

MEMO			
TO:	Board of Directors	FROM:	Michael Henry
CC:		DATE:	19 th September 2001
SUBJECT : Technical Committee Report on Objections to Proposed Decision – Reg. No. 93-1.			

Application Details	
Applicant:	Cavan County Council.
Location of Activity:	Ballyjamesduff Landfill, Derrylurgan, Ballyjamesduff, Co. Cavan.
Proposed Decision issued:	12/07/01
Objections received:	07/08/01, 08/08/01
Circulation of objections:	14/08/01
Submission on objections received:	11/09/01
Inspector:	Mr. Eamonn Merriman

Objections received:

- Objection by Applicant: A. Cavan County Council.
- Objections by Third Parties: B. Patrick. J. Cusack & Co. Solicitors on behalf of Ms. Rosemary Galligan.

Submissions on objections received:

- Submissions on Objections: 1. Ms. Rosemary Galligan, % Ballyjamesduff Community Council

Consideration of the objections and submissions on objections

The Technical Committee (Michael Henry, Chairperson, Cormac Mac Gearailt and Kealan Reynolds, committee members) has considered all of the issues raised and this report details the Committee's recommendations following the examination of the objections.

Objection A : Cavan County Council

General Grounds

Cavan County Council object to the Proposed Decision as issued by the Agency and in particular they object to the decision to refuse Class 1 of the Third Schedule of the Waste Management Act 1996 (Deposit on, in or under land, including landfill). Cavan County Council voted in favour of the Waste Management Plan for the North East Region in July 2000. It was the stated policy of Cavan County Council that Corranure Landfill site would be upgraded/extended to provide extended capacity for waste disposal in Cavan County and this was reflected in the waste licence which was granted for the Corranure facility. It is a condition of the Corranure licence that wastes can no longer be accepted in unlined areas after 31st October 2001. To facilitate the installation of lined cells and associated infrastructural works it has been necessary to divert waste to Ballyjamesduff Landfill as it is deemed impossible to keep accepting waste at Corranure whilst upgrading works are ongoing. Cavan County Council object to the proposed immediate closure of the

Ballyjamesduff facility and suggest that a six month closure period be allowed for the orderly closure of the facility. The Proposed Decision also places an obligation on Cavan County Council to provide facility infrastructure and it is noted that no timeframes are allowed in the Proposed Decision for the provision of this infrastructure. The full grounds and specific objections to the Proposed Decision are outlined below.

Technical Committee's Evaluation:

The Waste Management Plan for North-East Region 1999-2004 was given due consideration during the assessment of the waste licence application for the facility. The technical committee note that Cavan Co. Co. are now diverting the waste from Corranure landfill for disposal at the Ballyjamesduff landfill facility until such time as the Corranure facility is upgraded. This, together with the closure of the facilities at Bailieborough and Belturbet could mean that up to approximately 43,000 tonnes/annum (based on quantities specified in waste licences or applied for by Cavan Co. Co. for landfills within Co. Cavan) of waste would be landfilled at the Ballyjamesduff landfill. The above tonnages are significantly greater than those applied for by the applicant (4,500 tonnes/annum) and such an increase would require the submission of a new application together with the preparation of an EIS. Each of the other grounds raised above are dealt with in the specific grounds below.

Recommendation

No Change

Ground 1 – Activities Refused and Scope of the Licence

Cavan County Council object to the refusal of Class 1 of the Third Schedule of the Waste Management Act 1996 as it does not give the council sufficient time to provide alternative arrangements for the disposal of a portion of its municipal waste. Cavan County Council suggests that a period of six months should be permitted to allow for the orderly closure of the facility and to allow works to be completed at the Corranure Facility.

Technical Committees Evaluation:

The Technical Committee considers that the granting of a waste licence which provides for the continued landfilling of waste at the facility would not comply with the requirements of Section 40(4) of the Waste Management Act 1996. In particular,

- It is evident from the information submitted as part of the application that the activity is impacting on groundwater on/adjacent to the facility. Elevated levels of ammonia (32mg/l v's MAC Drinking Water Std. of 0.3mg/l), cadmium (60ug/l v's MAC Drinking Water Std. of 5ug/l) and volatile organic compounds (Napthalene - 131ug/l v's MAC Drinking Water Std. of 0.2ug/l for PAH's) were detected in the groundwater.
- The activity is impacting on surface water quality in the Pound River downgradient of the facility as is evident from the elevated BOD (9mg/l v's salmonid standard of 5mg/l) level.
- The facility is adversely affecting the countryside in that the activity is highly visible from many local residences and the surrounding area.
- Notwithstanding the above, it is considered that the significantly increased quantities of waste which are currently being disposed of at the facility, will, given the absence of any proposals to upgrade the facility to BAT standards, result in an even greater impact on the local environment.

Therefore, the prohibition on the acceptance of waste at the landfill other than inert waste for covering, capping and restoration of the facility should remain.

Recommendation:

No Change

Ground 2 – Facility Infrastructure

Cavan County Council object to the absence of any timescale by which the facility infrastructure referred to in Conditions 3.3 – 3.8 must be completed. They suggest that a nine

month period be allowed for the provision and completion of the relevant work and that it would give the Council time to comply with any public procurement procedures.

Technical Committees Evaluation:

The Technical Committee consider that each of the infrastructural requirements referred to in Ground 2 of the Councils objection should be assessed individually rather than as a unit. It is recommended that a timeframe of three months is allowed for the provision of the facility notice board, buffer zone and facility security, and the collection of waste water, respectively. This should allow adequate time for Cavan County Council to comply with these specific requirements of the proposed decision. It is not considered necessary for a timeframe to be specified for the conditions of the proposed decision relating to facility roads (already existing) and hardstanding (Condition 3.5). It is not envisaged that there will be any fuels stored at the facility but in the event that this is the case, Condition 3.7 provides for this. Condition 3.5 should be amended as recommended below to clarify the requirements relating to the facility roads and the hardstanding area for the bring centre/civic waste facility.

Recommendation:

Condition 3.3.1 be Amended to read:

- 3.3.1 Within **three months** of the date of grant of this licence the licensee shall provide and maintain a Facility Notice Board on the facility so that it is legible to persons outside the main entrance to the facility. The minimum dimensions of the board shall be 1200 mm by 750 mm

Condition 3.4.1 be amended to read:

- 3.4.1 Within **three months** of the date of grant of this licence, perimeter security and stockproof fencing (sheep standard) and gates shall be installed and maintained at the locations shown on Drawing No. J005B-03 *Proposed Restored Layout*. The design of the security fence shall be as shown in Drawing No. SK-01 *Fencing Details* with the proviso that the base of the security fencing shall be set in the ground.

Amend Condition 3.5 to read:

- 3.5.1 Effective site roads shall be provided and maintained **to ensure the safe movement of vehicles within the facility.**
- 3.5.2 **Subject to the provision of a Civic Waste Facility/Bring Centre as per Condition 3.11** a hardstanding area (minimum area of 900 m²) shall be maintained at the north-western corner of the facility immediately adjacent to the facility entrance.

Amend Condition 3.6.1 to read:

- 3.6.1 **Within three months** of the date of grant of this licence, any domestic waste produced within the facility shall be collected for treatment at an appropriate wastewater treatment plant.

Amend Condition 3.8.1 to read:

- 3.8.1 Within **three months** of the date of grant of this licence a Buffer Zone, in which no materials other than for the purpose of landscaping shall be placed, shall be provided and maintained within the facility. The following are minimum buffer zones for the facility:
- a) Four metres from the northern boundary;
 - b) Eleven metres from the eastern boundary;
 - c) Seven metres from the southern boundary; and,
 - d) Two metres from the western boundary.

Ground 3 – Restoration and Aftercare

Cavan County Council object to the restored final height of the facility (100m AOD Malin) as specified in the Proposed Decision. The council state that by limiting the restored height it will be impossible to achieve self shedding side slopes to the restored facility. The council also object to the 30 month timeframe set for the restoration of the facility and they suggest a 48 month timeframe would be more suitable.

Technical Committees Evaluation:

The technical committee considers that, given the necessity for self shedding slopes for the effective restoration and aftercare of the facility, the restoration and aftercare plan should be revised to take into consideration the requirements of the proposed decision (i.e the use of 50,000 tonnes of inert waste for restoration of the facility). Having regard to this, the technical committee considers that it is more appropriate that the final height of the facility be agreed as part of the revised restoration and aftercare plan. It is considered that a timeframe of thirty months allows sufficient time for the restoration of the facility.

Recommendation:

Remove Condition 4.1 and renumber others.

Ground 4 – Facility Operation and Waste Management

Cavan County Council object to Condition 5.6 as they consider that it is too restrictive and onerous and if a Civic Amenity Site were to be installed it would be more efficient to temporarily store wastes at the facility and periodically remove it to Corranure for disposal.

Technical Committees Evaluation:

The use of the facility as a transfer station is not provided for in the proposed decision and the proposed decision provides for a Civic Waste Facility/Bring Centre for use by private vehicles only. No details or proposals were contained in the waste licence application for the provision of a transfer station at the facility.

Recommendation

No Change

Ground 5 – Charges and Financial Provision

Cavan County Council considers that the annual charge as per the Proposed Decision is excessive. The Council are of the opinion that in the near future the facility will close and the licence will become self regulatory and that the annual charges should be amended to reflect this.

Technical Committees Evaluation:

The technical committee examined the charges sheet (£4,489) for the facility and it is considered that the charges for the first year of the licence are appropriate given the volume of reports and proposals which will be received by the Agency. The licence provides for an annual review of the charges and it is possible that the charges may decrease thereafter.

Recommendation:

No Change

Objection B: Received from Patrick J. Cusack & Co. on behalf of Ms. Rosemary Galligan

Ground 1 –

The objection received stated “The said Council Consents to issue of Licence only on the terms set out in Decision furnished with said letter and strenuously objects to Licence issuing on any other terms”.

Technical Committees Evaluation -

The Technical Committee has had regard to the grounds of Cavan County Councils objection and consider that the recommended changes to the Proposed Decision as outlined above should be provided for.

Recommendation:

No Change

Submission On Cavan County Council Objection – Received from Ballyjamesduff Community Council

General Grounds –

The submission on the objection states that the Ballyjamesduff Community Council are in agreement with the Proposed Decision as issued by the Agency and that the contents of the Final Decision should not be amended based on the objection received from Cavan County Council. The Community Council also express their concerns regarding the volume of waste currently being accepted at the Ballyjamesduff facility and the health and safety aspects of the landfill. It requests that a Final Decision be issued by the Agency as soon as possible.

Technical Committees Evaluation -

The Technical Committee has considered the submission on objections and objections as received from all parties and it considers that the Proposed Decision should be amended as recommended above. The Technical Committee notes the concerns of the Ballyjamesduff Community Council particularly, with regard to the increased disposal of waste at the facility in recent times. The applicant will be required to comply with the conditions of the licence once a decision has been made by the Agency.

Recommendation:

No Change