Obj(8) 186-1

An Taisce
THE NATIONAL TRUST FOR IRELAND
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EPA
PO Box 3000.
Johnstown,
Co. Wexford.

Nov, 20th 2004
Our Ref.: **2004-02-SC**
Planning Ref.: 186-1 Indaver , Ringaskiddy.
For the attention of : Office of licencing and guidance

An Taisce Corcaigh wishes to make the following submission :

An Taisce supports a Zero Waste approach to solving Ireland's waste management issues. By this we mean the avoidance of waste creation as a first step. Waste is considered a resource that is surplus to requirements only at a particular stage in its lifecycle. Before and after that stage it has or had a useful purpose. Our goal is to strive to avoid the waste of resources at all points in the lifecycle of products. Preference should be given treatments where virgin resources are not destroyed but , rather, recovered, reused or repaired.
Zero Waste puts the emphasis firmly on full lifecycle design, where at concept stage items are designed for a full lifecycle, which deals with all stages of its use and its eventual obsolescence. Inherent in this philosophy is a desire to encourage full lifecycle design practices

As a result of the decisions of Mr. Justice Peter Kelly in the High Court in May and June of 2004 in the case of Mary Pat Cosgrave -v- An Bord Pleanala, Wicklow County Council, Ireland and others, which proceedings were in the nature of a Judicial Review of the decision of An Bord Pleanala to grant planning permission for a landfill facility at Ballynagran, County Wicklow, the EPA is required to carry out a full EIA in accordance with the EIA Directives of the EU on all of those matters which have not formed part of the remit of the Planning Authority. Having regard to the fact that it appears that the EPA proposes granting a License for the Indaver facility, we would caution that thus far, it does not appear that an EIA has been performed by the EPA and indeed, it does not appear that the EPA proposes carrying the EPA is REQUIRED to conduct such an assessment.

An Taisce has sought full background documentation and reports from the EPA on the day following publication of this draft decision. To date no such documentation has been received for review. An Taisce therefore reserves the right to make further submissions based upon access to the requested supplementary information.

We remind you that the EIA directive requires that all related background documentation be made available for scrutiny.
The submission , in this context should only be regarded as a preliminary submission, based on incomplete documentation at our disposal.

Further details of the preliminary submission are outlined in the following 21 pages which are emailed in advance.

Is mise le meas,

S.G.O'Croinin
For and on behalf of
An Taisce Corcaigh and Irish Herirage Trust Limited.

Encl: application fee. €100.48.

Karen Vaughey

From: Wexford Receptionist
Sent: 22 November 2004 10:01
To: Karen Vaughey
Subject: FW: IPPC Licence 186-1 Indaver Ringaskidy-- Objection

Karen,

This arrived at info@epa.ie

Vanessa.

-----Original Message-----
From: Sean Cronin [mailto:sean.cronin@selatra.com]
Sent: 22 November 2004 09:34
To: info@epa.ie
Subject: IPPC Licence 186-1 Indaver Ringaskidy-- Objection

A Chara,

For Attn. of Licencing Inspector.

Our letter of Nov 20th 2004 refers. Ref 2004-02-SC.

With Reference to the Indaver Application for an IPPC Licence (no. 186-1).
The submission referred to in the letter is attached.
The objection fee was included with the paper letter, which should be in your possession at this stage.

Mise le meas,

Sean

Sean G.O'Croinin

An Taisce Corcaigh
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Having regard to the fact that it appears that the EPA proposes granting a License for the Indaver facility, we would caution that thus far, it does not appear that an EIA has been performed by the EPA and indeed, it does not appear that the EPA proposes carrying out an EIA.
The EPA is REQUIRED to conduct such an independent assessment.

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S.G.O'Croinin
For and on behalf of
An Taisce Corcaigh and Irish Heritage Trust Limited.

Encl: application fee. 190.48 euro

Preface

Toxic and Hazardous Waste.

Cork has a concentration of Pharmaceutical and Chemical Industries which, to an increasing extent recover their own waste or provide in-house incineration solutions. The industry is shifting to 'CLEAN Production' principles and using GREEN CHEMISTRY where possible to avoid the production of Toxic substances along TURI guidelines (Toxics Use Reduction Institute). These techniques are further developed locally through the CTC (Clean technology Centre in Cork Institute of Technology). The EPA Figures from 2001 confirm this trend (EPA National Waste database report 2001).

Incineration is not the sole solution to toxic/hazardous waste disposal as waste is simply converted to greenhouse gases, acid gases, flue-gas neutralization residues and a considerable quantity of ash. Many of these residues are classified as toxic according to the current E.W.C. (European Waste Catalogue) necessitating expensive and specific disposal

Modern alternative non-burn technologies treat a wide range of waste categories. Countries implementing these technologies include U.S.A., Australia, Canada and Japan. Japan in particular has seen over 300 Incinerator closures in the past 6 years and processes like the 'Cosmo Robo' solution (high Temperature gas plasma pyrolysis) require less than half the space of equivalent capacity Incinerators, operate at one 10th the cost and create NO SKYFILL or LANDFILL side effects. In fact crude oil is produced from plastics. The diesel fuel derived is used in turn to power the facility and reduce the operational costs.

In 1996, the U.S. congress mandated a program to research and utilize a non-burn technology for safe disposal of chemical weapons. These technologies have been adopted by the U.S. Department of Defense and the Department of Energy to treat their associated waste streams. The USEPA have evaluated their applicability to other toxic/hazardous waste streams and have been endorsed by the UNFAO (United Nations Food & Agricultural Organisation).

In March 2003, the U.S. military chose a water neutralization/bio treatment alternative to incineration to dispose of mustard gas (a hydrocarbon containing chlorine and sulphur called dichlorodiethyl sulphide).

Industrial Incineration

We note the recent An Bord Pleanala decision to grant planning permission for a 100,000 tonne Incinerator for Hazardous and Toxic Waste. We understand Indaver Ireland , the applicant intends to also build a Municipal Waste Incinerator in the same site at Ringaskiddy. We believe this is a counterproductive step towards waste prevention and minimization both for Industry and the general public. There will be no incentives to reduce waste and gate fees must be guaranteed to the Incinerator, typically over 5-10 year periods and payment is guaranteed, in the terms of the contract, whether the contracted toinnage materialises or not. Otherwise commercial viability of such a huge financial investment cannot be guaranteed. This will in turn place an added burden on the landfill resources as a licenced Class 1 hazardous landfill will be required to dispose of the fly ash and bottom ash.

Indaver's proposed Incinerator, ostensibly to deal with locally originated waste, will not be complying with BAT (Best Available Technology) as their de-NOx facilities do not employ the modern catalytic method available. The recent closure of a MIWA incinerator in

Flanders was due to the operators' non-compliance with BAT principles and not installing the latest de-NOx system of NOx removal. The judge ordered their closure as a result of refusing to up-grade.

Incineration conflicts with international treaties e.g. Kyoto and POP's to reduce CO_2 and persistent organic pollutants respectively. Both of these treaties were signed and ratified by our Government and the EPA is obliged to pursue this policy. Each ton of waste burned generates 1 ton of CO_2. Ireland already exceeds our CO_2 limit and must pay EU fines as a result. The institution of Engineers of Ireland estimate that fines of up to €100 will be demanded for excesses. This means the suppliers of waste will be faced with an annual surcharge by the Incinerator to recover the €10 million annual fines imposed. This will push up operational costs of Industry, impose heavy increases on taxpayers and increase refuse charges exorbitantly in the years ahead. All these added burdens could be avoided by clever selection of modern alternative treatments of segregated waste (resource) streams.
As 60% of Indavers waste will primarily be sludges from wastewater treatment manufacturing facilities, there are many viable and successful remediation processes currently available for this type of waste. Thus it is inconceivable that long-term this facility will be required to dispose of our toxic waste as in accordance with current IPPC Licenses, industry must engage in waste reduction and clean production. Therefore to maintain commercial viability Indaver will be forced to **import** hazardous waste – which explains their choice of site location.

Many of the non-burn technologies listed are available in different unit sizes, with some portable by nature. This is an important consideration as a comprehensive approach to waste including waste reduction and clean production is that any solution should be viewed as a temporary solution.

Not only will there be economic benefits but health benefits will accrue also since incinerator emissions, like dioxin, accumulate in humans through the food chain. Because dioxin-contaminated beef, milk, fish and vegetables are shipped all over the country, incineration is everyone's problem -- no matter where you live. Dioxin-laden chicken processed in Belgium or Baltinglass, potatoes from Lyon or Louth, beef from Meath ,or fish from the Irish Sea could end up on your dinner plate at a restaurant or at home. There is only one way to break the link in this toxic food chain: stop dioxin exposure at the source. Fortunately, safer, non-dioxin producing technologies exist for waste disposal. Alternative disposal methods include

- Chemical remediation techniques
- neutralization,
- biodegradation,
- gas phase hydrogenation,
- electro chemical oxidation.

None of these technologies release dioxin like incineration does.

The US Army uses alternative technologies for disposal of chemical agent in Maryland and Indiana. Another program is investigating alternatives for assembled chemical weapons at other stockpile sites

Several food producers across the USA , including Keebler, Sara Lee, Perdue and GoldKist have already taken a stand against the siting of incinerators near their processing plants. They realize that dioxin- producing incinerators can take a toll on their company's reputation and

profits. Food producers in Cork will be adversely affected by Incineration and the Waste Management Plan must ensure one of our best performing sectors is safeguarded for future job creation and export earnings.

Disposal of Hazardous/Toxic waste is not an urgent problem for the following reasons:

1. **Insufficient Volumes of Waste**
    a. The quantities are relatively small, i.e. circa 30-50,000 tons a year, which constitutes <0.5% of waste produced nationally. (Ref: EPA Millennium Report 1998) The trend since 1998 as shown in the EPA 2001 National Waste Database report, is not growing at any real rate. Exports for Recovery rates have doubled while disposal needs have grown very slightly (p.33), which verifies the thesis that we do not have a major volume issue. To put things into perspective only 0.5% of Ireland's national waste is classified as toxic/hazardous according to the EPA 1998 report with a major contributor to this being a once-off shipment of contaminated soil (1998 some 32,000 tons).

2. **Current Practices Suffice**
    a. Existing structures are in place to deal with these volumes, i.e. export to Europe for remediation, deconstruction and incineration. E.g.: less than 60,000 tonnes were exported for disposal in 2001 (mainly from the greater Dublin and Leinster areas).

3. **Current Practices are improving**
    a. Industry in obliged to implement waste reduction and clean production strategies in accordance to the EPA, IPC (Integrated Pollution Control) Licenses.

4. **Hazardous Waste not a National Priority**
    a. Due to small volumes current working practices and reduction strategies, the issue of hazardous/toxic waste is not as urgent as municipal waste.

Real Issue

Logically therefore, we propose a moratorium on the commercial incineration of hazardous/toxic waste in the country while we address the more pressing issues of municipal waste which is a priority matter. Rejection of this IPPC licence application or severely curtailing the scope and nature of the waste accepted along with realistic and enforceable safety conditions will go a long way to sustainable waste management for Ireland.

Specific IPPC Issues

The EU has a set of common rules on permitting for industrial installations. These rules are set out in the so-called **IPPC Directive** of 1996 (Integrated Pollution Prevention and Control). In essence, the IPPC Directive is about minimising pollution from various point sources

throughout the European Union. All installations covered by *Annex I* of the Directive are required to obtain an authorisation (permit) from the authorities in the EU countries. This is the context in which the proposed licence is under consideration.

Unless Indaver optain a permit, they are not allowed to operate. The permits must be based on the concept of ***Best Available Techniques*** **(or *BAT*)**, which is defined in Article 2 of the Directive.

As from October 1999 the Directive applies to all *new* installations, as well as existing installations that intend to carry out changes that may have significant negative effects on human beings or the environment as this application clearly does.

Site Selection.

Indaver do not convincingly demonstrate that the site selection process has been meaningful and is based on criteria that are disclosed and defensible. Regarding site selection the methodology employed and historical background is well narrated in the EIS. That methodology however is flawed in that only one site would appear to have been identified as a proposed location with the characteristics of that site then weighted against selective rather than comprehensive criteria. The methodology therefore failed to **provide any comparative weighting between the proposed site location and any other potential sites in areas other than Ringaskiddy**.

In IPPC context and with reference to **EC COUNCIL DIRECTIVE 96/61/EC of 24 September 1996 Article 3,** Section (e) 'the necessary measures are taken to prevent accidents and limit their consequences'. (See appendix 3 for full text) an isolated site far away from populated areas would be optimum.

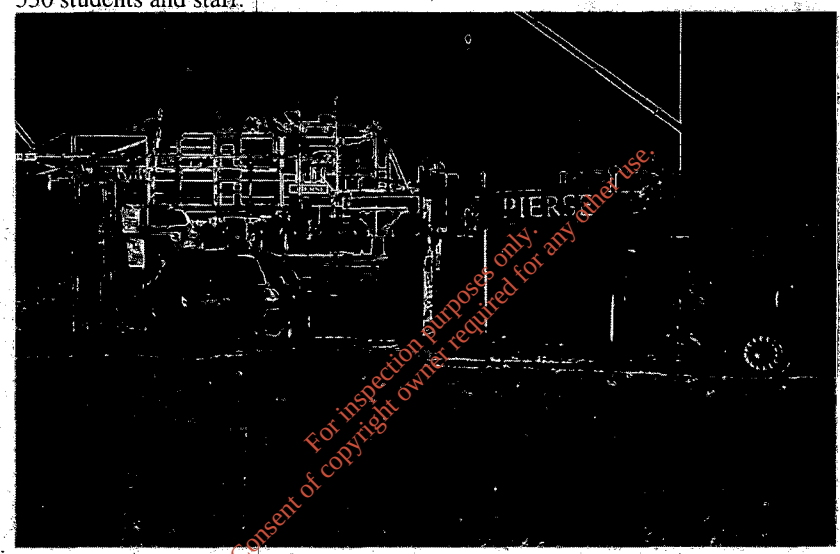
- A major flaw in the site selection is the non existence of a freight rail link (unlike other candidate sites) will result in total dependence on the road network for waste transportation with consequential increased environmental impacts from vehicle emissions and public safety.
- The cul de sac location in a strategic location would exacerbate impacts of any fire or explosions in the waste transfer station and incinerator complex.
- Locating the facility surrounding an existing facility that has frequent illegal fires due to the nature of the vehicle components recovered (Hammond Lane) would multiply the probability of fires in comparuison to other sites.
- A recent fire at Crymlyn Incinerator, South Wales, lasted 5 days in Aug 2003,. Would there be enough water to fire fight for that long period at Ringaskiddy?
- The EPA Board would be negligent in the responsibilities to allow such a flouting of the directive when more appropriate siting of the facility is possible and should be so demanded.

Health and Safety.

- The data on which the Seveso lower tier categorization is derived is conjecture and based on past Min Chem statistics. Min Chem may not even be in business by the time the facility is planned to open. The wastes anticipated for Incineration will also include, most probably, items which Min Chem do not currently deal with. The volumes expected are also rough estimates, which, one would suspect are deliberately

minimized to achieve a lower tier category and thus reduce the obligations of the proposer for public declarations. We request that an independent audit be done of these estimates and comparisons made with other equivalent facilities abroad for accuracy.

- The reliance of Indaver on the H.S.A letter is open to question. The H.S.A brief is very narrow and as set out in their letter is conditional and dependent on among other things some assurances given by the Developer.
- The H.S.A only considered the potential consequences of major credible accidents on site. A misleading inference is drawn by Indaver to the effect that the issue of risk assessment has therefore now been conclusively and satisfactorily dealt with so far as the planning process is concerned. The Board should reject that inference.
- The Board should require a project to undergo a proper risk assessment which includes domino effects on neighbouring seveso designated establishments and in particular the adjacent Hammond Land facility and National Maritime College of Ireland (NMCI) , located across the road , which is now operational and caters for 550 students and staff.



View of NMCI Front gate (April 2004) as seen from boundary of the Indaver site, directly across the road., just 50 feet boundary to boundary.

- From evidence produced at the Bord Pleanala oral hearing the Fire Service are not involved in consultation or aware of evacuation plans. Indeed from HSA submissions at the same hearing no evacuation plans exist for the NMCI taking the Indaver Proposed development into account

  Inadequate water supplies for emergencies. A timely reminder of the scale of the damage accidents can cause was shown during the first week of this Oral hearing, when the nearby Sunbeam factory , in Blackpool, Cork went on fire. This required all city Fire units on site and several County brigades were also called to assist. The water pressure was so low that tankers were brought to the scene. Investigations are now in progress into the accident. There is s similar low pressure in the Ringaskiddy area and the volumes of water needed are seriously underestimated.

Facilities for contaminated water.

200/76/EC directive section 7 requires storage for contaminated rainwater and run off from the incineration plant, waste storage area or contaminated fire fighting water . The capacity of the storage should be sufficient to deal with a major fire situation. However in the EIS submitted by Indaver no capacity figure is given (section 11.4.2 . Surface water drainage). The values used for storing surface water from excessive rainfall and possible fire water are based on a 2 hour rainstorm maximun at 20 mm/hr. In a recent rainstorm lasting 14 hours over 1m of flooding occupied the site for 2 days., covering an entire field. (see photo below and appendix 4) .

Flooding on proposed site October 28, 2004. Hannond Lane facility, illegal dump visible.

- Rainwater run off would be inevitable in such future rainstorms and the impacts of such water contamination would be subject to the 80/68/EEC directive . This directive has not been considered by the EIS nor the Inspector
- No provision is made for compliance with EU Water framework Directives (2000/60/EC).. Since surface water leakage,rainwater overflows and fire fighting operations are probable we will have water emissions that come under this framework .
- The EPA would be negligent in not catering for this in the conditions.

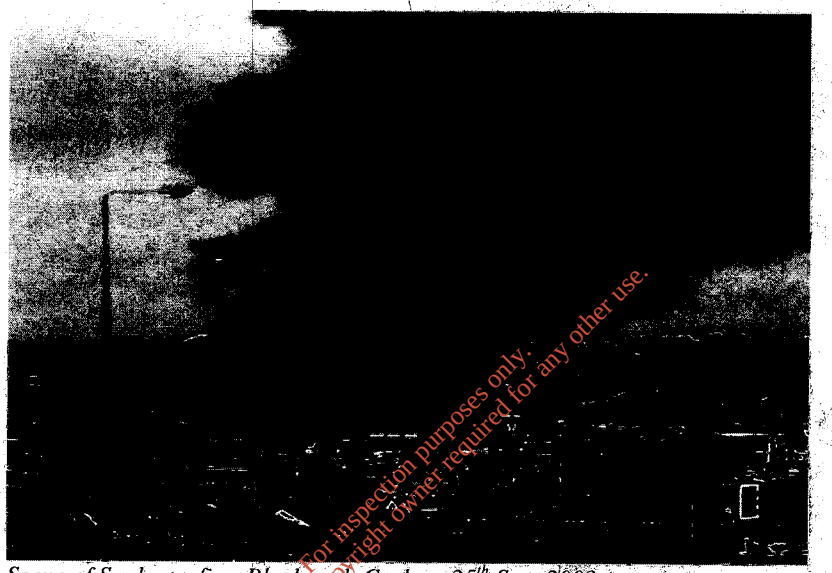
Integrated approach to issuing permits

EC COUNCIL DIRECTIVE 96/61/EC.Article 7 (see appendix 3) which states that

'Member States shall take the measures necessary to ensure that the conditions of, and procedure for the grant of, the permit ***are fully coordinated where more than one competent authority is involved****, in order to guarantee an effective integrated approach by all authorities competent for this procedure.'*

is clearly violated and the Board must satisfy itself that such an integrated approach exists in reality.This is not covered in the EIS produced. This has been clearly demonstrated to the satusfaction of ABP Inspector to be lacking. The board would thus be in deriliction of their responsibility to alow and IPPC licence to be granted in clear breach of their own guidelines.

- Fire fighting facilities are non existant in Ringaskiddy and only a part time volunteer staff exist at the nearby Carrigaline Fire station. they do not have the training or equipment to deal with chemical fires (such as occurred in the Sunbeam complex *on 25th Sept 2003* as shown below). The result of such uncoordinated approach would be danger to life and fugitive emissions to land, water and air, directly in conflicf with the Directive.



Scene of Sunbeam fire, Blackpool, Cork on 25th Sept 2003

- The EIS admits an explosion possibility and consequential damage to the NMCI building and occupants .This could result in loss of life should students or staff be in close proximity to the storage tanks when a explosion or fire erupts. It would be negligent of the board to permit such a risk to human life which will only increase with time. Bus stops will, most likely be located at the gates, as is the case with the CIT complex and these will be adjacent to the Hazardous Waste Transfer facility storage tanks (within 20 m)

- No impact of the existing Hammond Lane dismantling plant has been examined. This is an existing fire hazard and smoke is regularly seen from the illegal landfill operating on this site. This will be within a few meters of the storage and reception facility. The HAS and EPA would be negligent in failing to conduct a thorough investigation of these and other potential accident opportunities relating to this Seveso II proposed facility.

AIR emissions

ANNEX III to COUNCIL DIRECTIVE 96/61/EC covers the substances notifiable in air emmisions. We note that ELV for PAH's are not given nor mentioned in the EIS. and should be identified as these are known carcinogens .

Projected average emission levels are noted for all the required substances as required in the directive. . However more realistic figures of annual emissions greenhouse gasses are found from Indaver's reported emissions for two operational Incinerators in Belgium (both hazardous and municipal waste burning plants). These should be used as a basis to predict likely volumes produced from the 100,000 tonne plants proposed .

e.g the Doel plant produces 415,000 kg per annum of NOx gases.

See appendix 2. The amounts of Kyoto protocol gases such as CO2, NOx etc add to Ireland's emission burden in clear contrast to national policy since Ireland is a Kypto protocol signatory. However it is the well publicized negative health impacts that concern the popukation at large. Have these actual levels been compared with those predicted by Indaver? There is no evidence shown in the available documentation that such real measurements were compared to projections even though the activities are identical to the proposed activity at Ringaskiddy.

High levels of such gases are sporadic as averages are never a reality for the affected person. An extract from a recent UK House of Commons Select Committee memorandum illustrates the level of awareness of these risks .(see italics text below)

UK Select Committee on Environment, Transport and Regional Affairs Memoranda. MEMORANDUM BY PUBLIC INTEREST CONSULTANTS (DSW 56)

''A simple calculation would show that for each 1,000,000 tonnes of waste burned at the proposed Waste Incineration Directive standards of 200 mg/m3 the total authorised[13] NOx emissions would be approximately:

1,000,000 tonnes x 5,200 m3/flue gas/tonne x 200 mg/m3 flue gas = 1,040 tonnes NOx.

Meaning that burning 1,000,000 tonnes of waste would:

- *Bring forward 0.02 x 1,040 = 20.8 deaths/year.*
- *Bring forward or cause 0.04 x 1,040 = 41.6 hospitalisations/year.*

***This would represent more than 500 deaths amongst some of the most vulnerable people** in society brought forward over the operating life of the incineration plant. A national strategy which envisages, at least in some scenarios, that many millions tonnes of waste would be incinerated should therefore be evaluated not only on the increased external environmental costs but also in the number of lives that would be taken.''*

Given the present dispute between the Environmental Protection Agency and the Health Boards on responsibility for monitoring the impacts of licensed pollutants on public health, We argue that it would be irresponsible and reckless for the EPA Board to grant a licence at this juncture.

Best Available Techniques (BAT).

At the core of IPPC licencing (defined in Article 2 of the Directive) lies the BAT principles. This element of legislation is the future proofing needed to ensure technological progress is applied to the benefit of our society and our environment..

Is the Agency satisfied that Incineration is the Best Practicable Environmental Option BPEO as now adopted by the European Union in light of new Technologies available to effectively remediate Toxic/Hazardous waste.? Indeed no validated study exists illustrating the efficacy of thermal treatment as the best practicable option or solution for hazardous/non-hazardous waste management. The directive defines the terms as follows

11. **'best available techniques`** shall mean the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for emission limit values designed to prevent and, where that is not practicable, generally to reduce emissions and the impact on the environment as a whole:

- **'techniques`** shall include both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned,

- **'available`** techniques shall mean those developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages, whether or not the techniques are used or produced inside the Member State in question, as long as they are reasonably accessible to the operator,

- **'best`** shall mean most effective in achieving a high general level of protection of the environment as a whole.

SNCR NOx treatment

Is the Agency satisfied that the method SNCR (Selective non-Catalytic Reduction) proposed in the application for the of removal of NOx gases –De-NOx ,complies with BAT.?
The modern alternative to this is the SCR method "Selective Catalytic Reduction" where NOx is catalytically removed down to 70µg/m3 as opposed to the previous method which removes it only down to 200mg/m3.

Electrostatic precipitator ineffective.

Is the Agency satisfied that the employment of an Electrostatic precipitator for the entrapment of dust and VOC is the best practice in light of the fact that dust which comprises principally of carbon has no appreciably polarity and thus will not be attracted to an EP but escape?

Direct-liquid injection flashbacks

Is the Agency satisfied that there is no danger posed to health and safety of nearby facilities from the practice of direct-liquid injection of the highly flammable and hazardous liquid solvents from the tankers to the PCC-post combustion chamber? A flash-back or blockage in

the piping could result in catastrophic consequences. Remember Seveso?

Flawed Spent activated carbon disposal

Is the Agency satisfied that the practice of incineration of spent activated carbon/charcoal as outlined in the Draft waste licence is best practice in light of the fact that the material is employed to trap toxic organic pollutants and heavy metals? It is an established fact that the re-incineration of this material as a disposal method results in the release of volatile heavy metals eg Mercury and the increase in generation of PIC (Products of Incomplete Combustion).

No Independent Environmental Impact Studies

We note that ARUP Consulting Engineers acting on the instructions of the developer carried out the Environmental Impact Assessment. We contest these findings as not being totally objective and demand that an independent assessment be conducted by the licensing body, or agents acting on its behalf. (see cover letter para. 2)

Enforcement of Planning and Pollution Conditions.

Article 9 of COUNCIL DIRECTIVE 96/61/EC section 5. states
'The permit shall contain suitable release monitoring requirements, specifying measurement methodology and frequency, evaluation procedure and an obligation to supply the competent authority with data required for checking compliance with the permit. For installations under subheading 6.6 in Annex I, the measures referred to in this paragraph may take account of costs and benefits.'

Based on historic events we doubt the ability of the EPA and other agencies of the state to regulate activities at the proposed facility by way of enforcement of any conditions attaching to the planning and pollution licensing. The recent HRB Report confirms this dearth of resources, not only to police the environmental regulations but to conduct baseline studies in the first place. We believe that a licence grant in the absence of guaranteed new resources and enforcement capability is a dereliction of duty on behalf of the EPA directors.
We argue that it is negligent planning to permit a potentially dangerous facility knowing that conditions attached cannot realistically be enforced with current resource levels.

Considering that the UK EPA have superior resources and more experience in this area we still have 546 seld reported breaches of Emission limits reported in 1999 and 2000 by Incineration operators inn the UK. This bodes ill for Ireland .

Inadequate Testing proposed

The proposals for emissions monitoring are inadequate. They are planned yearly only which is insufficient bearing in mind the changing nature of the composition of the waste loads delivered.. Leachate tests are proposed. This is inadequate to determine the total toxins and quantities and a full direct qualitative and quantitative test is what should be imposed and cinducted by other than Indaver staff.

Risk Assessment

We note that the EIS contains no Risk Assessment pertaining to the operation of the proposed development as the EIA directive demands As this proposal comes within the parameters of the 'Seveso Directive' it is major deficiency. This is a key component of any EIS and allows proper appraisal of the proposed development based on the information provided. Thus full assessment cannot be undertaken in its absence. We demand that this be furnished as a condition for evaluation of the planning application and this be made available to all interested parties and objectors.

Toxic Disposal Site

The proposed Incinerator will add to the landfill problem in Cork. The residual waste quantities, mainly in the form of bottom ash and fly ash , from the incinerator process will be large. The application states that ''a large proportion of the bottom ash is suitable as construction material and if a use can be found in Ireland it will be used for this purpose. Otherwise it will be disposed of to a non hazardous landfill.'' Under EU Directive 2000/532/EC all bottom ash from thermal treatment plants is classified as being hazardous waste. Because bottom ash is classified as a hazardous material, it cannot be used as a construction material, and cannot be disposed of in a non hazardous landfill. This is a gross error in Indaver Ireland's application .The application is misleading and factually incorrect with regard to the bottom ash and it's re-use as a construction material or disposal in a non hazardous landfill.

As Ireland does not have a toxic waste disposal site we would argue that the EPA couldn't issue an IPPC permit for the proposed development.The generation of over 39,000 tonnes per annum of solid waste is an unsustainable solution and conflicts with EPA stated guidelines for sustainable waste management solutions and also with **COUNCIL DIRECTIVE 96/61/EC Article 3** Para b which states
' no significant pollution is caused;
(c) waste production is avoided in accordance with Council
Directive 75/442/EEC of 15 July 1975 on waste(1); where waste is produced, it is recovered or, where that is technically and economically impossible, it is disposed of while avoiding or reducing any impact on the environment;'.

Public access to Information.

Article 7 of the Århus Convention provides for public participation concerning plans and programmes relating to the environment.
(9) Article 9(2) and (4) of the Århus Convention provides for access to judicial or other procedures for challenging the substantive or procedural legality of decisions, acts or omissions subject to the public participation provisions of Article 6 of the Convention.

In examining the competence of the Applicant company, it's staff and financial ability to correctly fund , operate ongoing activities and finance dismantling or end of life activities, we do not have access to pertinent information regarding staff proposed, their experience, training and qualifications and this is a deficiency in the process being undertaken at present. The EPA and the interested parties, as defined in the above directive must have this relevant

information to make a judgement and according to the EIA Directive this forms part of the supporting documentation, which an Taisce has requested but not yet received..

The ongoing Irish ISPAT cleanup case with the EPA bears testimony to the problems associated with end of life dismantling costs. Such a situation may be the case in future years should Indaver Ireland not reach the financial returns promised, as may be likely with reducing waste streams presented for disposal due to successful outcomes to recycling efforts. The taxpayer may be the ultimate victim.

Competence of the applicant for the proposal.

The EPA must satisfy itself and make the information available, as to the competence and ability of the applicant to deliver the proposed development safely and within the confines of the proposed licence. Bearing in mind the nature of staff currently employed by Indaver, theer is no competent individual available to undertake project management of the development noR skilled, experienced staff within Indaver Ireland who have worked with the technology proposed. Appendix 1 quotes from a public meeting at which Mr Ahern, MD of Indaver Ireland admitted that there was no experienced staff on his payroll for this technology and 'we would all be learning'.

We conclude that the EPA would violate the conditions of the EU directive **96/61/EC** by allowing an incompetent and self confessed inexperienced operator to control the proposed operations.

Appendix 1

PRESS RELEASE

For immediate release ***November 20, 2004***

Shocked Aghada Commuity to BE INCINERATOR guinea pigs!

At last evenings packed Aghada community meeting on the Indaver's Hazardous Waste Incineration proposals for Ringaskiddy, the audience was shocked at the admission, by Mr John Aherne, Managing Director Indaver Ireland, that his company had *NO experience of the technology* they were proposing to use at the Ringaskiddy Incineration plant. The 'fluidised bed' technology which they are proposing, has seen a number of failures in the USA.

When questioned by Mr Sean Cronin, Chairman CHASE, Mr Aherne admitted that this would be a learning process for Indaver as none of their existing 3 incinerators in Belgium used this technology. The shocked audience was very vocal in their reaction to this admission and accused Indaver of having a cavalier attitude to the health risks to the harbour communities. Mr Aherne argued that Indaver should be trusted on their existing reputation.

Indaver Ireland were speaking along with a number of Cork County Councillors and representatives of East Cork for a Safe Environment (a member of CHASE). Councillors Ted Murphy, John Mulvihill and Noel Collins all spoke out strongly against the proposal stating that the risks to health and the negative impacts on the environment has led them to a position of opposition of the proposal. One growing source of concern is the threat to the livelihood of the farming community, and local farmers were outspoken about their concerns that the emissions from an incinerator would damage the quality of their produce as has happened to farmers over the past year in other European countries. Cllr Noel Collins stated that Cork County Council already has a waste management strategy which does not include incineration and he sees no need to include incineration now.

Cllr Collins also announced the opposition of the **Midleton UDC** to the project, mirroring the decisions taken by Cobh UDC and Passage Town Commissioners who have already lodged formal objections already lodged with Cork Co.Council.

----- **ENDS** ----

Appendix 2

EPER emissions filings

INDAVER Doel Facility report 2001

Emissions to air	Release (kg/yr)	M/C/E (Method)
Nitrogen oxides, NOx	415,000.00	M
Arsenic and its compounds	44.00	M
Chlorine and inorganic compounds (as HCl)	25,300.00	E

Emissions numbers are given in **kg per year**.

Activities	NOSE-P Processes	
*5.1/5.2 Installations for the disposal or recovery of hazardous waste (>10t/d) or municipal waste (>3t/h)	109.03	Incineration of hazardous or municipal waste (Waste incineration and pyrolysis)

Facility details	
Parent company:	Indaver B
Address:	Molenweg 1940 , Doel
Postcode:	9130
Country:	Belgium
Coordinates:	4.268436,51.280826
NACE Code:	90.00
Main economic activity:	Sewage and refuse disposal

Indaver Antwerp

Facility details	
Parent company:	Indaver NV
Address:	Poldervlietweg , ANTWERPEN 3
Postcode:	2030
Country:	Belgium

Coordinates:	4.349197,51.312567
NACE Code:	90.00
Main economic activity:	Sewage and refuse disposal, sanitation and similar activities

Emissions numbers are given in **kg per year**

Emissions to water	Direct release	M/C/E	Indirect release	M/C/E
Mercury and its compounds	4.04	M		
Total Organic Carbon (TOC)	77,700.00	M		
Chlorides	6,410,000.00	M		
Fluorides	2,380.00	M		
Emissions to air	Release	M/C/E		
Nitrogen oxides, NOx	167,000.00	M		
Arsenic and its compounds	24.00	M		

Emissions numbers are given in **kg per year**.

Activities		NOSE-P Processes	
*5.1/5.2	Installations for the disposal or recovery of hazardous waste (>10t/d) or municipal waste (>3t/h)	109.03	Incineration of hazardous or municipal waste (Waste incineration and pyrolysis)
5.1/5.2	Installations for the disposal or recovery of hazardous waste (>10t/d) or municipal waste (>3t/h)	105.14	Regeneration/recovery of waste materials (Waste incineration and pyrolysis)

*Main activity

Appendix 3

Extracts from COUNCIL DIRECTIVE 96/61/EC of 24 September 1996

Article 3
General principles governing the basic obligations of the operator

Member States shall take the necessary measures to provide that the competent authorities ensure that installations are operated in such a way that:
(a) all the appropriate preventive measures are taken against pollution, in particular through application of the best available techniques;
(b) no significant pollution is caused;
(c) waste production is avoided in accordance with Council Directive 75/442/EEC of 15 July 1975 on waste(1); where waste is produced, it is recovered or, where that is technically and economically impossible, it is disposed of while avoiding or reducing any impact on the environment;
(d) energy is used efficiently;
(e) the necessary measures are taken to prevent accidents and limit their consequences;
(f) the necessary measures are taken upon definitive cessation of activities to avoid any pollution risk and return the site of operation to a satisfactory state.

Article 4
Permits for new installations
Member States shall take the necessary measures to ensure that no new installation is operated without a permit issued in accordance with this Directive, without prejudice to the exceptions provided for in Council Directive 88/609/EEC of 24 November 1988 on the limitation of emissions of certain pollutants into the air from large combustion plants (1).

Article 6
Applications for permits
. Member States shall take the necessary measures to ensure that an application to the competent authority for a permit includes a description of:
- the installation and its activities,
- the raw and auxiliary materials, other substances and the energy used in or generated by the installation,
- the sources of emissions from the installation,
- the conditions of the site of the installation,
- the nature and quantities of foreseeable emissions from the installation into each medium as well as identification of significant effects of the emissions on the environment,
- the proposed technology and other techniques for preventing or, where this not possible, reducing emissions from the installation,
- where necessary, measures for the prevention and recovery of waste generated by the installation,
- further measures planned to comply with the general principles of the basic obligations of the operator as provided for in Article 3,
- measures planned to monitor emissions into the environment.

An application for a permit shall also include a non-technical summary of the details referred to in the above indents. 2. Where information supplied in accordance with the requirements provided for in Directive 85/337/EEC or a safety report prepared in accordance with Council Directive 82/501/EEC of 24 June 1982 on the major-accident hazards of certain industrial activities (2) or other information produced in response to other legislation fulfils any of the requirements of this Article, that information may be included in, or attached to, the application.

Article 7
Integrated approach to issuing permits
Member States shall take the measures necessary to ensure that the conditions of, and procedure for the grant of, the permit **are fully coordinated where more than one competent authority is involved**, in order to guarantee an effective integrated approach by all authorities competent for this procedure.

Article 9
Conditions of the permit
1. Member States shall ensure that the permit includes all measures necessary for compliance with the requirements of Articles 3 and 10 for the granting of permits in order to achieve a high level of protection for the environment as a whole by means of protection of the air, water and land.
2. In the case of a new installation or a substantial change where Article 4 of Directive 85/337/EEC applies, any relevant information obtained or conclusion arrived at pursuant to Articles 5, 6 and 7 of that Directive shall be taken into consideration for the purposes of granting the permit.
3. The permit shall include emission limit values for pollutants, in particular, those listed in Annex III, likely to be emitted from the installation concerned in significant quantities, having regard to their nature and their potential to transfer pollution from one medium to another (water, air and land). If necessary, the permit shall include appropriate requirements ensuring protection of the soil and ground water and measures concerning the management of waste generated by the installation. Where appropriate, limit values may be supplemented or replaced by equivalent parameters or technical measures. For installations under subheading 6.6 in Annex I, emission limit values laid down in accordance with this paragraph shall take into account practical considerations appropriate to these categories of installation.
4. Without prejudice to Article 10, the emission limit values and the equivalent parameters and technical measures referred to in paragraph 3 shall be based on the best available techniques, without prescribing the use of any technique or specific technology, but taking into account the technical characteristics of the installation concerned, its geographical location and the local environmental conditions. In all circumstances, the conditions of the permit shall contain provisions on the minimization of long-distance or transboundary pollution and ensure a high level of protection for the environment as a whole.
5. The permit shall contain suitable release monitoring requirements, specifying measurement methodology and frequency, evaluation procedure and an obligation to supply the competent authority with data required for checking compliance with the permit. For installations under subheading 6.6 in Annex I, the measures referred to in this paragraph may take account of costs and benefits.

The permit shall contain measures relating to conditions other than normal operating conditions. Thus, where there is a risk that

the environment may be affected, appropriate provision shall be made for start-up, leaks malfunctions, momentary stoppages and definitive cessation of operations.

ANNEX III

INDICATIVE LIST OF THE MAIN POLLUTING SUBSTANCES TO BE TAKEN INTO ACCOUNT IF THEY ARE RELEVANT FOR FIXING EMISSION LIMIT VALUES AIR

1. Sulphur dioxide and other sulphur compounds
2. Oxides of nitrogen and other nitrogen compounds
3. Carbon monoxide
4. Volatile organic compounds
5. Metals and their compounds
6. Dust
7. Asbestos (suspended particulates, fibres)
8. Chlorine and its compounds
9. Fluorine and its compounds
10. Arsenic and its compounds
11. Cyanides
12. Substances and preparations which have been proved to possess carcinogenic or mutagenic properties or properties which may affect reproduction via the air
13. Polychlorinated dibenzodioxins and polychlorinated dibenzofurans

WATER

1. Organohalogen compounds and substances which may form such compounds in the aquatic environment
2. Organophosphorus compounds
3. Organotin compounds
4. Substances and preparations which have been proved to possess carcinogenic or mutagenic properties or properties which may affect reproduction in or via the aquatic environment
5. Persistent hydrocarbons and persistent and bioaccumulable organic toxic substances
6. Cyanides
7. Metals and their compounds
8. Arsenic and its compounds
9. Biocides and plant health products
10. Materials in suspension
11. Substances which contribute to eutrophication (in particular, nitrates and phosphates)
12. Substances which have an unfavourable influence on the oxygenbalance (and can be measured using parameters such as BOD, COD,etc.).

Appendix 4

PRESS RELEASE -- October 28, 2004

Floods Give Almighty Sign Incinerator Site is Wrong

The site where the 100,000 tonne hazardous waste incinerator is to be built in Ringaskdiddy, Co Cork, has flooded and has been completely submerged in water since last night.

This flooding is direct proof that the site fails under WHO site selection criteria, and has backed up concerns of the An Bord Pleanala Inspector about site suitability.

A CHASE spokesperson said "We are glad that this has happened now, where it illustrates that the site is wrong, rather than when there is hazardous waste in storage on the site and it could constitute a disaster for the Cork Harbour population.

It is a cause for major concern, and highlights the absolute unsuitability of the site for such a high risk project. It is irresponsible to proceed with the project.

We are currently checking levels and will be analyzing them against flow projections in the planning submission."

----- ENDS ----