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CORK SOUTH CENTRAL CONSTITUENCY

For the attention of the
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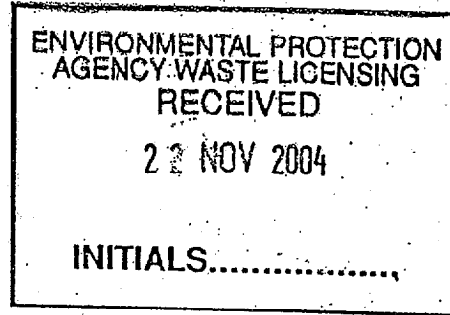
November 19th, 2004

To Whom It May Concern,

Enclosed please find the grounds for my objection to the cited Draft Waste Licence and a further request that an oral hearing be granted, prior to any decision on a final licence being made. I further enclose the required fees for both requests.

Yours,

Dan Boyle TD



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Submission Objecting to Draft Waste Licence and Request for Oral Hearing on licence application 186-1 by Dan Boyle, TD.

1. Conflict in National Government Policies and Prioritisation of Same

I believe that the Agency has to take account of national policies. However, national policies are ephemeral, and can be changed over time or due to a change of Government. The proposed development is a long-term project. Every opposition party in the Dáil has expressed opposition to incineration as a means of disposal of waste. In 2002 all general election candidates for the Government parties for the constituency stated their opposition to the proposed development. Policy can also be compromised in the context of EU Law and the Irish Constitution. The Oral Hearing process, in terms of public participation, the degree to which people are constrained by the legislation, can be questioned under the Constitution. On all these grounds, I believe that there are factors that need to be taken into account.

The conflict of national Government policy becomes more ludicrous when placed beside other environmental commitments and other international commitments. Under the Kyoto Protocol, the Irish Government have agreed to maintain greenhouse gas emissions at their 1990 levels by 2010. Today, Ireland is already 29% over that level. The Government's stated policy of putting in eight domestic MSW incinerators and a hazardous waste incinerator will contribute to that excess, and this is an international commitment being breached by a national policy.

In terms of national policy on waste management, that while we have heard the degree to which a waste hierarchy should be implemented - reduction of waste, recycling of wastes, etc., and yet again we see a "end of the pipe" solution. If we are serious about dealing with environmental difficulties, we should be trying to close the valve at the opening of the pipe rather than trying to widen the pipe itself. I believe that the proposed development would send out all the wrong environmental and economic signals to any attempt to limit and control waste, and to safely dispose of waste, especially hazardous waste.

2. Conflict in Local Government Policies and Prioritisation of Same

In my experience as a public representative, as a councillor since 1991, and as a TD since June 2002, in the production of the joint waste management strategy and CASP, I was aware of the need to prevent the use of fake phrases and not leave room for ambiguity. In the joint waste management strategy, three options were given to the two Councils of Cork County Council and Cork City Council. In approving the joint waste strategy, both Councils were adamant that the third option, which included incineration, was not acceptable. The second option - waste minimisation, diversion and ultimate landfill - was the preferred option.

3. Application of Best Available Technology in the Management of Similar Facilities, and the Record of Management of Indaver

It is a central principle of the EU Environmental Directive, that BAT has to be used, but qualified by the phrase "not entailing excessive cost". But even in its qualified state, it does presume that anyone who wants to run a facility of this kind has to do so to the best possible level. I have concerns that the technology being proposed - the fluidised bed incinerator - has been used elsewhere and has not been successful. The Dundee plant, which is a fluidised bed system opened in 1998, had an appalling record. I believe that Indaver does not have any experience to date of running such a system. In promoting themselves as being the people best able to run such a facility, they put forward their own safety record. This is not a record in which they should take any pride. Belgium (homebase of Indaver) as a country has a very poor record, with dioxin levels much higher than any other EU State. There have been a number of incinerators in Belgium, such as the St. Nicholas plant, that have malfunctioned and created environmental difficulties. In the last year, Indaver has had difficulties with its Antwerp plant, and this raises questions about the technology and the ability of the applicant company to run it.

4. Economic Basis and Impact of the Proposed Development

There is a difficulty in economic development and planning terms to get the balance right. I would argue that the very fact of an incinerator, regardless of the effects of that incinerator, sends out a message that compromises other areas of economic activity, in tourism, in the port/harbour and in agriculture. What bothers me about the economic basis for incineration is that it is a statement that not less than 60,000 tonnes of hazardous waste every year has to be created. Just by building an incinerator, you are saying that you cannot go beyond a certain level in minimising hazardous waste. Hence the incentive to minimise waste was instantly removed by having an incinerator in place. In itself this is in conflict with already stated national policies.

5. Impact of Transit of Hazardous Materials in the Greater Cork Area

Indaver has made great play of the national waste database figure of 60% of hazardous waste being generated in the Cork area. Even on this basis it cannot deny that 40% of the hazardous waste would have to be brought in from the rest of the State. The likeliest route to be taken was the main Cork to Dublin Road, the South City Link Road, the Southern Ring Road, and the N28 into Ringaskiddy. I see a problem in the increase in traffic of hazardous materials going through the Jack Lynch Tunnel. We should not envisage the situation of large container traffic that has the potential of accidents being allowed to travel that route. If successful in coming through the tunnel, such traffic would have to pass through areas of high population density such as Mahon, Douglas and Carrigaline, on its way to Ringaskiddy. These are

In 1993 at Hicksons, there was one accident which led to pollution of the harbour and plumes of hazardous smoke over Cobh. It also revealed that there were difficulties in dealing with an accident of that nature under the Major Emergency Plan. There were difficulties in informing persons of the risk, in terms of water pressure of the site, in terms of subsequent information on the extent of damage. There have been improvements in the operation of the Major Emergency Plan for the area since then, however, many of the flaws that had existed in 1993 still remain, and to permit a further risk, when it is clear that we have not got things right in terms of public protection, was not in the interests of the people of the area.

6. Obligation to Decide on Behalf of the Common Good Ahead of Economic Self-Interest

I consider this development to be a commercial activity which is not there to meet the environmental needs of the region nor the country. As a commercial activity, its incentive is to seek as much material as possible so that it would justify its existence and continued use. That should not be the basis for a piece of environmental infrastructure. I ask that the Agency to note that Ringaskiddy is an area that already carries significant high risk industries and has lived with such risks for a 25-30 year period. It is unfair to the region and to the local community to accept any additional risk factors upon it.

7. Renewed Physical Difficulties At Proposed Site

Recent flooding in the Cork Harbour area resulted in extensive damage at the proposed site. If ever there was a wake call not to proceed with a dangerous development this was it. The risk of a future occurrence of such an event when two incinerators would be in operation, could see considerable contamination being cause to soil and water. The topography of this site is such that it should never be considered for a development of this type.

8. Confidence in the Environmental Protection Agency

In concluding this objection I need to state my confidence in the EPA to make a fully rounded, objective decision in relation to this licence application. I feel the terms of reference for the EPA which place the economic above the environmental to be severe restriction to operating effectively. The recorded views of the Director General of the Agency that she is in favour of incineration, undermines this process. The fact that the EPA has never refused a licence to any applicant in these circumstances, particularly where planning permission has already been granted, is a sad indictment of impotence. Finally, the astonishing appointment of a new director to the Agency of a person who has been directly involved in the making of a waste licence application to the Agency, on behalf of her most recent employers, hardly inspires public confidence. I look forward to being proved wrong.