

15th March 2005

**Closing Submission
On behalf of the No Incineration Alliance**

Lady Chairperson

This document was prepared by Áine Walsh, with input from Brian Hanratty, Grainne Russell and Pat Corcoran. Unfortunately, on account of work commitments Áine is unable to present this, as the named representative of the no Incineration Alliance, therefore Pat O'Brien, a member of the Alliance will present it on behalf of the Group.

We'd like to extend our thanks to you, your Assistant, the various ladies collating the documentation and audio operators for your flexibility, courtesy and professionalism during these proceedings. We'd also like to once again thank the EPA for granting the opportunity for this Oral Hearing.

Rather than re-hash all the arguments that have been made during the week, we'd like to comment on the top-line issues raised, and stand over all our submissions, and those of each and every other Objector that either lodged papers, or spoke out against incineration for whatever reason.

I hope you'll consider this submission, along with the papers lodged by the No Incineration since 2002 with regard to the Applicant's request for an IPC licence with great attention. When issues are raised with regard to 'agenda', please be advised that we have none, besides protecting ours and the wider community's health wealth and heritage. We hate doing this, and can think of many other ways of spending our spare time, and hard earned cash, but feel that we need to keep the battle to keep incineration out of Ireland going for ours and future generations. With this in mind you'll also be aware of our pending court proceedings in the Supreme Court in April, with regard to the EU/EIA Directive.

As a community group, smarting from the An Bord Pleanala experience of going through the time, effort and expense of hiring professionals, taking days of work, coordinating childcare, winning the Appeal with the Inspector of the Bord, only to have it overturned by the Bord, citing cognisance of National policy which is pro-incineration, we entered

this arena in a very skeptical frame of mind. That said, we were willing to give this a good effort, to try to reinforce the facts that incineration is bad for our health.

We would ask the Agency to consider the advice of Dr Anthony Staines with regard to the implementation of Health Impact Assessments, and also his re-iteration of the outcome of the HRB study, and Dr Kelly's letter stating that Ireland didn't have adequate monitoring systems in place to assess health impacts, nor background studies to use as baseline data. On this topic, we're very distressed to see that John Ahern states that the HRB stated '*Ireland should proceed with the introduction of incineration as part of an Integrated Waste Management strategy*' – having read the report more than once, and done a word search, we don't see this recommendation there at all, and would be glad if this could be pointed out to us directly. From listening to Dr Staines evidence we do not consider Mr Ahern's assertion to be quite true.

The North Eastern Health Board also raised many concerns, as covered by Cllr Hannigan and TD O'Dowd, concerns which we feel haven't been addressed sufficiently by the EPA or the Applicant. These range in subject matter from site selection, water contamination to ash management strategies as well as ash residue treatment and disposal. We're further perturbed by the NEHB's assertion that, contrary to the applicants submission that they consulted with the NEHB, the NEHB contend that no such consultation took place. Similar to the Newry & Mourne District Council submission, the issue of the integrity of the Applicant comes under question.

We challenge Mr Ahern's assertion in his submission that 'The HRB report was a Health Impact Assessment on Ireland's current policy of introducing incineration into Ireland. (submission 4 - pg 14). Dr Staines of the HRB contends that to undertake a Health Impact Assessment, a qualified team, for up to 12-18 months would be required, and he advised of 2 such competent bodies in the country, the HRB being one of them. He strongly disagrees with Mr Ahern's contention that the HRB report is a HIA.

Mr O'Sullivan has remarked on various occasions that anecdotal evidence from sectors closely related to health or the land in a small area are usually very reliable indicators of an issue being awry. For the record, this is a community group, backed up by our local authorities and GP's, flagging potential negative effects in the future for our locality.

There are many studies which Dr Cullen of the Irish Doctors Environmental Association, Dr Staines, Dr Mary Grehan, Ollan Herr and Aine Walsh referred to with regard to the negative effects of exposure to pollutants.

Inequality prevails in the system with regard to resources. We simply don't have the resources to pay consultants to tell us what we want to hear, or selectively assess the situation, like the flora and fauna assessment in the Applicant's submission, or the areas relating to human health. We note that the Applicant had no medical expert witness on their bench, though they had many engineers, chemists, scientists, and even someone speaking of the Brú na Boinne site. As most of the Objectors list health as the primary reason for objection, we find this a great omission, especially as the Agency isn't equipped with any in-house health expertise. Therefore the situation as we see it is that three Medical Doctors have given quite compelling evidence that the emissions from incineration will degrade the health status of people in the immediate area, and also potentially beyond via the food chain. This is further backed up by the EPA meeting with Dr Vyvyan Howard, and the various medical journals that the No Incineration Alliance and others sent as part of their original Objections. The Appellant hasn't

challenged the contentions of these learned doctors. The EPA doesn't have medics to call on to challenge the assertions of Drs Staines, Cullen, Grehan, Howard and others, therefore they must accept what these doctors say to be true.

We query whether familiarity confers favourability. On the 27th August 2003, The Irish Times reported in relation to Dr Mary Kelly, Director General of the EPA that "In a newspaper interview, Dr Kelly was heard to say 'we will get domestic waste incinerators, beginning with the Indaver project in Meath where planning approval has been secured, though a judicial review is awaited'."

While we are not aware of Ms. Kelly ever denying she made this remark, it is regrettable that Ms Kelly is not present to clarify if she has been quoted correctly.

In the event that this is an accurate reflection of her comments, then this would completely undermine the credibility and integrity of both this Oral Hearing and licensing process and goes right to the heart of undermining the EPA itself.

This licensing process should be aborted as a matter of great urgency in the event Ms Kelly uttered these remarks – or the essence of these remarks, as quoted in the newspaper report.

A year later, communities in Cork, Meath, Louth and elsewhere recoiled in horror when they learned that controversial Minister Martin Cullen had appointed Indaver's Laura Burke to a senior management role at the EPA. Given both Ms Kelly's and Ms Burke's background, the community regards both Directors as pro-incineration activists.

During discussion this week, we've been made aware that the Chairperson of this Oral Hearing has also had contact with Indaver facilities and personnel in the past. We cordially request you, Madam Chairman, to make a formal written declaration of the precise details regarding your previous contact with Indaver and/or Minchem.

I must state again that the community have real concerns that Indaver, given their knowledge and familiarity with the EPA must feel they have this incinerator "sewn up." The community have little trust in this process – it is up to you to prove us wrong.

We have a terrible fear that the Agency has prejudged the issue of Indaver's proposed incinerator at Carranstown. This fear comes not only from the draft licence grant, and the lack of attention paid to the health issues, but also from the open comments made by Dr Kelly with regard to this facility and operating Company and also her pro-incineration stance.

We also query whether the community should place its trust in the EPA, who appear soft on environmental crime. The role of the EPA as the "full back" in the event of breaches of licensed conditions needs to be independently assessed. Their approach to

enforcement of IPC licences gives rise to concern – see their most recent Annual Report (2002!) and Report on IPC Licences (2002!) and a breakdown of the costs and fines imposed on www.epa.ie. Based on this, the EPA is not effective in protecting the public's interest from both a health & environmental perspective.

The requirement for companies to carry out "on-going monitoring of their own operations" must be called into question as in the Irish Times of Friday last, March 11, another company is accused of filing misleading reports with the EPA.

Self-regulation is "no regulation."

As a community we listened with great sympathy to the experiences of Mrs Sheila McNamara of Askeaton and her experiences with industry and the monitoring thereof, and the treatment of the individual and community when legitimate concerns were raised, such as an abundance of congenital birth defects, covering of houses and farms in yellow dust, access to monitoring data, etc. We feel that Mrs McNamara was treated very unfairly by the Hearing as this was meant to be as 'non-scientific' and 'in the words of the lay person' as possible. This was a lay person, telling a community which would potentially be exposed to numerous pollutants (known and as yet unknown), of her experience, and exposure to many of the same pollutants to be monitored by the same Agency. Some latitude should have been granted to her to speak, and to the community to hear what she had to say.

Indaver's safety record gives us no comfort – neither does the way they have dealt with our communities, where we have been hoodwinked on a number of issues.

Despite Indaver's claims regarding their focus and investment in relation to safety, one of their Belgian incinerators breached licenced emission levels for several weeks, undetected.

They have misled the public in relation to:

- Noel Dempsey's visit to their Belgian operation
- So called consultation with the North Eastern Health Board
- So called consultation with Newry & Mourne District Council
- Representation of the Health Research Boards results

We, the community, were the last to find out (from UNESCO, not the EPA or Indaver) about the chimney height being increased from 40 metres to 65 metres. This issue has been raised by many Objectors with regard to the lack of consultation, and also the role of the Planning authorities with regard to this, and the suggestion of whether there was knowing or unwitting negligence/ incompetence in the original application which 'thought' 40 metres would be sufficient stack height.

We know that the Applicant has breached its operating conditions at its Antwerp incineration plant. Mr Noonan in his closing summary on behalf of CHASE at the recent Cork Oral Hearing contends that 'had this breach happened in Ireland, it would have rendered the Applicant liable to prosecution under the Waste Management Act, and on conviction, the Applicant would no longer have been considered a fit and proper person by virtue of Section 40(7)(a). This section relates to the EPA's entitlement to refuse a licence if the Applicant is not a fit and proper person.

With regard to the portrayal of Canberra's Zero Waste figures in John Ahern's opening submission, we'd like to draw the EPA's attention to Gerry Gillespie's letter (President of the Canberra Environment Centre which administers the Zero Waste by 2010 programme in Canberra) (this is submission 28a – final page). He acknowledges that the waste arisings would increase on account of economic development, i.e. from 237,931 tonne in 1996/97 to an estimated 561,000 in 2005, but he also mentions that the proportion of waste that's currently ending up in landfill is 208,380 tonne, which is 37% of the waste, which means that approx 63% is being diverted from landfill through the recycling/re-use/composting stream.

The way in which Mr Ahern presented his Canberra figures is very misleading, and raises serious questions with regard to transparency and in essence 'spinning'. Thankfully any one of us can write letters to get to the bottom of the facts with regard to sums like these, but unfortunately we cannot do the same with regard to some of the technical input to Indaver's submissions. If these pieces of the puzzle go unchallenged, then it might be assumed that people consider them to be correct. I refer back to my earlier point with regard to equality, the No Incineration Alliance doesn't have the funds to hire consultants to verify the Applicant's submissions, so we question what else is being 'spun'.

Cllr Hannigan, among others referred to the lack of site suitability, especially the threat to the regionally significant aquifer. The An Bord Pleanála Inspector, as well as many Objectors to this draft licence contended that the site selected didn't meet adequate site selection criteria (such as the WHO.) This alone gives the Agency grounds to reject the license application.

Further issues relating to site selection still remain unaddressed, i.e. that this location wasn't entertained in any previous scoping document, being approximately 20 miles from the nearest best fit site for a waste facility such as this for the Region. We re-highlight the possible dangers of the interaction of the daily blasting 300 metres away in the cement quarry, the gas pipeline running underneath the site, and the proposed activity on site. Proximity to Mount Hanover school and the playing fields should also render this site unsuitable for such a development.

As well as public health, the matter of the Boyne Valley's exceptional heritage is affected by this proposal. Professor George Eogan has submitted his comments to the NIA – as the world's leading expert on Bru na Boinne, he also raises serious concerns.

We've already mentioned the success of other countries in meeting high levels of diversion from landfill with or without incineration. Ollan Herr and Dr Connelt advised us

on the very high economic gain from recycling/re-using/composting resources as opposed to wantonly burning them. Indaver'll have no facility for separating waste, so there's a strong chance they'll be burning recyclables. The incinerator, should it go ahead will create cubic tones of pollutants, contaminated gypsum and ash which'll need both hazardous and normal landfill of, and potential degradation of our watercourses through processing and ingress from water which has been in contact with the ash. Once again I refer you to submission 28a, Gerry Gillespie's letter, which puts an economic value to the Zero Waste stream versus landfill and incineration, this in itself is a very compelling reason to reject the incinerator licence and direct the efforts of the EPA, local authorities and business in the direction of Zero Waste.

We know that there's great power in legislation, we love the plastic bag tax, and also the smoking ban, but find it incredible that a health minister will push through a ban that'll protect all our health from passive cigarette smoking, yet an environment Agency will potentially license an incinerator which will have us all passively smoking a cocktail of pollutants – for generations to come. The EPA have the power to safeguard our health and food chain by ruling against the Applicant's draft licence.

Finally – we'd like to once again call on the Precautionary Principle, I'm sure you're sick to death of this being trotted out, and we're bored citing it, but we have to wake up and actually listen to what it states. **The precautionary principle requires that emphasis should be placed on dealing with the causes, rather than the results, of environmental damage and that, where significant evidence of environmental risk exists, appropriate precautionary action should be taken even in the absence of conclusive scientific proof of causes.** This is more than simply giving the environment the benefit of the doubt. It is a spur to responsible action and a stimulus to scientific and technological development.

The Department of the Environment Sustainable Development Report – a Strategy for Ireland 1997 states that *"Where there is uncertainty in regard to the definition of carrying capacity and the limits or thresholds which should imply for sustainable human activities, the precautionary principle must be applied; this has influenced global action, for example, in regard to the objective of stabilising CO₂ emissions to abate the threat of global warming."* We, and many other contributors such as Feargal Duff have mentioned Ireland's duty, not only to it's people, but also to the global community with regard to international treaties such as Biodiversity, the POPS Treaty, the Kyoto Protocol, which call for equity, eradication of persistent organic pollutants such as dioxin, and a reduction in greenhouse gases respectively. By licencing the incinerator, we feel that the EPA is knowingly turning it's back on it's commitments to these international agreements that Ireland signed up to, and wantonly exposing the country to pollutants from the facility, and the backlash of the international community, which may take the form of fines, exclusions or general damage to Ireland's good name abroad. In essence, we're saying that this action would damage Ireland's integrity.

Thank you to the Agency, and to all the Contributors to this debate, we look forward to a favourable outcome on this, i.e. a rejection of the licence. We remain at the Agency's disposal for any further discussion with regard to our submissions, or any issues in general relating to this proposal that the community should be consulted on.