

MEMO			
TO:	Board of Directors	FROM:	Michael Henry
CC:		DATE:	29 nd August 2003
SUBJECT: Whiteriver Landfill Site, Objection to Proposed Decision – Reg. No. 60-2			

Application Details	
Applicant:	Louth Co. Co.
Location of Activity:	Whiteriver and Gunstown Townland, Dunleer, Co. Louth
Reg. No.:	60-2
Objections received:	27/06/03; 01/07/03
Submissions on objections received:	29/07/03
Proposed Decision issued on:	04/06/03
Inspector:	Mr. Damien Masterson

Consideration of the Objection.

Two objections were received from Louth Co. Co. and Mr. Vincent Clark on behalf of Philipstown District & Residents Association while a submission on the objection from Louth Co. Co. was received from Mr. Vincent Clark on behalf of Philipstown District & Residents Association. The Technical Committee (Michael Henry, Chairperson, Kealan Reynolds, Helen Maher committee members) has considered all of the issues raised and this report details the Committee's comments and recommendations following the examination of the objections/submission on the objection. Specific arguments made in the submission on the objection relating to the grounds set out in the objections were considered and these aspects are discussed where relevant in the technical committee's consideration of each ground for objection.

OBJECTION NO. 1 (LOUTH CO. CO.)

GROUND 1 (Condition 1.6.1.2)

The Co. Co. request that the hours of operation are changed to between 7.00am and 6.00 pm Monday to Thursday inclusive; 7.00 am and 5.00pm on Friday and 8.00 am and 3.00 pm on Saturdays to allow pre-opening activities to take place.

Technical Committee's Evaluation

The technical committee considers that, in order for the licensee to undertake essential duties prior to the acceptance of waste, the opening hours should be extended for a short period (30 minutes) in the mornings. The licensee will still be obliged to comply with other conditions of the licence during this time (e.g. noise limits).

Recommendation

Amend Condition 1.6.1.2 as follows:

The landfill at the facility may only be operated between the hours of **7:30** a.m. and 6:00 p.m. Monday to Thursday inclusive, **7:30** a.m. and 5:00 p.m. on Friday and **8:30** a.m. and 3:00 p.m. on Saturdays.

GROUND 2 (Condition 3.5.2)

The Co. Co. can control its own vehicles and permitted collection vehicles from queuing on the public road but it will not be able to prevent the public from doing so (e.g. outside opening hours). The word 'Traffic' should be replaced with 'Vehicles under Co. Co. control'.

Technical Committee's Evaluation

The technical committee notes Louth Co. Co.'s comments in relation to traffic awaiting access to the facility.

Recommendation

Replace the Word "Traffic" with "Vehicles under Co. Co. Control" in Condition 3.5.2.

GROUND 3 (Condition 3.15.3)

A timeframe of 'within three months of the date of grant of this licence' should be included instead of the date of 30th September 2003 to take into account that the licence may not be issued before the end of September.

Technical Committee's Evaluation

The technical committee understands that the installation of the landfill gas collection and flaring system have not commenced yet but tendering for this work is at an advanced stage. In this regard, the timeframe for completion of this work should be extended to the 31st December 2003.

Recommendation

Amend Condition 3.15.3 as follows:

Infrastructure for the active collection and flaring of landfill gas shall be installed, commissioned and operational at the facility no later than **31st December 2003**. The flare shall be of an enclosed type design. Flare unit efficiency shall be tested once it is installed and once every three years thereafter.

GROUND 4 (Condition 5.1)

This condition (as written) creates uncertainty as to whether landfill activities can take place in the area of overlap between the existing and new cells. The phrase 'No waste shall be disposed of in unlined areas (Phases I, II and Cell I of Phase III) of the facility' should be deleted.

Technical Committee's Evaluation

The specifications for lining works at the facility are detailed in Condition 3.12 and this includes a requirement to incorporate a lining system for the interface

between the new cells and the existing landfill into the overall design. The technical committee notes that Louth Co. Co. did not object to the lining requirements of the PD and it considers that Condition 5.1 should remain unchanged.

Recommendation

No change

GROUND 5 (Condition 5.2)

This condition (as written) would preclude the following from accessing the landfill site: (i) local authority waste collection vehicles (ii) bodies which are exempt from needing a collection permit under Article 22 of the Regulations and (iii) householders delivering waste in their own private cars. This condition should be amended to remove this prohibition.

Technical Committee's Evaluation

The technical committee notes Louth Co. Co.'s comments in relation to the requirement of Condition 5.2 of the PD that all waste accepted at the facility must be from holders of waste collection permits and from licensed/permitted facilities. As written, this condition would prohibit local authority collection vehicles and members of the public from disposing of waste at the facility. Therefore, this condition should be amended to provide for this. It is noted that the licensee is obliged to maintain details of the carrier's waste collection permits where they are required (Condition 10.2).

Recommendation

Amend Condition 5.2 to include the words '(as applicable)' at the end of the first sentence.

GROUND 6 (Condition 5.3.1)

This condition appears to contradict Condition 1.5.3 and also the Landfill Directive in relation to the requirement to pre-treat all waste. It is requested that the words 'details of the pre-treatment of all wastes to be carried out prior to acceptance at the facility and shall also include' should be removed.

Technical Committee's Evaluation

The requirements of the Landfill Directive in relation to the treatment of waste are specified in Condition 1.5.3 (deadline of 16th July 2009). Condition 5.3.1 of the PD requires the licensee to submit waste acceptance procedures to the Agency for its agreement and this includes details on the pre-treatment of all waste prior to its acceptance at the facility. Having regard to the timeframe specified in Condition 1.5.3, the technical committee considers that the reference to treatment of waste should be removed from Condition 5.3.1. The licensee can submit details to the Agency of the treatment to be provided to waste accepted at the facility at a later date.

Recommendation

Delete second sentence of Condition 5.3.1.

GROUND 7 (Condition 5.5.1)

Condition 5.5.1 limits the working face to one area at any one time and does not seem to account for the use of a public tipping area within the cell. Accordingly, this condition should be amended to allow a public tipping area within the active cell.

Technical Committee's Evaluation

Condition 5.5 lists the specifications for the working face at the landfill. To avoid confusion and in order for the licensee to put in place a public tipping area at a different location, Condition 5.5 should be amended to reflect this.

Recommendation

Amend Condition 5.5 as follows: Working face (other than public tipping area)
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GROUND 8 (Condition 5.10)

This condition does not allow a vehicle which has entered the site to be immediately sent away on the grounds that the waste it contains is not appropriate or for any other reason (e.g. non payment of accounts).

Technical Committee's Evaluation

Condition 5.10 of the PD relates to wastes which are collected at the facility and which are sent off-site for disposal/recovery. The issue of waste loads which are rejected or refused entry to the facility is dealt with under Condition 10.2 (i) and, where this happens, Louth Co. Co. will have to record details of the date of occurrence, the types of waste and the facility to which they were removed.

Recommendation

No change

GROUND 9 (Condition 6.6.2)

Ardee WWTP should be included in this condition as there may be times when Drogheda WWTP is not in a position to accept leachate.

Technical Committee's Evaluation

Condition 6.6.2 allows the licensee to use a WWTP other than Drogheda WWTP. Therefore, this condition should remain unchanged.

Recommendation

No change

GROUND 10 (Condition 9.4.2)

This condition appears to preclude the flaring or combustion of landfill gas at the facility and should be amended by including the words 'Other than landfill gas managed in accordance with Condition 3.15'.

Technical Committee's Evaluation

Condition 9.4.2 refers to the prohibition on the burning of waste at the facility and is not meant to refer to the flaring/combustion of landfill gas (covered elsewhere in the PD).

Recommendation

No change

GROUND 11 (Schedule A Table A.1)

This table should be amended to allow flexibility in the individual tonnages to be accepted at the facility but the overall tonnage will not be exceeded.

Technical Committee's Evaluation

The applicant has requested a variation in the tonnages of each waste type specified. However, the technical committee notes that the total tonnage to be accepted at the facility on an annual basis will remain unchanged. The technical committee recommends that Schedule A is amended to provide for an increase in the annual quantities of the individual waste types contingent on the total tonnage remaining the same.

Recommendation

Amend Table A.1 by adding Note 1 as follows:

Waste Type	Maximum (Tonnes Per Annum) ^{Note 1}
Household	31,200
Commercial	20,800
Construction and Demolition	5,000
Industrial Non-Hazardous Sludges	300
Industrial Non-Hazardous Solids	34,700
Waste Imported for restoration purposes	4,000
TOTAL	96,000

Note 1: The categories and quantities (with the exception of sludges) referred to in this table may be amended with the agreement of the Agency provided the total quantity of waste specified is not exceeded.

GROUND 12 (Schedule F Table F.1)

The table should be amended to allow 'concrete blocks' to be accepted at the facility.

Technical Committee's Evaluation

The technical committee notes that Table F.1 provides for the acceptance of concrete for recovery at the facility and therefore Table F.1 should remain unchanged.

Recommendation

No change.

OBJECTION NO. 2 (MR. VINCENT CLARKE ON BEHALF OF PHILIPSTOWN DISTRICT & RESIDENTS ASSOCIATION)

This objection is divided into 3 main areas

- *objection to specific conditions of the PD*
- *concerns of the Philipstown District & Residents Association*
- *proposed amendments to conditions of the PD (hand-written comments on the PD as submitted to the Agency).*

- **OBJECTIONS TO SPECIFIC CONDITIONS**

GROUND 1 (Condition 1.4 and Schedule A)

How is Schedule A monitored and compliance with this condition assured? The condition should be amended to require the Co. Co. to advise the monitoring committee of when they propose to dispose of large quantities of any one material in the landfill.

Technical Committee's Evaluation

The onus is on the licensee to ensure the conditions of the waste licence are complied with and this includes a requirement to comply with the waste types and tonnages specified in Schedule A. The Agency is the responsible authority for the enforcement of waste licences and it will be undertaking site inspections/audits, examining waste records/reports and carrying out environmental monitoring in order to establish the level of compliance with the waste licence. Where they occur, the Agency will bring any non-compliances to the attention of Louth Co. Co. and it will be required to act on/rectify such breaches.

The Technical Committee considers that the amendment of the proposed condition would not be appropriate. Any agreements between the licensee and third parties (e.g. residents monitoring committee) is a matter for the parties concerned. The Communications Programme required by Condition 2.4 should provide a means for members of the public to obtain relevant information about the facility.

Recommendation

No change.

GROUND 2 (Condition 1.5.1)

All tyres should be recycled to ensure there is no ambiguity regarding what waste is acceptable and what is not.

Technical Committee's Evaluation

Condition 1.5.1 reflects the requirements of the Landfill Directive in relation to the disposal of tyres at this facility. From 16th July 2003, no whole used tyres (other than bicycle tyres and tyres with an outside diameter greater than 1400mm) can be disposed of at the facility while shredded used tyres cannot be disposed of after 16th July 2006.

Recommendation

No change.

GROUND 3 (Condition 2.2)

The residents request that an independent representative be put in place with the management to ensure full compliance with the licence and adequate responses are made to non-conformances. They list 5 examples to highlight this and show why the management at the facility is not working (i) No LFG flare (ii) excessive noise levels (iii) breaches of WL60-1 in relation to cessation of sludge disposal (iv) queuing of waste vehicles on the public roads (v) positioning of active working face directly in front of local residents house.

Technical Committee's Evaluation

The technical committee does not consider it necessary for an independent representative/body to be set up to monitor compliance with the waste licence, as this is one of the functions of the Agency. As pointed out earlier the responsibility for compliance with the licence rests with the licensee. The issues referred to above have been brought to the attention of the licensee (e.g. LFG flare, sludge disposal) as being of concern to the Agency. The Agency will continue to pursue any issues relating to the waste licence with the licensee and if, in the event of continued non-conformance, the Agency may take further enforcement action. The implementation of good operational and management practices at the facility should minimise the visual impact/nuisances, which the facility has on the local environment. See response to ground 1 above.

Recommendation

No change

GROUND 4 (Condition 3.16)

An independent third party should be put in place to monitor water samples. This will help alleviate the concerns of the local community that the landfill is the source of all pollution and will ensure the source is identified and appropriate actions taken.

Technical Committee's Evaluation

See response to earlier grounds above.

Recommendation

No change.

GROUND 5 (Condition 3.19.1)

The monitoring of landfill gas should be extended to the three closest residences and this would establish whether there is a risk of landfill gas getting into local dwellings.

Technical Committee's Evaluation

The licensee is required to install a number of perimeter landfill gas monitoring wells and in the event that elevated levels of landfill gas are

recorded in the wells, then appropriate action will be taken and if necessary the scope of the monitoring can possibly be extended to include local residences.

Recommendation

No change

GROUND 6 (Condition 4.1)

The restoration and aftercare plan should include the provisions of recreational and ecological restoration which is agreed between Louth Co. Co. and the residents. The existing landfill should be handed back as an amenity to the local community and this should be no later than 12 months after full restoration has been completed.

Technical Committee's Evaluation

Under the terms of the PD, the licensee will have to agree the Restoration and Aftercare plan with the Agency. Such information will be made available to members of the public by the Agency and also by the licensee through the Communications Programme. Any comments which the local residents have in relation to the restoration of the facility should be taken into account by the licensee when drafting the plan for the facility.

Recommendation

No change

GROUND 7 (Condition 4.6)

This condition should be amended to ensure that all soil is stored in berms around the perimeter of the facility in order to minimise visual, noise and odour impacts.

Technical Committee's Evaluation

It may not be possible or feasible for the licensee to ensure that all soil is stored in berms around the perimeter of the facility. The visual impact which the facility has on the surrounding environment should be minimised through the implementation of a landscaping plan for the facility as required by Condition 5.7 of the licence.

Recommendation

No change

- CONCERNS OF PHILIPSTOWN DISTRICT & RESIDENTS ASSOCIATION (PDRA)

HEALTH

Reference is made to the long term health implications of people living close to landfill sites and these concerns were raised in the Health Research Board document entitled 'Health and Environmental Effects of Landfilling and Incineration of Waste'. This facility was badly managed in the past (e.g. no

lining, hazardous materials landfilled). The residents request that a yearly health check is included as a condition and this should be carried out by an independent third party expert. Also a research programme should be set up to monitor medical results and establish trends for various illnesses. A number of other points are noted:

- *Liner design, testing and leak detection. No extension should take place until liner design and leak detection are examined by an independent expert to ensure BAT is being applied.*
- *How will hazardous chemicals be prevented from being disposed of at facility?*
- *A review of leachate discharges should take place as there has been contamination of local water courses recently.*
- *A baseline assessment of each landowner/property owner should take place*

Technical Committee's Evaluation

The technical committee recognises that there are public concerns regarding the health impacts associated with waste management facilities. It also notes that one of the conclusion of the Health Research Board's report referred to above was that '*although a great number of studies have been carried out, evidence of a casual relationship between specific health outcomes and landfill exposures is still inconclusive*'. The conditions of the PD have been drafted with a view to ensuring that emissions from the facility do not cause environmental pollution and that includes public health. The technical committee considers that it is not appropriate for conditions to be included in the waste licence relating to the requirement for health checks/examinations. Condition 3.12 of the PD sets out the lining specifications. The type of lining systems must have regard to Agency guidelines and must be agreed in advance with the Agency. Leak detection surveys will also have to be carried out and submitted to the Agency for its agreement. The facility can only accept non-hazardous waste and Louth Co. Co. will be required to put in place waste acceptance procedures to ensure that no hazardous wastes are disposed of in the landfill. Louth Co. Co. will be required to ensure that no significant impact occurs on the surrounding environment (including local water courses) as a result of activities at the facility and a leachate management plan will have to be put in place for the facility.

Recommendation

No change.

WATER SAMPLING

The PDRA request that all private wells within 1km of the facility be monitored annually and that all private wells within 2km of the facility be monitored every 2 years.

Technical Committee's Evaluation

The Technical Committee considers that the monitoring of wells within 250m of the facility is sufficient. If in the event of any contamination being found, then the groundwater well monitoring regime may be extended further from the facility.

Recommendation

No change.

CHANNELS OF COMMUNICATION (MONITORING COMMITTEE)

Poor channels of communication exist between the licensee and the residents and a formal structure should be put in place consisting of Louth Co. Co., EPA, residents and local councillors?. This group should discuss ongoing issues relating to the landfill and the proposed forum should be included as a condition of waste licence 60-2.

Technical Committee's Evaluation

As stated earlier, Condition 2.4 of the PD requires a Communications Programme to be put in place to inform members of the public of the environmental performance of the facility. The technical committee considers that it would not be appropriate for the conditions of the PD to be amended to include the establishment of a 'Monitoring Committee' or other forum. However, it is possible that such a forum/committee could be established between the local residents and Louth Co. Co.

Recommendation

No change.

INFRASTRUCTURE

The scope of the EPA's conditions should extend beyond the facility if a serious safety hazard exists (e.g. Whiteriver Cross on the N169). For example, the elevated traffic levels on this road make a right turn at this junction very dangerous and this junction must be included as a condition.

Technical Committee's Evaluation

The issue of roads and road safety outside the facility boundary is primarily a matter for the roads authorities (Louth Co. Co., NRA). The residents should continue to make their concerns known to the relevant parties through other forums/mechanisms.

Recommendation

No change.

NUISANCE

This site has improved greatly since the EPA became involved. However, concern still exists in relation to the strong odours from the facility and this should be fully investigated and solved. The residents suggest that it may be necessary for inspectors to come and live around the facility for a period of up to two months. The landfill extension should not go ahead until this report has been drawn up.

Also it is noted that there appears to be considerable repetition in the last number of audits carried out by the EPA and a more frequent audit programme needs to be developed. An independent person should be appointed to ensure the facility is operated to the waste licence on a daily basis. This will show there is a serious attempt to operate and manage the

facility properly and ensure the effects on the local environment/people will be minimal.

Technical Committee's Evaluation

Potential nuisances (including odour) from the facility are controlled by Condition 7 of the PD and Louth Co. Co. will be required to operate and manage the facility to ensure significant nuisances do not arise. The PD requires an independent odour assessment to be carried out (within 6 months of date of grant of licence) and Louth Co. Co. will be required to implement any recommendations arising from this report. The technical committee does not consider it necessary at this time that Agency inspectors live near the facility for an extended period of time. As part of its enforcement duties, the Agency will continue to carry out site inspections (some of which will be unannounced), environmental monitoring and audits at this facility and the Agency will take appropriate enforcement action based on the findings of its investigations. The issues raised here are also addressed elsewhere in this report.

Recommendation

No change.

SUMMARY/CONCLUSIONS

The current facility has seen land devaluation, lack of development in region and increased concerns over health, safety and nuisance issues. The residents feel their concerns have largely been ignored and their concerns must be adequately addressed and fully implemented in the future. The creation of the 'Monitoring Committee' will be seen as a vital link for all to address their concerns. Also, the residents concerns should be addressed at an Oral Hearing.

Technical Committee's Evaluation

The issue of property devaluation and lack of development in the region are not matters which apply to the Agency's assessment of the waste licence review application. On reaching a decision on the application, the Agency has had regard to the concerns raised in the submissions. The issue of nuisances and the monitoring committee have been discussed earlier. The technical committee notes that a valid request for an oral hearing was not received from the residents (As the request was not accompanied by the appropriate fee).

Recommendation

No change.

- PROPOSED AMENDMENTS TO CONDITIONS OF THE PD (HAND WRITTEN COMMENTS ON THE PD AND ACCOMPANYING CORRESPONDENCE)

GROUND 1

The Philipstown District & Residents Association (PDRA) propose that following condition be

added to the PD as this was previously agreed between the applicant and the “monitoring committee”:

“The EPA and the Residents Committee must be notified in advance and seek permission to dump/deposit or store large volumes of any one material”

Technical Committee’s Evaluation

The Technical Committee considers that the inclusion of the proposed condition would not be appropriate. See also response to Ground 1 of Objection 2 above (Objections to specific conditions).

Recommendation

No change.

GROUND 2

The PDRA recommend that the local residents and monitoring committee should be permitted to pay a reduced fee for making an objection to the Agency as per Art 44(3) of the Waste Management (Licensing) Regulations, 2000.

Technical Committee’s Evaluation

It is beyond the remit of this Technical Committee to change the requirements of the Waste Management (Licensing) Regulations, 2000.

Recommendation

No Change

GROUND 3

The PDRA seeks clarification as to where is the electricity generating plant referred to in the introduction of the PD.

Technical Committee’s Evaluation

Condition 11.3 h) of the PD requires the applicant to submit a report assessing the feasibility of utilising landfill gas generated at the facility for the production of electricity. No such utilisation plant will be located at the facility until such time as the proposals are submitted and agreed with the Agency.

Recommendation

No Change.

GROUND 4

The PDRA have expressed concerns in relation to the ownership/responsibility and the lifespan of the facility. Concern was expressed as to whether Louth Co. Co. would always remain responsible for the facility and who would take responsibility in the case of the facility being privatised and whether the waste licence would be valid in such circumstances. In addition the proposed lifespan for the facility is 17 years and locals have fears that this may again be extended in the future.

Technical Committee’s Evaluation

The applicant indicated in the waste licence review application that there would be approximately 17 years void space available at maximum filling rates. Louth Co. Co. are the licensee in this case and the Waste Management Act 1996 sets out procedures for the surrender or the transfer of a waste licence. In both situations, the agreement of the Agency is required. In the case where it is proposed to extend the facility under the existing legislation, a

review of the existing licence would be required.

Recommendation

No Change

GROUND 5

The PDRA consider that, in granting the waste licence, the residents concerns were not adequately addressed.

Technical Committee's Evaluation

In reaching a decision on the application, the Agency had regard to the application and supporting documentation and all submissions received from other parties were taken into account.

Recommendation

No change.

GROUND 6

The PDRA request that additional terms be provided in the "Interpretation" section of the PD. Such proposals included the terms "Monitoring Committee" and "Harmonisation" and that the interpretation of "EPA Working Day" should be amended to include weekend surveillance. The monitoring committee should be viewed as a mechanism to improve the level of communication between all interested parties and also as a forum for the raising of any concerns, suggestions and issues arising. The reports, non-conformances, emissions and environmental concerns should be discussed at this forum and the monitoring committee should be included as a condition. It is requested that the "Monitoring Committee" be included in all correspondence and communications throughout the PD (e.g. reports should be sent to monitoring committee for comment etc.).

Technical Committee's Evaluation

The issue of the "Monitoring Committee" has already been addressed earlier in this report. The Technical Committee does not consider the term "Harmonisation" as a suitable or relevant term to be included in waste licence while the definition of the 'EPA Working Day' reflects the standard working hours for the Agency.

Recommendation

No change.

GROUND 7 (Condition 1.5)

The PDRA commented on and objected to, the waste acceptance criteria set out in relation to the acceptance of tyres at the facility and that all waste accepted at the facility is subject to treatment by July 2009. The objector queries whether Condition 1.5.3 includes landfill gas and asks what health hazards currently exist.

Technical Committee's Evaluation

As stated earlier, Condition 1.5 of the PD reflect the requirements of the Landfill Directive in relation to the waste types accepted and also the requirement to pre-treat waste which is accepted at the facility. Condition 1.5.3 does not include landfill gas but the requirement for landfill gas management is specified elsewhere in the PD. The issue of health is dealt with earlier in this report.

Recommendation

No Change

GROUND 8 (Condition 1.7.3)

The PDRA seek clarification as to how compliance is assured and what checks will be carried out in relation to any notices that may be issued to the applicant.

Technical Committee's Evaluation

See response to Ground 1 of Objection 2 above (Objections to specific conditions).

Recommendation

No change.

GROUND 9 (Condition 3.3)

The PDRA state that the requirement to provide a facility notice board was also required in waste licence 60-1 however it was not complied with.

Technical Committee's Evaluation

Condition 3.3 requires the licensee to provide and maintain a notice board at the facility and the licensee will be required to comply with this. It is noted that this was also a requirement of waste licence 60-1 and the technical committee confirmed that it has been complied with.

Recommendation

No change.

GROUND 10 (Condition 3.5)

The PDRA are concerned regarding the enforcement of Condition 3.5.2 which requires traffic awaiting access to the landfill to queue inside the facility boundary only. The PDRA question how this will be enforced and what parking facilities will be provided.

Technical Committee's Evaluation

This issue has been addressed earlier in this report (See Ground 2 of Objection 1 above)

Recommendation

No change.

GROUND 11 (Condition 3.7)

The PDRA enquire as to how long any wastes stored in the waste inspection and quarantine areas and whether both of these areas will be covered or not.

Technical Committee's Evaluation

Condition 5.4 of the PD does not permit the storage of waste in the waste quarantine area for longer than 3 months. The technical committee considers that 3 months is excessive and that a timeframe of one month would be more appropriate. The waste inspection and quarantine areas should be constructed and maintained in a manner suitable for the quarantine of waste and such areas are normally not covered.

Recommendation

Amend Condition 5.4 to read:

All wastes shall be checked at the working face. Any wastes not suitable for acceptance shall be removed for recovery or disposal at an appropriate alternative facility. Such waste shall be stored in the Waste Quarantine Area only. No waste shall be stored in the Waste Quarantine Area for more than **one** month.

GROUND 12 (Condition 3.11.5)

The PDRA consider that the assessment of the integrity of any bunds at the facility every three years is not appropriate and that any such structures should be assessed on an annual basis.

Technical Committee's Evaluation

The licensee will be required to test the integrity of bund structures within six months of the date of grant of the licence and every three years thereafter. The Technical Committee considers that this testing regime is adequate and in the case where it may appear that a bund has been damaged or its integrity may be compromised, the licensee will be required to repair or replace the bunds and retest.

Recommendation

No change.

GROUND 13 (Condition 3.12 & 3.13)

The PDRA seek clarification as to what is the minimum distance that a cell should be located to a dwelling house and it is asked whether the Crawley residence is located within this minimum distance.

Technical Committee's Evaluation

It is the understanding of the TC that the Crawley residence is nearest the landfilling area which is governed by the existing licence. The landfill extension area, which is the subject of this review will be approximately 250 m away. The Best available technology note for landfills produced by the EPA in 2003 states that: "guidance on site selection is given in the landfill Directive and the EPA landfill manuals on site selection, which suggest a minimum distance of 250m between the area to be landfilled and sensitive occupied dwellings. However, as the environmental setting of each potential landfill is likely to have its own individual characteristics, the need for a buffer zone and the extent of the zone must be considered on a site specific basis giving regard to available guidance on relevant site issues and risks"

The Technical Committee note that Condition 3.13 of the PD requires that a buffer zone be provided around the landfill within the facility boundary.

Recommendation

No change.

GROUND 14 (Condition 3.15)

The PDRA seek clarification as to what is meant by "Infrastructure for the active collection and flaring of landfill gas shall be installed, commissioned

and operational at the facility no later than 30th September 2003. The flare shall be of an enclosed type design". In addition it is proposed that the testing of the gas flare every three years is insufficient and it should be tested on an annual basis.

Technical Committee's Evaluation

The infrastructure referred to in Condition 3.15 may include gas extraction wells and a gas collection networks for the transfer of the landfill gas to a flare which will burn off the landfill gas. The Technical Committee considers that the testing of the gas flare every three years is sufficient.

Recommendation

No change.

GROUND 15 (Condition 3.16)

The quality of the surface water coming form the facility is of serious concern to the local residents. The PDRA propose that any surface water samples taken for analysis should be taken in the presence of an independent expert who would report directly to the proposed "Monitoring Committee"

Technical Committee's Evaluation

Louth Co. Co. will be required to operate and manage this facility in accordance with the conditions of the PD (as amended by this report) to ensure that it does not have a significant impact on the environment. The PD contains a number of conditions related to the management of surface water at the facility and the licensee will be required to comply with these. The issue of the independent expert/monitoring committee has been dealt with earlier in this report.

Recommendation

No change.

GROUND 16 (Condition 3)

The PDRA request that safe road access should be provided leading to and from the landfill.

Technical Committee's Evaluation

This issue has been addressed earlier in this report.

Recommendation

No change.

GROUND 17 (Condition 4.2 & 11.4.2.1)

The PDRA request that the final profile/height of the facility should also be in compliance with the conditions set out in the high court ruling. Proposals for achieving the final profile should be copied to the 'Monitoring Committee' and should comply with the High Court ruling.

Technical Committee's Evaluation

The technical committee notes that the Agency is not a party to the High Court ruling and this order can only be enforced against the parties concerned. The licensee will be required to make information relating to the licence available to the public through the Communications Programme.

Recommendation

No change.

GROUND 18 (Condition 4.6)

The PDRA request that all soils stored at the facility should not be stored in one large mound but the soils should be used to from boundaries around the active cells and the landfill.

Technical Committee's Evaluation

This issue has been addressed earlier in this report.

Recommendation

No change.

GROUND 19 (Condition 5.2)

Condition 5.2 requires that waste only be accepted from holders of waste collection permits. The PDRA request that the list of the waste collection permit holders using the facility be displayed on the facility notice board.

Technical Committee's Evaluation

The Technical Committee consider that it would not be practical to require the licensee to list the waste carriers on the public notice board outside the facility. All of the information regarding the waste carriers should be available on the public files at the facility.

Recommendation

No change.

GROUND 20 (Condition 5.4)

The PDRA seek clarification as to whether the licensed carriers would be penalised for any non-conformances.

Technical Committee's Evaluation

Any wastes deemed unsuitable for acceptance at the facility must be removed for disposal/recovery at an appropriate facility. The licensee should take whatever actions it deems appropriate for unacceptable waste delivered to the facility.

Recommendation

No Change

GROUND 21 (Condition 5.7)

Condition 5.7 requires the applicant to submit detailed landscaping plans to the Agency including proposals that were provided in the waste licence application. The PDRA seek clarification whether tenders have been sought for the completion of this work.

Technical Committee's Evaluation

The seeking of tenders for any works proposed for the facility is a matter for the licensee.

Recommendation

No Change

GROUND 22 (Condition 5.9)

The PDRA seek clarification on what types of sludges are covered under the term "Non-Hazardous Sludges" as used in Condition 5.9.1.

Technical Committee's Evaluation

The waste licence provides for the acceptance of non-hazardous industrial sludges only and the facility cannot accept sewage sludge. Any industrial sludges will have to be characterised in order to prove their suitability for disposal at the facility.

Recommendation

No Change

GROUND 23 (Condition 6.1, 6.2 & 7.6)

The PDRA seek clarification as to how odours will be monitored and will be controlled at the facility.

Technical Committee's Evaluation

Louth Co. Co. will be required to operate and manage the facility to ensure that no significant nuisances arise and this includes odours. The placement of adequate daily and intermediate cover and the provision of an active landfill gas collection and flaring system are just some of the measures which should help minimise odours. Subjective daily odour assessments are required to be carried out by site personnel as well as a requirement to undertake an independent odour assessment (Condition 8.16). The scope of the assessment will have to be agreed with the Agency prior to it being carried out.

Recommendation

No Change

GROUND 24 (Condition 6.3.2)

Clarification is sought as to what is a landfill gas combustion plant.

Technical Committee's Evaluation

A landfill gas combustion plant is a system which uses landfill gas as the primary fuel source for the generation of electrical power/energy.

Recommendation

No Change

GROUND 25 (Condition 7.3.5)

The PDRA seek clarification regarding the covering of waste vehicles delivering waste to and removing waste from the facility. The PDRA ask who is responsible for the policing of this requirement and what action will be taken against habitual offenders.

Technical Committee's Evaluation

Louth Co. Co. will have to ensure that all vehicles delivering waste to the facility are appropriately covered and the Agency may carry out spot checks to verify this. It is the responsibility of the applicant to take action against habitual offenders if required.

Recommendation

No Change

GROUND 26 (Condition 8.4)

The PDRA request that landfill gas monitoring equipment should be installed in local houses.

Technical Committee's Evaluation

The PD sets out a number of landfill gas management requirements to control landfill gas emissions from the facility. The applicant is also required to monitor for the potential off-site migration of gas on an ongoing basis. If it is the case that landfill gas is migrating from the facility, then Louth Co. Co. will have to take further action (including the possibility of extending landfill gas monitoring requirements).

Recommendation

No Change

GROUND 27 (Condition 8.8.1)

The PDRA request that all private wells within 1km of the facility be monitored annually and that all private wells within 2km of the facility be monitored every 2 years.

Technical Committee's Evaluation

This issue has been dealt with earlier in this report.

Recommendation

No change.

GROUND 28 (Condition 8.14 & 8.16)

The PDRA request that all nuisance and odour monitoring carried out at and around the facility is carried out by an independent expert and that all reports be reported back to the "Monitoring Committee"

Technical Committee's Evaluation

This issue has been dealt with earlier in this report.

Recommendation

No change.

GROUND 29 (Condition 8)

The PDRA request that the text at the end of Condition 8 of the PD be amended to read:

“REASON: To ensure compliance with the conditions of this licence by provision of a satisfactory system of monitoring of emissions, and thus ensuring that no one individual, family or community is adversely affected by the landfill”

Technical Committee’s Evaluation

The licensee will be required to operate the facility in such a manner as to ensure it has no significant impact on the local environment. The technical committee considers that the existing wording as specified should not be changed.

Recommendation

No change.

GROUND 30 (Condition 9.4.3)

Have alternative water supplies ever been provided to local families and if so what were the circumstances surrounding this decision?

Technical Committee’s Evaluation

Condition 9.4.3 requires the provision of alternative water supplies to those affected by the facility and where monitoring of local wells indicates the facility is having a significant impact on the water supply.

Recommendation

No Change

GROUND 31 (Condition 11.3)

Bring banks should be provided at the facility.

Technical Committee’s Evaluation

The applicant will be encouraged to increase the recycling and recovery of waste within its jurisdiction. However it may be the case for demographic or other reasons that the site may not be the most appropriate location to have bring banks.

Recommendation

No Change

GROUND 32 (Condition 11)

The PDRA request that the text at the end of Condition 11 of the PD be amended to read:

REASON: To provide for proper reports to and notifications to the Agency and to the local residents through the monitoring committee”

Technical Committee’s Evaluation

The Technical Committee considers that the ‘Reason’ for Condition 11 should remain unchanged. The issue of the “Monitoring Committee” has been dealt with earlier in this report.

Recommendation

No change.

GROUND 33 (Condition 12.1 & 12.2)

The PDRA consider that the applicant should provide funds to the “Monitoring Committee” for any expenses incurred (to a max. of €5,000) and that a levy on each tonne of waste should be collected at the facility to fund the Area Development Plan. In addition the PDRA consider that the applicant should provide a public amenity on the landfill site that would benefit the local community (e.g. Pitch & Putt course)

Technical Committee’s Evaluation

The Technical Committee considers that the issue of funds being made available to the local community is a matter for the parties involved. The restoration of the facility is controlled by Condition 4 of the PD and this will have to be submitted to the Agency for its agreement. The licensee should have regard to comments from local residents when drafting the restoration plan.

Recommendation

No change.

GROUND 34 (Condition 12)

The PDRA request that the text at the end of Condition 12 of the PD be amended to read:

“REASON: To provide for adequate financing for monitoring and financial provisions for measures to protect the environment and provision of local amenities after the existing landfill sites after the lifespan of the dump”.

Technical Committee’s Evaluation

The Technical Committee considers that the ‘Reason’ for Condition 11 should remain unchanged.

Recommendation

No change.

GROUND 35 (Schedule A)

The PDRA seek clarification whether the 4,000 tonnes of waste which may be imported for restoration purposes are to be recycled.

Technical Committee’s Evaluation

The 4,000 tonnes of material referred to above will be used at the facility for the restoration purposes (e.g. capping, profiling, etc) and this is considered to be recovery of waste.

Recommendation

No Change

GROUND 36 (Schedule D.5)

The PDRA request that analysis of all private wells shall include analysis of trace elements of boron, cadmium, calcium, chromium (total), copper, iron, lead, magnesium, manganese, nickel, potassium, sodium and zinc.

Technical Committee's Evaluation

The Technical Committee considers that local groundwater wells should be monitored for the parameters specified in Table D.5.1 and this includes metals.

Recommendation

Include Note 9 to Table D.5.1. as follows:

PARAMETER ^{Note 1}	SURFACE WATER ^{Note 2}	GROUNDWATER ^{Note 9}	LEACHATE ^{Note 3}
	Monitoring Frequency	Monitoring Frequency	Monitoring Frequency

Note 9: Including Private Wells agreed under Condition 8.8.1

SUBMISSION ON OBJECTION BY PHILIPSTOWN DISTRICT & RESIDENTS ASSOCIATION (PDRA)

GROUND 1 (Condition 1.6.1.2)

The residents do not have an issue with Louth Co. Co.'s objection once the activities are limited to inspection and monitoring only. The hours for waste acceptance should remain as specified in Condition 1.6.1.2.

GROUND 2 (Condition 3.5.2)

This condition must be enforced by Louth Co. Co. as there is a potential safety hazard to road users if current traffic control is allowed to continue.

GROUND 3 (Condition 3.5.2)

In view of the serious problem with smell and bearing in mind that waste licence 60-1 required an active gas collection and flaring system to be installed by April 2002, the revised waste licence should not be granted until this system is installed and provided.

GROUND 4 (Condition 5.1)

It is considered that the 'dome effect' can be achieved by the use of fill material already on site rather than by using waste material.

GROUND 5 (Condition 5.2)

This condition should reflect the current statutory regulation in relation to waste management and transportation.

GROUND 6 (Condition 5.3.1)

This condition should reflect the current statutory regulation in relation to waste management and best practices stipulated in current and future directives should be implemented.

GROUND 7 (Condition 5.5.1)

There should only be one working face in the active cell. Public tipping should take place at a temporary storage area where the waste can be inspected prior to its disposal in the active cell.

GROUND 8 (Condition 5.10)

This condition should reflect the current statutory regulation in relation to waste management and transportation.

GROUND 9 (Condition 6.6.2)

This condition as worded already allows for Louth Co. Co.'s request.

GROUND 10 (Condition 9.4.2)

Landfill gas is a by-product of the landfill activity rather than a waste which is directly disposed of in the landfill. Louth Co. Co. should focus their efforts in implementing a proper gas management system for the site rather than splitting hairs over the interpretation of words in the licence.

GROUND 11 (Schedule A, Table A.1)

The residents concern is how the total tonnage is regulated and how the total quantity is not exceeded. The tonnage specified (20,000 tpa) in waste licence 60-1 was exceeded on numerous occasions with no accountability for this non-adherence to the waste licence.

GROUND 12 (Schedule F, Table F.1)

This table should reflect the current statutory regulation in relation to acceptable waste for recovery

Technical Committee's Evaluation

It is considered that the proposed decision as amended by the recommendations proposed in this report deal with all of the issues raised.

Recommendation

No change.

Signed: _____
Dara Lynott
Technical Committee Chairperson

Dated: _____
4/09/03