

Obj. No 6

Chapel Street,
Belmullet,
Co. Mayo

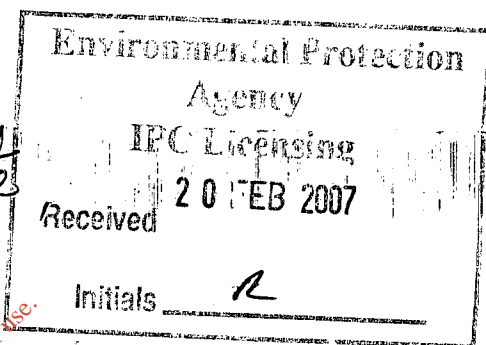
19th Feb 2007

Environmental Protection Agency,

Headquarters,

Johnstown Castle Estate

Wexford.



Dear Sirs,

please find enclosed an
Objection to Proposed Decision of EPA
to issue an IPPC licence to Shell E+P
Ireland Ltd., licence Reg. No. PO 738-01 &
the required fee of €126, bank draft.

Also, an oral hearing is hereby
requested and the required fee of
€100, bank draft, is enclosed.

Yours faithfully

E. Moore
On behalf of Friends of Rosspoint Ltd. & Thomas

Objection to Proposed Decision of EPA to issue an IPPC licence

to Shell E & P Ltd

Licence Register No P0738-01

Submitted by

Friends of Rosspoint Limited

Kilcommon Lodge, Pullathomas, Ballina

And

Imelda Moran

Chapel Street, Belmullet

Environmental Protection
Agency

IPC Licensing

20 FEB 2007

Received

Initials

Best Available Technology

The Proposed Decision of the EPA is not compatible with the objectives of Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control in that it does not insist on Best Available Techniques:

"... 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 ..."

The Applicant has developed a technology whereby gas can be refined at source through supersonic cleaning (Twister technology). We brought this information to the attention of the EPA in an early submission, yet we see no sign in the Inspector's report of it having been investigated. This technology was proven successful in field trials in Nigeria in 2001 and was commercially commissioned for a gas field (with twice the expected output of the Corrib field) in Malaysia in the same year. It has been operating with 98% up-time since installation over three years ago and is widely recognised in the industry as step-up technology. The Applicant had a responsibility to inform the EPA of this breakthrough and, failing that, the EPA had a responsibility to query the Applicant as to why it had not been considered for use on the Corrib field. (Council Directive 96/61/EC Preamble 20) also see: www.twisterbv.com

Effluent to Broadhaven Bay

The EPA must not issue an IPPC licence for the discharge of effluent from the proposed outfall pipe since this discharge pipe is illegal. It does not have planning permission, nor was it even included in the planning application

submitted to Mayo Co. Co. The EPA is aware of this as it asked the Applicant by way of further information, under Item B.c, to "give details of the legal consent required and its status, for the wastewater discharge pipeline over land". The Applicant replied that it was granted permission by DoMNR in April 2002. However, as the EPA must be aware, the DoCMNR does not have jurisdiction over the wastewater pipe over land from the proposed refinery to the foreshore. The discharge is entirely and completely a function of the refinery and can not be construed in any way as being ancillary to the upstream gas pipeline. The EPA has acted wrongly in ignoring this crucial fact as

Article 7 Council Directive 96/61/EC - Integrated approach to issuing permits 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".

Integrity of EIS - misinformation

The 'Addendum' to the EIS issued by the Applicant is actually an amendment of the original EIS, as presented to Mayo Co. Co., to An Bord Pleanala and to the EPA. As such it changes the original EIS in a fundamental way. ^{BECAUSE IT WAS NOT IN THE EIS,} The Applicant tries to justify its decision to cold vent gas by implying that it was the result of consultation with the local community at the planning stage. However we have circa two hundred signatures from people living within a 5-mile radius of the proposed refinery refuting this claim by the Applicant. The EPA and Mayo Co. Co. were both made fully aware of this subterfuge by the Applicant without avail. A copy of the Addendum, so-called, was sent to Mayo Co. Co. (Notifiable Body and original Competent Authority) by the EPA for comment, but Mayo Co. Co. has to date refused to comment, though requested to do so on several occasions by us. This is a patent example of the insidious consequences of project-splitting whereby responsibility is avoided or evaded by respective competent authorities as deficiencies pass by default.

Integrity of EIS - omission

The fact that the proposed plant will shut down for annual maintenance was not included in the EIS presented to Mayo Co. Co., An Bord Pleanala, or the EPA and such omission is clearly in breach of the EU EIA Directive. It is crucial information because shutdown will necessitate the flaring of gas and *because, it was not in the EIS*, it was consequently not assessed by the HSA in regard to possible effects on the health and safety of the community. It is because this is designated a 'Seveso' site, having as it would thousands of tons of highly flammable, combustible liquids (methanol and condensate) stored on site it

should have been evaluated in this respect. Consequently, for the EPA to propose issuing a licence without inquiring into this failure in respect to protecting the communities well-being is tantamount to a dereliction of responsibility on the part of the EPA. (Council Directive 96/61/EC Article 9.6)

Cold-venting

Into an environment already charged with c.eight million cu.mt per day of emissions, the Applicant additionally proposes to release large quantities of raw natural gas. Being a SEVESO site, where large quantities of dangerous substances are stored, the release of highly flammable and combustible gas in this context constitutes a serious fire hazard. This much was admitted in the EIS and was given particular emphasis by the An Bord Pleanála inspector who quoted Article 137(1)(a) of the 2001 Regulations as follows:

"should there be any proposed amendment to the permitted scheme which relates to the control or impact of major accident hazards (as defined by Seveso II Directive) then that amendment shall not proceed until the agreement of the HSA has been obtained".

This concern was brought to the attention of the EPA and, when it was not acted upon, it was brought to the attention of the HSA in August, 2005. Thereafter the EPA was asked if they had sought the advice of the HSA, yet to date there is no evidence that this was done. (Refer to Article 7 as quoted above). Likewise, Article 12 Council Directive 96/61/EC states that:

"Member States shall take the necessary measures to ensure that the operator informs the competent authorities of any changes planned in the operation of the installation"

and since the EPA is the competent authority currently in charge it follows that it carries this responsibility to co-ordinate relevant agencies.

Global Warming

In so far as methane has detrimental consequences over twenty times greater than carbon dioxide in respect to global warming, the venting of raw methane into the atmosphere is irresponsible. Ultimately the effects of global warming on peatlands, forests and blanket bogs which predominate in this area is potentially very significant. According to the worst case scenario, as set out in the EIS, hotter summers could lead to trees and bogs burning deeply with devastating consequences for the area. Increasingly in recent years there have been severe incidents in Ireland of serious forest fires. Likewise, wetter winters may lead to increasingly frequent landslides, as this area already experiences very heavy rainfall and in the recent past experienced 22 near catastrophic landslides in one night. A recent GSI report states that the incidents and effects of landslides in Ireland in the future have been underestimated and the EPA

appears not to have taken cogniscence of such longer term implications.

Regional Water Supply

As the body with ultimate responsibility for the quality of drinking water in Ireland, it is incumbent on the EPA to have special care for the regional water supply which Carrowmore Lake comprises. The North Western Regional Fisheries Board (NWRFB) report, issued in 2005, highlighted the recent eutrophication of this lake. It found that

“Carrowmore Lake has attained a strongly eutrophic classification since 2003 and is considered unlikely to reach the status set out in the regulations by 2007” despite the fact that “... from 2006 onwards, both biological and chemical quality will be required to achieve good status under the requirements of the Water Framework Directive.”

The Waste Licence issued by the EPA allows the Applicant to remove 450,000 tonnes of slurried peat from the refinery site, despite being warned that pollution would inevitably result in respect to Carrowmore Lake. This threat in turn is exacerbated by abnormally high phosphorus residues from Coillte's forestry activities on the refinery site over several decades. And the current proposed licence adds to the cumulative threat by permitting water from the site, which may well be contaminated, to flow into the lake. Carrowmore Lake is vital to this region in several crucial respects and the EPA shows little awareness of the need to protect it in proposing to grant this licence.

Fit and Proper Person

The Applicant has recently caused billions of dollars worth of environmental damage in Sakhalin, Russia, as well as devastating damage in Nigeria. This makes it one of the worst multinational polluters on the planet. In light of this, the Applicant does not qualify as a “Fit and Proper Person” to operate a gas refinery situated on a ridge overlooking a protected sea inlet, on the one hand, and a protected shallow water lake, on the other. Both are SAC protected. This pristine environment comprises a cluster of five protected sites and it is 60km from emergency services, including hospitals and adequate fire services. It should not have an industrial complex imposed on it through the granting of a licence by the EPA .