

MEMO			
TO:	Board of Directors	FROM:	Breege Rooney
CC:		DATE:	31 March 2003
SUBJECT: Roscommon County Council, Ballaghaderreen Landfill – Technical Committee Report on Objections to Proposed Decision – Reg. No. 59-2			

Application Details	
Applicant:	Roscommon County Council
Location of Activity:	Aghaulustia Townland, Ballaghaderreen, Roscommon.
Reg. No.:	59-2
Proposed Decision issued on:	22/11/02
Inspector:	Kealan Reynolds

Objections Received	Date Received
1. Mr. Julian Bromhead, Entec on behalf of the applicant	16/12/02
2. Mr. Jack O’Sullivan, Environmental Management Services Ltd. on behalf of Ballaghaderreen Dump Action Committee	18/12/02

Submissions on Objection	Date Received
1. Mr. Jack O’Sullivan, Environmental Management Services Ltd. on behalf of Ballaghaderreen Dump Action Committee	06/02/03
2. Mr. Francis Crozier, Entec on behalf of the applicant	07/02/03

Consideration of the Objections.

The Technical Committee (Breege Rooney, Chairperson, Mick Henry and John Gibbons, committee members) have considered all of the issues raised and this report details the Committee’s comments and recommendations following the examination of the objections and submissions on this landfill.

OBJECTION No. 1:
Mr. Julian Bromhead, Entec on behalf of the Applicant

GENERAL

In summary the objection was in relation to time constraints imposed in the Proposed Determination.

GROUND 1

Condition 2 - Management of the Facility

2.3 Environmental Management System (EMS)

It is argued that the timescale to produce an EMS should be relaxed from six to nine months due to the scale and programme of works required at the site that have to be incorporated into the EMS.

Technical Committee's Evaluation

The current waste licence, Reg. No. 59-1, required a proposal for an EMS to be submitted to the Agency by the end of 2001. Condition 2.3.1 requires a proposal for the revision (where appropriate) of the existing EMS. The Technical Committee do not consider this an enormous task and as such recommend no change.

Recommendation

No Change

GROUND 2

Condition 3 Facility Infrastructure

Condition 3.5 Facility Roads and Hardstanding

It is stated that the type of surface will need to be agreed as the existing stoned area may not be suitable. The Applicant proposes extending the period from 6 to 9 months to enable the work to take place during the next earthworks season and to be carried out in association with other engineering works required at the site.

Technical Committee's Evaluation

Design details on roads are included in the EPA Landfill Manuals on Landfill Site Design and Landfill Operational Practices and the condition, in the PD Reg. No. 59-2, specifies that the surface should minimise infiltration. The Technical Committee do not recommend extending the time frame.

Recommendation

No Change

GROUND 3

Condition 3.7 Waste Inspection and Quarantine Area

The condition requires that the drainage from these areas be directed to the leachate collection system. This area currently drains to the perimeter ditch but it has an isolation valve to enable contaminated water to be isolated and collected by vacuum tanker. The applicant considers this is a suitable method as these areas will be frequently used such that they will only contribute collected rainwater to the leachate system. The applicant is requesting that this requirement be reviewed.

Technical Committee's Evaluation

No information is provided in the Objection as to whether the isolation valve on the perimeter ditch is closed or open. Hence, the TC consider that it is the best environmental option to ensure that the drainage from these areas be directed to the leachate collection system.

Recommendation

No Change

GROUND 4

Condition 3.12 (Leachate Management Infrastructure)

It is requested that Condition 3.12.2(ii) which requires a leachate collection / interception drain to be constructed within 6 months be extended to 9 months. It is argued that the six month timescale would be in a period unsuitable for construction.

Condition 3.12.5 requires a means to remove dissolved methane from the leachate prior to discharge to sewer. It is stated that such a scheme will only need to be implemented if dissolved methane exceeds the limit of 0.14mg/l. The applicant proposes monitoring the dissolved methane and installing a system to remove dissolved methane if necessary.

Technical Committee's Evaluation

The Inspector states in his report to the Board that following the construction of a leachate interception / collection system along the western boundary of the facility that the facility shall have a negligible impact on nearby surface water bodies in the future, hence the Technical Committee are of the opinion that it is essential that this leachate collection/interception drain should be constructed on the western boundary of the facility within 6 months.

Condition 3.12.5 requires a means of removing dissolved methane from the leachate prior to discharge to the sewer. Methane can come out of solution by processes such as aeration in the sewer line. This could cause a build up of methane in the sewer line. As methane is an explosive gas it would not be desirable to allow it to build up and it could also result in unacceptable risks to other sewer users. The Technical Committee recommend that condition 3.12.5 is retained in the licence. However, the TC recommend that the licensee should have three months to install such a system.

Recommendation

Amend Condition 3.12.5 as follows

The licensee shall provide a means of removing dissolved methane from the leachate prior to discharge to the sewer within three months of the date of grant of licence. Any such technology employed shall ensure that dissolved methane does not exceed the limit as per <i>Schedule C: Emission Limits</i> , of this licence. Any methane removed from the leachate shall be fed to the on-site Landfill Gas Management System.
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GROUND 5

Condition 3.13 Landfill Gas Management

Condition 3.13.1 requires that infrastructure for the active collection of landfill gas be installed within 6 months of the date of grant of the licence. It is argued that before this system can be installed that restoration and capping has to be carried out. The pipework for the collection system to the flare stack has to be buried in the restoration soils. The applicant

has requested that the timescale be extended to 12 months as a minimum to allow the capping and restoration works to be carried out in weather suitable for lining and earthworks and to tie in with Condition 4.2 which requires the capping and restoration works to be carried out in 12 months.

Technical Committee's Evaluation

Under the existing waste licence (59-1), the TC notes that the landfill gas collection and flaring system was due to be installed by 12/10/01. The TC is aware that a landfill gas collection system using a flexible pipe network for transferring gas to a flare has recently been installed at Pollboy landfill (i.e. prior to final capping). The TC considers that 6 months is adequate time for the installation of the system and this would allow such works to be carried out during the summer months.

Recommendation

No Change

GROUND 6

Condition 3.17 Telemetry

This condition requires a telemetry system to be installed within 6 months to record the leachate levels in the lined cell, the leachate lagoon and the groundwater levels in the ground water sump. However, a system consisting of a high level alarm and power failure signal, which was agreed by the EPA, have been included in the current construction works for the lined cell. Hence, it is argued that this condition is retrospectively requesting further monitoring and recording which would require substantial alterations to the control panels to incorporate additional equipment. The applicant requests that this condition be relaxed to reflect the current condition.

Technical Committee's Evaluation

With the provision of six new lined cells there will be a substantial improvement in the collection of leachate. The leachate levels will have to accurately monitored to avoid a pollution incident.

The TC consider that the requirement for a telemetry system at an earlier rather than later stage is not an erroneous task and hence do not recommend amending the condition.

Recommendation

No Change

GROUND 7

Condition 4.1 Restoration Plan

Condition 4.1 requires a restoration plan to be submitted within 3 months whereas the applicant argues that 6 months is a more realistic timescale as was specified in their current licence Reg. No. WL 59-1.

Technical Committee's Evaluation

A restoration and aftercare plan was required to be submitted by April 2001 under the current licence Reg. No. 59-1. A revised restoration and aftercare plan is required by Condition 4.1 to take account of the increase in height from 85mOD to 88.5mOD. The proposed decision

allows for a substantial increase in the size of the landfill, hence the Technical Committee recommend allowing the extra time to complete a restoration and aftercare plan.

Recommendation

Amend Condition 4.1 as follows:

Within six months

GROUND 8

Condition 4.2 Capping

Condition 4.2 requires that all unlined areas of the landfill where waste has been deposited to be capped within 12 months. This condition is a new requirement. It is argued that a 12 month period is a very short time to obtain sufficient materials for the restoration soils and to physically cap and restore all the unlined areas. The applicant had originally proposed capping 50% of the unlined areas during 2003. It is requesting that this Condition be subject to review.

Technical Committee's Evaluation

When a landfill is uncapped and unlined it poses a greater risk of environmental. Hence, it is imperative that waste, particularly unlined waste bodies are permanently capped so as to reduce such risks. Hence the Technical Committee recommend no change to this condition.

Recommendation

No change

GROUND 9

Condition 4.3 Final Capping

Condition 4.3.1c) requires that a 500mm thick drainage layer having a minimum hydraulic conductivity of 1×10^{-4} m/s be installed. Condition 4.3.1e) allows either a natural material or geocomposite layer as a gas collection layer. The applicant request that they be able to use a geocomposite draining layer, having equivalent properties, instead of the layer specified. In addition, the application questions the need for a gas collection layer. It is argued that such a layer would encourage the ingress of air; is being questioned in the UK; possibility that there could be a relaxation of this requirement in the Landfill Directive and that gas extraction wells is a more efficient method for gas removal.

Technical Committee's Evaluation

The EPA Landfill Manual on Landfill Site Design allows the use of a natural or geosynthetic drainage layer hence the TC recommend amending Condition 4.3.1 c) to allow the use of a geosynthetic layer.

The TC consider that a capping system is required for this landfill. In accordance with the Landfill Directive 1999/31/EC a gas drainage layer is required

Recommendation

Amend Condition 4.3.1 c) as follows:

Drainage layer of 0.5m thickness **or a geosynthetic material** having a minimum hydraulic conductivity of 1×10^{-4} m/s.

GROUND 10

Condition 5.1 Waste Management

This condition prohibits wastes being deposited into any unlined areas of the facility. It is argued that there should be a three month lead in time for this condition as the first lined area of the site is not yet complete. In addition, inert waste should be excluded from this requirement.

Technical Committee's Evaluation

The TC notes that construction of a new lined cell has recently been completed at the facility and the Agency is currently awaiting the CQA report to be submitted to the Agency. On assessment and agreement by the Agency, disposal of waste will then be into the lined cell. In order to allow time for this, the TC recommend that Condition 5.1 is amended as outlined below.

It is agreed that inert waste may be used for recovery, reprofiling and restoring unlined areas of the landfill. Hence, the Technical Committee also recommend amending Condition 5.1 to provide to clarify this.

Recommendation

Amend Condition 5.1 as follows:

Wastes, **other than inert waste for restoration purposes**, shall not be deposited in any cell or part of the landfill without the prior agreement of the Agency. Within two months of the date of grant of the licence, no wastes, **other than inert waste for restoration purposes**, shall be disposed of into any unlined areas at the facility.

GROUND 11

Condition 5.2 Waste Acceptance and Characterisation Procedures

Condition 5.2.1 states that within 6 months a written procedure for the acceptance and handling of waste is to be submitted for approval. This has already been completed and submitted in Attachment E.2 of the Waste Licence Review Application.

Technical Committee's Evaluation

The TC considers that the waste acceptance procedures should be updated to take account of the recent EU decision (2003/33/EC) on the acceptance of waste at landfills. Therefore, the procedures should be submitted to the Agency for its agreement within the 6 month timeframe specified in the PD.

Recommendation

Amend Condition 5.2.1 as follows:

Within six months of the date of grant of this licence the licensee shall submit to the Agency for its agreement written procedures for the acceptance and handling of all wastes. These procedures shall include methods for the characterisation of waste in order to distinguish between inert, non-hazardous and hazardous wastes. **The procedures shall have regard to the EU decision (2003/33/EC) on establishing the criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 and Annex II of Directive (1999/31/EC) on the landfill of waste.**

GROUND 12

Condition 5.10 Leachate Management

Condition 5.10.3 states that a minimum freeboard of 0.75m shall be maintained in the leachate lagoon at all times. A freeboard of 0.5m was allowed for in the original design which was submitted to and approved by the EPA. It is therefore proposed that this condition be amended accordingly.

Technical Committee's Evaluation

The TC considers that a minimum freeboard of 0.75m should be maintained in the leachate lagoon at all times. This will require the licensee to ensure that the leachate pumping arrangements for pumping leachate to the WWTP are such that this freeboard is maintained at all times.

Recommendation

No Change

GROUND 13

Condition 8.7 Monitoring

Condition 8.7 states that within 3 months an updated scaled drawing is to be submitted showing all monitoring locations that are stipulated in this licence. There are 6 no. additional monitoring locations required for off site gas migration and three months to install these and locate on a scale plan is insufficient. The time scale should be 6 months to allow installation in weather more conducive to this work.

Technical Committee's Evaluation

The TC considers that the timeframe for submission of the drawing should be extended from 3 months to 6 months to take into account the requirements of the PD.

Recommendation

Amend Condition 8.7 as follows: Within six months.....

GROUND 14

Condition 8.9 Meteorological Monitoring

Condition 8.9.2 requires that within 3 months a wind sock or other wind direction indicator is to be installed. It is proposed that this be a six month requirement.

Technical Committee's Evaluation

The Technical Committee do not consider it an enormous task to erect a windsock or other wind direction indicator and hence do not recommend amending the timescale to erect it.

Recommendation

No Change

GROUND 15

Condition 9 Contingency Arrangements

Condition 9.2 requires that within 6 months an Emergency Response Procedure (ERP) is to be submitted for EPA approval. This is the same as requested in the WL59-1. Contingency arrangements were submitted in Attachment I of the application, it is suggested these are updated to meet this requirement.

Technical Committee's Evaluation

The condition, of the PD Reg. No. 59-2, requires that a revised ERP is submitted to update the current procedure. The Technical Committee consider this to be reasonable.

Recommendation

No Change

GROUND 16

Condition 11 Reports & Notifications – Leachate Management

Condition 11.4.1 requires that within 3 months a report addressing the following will be submitted to the EPA for approval:

- a) *plan for removal by tanker in case of pipeline failure.*
- b) *plans for a suitable alternative treatment works in case Ballaghaderreen Treatment Works cannot accept the leachate.*

This is a short time scale for putting together the above alternative arrangements. The time scale should be 6 months.

Technical Committee’s Evaluation

The Technical Committee consider that 3 months is adequate to produce a contingency plan for the removal of leachate from the facility or to agree and to provide details on an alternative waste water treatment plant. Hence, the TC do not recommend amending the time frame.

Recommendation

No Change

GROUND 17

Condition 11.4.2.1 Leachate Management

Condition 11.4.2.1 requires that within 1 month a leachate handling procedure for the removal of leachate from the lagoon and subsequent transport/discharge to the Waste Water Treatment Plant shall be submitted to the EPA for approval. This is a short time scale for producing the procedure and should be 3 months. The removal of leachate is now carried out by pumping main discharging to the sewer on the outskirts of Ballaghaderreen.

Technical Committee’s Evaluation

The TC recommends that for consistency purposes that Condition 11.4.2.1 should be incorporated into Condition 11.4.1 and as such recommends allowing three months to submit the required information.

Recommendation

Amend Condition 11.4.1 as follows:

c) leachate handling procedures for the handling of leachate at the facility in the event of removal from the lagoon and subsequent transport/discharge to a Waste Water Treatment Plant.

Delete Condition 11.4.1.2

GROUND 18

Condition 11.5 Landfill Gas Utilisation

Condition 11.5.1 requires that within 9 months an assessment of the potential for utilisation of landfill gas as an energy resource shall be submitted to the EPA. The restoration and installation of landfill gas extraction is scheduled to be completed within 12 months. It will not be possible to carry out an assessment within 9 months as the system might not be installed within this time scale. The time allowed for this should be at least 12 months.

Technical Committee's Evaluation

The TC accept that the licensee needs to gather information in relation to the gas yield, quality of the gas and methane content before assessing whether the gas can be used as an energy source. Hence, the TC recommend twelve months for the licensee to submit this report to the Agency.

Recommendation

Amend Condition 11.5.1 as follows: Within twelve months.....
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GROUND 19

Condition 11.6 Vermin & Flies

Condition 11.6 requires that within 3 months a proposal for the control and eradication of vermin and fly infestation shall be submitted to the EPA for approval. The proposal shall include operator training, details on the rodenticide and insecticides to be used, mode and frequency of application and measures to contain sprays within the boundary of the site. This is a short time scale for producing the procedure and should be 6 months.

Technical Committee's Evaluation

The condition requires a proposal to be submitted to the Agency for agreement. The condition details the minimum details that should be included in the proposal including type of training required for the operator, details of the rodenticide or insecticide to be used, mode and frequency of application of same and measures to contain sprays used. The Technical Committee do not consider that this should take any longer than three months to produce. It is imperative that systems are established as soon as possible to avoid and prevent problems with vermin and flies particularly in the Summer months.

Recommendation

No Change

OBJECTION NO. 2

Mr. Jack O'Sullivan, Environmental Management Services Ltd. on behalf of Ballaghaderreen Dump Action Committee – 18/12/02

GENERAL

Environmental Management Services Ltd. (EMS) trust that the Agency will take note of what they believe are valid and strong reasons for refusing this waste licence review application, and that the Agency will reconsider its proposed decision to allow an extension of the landfill, and will also enforce the applicable licence conditions. Members of the Ballaghaderreen Dump Action Committee are also seriously concerned by the on-going nuisances caused by the operation of the landfill, including odour and water pollution, and by observed failures to comply with licence conditions. On their behalf, EMS would suggest

that the only equitable and environmentally responsible decision would be for the Agency to request closure of this landfill and rehabilitation of the site.

As the Agency will be aware, this landfill has been the subject of numerous and continuing complaints; and the Ballaghaderreen Dump Action Committee (BDAC) remains seriously concerned by the on-going nuisances caused by the operation of the landfill, including odour and water pollution, and by observed failures to comply with licence conditions. Their observations, detailed to the EPA in June 2000 and July 2002, confirmed the findings and views of local residents, and provided many examples and descriptions of nuisances, water and air pollution, and failures by the licensee to comply with conditions. It is therefore extremely disappointing that the Agency has made a proposed decision to grant the review of the waste licence, as requested by Roscommon County Council.

Technical Committee's Evaluation

This facility is an existing one which has been in operation since the 1970's. It has undergone significant infrastructural changes in the recent past and this includes the development of a new lined cell. As part of the enforcement of waste licence 59-1, Agency inspectors have visited the facility on a number of occasions and where the licensee has been found to be in non-compliance with the Conditions of the licence, the Agency has noted these and raised them with the licensee. The Agency issued 3 Notifications of Non-Compliance in 2002 for breaches of conditions of the licence while an audit of the facility (2002) highlighted 9 non-compliances with the licence. The facility has in the past been the subject of complaints from local residents in relation issues such as inadequate operational/management of the facility and nuisances. Complaints lodged with the Agency were also noted and forwarded to the licensee for action. The Agency will continue to enforce the waste licence (and revised licence) in place and in the event of continued non-compliance, the Agency will take appropriate enforcement action.

Recommendation

No Change

GROUND 1 Non-compliances with existing licence conditions.

EMS refers to 33 non-compliances that they had listed, 7 requirements which the licensee did not appear to have met, 7 to 8 non-compliances noted by the EPA and other issues that had not been brought to the attention of the licensee by the Agency. In addition, a number of infrastructure works had not yet been completed including, cell development, leachate collection, leachate storage and pumping system, landfill gas control and collection system and capping requirements. It is argued that the lenient response of the Agency Inspector to recommend an extension of the timescale must be considered unacceptable.

EMS state that while recent efforts have been made by the licensee to comply with their licence that the ongoing nuisance are still a source of major concern to local residents. It is considered opinion that the unsuitability of the site and the result of long-term mis management of waste deposition and leachate control, make it virtually impossible for the licensee to operate in accordance with modern landfill practice and with the requirements of the EU Landfill Directive 1999/31/EC of 23 April 1999.

Technical Committee's Evaluation

The Agency has stipulated that the following infrastructure must be installed so as to ensure that the landfill does not cause significant environmental pollution. The infrastructure includes, site security, weighbridge, fuel storage area, wheelwash, waste inspection & waste

quarantine areas, lining system for new cells, capping for filled areas, , leachate abstraction & collection system and a landfill gas and flaring system. The TC notes that not all the infrastructural works have been completed on time however it is also noted that there have been improvements at the site and these include collection systems for the leachate and a leachate storage lagoon. It should also be noted that the requirements of the Landfill Directive are incorporated into the PD and some of the relevant Conditions include, Condition 1.5 on Waste Acceptance and Condition 12 on Charges & Financial Provisions.

Recommendation

No Change

GROUND 2 Complaints & Nuisances

Ballaghaderreen Dump Action Committee refer to a list of complaints and nuisances that have been ongoing at the site since the early 1980's. Despite making complaints to Roscommon County Council, some nuisances, in particular odour is still continuing. In addition the following complaints and nuisances have been observed by local residents in recent months.

- *failure to cover waste deposited as soon as possible and before the end of the working day.*
- *Continuing emissions of landfill gas*
- *Acceptance of waste outside the normal working hours*

Technical Committee's Evaluation

The TC notes that the onus is on the licensee to comply with the conditions of the waste licence. The failure of the licensee to implement and put in place an active landfill gas management system for the facility has been noted by the Agency in a number of non-compliances issued to date. The TC agree that the proper application of cover material will minimise odour nuisance arising from the working face but consider the installation of the landfill gas management system is essential for minimisation of potential odours arising from landfill gas. Such controls are provided for in the PD. The issue of compliance with the current waste licence has also been addressed above.

Recommendation

No Change

GROUND 3 Requirements to comply with Article 2 of the EU Landfill Directive

Ballaghaderreen Dump Action Committee refer to the fact that Article 6 of the EU Landfill Directive requires that Member States shall take measures to ensure that “only waste that has been subject to treatment is landfilled”. The Government policy document “Delivering Change” March 2002, defines residual municipal waste as “the fraction of municipal waste remaining after the source separation of municipal waste fractions, such as food and garden waste, packaging, paper and paperboard, metals, glass and unsuitable for the production of compost because it is mixed, combined or contaminated with potentially polluting products or materials”. It is Ballaghaderreen Dump Action Committee's understanding that unsorted waste is since being accepted for disposal at the landfill and the PD does not require that the licensee only deposit residual waste and that the landfilling of untreated waste is prohibited. Since Roscommon County Council do not appear to have the necessary facilities to carry out sorting or treatment of the waste so as to ensure they are residual in nature the Council should be required to seek an alternative means of waste disposal.

Technical Committee's Evaluation

Article 6 of the Council Directive 1999/31/EC on the landfill of waste specifies the waste to be accepted in the different classes of landfill. The applicable sections of Article 6 that relate to this non-hazardous landfill are summarised as follows. Only waste that has been subject to treatment is landfilled and landfill for non-hazardous waste may be used for i) municipal waste, ii) non-hazardous waste and iii) stable, non-reactive hazardous waste. However, Article 6 should not be read in isolation and the whole Landfill Directive needs to be considered. In particular, Condition 1.5 of the PD relating to waste acceptance stipulates some of the requirements of the Directive. It sets limitations on waste acceptance of tyres, prohibits the acceptance of hazardous waste, liquids and sludge wastes and requires treatment of wastes as detailed in Condition 1.5.3 and 1.5.4

The treatment of waste applies to new facilities from the start of operation.

Recommendation

No Change

GROUND 4 Requirement to prevent environmental pollution and failure to utilise BATNEEC to control emissions and discharges.

Reference is made to Section 40(4) of the Waste Management Act, 1996 and the fact that the Agency shall not grant a waste licence unless it is satisfied that the activity concerned, carried on in accordance with such conditions as may be attached to the licence, will not cause environmental pollution and that the best available technology not entailing excessive costs will be used to prevent, eliminate or reduce emissions or discharges from the activity concerned (BATNEEC).

Ballaghaderreen Dump Action Committee argue that their submission of 16 July 2002 provides evidence to show that the facility is causing environmental pollution. Given the nature of the site the licensee will not be able to operate without causing environmental pollution, the landfill as currently constructed and operated is not employing BATNEEC and the landfill does not represent the best environmental sustainable means of dealing with waste generated in the county.

Technical Committee's Evaluation

The Technical Committee are satisfied that the facility when operated in accordance with the conditions of the PD will not cause environmental pollution. The Inspector has detailed, in the Inspectors Report, that the activities to be carried out at the facility, subject to the conditions of the PD, comply with the requirements of Section 40(4) of the Waste Management Act, 1996.

Recommendation

No Change

GROUND 5 Inspector's report and proposed waste licence

Ballaghaderreen Dump Action Committee refer to the Inspectors Report and to the fact that the proposed extension of the landfill would bring waste disposal activity to within 135m of the River Long. There are a number of points that they are concerned about as detailed in the following grounds.

Technical Committee's Evaluation

These matters are considered below.

Recommendation

No Change

GROUND 6 Capping & Restoration

Ballaghaderreen Dump Action Committee are disappointed to note that it has been recommended to increase the final height of the facility from 85m OD in the current licence to 88.5m OD in the PD. It is noted that reducing the height and visual intrusiveness would require excavation and re-deposition of the waste with the associated problems of noxious odours. However, it is felt that the licensee's failure to comply with the current licence should not be rewarded by a relaxation of that condition and contend that the problem of reducing the waste height without causing nuisance is a problem for the licensee.

Technical Committee's Evaluation

The existing height if the landfill is approximately 88mOD. In order to reduce this height the deposited waste would have to be excavated. There would be a high potential for odour release during this process. Hence, the TC agree with the Inspectors assessment that the best environmental option is to limit the final height to 88.5mOD rather than excavating approximately 25,000m³ of waste in order to reduce the height to 85mOD. However, the PD does require a programme of planting so as to minimise the visual impact of the facility. In addition Condition 4 requires a restoration plan to be submitted and agreed with the Agency. This plan will help to reduce further the potential visual impact of the facility.

Recommendation

No Change

GROUND 7 Waste Types & Quantities

It is argued that the recommendation to allow an increase in the waste accepted from 15,000 to 20,000 per annum signals to the community that their concerns have not been taken into consideration and to the licensee that the easier option of landfilling can be taken rather than more sustainable options.

Ballaghaderreen Dump Action Committee are disappointed that the PD does not require the licensee to comply with Article 6 of the EU Landfill Directive 1999/31/EC until 16 July 2009 which is the latest possible date on which compliance becomes mandatory. It is argued this sends a signal to the local community and to the licensee that it is not necessary to be proactive in complying with the EU policy.

Technical Committee's Evaluation

The Regional Waste Management Plan requires a new waste disposal facility for the region that will incorporate waste recycling. However, before that facility is in place the region needs a facility to handle the current waste load. In relation to the Landfill Directive please refer to the response to Objection No. 2 Ground's 1 and 3.

Recommendation

No Change

GROUND 8 Emissions to air

Ballaghaderreen Dump Action Committee argue that there is no specific condition to limit odour. The previous and continuing failure of the licensee to control odour in the past can be taken as a strong indication that odour control is unlikely to be achieved in the future. If the

licensee cannot comply with a specific condition and if the Agency is unable or unwilling to enforce that condition then it is inadequate to state that the mere attachment of a licence condition will prevent the recurrence of a serious nuisance.

Technical Committee's Evaluation

The PD contains a number of conditions in relation to odour control and these include Conditions 3, 4, 5, and 7. The licensee will also be required to undertake weekly inspections for odour nuisances. The TC considers that adequate controls exist in the PD for odour control/management at this facility. See also response to earlier grounds above. The Agency will carry out site inspections, monitoring and audits of the facility.

Recommendation

No Change

GROUND 9

Emissions to Groundwater & Surface Water

The Geological Survey of Ireland has classified the aquifer beneath the site as regionally important. While the proposed licence requires new cells to be fully lined, this does not guarantee the elimination of further discharges of leachate to groundwater. The Agency will be aware that landfill liners will leak and the escape of leachate into surface water carries with it the potential to pollute groundwater.

Ballaghadereen Dump Action Committee contend that the current landfill is causing significant contamination of surface water drains which discharge into the River Lung. It is incorrect to state, as noted by the Agency's Inspector that "the drain on the eastern side of the facility has been isolated from local drainage". This drain discharges to the River Lung and both the eastern and western boundary drains are seriously polluted.

It is contended that proposed waste licence may be in breach of Section 40 (4) of the Waste Management Act 1996, as it will allow continuing pollution of the environment, especially groundwater and surface water.

Technical Committee's Evaluation

The Inspectors report on this facility assessed the fact that the aquifer is classified as a Regionally important aquifer. The Inspector recommended that as the proposed extension to the facility will be fully lined and the confined nature of the aquifer the development of new cells at the facility is acceptable. The TC agrees with this assessment. The TC note that the PD (as amended by this report) contains a number of controls in relation to minimising the impact of the facility on the surrounding environment. These include the installation of a new lined cell, leachate lagoon and other key items of infrastructure. Compliance with the conditions should ensure the facility will have no significant adverse impacts on the environment. See also response to earlier grounds above.

Recommendation

No Change

GROUND 10

Other Significant Environmental Impacts

Despite lengthy and detailed descriptions of other significant environmental impacts and nuisances caused by the Landfill, as reported in BDAC" previous submissions to the Agency,

it is almost unbelievable that the Inspector's Report lists these impacts as "None" (Section 8, page 4).

Technical Committee's Evaluation

Please note the TC's comments in relation to the handling of enforcement matter above in the General Ground Objection 2 above. It is the TC's understanding that the main impacts were dealt with in the body of the report leaving no impacts to be dealt with under 'Other Significant Environmental Impacts'.

Recommendation

No Change

GROUND 11

Submissions and Complaints

The Inspectors Report refers to submissions and complaints received by the EPA and taken into account in drafting recommended proposed waste licence. One of these complaints, detailed in a submission, refers to misleading information included by Roscommon County Council in the waste licence review application (Section 2.1, page 10). These were not considered by the Agency to have made the application defective. If this logic is followed, it would appear that a waste licence applicant can make misleading or erroneous statements of fact (either inadvertently or deliberately) and, provided that the application is complete, the Agency will accept the statements made without seeking any independent verification.

The only response by the EPA to the concerns of local residents and to the nuisances being experienced by them details in BDAC's submissions is that the relevant conditions attached to the proposed licence will be sufficient to eliminate these problems and to prevent their recurrence. If, as has happened to date, the licensee fails for whatever reason to comply with the conditions, and the Agency is unable to enforce them, it follows that some of the nuisances may continue.

Technical Committee's Evaluation

The Objection does not comment on any Condition and deals only with a hypothetical situation.

Recommendation

No Change

Ground 12 General

BDAC would submit that the proposed waste licence does not provide adequate safeguards to control or prevent environmental pollution or nuisances arising from the expansion and continued operation of the landfill. The objection considers that the more environmentally sustainable and appropriate solution would be for the Agency to impose a condition requiring no further expansion or deposition of waste after a short time period, e.g. six months to one year, to allow the licensee to make alternative arrangements for waste disposal.

To allow the expansion is to send a signal to the surrounding community that their concerns are of lesser importance than the County Council's need to pursue landfilling as the principal means of waste disposal.

Technical Committee's Evaluation

Since the EPA licenced the facility in October 2000 a significant level of infrastructure and improvements have occurred at the site. These include: facility management, installation of a weighbridge, wheelwash, civic waste facility and a leachate collection drain and sump. Work has also commenced on the construction of a leachate lagoon and a lined cell which should be completed early 2003. This review will only allow waste to be deposited into lined cells, as soon as one is available. In addition the Agency has stipulated that the following infrastructure must be installed so as to ensure that the landfill does not cause significant environmental pollution. The infrastructure includes, site security, fuel storage area, waste inspection & waste quarantine areas, lining system for new cells, capping for filled areas, additional leachate abstraction & collection system and a landfill gas and flaring system.

Recommendation

No Change

SUBMISSIONS

Two submissions were received in relation to the Objections

Submission No. 1 – Mr. Jack O’Sullivan, Environmental Management Services Ltd. (EMS) on behalf of Ballaghaderreen Dump Action Committee (BDAC).

GROUND 1 General

The observations are made without prejudice to our sustained conviction that the Aghalustia site is very unsuitable for the landfilling of municipal wastes, that the landfill has been badly managed and operated in previous years, that the landfill is still causing environmental pollution and serious nuisance, and that the Agency should not have granted a waste licence which would permit the continuation of waste disposal at Aghalustia.

Technical Committee's Evaluation

Refer to General Ground Objection 2 above.

Recommendation

No Change

GROUND 2

Waste Inspection & Quarantine Areas (Proposed Decision; Condition 3.7.3)
In BDAC's view, the arguments made by the County Council ignore the possibility that contamination could be overlooked or could happen at a time when there was no person on site to operate the isolation valve, or an accident could occur which would result in a significant amount of contaminated liquid being released onto one or other of these areas. The Council's argument also goes against the Precautionary Principle, and BDAC therefore urge the Agency to retain Condition 7.3.3 in its present form.

Technical Committee's Evaluation

Refer to Ground 3 Objection 1 above.

Recommendation

No Change

GROUND 2

Leachate Collection and Interception Drain Condition 3.12.2

The request by the County Council to extend the timeframe for construction of above from 6 to 9 months ignores the direct evidence of local residents and ourselves that the existing eastern and the western boundary drains are seriously polluted by leachate, and these drains discharge directly to the River Lung. Any extension of time would serve only to prolong the current pollution of the drains and the river. BDAC urge the Agency to retain Condition 3.12.2 in its present form.

Technical Committee's Evaluation

Refer to Ground 4 Objection 1 above.

Recommendation

No Change

GROUND 3

Collection and Management of Landfill Gas (Condition 3.13.1)

The County Council suggests allowing an extension of the time-scale from 6 to 12 months for completion of the landfill gas collection system. It is BDAC's understanding that burial of the gas extraction pipework could precede the capping of the landfill, as most of the pipework could be buried in the waste mass. In fact, it is generally considered necessary for the landfill gas extraction pipes to be deeply buried in the waste in order to maximise gas recovery, and only the collection network linking the gas wells should be close to or on the landfill surface. BDAC urge the Agency to retain Condition 3.13.1 in its present form.

Technical Committee's Evaluation

Refer to Ground 5 Objection 1 above.

Recommendation

No Change

GROUND 4

Telemetry and Recording of Leachate and Groundwater Levels (Condition 3.17)

The County Council has objected to a requirement that the level of leachate in the lined cell and the leachate lagoon, and the level of groundwater in the sump beneath the lined cell, should be continuously monitored and recorded by telemetry. The Council has instead suggested that the installation of high liquid level and power failure alarms would be adequate, and the point is made that this alarm system has already been agreed with the Agency. It is BDAC's view that an alarm system is not as safe as continuous telemetry. The telemetry system should include local and remote alarms to be triggered by set levels being reached, or by abrupt or unusual changes in levels.

BDAC urge the Agency not only to retain Condition 3.17, but to add a further requirement that local and remote alarms should be installed within six months of the date of issue of the licence.

Technical Committee's Evaluation

Refer to Ground 6 Objection 1 above.

Recommendation

No Change

GROUND 5

Capping of Unlined Areas of the Landfill (Condition 4.2)

BDAC contend that the condition as proposed by the Agency should be made more stringent, and should not be relaxed. The County Council has been aware for a considerable time that this landfill has been generating and releasing excessive amounts of leachate, and that contouring and capping are essential in order to reduce on-going pollution and contamination of surface waters and groundwater by leachate.

BDAC also request that the height and visual intrusiveness of the landfill should be significantly reduced, and this will require some excavation and re-deposition of previously deposited wastes. Reduction of the height should also include re-grading of the surface to achieve a low-profile dome shape, which would also allow for more effective capping and restoration. There is no reason why this work should be further delayed, and BDAC urge the Agency to retain Condition 4.2 in its present form.

Technical Committee's Evaluation

Refer to Ground 8 Objection 1 above. In addition, it is noted that the current height of the existing landfill is approximately 88mOD. The TC consider that the best environmental option at this stage is to limit the final height to 88mOD rather than excavating waste.

Recommendation

No Change

GROUND 6

Deposition of Wastes into Unlined Areas of the Landfill (Condition 5.1)

No further deposition of waste into unlined areas should be permitted. The County Council's suggestion that inert wastes would be suitable for deposition in the unlined areas of the landfill is contrary to good practice and should not be permitted. BDAC urge the Agency to retain Condition 5.1 in its present form.

Technical Committee's Evaluation

Refer to Ground 10 Objection 1 above. It should also be noted that inert material may be used in a capping system provided it meets the required specification.

Recommendation

No Change

GROUND 7

Installation of Additional Monitoring Locations (Condition 8.7)

The County Council has suggested that the timescale to allow the installation of six additional monitoring points and to mark these on a drawing should be extended from three months to six months. It is difficult to see how this work could not be completed within the three-month period proposed by the Agency, and the Council's suggested alteration of this condition should be resisted.

Technical Committee's Evaluation

Refer to Ground 13 Objection 1 above.

Recommendation

No Change

GROUND 8

Leachate Management (Condition 11.4.1)

It is essential that alternative proposals should be prepared by the licence applicant immediately for treatment of the leachate at another location in the event of pump or pipeline failure, or other mechanical or environmental problems. Leachate handling procedures are also essential to reduce the risk of accidents or failures, and it appears irresponsible that these procedures have not already been drawn up.

The time-scale of one month proposed by the Agency for the implementation of all sub-paragraphs of Condition 11.4.1 should not be relaxed.

Technical Committee's Evaluation

Refer to Ground 16 Objection 1 above. In addition, please note that Condition 11.4.1.1 referred to a timeframe of 'Within three months' while Condition 11.4.1.2 referred to a timeframe of 'Within one month'.

Recommendation

No Change

GROUND 9

Control and Eradication of Vermin and Fly Infestation (Condition 11.6)

Based on the landfill operator's accumulated experience to date, and on widely available information about vermin control methods and their relative effectiveness, it should not be difficult for the licence applicant to draw up and implement within three months a programme for the control and eradication of these nuisances. The County Council's suggestion that six months from the date of the final licence being granted would be required to produce only "a proposal" is therefore unacceptable and should be resisted by the Agency.

Technical Committee's Evaluation

Refer to Ground 19 Objection 1 above.

Recommendation

No Change

GROUND 10

General Comment

The Agency will be aware that this licence applicant has a record of failing to implement nuisance reduction or elimination measures until the latest possible time, and even then only after considerable pressure has been applied.

The proposed waste licence does not provide adequate safeguards to control or prevent environmental pollution or nuisances arising from the expansion and continued operation of the landfill, and the only environmentally sustainable and appropriate solution would be for the Agency to impose a condition requiring no further expansion or deposition of waste after a very short time period. The conditions included in the proposed waste licence will provide only marginally improved controls, with the consequential likelihood of further emissions to

air, groundwater and surface water. Any relaxation of these conditions would be even more undesirable, and should not be agreed by the Agency.

Technical Committee's Evaluation

Refer to General Ground Objection 2 and Ground 11 Objection 2 above.

Recommendation

No Change

Submission No. 2 – Entec on behalf of Roscommon County Council

GROUND 1

Non-Compliance's with Licence Conditions

Entec on behalf of Roscommon County Council state that a number of control works have been installed in respect of leachate management. These have included a lined collection system, construction of a leachate storage lagoon and leachate contaminated water was contained and removed by tanker to Ballaghaderreen sewage treatment works.

Since November 2002 contaminated water has been pumped into a new sewer constructed from the site to the existing sewerage infrastructure in Ballaghaderreen. Further leachate control works are programmed during 2003 including capping of the wastes in unlined areas. These works have involved major capital expenditure and demonstrate a commitment by Roscommon County Council to improve leachate management at the facility.

It should be recognised that engineering improvements take time to implement and that certain measures need to be in place before others can be constructed. For example a holding lagoon is required before leachate extraction can take place and system for off-site leachate treatment and disposal. There are design, approval and procurement elements involved with each of these phases.

Gas collection is a further example. Capping will be carried out this year with gas collection infrastructure following on. The capping and restoration soils need to be in place prior to drilling of gas wells.

The development of a new lined cell has taken place at the facility which will be commissioned shortly. It is a requirement of the proposed conditions of waste licence 59-2 that no further waste disposal can take place outside lined phases.

Technical Committee's Evaluation

Refer to Ground 1 Objection 2 above.

Recommendation

No Change

GROUND 2

Complaints & Nuisances

Roscommon County Council refer to an attached list of complaints and responses but no such documentation was attached to their submission.

Reference is made to the fact that a particular issue raised in the EMSL submission is odour

from the facility..

Failure to cover waste daily. Site operations are such that all incoming waste is covered with soil at the end of each day. During engineering works, there may be occasions where old wastes are uncovered for short periods.

Emissions of landfill gas. Installation of an effective gas abstraction can only take place once the wastes have been properly capped. A programme for implementation of such a system has been outlined.

Acceptance of waste outside normal hours. Roscommon Council have investigated the possibility of this happening and have found nothing to support this claim. They are aware of their requirement to comply with Article 2 of EU Landfill Directive.

Technical Committee's Evaluation

Refer to Ground 2 Objection 2 above.

Recommendation

No Change

GROUND 3

Requirement to Comply with Article 2 of EU Landfill Directive

Roscommon Co. Council refer to EMSL comments on the Landfill Directive to treat waste. They refer to recycling at the civic waste facility, kerbside collection in 2003 and the possibility for composting at the facility as possible forms of treatment. It is also noted that as part of the Waste Management Plan for the Connaught Region the County Council, together with adjacent authorities, are seeking to identify a new strategic waste disposal facility to replace Ballaghaderreen Landfill. However, the provision of a new integrated facility is a lengthy process which will take a number of years.

Technical Committee's Evaluation

Refer to Ground 3 Objection 2 above.

Recommendation

No Change

GROUND 4

Requirement to Prevent Environmental Pollution and Failure to Utilise BATNEEC to control emissions

Entec refer to the fact that the County Council has carried out significant engineering works at the site in the last twelve months primarily to control emissions from the current uncontained phases of the landfill and further works are proposed during the current year. It is emphasised that the County Council is committed to implementation of the best available technology not entailing excessive cost to reduce emissions or discharges.

Technical Committee's Evaluation

Refer to Ground 4 Objection 2 above.

Recommendation

No Change

GROUND 5

Inspectors Report

A number of issues are raised which are discussed below

5.1 Capping and Restoration

Existing waste levels at the highest part of the site are 89mOD (sic) and it is acknowledged that this exceeds the current licence maximum of 85mOD, which relates to post settlement levels. Long term settlement of up to 25% i.e. 2m is anticipated. The proposed decision prohibits further waste disposal in unlined phases of the site such that the revised maximum height of 88.5m OD under the proposed decision should be achievable with minimum requirement for excavation. Placement of 1m of restoration soils is required.

Technical Committee's Evaluation

The TC notes the above comments. In addition please refer to the response to Ground 6 Objection 2 above.

Recommendation

No Change

GROUND 6

Waste Types and Quantities

The proposed increase in the quantity of wastes to be received at the facility was primarily a function of the closure of the only other facility in the county at Roscommon town. It is considered unlikely that future waste inputs will exceed 15,000 tonnes as waste producers have found alternative sites to that at Roscommon town. As stated above proposed kerbside recycling in three of the main towns within the county will result in a reduction in the quantity of waste going to landfill.

Technical Committee's Evaluation

The TC note the above comments. In addition it should be noted that the PD requires, in Condition 11.3, that a report examining waste recovery options be submitted to the Agency. This report must address methods to contribute to the achievement of the recovery targets stated in national and European Union waste policies.

Recommendation

No Change

GROUND 7

Emissions to Air

As noted elsewhere the County Council is to implement works during 2003 to reduce landfill gas emissions to air. These works will include capping of areas of existing waste disposal and installation of a gas abstraction and flaring system. Such works are a specific requirement of the proposed decision.

Technical Committee's Evaluation

The above comments are noted. In addition, please refer to Objection 2 Ground 8 above.

Recommendation

No Change

GROUND 8

Emissions to Waters

It is acknowledged that there have been problems with discharges from the landfill contaminating surface water drains. However, some works have already been installed and further works are programmed, future waste disposal at the site will be within lined cells constructed. Leachate management for these lined cells is already in place and the risk of surface water pollution occurring for the lined phases is considered to be extremely small.

Pollution potential from the unlined part of the site will gradually be reduced as the wastes are capped, limiting leachate generation, leachate interception and containment to the perimeter of the site is improved, and leachate abstraction from uncapped areas of waste is undertaken.

Technical Committee's Evaluation

The above comments are noted. In addition, this matter has been discussed under Objection 2 Ground 9.

Recommendation

No Change

GROUND 9

Other Significant Environmental Impacts

We are unsure as to which inspectors report EMSL refer to and would seek clarification on this point.

Technical Committee's Evaluation

It is understood that it is a reference to the Inspector's report to the Board of the Agency on this application. Refer to Objection 2 Ground 10 above.

Recommendation

No Change

GROUND 10

Submissions and Complaints

EMSL refer to misleading information submitted in the licence review application (Section 2.1 page 10 of the Inspector report refers). Roscommon County Council is not aware of any misleading information submitted. We are unsure as to what report is being referred to by EMSL.

Technical Committee's Evaluation

Refer to Objection 2 Ground 11 above

Recommendation

No Change

GROUND 11

Conclusions

It is emphasised that the proposed decision limits future landfilling to contained phases with leachate controls. It is recognised that some nuisance has occurred at the site associated with filling in uncontained phases. The County Council has undertaken significant measures

to reduce emissions from these uncontained parts of the site and substantial further works will be carried out during 2003. These measures are requirements of the proposed decision.

Technical Committee's Evaluation

Refer to Objection 2 Ground 12 above.

Recommendation

No Change

Signed: _____

Breege Rooney
Technical Committee Chairperson

Dated: _____