

MEMO			
TO:	Board of Directors	FROM:	Michael Henry
CC:		DATE:	28 th November 2000
SUBJECT : Technical Committee Report on Objections to Proposed Decision – Reg. No. 64-1.			

Application Details	
Applicant:	Leitrim County Council
Location of Activity:	Carrick-on Shannon Landfill, Ballynamoney, Carrick-on-Shannon, Co. Leitrim
Reg. No.:	64-1
Licensed Activities under Waste Management Act 1996:	Fourth Schedule: Classes 4, 13
Proposed Decision issued on:	21/09/00
Objections received:	17/10/00;
Submissions on objections received:	22/11/00
Inspector:	Mr. Kealan Reynolds

Consideration of the objections and submissions on objections

The Technical Committee (Michael Henry, Chairperson, Cormac MacGearailt and Caoimhin Nolan 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 on November 27th 2000.

Objections and submissions on objections received

Two objections to the proposed decision were received from: (i) Leitrim County Council and (ii) Mr. Joe McLoughlin, McLoughlin Waste Disposal. A submission on the objection made by Mr. Joe McLoughlin was received from Leitrim Co. Co.

Objection No.1: Leitrim County Council

General

The acute problems which the proposed decision creates in the short term should be highlighted particularly in view of the delays in implementing the provisions of the Connaught waste strategy which was adopted by Leitrim Co. Co. but is outside the sole control of the Council. The Local Authority considers that it is not reasonable for the landfill to cease activity with such immediate effect and is unfair and against the principles of national justice bearing in mind that no practicable alternatives are available. The requirements of the proposed decision are grossly excessive and onerous for a non-operating facility and are in effect equivalent to those imposed on a fully functional landfill site.

Technical Committee's evaluation

The Agency is obliged under Section 40(2)(b)(i) of the Waste Management Act 1996 to have regard to any Waste Management Plan developed under Section 22 of this Act. However, and notwithstanding this, the Agency cannot grant a licence unless it is satisfied that compliance with Section 40(4) of the Act is achieved. Disposal of waste at this facility was prohibited in the proposed decision due to the evidence of environmental pollution of the groundwater and the technical committee consider that the prohibition on disposal of waste at the landfill should remain. The issue of costs has been taken into consideration in assessing the specific grounds listed below.

Recommendation

No change

Specific grounds

Ground 1 (Condition 4.5)

The applicant objects to the requirement for the provision of a working telephone in the site office and site personnel will carry a mobile telephone.

Technical Committee's evaluation

The technical committee recommends that the requirement for a working telephone at the facility should be removed. Condition 4.5 should be amended to ensure that the designated persons are contactable at all times during the operation of the facility and such contact could be provided by mobile phone.

Recommendation

Amend Condition 4.5 as follows:

The licensee shall put in place measures which ensure that the facility manager or a suitably qualified and experienced deputy shall be contactable at all times during the operation of the facility.

Ground 2 (Condition's 4.6)

The requirement for Waste Inspection and Quarantine Areas is strongly opposed by Leitrim Co. Co. Inert waste materials for final capping will be inspected at the required off-loading area and unlicensed materials inadvertently delivered to the site will be temporarily stored in the existing glass bottle storage area (paved and walled enclosure).

Technical Committee's evaluation

The technical committee considers that a waste inspection area is not required at the facility considering that only inert construction and demolition waste will be accepted. The implementation of detailed waste acceptance procedures under Condition 5.4 will ensure that only inert wastes shall be used for restoration of the facility. As stated by Leitrim Co. Co., there is currently a paved and walled enclosure at the facility and this can be used as a waste quarantine area.

Recommendation

Amend Condition 4.6.1 as follows:

The licensee shall provide and maintain a Waste Quarantine Area at the facility.

Amend Condition 4.6.2 as follows

Drainage from this area shall be directed to the leachate collection network.

Ground 3 (Condition 4.7)

The requirement to upgrade lighting is unnecessary as no restoration works will occur during the hours of darkness. Condition 4.7 should be removed.

Technical Committee's evaluation

Condition 4.7 of the proposed decision requires the provision of adequate lighting during the operation of the facility in hours of darkness and does not require upgrading of the lighting arrangements at the site.

Recommendation

No change

Ground 4 (Condition's 4.11.1 & 4.14)

The timescales for completion of the leachate management and surface water diversion works should be extended to 12 months.

Technical Committee's evaluation

The technical committee considers that the timeframe for completion of the works required by Conditions 4.11.1 and 4.14 should be extended from six to nine months to allow them to be completed in a satisfactory manner.

Recommendation

Amend Conditions 4.11.1 as follows:
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Within nine months of the date of grant of this licence, the licensee shall install leachate management controls at the facility. These shall include the isolation of the perimeter drain, which will become the leachate containment facility, from all surface water drains as referred to in the Article 16 information received by the Agency on 07/07/00.
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Amend Conditions 4.14.1 as follows:
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The diversion of surface water streams as outlined in Article 16 information received by the Agency on 7/7/00 shall be completed within nine months of the date of grant of this licence. These works shall include an ongoing management programme for the control of surface water run off from the facility during construction, operation and restoration.

Ground 5 (Condition 4.12 and Schedule E)

The requirement for the implementation of gas collection networks and gas recovery technologies at the site is impractical since gas evolution is considered sporadic, diverse and not sustainable. Given the effective closure of the site, the costs associated with the installation of such a system would be overly excessive and the environmental benefit is considered negligible. The risk of gas migration from the site is negligible and given the methane content of the gas (sic) it will not be possible to maintain a flare. It is proposed to passively vent the gas to atmosphere and this will be finalised with the final capping works.

Technical Committee's evaluation

The technical committee considers that a detailed assessment of gas volumes/quantities generated at the facility and its suitability for flaring is required in order to determine whether it is necessary to require the installation of a landfill gas flare and associated works. This assessment should be submitted to the Agency for its agreement within six months of the date of grant of the licence and based on this, the licensee will either be required to install a flare and gas collection network or passively vent the gas to atmosphere.

Recommendation

Amend Condition 4.12.1 as follows:

Within six months of the date of grant of this licence, the licensee shall submit a report to the Agency on the quantities/levels of landfill gas which are likely to be generated at the facility and its suitability for flaring. Subject to the agreement of this report, the licensee shall either install (i) a landfill gas extraction system, collection network and landfill gas flare or (ii) a network of passive vents.

Amend Condition 4.12.2 as follows:

Subject to Condition 4.12.1, landfill gas shall be collected and flared (using an enclosed flare unit) within 14 months of date of grant of this licence, unless otherwise agreed with the Agency.

Amend Condition 4.12.3 as follows:

Subject to Condition 4.12.1, the Landfill Gas Flare efficiency shall be tested within three months of installation and once every three years thereafter.

Ground 6 (Condition 5.7)

The hours of operation are impractical for realistic implementation of restoration works at the site and should be extended to 8.00 am to 5.00 pm Monday to Friday and 8.00 am to 1.00 pm on Saturdays.

Technical Committee's evaluation

The hours of waste acceptance as specified in Condition 5.7 of the proposed decision reflect the hours of operation which the applicant applied for. Nevertheless, the technical committee considers that, as disposal of waste is prohibited at the facility, the waste acceptance hours should be amended to allow the applicant the flexibility to restore the facility in a satisfactory manner.

Recommendation

Amend Condition 5.7 as follows:

Waste shall only be accepted at the facility between the hours of 8:00am to 5:00pm **Monday to Friday** and 8:00am to 1:00pm on Saturdays with the exclusion of Bank Holidays unless otherwise agreed in advance with the Agency.

Ground 7 (Condition 9.3)

Given the effective closure of the site, the requirement for further groundwater monitoring borehole installations as per Condition 9.3 is excessive. In any case, the period for conducting such works is too short and does not account for climatological conditions and its influence over ground conditions in the vicinity of the site.

Technical Committee's evaluation

The requirement for the installation of one groundwater monitoring borehole upgradient and two monitoring boreholes downgradient of the facility reflects the minimum requirements of the Landfill Directive (1999/31/EC). In addition, the bedrock aquifer beneath the site was identified as being regionally important and having a high vulnerability. Therefore, the requirement of the installation of boreholes required by Condition 9.3 should remain. However, the technical committee considers that the timeframe for their installation should be extended from three to nine months.

Recommendation

Amend Condition 9.3 as follows:

The licensee shall within **nine** months of the date of grant of this licence provide an additional three groundwater monitoring boreholes: one in the groundwater inflow region and two in the outflow region from the site, all of which shall extend into the bedrock aquifer underlying the site.

Ground 8 (Condition 11.1.1)

The annual contribution of £5,917 is excessive given the effective closure of the site.

Technical Committee's evaluation

The annual charge covers such areas as audits, site visits by inspectors, sampling costs and overall assessment of reports and monitoring data as submitted under the terms of the licence. The technical committee considers that there is no basis for any amendment to the level of contribution as set out in the proposed decision. It should be noted that the charges set for years subsequent to the year of grant of licence are reviewed after the first year and lowered where appropriate.

Recommendation

No change

Ground 9 (Schedule D, Table D.1.1)

Owing to landfill operations, the landfill gas monitoring stations GP05 and GP09 are misplaced and not available for monitoring. It is considered that the remaining array of landfill gas monitors is sufficiently adequate to allow for off-site gas detection.

Technical Committee's evaluation

The technical committee note that landfill gas monitoring points GP05 and GP09 are no longer available for monitoring. In view of the number of gas monitoring stations remaining at or in the vicinity of the facility, the technical committee considers that it is not necessary to replace GP05 and GP09. Landfill gas monitoring can instead be undertaken using leachate monitoring points L2 and L3.

Recommendation

Delete 'GP05' and 'GP09' from Table D.1.1 and replace with L2 and L3.

Ground 10 (Schedule D.1, Table D.1.2)

The requirement for monthly monitoring of landfill gas is excessive and should be reduced to bi-annual monitoring.

Technical Committee's evaluation

The technical committee considers that the requirement for monthly landfill gas monitoring should remain until such time as, for example, capping works are completed at the facility. The data generated from such monitoring can also be used in the preparation of the report required by Condition 4.12.1 (Ground 5 above). It is noted that the frequency of monitoring can be reduced in future under Condition 9.7 of the proposed decision.

Recommendation

No change

Ground 11 (Schedule D.2)

Dust monitoring point D.1 is located in the middle of the site area and is impractical for long term measurement. Station D.1 should be removed from the schedule.

Technical Committee's evaluation

The technical committee considers that dust monitoring point D.1 should be removed from Table D.2.1 and dust monitoring at the remaining locations will be sufficient.

Recommendation

Delete 'D1' from Table D.2.1

Ground 12 (Schedule D.4, Table D.4.1)

The applicant requests that monitoring points SW-2, SW-3, SW-4 are removed from the list of monitoring points in Schedule D.4 as they will provide no additional information as to the nature of the leachate. The continued monitoring at L.1 will provide a representative sample of leachate from within the landfill perimeter moat. Likewise, as SW-6 is not representative of the overall surface water drainage network, it should also be removed.

Technical Committee's evaluation

In view of the fact that surface water monitoring points SW-2, SW-3 and SW-4 will be within the leachate perimeter moat and, as monitoring of the leachate is already required at L1, then SW-2, SW-3 and SW-4 should be removed from Table D.4.1. The requirement to monitor the surface water quality at SW-6 should remain as this will provide useful information on the quality of a surface water system adjacent to the landfill.

Recommendation

Delete 'SW-2', 'SW-3' and 'SW-4' from Table D.4.1.

Ground 13 (Schedule D.4, Table D.4.2)

The requirement for monitoring from 3 additional boreholes (GW1, GW2, GW3) should be removed.

Technical Committee's evaluation

See response to Ground 7 above.

Recommendation

No change

Ground 14 (Schedule D.4, Table D.4.4)

Given that the disposal of waste (other than inert waste) will have ceased at the site, it is strongly argued that bi-annual monitoring replace the quarterly monitoring requirement for surface water, groundwater and leachate.

Technical Committee's evaluation

The technical committee considers that, the quarterly surface water, groundwater and leachate monitoring specified in Table D.4.4 should not be amended. The Technical Committee notes that Condition 9.7 allows for future modifications to monitoring requirements, on the written instruction of the Agency.

Recommendation

No change

Ground 15 (Part III 'Activities Refused')

Leitrim Co. Co. request that provision is made within the final licence for the location of Civic Amenity activities or transfer stations at the site. Such activities would incorporate the installation of receptacles for temporary storage of glass, paper, etc. for subsequent off-site recycling.

Technical Committee's evaluation

The technical committee considers that the applicant should not be restricted from developing a civic waste facility at the site and this should be accommodated in the final licence. The restriction in the PD to inert waste only, under Class 13 of the Fourth Schedule, should be amended to include the Civic Waste Facility.

However, if the applicant wishes to provide a waste transfer station at the site, this would be more appropriately dealt with under a review of the final licence.

Recommendation

Amend the restriction under Class 13 of the Fourth Schedule to:

This activity is limited to the storage of inert fill for use as on-site cover and capping material and the provision of a Civic Waste Facility.

Include new Condition 4.15:
Within six months of the date of grant of this licence, the licensee shall submit to the Agency a proposal for the provision of a civic waste facility at the site.

Include new Condition 5.12:
Subject to Condition 4.15, the following conditions shall apply at the Civic Waste facility:

- (i) The type of wastes to be accepted at the Civic Waste Facility shall be agreed in advance with the Agency.**
- (ii) The facility shall not be used as a transfer station for disposal of waste by commercial waste disposal contractors or local authority waste collection vehicles.**
- (iii) All tipping of waste will be into receptacles, or in the case where inspection is required, into a designated inspection area.**
- (iv) All waste accepted at the Civic Waste Facility for disposal off-site shall be removed within 24 hours unless otherwise agreed in writing with the Agency.**
- (v) At the end of the working day the floor of the Civic Waste Facility shall be cleaned of all waste.**

Ground 16

The onerous conditions of the proposed decision will have severe financial implications for Leitrim Co. Co.

Technical Committee's evaluation

See response to various grounds above.

Recommendation

No change

Objection No.2: Mr. Joe McLoughlin, Joe McLoughlin Waste Disposal

Grounds for objection

- *The landfill at Carrick-on Shannon forms a core facility for the objector's operation who has invested a considerable amount of money in his waste collection business and this is now at risk.*
- *The objector has a permit from Leitrim Co. Co. to use the landfill and based on this, he has a contract with his customers to provide a refuse collection service up to 31/12/00.*

- *The closing of old landfills is premature until the regional management plans are in place and until an alternative location is found it is vital that the objector has access to Carrick-on-Shannon landfill.*
- *The objector requests that he is advised of the location of alternative sites to dispose of the county's waste in the event of the closure of this landfill.*

Technical Committee's evaluation

The technical committee note the objector's concerns in relation to the implications of the closure of the landfill facility for disposal of wastes. However, the prohibition on waste disposal was included in the proposed decision because the Agency was not satisfied that such activities would comply with Section 40(4) of the Waste Management Act 1996. In reaching this decision, the Agency has had regard to the draft waste management plan for the Connaught region.

Recommendation

No change

Submission on objection by Mr. Joe McLoughlin from Leitrim County Council

The closure of the landfill will cause acute problems to the waste collection and disposal arrangements for Co. Leitrim. Without any existing alternative in place, the closure will impact not only on Leitrim Co. Co. but also on the private waste collection business operated by Mr. McLoughlin and the waste generating entities (public, local industry and commercial operations) within the county.

Technical Committee's evaluation

These issues have been dealt with above where appropriate but the direct effects of the decision on a waste business is outside the criteria which the Agency can consider in reaching a decision on this application.

Recommendation

No change

Signed:

 Michael Henry
 Technical Committee Chairperson