

Statement of Joe Kelleher BCL, MBA, CMC to EPA Oral Hearing
22nd February 2005

My name is Joe Kelleher. I am an elected member of the Ringaskiddy Residents Association.

I am a management consultant by profession. I am the principal of WMJ Kelleher and Associates - a Registered Practice of the Institute of Management Consultants of Ireland.

I wish to make the following points:

In April 2003, the Ringaskiddy Residents Association invited Mr. John Aherne of Indaver to meet local residents in order to make him aware of our views to his companies proposals to establish two incinerators in Ringaskiddy. He was made aware at that meeting that *Indaver must realise that they will never be welcome into our community.*

When the news of Indavers plans became public in 2001 a series of public meetings of the Residents Association were held and the outcome of these meetings was that the Residents Association would not welcome Indaver into our community and we would oppose the company's proposals. Our reasons for taking these decisions are as follows:

1. Over the past 30 years Ringaskiddy and surrounding areas have been transformed as a result of a policy of industrialisation in the area. The siting of a number of high profile multi national companies primarily active in the pharmaceutical sector has been welcomed by the majority of the residents in the area. When Ringaskiddy was selected by the IDA for the development of the pharmaceutical industry, the local community were assured by the IDA that only pharmaceutical industries would be permitted to operate in the area, as these industries were sensitive to the requirements of a clean environment, since the products would be exported to world markets. *The presence of 2 additional large incinerators (one of which will process TOXIC*

waste)in Ringaskiddy would be a serious deterrent to other industries coming to the area.

2. The community has made a significant sacrifice to accommodate industry resulting in a reduction in the quality of life previously enjoyed. The residents of Ringaskiddy and surrounding areas have willingly made this sacrifice because of the benefits that have accrued to other communities in Cork and Munster. Indaver, motivated by profit, seeks to impose a facility in the form of *two incinerators* onto the people of Cork and Munster. The Ringaskiddy and District Residents Association have examined this proposal and believe that the proposed two incinerators have the potential to;

- *Seriously harm people's health* – confirmed by a Report commissioned by the Health Research Board, at the request of the Department of the Environment and Local Government.
- *Put jobs of local people at risk*
- *Harm the environment.* – the effective is additive i.e. more not less dioxin will be put into the environment
- *Harm businesses active in the Cork and Munster region.*
- *Harm the farming community*
- *Harm the tourist industry.*
- *Endanger the quality of the pharmaceutical products exported from Ringaskiddy*

Indaver has continuously adopted what can only be regarded as “bully boy” tactics in order to further its proposals. A site was purchased by Indaver with the full knowledge that the site was zoned for port use rather than industrial use. It is forcing Cork County Council to change its Development Plan. *Indaver has completely ignored the democratic wishes of the Residents of this area and the wishes of all of our democratically elected representatives.* They had to rely on political appointees in order to drag themselves over the finishing line in order to get planning approval. We do not welcome behaviour of this manner.

Our primary concern is for the youth of this area. If Indaver continue with its proposal it will put the health of the youth of this area at considerable risk. Scientific studies are available to support our concerns – (see Lancet Study).

As a community we are not prepared to accept the risks associated with Indaver's proposals and are not prepared to see the benefits which have accrued to other communities be jeopardised. Our reasons for opposing the project are based completely on common sense – not on emotion. This is why we say 'enough is enough'.

We undertook research into the whole process of incineration in order to familiarise ourselves as much as possible with the proposal. We received information from Indaver in the form of a brochure and also attended meetings of the Residents Association where the proposal was discussed. We learned from the research that incineration as a technology was effectively 'passed its sell-by date'.

We obtained a copy of Indaver's Environmental Impact Statement (EIS) for its proposed incinerator facility in Caronstown, Co. Meath. Together with Dr. Richard Palmer and others we agreed to undertake a review of Indaver's EIS for Carronstown. It was further agreed the Residents Association would publish the findings.

Dr. Palmer's initial training was in Biochemistry from UCC, followed by a Ph.D degree from Birmingham University and postdoctoral studies at the Karolinska University Hospital in Stockholm. In his degree he also qualified in Chemistry and is a Chartered Chemist and Member of the Royal Society of Chemistry. His entire career has been spent in research and development in both the Pharmaceutical and Medical Diagnostic Industries. As well as providing Chemical Pathology services to the medical profession, he has experience of analysis of chemical substances in the environment. In sum Dr. Palmer was ideally qualified to examine and analyse Indaver's proposals.

The outcome of the review of Indaver's EIS for Carronstown was a document was published in August 2001 entitled "Enough is Enough".

The key findings of this report were as follows:

- Major inconsistencies exist with regard to the criteria used by Indaver Ireland to justify its selection of Carranstown, Co. Meath and Ringaskiddy, Co. Cork.
- The proposed incinerator will put the industry currently located in the area at risk.
- Emissions from the incinerator will directly effect a large population base in Cobh, Monkstown, Ringaskiddy, Rochestown and Midleton to name but a few areas.
- The proposal to establish an incinerator demonstrates reckless disregard for the health and well-being of the residents and workers in this area of the harbour.
- Ash from an incinerator could constitute an even greater risk than emissions from a stack.
- Indaver have failed to address critical operational considerations.
- Literature supplied by Indaver with regard to the company's proposals for Ringaskiddy is trying to deliberately mislead the people of the area.

Indaver have never contradicted any of the findings in this document (entitled 'Enough is Enough' August 2001).

Site Selection:

I would like to focus on the issue of site selection for a moment.

Indaver's application for Carranstown, Co. Meath attached importance to locating an incinerator in an ***area of low housing density*** and in what is described as agricultural land. If this was a consideration in the company's recommendation for Carranstown then, **why is Ringaskiddy selected when it has residential housing near by? There is a large population (e.g. Cobh, Midleton, Monkstown, Rochestown, Douglas and Carrigaline) in direct line of exposure to any smells, emissions and pollutants from the plant which Indaver propose to erect.**

Documentation from Carranstown attaches importance to having a ***flat terrain on which to build***. The proposed site in Ringaskiddy ***is on the corner of a hill***.

In Ringaskiddy there is no natural barrier between the proposed site and the housing in Monkstown, Ringaskiddy and Cobh. In short there are major inconsistencies in Indaver's

criteria for selecting suitable sites. Dr. Palmer is of the opinion that whatever the fallout will be near to the plant, this will be carried directly to private housing.

What can be concluded is that we have had no **independent objective appraisal** for the most suitable site for an incinerator in Ireland. **In the absence of such an independent appraisal Indaver's application to An Bord Pleanala is fundamentally flawed.**

Contingency Planning:

The plant will run by taking in a variety of materials, the exact nature and the mix of materials will be unknown to the company's operators and the operation of the plant will be totally dependent on the company's detectors showing that the facility is operating within the 5% of the EU limit. As we are all aware Indaver is not immune from having operational problems in its various plants. Indaver's facility at their Static Kiln facility in Antwerp, Belgium was closed in August 2002 due to dioxin limits 1,835 over the permitted levels. The Indaver Static Kiln facility was again closed on January 23rd 2003 by the Flemish environmental inspection service. The dioxin figures were between five and almost ten times over the allowed emissions limits, figures confirmed by the office of the Flemish Minister for the Environment.

The tanker crash accident in Staffordshire last night caused major problems in the immediate vicinity of the crash. This incident demonstrates the need to have adequate contingency plans. We need to know what is going to happen if certain circumstances arise.

So the key questions which they have not addressed are as follows:

- What are the company's contingency plans for when the limits are exceeded?
- Will violations be just notified to the EPA and the company will carry on as before?
- In the event of the operation exceeding the agreed limits, does the toxic material and waste get accumulated on the site in Ringaskiddy until the limits can be achieved in the plant?
- What happens to the tankers and lorries, which are already on their way to the plant from, places as far away as Donegal which are carrying toxic chemical waste?

- If the plant fails for a time, what does Indaver expect transporters to do with toxic materials especially since they can only be stored in approved sites?
- Will these transporters be parked up in some lay-bys/towns/villages until the plant is within limits while the cargo continues to ferment and smell?
- How does Indaver plan to store waste, which is already on site while the plant is out of the control limits?

Commercial Viability:

I was amazed to hear that Indaver decided to seek permission to import waste from the UK at the commencement of the Bord Pleanala oral hearing. At a meeting in Crosshaven in July 2001 John Aherne (when asked would Indaver import waste into Ringaskiddy) gave a commitment stating that Indaver would not import waste. Effectively he went back on his word. The key issue here is why has he went back on his word? ***It is reasonable to assume in the absence of any information to the contrary that the commercial viability of the toxic waste incinerator is dependant on volumes of imported toxic waste.***

We are entitled to know the following:

Is the commercial viability dependent on volumes of imported toxic waste?

In relation to the projected performance of the facility, can Indaver demonstrate that it is commercially viable for them to operate within the 'Prevention Targets' as set out in the National Hazardous Waste Management Plan?

In relation to the projected performance of the facility, what percentage of toxic waste will be processed which has originated from Cork over the first five years of operation?

In relation to the projected performance of the facility, what percentage of toxic waste will be processed which has originated from Munster over the first five years of operation?

In relation to the projected performance of the facility, what percentage of toxic waste will be processed which has originated from (a)Leinster, (b)Connaught and (c)Ulster i.e. less the six counties of Northern Ireland, over the first five years of operation?

What volume of toxic waste is required to be processed in order to allow the facility to breakeven financially – including operational and capital costs?

When will the facilities breakeven financially?

Has the commercial viability of Indaver's proposal for establishing a toxic waste facility been independently verified?

The fact that insufficient quantities are not available in the Cork area is a real issue. I was present when the committee of the Ringaskiddy Residents Association met senior managers of the various pharmaceutical companies located in the lower harbour. These representatives included Charlie Hippwell of Pfizer, Martin Farrell of Novartis and Don Hegarty of Glaxo SmithKline. The meetings took place during the autumn and winter months of 2001/2002. Meetings are occurred in December 2004. The representatives each indicated the following to us:

- None of the companies have an arrangement with Indaver to use Indaver's proposed facility in Ringaskiddy.
- Glaxo Smith Kline's objective is to work toward zero waste.
- Pfizer (knowing that Indaver's facility would be available) opted to go ahead with its own plans for an incinerator.

As a professional management consultant and in the absence of full and comprehensive proof (that has been independently verified) I have to conclude that Indaver's proposal is not commercially viable.

Sensitivity Analysis

It is established that specific conditions are necessary for pharmaceutical production in terms of air filtration, sterile rooms, and laminar flow and Hep air filters etc. and the precautions that are taken to ensure a non contaminated product. However all of these systems operate better if they are not subjected to a constant challenge from environmental contaminants. They only need a single breakdown and this will result in a major disruption, loss of material and jobs.

We need to know what consideration has been given to adequate and comprehensive sensitivity analysis for establishing this facility in Ringaskiddy.

What if Indaver's dioxin gets into the production processes of our industrial neighbours?

What if they have to close production?

What is the economic cost to Cork if pharmaceutical production is transferred from Cork as a result of problems with Indaver?

We have not seen any information or analysis undertaken by either Indaver or the EPA to assure us that the establishment of this facility is in the long-term interest of Cork. The annual contribution of €65,383 will not be sufficient to cover a major catastrophe (which Indaver's operations could create) in the Lower Harbour and beyond.

Continuous Environmental Problems

Regardless of the scientific evidence submitted to this hearing I can testify that the empirical evidence of one who lives in Ringaskiddy is that the air in Ringaskiddy is different to other areas. I understand that this evidence is not supported by some of the scientific evidence provided. The conflict can be easily resolved by driving down to Ringaskiddy. As one passes the Church in Shanbally a foul smell can be detected. Depending on wind direction this foul smell is evident in Ringaskiddy village and

surrounding areas. I have logged the occurrences of the foul smell since the commencement of this hearing. I do not spend my entire day in Ringaskiddy and my log of the foul smell is based on when I was in the area. It was particularly bad on the evenings of February 15th 16th and 18th. I was in the UK on the 17th. I was in the area in the evening on all o these occasions. Furthermore it was particularly bad on Sunday afternoon during as I was driving on the road to Ringaskiddy during 5pm and 6pm. The foul smell was so bad on Sunday that I nearly got physically sick.

I offer this information for the following reasons;

There may very well be a conflict between scientific evidence and empirical evidence. In my opinion the scientific evidence cannot be relied on without first of all basing this on the empirical evidence from exact and specific locality.

I did not report the foul odour because (1) I did not know who to contact, (2) when others made contact with bodies such as Cork County Council and the EPA their complaints were in their opinion ignored.

Furthermore, in the past, extremely serious problems occurred in some of the plants with for example unpleasant odours from the Glaxo SmithKline plant, the Residents Association were presented with an option to close the plant. The Association decided in the national interest to leave the plant continue to operate at great discomfort and loss to the local residents. This is an example of a community acting in the national interest and not for financial gain.

The Association is currently working constructively with the IDA and others to make the area a model of good development. The granting of permission to Indaver to establish a National toxic waste incinerator has derailed this process completely. In fact we now are in the processing of deciding that any companies that intend to locate in Ringaskiddy will need to demonstrate to us that they will not have waste which they cannot manage themselves and through their own resources. If they cannot then they will be informed that we do not want them as our industrial neighbour.

In summary I put it to you that I have demonstrated that even using Indaver's criteria for a suitable site the proposed National toxic waste incinerator should not be located in Ringaskiddy. Furthermore we should not rely on an organisation motivated by profit to make the site selection but base our decision on an independent appraisal of suitable sites. I have also demonstrated that the Indaver's rationale for locating the site close to pharmaceutical companies has to be seriously questioned. I believe that serious question-marks exist over the entire commercial viability of the venture and these need to be resolved prior to any determination.

In ignoring the health effects on the community,

In failing to establish the commercial viability of Indaver's proposal,

In ignoring the empirical evidence of those who live in the area,

In adopting unfair procedures,

In failing to impose continuous improvement practices on Indaver's licence

the EPA is not fulfilling its obligations to protect and improve the natural environment for present and future generations, taking into account the environmental, social and economic principles of sustainable development. A positive decision in favour of Indaver may possibly have legal authority (and in the circumstances this is questionable) but it will not have the moral authority which is required in this instance.

On behalf of the Ringaskiddy Residents Association I wish to state yet again that in the event that Indaver continues its undemocratic proposal to establish two incinerators in Ringaskiddy, then we want to make it perfectly clear to Mr. Aherne that we will continue our opposition. ***Indaver must realise that they will never be welcome into our community.***