

MEMO			
TO:	Board of Directors	FROM:	Michael Henry
CC:		DATE:	25 th September 2001
SUBJECT: Technical Committee Report on Objections to Proposed Decision Reg. No. 67-1.			

Application Details	
Applicant:	Mayo County Council
Location of Activity:	Rathroeen Landfill, Rathroeen, Ballina, Co. Mayo
Reg. No.:	67-1
Licensed Activities under Waste Management Act 1996:	Third Schedule: Classes 1, 5, 13 Fourth Schedule: Classes 3, 4, 13
Proposed Decision issued on:	16/05/01
Objections received:	08/06/01; 11/06/01
Submissions on objections received:	02/08/01
Article 34 Notice issued (regarding changes required by the Landfill Directive)	28/8/01
Submission on Article 34 Notice	10/09/01
Inspector:	Mr. Kealan Reynolds

Objections and submissions on objections received

Two objections to the proposed decision were received from:

1. Mayo County Council
2. Ms. Margaret Keavney on behalf of Killala Road/Clooneal residents Committee.

One submissions on the objections were received from

1. Mayo County Council

One submission was received from Mayo County Council on the notification by the Agency to incorporate the requirements of the landfill directive into the Final Decision for this facility.

One request for an oral hearing was received from Ms. Margaret Keavney on behalf of Killala Road/Clooneal residents Committee. The Board of the Agency has already decided not to hold an oral hearing.

Consideration of the objections and submissions on objections

The technical committee (Michael Henry, Chairperson, Caoimhin Nolan and Cormac MacGearailt 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.

Objection No. 1: Mayo County Council

General grounds

The technical committee note that Mayo County Council broadly welcome the Proposed Decision, and also note that the primary concerns of the Council arise from issues of infrastructural development and the relevant timeframes for their completion. These issues are deal with specifically below:

Specific grounds

Ground 1 (Condition 1.7)

From the standpoint of achieving uniformity of practice in the County (e.g. with Derrinmera Landfill) as regards service to the public and working practices for staff, Mayo County Council suggest alternative opening hours and hours of operation for the facility.

Technical Committee's evaluation

The technical committee notes that the waste acceptance hours detailed in the PD are the same as the hours of operation given by Mayo County Council in the licence application (i.e. Vol. 1 of the EIS). Notwithstanding this, the technical committee consider that the waste acceptance hours and hours of operation should be changed to accommodate the County Council's request, whilst still allowing the facility to operate after the cessation of waste acceptance each day to allow for the covering of waste.

Recommendation

Amend Condition 1.7.1.1 as follows:

Waste shall only be accepted at the facility for disposal at the landfill between the hours of 9.00am to 6.00pm Monday to Friday inclusive and 9.00am to **1.00pm** on Saturdays.

Amend Condition 1.7.1.2 as follows:

The landfill at the facility shall only be operated during the hours of **8:00am** to 6.30pm Monday to Friday inclusive and between **8.00am** to **2.00pm** on Saturdays.

Amend Condition 1.7.2.1 as follows:

Waste shall only be accepted at the Civic Waste Facility between the hours of **8.00am** to 6.00pm Monday to Friday inclusive and **8.00am** to **5.00pm** on Saturdays.

Ground 2 (Condition 3.2.1)

Condition 3.2.1 requires that all Specified Engineering Works (SEWs) proposals be submitted to the Agency for agreement at least two months prior to the intended date of commencement. The County Council state that they are quite happy to accept this Condition as drafted, but wish to draw attention to some of the implications of this condition.

Technical Committee's evaluation

This Ground relates to SEWs and the need for the Agency to agree such works at least two months in advance. The technical committee consider that this timeframe is adequate and necessary. The committee also note the observation made by Mayo County Council that the licensee may require earlier consultation with the Agency than the two months stipulated, and this is allowed for under the present wording of Condition 3.2.1.

Recommendation

No change

Ground 3 (Condition 3.5.2)

The County Council query the prescribed use of reinforced concrete slabs rather than an impermeable flexible pavement surface such as tarmacadam.

Technical Committee's evaluation

The technical committee consider that concrete is required in those areas specified in Condition 3.5.2, and that tarmacadam would not be suitable. In relation to the need for reinforced concrete slabs, the wording of Condition 3.5.2 should be amended to avoid any uncertainty.

Recommendation

Amend Condition 3.5.2 as follows:

The facility entrance area, the access road to the Civic Waste Facility, the Civic Waste Facility itself and any Recycling Areas shall be impermeable **concrete slabs constructed in accordance with British Standard 8110.**

Ground 4 (Condition 3.7.1)

It is the Council's intention to construct the Waste Inspection and the Waste Quarantine Area as part of a single contract (No. 1) and the projected minimum time to procure such a contract and construct the works is 19 months. They ask the Agency to revise the required completion date to read "within 20 months".

Technical Committee's evaluation

The technical committee consider that the installation of a Waste Inspection and a Waste Quarantine Area can be carried out within a shorter timeframe than that proposed by Mayo County Council in their objection. Notwithstanding this, the committee consider that the timeframe specified in Condition 3.7.1 should be extended to allow for public procurement and the completion of this work.

Recommendation

Amend Condition 3.7.1 as follows:

Within **nine** months of the date of grant of this licence, a Waste Inspection Area and a Waste Quarantine Area shall be provided and maintained at the facility.

Ground 5 (Condition 3.13.6)

Clarification is sought on whether Condition 3.13.6 requires roofing of the leachate bund or whether "enclosure" means containment with respect to leakage from the lagoon.

Technical Committee's evaluation

Having regard to the levels of rainfall in this region, the technical committee consider that the leachate lagoon should be a covered structure. This should further minimise the levels of leachate/contaminated water produced for off-site treatment. The technical committee recommend that verbal clarification is provided to Mayo Co. Co. on the requirements of this condition.

Recommendation

No change

Ground 6 (Condition 4.3)

Condition 4.3 requires that all areas of the waste body which will not form part of the new cell works be permanently capped within 9 months. The County Council assert that this requirement contradicts the 12 month timeframe specified in Condition 1.6 for the provision of an engineered lined cell, and state that any mistake of these deadlines leaves the Council unable to deposit waste at the site.

Technical Committee's evaluation

The technical committee consider that the timeframe by which permanent capping is required under Condition 4.3 should be extended so waste deposition will not be prohibited prior to the commencement of operation of the lined cell. This will also allow time to apply the permanent cap following the cessation of waste deposition in unlined areas.

Recommendation

Amend Condition 4.3 as follows:

Within three months of the date of grant of this licence all areas of previously deposited waste shall be covered. All areas of the existing waste body which do not form part of the new lined cells shall be permanently capped by **1st March 2003**.

Ground 7 (Condition 5.5.2)

Given the waste volumes to be handled daily, a working face length of 25m as drafted will prove restrictive and it is requested that a length of 40m be considered.

Technical Committee's evaluation

The technical committee notes that the Condition which this Ground for objection refers to is Condition 5.4.1(b). The working face at the facility could be extended to 40m without causing any further adverse affects on the environment, as nuisances at the facility are controlled under Condition 7 of the PD, and daily cover is required under Condition 5.4.3.

Recommendation

Amend Condition 5.4.1 b) as follows

The working face of the landfill shall be no more than 2.5 metres in height after compaction, no more than 25 metres wide and **40 metres in length** and have a slope no greater than 1 in 3.

Ground 8 (Condition 5.6.3)

Following discussions with the residents adjoining the landfill, the Council would be willing to accept a condition specifying landscaping measures to be taken in the Autumn 2001 planting season.

Technical Committee's evaluation

The technical committee notes that Condition 5.6.3 does not exist within the PD, but that Mayo County Council propose that this sub Condition should be inserted. The technical committee consider that Condition 5.6.1 should be amended to reflect the applicant's wish to start landscaping measures in the Autumn 2001 planting season.

Recommendation

Amend Condition 5.6.1 as follows:

Landscaping of the facility as described in Section 5.1, Vol. II of the EIS shall **commence within three months of the date of grant of this licence, and shall be completed** within twelve months of the date of grant of this licence subject to the agreement of landowners where necessary.

Ground 9 (Condition 5.8.1.1)

The Condition as drafted prohibits the placement of untreated sludges except into lined cells from the date of the licence. The option of transferring Ballina sludges to Castlebar for treatment is not practicable, because the Castlebar Interim Drier/Stabilisation Unit is at full capacity at present. The Council request that untreated sludges be permitted to be accepted for a period of six months from the date of the licence.

Technical Committee's evaluation

The technical committee note that there is currently no facility available for the treatment of sludges in Ballina, and to allow such a facility to be provided, it is recommended that the timeframe for the acceptance of untreated sludges at the landfill be amended as outlined below. In their submission on Margaret Keavney's objection, Mayo County Council state that they have ordered a system for the drying and lime dosing of sewage sludges at Ballina, and that this is due for commissioning in November 2001.

Recommendation

Amend Condition 5.8.1.1 as follows:

Untreated sludges shall only be accepted at the facility for **three months from the date of grant of the licence, and thereafter, only treated sludges shall be accepted at the facility.**

Delete Condition 5.8.1.2 and renumber Conditions 5.8.1.3 and 5.8.1.4 accordingly.

Amend Note 1 of Table A.1 (Schedule A) as follows:

See Condition 5.8.1.1

Ground 10 (Condition 1.6)

The County Council object to the timeframe (i.e. twelve months) stipulated in Condition 1.6 for the provision of a lined cell at the facility. Infrastructural works required by the licence will be developed under two separate contracts, the second of which involve the development of lined cells and associated works. A breakdown of the timescales involved for the completion of both contracts is included with the objection, and the County Council state that the lined cell will not be ready to accept waste until mid October 2002. A completion date of within 12 months of the date of the licence assumes no difficulties occur during the Subsoil Investigation, or in the tender assessment or in the construction period. The County Council requests that the time period be revised to 18 months from the 28th May 2001, or an equivalent end date from the date of issue of the licence.

Technical Committee's evaluation

The technical committee have considered the points raised by the applicant in its objection and recommend that the timeframe for completion of a new lined cell at the facility is extended from "within twelve months of the date of grant of the licence", to not later than the 30th November 2002, which is the date requested by the applicant in their objection.

Recommendation

Amend Condition 1.6 as follows:

From the 30th November 2002, wastes shall only be disposed of into engineered lined cells which are constructed in accordance with the requirements of Condition 3.11.

Amend the second sentence of the second paragraph of the Introduction as follows:
*The existing landfill area may continue to receive waste **until 30th November 2002.***

Objection No. 2 A: Margaret Keavney (letter of 7/6/01).
General grounds

Ms. Keavney requested an oral hearing but the Agency have decided not to hold an oral hearing.

The technical committee notes the comments of Ms. Keavney. It also notes that Ms. Keavney is not seeking to have the landfill closed and that she welcomes the fact that the landfill will be maintained and restored in line with EPA requirements. Ms Keavney makes a number of observations/objections on the PD, Waste Licence Application and EIS. These are dealt with below.

Specific grounds

Ground 1

Ms. Keavney refers generally to the high risk of pollution arising from the existing body of waste at the site.

Technical Committee's evaluation

With regard to the granting of a licence for this facility the Agency was satisfied that Section 40 (4) of the Waste Management Act 1996 was complied with. Specifically this requires that the Agency be satisfied *inter alia* that the waste activities licensed will not cause environmental pollution when operated in accordance with the conditions of any licence granted.

Recommendation

No change

Ground 2

Ms. Keavney refers generally to the lack of pollution controls at the site.

Technical Committee's evaluation

This Proposed Decision provides for the development of infrastructure to minimise the impacts of the facility on the environment such that environmental pollution is not caused. This includes *inter alia* for the control of leachate, landfill gas, groundwater and surface water emissions.

Recommendation

No change

Ground 3

Ms. Keavney refers to the fact the EIS showed evidence of groundwater and surface water pollution caused by the facility. Also Ms. Keavney asks whether further information was gathered and whether it was considered by the Agency.

Technical Committee's evaluation

A number of site visits were carried out by Agency staff and requests for further information were issued in relation to this application. The EIS for this application was deemed to be in compliance with the EIS regulations on 21/2/01. All information submitted by Mayo County Council and third party submissions were considered prior to the Proposed Decision being issued by the Agency.

Recommendation

No change

Ground 4

Ms. Keavney objects to the maximum height of the facility being raised to 45mOD. She states that the landfill is an eyesore as it currently stands.

Technical Committee's evaluation

Local ridgelines have a maximum height of 46mOD, and it is therefore considered that restricting the final height of the facility to 45mOD will minimise the visual impact of the facility. See Ground 8 of Mayo County Council objection with regard to commencing tree planting and visual screening measures earlier than required in the Proposed Decision.

Recommendation

No change

Ground 5

Ms. Keavney states that adequate litter control measures are not in place at this facility.

Technical Committee's evaluation

Litter nuisance is adequately controlled by Condition 7 and the requirement for weekly inspections of the facility for nuisances (including litter).

Recommendation

No change

Ground 6

Ms. Keavney states that she is concerned at the possibility that animal by-products would be disposed of at the site.

Technical Committee's evaluation

Condition 1.5 prohibits the disposal of such wastes.

Recommendation

No change

Ground 7

Ms. Keavney requests that she is informed of the results of any archaeological studies carried out at the site.

Technical Committee's evaluation

Mayo County Council state that an archaeological study has been completed and they expect the document to be submitted to them soon. The technical committee consider that the timeframe for submission of the archaeological plan to the Agency should be reduced from six months to three months. On receipt by the Agency, the plan will be placed on public file. It should be noted that Condition 5.7.2 prevents any future development on any undisturbed areas of the facility without the prior agreement of the Agency. In addition Condition 3.12 requires the licensee to maintain a buffer zone that will protect the reed bed area. This area encompasses the crannogs, which are of archaeological interest.

Recommendation

Change Condition 11.5.1 as follows:

Within **three months** of the date of grant of this licence the licensee shall submit a plan to the Agency for the preservation and protection of Crannóg sites located within the facility boundary. The advice of Dúchas shall be sought during the development of any such plans.

Objection No. 2 B: Margaret Keavney (letter of 14/5/01).

Ground 8 (Condition 4.5)

Ms. Keavney refers to the risk of pollution from the facility and the elevated levels of certain contaminants in the local groundwater and surface water.

Technical Committee's evaluation

See response to Ground 1 above. In addition the Technical Committee note that groundwater quality was quite similar upgradient and downgradient of the facility with slightly elevated levels of Ammonia and Nitrite recorded downgradient. Elevated parameters are noted in downstream surface water samples particularly for Ammonia, however the Proposed Decision requires leachate management infrastructure together with a requirement for effective surface water management. Notwithstanding the above, the Technical Committee feels that it is prudent to require the leachate interception drain to be installed sooner than nine months.

Recommendation

Amend Condition 3.13.3 as follows:

Within **six months** of the date of grant of this licence, the licensee shall install a leachate interception drain around the perimeter of the existing landfill area.

Ground 9

Ms. Keavney refers to the lack of environmental and health and safety controls and nuisances caused by flies, birds, litter and vermin.

Technical Committee's evaluation

Potential nuisances such as odour, flies, birds and litter are by controlled Condition 7. See also the response to Grounds 2 and 5 above. The issue of health and safety controls at the facility is a matter for the health and safety authority.

Recommendation

No change.

Ground 10

Ms. Keavney refers to the problem of dumping (fly-tipping) in the Clooneal area.

Technical Committee's evaluation

Fly tipping in the area will be controlled by the installation of security fencing and closed circuit cameras, as required under Conditions 3.4.1 and 3.4.2. Condition 7.3.3 also requires that any waste placed in the vicinity of the facility other than in accordance with the requirements of the licence, shall be removed.

Recommendation

No change

Ground 11

Ms. Keavney refers to the fact that waste from County Sligo will be accepted at this facility and that she did not expect the quantity of waste as applied for to be disposed of at this site. The facility will have a negative visual impact

Ms. Keavney goes on to make further comments on the EIS with regard to the following:

- The overall development of the site
- Hydrogeology of the site
- Groundwater quality
- Surface water quality
- Visual impact on the landscape
- Odour
- Gas collection
- Procedures for covering waste
- Landscaping/screening
- Ecology
- Human beings and material assets
- Cultural heritage
- Dust

Technical Committee's evaluation

The quantity and origin of the waste to be disposed of at this site, as applied for, is a matter for the licensee. The Agency has considered that the EIS complies with the EIS Regulations (on 21/2/01) with respect to *inter alia* the tonnages of waste to be accepted for disposal at this facility and the environmental impact thereof (see also response to Ground 3). The issue of the visual impact has been addressed in Ground 4 above.

Recommendation

No change

Submission by Mayo County Council on Objection No. 2:

The technical committee note that Mayo County Council broadly welcome the positive approach of the residents while accepting that they have reservations and concerns on the proposed decision. The comments made by the Council are noted.

Recommendation

No change

Submission by Mayo County Council on the Agency's Article 34 Notice (issued 28/8/01):

The technical committee note that Mayo County Council has no objection to the changes proposed in the Agency's Article 34 Notice of the 28th August 2001. In relation to the submission of a Conditioning Plan, Mayo County Council ask that the implementation of its requirements takes due account of the timeframes for approval, procurement and construction/commissioning of the works. The technical committee consider that the timeframe outlined in Article 14 of the Landfill Directive for the completion of such works is appropriate.

Recommendation

Add the following text to the cover page under "Waste Licence":

Landfill for Non-Hazardous Waste

Add sub condition 1.5.2 as follows:

Whole used tyres shall not be accepted for disposal at the facility from 16 July 2002, excluding tyres to be used as engineering material and shredded used tyres both of which shall not be accepted from 16 July 2006 (excluding in both instances bicycle tyres with an outside diameter above 1.4m).

Add a new Condition 11.8 as follows:

The licensee shall by 16th July 2002 submit to the Agency for its agreement, a Conditioning Plan for the facility as required by Council Directive 1999/31/EC on the landfill of waste. The Conditioning Plan shall include the particulars listed in Article 8 and any corrective measures which the operator considers will be needed to comply with the requirements of this Directive with the exception of the requirements in Annex I, point 1.