

<b>MEMO</b>			
<b>TO:</b>	Board of Directors	<b>FROM:</b>	Michael Henry
<b>CC:</b>		<b>DATE:</b>	20 <sup>th</sup> April 2001
<b>SUBJECT:</b> Technical Committee Report on Objections to Proposed Decision Reg. No. 78-1.			

Application Details	
Applicant:	Tipperary North Riding County Council
Location of Activity:	Ballaghveny Landfill, Ballymackey, Co. Tipperary
Reg. No.:	78-1
Licensed Activities under Waste Management Act 1996:	Third Schedule: Classes 1, 2, 4, 5, 11, 12, 13 Fourth Schedule: Classes 2, 3, 4, 10, 11, 13
Proposed Decision issued on:	11/12/00
Objections received:	08/01/01
Notable Correspondence received re Animal Health:	05/01/01
Submissions on objections received:	22/02/01
Inspector:	Ms. Sinead McMahon

### **Consideration of the objections and submissions on objections**

The Technical Committee (Michael Henry, Chairperson, Maeve McHugh and Brendan Foley 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 10<sup>th</sup> April 2001.

### **Objections and submissions on objections received**

Three objections to the proposed decision were received from: (i) Tipperary North Riding County Council (ii) Ballymackey Environment Group and (iii) Andrew and George Younghusband. Both Ballymackey Environment Group and Andrew and George Younghusband made a submission on the objection by Tipperary North Riding County Council.

### **Objection No.1: Tipperary North Riding County Council**

#### **General grounds**

*The Agency are aware that Phase 2 of the proposed extension to the existing landfill is currently under construction. The Co. Co. have entered into a legal agreement with the landowner on whose land the proposed extension and associated infrastructure will be built which allows the landowner to remain in a caretaking capacity on the lands until December 31<sup>st</sup> 2001. The Co. Co. will follow the appropriate procedures in early 2001 to design and prepare tender documents for the development of Phases 2, 3 and 4 and the associated infrastructure. Until January 2002, the*

Co. Co. intend to operate Phase 2 of the extension using the existing site infrastructure/entrance area.

**Technical Committee's evaluation**

The proposed decision provided for the licensing of the existing municipal waste landfill together with the proposed extension to the facility. The technical committee note the issue raised in relation to timeframes for the development of infrastructure at the facility and this is dealt with under the relevant specific grounds below.

**Recommendation**

**No change**

**Specific grounds**

**Ground 1 (Activities Licensed)**

*Class 2 & Class 4 of the Third Schedule*

*The Co. Co. request that both the above classes are amended to allow for the disposal of industrial sludges, water treatment sludges and untreated sewage sludge at the landfill for a period of three years. Industrial sludges and water treatment sludges were inadvertently omitted from the waste licence application and there are no realistic alternatives for the disposal of these sludges. A Sludge Management Plan for the county is due to be finalised in spring 2001.*

**Technical Committee's evaluation**

The technical committee note the issues raised in relation to sludges. As the sludges will be disposed of into lined cells at the landfill and as the overall tonnage of sludge will remain unchanged (See Ground 17 below), the technical committee recommend that the 'reasons' for Class 2 and Class 4 are amended to allow the acceptance of industrial sludge, water treatment sludge and untreated sludge. The timeframe for the acceptance of untreated sewage sludge at the landfill is also dealt with under Ground 17 below.

**Recommendation**

**Amend 'reason' for Class 2 as follows:**

This activity is limited to the disposal of industrial sludge, water treatment sludge and sewage sludge at the landfill.

**Amend 'reason' for Class 4 as follows:**

This activity is limited to the storage of leachate and contaminated water pending its disposal at another appropriate facility. It also relates to the disposal of industrial sludge, water treatment sludge and sewage sludge at the landfill.

**Ground 2 (Condition 3 - Notification and Record Keeping)**

*It is requested that reference to 'written' records in Conditions 3.10 to 3.13 are replaced with 'written or computerised' records.*

**Technical Committee's evaluation**

The technical committee consider that the definition of 'written' also includes records generated by computer.

**Recommendation**

**No change**

**Ground 3 (Condition 4 - Site Infrastructure)**

*The applicant will be unable to provide the infrastructure within the designated timescales because of the legal agreement which permits the landowner to remain on the lands until 31st December 2001. It is hoped to provide a contractor to carry out the works including site infrastructure as early as possible in 2002.*

**Technical Committee's evaluation**

The issue of timeframes for the provision of certain infrastructural works required by the proposed decision is dealt with under Grounds 5, 6, 7, 14 and 16 below.

**Recommendation**

**No change**

**Ground 4 (Condition 4.4.2 – Site Roads and Hardstanding)**

*The Co. Co. request some flexibility in the specification used for site roads.*

**Technical Committee's evaluation**

The technical committee consider that Condition 4.4.2 should be amended to allow the use of similar specifications to those specified for site roads.

**Recommendation**

**Amend Condition 4.4.2 as follows:**

The proposed extension entrance and reception areas, the access road and internal haul roads to individual cells shall be paved and maintained in accordance with the following specification: 250 mm concrete slab with mesh reinforcement overlying a 300 mm hardcore base and capping/cover material or other equivalent specification to be agreed with the Agency.

**Ground 5 (Condition 4.7 - Inspection)**

*The Co. Co. object to the timescales for provision of waste inspection/quarantine areas (Refer also to General Grounds and Ground 3 above).*

**Technical Committee's evaluation**

In order to allow the applicant sufficient time to provide a waste inspection/quarantine area, the technical committee consider that the timeframe should be amended from six to nine months from the date of grant of the licence as recommended below.

**Recommendation**

**Amend Condition 4.7.1 as follows:**

Within nine months of the date of grant of the licence, the licensee shall provide a Waste Inspection Area and a Waste Quarantine Area at the location shown in Drawing No. BALL/WLA/02 Revision A, entitled "Site Plan" (dated Sept 1998).

**Ground 6 (Condition 4.8 - Weighbridge)**

*The Co. Co. object to the timescales for provision of a weighbridge. It is intended to use the weighbridge at the existing entrance until future site development takes place in 2002 (Refer also to General Grounds and Ground 3 above).*

**Technical Committee's evaluation**

The technical committee consider that the timeframe for provision of a weighbridge at the proposed reception area should be amended from four to nine months from the date of grant of the licence. The intention to use the weighbridge at the existing entrance prior to the site

development works is noted. Condition 4.8 should be amended to require the applicant to use this weighbridge in the interim period before the provision of the weighbridge at the proposed reception area.

**Recommendation**

**Amend Condition 4.8 as follows:**

Within nine months of the date of grant of the licence, the licensee shall provide and maintain a weighbridge at the proposed reception area as shown on Drawing No. BALL/WLA/02 Revision A, entitled "Site Plan" (dated Sept 1998). Prior to its installation, the licensee shall use the weighbridge at the existing site entrance.

**Ground 7 (Condition's 4.9 – Wheelwash)**

*The Co. Co. object to the timescales for provision of a wheelwash (Refer also to General Grounds and Ground 3 above).*

**Technical Committee's evaluation**

The technical committee consider that the timeframe for provision of a wheelwash at the proposed reception area should be amended from four to nine months from the date of grant of the licence.

**Recommendation**

**Amend Condition 4.9.1 as follows:**

Within nine months of the date of grant of this licence, the licensee shall establish and maintain a wheelwash/dry wheel shake out at the facility at the location shown in Drawing No. BALL/WLA/02 Revision A, entitled "Site Plan" (dated Sept 1998).

**Ground 8 (Condition 4.13.3 – Specified Engineering Works)**

*The Co. Co. intend to submit a construction quality assurance validation report following completion of Phase I which is currently under construction.*

**Technical Committee's evaluation**

The comments are noted by the technical committee.

**Recommendation**

**No change**

**Ground 9 (Condition 4.16.1 – Leachate Management)**

*The applicant objects to the requirement for the pre-treatment of leachate at the site in that it is not applicable or necessary. Pre-treatment of the leachate could be included at a later stage depending on the capacity of the local wastewater treatment plants to treat the leachate.*

**Technical Committee's evaluation**

The timeframe for provision of the leachate abstraction/collection works should be amended from six to nine months to allow for completion of this work. The technical committee consider that the requirement to pre-treat leachate at the facility should remain only on the basis that the treatment capacity is not available at the relevant off-site WWTP. Condition 4.16.1 should be amended to reflect this. If required, the type of pre-treatment to be installed at the facility should provide for deficiencies in the off-site WWTP.

**Recommendation**

**Amend Condition 4.16.1 as follows:**

Within nine months of the date of grant of this licence, the licensee shall install a leachate management system at the facility. The system shall provide for the abstraction/collection of leachate from the waste. In the event of a suitable off-site Wastewater Treatment Plant facility not being available to accept or treat leachate from the landfill, then within twelve months of the date of grant of this licence, a leachate pre-treatment system shall be installed at the facility. The type of pre-treatment to be installed should provide for the shortcomings at the off-site Wastewater Treatment Plant facility to which it is being tankered.

**Ground 10 (Condition 4.18.1- Capping)**

*The type of cover/capping materials used at the facility should include 'other cover material' which has been agreed with the Agency e.g. synthetic cover material.*

**Technical Committee's evaluation**

It is noted that Condition 4.18.1 allows for the use of similar capping materials and these materials must be agreed with the Agency. Such materials should be free draining as specified in this condition.

**Recommendation**

**No change**

**Ground 11 (Condition 4.18.2- Capping)**

*The final capping system should be that proposed in Section 3.4.5 of Vol. 2 of the EIS. Complete surface sealing of the landfill will impede the decomposition process and is not in the interests of environmental sustainability.*

**Technical Committee's evaluation**

Condition 4.18.2 of the proposed decision requires that, as a minimum, final capping shall be carried out in accordance with the guidance specified in the EPA Manual for Landfill Site Design. The capping system referred to in the EIS does not meet the criteria specified in Condition 4.18.2 or in the EPA Manual for Landfill Site Design. The technical committee note that Condition 7.6.4 provides for the re-circulation of leachate in lined cells (with the prior agreement of the Agency) and this should aid the decomposition process. The main objectives of this capping system are to minimise infiltration of water into the waste, promote surface water drainage and maximise run off, control gas migration and provide a physical separation between waste and plant/animal life.

**Recommendation**

**No change**

**Ground 12 (Condition 4.18.4 - Capping)**

*The applicant seeks clarification on whether Condition 4.18.4 refers to filled cells 1 & 2 or cells 3, 4 & 5 which are currently being filled. In addition, the timeframe should be extended from 3 to 12 months to allow for restoration of the existing landfill under Condition 8.7 and also the preparation of tenders, procurement of contractors and possible poor weather conditions.*

**Technical Committee's evaluation**

Condition 4.18.4 refers to cells which are currently/or will be filled in future. The timeframe of three months after the cells have been filled to the required level is adequate time for permanent capping to be completed. The main objectives of the permanent capping system are outlined in

the response to Ground 11 above. The requirement of Condition 8.7 relates to the restoration of the facility and this is a separate issue to capping.

**Recommendation**

**No change**

**Ground 13 (Condition 4.18.5 – Capping)**

*Clarification is sought on whether the stockpile of capping materials refers to temporary or permanent capping material.*

**Technical Committee's evaluation**

Condition 4.18.5 refers to all capping materials (including temporary and permanent capping materials).

**Recommendation**

**No change**

**Ground 14 (Condition 4.19.1 – Surface Water Management)**

*It is intended to install a surface water management system as part of future works which cannot begin until early 2002 for legal reasons. A system will remain in place to cater for surface water run-off during construction and filling of Phase I. In addition, a surface water lagoon will only be required in the long term and uncontaminated surface water can be discharged directly to Ballaghveny Stream in the short to medium term.*

**Technical Committee's evaluation**

The technical committee consider that the timeframe for provision of the surface water management works required by Condition 4.19.1 should be amended to require such works to be completed by 30<sup>th</sup> June 2002. The surface water lagoon will facilitate the removal of suspended solids and is necessary to ensure the adequate control of all surface water discharges from the facility. Therefore, it should remain a requirement of this condition.

**Recommendation**

**Amend Condition 4.19.1 as follows:**

By June 30<sup>th</sup> 2002, the licensee shall install a surface water management system at the facility. It shall include the following:.....

**Ground 15 (Condition 4.21.1 – Access Road)**

*The Co. Co. have already begun road improvements as recommended in the EIS. The recommendations for the right turn stacking lane on the N7 is however unnecessary and would cause a traffic hazard. Approval would also have to be sought from the NRA in this regard.*

**Technical Committee's evaluation**

It is noted that work has already begun on the road improvements specified in the EIS. The technical committee also note that the provision of a right turn stacking lane on the N7 was included as a mitigation measure in the EIS. The Co. Co. now say it is unnecessary, would cause an unnecessary traffic hazard and full approval would have to be sought from the NRA. The technical committee consider that, as the N7 is a National Route, the decision as to whether the works proposed would constitute a traffic hazard or not should be the responsibility of the NRA. Therefore, Condition 4.21.1 should be amended accordingly and the technical committee also recommend allowing a timeframe of six months (from the date of grant of the licence) for the work to be completed.

### **Recommendation**

#### **Amend Condition 4.21.1 as follows:**

Within six months of the date of grant of this licence and with the prior written approval of the National Roads Authority, the road improvements as described in Appendix E of the EIS shall be carried out.

#### **Ground 16 (Condition 4.22 – Civic Waste Facility)**

*The Co. Co. object to the timescales for provision of a Civic Waste facility (Refer also to General Grounds above).*

#### **Technical Committee's evaluation**

The technical committee consider that the timeframe of nine months specified in Condition 4.22 is adequate time for the provision of a Civic Waste facility. The details, design and location of the Civic Waste facility must be agreed in advance with the Agency as required by Condition 4.22.1.

#### **Recommendation**

**No change**

#### **Ground 17 (Condition's 5.1 and 5.2 – Waste Management)**

*Condition 5.1 should be amended to allow the acceptance of the small residual fraction of household waste which is hazardous waste while the restriction on industrial and untreated sewage sludges should be removed. The Co. Co. propose amending Condition 5.2 to require all sludges to be dewatered to at least 15% dry solids before disposal and all industries producing >20tonnes DS/year of sludge should be asked to examine the re-use and recycling of sludge. Also, sludges (1400t/year) arising from water treatment plants in the county were inadvertently omitted from the application and the total quantity of industrial, untreated sewage and water treatment sludges should be specified at 3,500 tonnes/annum.*

#### **Technical Committee's evaluation**

Condition 5.1 of the proposed decision prohibits the acceptance of hazardous waste at the facility. The definition of household waste as provided for in the Waste Management Act 1996 includes waste produced within a building used for the purposes of living accommodation. Household waste is acknowledged to contain waste, which, if segregated and collected separately may constitute hazardous waste. Where these wastes are collected as components of household waste, they are not legally defined as hazardous waste.

As recommended under Ground 1 above, the technical committee consider that the restriction on disposal of industrial sludges, water treatment sludges and untreated sewage sludge at the landfill should be removed and it is considered that the applicant should be allowed accept such sludges up to December 31<sup>st</sup> 2003. Thereafter and up to December 31<sup>st</sup> 2005, the technical committee recommend that only treated sludges should be accepted at the facility and from January 1<sup>st</sup> 2006, no sludges should be accepted at the facility. The technical committee also consider it necessary that, prior to the acceptance of industrial/water treatment sludges at the facility, the licensee should undertake a detailed characterisation of such sludges and submit the results of this assessment to the Agency for its agreement. It is also noted that Condition 5.12.2 requires the submission of proposals for reducing the quantity of sludges to be accepted at the facility. The requirement to dewater all sludges as required by Condition 5.2 and as proposed by the Co. Co. above should remain. The re-use and recycling of sludge which is produced by industries within the county should be examined by the Co. Co. itself.

#### **Recommendation**

**Amend Condition 5.1 as follows:**

No hazardous waste, liquid waste, animal by-products or remains shall be accepted at the facility.

**Amend Condition 5.2 as follows:**

All sludges shall be dewatered prior to acceptance at the facility.

**Include new Condition 5.5.2 as follows:**

The procedures shall include a proposal for sludge, eluate and toxicity testing by standardised and internationally accepted procedures and carried out by a competent laboratory and shall be submitted to the Agency for its agreement within six months of the date of grant of this licence.

**Include new Condition 5.5.3 as follows:**

Testing shall be performed on a minimum of two samples per annum for all industrial sludges/solids being accepted at the facility and the results included in the AER.

**Amend Condition 5.6 as follows:**

The quantity of wastes to be accepted for disposal at the landfill shall not exceed 37,000 tonnes per annum, unless otherwise agreed in advance with the Agency. The quantity of sludges to be accepted at the facility shall not exceed 3,500 tonnes per annum.

**Amend Condition 5.12 as follows:**

Remove 'Treated Sewage' from title.

**Amend Condition 5.12.1 as follows:**

Sludge shall only be accepted at the facility between the hours of 8:30 a.m. and 2.00 p.m. Monday to Friday inclusive. All sludge shall be covered immediately with other waste.

**Include new Condition 5.12.3 as follows:**

From January 1<sup>st</sup> 2004 only treated sludges shall be accepted at the facility.

**Include new Condition 5.12.4 as follows:**

No sludges shall be accepted at the facility from January 1<sup>st</sup> 2006.

**Include new Condition 5.12.5 as follows:**

Prior to the acceptance of industrial/water treatment sludges at the facility, the licensee shall submit a detailed characterisation of such sludges to the Agency for its agreement.

**Delete 'Sewage' from Schedule G.1 Waste Acceptance. Also delete Note 1.**

**Ground 18 (Condition's 5.3 and 5.6 and Schedule G: Waste Acceptance)**

The Co. Co. have recently commissioned a weighbridge at the facility and the quantities of individual wastes to be accepted at the facility should be amended to reflect the quantities and types of wastes currently being disposed of at the facility. Also, Clare Co. Co. have requested the use of this facility given the imminent closure of the Doora facility. The reference to 'untreated' should be removed from Condition 5.6 in relation to sludges.

**Technical Committee's evaluation**

The technical committee note that the total quantity of waste to be accepted at the facility is as was specified in the proposed decision i.e 37,000 tonnes. The significant increase in commercial/industrial currently to be accepted at the facility is noted by the technical committee while the quantity of construction and demolition wastes has decreased significantly (1,500 tonnes) compared with that specified in the proposed decision (9,600 tonnes). It is recommended that Schedule G.1 is amended to reflect the individual quantities of household, commercial/industrial and construction/demolition wastes currently being accepted at the facility. The issue of what county/region the Co. Co. wishes to accept waste from is a matter between the parties concerned. See Ground 17 above in relation to untreated sludges.

**Recommendation**

**Amend Schedule G.1 Waste Acceptance as follows:**

Table G.1 Waste Categories and Quantities

WASTE TYPE	MAXIMUM TONNES
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	PER ANNUM
Household	22,000
Commercial/Industrial	10,000
Sludge	3,500
Construction and demolition	1,500
Total	37,000

**Ground 19 (Condition's 5.12.1 and 5.12.2- Treated Sewage Sludge)**

The applicant requests that Condition 5.12.1 be amended to allow sludge to be covered during transport and immediately after disposal with lime. Also the timeframe for submission of proposals for reducing the quantity of sludges to be accepted at the landfill should be increased from 6 to 12 months.

**Technical Committee's evaluation**

The covering of sludges during transport and after disposal at the landfill is adequately covered by Condition's 6.5 and 5.12, respectively, of the proposed decision. The timeframe of six months for the submission of proposals for reducing the quantity of sludges accepted at the facility should remain.

**Recommendation**

No change

**Ground 20 (Condition 5.15)**

It is considered that deposited waste may have to be removed from the existing landfill into the new Phase 2 extension to meet the final landscape requirements. This should be accepted by the Agency or else the height specified in Condition 8 should be increased.

**Technical Committee's evaluation**

The removal of waste which has been historically deposited at the facility in order to meet the final height of 114mOD can be accommodated under Condition 5.15 of the proposed decision. Therefore, this condition should remain unchanged.

**Recommendation**

No change

**Ground 21 (Condition 6.8 – Environmental Nuisances)**

Wheelwash facilities will be put in place following full ownership of the lands by the Co. Co. in 2002 as described above.

**Technical Committee's evaluation**

The technical committee consider that Condition 6.8 should be amended to reflect the time required to install the wheelwash.

**Recommendation**

Amend Condition 6.8 as follows:

Upon installation of the wheelwash and prior to exiting the facility, all waste vehicles shall use the wheelwash facilities.

**Ground 22 (Condition 7.6.2 – Disposal of Leachate)**

*The applicant considers that Nenagh Urban District Council Waste Water Treatment Works may be suitable for treatment of leachate because (i) of its close proximity to the landfill (ii) it may have spare capacity from time to time (iii) the leachate may actually improve the performance of the treatment plant and (iv) the treatment plant may be upgraded in the short term and this will provide some extra capacity. Condition 7.6.2 should be amended to allow flexibility to use Nenagh Waste Water Treatment Works.*

**Technical Committee's evaluation**

The technical committee note the objectors comments in relation to the WWTP at Nenagh. However, having regard to the sensitivity of the surface waters downstream of the Nenagh WWTP (specified as 'Sensitive Area' under Urban Wastewater Treatment Regulations, SI 419 of 1994), the technical committee is not satisfied that sufficient capacity is available at Nenagh for adequate treatment of leachate from the landfill. Leachate should only be treated at the Nenagh WWTP after this plant has been upgraded and once the Agency is satisfied that it has the capacity to treat the leachate.

**Recommendation**

**Amend Condition 7.6.2 as follows:**

Leachate shall not discharge to Nenagh Urban District Council Waste Water Treatment Works unless a satisfactory upgrade to the treatment capacity of this plant has been provided and agreement has been obtained from the Agency. Prior to any leachate being discharged to Nenagh WWTP, a report should be submitted to the Agency for its agreement on the ability of this upgraded Works to provide adequate treatment of leachate from the landfill.

**Ground 23 (Condition 8.2 – Restoration and Aftercare)**

*The final post settlement height of 114mOD should be amended to 120mOD given that the landfill is currently in the region of 115-116mOD. The removal of previously landfilled waste to reduce the height to 114mOD would cause severe problems in terms of handling and odours and would also conflict with Condition 5.15. A revised landscape plan outlining the final post settlement height of 120mOD is attached.*

**Technical Committee's evaluation**

The technical committee consider that the final post settlement height should remain at 114mOD. If the height of the landfill was permitted to increase to 120mOD, this would result in a significant visual impact. The proposed decision provides for the excavation of previously deposited waste in order to satisfy the height restriction (see also Ground 20 above). It is possible, that due to settlement, the removal of waste which has previously been deposited may not be necessary.

**Recommendation**

**No change**

**Ground 24 (Condition 9.3 – Environmental Monitoring)**

*The timeframe for installation of the perimeter monitoring boreholes should be extended from 3 to 5 months from the date of grant of the licence.*

**Technical Committee's evaluation**

In order to allow adequate time for the perimeter monitoring boreholes (12 No.) to be installed, the technical committee consider that the timeframe should be extended from 3 to 5 months.

**Recommendation**

**Amend Condition 9.3 as follows:**

Within five months of the date of grant of this licence, at locations to be agreed in advance with the Agency, the licensee shall install 12 perimeter monitoring boreholes to detect off-site migration of landfill gas.

**Objection No.2: Andrew and George Youngehusband**

**General grounds**

*The proposed decision does not significantly address the contents of their submission of 26<sup>th</sup> September 2000 and the proposed decision is not in compliance with Section 40(4) of the Waste Management Act 1996.*

**Technical Committee's evaluation**

In reaching a decision on the waste licence application for this facility, the Agency considered the contents of all submissions received and were satisfied in relation to compliance with Section 40(4) of the Waste Management Act 1996. The reasons for the decision as outlined in the proposed decision makes it clear that the Agency considered all submissions in full.

**Recommendation**

**No change**

**Specific grounds**

**Ground 1**

*The objector refers to the major excavation/site development labelled as 'Phase 2' in the Site Plan which accompanied the waste licence application. There is no reference to this development in the proposed decision and, as a minimum, a condition should be included to desist from any unauthorised development until explicit approval has been obtained from the EPA.*

**Technical Committee's evaluation**

Information on the existing landfill and the proposed extension to the landfill was included in the EIS submitted with the waste licence application. The facility boundary is conditioned under Condition 1.2 of the proposed decision and this encompasses both the existing landfill and the proposed extension which includes 'Phase 2' as mentioned above. The waste activities can only be carried on in accordance with the conditions of the licence.

**Recommendation**

**No change**

**Ground 2**

*The validity of the application is called into question as the applicant has failed to disclose the existence of proceedings which have been initiated in relation to an undertaking given by the Co. Co. in 1985 that the landfill would be closed when it reached the end of its lifespan.*

**Technical Committee's evaluation**

There is no obligation on the applicant to disclose the details of legal proceedings underway between the Co. Co. and third parties. Such proceedings alluded to are a matter for the courts and the parties concerned. The EIS adequately addressed all aspects of the extension of the landfill.

**Recommendation**

**No change**

**Ground 3**

*The proposed decision is entirely incompatible with the recommendations of a report by An Foras Forbatha in 1985 that the landfill had only a lifespan of 15-17 years. A copy of this report was furnished to the Agency.*

**Technical Committee's evaluation**

The Agency is the statutory body responsible for the assessment of waste licence applications under the Waste Management Act 1996. As stated under 'Specific' ground 1 above of this objection, the Agency has considered all submissions received in reaching a decision on this application. The proposed decision provides for the licensing of the existing landfill together with the proposed extension subject to the conditions specified.

**Recommendation**

**No change**

**Ground 4**

*The proposed decision is incompatible with the Draft Midlands Waste management plan which makes it clear that the landfill should only have a short to medium term existence. An explicit condition should state that the landfill will only remain operational for a short period. Also the proposed decision is not compatible with the Tipperary North Riding County Development Plan 1998 which envisages the landfill closing in or about 2000.*

**Technical Committee's evaluation**

Section 40(2)(b)(i) of the Waste Management Act 1996 requires the Agency to have regard to any Waste Management Plan developed under Section 22 of this Act. In reaching a decision on the application for this facility, the Agency has had regard to the Midlands Waste Management Strategy which states that the facility has a remaining capacity of 345,000 tonnes and a lifespan of a further 10 years (from Jan 2000). The landfill facility was mentioned in Tipperary North Riding County Development Plan but did not make a reference to the extension of the facility.

**Recommendation**

**No change**

**Ground 5**

*Having regard to the applicants past history of management of the landfill, the objector questions the applicants willingness and ability to comply with the conditions of the proposed decision.*

**Technical Committee's evaluation**

The applicant will be required to comply with the conditions as laid down in the waste licence issued for this facility. The Agency will enforce this licence and will deal with any non-conformances should they arise.

**Recommendation**

No change
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**Ground 6**

*A specific condition should be included in the licence which requires the applicant to immediately establish a management committee with the full participation of the local community in order to assist in the supervision of the management of the facility.*

**Technical Committee's evaluation**

Condition 2.7 of the proposed decision requires the establishment of a Communications Programme. This will ensure that members of the public can obtain information concerning the environmental performance of the facility and also to allow the Co. Co. to consider the views of the local community. The contents of the programme will have to be agreed with the Agency.

**Recommendation**

No change
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**Ground 7**

*The proposed decision does not adequately address the serious environmental concerns raised in the objectors submission of 26/09/00 in relation to air quality, litter, landfill gas, leachate and bird control.*

**Technical Committee's evaluation**

The Agency has considered all submissions received in relation to the waste licence application for this facility. The technical committee consider that nuisance and operational practices are adequately addressed in the proposed decision.

**Recommendation**

No change
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**Ground 8**

*The proposed decision does not adequately address the inability of the existing roads to deal with the additional traffic generated by the proposed development. A traffic management plan should be required to be put in place prior to the proposed development being permitted.*

**Technical Committee's evaluation**

Conditions 4.21.1 of the proposed decision (as amended under Ground 15 of Objection No. 1 above) requires that the Co. Co. undertake road improvements. The development of a traffic management plan is a matter for the Roads Authority.

**Recommendation**

No change

### **Ground 9**

*The appointment of M.C.O'Sullivan & Co (who were responsible for preparation of the EIS) as design construction consultants for the proposed landfill represents a conflict of interest and further calls into question the integrity and objectivity of the EIS.*

### **Technical Committee's evaluation**

The Agency were satisfied that the EIS for this facility complied with the EIA regulations. The issue of who the Co. Co. wish to appoint as design consultants for the proposed landfill is a matter for the Co. Co.

### **Recommendation**

No change

### **Oral Hearing**

*The objector requested an oral hearing on the following grounds: (i) the lack of consultation with the public (ii) the future environmental impact which the existing and proposed development will have and to question the applicant on the past and previous operation of the landfill (iii) to allow the legal proceedings which are being taken in relation to the lifespan of the facility to be examined in public and (iv) the existing facility has given rise to significant complaint and pollution in the locality and the local community should be allowed to question and challenge the applicants record in public.*

### **Technical Committee's evaluation**

The Board of the Agency has already deemed that an oral hearing is not required in this case.

### **Recommendation**

No change

## **Objection No.3: Ballymackey Environmental Group**

### **General grounds**

*The group consider the site is unsuitable because of its location and historical background for use as a landfill site. It approves of most of the conditions laid down in the proposed decision and hopes they will be adhered to and not weakened in any way. Specifically, infrastructure such as the new entrance gates, office, waste inspection/quarantine areas, weighbridge, wheelwash, septic tank, storage area and civic waste facility should be moved away from the house/lawn and closer to the working face of the landfill in order to obscure them from public view. Also, it objects to the use of public money for infrastructure which is already in situ.*

### **Technical Committee's evaluation**

The house and associated parklands referred to here are within the facility boundary as defined under Condition 1.2 of the proposed decision. The infrastructure will be developed within the facility boundary and it will provide for the proper operation of the facility. The issue of funding for the infrastructure required is a matter for the Local Authority. Condition 4.20 should be amended to include 'hedgerows' within the buffer zone. The technical committee also consider

that Condition 8.1 should be amended to require the submission of landscaping plans in order to further minimise the visual impact which this facility will have on the surrounding environment.

**Recommendation**

**Amend Condition 4.20 to read as follows:**

Apart from the removal of hedgerows to facilitate the facility access road, the boundary hedgerow network and those hedgerows within the buffer zone shall be retained and enhanced where appropriate by the licensee to minimise the views of the facility from the surrounding countryside.

**Amend Condition 8.1 as follows:**

Within six months of the date of grant of this licence, detailed Restoration and Aftercare Plans, including landscaping plans shall be submitted for the agreement of the Agency. These shall have regard to the requirements of Conditions 8.2 and 8.3, the Landfill Directive (1999/31/EC) and the guidance published in the Agency's Landfill Manual: "Landfill Restoration and Aftercare".

**Specific grounds**

**Ground 1**

*The group feels that the road improvements specified in Condition 4.21 'do not go far enough to satisfy local demand'.*

**Technical Committee's evaluation**

See response to Ground 15 of Objection No.1 and Ground 8 of Objection No. 2 above.

**Recommendation**

**No change**

**Ground 2**

*The group would like to have flashing lights installed 500m on either side of the local school with a road sign marked 'Slow Children Paisti'.*

**Technical Committee's evaluation**

The development of a traffic management plan which incorporates road safety at the local school is a matter for the Co. Co.

**Recommendation**

**No change**

**Ground 3**

*The group objects to the proposed decision on the grounds that it is misconceived, that the Agency's investigation into it was 'defective' and that it should be invalidated due to conflict of interest.*

**Technical Committee's evaluation**

The waste licence application and E.I.S. were deemed to be in compliance with the relevant regulations. In reaching a decision on the application for this facility the Agency were satisfied that Section 40(4) of the Waste Management Act 1996 will be complied with. See response to Ground 9 of Objection No. 2 above in relation to conflict of interest.

**Recommendation**

**No change**

**Ground 4**

*The group felt that the Agency is concerned exclusively with emissions in their determination of a waste licence application.*

**Technical Committee's evaluation**

See response to Ground 3 above.

**Recommendation**

No change
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**Ground 5**

*The group feels that the applicant has a poor history of managing this waste facility and that this constitutes a reason to refuse the licence. The facility will not be properly managed in the future.*

**Technical Committee's evaluation**

As stated in the response to Ground 5 of Objection No. 2 above, the applicant will be required to comply with the conditions of any waste licence issued and if this is not the case, the Agency will take the necessary enforcement action. It is noted that local authorities are excluded from the requirement of Section 40(4)(d) of the Waste Management Act, 1996 with regard to the Agency's consideration of a fit and proper person. Nevertheless, Condition 2.0 of the proposed decision makes provision for the proper management of the activity and Condition 2.9 requires a suitably qualified and experienced manager facility manager or experienced deputy to be present at all times during the operation of the facility.

**Recommendation**

No change
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**Ground 6**

*The group feels that the local community was particularly vulnerable as it will never have the technical knowledge to protect its own interests. As the applicant was a Local Authority, it has more power and money than a private operator. They feel that the Agency did not serve the needs of, or protect the local community in this regard.*

**Technical Committee's evaluation**

The Agency has considered the concerns of the local residents raised in the submissions. The Agency has also, inter alia, satisfied itself, that the activity if carried on in accordance with the conditions of the licence will not cause environmental pollution as per Section 40(4) of the Waste Management Act 1996. The Agency are the responsible body for enforcement of waste licences and the obligation is on the licensee to comply with the conditions of such licence.

**Recommendation**

No change
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**Ground 7**

*The group object to the confines within which the Agency assessed the waste licence application.*

**Technical Committee's evaluation**

See response to Ground 3 above.

**Recommendation**

No change
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**Ground 8**

*The group feels that there was no impartial process to determine the selection of the Ballaghveny landfill site. The group feels that the Ballaghveny site was an inappropriate site for a landfill and that it was chosen by the Council as it was seen as the path of least resistance with regard to public opposition/objection.*

**Technical Committee's evaluation**

The issue of landfill site selection is a matter for the Local Authority concerned and is not a matter for the Agency provided that it can be operated in a manner which will not cause environmental pollution. The proposed decision provides for the existing municipal waste landfill together with a proposed extension.

**Recommendation**

No change
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**Ground 9**

*The group feels that the Council purchased the property onto which the landfill is proposed to be extended in order to get rid of a legal claim from the landowners. They also feel that the local community will suffer if the landfill is extended into the area acquired in this way. They feel that the cost of the property was so excessive as to constitute a non-compliance with the principal of BATNEEC.*

**Technical Committee's evaluation**

The house and associated lands are within the boundary of the proposed facility and, as such were considered as part of the waste licence application and EIS. The Agency are legally obliged to have regard to BATNEEC under Section 40(4) of the Waste Management Act, 1996. However, the issue regarding the acquisition of the land and the cost of the property is not a matter for the Agency to consider.

**Recommendation**

No change
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**Ground 10**

*The group state that they only became aware of applicant's proposals for the development to which the application relates through an advertisement which a member of the local community put in the newspaper at his own expense. They feel that there should have been public consultation on the matter. They also state that the Council's advertisement in relation to the facility was misleading.*

**Technical Committee's evaluation**

The applicant was required to post a site and newspaper notice in accordance with the Waste Licensing Regulations and both were deemed to be in compliance with the legislation. The waste licence application and EIS for this facility were made available to the public upon receipt by the Agency.

**Recommendation**

No change
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**Ground 11**

*The group feels that the advice of An Foras Forbartha in a report produced by them in 1985 should have been followed. They also state that they brought this to the attention of both the*

Council and the Agency in letters dated 3<sup>rd</sup> and 4<sup>th</sup> July 2000 respectively but that they regret the fact that neither letter was acknowledged or responded to.

**Technical Committee's evaluation**

See also response to Ground 3 of Objection No. 2 above. The technical committee note that the letter in question was dated 24<sup>th</sup> July 2000. It was received by the Agency on the 10<sup>th</sup> August 2000 and an acknowledgement sent on 28<sup>th</sup> August 2000. It was also considered as a submission on this application.

**Recommendation**

No change

**Ground 12**

*The group feels that the Council used the excuse that they had insufficient funds for road improvements in the past but that they had no difficulty in procuring funds for the purchase of Woodville.*

**Technical Committee's evaluation**

The issue of Local Authority funding is not a matter for the Agency to consider in this context.

**Recommendation**

No change

**Ground 13**

*The group calls into question the fact that the acquisition of the lands around Woodville was agreed before the consent of some of the councillors in TNRCC was granted.*

**Technical Committee's evaluation**

This is not a matter for the Agency to consider.

**Recommendation**

No change

**Ground 14**

*The group considers that the Agency should have ensured that public consultation took place prior to the submission of the waste licence application to the Agency.*

**Technical Committee's evaluation**

The Agency is not required to ensure that public consultation has taken place before a waste licence application has been submitted. Once the application/E.I.S. were submitted they were made available for public inspection by the Agency and the necessary site notices/newspaper advertisements published in accordance with the legislation.

**Recommendation**

No change

**Ground 15**

*The group considers that a conflict of interest has arisen due to the fact that the consultants who prepared the Midlands Waste Strategy Plan also prepared the E.I.S. and this part did not have the required impartiality. They have also been appointed consultant engineers for the landfill.*

**Technical Committee's evaluation**

See response to Ground 9 of Objection No. 2 above.

**Recommendation**

No change

**Animal Health Issues:**

*Information was received in relation to animal health from the Director of the Central Veterinary Research Laboratory, Department of Agriculture Food and Rural Development on 05/01/01. It stated that the animal health problems on the Hogan farm, Ballymackey, Co. Tipperary does not currently warrant the implementation of the Protocol for the Investigation of Serious Animal Health Problems. However, the Regional Veterinary Office in Limerick will continue its investigations and the Local Authority/Agency will be kept informed of the nature of any potentially hazardous emissions from the existing facility.*

**Recommendation**

The information submitted is noted by the technical committee.

**Submission on Objection by Tipperary North Riding County Council from Ballymackey Environmental Group**

**General Grounds**

*Ballymackey Environment Group have reviewed the objections of TNRCC to the proposed decision and these are discussed below. They were very happy with the conditions set out by the EPA in the PD, except for the citing of the infrastructure.*

**Technical Committee's evaluation**

See response to 'General' Grounds of Objection No. 3 above.

**Recommendation**

No change

**Specific Grounds**

**Ground 1**

*The group note that the facility should be re-named to include its removal from the townland of Woodville.*

**Technical Committee's evaluation**

The location of the facility is addressed in the proposed decision as Ballaghveney Landfill, Ballymackey, Co. Tipperary.

**Recommendation**

No change

**Ground 2**

*The group are concerned that North Tipperary Co. Co. cannot proceed with infrastructure on site because of the legal status of the site. They also raise the issue of the lifespan of the site, destruction of farmland owing to the construction of new buildings onsite when they could be accommodated at the original site.*

**Technical Committee's evaluation**

The issue of legal proceedings is a matter for both parties concerned and not the Agency. The other issues as mentioned above have already been dealt with earlier.

**Recommendation**

**No change**

**Ground 3 (Condition 3)**

*The group states that they would like all vehicles entering the landfill to go through the system.*

**Technical Committee's evaluation**

Condition 3.10 of the proposed decision requires the applicant to maintain a written record of all waste vehicles arriving at the facility other than for the Civic Waste Facility.

**Recommendation**

**No change**

**Ground 4 (Condition 4)**

*They state that they have already objected to the re-siting of the infrastructure buildings.*

**Technical Committee's evaluation**

See response to 'General' Grounds of Objection No. 3 above.

**Recommendation**

**No change**

**Ground 5 (Condition 4.18.1)**

*The group would like the original condition adhered to.*

**Technical Committee's evaluation**

See response to Ground 10 of Objection No. 1 above.

**Recommendation**

**No change**

**Ground 6 (Condition 4.18.2)**

*The objector would like the Agency to adhere to the original plan as stated on page 16 of conditions particularly condition 4.8.12 (l) to (v)*

**Technical Committee's evaluation**

See response to Ground 11 of Objection No. 1 above.

**Recommendation**

**No change**

**Ground 7 (Condition 4.19.1)**

*The group believe that it is important that groundwater from the facility is contained and only released after testing to the Ballaghveny stream. Any leaching into the Woodville bog would be a serious hazard*

**Technical Committee's evaluation**

Condition 4.19.1 of the proposed decision requires a detailed surface water management plan to be provided and this will ensure that surface water emissions from the facility will not have an adverse impact on the environment.

**Recommendation**

**No change**

**Ground 8 (Condition 4.21.1)**

*The group list a number of roads to be improved and requests that they are improved as stated in the original objection.*

**Technical Committee's evaluation**

See response to Ground 15 of Objection No.1, Ground 8 of Objection No. 2 and Ground's 1 & 2 of Objection No. 3 above.

**Recommendation**

**No change**

**Ground 9 (Condition's 5.1 & 5.2)**

*The group raise the issue of disposal of untreated sludge to the facility. They don't object to a limited use of the facility for this until safer methods are put in place within the three year time span set by the EPA. They recommend that dried pelleted sewage sludge is safe and an excellent composter,*

**Technical Committee's evaluation**

See response to Ground's 17 and 18 of Objection No.1above.

**Recommendation**

**No change**

**Ground 10 (Condition's 5.3 & 5.6)**

*The group note discrepancies in the figures between EIS report and Midland Waste Strategy Plan and current objection document byTNRCC re waste tonnage. They question which are accurate?*

**Technical Committee's evaluation**

See response to Ground's 17 and 18 of Objection No.1above.

**Recommendation**

**No change**

**Ground 11 (Condition's 5.18 & 8.2)**

*The group express concerns about the height of the landfill and that any increase in height should be denied and should comply with the height as laid down in the proposed decision.*

**Technical Committee's evaluation**

See response to Ground's 20 and 23 of Objection No.1above.

**Recommendation**

**No change**

**Ground 12**

*The group requests that all buildings erected on site be demolished on its closure at the expiry of current licence and that the area be preserved for the people as a nature reserve.*

**Technical Committee's evaluation**

Condition 8.1 of the proposed decision requires a detailed restoration and aftercare plan for the facility to be submitted to the Agency. This will provide for the appropriate restoration of the facility.

**Recommendation**

**No change**

**Submission on Objection by Tipperary North Riding County Council from Andrew and George Younghusband**

**Ground 1**

*The Younghusbands object in a general sense to the development of a landfill on this site. They also state their concern that the Council proposes to implement the extension notwithstanding the fact that the Agency is still in the process of considering the application.*

**Technical Committee's evaluation**

As stated above, the waste licence application and EIS were assessed and deemed to be in compliance with the relevant regulations. The waste licence application/EIS included details on the proposed extension and the proposed decision provided for this.

**Recommendation**

**No change**

**Ground 2**

*The objectors state that they are taking legal action against the applicant and they question the legality of the proposed extension on this account.*

**Technical Committee's evaluation**

See response to Ground 2 of Objection No.2 above.

**Recommendation**

**No change**

**Ground 3**

*The objector is concerned that toxic and dangerous waste, particularly sludges will be deposited at the landfill.*

**Technical Committee's evaluation**

See response to Ground's 17 and 18 of Objection No.1above.

**Recommendation**

**No change**

**Ground 4**

*The objectors state that they request an oral hearing on the matter and that they wish to raise a number of matters at oral hearing stage.*

**Technical Committee's evaluation**

See response to 'Oral Hearing' under Objection No. 2 above.

**Recommendation**

**No change**

Signed:

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Michael Henry  
Technical Committee Chairperson