

**Minutes of a Meeting of the Environmental Authority
Held on Wednesday, 24 April 2019
At the Department of Environment and Natural Resources, Botanical Gardens, Paget**

PRESENT: Mrs. Winnifred Fostine-DeSilva, Chair
Mr. Eugene Saunders, Member
Mr. Jonathan Starling, Member

ADVISORS: Dr. Geoff Smith, Environmental Engineer, DENR
Dr. Shaun Lavis, Hydrogeologist, DENR
Mr. Tarik Christopher, Principal Engineer (Water & Sewage), Public Works
Mr. Tom Crossan, Chief Environmental Health Officer
Mr. Armell Thomas, Senior Environmental Health Officer
Ms. Patricia Hollis, Environmental Officer, DENR, Recording Secretary

IN ATTENDANCE:

Mr. Kirk Outerbridge, Tynes Bay Waste Facility Manager
Mr. Clarkston Trott, Solid Waste Manager, MPW

ABSENT: Mrs. Sarah Haycock Tafur, Deputy Chair
Mrs. Susan Armstrong, Member
Dr. Nick Bates, Member
Ms. Lynesha Lightbourne, Member

1. Confirmation of Minutes

The minutes of the meeting held on 27 March 2019 were approved and signed by the Chair. It was noted that there was one amendment to the Minutes, namely 2. Presentation of Annual Report for Sallyport Special Waste Facility OL-387. The request for confirmation from the Ministry of Public Works that Bermuda has no long-term liabilities with regards to the overseas disposal of asbestos.

2. Unapproved Use of Incinerator Ash Cement at Marsh Folly Compost Facility

The Members were informed of an incident that occurred between 5 March 2019 and 15 April 2019 when approximately 60 loads of incinerator ash cement were directed to the Marsh Folly Compost Facility for use in an on-site roadway construction.

Mr. Kirk Outerbridge and Mr. Clarkston Trott explained the circumstances surrounding this unapproved use of incinerator ash and apologised for it. It was said that the Superintendent of both the Airport Waste Management Facility and Marsh Folly arranged for the redirection of the ash cement and its application at the Marsh Folly site without approval from Management. He surmised that the intention was to use incinerator ash cement rather than ordinary cement for financial reasons. The road was needed to cover an area of the old dump that had been exposed during some composting activities, and to provide access for emergency vehicles. It is unknown if the structural stability of the incinerator ash surface will meet the needs of the intended use. Mr. Outerbridge said that he had the operation halted as soon as he became aware of it.

The application of incinerator ash at one area of Marsh Folly in 2018 was also revealed.

Mr. Outerbridge said that the Ministry of Public Works is seeking to provide appropriate training to staff as well as considering disciplinary action against the Superintendent.

The Members discussed the risk of contaminants leaching from the incinerator ash and whether it would be better to remove the ash concrete or leave it in place.

The Authority AGREED:

that a letter to the Permanent Secretary, Ministry of Public Works, would be sent on their behalf to express their disappointment that this incident was not discovered sooner. It was their view that this was a deliberate attempt to defy Environmental Authority requirements for ash disposal, and that there should have been sufficient oversight to have caught the action after two loads had been delivered.

The Authority **AGREED:**

to consider input from the Dept. of Environment and Natural Resources technical officers on the recommended mitigation action at the next meeting.

3. Public Works Request for Disposal of Raw Ash at Airport Waste Facility

Citing an insufficient budget, Mr. Outerbridge reported that the Tynes Bay Waste to Energy Facility is looking into instituting cost cutting measures. One proposal is to dispose of raw ash at the site of the Airport Waste Management Facility rather than incorporate it into ash concrete. Stopping the addition of cement will reduce demand on the already insufficient concrete truck fleet and will reduce the need for overtime and cement, thereby saving funds.

The Members discussed the request and expressed the need for additional information. Health and safety issues, including the risks present when trucks are transporting the ash to the site; airborne and ingestion risk to workers and visitors to the Airport Waste Management Facility and the risk of release of unconsolidated ash during major storms, will need to be assessed.

The Authority **AGREED:**

to reject the request and to send a letter to the Minister of Public Works to express their concern with the insufficient allocation of funds for Ministry processes which safeguard the environment.

4. Elbow Beach Waste Water Treatment Plant

Dr. Smith reported that the waste water effluent quality still exceeds the BOD and TSS limits that are provided in the Operating Licence conditions. The Authority sent a letter to the Permanent Secretary of Home Affairs on 8th March 2019 to seek direction for action to resolve the non-compliance. A response from the Minister has not yet been received.

The Authority **AGREED:**

that a letter be sent to Elbow Beach to express their grave concern with the ongoing non-compliant sewage effluent quality and to request a status report of the hotel's efforts to become compliant, as promised, to the Authority by Mr. DeMeglio on 21 November 2018

5. Process to Nominate Competent Persons under Health & Safety (Pressure Systems) Regulations 1989.

Mr. Tom Crossan confirmed that draft process documents had received the approval of the Permanent Secretary of Health and the Permanent Secretary of Public Works. The input from the Chair of the Professional Engineers Registration Council has yet to be received as this board has yet to be officially formed for 2019 and gazetted.

6. Marsh Folly Operating Licence

The Members were reminded that Public Works made a presentation on the Marsh Folly facility at their meeting of 6 April 2019. It was clear that many requirements of the Marsh Folly Operating Licence have not been satisfied, including the requirement of annual analysis of compost and mulch.

The Authority **AGREED:**

that revised Operating Licence conditions would be presented at the next meeting for consideration.

7. Applications for Construction Permits and Operating Licences (New)

7.1 The Authority **DEFERRED** the following applications:

- CP-610, OL-986 C. Lopes Genset, 40 kW, Mission Crescent, Paget (pending submission of sound modelling);
- CP-611, OL-987 Lovett Genset, 20kW Diesel, 7 South Road, Hamilton Parish (options to mitigate noise and revised sound modelling required); and
- CP-613, OL-989 Clarien Bank, 40kW Kohler, Diesel genset, Point Finger Road, Paget (Deferred pending submission of sound survey).
- CP-634, OL-102 Bierman's Concrete Products, one mobile rock crusher/sand sifter at Lolly's Well, Smith's Parish, pending submission of additional information.
- CP-635, OL-1024 Dykeman, one 38 kW propane generator at a condo at the Loren, South Road, Smiths, pending submission of additional information.

- CP-636, OL-1022 Harkins, one 20 kW propane generator at 9 Harvest Lane, Hamilton Parish, pending submission of additional information.
- CP-367, 368, OL-1028, OL-1029 Aecon, two 1500 kW diesel generators at 3 Cahow Way, St. Georges, pending submission of additional information.

7.2 The Authority **APPROVED:**

- CP-635, OL-1024 Dykeman, one 38 kW propane generator at a condo at the Loren, South Road, Smiths, pending submission of additional information.
- OL-1025 Corcon, mobile lighting system with generator, subject to standard conditions;
- CP-639, OL-1023 Biondi, 100 kW diesel generator at 14 Shore Lane, St. George's, subject to standard conditions and construction of a barrier wall;

8. Applications for Operating Licences (Reissue)

8.1 The Authority **APPROVED:**

the reissue of Operating Licences on the two-page printout, subject to standard conditions. Two applications were deferred pending submission of annual reports (OL-352 Elbow Beach WWTP and OL-901 US Consulate WWTP)

8.2 The Authority **TOOK NOTE and APPROVED:**

CP-629, OL-850 George Skinner, 12 Salt House Lane, Smith's, replacement of existing generator with one of like capacity. It was noted that the sound levels from the new genset are very close to the EA guidelines.

8.3 The Authority **TOOK NOTE** of the annual reports **and APPROVED** subject to the same conditions as before:

- OL-390 Belmont Golf Villas WWTP
- OL-801 KEMH Acute Care WWTP

9. Applications for Water Rights (New).

9.1 WR 5628 Henry Talbot III, 14 Woodlands Road. **Deferred again.**

9.2 WR 5632 Gospel Tabernacle Church, Radnor Estate Road, Hamilton Parish. **Deferred again.**

9.3 WR 5631 MPW/ROCON 8 Somner Road, St. George's

The Authority was reminded that it had **APPROVED** the application on 27 March 2019, however subsequent to the meeting DENR received additional information on the historical sensitivity of the St George's lens that led the Department to seek reconsideration of the application.

The Authority **DEFERRED** the application pending submission of additional information and/or modelling results.

10. Applications for Water Rights (Reissue)

The Authority **APPROVED:**

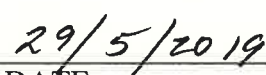
the issue of water rights as listed on the one-page printout with the exception of one indicated as withdrawn.

11. Date of the Next Meeting

The date of the next meeting was set for 8:30 am, Wednesday, 29 May 2019.



 CHAIRMAN



 DATE