

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

November 16th 2004,

RE: Waste Licence for a waste management facility including a hazardous and non-hazardous waste incinerator.

REGISTER NO. 186-1

APPLICANT: Indaver Ireland

LOCATION: Ringaskiddy, Co. Cork.

Dear Sirs,

We the above organisation in relation to the proposed decision to grant two draft waste licences to Indaver Ireland would like to make the following observations.

### **Health & Safety**

The then minister for Enterprise, Trade and Employment Ms. Mary Harney signed into law in January 2003 statutory instrument No. 53 of 2003. This dealt with safety, health and welfare at work. It is our opinion that these measures as signed in to law regarding health and safety in the work place could not be carried, out due to the fact that this proposed site floods on an annual basis a primary example of this could have been seen from the flooding that occurred on and around October 28<sup>th</sup> 2004.

New regulations, defining the term competent person and imposing new obligations on employers in respect of fire fighting and first aiders, have been signed into law by the Government. The new regulations define a competent person as: *“For the purpose of the relevant statutory provisions, a person shall be deemed to be competent where, having regard to the task he or she is required to perform, and taking account of the size of the hazardous (or either of them) of the undertaking or establishment in which he or she undertakes work, he or she possesses sufficient training, experience and knowledge appropriate to the nature of the work to be undertaken”*. We believe that the project manager (Ms. Jackie Keavey formerly the communications manager for Indaver) as well as the company itself fail miserably under the above. Indaver Ireland by their own admission at a public oral hearing into the planning application have stated that this was new technology to them as they had never operated a fluidised bed grate incinerator.

When the health and safety authority issued a letter to Indaver Ireland saying they did not have a problem with this facility they were not in full possession of all the facts. They were unaware of the gas lines that run through the site. All models used by Indaver Ireland and accepted by the H.S.A. were based on a moving grate incinerator for the treatment of residual non-hazardous solid industrial, commercial and household waste. There was never a mention of a fluidised bed incinerator to the H.S.A.

### **Granting of the licence**

We are of the opinion that the granting of either licence to this company is premature and should be withdrawn immediately. The granting of these draft licences is not in line with the hierarchy of good waste management, which show incineration at the bottom. It is our opinion that all other methods should be employed before embarking down the road of incineration

There are alternatives to mass burn and mixed waste incineration which include Oxidation, pyrolysis/gasification and dehalogenation. Obviously the better option is always resource conservation. There are alternatives to waste incineration the best alternative is not to have the waste to incinerate. If you require further information it can be forwarded.

- The E.P.A. have granted a draft licence to Indaver Ireland for a hazardous waste incinerator whose planning permission maybe unlawful. This planning permission is currently being challenged in the High Court.
- The E.P.A. have also granted a draft licence to a company for a municipal waste incinerator. Indaver Ireland has not yet applied to Cork County Council for a municipal waste incinerator. We find it incredible that this should be the case. It seems to us that it would be harder to get a television licence.

Indaver Ireland will generate approx. 18MW of electricity 14MW, which will be sent to the national grid. What happens when the high calorific volumes to waste do not materialise? They also do not say how much they will take from the national grid to operate their plant.

We find it wholly unacceptable that the reasoning behind the decision to grant these licences to Indaver Ireland is that it was satisfied with the information available. This is unacceptable to the residents in Ringaskiddy whose health and environment will be put at an unacceptable risk because of this monster.

### **E.P.A. guidelines**

The granting of this draft licence to Indaver Ireland is not in compliance with section 4 of the 1992 E. P.A. act.

The granting of this draft licence is in direct contrast with the E.P.A.'s own mission statement. How can the E.P.A. justify the granting of such a licence when their mission statement is as follows *“To protect and improve the natural environment for present and future generations, taking into account the environmental, social and economic principles of sustainable development.”*?

The granting of this draft Licence to Indaver Ireland is a contradiction of the E.P.A.s own enforcement policy. The office of environmental enforcement states that it will work with voluntary groups we in this association are a voluntary group and we get no help whatsoever from the E.P.A. when we complain about the dust and the smells that are constantly in both villages of Shanbally and Ringaskiddy.

The granting of these draft licences fly in the face of the objectives and principles of enforcement of the E.P.A. Never has any industry in the Ringaskiddy area had their licence revoked or suspended by the E.P.A., who by their own admission have stated that they are under resources and are lacking in manpower.

### Global Warming

There have been numerous account all over the world where incinerators have had to close down because they were in breach of their licence many of these were termed **state of the art**. I can forward a long list if you require it. The U.S. E.P.A. has stated **THERE IS NO SAFE LEVEL OF DIOXIN**. Are the people of the lower harbour now being asked to be the guinea pig because Indaver Ireland a Belgian company want to make vast amounts of money by peddling their incinerators in Ireland when the trend in the U.S. and Europe is to close them down. With the cost of raw materials and tighter legalisation companies have less and less every year that goes for incineration. Einstein once said a clever person solves a problem, a wise person avoids the problem in the first place.

### The legacy of the E.P.A.

It is our opinion that the only reason the E.P.A. now seem to be dumping again on the residents of Ringaskiddy seems to be government policy. Governments come and go. Will this environmental catastrophe be the E.P.A.s legacy to the residents of Ringaskiddy who have done more for the common good than any other? We have stated time and time again that this site is not suitable. We have stated that this site is prone to flooding and coastal erosion. Indaver Ireland want to built a toxic waste incinerator on sandstone. Is the E.P.A. going to be responsible for the land filling of a toxic waste incinerator? I did not see in Mr. O'Briens report any mention of geology. When deciding on granting of licence would the E.P.A. as stated earlier come and talk to voluntary groups which the Ringaskiddy & District residents Association Ltd are one instead of taking the opinion of big business with a vested interest.

- Dr. Paul Connett, Prof. of Chem., St Lawrence University, N.Y says *“It is not possible to operate an incinerator 100% safely 24 hours a day every day of the year for 25 years.”*
- Dr. Paul Johnston, Head of Research, Exeter University U.K. says, *“With one possible exception I have never seen a worse choice of site for locating an incinerator”.*

- Dr. Vyvyan Howard Head of development toxicopathology, Liverpool, UK says, *“Dioxins are only the tip of the iceberg as far as contaminants for incineration are concerned. In laboratory test 95% of the chemical soup that comes out of the stack on an incinerator is unidentifiable due to its complexity and treated as if it does not exist”*.
- Fred de Baere, Belgian Environmental health Platform, victim of Sat. Nicklas Incinerator says, *“The Belgian Health Authority has recognised that incinerators harm human health. They are still being built due to commercial interest and Belgian governments involvement.”*

### **Government policy**

Indaver proposes to cap recycling at 260 tonnes per annum (0.13%) this is not in line with government policy, which would be closer to 40%. It is therefore a contradiction of government policy.

The E.P.A. continues to call itself independent to Government yet it has to conform to government guidelines.

### **Emissions**

What criteria if any has the E.P.A. put in place to make sure that there are no fugitive emissions from trucks which inevitably will be parked in the village of Ringaskiddy and outside the national maritime college.

Hazardous waste laden vehicles constitute a hazard on the roads to urban populations with the risk of traffic accidents involving toxic/flammable substances. This constitutes a health and safety hazard.

Air dispersal models were used. Where were they carried out? Unless they were carried out in Cork Harbour where the climate conditions are unique they should be found to be null and void.

We find it appalling that some and we do not know how many of the air quality assessments were estimated. Why were they all not measured are they people of Ringaskiddy now classed by government agencies as second class citizens? Who is looking after the health of the people in Ringaskiddy? Certainly not the E.P.A. who have gone on record as being a body that has to look after the interest of business. President Mary McAleese on her inauguration for a second term on Thursday said, *“The cushion of consumerism is no substitute for the comfort of community”*.

It is noted that dust monitoring was carried out. The residents in Ringaskiddy have for years been putting up with dust from the Port of Cork when the grain ships are being unloaded in the area. Residents who suffer from asthma have had to stay in doors. We have been told that there is no one in the E.P.A. that deals with dust.

Now all of a sudden when it comes to monitor for a waste licence for the Belgians they have an inspector but none when there are real problems with dust in Ringaskiddy.

Why was it left to the applicants to assess the risk to human health that is like letting the lunatics take over the asylum? The E.P.A. came close recently when they appointed a certain director.

Again we ask who is responsible for the environment and the health of residents in the lower harbour area what is safe for one will indeed not be safe for the weakest and most vulnerable in our society. The applicant relies heavily on the WHO guidelines. It is a pity that they did not adhere to the WHO guidelines on the siting of toxic waste incinerators. If they did so I would not be objecting to the granting of this waste draft licence.

In light of the fact that this site floods by both rainwater and seawater how can they applicant say there will be no emissions to the water and the sewers.

### **Noise**

When it comes to noise it should be noted that the Marine College is not under construction and that it has its doors open for students. It is a 3<sup>rd</sup> level institute of learning. Their library in that college does not close until 10 PM at night and many of the students are concerned because there are no footpaths and lights on the LP2545 that trucks delivering are going to cause an accident. This road does not even have a white line.

### **Accident prevention and emergency response**

Section 9.4 of the draft licence states that in the event of a complete breakdown of equipment or any other occurrence, which results in the shutdown of the incineration plant or process line, any waste would be transferred directly to an appropriate facility. One would question such a response as this is going to be the only kind in the country where is this appropriate facility located.

The chief fire officer of Cork County Council has stated that they do not have the resources or equipment to respond adequately to an emergency should one occur on site.

### **Monitoring**

Who are the competent body that is to monitor dioxins and other emissions for this incinerator? When both the health research board and Dr. Mary Kelly the General Director of the E.P.A. have stated

- The H.R.B. report concluded, "at present, Ireland has insufficient resources to carry out adequate risk assessments for proposed waste management facilities. In addition there are serious data gaps in relation to the environmental effects of these technologies. It went on to say that they would "endorse the precautionary principle whereby in the absence of information to the contrary that incineration is safe, this option of waste management should not be pursued."

- Dr. Kelly says, “Irish health information systems cannot support routine monitoring of the health of people living near waste sites.”
- There are many incidents of industrial pollution causing birth anomalies a list of which I can forward to you.

There is no medical expert employed by the E.P.A.

Where if anywhere does this application take into account human error? Indaver Ireland has refused to indemnify the people of Ringaskiddy in the event of an accident.

If this facility is so safe why did Cork County Council grant planning permission for the National Maritime College where the first condition of planning states that there would be no buildings for residential use. They were afraid of the negative impact this facility would have on the health and safety of students.

### **Coastal erosion and flooding**

This site has always been subject to coastal flooding and erosion. It was seen in recent evidence that this is the case. I refer here also to an E.P.A. document “Climate Change: Scenario is and Impacts for Ireland” published in July 2003. This advised that development should be curtailed in areas that are at risk of such erosion, arising from more frequent storm weather conditions that could cause erosion occurrences and flooding. Cork Harbour was specifically identified as being under threat. It should be noted that this site is under sea level.

The geology and hydrogeology of this site is such that there is inflow of seawater into the ground water (so stated by the applicants in their EIS). We have always stated that this site floods during the winter months. This factor is listed as one of the prime exclusionary factors in site selection by the WHO guidelines.

### **Conclusions and recommendations of the senior inspector of An Bord Pleanála**

I would like to point out to the E.P.A. that the senior planning inspector Mr. Philip Jones recommended an unprecedented 14 reasons and who was adamant that this facility should not be built at this time on this site. It is our opinion that Mr. Jones is independent of any government body and who had no vested interest in this project. We urge the E.P.A. to take his recommendations on board and withdraw this draft licence from Indaver Ireland. We would like to note also that Cork County Council received almost 30,000 individual objections. This application has failed at every turn. This site is designated for Port related use under the county development plan. It cannot not be re-iterated often enough that only one of these incinerators has been given doubtful planning permission which is the subject matter of a legal case and the other has not even been applied for again we must stress how premature the granting of a draft waste licence is.

### **General observations on Indaver site**

Ringaskiddy Village residents and extensive housing developments planned in this area are within 5 minutes walking distance to site.

The new Third Level Education Nautical College - 800 plus people, directly under the 80 metre chimney are at very high risk, in an accident explosion situation, The proposed Indaver boundary is 20meters from the college boundary. In the event of an explosion, the only escape would be by water the site being a cul de sac.

The Naval Base directly in line, just one Kilometre from the site with 1,000 plus personnel plus some residents is exposed at all times to the risks from the toxic emissions.

Cobh Town – The toxic exhaust gasses exiting from the proposed 80 metres chimney, at considerable volume, are directly in line, when the prevailing South winds are blowing with seven schools, a hospital, and four medical centres on the hill at Cobh town. This toxic emission cannot escape upwards when there is a low cloud condition over the harbour and this toxic gas will fall directly onto the afore mentioned areas, exposing both children and adults to a health hazard, possible fatal in time. – Population 15,000 approx. This highly populated area with extensive housing development is a front line recipient of emissions.

Monkstown, Glenbrook and Passage with approx. 9,000 population are in a similar position to Cobh.

Carrigaline – with a population of 16,000 are completely exposed to emissions when the wind is blowing from the South East, East and North East. Crosshaven and Currabinny are exposed to full emission when wind is east or Northeast.

The Midleton area and the eastern side of the Harbour are exposed when the wind is blowing from the Southwest, Northwest and West. Thus all areas within the 40km radius " fall out zone" with variable wind conditions could be affected by the toxic fall out.

Cork City and the Cork River Lee Basin, especially when there is low cloud air inversion conditions (a regular occurrence) is at high risk from toxic fall out, in prevailing wind directions.

In the Ringaskiddy Industrial Area, with thousands of employees they also could be exposed to the toxic fall out from this proposed incinerator.

While the human element is at risk it will also affect agriculture, including crops and animals, and the fish in the harbour, especially at risk from toxic liquids escaping into the harbour through the porous nature of rocks in the foundation of this site and in the excess water overflow from flood conditions as experience on the 28<sup>th</sup> and 29<sup>th</sup> of Oct. 2004.

Ref. Cork Harbour Map.

This proposed facility is not adjacent to the main road as stated on several occasions by the applicants is located on a by road (LP2545) which is not much better than a dirt track which is current at saturation point with the traffic to and from the Naval Base at Haulbowline has any one taking in account bearing in mind September 11 that this facility could be a threat to national security.

How could anyone grant a licence for this incinerator bearing in mind that Hammond Lane have applied to Cork County Council to have their own facility extended their plant is consider a fire hazard due to the amount of frag that is always on site. Indaver Ireland plans to build around this.

### **Community recycling park**

The community of Ringaskiddy does not need a recycling park what they need is kerb side collection. How can people that depend on public transport access this park when there is no bus stop on the by road LP2545. Again I would refer to the pitiful amounts that are intended to be recycled. Indaver by their own admission will not recycle unless it comes into them already segregated.

### **Martello Tower**

There is no mention by the inspector of the negative impact this facility will have to the Martello Tower. This tower is a registered protected structure and as such it structure and settings are protected. There is also a right of way going from the Martello Tower down to the beach at Gobby. This right of way goes through the applicant site.

### **Conclusions**

It is our opinion that the E.P.A. are not competent to issue a draft waste licence and that it should be withdrawn immediately. We find it incomprehensible that the E.P.A. has sold out Ringaskiddy, Cork Harbour and all its residents for the miserly sum of €65,383. The granting of this licence will be in breach of an agreement between the government and the residents, which states that there will never be a toxic waste facility in the parish of Monkstown.

As stated earlier it would not comply with the E.P.A. guidelines.

I also would like to refer to the Inspectors report from the recent oral hearing and in particular his comments on page 21 and 22 where he questions the need for this facility. Also on page 22 he refers to the economic dis-benefits he further goes on to mention the improper use of scare land for port industries. This development will not be in keeping with national policy the reference here would be the National Hazardous Waste Management Plan. It is not in keeping with Government policy. It is neither in the interest of residents or business in Cork Harbour.

We are enclosing the appropriate fee with this submission €190.46

We are asking for an oral hearing

|       |                |
|-------|----------------|
|       | <u>€ 63.49</u> |
| Total | €253.95        |



Any further clarification or information you require can be furnished to you.

Signed

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Audrey Hogan  
Secretary