

**INSPECTORS REPORT
WASTE LICENCE REGISTER NUMBER 27-2**

Facility: Pollboy Landfill, Pollboy, Ballinasloe, Co. Galway.

Applicant: Ballinasloe Town Council

Inspector: Dr. Michael Henry

Recommendation: That a revised waste licence be granted subject to a number of conditions.

(1) Introduction:

Pollboy Landfill is located approximately 2km south of Ballinasloe in Co. Galway and is the only municipal landfill currently operating in Co. Galway. The facility covers an area of approximately 23 hectares of which the existing unlined landfilled area occupies approximately 7.4 hectares. Waste disposal has up to now taken place in unlined cells at the facility. However, a new lined cell (Phase I, approx. 2.8 hectares, capacity approximately 210,000 tonnes) has recently been constructed at the facility together with a weighbridge, wheelwash, leachate lagoon, administration building and civic waste facility. It is anticipated that waste disposal will commence in Phase I by end April/early May 2003 and this will coincide with the cessation of landfilling in the existing unlined areas of the facility. The recommended proposed decision (PD) provides for the construction of further new lined cells (Phases 2 & 3) in the future. The area of the proposed extension (within which new lined cells have/will be constructed) is in the region of 6.8 hectares.

The facility currently has a waste licence (Reg. No. 27-1) and is licensed to accept 120,000 tonnes of non-hazardous waste per annum for disposal at the facility. The licence also restricts Ballinasloe Town Council to an overall tonnage limit of 375,000 tonnes for disposal from February 1998. Based on current waste acceptance figures, approximately 340,000 tonnes of waste has been deposited at the facility since February 1998 and it is anticipated that the facility will have reached the total tonnage limit by summer 2003. The review application lodged with the Agency requests to seek the continued landfilling of waste at the facility (over and above the 375,000 tonne limit specified in the current waste licence). The facility is the subject of a High Court Order (case taken by local residents) which was made in December 1999 and this prohibits the disposal of waste at the facility after the 31st December 2005.

The recommended PD only provides for the disposal of non-hazardous waste into lined cells at the facility and the licensee will be required to restore the existing unlined waste disposal areas of the facility. The recommended PD also provides for the composting of waste at the facility and the operation of a civic waste facility.

The recommended PD contains a number of changes to the existing licence (27-1) and these include formatting and structural changes to reflect changes in licences issued by the Agency for landfill facilities together with consideration of the requirements of the Landfill Directive for which a Conditioning Plan was submitted to the Agency.

The classes of activity applied for by the applicant are those waste activities licensed under the existing Waste Licence. Classes 1 and 2 of the Third Schedule of the Waste Management Act 1996 are refused on the basis that the deposition of waste into lined cells is more appropriately provided for under Class 5 of the Third Schedule. **A plan showing the location of the facility to which the application relates is provided in Appendix 1.**

Quantity of waste (tpa)	120,000
Environmental Impact Statement Required	Yes. I have assessed the EIS and consider it to be in compliance with EIA Regulations.
Number of Submissions Received	7

SITE VISITS:

DATE	PURPOSE	PERSONNEL
05/12/01	Check Site Notice	C. Nolan
25/02/02	Check Updated Site Notice and undertake site inspection	C. Nolan, J. Gibbons
06/03/03	Most recent site visit as part of enforcement of WL 27-1	M. Henry

(2) Facility Development Status

A number of infrastructural works have recently been completed at the facility and these include the provision of leachate abstraction boreholes and a leachate interceptor drain around the existing unlined area together with landfill gas extraction wells and a landfill gas collection network. Leachate is currently collected in the interceptor drain and tankered to Ballinasloe WWTP, however, the leachate will be pumped from the abstraction boreholes and interceptor drain for treatment via a leachate storage lagoon and rising main to the WWTP (completed April 2003). The contents of the Section 52 response from Ballinasloe Town Council have been incorporated into the recommended PD. As stated earlier, a new lined cell for waste disposal has recently been constructed at the facility and leachate management in the new lined cell incorporates a leachate collection network and pumping system. The licensee will also be required to provide a passive and active landfill gas control/management in the lined cell.

As part of the development of the facility, the existing civic waste facility will be replaced by a new facility and this will provide a service for the collection of various wastes from members of the public. Composting of the separately collected organic fraction of household waste is also carried out at the facility using an 'in vessel' composting system. The waste is collected from approximately 1500 homes in Ballinasloe town and following receipt/blending with bulking materials, it is then placed in aerated composting containers for a period of 14 days. The contents of the containers are then placed on an aerated curing area for up to 8 weeks following which the compost is screened and ready for use. The compost produced has been used by members of the public and also for landscaping by the local authority and the quality of the compost produced to date has been good.

(3) Enforcement Summary re Waste Licence 27-1

The Agency has issued 8 Notifications of Non-Compliance for breaches of the conditions of waste licence Reg. No. 27-1. The non-compliances noted relate to a number of issues including failure to put in place certain infrastructural works within the timeframes specified (e.g. leachate management, landfill gas collection and flaring system), nuisances (e.g. odour, litter, dust) and inadequate operational practices (e.g. size of working face). The facility was audited by Agency staff in September 2001 and a total of ten non-compliances were noted. The most recent audit conducted in September 2002 showed a significant reduction in the number of non-compliances (three) and these related to the failure to install a sewer connection for the discharge of leachate (due 25/02/02), the landfill gas collection system had not been installed (due 25/08/01) and the licensee had not undertaken monitoring for landfill gas migration. The recommended PD gives the licensee three months to install the landfill gas migration wells.

The Agency has received a number of complaints from local residents in relation to this facility and a total of 6 telephone complaints and 3 written complaints were received between 2002 and 2003. The complaints received related primarily to odours and their impact on the local community. One of the complaints came from a medical professional in Portiuncula Hospital about the odours/smells and also expressed his concern about the health implications. Site inspections undertaken by the Agency have confirmed that significant odours were coming from the facility and the licensee was subsequently notified of this. Landfill gas extraction wells and a temporary flare were installed at the facility in late 2002

and the temporary flare has since been replaced by an enclosed flare. It is considered that this, together with the phased capping and restoration of the existing unlined areas of the facility should significantly improve the odour situation.

The impact which the disposal of waste into existing unlined waste areas has had on groundwater and surface water at/in the vicinity of the facility is evident from the elevated levels of certain parameters (e.g. ammonia). It is considered that the leachate management/control measures recently put in place together with the future restoration and aftercare of the existing unlined areas should reduce the impact on groundwater/surface water.

(4) Waste Management, Air Quality and Water Quality Plans

The Waste Management Plan for Connaught (which was adopted in September 2001) and the Water Quality Management Plan for the Upper Shannon Catchment (1990) were considered. No relevant air quality plan exists. The Waste Management Plan makes reference to the '*Planning, design and tender procurement for upgrading and extension of Ballinasloe Landfill in light of the urgent need for short to medium term landfill space in the Galway region. This facility will provide capacity for Co. Galway until the end of 2005*'.

(5) Submissions

7 valid submissions were received in relation to this waste licence review application. An overview of all valid submissions received is provided below. This includes a summary of all issues raised in the submissions and shows how these issues are dealt with in the recommended PD.

Submission No's 1 and 4 from Fionnuala Cawhill & Associates on behalf of Gabriel Rohan and others (received by Agency on 12/12/01 and 14/01/02)

Both of these submissions include a copy of the High Court Order dated 14th December 1999 and it is stated that they will be seeking to enforce the order. The application made is in contravention of the order which was based on an agreement between the parties to be bound by the licence as granted. In those circumstances, it would be inappropriate to make submissions. The application is in breach of the order and the Agency should not proceed with the application. The High Court Order contains a number of conditions including a requirement to cease landfilling by 31/12/05 and thereafter not operate a landfill within the Council's boundary or adjacent to the existing Pollboy landfill, abide by any EPA licence issued to Ballinasloe Town Council together with a number of planned improvement/development works (e.g. remediation of existing landfill, provision of lined cells, protection of surface water/groundwater through the implementation of leachate/surface water management etc.).

Inspectors Response

Legal advice was obtained by the Agency in relation to the above and it stated that the agreement between the parties does not appear to have involved the Agency. While the submissions state that they will be seeking to enforce the High Court Order, the Order could only be enforced against the Council. The Agency will continue to enforce the conditions of the waste licence for the facility and in the event of non-compliance, the Agency will take appropriate enforcement action. The advice noted the contents of Section 40(11) of the WMA which provides that the grant of a licence or revised licence does not itself authorise the licensee to operate a facility and it concluded that the Order does not constrain the Agency from determining the review application or from taking the letter and Order into account as a submission.

Submission No 2 from Duchas (received by Agency on 31/12/01)

This submission states that Duchas have no comments from their conservation rangers on the application.

Inspectors Response

The contents of this submission have been noted.

Submission No's 3, 5, 6 and 7 from Western Health Board (received by Agency on 31/12/01, 28/08/02, 23/12/02 and 02/04/03)

The submissions primarily relate to groundwater and hydrogeology. The information submitted highlights the spread of leachate contamination into groundwater and the prevalence of pollution in the groundwater in the vicinity of the site. There is uncertainty regarding the direction of groundwater flow and the information on the groundwater classification and aquifer vulnerability is limited. Adequate consideration is not being given to assessing the impact of the pollution on groundwater in the area outside the site and groundwater monitoring is not taking place outside the immediate curtilage of the landfill. In the interests of public health greater emphasis should be placed on this issue. One submission states that the Western Health Board are pleased to note the development of water quality trigger levels for the groundwater monitoring sites on the landfill.

Inspectors Response

Information on groundwater and hydrogeology were included as part of the EIS and subsequent responses to the Agency's requests for further information. The results of monitoring undertaken to date highlights that the facility has impacted on groundwater (peat, gravel and bedrock) and surface water at/in the vicinity of the facility. As stated, the disposal of waste into lined cells together with the implementation of leachate and surface water management plans should significantly reduce the impact which the facility is having on the environment. There are no private wells within 500m of the facility boundary. The houses to the north of the site served by the Ballinasloe Town Council water supply while the houses to the south of the site are served by the Clontuskert Group Water Scheme.

Signed _____

Dated:

Dr. Michael Henry
Inspector, Environmental Management & Planning

APPENDIX 1
LOCATION MAP & LAYOUT PLAN