

**This Report has been cleared  
for submission to the Board by  
the Programme Manager F Clinton  
Signed: Delore Date: 10/2/10**

**OFFICE OF CLIMATE,  
LICENSING &  
RESOURCE USE**



**REPORT OF THE TECHNICAL COMMITTEE ON  
OBJECTIONS TO LICENCE CONDITIONS**

<b>TO:</b>	Directors
<b>FROM:</b>	Technical Committee - LICENSING UNIT
<b>DATE:</b>	10 <sup>th</sup> February 2010
<b>RE:</b>	Objection to Proposed Decision for Cavan County Council - Corranure Landfill, Waste Reg: W0077-03

<b>Application Details</b>	
Type of facility:	Integrated Waste Management Facility (Landfill, Civic Amenity Facility and Materials Recovery Facility)
Classes of activity(P = principal activity):	4th Schedule: Classes 1,2 ,3, 4, 9, 10, 11, 12 and 13 3rd Schedule: Classes 1, 4, 5(P), 7, 11, 12 and 13
Location of activity:	Lismagratty and Corranure Townlands, Cootehill Road, Cavan, County Cavan
Licence review initiated:	18/07/2009
PD issued:	19/10/2009
First party objection received:	None
Third party objection received:	16/11/2009 x 2 <sup>Note 1</sup>
Submissions on Objections received:	16/12/2009

**Note 1:** In accordance with Section 17(1) of the Waste Management Acts (1996 to 2008), as the final date for a valid objection was a Sunday (15<sup>th</sup> November), all valid objections received up to and including Monday 16<sup>th</sup> November were regarded as having been received before the expiration of the objection period.

**Introduction**

This is a review of the waste licence granted to Cavan County Council by the Agency on the 10/05/2005 (W0077-02). The review was initiated by the Environmental Protection Agency on the 18/06/2009. This review was to give effect to the following:

- articles 5 and 6 of Council Directive 1999/31/EC on the landfill of waste (the Landfill Directive) regarding the treatment of waste prior to landfill and diversion of biodegradable municipal waste from landfill;
- article 49(5) of the Waste Management (Licensing) Regulations 2004 which states that waste that has not been subject to treatment shall not be accepted or disposed of in a landfill facility;

- the Office of Environmental Enforcement assessment of the landfill conditioning plan;
- Best Available Techniques (BAT) obligation to reduce the overall environmental impact of landfill in particular the acceptance of biodegradable municipal waste at landfill; and
- the Office of Environmental Enforcement request to enhance the licence's control and management of odour.

The licensee (Cavan County Council) applied for a review of their licence on the 22/09/2008 to reduce the area of the facility under their control (Reg. No. W0077-04). An application for a waste licence was received from Oxigen Environmental Limited at Corranure for an integrated waste facility, including the operational areas of the existing landfill and recycling facilities (W0248-01). These applications are currently under consideration.

### **Consideration of the Objection**

The Technical Committee, comprising of Ann Marie Donlon (Chair) and Yvonne Furlong, has considered all of the issues raised in the Objections and this report details the Committee's comments and recommendations following the examination of the objections. The Technical Committee consulted Agency Inspector Brian Meaney (expert for sector) in relation to points raised.

This report considers the two valid third party objections. The licensee made a submission on the objection.

A request for an oral hearing was made and the Board considered this request at the meeting of 02/02/2010 and refused the request.

## **Third Party Objections**

Two Third Party Objections are considered, for convenience they are labelled:

- A. Mr Edmund M<sup>c</sup> Cabe, Drumbo, Cavan
- B. Cavan Better Waste Management Group, C/O Peter Sexton, Killygoan, Cavan, Co. Cavan.

For clarity any Submission on Objections made by the licensee in relation to the Third Party objections are dealt with in association with the objection to which they relate.

### **A. Mr. Edmund M<sup>c</sup> Cabe**

Mr. M<sup>c</sup> Cabes objection is entitled *Submission on application by Oxigen Environmental Ltd for a licence to extend the Integrated Waste Management Facility*

at Lismagarry and Corranure, Cavan. The objection was accompanied by the appropriate fee of €200. It should be noted that Oxigen Environmental Limited is not involved in this review process. As this review application (W0077-03) is the only application at objection phase, it was deemed the relevant application.

Mr M<sup>c</sup> Cabe's objection was accompanied by a map of the area and a copy of the Anglo Celt newspaper article dated 12/11/2009. Mr. M<sup>c</sup> Cabe's objection is centred on issues rather than the specific terms of the proposed decision.

### **A.1 Odour**

*Mr. Mc Cabe objects to the granting of a licence due to the terrible odour that is quite intolerable from the landfill that is an on-going problem without resolution. Mr. Mc Cabe refers to the copy of the Anglo Celt that reports 'the residents in the vicinity of Corranure had endured the worst weekend ever last weekend with the stench from the landfill'.*

#### Technical Committee's Evaluation:

This review was initiated by the Agency to, *inter alia*, enhance the licence's control and management of odour. The Proposed Decision (PD) includes requirements for the reduction of the landfilling of biodegradable municipal waste which will have the effect of reduced landfill gas production and also sets out a requirement for an odour management plan as per condition 9.19. The operation of the landfill in accordance with these conditions will not cause environmental pollution.

**Recommendation:** No change

### **A.2 Litter**

*Mr. Mc Cabe objects to the granting of a licence due to the dreadful litter problem and that is an on-going problem without resolution.*

#### Technical Committee's Evaluation:

The PD specifies requirements in relation to nuisance control. The operation of the landfill in accordance with these conditions will not cause significant environmental pollution.

**Recommendation:** No change

### **A.3 Traffic**

*Mr. Mc Cabe objects to the granting of a licence due to the traffic problem associated with the endless stream of trucks on an inadequate road.*

#### Technical Committee's Evaluation:

Off-site road traffic management is a matter for the local authority and is outside the scope of waste licensing.

**Recommendation:** No change

#### **A.4 Damage to property**

*Mr. Mc Cabe objects to the granting of a licence due to the damage to property by birds attracted to the landfill.*

##### Technical Committee's Evaluation:

The PD specifies requirements in relation to nuisance control. The operation of the landfill in accordance with these conditions will not cause significant environmental pollution.

**Recommendation:** No change

#### **A.5 Leachate**

*Mr. Mc Cabe objects to the granting of a licence as leachate frequently fills a sump on his land, which poses a threat to animals and creates a wasteland of his property. This an on-going problem without resolution that is due to raising of the level of the landfill and blocking of the drain due to subsidence.*

##### Technical Committee's Evaluation:

The PD sets out a number of requirements for the control and management of leachate at the facility in a manner that will not cause significant environmental pollution. Uncontrolled loss of leachate off-site is in contravention of the terms of the PD and is a matter for the Office of Environmental Enforcement (OEE). The Technical Committee (TC) considers that this objection should be forwarded to the OEE for further investigation, and will ensure that the matter is brought to the attention of the relevant OEE Inspector.

**Recommendation:** No change.

#### **A.6 Management and operations**

*Mr. Mc Cabe objects to the granting of a licence due to poor management of the facility. Cavan County Council have been prosecuted and issues remain unresolved. Mr. Mc Cabe further objects to the extension of the facility as problems have worsened to an intolerable degree.*

Submission on Objection: Cavan County Council state that Mr. Mc Cabe reference to an 'extension' being granted is an incorrect statement and they have been prepared at all times to resolve any reasonable issues raised regarding the landfill.

##### Technical Committee's Evaluation:

As this review was initiated by the Agency, the proposed decision does not provide for any extension of the facility. The TC consider that Mr. M<sup>c</sup>Cabe may be referring to a matter under consideration in relation to the Oxigen Environmental Ltd waste licence application and the TC has requested that this objection be considered as a submission on that application, Waste Reg. No. W248-01.

**Recommendation:**

No change.

**B. Cavan Better Waste Management Group**

Mr. Sexton writes on behalf of the Cavan Better Waste Management Group (CBWMG). The objection has three parts, an introduction, terms of the licence and concluding remarks. Some of the objections are repeated but are not grouped for easy reference to the objection document. The objections have been read and are summarised below.

**B.1 Introductory comments – violations, waste intake limit, accountability and responsibility and incompetence**

*The CBWMG objects to the granting of this licence for the following reasons:*

- *numerous violations and public complaints have been recorded,*
- *the 90,000 tonnage limit is excessive given the site specific conditions and the competence of the licensee.*
- *the Agency's own concerns were reported in site inspection reports that the tonnage limit would be exceeded,*
- *accountability and responsibility for the long standing problems are not being accepted by the licensee or operator and these arrangements are totally unsuitable, and*
- *the operator is incompetent with no prior experience.*

*The CBWMG are stunned that the Agency is ignoring their concerns and the Agency's own concerns with the facility. The level of complaints are an indication of the public anger and despair with this facility and the lack of enforcement of licence conditions. The CBWMG demand that either the licensee or operator take full ownership and responsibility for the facility. The CBWMG call on the Agency to have the operator removed due to their incompetence and cannot understand how the Agency approved this arrangement.*

Submission on Objection: Cavan County Council, the licensee, state that since first licensed in 2001, they are fully committed at all times to their obligations to operate the facility in accordance with the conditions of the waste licence. The Council points out that this review was specifically undertaken by the Agency in 2009 to ensure that the requirements of the Landfill Directive including the need to divert biodegradable municipal waste from the landfill will be complied with at the facility. In their submission, the licensee state that both the licensee and Oxigen Environmental Ltd., the operator, are fully committed to operating the facility to the highest standards and in accordance with the proposed waste licence and are committed to reducing the amount of biodegradable municipal waste being landfilled. They also highlight that significant investment has been made over the last number of years which has

resulted in substantial infrastructural improvement and will implement improvement measures as and when necessary.

Technical Committee's Evaluation:

This review was initiated by the Agency in 2009 to include additional requirements as discussed in the Introduction to this report above. The PD strengthens the existing licence and brings about environmental benefits through the reduced landfilling of biodegradable municipal waste. The benefits include reduced landfill gas production. The review was limited in its scope and did not consider in detail the prevailing circumstances at the facility.

The TC does not consider it appropriate to broaden the scope of the licence review, at this time and stage in the process, to the substantial issues of the waste tonnage limit, licence violations and the delegation of responsibilities. The TC are cognisant of the obligation for due process. The TC note that a decision to refuse this review would leave the existing licence in place without the environmental benefits as discussed.

The licence is under a concurrent review and a new waste licence application has been made on part of the site as discussed above. The TC consider that the objectors' concerns in their entirety should be considered in detail as part of the processing of these waste licence applications (W0077-04, W0248-01), and the TC will arrange for that to happen.

It should be noted that the Agency can prosecute the licensee or any other person deemed responsible for violations of the terms of any licence issued.

**Recommendation:**

No change.

**B.2 Part 1: Waste activities**

*The CBWVG objects to waste disposal classes 7 and 11 and waste recovery classes 2, 3, 4, 9, 11, 12 & 13 as the operators are inexperienced and the facility is unsuitable for accepting this type of waste given the possibility of further ground and water contamination. The CBWVG questions whether waste disposal class 1 is a new class compared with old licence.*

Technical Committee's Evaluation:

The TC wish to clarify that Part 1 of the PD sets out the licensable activities that may be carried out at the facility subject to the conditions of the licence. The licensable activities set out in the PD are the same as those specified in the existing licence (W0077-02). The types of waste that can be accepted at the facility are specified in Table A.1 of the PD and remain unchanged from the existing licence. The TC does not consider it appropriate to broaden the scope of this review at this time to the substantial issue of licensable activities.

**Recommendation:** No change

### **B.3 Condition 1.2, 1.4, 1.5, 1.5.1.3, 1.6, 1.7 and reason**

*The CBWVG objects to the grant of this licence as the licensee has failed to operate the facility in accordance with the licence conditions covered by waste licence register No. W0077-02.*

*The CBWVG states that they are unable to evaluate the review application as the drawing referred to in condition 1.2 (facility plan) did not form part of the review documentation. For the same reason they are unable to assess the reason to condition 1 specifically 'to formally adopt licensed area boundary adjustments'. They request all maps provided by the licensee to be up to date, accurate and independently assessed by the Agency.*

*The CBWVG objects to the waste acceptance limitations set out in Schedule A as the operator is operating in a 'rogue' fashion having breached waste acceptance limitations previously as noted by the Agency. The CBWVG wishes to inspect waste records from 2005 and requests the Agency to advise on how they enforce compliance with tonnage limit and waste type.*

*The CBWVG contends that the facility is operating outside the hours specified in Condition 1.5 and gives an example to that effect. The CBWVG has requested the Agency to monitor the hours of waste acceptance at the facility in the past but have been ignored. They also request any agreements made with the licensee regarding working at the facility outside legal working hours and regarding waste acceptance on Sundays and Bank holidays.*

*The CBWVG contends that the operator has breached condition 1.6 as preparatory works on cell 4 has been undertaken and wished to be advised on and forwarded any agreement in place to allow for these works.*

Submission on Objection: The licensee states that no date or factual details are included to support the claim made regarding waste vehicles accessing the landfill outside waste acceptance hours. The licensee also states that it is wrongly claimed that the operator has undertaken initial development works for Cell 4 without Agency approval.

#### Technical Committee's Evaluation:

The TC refers to their evaluation in B.1 above for their consideration of licence violations and waste acceptance limitations.

The TC note that the waste licence reg. No. W0077-02 was amended on 16/07/2007 (Technical Amendment B) which amended condition 1.2 and specified a different drawing to indicate the extent of the facility. The same amendment altered the reason for the condition to include the statement '*to formally adopt licensed area boundary adjustments*'. This drawing which forms part of the existing licence and all letters of agreement are available for inspection at the Agency Castlebar office but should also be made available by the licensee via the communication programme requirements of the licence.

<b>Recommendation:</b> No change
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#### **B.4 Condition 2.1, 2.1.2, 2.1.3, 2.2, 2.3.2.1, 2.3.2.2, 2.3.2.4, 2.4**

*The CBWVG objects to Condition 2.1 (Facility management) as the operator has not complied with the requirements of the condition. They contend that the current facility manager is inexperienced and unqualified and incapable of managing the facility. Further, the staff turnover rates are high due to lack of experience. This is a concern for local residents. The CBWVG contends that the civic waste facility is not properly managed or operated as waste is not adequately segregated and is passed off as recycling while it is more suitable for landfill. The CBWVG objects to Condition 2.1.3 as they view the FÁS course as totally inadequate and asks the Agency to review this procedure.*

*The CBWVG wishes to view the qualification and experience record for the civic waste facility supervisor and the records for waste received and forwarded at the civic facility. The CBWVG wishes to view all correspondence with the Agency regarding the management structure (Condition 2.2).*

*The CBWVG objects to the grant of this licence as they have not been provided with the EMS (Condition 2.3.2.1) and annual reviews and the EMP (condition 2.3.2.2) is inadequate due to breaches to the current licence. The CBWVG queries whether the operator or licensee is responsible for the preparation and implementation of the EMS and EMP and that this arrangement should be formalised.*

*The CBWVG objects to condition 2.3.2.4 (awareness and training programme) as it is inadequate and has not been implemented and wish to view the relevant documentation since 2005.*

*The CBWVG objects to condition 2.4 (communications programme) as there is no evidence that one is in operation. There is no information available to the public and that information is drip fed to the public. They strongly advise that staff require communications training and implement procedures for reporting breaches.*

Submission on Objection: The licensee wishes to clarify the following:

- All relevant documentation pertaining to the landfill is available on public file at the Agency's office or is available on the Agency's website.
- Recyclable waste collected at the civic waste facility is not landfilled.

Technical Committee's Evaluation:

The TC refers to their evaluation in B.1 above for their consideration of licence violations.

As discussed previously this is a limited review of the waste licence Reg No. W0077-02 and the competence of facility managers, deputies and supervisor did not form part of the consideration of this review. The TC wishes to clarify that the management structure (condition 2.2) details the responsibilities of individual staff members including who's responsible for the preparation and implementation of the EMS, EMP and AER.



All documentation and correspondence with the Agency regarding this facility is available for inspection at the Agency's Castlebar office. The TC notes from the licensee submission on the objection that they do not consider it a requirement of their existing licence under the communications programme to make all relevant correspondence available to the public locally. Condition 2.4 states the following:

The licensee shall establish and maintain a Communications Programme to ensure that members of the public can obtain information at the facility, at all reasonable times, concerning the environmental performance of the facility.

Information must be made available at the facility. The TC considers in these circumstances of poor public communication and the licensee's failure to note existing licence requirements that this condition must be strengthened to ensure that the public are fully informed.

**Recommendation:** Amend Condition 2.4 as follows:

The licensee shall establish and maintain a Communications Programme to ensure that members of the public **are informed, and** can obtain information at the facility, at all reasonable times, concerning the environmental performance of the facility.

#### **B.5 Condition 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.11.1 and 3.12**

*The CBWVG objects to the grant of this licence and requests the existing licence to be revoked as the operator has not adhered to the requirements of condition 3.2 (phased construction plan) in the past. Initial development works have been undertaken on Cell 4 prior to the granting of the licence for this cell. Previous construction plans were inadequate and have led to breaches in the licence.*

*The CBWVG objects to condition 3.3 (specified engineering works) as it is worthless to demand the same specified engineering works as before. The Agency needs to examine previous works to identify the mistakes and set new tailored rules.*

*The CBWVG objects to condition 3.4 (facility notice board) as the existing board is not legible and has the wrong dimensions.*

*The CBWVG objects to condition 3.5 as it does not require 24 hour security which is necessary for the safety of local residents from the highly dangerous operations at the landfill and can also serve as a complaint receipt service.*

*The CBWVG objects to the grant of this licence in the context of condition 3.6 (facility roads and site surfaces) until the R188 is upgraded to cater for the traffic.*

*The CBWVG objects to condition 3.7 (facility office) as the requirements are out of date particularly in regard to public access to information on the facility. A separate area for the public to inspect and copy documents needs to be constructed.*

*The CBWVG objects to the grant of this licence in the context of condition 3.8 (waste inspection and quarantine areas) as these areas are not properly examined by the Agency and until such time as drainage drawings for these areas are available. They request the Agency to provide inspection reports for the area and drainage drawings.*

*The CBWMG objects to Condition 3.9 (weighbridge and wheel cleaner) as these facilities are not provided for the civic waste facility and that all commercial vehicles should be pressure washed. They also request to see drainage drawings from this area.*

*The CBWMG objects to Condition 3.11.1 (landfill lining) as it does not require certification by independent, licensed engineer using a quality assurance consultant. The CBWMG questions whether a qualified liner installation contractor has been used and if certified personnel and equipment have been used. They would like to view the relevant documentation provided to the Agency.*

*The CBWMG objects to the grant of this licence as the buffer zone drawing (Condition 3.12) has not been provided and is necessary for their review of this section. They request an up to date drawing.*

Submission on Objection: The licensee wishes to clarify the following:

- It is wrongly claimed that the operator has undertaken initial development works for Cell 4 without Agency approval.
- The dimensions of the facility notice board meet the waste licence requirements.
- All waste vehicles pass through the wheelwash before existing the facility.
- All lining work at the landfill has been carried out by experienced and qualified personnel and has been independently certified in a Construction Quality Assurance report.

Technical Committee's Evaluation:

The TC note that revocation of licences is a matter for the Office of Environmental Enforcement (OEE). The TC refers to their evaluation in B.1 above for their consideration of licence violations. As the scope of this review was limited, the TC does not consider it appropriate to assess the adequacy of previous specified engineering works undertaken or consider the need for 24 hour on-site security.

Traffic management on regional roads is a matter for the planning authority and is outside the scope of licensing.

The TC refers to B.4 above for its consideration of public access to information at the facility.

As previously stated, all correspondence and documentation relating to this facility is publicly available for inspection at the Agency Castlebar office and should be available at the facility as required by Condition 2.4 of the licence.

The TC does not consider a wheel wash is necessary for the civic waste facility and considers it a matter for the OEE to determine the adequacy of the wheel wash used at the landfill facility. The TC are satisfied that the Agency guidance requires that construction quality assurance be undertaken by an independent third party and that

the construction process must be managed and supervised by the resident engineer or quality engineer.

<b>Recommendation:</b> No change
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#### **B.6 Condition 3.13, 3.14, 3.15, 3.16, 3.18 and 3.19.1**

*The CBWWMG objects to condition 3.13 (leachate management infrastructure) as the requirements are insufficient and need to be updated to reflect new technologies such as high speed enzymes. The CBWWMG query why these technologies have not been included in Agency guidelines which would benefit residents.*

*The CBWWMG objects to condition 3.14 (landfill gas management) as the gas flare is faulty due to flaws in construction and/or inexperienced personnel and has resulted in leakages of highly dangerous gases. The CBWWMG would like to examine the construction drawings for the gas flare and query whether a gas pumping trial was undertaken, sealing plug used and inspected, records of the collection system installation and whether the publication 'Protection of New Buildings and Occupants from Landfill Gas' is sufficiently up to date.*

*The CBWWMG objects to the grant of this licence in the context of condition 3.15 (surface water management plan) as they would like to review the plan to ensure best practice is being followed.*

*The CBWWMG objects to condition 3.16 (ground water management) as more stringent testing guidelines are required given the huge facility area and pollution of groundwater would be catastrophic.*

*The CBWWMG objects to condition 3.18 (telemetry) and requires that the equipment must be checked to ensure its the best available and properly operated. The CBWWMG query whether the equipment is computerised, has been inspected by the Agency and approved and whether personnel are properly trained.*

*The CBWWMG objects to condition 3.19.1 (landfill gas monitoring infrastructure) as the escape of landfill gases over a long period of time has caused damage to the community and atmosphere and endangered health as a result of its proximity to a large number of homes and toxic landfill gases have reached as far as Ballyhaise and Cavan town. The CBWWMG are seeking Agency assurance on landfill gas management and are concerned that the Agency manual is not stringent enough for this operator. The CBWWMG contend that the huge increase to 90,000 tonnes per annum capacity has been a major contributory factor in the problem of landfill gases.*

Submission on Objection: The licensee wishes to clarify the following:

- Landfill gas modelling was undertaken prior to selecting the gas flare unit.
- There is no evidence to support the claim that health of local people is affected living close to a landfill facility.

Technical Committee's Evaluation:

Given the limited scope of this review (initiated by the Agency), the TC does not consider it appropriate to assess the adequacy of the leachate and landfill gas management infrastructure, the telemetry system and the monitoring requirements as required in the existing licence. The TC wishes to reiterate its recommendation under B1 above and request the consideration of these issues in greater detail under the concurrent review (W0077-04) and new waste application (W0248-01).

All correspondence with the Agency is available for public inspection.

<b>Recommendation:</b> No change
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### **B.7 Condition 4.2 and 4.3.1**

*The CBWVG objects to condition 4.2 as the final height of the facility will create an eyesore at more than 13 storeys and is surely dangerous and unnecessary given the huge area of land under the control of the licensee.*

*The CBWVG objects to condition 4.3.1 as the time line of two years for permanent capping for a cell is too generous and the associated danger should demand that this be reduced. The CBWVG queries the time spent by the Agency at the facility during the important process to ensure proper procedures are being followed. The CBWVG contend that the inspector would need to stay for the duration of the exercise.*

Submission on Objection: The licensee wishes to clarify the following:

- The final profile of the capped sections of the landfill is lower than the final height limit specified in the waste licence.
- All final capping works are supervised by qualified personnel.

Technical Committee's Evaluation:

The final height of the facility and timescales for final capping works are outside the scope of this review and are not matters that the TC can consider at this time having regard to due process.

<b>Recommendation:</b> No change
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### **B.8 Condition 5.2.5, 5.2.6, 5.2.8, 5.3, 5.4, 5.6 and 5.7**

*The CBWVG objects to condition 5.2.5 as waste acceptance and handling procedures should be up to date prior to grant of licence and what steps have been taken to ensure waste accepted has been checked for compliance.*

*The CBWVG objects to condition 5.2.6 as they are concerned that waste will be treated on-site and that inert waste will not be treated. The CBWVG query whether the Agency has taken steps to ensure that waste treated prior to arrival at the facility are in compliance. The CBWVG hope that all attempts have been made to treat inert waste.*

*The CBWWMG objects to condition 5.2.8 as they are concerned it is a get out clause. The CBWWMG considers this requirement rewards mis-management and all landfills should have the same target.*

*The CBWWMG objects to condition 5.3 as a suitably qualified person should be checking the waste at the working face.*

*The CBWWMG objects to condition 5.4 (working face) as requirements do include camera surveillance to ensure best practice and that the working face is covered every evening. The CBWWMG query whether the Agency regularly check the working face to ensure compliance and is it confident with the personnel list.*

*The CBWWMG objects to condition 5.6 as landscaping efforts to date are non-existent and the facility is disgusting when viewed from the R188. The CBWWMG believe that the visual impact of the facility not to mention odours has damaged tourism. The CBWWMG contends that the Agency is not enforcing its own standards and that a separate plan is necessary prior to any decision.*

*The CBWWMG objects to condition 5.7 as operational controls at the facility have significantly damaged the local environment and they have no confidence in the licensee to implement changes.*

#### Technical Committee's Evaluation:

The TC note that waste acceptance procedures require updating in light of the new licence requirements set out in the PD and this update cannot be done in advance of a grant of licence. Waste acceptance procedures take account of on-site verification of waste. The TC wish to clarify that the requirement for waste to be treated prior to acceptance at the landfill does not allow additional activities to those already licensed to be carried out. There are often no environmental benefits to treating inert waste.

The TC wish to clarify that the diversion of biodegradable waste is a national target and therefore it is reasonable to provide for flexibility in its achievement without prejudice to local considerations.

Condition 5.3 does not consider the competence of the waste checker but Condition 2.1 requires that personnel performing specific tasks shall be appropriately qualified.

The TC consider camera surveillance of the working face is a measure outside the scope of licensing. The OEE have an inspection plan that is executed annually.

Landscaping is outside the scope of this review. The TC refers to their evaluation in B.1 above for their consideration of licence violations.

<b>Recommendation:</b> No change
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#### **B.9 Condition 6.1, 6.2, 6.3, 6.4 and 6.5**

*The CBWWMG objects to condition 6.1 as the licensee and operator have caused foul and offensive odours to emanate from the landfill into the local environment and into their homes and therefore they cannot adhere to the statement 'there shall be no other emissions of environmental significance'. Further to this a 2008 EPA inspection*

*report recorded a concern on the level of suspended solids in the surface water at the facility.*

*The CBWMG objects to grant of this licence as condition 6.2 has not been met and will not be met by the licensee/operator. Sixteen consecutive Agency site inspection reports have recorded non-compliance with this condition. Over the past four years there has been significant impairment of the quality of air and life for the local families.*

*The CBWMG require clarification in non technical terms on the meaning of Schedule C emission limit values and landfill gas trigger levels specified in Condition 6.3 and require a map of the monitoring locations to assess their suitability and appropriateness. The CBWMG require clarification on how the Agency will ensure the licensee is accurately measuring and recording values.*

*The CBWMG objects to condition 6.4 (groundwater) as three monitoring boreholes are insufficient. The CBWMG wish to see wider water monitoring and testing system, more locations and an increase in frequency.*

*The CBWMG objects to condition 6.5 as it needs to be more stringent to ensure surface water run-off is properly managed.*

Technical Committee's Evaluation:

The TC refers to their evaluation in B.1 above for their consideration of licence violations.

The TC wish to clarify that emission limit values are specified in licences having regard to Best Available Techniques and aim to ensure that emissions will not cause environmental pollution. Trigger levels are defined in the glossary of the licence as values that the achievement or exceedance of which requires certain actions to be taken by the licensee. The OEE shall in the course of their duties verify the accuracy of results.

All correspondence including maps and drawings are available for public inspection.

The adequacy of ground water monitoring requirements and surface water management are matters outside the scope of this review and therefore will not be considered.

<b>Recommendation:</b> No change
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**B.10 Condition 7**

*The CBWMG objects to grant of this licence as condition 7 (nuisance control) has not been met and will not be met by the licensee/operator with regard to litter and bird control. Some Agency site inspection reports have recorded non-compliance in this area.*

Technical Committee's Evaluation:

The TC refers to their evaluation in B.1 above for their consideration of licence violations.

**Recommendation:** No change

### **B.11 Condition 8**

*The CBWVG objects to condition 8 (resource use and energy efficiency) as the requirements are too vague and that more stringent guidelines are needed. The CBWVG would like to discover what steps the licensee has undertaken to improve energy efficiency at the facility and the outcome of the audit.*

#### Technical Committee's Evaluation:

The TC wish to clarify that in 2003 the Agency published a Guidance Note on Energy Efficiency Auditing.

As previously stated, all correspondence is available for inspection.

**Recommendation:** No change

### **B.12 Condition 9.1, 9.15, 9.19**

*The CBWVG objects to grant of this licence and calls for the closure of the facility as the licensee/operator cannot operate the facility so as not to cause gas odours at off-site locations. The odour problem has been on-going for some years and Agency inspection reports have over the last two years continuously complained about the poor treatment of waste at the facility which is causing odours. The licensee/operator has failed to solve the problem due to mis-management and lack of experienced staff. The gas extraction system has failed and a new system is needed. The CBWVG objects to condition 9.19 as off-site odour monitoring has not been carried out. The CBWVG contend that the odour monitoring at the facility is completely inadequate.*

*The CBWVG notes the close proximity of a fort and seek photographs from the Agency to ensure that the area has or will not be disturbed and all documentation relating to the archaeological assessment (condition 9.15) of undisturbed areas.*

*The CBWVG objects to condition 9.1 as the licensee/operator are carrying out insufficient monitoring of wells and streams in off-site locations. Recently pollution of open water streams were observed and noted by the EPA.*

Submission on Objection: The licensee wishes to clarify the following:

- Monitoring for odour is carried out by the licensee and operator off-site in the form of odour patrols.
- All monitoring is carried out in accordance with the requirements of the waste licence.

Technical Committee's Evaluation:

This review was initiated by the Agency to, *inter alia*, enhance the licence's control and management of odour. The PD includes requirements for the reduction of the landfilling of biodegradable municipal waste which will have the effect of reduced landfill gas production and also sets out a requirement for an odour management plan including off-site odour monitoring. The operation of the landfill in accordance with these conditions will not cause significant environmental pollution.

The revocation of a licence is a matter for the OEE.

As previously stated, all correspondence are available for inspection and the adequacy of monitoring is outside the scope of this review.

**Recommendation:** No change

### **B.13 Condition 10**

*The CBWVG objects to condition 10 (contingency arrangements) as there is no requirement for a contingency plan to deal with off-site odours. The CBWVG contend that regularly they are unable to get in touch with representatives from the landfill and the problem has not been adequately dealt with nor have the Agency enforced the non-compliance issues or prosecuted the licensee and operator.*

*The CBWVG requests the Agency to review the Emergency Response Procedure and determine whether it is adequate in the context of the on-going problems. The CBWVG are not satisfied that the licensee is capable of protecting the environment given the problems at the facility.*

Submission on Objection: The licensee wishes to clarify that the operator responds to complainants in accordance with the Emergency Response Procedure.

#### Technical Committee's Evaluation:

The TC wish to clarify that the odour management plan (OMP) under condition 9.19 sets out requirements regarding the handling of odour complaints. The OMP for the facility shall include provisions for the evaluation/verification of complaints received and monthly review and reporting on the OMP. As previously stated, all correspondence including the emergency response procedure is available for inspection.

**Recommendation:** No change

### **B.14 Condition 11.1, 11.2, 11.5,**

*The CBWVG objects to condition 11.1 and 11.2 (keeping of records) as licensee responsibility versus operator responsibility is confusing and deliberate to make it impossible to enforce accountability. The licensee is responsible for the keeping of records but the operator undertakes odour patrols and records waste loads. The CBWVG have had concerns in the past that the odour records are not accurate and they also refer to the Agency inspection report of 2/12/08 where concern was expressed that the Scada system was under the control of the licensee and not the*



*operator. The CBWVG also refer to the Agency inspection report dated 24/09/08 and subsequent reports and the observations made regarding records for waste acceptance figures and the source and nature of fines.*

*The CBWVG expressed an interest in reviewing the complaint log required under condition 11.5. If a low number of complaints are recorded then it would confirm their fears that incomplete records are being kept by the licensee.*

Submission on Objection: The licensee wishes to clarify that references made to issues raised in site inspection reports in 2008 have been fully addressed by the operator and licensee with the Agency.

Technical Committee's Evaluation:

The TC wish to clarify that Condition 2.2 requires that the management structure includes details of the responsibilities of individuals.

The TC considers that the on-site complaint log should be available for public inspection at the facility.

**Recommendation:** No change

**B.15 Condition 12.2**

*The CBWVG objects to condition 12.2 (incident reporting) as the Agency is not being notified promptly of incidents at the facility and a full time inspector on-site is needed. The CBWVG refers to the Agency inspection report of 2/12/08 whereby a broken drilling auger had been left in a well and odours were allowed to vent overnight. This should have been treated as an incident. It is the public that keep the Agency up to date regarding problems at the facility. The CBWVG suggest funds for a full time inspector be obtained through petitioning the courts or under Condition 13.*

Technical Committee's Evaluation:

The TC consider that the need for a full time inspector on-site is a substantial issue that is outside the scope of this limited review. The OEE appreciates the contribution of the public to their enforcement efforts at this facility. The OEE shall enforce the requirements of the licence.

**Recommendation:** No change

**B.16 Concluding matters – location, record, competence, risk of pollution, odour impact and fees**

*The CBWVG objects to the granting of this licence and request the Agency to close the facility as soon as the current licence expires for the following reasons:*

- *the facility is located too close to urban population,*
- *the licensee has treated the Agency with contempt,*

- *the operator cannot run the facility safely, nor has adequate personnel,*
- *the increase in waste acceptance over the past 5 years has lead to significant operational problems and*
- *too many times have local people to clean up vomit from sick children because of dreadful gas emissions.*

*The CBWVG requests the Agency to revise their objection fees as they are excessive and an obstacle to the publics right to be heard.*

Technical Committee's Evaluation:

The revocation of a waste licence is a matter for the OEE. Given the limited scope of this review (initiated by the Agency), the TC does not consider it appropriate to assess the landfill location, violations, competence and operational requirements as required in the existing licence. The TC wish to point out the PD specifies new requirements in relation to odour control on foot of odour complaints. The TC wishes to reiterate its recommendation under B.1 above and request the consideration of these issues in greater detail under the concurrent review (W0077-04) and new waste application (W0248-01).

The objection fees are set out in statute and it is a matter for the legislature to amend them.

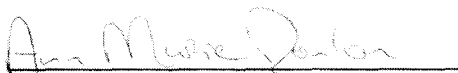
<b>Recommendation:</b> No change
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### **Overall Recommendation**

It is recommended that the Board of the Agency grant a licence to the applicant

- (i) for the reasons outlined in the proposed determination and
  - (ii) subject to the conditions and reasons for same in the Proposed Determination,
- and
- (iii) subject to the amendments proposed in this report.

Signed



Ann Marie Donlon

for and on behalf of the Technical Committee