

**Minutes of a Meeting of the Environmental Authority
Held on Wednesday, 27 March 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
Ms. Patricia Hollis, Environmental Officer, DENR, Recording Secretary

IN ATTENDANCE:

Mr. Clarkston Trott, Solid Waste Manager, MPW
Mr. David Peniston, Waste Management Officer, 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 meetings held on 6th and 7th March were approved and signed by the Chair. It was noted that the meeting of 7th March had been held electronically and for the avoidance of doubt all decisions made were ratified.

2. Presentation of Annual Report for Sallyport Special Waste Facility OL-387

Mr. Clarkston Trott gave an overview of the operations of the Sallyport Special Waste Facility, Dockyard for March 2017 to December 2018. He said that Sallyport is the primary location for the storage and packaging of special wastes except asbestos. The facility is open 7:30 am to 4 pm Monday to Friday by appointment.

Mr. Trott said that in anticipation of predicted high demand for oily water disposal during the America's Cup races, a new oily water tank and separator was purchased. This equipment would allow for the separation of water from oil so that the oil could be collected for shipment overseas and the remaining water disposed of down a deep sealed borehole if oil was present at a level less than 15 ppm oil. There was less than expected additional demand for this service during America's Cup. The facility is now used to treat oily wastes from boat bilges and other oil tanks island-wide. It was noted that the oily water separator does not have an alarm if the waste water discharge contains greater than 15 ppm oil. It is noted that 15ppm oil in water is typically delimited as the concentration above which sheen can be observed on the surface of the water.

Disposal of asbestos is the responsibility of the Special Waste Section. A programme is in operation to repackage and ship containers of asbestos waste to a landfill in Tully Town, Pennsylvania. This facility cannot accept asbestos that is contaminated with soils, insects, or encapsulated with cement. Bermuda has about 200 twenty-foot shipping containers that cannot be shipped and will need on-island disposal. Public Works will bring the on-island disposal plan to the Environmental Authority for their consideration at a later date.

Mr. Trott stressed that safety and health concerns are of high importance. All staff are trained and recertified in emergency procedures. The staff work in a buddy system and each have communication devices so they can summon help if needed. The Special Waste Section was advised to contact Bermuda Fire & Rescue Service to secure a fire risk assessment certificate, and also to notify Mr. Steve Cosham of Bermuda's Disaster Preparedness and Mitigation Department of the Sallyport activities and risks.

The statistics maintained by the Special Waste section were reviewed, including an 8 year cumulative total of wastes shipped overseas.

It was noted that the public drop-off days have been discontinued due to the lack of funding. It was also noted that fees for the disposal of special wastes from commercial generators were being introduced.

The Members questioned the environmental monitoring undertaken at the Special Wastes Facility. With the last environmental audit being done about 15 or 20 years ago, it is time for another one.

Mr. Trott and Mr. Peniston were thanked for their presentation.

3. Elbow Beach Waste Water Treatment Plant

Dr. Smith reported that the waste water effluent quality still exceeds BOD and TSS limits. 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 is expected shortly.

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

Mr. Tom Crossan confirmed that draft process documents have been sent to the Permanent Secretary of Health, Permanent Secretary of Works, and the Chair of the Professional Engineers Registration Council for their consideration and input.

5. 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.

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

6.1 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).

6.2 The Authority **APPROVED:**

- OL-1019 Smith Hauling & Excavating mobile sand sifter for use at sites with building permits, subject to standard conditions;
- OL-1021 Bermuda Container Line, one 511 kW auxiliary engine on the MV Oleander, subject to standard conditions;
- OL-907 D & J Excavating, one mobile rock crusher at St. Regis Hotel Site, St. George's and other sites with building permits, subject to standard conditions (retroactive). It was noted that the rock crusher is presently licenced for use at the Airport rebuild; and
- OL-854 D & J Excavating, one mobile sand sifter at St. Regis Hotel Site, St. George's and other sites with building permits, subject to standard conditions (retroactive). It was noted that the sand sifter is presently licenced for use at D & J's Waller's Point Site.

6.3 The Authority **TOOK NOTE:**

- CP-633, OL-1018 Lori Dunstan 20 kW propane generator at 3 Riddell's Bay Road, Warwick had been withdrawn by the applicant.

7. Applications for Operating Licences (Reissue)

7.1 The Authority APPROVED:

the reissue of Operating Licences on the two-page printout, subject to standard conditions.

7.2 The Authority TOOK NOTE:

that OL-077 and OL-078 Dunkley's Dairy boilers were certified by Yuri Lightbourne, a Competent Person under the Health & Safety at Work (Pressure Systems) Regulations 1989.

7.3 The Authority TOOK NOTE:

that Amis Memorial Chapel submitted an annual report for the crematorium (OL881). During 2018 there had been 8 exceedences of the opacity limit lasting longer than 2 minute and one exceedence lasting longer than 3 minutes. One complaint was received by the Department of Environment and Natural Resources. These were rectified by a cleaning of the opacity window and fan, as well as a scheduled service of the equipment.

8. Applications for Water Rights (New).

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

8.2 WR 5632 Gospel Tabernacle Church,

The Authority **DEFERRED:**

an application for a domestic Water Right at Lot E & F Radnor Estate Road, Hamilton Parish for disposal of rain water pending submission of additional information on the presence of caves.

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

Mr. Tarik Christopher declared an interest in this application and left the meeting.

It was reported that there is cross contamination between the sea water supply well and the deep sealed borehole servicing the 420,000 gpd reverse osmosis plant in St. George's. With it being impractical to drill another supply well close to the north coast of St. George's, MPW/ROCON is applying for approval for a well located at 8 Somner Road, St. George's.

The Authority **APPROVED** the application. [*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. DENR will recommend to the Authority that the applicant submit further information and/or modelling to the Authority for subsequent consideration*].

9. Applications for Water Rights (Reissue)

The Authority **APPROVED:**

the issue of water rights as listed on the two-page printout.

10. Date of the Next Meeting

The date of the next meeting was set for 8:30 am, Wednesday, 24 April 2019.

W. Fostine - Desilva
CHAIRMAN

24/04/2019
DATE

* Amend item 2 as discussed re prt. sector agreement concerns.