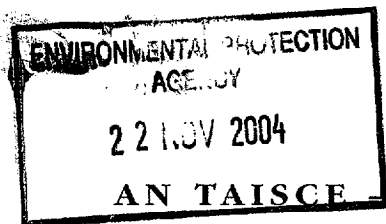


167-1



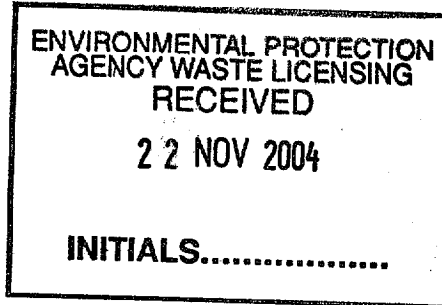
objection (12)

THE NATIONAL TRUST FOR IRELAND

Our Ref: 20041116-17-EPA167.1

16 November 2004

The Environmental Protection Agency
Johnstown Castle Estate
P O Box 3000
Co Wexford



Dear Sir

REF: **Objection to proposed waste licence to terminate for Indaver Ireland (branch of Indaver NV), in respect of an incinerator at Carranstown, Duleek, Co Meath. Waste Licence reference number 167-1**

1. Breach of Council Directive 85/337/EEC, as amended by 97/11/EC with regard to Assessment Splitting and lack of integrated assessment

The proposal breaches the requirements of the Directive because the assessment of the application is inappropriately split between different decision-making authorities, in this case An Bord Pleanála and the EPA. This issue of split jurisdiction is part of a legal action being taken by the Commission against the Irish Government for breaching the EIA Directive. The issue of split jurisdiction is referred to in the content of a Reasoned Opinion of 25th July, 2001. Section 3.2.9 of the Reasoned Opinion refers to a letter of the 26th June, 2001, where the Irish authorities refers to the provisions of Section 256 of Ireland's Planning & Development Act, allowing local authorities to take account of environmental considerations in the case of projects requiring an IPC license. However, the Reasoned Opinion rules that, 'these new provisions will not remedy the flawed procedures governing the projects cited by complaints or other projects decided under Ireland's current rules. This also applies to the provisions of Section 257 Planning & Development Act, 2000, with regard to developments subject to EPA Waste License under Section 4 of the Waste Management Act, 1996.

2. Failure to Consider and Assess Transboundary Impact under Article Council Directive 85/337/EEC, as amended by 97/11/EC.

We submit that no provision has been made for either public or competent authority consultation with Northern Ireland, given the location of the Northern Ireland boundary within 40km of the emission stack prevailing wind direction, assessment of transboundary impact is required.

3. Failure to address requirement for an IPPC License under the Environmental Protection Agency Act, 1992.

Neither the applicant, the EPA, nor the Waste License determination address the requirement for an IPC license under the Environmental Protection Agency Act, 1992, for the emission stacks.

4. Conflict between Stack Height allowed in Planning Permission and in Proposed Conditions

Condition 3.19.1 of the proposed licence provides that the stack elevation of the proposed plant 'shall at a minimum, be 95.3m OD'. This is an increase of 25m on the height proposed by the applicant for which planning permission has been obtained from An Bord Pleanala on 3 March, 2003.

5. Failure to address impact on World Heritage Site Area of Boyne Valley

It is submitted that the stack increase height has been specified by the EPA without any assessment of impact on the World Heritage Site area. Planning permission for the 40m was granted on the basis that there would be no impact on the World Heritage Site area. However, the increase of the stack height by 65m means that there is a direct visible impact from one of the three main passage graves, namely Dowth.

6. Contravention of North Eastern Regional Waste Management Plan with regard to thermal treatment facility.

Four locations have been identified namely, Dundalk, Navan, Carrickmacross and Kingscourt, and not Duleek.

7. Failure to address or specify size and location of waste inspection and quarantine areas.

Section 5.3 of the licence require a impermeable waste inspection area and a waste quarantine area. Sizes and separation distances between these areas are not involved. There is a direct contradiction between this request and the plans and specifications provided in the planning permission approved by An Bord Pleanala. There is inadequate information to establish whether the specifications proposed contain sufficient measures to meet attenuation spillages or contamination in the event of responding to a fire and protection of the regionally important aquafier and gas pipelines in the area. We are concerned that Section 6.12 inappropriately allows groundwater monitoring trigger levels to be resolved by agreement with the EPA.

8. Resolution of waste created by the development

The development would create a combination of waste including bottom ash, boiler ash and highly toxic fly ash – flue gas. Section 3.8 provides for "residual storage capacity" for specified quantities of these materials but does not address production levels and disposal methods. Section 3.4 on drainage systems clearly envisages that there will be surface water discharge from the site with Section 3.14.12 providing for an oil separator prior to discharge. While Section 3.14.4 provides the requirement to have in storage an adequate supply of containment booms and/or absorb material to absorb spillage, this does not address the situation which arises if spillage does occur into waste water drainage and the capacity of the drainage system to accommodate discharges particularly in high rainfall conditions.

9. Inadequate Information on Protection of 200mm diameter gas mains

Interpretation of a number of licence conditions raises concern at the potential requirement for significant reconfiguration on site area of development to meet licence requirements, for example with regard to provision of separate waste storage facility under Section 3.8 and waste inspection and quarantine areas under Section 3.5.1.

10. Energy Conservation and Recovery

The provisions of Condition 7 inappropriately leave the level of energy efficiency and recovery to be resolved by internal agreement with the agency. Recovery of heat is left to be resolved under Condition 7.4 on identification of opportunities.

11. Condition in relation to Hazardous Waste

Condition 8.6 raises concern with regard to a possible transposition of licence (186-1) conditions from that of the Ringaskiddy hazardous waste incinerator proposal in stating that "the licensee is prohibited from mixing hazardous waste of one category with hazardous waste of another category or with any other non-hazardous waste." This is direct transposition from Condition 8.8 of the Ringaskiddy licence. While it may be applicable to the hazardous waste incinerator at Ringaskiddy, its interpretation in relation to Duleek can only be interpreted to imply that the EPA is licensing the Duleek facility for hazardous waste.

12. Changes to Licence and Issues with regard to EIA Directive and Public Consultation

Section 6.3 makes provisions subject to the requirement of Article 11 of Council Directive 2000/76/EC on the incineration of waste whereby "the agency make amend the frequency, locations, methods and scope of monitoring as required by this licence and shall notify the licensee accordingly". This provision does not address the provisions of the EIA Directive of the general requirement for public consultation.

We request that an oral hearing be held on this proposal.

Yours sincerely



IAN LUMLEY
Heritage Officer