

SUBMISSION BY CORK HARBOUR FOR A SAFE ALLIANCE (C.H.A.S.E.)

EPA ORAL HEARING RE;GRANTING OF DRAFT LICENCE FOR A TOXIC WASTE INCINERATOR AT RINGASKIDDY ,CO. CORK LICENCE REGISTER NUMBER 186 -1

My name is Mary O’Leary, Chairperson of CHASE (Cork Harbour Alliance for a Safe Environment). CHASE represents several communities in the harbour area, they are Ringaskiddy, Carrigaline, Cobh, East Cork, Monkstown, Douglas, the City and Kinsale. I have come here today to discuss our objections which have not been dealt with by the EPA, only to find that we are in the anomalous situation of there being no representatives of the EPA present. What then one has to ask, is the purpose of this oral hearing when effectively we are talking to ourselves?

Tremendous work has gone into opposing this development because we know it is the wrong site , wrong technology and has been flawed from the beginning. Because of this and the strength of feelings in the community in opposition to such a development, we will state our oral objections, although there is no one here from the EPA to respond! This is a situation we expect to be rectified by the appearance of the EPA at this Oral Hearing.

In concurrence with other colleagues a second feature of this Oral Hearing that concerns the public is transparency. The EPA is sitting as judge and jury on this, it’s own licence, a situation that is most unsatisfactory and allows no objectivity.

Furthermore, the EPA as a body, is exonerated from all responsibility in terms of the decisions it makes. This is due to the fact that the EPA’s charter endemnifies them i.e.it cannot be held responsible for any accidents that occur due to its decisions, which must and can only be regarded as disgraceful, as it shows total contempt. This causes great concern indeed to this community at large, as there is no accountability and exposes us all to poor policy making, for which there is no ownership.

Community’s Concern

CHASE is not satisfied that the Agency has given adequate reasons for the decision to grant a waste licence considering the inadequate information given by Indaver and the fact that some of the EPA’s own questions have not been answered by Indaver. i.e 3.10.4.question on the treatment and disposal of sludges which are hazardous and contaminated, remains unanswered.

Indaver have said the emissions will be well within the licence limits. How can the E.P.A. accept this as the company are willing to accept uncharacterised waste, if one doesn’t know nature of waste in , one can’t know what goes out the stack as emissions.

We are not satisfied that the EPA accepts the licensee’s word in all cases without question or reserve. Indaver Ireland has changed the goal posts ,they have increased the categories of hazardous waste they want to process and expect us to believe that it was simply an oversight! If Indaver Ireland get such an important aspect of their

licence wrong, how can the Agency be so assured that other information they supply is correct?

Indaver Ireland has breached its EU emissions standards several times in Belgium,(2003) being 1300 over these limits on one occasion.

(ref;http://166.33.3.1`98/admin/pars_detail_eng.php?&pars_id=48)

They do not have a good reputation in running incinerators which leads the communities to place no trust in the competence of this company, based on their track record.

Indaver Ireland have never operated an incinerator of this type anywhere in Europe and coupled with the fact that the managing director told us at the Planning Oral Hearing that this plant would be monitored on-line from Belgium, we have absolutely no faith in their ability to run such a facility. I would like to add, that I think it is highly disingenuous that the general manager Mr ahern then has the audacity to go on public television and declare that “they know the technology and know what they are doing “ (RTE News 14.02.05) This is clearly not the case and is misleading to the public, giving the false impression to the public. How can such a company ever be a good neighbour to the people of Cork Harbour.

This company Indaver Ireland has on more than one occasion stated that none of their staff has experience of working in any incineration plant. Indeed the Managing Director has said at a public meeting that, “we would all be learning”. I would like to remind both the EPA and Indaver that Cork County and its inhabitants are not guinea pigs and have no intention of ever being so.

There is no crisis in hazardous waste management, this has been documented in our earlier submissions. This company have repeatedly said this application is in line with National policy which is clearly not the case, as the cornerstone of the National Hazardous Waste Management Plan is prevention not incineration. The Plan only makes mention of incineration as one of the options. Indaver manipulate the waste management plan to try to justify their application.

Chase is therefore not happy that the EPA grants a licence to the toxic waste incinerator given the above set of circumstances and I would remind the Agency of its visions as outlined in its Annual Report.

“Our vision is to be..

a credible – respected organisation speaking out courageously for the protection of the environment.”

We ask you to follow that vision and to refuse this licence.

Outline of Presentation

Keeping in mind the content of previous speakers objections and the request of the Chairman to try and avoid repetition I will deal briefly with the main objections of CHASE in relation to this draft licence.under the following headings:

1. Risk to public safety The likelihood of explosions due to the technology proposed and the nature of the waste that the EPA have issued a draft licence for

2. Lack of confidence in the company.
3. Contamination of the harbour.
4. Terms of the Draft Licence
5. Classification of waste
6. The health issue

Risk To Public Safety.

a. Technology

This type of technology is extremely problematic and prone to fires. This is the advice we have had from senior chemical engineers who have worked for many years in incineration and base their opinion on years of experience. We are not willing to accept the risk of such a facility in the lower harbour which is a populated area that is earmarked for substantial growth in population.

b. Nature of the Waste

The company has stated that it will take "unsubstantiated customer statements" as to the nature of the wastes being accepted. Considering the potential for explosion due to incorrect mixing of unknown, highly flammable and volatile hazardous wastes, this poses a huge risk to the Maritime College (850), the people of Ringaskiddy (500) and the population of Cobh (14,000) and the populations of East Cork in a south westerly wind. In a north easterly wind it would directly impact on the people of the upper harbour especially Monkstown and Passage West and on up to the densely populated areas of Cork city and suburbs. The people of Cobh only have one escape route, which you have already heard.

c. Risk to Communities

I would refer Mr. Chairman to the Site Selection Criteria for the location of Hazardous Waste Incinerators, as laid down by the W.H.O. I would ask Mr. Chairman to explain to me and the community on behalf of the EPA, how any license could possibly be given for Ringaskiddy in view of the WHO criteria?

This is a vital question to this entire issue and it is imperative that we get an answer from Board of the E.P.A. If Mr. Chairman cannot answer this question then we must insist that the Board come to this hearing and provide us with the answer

Did the EPA not read the evidence given at the Bord Pleannal Oral hearing where we heard that the only advice principles in schools in the harbour area have been given, in the event of a major accident, is to go inside and stuff the windows and doors with wet rags? This is a question Mr. Chairperson that only the Board and those involved in the decision making process can answer and that is why we are here, to get answers

What would the staff in the maritime college do, considering that their windows would all be blown in? (ABP Oral Hearing) What would they close to protect their now glass-impregnated students in the event of an explosion? These Mr Chairman are all questions we want to ask the Board.

All this information must surely be relevant to the EPA when making a final decision on this licence. Do the people who live in the area not matter? Are our lives meant to be put in potential danger for the sake of the shareholders of Indaver Ireland?

We as a community have engaged in this entire process properly and with professionalism. We have raised this question of risk to the communities at every stage and nobody in the form of any of the authorities we have dealt with, has addressed this issue or allayed our fears.

Mr Ahern, the managing director of the company was the only person to comment on the risk, when he stated publicly at the An Bord Pleanála Oral Hearing that he could not guarantee against accidents!! This risk to public safety is not acceptable, whereby the concerns of the community have neither been addressed nor allayed.

The Chief Planning Inspector at the An Bord Pleanála Oral Hearing 2003 stated as one of his reasons for recommending refusal, that he could not guarantee this facility did not pose a risk to public safety. This is a conclusion the Inspector came to after three weeks of detailed submissions and expert opinions.

The decision of the EPA to grant a draft waste licence to Indaver is staggering, considering all the information in relation to why it poses a risk was available to them. *Again we would like to ask the Agency if they read the Inspectors report ? Again we would like to ask the Board if they read the WHO guidelines*
The risks identified in the inspectors report have not gone away. The EPA seems to have ignored vital information in relation to public safety and issued a draft licence regardless. I would remind the Agency of some of its professed values
integrity, independence and professionalism “

Is it the duty of the EPA to take information from other, competent authorities in relation to applications? This is a question we want to ask the EPA .

Considering this is the first application the EPA has had for a commercially driven, hazardous mass-burn incinerator, it should have used all the advice and information available to it. The EPA Mission Statement clearly states,
Our mission is

,” To protect and improve the natural environment for present and future generations, taking into account the environmental, social and economic principles of sustainable development “

I would put it to the EPA that the only part of their mission statement they focused on in their decision to grant a draft licence, was the economic principle, which will vastly benefit a private company, while putting the community at large at risk.

There is ample evidence in the Planning Oral hearing of the inadequacy of the EIS presented by Indaver Ireland,

There is ample evidence of lack of information, inadequate information and questions that are still unanswered some of which were dealt with by East Cork for a Safe Environment.

There are questions the Agency put to the company that remain unanswered. How then one has to ask, can the Agency make a decision to issue a draft licence when they are not in possession of all the facts. *This is another question we would like to ask the Agency !*

2.Lack of confidence

We have been informed that no one in Indaver Ireland has any experience of working on incinerators; therefore there will be no qualified people on site. (An B P Oral Hearing, 2003)

This fact along with the points just mentioned above, should have set alarm bells ringing because it reads like the ultimate recipe for a disaster.

4. Contamination of the harbour

Flooding

We all saw the severe flooding at the site in October 2004 (well those of us who live in Cork). As a result of this event and in anticipation of such further events the harbour is in grave danger if this incinerator is built.

The waste transfer station in particular, poses an environmental disaster in relation to contaminating the harbour waters, with hazardous waste, in the event of such a flood. The fact that the company state that water collected from this area will be tested for contamination by hazardous waste prior to discharge to the council sewer, clearly shows that there is a real potential for contamination by the harbour in the event of future flooding

No map of this area with working floor levels, was supplied to the EPA, to our knowledge and if it was, we did not get a copy.

How then did the EPA access the potential risk of flooding in this area ? This is another question we would like to put to the EPA but they are not here?

We then need to know what the levels refer to i.e. above what ? is it O.D.datum? Still more questions that I realise you Mr Chairman cannot answer.

Taking it that it is O.D. datum ,in the absence of any information from Indaver, the site map clearly shows that the working floor level is below the flood levels of October 2004.(Ref. Map acquired from Indaver after eight days, not included as evidence) The floor level as stated by Indaver is at 2.5 meters O.D in the yard and 2.6 m in the transfer station. The flood levels in October 2004 were at 2.85m O.D using Malin head datum, This would result in this entire area being flooded. We also must seriously consider the likelihood of the bunded areas also being flooded with their contents escaping into the harbour.

We have taken advise and we have been reliably informed that it is considered “ prudent engineering practise “to have all working areas, especially those liable to flood at least a half meter above the 1/100 year flood level.

A 300mm “ lip “ in this situation would be as useful as an umbrella in a storm-force wind.

The flood levels of October were not the 100 flood levels that all proper planning refers to. It is obvious that Indaver Ireland did not even consider the likelihood of this site being flooded and we quote.

“no scenario considered in which the water level could inundate the site “

ref.Byrne/o’Ceilig march 2002. (commissioned by Indaver.Ireland)

The EPA cannot issue a licence for activities at this site. To do so would be totally at odds with the mission statement of the Agency;

“ to protect and improve the environment for present and future generations

3. Terms of Draft Licence

It is an affront to the democratic process that the EPA has made it a condition of its draft licence that Indaver Ireland builds a second incinerator to burn 105,000 tonnes of domestic waste without planning permission!

This condition ignores all the democratic decisions made by the people of Cork and their local public representatives, the County Councillors. Such a decision is contrary to every plan that has been agreed to by the people of Cork and our public representatives. (especially considering that mass incineration is specifically excluded from this site.) It is contrary to the Cork County Development Plan, The Cork City and County Waste Management Plans (which exclude incineration), and Cork Area Strategy Plan(CASP), which is drawn down from the National Spatial Strategy.

CASP in particular is a blue print for the development of Cork Harbour. As we heard yesterday from the Lord Mayor of Cobh, it envisages the development of the harbour for leisure recreation and education and the cleaning-up of "dirty Industry " We were on the way to realising this vision, when along come a company, who seem to have the ear of the decision makers and the whole lot is stuck off with the stroke of a pen. What ever happened policy making?

The EPA may say this is a matter for planning and if they were here I would ask them, they may be right but surely all these factors must be taken into consideration when deciding on the location of industry This must be the essence of good policy making ,one can not deal with isolated issues as if they exist in a vacuum!

Only last week the Minister of Environment published a set of guidelines to be followed by the authorities to stop" maverick planning decisions " being made. Then we see an arm of the state, the EPA, making such maverick decisions and frankly it is disgraceful. Where is local democracy gone and for whom does the EPA work? I suggest it would be advisable that the EPA get a copy of these guidelines to read before they make their final decision!

.Classification of Waste

Indaver Ireland in its licence application to the EPA has reclassified its hazardous waste list, thereby increasing and changing the conditions of its planning permission. The Health and Safety Authority HSA classified the hazardous waste incinerator site as Lower Tier Seveso II, based on the information submitted to it at the time.

Indaver Ireland has now moved the goal posts by increasing and changing the nature of the hazardous waste and we contest that these were not the conditions under which Indaver Ireland got its planning permission.

We also contest that Indaver must submit its new material to the HSA for reassessment as we are of the opinion that the proposed development should now be moved to a higher category under the Seveso Directive.

Ash

The ash, which will be standing on aprons, poses a further threat to contaminating the harbour, both due to flooding and wind dispersion. This ash will contain concentrated heavy metals and poses a threat to the environment.

Some of us have seen the ash mountains in Antwerp which are 100 meters high, uncovered and an eyesore, to say nothing of the risk to health and the environment

Considering this company have been so evasive in how they intend to dispose of their ash, we can only assume that such ash mountains could also be Cork harbours legacy. This company, we feel will have no compunction in sacrificing our pristine harbour, for economic gain.

Health

In 2002 the Department of the Environment commissioned the Health Research Bureau to do a report to determine the effects of incineration on human health. (submitted in original objection)In 2003, the H.R.B.published the report which states the following

“ Ireland presently has insufficient resources to carry out adequate risk assessments for proposed waste management facilities....in addition there are serious gaps. These problems should be rectified urgently “

It further goes on to say;

“There is an urgent need to develop the skills and resources required to undertake health and environmental risk assessment in Ireland.”

Two years later this situation remains the same. Nothing has been done. No department or Agency will take responsibility for the safety of our health.

The Director General of the EPA, Dr .Mary Kelly has passed the responsibility onto the Department of Health and Children, so we tried to meet with the Minister of Health, Ms Mary Harney to discuss our worries with her. She however is too busy to meet us and has referred us to her colleague, the Minister of the Environment . We have also requested a meeting with Minister Roche, but he has declined and has referred us to his Senior Civil Servants.

We met with the Government's Chief Science Advisor Dr. Barry Mc Sweeney, (a Senior Civil Servant) to express our fears but he was unable to help us and seemed to be under the impression that the concerns and issues we raised with him, would be addressed at this oral hearing.

Whos' responsibility is it then. We know already it is;

not the Planning Authority, not the H.S.A. , not the Bord Pleanala,

so now we can add to the above list ;

Not the EPA, not the Department of Health and Children, not the Minister of the Environment .

Health has to be someones responsibility and we contest that the EPA must come to this Oral hearing to answer this most basic question.

Under Article 8.2 of the Convention of Human Rights everyone has the right of respect to his family life and home.

Again we ask the EPA if they recognise the WHO guidelines on site selection which clearly refer to unfair burden on the community ?

This community has paid the price for the economic success of this country. Enough is enough.

Lack of faith in the EPA

Sad to say, one of the major concerns of the community is its lack of faith in the ability of the EPA to monitor or enforce such activities. This lack of faith has been further reinforced by the fact that no body from the EPA has come to answer our questions.

What type of process is this where there is no true public consultation . We have followed and participated in this process, to be met with what I can only call arrogance on behalf of the Agency?

We recognise the limitations put on the EPA by the legislation under which they got operate.

We recognise the fact that they are severely underfunded and that their budget has been cut in the last two Government budgets'. This in turn prohibits them from being effective in implementing national policy i.e. The National Hazardous Waste Management Plan (Annual report 2004) or regulating and monitoring licences they issue.

However we did expect proper and full participation by the EPA in this application as it is so contentious and so many issues remain unresolved. I refer you to the conclusions of the Health Research Bureau. (HRB.IE)

“ Public trust , whether it is placed in the regularors, in compliance with the regulators or in the information provided, will be fundamental in achieving even a modicum of consensus for any future developments in waste policy in Ireland “

The EPA and its board members would do well to listen to these wise words from the H.R.B., which has very clearly identified the problems that exist. We again in closing ask the EPA to send representatives to this Oral Hearing, at this stage , to discuss and resolve the issues that exist and to allow proper and frank debate

The EPA cannot issue a licence in the light of what has been discussed as it would knowingly put the communities and the environment they live in at risk

We are not happy that our concerns are repeatedly ignored and there will never be public acceptance of this facility because of it.

End



Chief Science Adviser to the Government

Mrs O'Leary,
Ben Reoch,
3 West End Terrace,
Cobh,
Cork.

23rd December 2004

Dear Mrs O'Leary,

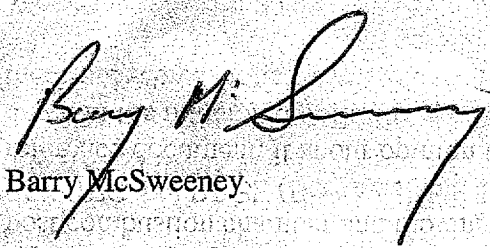
It was a pleasure meeting with you on the 14th December 2004, your presentation of the proposed incinerator at Ringaskiddy was very informative. During our detailed discussion I agreed to revert to you regarding the best available technology and compliance with the EU directive 2000/76/EC.

The incineration processes of the treatment of hazardous and non hazardous solid and liquid waste proposed for the plant at Ringaskiddy consists of both fluidised bed with post combustion chamber and moving grate. With reference to the EU Directive 96/61/EC and BREF (Best available Techniques Reference), an EU commission reference document, it is our opinion that both incinerators proposed meet the criteria set down in the integrated pollution prevention and control for waste incineration and therefore represent best available technology.

We can assure you that the licence granted by the EPA to Indaver for the Ringaskiddy plant complies with the EU directive. We understand that a number of other issues and concerns you raised will be expressed at a public hearing.

I do hope this goes in some way to answer your concerns.

Yours sincerely,



Barry McSweeney



Tánaiste and Office of the Minister

5th January 2005

Ms. Joan Hayes
Hon. Secretary
CHASE
East Ferry
Midleton
Co. Cork



DEPARTMENT
OF HEALTH AND
CHILDREN
AN ROINN
SLÁINTE AGUS LEANAÍ

Quality and Fairness
A Health System for You

Dear Ms. Hayes

The Tánaiste and Minister for Health and Children, Mary Harney, T.D., has asked me to thank you for your recent correspondence requesting her to meet with your group regarding the proposed building of a toxic waste incinerator on the shores of Cork Harbour.

Unfortunately due to a heavy schedule of Government and Departmental business over the coming weeks and months, the Tánaiste regrets that she will not be in a position to meet with you. However, the Tánaiste has asked me to forward a copy of your correspondence to her colleague, Mr. Dick Roche, T.D., Minister for the Environment, Heritage and Local Government for his attention and direct reply to you.

The Tánaiste trusts you will understand her position.

Yours sincerely

Gillian Coyle
Private Secretary

Hawkins House Dublin 2
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Fax (01) 635 4001
Email: info@health.gov.ie
Website: <http://www.doh.ie>

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Reference No: INV95/DR/04

17 November, 2004.

Mrs. Mary O'Leary,
Chairperson,
CHASE (Cork Harbour Alliance for a Safe Environment),
1 Lower Middleton Street,
Cobh,
Co. Cork.

Dear Mrs. O'Leary,

I have been asked by Mr Dick Roche, T.D., Minister for the Environment, Heritage and Local Government to refer to your letter requesting a meeting regarding the proposed thermal treatment facility at Ringaskiddy Co. Cork.

The development of such a facility requires planning permission. A decision to grant or refuse planning permission is made by the relevant planning authority, or by An Bord Pleanála, an independent body, in the case of an appeal. The Minister is specifically precluded under the Planning Acts from exercising any power or control in relation to any planning application or appeal.

Under the Waste Management Acts, 1996-2003 and subsequent regulations, the operation of a thermal treatment facility requires a waste licence from the Environmental Protection Agency (EPA). The licensing system under the Waste Management Acts is intended to ensure that high standards of environmental protection apply in relation to the operation of relevant waste facilities. The EPA may not grant a waste licence unless it is satisfied among other things, that -

- any emissions from the activity concerned will not contravene any relevant standard,
- the activity concerned, carried on in accordance with licence conditions, will not cause environmental pollution,
- the best available technology not entailing excessive costs will be used to prevent or eliminate, or where that is not practicable, to limit, abate or reduce an emission from the activity concerned and

- the applicant, if not a local authority, is a fit and proper person to hold a waste licence.


An application to the EPA for a waste licence must be accompanied by an Environmental Impact Statement, (EIS), where such statement is required in respect of the development of the facility concerned. There is extensive provision for public participation and access to information in the process of determining an application for a waste licence.

A decision in relation to an application is solely a matter for the EPA. The Minister has no function in this regard and, in parallel with the Planning Acts, he is specifically precluded under the Waste Management Acts from exercising any power or control in relation to the performance by the EPA of its functions in particular circumstances.

The introduction of thermal treatment facilities is not inimical to the recycling option. An integrated systems approach is needed if effective waste management is to be accomplished at both local and national levels. This approach should reflect the waste management hierarchy of prevention, substitution, reuse and recycling, and energy recovery, with environmentally secure disposal of any residual waste.

In view of the statutory constraints placed on him, the Minister considers that it would be more appropriate for the Alliance to raise its concerns directly with the EPA within the 28 day public consultation period which, the Minister understands, expires on Monday, 22 November 2004 (5.00pm)

Yours sincerely,



Cathy Bruton
Private Secretary

PROPOSED WASTE MANAGEMENT FACILITY AT
RINGASKIDDY CO. CORK
WASTE LICENCE APPLICATION
186-1

S



E

W

Proposed location of Waste Transfer Station.
(Looking S/E) TAKEN 11 hrs. after high tide
PHOTO TAKEN 25.10.04.



Proposed
WASTE
TRANSFER
STATION

(Looking E)

PROPOSED WASTE MANAGEMENT FACILITY AT
RINGASKIDDY CO. CORK
WASTE LICENCE APPLICATION
186-1

S

E



W

Proposed WASTE TRANSFER STATION AND^N
ACCESS ROAD. (likes after high tide)
TAKEN 25. 10 04 E

N



S

ACCESS ROAD TO WASTE TRANSFER STATION AND^W
NAVAL BASE.

PROPOSED WASTE MANAGEMENT FACILITY AT
RINGASKIDDY CO. CORK
WASTE LICENCE APPLICATION

186-1

(S)



(E)

(W)

ENTRANCE TO NAVAL BASE, (N)
TAKEN 25.10.04 TAKEN 11 hrs after high tide. (N)



(W)

E

ENTRANCE TO CAR PARK

(S)

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