PASSAGE WEST
US Steam Passage West - New York 1838

own Hall,
assage West,
o. Cork, Ireland

Halla an Bhaile,
An Pasáiste,
Co. Chorcaí, Éire

TOWN COUNCIL

Waste Licensing,
Environmental Protection Agency,
P.O. Box 3000,
Johnstown Castle Estate,
Co. Wexford.

Correspondence Address:
Town Clerk, Passage West Town Council, c/o Floor 7, County Hall, Cork

15th November, 2004.

ENVIRONMENTAL PROTECTION AGENCY WASTE LICENSING RECEIVED
22 NOV 2004
INITIALS.....

RE: Waste Licence application 186-1 by Indaver Ireland

Dear Sir/Madam,

Passage West Town Council has voted in favour of submitting an objection to the Environmental Protection Agency in relation to the application by Indaver (Ireland) for a Waste Licence to operate two incinerators and a hazardous waste transfer station at Ringaskiddy, Co. Cork.

Passage West Town Council is aware that a Draft Licence has been granted by the Environmental Protection Agency to Indaver for operation of its proposed facility.

The concerns of the Town Council in relation to this proposed facility were outlined in the Town Council's submission to the Environmental Protection Agency, dated 13th October, 2004. The Environmental Protection Agency notified the Town Council of its proposed decision on this Waste Licence application in a letter dated 28th October 2004. This letter states that "*The Agency considered your submissions on the application, in accordance with the Waste Management Acts, 1996 to 2003, before making the proposed decision*". However, the Internal Inspector's Report, signed by Mr. Kieran O'Brien, neither mentioned nor considered the submission made by the Passage West Town Council in October 2004.

This submission is therefore included herewith as outlining the principal causes of the Passage West Town Council's objection to the granting of a Waste Licence to the Indaver Ireland proposed facility for Ringaskiddy.

In view of the potential impact of this proposed facility on Passage West/Monkstown and Cork Harbour, Passage West Town Council requests the Environmental Protection Agency to provide an Oral Hearing in relation to the grant of a Waste Licence for this proposed facility.

Yours faithfully,

Niall O'Keeffe
Town Clerk
(087-2846233)
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P.S. Seneca Passage West - New York 1838

own Hall,
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o. Cork, Ireland

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TOWN COUNCIL

By Fax & Post
Waste Licensing,
Environmental Protection Agency,
P.O. Box 3000,
Johnstown Castle Estate,
Co. Wexford.

Correspondence Address:
Town Clerk, Passage West
Town Council, c/o Floor 7,
County Hall, Cork

13th October, 2004.

RE: Waste Licence application 186-1 by Indaver Ireland

Dear Sir/Madam,

Passage West Town Council has passed a motion in favour of making a submission to the Environmental Protection Agency to express its objection to the application by Indaver Ireland for a Waste Licence to operate two incinerators and a hazardous waste transfer station at Ringaskiddy, Co. Cork.

Passage West Town Council comprises nine members from across the political spectrum. it represents the towns of Passage West and Monkstown, situated on the western shores of Cork Harbour. The residents of Passage West and Monkstown include over 5,000 of some 35,000 people anticipated to live in the Cork Harbour region by 2011.

The Town Councils' objection to this Waste Licence is a reflection, not merely of the Councils' own views, but also those of its constituents, so very many of whom have voiced to them their extreme concern about Indaver Ireland's proposals.

The Town Council considers the introduction of any incineration to Ireland to be premature, particularly as stated government targets with regard to waste minimisation, reuse and recycling are very far from being achieved. The availability of incineration capacity will be a direct disincentive to Ireland's achieving sustainable waste management as required by the European Commission's COM(96) 399 on waste policy.

The Town Council recognises that national policy for hazardous waste as outlined in the *National Hazardous Management Plan* (EPA, 2001) is the establishment of a thermal treatment plant for hazardous waste currently exported for disposal. However, they are of the opinion that the hazardous waste incinerator proposed by Indaver for the Ringaskiddy site is not in compliance with the requirements of the *National Hazardous Waste Management Plan*

burn facility of the lowest efficiency with regard to encouraging cleaner production and waste diversion and must be far removed from the small-scale, neat, modern thermal treatment packages that were surely being referred to by the *National Hazardous Waste Management Plan*.

The Town Council is fully aware of advice published by the World Health Organisation with regard to site selection for hazardous waste incinerators. The Town Council is dismayed at Indaver Ireland's failure to follow this advice in the site selection procedures which culminated in the choice of Ringaskiddy as their preferred location. In particular, the World Health Organisation advises against the establishment of any hazardous waste incinerators in an area prone to thermal inversions. Being residents of the Harbour, the Town Council Members can confirm that the Cork Harbour valley frequently experiences thermal inversions. Nor are the Members in any way satisfied that the air dispersion modelling published in the Indaver Environmental Impact Statement (EIS) accurately represents the anticipated impact of emissions to air from the proposed Indaver facility. The basis for this air dispersion modelling exercise is meteorological data taken at Cork Airport. However, the topographical aspect of Cork Airport is entirely different from that of the proposed Indaver site and both science and practical observation confirm that meteorological conditions at Cork Airport are not representative of those at Ringaskiddy.

The fact that Indaver had purchased its preferred site prior to even starting the EIS may explain the failure of this EIS to comply with Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment in addressing a number of issues of significance:

- Assessment of the proposed facility on local ecology undertaken by the EIS is totally inadequate. Cork Harbour has been designated as a Specially Protected Area (SPA) under Directive 79/409/EEC on the conservation of wild birds. The Indaver site itself immediately proximate to Loughbeg and only one mile from Monkstown Creek, both designated as proposed Natural Heritage Areas (NHAs) by virtue of their birdlife. But while most of the waders and other species of note visit Cork Harbour during the winter months, the only surveys undertaken on the Indaver site were during June. Furthermore, although the site is merely a stone's throw from the seashore and so close to designated bird sanctuaries, the survey did not look at any potential impacts of the Indaver proposals outside the site perimeter.

- Insects were surveyed on the site during September, a time when even the EIS admits that "*many species of butterfly and moth have clearly ceased flying*" (Section 10, p. 9 of 22). The mammal survey conducted on five days during May and June identified badgers as conclusively breeding on site. However, although the badger is a species protected species by law, even the EIS acknowledges that "*May-June is not a good time to search for setts, particularly this year with the extensive recent growth, and there may be more setts on the site that were missed*" (Section 10, p. 5 of 22).

- Although the adjacent Martello Tower is a likely roosting ground for bats, no attempt was made to undertake a bat survey. Note that the bat is also a species protected by legislation.

- Although the noise impact of the construction phase is considered to be potentially significant (Section 8, p. 7 of 16), at no stage does the EIS evaluate the impact of noise and vibration from the construction phase on off-site habitats. Indeed, although such assessment is a compulsory component of any EIS, the lack of detail in the proposed construction programme means that "*it is not possible to calculate the actual magnitude*

- The EIS contains no assessment of noise from the proposed facility when operational on either on-site or off-site habitats. The only assessment made of noise relates entirely to the facility's construction phase. This is entirely contrary to the requirements of Directive 85/337/EEC.

- No meaningful assessment of the alternatives to the proposed incineration technology is made in the EIS, despite the specific requirements of Directive 85/337/EEC for any applicant such as Indaver to give "*an outline of the main alternatives studied by the developer and an indication of the main reasons for his choice, taking into account the environmental effects*".

While the Members acknowledge that national statistics identify County Cork as containing a majority of hazardous waste generated in the country, they are also aware that the main pharmaceutical players responsible for this hazardous waste are already treating their own hazardous waste on site. As a consequence, the Environmental Protection Agency has already licensed some five hazardous waste incinerators in Cork Harbour. Although this practice of treatment on site is not reflected in the national hazardous waste generation tables, Indaver continues to justify its site selection on the basis of these national statistics. The fact is that much, if not most, of the hazardous waste to be treated in the proposed facility will be imported both from other parts of the county and from other parts of the country. It makes no sense to locate such a facility at the end of a cul-de-sac in the very south of Ireland. This is entirely contrary to the aims of the *National Climate Change Strategy* (Department of the Environment and Local Government, 2000) and flies in the face of all that represents sustainable planning. The area has no rail link, is entirely road-dependent and access to the site from the main Cork-bound arteries is through the narrow and entirely contained Lee Tunnel. Neither the environmental nor the human consequences of a road traffic accident in the Lee Tunnel involving hazardous waste destined for the proposed Indaver facility have ever been assessed.

Passage West Town Council rejects entirely the approach taken by Indaver Ireland to obtaining the various permissions necessary to construct and operate their proposed facility at Ringaskiddy. Planning permission was applied for the construction of only the hazardous waste transfer station and Phase 1 of the incineration facility. However, a Waste Licence has been applied for the hazardous waste transfer station and both Phases 1 and 2 of the incineration facility. Our objection to the granting of a Waste Licence to Phase 2 of the incineration facility also takes account of the fact that thermal treatment of any kind is not a recommended component of the *Waste Management Plan for County Cork* (Cork County Council, 2004). In addition, contrary to the assertions of the EIS (Technical Summary, p.5 of 32), thermal treatment is not one of the disposal methods recommended by the *Sludge Management Plan for County Cork* (Cork County Council, 1999).

Passage West Town Council strongly urge the Environmental Protection Agency to uphold its responsibilities under the Environmental Protection Agency Act, 1992 and its associated regulations and amendments by not granting a Waste Licence to Indaver for operation of its proposed facility at Ringaskiddy.

Yours faithfully,

Niall O'Keeffe