

MEMO			
TO:	Board of Directors	FROM:	Sara Kennelly
CC:		DATE:	3 rd May 2001
SUBJECT : Technical Committee Report on Objections to Proposed Decision- Reg. No. 132-1.			

Application Details	
Applicant:	Cork County Council
Location of Activity:	Lotamore Landfill
Reg. No.:	132-1
Licensed Activities under Waste Management Act 1996:	Third Schedule: Class 1
Proposed Decision issued on:	11/12/00
Objections received:	<ol style="list-style-type: none"> 1. 03/01/01 From Abina Leahy, Lotamore Lake Nature Reserve, c/o The Barn Restaurant, Glanmire, Co. Cork. 2. 08/01/01 From Paul Dolan, The Barn Restaurant, Glanmire, Co. Cork.
Submissions on objections received:	<ol style="list-style-type: none"> 1. 02/02/01 From Abina Leahy, Lotamore Lake Nature Reserve, c/o The Barn Restaurant, Glanmire, Co. Cork. 2. 22/02/01 From Murphy McCarthy Consulting Engineers Ltd., on behalf of the applicant David McSweeney. 3. 28/02/01 From Abina Leahy, Lotamore Lake Nature Reserve, c/o The Barn Restaurant, Glanmire, Co. Cork.
Inspector:	Maeve McHugh

Consideration of the objections and submissions on objections

The Technical Committee (Sara Kennelly, Chairperson; Brendan Foley and Sinead McMahon, 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 6th February 2001, 12th March 2001 and 27th March 2001.

Objections and submissions on objections received

One objection to the Proposed Decision was received from Abina Leahy, Lotamore Lake Nature Reserve (LLNR) and one objection was received from Mr Paul Dolan, The Barn Restaurant.

Two submissions on the objections were received from Abina Leahy, Lotamore Lake Nature Reserve and one submission on the objection was received from Murphy McCarthy Consulting Engineers Ltd. on behalf of the applicant Mr McSweeney.

Objection 1: Lotamore Lake Nature Reserve (LLNR)

The issues raised in the objection are addressed below. It should be noted that the grounds are direct quotes from the objection received and hence are in quotation marks.

Ground 1

"The decision granting consent to site a development above an aquifer in a Limestone area is not in accordance with modern International Practice."

Technical Committee's evaluation

The proposed development is located on a sandstone aquifer and not on a limestone aquifer as the objector claims. The vulnerability rating for groundwater underlying the site has been identified as extreme and under the Geological Survey of Ireland/Environmental Protection Agency/ Department of Environment and Local Government groundwater protection Submission matrix, it is classified as R2². This suggests that a landfill is "acceptable subject to guidance outlined in the EPA Landfill Design manual or conditions of a waste licence." The Proposed Decision has taken this into account. Further, only inert waste, as set out in Table G.3 and subject to the waste acceptance procedures defined in Schedule G.3, can be accepted at the site under the terms of the Proposed Decision.

The Technical Committee notes that lining works at the facility are included under Condition 4.12 Specified Engineering Works.

Recommendation

No change to the Proposed Decision

Ground 2

"The dumping of Demolition material, e.g. Cement and Mortar with their high content of Heavy Metals must be regarded as unacceptable until there is international agreement that such practise is environmentally sound."

Technical Committee's evaluation

*132-1 David McSweeney
Lotamore, Glanmire, Co. Cork*

Technical Committee Report

Table G.2.1 Waste for Disposal in the Proposed Decision sets out those waste types that are to be accepted at the facility. They are subsoil, clay, stone, rock and slate, topsoil, concrete, brickwork and natural sand. All waste to be accepted are inert and are subject to the stringent acceptance criteria specified in Schedule G.3 of the Proposed Decision. The Technical Committee is satisfied that the concern raised in the objection is dealt with adequately in the Proposed Decision.

Recommendation

No change to the Proposed Decision

Ground 3

“The dearth of information on the location of aquifers, in the country generally, makes any attempt to presume that dumping in the vicinity of such a system may be evaluated in advance, risky.”

Technical Committee’s evaluation

See the evaluation under Grounds 1 and 2 above.

Recommendation

No change to the Proposed Decision

Ground 4

“Allowing for the difference in scale the evaluation in this small area is similar to that at Silvermine’s where the Agency refused consent”.

Technical Committee’s evaluation

The Agency considers each application for a waste licence on a site specific basis. The Technical Committee considers that this facility cannot be compared to that which was proposed at Silvermines due to the difference in the nature of waste to be accepted, the size of the proposed development and the relevant engineering considerations.

Recommendation

No change to the Proposed Decision

Ground 5

“While it is outside the Agency’s remit it must be stated that there is intense local resistance to this development as a proven valuable educational area and is being lost with no gain whatsoever to the area.”

Technical Committee’s evaluation

The Technical Committee considers that this is a planning issue and as such is not a matter for the Agency.

Recommendation

No change to the Proposed Decision

Ground 6

“ The absence of local wells at a lower level, as stated by the applicant is not deciding factor, as aquifers do not follow the course of surface contours and material entering the system at the point in question could end up many miles away. There is no ground for doubt about the Glen River which arises in the area and flows through a very populous area before it enters the River Lee. It is used extensively, in Summer, by local children, for swimming and fishing.”

Technical Committee’s evaluation

Condition 4 of Proposed Decision sets out the requirements for surface water and groundwater management and their monitoring requirements are set out in Condition 9. Condition 7 controls emissions to waters. The Technical Committee considers that the Proposed Decision addresses these issues adequately.

Recommendation

No change to the Proposed Decision

Objection 2: Paul Dolan, The Barn Restaurant

General:

The objector states that The Barn Restaurant is the largest Gourmet Restaurant in the 32 counties and that the presence of a landfill site accepting demolition material 40 yards from the restaurant will justify their clientele taking their custom elsewhere.

The issues raised in the objection are addressed below and consideration of the third submission on objection which was received 28/02/01, from Abina Leahy, Lotamore Lake Nature Reserve (LLNR) is made.

It should be noted that the submission from LLNR includes two documents:

- 1. A general letter from Ms. Abina Leahy, Secretary, Lotamore Lake Nature Reserve (LLNR), Lotamore, Glanmire Co. Cork.*

2. A report entitled “Assessment of Impact on the Hydrology and Hydrogeology of the Proposed Landfill at Lotamore, Glanmire, Co. Cork and Submission to the EPA Proposed Decision to Grant a Waste Licence”.

The Technical Committee considered these two documents together and treated the second document as a supporting document to the letter from the Lotamore Lake Nature Reserve Committee.

Ground 1

The objector objects to the siting of the landfill in the interest of community health and states that they will expect to be given guarantees that no paints, mortar etc will be received at the facility and they wish to be informed about any guarantees that will be given to prove that this is carried out properly. They state that all parties including themselves will be vulnerable if legal claims ensue.

LLNR’s Submission

a) LLNR states that it is incorrectly stated in the application that the stream in the area is seasonal and does not flow all year round. LLNR also states that residents can prove that the stream flows on a permanent basis.

b) LLNR asks why the material to be landfilled is not used for road construction and consolidation and asks would this not be in line with Cork County Council’s Waste Management Strategy as regards recycling together with the EU Directives on same.

c) LLNR states that there has been no hydrogeological report confirming that “the aquifer is non-permeable” which they say it must be in order to prevent any “pollution hazard”.

Technical Committee’s Evaluation of Ground 1

See the Technical Committee’s evaluation of Grounds 1 and 2 of Objection 1 Lotamore Lake Nature Reserve’s above.

The Technical Committee considers that the Proposed Decision, once granted as a licence, will be a legally binding document and will be enforced by the Agency as such.

Technical Committee’s Evaluation of LLNR’s submission on Ground 1

a) The Technical Committee note that flow in the stream is described as very low with little or no flow in Summer, in the application and that although claims were made to the contrary, no evidence was provided to substantiate these claims.

b) The Technical Committee agrees with the objector that recovery options should be promoted and note that Condition 5.14 of the Proposed Decision requires the licensee to provide a report to show that the requirements of the government policy statement “Waste Management – Changing Our Ways” are to be met.

c) The Technical Committee considers the fact that inert waste only is to be accepted at the proposed facility, in addition to the provisions of Conditions 4.16.1 and 4.16.2 of the Proposed Decision, adequately addresses the issue of groundwater protection.

Recommendation

No change to the Proposed Decision

Ground 2

The objector states that airborne material from the facility will spread to his restaurant. He states that "there is EU legislation on heavy metal contamination by airborne agents and by water contaminated by aerial spread".

Technical Committee's Evaluation

The Technical Committee considers that dust control measures are adequately set out in the Proposed Decision in Schedule F.2 where emission limit values for dust deposition are specified. However the Technical Committee also consider that two additional dust monitoring points should be included in the Dust Monitoring to be carried out at the facility and that dust monitoring should be carried out five times per year instead of the three proposed in the Proposed Decision.

Recommendation

Amend Schedule E: Monitoring as follows:

Dust monitoring locations shall be those as set out in Table E.1.1 and drawing no 98004-1 Revision E of the Submission to Article 16 notice dated 15/08/00 of Attachment J of the application.

Table E.1.1 Dust Monitoring Locations

STATION	
D1	D3*
D2	D4*

***at a location to be agreed with the Agency**

Table E.1.2 Dust Monitoring Frequency and Technique

Parameter (mg/m ² /day)	Monitoring Frequency	Analysis Method/Technique
Dust	Five times a year ^{Note 2}	Standard Method ^{Note 1}

Note 1: Standard method VDI2119 (Measurement of Dustfall, Determination of Dustfall using Bergerhoff Instrument (Standard Method) German Engineering Institute). A modification (not included in the standard) which 2 methoxy ethanol may be employed to eliminate interference due to algae growth in the gauge.

Note 2: **Four times** during the period May to September, or as otherwise specified in writing by the Agency. With the agreement of the Agency, dust monitoring can cease once landfill restoration is complete.

Ground 3.

132-1 David McSweeney
Lotamore, Glanmire, Co. Cork

Technical Committee Report

The objector states that there will be heavy rodent infestation as rubble will be used as shelter and the restaurant will be source of food to the animals. He also states that Toxoplasmosis is now officially classed by the World Health Organisation as a Zoonosis (an animal disease that can be contracted by humans) and that this will place a greater responsibility on the Restaurateur.

Technical Committee's evaluation

The Technical Committee considers that this issue is adequately addressed under Condition 6, Environmental Nuisances, of the Proposed Decision. Further, only inert waste will be accepted at the facility (see Ground 2 of Lotamore Lake Nature Reserve's objection above) and this will not provide an attraction for rodents.

Recommendation

No change to the Proposed Decision

Ground 4

The objector states that the area is classified as Green Belt and will continue to be classed as such into the next review.

LLNR's Submission

"By fixing on its inner limit before development has ever been contemplated, and while its building value, owing to the absence of drainage and water is nil, the local authority can, so to say, get of the potential building value for nothing"

They go on to say that this area is classed as Green Belt.

Technical Committee's evaluation

The Technical Committee agree that the area is zoned for agricultural use and not for industrial use in the Cork County Development Plan 1996 but consider that this is a planning issue and as such is a not matter for the Agency.

Recommendation

No change to the Proposed Decision

Ground 5

The objector wishes to point out the considerable discontent among residents and local schools who use it for educational purposes.

LLNR's Submission

*132-1 David McSweeney
Lotamore, Glanmire, Co. Cork*

Technical Committee Report

LLNR states that the site is a local amenity. They also give a list of the schools that would like to use the area in an active education programme.

Technical Committee's evaluation

The Technical Committee considers that this property belongs to the applicant and that the site is currently worked –out and in need of remediation and restoration.

Recommendation

No change to Proposed Decision

First submission on objection: Received 02/02/01 from Lotamore Lake Nature Reserve (LLNR)

Technical Committee's evaluation

The Technical Committee considers that this is not a submission on an objection but rather a direct letter to the Agency seeking clarification of the Agency letter dated 31st January 2001. A comprehensive reply to this letter was issued by the Agency on 5th February 2001 and does not require further consideration by the Technical Committee. This letter is attached as Appendix 1 to this report.

Recommendation

No change to the Proposed Decision

Second submission on objection : Received 22/02/01, from John McCarthy, Murphy McCarthy Ltd. on behalf of the applicant Mr McSweeney

Technical Committee's Evaluation

This submission states that Mr McSweeney does not wish to comment further on the application.

Recommendation

No change to the Proposed Decision

Other issues raised in Third submission on objection(i.e. those not already adressed under the objection by Paul Dolan): Received 28/02/01, from Abina Leahy, Lotamore Lake Nature Reserve (LLNR).

Other issues that were raised in the general letter from the Lotamore Lake Nature Reserve are outlined below. The Technical Committee considers that, as these were not raised in the objection from Mr Dolan, The Barn Restaurant or by the applicant, they cannot be considered as valid objection issues.

- **EIA Requirements**

The Lotamore Lake Nature Reserve request that a full Environmental Impact Assessment be carried out before any decision is made with regard to the application.

- **Illegal dumping**

i) LLNR refers to damage to the site from illegal dumping by the proposed licensee and states that work, required by Cork County Council to be carried out to remediate the site, has not been undertaken. They say that *“the damage caused by the applicant or his agents should not be used as a reason to further their application”* and that *“this would set a dangerous precedent appearing to reward (and not condemn) these acts of vandalism.”*

ii) LLNR states that illegal dumping was observed and gives the name of three hauliers.

- **Waste Acceptance**

LLNR states that any material already deposited at the bog area should be subject to the waste acceptance criteria set out in the licence. They request that personnel with the necessary expertise would be always present when the facility is open.

- **Specified Engineering Works**

LLNR states that *“if the proposed licensee were to fall down on any of the items listed in Schedule D Specified Engineering Works it would make the site unusable as a landfill facility and 2. The bog and surrounding area would have been permanently lost as an amenity, which is a natural oasis for wildlife needing this type of habitat.”*

- **Fit and Proper Person/Financial Provision**

LLNR asks whether the illegal dumping is the action of a person who intends to comply with the conditions of the Proposed Decision. The objector also states that the cost of the requirements of the conditions of the Proposed Decision will be prohibitive for such a small facility.

Technical Committee’s Evaluation

The Technical Committee notes that these issues were not raised for consideration in the original objection and hence under Section 42(7) of the Waste Management Act, they cannot be considered at this stage of the process. The Technical Committee however notes that these

issues were considered by the Agency in the processing of the waste licence application (refer to inspectors Report).

2. Consideration of O'Neill Groundwater Engineering Report "Assessment of Impact on the Hydrology and Hydrogeology of the Proposed Landfill at Lotamore, Glanmire, Co. Cork and Submission to the EPA Proposed Decision to Grant a Waste Licence".

This report is, as previously stated, a supporting document for the Lotamore Lake Nature Reserve's letter and most of the issues raised are addressed in Ms Leahy's part of the submission. However there are some issues included therein that are not mentioned Ms Leahy's part of the submission and the Technical Committee therefore address them as follows:

- **Lining Technology**

The report states that a double HDPE liner with a leachate detection system should be used as the aquifer underlying the site is defined as "locally important" and being "actually extremely vulnerable".

- **Groundwater wells: Domestic use**

The report states that there are two wells currently in use down-gradient from the site and that these could possibly be vulnerable to contamination from the site.

Technical Committee's Evaluation

The Technical Committee notes that these issues were not raised for consideration in the original objection and hence under Section 42(7) of the Waste Management Act, they cannot be considered at this stage of the process. The Technical Committee however notes that these issues were considered by the Agency in the processing of the waste licence application. The TC also note that the Proposed Decision specifies that the facility be lined in accordance with the U Directive on the landfill of waste. The TC notes that a clay liner is required in this instance and a HDPE liner is not required.

Signed: _____
Sara Kennelly
Technical Committee Chairperson

APPENDIX 1

Agency letter dated 5th February 2001 to Abina Leahy, Lotamore Lake Nature Reserve in
Submission to her letter of 2nd February 2001.