

MEMO			
TO:	Board of Directors	FROM:	Michael Henry
CC:		DATE:	11 May 2000
SUBJECT : Cork County Council - Technical Committee Report on Objections to Proposed Decision - Reg. No. 22-1.			

Application Details	
Applicant:	Cork County Council
Location of Activity:	Rossmore, Carrigtohill, Co. Cork
Reg. No.:	22-1
Licensed Activities under Waste Management Act 1996:	Third Schedule: Classes 1, 4, 5, 7, 11, 12, 13 Fourth Schedule: Classes 2, 3, 4, 9, 10, 11, 13
Application received:	27/02/98
Article 14 (2)(b)(ii) issued:	29/04/98; 16/09/98
Article 14 (2)(b)(ii) received:	29/07/98; 03/09/98; 30/11/98; 06/01/99
Section 52 issued:	25/02/99
Section 52 received:	05/03/99
Article 14 (2)(a) issued:	25/02/99
Article 16 issued:	14/04/99
Article 16 received:	23/07/99
Article 16 (2) issued:	16/07/99
Article 16 (2) received:	23/07/99
Proposed Decision issued on:	30/12/99
Objections received:	24/01/00; 26/01/00.
Inspector:	Mr. Tadhg O'Mahony

Consideration of the objections and submissions on objections

The Technical Committee (Michael Henry, Chairperson, Sara Kennelly and Maeve McHugh committee members) has considered all of the issues raised and this report details the Committee's comments and recommendations following the examination of the objections on 18th and 19th April 2000.

Objections and submissions on objections received

Two objections to the proposed decision were received from: (i) Cork County Council and (ii) Mr. Denis McCarthy. Both parties also made a submission on the objections.

Objection No.1: Cork County Council

Ground 1

This objection states that the page headed Waste Management Act 1996 'Notification of Proposed Decision to an Application for a Waste Licence in Accordance with Section 42(2) of the Waste Management Act 1996' should include Class 13 under the Third Schedule.

Technical Committee's evaluation

The technical committee note the omission of Class 13 on the cover pages issued with the proposed decision. This was an error and Class 13 should be included.

Recommendation

Amend cover page entitled Waste Management Act 1996 'Notification of Proposed Decision to an Application for a Waste Licence in Accordance with Section 42(2) of the Waste Management Act 1996' to include **Class 13** under the list of licensed waste disposal activities under the Third Schedule.

Ground 2

The definition of 'working day' in the interpretation should be defined as 08.00 to 18.00 hrs, Monday to Saturday inclusive.

Technical Committee's evaluation

The definition of 'working day' reflects the details provided in the application. The technical committee note that the objection did not state the reasons for amending the definition of 'working day'. However, the technical committee consider that the definition should be amended to provide for the inclusion of '*unless otherwise agreed with the Agency*'.

Recommendation

Amend definition of 'Working Day' as follows:

08:00 to 18:00 Monday to Friday inclusive **unless otherwise agreed with the Agency.**

Ground 3 (Condition 4.18.3(e))

Condition 4.18.3(e) should be re-worded to read 'leachate management in the former unlined area(s) of the landfill for the protection of surface waters and groundwater including timescales and objectives and targets relating to discharges. The proposal shall include measures for the control of leachate from the former landfill area(s) as required'.

Technical Committee's evaluation

The technical committee note that no reasons were included in the objection to Condition 4.18.3(e). The applicant considers that the proposal required under Condition 4.18.3(e) should not include 'measures for the abstraction of leachate from the former landfill area(s) and its removal off-site for treatment'. Management of leachate is necessary to ensure the protection of groundwater and surface water and the technical committee consider that the proposals should include details on the abstraction of leachate and its removal off-site for treatment.

Recommendation

No change

Ground 4 (Condition 4.18.8)

This objection contends that the recirculation of leachate using approved design methods should be allowed and re-circulation is advocated in the EPA Draft Manual for Landfill Site Design.

Technical Committee's evaluation

While the EPA Draft Manual for Landfill Site Design lists the potential benefits of leachate recirculation, the manual also identifies a number of concerns about implementing a recirculation programme at an operating landfill. These concerns and how they will be provided for at this site have not been addressed by the applicant in its objection. In the event that the applicant satisfies the Agency's concerns with regard to leachate recirculation, the technical committee consider that Condition 4.18.8 should be amended to reflect this.

Recommendation

Amend Condition 4.18.8 as follows:

There shall be no recirculation of leachate or dilute leachate or contaminated surface water at the facility within the waste **unless subject to the prior written agreement of the Agency.**

Ground 5 (Condition 4.18.9)

Cork County Council has not proposed on-site treatment of leachate for the Rossmore site and the proposed means of disposal is by way of pumping to the municipal treatment at Carrigtohill.

Technical Committee's evaluation

Condition 4.18.9 requires the applicant to submit proposals to the Agency for its agreement for the on site treatment of leachate. It is envisaged that the proposals will deal with the settlement and aeration of leachate prior to its removal off-site (as indicated in the information provided by the applicant in Attachment B.10 of the application dated 29 July 1998).

Recommendation

No change

Ground 6 (Condition 4.23.1)

This objection refers to slope stability and it contends that stabilising material has already been placed in the area referred to in Condition 4.23.1.

Technical Committee's evaluation

The technical committee note that the applicant has already placed stabilising material in the area referred to in Condition 4.23.1. Condition 4.23.1 should be amended to reflect this and such work can be verified by Agency personnel during future site inspections.

Recommendation

Amend Condition 4.23.1 to read:

The licensee shall **maintain** rock armour to the specification as referred to in D.1 infrastructure of further information provided to the Agency dated June 1999 and shown on Drawing No. D1/1 Rev B. unless otherwise agreed in advance with the Agency.

Ground 7 (Condition 4.25)

This objection requests the amendment of Condition 4.25 to read: 'Blasting for the purpose of excavation of rock within the facility is an established activity on the site and shall continue under permit'.

Technical Committee's evaluation

The technical committee note that no reasons were given in the objection as to why Condition 4.25 should be amended. There is no reference in the EIS or the application to the use of blasting as a means of abstraction of rock from the quarry on-site and no details on the impact of blasting on the environment (e.g noise, vibration) have been provided. It is noted that blasting is not an activity prescribed in the Waste Management Act 1996 and no permit is required for blasting under this legislation.

Recommendation

No change

Ground 8 (Condition 5.1)

This objection states that Condition 5.1 should be reworded to read 'Apart from waste oils and household hazardous wastes for storage at the Civic Waste Facility, no hazardous waste, liquid waste, animal by-products shall be accepted at the facility. It shall be the policy of Cork County Council to discourage the acceptance of loose plastic at the facility'.

Technical Committee's evaluation

The technical committee note that no reasons were given in the objection as to why Condition 5.1 should be amended. If loose plastic is being delivered to the site, the applicant should provide separate receptacles or collection banks for the collection and recovery of plastic. The technical committee point out that it is not within the scope of a waste licence issued under the Waste Management Act 1996 to state a 'policy' on behalf of a Local Authority.

Recommendation

Amend Condition 5.1 as follows:

Apart from waste oils for storage at the Civic Waste Facility, no hazardous waste, liquid waste, animal by-products or loads comprising mainly of loose plastic shall be accepted **for disposal** at the facility.

Ground 9 (Condition 5.5)

This objection states that Condition 5.5 should be reworded to read 'Waste shall only be accepted at the facility between the hours of 08:30 and 17:00 Monday to Saturday inclusive unless subject to the prior written agreement of the Agency. Access to the facility by members of the public shall be restricted to the Civic Waste Facility only, unless otherwise agreed in advance with the Agency'.

Technical Committee's evaluation

The applicant requests that waste is accepted at the facility from Monday to Saturday. The applicant did not provide any information to back up this request and, therefore, Condition 5.5 should remain unchanged.

Recommendation

No change

Ground 10 (Condition 5.10)

This objection states that it is vital that municipal and industrial sludges continue to be accepted at the facility at present and for the immediate future. Condition 5.10 should be amended as follows: 'Within six months of the date of grant of this licence, the licensee shall submit to the Agency for its agreement proposals for reducing the quantity of sludges to be accepted at the facility.'

Technical Committee's evaluation

Condition 5.10 requires proposals for reducing the quantity of sludges to be accepted at the facility and the objective of this condition is to require the applicant to reduce the quantity of biodegradable waste going to landfill. The technical committee consider that the goals and timeframes for reducing the quantity of sludges being accepted at the facility can be agreed with the Agency.

Recommendation

Amend Condition 5.10 to read:

Within six months of the date of grant of this licence, the licensee shall submit to the Agency for its agreement proposals for reducing the quantity of sludges to be accepted at the facility.

Ground 11 (Condition 5.21)

This objection states that Condition 5.21 should be reworded to read 'Wastes once deposited and covered shall not be excavated, disturbed or otherwise picked over with the exception of works associated with the construction and installation of the landfill gas collection system or the occurrence of a fire within the waste with prior agreement from the Agency.'

Technical Committee's evaluation

The technical committee note that no reasons were given as to why Condition 5.21 should be amended. The technical committee consider that this condition should be amended to include a reference to the 'landfill gas collection system'.

Recommendation

Amend Condition 5.21 as follows:

Wastes once deposited and covered shall not be excavated, disturbed or otherwise picked over with the exception of works associated with the construction and installation of the leachate **and landfill gas collection systems** or the occurrence of a fire within the waste with prior agreement from the Agency.

Ground 12 (Condition 6.8)

This objection states that Condition 6.8 should be reworded to read 'Within 6 months of the date of grant of this Licence, the Licensee shall submit to the Agency for its agreement the bird control programme to be used at the facility including the frequency of application of the proposed measures and the combination of methods to be used. The precise methods of bird control shall be submitted to the Agency for its agreement.'

Technical Committee's evaluation

The applicant objects to the prohibition on the use of gas operated bird scaring devices and other bird control measures as listed in Condition 6.8 of the proposed decision. The technical committee note that no reasons were given for the objection to Condition 6.8. The mudflats of the North Channel of Cork Harbour have been designated as a Special Protection Area (SPA) under the Birds Directive and a Ramsar Site in accordance with the Ramsar Convention. The restrictions on the bird control measures has taken into account the possible impacts of such measures on the use of the mudflats by the birds.

Recommendation

No change

Ground 13 (Condition 8.1)

This objection contends that the height of the final (post settlement) landform shall be restricted to 22m OD.

Technical Committee's evaluation

Condition 8.1 of the proposed decision requires the height of the final landform (post settlement) to be restricted to 19m O.D together with a requirement to submit a detailed plan for the restoration and aftercare of this facility. The technical committee consider that in order to minimise the visual impact of the landfill and taking into account the highest point of the restored former landfill area (i.e. 19m) and the height of the surrounding land, the final restored height of the landfill should remain at 19m O.D.

Recommendation

No change

Ground 14 (Condition 8.5)

This objection states ' the EPA Draft Manual on Site Design advocates tree planting'.

Technical Committee's evaluation

Condition 8.5 of the proposed decision states that there shall be no tree planting within the filled areas of the site. The technical committee note that no reasons were given as to why tree planting should take place in such areas. It is considered that tree planting would not be an appropriate form of restoration taking into account the existing adjoining landuses in the vicinity of the site.

Recommendation

No change

Ground 15 (Schedule F7)

The frequency of monitoring of leachate for ammoniacal nitrogen, BOD, COD, sulphates and suspended solids should be monitored on a monthly basis rather than weekly.

Technical Committee's evaluation

The frequency of monitoring specified in F7 of the proposed decision - *Monitoring of leachate tankered to waste water treatment plant* reflect the frequencies specified in Schedule B of the Section 52 consent conditions issued by the sanitary authority (Cork County Council). The technical committee notes that Condition 9.17 allows for modifications to monitoring requirements, on the written instruction of the Agency.

Recommendation

No change

Ground 16 (Schedule G4)

This objection contends that the volume limits for leachate tankered off-site should be increased from 70m³/day to 200m³/day and the other limits specified in G4 may be exceeded from time to time.

Technical Committee's evaluation

The limit values specified in Schedule G4 for the quantity and quality of leachate tankered or discharged to the wastewater treatment plant should reflect the conditions set out in the Section 52 Sanitary Authority consent. The technical committee consider that Schedule G4 should be amended accordingly and it is also considered necessary to include 'Note 1' on the hourly discharge limit.

Recommendation

Amend Schedule G4 as follows:

G.4 Leachate Tankered to Wastewater Treatment Plant

Volume to be **removed/discharged**: Maximum in any one day: 200m³/day
Maximum rate per hour^{Note 1}: 12m³/hour

Parameter	Limit		
	Grab sample (mg/l)	Daily mean concentration (mg/l)	Daily mean loading (kg/day)
PH	4.5 - 7.5		
BOD	10,000	1,000	90
COD	30,000	5,000	450
Ammoniacal nitrogen (NH ₄ -N)	2,500	1,500	135
Suspended Solids	1,000	100	9
Sulphates (as SO ₄)	500	300	27

Note 1: This hourly limit shall apply in the event of the construction of a rising main between the facility and the Wastewater Treatment Plant.

Submission on objection by Cork County Council from Mr. Denis McCarthy

- *It is contended that Cork County Council's objections No.'s 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 14 and 15 fail to adhere to the requirements of Section 42(4)(d) of the Waste Management Act 1996 and are therefore invalid. No grounds, reasons, considerations and or arguments are given as required.*

Technical Committee's evaluation

The technical committee's response to the grounds listed here are detailed above.

- *Objection No.5 by Cork County Council to Condition 4.18.9 states that no on-site leachate treatment for the Rossmore site is proposed. However, it is clear from the Inspector's report that on site treatment and daily monitoring is required.*

Technical Committee's evaluation

This issue is dealt with under Ground 5 above.

- *Objection No.4 by Cork County Council to Condition 4.18.8 requests that recirculation of leachate is allowed. However, in the Inspector's report the consideration for no recirculation of leachate or contaminated surface water are outlined.*

Technical Committee's evaluation

This issue is dealt with under Ground 4 above.

- *Objection No.16 by Cork County Council states that it cannot guarantee that the BOD limits etc. will be below the quoted limits and this submission asks if this infers that the site is unsuitable for the volume of material waste being processed at the site.*

Technical Committee's evaluation

This issue is dealt with under Ground 16 above.

- *This submission also refers to the final (post settlement) landform of 19m OD required by Condition 8.1 and referred to in the inspectors report and the objection by Cork County Council (No.13) which requests the height should be restricted to 22m OD. Reference is also made to a letter by Mr. D.LI. Hughes which addresses communication and commitments made by Cork County Council regarding the height level of the landfill. In this regard, it is vital that the authorities maintain the integrity of the Northern Shore of Cork Harbour.*

Technical Committee's evaluation

This issue is dealt with under Ground 13 above.

Objection No.2: Mr. Denis McCarthy

Grounds for objection

Mr McCarthy stated two main grounds for the objection: (i) environmental damage has been caused and (ii) that the applicant is not a fit and proper person to hold a waste licence. The reasons and arguments in support of these grounds were also included.

Reason and Argument No. 1

The objector refers to the inspectors report and the reference therein to elevated levels of ammoniacal nitrogen recorded in BH3 and that these values may be associated with leachate generated within the unlined former landfill area. On this basis, the objector asserts that the Agency cannot grant a licence as environmental damage has occurred.

Technical Committee's evaluation

The technical committee note the objectors' concerns in relation to the granting of the licence and in particular, with regard to the impacts of the leachate generated within the unlined former landfill area. However, the proposed decision as issued, only allows waste to be landfilled at the current and proposed lined cells of the facility. Landfilling of waste is not permitted in the former unlined landfill area. Under the requirements of the proposed decision, the former unlined landfill area is subject to strict environmental controls, including the development of a leachate management programme, landfill gas management, and the implementation of an agreed restoration and aftercare plan.

Recommendation

No change

Reason and Argument No. 2

The objector again refers to the unlined former landfill area and asserts that the leachate management proposals required under Condition 4.18.2 (e) is reactive and that no proactive intervention or environmental control is proposed or suggested.

Technical Committee's evaluation

See the technical committee's evaluation of Reason and Argument No. 1 above.

Recommendation

No change

Reason and Argument No. 3.

The objector states that, regarding the unlined cells, the best of modern technology should be used in a cost effective way to safeguard the environment. He states that this is particularly relevant with regard to the location of the site on the North Channel of Cork Harbour. Modern technology should be applied to the lining of the unprotected cells without having to rework the waste.

Technical Committee's evaluation

The proposed decision requires proposals for leachate management, surface and groundwater management and the restoration of the former unlined landfill area. To this end, on submission of the aforementioned proposals, the Agency will ensure that the principle of best available technology is employed.

Recommendation

No change

Reason and Argument No. 4

- (i) *The objector cites the inspectors report as follows: 'due to the proximity of the landfill to the shoreline and saline intrusion, the groundwater supplies in the vicinity of the site have limited value as drinking water supply'. The objector asserts that this is evidence of environmental damage caused by the applicants' activities.*
- (ii) *Furthermore, the objector states that the negligence displayed by the applicant in failing to put in place an alternative water supply at the Rossmore residence indicates that the applicant is unfit to continue to operate a landfill at this site.*

Technical Committee's evaluation

- (i) The technical committee consider that, given the location of the site, it is likely that saline intrusion is reducing the potability of groundwater supplies. This is indicated by the elevated chloride levels. Condition 9.8 of the proposed decision requires that all private wells and groundwater supplies (used for animal drinking) within 500m of the facility are monitored. Should this monitoring indicate that the facility is affecting the quantity and/or quality of the water supply, the licensee shall provide proposals for the provision of an alternative water supply to those affected (Condition 10.7).
- (ii) The criteria for the granting of a waste licence are set out in Section 40(4)(a) to (e) of the Waste Management Act, 1996. It is noted that local authorities are excluded from the requirement of Section 40(4)(d) of the Waste Management Act, 1996 with regard to the Agency's consideration of a fit and proper person. Nevertheless, Condition 2.0 of the proposed decision makes provision for the proper management of the activity and Condition 2.9 requires a suitably qualified and experienced manager facility manager or experienced deputy to be present at all times during the operation of the facility. In addition, compliance with the conditions of the proposed decision will ensure that the landfill is operated in a correct and satisfactory manner. The level of compliance will be determined by the Agency using various methods including the assessment of reports, site inspections and audits and sampling/monitoring of environmental conditions at/or in the vicinity of the site.

Recommendation

No change

Reason and Argument No. 5

- (i) *The objector lists additional events during which he asserts that damage was caused to his property by Cork County Council. These include the damage of pipework, removal of a water pump and fitting from the spring well.*
- (ii) *The objector also lists added nuisances on his property caused by dead birds and debris due to the proximity of the facility to his property.*
- (iii) *The objector questions whether the applicant ‘acted as a responsible agent’ on the site to date.*

Technical Committee’s evaluation

- (i) The issues highlighted here are a matter for Cork County Council and the objector.
- (ii) It is considered that the operation of the licensed activities in compliance with Condition 6 of the proposed decision will control environmental nuisances (e.g birds and rodents) which are likely to arise at this facility.
- (iii) See technical committee’s evaluation of Reason and Argument No. 4 (ii) above.

Recommendation

No change

Reason and Argument No. 6

The objector states his concerns regarding animal health, litter nuisance, increased levels of vermin and rodents, crop damage and a reduction in harvest yields due to the proximity of the facility to his property.

Technical Committee’s evaluation

As stated above in the technical committee’s evaluation of Reason and Argument No. 5 (ii), environmental nuisances will be controlled by the conditions of the proposed decision and in the event that such conditions are not complied with, the Agency will take appropriate enforcement action.

Recommendation

No change

Conclusions

The objection concludes that (i) reasonable environmental standards have not been upheld (ii) environmental pollution has resulted from the landfill site (iii) the applicant hasn’t acted as a fit and proper person and (iv) there is no evidence that ‘best technology’ has been used to manage this site to date. In addition, the objector contends that the applicant does not fit the criteria as set down for the securing of a waste licence and it is recommended that full attention is given to the waste disposed into the unlined and unstable cells.

Technical Committee’s evaluation

The technical committee consider that the issues outlined here are dealt with above.

Recommendation

No change

Submission on objection by Mr. Denis McCarthy from Cork County Council

Cork County Council state that there is a history of communication and correspondence between the council and Mr. McCarthy. Mr. McCarthy's correspondence has been acknowledged down through the years, complaints have been investigated and actions initiated where appropriate. The provision of a public water supply to serve Mr. McCarthy's property has been resolved and this work should commence in early March. The Council are opposed to the conclusions stated in Mr. McCarthy's objection. It states that, Cork County Council, as a statutory body, is totally committed to the protection and enhancement of the environment and this commitment extends to the management of the Rossmore landfill in a fit and proper manner.

Technical Committee's evaluation

The technical committee note Cork County Council's comments on Mr. McCarthy's objection. Compliance with the conditions of the proposed decision will ensure that all complaints are investigated and the necessary actions initiated. Condition's 9.8 and 10.7 will ensure that all private wells and groundwater supplies within 500m of the facility are monitored and, where necessary, proposals for the provision of alternative water supplies will have to be submitted.

Signed:

Michael Henry
Technical Committee Chairperson