

obj No 2

To  
The Office of Licensing and Guidance  
EPA headquarters  
P.O.Box 3000  
Johnstown Castle Estate  
County Wexford

From  
John Freeman  
The Deeps  
Crossabeg  
County Wexford  
Date 1/2/06

Re Objection To Licence No 742 and comment on report given by the licensing unit

Dear Sir /Madam

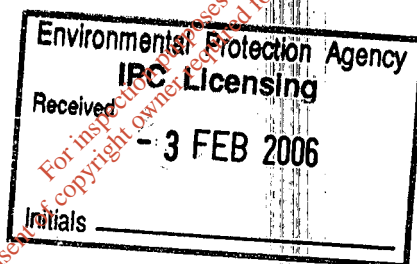
I wish to Object to the above Licence No 742 and enclose  
1/ Objection and comments

2/ Attachments (a) Request 1 by the Wexford County Council for further Information  
on the 1<sup>st</sup> of NOVEMBER 2005

(b) Request 2 by the Wexford County Council for further Information  
on the 23<sup>rd</sup> of JANUARY 2006

Thanking You  
Yours truly,  
John Freeman

*John Freeman*



**EPA**

MAIN FILE ☒  
PUBLIC FILE ☒ WRX.CO.CO  
EVALUATION FILE ☒ VCN VFN  
DATE 6/02/06 ER

**Objection to Licence Number 742 and comment on report given by Ms. Kiara Maxwell of the licensing unit**

The first document I read was the Mission Statement of the EPA which states that it has the responsibility to protect and improve the natural environment for present and future generations, taking into account the environmental, social and economic principles of sustainable development.

I then read Kiara Maxwells reports, who I assume is a responsible person working within the EPA, and I find that instead of taking responsible and protective action in respect of upholding the Mission Statement, she is actually passing the book

- she passed the book to the Department of Agriculture and
- she passed the book to Wexford County Council

so if it is wrong, the responsibility can be shared accordingly. However, let's deal with the facts of this proposal.

It is proposed to increase the number of pigs from 7,500 to 8,500 and a suggestion has been made by Reenard Farms that 8,500 were in existence many years ago on this farm, however, the EPA was not then in existence and when they did come into existence they attempted to have the area around the piggery cleaned up, so what did they do? They cleaned out the lagoons that were full of slurry and clay was thrown into them. No corrective action was taken in the surrounding areas, no effort was made at that point in time to stop pollution that would have been running off the yard and from the yard down on to the road penetrating the ground and in turn getting into the river Slaney.

With regard to the proposed development, I have to assume that the plans given to the EPA were of the same standard as those given to Wexford County Council for planning. I attach herewith a copy of the queries from Wexford County Council, who obviously found it very difficult to understand the planning application. Ms. Maxwell was obviously quite capable of understanding them and dealing with them, and in fact she went a bit further and seemed to be quite prepared for these people to take pipes across the river Slaney from one fattening station to the other and transport hot water and steam, yet she failed to even comment on the risk that this could be to

- (a) the environment
- (b) the people using the river, and
- (c) did not even look at the possibility of how this could be done

**The Process Description**

It is quite clear that these people operate 3 separate pig farms, the 1<sup>st</sup> of which is a number of miles away, the 2<sup>nd</sup> which is in Cornwall and on the Other Side of the River Slaney from the 3<sup>rd</sup> which is in the Deeps and on which the proposed Digester is to be located. Would it not have been a lot more practical for to have suggested that 3 small digesters be erected, One on Each Farm, because in the main I am certainly not opposed to anaerobic digestion, in fact I think it is a good thing, but as pointed out in the Mission Statement, you the EPA have to protect the natural environment for present and

future generations – in my opinion no effort has been made by either the developers or the EPA to do this.

As you can see from the queries directed by the County Council, they are also particularly concerned.

The licence proposes that the following waste be imported on to the site

- green energy crops
- the by products from the processing of green energy crops
- belly grasses from meat factories

#### **Green energy crops**

#### **Cake sludge from dairy processing plants**

We all know the effect of spilled milk and sour milk and I have seen numerous prosecutions by the EPA of farmers who have let milk and slurry into rivers. What happens if one of these tanks burst in the yard of the pig fattening station? Has any bunding protection been put in place to stop a flow from the yards?

#### **Belly grasses from meat factories**

Now, what happens in the event of part of a belly coming along with this? I am aware that a member of the community in the area of the pig fattening station spoke with one of the senior people in Johnstown Castle – I believe he was a signatory to the proposal, yet he did not know what would happen – I find that surprising.

#### **Fish waste**

It is proposed to take fish waste into this process in open lorries, so in other words we will have the **ROTTING** heads, tails and bellies of fish scattered around the roads of Crossabeg and Killurin in the event of an accident. Why has this not been conditioned? Why is it not necessary to have them in sealed tanks? I think it is **repulsive** to think that the EPA would allow this type of product to be transported in open trucks and dumpers and then tipped.

#### **Electricity**

Very little research has been done in respect of the electricity generation, and I would like to see many more facts presented before I would believe the figures supplied by the proposers. Has the ESB agreed that this excess supply can be sold into the national grid, have they agreed that the figures agreed by the proposers of this digester, are possible? Where are the ESB lines etc. going to go to the national grid?

**Regulation EU Number 1774/2002**

The Department of Agriculture is the competent authority for authorising bio gas plants where animal byproducts are accepted. What is the Departments view on this development, why has Ms. Maxwell not insisted that the letters from the Department be received prior to her granting the licence. Similarly, why has a letter not been received from the Department of Communications and Natural Resources indicating their view with regard to fish waste.

### **Odour**

As someone who has lived in the area for many years, and been away at times for some months and each time I come back I am faced with this intermittent smell so I can see it from a tourists point of view as such I would not expect them back so there is no need to talk to us about odour, It is suggested that the Cornwall yard will not be subjected to any significant changes as a result of the proposed development – this is **UN-BELIEVABLE** as

- every time the slurry is moved in that yard there is a **Terrible Smell** covering the whole area
- why not get the existing users to use this low protein diet they spoke about and minimise the odours right away – I am sure this could be done under the review of the existing licence.
- How can you guarantee that there will be no smell or debris from the constant transport of fish waste and dairy product sludge in open skips etc along narrow roads, particularly over a bridge on which there has been a number of accidents in the recent past. and which was built at a time when there was little traffic in comparison, has it been considered who will repair the bridge when it fails and who will compensate for the inconvenience. The Cats Bridge towards Kyle Cross is extremely dangerous as it is even with the present amount of Traffic has this been considered

On the positive side the liquid waste is to be transported in sealed trailers and the mixing area of the reception tank is to be washed down frequently and all waste water diverted into the tank. All the skips to be washed and cleaned with disinfectant after off loading – where is the planning application for this facility and why did Ms. Maxwell not qualify her comment by suggesting that the people should apply for planning permission for the washing facility.

Ms Maxwell states that according to the licensee, odour during land spreading will be reduced by at least 18% while spreading liquid digestate rather than slurry. I do not think anybody has disputed this, however, it is the smell from the existing pig fattening station and the plant that is being discussed and this raises an interesting point – with the level of restriction now being imposed by the government on the spreading of fertilizers etc. what provision has Ms. Maxwell made for digestate that cannot be spread because of the unavailability of land and why has she not addressed the issue. Has she seen the number of farmers that have made their land available, has she insisted on the land being tested to see if it is capable of taking any of this digestate. In my view she has not, and she has shown a considerable lack of either expertise or knowledge.

By this omission it appears to me that everything that is being put forward as "probably likely to happen" is being taken as fact .

I would like to draw your attention to an article which appeared in the Sunday Business Post on January 29<sup>th</sup> which states that there is going to be crisis in the pig industry because under the new nitrates directive, only 18% of the land currently available for the spreading of the by-products from the pig industry will be available under the new rules, and it is important to remember that Wexford, and in particular the area surrounding these units is predominantly dairying and mixed farming, and dairy farmers in particular will have difficulty enough themselves in spreading their own slurry. However, I await your comments on this point.

I note a flare is going to be used to burn off the methane gas – where is this flare going to be located and what effect will it have on the skyline if it is going to be used at night and why is it not shown on the drawings?

#### **Emissions to Sewer**

I suggest she look at the queries from Wexford County Council with regard to this matter.

#### **Emissions to Waters**

It was very interesting to read about the major fire that occurred in England recently in the oil storage depot and it became very clear that if this site had not been properly bunded and sealed, massive areas could have been affected by the oil spillage. It would appear to me that a similar situation could arise at this unit because of its size, scale and location - all of the land surrounding the unit should be properly encased in concrete.

#### **Storm Water**

Ms. Maxwell obviously has not visited the plant on a wet day when the vast majority of storm water runs down the public roadway and into the river Slaney.

#### **Emissions to Ground**

The only emission to the ground is from the septic tanks. It would have been sensible to upgrade the septic tanks because if someone applied for planning permission in that area they would have to put in a treatment plant – why has this not been recommended.

The R & D requires that the licensee install a new ground water monitoring point down gradient of the bio gas plant within 12 months and that the two ground wells be monitored bi-annually – this is like closing the stable door when the horse has gone. It will take twelve months before they find the problem and probably 20 years to correct it.

#### **Waste Storage**

I have already asked the question in respect of what happens in the event of this material not being able to be spread if outlets cannot be found? Are we heading into a situation like the meat and bone issue of some years ago.

#### **Noise**

I am not surprised that 95 people complained of the noise – this is a huge number of people, given the density of the population of the area. However, nothing is going to be done until six months after the granting of the licence. This is a major public issue and should have been dealt with immediately by your good selves on receipt of the complaint.

There is no point in my covering the area of habitat because you have gone away totally from the Mission Statement of the EPA. The major objection to this development has always been its location and the damage that can be done to a scenic area by you encouraging an activity like this.

#### **Environmental Impact Statement**

This certainly proves that inadequate information does not matter if it is sent to your department. How can you say you are satisfied with it when a number of statements in it state "other products". The County Council found it hard to understand it and have stated that the risk assessment submitted is inadequate and does not deal with mitigation measures for the identified risk. What are the "other products" that are mentioned several times?

#### **Fit and Proper Person Assessment**

Is there any experienced person working in this company at the present time who has operated a plant like this, or are you prepared to accept a trial and error situation, and after the mistakes are made, sit down and try and put corrective action in place?

#### **Compliance Record**

Four notifications of non compliance have been issued to the licensee in the last 6 years and even one non-compliance was noted on the 14/09/2005. Has this been dealt with? How could just one inspection per year be sufficient to monitor the management of a pig unit of over seven and a half thousand pigs and how detailed could such an inspection be. what hope is there for the future.

What difficulties have been experienced with the promoters of this plant in other locations throughout the country and what is their record – this has not been addressed.

#### **Complaints**

The people of Killurin have been extremely tolerant over the years, both with the pig fattening stations and the dump. The pig fattening station was giving employment and people in rural areas would always be loyal to companies that give employment and would be slow to complain, however, the reality of the situation would appear and if you



look at the information being made available by the EPA over the years, **pig slurry is the least efficient product you can use in anaerobic digestion for the production of electricity**, it is less valuable than cattle slurry.

What commitment have these people given to keeping the pig fattening units going and if they do not, and decide to decommission the pig fattening units, what commitment have they given to decommission the anaerobic digester.

#### **Comments with regard to objections lodged**

You state that the license system and the planning system are separate systems – the one thing they have in common is to protect and improve the natural environment for present and future generations, therefore, they are not separate and this license should not have been considered until the planning authority had their view.

#### **Odour**

If what you say is correct then the answer is to put a small digester in each unit rather than assembling a huge volume of odour type material in one location. The other option would have been to consider locating this anaerobic digester on the pig fattening station

on the slob where it is miles away from any living human being. You cannot say that a development like this does not interfere with amenities or the environment – this will impact seriously on the amenities, in particular the activities on the river Slaney, which is within yards of this proposed development.

I find it surprising that the County Council have questioned the odour assessment and the EPA did not bother to do this.

Originally, the argument being put forward for the location of this digester was its convenience to the dump site and it was proposed to take the gas from the dump site to the digester for the generation of electricity. This has now fallen by the wayside, therefore, the primary reason for locating on this site no longer exists.

I fail to understand why the EPA cannot stand up and be counted on this one and if anaerobic digestion is the answer, ensure it is located where it does not affect humans or the environment.

#### **Ground Water**

This has been raised by almost everyone who objected, including the risk of accidental spills and the consequences. In my opinion you should have addressed the whole area of spillage from the time a lorry enters the gate of this site to the time it leaves. All areas likely to get contaminated should be sealed. A total assessment of the full site at the present time should have been carried out and the very least one would expect is that you would guarantee that no run off from the site at any point could get into the ground water – this has not been done.

#### **Surface Water**

You failed completely to deal with this issue and really no effort has been made by the developers to alter what is already an existing problem. You have already proposed a

washing bay and lorries are going to be washed on this bay together with the external and internal of the tanks. It is necessary to have a petrol and oil interceptor if you are going to wash lorries. What happens when the oil and grease off the lorries is washed down?

#### **Management of the installation**

This is a trial and error job and the EPA have accepted it as such. Six months after the problems arise you will identify them and then try to correct them – this is too late. You are dealing with the environment which you claim to be responsible for therefore, put plans in place now and do not experiment with a site as sensitive as this.

#### **Imports of organic material**

I have already spoken about this. I have expressed concern about the danger of parts of bellies coming in with this belly grass. I would suggest that maybe someone from the EPA put a chicken in the oven, cook it at 55 degrees for as long as it takes and then eat it, if they do not want to do it themselves then put an ad in the paper and see if they can get someone to do it, because 55 degrees will only help grow bacteria not do away with it.

Any item that carries a risk to a human should be heated at the very least close to a temperature equal to where pasturisation of milk takes place.

It appears to me that Ms Maxwell has attempted to justify the unjustifiable, she has taken all the proposals as read and she has taken the environmental impact study as gospel. We are lucky that the County Council has not adopted the same approach, because the drawings that Ms. Maxwell has accepted enlisted thirteen queries from the County Council, many of which dealt with environmental issues. When these replies were sent in, almost every single one of them have been questioned again. I feel that someone has to explain to the people of the Deeps Crossabeg Cornwall and Killurin how drawings sent to the County Council are so un-acceptable and lacking in information, yet drawings sent to the EPA are acceptable.

#### **Noise**

Get the noise monitoring done now, not after you build it and certainly not three months after it has been built.

I feel the first document that should be produced by the EPA in future when they issue a document like an inspectors report is the competence and experience of the Inspector which should be listed on the first page, or alternatively if there is a lack of experience it should be clearly stated.

No-one has told us if a similar facility exists in this country, and if this is the case what plants has the Inspector visited in Europe. Has the Inspector ever seen a plant located in such a sensitive scenic area where a simple accident could create irreparable damage and during the summer time, less than 100 metres away from this plant the people of



Crossabeg and Killurin together with their friends, relatives visitors and tourists enjoy the facilities offered on the river Slaney and in particular the young people who enjoy rowing and boating.

Wexford County Council has identified this area as the Slaney Drive. Why are the EPA so insistent on taking chances with the environment at this point in time when I am sure there are many sites around the country much more suitable and likely to cause a lot less damage to the environment.

Transporting thousands and thousands of tons of Slurry and all kinds of Rotting Waste and Offal in big 20 ton+ lorries along our narrow little roads and narrow unsuitable bridges on a daily basis, is neither safe nor right .

The idea of turning the Deeps pig unit into **One Big (Slurry and Rotting Waste)** processing plant and connecting hot water pipes across the River Slaney to the Cornwall pig unit .. **Right in the Middle of our Community is both Dangerous and Wrong AND WILL ALWAYS BE WRONG NO MATTER WHAT.** Because that is what this licence would mean.

**It is in the better interest of our local communities and equally the environment that I Object to this Licence .**

#### Attachments

Copy of planning queries dated 1<sup>st</sup>. November 2005 and 23<sup>rd</sup>. January 2006.

Signed

John Freeman 1/2/06

From: GERRY NASH

1 November 2005

REGISTERED POST

NRGE  
Moorestown  
Lattin  
Co. Tipperary

PLANNING AND DEVELOPMENT ACT 2000

Planning No: 20053035

Applicant: NRGE

Proposed: CONSTRUCT A NEW FATTENING HOUSE, A FOUR SPAN SHED, FOUR OVERGROUND STORAGE TANKS, ONE UNDERGROUND STORAGE TANK, A PRIMARY DIGESTER WITH GAS PURIFICATION SYSTEM, MODIFICATIONS TO AN EXISTING PIG MANURE STORAGE TANK TO INCORPORATE A GAS HOLDER AND ASSOCIATED SITE WORKS, TO PROCESS PIG MANURE AND OTHER ORGANIC MATERIAL TO PRODUCE RENEWABLE ENERGY AND FERTILIZER. THIS DEVELOPMENT COMPRISES OF AN ACTIVITY IN RELATION TO WHICH A LICENSE UNDER PART IV OF THE ENVIRONMENTAL PROTECTION AGENCY ACT 1992 AS AMENDED BY PROTECTION OF THE ENVIRONMENT ACT 2003 IS REQUIRED. AN APPLICATION FOR A REVIEW OF THE IPPC LICENCE IN RESPECT OF THIS DEVELOPMENT HAS BEEN SUBMITTED TO THE ENVIRONMENTAL PROTECTION AGENCY (LICENCE REG. 742). AN EIS WILL BE SUBMITTED TO THE PLANNING AUTHORITY WITH THE APPLICATION.

Location: DEEP'S, KILPATRICK

A Chara,

I wish to refer to the above application for PERMISSION under the above Act. To enable your application to be considered, it will be necessary for you to submit the following:

1. Submit details of the gas produced and electricity saved by this process.
2. Show all the slurry tanks and surface water tanks on revised site layout plan (not all the tanks or the reception vessels have been shown on the site layout plan) and revised locations of same where applicable (where the new fattening unit may interfere with them).
3. Please fully describe the finished yard surfaces and access driveways including cross sections (include existing and proposed surfaces).

4. Page 9 Section 1.7 of the Environmental Impact Statement states the amount of Nitrogen that can be spread is 250kg/ha, for non Rural Environmental Protection Scheme farms and 170kg/ha, for Rural Environmental Protection Scheme farms.

Please submit a revised NMP based on an application rate for all farms of 170kg/ha, in accordance with the Nitrate Regulations and revised farm plans where applicable.

5. Given the proximity of the River Slaney and its classification as a SAC and Salmonid River, it is appropriate that a full Risk Assessment be carried out on the slurry storage at the site. This should include consideration of bunding in relation to the slurry storage tanks. Submit details of the Risk Assessment.
6. An audit of all odour generating areas and activities should be carried out and an odour model using recognised procedures be prepared.
7. If intending to use the existing septic tank effluent system, it will be necessary to carry out a full assessment / inspection of the system to ensure it complies with the current Environmental Protection Agency's recommendations based on the existing and proposed loading. Therefore please carry out a Site Characterisation Assessment and submit full proposals to upgrade the effluent system (to serve the employees) if applicable.

The percolation area also has concerns, that the proposed new fattening unit location is proposed over the septic tank system which is unacceptable and relocation and upgrade of same to include soil percolation / soil polishing and disposal to ground or surface is required in accordance with Environmental Protection Agency's recommendations. Submit revised site plans to show this.

8. Submit clarification/further information/revised plans regarding the storage facilities and disposal arrangements proposed for:
- digestate production over the winter / non-growing season;
  - semi-solid waste of high phosphorous content.
9. It should be clearly demonstrated that the proposed development would not have a detrimental visual impact on the amenities of the area and in this regard written clarification and further information regarding the landscaping of the site should be submitted. Information to be submitted should include:
- Drawings demonstrating the short term ( 1 year ), medium term ( 5 years ) and longer term ( 10 years onwards ) impact of the species and tree sizes selected;
  - confirmation that the site will be effectively screened all year round.
10. Submit complete details regarding the management of surface water at the site, to include confirmation that slurry etc will not enter local watercourses.
11. Submit written statement regarding the need for the scale of the facility as proposed to include a comment as to whether the facility has the capacity to accept materials other than those referred to within the submission. Having regard to sensitive nature of the site, it should be noted that the Planning Authority would have concerns if the facility as proposed had a capacity which could accept significant additional materials. It should be demonstrated that facility and the structures are of a scale commensurate with the levels of material generated by the pig farms referred to in the submission only and revised proposals in this regard should be submitted, as appropriate.



12. Submit clarification regarding the traffic generated by the proposed development to include numbers of and types of vehicles ( the Environmental Impact Statement and supporting statement submitted appear to give different figures for this )

13. The application has generated numerous third party submissions and the applicant is invited to inspect these and to submit written statements, further information and revised plans as appropriate with regard to the submissions.

NOTE: The applicant is advised that this request for additional information does not necessarily indicate that permission would subsequently be granted.

NOTE: That 6 no. copies of all documentation must be submitted. All plans/maps/drawings / specifications must bear the full name and address of the person by whom they were prepared. In accordance with Article 33(4) of the Planning and Development Regulations, 2001, please note that where there is failure to reply to this request for further information within 6 months of the date of the request, the application shall be declared to be withdrawn.

Please note that Lorecan Griffin, Executive Planner, is dealing with this matter and can be contacted at the Planning Department, tel. (053) 42211 if you have any queries. Any queries regarding applications in the Enniscorthy area should be directed to the Planner in the Enniscorthy Office on (054) 33212.

Mise, le meas.

Ar Son Runai

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23 January 2006

REGISTERED POST

NRGE  
Moorestown  
Lattin  
Co. Tipperary

**PLANNING AND DEVELOPMENT ACT 2000**

**Planning No:** 20053035

**Applicant:** NRGE

**Proposed:** CONSTRUCT A NEW FATTENING HOUSE, A FOUR SPAN SHED, FOUR OVERGROUND STORAGE TANKS, ONE UNDERGROUND STORAGE TANK, A PRIMARY DIGESTER WITH GAS PURIFICATION SYSTEM, MODIFICATIONS TO AN EXISTING PIG MANURE STORAGE TANK TO INCORPORATE A GAS HOLDER AND ASSOCIATED SITE WORKS, TO PROCESS PIG MANURE AND OTHER ORGANIC MATERIAL TO PRODUCE RENEWABLE ENERGY AND FERTILIZER. THIS DEVELOPMENT COMPRISES OF AN ACTIVITY IN RELATION TO WHICH A LICENSE UNDER PART IV OF THE ENVIRONMENTAL PROTECTION AGENCY ACT 1992 AS AMENDED BY PROTECTION OF THE ENVIRONMENT ACT 2003 IS REQUIRED. AN APPLICATION FOR A REVIEW OF THE IPPC LICENCE IN RESPECT OF THIS DEVELOPMENT HAS BEEN SUBMITTED TO THE ENVIRONMENTAL PROTECTION AGENCY (LICENCE REG. 742). AN EIS WILL BE SUBMITTED TO THE PLANNING AUTHORITY WITH THE APPLICATION.

**Location:** DEEPS, KILPATRICK

A Chara,

I wish to refer to the above application for **PERMISSION** under the above Act, and to your response to our request for further information, received on 21 November 2005. To enable your application to be considered, it will be necessary for you to clarify the following and submit your response:

1. It is not considered that Items 2, 4, 5, 6, 7 and 9 of the further information request dated 1st November 2005 have been adequately addressed. Please clarify the following:

Item No. 2: It was noted at site inspections by Council Officials that all existing tanks and pits have not been shown on the site layout plan submitted.

Item No. 4: Revised proposals should be submitted for nitrogen at a rate of 170kg/ha.

Item No. 5: The risk assessment submitted is inadequate as it does not deal with mitigation measures for the identified risks.

Item No. 6: The odour assessment and model need to be specific to the Killurin site and the nature of the development proposed e.g. with no covered unloading bay etc.

Item No. 7: It appeared from site inspections by Council Officials that the tank in the area adjacent to the area proposed for the new fattening house appeared to be a septic tank as it was not indicated on the site location map. The purpose or function of this tank needs to be clarified.

26/01/2006

Item No. 9. It has not been demonstrated that the landscaping scheme as proposed would adequately screen the development and pig farm. Submit revised proposals /further information in this regard.

NOTE: The applicant is advised that this request for additional information does not necessarily indicate that permission would subsequently be granted.

**NOTE:** *That 6 no. copies of all documentation must be submitted. All plans/maps/drawings/ specifications must bear the full name and address of the person by whom they were prepared. In accordance with Article 33(4) of the Planning and Development Regulations 2001, please note that where there is failure to reply to this request for further information within 6 months of the date of the request the application shall be declared to be withdrawn.*

Please note that **Graeme Hunt**, Executive Planner, is dealing with this matter and can be contacted at the *Planning Department, tel. (053) 42211* if you have any queries. Any queries regarding applications in the Enniscorthy area should be directed to the Planner in the Enniscorthy Office on **(054) 33212**.

Mise, le meas,

Ar Son Runai

\*\*\*\*\*  
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26/01/2006