

**CORK ENVIRONMENTAL ALLIANCE
GORT AN ÉADAIN
CILL NA MARTRA
MAIGH CHROMTHA
CO CORCAIGH**

‘phone 026 40946

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

ENVIRONMENTAL PROTECTION
AGENCY
17 NOV 2004

Environmental Protection Agency
P.O. Box 3000
Johnstown Castle Estate
County Wexford
16th Nov 2004

Re Proposed Decision; Licence Register No 186-1 issued to Indaver Ireland on 26th Oct, 2004.

Sir,

Cork Environmental Alliance wish to appeal the agency's Proposed Decision to issue the Waste Licence as referenced above. We also seek an oral hearing of our appeal as we believe that many issues relating to the granting of this licence require to be examined fully in public in the interests of openness and transparency.

Your proposed decision has been a source of much concern and debate not just in Ringaskiddy but throughout County Cork. It is a matter of the gravest public importance and it is therefore absolutely essential that you listen to all parties prior to making a final decision.

Our objections to the granting of the Waste Licence are set out in brief as follows,

- 1) The Agency has failed to provide any reason for issuing the Proposed Decision. We would ask how third parties are expected to appeal conditions of this licence when no rationale for the Agency's decision are apparent?
- 2) The proposal to site this facility at Ringaskiddy is a major industrial development that will have significant impact on the lives and livelihoods of thousands of people in the Cork Harbour area and beyond. Cork Environmental Alliance believes that all aspects of the proposal need the most thorough public ventilation.

3) We strongly object to the Agency granting a licence for the Municipal Waste Incinerator

when planning permission for that facility has not yet been applied for. We believe that this action by a lead Agency such as the EPA indicates a considerable pre-commitment on the part of the State to grant planning permission when, and if, planning

is applied for. We furthermore contend that this decision prejudices the outcome of a future decision of other separate statutory and administrative public bodies.

Furthermore, we strongly object to the issuing of this proposed determination as the planning permission for the remainder of the licensed activity is the subject of legal hearing in the High court. We believe that the issuing of such a licence is seriously prejudicial to the ongoing legal action and the timing of this decision was completely inappropriate.

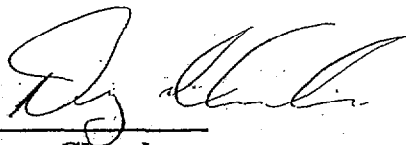
- 4) We believe, that given the applicant's track record abroad, Indaver is not a creditable applicant. We feel the applicant's record of compliance with emission limits imposed in other jurisdictions is pertinent to this decision and should be examined in great detail and in public.
- 5) Decisions made in this case are going to have serious implications for future National Waste Management policy in Ireland and should therefore be debated in full and in public. Why has the E.P.A. not commented on the media statements by representatives of Indaver that the company intends to bring in waste from Northern Ireland. (This suggests that they may bring in U.K. waste also.) Is the EPA going to allow this without comment?
- 6) The proposed licence ignores the entire concept of the Precautionary Principle and as such is unacceptable.
- 7) The proposed licence does not take account of the various products of incomplete combustion which will be emitted from the incinerator stack. Put simply if the E.P.A. does not know what will be burned on the site as the feedstock is so vast as to be indeterminate then the Agency has no idea as to what will really be emitted nor indeed what the constituents of the toxic ash will be.
- 8) We contend that a licence should not be granted unless the Agency is satisfied that any emissions will not cause 'significant environmental pollution'. The definition of environmental pollution in Section 4 of the EPA Act is couched in terms that ultimately refer to endangering human health. The EPA has neither identified nor specified the health implications of the proposed development, nor has it sought the information from the applicant.

The Agency's reliance on standards and emission limit values are irrelevant in the absence of an identification of the problems of public health which may exist at present or may arise in the future as a result of the activities of the applicant.

- 9) Has the Agency taken into account the problem of temperature inversions in the receiving environment. Cork Harbour is particularly susceptible to such weather phenomena .Given the large urban populations in the area and the adjacent Naval Training College the implications for public health are considerable.
- 10) We wish to establish if the Agency has sought the expertise of health experts in relation to the application. Did the agency seek the views of the relevant health authorities? If not, how can the agency determine the standards regarding permissible levels of emissions of dangerous materials from the Ringaskiddy site?
- 11) Is the agency aware that a substantial area of the proposed site was flooded to a depth of up to 3 ft during recent storms? It seems obvious that this site is not suitable, from an environmental protection point of view, for the proposed activity. What provision has the Agency made regarding future flooding on site?
- 12) The existing position whereby the E.P.A. issues a proposed decision and then adjudicates on their own decision at a later point is unacceptable, contrary to natural justice and legal due process. By granting an oral hearing the E.P.A. would at least be indicating to the public that it is prepared to let them have a say which might mitigate to some extent the growing perception that the Agency is unaccountable to anyone.

Attached please find cheque for €253.95 to cover fee for this appeal and our request for an oral hearing of same.

Yours sincerely



Derry Chambers
(on behalf of CEA)

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