# Minutes of a Meeting of the Environmental Authority Held on Tuesday, 20 December 2022

# At the Department of Environment and Natural Resources, Botanical Gardens, Paget and Remotely using Teams Teleconference

**PRESENT:** Ms. Davida Morris, Chair (by remote access)

Mr. Eugene Saunders, Deputy Chair

Mr. Andrew Barnes, Member (by remote access)

Mr. Jonathan Starling, Member

ADVISORS: Dr. Geoff Smith, Environmental Engineer, DENR

Dr. Shaun Lavis, Hydrogeologist, DENR

Mr. Kirk Outerbridge, Chief Engineer, Public Works (by remote access) Mr. Armell Thomas Senior Environmental Health Officer (by remote access)

**ABSENT:** Mrs. Susan Armstrong, Member

Mr. James Morrison, Member Mr. Willie Ferguson, Member

Mr. Tarik Christopher, Principal Engineer (Water & Sewage), Public Works

Ms. Crystal Baxter, Environmental Health Officer

Mr. Paul McDonald, Acting Senior Planner, Dept. of Planning

Ms. Patricia Hollis, Environmental Officer, DENR

#### 1. Confirmation of Minutes

The Minutes of the meetings held on 29 November 2022 and 12 December 2022 were approved and will be signed at the next meeting. The Authority noted that the meeting held on 12 December 2022 was held electronically and for the avoidance of doubt ratified all decisions made.

#### 2. BELCO Air Quality Updates

# 2.1 The Authority TOOK NOTE:

- 2.1.1 BELCO submitted a monthly update letter for November 2022. It reported that there were zero (0) odour complaints from fuel tanks and associated activities along St. John's Road, Pembroke; there was no switching to low-sulphur fuel as a result of potential down-drafting to the Ocean Lane area in November 2022, there were no sensors at Ocean Lane so exceedance of the air quality standards or targets are unknown; there were four (4) soot complaints in November (three on 17<sup>th</sup> November, one on 20<sup>th</sup> November).
- **2.1.2** The Members reviewed an additional revision to the draft letter to be sent from the Environmental Authority to BELCO. The Authority **APPROVED** the letter and the Chair agreed to visit DENR to sign it.

### 3 BELCO's Operating Licence Reissue & Conditions

The Members reviewed the proposed changes to BELCO's operating licence conditions (OL-114).

The Authority **AGREED**:

to the proposed amendments which include:

- a) Section 5.9.3. The Authority will expect to see a plan for the proposed remediation to the ground/groundwater below the Old Power Station (OPS) by September 2023.
- b) Section 5.9.4. As a result of recent rotten-egg odour complaints from the public associated with 'normal' activities by BELCO at the more central Oily Water Treatment Plant (OWTP) it has been decided that BELCO will need to inform DENR of when these 'normal' operations will occur so that DENR can witness and verify the complaints.
- c) Section 5.10.2. As the North Power Station (NPS) represents new engines to the BELCO facility, the re-introduction of isokinetic stack analysis is required to verify the pollutant emissions, their signature and the exhaust flow rates and temperatures. Isokinetic stack analysis of one NPS engine and one East Power Station (EPS) engine is required over this licence period.
- d) **Section 6.1.2.** Malodours (*i.e.* Nuisance odours) shall be added to the list of reportable complaints so that DENR may validate them.

- e) **Table 4.** Reference to the monitoring station Bermuda#4 shall state once redeployed when DENR and BELCO agree upon a new location.
- f) **Noise Conditions.** The North Power Station construction permit requirement for noise monitoring after 2 years of operation shall be amended to require noise monitoring to be undertaken after a verified complaint.

#### The Authority **APPROVED**:

the issuance of the BELCO annual operating licence OL-114 with the amended conditions.

#### 4 Elbow Beach Waste Water Treatment Plant

The Authority **TOOK NOTE:** 

that there is nothing new to report: the main hotel is closed, wastewater is received only from one restaurant and some of the apartments of Fritholme Gardens. The plant continues to operate without an activated sludge as a result of the low organic load. The effluent monitoring data for November was consistent with that of previous months.

# 5 Ministry of Public Works Tynes Bay October 2022 Operation Update The Authority TOOK NOTE:

- Stream #2 was shut down on 2<sup>nd</sup> Dec for Cleaning/Maintenance and will be due to start back up on 23<sup>rd</sup> Dec.
- Both streams are due to run until 12<sup>th</sup> Jan 2023 at which point Stream #1 will have its planned shutdown for major overhaul until 3<sup>rd</sup> April 2023.
- Stream #2 is due to operate to maintain Bermuda's garbage processing capability until Stream #1 comes back online. Loss of Stream #2 for any extended period over this time will lead to the baling of garbage at Marsh Folly.
- Two (2) ash-cement trucks are currently operational with MPW.

### 6. Clinical Waste Incinerator (Mediwaste) Public Complaints

The Authority **TOOK NOTE:** 

that since the Town Hall Meeting organised by DENR on the 1<sup>st</sup> November that the 'Concerned Citizen Group' and Royal Gazette had contacted the Department on numerous occasions for copies of many documents associated with the approval of the Clinical Waste Incinerator under the Clean Air Act 1991. All documents that were associated with these statutory processes were provided by DENR.

# 7. Corporation of Hamilton Wastewater Treatment Plant Operating Licence Reissue & Conditions

The Members reviewed the proposed changes to the CoH operating licence conditions (OL-142).

The Authority **AGREED**:

to the proposed amendments, which include:

- a) New reporting metrics associated with the Public Health (Fats, Oils and Grease) Regulations 2016.
- b) Progression of the detailed design for the proposed mechanical primary treatment to the Front Street plant.
- c) The need to engage with DENR prior to plans to test the per-acetic acid dosing system.
- d) The need for a new benthic survey at the location of the outfall prior to the start of full-scale trials of the per-acetic acid dosing system.

#### The Authority **APPROVED**:

issuance of the CoH annual operating licence OL-142 with the amended conditions.

# 8. Applications for Construction Permits and Operating Licences (New)

# 8.1 CP-756, OL-1192 Bermuda Housing Corporation Ltd

The Authority **APPROVED**:

the construction permit and operating licence for a secondary level treatment Waste Water Treatment Plant at Bermudiana Beach Resort, 60 South Road, subject to standard conditions associated with a ~30,000 US GPD treatment plant.

### 8.2 CP-786, OL-1204 The Three M Trust

#### The Authority **TOOK NOTE**:

that further to the conditioned approval provided by the Authority on the 29th Nov 2022, that noise modelling for the new location and new sound barrier showed that the neighbouring properties would not be expected to receive greater than 45 dBA from the 22kW LPG generator at 49 Berry Hill Road, Paget. The condition that the nearest neighbour should be a commercial property was therefore removed and the generator was approved subject to it being installed in the proposed location, with the proposed sound barrier (4 ft high c-shaped barrier).

# 9. Any Other Business

### 9.1 Definition of Commercial vs Domestic Water Rights

# The Authority **TOOK NOTE:**

that DENR has made recommendations to update the Government Fees Regulations 1976 in order to enable to fees charged for water right applications to better reflect the amount of water exchanged with the resource and/or the environmental impact of that exchange. The Authority recommended dispensing with the definition of Commercial and Domestic.

# 9.2 Advertising Withdrawn Water Rights for Public Supply

#### The Authority **AGREED**:

that a letter be sent to existing public water supply water right holders to inform them that requests for 'Expressions of Interest' in obtaining withdrawn water rights for public supply will be published in the Official Gazette.

#### The Authority **REVISED**:

their decision documented in minutes recorded on 18th July 1984 to not allow any new privately operated commercial abstractors to obtain water rights for public potable water supply; new privately operated abstractors will now be allowed.

# The Authority TOOK NOTE:

that criteria for assessing applications for water rights for public potable water supply should be developed and that the new process for re-allocating withdrawn water rights for public potable supply be documented by revising their existing policy document.

#### 10. Date of the Next Meeting

The date of the next meeting will be determined once the Government has re-nominated this statutory board in the New Year.

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