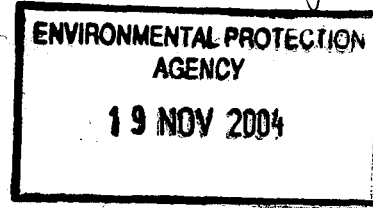


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Obj (4) 186-1



Observations on memo of Kieran O'Brien re: Application for Waste Licence from Indaver (Ireland) Ltd., Ringaskiddy, Co. Cork, Reg. No.186-1 to each EPA Board member dated 1st. October 2004 and incorporating observations and objections and references to the Proposed Decision for a waste licence and embodying a Request for an oral hearing.

epa
18-11-2004

This memo is submitted on behalf of an association known as East Cork for a safe Environment, Ballinacurra House, Midleton, Co. Cork.

EPA Mission Statement

Your mission statement incorporates four parts, 1 Mission, 2 Vision, 3 Values and 4 Goals & Objectives.

Abstract

In our considered view, granting a waste licence for incineration in the manner of the Proposed Decision fundamentally contravenes the Mission Statement of the EPA or in other words constitutes a denial of the EPA's perception of itself as publicly declaimed.

Furthermore it is also our view that the Agencies of the State, including inter alia the EPA, which exist to best serve the people of Ireland, were manipulated by the Government in furthering the Governments ill advised and pre-concieved notion that incineration should be promoted irrespective of the evidence garnered internationally from many enlightened and learned quarters. Virtually all counterproposals to incineration, including that of a moratorium for ten years and the adoption of a policy of zero-waste which is well proven, were summarily dismissed by the agencies of the State, including the EPA, who were misused to further the Governments quick-fix purpose.

For the record, zero waste in the above context means zero waste of the finite and non-renewable resources of the planet.

It is our belief that the nature of the appointment of key personnell to the EPA and the related incitement to pay obeisance to Government policy, irrespective of any embodied shortcomings, has undermined the credibility of the EPA and thereby damaged it.

That this has occurred is evidenced by the text of the Proposed Decision to grant a 'waste licence' in which the EPA gives its approbation to the degradation of the Environment by licencing the discharge of a catalogue of heavy metals and toxins that irreversibly degrade rather than protect the Environment. As a consequence it can no longer be regarded as cynical that an

increasing number of people in this area now consider the EPA as the Environmental POLLUTION Agency.

Subject matter and grounds for Objection

Preliminary

In the introduction to the Proposed Decision it is stated that; "The licensee must manage and operate the facility to ensure that the activities do not cause environmental pollution."

This, in our opinion, is impossible given that the EPA permits the serial discharge of a catalogue of heavy metals and toxins.

In logic therefore, if the introduction is right - the licence is wrong and clearly cannot be upheld as protecting the environment.

Selected points (not exclusive)

2.1.1 It is regarded as sloppy and irresponsible to fail to define the qualifications and experience required of the manager, assistant manager, supervisors or deputies. An hazardous toxic waste incinerator is a highly dangerous installation and the matter of management and supervision is too fundamental to be left to peradventure.

2.3.7 Inadequate. A communications programme needs to be defined ab initio and subject to supervision and revision to meet the needs of the public. The condition as written would in our opinion make the protection of the public interests hostage to evanescence over time.

3.12.2 (c) This is a critical issue and was dealt with in Mr. Peter North's original submission on our behalf. The EPA's response is deemed inadequate. It is not proposed to repeat the detail here which the EPA already have on file. Please refer.

3.14.4 (i) to (vi) It is not clear what, if any, controls are in place to ensure that these levels are not breached - in other words what PROTECTION, if any, is your agency able to offer?

3.14.15. From the context in which the word "minimise" is used, it is reasonable to infer that re-formation of dioxins and furans is a hazard (which indeed is the case) thereby admitted by the EPA. Given that testing for dioxins and furans is only to be undertaken infrequently, Indaver are understood to have proposed twice a year and we are glad to see that the EPA's requirement is quarterly - what mechanism, if any, is in place to protect the public on the other 361 days e.g on failure of such 'automatic'

systems or other peradventure or disregard of the operating requirements either accidentally or through carelessness or otherwise? This subject will be addressed later.

6.10 It is considered irresponsible to fail to stipulate another set of reserve monitoring equipment for all tests. In our view at least two sets of monitoring equipment should be in use both as a control/verification methodology and as a back-up in case of instrument failure or maintainance.

8.3 The text states "Any waste DEEMED unsuitable.....etc". Firstly, who deems it unsuitable and secondly if it is unsuitable it is very likely dangerous so where should it go? This in our view leaves two lacunae which need to be addressed i.e. (i) who decides and (ii) where, how, when and by whom should the reject material be dealt with?

8.9 Similarly who defines if clinical waste is infectious. The onus here must rest in the supervision and characterisation of the assembled source material before despatch to any incineration plant. The protocols for this need to be clearly spelled out as the inherent risks to the public are huge.

9.4.1breakdown or other occurrence etc.,
(a)to an 'appropriate facility'. This is far too vague and has to be spelled out. If there is such an episode a workable strategic plan has to be in place. It would be absolutely irresponsible to leave matters to an emergency situation in which ad hoc decisions have to be made in a hurry and are thereby more likely to be wrong rather than right.

9.4.3 Similarly what authorities are appropriate? In the event of a fire all authorites need to be at least put on 'stand-by' as the risks are manifold.

Footnote: It is with some considerable concern that the writer recalls M/s Laura Burke informing him a couple of years ago that the crane driver would be expected to detect a fire outside the actual incinerator and raise the alarm. It does not seem un-reasonable to expect that a competent plant operator would consider also scientific means of heat, smoke and fire detection and not simply rely on a crane driver who may be unavoidably absent at a critical moment.

11.3.2

(b)....including "if appropriate" waste collection permit details
(e)....the name of the waste facilty "(if appropriate)".....
The Committee of East Cork for a Safe Environment cannot concieve of a valid circumstance where it would not be appropriate for a competent operator to keep due diligence records and indeed verify loads by spot checking. In the circumstances we are left

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with no option but to question the competence of the EPA in overlooking such an elementary point.

11.7 This clause calls for a two year record to be kept of waste transactions. We submit this should be an absolute minimum of six years in accordance with other commercial common practice record keeping requirements but, we submit, more prudent would be twenty years as it takes a long time for certain effects to be noticed.

Schedule B Emission limits.

These figures are very high compared with the local background which until relatively recently was predominantly agricultural and estuarine. The cumulative effect will unquestionably degrade the local environment by concentrating heavy metals and toxins in a smaller area. That cannot be denied. That it is needless also cannot be gainsayed with any validity.

In our view, the proposals are led by the commercial objectives of Indaver and the ill-founded Government Policy of quick-fix or lets-burn-the-damn-stuff-and-never-mind-the-facts.

The sinister and insidious effects of long term exposure to dioxins and furans (agent orange) are well documented. Clearly there is a strong case for the application of the precautionary principle which the Health and Safety Executive publicly stated they had never heard of.

Quarterly monitoring whilst better than twice yearly is still hopelessly inadequate. There is a continuous monitoring system in existence although the results, as for all monitoring, are only available well after the event. For health and environmental protection however it should be a condition of licence. That it is expensive is of no account whatsoever when compared with the value of risk to human lives especially the unborn. Failure by all the agencies of the Government and the Administration to address this properly, is, in our opinion, shameful misfeasance and malfeasance. That the cost of continuous monitoring may render incineration uneconomic should not be a concern where health is at stake. We the people are very much the stakeholders. Your goals & objectives includes the phrase "to meet the needs of our stakeholders". Are we now to believe that this is just as disingenuous as the word PROTECTION in your agencies title ?

Unless you effect a sea change in the terms of your licence you will leave us with no option but to regard you as ineffectual and indeed regard your actions as inimical to the interests of those whom you purport to protect.

Turning now to the memo of Mr. O'Brien to each Board member.

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On page three of his introduction he omitted to state that the inspector at the oral hearing set out in detail some 14 points why permission should be withheld and notwithstanding which his Board went against his advice 9 to 1. Mr. O'Brien also failed to state that health evidence was not admitted by order of the Planning Appeals Board. With that kind of a skewed background the EPA was the only faint hope that objectivity might prevail.

At the top of page 8 he provides an anodyne comment on how dioxin formation might be minimised. That the system may malfunction and how poor maintainance would impact on this is neatly overlooked. Nowhere but nowhere in any of his text or other EPA text is any concern expressed at dioxin levels being exceeded by several orders of magnitude through malfunction or other peradventure and not being detected until well after the event by monitoring cows milk. That is tantamount to no PROTECTION from the EPA.

In his text he places total reliance on Indavers EIS although the inspector at the Planning Appeal oral hearing found shortcomings in that document.

On page 12 he refers to the WHO as endorsing a TDI (Tolerable Daily Intake) of dioxins and furans. That reference is not only out of date but no longer valid as evidenced by several learned papers published in several countries stating categorically that there is no such thing as a TDI of dioxins and furans. This is particularly relevant for people of childbearing age.
Ref: Dr. Vyvyan Howard and Dr. Paul Johnson et al.

The MARI (maximum at risk individual) reference likewise is based on outdated arbitrary assumptions and now has no credible relevance. It appears singular that such quasi scientific and out of date twaddle should be advanced before the Board of an agency entrusted with environmental protection involving the licencing of a plant that could function for the next generation by which time it will be too late to remedy what damage may have been caused to babies then being concieved apart from the potential for interim damage to all classes of life forms human and otherwise.

On page 13 a schedule of waste residues is shown. That should be given seperately for each incinerator as consolidation is quite misleading.

In the middle of page 15 he refers to emissions as "not present(ing) a serious risk". That is tantamount to an admission of a level of risk. So what is the level of risk and what data determines it and by what means? In common parlance, 'you cant' be a little bit pregnant' which is an appropriate analogy as pregnancy is where the main risk of dioxin arises to the foetus.

On the top of page 17 he refers to not presenting a 'significant' environmental impact. By what criteria pray? Also significant to whom? If you live downwind of the incinerator and are a young woman about to have a family the impact will be potentially much greater than if you live a hundred miles away in the salubrious environs of Johnstown Castle.

On page 18, Mr. O'Briens response to Mr. O'Keeffe of Passage west town council does him no credit whatsoever. The submissions to the Planning Appeal Board oral hearing are a matter of public record and if they are not in the library of the EPA than they should be. Mr. O'Brien would have done better to access those documents and take the submission of Mr. O'Keeffe seriously rather than uttering a glib, smart and pedantic dismissal. That is not due diligence Mr. O'Brien, rather the opposite.

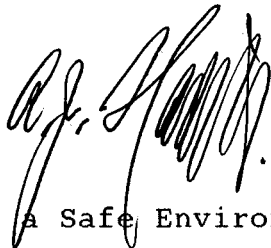
Cllr. Ms D, Alton and Mr Peter North are known to this association and are highly regarded serious and responsible professional individuals. We do not propose here to deal with the summarily dismissive nature of Mr. O'Briens responses to both these objectors. No doubt they will make their points well.

Having seen Mr. North's comprehensive submission however, the writer wishes to go on record as being astonished by the cavalier disregard which Mr. O'Brien appears to pay to its content. The issues raised are valid and well reasoned and are now on record and will not go away - much as some may wish them to.

In all the circumstances we regard it as being incumbent on the EPA to accede to our request herewith for a full oral hearing on this most vital subject which we feel has not been treated by the State agencies with the objectivity that it undoubtedly deserves. Furthermore, in our view the proposed incinerators should be regarded as in the category of Seveso I.

Enclosed herewith please find our cheque for E253.95 in respect of our objection (E190.46) and application for an Oral Hearing (E63.49). We would take this opportunity to protest at these charges which represent a serious impediment to the public to protect themselves from an overbearing and overweening administration at all levels. Such charges are in effect a tax on a tax as your agency is funded by our taxes.

Submitted by,



AJ Navratil
Chairman
East Cork for a Safe Environment.