



Objection

Objector:	Ms. Julie McMahon
Organisation Name:	Donegal County Council
Objector Address:	County Laboratory, The Kube, Thorn Road, Magheranan, Letterkenny, Co. Donegal.
Objection Title:	Applicant objection
Objection Reference No.:	OS006189
Objection Received:	18 November 2020
Objector Type:	Applicant
Oral Hearing Requested?	No

Application

Applicant:	Donegal County Council
Reg. No.:	W0062-02

See below for Objection details.

Attachments are displayed on the following page(s).



**Comhairle Contae
Dhún na nGall**
Donegal County Council

Objection to Proposed Decision for Review of Churchtown Landfill Site Waste Licence

Waste Licence Reference: W0062-02

Licensee: Donegal County Council, County House, Lifford

Objector: Donegal County Council

November 2020

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1. Introduction and Background

- 1.1 Churchtown Landfill Site was closed on 31st August 2000 following the granting of Waste Licence Ref. W0062-01. Restorations works were carried out in 2014 and included the development of an Integrated Constructed Wetland and Willow Bed for leachate treatment with direct discharge to the River Finn.
- 1.2 Donegal County Council applied for a Review of the Waste Licence for Churchtown Landfill Site on 26th May 2017 in order to regularise the discharge of treated effluent.
- 1.3 On 22nd October 2020 a Proposed Decision was issued by the Agency (WL Ref. W0062-02). The Council has reviewed the contents of the Proposed Decision and has significant concerns about key elements contained therein.
- 1.4 In line with the provisions of Section 42 of the Waste Management Act 1996 as amended, the Council is hereby submitting an Objection to the Proposed Decision. This report sets out the areas of concern and states the grounds for the Objection. The Council also requests amendments.

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2. Problematic Aspects of the Proposed Decision and Grounds for Objection

2.1 Problematic Aspects of the Proposed Decision

2.1.1 Overall scale of increase in monitoring requirements

The table included in Appendix 1 itemises the additional requirements in terms of the monitoring programme for ensuring Licence Compliance. In brief this represents an increase of approximately eight-fold in the number of samples generated each year (together with more extensive suites of parameters). Initial assessments of the increased cost of laboratory analysis alone indicate that costs will increase by significantly more than eight-fold due to the fact that many more parameters are specified. The annual cost of analysis is currently is c.€10,000.

2.1.2 Excessive quantity of new monitoring locations

The PD includes a requirement to routinely sample each of the eleven ponds which form the ICW treatment process in addition to the discharge locations for the ICW. Altogether the PD introduces 20 new monitoring locations on a site which previously had a total of 13, i.e. an increase of 154%.

2.1.3 Extensive suites of metals and organic chemicals

The requirement to regularly run such extensive suites of metals and organic chemicals seems excessive when they were not required previously and have not been identified in previous monitoring programmes (through annual parameters) as being an issue.

2.1.4 Requirement to regularly monitor pond sediment and receiving waters sediment

This requirement raises issues of safety and practicality, in addition to the increase in cost associated with the requirement, when the aim of the monitoring can be met through a less intensive approach.

2.2 Grounds for Objection

2.2.1 Prohibitive cost of implementation of monitoring programme

2.2.1.1 The overall scale of cost of implementing the compliance monitoring programme is excessive and disproportionate to the risk posed by a facility that has been closed for 20 years and is fully restored.

2.2.1.2 The large number of additional monitoring locations adds much in terms of cost and resource requirements but does not greatly improve the picture of emissions provided by the programme. Amending the programme as requested in Section 3 would enable the same result to be achieved by allowing for focused investigations should an issue be identified via a more optimized screening programme. This is particularly relevant to the ICW discharge locations.

2.2.2 Heavy burden of monitoring discourages innovation and progress for sustainability

To place such a large financial burden on a Local Authority in relation to a restored facility that has been closed for 20 years is inconsistent with the encouragement of Licensees to develop sustainable solutions to the issue of leachate management.

2.2.3 Generally at odds with the underlying principles of Environmental Law

Placing such a heavy financial burden on the Licensee as outlined above is at odds with the principles of BATNEEC and also those of proportionality generally.

3. Requested Amendments to Conditions & Schedules

3.1 Taking into account the objections outlined in Section 2, the Council wishes to request the following amendments to the PD:-

3.1.1 Withdrawal of the requirement to regularly monitor each of the 11 ponds of the ICW system. The requirement can be amended such that these locations can be investigated in more detail when considered necessary and by agreement with the Agency. Specifically the Council requests:-

3.1.1.1 Removal of Schedule C2.3 entirely (and references thereto);

3.1.1.2 Amend Condition 6.1.2 to remove the words 'each pond' and replace with 'the Integrated Wetland System'.

3.1.2 Withdrawal of the requirement to regularly monitor the pond sediment. The Council proposes that a one-off exercise be carried out to test pond sediment samples and establish baseline levels. Follow up reference testing can then be carried out by agreement with the Agency. Specifically the Council requests:-

3.1.2.1 Amend the text in Schedule C.2.1 to remove the requirement in Note 2 to sample and analyse sediment for heavy metals and replace with 'by agreement with the Agency'.

3.1.3 Withdrawal of the requirement to install a composite sampler in Note 3 of Schedule C2.2 and replace with 'by agreement with the Agency'.

4. Conclusions

- 4.1 In agreement with the Agency, Donegal County Council developed an innovative and sustainable solution to the problems of emissions controls as they relate to the restoration of former waste disposal sites. The development of an ICW solution to leachate treatment has proved to be extremely effective in terms of the quality of effluent produced and being discharged to receiving waters. Many other Licensees and the Environment Agency of Northern Ireland have expressed interest in using these type of sustainable solutions based on the successful implementation of an ICW at Churchtown Landfill Site. It seems counter-intuitive that the Council would be burdened with an unsustainable and unjustifiable programme of compliance monitoring in order to regularize this facility as regards its Waste Licence.
- 4.2 The Council respectfully requests that the Agency gives full consideration to the proposed amendments to conditions as outlined in Section 3 in order that the compliance monitoring programme can be effective but manageable; in other words, that it be optimized to meet the needs of both the Regulator and the Local Authority.

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Appendix 1

Summary of Increase in Monitoring Requirements in PD

Schedule	Location	Frequency	Parameters (additional/new)
C2.2	NEW Discharge locations (D1, D2, D3, D4)	Daily	Visual insp
		Continuous	Flow/EC/Temp/pH/TOC/Ammonia
		Weekly	COD/BOD/SS/TDS/DO/Orth&totP/nitrates/nitrites/metals(list)
		Monthly	Ammonia N/Chloride/Sulphates/ Phenols/OrgCompounds(list)/Tot Alk
		As required	Toxicity
C2.3	NEW ICW Ponds (11 no. total)	Monthly	Total ammonia/BOD/COD/metals(list)
		Quarterly	Heavy metals in pond sediment

C2.4	NEW Leachate Sumps (3 no.)	Daily	Visual insp
		Continuous	Leachate level
		Quarterly	pH/BOD/COD/EC/AmmN/Cyanide/Fluoride/Sulphate/Chloride/TotP/OrthoP /TON/Metals(list)/Faecal Coli's/TotColi's/TotAlk/Nitrate/Nitrite/ Org Chemicals(list)
C5	GW Locations (2 new proposed)	Monthly	GW Level
		Quarterly (previously annual parameters)	Fluoride/Hazardous compounds/Metals(list)/Tot P/OrthoP/Faecal & Tot coli's
C6	SW Locations	Annually	Biological testing
		Quarterly (prev' annual)	TOC/TDS/Tot P/OrthoP/Metals(list)/Amm nitrogen/sulphate/organic compounds/tot alk
		As required	Toxicity