

CLOSING STATEMENTS: EPA Oral Hearing Ref: PD 186-1

We set out by posing 7 questions to the EPA. I propose to summarise our impressions in attempting to get answers to these questions.

1. Are the Process / Operations defined?

The Inputs: The Applicant went to some lengths to emphasise that they were quite familiar with the wastes from their Irish Customers. They emphasised that Irish wastes were simple wastes and yet gave no convincing explanation as to why they wanted such a broad Waste Licence to accept a multitude of different waste streams in order to deal with these “simple Irish wastes”. It was suggested to them that they wanted to import waste. This possibility although discounted by them is a quite legal option it would appear.

After 11 days of submissions by both the Applicant and the Objectors I now know that the Applicants have experience of brokering wastes from the Pharmaceutical and Electronics industries. I expect that sludge's from these industries and possibly Toluene and Hexane solvents would be incinerated in the plant. Regarding characterisation of inputs this is all I am sure of. However regarding the characterisation of any further wastes I am still none the wiser.

The Outputs: Values which purported to be “Typical Emissions Values” were taken from their Belgian Incinerators neither of which used the same technology as the proposed plant in Ringaskiddy. No mention was made as to what was being incinerated at the time the values were taken. These unqualified “Typical Emission Values” assumed premier importance when used as part of theoretical predictive modelling of emissions from the proposed plant. Nevertheless these “Typical Emission Values” remain unqualified as to the capability of the equipment from which they were obtained and the identity of the materials that produced them.

2. Are all potential Hazards identified?

The Applicant described their Incoming Materials System for Bulk Tankers of Waste and most questioning that referred to any other types of waste eventually found its way back to a description of that system. Any discussion of the hazards of incompatible wastes similarly found its way back to a discussion of how well they knew their customers waste streams and how bulk tankers were accepted.

The risk of flooding of the facility was not treated seriously by the Applicant or their Consultants both in terms of Facility Design and in terms of Hazard Identification. Local Knowledge regarding a history of flooding on the proposed site, the presence of Inversions or the presence of a high pressure gas main were not taken into account. Similarly local concern for “Swarf Fires” in the Hammond Lane facility was also not taken seriously. There appeared to be more of a preoccupation with being right than objectively measuring and analysing. This was particularly shown in the case of the background Nickel levels which were attributed to Irish Ispat and additional surveys distant from the site used to justify a likely but not conclusive result. Similar ambiguity occurred with Dioxin and Particulate sampling.

Consultants are only as good as the data given. Response is only as good as the person reading the consultants report. Without a suitable experience base no meaningful action can take place.

3. Is the technology BATNEEC?

Serious doubt was raised about both the effectiveness and currency of the technology. Most answers came back to recommendations from the Belgian plants or “that it is in use all over Europe”. Meaningful discussion was hampered by not having completed a cost benefit and technical analysis of the alternatives or the appellant not having considered Technology that was other than that suggested by their Belgian expert. The nature of the hearing itself hampered real insight into what consideration went into the choice of technology. Did the selection of the technology chosen come from analysis of the waste streams or did the selection of the waste streams come from the selection of the technology?

I would have welcomed seeing their Belgian in-house expert at the hearing. In his absence I am left with a lingering feeling that my technique of questioning should have been better rather than a “warm” feeling of security about the choice of technology made.

4. Have VOC Emissions been addressed?

Volatile Organic Compounds Emissions have not been adequately addressed in the Licence Application as per EEC1999/13 and “Emissions of Volatile Organic Compounds from Organic Solvents Regulations 2002”. The Irish Government does indeed have a management plan, the Applicant does not and they are supposed to.

5. Will there be significant air pollution (deterioration of Air Quality) due to this development?

The effects of significant simultaneous developments such as Aghada Power Station were not addressed. This may be a planning issue to the Consultants but a vital pollution issue to a local resident. No modelling took place around potential impacts.

Higher than expected background VOC levels were attributed to traffic levels. The presence of Hammond Lane Swarf heaps (metal chips some of which originated from metal cutting operations which use cutting fluids) were not considered as the most likely source of these background levels. More familiarity with the proposed site might have helped to build local confidence.

No one disagreed that the current rural levels of environmental Dioxin in the Ringaskiddy area would be elevated to levels more typical of a heavily industrialised area if the Plant was built. The debate centred on whether this mattered. If chloroacne is the only negative effect acknowledged then the debate on health effects is indeed simplified. But it is not the only effect.

Local Knowledge regarding the presence of Inversions in the harbour area was discounted because it did not fit the chosen model. So several years on arguments continue about the models but we still have no real measured data. At this point without real measured data no conclusions will ever be trusted.

6. Is the Licensee competent to operate this facility and avoid breaches of the license?

The Belgian Incinerator Plants are a significant technical resource for the Applicant and have been in operation for the last 10 to 17 years and predate the advent of the 2000 Incineration Directive. These facilities are still not compliant with the directive requirements. More significantly reading accounts of the 2002 Dioxin exceedence in the Antwerp Plant suggest a procedural reason as the root cause of the incident. These issues cast doubt on the strength of this technical resource but more significantly they draw the “culture of regulation” of the plants into question.

Competence in operating Irish facilities was held as evidence of competence in operating the proposed facility. Confidence was expressed that a Turnkey provider would install the plant, train the personnel and stay on for an additional 12 months to iron out any problems.

The commercial and technical competence of the Applicant in conducting their current business was conveyed convincingly to me. However I see no evidence to indicate that the any member of the current Irish technical personnel has the seasoned engineering experience or competence to control, the design, construction and operation of such a significant facility in Ringaskiddy without breaches of their licence.

7. Is the license application Valid?

If this were a clear cut question there would be no debate and we would not be here. The vary fact that there is such intense debate around this application echoes the deep lack of clarity and uncertainty that exists regarding almost every aspect of the licence application and the Proposed Determination. There is both a mistrust and misunderstanding of the technology under question in this debate, we suggest that we have not been convinced that the misunderstanding is exclusive to either party.

We would argue that to confirm a licence in the midst of so many unanswered questions, models rather than measurements and conjecture rather than certainty is not in the long term interest of any group the Applicant, the Objectors or the Licensing Authority.

It remains our considered conclusion that although the EPA has granted a draft licence to Indaver Ireland the licence application is invalid for the following Reasons:

1. Process / Operations are unknown
2. Additional Hazards were not identified
3. The technology is not BATNEEC
4. VOC Emissions are not addressed
5. There will be a deterioration of Air Quality due to this development
6. The company's has a Poor Safety Record
7. The License application is not valid