

REPORT TO: Cabinet Member, Environmental
DATE: 7th April 2010
SUBJECT: **UPDATE ON PORT RELATED ACTIVITIES**
WARDS AFFECTED: Linacre, Ford, Derby and Church
REPORT OF: Peter Moore
Environmental and Technical Services Director
CONTACT OFFICER: Mr G Martin
Principal Environmental Health Officer
0151 934 2098
**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To advise the Cabinet Member - Environmental on the environmental aspects of Port activities for the year 2009.

REASON WHY DECISION REQUIRED:

The annual Docks Report provides information and progress on a range of environmental issues. Any notable incidents that occur during the year will be the subject of a separate specific Cabinet Member - Environmental report.

RECOMMENDATION(S):

That the Cabinet Member - Environmental notes the report and the continuing improvements being made towards minimising the environmental impact of Port activities.

KEY DECISION: No

FORWARD PLAN: Not applicable

IMPLEMENTATION DATE: Immediately following the expiry date of the "call-in" period for the Minutes of this meeting.

ALTERNATIVE OPTIONS:

The current arrangements for minimising environmental impact from the docks involves regular liaison with the Docks Company and, where necessary, the use of the Council's statutory powers. This approach has proved effective and any alternative is likely to prove less effective in balancing the needs of the Company and the local community.

IMPLICATIONS:

Budget/Policy Framework: None.

Financial: None

<u>CAPITAL EXPENDITURE</u>	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal: None

Risk Assessment: N/A

Asset Management: N/A

CONSULTATION UNDERTAKEN/VIEWS

NONE

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		✓	
2	Creating Safe Communities		✓	
3	Jobs and Prosperity		✓	
4	Improving Health and Well-Being	✓		
5	Environmental Sustainability	✓		
6	Creating Inclusive Communities		✓	
7	Improving the Quality of Council Services and Strengthening local Democracy	✓		
8	Children and Young People		✓	

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

None

Background

1. This report examines the issues that have arisen in respect to Port activities in 2009. Complaints fall into four categories that are discussed below. The total number of complaints received is shown in Table 1 and in more detail in Annex A. General air quality issues are also discussed.

Noise

2. A total of 7 noise complaints were received during 2009 as detailed below:-
3. In February 2009 a resident from the Bootle area contacted the Council regarding unspecified noise coming from the Dock area. The complainant was issued with log sheets and an officer from the Environment Team left a number of telephone messages on the complainant's answerphone requesting clarification on the noise problem. The customer did not return log sheets or respond to the messages left. No further action was possible and the case was closed.
4. In April 2009 a complaint about construction noise on the dock estate was received from a resident in the Seaforth area. An officer from the Environment Section contacted the Docks Company and identified that the noise was caused by construction of a new docks building during the early hours of the morning. A visit was made to the construction site and the site foreman was advised about appropriate hours of work. Contact was made with the complainant who advised that no further early morning noisy works were happening and the client was satisfied. The case was then closed.
5. In June 2009 a resident from Bootle made a complaint about a motor type noise. The complainant was contacted and requested to keep a log of the noise to ascertain if there was a pattern to the noise and return the completed logs back to us. No log sheets were returned by the complainant and the case was closed.
6. In August 2009 a Seaforth Resident made a complaint about general noise coming from the dock area. Contact was made with the complainant who was requested to complete and return logs detailing the noise disturbance. No logs were returned and as such no further action was possible.
7. In December 2009 a Seaforth resident made a complaint about an intermittent generator type noise allegedly coming from an ACL container ship whenever it berthed in the dock. The complainant was requested to Log the noise and also contact the Docks Company on the dedicated complaint line whenever the noise was a problem. Log sheets were returned by the complainant and the officer investigating the case made contact with the Docks Company. Investigations were conducted and a refrigerator unit on an ACL ship was identified as the noise source. The operator of the ship was advised to turn the refrigerator off when not in use and the complainant reported that the noise is no longer a problem. The case has now been closed.

8. A further noise complaint was received in December from a Litherland resident regarding a generator type noise that continued constantly throughout the nighttime period. In accordance with the docks complaint procedure, the complainant was requested to log the disturbance and return the completed log. Contact was also made with the Docks Company who agreed to undertake initial investigations. These investigations are ongoing.
9. In December 2009, a Waterloo resident contacted the Council to complain about noise allegedly from European Metal Recycling (EMR) processing metal until 10pm. Contact was made with the Docks Company, the Environment Agency, who issue a waste management licence for the site, and the complainant who was requested to complete noise log sheets. This investigation is ongoing.

Dust

10. In total 4 complaints regarding dust from the docks were received in 2009.
11. In April 2009 a dust complaint was received from a Bootle resident. The resident was contacted and agreed to complete and return a dust log sheet as the problem was intermittent. No log sheets were returned by the client and the case was closed.
12. A further complaint about intermittent dust was received in April from a Waterloo resident. The client agreed to log the times when the dust was a problem and return the log sheets for investigation. No log sheets were returned and the case was closed.
13. In July 2009 a Bootle resident complained about dust collecting on his windowsills. The complainant was issued with log sheets that were subsequently completed and returned. Samples of the dust that had settled on the complainant's property were taken for analysis. The main constituents were found to be sand, soil and burnt carbon from road traffic and combustion. There was no evidence of dust from the operations associated with the docks complex. In view of the results of the analysis no further action was possible, the complainant was contacted and the case closed.
14. In September 2009 a Bootle resident contacted the Council about brown dust at her property. An officer visited the complainant and observed significant accumulations of brown dust deposited on her property and in the surrounding area. The source of the dust was thought to be associated with scrap metal handling. The scrap metal operations near to the complainant's premises at the docks are controlled by a Waste Management Licence issued and enforced by the Environment Agency (EA). Staff from the Council's Environment Section are due to meet with the EA and a major scrap metal operator in the near future to examine the problem in more detail and to try and secure an improvement.

15. As a direct result of information provided by the Council's Environmental Protection officers about a dust incident involving scrap metal operations at EMR on 7 June 2008, EMR Ltd at Alexandra Dock accepted a formal caution for a breach of permit condition. This action was taken by the Environment Agency for non-compliance with the Waste Management Licence contrary to Section 42 of the Environmental Protection Act 1990 at this site.

Odour

16. A total of 5 complaints about odour from the dock complex were received in 2009 which are detailed below:
17. In June 2009 an odour complaint was received from a Bootle resident. An officer visited the area within an hour of receiving the complaint but no odour could be detected at the complainant's premises. The officer undertook further assessments on the dock estate, but no odour was identified. The complainants were requested to contact the department again should they be affected by the odour in future. No further contact was received and the complaint was closed.
18. In July 2009 a Seaforth resident complained about a gas smell over a weekend period alleging that the docks were the source of the odour. Contact was made with the complainant the next working day that confirmed that the odour was no longer present. An officer contacted the Docks Company and Transco to ascertain whether any other complaints had been received and whether any source had been identified. No complaints had been received by these organisations and no source could be identified. The complainant was updated and requested to contact the Department again should the problem recur. No further action was possible.
19. In August a complaint regarding a gas type smell was received from a Bootle resident. An officer visited on the day of the complaint. However, the odour had disappeared and the source could not be traced. The customer was requested to contact the department should the odour recur. No further contact has been received and the complaint closed.
20. A further unspecified odour complaint was received in August from a Bootle resident. The complainant was issued with log sheets to complete and return. The complainant was also contacted by telephone and 2 voice mail messages left. The complainant did not return any log sheets or return the voice mail call. No further action was possible.
21. A complaint about an animal feed type odour was received in October 2009. The complainant was contacted who advised that the odour had dissipated. The client was requested to contact us if the odour recurred. No further contact was received and the case closed.

Water

22. In April 2009 a Bootle resident contacted the department advising that water in the docks was polluted. The customer was contacted and advised that the Environment Agency is responsible for dealing with water pollution matters and his complaint was referred to them.

Air Quality

23. The Council formally declared three Air Quality Management Areas (AQMAs) in January 2009. The AQMAs are located at the bottom of Princess Way, along the A565 between South Road and College Road and in the area around Millers Bridge. The Authority will shortly be completing a Further Assessment of air quality in each of these areas. The Further Assessment is a more in-depth analysis of air quality in the Management Areas and will include a detailed source apportionment and modelling exercise. Work has begun on developing Action Plans for each AQMA to try and secure compliance with the Air Quality Objectives. Residents and the wider community have been informed of the declaration and consulted as to what they see as the key issues in the Management Areas and the actions they perceive would be most effective. Further consultation will be undertaken as the Action Plan is developed.
24. The AQMAs are heavily influenced by traffic but investigations showed that the Millers Bridge AQMA was also influenced by emissions from two operations on the Port, EMR and JMD Haulage. Officers from the Council's Environment Section are working closely with the Environment Agency to look at possible dust management improvements at EMR. JMD haulage has now relocated. The relocation was phased beginning in August 2008 and was completed at the beginning of 2009.
25. The number of exceedances of the PM10 (small dust particles) daily standard measured at Millers Bridge in 2009 remained significantly lower than in 2007. Monitoring and assessment will continue but it would appear that the improvements in dust control achieved at EMR and the relocation of JMD haulage have had a beneficial effect
26. EMR obtained planning permission for a pyrolysis plant to process automotive shredder waste generated on site. The plant will lead to a significant reduction in vehicle movements, which will benefit the Air Quality Management Areas. The Environmental Protection Department raised concerns following their analysis of the applicant's submitted data about the emission of chromium. The analysis showed that the ambient levels of chromium VI would exceed the new proposed EPAQS (Expert Panel on Air Quality Standards).
27. The Environment Agency is responsible for ensuring that processes of this type comply with the relevant emission standards (for all emissions including noise) through the issue of a permit to operate. It is a requirement of the permitting process that the Local Authority is consulted on all new permit applications.

Planning Committee has formally requested Environmental Protection Officers to convey their concerns regarding chromium levels to the Environment Agency and that the Environment Agency is requested not to issue a permit until it can be shown that all the relevant standards, in particular the new EPAQS standard for chromium VI, can be complied with.

General

28. Close liaison with the Docks Company has continued in 2009 and a number of meetings have been held which have dealt with environmental issues and improvements. The Docks Company agreed to reinstate the out-of-hours complaint contact number, where residents can lodge a complaint direct with company, and this number is now operational (tel 0151 949 1212). Joint working between Environmental Health, Port Health and the Environment Agency has continued and all now attend the Docks Liaison Meetings.
29. As can be seen, given the nature of the operations on the dock estate, the level of complaints remains low. It is hoped that continued close working with all the appropriate agencies will continue to help minimise the impact that the docks have on local residents and the environment.
30. Any significant issues relating to the port that arise during 2010 will be reported to the Cabinet Member through the quarterly performance monitoring process.

Table 1: Docks complaints summary

	2006	2007	2008	2009
Cargill Brocklebank - odour	0	0	0	0
Cargill Seaforth - odour	0	0	0	0
Odour - other	107	2	2	5
E.ON - dust	3	2	1	0
EMR - dust	2	2	1	1
Other - dust	5	1	1	3
EMR - noise	1	1	0	1
Other - noise	9	8	13	6
Smoke	1	0	0	0
Light	0	0	0	0
Waste on land	0	0	0	0
Air Quality	3	0	0	0
other	0	0	4	1
Total	131	16	22	17

Annex A : Annual Complaints Summary By Month

Port Related Complaints 2007

	J	F	M	A	M	J	J	A	S	O	N	D	Total
Cargill Brocklebank - odour	0	0	0	0	0	0	0	0	0	0	0	0	0
Cargill Seaforth - odour	0	0	0	0	0	0	0	0	0	0	0	0	0
Odour - other	1	0	1	0	0	0	0	0	0	0	0	0	2
E.ON UK - dust	0	0	0	0	1	1	0	0	0	0	0	0	2
EMR - dust	0	0	0	0	1	0	0	1	0	0	0	0	2
Other - dust	0	0	0	1	0	0	0	0	0	0	0	0	1
EMR - noise	0	0	1	0	0	0	0	0	0	0	0	0	1
Other - noise	0	1	0	1	0	2	1	0	0	2	1	0	8
Smoke	0	0	0	0	0	0	0	0	0	0	0	0	0
Light	0	0	0	0	0	0	0	0	0	0	0	0	0
Air Quality	0	0	0	0	0	0	0	0	0	0	0	0	3
Total	1	1	2	2	2	3	1	1	0	2	1	0	16

Port Related Complaints 2008

	J	F	M	A	M	J	J	A	S	O	N	D	Total
Cargill Brocklebank - odour	0	0	0	0	0	0	0	0	0	0	0	0	0
Cargill Seaforth - odour	0	0	0	0	0	0	0	0	0	0	0	0	0
Odour - other	0	1	0	0	0	0	0	1	0	0	0	0	2
E.ON UK - dust	0	0	0	0	0	0	1	0	0	0	0	0	1
EMR - dust	0	0	0	0	0	1	0	0	0	0	0	0	1
Other - dust	0	0	0	0	1	0	0	0	0	0	0	0	1
EMR - noise	0	0	0	0	0	0	0	0	0	0	0	0	0
Other - noise	2	3	0	1	0	0	3	1	1	0	2	0	13
Smoke	0	0	0	0	0	0	0	0	0	0	0	0	0
Light	0	0	0	0	0	0	0	0	0	0	0	0	0
Air Quality	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	4	0	0	0	0	0	0	4
Total	2	4	0	1	1	5	4	2	1	0	2	0	22

Port Related Complaints 2009

	J	F	M	A	M	J	J	A	S	O	N	D	Total
Cargill Brocklebank - odour	0	0	0	0	0	0	0	0	0	0	0	0	0
Cargill Seaforth - odour	0	0	0	0	0	0	0	0	0	0	0	0	0
Odour - other	0	0	0	0	0	1	1	2	0	1	0	0	5
E.ON UK - dust	0	0	0	0	0	0	0	0	0	0	0	0	0
EMR - dust	0	0	0	0	0	0	0	0	1	0	0	0	1
Other - dust	0	0	0	2	0	1	0	0	0	0	0	0	3
EMR - noise	0	0	0	0	0	0	0	0	0	0	0	1	1
Other - noise	0	1	0	1	0	1	0	1	0	0	0	2	6
Smoke	0	0	0	0	0	0	0	0	0	0	0	0	0
Light	0	0	0	0	0	0	0	0	0	0	0	0	0
Air Quality	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	1	0	0	0	0	0	0	0	0	1
Total	0	1	0	4	0	3	1	3	1	1	0	3	17