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F. Clinton  
Signed: Maill Date: 09.12.09

**ENVIRONMENTAL LICENSING PROGRAMME MEMORANDUM**

**TO:** LAURA BURKE, DIRECTOR

**C.C:** Frank Clinton, Programme Manager

**FROM:** Brian Meaney, Senior Scientific Officer

**DATE:** 9<sup>th</sup> December 2009

**RE:** Request for a Technical Amendment to Waste Licence  
Register Number **W0161-01**, held by **Cork County  
Council** in relation to **Bottlehill Landfill**

**Introduction**

Bottlehill Landfill is a facility proposed to be located at Bottlehill, Tureen South, Coom (Hudson), Coom (Fitzgerald), Glashaboy North, Bottlehill, County Cork. The facility is under construction and is authorised as a non-hazardous landfill to accept up to 217,000 tonnes per annum of household, commercial, industrial and street cleaning waste for disposal, as well as up to 175,000 m<sup>3</sup> of inert waste for development and restoration works. The facility was licensed on 25 June 2004.

The Agency will shortly initiate a review of the licence in order to introduce provisions regarding the Landfill Directive requirements to pre-treat waste prior to acceptance, to divert biodegradable municipal waste from the landfill and other matters.

**Details of Request For Technical Amendment**

The licensee has requested five amendments to the licence under Section 42B of the Waste Management Acts 1996 to 2008. Amendment to the following specific text and conditions is sought.

***Requested amendment 1.***

The licence states in the introduction that “waste will be delivered to the site, primarily in baled form.”

The following text is sought: “Waste will be delivered to the site, in baled or loose form ...”

***Requested amendment 2.***

Part I, *Activities Licensed*, of the licence limits activity authorised under Class 13 of the Fourth Schedule to “the temporary storage of baled waste at the baled waste marshalling yard in sealed containers prior to haulage to the working face of the landfill.”

The following alternative limitation is sought: "This activity is limited to the temporary storage of baled or loose waste at the waste marshalling yard prior to haulage to the working face of the landfill."

**Requested amendment 3.**

Condition 1.5.3 states: "Only baled residual waste shall be accepted for disposal at the facility. Notwithstanding, in exceptional circumstances, particular wastes, where baling is not technically feasible, may also be accepted for disposal at the facility, subject to agreement by the Agency."

The following condition is sought: "Only residual waste shall be accepted for disposal at the facility."

**Requested amendment 4.**

Condition 5.5.1 states: "Unless the prior agreement of the Agency is given, the following shall apply at the landfill:

- a) Only one working face shall exist at the landfill at any one time for the deposit of baled waste other than the deposit of cover or restoration materials.
- b) Prior to the commencement of waste activities the licensee shall submit a report to the Agency for its agreement as to the size of the working face for the deposit of baled waste; ..."

The following amended condition is sought (proposed additions and deletions highlighted): "Unless the prior agreement of the Agency is given, the following shall apply at the landfill:

- a) Only one working face shall exist at the landfill at any one time for the deposit of baled waste other than the deposit of cover or restoration materials unless otherwise agreed with the Agency;
- b) Prior to the commencement of waste activities the licensee shall submit a report to the Agency for its agreement as to the size of the working face for the deposit of ~~baled~~ waste; ..."

**Requested amendment 5.**

Schedule G, *Content of the Annual Environmental Report*, requires reporting on the "quantity and composition of waste received, disposed of and recovered during the reporting period and each previous year including the quantity of waste accepted in baled form."

The following deletion (highlighted) is requested: "quantity and composition of waste received, disposed of and recovered during the reporting period and each previous year including the quantity of waste accepted ~~in baled form.~~"

**Correspondence Regarding the Request For Technical Amendment**

The EPA received 18 items of correspondence from or on behalf of members of the local community expressing concern at the proposed change and the manner in which it was requested. Correspondence was received from the following (in alphabetical order):

- 1. Daniel A. Burke
- 2. Denis Carey
- 3. Gerard and Sinead Ambrose

4. Helen McCarthy
5. Jack Doherty
6. Jennifer McCarthy
7. John O'Riordan, Vincent Twomey, Charles Doyle, Mary Condon, Nora Doherty, Valerie Cahill, Paul Buckley, Tom Howard, Community Representatives of Environmental Monitoring Committee, Bottlehill Residual Landfill
8. John Sheehan and Mary Sheehan
9. Kathleen Curtin
10. Margaret McCarthy
11. Mary Condon
12. Noel Harte, Secretary, Glenville Community Council
13. Noonan Linehan Carroll Coffey, Solicitors, on behalf of Bottlehill Environmental Alliance (the substantive correspondence had been preceded by two queries)
14. Pat McCarthy
15. Paul Buckley
16. The Murphy Family
17. Tom Howard, Chairman, Carrignavar Community Council
18. Vincent and Chris Twomey

In addition, I engaged in a telephone conference with Elizabeth Healy, Noreen O'Sullivan, Georgina Connolly and Therese Cahill. A meeting had been scheduled to take place at EPA HQ, but was conducted by telephone instead.

I have grouped the concerns raised by members of the community and the following are the aggregated concerns expressed in the correspondence and made verbally to me. I have, where necessary and appropriate, commented on the issues raised (*in italics in each case*).

- The text of Section 42B of the Waste Management Acts 1996 to 2008<sup>1</sup> provides the grounds for the making of technical amendments by the Agency. It is contended that the criteria for none of the three purposes of a technical amendment have been met by Cork County Council in their request.
  - o *Given my recommendation below, the requirements of Section 42B have not been substantially addressed in this note.*
- The baling of waste was presented during the approval stages for the landfill as a means of preventing or minimising environmental risk.
  - o *I can find no documentary evidence that baling was presented as a means of preventing or minimising environmental risk.*
- The technical amendment process as set out in the Waste Management Acts 1996 to 2008 does not provide for public participation in the decision-making process. Given the commitments given by the County Council regarding the reasons for baling, the request for a technical amendment without due regard to public input is unfair. The licence review procedure is more appropriate.
  - o *The technical amendment process does not provide for public or third party participation. Notwithstanding my general acceptance of the technical merit of*

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<sup>1</sup> The text of section 96 of the EPA Act, as amended, was mistakenly quoted by Noonan Linehan Carroll Coffey, Solicitors. The request for technical amendment is governed by section 42B of the Waste Management Acts 1996 to 2008. However, as the actual texts of sections 96 and 42B of the respective acts are almost identical, I will not deal with the correspondence by reference to the EPA Act.

*the County Council's submission and request for technical amendment, given the level of local concern regarding the proposed amendment, the latter comment would appear justified.*

- The transport of unbaled waste will result in more truck movements to and from the landfill.
  - o *I note a statement on page 125 of the EIS that baled waste will be hauled in specially adapted vehicles at an average payload of 20 tonnes per vehicle whereas loose waste will typically be hauled at an average payload of 15 tonnes per vehicle, suggesting that the number of truck movements would increase by one-third. Cork County Council's more recent technical amendment request suggests that the payloads will in fact be similar (ca. 20 tonnes) and that truck movements will be the same. The submission suggests that modern compactor trailers can achieve 20-tonne payloads.*
- Unbaled waste should only be transported in sealed containers.
  - o *The Council's submission mentions the use of sealed articulated 20-tonne capacity trailers. It is a requirement of condition 7.3.5 of the licence that all vehicles are covered.*
- Road conditions in the area are such that accidents are likely and unbaled waste will create a bigger mess than baled waste.
  - o *Road transport safety concerns will not be considered by the Agency.*
- The reasons for the Council's request is financially motivated with no consideration for the local environment and impact of the change on the ecology of Bottlehill and surrounding areas. Unbaled waste will significantly increase the environmental risks for the community. The Agency should perform a complete and proper assessment of placing loose waste in a facility not designed for same.
  - o *I can find no evidence of the landfill having been designed specifically for baled waste. The Council's submission points to the need for amendment to operating procedures, not landfill cell design and construction.*
- The site is elevated and containment of unbaled waste in windy conditions will be difficult.
  - o *The Council's submission acknowledges the need for rigorous litter control measures including netting both at the cell perimeter and close to the working face. The Council's submission also states that litter control measures are already in place. Condition 7.3 of the licence deals with litter control and links to section 3.14.4 of the EIS - which deals with litter control for the deposit of both baled and unbaled waste. Given that unbaled waste is currently allowed into the landfill, albeit not as the predominant waste format, full and complete litter control would in any event be necessary.*
- The site is regarded as geologically unsuitable for a landfill, and this led to strict conditions in the licence.
  - o *I can see no link between the site's geological suitability (which has been previously assessed) and the nature of the waste accepted at the facility. The baled or unbaled nature of the waste accepted will not impact on the cell design, including lining and leachate collection systems. There is no greater or lesser generation of leachate if unbaled waste is deposited.*
- The local Monitoring Committee was advised by Cork County Council that, based on discussions between the Council and the EPA, the EPA viewed the question of baled vs unbaled waste as environmentally neutral.

- *As set out below, I can find no technical reason why the predominant acceptance of baled waste should be an environmentally superior option over the general acceptance of unbaled waste.*
- Unbaled waste is environmentally damaging to wildlife and livestock en route to and in the landfill environs.
  - *The basis for this assertion is not clear or supported by evidence. The issue of vehicle covers and litter control are addressed above.*
- Unbaled waste will:
  - be an eyesore,
  - attract greater numbers of vermin and birds,
  - have a catastrophic effect on water quality and
  - create increased traffic as other counties transport their waste to the landfill.
- *Unbaled waste is no less attractive to the eye than baled waste. Regarding vermin and birds, I have no evidence that would suggest this claim is true. The Council's submission claims that the improved daily cover options with unbaled waste would decrease the potential for birds feeding on the waste. Unbaled waste can have no more potential impact on water quality than baled waste. The origin of waste, i.e. whether it arrives from within or without the Cork Region, is outside the scope of the waste licence and is a matter for the statutory waste management plan in force in County Cork at any given time.*
- Planning conditions require that the waste be baled.
  - *I have found no basis for this in the planning authorisation granted by An Bord Pleanála.*
- Several correspondents requested or suggested a new hearing/inquiry into the proposals.
  - *There is no scope in the technical amendment process for formal public or third party participation.*
- The general feeling is that the licence conditions should be left as they are and amendments of such importance should not be made "with the stroke of a pen".

### **Consideration of Request For Technical Amendment**

In support of the request for technical amendment, Cork County Council commissioned Fehily Timoney & Co. to prepare a report examining whether the acceptance of loose waste, as opposed to baled waste, will have a consequent negative environmental impact. The principal conclusion taken by the Council from the report is

*"..that whilst management practices may need to be altered to accommodate the differing operational requirements, there should be no detrimental environmental impacts as a consequence of introducing transfer and placement of un-baled residual waste in Bottlehill as long as best available technology and practices are employed."*

It would appear from the report that changes to management practices will be quite minor, including:

- with unbaled waste, there is no need for a tracked excavator equipped with a grab to pick up and place bales;
- daily cover arrangements will be different, and it is claimed with unbaled waste that more options exist for cover materials to better mitigate against odour and bird nuisance;
- litter control will be more rigorous;

- landfill gas collection networks will be installed differently.

In response to the Council's submission, I would firstly note that the Council's consultants state that "Bottlehill Landfill was designed on the basis of baled waste being the primary mechanism to deliver waste to the facility." This fact, that the facility "was *designed* on the basis of baled waste", is the reason for many of the objections to the proposed change raised by members of the local community. The original licence application and EIS speak in a presumptive manner of the fact that much of the waste to be deposited will be baled. It may well be that the Council's consultants in their report used the word "designed" loosely and out of context. However it is clear that considerable store was placed on baling by the community and by the Council and this deserves to be teased out in more detail.

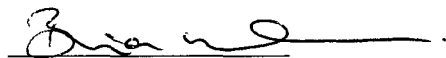
Clearly the Council's plan to invest in baling capacity, or to out-source baling capacity, is no longer favoured within the Council on technical and economic grounds. Baling is now seen as an additional and unnecessary cost to be borne in the waste management system, particularly as competition for waste intake has increased in recent years. There is considerable logic and reason on the Council's side in this regard. The claim that Arthurstown landfill in Co. Kildare is the only baled waste facility in Ireland and the UK would support the contention that baling is not a commonly applied technique and doesn't offer technical, economic or environmental benefits that have had operators and regulators alike keen to see it introduced across the board. I accept the logic and reason behind Cork County Council's arguments against baling and I can find no technical reason to refuse the Council's request for technical amendment to allow for the general acceptance of unbaled municipal waste. However the technical amendment process is necessarily superficial (compared to a licence application or review) and there is not scope to undertake a comprehensive reassessment of the original licence application, EIS and oral hearing documentation and examine in detail how the decision to accept primarily baled waste influenced the engineering design of the landfill and its principal environmental interfaces. I am therefore concerned that all relevant considerations have not been taken into account. I am also concerned that members of the local community, who have expressed considerable misgivings regarding the proposal, should be given the opportunity to object to any decision the EPA might make in relation to the acceptance of unbaled waste as a general practice. It is for this reason that I recommend refusal of the request for technical amendment.

### **Recommendation**

In relation to the requested technical amendment of the text of the licence introduction, Part I *Activities Licensed*, Schedule G and conditions 1.5.3 and 5.5.1 of the licence, I recommend refusal.

I have consulted with the Office of Environmental Enforcement who have informed me that the proposed amendment cannot be accommodated by the existing licence.

Signed:



Brian Meaney  
Senior Scientific Officer  
Environmental Licensing Programme  
Office of Climate, Licensing & Resource Use