.

Recommendation

No change.

Submission 21 by Richard and Mary Murphy concerning the Objection by the Waterford Environmental Action Committee.

The submission refers to European Court actions(sic) against Ireland and the fact that they include this landfill. The submission then refers to the destruction of the nationally important bogland. They state that Coastwatch have been monitoring this case and supplying the evidence against it. It states that the decision to allow leachate to be discharged to the River Suir will be seen as irresponsible. The submission refers to the contamination of the aquifer (sic) and Section 57 of the Waste Management Act 1996(sic), and Doora landfill and the fact that the Agency should not licence this facility. The submission then refers to Mr E Daly’s assessment of the aquifer.

Technical Committee’s evaluation

The Technical Committee notes the submission and assumes that it refers to a complaint to the European Commission regarding Kilbarry landfill. The Technical Committee is of the opinion that the additional conditions recommended herein and those of the PD will protect the peatland and the quality of the River Suir from leachate discharges. The Technical Committee is aware that the aquifer is polluted, of the requirements of Section 40 (4) and of the decision on Doora landfill. The Technical Committee is of the opinion that the conditions recommended in this report and those existing in the PD will ensure that the activities licensed will not cause environmental pollution.

Recommendation

No change.

Signed: _____
Ted Nealon
Technical Committee Chairperson