

**Minutes of a Meeting of the Environmental Authority  
Held on Wednesday, 29 May 2019**

**At the Department of Environment and Natural Resources, Botanical Gardens, Paget**

**PRESENT:** Mrs. Winnifred Fostine-DeSilva, Chair  
Mrs. Sarah Haycock Tafur, Deputy Chair  
Mrs. Susan Armstrong, Member  
Dr. Nick Bates, Member  
Mr. Eugene Saunders, Member  
Mr. Jonathan Starling, Member

**ADVISORS:** Dr. Geoff Smith, Environmental Engineer, DENR  
Dr. Shaun Lavis, Hydrogeologist, DENR  
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. Justus Anderson, Summer Student, DENR

**ABSENT:**  
Ms. Lynesha Lightbourne, Member  
Mr. Tarik Christopher, Principal Engineer (Water & Sewage), Public Works

**1. Confirmation of Minutes**

The minutes of the meeting held on 24 April 2019 were approved and signed by the Chair.

**2. Elbow Beach Waste Water Treatment Plant**

The Authority **TOOK NOTE:**

that a letter was sent from the Chair to the Permanent Secretary of Environment and Natural Resources in early March 2019, and that PS Azhar shared the content with the Ministers of Home Affairs and Transport & Tourism. It is understood that the Ministers have been in contact with the Elbow Beach Hotel management over the hotel's poor quality of treated sewage effluent. It was also noted that Elbow Beach has engaged the Water Infrastructure Group (WIG) to assess the WWTP and propose modifications to bring the plant into compliance in both the short and longer term. DENR has requested a timeline for the costed proposals to be generated and once received will press for commitment to address the poor effluent quality. Progress is being made on the construction of a back-up effluent borehole. Atlantic Water Development Ltd has been approached by Elbow Beach to drill the borehole after an attempt by E & C Well drilling failed.

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

Mr. Tom Crossan confirmed that further progress on the process to nominate a competent person is waiting for the appointment and gazetting of the Professional Engineers Registration Council.

**4. Marsh Folly Operating Licence OL-349**

The Members discussed and approved the proposed changes to the Marsh Folly Operating Licence.

The Authority **AGREED:**

to approve the Marsh Folly Operating Licence for one year, subject to the amended conditions and providing the analytical data results that were due since 2015 are collected soon and are presented to the Authority in August 2019. A copy of the licence and conditions are due to be sent to the Permanent Secretary, Ministry of Home Affairs.

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

The Members further discussed the 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.

Taking into account the risks of removing the ash cement or leaving it in place,

The Authority **AGREED**:

to require the Ministry of Works to apply and maintain a cover material to the surface of the ash cement and to ensure that it suitably assessed prior to it being used as a road by any vehicle, including site vehicles or emergency vehicles. Further, the location of the ash cement shall be documented so that it is not disturbed in the future.

The Authority **RECOMMENDED**:

that the Ministry of Public Works engage a structural engineer to examine the stability of the poured ash cement.

#### **6. 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 directly into a prepared area at the Airport Waste Management Facility as is permitted during emergencies.

The Authority **AGREED**:

that a letter be sent to the Permanent Secretary of Public Works to advise that the disposal of raw ash at the Airport Waste Management Facility is not approved except in short term emergency situations. The Authority noted that:

- a) Leaching tests performed on raw ash from Tynes Bay show that it does not meet inert landfill criteria based on landfill requirements under UK legislation as a result of more heavy metals being leached when cement is not added to the ash. It is noted that the Airport Waste Management Facility is described in the operating licence as an 'Inert landfill.'
- b) The health & safety and environmental risks associated with the transport, unloading, covering of the ash and stability of the areas during major storms have not been assessed. Until the risks have been shown to be acceptable, approval of the disposal of unconsolidated ash will not be granted.

#### **7. Dry Cleaning Facilities Operational Policy**

The Authority **DEFERRED**:

Consideration of changes to their dry cleaning facilities operational policy pending submission of additional information.

#### **8. 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-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 Aeon, two 1500 kW diesel generators at 3 Cahow Way, St. Georges, pending submission of additional information.

7.2 The Authority **APPROVED**:

- CP-634, OL-1020 Bierman's Concrete Products, one mobile rock crusher/sand sifter at Lolly's Well, Smith's Parish  
The Members considered and discussed the 19 objections to the application for the construction permit, the applicant's rebuttal, and the relevant details of the Special Development Order BR57/1997 that was granted to Bierman's Quarry. Most objections were regarding traffic, noise from the road, and runoff of sediment into Harrington Sound.

The Authority **APPROVED** the construction permit and operating licence subject to standard conditions and providing the use of the rock crusher/sand sifter was

restricted to the site of Bierman's Special Development Order BR59/1997 at the Lolly's Well address. In addition, the sediment traps in Bierman's roads are to be maintained with regular sediment removal to ensure that the sediment traps do not exceed 50% capacity. As per the Special Development Order BR59/1997 (Development and Planning (Rocky Heights Quarry Special Development Order 1997) the Department of Planning requires that Bierman Concrete Products Ltd post clear signage (approximately 3ft x 4ft - TBC) at the vehicle ingress/egress point of the SDO site† to indicate times when trucks may use the access road to the quarry at Rocky Heights (*i.e.* 7.30am to 6pm, Monday-Saturdays, excluding public holidays). The Department of Planning shall be consulted by Bierman Concrete Products Ltd to approve the size, wording and location of the sign prior to it being finalised and installed. Map showing appropriate area for the signage to be provided.

- CP-635, OL-1024 Dykeman, one 38 kW propane generator at a condo at the Loren, South Road, Smiths, subject to standard conditions and providing a 4 foot high sound attenuating wall is constructed around the generator.
- CP-640, OL-1030 A. Saavedra, 22 kW propane generator at 17 Mill Shares Road, Pembroke, subject to standard conditions, installation of a 1.9 m high barrier wall faced with Bermuda stone, and providing there are no objections received during the advertised period.

#### **9. Applications for Operating Licences (Reissue)**

9.1 The Authority **APPROVED**:

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

#### **10. Applications for Import Permit for Refrigerants**

10.1 The Authority **APPROVED**:

the application submitted by Marketplace Bermuda for the importation of 160 cylinders each containing 25 lbs of R507A subject to standard conditions.

#### **11. Applications for Water Rights (New)**

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

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

11.3 WR 5631 MPW/ROCON 8 Somner Road, St. George's. **Deferred again**

11.4 The Authority **APPROVED** water right applications for:

- WR 5637 Vonda Burgess, 22 Robert's Avenue, Devonshire domestic supply to 2 apartments;
- WR 5638 Trevor Nelson, 1 Blue Meadows Lane, Hamilton Parish domestic supply to 1 house;
- WR 5639 Queens Cove, 1, 3 Queens Cove, Pembroke domestic disposal of rainwater

#### **12. Applications for Water Rights (Reissue)**

The Authority **APPROVED**:

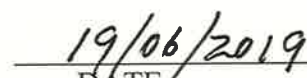
the issue of water rights as listed on the two-page printout with the exception of one indicated as withdrawn.

#### **13. Date of the Next Meeting**

The date of the next meeting was set for 8:30 am, Wednesday, 19 June 2019.

There was discussion on the most convenient day for the Members to meet. The majority of Members agreed that Wednesdays were preferred.

  
\_\_\_\_\_  
CHAIRMAN

  
\_\_\_\_\_  
DATE