

Obj (9) 186-1

CARRIGALINE AREA FOR A SAFE ENVIRONMENT. (CASE)  
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CARRIGALINE.  
CO. CORK

Environmental Protection Agency  
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Johnstown Castle Est  
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ENVIRONMENTAL PROTECTION  
AGENCY WASTE LICENSING  
RECEIVED  
22 NOV 2004  
INITIALS.....  
18<sup>th</sup> November, 2004

**RE/ PROPOSED DECISION ; LICENCE REGISTER NO 186-I ISSUED TO  
INDAVER IRELAND ON 26TH OCT.2004.**

Dear Sirs,

Carrigaline Area for a Safe Environment (CASE) wishes to appeal the EPA'S proposed decision to issue the above license. We also seek an oral hearing of our appeal, as we believe that many issues relating to the granting of this license require to be examined fully in public in the interests of openness and transparency. We also seek an independent Adjudicator to chair the above oral hearing preferably not from Ireland, and one acceptable to all sides.

Our objections to the granting of the Waste License are set out in brief as follows.

- (1) We do not consider that Ireland has a Waste Crisis but a Waste Management Crisis and that the preference for incineration, stated twice publicly, of the Director of the EPA is starting at the bottom of the Waste Management Hierarchy and has influenced the proposed decision.
- (2) The granting of a license for a Municipal Incinerator is not logical when the planning permission has not yet been applied for. We consider this shows considerable pre commitment to the project.

The planning application for a Municipal Incinerator i.e. Phase 2 will have to be assessed under the 2000 Planning Act where health will have to be considered. This is consistent with EPA policy, as Dr. Kelly herself recently told the Government that the health concerns of the population needed to be addressed, putting a different set of assessment criteria on the application.

Planning for Phase 2 should not be guaranteed by the building of Phase 1. Does the EPA have a special relationship with the Cork County Planning Office that it is granting a license for a facility that has yet to go through the planning process?

- (3) Has the EPA considered that the granting of the license for the Hazardous Waste Incinerator at this time could be prejudicial for the on going legal actions?
- (4) Has the EPA taken into consideration that Cork is the 2nd largest population group in Ireland and that the site is only 6.6 miles as the crow flies from the centre of Cork City with a known fall out radius of 40 miles from the stack?
- (5) The plant does not meet BAT (best available technology) and BP (best practice) referred to by the EPA and the applicant. This is referred to in the context of Council Directive 96/61/EC further in this document.

Indaver admitted at the An Bord Pleanala oral hearing that the plant proposed for Cork is below the standard recommended by the Basle Convention for disposing of solid hazardous waste. The Basle Convention recommends rotary kiln technology for this purpose. When questioned the Indaver CEO stated that this would be like "using a Rolls Royce as a taxi". Does the EPA consider that this constitutes BAT and BP?

- (6) We notice a lack of outside technical observations in the EPA's reports, and an absence of input on the technology other than that of Indaver.

Council Directive 96/61/EC Article 7 refers to integrated approach to issuing permits and states "*Member States shall take the measures necessary to ensure that the conditions of, and procedure for the grant of, the permit are fully coordinated where more than one competent authority is involved, in order to guarantee an effective integrated approach by all authorities competent for this procedure.*"

Has the EPA consulted with the Local council, relevant Health Authority and the Health and Safety Authority in assessing this application?

- (7) In the immediate vicinity of the site, the track record of the EPA in Cork Harbour is highly questionable with visible and costly slag heaps at Irish Steel and Hammond Lane slag heaps smoldering practically on the roadside. Hammond Lane, which is surrounded by the Incinerator site, also emits regular small explosions. Does such uncontrolled combustion within the site not constitute a potential hazard?

Has a Baseline Study of pollution in Cork Harbour been carried out prior to considering the issuing of a license?

- (8) In 1991 Sandoz carried out a Baseline Dioxin survey of 7 sites in Ringaskiddy. The now Indaver site showed levels at that time of 20 nanograms iteq per kilo of soil that is 100 times over the background level in soil according to the EPA. Did the EPA or the applicant re check this?
- (9) No 9 of Mr. Phillip Jones Senior Planning Inspector of An Bord Pleanala ABR report states. *'Having regard to the scale, nature and purpose of the proposed development, it is considered that the site, by reason of its topography, its climatic conditions, its geological and hydrogeological characteristics, and the risk of erosion and flooding of parts of the site, would be fundamentally unsuitable to accommodate the proposed*

*development, and the applicants have not demonstrated that the proposed site is suitable, on the basis of objective criteria in a rational site selection process based on international best practice.'*

Since the EPA Draft license was issued, recent severe storms did exactly what Mr. Jones detailed. Rising sea levels caused flooding of up to 3ft in areas of the site, and blocked the road, cutting off access to the Maritime College, Naval Base and Incinerator Site. Had this plant been in operation at the time it would have been disabled, personnel in all three facilities would have been trapped, and access for emergency services would have been blocked.

The storm also caused severe erosion to the cliff areas and they now look even more dangerous than ever. The EPA's own commissioned report on *Climate Change in Ireland* has flagged Cork Harbour as one of the most at risk areas in the event of an accident for coastal erosion and has recommended that this type of plant not be built close to shore areas.

(10) Point 9.4.1 EPA Draft License recommends waste... "be transferred to an appropriate facility within three days of the shutdown" but there is no example given and the existence of such is not proven. In the event of more flooding and road closures how is it proposed to transfer material to an appropriate facility?

(11) The discharge of surface water into the combined public sewer could seriously compromise the system and cause a back up into the village of Ringaskiddy sewers especially at times of heavy rain and storms. The transfer station run off was to be included in this, and could at times of flooding cause contaminated run off in Ringaskiddy.

Waste water discharges are subject to a permit process. Incineration plant sites are subjected to the EU Groundwater directive 80/68/EEC and Water framework directive 2000/60/EC. Emission limit values must be notified to the competent authority without delay and can result in reducing incineration capacity or closing the plant. It is noted in the draft license that there will be no discharges to the waste water sewer of waste water used in the incineration process or drum cleaning.

There is no mention of compliance to any of these directives in the draft license report. The EIS makes mention of storm water retention tanks for surface water drainage (section 11.4.2) but does not state the additional capacity storage for fire-water run-off. The directive on Incineration 2000/76/EC Article 8.7 states that measures be adopted to prevent contamination to ground water and adequate storage facilities exist for rainwater run-off and contaminated fire-fighting water.

Is the EPA satisfied that these Directives have been complied with, bearing in mind complications that would arise from a flooding scenario similar to that of late?

(12) The security fence will cut off the Public Right of Way to the Martello Tower one of the finest examples of Martello towers in Ireland and is on Register of Protected Structures.

(13) Indaver and the EPA claim that 18 mw of electricity will be added to the National Grid. The ESB have no contract with Indaver at this time.

(14) Point 8.8 of the EPA Draft License states *"Unless approved in writing by the Agency the licensee is prohibited from mixing a hazardous waste of one category with a hazardous waste of another category or with any other non-hazardous waste"*.

We would question how this is to be carried out. As the Waste Transfer Station has an annual capacity for only 15,000 tonnes, how can it be ensured that waste in excess of this amount that arrives at the incinerator does not comprise of mixed waste?

(15) 9.4.3 EPA Draft License states *"A fire outbreak at the facility shall be treated as an emergency and immediate action shall be taken to extinguish it and notify the appropriate authorities"*

In the event of a road closure how will the emergency services gain access to the plant? Local road LP2545 is at the end of a cul-de-sac with no cat's eyes or white lines.

No information is provided about the ability of the company to deal with an accident or fire in a situation where local emergency services are unable to assist.

The emergency infrastructure in the area is inadequate with no firestation in Ringaskiddy and only a part-time station in Carrigaline. The Chief Fire Officers Association has publicly indicated a serious lack of capacity and equipment to deal with potential incidents in the area already.

(16) 11.3 EPA Draft License refers to *"where applicable a consignment note number (including transfrontier shipment notification and movement/tracking form numbers..."*

We are concerned that this may indicate waste is to be imported, and wish for clarification.

(17) 2.1 EPA Draft License refers to Facility Management, and in particular suitably qualified persons.

(i) There is however no outline of what constitutes a qualified or experienced person. Who determines the qualification or experience requirements?

(ii) We are particularly confused as the former project manager and person proposed to manage the incinerator for Indaver is no longer employed by Indaver and is now employed by the EPA. We request clarification of the relationship between Indaver Ireland and the EPA?

(18) 3.4 EPA Draft License refers to a palisade security fence that shall be locked and monitored by CCTV outside of hours of operation. How is this possible when there is a right of way running through the proposed site?

- (19) Energy efficiency: The employment of Urea/Ammonia in the De-NOx is utilising a product that is highly energy intensive to produce and thus an expensive commodity. Was this fact considered when assessing the overall energy efficiency of incineration as a method of waste disposal?

The Following sections refer to Protection of the Environment Act, 2003

Directive 96/61/EC concerning integrated pollution prevention and control (IPPC) was transposed into Irish law in 2003 with the enactment of the Protection of the Environment (PoE) Act 2003. IPPC licenses are to be determined having regard to the principle of Best Available Techniques which in turn is based on the BAT Reference (Bref) documents being developed for each sector by the EU.

- (20) Council Directive 96/61/EC Article 1 States *"Whereas the objectives and principles of the Community's environment policy, as set out in Article 130r of the Treaty, consist in particular of preventing, reducing and as far as possible eliminating pollution by giving priority to intervention at source and ensuring prudent management of natural resources, in compliance with the 'polluter pays' principle and the principle of pollution prevention"*

Is the Agency satisfied that Incineration is BAT (Best Available Technology) for the remediation and or treatment of Toxic/Hazardous waste with particular attention to energy efficiency, residuals management and reducing natural resource consumption?

Incineration is grossly inefficient in terms of energy efficient and ranks worse than peat/coal fired power stations at ca. 35% efficiency. This is primarily due to, in this case, the combustion of wet sludges, contaminated waste water, the use of gas as an auxiliary fuel. To quote a technical document on "Incineration on Land" commissioned by the UNEP at the Basel Convention; "Incinerators are heat-release limited and so therefore not as efficient in terms of energy recovery as steam-raising boilers."

- (21) With reference to Directive 96/61/EC is the Agency satisfied that incineration of municipal waste, of which up to 60% of the proposed capacity will comprise, is the most favored option in terms of the Waste Management Hierarchy Principle which is at the heart of the EU, National and Council policy, with prevention and recycling as the higher options and thermal treatment and land-fill as the lowest options?
- (22) Council Directive 96/61/EC Article 1 States *"(8) Whereas the objective of an integrated approach to pollution control is to prevent emissions into air, water or soil wherever this is practicable, taking into account waste management, and, where it is not, to minimise them in order to achieve a high level of protection for the environment as a whole"*

And also states *"(20) Whereas, because best available techniques will change with time, particularly in the light of technical advances, the competent authorities must monitor or be informed of such progress"*



Is the Agency satisfied that Incineration is the Best Practicable Environmental Option BPEO as now adopted by the European Union in light of new Technologies available to effectively remediate Toxic/Hazardous waste? No validated study exists illustrating the efficacy of thermal treatment as the best practicable option or solution for hazardous/non-hazardous waste management.

(23) Council Directive 96/61/EC Article 1 States "*best available techniques* shall mean the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for emission limit values designed to prevent and, where that is not practicable, generally to reduce emissions and the impact on the environment as a whole:

- '*techniques*' shall include both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned,

- '*available*' techniques shall mean those developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages, whether or not the techniques are used or produced inside the Member State in question, as long as they are reasonably accessible to the operator,

- '*best*' shall mean most effective in achieving a high general level of protection of the environment as a whole."

(i) Is the Agency satisfied that the method SNCR (Selective non-Catalytic Reduction) proposed in the application for the of removal of NO<sub>x</sub> gases –De-NO<sub>x</sub> complies with BAT particularly when the alternative to this is the SCR method "Selective Catalytic Reduction" where NO<sub>x</sub> is catalytically removed down the 70µg/m<sup>3</sup> as opposed to the previous method which removes down to 200mg/m<sup>3</sup>?

The recent closure of the MIWA incinerator in St. Nicklaas, Belgium by the High Court, was due in part to the operators' non-compliance with BAT and not installing this catalytic system of NO<sub>x</sub> reduction.

Indaver were refused planning permission for a 400 000 ton capacity incinerator in Bevern/Antwerp Harbour in 29 Nov 2001 by the Belgium ministry of Health because the levels of NO<sub>x</sub> in the harbour were already at the maximum permissible levels due in part to proximity to an already heavily industrialized area.

Is the EPA aware that Indaver are proposing to install technologies which clearly do not comply with BAT principles?

(ii) Is the Agency satisfied that the employment of an Electrostatic precipitator for the entrapment of dust and VOC is the best practice in light of the fact that dust which comprises principally of carbon has no appreciably polarity and thus will not be attracted to an EP?

(iii) Is the Agency satisfied that there is no danger posed to health and safety of nearby facilities from the practice of direct-liquid injection of the highly flammable and hazardous liquid solvents from the tankers to the PCC-post combustion chamber? A flash-back or blockage in the piping could result in catastrophic consequences.

(iv) Is the Agency satisfied that the practice of incineration of spent activated carbon/charcoal as outlined in the Draft waste license is best practice in light of the fact that the material is employed to trap toxic organic pollutants and heavy metals? It is an established fact that the re-incineration of this material as a disposal method results in the release of volatile heavy metals eg Mercury and the increase in generation of PIC (products of incomplete combustion).

(v) How can the Agency grant a waste license to a facility which generates large quantities of toxic operational by-products, as categorised by the European Waste Catalogue, without the provision of a proper Class 1 land-fill?

(vi) How can the Agency grant this particular waste license without conducting obligatory standard "Test Burns" to establish the DREs (Destruction and Removal Efficiencies)?

All of the above question the implementation of best available techniques, and the application of the principle.

(24) Council Directive 96/61/EC Article 6 covers Applications for permits and states "(1) Member States shall take the necessary measures to ensure that an application to the competent authority for a permit includes a description of:

- the conditions of the site of the installation,

- the proposed technology and other techniques for preventing or, where this not possible, reducing emissions from the installation

It also states (18) Whereas it is for the Member States to determine how the technical characteristics of the installation concerned, its geographical location and local environmental conditions can, where appropriate, be taken into consideration"

As already stated, the site is prone to coastal erosion, flooding and also weather inversion effects.

(i) Is the Agency aware of a gas pipe-line running underneath the front site boundary- a fact that even the HSA were unaware of during the Oral Hearing?

(ii) Is the Agency also aware that the applicant has no operation experience of this technology, namely fluidized bed/post-combustion chamber? The

applicant has only operational experience of a Moving Grate and Rotary Kiln waste incinerator.

- (25) Council Directive 96/61/EC Article 19 (9) States *"Whereas this Directive establishes a general framework for integrated pollution prevention and control; whereas it lays down the measures necessary to implement integrated pollution prevention and control in order to achieve a high level of protection for the environment as a whole; whereas application of the principle of sustainable development will be promoted by an integrated approach to pollution control"*

Sustainable Development is defined as *the capacity to meet the needs of the present without compromising the ability of future generations to meet their own needs.*

Incineration also conflicts with the POPs or Stockholm Convention in that 4 of the 12 persistent organic pollutants are caused by thermal treatment or anthropogenic generation. As a signatory of the convention we have an obligation to phase out and prevent these deadly chemicals from polluting our environment and you as the competent authority in the execution of this convention have a duty to ensure compliance.

Incineration also conflicts with the international Kyoto treaty of which this country signed and ratifies in 2001. In addition the EPA's own document *Climate change* highlights the damaging effect on the global climate of greenhouse gases. Incineration produces almost a 1:1 ratio for waste to CO<sub>2</sub> as is indicated in the EIS.

- (26) Gypsum, a flue gas cleaning residue of which 2,600 tonnes will be produced annually, is classified as a hazardous substance according to the EWC (European waste catalogue). The applicant plan to reuse this material as aggregate material as stated in their EIS. Is the EPA satisfied that this procedure is accordance with guidelines in the IPPC directive 96/61/EC?

We ask that the EPA mandate as follows be considered:

***'To protect and improve the natural environment for present and future generations, taking into account environmental, social, and economic principals of sustainable development.'*** (EPA Website, November 2004)

According to Websters Dictionary, the word 'Environment' covers all the conditions, circumstances and influences surrounding and affecting the development of, an organism (any living thing) or group of organisms.

Therefore the EPA has a duty and a responsibility under its mandate to protect the influences surrounding and affecting the development of all residents - adults, children and babies - of Cork Harbour. Director Mary Kelly has already advised that the EPA is unable to and will not be monitoring people's health. If the EPA fails to protect the health of the people of Cork Harbour, it is in breach of its mandate.



It is therefore essential that you listen to all parties especially to those without vested interests, before making a final decision.

Please find attached cheque in the amount of Euro253.48 to cover this appeal and our request for an oral hearing of same.

Yours sincerely,

ck #  
002717



**ERIC HURLEY**  
Chairman CASE  
(on behalf of CASE)

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