

Minutes of a Meeting of the Environmental Authority
Held on Wednesday, 29 May 2024
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. Willie Ferguson, Member
Mr. Harry Matthie, Member
Mr. Jonathan Starling, Member (by remote access)

ADVISORS: Dr. Geoff Smith, Environmental Engineer, DENR
Dr. Shaun Lavis, Hydrogeologist, DENR
Ms. Patricia Hollis, Environmental Officer, DENR
Ms. Crystal Baxter, Environmental Health Officer

IN ATTENDANCE:

Mr. Mark Husdan, Solid Waste Manager, MPW Waste Management
Mr. David Peniston, Special Wastes Officer, MPW Waste Management

ABSENT: Mr. Andrew Barnes, Member
Mr. James Morrison, Member
Mr. Paul McDonald, Acting Senior Planner, Dept. of Planning
Mr. Tarik Christopher, Acting Chief Engineer, Public Works
Mr. Armell Thomas, Acting Chief Environmental Health Officer

1. Confirmation of Minutes

Minutes of the meeting No. 393 held on 24 April 2024 were approved and signed by the Deputy Chair.

2. BELCO Operating Licence OL-114 Application for Reissue

This was deferred to the next meeting.

3. BELCO Complaints—April

It was noted that DENR still receive periodic complaints of soot, fumes and oil odours. Discussion was deferred to the next meeting.

4. Tynes Bay Waste Facility March 2024 Update

- **Stream #1:** was available for 31-days and ran for 22-days. It was down for 9-days (unplanned) due to wire rope failure.
Stream #2: was available 5-days and ran for 5-days. It was shut down for cleaning / maintenance (planned).
- **Turbine (T2):** was available for 29-days and ran for 28-days at 39% efficiency.
- **Total waste (less metal):** 4062 Tonnes. Cooking oil – 36.7 Tonnes.
- **Total electricity sent to BELCO:** 16-Jan to 16-Feb: 920 MWh
Total electricity produced for Feb: 1763 MWh.
- **Ash Processing Plant:** 62 loads of ash-cement to the Airport Waste Management Facility
- **Unconsolidated Ash:** 8 loads = 58 Tonnes were disposed of at the Airport Waste Management Facility

The update for April will be presented at the next meeting.

5. Review of Environmental Authority Policy No. 9 Back-up Electrical Generators—Exhaust Emissions and Exterior Sound Guidelines

The Authority was reminded that Policy No. 9 was adopted to protect people from excessive noise from fixed and moveable generators. Prior to the policy, there was a risk that generators would be installed at a convenient location for the applicant, but at an inconvenient, noisy location for neighbours.

Policy No. 9 adopted guideline values rather than the subjective assessment of installation. Sound levels in residential areas over nighttime was restricted to less than 45 dBA as demonstrated by sound modelling. The 45 dBA limit was based on the World Health Organization's research that showed exposure to sound greater than that throughout the year was damaging to health.

It was noted that in practice, Policy No. 9 is too onerous and restrictive in some locations.

- Modelling & measurements show 45 dBA is often very difficult to meet (especially in densely populated areas) after 'reasonable' measures are taken to reduce sound (changes to location, barriers, sound attenuating materials etc.);
- Gensets do not operate throughout year – usually a few days following a hurricane or other emergency;
- Gensets can be replaced by unregulated smaller generators with similar or higher sound output;
- Some genset owners are not applying for permits and licences;
- Additional sound attenuation is prohibitively expensive for some, especially in densely populated areas;
- Sound measurements often indicate background levels of 45 dBA or higher;
- Background levels during electricity blackouts are likely to be more than 45 dBA;
- DENR receives a very small number of complaints of nuisance noise from generators;
- Often a significant administrative burden is placed on DENR if additional mitigation methods need to be approved that are above and beyond the 'reasonable' mitigation measures listed above;
- Processing retroactive gensets can be extremely time-consuming, especially if the original documentation is unavailable; and
- Policy was not applicable to BELCO who were conditioned to meet BS4142 (Rating Industrial Sound in Mixed-Zones) for the North Power Station @ 58 dBA maximum.

After much debate, the Authority **AGREED:**

- To aim for the noise from residential generators to be 45 dBA or less, but to relax the noise guidelines to 55 dBA providing reasonable mitigating factors (e.g. barrier walls, site location etc.) have been employed;
- The guidelines for commercial sites remain at 65 dBA;
- Retroactive applications received before 2015 were approved providing no complaints have been received by DENR; and
- Retroactive applications received after 2015 were approved providing there were no additional reasonable noise attenuating modifications available and that no complaints have been received by DENR.

6. Presentation by Ministry of Public Works on Sallyport Special Waste Facility 2016-2023 (OL-387)

Mr. David Peniston gave a presentation on the operation of the Sallyport Special Waste Facility for the years 2016/17 to present.

The Sallyport Facility accepts virtually all wastes that are not accepted at other facilities. It is a transfer station where wastes are stored, repackaged, and shipped overseas for disposal or reuse. Wastes accepted at the facility include:

- Lead acid batteries, household batteries, lithium batteries
- Pesticides, herbicides, and fertilizers
- Mercury containing items
- Fluorescent tubes, associated ballasts, and compact fluorescent bulbs, LED's
- Oil and water-based paints
- Thinners and stripper
- Acids and bases
- Oxidizers
- Fuels, oils, greases, and all other forms of hydrocarbons
- Asbestos
- Laboratory chemicals
- Poisons
- Refrigerants, CFC's

Between 436.38 and 637.32 tonnes of special waste have been exported annually, with waste oil being the biggest contributor, followed by asbestos, then paint products.

The Sallyport Waste Facility team is comprised of four staff, each with specialized skills and qualifications. The programme is being challenged by new specialist wastes (eg EV batteries for which there is no established disposal option in the USA), tightening of US regulations, and tightening of the disposal contact specifications. Costs to dispose of special wastes has increased significantly since COVID-19. MWE has recently signed a 3-year contract with a USA disposal company, with the option to renew for a further 2-years.

During the question period following the presentation, it was noted that:

- a) MPW is looking into a facility on island to dispose of waste oil. The possibility of burning it in the TBWEF planned Third Stream is being investigated.
- b) Bermuda Fire & Rescue Service inspects the facility to ensure compliance with Fire Code.
- c) Spill equipment is held in stock and is readily available. After the boat fires in Dockyard about 3 years ago, the Sallyport Facility provided significant amounts of sorbent boom, manpower and equipment to clean up the oily debris.
- d) Discussions are being held to ensure availability of the Dockyard site for the future.

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

The Authority **AGREED:**

to consider the operating licence conditions and reissue application at a later meeting.

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

7.1 CP-819, OL-1261 Rozy Azhar (previously deferred)

After consideration of additional information on the site and the incorporation of all reasonable sound attenuation, the Authority **APPROVED:**

the construction permit and operating licence applications for a 22 kW propane generator at 5 Sunset Pass, Pembroke, subject to standard conditions.

7.2 CP-796, OL-1223 Bermuda Commercial Laundry

It was noted that all reasonable efforts were taken to minimise genset noise.

The Authority **APPROVED:**

the construction permit and operating licence applications for a 150 kW diesel generator at 44 Ord Road, Warwick, subject to standard conditions.

8. Applications for Construction Permits and Operating Licences (Reissues)

8.1 The Authority APPROVED:

the applications for reissue of operating licences listed on the two-page printout, subject to standard conditions, with the exception of four sewage treatment facilities (OL-352 Elbow Beach; OL-434 Loughlands; OL-901 BHB Acute Care; and OL-1114 Crosswinds Rental) and OL-1173 Solace Aquamation Bda, which were deferred pending review of annual reports.

9. Well Diggers Licence Application

The Authority **APPROVED:**

The application submitted by E & C Well Drilling for a well digger licence for 2024, subject to standard conditions.

10. Applications for Water Rights (New)

10.1 The Authority APPROVED:

WR 5822 The Portland Trust domestic water right for the disposal of treated sewage effluent at Lot 2, Ferry Road, St. George's, subject to standard conditions.

10.2 The Authority APPROVED:

WR 5824 The Portland Trust domestic water right for household supply at Lot 2, Ferry Road, St. George's, subject to standard conditions.

10.3 The Authority APPROVED:

WR 5823 Government of Bermuda Paget Primary School commercial water right for disposal of treated sewage at 44 St. Mary's Road, Warwick, subject to standard conditions.

10.4 The Authority APPROVED:

WR 5821 Whayman Butterfield domestic water right for household supply at 25 Tee Street, Devonshire, Warwick subject to standard conditions.

11. Applications for Water Rights (Reissues)

11.1 The Authority APPROVED:

the reissuance of Water Rights on the two-page printout, subject to standard conditions

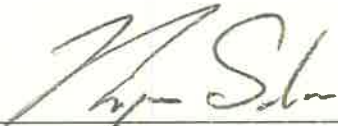
12. Standard Conditions for White Oil Storage Facilities

12.1 The Authority APPROVED:

the proposed changes to the standard conditions for white oil storage facilities operating licences to include the requirement for the installation and use of oily water separators and double walled tanks and pipes.

13. Date of the Next Meeting

The next meeting was scheduled for 8:30 am, Wednesday, 26 June 2024 in the DENR Boardroom, Botanical Gardens, Paget



CHAIRMAN

26 June 2024

DATE