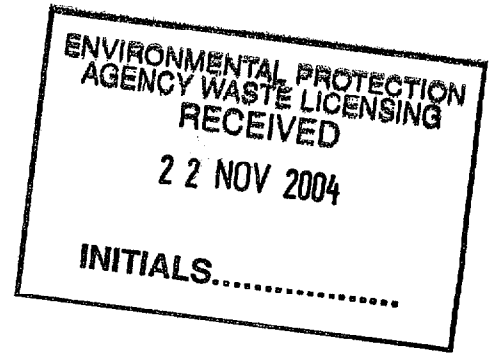


Oby (20) 167-1



Office of the Mayor

Office of Licensing and Guidance
EPA
P/O Box 3000
Johnstown Castle Estate
Co. Wexford
Ireland



Monday, 22 November, 2004

OBJECTION ON BEHALF OF THE MAYOR AND ELECTED MEMBERS OF DROGHEDA BOROUGH COUNCIL TO THE PROPOSED DECISION BY THE EPA TO GRANT A WASTE LICENCE TO INDAVER IRELAND FOR A WASTE MANAGEMENT FACILITY AT CARRANSTOWN, CO. MEATH

WASTE LICENCE REGISTER NUMBER; 167-1

Dear Sir

I am enclosing an objection to the Agency's above proposed decision, prepared on behalf of the Mayor and elected members of Drogheda Borough Council by Environmental Management Services.

In addition to objecting to the proposed decision, the Council requests the Agency to hold an Oral Hearing of this objection and the appropriate fee is enclosed. I also enclose a cheque for the amount of €253.95 in payment of the statutory fee for making an objection and for requesting an Oral Hearing.

As the Mayor and elected members of Drogheda Borough Council may be considered by the Agency as a local authority under Article 44 (3) of the Waste Management Act (1996), we may be liable only for the reduced fee as set out in the table of fees attached to the proposed decision. If this is the case we would welcome reimbursement of any fee in excess of that decided upon by the Agency.

Yours sincerely
Gerald Nash
Mayor of Drogheda
Cllr. Gerald Nash

ENVIRONMENTAL MANAGEMENT SERVICES

ENVIRONMENTAL PROTECTION
AGENCY WASTE LICENSING
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22 NOV 2004

INITIALS.....

Waste Licence Application by Indaver Ireland Limited
for a Waste Licence for a Proposed Waste
Management Facility, including a Non-Hazardous
Waste Incinerator,
at Carranstown, Duleek, County Meath

EPA Waste Licence Register Number 167-1

**OBJECTION ON BEHALF OF THE MAYOR AND ELECTED
MEMBERS OF DROGHEDA BOROUGH COUNCIL**

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22 November 2004

ENVIRONMENTAL MANAGEMENT SERVICES

Waste Licence Application by Indaver Ireland Limited for a Waste Licence for a Proposed Waste Management Facility, including a Non-Hazardous Waste Incinerator, at Carranstown, Duleek, County Meath

EPA Waste Licence Register Number 167-1

OBJECTION ON BEHALF OF THE MAYOR AND ELECTED MEMBERS OF DROGHEDA BOROUGH COUNCIL

1. Introduction

In response to the Environmental Protection Agency's proposed decision made on 26 October 2004 to grant a waste licence to Indaver Ireland (a Branch of Indaver NV) for the above waste management facility including the proposed incinerator, the Mayor and Elected Members of Drogheda Borough Council have instructed Environmental Management Services (EMS) to prepare the following objection. The decision to object to the proposed incinerator and to the granting of a waste licence by the Agency was taken at a meeting of the Borough Council held on Monday 01 November in Drogheda.

The reasons for Borough Council's objection are elaborated in the following sections of this report.

2. Reasons for Concern by the Mayor and Elected Members of Drogheda Borough Council

2.1 Proximity of the Town of Drogheda to Sources of Atmospheric Emissions from the Proposed Incinerator

As the Agency will be aware, the town of Drogheda is approximately 6.0 km (3.75 miles) north-eastwards of the site of the proposed incinerator, i.e., directly downwind according to the direction of the prevailing winds. The continuing development of the town has resulted in built-up areas and residential suburbs extending south-westwards from the town centre, bringing these residential areas to within approximately 4.0 km (2.5 miles) of the proposed incinerator. We consider that this distance is not sufficient to ensure that a major centre of population would not be affected by emissions, particularly in the event of malfunction or plant upset. As the Agency will be

aware from knowledge of incinerator operations in other member states of the EU, there is a statistically significant risk of serious adverse environmental and economic problems being caused by incinerator breakdown, malfunction or failure of emission control. We submit that these risks have not been fully taken into account by the Agency when deciding to grant the waste licence to Indaver Ireland.

2.2 Cumulative Impacts of Industrial and Other Emissions, Especially in Relation to Health

The town of Drogheda is located in an east-west valley (part of the Boyne Valley) prone to atmospheric inversions which result in a risk of elevated levels of atmospheric contaminants during certain weather conditions. In addition to emissions from the proposed incinerator, other significant sources of atmospheric contaminants are the nearby Premier Periclase plant which extracts magnesium from seawater, the cement manufacturing facility at Platin (very close to the proposed incinerator site), the newly-opened motorway between Dublin and Dundalk, and domestic coal and oil burning within the town.

We would submit that the cumulative impact of these emissions has not been adequately addressed, either in the Environmental Impact Statement or in the waste licence. This is an important issue, as a failure to adequately assess cumulative impacts may be regarded as a significant omission from the EIS. Arising out of a study commissioned by the European Commission's DG XI (Environment, Nuclear Safety and Civil Protection) in 1999, methodologies were devised and recommended to ensure that indirect and cumulative impacts would be integrated into the environmental impact assessment (EIA) process, and these methodologies are well documented. However, they do not appear to have been used by the Applicant or by the Agency.

Members of the Borough Council are also concerned that no baseline data or monitoring of the effects of existing emissions has been carried out, and therefore no comparison is available on which to base an assessment of future changes.

There is no doubt that long-term low levels of atmospheric contaminants can have adverse effects on human health, not necessarily resulting in mortality or serious illness in all cases, but creating more elevated and widespread occurrences of upper respiratory tract and gastro-intestinal disorders and reduction in immunity to pathogens which require treatment by local GPs. The combination of cumulative atmospheric contaminants and stress arising from knowledge that the air being breathed is contaminated is a significant cause of such illnesses.

We are further concerned that recent epidemiological studies reported in the medical literature have shown that the presence of atmospheric particulate matter less than 2.5 microns in size is associated with an elevated risk of ill-health, particularly heart disease. It is known that incineration of municipal waste generates large amounts of such particles, and yet there appears to be

no reference to this serious problem in the proposed waste licence. It should be further noted that the literature review on health and environmental effects of landfilling and incineration of waste, published by the Health Research Board in 2003, stated that this country does not have adequate surveillance methods to detect adverse health effects from incineration. The Health Research Board Report pointed out that Ireland has insufficient resources to carry out adequate risk assessments for proposed waste management facilities (including incineration), that there are serious data gaps in relation to the environmental effects of these technologies, and that these problems should be rectified urgently. Given these findings, it is iniquitous that the population of Drogheda and its surroundings should be exposed to an unquantified risk in the absence of base-line data, health monitoring or adequate assurance that any adverse health effects will be extremely minimal.

As the Agency will also be aware, and as reported in the Irish Examiner dated 3 November 2004, the Agency's Director General has appropriately written to the Department of Health warning that there is no system in place to routinely monitor the health of people living near contentious sites such as that of the proposed incinerator. On the basis of this warning, which we believe to be true and correct, we submit that it is internally inconsistent that the Agency should decide to grant a waste licence for the proposed incinerator.

2.3 Failure to Comprehensively Assess the Applicant's EIS, and to Address Transboundary Impacts

We are also concerned by the inadequate procedure by which major EISs (such as the applicant's EIS for a project which requires an EPA licence) are assessed in Ireland, i.e., some of the issues are assessed by planning authorities, and other issues by the EPA. Decisions are independently made by these authorities, with no combined or comprehensive assessment of the environmental consequences. For example, as the Agency will be aware, planning permission was refused on four separate occasions by Cork County Council and An Bord Pleanála for a large-scale landfill at Ballyguyroe in North Cork; yet, following these decisions, the EPA has made a decision on 17 November 2004 to grant a waste licence, though the inconsistency of the Agency's decision had previously been pointed out to them.

As the Agency will be aware, this issue of split jurisdiction is the basis of a legal action being taken by the European Commission against the Government of Ireland for breaching EIA Directive 85/337/EEC as amended by Council Directive 97/11/EC. The Commission issued a Reasoned Opinion on 25 July 2001 confirming that Ireland was in breach of the Directive, and giving examples of failures to comprehensively assess environmental impacts in an integrated manner as required by the Directives. We would submit that subsequent changes in the planning legislation (in particular, Section 256 of the Planning and Development Act, 2000) have not been sufficient to address this failure, and that the environmental impact assessment process has therefore not been carried out in compliance with the requirements of the EIA Directives for the proposed waste management facility at Carranstown.

As an example of what happens when the assessment of a project is split between independent authorities, we need only point to the fact that the Agency has requested an additional 25 metres of height to be added to the stack (Condition 3.19.1 of the proposed licence, page 13), and yet the visual impact of this increase in height has not been assessed by either the planning authority or members of the public. In fact, it is our understanding that the required increase in stack height will make the proposed incinerator more visible from some areas of the Boyne Valley. We therefore submit that there has been no assessment of the impact of the increased stack height on the UNESCO World Heritage Site, and we understand that a consequence of the increased stack height is that the stack will be directly visible from one of the three principal passage graves in the Boyne Valley.

Because the proposed incinerator site is situated approximately 40 km from the nearest point of the boundary between the Republic of Ireland and Northern Ireland, and stack emissions can be carried long distances before deposition, and because the boundary with Northern Ireland is downwind of the proposed incinerator site, we would submit that provision should have been made for the assessment of transboundary impacts, as required under the EIA Directives. As far as we understand, no consultations have been undertaken with either the competent authorities or members of the public in Northern Ireland.

In contrast, we would point out that when Monaghan County Council received a planning application for a combined heat and power plant to burn chicken litter, spent mushroom compost and other fuels at Killycarron in County Monaghan, the planning authority notified the relevant authorities in Northern Ireland and announced its intention of not making a decision on the application until the comments of the Northern Ireland authorities (which involved public consultation) had been received.

2.4 Adverse Economic Consequences for the Town of Drogheda

The Town of Drogheda relies to a considerable extent for its economic success and continued growth on well-developed agricultural and tourism sectors in the town's hinterland. Agriculture, including dairying, cereal production and tillage on fertile soils, contribute to the wealth of the region; while the nearby Boyne Valley is a major tourist attraction and a site of international heritage importance (UNESCO World Heritage Site).

The presence of a nearby incinerator significantly increases the risk of persistent organic pollutants (POPs) being deposited from atmospheric emissions and entering the food chain. The perception of this risk will cause purchasers of agricultural products to become more apprehensive about the quality and purity of these products, and they may insist on more stringent guarantees and additional monitoring or testing from growers and livestock producers. The cost of such monitoring and/or testing will fall on local agricultural enterprises, adding to their cost-burden. Furthermore, in the event of any reported mishap or plant upset at the incinerator, purchasers may cancel orders rather than assume that no emissions have occurred or

assume that the presence of POPs could be reliably detected in all batches of produce.

Members of the Borough Council are also extremely concerned by the adverse effects on tourism that could be caused by widespread public knowledge and fears about emissions from the proposed incinerator. Even if such fears could technically be shown to be groundless, members of the public (and especially tourists) may remain unconvinced, and may choose to avoid staying in the area. As the Agency will be too well aware, it is not necessarily the technical data which will influence the public choice but people's perception that an avoidable risk may exist.

2.5 Contamination of Water Supplies

The Town of Drogheda currently abstracts water from the River Boyne to provide a mains supply, but plans have been made to utilise a major and regionally important aquifer close to the town. It is understood that this aquifer is vulnerable, as it is replenished by downward percolation of surface water through soil and porous rock. Any significant deposition from the atmosphere of POPs from the proposed incinerator would result in a risk of the aquifer becoming contaminated in the long term.

The Agency will be aware that permission was refused for further deposition of waste at a local authority landfill at Mell near Drogheda because of the risk of groundwater contamination. Even though this decision may not be directly comparable, it is an indication that the groundwater in the area must be considered vulnerable.

2.6 Adverse Impacts of Additional Heavy Traffic

While it is expected that most of the vehicles carrying waste to the proposed incinerator (and transporting ash from it for disposal elsewhere) will use the M1 motorway, members of the Borough Council are concerned that some vehicles will come through Drogheda in order to avoid paying tolls on the motorway. It has been observed by the Borough Council that while heavy vehicular traffic through the town has decreased following the opening of the motorway, there are still very significant numbers of heavy vehicles passing through the town. The reduction in vehicular numbers has not been as great as predicted, and this is believed to be due to a number of vehicles avoiding the toll plaza.

The very likely probability that vehicles carrying waste destined for incineration (and toxic ash for disposal) will pass through the town is a cause of serious concern; and we submit that this environmental issue has not been addressed by the Agency.

2.7 Energy Recovery from the Proposed Waste Incinerated

Indaver Ireland has argued that significant amounts of energy generated by the incineration of waste in the proposed incinerator will be beneficial, and

Section 2.8.2 of the EIS states that the waste to energy plant will export electricity to the local electrical distribution system. We would submit that far greater energy savings would be realised by prevention of waste, re-use, recycling and other practices aimed at reducing and eventually eliminating the need for incineration or landfilling of wastes. Indeed this is recognised by the Applicant in Section 2.9.3 of the EIS where it is stated that "prevention of waste is the cornerstone of all waste policies" (page 51). It follows that waste incineration is one of the least desirable options in the waste hierarchy.

We would also submit that the proposed incinerator cannot be considered as an efficient generator of thermal or electrical energy, and that if it is connected to the national grid as proposed, it will be subject to National Grid Control which will determine the power output from the associated generating plant. At times when the capacity of other plants is sufficient to meet demands, or there is over-capacity, and there are operational reasons why the output from other generating plants cannot be reduced, National Grid Control may ask the Carranstown facility to reduce its electricity output. This entire issue of electrical generating efficiency and the requirements of a connection to the National Grid have not been examined. We submit that these issues should have been included in the EIA process.

2.8 Issues Raised by The No Incineration Alliance

We have read the submission made to the EPA by the "No Incineration Alliance" in May 2002, and are in agreement with many of the points raised, and we submit that many of these issues still remain to be addressed by the Agency, i.e., they have not been addressed satisfactorily. We therefore request the Agency to re-examine this submission in detail.

3. Conclusions

We therefore object to the proposed waste licence for the following reasons:

- Proximity of the Town of Drogheda to sources of atmospheric emissions from the proposed incinerator;
- Cumulative impacts of industrial and other emissions, especially in relation to health;
- Failure to comprehensively assess the Applicant's EIS, and to address transboundary impacts;
- Adverse economic consequences for the Town of Drogheda;
- Contamination of water supplies;
- Adverse impacts of additional heavy traffic on the Town of Drogheda;

Objection on behalf of the Mayor and Elected Members of Drogheda Borough Council

- Inefficient Energy Recovery from the Waste Incinerated compared with waste elimination, re-use, recycling and other forms of waste diversion from incineration.

Jack O'Sullivan

Environmental Management Services

Objection on behalf of the Mayor and Elected Members of Drogheda Borough Council

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