

INSPECTOR'S REPORT
WASTE LICENCE REGISTER NUMBER 2-1

(1) Summary:

Name of Applicant	Cork County Council
Facility Name (s)	Ballyguyroe Landfill Site
Facility Address	Ballyguyroe Landfill Site, Ballyguyroe North, Mallow, Co Cork
Description of Principal Activity	Deposit in or on land
Quantity of waste (tpa)	30,000 tonnes (maximum)
Ministerial Certificate Granted	1995
Environmental Impact Statement Required	No
Number of Submissions Received	8
INSPECTOR'S RECOMMENDATION	The proposed decision as submitted to the Board be approved.

Notices	Issue Date(s)	Reminder(s)	Response Date(s)
Article 14 (2) (b) (i)	Not Applicable		
Article 14 (2) (b) (ii)	17 June 1997	14 August 1997	3 October 1997
Article 14 (2) (a)	Not Applicable		
Article 16	16 June 1998	14 October 1998	14 August 1998 27 August 1998 23 October 1998 30 March 1999

Applicant Address	North Cork County Council, Annabella, Mallow, Co Cork
For Local Authority applicants, is the facility within its own functional area	Yes
Is the facility an existing facility:	Yes.
Prescribed date for application:	1/5/97
Date Application received:	30/4/97

FACILITY VISITS:

DATE	PURPOSE	PERSONNEL	OBSERVATIONS
2/7/96	Site inspection	D Laurence G Carty	
26/5/97	Check site notice	B Donlon T O'Mahony	Site Notice complies with Art. 8
10/3/99	Visit pre-finalising PD	D Laurence D Buckley	

(2) Class/Classes of Activity

The class(es) of activities for which the applicant has applied are marked below. The principal activity is indicated by (P), other activities by (X).

Waste Management Act, 1996			
THIRD SCHEDULE Waste Disposal Activities		FOURTH SCHEDULE Waste Recovery Activities	
1. Deposit on, in or under land (including landfill).	X	1. Solvent reclamation or regeneration.	
2. Land treatment, including biodegradation of liquid or sludge discards in soils.		2. Recycling or reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes).	
3. Deep injection of the soil, including injection of pumpable discards into wells, salt domes or naturally occurring repositories.		3. Recycling or reclamation of metals and metal compounds.	
4. Surface impoundment, including placement of liquid or sludge discards into pits, ponds or lagoons.	X	4. Recycling or reclamation of other inorganic materials.	
5. Specially engineered landfill, including placement into lined discrete cells which are capped and isolated from one another and the environment.	P	5. Regeneration of acids or bases.	
6. Biological treatment not referred to elsewhere in this Schedule which results in final compounds or mixtures which are disposed of by means of any activity referred to in paragraphs 1 to 10 of this Schedule.		6. Recovery of components used for pollution abatement.	
7. Physico-chemical treatment not referred to elsewhere in this Schedule (including evaporation, drying and calcination) which results in final compounds or mixtures which are disposed of by means of any activity referred to in paragraphs 1 to 10 of this Schedule.	X	7. Recovery of components from catalysts.	
8. Incineration on land or at sea.		8. Oil re-refining or other re-uses of oil.	
9. Permanent storage, including emplacement of containers in a mine.		9. Use of any waste principally as a fuel or other means to generate energy.	
10. Release of waste into a water body (including a seabed insertion).		10. The treatment of any waste on land with a consequential benefit for an agricultural activity or ecological system.	
11. Blending or mixture prior to submission to any activity referred to in a preceding paragraph of this Schedule.		11. Use of waste obtained from any activity referred to in a preceding paragraph of this Schedule.	
12. Repackaging prior to submission to any activity referred to in a preceding paragraph of this Schedule.		12. Exchange of waste for submission to any activity referred to in a preceding paragraph of this Schedule.	
13. Storage prior to submission to any activity referred to in this Schedule, other than temporary storage, pending collection, on the premises where the waste concerned is produced.	X	13. Storage of waste intended for submission to any activity referred to in a preceding paragraph of this Schedule, other than temporary storage, pending collection, on the premises where such waste is produced.	

Class description:

Third Schedule;

Class 1 refers to the landfilling of waste at the facility

Class 4 refers to storage of leachate and contaminated water

Class 5 refers to the construction of lined cells at the landfill

Class 13 refers to storage prior to their rejection of unsuitable wastes.

Activities recommended for licensing:

It is recommended that all the above activities, for which the applicant has applied for a waste licence, be licensed subject to the conditions contained in the attached Proposed Decision. The applicant also originally applied for Class 7 - physico-chemical treatment - in the Third Schedule to the Waste Management Act 1996. In documentation dated 2 April 1998, the applicant indicated its wish not to pursue this proposal.

(3) Facility Location

Appendix 1 contains a location drawing and a layout drawing showing the significant features of the facility.

The facility, comprising roughly 6 hectares of landfilling in approximately 10 hectares in total, was purpose-built by Cork County Council and has been in operation since the spring of 1990. It is located in a rural location on the Mallow side of the foothills of the Ballyhoura Mountains. Only two residential properties are within 500m, both being located a substantial distance from the boundary. The dominant land-use is agricultural, with upland grazing and forestry predominating. The facility is sited a considerable distance from the nearest public road. Screening to the north is achieved by forestry. There are more open aspects to the east, but the incision caused by the River Farahy and the rising, wooded ground on the far bank act as both a physical barrier and a screen. The most open aspect is to the south, with the general environs of the landfill being obvious at some distance. However, the manner by which the landfill is constructed - involving cells excavated into underlying glacial clay - means that the deposited waste itself contributes little to the overall visual impact.

(4) Waste Types and Quantities

The total quantity of waste deposited at the facility is shown below.

	NON-HAZARDOUS WASTE	HAZARDOUS WASTE	TOTAL QUANTITY OF WASTE
Already deposited	160,000 tonnes *	Not Applicable	160,000 tonnes

* estimated figure to end of 1998

(5) Activity Summary

The landfill site at Ballyguyroe was opened in 1990. The use of the land was subject to a Ministerial Certificate issued in 1995, for which an EIS was prepared in 1994, which also provided for the extension of the facility to 32 hectares with a life of some 25-30 years. It accepts household waste from the Northern Division of Cork County Council, including that from collection rounds in Mallow, Mitchelstown, Charleville, Kanturk and Fermoy. Limited commercial and industrial wastes are also delivered by private contractors. The applicant has taken a decision that no recycling activities are to be carried out on the site (see letter of 3 October 1997). No hazardous wastes or liquids or sludges are accepted.

The operation of the facility was the subject of proceedings brought by local residents in the High Court in 1997, concerning non-compliance with the Ministerial Certificate. This was settled by an agreement between parties (17/10/97). The main focus of the agreement was compliance with particular conditions of the Certificate. However, it was also set down that disposal activities should cease when Cell 7 - which was under construction at that time - became full. This caused the life of the landfill to be significantly reduced.

The High Court proceedings also caused the consideration by the Agency of this application to be stayed for a number of months. After the Agreement was made, the applicant eventually submitted additional information in respect of a greatly scaled-down facility. The receipt of this material allowed the Agency to proceed with the consideration of the application.

The facility is composed of seven discrete cells, each individually excavated to a depth of about 10 metres into the surrounding clay. Unusually, there is no direct connection between the cells, with a significant quantity of undisturbed clay remaining around their periphery. The earlier cells were not subject to further lining, as the clay was considered by the operator to provide sufficient protection in respect of leachate migration. A significant allegation settled in the High Court proceedings concerned the inability of the operator to adequately control leachate levels. Hence artificial lining of Cell 7 was the result of the Agreement between parties.

The manner by which all the cells have been constructed will cause leachate build-up in the absence of control. This has two potential consequences: (a) the creation of an additional hydraulic head of leachate upon the clay lining materials causing a reduction in the containment properties of the glacial till and (b) leachate filling each cell and eventually over-topping at the lowest point on the surface. The proximate location of two incised ditches - the North Drain and South Stream - would then cause leachate to reach the River Farahy. Hence an important part of the proposed decision are conditions on leachate level monitoring (*Conditions 9.1, 9.5 and 9.6*) and management (*Condition 4.17.*).

(6) Facility Operation/Management

- **Waste Acceptance Procedures**

The application proposes that mainly household wastes are accepted, as well as dry non-hazardous commercial and industrial wastes. These provisions are formalised by *Conditions 5.1 and 5.2*, which also prohibit the disposal of liquids and hazardous wastes. The proposed decision requires that the wastes are inspected prior to deposit and a record of all inspections be maintained. Inspections can occur at either the weighbridge (where there is an overhead inspection gantry) or at the working face. However, the applicant failed to provide a realistic proposal on the manner by which the working face is to be supervised. Hence *Condition 5.4* requires relevant procedures to be submitted to the Agency within a specified time period.

- **Waste Handling**

Wastes entering the facility are weighed at the weighbridge and brought to the working face of the remaining operational cell (Cell 7). They are then deposited, being spread out in shallow layers and compacted. Cover material in the form of artificial sheeting is used, along with construction and demolition waste (*Condition 5.11*).

- **Nuisance Control**

Potential nuisances are controlled by *Condition 6* and by the requirements of *Condition 5.11*, which formalises the cover regime. Other conditions address the control of vermin. The use of daily cover also reduces the attraction of the facility to birds and vermin, nuisance caused by insects and litter problems.

- **Hours for Waste Acceptance**

The hours of opening are 9.00 am to 5.00 pm Monday to Friday inclusive and Saturdays 8.00 am to 4.00 pm (*Condition 5.9*). Any changes in these hours are subject to the agreement of the Agency.

(7) Facility Design

- **Infrastructure**

The applicant has proposed to completely secure the facility with a chain link fence and appropriate gates. This requirement is formalised by *Condition 4.2.*, which requires the completion of these proposals within three months.

The main infrastructure within the facility includes a car park area, offices, weighbridge, waste inspection gantry, wheelwash, a leachate lagoon, two leachate off-loading areas and silt ponds for the settlement of wash-off from site development works.

While much of the site infrastructure has been soundly constructed, an exception is the wheelwash. This is required to be upgraded by *Condition 4.9*.

- **Leachate Management;**

Elevated leachate levels have been evident in the older cells at the facility. This is partly the result of historically poor leachate control, caused by inadequate leachate monitoring, drainage infrastructure, extraction points and pumps. However, the design of Cells 6 and 7 more readily allows for the leachate head not to exceed 1m above the base of the liner, and hence this is made a requirement of the proposed decision (*Condition 4.17.3*). However, for Cells 1-5 the reduction of leachate levels to this extent may not be achievable. Accordingly, *Condition 4.17.4* requires a leachate management scheme to be submitted to the Agency for agreement. Finally, *Condition 9.6* requires that a proposal is made to the Agency in respect of the installation of an automated leachate level monitoring system, as well as a methodology for accurately measuring leachate being removed from each individual cell (*Condition 4.17.1*).

Leachate is at present collected in a leachate lagoon and tankerage collection point. A second collection point - whereby leachate is pumped directly from Cells 1-4 - is located near the site entrance. In either case, the collected liquor is removed for off-site disposal at a local sewage works. The arrangements for management of leachate at the facility are required to be improved in the proposed decision. This involves four elements: (a) the relocation of the main leachate storage lagoon to a location further away from the Farahy River and nearer the site entrance (*Condition 4.17.1*); (b) a proposal for the construction of a leachate collection point at this location; (c) a significant improvement of the arrangements for leachate pipework from the pumping chambers to the leachate collection points (*Condition 4.17.1*). At present, the latter are distributed across the facility in a rather ad-hoc fashion and in a manner which will preclude final landscaping and restoration of completed areas; (d) *Condition 4.17.2* forbids within one month of the granting of the licence the undesirable practice of pumping leachate from one cell and discharging it into another.

- **Landfill Gas Management;**

The landfill already contains some passive gas vents and the applicant has no proposal to flare or otherwise utilise landfill gas. However, it is considered desirable that landfill gas is either used or flared at this facility. Hence *Condition 4.18* requires the applicant to provide a proposal to the Agency in relation to these items within 6 months of the date of granting of the licence.

- **Capping System;**

As noted, the conceptual design of the facility involved the extraction of the significant quantities of clay as part of the construction of Cells 1-7. This has been used either to restore Cells 1-6 or is stockpiled on site to be used for capping on Cell 7 and for general site restoration works. A materials balance submitted in response to a notice

under Article 16 of the Waste Management Licensing Regulations 1997 indicated that this material will prove adequate for the purposes of capping of the final cells. A specification for the capping of Cells 6 and 7 is contained in the application and this formalised by *Condition 4.21*. It involves the use of overlapping polyethylene sheeting, a practice which is also part of the High Court agreement. Capping of Cells 1 to 5 was done prior to the application being made. However, in-situ testing was required by the Agency and the results indicate a low permeability.

(8) Restoration and Aftercare

The after-use of the facility as expressed in the original application to the Agency was for a nature reserve. This statement reiterated what was originally in the EIS submitted to gain the Ministerial Certificate. While more recently (see response to Article 16 notice dated 23 October 1998) the applicant has indicated that it wishes to simply grass over the facility, *Condition 8.2* requires the original proposal for a nature reserve to be followed.

(9) Hydrogeology

The facility is a natural containment, with Cell 7 being augmented by artificial lining. The landfill has been constructed by excavating into between 10m to 30m of glacial till which overlays a bedrock of Old Red Sandstone. This generally leaves over 10 metres of till to act as a containment and to prevent leachate passing into the Old Red Sandstone below. The division between these two quite different strata creates two separate hydrogeological units. Groundwater is observable in the overburden, but movement - which is towards the south east - is very slow due to the presence of low permeability glacial clays. Permeabilities in this zone have been identified as ranging between 10^{-7} to 10^{-9} m/s. The Old Red Sandstone bedrock aquifer is classed as locally important. Although water transfer in this zone is more rapid, it is significantly protected from landfill leachate by the low permeability and considerable thickness of the glacial till above.

Groundwater monitoring is required by *Condition 9.1*. A significant number of boreholes have been installed by the operator since the site was first developed. The applicant proposed that a total of 11 boreholes are to be subject to groundwater sampling. This was considered excessive and has been reduced to eight in the proposed decision (*Condition 9.1 and Schedule F*). *Condition 9.4* requires that a proposal is made for the Agency's agreement for the monitoring of certain local wells.

(10) Emissions to Air

Emissions to air include landfill gas and dust. *Condition 7.1* sets emission limits for landfill gas detected in buildings and for dust deposition. *Condition 7.6* sets trigger levels for landfill gas detected on or in the immediate vicinity of the facility. Landfill

gas management is required by *condition 4.18*. Dust control is required by *Condition 6*. Dust and landfill gas monitoring requirements are established under *Condition 9.1 and Schedule F*. *Condition 10.7* - in conjunction with *condition 3.1* - requires further action, including investigations and remedial action to be taken if trigger levels or emission limits are exceeded.

(11) Noise Emissions

Noise is not considered to be a problem at this landfill due its remoteness and screening to the north and east. While traffic turning into the site entrance may have noise effects, the rurality of the location and the low waste input into the facility - typically about 25,000 tonnes per annum - significantly limits potential impacts. Noise emission limits are established by *Condition 7.1*. Noise monitoring of the facility is required by *Condition 9.1*.

(12) Emissions to Sewer

There are no emissions to sewer.

(13) Emissions to Surface Water

The River Farahy is located in a steeply incised gorge to the east of the facility and less than 300 metres from the nearest cell. The facility itself is tightly bounded by surface water ditches to the north, west and south. Virtually all of these discharge to the Farahy, albeit that some are dry in summer months.

The nature of the glacial clay - which when combined with rainwater forms colloidal particles with poor settlement characteristics - coupled to historically inadequate site management practices at the facility has caused periodic pollution of the River Farahy by suspended solids. This problem is reflected in the submissions received (see Section 16) and was also one of the factors in the High Court action by local residents.

Enlarged silt ponds have been installed on both of the ditches (the North Drain and South Stream) feeding into the Farahy to provide retention and settlement for suspended solids. Culverting of the surface water ditch to the south of the facility and the covering of exposed clay stockpiled for capping works by polyethylene sheeting has reduced contaminated run-off to the ditches in inclement weather. These works have been augmented by the cessation of the practice of pumping and discharge to the Farahy of contaminated water collected in cells under construction. More recent environmental monitoring data received since the undertaking of these actions would suggest that they have been generally successful in causing a reduction of suspended solids emissions.

The proposed decision places a limit on the discharge of surface waters from the facility (*Conditions 7.1 and 7.2*), with a suspended solids limit being set at 240 mg/l

(see *Table G.5. to Schedule G*). This is close to the 237 mg/l level proposed by the applicant. Given that environmental monitoring data would indicate that there is still exceedance of this level on occasion, *Condition 7.2* of the proposed decision gives the applicant six months in which to achieve this limit. Hence the silt ponds can be enlarged, being subject to the Agency's approval as a 'specified engineering work' under *Schedule E. Condition 9.7* requires that a proposal is submitted to the Agency within three months for a location of a purpose-built sampling point on the North Drain and South Stream. This is intended to allow accurate sampling, particularly in times of low flows.

Condition 9.1, coupled with *Schedule F and Table F.4.6*, requires that surface water quality is monitored quarterly. However, *Table F.4.7* requires that a limited range of parameters are measured more frequently. General watercourse quality for the Farahy and the ditches surrounding the facility are to be monitored on a monthly frequency. However, the discharges from the North Drain and South Stream are to be monitored on a weekly basis. This is a reflection of the environmental history of the facility and the recurring problem with suspended solids discharges. The applicant is left with discretion as to how the samples can be subject to analysis, leaving open the option of holding a suitably calibrated portable turbidity meter at the facility.

(14) Other Significant Environmental Impacts of the Development

None.

(15) Waste Management, Air Quality and Water Quality Plans

Cork County Council finalised their Waste Management Plan in May 1999. The Plan states that Ballyguyroe Landfill Site was one of six landfills in the Cork County Council area to be subject to a waste licence application. It indicates that Ballyguyroe will operate for only a limited time as required by the High Court Agreement.

(16) Submissions

A summary of the submissions received in relation to this waste licence application is provided below. This includes a summary of the issues raised in the submissions and shows those these issues are addressed in the proposed decision.

Submission 1: submission dated 17 May 1999 from Southern Regional Fisheries Board

The submission refers back to the Board's earlier submission (see below) and the Board's previous concerns about unsatisfactory site management practices causing suspended solids pollution of the River Farahy. The submission raises the Board's dissatisfaction about a large amount of "topsoil" stored on the site, which it views as having the potential to cause water pollution due to uncontrolled run-off. The submission emphasises that the Agency must be satisfied as to the adequacy of the silt control measures and other management practices adopted at the facility.

Response. The matter of the mitigation of the silt discharge has been dealt with in Section 13 of this report above. The potential for run-off from the stockpiled areas will reduce as site restoration takes place. At present these are subject to covering with polyethylene sheeting in light of the High Court Agreement.

Submission 2: Submission dated 27 August 1997 from Southern Regional Fisheries Board

The submission alleges the following:

2.1. *the unsatisfactory nature of management practices at the facility, in particular the discharge of silt-laden run-off into the River Farahy and its impact of fisheries. Information contained in the original application on the mitigation of the silt discharge is described as misleading. It is also suggested that the Ministerial Certificate sets down requirements which relate to land that the local authority does not occupy and that there has been a general non-compliance with the Certificate;*

Response. Since the submission was made, the applicant has significantly improved the management of silt-contaminated surface water discharges from the site. Mitigation of silt discharges is covered in Section 13 above. The submission also raises the matter of non-compliance with the Ministerial Certificate. Since the submission was received by the Agency, this matter was dealt with in the High Court Agreement and settled by agreement between the applicant and the local residents.

2.2. *that the application contains a “false” statement concerning the location of fuel storage tanks. The Fisheries Board claims that they are, in fact, (a) not bunded, (b) situated at location different to the relevant drawings and (c) being unbunded, presenting a risk to local water courses;*

Response. Since the submission was made, the arrangements for the storage of site fuel have changed and a mobile fuel bowser is stored in Cell 7. *Condition 4.13* of the proposed decision requires that all fuel is stored at bunded locations and this includes any mobile fuel bowser, which has to be held at such a location overnight.

2.3. *that material submitted by the local authority in respect of the application for the Ministerial Certificate makes the pledge that a surface water sampling programme would be developed in conjunction with the Fisheries Board. The Board, however, complain that no such discussions have ever taken place.;*

Response. The issue of whether the applicant and Board collectively developed the monitoring programme is a matter for these parties. An extensive monitoring programme is set out in the application and formalised by *Condition 9* of the proposed decision. As part of the waste licence consultation process, a copy of the application has been forwarded to the Fisheries Board. Neither this submission nor the later one (see above) indicates that the Board has significant concerns about the proposals for environmental monitoring contained in the waste licence application.

Submission 3. Submission dated 18/5/99 from Mr J Geary, Chairman, Kildorrery Anti-Dump Group

This submission is split into two parts, each of which focuses on information forwarded to the Agency by the applicant on 14 August 1998 and 23 October 1998 in respect of the Agency’s Article 16 notice. An attachment was also supplied, which contained an assessment made by a consultant hydrogeologist.

3.1 Matters raised in relation to the reply furnished on 14 August 1998:

3.1.a *conclusive documentary evidence has not been submitted to the Agency that the applicant owns the land on which the facility is constructed. Details of a right of way to an environmental monitoring point - which is across land outside the area of apparent ownership of the local authority - has not been furnished;*

Response The County Council has been in occupation of the facility as lessee since operations first started in the early 1990s. In the response dated 23 October 1998 to the Agency’s Article 16 notice, the applicant indicated that agreement has been reached to purchase the facility. While the Agency has not had sight of the conveyance document, whether or not the facility is under ownership or leasehold is not material to the issuing of a waste licence. *Condition 9* requires

that certain environmental monitoring boreholes on the original lessor's land are to be subject to sampling. It is up to the applicant to obtain the requisite wayleaves to comply with the condition;

3.1.b *details of a water supply and associated manholes from a water source in Co Limerick are not reflected on relevant drawings and the existence of this supply means that third parties need access to the facility. The latter "is not consistent with good site management";*

Response. This matter has little bearing on whether the site should be subject to licensing. The proposed decision requires that the facility is adequately secured (*condition 4.2*). It also sets down hours of operation (*condition 5.9*). Unauthorised access for disposal purposes outside those hours would contravene the wording of any licence when issued.

3.1.c *the storage of fuels in mobile tankers has a risk of accidental spillage and such a spillage will constitute hazardous waste;*

Response. The arrangements for any fuel bowser at the facility is described in the response to submission 2.2 above. Environmentally significant spillages are to be reported as incidents under *Condition 3.1*.

3.1.d *the site is still not securely fenced and access to the site out of hours is permitted to the previous landowner;*

Response *Condition 4.2.1* requires that the facility is to be fully fenced in the manner set out in the application within three months of the date of granting of the licence. The matter of access by third parties is discussed in the response to submission 3.1.a above.

3.1.e *the use of hessian cover is not adequate and fly infestations in properties near the site are particularly bad in 1999;*

Response. *Condition 5.11* allows the use of a range of cover systems, including hessian sheeting. It is understood that the widely reported problems with insect infestation related to the early days of hessian as a cover system. Experience since then would indicate that hessian may not be suitable for landfill cover over lengthy periods in certain circumstances and seasonal conditions. *Condition 6.9* requires that insects are controlled to prevent nuisances. Other than this submission, the Agency does not have a record of any complaint in 1999 on insect infestation.

3.1.f *the site electricity supply has not been upgraded;*

Response It is understood that this matter is currently under discussion between North Cork County Council and the ESB. The existing supply may place a possible limit on the extensive use of electric pumps for the removal of leachate at the facility. It is, however, not considered a reason to withhold the licence as mobile power generation is an alternative.

3.1.g *leachate is pumped directly to a road tanker at a temporary facility by the site office. Leachate spilled at this location will cause pollution of neighbouring watercourses;*

Response. The proposed decision requires a proposal to be submitted for the installation of re-sited leachate removal facility and leachate lagoon near to the site offices (*Condition 4.17*). This would obviate the current arrangement whereby leachate pumping into road tankers occurs at different locations.

3.1.h *evidence that photographic wastes deposited at the facility are not hazardous wastes has not been submitted. Waste from food processing is an industrial waste. Neither industrial waste nor hazardous waste are allowed under the High Court Agreement;*

Response. *Condition 5.1* forbids the deposit of hazardous waste. Compliance with the High Court Agreement is matters between the two parties. However, it is not considered that there is a conflict between the requirements of the agreement and the wording of the proposed decision.

3.1.i *the silt traps in the Southern Stream are inadequate;*

Response. The requirements of silt abatement are described in Section 13 above. These permit the silt traps to be upgraded if problems develop in compliance with the emissions limit in the proposed decision.

3.1.j *a document setting out an agreement between the applicant and Coillte in respect of the preservation of a strip of forestry along the north boundary of the facility is invalid as it has not been signed by a representative of Coillte;*

Response. The issue of whether this document has been signed is a matter between Coillte and the applicant.

3.1.k *Clause 3 of the High Court Agreement relates to independent monitoring of private wells and that this is misleadingly described in the response to the Article 16 notice.*

Response. The enforcement of the High Court Agreement is a matter for the parties to it.

3.1.l *Biological surveys indicate a deterioration in the quality of the River Farahy. This has been caused by the landfill, not - as alleged by the local authority - by forestry activities in the catchment.*

Response. The matter of the water quality of the River Farahy has been considered in the making of this decision. It is considered that the requirements of the proposed decision will not cause environmental pollution of the Farahy.

3.2 Matters raised in respect of the response to the Article 16 notice by the applicant dated 23 October 1998:

3.2.a *Ownership of the site by the county council is not clarified;*

Response. This matter has been considered under Submission 3.1.a above.

3.2.b *screening as required by the Ministerial Certificate still not in place;*

Response. Condition 8.2. of the proposed decision requires that a full landscaping scheme is submitted to the Agency within 9 months.

3.2.c *acceptance of non-hazardous industrial waste and hazardous waste is a breach of the High Court Agreement.*

Response. See response in respect of submission 3.1.h above.

3.2.d *Access to the site by third parties not effectively controlled by applicant;*

Response. See response to submission 3.1.b above.

3.2.e *site staff not been adequately trained as required by the Ministerial Certificate;*

Response. Condition 2.5. requires that procedures for the training of site staff are developed.

3.2.f *the facility has not been developed in accordance with the EIS submitted as part of obtaining the Ministerial certificate and is not in accordance with the Certificate: "... therefore there is a high risk of environmental pollution ...".*

Response. As noted above, the matter of non-compliance with the Certificate has been subject to an agreement between parties. The proposed decision reflects the view that, when operated under the condition of the licence, the facility will not cause environmental pollution.

3.2.g *information submitted as part of applicant's need to satisfy Article 12 of the Waste Management Licensing Regulations 1997 including descriptions of the following operations: (a) "surface impoundment, including placement of liquid or sludge discards into pits, ponds or lagoons" and (b) "physico-chemical treatment of waste". These activities conflict with High Court Agreement;*

Response. These descriptions are taken from the Third Schedule of the Waste Management Act 1996. The surface impoundment operation is subject to the limitations set down in Schedule A to the proposed decision, causing it to be restricted to the storage of leachate. As noted in Section 2 of this Report, the applicant had previously indicated that it did not wish to pursue the option of physico-chemical treatment. While the matter of compliance with the High Court Agreement is for the parties affected, it is not considered that there is a conflict with the conditions of the proposed decision in these respects.

3.2.h *private wells should have been subject to sampling more frequently than annually and the parameters subject to analysis should correspond to the requirements for baseline and compliance requirements of Agency's Landfill Monitoring Manual.*

Response. The requirement on future environmental monitoring are set out in condition 9.1. The particular parameters to be subject to analysis are contained in Schedule F.

3.3 Attachment prepared by Mr David Ball, a hydrogeologist.

This mainly focused on the information provided by the applicant in response to the Agency's Article 16 notice. The following issues were raised:

3.3.a *reference is made to a previous submission by Mr Ball dated May 1998 (see below). The author records his “dismay” that the criticisms then raised have not been addressed a year later. In particular, it was emphasised that a “key element” of the design was that leachate was kept below the level of groundwater in the overburden at a depth of less than one metre across the landfill base. This is not being achieved;*

Response. *Condition 4.17* of the proposed decision contains requirements on leachate levels. These have been set at 1 metres for cells 6 and 7. Levels for the other Cells are subject to a proposal made to the Agency for its agreement. However, any exceedance of a limit of three metres above the base of the Cells is to be regarded as an incident (*condition 4.17.3*) and notified as such to the Agency under *Condition 3*. A proposal on automatic leachate level recording is to be made under *condition 9.6*.

3.3.b *the waste licence application process is alleged to be slow and the Agency is urged to use its powers under s62 and s63 of the EPA Act 1992 to require the local authority to correctly manage the landfill;*

Response. The Agency has had correspondence with the local authority and the anti-Dump Group since 1995. Meetings with the local authority and the Anti-Dump Group have also been held. A site visit was made in 1996. The Agency’s dissatisfaction with the environmental control regime at the facility was communicated both verbally and in writing in 1996, when non-compliance with the Ministerial Certificate was also raised. These actions resulted in certain site improvements, including the appointment of a full-time site manager. The waste licence application was made in April 1997 with consideration by the Agency being stayed in the light of the High Court proceedings (see Section 5 of the report above). Since that Agreement, environmental monitoring data has been forwarded to the Agency regularly and this generally shows an improvement of site operations and a diminution of negative environmental impacts, particularly to the River Farahy.

3.3.c *alleges that the monitoring data is misleadingly described by the local authority. Also asserts that the data is not being correctly obtained, is of poor quality and reliability, exhibits poor sampling and recording techniques, is taken from boreholes in incorrect locations, is subject to specious interpretations and so on;*

Response. The monitoring data presented in the application and the criticisms levelled against it in submissions have been considered in the making of this decision. *Condition 9* requires that monitoring data be obtained from the monitoring points set out in Schedule F. The latter also sets down the range of analytical parameters to be used in the provision of such data to the Agency.

3.3.d *considers that the above deficits do not satisfy the High Court Agreement that “effective monitoring of groundwater is undertaken”.*

Response. As noted, compliance with the High Court Agreement is a matter of the parties effected. It is considered that monitoring as required by the proposed decision will be effective in providing an accurate picture of the environmental impacts of the continued operation of the facility;

3.3.e *considers that the Ministerial Certificate “required” leachate levels in Cells 1-7 not to exceed a maximum of a one metre leachate head, particularly in the context of the wording of the High Court Agreement that leachate control shall be effective. Concludes that leachate control in Cells 1-5 does not accord with these requirements;*

Response. The matter of leachate levels has been addressed in respect of submission 3.3.above.

3.3.f *evaluates the applicant’s groundwater monitoring data, concluding that deficient data, borehole location, sample taking and interpretation of results contradict the requirement of the High Court that monitoring is effective and urges that a new monitoring regime is implemented;*

Response. The matter of groundwater monitoring in the proposed decision has been considered in the response to submission 3.3.c above.

3.3.g *alleges that the borehole logs for the site investigation suggest an apparent level of geological uniformity in the clay overburden which is not reflected from the evidence resultant from the*

actual excavation of Cell 7. Suggests that this matter, in combination with high leachate levels, will cause leachate leakage from the landfill.

Response. It is noted that Cells 1 to 6 are already filled with waste and that Cell 7 is lined and partially filled. It is also considered that the lining works on Cell 7 (formalised by *condition 4.16*), coupled with the requirement that leachate heads in this cell remain below 1 metre (*condition 4.17.3*), will preclude environmental pollution resultant from any leachate leakage from the facility.

3.3.h *concludes that inadequate historic monitoring, coupled with the deficient conceptual basis of the monitoring programme proposed, precludes the development of an accurate picture of the hydrogeological regime at the site and particularly the environmental effects of any leachate plume. Emphasises the need for an effective monitoring programme so that hydrogeological impacts are adequately assessed.*

Response. It is considered that a sufficient amount of environmental monitoring data has been provided to allow an effective assessment of the application by the Agency.

Submission 4. Submission dated 18/12/98 from by Mr J Geary, Kildorrery Anti-Dump Group.

Matters raised:

4.1 *Ownership of the land relating to the facility. Alleges that the Ministerial Certificate was issued "on the basis that" the applicant purchased the land. The local authority has failed to provide conclusive proof of ownership. This has also prevented, inter alia, the Action Group verifying if the wording is conditional and, particularly whether it permits rights of access by the previous landowner;*

Response. this matter has been partially covered by the response to submission 3.1.a. The issue of access to the legal document setting out the conditions of occupation is a matter between the residents and the local authority.

4.2 *Concerned about the relationship between the applicant and the original lessor, to the effect that members of the family of the lessor are employed on the landfill and/or supply machinery for landfill activities. Suggests that this is not reflected in the licence application;*

Response. This matter is not relevant to the proposed decision. It should be noted that *condition 2.6* requires that a site management structure be submitted to the Agency within six months.

4.3 *Non-compliance alleged with the High Court Agreement, with regard to (a) types of waste, (b) effective site management, (c) effective silt control, (d) effective leachate control and (e) effective water monitoring.*

Response. The matter of compliance with the legal agreement is an issue for the parties to it.

4.4 *Claims that the application acknowledges that hazardous waste is present in household waste and commercial waste and that this is contrary to the High Court Agreement. Asserts also that the acceptance of industrial waste is prohibited by the agreement and that there is a lack of compliance in respect of latter's requirements on silt control.*

Response. Waste types are subject to *conditions 5.1 and 5.2* of the proposed decision. The content of the High Court Agreement is, as noted, a matter for the parties to it. Silt control has been already discussed in the response to submission 3.1.i above.

4.5 *Leachate off-loading into a road tanker by the site cabin is alleged to present a risk of water pollution. Groundwater monitoring is inadequate due to a lack of consistency in sampling and analysis.*

Response. The proposed decision's requirements on leachate tankering are discussed in respect of submission ... Groundwater monitoring is discussed in respect of submission 3.1.g above.

Submission 5. Submission dated 26/5/98 from by Mr J Geary, Kildorrery Anti-Dump Group.

The submission was composed of a main submission by the Anti-Dump Group, to which was annexed four reports by consultants, three affidavits used in the High Court proceedings and a two-volume

copy of a submission made by the Anti-Dump Group as part of the consideration of the Ministerial Certificate.

5.1. Submission from the Anti-Dump Group

5.1.a *the failure of the local authority to adhere to specified elements of the Ministerial Certificate caused the Anti-Dump Group to take proceedings in the high court. This resulted in an agreement between parties. Copies of the affidavits in respect of these proceedings are included in this submission;*

Response. This statement is noted.

5.1.b *the access road is secured by a locked gate, which restricts the residents from exercising their right of way to the townlands of Ballyguyroe North and Craig Upper. It is necessary to re-locate the gate so as not to impede the right of way;*

Response. It is understood that the gate being referred to is the gate across the laneway leading to the facility, not the site gate referred to in *Condition 4.2.*. The issue of whether a right of way exists is a matter for the local residents and the local authority. The facility itself is to be fully secured within three months of the grant of the licence in the manner required by *condition 4.2.* It is noted that the laneway leading to the facility does not cross the site in order to provide access to other properties.

5.1.c *the landfill is clearly visible from the Mitchelstown to Mallow Road (N 73). The mounds of stored clay cause a significant adverse impact on the Ballyhoura landscape;*

Response. The visual impact of the facility was considered in the EIS submitted to obtain the Ministerial Certificate. General landscaping is required in a scheme to be submitted under *condition 8.2* (see response to submission 3.2.b). In relation to the mounds of stored clay at the facility, which are covered in black polyethylene sheeting, the following should be observed. Firstly, the presence of the sheeting is to mitigate the problem of run-off containing suspended solids. Secondly, the use of an “artificial protective covering” for this purpose is an actual requirement of the High Court Agreement. Finally, these mounds are not to be subject to any further extension as Cell 7 has been fully constructed. Hence they will diminish in size as restoration materials are removed for the completion of Cells 6 and 7.

5.1.d *a contractor using the site is disposing of industrial waste and metal scrap. By contrast, the High Court Agreement and EIS submitted to obtain the Ministerial Certificate state that the types of waste are to be “domestic waste and dry commercial and inert waste”;*

Response. Waste types are controlled by *Condition 5.* It is considered that there is no inconsistency between these positions and the proposed decision as written.

5.1.e *the application refers to household and commercial waste containing up to 0.5% hazardous waste. The disposal of hazardous waste contained in domestic and commercial waste is not acceptable to the Anti-Dump Group;*

Response. this matter has been addressed by the responses to submission 3.1.h.

5.1.f *the list of activities applied for in the waste licence application include placement of liquid and sludge discards and physico-chemical treatment of waste. These are contrary to the High Court Agreement;*

Response. This matter has been addressed in respect of submission 3.2.g above.

5.1.g *cell construction is not as specified in the EIS and that - post the High Court Agreement - there are differences in the height of Cell 7 as compared to Cells 5 and 6;*

Response. The maximum height of Cell 7 is formalised by *condition 8.1.*

5.1.h *a range of nuisances alleged to have been caused by the landfill are listed, including (a) traffic (speeding and not keeping to designated routes); (b) gas and obnoxious odours, (c) litter, (d) pollution of the Farahy, (e) crows, (f) fly infestation;*

Response To the Agency’s knowledge, there are no designated routes for the traffic to the landfill. In respect of vehicles speeding, these matters should be addressed between the complainant and the site operator/the Garda. *Condition 6* addresses environmental nuisances.

5.1.i *past waste acceptance practices have been unacceptable and include medical and laboratory wastes deposited at the facility, as well as unspecified hazardous and chemical wastes. In addition, the measures on waste acceptance specified in the application are not in place;*

Response. It is considered that the conditions of the proposed decision will prevent any recurrence of the matters alleged. Waste acceptance measures are set out in attachment F2 of the application and formalised by *condition 5.3*.

5.1.j *contingency arrangements specified in Attachment K1 of the application are vague and fail to reassure the local community;*

Response. It is considered that the proposals on contingency contained in the attachments to the application are adequate for the purposes of making this proposed decision. In respect of this submission, *Condition 10.2* requires that an emergency response procedure is submitted to the Agency for its approval within .6months of the grant of the licence.

5.1.k *environmental monitoring in the licence should include the Farahy, private wells and boreholes upgradient of the landfill in Co Limerick, private wells and boreholes specified in Vol 3 of application attachment J.2.2 and domestic well of Mr J Geary. Monitoring should include all parameters specified in Table J.2.3 of the application in private wells and boreholes in addition to bacteriological tests;*

Response the River Farahy (including upstream of the landfill) is required to be monitored by *condition 9.1* of the proposed decision. In 1998, the local authority installed a purpose-built monitoring borehole at the request of the Agency to the north of the facility in County Limerick. This monitors groundwater quality upstream of the facility in both the glacial overburden and the Old Red Sandstone. It is not considered necessary to require private wells and boreholes “upstream” of the facility be monitored. As is set out in application and as is confirmed by the Anti-Dump Group’s own consultant Mr David Ball in his submission, groundwater flow is from a north-westerly to south-easterly direction. Hence it is not considered appropriate that further wells to the north of the facility are subject to monitoring.

In respect of domestic wells located “downstream” of the facility (including that of Mr J Geary), the following should be observed. Firstly, monitoring of the group water scheme is a requirement of the High Court Agreement. Secondly, *condition 9.1* requires that groundwater is subject to monitoring, with condition 9.4 requiring wells within 500m of the facility to be subject to monitoring. In respect of the part of the submission on required parameters, *condition 9.1 and Schedule F, Table F.4.6.* of the proposed decision specifies these in detail. Coliforms are included in the determinants.

5.1.l *the Agency should specify the environmental mitigation measures, including restoration, aftercare and post-closure monitoring;*

Response. These measures are set out in the conditions of the proposed decision.

5.1.m *the Agency should refuse the application if it is satisfied that the site is causing or will cause environmental pollution, particularly in respect of the Farahy and groundwater.*

Response. The criteria for the determination of whether a waste licence application should succeed are set out in section 40(4) of the Waste Management Act 1996. This includes, inter alia, matters concerning environmental pollution. It is considered that the proposed decision satisfies these requirements.

5.2 Comments by Mr D Ball, hydrogeologist, on behalf of the Kildorrery Anti-Dump Group.

5.2.a *the design of the landfill was such that pumping would ensure that leachate levels remain below the piezometric head of the groundwater in the underlying bedrock and below the water table in the glacial overburden. This would prevent any leachate being emitted through the unlined cells;*

Response. *Condition 4.17.3* of the proposed decision contains requirements intended to reduce and maintain leachate levels to a practicable level.

5.2.b *seepage of water into the deposited waste will continue for “probably several centuries” and the facility will be a potential source of water pollution throughout that time period;*

Response. It is well known that biodegradation rates of considerable length are an inevitable consequence of landfill site operation. It is therefore understood that the requirement of the proposed decision in respect of such matters as leachate control and collection will continue for many years. Under the Waste Management Act 1996 (section 48), the Agency is required

only to grant the surrender of a waste licence when the condition of the facility is such that it is not causing and will not cause environmental pollution.

5.2.c *the glacial overburden is not homogeneous and it is alleged that a small spring was observed in July 1997 on the dividing wall between Cells 5 and 7. It is suggested that if water can get in, it can also get out as leachate;*

Response. The matter of the homogeneity of the overburden has been considered in the making of this decision. The response to submission 3.3.a sets out the arrangements for leachate management. There are also requirements on capping (*Condition 4.21*) which will prevent rainfall ingress. Information on the effectiveness of the capping of completed cells was supplied in respect of the Agency's Article 16 notice of 16 June 1998. Provided that there is compliance with the conditions of the proposed decision, it is considered that the facility will not cause environmental pollution in respect of either surface water or groundwater.

5.2.d *the absence of artificial lining in all cells other than Cell 7 means that groundwater will seep into them, resulting in dewatering by pumping "for centuries". Consequentially, a failure to keep leachate levels below the level of the surrounding groundwater will cause a leachate plume to emanate from the facility. If this occurs, it is suggested that there is little that can be done about it. While Cell 7 is lined, it will also leak due to pin-holes and other defects. Hence leachate pumping from that Cell is essential. Asserts that very long-term aftercare management, particularly in respect of leachate removal is an inevitable consequence of the operation of the landfill;*

Response. This matter has been covered in respect of the response to submission 3.3.a

5.2.e *on 6 July 1997, leachate in Cell 5 was so high that it was trickling into Cell 7. The operator's inadequate leachate level management was a major reason behind the High Court case taken by the residents. However, leachate levels in Cell 5 remained high after the signing of the agreement, undermining confidence in the operator's ability to manage the site effectively;*

Response. Leachate levels will, in future, be subject to the proposed decision's *condition 4.17*. Hence the matters alleged to have arisen in the past are precluded by the conditions.

5.2.f *the design as built may be "unworkable", with drainage in the cells ineffective. It may be better not to cap the cells, but to allow rainwater to flush out any noxious liquid. This will cause biodegradation to occur over decades, not over centuries;*

Response. It is considered that the design as proposed is acceptable and that the environmental impacts of the facility will be adequately controlled by the conditions of the proposed decision.

5.2.g *the geological understanding presented in the application of the area is incomplete. There may be a fault running in close proximity to the site which was not identified in the ground investigation. This may be significant if leachate is escaping from the facility;*

Response. It is considered that the assertion on a possible geological fault is speculative, being based on the extrapolation of a fault apparently shown on a geological map of a scale of 1:100,000. When coupled with the information from the site investigation and other boreholes logs, conclusive evidence of the fault's existence does not arise. In addition, it is considered that the leachate removal process - as described above in response to submission 3.3.a - is adequate to prevent uncontrolled leachate discharges in the event that the geology is more variable than set out in the application.

5.2.h *groundwater is passing from the north west to the south east. This should be reflected in the location of monitoring boreholes.*

Response. Condition ... of the proposed decision sets out environmental monitoring points. It is considered that these locations provide an adequate picture of the hydrogeological regime and a suitable system of advanced warning of the possible environmental effects of the activity on groundwater.

5.2.i *the analytical data from groundwater sampling is not well interpreted, has been obtained by erratic and inconsistent monitoring, has been hampered by the loss of boreholes, has been subject to inconsistent analysis - particularly in the selection of appropriate determinants - and has not been obtained on the frequencies purported in the documentation. The results also indicate leakage.*

Response. The past history of the monitoring at the facility has been considered in respect of submission ... It is not considered that the result show leachate leakage.

5.2.j *photographic evidence has been obtained of pollution by silt in the Farahy. The silt ponds do not appear to be working. The statement concerning high local water quality is at variance to the experience of the residents, the Fisheries Board and the County Council's own consultants. The silt problem should be high on the EPA's consideration when assessing the licence application.*

Response. The matter of a scale of silt ponds has been considered in respect of submission ... above, as has the rationale behind the emission limit set in the proposed decision.

5.3 Attachment by Patrick Johnston Associates Ltd (24 May 1998).

5.3.a *the sides of Cell 7 may be unstable and require a stability analysis; the D65A Dozer used at the facility does not give adequate compaction for site earthworks, it is essential that (a) Cell 7 is fully lined prior up to 5m in height prior to the start of landfilling and (b) any water collected in the phases of Cell 7 which have yet to be filled is disposed of as leachate, as it may be contaminated; there are significant inaccuracies on such matters as falls in the drawing supplied with the application; clarification is needed in respect of the rodding pipes, particularly as Cell 7 is proposed to be constructed in stages.*

Response. The first lift of waste across the base of Cell 7 has been completed. The Agency has no evidence to indicate that there is instability in the unfilled areas. The lining was subject to CQA at the time of installation. The rodding pipes have been installed as part of the liner. *Condition 4.14.* requires that an as-built drawing of Cell 7 is submitted to the Agency.

5.3.b *the General Technical Specification referred to in Attachment D2 is missing and should be available, along with CQA plans and appropriate method statements;*

Response. These matters were significantly clarified by the Agency's Article 16 notice, with specified documentation being submitted..

5.3.c *the Ministerial Certificate required a geomembrane capping system, but this has not been followed;*

Response The proposed decision requires such a capping system for Cells 5, 6 and 7 (*condition 4.21*).

5.3.d *the leak detection system in the leachate lagoon indicates a leak and this should be investigated;*

Response. *Condition 4.17.1(d)* requires that the lagoon is relocated. It is not considered that there is a significant risk of environmental pollution in the interim period.

5.3.e *if gas is detected at the site perimeter or becomes a nuisance, a positive abstraction system is required. The passive vents should be fitted with cowls and should be at a minimum spacing of 40m;*

Response. Environmental nuisance has been addressed by *condition 6*. Landfill gas management is required by *condition 4.18*, with additional monitoring in on the north and west boundaries being required by *condition 9.2*..

5.3.f *settlement surveys should be made, initially six monthly, and remedial action in relation to possible consequences planned and implemented;*

Response. *Condition 2.8 and Schedule C.* of the proposed decision sets down the requirements in relation to settlement surveys, which must be done annually as part of the Annual Environmental Report. Remedial action in the light of these findings is required under *condition 8.3*.

5.3.g *it is essential that the silty run-off is addressed by way of the Agency setting a stringent discharge limit;*

Response. This matter has been dealt with in the response to submission 1 and 2.1.

5.3.h *the hessian cover system may give rise to a nuisance from fly infestation. These and other disadvantages suggest that its use is not appropriate at the facility;*

Response. This matter has been considered in the response to submission 3.1.e.

5.3.i *capping and soil covering of Cells 5 and 6 should occur in accordance with the High Court Agreement be the end of September 1998.*

Response. It is noted that the High Court Agreement does not set down a time limit for the completion of specified capping works. *Condition 8.2* requires that a restoration is to be submitted to the Agency within 9 months of the date of grant of the licence.

5.4.a Affidavit of Mr J Geary (17 July 1997)

This affidavit appears to be a copy of that used in the High Court proceedings in respect of the local authority's alleged non-compliance with the Ministerial Certificate. It sets down a series of allegations in respect of the history of the facility, its environmental impacts and non-compliance with the Ministerial Certificate.

5.4.b Supplemental Affidavit of Mr J Geary (31 July 1997)

This affidavit appears to be a copy of that used in the High Court proceedings in respect of a response by Mr Geary to specified paragraphs of a separate affidavit (not included) from Mr Brendan Devlin of Cork County Council.

5.4.c Affidavit by Mr David Ball (22/7/97)

This affidavit appears to be a copy of that used in the High Court proceedings in respect of a visit made by Mr Ball to the facility on the 6 July 1997. The principle purpose of the visit was to ascertain compliance with the Ministerial Certificate. His findings are set out in a report as an attachment.

5.4.d Affidavit by Mr Jack O'Sullivan (September 1997)

This affidavit appears to be a copy of that used in the High Court proceedings in respect of a visit made on 17 May 1997 to the facility. The principal purpose of the visit was to ascertain compliance by the operator of the Ministerial Certificate. Comments therein are also made in respect of affidavits made by officers of North County Council.

5.4.e Report by Mr Patrick Johnston (4 July 1997).

This report, which whilst not being accompanied by an affidavit, relates to an inspection of the site in the company of Mr J Geary and Mr Jack O'Sullivan on 17 May 1997 prior to the High Court Agreement. The focus of the report is again the alleged non-compliance by the County Council with the Ministerial Certificate.

5.4.f Report of Environmental Management Services (14 July 1997).

This report was authored by Mr Jack O'Sullivan and documents his findings made on a site visit on 17 May 1997. It relates to an inspection of the site in the company of Mr J Geary and Mr Patrick Johnston prior to the High Court case. The focus of the report is again the alleged non-compliance by the County Council with the Ministerial Certificate.

5.4.g Submissions by the Kildorrery Anti-Dump Group to the Minister of the Environment (August 1994).

This is a lengthy two-volume submission to the Minister setting down a number of reasons as to why the Certificate should not be granted.

Response These documents were prepared for the High Court proceedings and were considered in the assessment of the application for this facility.

Submission 6. Submission dated 16 June 1997 from Mr J Geary, Kildorrery Anti-Dump Group.

The letters refers to correspondence with the Agency prior to the date of receipt of the application. It refers to a strip of circuit board off-cut forwarded to the Agency which is claimed to be both industrial waste and hazardous waste. It is suggested that the Ministerial Certificate does not authorise this type of waste. The letter complains that the county council has not replied to specified correspondence. Copies of correspondence between the applicant and the Agency in respect of issues raised in previous letters prior to the making of the application are requested.

Response A reply was sent to Mr Geary from the Agency dated 27/6/97. Mr Geary's concerns about the types of waste to be accepted at the facility are addressed in respect of the submission 3.1.h.

Submission 7. Submission dated 8 May 1997 from Mr J Geary, Kildorrery Anti-Dump Group.

This is a letter which notified the Agency of the author's intent to make a submission and requested a copy of the Agency's waste licensing guidance note.

Response: Noted

Submission 8. Submission Dated 28 May 1997 from the Southern Health Board

The submission is composed of a covering letter from the Health Board, which was forwarded to the Agency for information. Attached is a letter from Mr J Geary (Kildorrery Anti-Dump Group) to the Health Board and the latter's reply. Mr Geary's letter requests information from the Board relating to specified wastes arising from Health Board premises since 1990, their methods of disposal, location of disposal facilities and date at which any incinerators were serviced. It refers to a separate letter (not included) which is claimed to indicate that incinerator ash is deposited at the Ballyguyroe Landfill. In response, the Health Board declined to provide the level of detailed information requested, stating that only domestic type wastes passes from the Health Board premises to Ballyguyroe. Clinical waste is stated to be sent for merchant incineration and the Board does not operate any incinerators. It also states that additional information can be found in the application made to the Agency for Kinsale Road Landfill Site.

Response. Noted

Signed: _____

Dated: _____

Duncan Laurence (Dr)
Inspector I