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Comhairle Cathrach Chorcaí Cork City Council

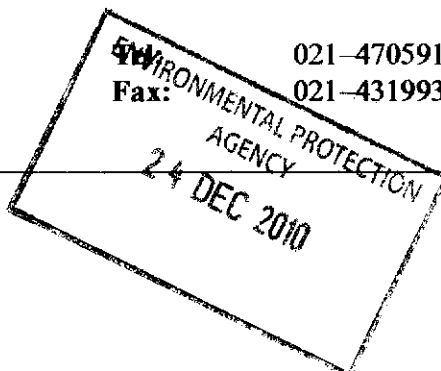


CITY HALL
CORK

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Kinsale Road Landfill Site
Landfill Office

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Environmental Protection Agency,
P.O. Box 3000,
Johnstown Castle,
Wexford.

22nd December 2010

Our Ref: 1476

Your Ref: WOO12-03

Re: Notification in accordance with Section 42(2) of the Waste Management Acts, 1966 to 2010, of a proposed decision on an application for a review of a waste licence, in respect of a facility at Kinsale Road Landfill, Ballyphehane, Curraghconway, Inchisarsfield, South City Link Road, Cork.

I refer to letter dated 29th November 2010 from Sonja Smith, Programme Officer, Office of Climate, Licensing & Resource Use regarding notification of the Agency's proposed decision on application for a review of a waste licence in respect of a facility at Kinsale Road Landfill, Ballyphehane, Curraghconway, Inchisarsfield, South City Link Road, Cork.

Cork City Council is objecting to a number of Conditions contained in the proposed decision.

The specific Conditions to which the Council are objecting and the reasons for making of an objection are set out in the attachments.

We trust that careful consideration will be given to our submission.

The required fee of €500 payable to EPA for making of an objection was transferred electronically by Cork City Council to the EPA on 20/12/2010.

I attach paper copy of transfer.

These documents are being dispatched to you by registered post on the 23rd December 2010 to ensure they are with you well before 4th January 2011, the closing date for receipt of making an objection. In view of the present severe weather and road conditions, and possible delays to postal deliveries over the Christmas holidays, I would be obliged if you would acknowledge receipt of these documents by e-mailing john.twomey@corkcity.ie

Yours sincerely,

Michael O'Brien,
Senior Engineer,
Environment Directorate.

INTRODUCTION PAGE – Include Timber Reprocessing area

Licence Condition	Detail	Grounds for Objection / Clarification
3.10.1 Firewater Retention	The licensee shall carry out a revised risk assessment that includes the proposed Waste Transfer Station, to determine if the facility should have a fire retention facility. The licensee shall submit the assessment and a report to the Agency on the findings and recommendations of the assessment within six months of the date of grant of this licence.	Grounds for Objection: Cork City Council has not yet determined when/if the proposed Waste Transfer Station will be constructed. It is proposed that this report be submitted to the Agency within three months in advance of commencement of construction.
6.15.4 Emissions to Surface Water	The licensee shall, within three months of the date of grant of licence, submit to the Agency for its agreement trigger levels for TOC, conductivity and pH for the water entering the storm water retention pond (SRP1) prior to reed bed treatment (using the methodology outlined in <i>Kinsale Road Landfill - Target Levels for Surface Water</i> : Attachment 8 of Article 14(2)(b)(ii) information - 13 th May 2009). The proposal shall include: (i) trigger levels which when exceeded shall require the licensee to divert the storm water to the sewer via SD1. In the intervening period the following trigger levels for diversion of storm water to sewer shall apply at SRP1: Conductivity: >1,750µS/cm; TOC: >75mg/l, and; pH: <6 or >9	Grounds for Objection: The proposed timeframe is considered to be onerous taking in to account the totality of reporting required under this Proposed Licence as well as the lead in time for procuring / appointing suitably qualified consultants. Cork City Council requests that the date for submission of the report on trigger levels be increased to six months of the date of grant of licence.
6.15.5 Emissions to Surface Water	The licensee shall, within three months of the date of grant of licence, submit to the Agency for its agreement, Ammonia warning and action level values for: (a) storm water entering the storm water retention pond (SRP1), prior to reed bed treatment, and (b) the storm water discharge from the reed bed treatment system to the receiving water (SRP5).	Grounds for Objection: The proposed timeframe is considered to be onerous taking in to account the totality of reporting required under this Proposed Licence as well as the lead in time for procuring / appointing suitably qualified consultants. Cork City Council requests that the date for submission of the report on ammonia warning and action level values be increased to six months of the date of grant of licence.

6.15.6 Stormpond & Reedbed	The licensee shall, within three months of the date of grant of this licence, submit to the Agency for its agreement a response programme for the exceedance of a trigger, warning or action level value. This response programme shall include such actions as are necessary to ensure there will be no emissions to surface water of environmental significance.	<p>Grounds for Objection:</p> <p>The proposed timeframe is considered to be onerous taking in to account the totality of reporting required under this Proposed Licence as well as the lead in time for procuring / appointing suitably qualified consultants.</p> <p>Cork City Council requests that the date for submission of the programme of response for the exceedance of a trigger, warning or action level value be increased to six months of the date of grant of licence.</p>
6.16.1 Groundwater	Within three months of the date of grant of this licence and thereafter as may be proposed by the licensee, the licensee shall submit to the Agency for its agreement revised groundwater monitoring trigger levels in accordance with the requirements of Council Directive 1999/31/EC and having regard to the European Communities Environmental Objectives (Groundwater) Regulations, 2010 (S.I. No. 9 of 2010).	<p>Grounds for Objection:</p> <p>The proposed timeframe is considered to be onerous taking in to account the totality of reporting required under this Proposed Licence as well as the lead in time for procuring / appointing suitably qualified consultants.</p> <p>Cork City Council requests that the date for submission of the report on groundwater monitoring trigger levels be increased to six months of the date of grant of licence.</p>
6.16.4 Groundwater	The licensee shall, within three months of the date of grant of this licence, submit to the Agency for its agreement a revised groundwater conceptual model for the facility, in accordance with BS 10175:2001 or ASTM E1689-95(2008), which identifies potential contaminants, pathways, receptors and includes contour plots (vertical and horizontal) for all identified contaminant plumes. The revised model shall be used to assist in the determination of the Programme of Measures specified in Condition 6.16.5 and shall be updated upon completion of the remediation measures and thereafter as required by the Agency.	<p>Grounds for Objection:</p> <p>The proposed timeframe is considered to be onerous taking in to account the totality of reporting required under this Proposed Licence as well as the lead in time for procuring / appointing suitably qualified consultants, engaging suitably qualified well drilling contractors and analysis of samples.</p> <p>Cork City Council requests that the date for submission of the report on revised groundwater conceptual model for the facility be increased to twelve months of the date of grant of licence.</p>

<p>6.16.5 Groundwater</p>	<p>The licensee shall within six months of the date of grant of this licence, submit to the Agency for its agreement a detailed programme of remediation measures to be undertaken for groundwater contaminants identified to the east and south-east of the landfill. The programme of measures shall have the objective of:</p> <ul style="list-style-type: none"> (i) limiting the input of pollutants into groundwater; (ii) preventing or reversing, as appropriate, any significant and sustained upward trends in pollutant concentrations; (iii) preventing the deterioration of the status of the groundwater body; and (iv) enhancing the quality of the groundwater body in accordance with the requirements of the Groundwater Directive. <p>The licensee shall implement all measures within a timeframe as agreed or as instructed by the Agency.</p>	<p>Grounds for Objection:</p> <p>The timeframe for completion of the report on a detailed programme of remedial measures report outlined in this condition should be considered in association with 6.16.4</p> <p>Cork City Council requests that the date for submission of the report on the programme of remediation measures to be undertaken for groundwater contaminants identified to the east and south-east of the landfill be increased to fifteen months of the date of grant of licence.</p>
<p>6.23.5 Landfill Gas</p>	<p>In order to minimise release of untreated landfill gas at nuisance forming concentrations/volumes, the landfill gas flare shall be capable of operating with a gas support fuel (e.g. natural gas) to allow effective treatment of landfill gas in the event that the landfill gas itself cannot support combustion. Alternative appropriate treatment techniques may be employed with the written prior approval of the Agency.</p>	<p>Grounds for Objection:</p> <p>Cork City Council objects in principle to this condition on the grounds that "bad gas" is not combustible. The quantity and quality of the landfill gas available for combustion shall decline with time. At some point in the future the nature of the gas shall be of such poor quality that it will no longer be feasible to utilise or burn it. The "bad gas" will be extracted from the site under negative pressure. The addition of natural gas or other combustible gases to the mixture would represent a wasteful use of a non renewable resource at an exorbitant cost to the City Council.</p> <p>On exhaustion of the "good gas" available for utilisation or burning Cork City Council shall liaise with the Agency to discuss alternative appropriate treatment techniques.</p>

6.26.2 (iv) Odour Control & Monitoring	Arrangements for the bi-annual preparation of an independent assessment and report on surface VOC emissions at the facility following completion of waste acceptance in any cell/sub-cell	<p>Grounds for Objection:</p> <p>Cork City Council requests that this condition be removed as it no longer applies to Kinsale Road Landfill Site. Landfilling of waste at the facility ceased on 16th July 2009. Final capping is ongoing and is due for completion by October 2011, at which stage the area surrounded by the SWALE will be fully capped.</p>
6.31.1 Nuisance Monitoring	The licensee shall, at a minimum of weekly intervals, inspect the facility and its immediate surrounds for nuisances caused by litter, vermin, birds, flies, mud, dust and odours. The licensee shall maintain a record of all nuisance inspections and any action taken as a result of these inspections.	<p>Grounds for Objection:</p> <p>Cork City Council considers this condition to be inappropriate as the facility no longer operates as a landfill site.</p> <p>The City council has no objection to carrying out these inspections on a monthly basis at the Civic Amenity Site and the proposed Waste Transfer Station when in operation.</p>
10.1 Closure, Restoration and Aftercare Management	The licensee shall restore the facility on a phased basis in accordance with the Closure, Restoration and Aftercare Management Plan as agreed under Condition 10.10.1. Unless otherwise agreed, all uncapped areas of the landfill footprint shall be permanently capped by 1 st February 2012.	<p>Cork City Council has already capped the NW part of the site under the existing playing pitch and access road and will have completely capped the entire area within the SWALE in the near future (24hectares approx.)</p> <p>The remaining areas within the boundary of the site includes:</p> <ul style="list-style-type: none"> (a) the wetlands and wildlife area which should remain undisturbed; (b) the proposed all weather events area in the northern part of the site; (c) an area designated for City Council Depots; (d) site of the proposed Waste Transfer Station. <p>Regarding (a) above this area remains undisturbed and is in its original natural state free of waste.</p> <p>Any interference in this area will result in altering the water balance and biodiversity in the area.</p> <p>Regarding (b), (c) and (d) above the waste underlying these areas of the site by virtue of age is deemed to be inactive and currently pose no risk to the environment.</p> <p>In the event of the City Council developing any or all of these sites in the future, a risk assessment will be carried out to determine any mitigation measures (including capping) that may be required.</p>

	<p>10.10.1 CRAMP Closure, Restoration and Aftercare Management Plan</p>		<p>The licensee shall prepare, to the satisfaction of the Agency, a fully detailed and costed plan for the closure, restoration and long-term aftercare of the site or part thereof. This plan shall have regard to the commitments given in the application documentation for Licence Register Number W0012-03 (as may be varied herein, or otherwise amended as notified in the AER and approved in writing by the Agency). This plan shall be submitted to the Agency for agreement within six months of the date of grant of this licence.</p>
<p>Cork City Council wishes to bring the following concerns to the attention of the Agency. (1) Normal final capping construction involves the placement of subsoil and topsoil over the gas barrier membrane as work progresses. (2) Cork City Council is carrying out final capping works in accordance with SEW as approved by the Agency.</p>	<p>Grounds for Objection: The proposed timeframe is considered to be onerous taking in to account the totality of reporting required under this Proposed Licence as well as the lead in time for procuring / appointing suitably qualified consultants. Cork City Council requests that the date for submission of the CRAMP be increased to twelve months of the date of grant of this licence.</p>		

<p>12.3.2 Environmental Liabilities</p>	<p>The licensee shall arrange for the completion, by an independent and appropriate qualified consultant, of a comprehensive and fully costed Environmental Liabilities Risk Assessment (ELRA) to address the liabilities from past and present activities. The assessment shall include those liabilities and costs identified in Condition 10 for execution of the CRAMP. A report on this assessment shall be submitted to the Agency for agreement within twelve months of date of grant of this licence. The ELRA shall be reviewed as necessary to reflect any significant change on site, and in any case every three years following initial agreement. The results of the review shall be notified as part of the AER.</p>	<p>Grounds for Objection: The proposed timeframe is considered to be onerous taking in to account the totality of reporting required under this Proposed Licence as well as the lead in time for procuring / appointing suitably qualified consultants. Cork City Council requests that the date for submission of the ERLA be increased to eighteen months of the date of grant of this licence.</p>
<p>SCHEDULE C: Control & Monitoring C.4.2 Monitoring of Emissions to Sewer</p>	<p>Parameter Temperature</p> <p>Monitoring Frequency Weekly</p> <p><i>Consent of copyright owner required for any other use. For inspection purposes only.</i></p>	<p>Grounds for Objection: Cork City Council requests that the requirement for measuring the temperature at the sewer be removed. The discharge to sewer at SD1 is approx.800 linear metres from the Leachate Conditioning Plant and is at ambient temperatures.</p>

<p>SCHEDULE A – G Monitoring & Reporting</p>	<p>Monitoring & Reporting to the Agency.</p>	<p>Cork City Council has examined the monitoring requirements under this Proposed Decision and has concluded that the frequency of monitoring is more onerous than the conditions set out in Waste Licence W0012-02.</p> <p>The landfill site ceased accepting waste as of 16th July 2009 and the active phase to the landfill will be capped in the near future. These capping works will increase the capture of landfill gas from the site and dramatically reduce the inflow of rainfall to the waste body.</p> <p>Accordingly the potential for environmental impacts arising from facility will be minimised.</p> <p>Cork City Council considers the frequency of monitoring outlined in the Proposed Decision to be excessive taking in to account the mitigation measures, pollution abatement and control technologies put in place by the licensee at considerable expense.</p> <p>Cork City Council requests that the frequency of monitoring be reduced by 50% (with the exception of Annual Monitoring) for a period of one year from the date of the grant of the licence.</p> <p>Following this period, a review of the results can be undertaken in agreement with the Agency to determine the future monitoring requirements in respect of each of the parameters and associated monitoring frequencies.</p>
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