

MEMO

TO: Board of Directors **FROM:** Brian Donlon

CC: **DATE:** 2/5/02

SUBJECT : Donohill Landfill Technical Committee Report

Application details

Application Details	
Applicant:	South Tipperary County Council
Location of Activity:	Donohill
Reg. No.:	74-1
Licensed Activities under Waste Management Act 1996:	Third Schedule: Classes 1,4,5 Fourth Schedule: Classes 3,4,13
Proposed Decision issued on:	12/9/01
Objections received:	1 – received on 9/10/01
Inspector that drafted PD:	Donal Howley

Objections received

A Technical Committee was established to consider the objections.

The Technical Committee included;

Brian Donlon, Chairperson
Dara Lynott, Inspector
Malcolm Doak, Inspector

This is the Technical Committee's report on the objection.

1. Objection from South Tipperary County Council

Objection 1.1 The Objection received from South Tipperary CC primarily concerns Conditions 1.2 and 5.1. They state that the Conditions as written would preclude them from constructing a new cell to the south west of the landfill site in an area requested to be included by them in the application in correspondence dated 31/8/01.

They also refer to the fact that when the application was lodged that it was envisaged that the landfill footprint would extend to cover two neighbouring parcels of land (shown on Dwg. 98-02403.03 Rev A.). One of the landowners refused to sell his lands (to the south west) and thus a revised drawing was submitted to the Agency. In 2001, the landowner reconsidered the matter and communicated his wish to negotiate the sale to the County

Council. They state that the area in question comprises a solid foundation for the construction of an engineered cell. They request that the site boundary be viewed in accordance with their site drawing (Site Plan – Figure A.16.2 (rev B)).

They consider that the objection has two parts: (i) that the Agency have not correctly considered the application documentation in accordance with the WMA, 1996 and (ii) they further state that natural justice requires that fair and comprehensive consideration of all valid application documentation is undertaken. They acknowledge that the request to alter the boundary came late in the EPA's consideration of the application but that the information was submitted to the Agency in good faith and within the determination period of the application. The objector stated that they submitted correspondence that was received by the Agency on the 3/9/01 prior to the PD being issued by the Agency on the 12/9/01.

They further outline their ongoing legal difficulties in relation to their proposal for a new state of the art facility at Grangemockler. They state that the proposal to extend Donohill should be seen in the context of their statutory duty to make arrangements for the management of household waste (Section 38, WMA, 1996). They also highlight the Agencies duties under the EPA Act (section 52 (2)(e)) which states that when carrying out their functions of the Agency is to strike a balance between : “the need to protect the environment (and the cost of such protection) and the need for infrastructural, economic and social progress and development”.

They state that as the Inspectors Report (dated 2/8/01) indicates that the facility will not cause environmental pollution that it is difficult to see how infrastructural development will be furthered by South Tipperary CC having no available landfill capacity in the immediate future. They state that allowing the proposed extension (c. 80,000 tonnes capacity) will yield an additional life span of 24 months which would save c. £6m - the cost of alternative off-site disposal.

Technical Committee's Evaluation

The TC note that the applicant's correspondence (dated 31st August 2001) was received by the Agency on the 3rd September 2001. The Agency wrote to the applicant on the 20th September 2001 advising them that the application had reached a stage where significant changes to it could not be taken into account. The Proposed Decision was issued by the Agency on the 12th September 2001 following consideration of the application at the Agency meeting of the 14th August 2001.

In order to clarify the situation with respect to the boundary plans we have summarised as follows.

- 1. When the application was submitted a site boundary was identified (Drawing 98-02403.03 Rev A) which included the lands in question to the south west (coloured in red on Appendix 1).*
- 2. During the application process a revised Site Plan was received (Figure A.16.2) as part of Article 16(I) response on the 9th April 2001. This excluded the lands to the south west. The boundary referred to in the EIS (Figure 2.3) also excluded the lands*

to the south west of the facility but included lands to the south east (coloured in blue in Appendix 1)

- 3. In this objection (received on 9/10/01) another site plan was submitted (Figure A.16.2 Revision B). This includes the lands to the south west of the facility and lands to the south-east (areas in red and blue on Appendix 1).*

We note that the applicant originally intended to landfill in the areas to the south west of the facility, which is the area outlined in this objection. However, clarification was sought in relation to this matter. We consider that the applicant is confined to the lands submitted by them as part of the EIS, which is covered in Condition 1.2 of the Proposed Decision, and to the disposal of waste in the areas outlined in Condition 5.1 of the Proposed Decision.

Recommendation

No Change to Condition 1.2 and 5.1

Objection 1.2 South Tipperary CC also object to Condition 3.17. They have concerns regarding the wet nature of the land in question and the possibility of HDPE liner subsidence. They state that this was brought to the attention of the Agency earlier in 2001 and that it was agreed at that meeting that further evidence would be offered. They included a copy of a detailed geotechnical investigation, which supports their argument.

They also point out that although the Inspector felt that an engineered liner is not practicable that the PD imposes a requirement to put in place an HDPE/clay composite liner.

They state that evidence was put forward in the application that the underlying peat and clay provided a containment system for leachate and that it was proposed to augment these natural materials with geotextile. They state that Table 4.1 of their EIS provided evidence that they would meet the requirements of Annex 1 of the Landfill Directive. They acknowledge that the arrangement described is not an ideal one but that it is a site-specific solution that takes on board the nature of the marshy environs. They do not agree that the engineered liner required in this condition represents BATNEEC for this facility. Their proposal considering the direction of groundwater flow, leachate control measures and other measures will ensure that environmental pollution will not result from landfill activities. They request that Condition 3.17 be amended to allow for alternative lining.

They confirm that the Agency's lining standard is acceptable for the other extension to the Southwest.

Technical Committee's Evaluation

The TC notes the contents of the detailed geotechnical investigation and acknowledges that there may be difficulties in the emplacement of the composite liner in this wet environment. The TC consider that Condition 3.17 is included in the event that the area

highlighted was suitable for lining in the event of any advances in technology (e.g. dewatering). The installation of groundwater control and/surface water management infrastructure could be agreed under Specified Engineering Works (Condition 3.2).

The TC note that the applicant intends to landfill in areas previously not used for landfilling. We note that the underlying peat and clay is proposed by the applicant as a containment arrangement proposed for leachate management. This containment arrangement does not include a bottom line and we consider that does not represent BATNEEC or that it satisfies the requirements of Annex 1 of the Landfill Directive.

The TC note the objectors confirmation that the Agency's lining standard is acceptable to them for their "extension to the South-west". Landfilling in this area is dealt with under Ground 1.1 above.

We consider that the lands to the south-west appear to be more suitable for landfilling and consider that there would be merits in applying for a review application incorporating these lands at the earliest opportunity.

Recommendation

No Change to Condition 3.17.

Appendix 1: Colour coded schematic of areas applied for at various stages of the application process.

Dr. Brian Donlon
Senior Inspector

APPENDIX 1