

Sonja Smith

Subject: FW: Submission on WWDL DO139-01
Attachments: Sumbission 3.pdf

From: Dun Mhuire [<mailto:dunmhuire@eircom.net>]
Sent: 26 November 2011 01:09
To: Stuart Huskisson
Cc: John Feehan; Martin O' Reilly; manager@corkcoco.ie; Patricia.Power@CorkCoCo.ie; nicholas.bond@corkcoco.ie; Phil Hogan; Sean Sherlock; Annabel FitzGerald
Subject: Submission on WWDL DO139-01

Dear Stuart,

Please find attached submission for DO139-01 Youghal Agglomeration which we also copy to John Feehan and Martin O'Reilly at the EPA.

Thank you for your assistance.

Regards,

John & Ann FitzGerald
Dún Mhuire
Upper Strand
Youghal
Co. Cork
Tel: 087 946 8976/087 946 8977
Email: dunmhuire@eircom.net

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John & Ann FitzGerald

Dún Mhuire

Upper Strand

Youghal

Co. Cork

Tel: 087 946 8976/087 946 8977

Email: dunmhuire@eircom.net

24th November 2011

Mr. Stuart Huskisson,
OCLR Administration,
EPA Regional Inspectorate,
Inniscarra,
Co. Cork

Dear Mr. Huskisson,

Re: Youghal WWDL Application - D0139-01 - Waste Water Discharge License Application

We wish to make the following additional submission in relation to the above WWD in response to letter dated 11th November 2011 from Mr. Noel O'Keefe, County Engineer & Director of Water Services, Cork County Council.

It is apparent from the tone of Mr. O'Keefe's letter, the absence of even a salutation, the constant reference to 'complainants', that Cork County Council are averse to scrutiny from any external parties or agencies. When we attempted to find out how our home would be affected by the proposed main drainage scheme, Cork County Council were so uncooperative that we had to resort to an FOI request to try to access basic information.

See Attachment 1, an extortionate demand from Cork County Council, letter dated 22nd February 2007 Noel O'Keefe, Senior Executive Officer, Cork County Council.

As long as Cork County Council cannot keep the sewerage in the pipes and in the network and we have to deal with it when it blows up on our property, ends up in our spring, enters the manmade surface water drainage network at Williamstown to exit via the Upper and Lower Outfall at Front Strand beach and into the receiving waters at Youghal Bay, we consider our submissions to be relevant to DO139-01.

1. Cork County Council are utilising the Upper and Lower Outfalls on Front Strand as non-compliant stormwater overflows from their sewerage network.

The Upper and Lower Outfalls are adjacent the emergency sewerage overflow at Front Strand SW05Yghl which discharges at Front Strand via a 50m open ended pipe which surcharges at high tide. SW05Yghl cannot discharge at high tide should it need to. Will the installation of a non-return valve at the end of the pipe, or along the pipe, mean that it will then be possible for it to discharge before, during and after high tide? If not, for what periods will it be capable of actually discharging from the end of the pipe.

If there is any damage along the entire length of the pipe, on land or on the beach, leaks could occur and cause pollution.

2. The following manholes are located on our property; MH 3402, MH3409, MH3407, MH3410, MH3412 and MH 3310 on the three combined sewer lines.

MH 3310 in our garden is still damaged and unsealed since May 2010. Again, on 19th November 2011 it blew and lifted the ton and a half of concrete biscuit and spilled for almost four hours. Then it suddenly stopped and it began to emit ominous sounds. We still have not had a response from Cork County Council in relation to our request that it be replaced with a pressure manhole.

Sewer Spills at MH 4301



Yet again, we had to clean up after the sewerage spill which flowed into the floodwaters and the surface water drains and exited via the Upper and Lower Outfalls at Front Strand. This is an example of Cork County Council using these outfalls as non-compliant stormwater overflows from their sewerage network.

The recommendation by Jack MacCarthy, Senior Executive Engineer, Cork County Council and our second 'one point of contact' appointed by Cork County Council, in 2010 of placing a padlocked metal beam across the manhole cover, as shown in the bottom two pictures, made it unsafe to walk over the upstream manholes on our drive.

After the spill, we again noticed the deposits of sand, beach pebbles and shells around the manhole and along the path of the spill in our dark, peaty soil. Mr. O'Keefe claims that whilst seawater and beach materials enter the emergency overflow pipe SW05Yghl to the Strand Holding Tank, they cannot enter the tank or the network. Perhaps, the engineer would explain then by what route the beach materials are conveyed through the piped network into our garden via MH 3310.

In relation the missing/buried manholes referred to, MH 3411 and MH 4304, these are not located on our property and we suggest that Cork County Council refer to their detailed design maps and contact the relevant owners downstream and exercise whatever wayleaves they may have to trace their infrastructure to make sure that it is not the source of pollution entering the surface water drainage network at Williamstown.

Unexplained discharge from rear of Tides/YTC lands to rear of carpark , north of Strand Holding Tank



On 19th November 2011, MH 145/145a on the railway again spilled, adjacent the culvert for the drainage at Williamstown, this is also a manhole to the emergency overflow pipe at Front Strand, SW05Yghl.



A manhole on the MacCurtainstown sewer line near to the Strand Pump House spilled on 19th November 2011, as did a vented manhole (either MH 3203 or 3204 - no 'busting' required) on the line at the rear of the Front Strand houses which connect to the Strand Pump House.



All these discharges and stormwaters ended up in the surface water drainage network at Williamstown which exited via the Upper and Lower Outfall to Front Strand beach, again using these outfalls as non-compliant overflows instead of SW05Yghl.

The surface waters had remained contained within the banks of the channels at high tides for the three days of rainfall preceding 19th November 2011. The Lower Outfall was discharging but the Upper Outfall was not discharging. However, once the sewers blew on Saturday morning, the drains overtopped within 40 minutes. Only then did the Upper Outfall discharge. When we checked the culvert, it was full and the trash screen grill was underwater. Though the culvert remained full, the Upper Outfall ceased discharging.

3. In relation to the proposed interim works which have already been carried out, we have already expressed our dissatisfaction to Mr. Kevin Costelloe, Cork County Council. The works were carried out on lands which relate to PAE 2010/199.

MH 4301 is located at the Strand Holding Tank and is one of the manholes for the emergency sewerage overflow pipe at Front Strand, (SW05Yghl). This manhole was discharging from the cracks at the base every high tide into the surface water drain beside our property for several years. Water quality at this location was an issue as far back as 2007, raised by both us, An Taisce and the Department. See also Application Form Attachments A-F, Attachment B.11 p247 – Significant Correspondence PAE 2008/68.

Cork County Council say they carried out extensive water sampling and many inspections of this area have been undertaken in the ensuing four years, and yet they did not identify the movement/damage to this manhole or the discharges at each high tide. When we reported the damage and the discharging at high tide, they vigorously denied that there was any problem with this manhole, constantly referring to 'alleged' cracks. A metal rodent bait box was in situ at the base of the manhole beside the extensive cracks.

This manhole was only finally sealed and encased in concrete on the 23rd September 2011. Yet Cork County Council advised our elected T.D that this manhole had been sealed in July 2011, (see Attachment 2 email dated 17th July 2011 from Kevin O'Neill, Cork County Council to Deputy Sean Sherlock)

To claim that any leaks or seepage from MH 4301 and the related pipework would be 'just seawater' entering via the open ended emergency overflow pipe, (SW05Yghl), at Front Strand each high tide is disingenuous. The current function of this pipe is to discharge stormwater, which contains raw sewerage, from the combined Strand Holding Tank when it is full and the pumps at the Strand Pump House are unable to pump it into town. Even if Cork County Council are allowed two unrecorded raw sewerage spillages per bathing season onto the blue flag beach at Front Strand, these overflows should be via the emergency overflow SW05Ygl and not via Upper and Lower Outfalls. Furthermore, they are not allowed any spillages to our surface water drains and our natural freshwater spring, let alone to flood us with 'discharges' from their defective infrastructure.

To date, Cork County Council has not provided any water test results to us as they said they would.

As SW05Yghl is currently an open ended pipe which surcharges at high tide, then clearly the emergency overflow from the Strand Holding Tank is not capable of operating each high tide should it need to.

Cork County Council staff have vehemently denied that seawater could ever enter the Strand Holding Tank, via MH 4301 and the emergency overflow pipe, SW05Yghl.

Cork County Council say they have now constructed an overflow box in the Strand Holding Tank 'to prevent significant volumes of seawater entering the sewerage system' and we note that Mr. O'Keefe states that there is a 'minor leak' through the gate valve into the tank at high tide. To claim that this does not impact on the operation of the sewerage system is simply unbelievable. We believe that both seawater and beach materials have readily entered both the Strand Holding Tank and the sewerage network via SW05Yghl.

During the works to MH 4301, we advised Cork County Council of seepage on the concrete outlet pipe from MH 4301 to SW05Yghl, prior to it being covered up in rocks. The engineer states that cracks in concrete does not automatically indicate damage, we believe that seepage does. Any movement/settlement cracks etc. on pipework on the bank of the surface water drain means that discharges from damaged pipework will enter the adjacent surface water drain to exit via the Upper and Lower Outfalls to Front Strand to the bay.



The rocks/rock gabbling were placed around the base of the manhole and on top of an open concrete pipe beneath the manhole in the surface water drain beside our property. Cork County Council need to confirm what the function of this pipe is and that there are no connections to the sewer network as the outlet of the pipe is turned and directed toward MH 4301 and the Strand Holding Tank.

The concrete fencing posts that were knocked during these interim works are still dumped in the two surface water drains and on the banks to the east and west of the manhole and will cause problems in the drains and at the culvert. The filling around the Strand Holding Tank was not removed and the original levels were not reinstated.

4. Interim works to the Upper & Lower Outfall, Front Strand

In the 1860's engineers designed and built two fully operational outfalls at Front Strand, both capable of discharging full bore, the Upper Outfall and the Lower Outfall.

In 2011, Cork County Council engineers finally got the temporary interim extension to the Lower Outfall operational, subject to beach levels. However, this has been at the expense of the Upper Outfall which is now only capable of discharging after the fact, when the entire area is under water and sewerage and even then only for a short period as witnessed on 19th November 2011.

In 2011, Cork County Council gave a commitment to An Taisce to maintain the Upper and Lower Outfall, to prevent stagnant surface waters being stored on lands to the rear at Williamstown, as a condition of Blue Flag status. When the blue flag was erected, both outfalls were buried in the sand and unoperational.

On 19th November 2011, we had the first opportunity to see the tideflex valve, (installed to the Upper Outfall last August 2011), actually in operation. We can now confirm that, like the installation of the tideflex valve to the Lower Outfall and all the re-working that was necessary, this valve is also not properly installed as the mounting plate for the valve is not correctly attached to the concrete at the Upper Outfall and water leaks from bottom half of the plate. This gap is visible to the naked eye even when it is not discharging, which is most of the time.

We are still waiting for Cork County Council to provide two operational outfalls, namely the Upper and Lower Outfalls at the same time and to arrange for the cleaning of the culvert as requested and stop deliberately flooding Williamstown.

5. Separation of sewerage/stormwaters

Given the existing configuration of convoluted combined pipelines in the area and which enter our property, we do not accept Cork County Council's claim that separation 'where possible' of stormwater upstream will provide an adequate level of protection to our home.

Cork County Council claim that new developments north of Williamstown/Upper Strand are separate. We have found no evidence of this in relation to several permissions granted by the planning authorities and we would say that enforcement has been an issue.

Mr. O'Keefe's claims " that there would be a "significant reduction' in the hydraulic loading on the main sewer" through our property. We have three sewer lines on our property.

It is unclear what exactly would come through our property in each of the pipelines. Will they still be combined sewers? It seems impossible for Cork County Council to say with any certainty other than the usual vague assertions. This is of particular importance to us when they will reserve the right to take decisions 'on the ground' during construction and we have direct negative experience of this.



Cork County Council did not address the issue of steep gradients, 90 degree bends, and the older clay pipes.

Cork County Council did not address the health risk that we are exposed to.

In relation to the Mr. O'Keefe's comments regarding historic flooding, we would like the engineer to produce one historical map which identifies lands at Williamstown as being liable to flood, as he is well aware that none exist. The flooding at Claycastle and Williamstown can be directly attributed to the actions and inactions of the local authorities, Youghal Town Council and Cork County Council.

Flooding, whether historic or manmade, in the area currently poses problems with the sewerage network and will continue to pose problems for the sewerage network infrastructure located at Williamstown and Claycastle and could overload and overwhelm the proposed new storm sewer along Upper Strand.

Cork County Council's flood study now claims that the study area, (Claycastle and Williamstown) would have historically flooded were it not for the existence of an embankment at Front Strand, (and presumably the sea wall, the car park, the road etc.). This

will come as some surprise to the residents of the area, a well populated and settled urban area, where homes were constructed under the protection of both an embankment and a sea wall for well over a century. This study is both incomplete and inaccurate and needs revision.

The study omits documented historic flooding at Bord na g Con's Youghal Greyhound Track and lands, see Attachment 3, (Letter from Kathleen Lennon, Manager, Youghal Greyhound Track to Liam Ryan, Town Clerk, Youghal Town Council, dated 5th January 2011). This letter relates to PAE2010/199 in relation to Youghal Town Council's filling at a 21 acre site at Claycastle. This is the location on the road where currently the separated sewer systems recombine to enter the existing combined sewer at Upper Strand to connect to the Strand Pump House and Strand Holding Tank. This is the location for the commencement of the replacement new stormwater sewer to discharge via SW05Yghl at Front Strand blue flag beach.

On 22-11-2011, Youghal Town Council granted permissions at the Seafield factory site which is across the road from the Greyhound Track for large scale developments, P58004/11 and P58005/11 directing discharges into a separated sewer and storm sewer line at Upper Strand that has not even been constructed. Youghal Greyhound Track is also due to be redeveloped.

The proposed stormwater sewer to be constructed at Upper Strand has been so long overdue that by the time the stormwater sewer is constructed and operational, it will not provide the benefits that Cork County Council claim and SW05Yghl will not be adequate.

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The new stormwater sewer which will be constructed at Upper Strand which will then continue to SW05Yghl adjacent to the Strand Holding Tank will be directly impacted by a) flooding b) existing surface water drainage network c) infilled surface water drainage network d) waste materials/filling buried at this location e) existing underground pipes.

Flooding at Strand Holding Tank and proposed route of stormwater pipeline



To lay a stormwater pipeline through an area which is flooding from surface waters and stormwaters without incorporating them is poor planning and bad design. Mr. O'Keefe refuses to learn from the mistakes of the last main drainage scheme of 30 years ago, and seems eager to repeat them.

Cork County Council's study identifies a requirement for storage of surface waters from the drainage network at high tides, but does not even address the issues made in our Submission No. 2, dated 19th August 2011, (the section at the end regarding Pollution & Water Quality and in particular the questions a, b and c) which refer to infilling of surface water drains which are integral to the network and the route of surface water drain around the Strand Holding Tank, manholes and sewer pipes. It does not even consider the option to reinstate the channels which have been infilled or to provide replacement attenuation on these public lands at MacCurtainstown car park to compensate for the loss of vital storage during high tides.

What is more disturbing is that their study omits an entire stream in the catchment which flows into the surface water drainage network at Williamstown. (referred also to in the same submission as above in Pollution & Water Quality c). Yet Mr. O'Keefe states that the new stormwater drain along Upper Strand/Knockaverry Strand will connect to SW05Yghl and states that the existing surface water drain referred to above to be 'altered as required'. This is the drain to the east of the Strand Holding Tank. Why will Cork County Council not provide a map that clearly indicates the intersection of sewerage pipes and drainage pipes and open channels in the area? Whilst laying this new stormwater pipeline at this location, as well as maintaining drainage, they must not further reduce the storage capacity of the open drainage channel as a result of their proposed alterations. They are also obliged to consult with us as adjacent landowners.

In relation to the route of SW10Yghl which Cork County Council did not identify, we consider it as likely as not that this also flows into surface water drainage network at Claycastle-Williamstown.

6. Decommissioning

We were advised by Cork County Council that all three sewer pipelines on our property would be decommissioned. We were again advised of the decommissioning by our first 'nominated one point of contact' for Cork County Council, Tim O'Herlihy, in 2010. Following the sewer spills in our garden, Mr. O'Herlihy subsequently informed us that they were not going to decommission the pipelines. We requested the decommissioning from Mr. O'Herlihy. We again requested the decommissioning in our submission dated 19th August 2011. We again request the decommissioning of the three pipelines on our land.

Cork County Council still has not addressed the issue that they are not prepared to undertake clean-ups following the sewerage spills on our property and the resultant pollution.

We currently have difficulty laying basic domestic services due to the congestion of three pipelines on our drive.

7. Wayleave

Not relevant to DO1390-01Youghal as wayleaves are a matter for An Bord Pleanála.

However, we wish to rectify the file and state that Cork County Council does not have a wayleave through our private property. In 1976, Youghal UDC had a wayleave by agreement to lay a new pipeline through the property as the two sewer lines which were in situ were to be decommissioned. This way leave was discharged by breach when they laid the new pipeline and manholes and then refused to remove the two older pipelines, leaving us with three pipelines and six manholes on our drive. They caused considerable damage to our property, and to infrastructure in the area, including damage to both the Upper and Lower Outfall at Front Strand beach.

8. Access

As previously advised to Cork County Council, we will consider written requests for access.

Cork County Council does not accept any responsibility for cleaning-up following sewer spills from their infrastructure on our private property. We are currently engaged in cleaning up after the most recent spill.

In relation to the proposed interim works which have not been carried out, we state for the record that we have not received either a written or verbal request regarding access from Mr. Kevin Costelloe, the third nominated 'one point on contact' of Cork County Council.

In relation to access for the proposed waste treatment plant at Foxhole, perhaps Cork County Council could confirm if they have secured exclusive access to the site, shared access or a wayleave.

The EPA must now consider the fact that Cork County Council cannot manage two streams and their sewerage network at Williamstown which discharge at Youghal Front Strand blue flag beach without causing flooding, pollution and mayhem and these are the same people that we are expected to trust with managing overall discharges into the Blackwater Estuary and Youghal Bay.

Yours faithfully,

John & Ann FitzGerald

Attachments (3) follow

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Attachment 1 - Cork County Council, letter dated 22nd February 2007 Noel O'Keefe, Senior Executive Officer, Cork County Council.

Comhairle Contae Chorcaí
Cork County Council

County Hall,
Cork, Ireland.
Tel: (021) 4276891 • Fax: (021) 4276321
Web: www.corkcoco.ie
Halla an Chontae,
Corcaigh, Éire.
Fón: (021) 4276891 • Faicín: (021) 4276321
Suíomh Gréasáin: www.corkcoco.ie



Mr. & Mrs. J. Fitzgerald,
Dún Mhuire,
Upper Strand,
YOUGHAL,
Co. Cork.

Direct Tel. No. (021) 4285345
Direct Fax No. (021) 4348334
e-mail: noel.ok@corkcoco.ie

Ref: 07/0018/FOI.

22nd February, 2007.

Dear Mr. & Mrs. Fitzgerald,

I refer to the request, which you have made under the *Freedom of Information Act 1997 and the Freedom of Information (Amendment) Act 2003* for access to the following records held by Cork County Council, received on 14 January 2007.

I am now writing to you to advise as to the costs of your request. The FOI Acts provide that charges may apply in respect of the costs of locating and gathering together the records you have sought. This process is called "search and retrieval" in the Acts.

The cost of obtaining a copy of all eleven volumes which comprise the draft Preliminary Report from our consulting engineers is €1953.21 + VAT @ 21% (a copy of the quotation from our Consulting Engineers, Atkins, is attached).

Where the "search and retrieval" fee exceeds €50.79, the Acts require that I send this formal estimate to you and seek from you the payment of a deposit. You are accordingly required to pay a deposit of €200 at this stage.

The actual "search and retrieval" work to be carried out will not commence until the deposit is paid. You should also note that this notice suspends the running of the time limit for our final decision on your request for access to the documents. That time limit will commence running again only if and when the deposit is paid.

- If I do not hear from you within 12 weeks of the date of this letter, I will assume that you are no longer interested in pursuing this request and, for statistical purposes within the Council, your request will be deemed to have been withdrawn. Please note that this does not affect your rights under the ACTS to pursue your request after that time.

cont'd.../

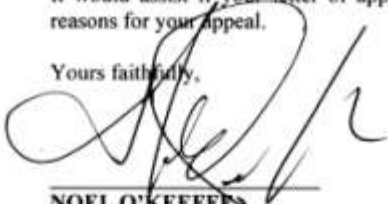


Should you have any questions or concerns in relation to this matter, please contact me by telephone on the number above.

You also have the right to appeal this decision to impose the stated deposit. This appeal can be made by writing to the Head of Corporate Affairs, Floor 14, County Hall, Cork.

It would assist if your letter of appeal quoted the above reference number and stated the reasons for your appeal.

Yours faithfully,



**NOEL O'KEEFE,
SENIOR EXECUTIVE OFFICER,
WATER SERVICES - CAPITAL,
SOUTH CORK RURAL,
FLOOR 4.**

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Attachment 2 – Email to Deputy Sean Sherlock from Kevin O’Neill, Cork County Council.

-----Forwarded by Sean Sherlock/Oireachtas on 09/21/2011 04:36PM -----

To: <sean.sherlock@oireachtas.ie>
From: "Kevin O'Neill" <kevin.oneill@CorkCoCo.ie>
Date: 07/15/2011 10:23AM
Cc: "Mary Hickey" <mary.hickey@CorkCoCo.ie>
Subject: FW: Raw Sewerage Spillage at Youghal

Dear Deputy Sherlock

With regard to the complaint concerning reported sewage leakage, this relates to manhole 4301 which is below the sewerage holding tank and is only indirectly connected to same through a weir wall. The water that came from this manhole was not sewage. It was seawater and originated from the long outfall which can be seen at low water along the beach. When the tide comes in, the seawater backs up in this pipe and percolates out through this manhole. There was a crack in this manhole which needed to be repaired. These repairs have since been carried out.

I trust that this clarifies the situation for you

Regards,

Kevin O’Neill

S/Director of Service

South Cork Division

021-4285954

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Attachment 3 – Letter from Kathleen Lennon, Manager, Bord na gCon Youghal Greyhound Track to Liam Ryan, Town Clerk, Youghal Town Council, dated 5th January 2011.

re: PAE 2010/199

Liam Ryan,
Town Clerk,
Youghal Town Council,
Mall House,
Youghal,
Co. Cork.



5th January 2011.

RE: Flooding at Youghal Greyhound Track and Lands at Killeagh Road, Youghal.

Dear Mr. Ryan,

I refer to our recent conversations in relation to the above. As you are aware the Track and Bord na gCon lands at Killeagh Road, Youghal adjacent to the Council's land were subject to almost annual flooding events pre 2002. The creation of a hard stand area to facilitate the regular cleaning of the drains in these lands has eased considerably the flooding which we were experiencing. Flooding is indeed now a rare event. This in turn has commercially helped the running of the track, a business which has been under tremendous pressure over the last number of years.

Yours sincerely,

Kathleen Lennon.

MANAGER
Youghal Greyhound Stadium.