

MEMO			
TO:	Board of Directors	FROM:	Damien Masterson
CC:		DATE:	21 September 2000
SUBJECT : Louth County Council, Whiteriver Landfill - Technical Committee Report on Objections to Proposed Decision - Reg. No. 60-1.			

Application Details	
Applicant:	Louth County Council
Location of Activity:	Whiteriver Landfill Site, Whiteriver, Co. Louth
Reg. No.:	60-1
Proposed Decision issued on:	15/05/00
Objections received:	09/06/00, 12/06/00
Circulation of objections:	26/06/00
Inspector:	Mr. Brendan Wall

Objections received

Objection by Applicant	One: Louth County Council, County Hall, Millennium Centre, Dundalk.
Objection by third party/parties	One: Mr. Vincent Clarke, Chairman Monitoring Committee, Corlis, Collon, Co. Louth

One valid submission in relation to the Objections was made on 25th July 2000 by:

1. Mr. Vincent Clarke, Chairman Monitoring Committee

Consideration of the objections and submissions on objections

The Technical Committee (Damien Masterson, Chairperson, Ted Nealon and Kevin Mc Donnell, committee members) formed on 27/07/00 has considered all of the issues raised and this report details the Committee’s comments and recommendations following the examination of the objections on 15th and 16th August 2000.

Objection No.1: Louth Co. Council (12/06/00)

Ground 1 (Working Day in Interpretation & Condition 5.9)

This objection states that the working day as defined in the Interpretation in the Proposed Decision and in Condition 5.9 is conflicting and is not adequate for the operational needs of the facility. It requests that the following Working Day be stipulated in the licence; Monday to Friday, 8:00 a.m. to 5:30 p.m. and Saturday 8:00 a.m. to 3:00 p.m. to facilitate normal operations for receipt of landfill material at the facility

Technical Committee’s evaluation

The Technical Committee notes that while there may appear to be some conflict, the Agency differentiates between the working day as defined in the Interpretation (periods of operation at the facility) and the periods during which waste may be accepted at the facility (as defined in Condition 5.9). As the facility is located in a rural setting, the Technical Committee consider that the PD should be amended as recommended below to facilitate the normal operation of the facility.

Recommendation

Interpretation:	Amend definition of Working Day to read 8:00 a.m to 5;30 p.m. Monday to Friday, 8:00 a.m. to 3:00 p.m Saturday.
Condition 5.9:	Amend to read “...between the hours of 08:00 to 17:00 Monday to Friday inclusive and 08:00 to 14:00 on Saturdays... ”.

Grounds 2, 3, 4, 5, 6, 7, 8, 11, 31, 40, 42, 43, 45, 46, 50, 51, 54, 55 – Requests for Extension of Timeframes.

Louth Co. Council (LCC) request extension of the timeframes specified in the PD for submission of information or completion of works required under the Conditions listed in Table 1.0 below. LCC state that the reason for the request is to facilitate the Council in establishing a consultancy brief, gaining council approval for budgeted expenditure, selecting a suitable service provider, achieving council approval for the recommendation, awarding contract and subsequent preparation of the information. It is considered by LCC that in the event of external contracts being required, that up to 6 months will be needed to appoint a contractor. Therefore, an additional six month timescale should be provided to allow the contractor/consultant to prepare, issue and agree the information requirements.

Technical Committee’s evaluation

The Technical Committee has considered the requested extension of timeframes for the submission of information or completion of works required by the Conditions listed in the recommendation table below.

In relation to Conditions 2.2.1, 2.3.1, 2.4.1, 2.5.1, 2.6.1, 2.7.1, 2.8.1, 4.7.1, 5.3.2, 6.3.4, 6.9, 9.2, 9.14, 9.16 and 10.1, the Technical Committee are of the opinion that the works, actions, organisational structures and procedures required by these conditions are essential to the proper operation of the landfill within the constraints of the licence conditions (e.g. Condition 2.4.1 requires that within three months of the date of the licence, the licensee shall establish and maintain written Corrective Action Procedures to ensure that corrective action is taken should specified requirements of this licence not be fulfilled). The Technical Committee considers that the timeframes outlined in the PD are reasonable and sufficient to allow the establishment of the procedures and structures, the carrying out of the works required or the submission of the required information and the Technical Committee therefore propose no change to these conditions.

Ground 43 (Condition 8.4) : The Technical Committee has considered the request for an extension of the timeframe incorporated in Condition 8.4 which requires submission of proposals for landfilling and restoration to achieve the final contours and landscaping defined in Conditions 8.2 and 8.3 for agreement with the Agency and proposes to extend the timeframe to twelve months.

Ground 46 (Condition 9.3) : The Technical Committee proposes to extend the timeframe incorporated in Condition 9.3 for the installation of a permanent gas monitoring system in the site office and any other enclosed structures at the facility from three months to six months, because landfill gas accumulation shouldn't be a significant issue in a clay lined facility.

Ground 54 (Condition 9.22) : The Technical Committee has considered LCC's request for the extension of the timeframe for development and establishment of a Data Management System for collation, archiving, assessing and graphically presenting the environmental monitoring data generated as a result of the licence and are of the opinion that it is essential that a system which is capable of presenting all the relevant information in a simple and easily accessible form, from the point of view of Agency assessment for compliance and public access, is established. Therefore, the Technical Committee proposes to extend the timeframe incorporated in Condition 9.22, from six months to twelve months.

The Technical Committee's recommendations are summarised in the following table:

Recommendation

Ground	Condition	Timeframe in PD	Timeframe Requested in Objection	Technical Committee Recommendation
2.	2.2.1	Six Months	Twelve Months	<i>No Change</i>
3.	2.3.1	Nine Months	Twelve Months	<i>No Change</i>
4.	2.4.1	Three Months	Nine Months	<i>No Change</i>
5.	2.5.1	Three Months	Nine Months	<i>No Change</i>
6.	2.6.1	Three Months	Nine Months	<i>No Change</i>
7.	2.7.1	Three Months	Nine Months	<i>No Change</i>
8.	2.8.1	Thirteen Months	Eighteen Months	<i>No Change</i>

11.	4.7.1	Six Months	Twelve Months	No Change
31.	5.3.2	Six Months	Twelve Months	No Change
40.	6.3.4	Three Months	Nine Months	No Change
42.	6.9	Six Months	Twelve Months	No Change
43.	8.4	Six Months	Twelve Months	Twelve Months
45.	9.2	Six Months	Twelve Months	No Change
46.	9.3	Three Months	Six Months	Six Months
50.	9.14	Six Months	Nine Months	No Change
51.	9.16	Two Months	Six Months	No Change
54.	9.22	Six Months	Twelve Months	Twelve Months
55.	10.1	Six Months	Twelve Months	No Change

Ground 9 (Condition 3.10 – Notification and Record Keeping)

LCC request that cars and cars with small trailers carrying domestic waste be excluded from the full written records as detailed in Condition 3.10. It proposes that the registration of cars and cars with small trailers be maintained for each working day and requests this change to facilitate the efficient operation of the site by ensuring minimal delay for vehicles using the landfill facility.

Technical Committee’s evaluation

The Technical Committee consider LCC’s request to be reasonable and propose that cars and cars with small trailers be excluded from the requirement for a full written record as set out in Condition 3.10.

Recommendation

Amend Condition 3.10 as follows:
 Replace the beginning of the condition with **“The licensee shall maintain a written record of the registration plate of all cars and cars with small trailers using the facility. For all other loads of waste arriving at the facility, the licensee shall record the following:**
(a) Date the waste.....”

Ground 10 (Condition 4.3.1 – Site Security)

LCC object to the decision on fencing and state that it should be changed to reflect that the distance between the bottom of the fence and the ground level should be a maximum of 75 mm to reflect the current fencing details at the site.

Technical Committee’s evaluation

The Technical Committee considers this a reasonable argument and proposes that the condition be amended to facilitate retention of current fencing details at the site.

Recommendation

Amend Condition 4.3.1 as follows:

Delete the last sentence of the condition “**The base of the fencing shall be set in the ground**”.

Ground 12 (Condition 4.12.6 – Storage Areas)

LCC suggests that no specific requirement for labelling of tanker contents be included in the licence as labelling of road haulage vehicles is covered by other legislation.

Technical Committee’s evaluation

The Technical Committee notes that Condition 4.12.6 requires that all tanks and containers including tankers used to transport leachate from the facility shall be labelled to clearly indicate their contents and considers that this requirement does not conflict with any additional requirements for labelling of road haulage vehicles required by other legislation and proposes no amendment to the condition.

Recommendation

No Change

Ground 13 (Condition 4.13.1 – Specified Engineering Works)

This objection states that the need to provide 2 months advance notice on the weighbridge installation should be removed as a contract is currently being awarded for the weighbridge facility which will commence in July/August 2000 and hence will pre-date the licence.

Technical Committee’s evaluation

The Technical Committee consider that the possibility that the installation of the weighbridge will pre-date the issuing of a licence does not necessitate the removal of the requirement for information on the installation as construction drawings from the licensee and propose that no change be made to the condition.

Recommendation

No change

Ground 14 (Condition 4.13.2)

This objection states that Condition 4.13.2 should not require that competent person(s) be agreed by the Agency as it is considered that this may lead to a system of patronage and may have potential liability issues for the Agency if non-performance of approved person(s) occurs.

Technical Committee’s evaluation

The Technical Committee considers that this condition is based on the assumption that the competent person(s) for the supervision of specified engineering works will be a person nominated on behalf of the licensee organisation and as such the issue of a system of patronage does not arise as the licensee carries full responsibility for ensuring the satisfactory completion of specified engineering works. By requiring that the competent person(s) be agreed in advance with the Agency, the Agency seeks to ensure that a person with suitable qualifications and experience is

present at all times during the execution of specified engineering works and therefore the Technical Committee recommend no change to the condition.

Recommendation

No Change

Ground 15 (Condition 4.13.3)

This objection states that it is assumed that the word “validation” at the end of the first sentence refers to a validation report.

Technical Committee’s evaluation

The Technical Committee considers LCC’s observation to be correct and recommend the addition of the word “report” to the end of the sentence for reasons of clarity.

Recommendation

Amend Condition 4.13.3 as follows:

“...shall complete a construction quality assurance validation **report**. The validation report shall be made.....”

Ground 16 (Condition 4.14.1 – Landfill Lining)

This objection requests that the lining system is not specified but that the condition require that an agreement be reached with the EPA, the reason being, to ensure consistency with other issued licences.

Technical Committee’s evaluation

Condition 4.14.1 prescribes the type of liner to be installed but includes the option to otherwise agree the type of liner to be installed with the Agency. The Technical Committee considers that this condition includes adequate flexibility and recommends that the condition remain unchanged except for the correction of a typographical error in the first line of the condition.

Recommendation

Amend Condition 5.10 as follows:

Delete the word “**the**” from the existing line “All new cells shall be lined to ~~the~~ a standard...”

Ground 17 (Condition 4.15.5 – Leachate Management)

This objection states that Condition 4.15.5 should be changed to remove the requirement that the tankering of leachate be undertaken by the named contractor in the application, as contractors may change for the tankering of leachate.

Technical Committee’s evaluation

The Technical Committee note that Condition 4.15.5 provides for the agreement of other contractors with the Agency and consider that there is no need to amend the condition.

Recommendation

No Change

Ground 18 (Condition 4.15.6 – Leachate Management)

This objection requests the extension of the time period for submission of Operational Procedures for Leachate Management for agreement with the Agency from three months to nine months for the reasons detailed in Ground 2 above. It also states that the requirement for the inclusion of (1) procedures for the handling of leachate during removal and subsequent transport/discharge to the Ardee Waste Water Treatment Plant and (2) monitoring infrastructure details and procedures for the monitoring of the level of leachate in the pump sumps, the cells and the lagoon should be removed from the condition to allow agreement to be reached with the Agency on Operational procedure for Leachate Treatment.

Technical Committee’s evaluation

The Technical Committee consider that the requirement to submit to the Agency for its agreement, Operational Procedures for Leachate Management should include at a minimum the information outlined in subsections (1) and (2) within condition 4.15.6. However, the Technical Committee recommends that six months rather than three months be allowed for the submission of these procedures.

Recommendation

Amend Condition 4.15.6 as follows:

Delete the word **three** and insert the word **six** in the sentence “Within **three** months of the date of grant this licence....”

Ground 19 (Condition 4.15.7 – Leachate Management)

This objection requests that the condition be amended from 0.75m, to allow the system operate using a 0.5m freeboard as the surface mounted aeration system does not give rise to significant splash height at the edge of the side walls of the treatment lagoon and hence a 0.5m freeboard is adequate for this type of installation to ensure over-topping does not occur.

Technical Committee’s evaluation

The Technical Committee notes that the leachate aeration system is a floating type surface aerator. The Technical Committee considers that there is no operational reason why the system should not be operated such that a minimum freeboard of 0.75m shall be maintained in the leachate lagoon and holding tank at all times. This requirement is included to provide adequate protection of surface waters and groundwater from spillages from the leachate storage facilities during normal operation or in the event of an emergency situation. Therefore, the Technical Committee propose no change to Condition 4.15.7.

Recommendation

No change

Ground 20 (Condition 4.16.1 – Landfill Gas Management)

Condition 4.16.1 states that the timeframe included in the condition for the installation of a system for the active collection and flaring of landfill gas at the facility should be extended from

12 months to 24 months and that the timeframe for the submission of details of the system to be installed for agreement with the Agency should be changed from 6 months to 12 months for the reasons detailed in Ground 2 above and to allow the consultant to adequately assess the feasibility of the alternatives, undergo pumping tests, prepare proposals, write specifications, seek council approval for expenditure, appoint contractors and undertake the construction of the works.

Technical Committee's evaluation

The Technical Committee consider that satisfactory compliance with Condition 4.16.1 will require a considerable amount of work on the part of the licensee and therefore propose that 18 months would be a reasonable timeframe to allow for the installation of the system for the active collection and flaring of landfill gas as required by the condition. It is also considered that six months is an adequate timeframe for submission of details of the system to be installed for agreement with the Agency and proposes no change to the condition in this regard.

Recommendation

Amend Condition 4.16.1 as follows:

Amend first sentence of the condition to read “Within **eighteen** months of the date of grant of this licence....”

Ground 21 (Condition 4.17.2 – Capping and Cover)

This objection states that Condition 4.17.2 should be amended to allow a reduced drainage layer of 300mm rather than the 500mm specified and argues that 300mm is adequate for surface drainage purposes given the water flow anticipated and the gradients provided as part of the closure and restoration proposals and it suggests that this layer be designed to reflect the needs of the site to specifically address rainfall and catchment areas.

Technical Committee's evaluation

The Technical Committee considers that the words “Unless otherwise agreed with the Agency” at the beginning of Condition 4.17.2 allows flexibility for the licensee to make alternative proposals, for agreement with the Agency to those specified in the condition, for the final capping of the facility. The Technical Committee notes that the European Communities Council Directive on the landfill of waste, Council Directive 1999/31/EC, specifies a drainage layer of $\geq 0.5\text{m}$ and the EPA Landfill Manual on Landfill Restoration and Aftercare states that the drainage layer can consist of a blanket layer of granular material of 300 – 500 mm thickness. Therefore, the Technical Committee proposes no change be made to the condition.

Recommendation

No change

Ground 22 (Condition 4.17.3)

This objection states that the time bound stipulation for capping of sites should be removed, the reason given being that the capping of sites should be dependent on suitable reduction in the settlement of the wastes and the condition should require appropriate monitoring of the waste surface until such time as a satisfactory reduction in settlements has been demonstrated.

Technical Committee's evaluation

The Technical Committee considers that the requirement that filled cells and completed areas shall be permanently capped to the required specification within twelve months of filling or completion as stipulated in Condition 4.17.3 is reasonable to allow maximum settlement to occur and that the timeframe set out is realistic for the completion of the work required and proposes no change to the condition.

Recommendation

No Change

Ground 23 (Condition 4.17.4)

This objection requests the removal of the need to store capping material and gives the reason that it is assumed that capping material will be brought into the site as appropriate to meet the capping needs during various stages of the site operation. LCC envisages that this may be undertaken by contractors at which stage it would be a requirement of the contract to source and supply the capping material and they thus propose that the prior storage of capping material is inappropriate.

Technical Committee's evaluation

The Technical Committee considers that capping is one of the most important elements of the proper management of a landfill activity. To that end, it is considered that the storage of an adequate stockpile of capping material is essential to facilitate proper capping of the site and therefore do not propose any change to Condition 4.17.4.

Recommendation

No Change

Ground 24 (Condition 4.18.2 – Surface Water Management)

This objection requests the removal of the requirement that a management plan for the control of surface water run off from the facility during construction, operation, restoration and potential contingency events to include as a minimum (1) a storm water retention pond for the collection and storage of surface water from the facility prior to discharge to the perimeter streams via silt traps or a reed bed system and (2) the installation of an outlet penstock for preventing surface water discharges in the event that monitoring should indicate contamination of the surface water. The reason given is that it is envisaged that the nature of the surface water control will not require a separate penstock control mechanism at the site and therefore this requirement is pre-empting the surface water management system.

Technical Committee's evaluation

The Technical Committee considers that the inclusion of points (1) and (2) in Condition 4.18.2 are necessary as minimum requirements to ensure an effective management plan for the control of surface water run-off from the facility. The Technical Committee do however, propose the replacement of the words “outlet penstock” in point (2) with the word “system” to facilitate the use of any other system available which could satisfactorily achieve the same task.

Recommendation

Amend Condition 4.18.2 as follows:

Insert the words “**a system**” to replace the words “an outlet penstock” in point (2) to read “(2) the installation of **a system** for preventing surface water discharges in the.....”.

Ground 25 (Condition 4.20.2 – Facility Boundary/Perimeter Planting)

This objection states that the requirement for reinforcement of the hedgerow in Condition 4.20.2 should be removed as LCC are currently considering extension of the facility towards the eastern side.

Technical Committee’s evaluation

The Technical Committee notes that there are no details of a plan to extend the site included in the Waste Licence Application. Such a fundamental change would require a new application or an application for a review of the waste licence. Therefore, there is no reason to remove the requirement for reinforcement of the hedgerow and the Technical Committee proposes no change to Condition 4.20.2.

Recommendation

No Change

Ground 26 (Condition 4.20.3 – Facility Boundary/Perimeter Planting)

This objection states that the requirement for a perimeter bund along the western boundary of the site to be constructed, should be removed from Condition 4.20.3 as a bund has already been constructed along the western boundary of the site.

Technical Committee’s evaluation

The Technical Committee notes LCC’s statement that a bund has been constructed along the western boundary of the site, but considers that the Agency has not had opportunity to satisfy itself that it meets the standard intended. The provision of a bund does not necessitate the removal of the requirement from the licence even if the full requirement of Condition 4.20.3 has been satisfied prior to the issue of a Final Decision and the Technical Committee therefore proposes no change to this condition.

Recommendation

No Change

Ground 27 (4.20.4 – Facility Boundary/Perimeter Planting)

This objection requests the extension of the time allowed for proposals for the bund and landscaping required under Condition 4.20.2 and 4.20.3 to be extended from 3 months to six months for the reasons stated in Ground 2 above.

Technical Committee’s evaluation

The Technical Committee considers that the requirement for a bund and landscaping in Condition 4.20.2 and 4.20.3 is adequately defined and dealt with within those conditions and that a separate proposal for work to achieve the requirements of those conditions is unnecessary. However, the Technical Committee is of the opinion that the Agency will require some details of the work. Therefore, the Technical Committee proposes the deletion of Condition 4.20.4 and the inclusion of *Facility Boundary/Perimeter Planting* in Schedule E : Specified Engineering Works.

Recommendation

Delete existing Condition 4.20.4.

Amend the condition number for existing Condition 4.20.5 to read **4.20.4**.

Amend Schedule E : Specified Engineering Works as follows:

Insert the line “**Details of Facility Boundary/Perimeter Planting**”.

Ground 28 (Condition 5.1.2 – Waste Acceptance)

This objection requests that Condition 5.1.2 be amended so that sludge be allowed to be deposited at the site during its full life for the reason that, although a Sludge Management Plan is currently being developed by the Council, it is envisaged that there will continue to be a need for sludge disposal at the Whiteriver site. This may be as part of the Plan or to facilitate disposal for emergencies or other events.

Technical Committee’s evaluation

The Technical Committee considers that the objective of Condition 5.1.2 is to reduce/ eliminate the quantity of biodegradable and recoverable waste being disposed to landfill, as landfill is not an appropriate method for dealing with this type of waste, particularly in light of the European Communities Council Directive on the Landfill of Waste, 1999. Also, the disposal of sludge to landfills is historically one of the most problematic activities associated with these operations and therefore the Technical Committee proposes no change to the condition.

Recommendation

No Change

Ground 29 (Condition 5.1.3 – Waste Acceptance)

Louth Co. Council request the removal of the requirement for the cessation of disposal of green waste, white goods, glass and recyclable metals within three months from Condition 5.1.3., and instead to allow the Council three years in this regard in order to allow the development and implementation of an integrated waste management plan by the Council.

Technical Committee’s evaluation

The Technical Committee notes that the actual timeframe set in the PD is six months and not three months as stated by the applicant. The Technical Committee has referred to the Draft Waste Management Plan for the North East Region, November 1999 and notes that the Plan proposes the provision of a network of ten recycling stations. These recycling stations may cater for the collection of waste streams including recyclable wastes (glass, metal, packaging, etc.), bulky wastes (cookers, fridges, etc.) and green garden waste as well as other recyclable/recoverable

waste streams. It is proposed in the Plan that the provision of this network will commence in 2002 and be completed by 2005. The Technical Committee considers that an extension of the timeframe for cessation of disposal of green waste, white goods, glass and recyclable metals should be granted, having given due consideration to the strategic management timeframes, incorporated in the Plan, the concerns outlined by Louth County Council and the rural setting of the site and the catchment area which it serves. The Technical Committee proposes the extension of the timeframe set within Condition 5.1.3, from six months to eighteen months.

Recommendation

Amend Condition 5.1.3 as follows:
Delete the word **six** and insert the word **eighteen** as follows “...facility after **eighteen** months from the date of grant of this licence.”

Ground 30 (Condition 5.1.4 – Waste Acceptance)

This objection requests the removal of the limitation on the quantities of construction and demolition materials to be used for cover, site construction works etc., in order to allow the Council to utilise the necessary quantities of these materials which may vary depending on the extent of cover, construction works required on the site.

Technical Committee’s evaluation

The Technical Committee considers the availability on-site and throughout the year of an adequate supply of construction and demolition material for use as cover and in site construction works is essential for the proper operation and management of the landfill activity. Therefore, the Technical Committee proposes an increase in the limit to 4,000 tonnes per annum. It should be noted that this brings the annual quantity of waste that may be deposited at the facility up to 24,000 tonnes per year. The threshold for production of an EIS is 25,000 tonnes per annum.

Recommendation

Amend Condition 5.1.4 as follows:
Reword second sentence with the following wording “...The amount of construction and demolition waste accepted shall not exceed **4,000** tonnes per annum, unless otherwise agreed with the Agency.

Amend Schedule H by the insertion of amended Table H1 and Note 3 below:

Table H.1 Waste Categories and Quantities

WASTE TYPE	MAXIMUM TONNES PER ANNUM <small>Note 1</small>
Household	4600
Commercial	8000
Treated	4200

Sewage Sludge ^{Note 2}	
Industrial Non-Hazardous	3200
TOTAL	20,000
Construction and Demolition Material ^{Note 3}	4,000

Note 1 : The maximum annual tonnage of individual waste types (other than sewage sludge) listed in Table H.1 for disposal at the landfill may be altered subject to the agreement of the Agency provided that the total maximum tonnage deposited does not exceed 20,000 tonnes per annum.

Note 2 : The disposal of sewage sludge at the facility must cease after twenty four months from the date of grant of the licence.

Note 3 : Construction and demolition waste shall not be disposed of at the facility but can be accepted for use as daily cover, site construction works and landfill restoration.

Ground 32 (Condition 5.4 – Waste Acceptance Procedures)

This objection requests the removal of the requirement to inspect 1 in 10 loads of waste received. The reason given for the objection is that the condition is unrealistic and unreasonable and would require the Council to operate a continuous inspection process and the associated haulage of materials from the inspection area to the disposal point. LCC claim that the condition would significantly inhibit the facility to be effectively operated in respect of waste reception and handling and would have significant effects on the site’s users. LCC proposes that the condition should require procedures in relation to waste acceptance to be agreed with the Agency. LCC also notes that this requirement has not formed a part of other waste licence conditions issued by the EPA and therefore would request clarification as to why Whiteriver Landfill is considered exceptional in this regard.

Technical Committee’s evaluation

The Technical Committee has noted the applicant’s objection to the requirements of Condition 5.4 and considers that the requirement to inspect 1 in 10 loads is excessive for a landfill activity accepting household, commercial and industrial non-hazardous waste. Therefore, the Technical Committee proposes the deletion of the first two sentences of Condition 5.4.

Recommendation

Amend Condition 5.4 as follows:
Delete the first two sentences “A minimum of 1 in 10..... with the Agency. A record of all inspections shall be maintained”.

Ground 33 (Condition 5.5 – Waste Acceptance Procedures)

This objection requests the removal of the specified limitation of 160,000 tonnes for the lifetime of the site to allow the Council to complete filling at the site to meet the restoration levels. LCC states it is important that adequate restoration levels are achieved to complete the surface water management of the facility in the long term.

Technical Committee's evaluation

The Technical Committee notes that 160,000 tonnes is the figure given in the waste licence application based on 20,000 tonnes per annum. The Technical Committee also notes that the Applicant has carried out a simple analysis of the waste deposited and an estimation of the remaining void space. The Technical Committee considers that the final profile of the facility is adequately regulated by Condition 8.2 which requires that the final profile of the facility shall not exceed the levels shown in Drawing C7/12 "Closure and Restoration Proposal". The Technical Committee therefore proposes to agree to the request.

Recommendation

Amend Condition 5.5 as follows:

Delete the last sentence of the condition "The total quantity of the waste to be accepted at the facility for disposal from January 1998 onwards shall not exceed 160,000 tonnes".

Ground 34 (Condition 5.6 – Waste Acceptance Procedures)

This objection requests the extension of the time period allowed for submission to the Agency of figures for the amount of waste deposited at the facility since January 1998, from three months to six months, so as to provide the Council with adequate time to compile and report the information.

Technical Committee's evaluation

The Technical Committee consider that three months is an adequate period to allow for the compilation and submission of the information required by Condition 5.6 and propose no change to the condition.

Recommendation

No Change

Ground 35 (Condition 5.9 – Waste Acceptance Procedures)

See Ground 1.

Technical Committee's evaluation

See Technical Committee's evaluation of Ground 1.

Recommendation

Amend Condition 5.9 as follows:

As outlined in Technical Committee's recommendation in response to Ground 1.

Ground 36 (Condition 5.10(b))

This objection requests the removal of the limitation of 25m width and 1 in 3 slopes on the working face at the landfill to allow the Council adequate scope to deal with the variable waste reception demands and to allow a steeper tipping face to be maintained.

Technical Committee's evaluation

The Technical Committee notes that the requirements of Condition 5.10(b) shall apply to the landfill, unless the prior agreement of the Agency is given. The Technical Committee considers that the Condition as written allows adequate flexibility for the licensee to request alterations to the restrictions imposed on the working face at the landfill while remaining consistent with the guidance provided in the EPA Landfills Manual – Landfill Operational Practices and the general requirement imposed in all Waste Licences for landfills issued by the EPA to date, and therefore propose no change to Condition 5.10(b).

Recommendation

No Change

Ground 37 (Condition 5.12 – Waste Acceptance Procedures)

This objection requests extension of the time period allowed to comply with the requirement that cover material shall be placed across the whole landfill so that no waste other than cover material or material suitable for specified engineering works is exposed, from three months to twelve months.

Technical Committee's evaluation

The Technical Committee considers compliance with the requirements of Condition 5.12 essential to the proper management of the landfill activity and therefore proposes no change to the condition.

Recommendation

No Change

Ground 38 (Condition 5.13.1 - Sludge)

This objection requests the acceptance of sewage sludge at the site be permitted at all times subject to adequate waste being available at the site to allow the waste to be covered rather than being limited to between the hours of 8:30a.m. and 2:00p.m. Monday to Friday inclusive. The reason given is to facilitate the reception of sewage sludge at the site and permit the Council to accept sludge at any time with the requirement that adequate waste must be available to cover the sludge. Given that the demands for cover can be met there appears to be no logical reason why acceptance of sludge would be limited to 2:00 p.m.

Technical Committee's evaluation

The Technical Committee in addressing this objection notes that the disposal of treated sewage sludge to landfills is historically one of the most problematic activities associated with these operations and considers that a limitation on the periods for acceptance of sewage sludge is necessary to ensure proper management of sewage sludge disposal within the landfill. Therefore the Technical Committee recommends no change to Condition 5.13.1.

Recommendation

No Change

Ground 39 (Condition 5.13.2 – Sludge)

This objection requests clarification as to under what legislation permits for the disposal of sludges at the facility are issued and which authority will issue same.

Technical Committee’s evaluation

The Technical Committee considers that Condition 5.13.2. provides for the authorisation of sludge disposal at the facility by the licensee and propose that the Condition be amended to include the words “issued by the licensee”.

Recommendation

Amend Condition 5.13.2 as follows:

“.....at the facility from producers who hold a disposal permit, issued by the licensee.”

Ground 41 (Condition 6.4 – Litter Control)

This objection requests the definition of the term vicinity and states that it is assumed that waste placed at the entrance or along the site boundary will be collected under this condition.

Technical Committee’s evaluation

The Technical Committee considers the applicant’s assumption to be correct and proposes no change to Condition 6.4.

Recommendation

No Change

Ground 44 (Condition 8.8 – Restoration and Aftercare)

This objection states that Phase 1 of the landfill site has previously been capped with a 1 m thick clay layer and topsoil which has been grass seeded and it is requested that this condition be removed.

Technical Committee’s evaluation

The Technical Committee notes that Condition 8.8 requires that the restoration of Phase 1 of the landfill facility shall be completed within two years of the date of grant of the licence, unless otherwise agreed with the Agency. The Technical Committee considers that the option for proposal of alternatives by the licensee, for agreement with the Agency, incorporated within this Condition provides the licensee with adequate flexibility and proposes no change to the Condition.

Recommendation

No Change

Ground 47 (Condition 9.4 – Environmental Monitoring)

This objection states that BH 6 was provided as a replacement to BH 5.

Technical Committee’s evaluation

The Technical Committee assumes that reasoning behind this objection was to have the requirement in Condition 9.4 to repair or replace BH 5 removed. The Technical Committee notes that Condition 9.4 requires that “within three months of the date of grant of this licence, the licensee shall repair or replace groundwater monitoring boreholes BHC and BH5 (as shown in Drawing No.4606.03/J1/RevB). Any new boreholes shall be installed in close proximity to the existing borehole locations at a location to be agreed with the Agency.” The Technical Committee noted from Drawing No. 4606.03/J1/Rev B that BH 6 is located approximately 160 m from the location of BH 5. The condition requires that “any new boreholes shall be installed in close proximity to the existing boreholes at a location to be agreed with the Agency”. In this regard, a distance of 160m could not be considered proximal in the case of a replacement borehole. It is also noted that failure to provide a suitable replacement for BH 5 would break a ten year monitoring record for that monitoring location and therefore the Technical Committee proposes no change to the Condition.

Recommendation

No Change

Ground 48 (Condition 9.6. – Environmental Monitoring)

This objection requests extension of the timeframe for installation of a system for monitoring leachate levels within the filled waste from nine months to twelve months and extension of the timeframe for submission of details of the proposed system for agreement with the Agency from six months to nine months, for the reason outlined for Ground 2.

Technical Committee’s evaluation

The Technical Committee considers the applicant’s request to be reasonable and propose extension of the timeframes as requested.

Recommendation

Amend Condition 9.6 as follows: Replace “nine” with twelve in the sentence “Within nine months of the date of grant of this licence.....” Replace “six” with nine in the sentence “Details...for its agreement within six months...”.
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Ground 49 (Condition 9.7 – Environmental Monitoring)

This objection requests an extension of the timeframes outlined in Condition 9.7 from nine months to twelve months for installation of the system required and from six months to nine months for submission of details of the system to be installed for agreement with the Agency. The reason for the objection is as outlined for Ground 2. It also requests the removal of the requirement to undertake continuous monitoring of leachate levels in the leachate lagoon and holding tank as in respect of continuous monitoring, the Council currently operates the leachate lagoon on a high level pump cut out probe to maintain at least a 0.5 m freeboard.

Technical Committee’s evaluation

The Technical Committee considers that the requirement to submit details of the system to be installed for agreement with the Agency allows the licensee to submit details of the current “high level pump cut out probe” system, to the Agency, for assessment. The Technical Committee also considers that the timeframes set out in the PD are reasonable and propose no change to the Condition in this regard except for a typing correction.

Recommendation

Amend Condition 9.7 as follows:
Replace continuos with **continuous**.

Ground 52 (Condition 9.18 – Environmental Monitoring)

This objection requests that an ecology assessment be required every five years the reason given being the relative pace of change in the landfill environs and the cost associated with these surveys.

Technical Committee’s evaluation

The Technical Committee notes that the PD requires an assessment of the ecology of adjoining habitats every three years and that the applicant proposed a frequency of once every two years in Attachment J2 of the Waste Licence Application. The Technical Committee considers that due to the facts that the PD relates to an activity that has existed since 1983, includes no proposal for an extension of the facility and that an assessment was provided as part of the application, a frequency of once every five years would be appropriate.

Recommendation

Amend Condition 9.18 as follows:
An assessment of the ecology of the adjoining habitats shall be undertaken **and submitted to the Agency every five years, unless otherwise instructed by the Agency.** The scope, content and details”.

Amend Schedule D, Table D.1 Recurring Reports:
Reporting Frequency: Every **Five** Years
Report Submission Date: One month after the **five** year period being reported on.

Ground 53 (Condition 9.21 – Environmental Monitoring)

This objection requests an extension of the timeframe allowed for submission of an updated appropriately scaled drawing(s) showing all the monitoring locations that are stipulated in the licence, from three months to nine months as new boreholes may be required.

Technical Committee’s evaluation

The Technical Committee considers the applicant’s request for extension of the timeframe and the reason given for the request as being reasonable and proposes that nine months be allowed for submission of the required drawing(s).

Recommendation

Amend Condition 9.21 as follows:

Delete three and insert **nine** in the sentence “Within **three** months of the date of.....”.

Ground 56 (Condition 10.7 – Contingency Arrangements)

This objection states that, in accordance with comments provided in section 4.18.2 (Ground 24), it is considered that a penstock will not be required.

Technical Committee’s evaluation

See Technical Committee’s evaluation of Ground 24. In light of the Technical Committee’s recommendation in that regard, the Technical Committee propose the following amendment to Condition 10.7.

Recommendation

Amend Condition 10.7 as follows:

“In the event that monitoring should indicate contamination of the water in the stormwater retention pond (as required by Condition 4.18), **the system for preventing surface water discharges** shall be closed and the contaminatedsurface water.”

Ground 57 (Condition 11.1 – Agency Charges)

This objection states that the charge of £13,142 appears to be excessive given that the site is proposed to accept 20,000 tonnes of waste per annum. It is LCC’s view that a more appropriate charge would be approximately £5,000, the reason given being that it appears that other licensed facilities, which are accepting up to six times the quantity of waste of Whiteriver, have charges applied in the same order of magnitude.

Technical Committee’s evaluation

The Technical Committee has compared the Proposed Charges calculation to calculations for other licensed landfills and as a result proposes a revised charge of £11,147. A copy of the revised charges calculation proposed by the Technical Committee accompanies this report.

Recommendation

Amend Condition 11.1.1 as follows:

Delete £13,142 and insert **£11,147** in the line “The licensee shall pay to the Agency an annual contribution of **£13,142** or such sum.....”.

Adopt charges calculation as revised by the Technical Committee (see accompanying excel spreadsheet).

Ground 58 (Condition 11.2 – Financial Provision)

This objection states that given that the licensee is a local authority, it is LCC’s view that the requirement to maintain a fund should be removed from the condition because the local

authority is a semi state body and as such will always have necessary funds to carry out appropriate works.

Technical Committee's evaluation

The Technical Committee notes that Condition 11.2.1 requires the establishment and maintenance of a fund, or written guarantee, the type of which and means of its release/recovery shall be agreed with the Agency prior to its establishment. The Technical Committee proposes no change to this condition.

Recommendation

No Change

Ground 59 (Schedule D)

This objection requests that all reference to report submission dates within 10 days should be replaced with 2 months, to allow adequate time to prepare and compile the necessary reports. LCC also request that 10 days be allowed to prepare a report following an incident for the same reason as above. It is requested that reference to capping material quantity be deleted in view of comments in Section 4.17.4 (Ground 23).

Technical Committee's evaluation

The Technical Committee considers the periods set out in Schedule D for submission of reports to be adequate and notes that they are consistent with those set out in Waste Licences issued to date and therefore proposes no change to Schedule D in this regard. Also, see response to Ground 23.

Recommendation

No Change

Ground 60 (Schedule E)

This objection requests that the reference to weighbridge be deleted in view of comments made in section 4.13.1 (Ground 13 referring to Condition 4.13.1).

Technical Committee's evaluation

See response to Ground 13.

Recommendation

No Change

Ground 61 (Schedule F)

This objection refers to Table F 5.2 and states that BH6 has been provided in replacement of BH5 and therefore note 1 in relation to this borehole should be removed

Technical Committee's evaluation

See Technical Committee's response to Ground 47. In light of that response, the Technical Committee proposes no change to Table F 5.2. The Technical Committee proposes to delete footnote, Note 3 from Table F.2.1.

Recommendation

Amend Table F.2.1 as follows:

Delete footnote **Note 3: Biannually for flares** and the reference to it in the column headed, Monitoring Frequency.

Re-number Footnotes appropriately.

Amend reference to Note 4 in column headed, Analysis Method/Technique to read **Note 3.**

Ground 62 (Schedule H)

This objection refers to Table H.1 (Note 2) and states that in view of comments in relation to the disposal of sewage sludge as commented in section 5.13.1 (Ground 38), it is requested that Note 2 be deleted and that sewage sludge be permitted for disposal at the site during its life.

Technical Committee's evaluation

See Technical Committee's responses to Ground 28 (Condition 5.1.2) and Ground 38.

Recommendation

No Change

Objection No.2: Mr. Vincent Clarke, Chairman Monitoring Committee (09/06/2000)

Mr. Clarke briefly outlined the history of the Monitoring Committee's experience of Louth Co. Council's operation of the Whiteriver Landfill Site and states that Louth County Council blatantly ignored the 1982 High Court Ruling of Judge O'Hanlon particularly with regard the council's failure to carry out daily covering. Mr. Clarke stated that the Monitoring Committee had reviewed the Proposed Decision and set out their concerns, which are dealt with below. As well as setting out some specific concerns regarding the content of some of the conditions in the Proposed Decision, Mr. Clarke has also asked a number of questions, made general comments and sought clarification on a number of terms incorporated within some conditions without making a specific objection to the content of the conditions. The Technical Committee noted these comments, questions and requests for clarification but limited itself to consideration of direct objections or concerns regarding the content of conditions within the PD.

Ground A – Condition 1.2

Requests confirmation that the site boundary as set out in Site Plan 4606.03/B3 is the same as that specified in the High Court Ruling.

Technical Committee's evaluation

The Technical Committee notes that the Agency was not a party to the High Court Decision and considers that the PD refers to the existing activity and that the site boundary is limited to that defined in Condition 1.2.

Recommendation

No Change

Ground B – Condition 1.3

Expresses concern that site boundary could be altered under Condition 1.3.

Technical Committee’s evaluation

The Technical Committee considers that Condition 1.3 does not and cannot relate to the site boundary as defined under Condition 1.2.

Recommendation

No Change

Ground C – Condition 1.5

Expresses concern regarding the non-definition of penalties that may be levied with regard to non-compliances with the conditions of the licence as referred to in Condition 1.5.

Technical Committee’s evaluation

The Technical Committee notes that Condition 1.5 provides for the service of notices arising from non-compliance with condition(s) of the licence and that provisions for offences and penalties are set out under Section 10 and Sections 39(1) and 39(9) of the Waste Management Act, 1996. The imposition of penalties for non-compliance with condition(s) of a Waste Licence is a matter for the courts, where the Agency decides to take prosecution proceedings.

Recommendation

No Change

Ground D – Condition 2 – Management of the Activity

Expresses concern that the systems and structures required under Condition 2 and its sub-conditions are not already in place and that the timeframes set out for their implementation are too long.

Technical Committee’s evaluation

See response to Ground 2. The Technical Committee considers that the timeframes recommended in response to Ground 2 of the applicant’s objection take account of the Monitoring Committee’s concerns while allowing time for satisfactory implementation of the structures required.

Recommendation

No Change

Ground E – Condition 2.7 - Communications

Expresses concern about the vagueness within the statement in Condition 2.7.1 that “the communication programme should have regard to the structure and role of the monitoring committee already in place” and states that the monitoring committee represents the views and concerns of the residents in the locality and requires that the Monitoring Committee should have regular meetings with both LCC and the EPA (at least twice a year).

Technical Committee’s evaluation

The Technical Committee considers that the specific reference to the structure and role of the monitoring committee is adequate and propose no change to Condition 2.7.1.

Recommendation

No Change

Ground F

The Monitoring Committee state that they would like to know the full time personnel employed at the site that are required to ensure that the facility is run in accordance with the conditions outlined.

Technical Committee’s evaluation

The Technical Committee notes that Condition 2.6 requires the submission of details of the management structure of the facility for agreement with the Agency to include the names, responsibilities, details of relevant experience, competence and qualifications and contingencies for the absences of the named persons from the facility. The information submitted to the Agency under the requirements of this condition will be placed on public file. The Technical Committee considers the condition to be adequate and that submission of the information required, by the licensee will answer the query of the monitoring committee and proposes no change in this regard. However, the Technical Committee proposes that the designation of the subheadings of Condition 2.6.1 be lettered rather than numbered.

Recommendation

Amend Condition 2.6.1 as follows: Replace the numbers 2.6.2, 2.6.3, 2.6.4 and 2.6.5 with the letters a), b), c) and d) respectively.

Ground G – Condition 3

The Monitoring Committee notes that Condition 3 outlines the procedure for “Notification and Record Keeping”, in particular regarding incidents on site and enquires how and who notifies the Monitoring Committee of any such incidents, what the retention period for documents is and who has access to the documents.

Technical Committee’s evaluation

The Technical Committee notes that Condition 2.7.1 provides for the submission to the Agency for agreement a Communications Programme to ensure that members of the public can obtain information concerning the environmental performance of the facility at all reasonable times. The Technical Committee considers that the Agency expects that the Communications Programme will

include a mechanism for informing local residents of any incident which may impact upon them. It is also noted that Condition 3.7 requires that all documentation and records, required to be made under the licence, shall be retained by the licensee. All documentation and records received from a licensee are placed on public file at the Headquarters of the EPA and therefore all members of the public have access during normal office hours.

Recommendation

No Change

Ground H – Condition 4.3

The Monitoring Committee enquires if the requirement for site security under Condition 4.3 will mean a 24 hour manned security presence on site.

Technical Committee’s evaluation

The Technical Committee notes that Condition 4.3.1 does not include a requirement for a manned security presence on site and considers that the condition aims to ensure a basic level of security at the site. The Technical Committee considers that further site security arrangements are a matter for the licensee and therefore proposes no change to the Condition.

Recommendation

No Change

Ground I – 4.14

The Monitoring Committee refers to landfill lining as prescribed in Condition 4.14 and would like to know the design and size proposed for cells to ensure that all waste is properly covered on a daily basis as specified in the licence.

Technical Committee’s evaluation

The Technical Committee notes that a requirement to submit details of development of phases and future cells including preparatory works and lining are included in Schedule E : Specified Engineering Works which falls subject to the requirements of Condition 4.13. This information will be placed on public file. The Technical Committee also notes that Condition 4.14.1 requires that all new cells shall be lined to a standard which satisfies the requirements of the Landfill Directive (1999/31/EC). The Technical Committee considers this to be adequate and propose no change to Conditions 4.13 or 4.14.

Recommendation

No Change

Ground J – Condition 4.17

The Monitoring Committee refer to the requirement under Condition 4.17 for daily cover of 150 mm which was also enshrined in the High Court ruling and state that this requirement has never been honoured by Louth County Council. They enquire where the daily cover will come from as LCC have stated that the soil excavated on site is unsuitable as daily covering material, who will

monitor that the specified daily cover is being adhered to and what penalties will be imposed in the event that this condition is not adhered to?

Technical Committee's evaluation

The Technical Committee notes that Condition 4.17.1 deals with daily cover and specifies that it shall consist of subsoils and other excavation waste or construction industry wastes such as bricks and crushed broken concrete and should be free draining and preferably of a low clay content. The Technical Committee considers this requirement to be adequate and proposes no change to the condition. The Agency is the relevant authority for enforcing compliance with Waste Licence Conditions. Refer to Technical Committee's response to Ground C regarding penalties.

Recommendation

No Change

Ground K – 4.16.1 Landfill Gas Management

The Monitoring Committee requests further information on the active collection and flaring of landfill gas required by Condition 4.16.1.

Technical Committee's evaluation

The Technical Committee notes that Condition 4.16.1 requires a proposal for a system for the active collection and flaring of landfill gas and the information provided will be placed on public file. The Technical Committee proposes no change to the condition in this regard.

Recommendation

Refer to response to Ground 20

Ground L – Condition 4.17 Capping and Cover

The Monitoring Committee refers to Condition 4.17 regarding capping and cover and enquire who or what determines when a cell is full?

Technical Committee's evaluation

The Technical Committee considers that a cell is full when it has met its restoration level. Restoration and Aftercare is covered by Condition 8 of the PD. The Technical Committee considers Condition 8 and its sub-conditions adequate and proposes no change to the PD in this regard.

Recommendation

No Change

Ground M – Condition 4.19

The Monitoring Committee refers to Condition 4.19 and enquires if the licensee are permitted to remove soils from the site.

Technical Committee's evaluation

The Technical Committee considers that Condition 4.19 relates to the removal and storage of soils within the site and does not permit the removal of soil off-site.

Recommendation

No Change

Ground N - Condition 5.1.1 – Waste Acceptance

The Monitoring Committee requests an explanation of the term “excluding waste oil for recovery” as it appears in Condition 5.1.1 and state that a more detailed list of Hazardous Materials is required.

Technical Committee’s evaluation

The Technical Committee notes that there is no provision for a Civic Amenity Facility included in the PD and considers that the inclusion of the term “excluding waste oil for recovery” is to encourage through the licensee’s adoption of waste acceptance procedures as required by Condition 5.3, the recovery of waste oils and the prevention of their disposal in the landfill. “Hazardous Waste” is explained in the Interpretation in the PD as being defined in Section 4 (2) of the Act (the Act being the Waste Management Act, 1996). The Technical Committee proposes no change to the PD in this regard.

Recommendation

No Change

Ground O – Condition 5.1.2

The Monitoring Committee states that the High Court Ruling does not permit the disposal of sewage.

Technical Committee’s evaluation

The Technical Committee notes that the Agency was not a party to the High Court Ruling. Only treated sewage sludge can be disposed of and disposal of sludge has to cease after twenty four months from the date of grant of the licence (Condition 5.1.2 and 5.2). The Technical Committee recommends no changes in this regard.

Recommendation

No Change

Ground P – Condition 5.1.5 and Condition 5.3.3 - Waste Acceptance

The Monitoring Committee states that the disposal of asbestos waste of any description will be met by strong opposition by the residents in the locality and is not permitted by the High Court Ruling. It also asserts that the asbestos material already dumped in the landfill site needs to be properly covered and segregated from the rest of the refuse.

Technical Committee’s evaluation

The Technical Committee notes that asbestos cement is not classified as hazardous waste in the Hazardous Waste List (Asbestos based construction materials 170105). Landfilling is a recognised method for the management of asbestos cement waste. Asbestos cement was one of the waste types that the council applied for in their application. The disposal of asbestos cement waste is allowed at the facility providing that the Agency is notified prior to disposal (Condition 5.1.5). It is for the applicant to decide whether to accept this type of waste in the future. The asbestos cement already deposited at the facility cannot be excavated or disturbed under Condition 5.16. No asbestos waste shall be within 2.5m of the final surface levels (Condition 8.6). The EPA was not a party to the High Court ruling. Whether the past management and operation of the landfill followed the Aspinwall guidelines is essentially a matter between the monitoring committee, the council and if necessary the High Court. The PD includes conditions to deal with the concerns mentioned and requires the council to operate the landfill without causing environmental pollution. The Technical Committee proposes no change to Condition 5.1.5.

Recommendation

No Change

Ground Q – Condition 5.4

The Monitoring Committee enquires as to the procedure when a non-conforming load is detected and who is responsible.

Technical Committee’s evaluation

The Technical Committee considers that the requirement in Condition 5.4, that any wastes deemed to be in contravention of the licence and/or unsuitable for recovery/disposal at this facility shall be removed for recovery or disposal at an appropriate alternative facility and that such waste shall be stored in the Waste Quarantine Area only, constitutes the basic procedure for dealing with non-conforming loads. Conditions 5.1, 5.2 and 5.3 define and restrict the types of waste to be accepted. Condition 5.3.2 also requires the submission of updated waste acceptance procedures that should address the handling of non-conforming materials/loads. The Technical Committee proposes no change to the PD in this regard.

Recommendation

No Change

Ground R – Condition 5.5 – Waste Acceptance

The Monitoring Committee states that based on 20,000 tonnes/annum from 1998, the Whiteriver Landfill site will have reached its capacity by 2006 and enquires if this is also the Agency’s understanding. It also enquires as to how refuse intake will be monitored prior to the installation of a weighbridge.

Technical Committee’s evaluation

The Technical Committee notes that Condition 5.5 requires that the quantity of wastes to be accepted at the landfill shall not exceed 20,000 tonnes per annum. The Technical Committee considers closure of the landfill to be based on the achievement of restoration levels/final contour levels. Final contour levels and restoration and aftercare are regulated by Condition 8 (*see*

response to Ground 33). The Technical Committee also notes that Condition 5.6 of the licence requires the licensee to submit figures for the amount of waste deposited since January 1998 and considers that it is a matter for the licensee as to how they carry out a realistic estimate of the quantities deposited. Also, refer to Technical Committee's evaluation of Applicant Ground 33.

Recommendation

See Technical Committee's Recommendation for Ground 33.

Ground S – Condition 6.1 & 6.9 – Environmental Nuisances

The Monitoring Committee states that there is huge concern among residents regarding the large numbers of flies and vermin in the locality especially during the summer months and state that they require a more detailed and comprehensive procedure to be put in place for the control of flies and vermin as well as other nuisances mentioned. They also state that they would be keen to see the licensee's proposal for the control of birds.

Technical Committee's evaluation

The Technical Committee notes the requirements of Condition 6 in relation to the control of environmental nuisance and considers that full compliance with these requirements will minimise the environmental nuisances from the activity. Condition 6.9 requires the submission an assessment of the effectiveness of bird control measures at the facility, to include, where required, additional bird control measures including the use of a falcon. This assessment will be placed on the public file, on receipt by the Agency. The Technical Committee proposes no change to Conditions 6.1 and 6.9.

Recommendation

No Change

Ground T – Conditions 7.1 to 7.5

The Monitoring Committee states that they require to be kept updated regarding the ongoing monitoring of both the Gas Emissions and the Water Emissions and suggest that this could possibly be presented graphically showing the deviations from what are deemed acceptable limits.

Technical Committee's evaluation

The Technical Committee notes that Condition 9 of the PD set out requirements for the monitoring of emissions from the activity. Condition 3.6 requires that copies of all environmental monitoring data obtained by the licensee shall be forwarded to the Agency at the frequencies set out in Schedule D : Recording and Reporting to the Agency. All records submitted to the Agency will be placed on public file. Condition 2.7 requires the agreement of a Communications Programme to ensure that all members of the public can obtain information concerning the environmental performance of the facility at all reasonable times. The Technical Committee proposes no change to the PD.

Recommendation

No Change

Ground U – Condition 8 – Restoration and Aftercare

The Monitoring Committee states that it requires in writing the expected closure date of the Whiteriver Landfill Site based on an annual intake of 20,000 tonnes.

Technical Committee’s evaluation

The Technical Committee considers that a closure date for the site is not a matter for the Agency. Refer to Technical Committee’s response to Ground R.

Recommendation

No Change

Ground V – Condition 11 – Charges and Financial Provisions

The Monitoring Committee makes a number of comments and queries in relation to the requirements of Condition 11 on charges and financial provisions:

- *With no disrespect to the Agency, how is the independence of the EPA maintained?*
- *What ongoing role does the EPA play?*
- *Where is the Financial Provision for Closure, Restoration and Aftercare kept and who ensures that this fund is being consistently updated?*
- *Are there any funds available to the Monitoring Committee?*

Technical Committee’s evaluation

The EPA is an independent body established under the EPA Act, 1992. The Technical Committee notes that Condition 11.1 provides for Agency Charges. The Agency is the Authority responsible for the enforcement of the conditions of any Waste Licence issued to the facility and the condition provides for an annual contribution towards the cost of monitoring the activity and enforcing the conditions of the licence. The Technical Committee considers that Condition 11.2 set out requirements with the intent of assuring the Agency that the licensee will be at all times financially capable of implementing the restoration and aftercare plan required by Condition 8.1. The nature of this fund or guarantee is for agreement with the Agency under the requirements of the condition. The details will be available for public inspection. The Technical Committee notes that Condition 11 does not provide for the funding of any third parties such as the Monitoring Committee. The matter of funding the Monitoring Committee is not a matter for the Agency as the licensing authority. The Technical Committee proposes no change to Condition 11.

Recommendation

No Change

Submission on Objection by Louth County Council from Mr. Vincent Clarke, Chairman Monitoring Committee (received 25/07/00)

Mr. Vincent Clarke for and on behalf of the Monitoring Committee makes three arguments with regard the content of the Louth County Council Objection to the Proposed Decision. These arguments are summarised and addressed as follows:

Argument 1 : Request for time extensions for the implementation of the various activities, programmes, training & procedures.

The Monitoring Committee refers to their objection of 6th June 2000, received by the Agency 9th June 2000 reiterating the feeling expressed in that objection, that the time periods allocated for the implementation of the various activities, programmes, training and procedures were too generous and their amazement that these were not already in place by Louth Co. Council. It states that LCC have spent vast amounts of Public Sector money on Comprehensive and Detailed reports for the proper running and management of the Whiteriver Landfill Site. It claims that LCC have been found to be severely wanting, not only in their ability to follow these recommendations and conditions but also in the investment required for the effective management, monitoring, inspection & infrastructure required for the environmentally friendly running of a landfill site and offers LCC's total disregard for the High Court Ruling as the best example of this. The Monitoring Committee expresses their complete opposition to the granting of any time extension and requires that the time period which has already been allocated be radically reviewed so that the various activities, programmes, training and procedures are already in place prior to the granting of any licence.

Technical Committee's evaluation

See Technical Committee's evaluation and response to Ground 2,3 etc, of the LCC objection and Ground D of the Monitoring Committee objection. The Technical Committee notes in addition, that the Agency has no powers under the Waste Management Act, 1996 to enforce the establishment of such management structures, procedures etc., prior to the issuing of a Waste Licence.

Recommendation

No Change

Argument 2 : Landfill Design, Capacity Limitations & Aftercare

The Monitoring Committee states that the design and construction of the various cells are documented and agreed to in the Aspinwall Report which is an attachment to the High Court Ruling. This High Court Ruling is very specific when defining: site boundary, construction criteria for cells, types of waste that can be disposed of in the landfill (e.g. excludes sludges, hazardous materials), capacity limitation per annum, slopes and gradients for completed cells, restoration and aftercare, and life expectancy of landfill.

The Monitoring Committee states that the High Court Ruling has always been and will continue to be the reference document for the Monitoring Committee and any deviation from the High Court Ruling will result in legal proceedings.

The Monitoring Committee expresses concern that LCC is not disclosing the full facts regarding their plans for the site to the EPA stating that the Louth County Manager was quoted recently in the "Mid Louth", a local newspaper, that Whiteriver would become the only landfill site for Co. Louth. He also stated that the Whiteriver site would have an annual refuse intake of 60,000

tonnes with no limits on the life expectancy of the landfill site. The Monitoring Committee reiterates that they are totally opposed to any extension to the existing landfill facility and insist that the High Court Ruling be adhered to in detail.

Technical Committee’s Evaluation

The Technical Committee notes that the EPA was not a party to the High Court ruling. The Technical Committee considers that the requirements set out in the various conditions of the PD are at a minimum as stringent as those recommended in the Aspinwall report and represent the utilisation of the most recent guidelines, procedures and regulations for the design, management and operation of a landfill site, with particular regard to the European Communities Council Directive on the landfill of waste, Council Directive 1999/31/EC and the Waste Management Act, 1996. The Technical Committee note that the application for a Waste Licence relates to an existing facility and no information regarding a proposed extension of the landfill has been received or is being considered by the Agency. See Technical Committee’s responses to Ground O and P of the Monitoring Committee Objection. The Technical Committee proposes no change to the PD.

Recommendation

No Change

Argument 3 : Financial Provision

The Monitoring Committee insists that Condition 11.2 remains. It states that the fact that the licensee is a local authority does that guarantee that there will be adequate resources available for the proper and full restoration of the landfill site to grazing pasture. It gives the state of the roads in the county for the past two decades as an example of this. It states that provisions should be made now and on an ongoing basis for these restoration costs, which should ideally be held in a special fund by the Agency.

Technical Committee’s Evaluation

The Technical Committee considers that Condition 11.2 adequately deals with requirements for a financial provision for closure, restoration and aftercare of the facility and proposes no change to the condition.

Recommendation

No Change

Signed: _____
Damien Masterson
Technical Committee Chairperson