

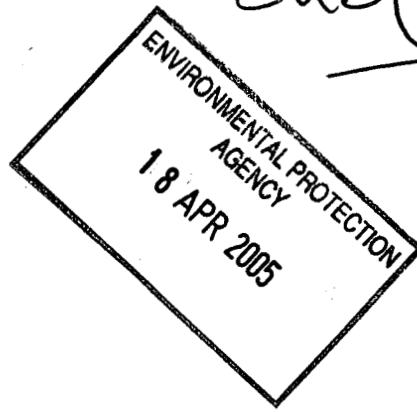
Newtown

Dundas

Co. Wicklow

IS-04-05

Sub (112)



Dear Mr. Walsh,

I tried to contact you today

but you are not in EPA.

Enclosed copy of observation by Dept of Environment

to W.C.C. re waste licence 204-1.

You may already have read this but maybe

you did not,

Yours sincerely,

David Greaney

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AN ROINN COMHSHAOIL, OIÐHREACHTA AGUS RIALTAIS AITIUIL
DEPARTMENT OF THE ENVIRONMENT, HERITAGE
AND LOCAL GOVERNMENT

23 March 2005

Our Ref: DAU - 2005 - WFWI - 05/2224



County Secretary,
Wicklow County Council,
Aras an Chontae,
Wicklow.

AN ROINN COMHSHAOIL

OIÐHREACHTA AGUS

RIALTAIS AITIUIL

DEPARTMENT OF THE

ENVIRONMENT, HERITAGE AND

LOCAL GOVERNMENT

Re: Planning Application Reg. Ref. No. 05/2224 by Brownfield Restoration for permission for Integrated Waste Management facility on a 14.6HA site at Whitestown Lower Co. Wicklow.

A Chara,

We refer to the Council's notification in relation to the above-proposed development. Outlined below are the nature conservation recommendations of the Department of the Environment, Heritage and Local Government.

DÚN SCÉINE

LÁNA FHEARCAIR

BAILE ÁTHA CLIATH 2

DÚN SCÉINE

COURT LANE

DUBLIN 2

It is noted that the site of the proposed development is uphill of the Slaney River Valley candidate Special Area of Conservation (cSAC) No. 000781 and 50m from the Carrigower River which is part of the cSAC. A site synopsis outlining the species and habitats within this area is attached for information. The site hosts Salmon (*Salmo Salar*) a species afforded protection under Annex I of the EU Habitats Directive (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) This species requires high quality freshwater for the survival of their populations. The site also hosts Otter (*lutra lutra*) a species afforded protection under Annex II of the same directive.

For the reasons set out below, the Department considers that the risk of polluting the Slaney River Valley cSAC is unacceptably high and we therefore recommend that planning permission should not be granted for the development as proposed. This is based on a review of the EIS. In addition to the main issues set out in this letter, we also append detailed specific points at Appendix I.

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It is felt that the EIS in general does not fully address the likely impacts of this development on the flora and fauna in the vicinity. If the development proceeds, there is likely to be elevated suspended solids in the river during the construction phase. Furthermore, runoff will be discharged into the river at the construction phase. We believe that the risk will continue for as long as materials will be decomposing in the site (even up to 1,000 years from now). The risk to the river is even greater at the time when the previously dumped materials are being moved. The movement could release a

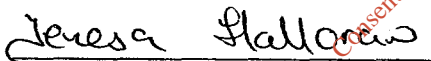
large amount of contaminated water, which would flow down to the river. We note that some of the dumped material lies below the river level.

The EIS itself states that "If the mitigation measures fail or are abandoned the Carrigower River and the Slaney River Valley cSAC (781) will sustain at least 30 years continued pollution as materials in this site break down." We are concerned that even if the measures work, the site will be abandoned in 60 years time and the pumps switched off, resulting in a build up of the leachate in the pit and consequently there will be a great risk of overtopping (the spilling out of leachate over the top of the landfill). After that, the degradation in the cap and the geomembrane could cause problems for 1,000 years. (*Predicting the Groundwater Impact of modern Landfills* Hall, Drury, Smith, Potter and Gronow – proceedings Sardinia Ninth international Waste management and landfill Symposium 2003)

Kindly forward any further information received or in the event of a decision being made a copy of same should be forwarded to the following address as soon as it issues:

The Manager,
Development Applications Unit,
Department of the Environment, Heritage and Local Government,
Dún Scéine,
Harcourt Lane,
Dublin 2.

Yours sincerely,


Teresa Halloran,
Development Applications Unit

Encl.

Appendix 1

Review of EIS for Waste Licence Application

re: Brownfield Restoration Ireland Ltd. at Whitestown Lower, Co. Wicklow

Flora and Fauna

1. As the Natura and Roger Goodwillie surveys were performed during the winter months, the presence of rare plants such as basil thyme may have gone unnoticed, Recommendation: This survey should be performed in the summer.
2. Table 1 in the executive summary does not state what the impacts of this development will be on the flora and fauna. It is felt that the EIS, in general does not fully address the likely impacts on the flora and fauna.
Recommendation: Survey and comment on the impact of this proposal for the flora and fauna of the area.
3. Table 3 talks of proposed monitoring of the site. There is no mention of any proposed monitoring of the effects of the development on the flora and fauna.
Recommendation: A proper monitoring scheme should be incorporated into the proposal, monitoring the effects on a wide range of environmental indicators for 60 years.
4. Section 3.4.1 mentions extensive signs of otter activity. No assessment has been performed of the impact on otters as an Annex 2 species under the EU Habitats Directive (Council Directive No. 92/43/EEC of 1992 on the conservation of natural habitats and of wild fauna and flora).
Recommendation: This should be assessed.
5. The EIS does not assess the impact of the development on lamprey, which is another Annex 2 species under the EU Habitats Directive.
Recommendation: This should be assessed.
6. The section of the EIS on flora and fauna does not assess the impact of any leak from the site on the cSAC. Nor does any other section assess it in those terms.
Recommendation: This should be assessed.
7. The EIS does not assess the impact of any leak from the site on spawning salmonids. The Carrigower River has only just recovered from arterial drainage damage to become one of the most important spawning areas in the Slaney River cSAC. This development has the potential to introduce increased amounts of ammoniacal nitrate into the river, which would have detrimental effects.
Recommendation: This should be assessed.
8. Section 3.4.4 states that measures will be taken during construction to ensure that surface waters will not be impacted on, however, these measures do not appear to have been outlined in the EIS.

Recommendation: The measures should be described and their impacts assessed.

9. Section 3.4.1 states that the Q value of the Carrigower River is 3-4. The fact that the river is showing signs of pollution at present makes it all the more vulnerable to any impact from this site.

Comment: In our opinion, any risk to this river is unacceptable.

10. Section 3.4.2 states that elevated suspended solids are expected during initial construction phase.

Comment: We consider that this is not acceptable for spawning fish.

11. The EIS does not state that any interference with the badger sett on the site can only be done under licence from the National Parks and Wildlife Service.

Recommendation: This should be addressed.

Water Quality

1. Section 2.8.2.2. states that runoff from the Resource Recovery Building (RBB) will be in contact with some contaminated materials. However, this is just going to a holding pond. There are implications for this in very wet weather.

Recommendation: Runoff should be treated as leachate.

2. Figure 3.7.6, entitled *Inferred Hydrogeological Catchment Area Enclosing Site*, shows the flow of groundwater in a NW to SE direction through the site. This is the recharge area for the Carrigower River. Any contaminant that reaches the groundwater will reach the cSAC. The gravels that form this aquifer have not been tested by the GSI.

Comment: In our opinion, the risk of polluting the cSAC is unacceptable.

3. Section 2.8.3.5 deals with the treatment of leachate. According to the EIS, it is intended to bring the leachate to the waste water treatment plant in Baltinglass.

Comment: The Baltinglass Waste Water Treatment plant is a secondary treatment plant. It is currently being upgraded so that it can take the leachate from the County Council dump in Rampiere. The treated water from this plant is discharged into the River Slaney cSAC. Additional leachate from Whitestown is likely to stress the upgraded system and could cause environmental damage downstream at Baltinglass and downstream. This is closer to the pearl mussel beds and more likely to impact on them. Furthermore, the solids from Baltinglass are land spread. No mention is made of the increased loading of heavy metals which would be introduced to the solid material by treating the Whitestown leachate there.

4. Section 2.8.3.4 states that leachate will be monitored in the sumps. Clarification sought: How and when will this be checked? What emergency procedures have been put in place in the event that something goes wrong with the sumps?

5. Section 2.10 states that "only clean runoff discharges into drainage channels that lead from the site to the Carrigower River". This refers to the stage when the current (illegal) waste is being moved. It is probably the stage when the river is most vulnerable to pollution from the site.

Recommendation: Nothing should be discharged into the river.

6. Section 2.11.6 refers to laboratory facilities to test soil. Clarification sought: What water testing will take place and who will do it?

Recommendation: Full time monitoring would be required by an independent body due to the sensitivity of this site.

7. Section 2.15.5 estimates that diffuse pollution through a leak in the liner could amount to 54 litres per day ($20\text{m}^3/\text{year}$). Further on in section 2.15.5, this figure is quoted as being $<100\text{m}^3/\text{year}$. There is a huge difference between these figures. Comment: The EIS does not assess the likely impact of $100\text{m}^3/\text{year}$ discharging into the cSAC. It also states that the quantity of each type of waste that the site will receive is not known, therefore, it is difficult to predict the nature and composition of the leachate. This means that the potential damage is not known and the risk to the cSAC is not assessed in a realistic fashion.

8. Section 11.6.2 states that the compliance standard for ammoniacal nitrogen according to the Salmonid regulations is $0.016\text{mg}/\text{litre}$. Leachate from the existing drilled wells on site has contained $4.5\text{mg}/\text{litre}$.

Comment: This is almost 300 times the compliance standard. Any leakage of this material would be unlikely to be diluted enough before it reaches the river. This site presents a real danger for environmental damage to the cSAC.

Furthermore, Leachate will be increased by the fact that the site will not be capped until the last two years of the programme.

9. Section 3.4.4: The Goodwillie report suggests planting alders to filter and absorb nutrients from the leachate.

Comment: It is questionable whether this would remove many contaminants from the leachates (this can work in an integrated waste water treatment facility which is not what is being designed here). In addition, it would take many years for this to work.

Other comments:

The use of water bowsers to reduce dust levels during construction increases the risk of contaminated leachate and runoff reaching the Carrigower River.

There is a question about where the water for the bowsers will come from.

Clarification sought: If this is to be extracted from the river what will be the impact of this?

The EIS states that:

- the risk from this site continues as long as the material in it is breaking down
- the impact on the cSAC would continue for 10 years after the completion of the landfill
- ammoniacal nitrogen is harmful to salmonids especially at the egg and juvenile stages
- ammoniacal nitrogen causes eutrophication and thus is harmful to *Margaritifera margaritifera*.

Comment: If the mitigation measures fail or are abandoned, the Carrigower River and the Slaney River Valley cSAC (site code No. 00781) will sustain 30 years continued pollution as materials in this site break down.

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