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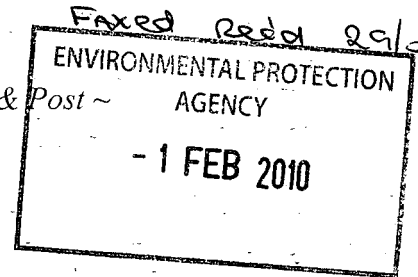
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The Secretary,
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~ By Email - info@epa.ie, Fax - 053-9160699 & Post ~



29th January 2010.

Our ref: 22307-09/JN/PW

Your ref: WL W0161-01

RE: Application Register: WL W0161-02 Cork County Council. Bottlehill Landfill

Dear Sir/Madam,

We act on behalf of John O'Riordan and others known as Bottlehill Environmental Alliance.

Our clients wish to make the following observations on the review initiated by the Agency of the existing landfill licence.

Preliminary

While this review has been initiated by the Agency for the reasons stated in its notification letter to Cork County Council, the review follows a request for a "technical amendment" to the waste licence sought by the Council. We corresponded with the Agency in relation to that request on 9th July 2009 and at various points thereafter. We are surprised that the Agency did not advise us of its decision to refuse the technical amendment request nor of its decision to initiate this licence review.

Our clients learned about these two decisions of the Agency from a third party towards the middle of January at which they point they also learned of the deadline for submissions being 1st February. The press advertisement placed by the Council at the direction of the Agency appeared on the 23rd December and not surprisingly went unnoticed.

Accordingly, our clients' preparation of this initial submission has been constrained and further submissions will be necessary when the proposed decision issues. That is particularly so given that the submission to be made by Cork County Council has yet to be seen by our clients.

Issues

1. Baled waste

We have considered what the Council said in its submission for the “technical amendment” and what was said on its behalf by its consultants and we have also reviewed the report of the Agency’s official dealing with that application and note his comments on the topic.

The matter of baling was extensively canvassed during the licensing procedure in 2002/2003. We think it would be helpful at this point to recall the following extracts from the report of Dr. Paul Johnston, Chair of the Oral Hearing, on the question of baled waste. Page numbers added in square brackets. To begin, he recalls the Council wish to have permission to deposit 40% unbaled waste. He goes on to assess the baling issue in detail, and he comes to the conclusion that baling is essential.

“Mr David Holland (CCC) reiterated figures in the EIS that on average, 60% of the waste would be (wire-) baled and the rest (40%) loose. Hence there was a need for two operating faces at the landfill. [P 59]

5. Waste Acceptance

The most significant issue with respect to the proposed waste licence is the nature of the waste and its volumes. The application is for residual waste, and, as indicated at the hearing, for both baled and loose waste. The meaning of residual was sought during the hearing but it appears that the intention is that (as in the Landfill Directive) any form of treatment will result in ‘residual waste’. However, treatment may be as little as partial separation or a combination of more complex separation and processing operations. While the stated intention of the applicant is to route all the county’s domestic and commercial waste to Bottlehill via ‘treatment stations or MRFs’ at strategic locations, none of these are yet in place.

The loose waste component (approximately 40% of the total waste input) is derived from waste that ‘cannot be dealt with practically by the separation facility or is inert’. Moreover, having effectively two operating faces (baled and loose waste) in the landfill throughout the life of the site is neither good operating practice nor good risk management, especially in a hydrologically sensitive environment.

The projected waste volumes also indicate that there is likely to be as much organic waste dumped per year at the end of the life of the landfill as at the beginning, notwithstanding the legislative requirement to separate out organic waste and to reduce the volumes landfilled in the medium term – the proportions of organic waste may be improving but the absolute tonnage



amounts are predicted to remain relatively stable. Thus, there will be ongoing, long term leachate and gas management problems. The long term sustainability of such a waste management solution at this site remains in question.

In short, if this site is to operate under a licence consistent with current waste management practice, it should only be baled waste and also truly 'treated' (i.e. fully/practically separated waste) having passed through an appropriate facility. This constraint will also control the number and types of vehicle going to the landfill and will facilitate necessary controls on the route to be taken by the vehicles. [P 83/4] [Emphasis added]

The concluding paragraph in that extract from Dr. Johnston's Report could hardly be more emphatic. Incidentally his comment about 'truly' treating the waste was farseeing as the later work of the Agency culminating in the June 2009 Guidance Document demonstrates.

His view that all waste should be baled was accepted by the Agency as reflected in condition 1.5.3 which reads:

"1.5.3 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 baling issue was also the subject of this condition couched in terms that demonstrate the value of baling as a guarantor of minimising environmental pollution from the activity:

5.5 Working Face

5.5.1 *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;*
- c) *All waste deposited at the working face shall be covered with suitable material as soon as is practicable and at any rate prior to the end of the working day."*



The Council is likely to pursue its request to have the licence amended by the deletion of that condition. Our clients ask the Agency to reject that request for Bottlehill given its sensitivity.

The reasons outlined by Dr. Johnston are as valid now as they were at the time he wrote his report and there is, we submit, no reasonable environmental basis for the Agency to change its mind on the matter. The only substantive ground in reality is to save the Council money. That is not an adequate basis for such a dramatic change in the character of the licence or for repudiating the clear recommendation of Dr Johnston.

2. Treatment facilities and waste acceptance

The intent at the time of the initial application was that the Council, which then had a near monopoly on the collection of the waste streams intended to be deposited at the landfill, a situation which has now changed significantly, would have a large scale materials recovery facility which it would operate in conjunction with the landfill. In the intervening years, that plan has receded and it now appears that the waste would instead be separated predominantly by private operators in a variety of locations before being hauled to the landfill site. That change necessitates a close examination of the waste acceptance procedures. The Agency's Guidance Document is timely and welcome in this context.

The licence deals with waste acceptance and characterisation procedures as follows: -

"5.3 Waste Acceptance and Characterisation Procedures

Prior to commencement of waste acceptance at the facility, the licensee shall submit to the Agency for its agreement written procedures for the acceptance and handling of all wastes.

These procedures shall include details of the pre-treatment of all waste to be carried out prior to acceptance at the facility.

Because of the additional challenge posed by the multitude of separation facilities sending waste to the site, we submit that the Agency should be more specific in the licence conditions about the procedures for the examination, testing, acceptance and handling of all wastes including details of the pre-treatment to be carried out prior to acceptance.



3. Leachate Treatment

Dr Johnston recognised this as a particularly critical issue at this site—


In short, the hydrological assessment in the EIS was seriously deficient although a 'worst case' approach was used for design purposes. However, provided the hydrological and hydrometeorological regime can be confirmed on site, including a full delineation of the surface and groundwater catchments involved, and the operational difficulties of a wet and windy site are accepted, the site could be engineered to contain and manage the relevant emissions – i.e. capping, lining and leachate/gas/stormwater emission control. [P 78]

The licence contained a requirement to have confirmation from the Council about the suitability and operational effectiveness of the Mallow Waste Water Treatment Plant. Up to date evidence should be sought and produced at this stage in relation to the plant's ability to ensure compliance with the requisite standards currently and into the future once the leachate is arriving at the plant from Bottlehill.

4. Hydrological and hydrometeorological study and catchment delineation.

As the quotation above shows, there was an outstanding need for the hydrological and hydrometeorological regime to be confirmed on site, and for a full delineation of the surface and groundwater catchments involved. That remains to be done so far as we are aware. This review presents an opportunity to complete these tasks. Recent extreme rainfall events underline the necessity to obtain this information.

Yours sincerely,



Joe Noonan,

NOONAN LINEHAN CARROLL COFFEY

