

<b>MEMO</b>			
<b>TO:</b>	Board of Directors	<b>FROM:</b>	Technical Committee
<b>CC:</b>		<b>DATE:</b>	27 <sup>th</sup> November 2002
<b>SUBJECT :</b> Technical Committee Report on Objections to Proposed Decision – Reg. No. 12-2.			

Application Details	
Applicant:	Cork City Council.
Location of Activity:	Ballyphehane, Curraghconway, Inchisarsfield, South City Link Road, Cork
Proposed Decision issued:	05/07/02
Objections received:	29/07/02, 31/07/02, 01/08/02
Submissions on objections received:	18/09/02, 19/09/02
Inspector:	Ms. Regina Campbell

#### **Consideration of the objections**

Four objections to the proposed decision were received from

1. Cork City Council
2. Alderman Terry Shannon, Cork Corporation
3. Mr. Dan Boyle T.D.
4. Ms. Teresa O'Brien on behalf of Kinsale Road Landfill Action Group

Submissions on the objections were received from:

1. Submission on Objection by Cork City Council from Mr. Dan Boyle, T.D.
2. Submission on Objections from Cork City Council

The Technical Committee (Michael Henry, Chairperson, Brendan Foley and Mary O'Hara, committee members) has considered all of the issues raised and this report details the Committee's recommendations following the examination of the objections and submissions on objections. Specific arguments made in Submissions on Objections relating to the grounds set out in the objections were considered and these aspects are discussed where relevant in the technical committee's consideration of each ground for objection above.

Three requests for an oral hearing were received from Alderman Terry Shannon, Dan Boyle T.D. and Teresa O'Brien (Kinsale Road Landfill Action Group). The Agency has already decided not to hold an oral hearing.

#### **Objection from Cork City Council**

##### **Ground 1 (Condition 1.5.1)**

*As written, the first sentence of Condition 1.5.1 seems to be contradicted by the second sentence and also by Condition 5.10.3. An amendment to Condition 1.5.1 is proposed.*

*Submission on objection from Mr. Dan Boyle, TD*

*He objects to the inclusion of the inference that the acceptance of asbestos is the acceptance of a hazardous material. This reference should not be removed.*

##### **Technical Committees Evaluation:**

Condition 1.5.1 specifies the types of wastes which cannot be disposed of at the facility and this includes hazardous waste, liquid wastes, animal wastes, sewage sludge and septic tank waste. It also states that asbestos waste can only be disposed as per Condition 5. The technical committee note that the landfilling of asbestos waste can only take place in

accordance with a number of specific conditions (Condition 5.8.4 and sub conditions), subject to the requirements of the Landfill Directive and having regard to technical guidance issued by the EU. Condition 5.10.3 provides for the acceptance of various waste streams at the Civic Waste facility and this includes household hazardous waste and other hazardous wastes.

**Recommendation:**

**No change**

**Ground 2 (Condition 1.6.1)**

*The opening hours for the facility should be changed from 7.30 am (Monday to Friday) and 7.00 am (Saturday, Sunday, Bank Holidays) to 6.45 am to accommodate an agreement with residents in relation to the re-routing of refuse collection vehicles to commence their collection runs.*

Submission on objection from Mr. Dan Boyle, TD

*This condition only talks of the time that the facility can open as opposed to the time it does open and this has implications for the disposal of waste and the collection of recycled materials. The civic amenity site closes at 4.00 pm (Monday to Friday), at 12.45pm on Saturday and is not open on Sundays or bank holidays. This condition should be strengthened to allow for minimum opening hours.*

**Technical Committees Evaluation:**

The technical committee note the issues raised by the applicant in relation to the opening times. Their proposal will allow refuse collection vehicles which are commencing their collection runs to follow a route through the landfill rather than through a residential area. It is noted that the hours for waste acceptance will remain unchanged. In view of this, Condition 1.6.1 should be amended. In relation to the hours of opening for the civic waste facility, the proposed decision specifies opening hours of 8.00am to 6.00pm, Monday to Friday; 8.00am to 5.00pm on Saturdays; and 7.00am to 9.00am on Sundays and Bank Holidays. The technical committee notes the comments by Dan Boyle T.D. on the opening hours for the civic waste facility. It is a matter for Cork City Council to provide such opening hours for members of the public.

**Recommendation:**

**Amend Condition 1.6.1 as follows:**

The facility may only be operated during the hours of 6.45 am to 7.00 pm Monday to Friday; 6.45 am to 6.00 p.m on Saturdays; and 7.00 am to 10.00 am on Sundays and Bank Holidays.

**Ground 3 (Condition 3.1)**

*The wording in Condition 3.1 is overly prescriptive and inflexible and should be amended to include 'or as agreed in advance with the Agency. Cork City Council may wish to improve on the minimum standards in the licence and it would seem that Condition 3.1 does not allow this. The Agency should revert to the wording specified in the equivalent condition in WL 12-1.*

Submission on objection from Mr. Dan Boyle, TD

*If flexibility is allowed, it will be abused.*

**Technical Committees Evaluation:**

Condition 3.1 requires the establishment of all infrastructure as specified in the conditions of the licence. The proposed decision does not prohibit the applicant from improving on the standards specified (e.g carrying out works earlier than timeframe specified). Additional works can be catered for under SEW's. The technical committee recommend that Condition 3.1 should remain unchanged.

**Recommendation:**

**No Change**

**Ground 4 (Condition 3.12.3)**

*The applicant requests that Condition 3.12.3 and the requirement for the installation of leachate abstraction boreholes in Phases 1-5 prior to the placement of waste be deleted. This is not a practical proposal for a number of reasons outlined including the fact that the leachate collection/control system is based on perimeter control and it relies on seepage and*

*percolation of leachate through the waste body. The provision of leachate collection boreholes will not make any significant impact on leachate control and the waste mass may not be able to provide sufficient recharge under pumping conditions. There are also difficulties with regard to maintaining a borehole as it goes through successive phases of waste filling and operator safety and the provision of three phase supply to the boreholes is an issue.*

Submission on objection from Mr. Dan Boyle, TD

*The deletion of this condition should not be allowed as it would allow Cork City Council not to tackle the problems with existing boreholes and are unable and unwilling to counteract continuing high levels of ammonia at the site (sic).*

**Technical Committees Evaluation:**

Condition 3.12.3 requires the installation of leachate abstraction boreholes in each of Phases 1-5 prior to the placement of waste. The technical committee considers that the provision of leachate abstraction boreholes will further improve leachate management at the facility and will minimise the impact which the leachate will have on surface water and groundwater. The operational difficulties referred to by the applicant can be overcome by proper planning and site management. The provision of leachate abstraction boreholes is considered to be good practice in the control and management of leachate.

**Recommendation:**

**No Change**

**Ground 5 (Condition 3.14.2)**

*It is requested that sub conditions (a) and (b) of Condition 3.14.2 are deleted as they do not take into account the operational characteristics and stormwater control systems being carried out under WL 12-1.*

Submission on objection from Mr. Dan Boyle, TD

*He objects to the 'watering down' of these measures.*

**Technical Committees Evaluation:**

Condition 3.14.2 (a) and (b) requires the phased management of surface water in association with capping works, independent testing of surface water run-off and certification of the drainage network and quality of surface water by an appropriate engineer/chemist. The technical committee do not consider it necessary that this detail is included as part of Condition 3.14.2 and it notes that the development and installation of surface water management infrastructure at the facility is also listed as a Specified Engineering Works in the proposed decision. As such, specific details will have to be agreed with the Agency. Condition 3.14.2 should be amended as recommended below.

**Recommendation:**

**Amend Condition 3.14.2 as follows by deleting Condition 3.14.2(a) and (b):**

Within three months of the date of grant of this licence the licensee shall submit to the Agency for its agreement an updated management programme for the control of surface water runoff from the facility.

**Ground 6 (Condition 3.14.4)**

*In order to provide for flexibility in leachate management in the future, Condition 3.14.4. should be amended to allow recirculation of leachate but only with the prior approval of the Agency.*

**Technical Committees Evaluation:**

The recirculation of leachate has some benefits but it also presents many concerns. The EPA's Landfill Site Design Manual states that no recirculation should take place unless an appropriate lining system and leachate collection system is in place. As this is an unlined facility, the recirculation of leachate is not appropriate.

**Recommendation:**

**No Change**

**Ground 7 (Condition 3.15.1)**

*This condition should be amended to allow flexibility in respect of the continued provision and location of a C & D site at the facility. Given that its long term viability is in doubt, there seems no justification to maintain a permanent C&D area at the site for what may well be a temporary activity.*

**Technical Committees Evaluation:**

The technical committee notes the comments by the applicant in relation to the provision of a C&D area at this facility. The relocation/development of C&D facilities at other sites is a matter for Cork City Council. In order to allow the applicant the flexibility to cease operation of the C&D area at the site in the future, it is recommended that Condition 3.15.1 is amended as recommended below.

**Recommendation:**

**Amend Condition 3.15.1 as follows:**

**Unless otherwise agreed with the Agency,** the licensee shall provide and maintain a construction and demolition waste recovery area. Surface water run-off shall be diverted to a silt trap and oil interceptor prior to discharge from the facility.

**Ground 8 (Condition 3.16.1)**

*It is considered that this condition is too inflexible and it may well be that alternative locations be sought for the civic waste facility currently located at Kinsale Road. The word 'all' should also be removed from the second sentence.*

Submission on objection from Mr. Dan Boyle, TD

*This is one of the most objectional aspects to Cork City Council's objection. Public access to the civic amenity site is already curtailed and it must not be allowed introduce even more uncertainty in relation to recycling facilities.*

**Technical Committees Evaluation:**

In order to allow the applicant the flexibility to cease operation of the civic waste area at the site in the future, it is recommended that Condition 3.16.1 is amended as recommended below. Subject to the amendment recommended below, the technical committee consider that the wording specified in Condition 3.16.1 is adequate. Also the relocation/development of civic waste facilities at other sites is a matter for Cork City Council. It is unclear what the applicant intends by the removal of the word 'All' from the second sentence of this condition as its recommended proposed amendment by the applicant includes this word. The provision of appropriate containers for all waste types is an essential feature of all civic waste facilities.

**Recommendation:**

**Amend Condition 3.16.1 as follows:**

**Unless otherwise agreed with the Agency,** the licensee shall provide and maintain a Civic Waste Facility. All waste types shall be collected and stored in appropriate containers or in appropriately banded storage areas as necessary.

**Ground 9 (Condition 3.17.1)**

*This condition does not provide Cork City Council with the commercial flexibility to locate and operate its green waste programme where it is most needed and commercially viable. The continuance of a green waste facility at this location is subject to a range of commercial considerations.*

Submission on objection from Mr. Dan Boyle, TD

*Cork City Council's linking of the collection of green waste to commercial consideration undermines their lack of enthusiasm for having to take recycling measures.*

**Technical Committees Evaluation:**

In order to allow the applicant the flexibility to cease operation of the green waste composting at the site in the future, it is recommended that Condition 3.17.1 is amended as recommended below. The issue of putting in place recycling/recovery infrastructure is a matter for Cork City Council.

**Recommendation:**

**Amend Condition 3.17.1 as follows:**

**Unless otherwise agreed with the Agency**, the licensee shall provide and maintain a green waste composting area at the facility. This area shall at a minimum comprise the following:

- a) An impermeable concrete slab.
- b) Collection and disposal of all run-off to the leachate collection system.

**Ground 10 (Condition 4.3.1)**

*Condition 4.3.1 should be amended to provide for flexibility in the range of materials/solutions that can be used in the permanent cap design and this would have the potential for reduced road haulage/associated emissions, better re-use of materials and a more site specific solution to capping design. The applicant specifically requests changes to Condition 4.3.1 (c), (e) and (f) in relation to the provision of the drainage and gas collection layers and the requirement to augment the clay cap with a synthetic barrier to maximise tree planting.*

Submission on objection from Mr. Dan Boyle, TD

*The level at which Cork City Council is allowed to cap the facility is intrinsic to extending the lifespan of the facility. To this, he fundamentally objects.*

**Technical Committees Evaluation:**

In the proposed decision, sub-conditions (c) and (e) provide the applicant with the flexibility to use geosynthetic materials in place of the natural mineral layers normally provided. In relation to tree planting over waste filled areas, a synthetic barrier is necessary to prevent potential damage to the capping system where trees are planted as part of the restoration and aftercare (sub-condition f). The issue of the lifespan of the facility is dealt with under the response to the objection by Alderman Terry Shannon below.

**Recommendation:**

**No Change**

**Ground 11 (Condition 4.3.2)**

*Large quantities of C&D materials have already been received at the facility and processing has now been largely completed. The recovered material held on site was not processed with a view to conformance to the standards referred to in Condition 4.3.2 (BS, CEN, DETR). Hence reference to these should be deleted.*

Submission on objection from Mr. Dan Boyle, TD

*See comments in relation to Ground 10 above.*

**Technical Committees Evaluation:**

The technical committee notes that Condition 4.22.3 of the original waste licence 12-1 specifically referred to the standards for the reprocessed C&D material. It is considered that the standards referred to are listed in order to aid the applicant in referring to the relevant standards. It is considered that Condition 4.3.2 be amended as below.

**Recommendation:**

**Amend Condition 4.3.2 as follows:**

Reprocessed Construction and Demolition material may be used in the capping system as sub-soil, free-draining material and in the gas collection layer. The licensee shall submit evidence to the Agency that the reprocessed waste material is fit for the purpose that it is intended and this shall include references to any specific reference standards (e.g. BS, CEN, DETR) or guidance produced by the Agency. Following agreement with the Agency, this reprocessed waste material may be used in the capping system.

**Ground 12 (Condition 5.4.2)**

Cork City Council are examining alternatives to steel wheeled compaction in an effort to increase densification of the waste and for this reason, reference to the use of a steel wheeled compactor may not be suitable.

Submission on objection from Mr. Dan Boyle, TD

He is strongly opposed to increasing the densification of waste.

**Technical Committees Evaluation:**

Compaction of the waste is necessary in order to maximise the quantity of waste to be placed in the available space and also to minimise windblown litter and vermin nuisance. Steel wheeled compactors are recommended as a suitable means to maximise compaction. The technical committee considers that if suitable alternatives are sourced and if these are to the satisfaction of the Agency, then they should be allowed.

**Recommendation:**

**Amend Condition 5.4.2 as follows:**

All waste deposited at the working face shall be compacted, using a steel wheeled compactor or other method agreed by the Agency, and covered as soon as is practicable and at any rate prior to the end of the working day.

**Ground 13 (Condition 5.10.1)**

*This condition should be amended to allow small litterbin collection and street cleaning vehicles to discharge their loads into designated skips at the civic waste facility. Such small vehicles are not suitable for utilising the site roads which access the landfill.*

Submission on objection from Mr. Dan Boyle, TD

See comments in relation to Ground 8 above.

**Technical Committees Evaluation:**

The technical committee do not consider it appropriate for vehicles other than private vehicles to use the civic waste facility. The applicant could provide skips for the discharge of small loads elsewhere within the facility and the technical committee considers that the proposed decision should be amended to provide for this.

**Recommendation:**

**Amend Condition 5.10.1 as follows:**

The Civic Waste Facility shall only be used by private vehicles. The facility shall not be used as a transfer station for disposal of waste by commercial waste disposal contractors or local authority waste collection vehicles. Subject to the agreement of the Agency, skips shall be provided at an agreed location for the collection of waste from small litter bin collection and street cleaning vehicles.

**Ground 14 (Condition 5.11.1)**

*The minimum freeboard in the leachate lagoon should be reduced from 0.75m to 0.5m as per WL 12-1. This reduces operational capacity and is not in accordance with the design requirements.*

Submission on objection from Mr. Dan Boyle, TD

See comments in relation to Ground 4 above.

**Technical Committees Evaluation:**

The technical committee notes that Condition 4.17.4 of waste licence 12-1 required a freeboard of 0.5m to be maintained in the leachate lagoon. However, in order to minimise the risk of spillages from the lagoon, it is recommended that the freeboard should be increased to 0.75m as specified in the proposed decision 12-2 in line with current Agency requirements on this issue.

**Recommendation:**

**No Change**

**Ground 15 (Condition 7.7.1)**

*The applicant objects to the requirement to maintain birds of prey/other techniques from 'before dawn to after dark' as it does not reflect the actual working day of the birds and the contractual arrangements between the licensee and the service provider.*

Submission on objection from Mr. Dan Boyle, TD

*He is pleased to see that 'the birds of prey have negotiated proper working conditions for themselves'.*

**Technical Committees Evaluation:**

Condition 7.7.1 requires the presence of birds of prey and/or other techniques every day from before dawn to after dusk. Hence, it is considered that the applicants concerns are addressed.

**Recommendation:**

**No Change**

**Ground 16 (Schedule C)**

*It will not be possible to comply with the ammoniacal nitrogen limit (300mg/l) for leachate being discharge to sewer without the introduction of an ammonia stripping plant. It is hoped this plant will be commissioned in the next 9 months and Cork City Council have had discussions with Cork Co. Co. (S. Authority) in relation to the possibility of temporarily raising the limit until the ammonia stripping plant is complete.*

Submission on objection from Mr. Dan Boyle, TD

*If Cork City Council is not willing to tackle the serious problems of ammonia levels at the site, then it undermines any perception that they are good managers of the site.*

**Technical Committees Evaluation:**

The technical committee notes the applicants comments in relation to the emission limit value for ammonia and the installation of an ammonia stripping plant. The ammonia stripping plant will have the benefit of reducing the quantity of ammonia in the leachate prior to its discharge to sewer. In order to allow for the installation of this plant, it is recommended that any amendments to the ammonia emission limit value only take place upon written agreement being obtained from the Sanitary Authority (Cork Co. Co.). The technical committee considers that the installation of an ammonia stripping plant can be dealt with as a SEW under the terms of the proposed decision. A period of time is necessary for the installation of key infrastructure at the facility. The proposed decision contains a number of conditions in relation to minimising the impact which this facility will have on the environment and the applicant will be obliged to comply with these conditions.

**Recommendation:**

**Add Note 1 to Table C.6 as follows:**

Ammoniacal-Nitrogen (NH<sub>4</sub>-N)

300<sup>Note 1</sup>

**Note 1:** The ELV for ammonia shall only apply following the installation of the ammonia stripping plant. In the interim, the ELV for ammonia shall be agreed with the Sanitary Authority and details of this agreement shall be submitted to the Agency.

**Objection from Alderman Terry Shannon**

**Grounds**

*Alderman Shannon objects in the strongest possible terms to the grant of a licence to extend the life of this facility. Reference is made to nuisances which residents have been subjected to and, apart from the bring site currently in operation, any further activity is unacceptable. The objection refers to:*

- *Proposed Decision is open ended, no final date for closure and further extensions could be sought.*
- *It covers 60% of the area of the landfill and it is conceivable that areas of the landfill could be re-opened for landfilling if the need arose.*

- *Clause 13 of the Proposed Decision gives the 'green light' for further waste management activity on the landfill.*
- *Any on going waste management activity beyond the closure date of this facility is contrary to stated policy of Cork City Council which is to develop the entire area as a regional park. This was voted on by the City Council in Feb 2001.*

**Technical Committees Evaluation:**

Environmental nuisances are controlled by Condition 7 of the proposed decision. The applicant indicated in information supplied as part of the application that the predicted closure date for landfilling was February 2004 (without landfilling in Phase 6 and including for diversion of commercial waste). The final profile of the facility will have to be submitted to the Agency for its agreement within three months of the date of grant of the licence date and this will provide for the orderly closure of the facility. The applicant will only be permitted to landfill in areas specified under the terms of the final licence (Condition 5.7.1). The proposed decision does not contain a Clause 13 but it is possible the objector is referring to Class 13 of the 3<sup>rd</sup>/4<sup>th</sup> Schedules under Part I Activities Licensed. Both of these classes provide for the temporary storage of waste prior to disposal or recovery at the facility or elsewhere. The applicant will be required to restore the facility in accordance with a Restoration and Aftercare plan which will have to be agreed with the Agency.

**Recommendation:**

**No change.**

**Objection from Mr. Dan Boyle T.D.**

**Grounds**

*Mr. Boyle objects to the extended waste management at this facility on the grounds that his reservations in the original submission process have not been responded to, the facility has long gone past its sell by date, it is geologically unsuitable, there is no definitive end point for closure of this facility and Cork City Council has not made any appreciable difference in putting in place credible policies in relation to reduction, reuse and recycling of waste.*

**Technical Committees Evaluation:**

All submissions on the review application were considered by the Agency in accordance with the Waste Licensing Regulations. The issue of closure of the facility has been dealt with in the response to the objection by Alderman Terry Shannon above. The proposed decision contains a number of conditions in relation to minimising the impact of the facility on the environment and this includes a requirement for leachate management and the provision of leachate abstraction boreholes. The proposed decision requires the provision of a civic waste facility, C&D recovery area and a green waste composting area at the facility and these will help in the reduction of waste sent for landfilling. Policy development by Cork City Council is a matter for that authority.

**Recommendation:**

**No change. See Recommendation to objections above.**

**Objection from Ms. Teresa O Brien on behalf of Kinsale Road Landfill Action Group**

**Grounds**

*The group objects to the extension of the waste management licence. The site is already considered a health hazard and a nuisance in a heavily populated area. These matters have been discussed with the EPA previously. They are very concerned that there is no time limit for cessation of landfilling. Clause 13 is very worrying as it could give the green light to further waste management activities at the site. Any waste management activities beyond the date of cessation of landfilling is at variance with the stated intentions of Cork City Council to develop the entire site as a park/wetland.*

**Technical Committees Evaluation:**



The technical committee notes the comments made and consider that the issues raised have been dealt with in response to the objections above and in the proposed decision.

**Recommendation:**

**No change. See Recommendation to objections above.**

**Submission on objections by Cork City Council**

*Cork City Council's comments are listed under 5 specific headings:*

- *Cessation of Landfilling: The capacity of the site is finite and defined in terms of the final contour elevations. The elevations are defined in the PD and Planning Permission from Cork Co. Co. Cork City Council has commenced final capping and the remaining area will be capped over the next few years. It is not possible to define a closure date as estimated dates can only be given.*
- *Additional Landfilling Activities: The detailed plans for capping make no provision for the re-opening of landfilling and the cap design is based on entombing the waste and associated infrastructure to treat leachate and extract gas. Under the terms of the proposed decision the areas outside the site perimeter road cannot accept further waste.*
- *Additional Waste Management Activities: Many public amenity facilities have centralised areas for recycling and the current civic amenity site has also been designed to fit in with the future park development and will remain indefinitely.*
- *Clause 13: There is no Clause 13 in the PD.*
- *Miscellaneous Comments:*
  - (a) *the landfill is a licensed facility and operating accordingly*
  - (b) *the site has been designed to treat leachate and odours to the standards defined by WL 12-1 and PD 12-2 and monitoring is being carried out on a continual basis*
  - (c) *the Kinsale Road facility is credible and forms part of the regional waste management infrastructure for recycling/disposal of waste. Cork City council is pursuing various initiatives to comply with Government policy.*

**Technical Committees Evaluation:**

The technical committee notes the comments made by Cork City Council in relation to the objections. It is considered that the proposed decision as amended by the recommendations proposed in this report deal with all of the issues raised.

**Recommendation:**

**No change.**