

| MEMO | | | |
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| TO: | Board of Directors | FROM: | Technical Committee |
| CC: | | DATE: | 28 th January 2002 |
| SUBJECT : Technical Committee Report on Objections to Proposed Decision – Reg. No. 91-1. | | | |

| Application Details | |
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| Applicant: | Cavan County Council. |
| Location of Activity: | Bailieborough Landfill, Tanderagee, Bailieborough, Co. Cavan. |
| Proposed Decision issued: | 14/08/01 |
| Proposed Decision reissued: | 20/09/01 |
| Objection received: | 10/09/01* |
| Inspector: | Mr. Eamonn Merriman |

* This objection was lodged against the proposed decision originally issued by the Agency on 14/08/01. The Agency considered it to be a valid objection to the proposed decision which was re-issued on 20/09/01.

Consideration of the objections

One objection was received from Ms. Margaret Carolan on behalf of Bailieborough Environment Protection Limited. Also included in this objection was correspondence from K.McHugh/P.McHugh and a list of signatures. The Technical Committee (Michael Henry, Chairperson, Kealan Reynolds and Caoimhin Nolan, committee members) has considered all of the issues raised and this report details the Committee's recommendations following the examination of the objections. The objection was forwarded to Cavan Co. Co. for comment but no submission on the objection was received.

Objection from Bailieborough Environment Protection Limited

General Grounds

This facility does not fulfil the terms of Section 41 of the Waste Management Act 1996 and the terms of the licence do not guarantee that environmental pollution will be abated.

Technical Committees Evaluation:

The waste licence prohibits the landfilling of municipal waste at the facility and provides for the restoration of the facility using inert waste only. The licence contains a number of conditions relating to the control and management of emissions from the facility and compliance with the licence conditions will ensure that the waste activities licensed will have no significant impact on the environment.

Recommendation:

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| No Change |
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Ground 1, 2, 3 (Conditions 2.3.1, 2.4.1, 2.5.1)

The period of six months is too long for the establishment of Corrective Action Procedures, an Awareness and Training Programme and the Communications Programme.

Technical Committees Evaluation:

The technical committee consider that a timeframe of six months is necessary to allow for the development of detailed corrective action procedures and the establishment of the awareness/training. However, it is considered that the timeframe for submission of the

communications programme should be amended from six to three months from the date of grant of the licence.

Recommendation:

Amend Condition 2.5.1 as follows:

The licensee shall establish and maintain a Communications Programme to ensure that members of the public can obtain information at all reasonable times, concerning the environmental performance of the facility. This shall be established within **three** months of the date of grant of the licence.

Ground 4 (Condition 3.9)

This condition does nothing to abate the current nuisance. All surface water should be intercepted and treated as wastewater until such time as there is no risk for further pollution.

Technical Committees Evaluation:

Condition 3.9 requires the licensee to ensure that effective surface water management infrastructure is provided at the facility to prevent discharges of contaminated water and leachate to surface water courses at/in the vicinity of the facility. The licence also requires the diversion of surface water arising uphill of the landfill while the progressive capping and restoration of the facility will reduce the quantities of leachate generated.

Recommendation:

No Change

Ground 5 (Condition 3.9.1c)

The period of nine months is too long for collection and diversion of surface water arising from the area uphill of the landfill.

Technical Committees Evaluation:

The technical committee consider that a timeframe of nine months is necessary in order to allow sufficient time for the surface water collection and diversion system to be installed and therefore this condition should remain unchanged.

Recommendation:

No Change

Ground 6 (Condition 3.10)

The location of a Bring Centre/Civic Waste Facility at the landfill is not considered proper planning and development and it should be located within walking distance of the town.

Technical Committees Evaluation:

Condition 3.10 of the waste licence states that a Bring Centre may be located at the facility and the type of wastes accepted there are controlled by the licence. The Bring Centre may be upgraded to a Civic Waste Facility subject to the prior agreement of the Agency. Both of these facilities will allow members of the public to recycle waste streams which would traditionally have been disposed of by landfilling. It is a matter for Cavan Co. Co. to decide whether to develop other Bring Centres/Civic Waste Facilities at alternative locations in Bailieborough.

Recommendation:

No Change

Ground 7 (Condition 3.11.1)

The period of six months is too long and leachate should be extracted from a sump at this facility at a level of at least 25% over the leachate arising thereby forming an upward gradient in groundwater flow.

Technical Committees Evaluation:

Condition 3.11.1 specifically refers to the provision of groundwater monitoring boreholes and the submission of a report on the direction of the bedrock groundwater flow. A period of six

months is necessary to allow for the provision of the boreholes and the preparation of the report. No reference is made in this condition to leachate.

Recommendation:

No Change

Ground 8 (Condition 3.11.2)

The period of three months is too long and the landfill gas monitoring point should be installed forthwith.

Technical Committees Evaluation:

The technical committee consider that a timeframe of three months is necessary to allow for the installation of the landfill gas monitoring point.

Recommendation:

No Change

Ground 9 (Condition 3.11.3)

Any monitoring infrastructure which is deemed unsuitable should be replaced immediately.

Technical Committees Evaluation:

Condition 3.11.3 specifies that any monitoring infrastructure which is damaged or deemed unsuitable for its purpose shall be replaced within three months. It is not possible for some monitoring infrastructure, for example groundwater monitoring boreholes, to be installed immediately. Therefore, the technical committee consider that a timeframe of three months is reasonable.

Recommendation:

No Change

Ground 10 (Condition 4.1)

A period of 30 months is too long for total restoration of the landfill and the Agency should set out a timescale for each stage of capping of the landfill (e.g. 3 months for gas collection layer etc.).

Technical Committees Evaluation:

Having regard to the size of this facility, the technical committee consider that it is possible for the facility to be restored in a shorter timeframe than the one specified in the proposed decision and recommend that the facility is completely restored within 24 months of the date of grant of the licence. Condition 4.3.5 requires the licensee to submit a phasing plan for restoration of the facility and it is not considered necessary or practical for specific timeframes to be specified in the licence.

Recommendation:

Amend Condition 4.1 as follows:

The restoration of the landfill facility shall be completed within **twenty four** months of the date of grant of this licence.

Ground 11 (Condition 4.2)

The licensee is unable to comply with the final height restriction of 161mAOD Malin as it already exceeds this height. Waste will need to be removed and conditioned and this requires a separate licence.

Technical Committees Evaluation:

The licence specifies a final height for the facility of 161mAOD Malin and the licensee is required to undertake a topographical survey to establish elevation levels/heights within three months of the date of grant of the licence (Condition 8.8). Should the need arise for waste to be removed to comply with the final height requirement of this licence, the technical committee recommend that a new condition is inserted to control this. Any waste removed off-site will have to be agreed with the Agency under Condition 5.6 of the licence.

Recommendation:

Insert new Condition 5.3.7 as follows:

Waste once deposited and covered shall not be excavated, disturbed or otherwise picked over without prior agreement of the Agency.

Ground 12 (Condition 4.4)

Each of the stages in the final capping should have a specific timescale.

Technical Committees Evaluation:

The technical committee consider that it is not appropriate or practicable for timeframes to be specified for each stage of the final capping. See also response to Ground 10 above. The licensee will be required to have regard to Agency guidelines when completing the capping and restoration/aftercare of the facility.

Recommendation:

No Change

Ground 13 (Condition 5.1.1)

Six months is unreasonable for the development of waste acceptance procedures and this should be done immediately.

Technical Committees Evaluation:

As the restoration and aftercare plan involves the acceptance of inert waste only, the technical committee consider that procedures for the acceptance of such wastes can be developed within two months of the date of grant of the licence. Therefore, Condition 5.1.1 should be amended accordingly.

Recommendation:

Amend Condition 5.1.1 as follows:

Within **two** months of the date of grant of this licence, the licensee shall develop written procedures for the acceptance and handling of all wastes for the purpose of implementation of the restoration and aftercare plan.

Ground 14 (Condition 5.2)

The application of intermediate cover over the landfill should be done immediately and not within 3 months.

Technical Committees Evaluation:

The technical committee consider that it is not practicable for intermediate cover to be applied over the whole landfill immediately and a timeframe of three months is appropriate for this purpose.

Recommendation:

No Change

Ground 15 (Condition 5.4)

A green waste shredding facility is not required as this is a rural community with negligible green waste arising.

Technical Committees Evaluation:

The technical committee note that details on green waste shredding were provided in the application. However, Condition 5.4 should be amended so as not to require all green waste to be shredded (e.g. grass).

Recommendation:

Amend Condition 5.4.1 as follows:

Green waste **may** be shredded for reuse as outlined in the additional information (Waste Activities number 1) submitted to the Agency on 16th May 2001. A maximum of 0.5 tonnes of green waste, unless agreed otherwise by the Agency, may be held in a suitable container(s) on the facility at any one time.

Ground 16 (Condition 6)

Condition 6 relating to emissions is inadequate.

Technical Committees Evaluation:

The objector does not expand on the reasons why it considers Condition 6 to be inadequate. The technical committee consider that emissions to the environment are adequately controlled by this condition.

Recommendation:

No Change

Ground 17 (Condition 6.4.1)

Condition 6.4.1 is already breached and no condition causes this breach to cease.

Technical Committees Evaluation:

Condition 6.4.1 prevents the discharge of substances which cause tainting of fish or shellfish. The Agency are not aware that tainting of fish/shellfish has taken place as a result of discharges from this facility and the objector does not provide evidence to support this statement.

Recommendation:

No Change

Ground 18 (Condition 8.6)

The private wells referred to in Condition 8.6 have already been monitored and the licensee has withheld the results from the Agency. The monitoring of these wells should be undertaken by the Agency. There may be a public health risk if this condition remains unchanged.

Technical Committees Evaluation:

The technical committee note that information on the water quality of private wells in the vicinity of the landfill was requested by the Agency but this information was not submitted by Cavan Co. Co.. The Local Authority has a responsibility to make available information relating to the environment to any person and the Communications Programme will ensure that members of the public can obtain this information. Condition 8.6 requires the licensee to monitor all wells within 300 metres of the facility and submit the results to the Agency. All of these results will be made available for public inspection by the Agency.

Recommendation:

No change

Ground 19 (Condition 8.7)

The sampling station on the Barora River downstream of the facility should have been in place prior to the application for a licence. A further 3 months of pollution is unacceptable under Section 41 of the WMA 1996.

Technical Committees Evaluation:

The technical committee consider that details on the Barora River sampling station should be submitted to the Agency for its agreement within two months of the date of grant of the licence. Compliance with the conditions of the licence will ensure that significant environmental pollution does not arise from waste activities at the facility.

Recommendation:

Amend Condition 8.7.1 as follows;

Within **two** months from the date of grant of this licence, the licensee shall establish a sampling station on the Barora River downstream of the facility.

Ground 20 (Condition 11.3.1)

The period of twelve months after completion of the final cap for reporting on the effectiveness of leachate control measures is too long.

Technical Committees Evaluation:

Condition 11.3.1 requires the licensee to submit a report on the effectiveness of leachate control measures at the facility within twelve months of completion of the final capping. The technical committee consider this timeframe to be excessive and recommend that a report on the leachate measures proposed for the facility should be submitted within 18 months of the date of grant of the licence. This will allow sufficient time for the surface water management works required by Condition 3.9.1 of the licence to be completed and assessed.

Recommendation:

Amend Condition 11.3.1 as follows:

Within eighteen months of the date of grant of this licence, the licensee shall submit to the Agency for its agreement a report **on the leachate control measures proposed at the facility**. This report shall provide a programme of measures and recommendations, if necessary, to improve the effectiveness of leachate control by considering additional measures such as groundwater diversion and/or leachate collection.

Ground 21 (Condition 11.5.1)

The period of six months for submission of a drawing showing monitoring locations is too long.

Technical Committees Evaluation:

In order to allow for the provision of sampling and monitoring points required by the licence, the technical committee consider that a timeframe of six months is necessary for the submission of an up to date map showing all environmental monitoring points. This timeframe also has regard to the timescales specified in other conditions of the licence (e.g six months for installation of bedrock groundwater monitoring boreholes).

Recommendation:

No Change

Ground 22 (Condition 11.5.2)

The information relating to the borehole elevations is already in Cavan Co. Co.'s possession and should be submitted forthwith.

Technical Committees Evaluation:

The technical committee note that it is not possible for all of the borehole elevations to be available as some of them are not in place yet. The information required by Condition 11.5.2 (i.e the provision of borehole elevations) will be required for the preparation of the report on bedrock groundwater flow required by Condition 3.11.1. Therefore, this condition should be removed.

Recommendation:

Delete Condition 11.5.2.

Ground 23 (Schedule A)

The annual tonnage of 5,100 specified for the Bring Centre/Civic Waste Facility should be reduced to zero.

Technical Committees Evaluation:

The licence specifies a maximum annual tonnage at the Bring Centre/Civic Waste Facility of 5,100 and 3,550 tonnes per annum of household and commercial waste, respectively. The

technical committee consider the restrictions on waste tonnages to be accepted at the Bring Centre/Civic Waste Facility should remain. The operation of both of these facilities will also be controlled by Condition 3.10 of the waste licence.

Recommendation:

No change

Ground 24 (Schedule D.3)

The frequency of noise monitoring should be increased from annually to monthly.

Technical Committees Evaluation:

The technical committee do not consider it necessary to increase the frequency of noise monitoring from annually to monthly. The licensee will be required to comply with the emission limit values specified in the licence at all times and this should ensure adequate protection of noise sensitive locations.

Recommendation:

No Change

Ground 25

It is the objectors contention that the landfill is causing pollution of the bedrock groundwater. The licence should be amended to include immediate proposals/conditions for immediately alleviating pollution of the Chapel Stream and the bedrock groundwater.

Technical Committees Evaluation:

Compliance with the conditions attached to the licence will ensure that the activities licensed will have no significant impact on the receiving environment. The licence only permits the acceptance of inert waste for deposition (for restoration purposes) at the landfill. The licence requires the installation of bedrock groundwater monitoring wells and in addition, contains conditions relating to surface water management and capping/restoration of the facility. Regular monitoring of surface water and groundwater will enable the licensee and the Agency to assess the improvements arising from the licence requirements and appropriate actions should be taken where necessary.

Recommendation:

No Change

Correspondence from K.McHugh/P.McHugh (included in the objection from Ms. Margaret Carolan on behalf of Bailieborough Environment Protection Limited)

Ground 1 (Civic Waste facility)

The upgrading of the Civic Waste Facility and the successful implementation of all conditions of the licence is contingent upon open communication between the licensee, the Agency and the general public. The licensee displayed a deplorable lack of competence with respect to the maintenance of the facility and the proficiency of its communication. This was best reflected in the continued use of the facility after its supposed closure. The routeway adjacent to the landfill is being destructed and the residents will be deprived of this pleasant walkway by the existence of the Civic Waste Facility.

Technical Committees Evaluation:

Cavan Co. Co. will be required to comply with all conditions of the licence. This includes the establishment of a Communications Programme which will ensure that members of the public can get access to information concerning the environmental performance of the facility. Condition 3.5.1 requires effective access and site roads to be provided/maintained and the licensee has proposed upgrading of the access road to the facility as part of Attachment D.1.1.b of the application.

Recommendation:

No Change

Ground 2 (Bring Centre)

The current location of the Bring Centre is not the most advantageous for the wider community and would be better sited near the centre of commercial activity at an unused car park in the town.

Technical Committees Evaluation:

The licence provides for the siting of a Bring Centre at the facility and this will benefit all members of the community. It is a matter for Cavan Co. Co. to decide whether it wants to relocate this Bring Centre to an alternative site or put in place additional Bring Centres in the town.

Recommendation:

No Change