

MEMO			
TO:	Board of Directors	FROM:	Tadhg O'Mahony
CC:		DATE:	11 May 2000
SUBJECT : Donegal County Council – Technical Committee Report on Objection to Proposed Decision - Reg. No. 62-1			

Application Details	
Applicant:	Donegal County Council
Location of Activity:	Churchtown Landfill
Reg. No.:	62-1
Licensed activities under Waste Management Act 1996:	Third Schedule: Classes 1, 4,13.
Application received:	30 September 1998
Article 14 (2)(b)(ii) issued:	23 rd April 1999, 5 th October 1999
Article 14 (2)(b)(ii) received:	17 th June 1999, 20 th October 1999, 26 th October 1999
Article 14 (2)(a) issued:	27 th October 1999
Article 16 issued:	23 rd April 1999
Article 16 received:	17 th June 1999
Proposed Decision issued on:	30 th December 1999
Objection received:	26 th January 2000
Inspector:	Cormac MacGearailt (previously Peter Carey)

Consideration of the Objections

The Technical Committee (Tadhg O'Mahony, Chairperson, Eamonn Merriman and Kealan Reynolds committee members) have considered all of the issues raised and this report details the Committee's recommendations following an examination of the objections on 20 April 2000.

Objections received

One objection to the proposed decision was received from the applicant; Donegal County Council, County House, Lifford, Co.Donegal.

Ground 1

The objector states that the Proposed Decision is contrary to the Councils adopted Waste Plan. They state that Churchtown Landfill is a central component to the Councils current waste plan. The objector states that the 1993 Waste Plan is a transition document which foresaw the reduction in the number of landfills operated by the Council with the transfer of waste disposal activities to a newly engineered landfill at Corravaddy. The objector states a new waste plan is being prepared and as such have not lodged an application for a new facility in order not to prejudice its outcome. The objector refers to their submission of 1st February 1999 and in particular a statement by the Minister which encourages on-going use of existing facilities in the short term to assist the decision making process by enabling longer term

options to be properly assessed. The objector state therefore that the closure of Churchtown Landfill at this time, if implemented, would prejudice the full and proper consultation and implementation process associated with the development of a new waste plan. The objector states that the Churchtown Landfill is not a long term option and that the licence application essentially represented closure proposals at the site.

Technical Committee's evaluation

The Waste Management Act 1996, S40(2)(b)(i) states that in considering an application for a waste facility the Agency shall have regard to any waste management plan as prescribed by Part II of the Waste Management Act 1996. In the case of Donegal County Council no such plan exists, however a waste management plan was implemented in the county in 1993. The 1993 waste management plan proposed to abandon and make good the Churchtown Landfill site once alternative facilities became available at Corravaddy.

A review of the 1993 waste management plan was conducted in 1996 by consultants on behalf of Donegal County Council (Waste Management Strategy Review). This review recognised the limited future use of the Churchtown Landfill and indicated that the site is a source of environmental pollution and that the anticipated closure date for the site was 1997. An overview of the Churchtown Landfill included in the waste management strategy review states that *“There is evidence of contamination of the flood plain of the river, but given the volumes of water in the locality and the proximity of the river, it is impossible to quantify the extent of the water pollution associated with the site”*. The review document also states that a site has been identified at Corravaddy for a new engineered landfill facility, which would replace the existing Churchtown facility.

The 1996 waste management strategy review also recommends that closure plans be prepared for Churchtown and other existing facilities. It stated in this document that *“In closing existing sites therefore, consideration should be given to effecting closure proposals which minimise long term liabilities and monitoring requirement”*.

The Proposed Decision requires the ultimate closure of the facility. In addition, the Proposed Decision allows for the acceptance of inert waste only at the facility and this will minimise the risk of increased environmental pollution from the facility in the future.

Recommendation

No Change

Ground 2

The objector states that it is of relevance to consider what happens to the waste if Churchtown Landfill is not licensed. The objector states that there are no lined facilities available within the county and that the waste cannot be exported to a facility in Northern Ireland for disposal. The objector states that the export of waste long distances would be contrary to the Proximity Principle.

Technical Committee's evaluation

It is the responsibility of the local Authority in accordance with the Waste Management Act to make a waste management plan and to arrange for the provision of facilities for household and similar waste within its functional area. The role of the Agency in this case is to consider the licensing of the Churchtown Landfill and to ensure the facility does not cause environmental pollution.

Recommendation

No Change

Ground 3

The objector states that they do not accept the statement “ the absence of a commitment to upgrade the facility to meet BATNEEC standards”. The objector contends that in the absence of specified published guidance that BATNEEC is a site specific judgement and the proposals as submitted do represent BATNEEC for the landfill at Churchtown.

Technical Committee’s evaluation

The reference to the statement ‘the absence of a commitment to upgrade the facility to meet BATNEEC standards’ is from the Inspectors Report. BATNEEC is site specific, however it is the opinion of the Technical committee after having examined the Inspectors Report and the application that the pollution control methods and techniques which were proposed for Churchtown Landfill are not deemed to be BATNEEC (i.e. the construction of a cell in an area prone to flooding, the tipping of waste into water and the use of a pipe to convey leachate to a land drain are not considered BATNEEC).

Recommendation

No Change

Ground 4

The objector states that no submissions were lodged with the EPA to the operation of the facility. The objector contends that on this basis the ongoing operation, for the limited period, would appear to be acceptable within the locality.

Technical Committee’s evaluation

The application was assessed in accordance with the Regulations and the Proposed Decision was issued in accordance with that assessment.

Recommendation

No change

Ground 5

The objector states that the history of landfilling at the site is relevant to considering leachate management options for the facility and refer to their submissions of 1st February 1999 and 19 October 1999 and the issues raised therein. They state that the site is a dilute and disperse site, located on a flood plain and acknowledge that the site would not be allowed to be located in such a position today. The objector refers to the Inspectors Report where they state that it is accepted that the site currently is not causing pollution to the River Finn the principle receptor and that the quality is still within salmonid water standards. The objector considers that capping of the landfill, including the area that is currently “restored”, will considerably reduce the amount of leachate generated from an historical high of 40,000 m³/year to 4,000 m³/year. The objector states that it appears containment measures are considered necessary for new landfill cells. They refer to their submission of 19 October 1999 and their statement that if leachate levels had not responded as anticipated that they would provide an appropriate leachate treatment facility. The objector states that implicit in this would be either a requirement to line any new cell to allow recovery of the leachate or else that the footprint of the landfill be limited to its extent at that time. The objector states that the Council therefore are, and have been prepared, to provide containment and treatment measures. They therefore request that the Proposed Decision be amended to permit this approach.

Technical Committee's evaluation

The landfill is unlined and there are no measures in place to prevent discharge of leachate to surface water and groundwater resources. Leachate discharges to the adjoining River Finn via land drains and groundwater. The Technical Committee considers that the landfill is contributing to elevated levels of ammonia, which are in excess of the Freshwater Fisheries Directive (78/659/EEC) guideline value for ammonia in the River Finn.

In *Attachment D.3(b) –Type of Liner* of the application it is stated that “no liner system other than the naturally occurring subsoils is provided at Churchtown”. In addition, Donegal County Council, in their letter of 1st February 1999, stated that “an engineered containment system, with a full leachate collection system was not considered appropriate because of the constraints imposed by the sites location in the floodplain of a major river”.

The landfill is located in the floodplain of the River Finn. It is a flashy river in that it responds rapidly to both rainfall and drought periods. The facility is prone to flooding and the council has and continues to landfill into the floodwaters.

Considering the above, the Technical Committee consider that no change should be made to Condition 5.1 which restricts waste intake to inert materials.

The Technical Committee considers that Total Alkalinity monitoring in Surface Waters should be increased from annual to monthly monitoring in Table F.4.4 for one location in the main channel of the River Finn upstream and one location downstream of the landfill site. This will allow for interpretation of monthly analysis results of key metals in line with the EU (Quality of Salmonid) Regulations, 1988 which the Agency is required to have regard to. A note (Note 6) should be added to Table F.4.4 Water and Leachate –Parameters/ Frequency to take this into account.

In addition to the above, it is noted that Condition 4.13.1(b) Surface Water Management requires proposals for surface water monitoring locations for all land drains draining from or adjacent to the River Finn not previously included in Schedule F of the Proposed Decision. The scope of this condition will include monitoring of land drains discharging to the River Finn on both sides of the channel in the immediate vicinity of the landfill. This will enable the impact of the landfill on the River Finn to be assessed on an ongoing basis.

Recommendation

- **No Change to Condition 5.1.**
- **Insert Note 6 as superscript to Total Alkalinity in Table F.4.4.**
- **Insert the following Note 6 at the end of Table F.4.4:**
"Note 6: Two locations one upstream and one downstream of the main channel of the River Finn, subject to the agreement of the Agency to be monitored monthly."
- **Insert “Note” before “5” in superscript associated with Total Alkalinity Monitoring Frequency for Leachate.”**

Ground 6

The objector states that the Inspectors Report refers to a timescale of 5-6 years for landfilling. They state that given the time that has lapsed since the application the life remaining is of the order of 3.5 to 4 years. They state that a condition to that effect be included within the licence if the ongoing disposal of non-hazardous wastes is accepted.

Technical Committee's evaluation

It is the opinion of the Technical Committee that regardless of timescales, that continued deposition of non-hazardous waste (other than inert waste) at the Churchtown Landfill facility would not comply with the requirements of with Section 40(4) of the Waste Management Act 1996.

Recommendation

No Change

Ground 7

The objector states that in conclusion, given the history of the site and the current development of the Councils Waste Plan, the facility should be licensed to allow the disposal of wastes in accordance with the licence application, but with appropriate conditions attached, particularly with regard to monitoring and protecting the River Finn. The objector states that an engineered cell and treatment works can be provided.

Technical Committee's evaluation

In *Attachment D.3(b) –Type of Liner* of the application it is stated that “no liner system other than the naturally occurring subsoils is provided at Churchtown”. In addition, Donegal County Council, in their letter of 1st February 1999, stated that “an engineered containment system, with a full leachate collection system was not considered appropriate because of the constraints imposed by the sites location in the floodplain of a major river”.

The Technical Committee considers that the evaluation provided in response to Ground 5 also applies to ground 7.

Recommendation

No Change

Signed:

Tadhg O' Mahony
Technical Committee Chairperson