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Recd From: Imelda Moran

SUBMISSION TO ORAL HEARING re Proposed Determination to gr Date Recd: 26/4/07
Shell E & P Ireland Ltd to operate a gas refinery at Ballinaboy, Co. Ma
By Imelda Moran.

The Applicant, Shell E & P Ireland Limited was one of several valid objectors to the Proposed Determination of the EPA to grant a licence for the operation of the proposed refinery on a number of grounds. They did not, however, pay the mere (for them) extra one hundred Euros necessary to request an Oral Hearing. Why? The Applicant, through their vast PR machinery constantly put out the message in the media that they are open to consultation anytime with 3rd parties. What the Applicant says through the media and what they actually do are not the same. One would think by their propaganda that a teasing out of important issues such as was available to them in the form of an Oral Hearing would be an ideal opportunity not to be missed, but no.

The Proposed Determination (PD) issued by the EPA must be revoked. There was no basis on which to issue it. Where is the historical data upon which to make a decision? There is none. On what basis could the Inspector (p.6 of her report) have considered the site BAT? The refinery is tied-back to wells 93km away. An extremely high-pressure, production pipeline has to come through protected bays and 9km over unstable bog, subject to landslides, and on through forest before entering the refinery site. The slug buildup in a 93km long pipe poses a huge risk. This necessitates storing vast quantities (c.4,000 tons) of hydrate inhibitor, methanol on site. The site is 34m AOD, surrounded by a cluster of protected areas and in the catchment of the regional water supply. How can this site be considered by the Inspector to represent BAT? It is not.

All Notifiable Bodies were circulated with a copy of the IPPC licence application by the EPA for comment. The responses of the National Parks and Wildlife Service dated 3rd March, 2005 and 20th October, 2006 are totally inadequate, making reference only to Broadhaven Bay SAC. No concern was expressed of the effects of pollution on all the other sites surrounding the proposed refinery site under their protection, yet at that time it was proposed to incinerate condensate on site. Considering the high wind and rainfall in the area, any of the protected sites could be impacted. All three EIS's; reports produced and the long list of basic baseline studies not carried out at the various stages for this project had to be taken into account to appreciate the omissions, misinformation and misrepresentation of the true facts surrounding the impacts of this site. It is very difficult to understand how the Inspector could state that the site was BAT!

The response of the HSA to notification of the IPPC licence application is a disgrace. The HSA is the Competent Authority for this SEVESO site yet they made no comment in their response to the EPA on the Applicant's intention to cold-vent gas which is a 'substantial change'.

There has been a total lack of collective responsibility of all the competent authorities responsible for this project. However, the EPA had a duty, when an IPPC licence application was applied for to ensure that the Council Directive 96/61/EC concerning integrated pollution prevention and control was adhered to. Article 7 of that Directive states in relation to integrated approach to issuing permits: "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." The competent authorities meet. They also met with the Applicant. It is, therefore, inexplicable that they were not fully aware of their individual responsibilities.

The Proposed Determination was premature. Crucial new information was only made available by the Applicant after the PD was issued. 3rd parties did not have this information before making objections to the EPA. It was wrong of the EPA to accept this information at that stage. The PD must be revoked/declared void.

Other grounds for rejecting the PD as void are:-

No Emission Limit Value (ELV) was imposed for noise. However, the EPA has only taken normal operation conditions into account. The operation of the HP flare (which can take place anytime, day or night in emergency conditions, such as overpressure on the upstream pipeline) was ignored. Nor is it stated either in the Inspector's report nor in the PD what the noise level of that HP flare would be although it would double the normal operating noise levels e.g. 35/45 v 85! The EPA must have regard to the EPA Acts and Article 2.2 and Art. 9.6 of Council Directive 96/61/EC .

Why did the EPA not impose an ELV at SW2 to protect Carrowmore Lake SAC which is the regional water supply? Does the EPA not have a duty to protect the regional water supply and thereby a duty to impose an ELV at SW2?

No ELV was imposed for exhaust temperature from turbines and generators. Why?

The EPA was wrong to impose an ELV for Nox of 250mg/m3 for power generators. What were the grounds for the EPA's decision to impose this ELV?

The EPA imposed an ELV of 20mg/l BOD. Why? What were the grounds for the EPA's decision to impose this ELV? The Applicant wants BOD to be LIMITLESS!

The EPA imposed an ELV of 100 mg/l for COD. The Applicant CANNOT comply with this!

The EPA must have regard to EU Directives and the EPA Acts.

The EPA has imposed an unenforceable Emission Limit Value of 250m3 for power generators

The Applicant has objected to the imposition of an ELV OF 250mg/m3 Nox for power generators. In response to Item Ea-3 (EPA request for further information under Art. 11), the Applicant stated that the vendor of the compression engines advised that the engines are low Nox leanburn engines with minimum emission performance of 500mg/m3 Nox. The Applicant further stated (information supplied 25th July '06) that the engines will not conform to the Gothenburg Protocol for Nox emissions.

On 25th Sept. '06 the Applicant restated same, yet requested retention of the engines because to comply "would therefore involve a change of engine size and may require a change of electrical configuration. It is therefore proposed that the currently specified engines be retained".

Completely new information supplied by the Applicant with their objection (and incorrectly accepted by the EPA) clearly reiterated their position of 25th July and 25th Sept. that the emission level will be 500mg/m3, they state: "none of the vendors were able to meet the Gothenburg Protocol requirement for Nox." Furthermore, the Applicant (in Operational Scenarios, after the PD was issued) applied the 500mg/m3 Nox emission concentration for modelling – twice the ELV imposed by the EPA! The excuse put forward by the Applicant that suitable engines are not available to satisfy varying power requirements merely emphasises the inadequacy of the whole system and the unsuitability of the site.

A condition in the PD imposes an ELV of 250mg/m3 Nox which complies with the Gothenburg Protocol for Nox emissions. In the PD, the EPA has imposed a completely unrealistic ELV in full knowledge that the Applicant would not be able to comply.
Art. 8 Council Directive 96/61/EC states "...the competent authority shall grant a permit containing conditions guaranteeing that the installation complies with the requirements of this Directive, or, if it does not, shall refuse to grant the permit"

Did the EPA not have a duty to insist on an alternative energy system capable of compliance with the Gothenburg Protocol? Any new crucial information submitted by the Applicant AFTER the PD was issued cannot be taken into account or the PD must be declared invalid.

Schedule B2: In the PD the EPA has imposed an ELV of 100mg/l for Chemical Oxygen Demand (COD). The Applicant wants this ELV to be increased by 400% to 400mg/l.

Under Art. 11 request for further information, Item Eb2, the EPA asked the Applicant why the treatment process reduced COD by only 100mg/l. The Applicant replied that the main contributor to COD would be methanol. The Applicant has stated that the produced water treatment is not designed to remove small molecular weight organic material such as methanol and acetate (the two contributors to the high COD and Biochemical Oxygen Demand (BOD).

In the IPPC licence application, the Applicant stated that annual usage of methanol would be 1,825 tonnes. Subsequently, it was revealed by way of Art 11 request for further information, item Eh-1 that annual usage would actually be 3,100 tonnes! (This is another example of misinformation being supplied by the Applicant to State Agencies.)

The Applicant has always maintained that methanol would be recovered and recycled. If this is so, where is all the methanol lost? Methanol is a listed dangerous substance under Annex 1 of Seveso Directive. It is a fatal poison. Methanol dissolves in water, the water is separated from the gas to meet stringent standards for the transmission of gas through the BGE network. The Applicant, in answer to Item Fd Art. 11 request, stated "it has been identified that there is no reliable on-line measurement device for direct measurement of Methanol in Corrib produced water. Instead, the presence of Methanol is inferred from an on-line Total Organic Carbon (TOC) analyser on the treated outlet from the produced water treatment plant." The TOC analyser cannot measure methanol and the Applicant's reference to 'methanol excursions' is a complete evasion of the very serious consequences of methanol loss.

Why did the EPA accept without question, the Applicant's use of methanol v glycol? The Inspector of the An Bord Pleanala Oral Hearing went exhaustively through all the tie-back operations, smaller, bigger and equal to Corrib, all using glycol, not methanol. Third parties are not concerned that methanol is considerably cheaper than glycol.

The Applicant has supplied 2 ½ pages of new information in relation to methanol with their objection. This new information was supplied after 3rd parties had sent in their objections. This is not acceptable. This new information should have been supplied under Art 11 Item Fd request. The EPA did not have this new information prior to issuing the PD, therefore, the PD was premature and must be deemed void.

In the PD the EPA has imposed an ELV of 20mg/l BOD. The Applicant wants BOD to be limitless! Why? The Applicant states that 'the receiving waters have an infinite oxygen source'. This is a blatant disregard for the pristine quality of the receiving waters Does the EPA not have a duty to ensure that ELV's can be complied with?

The outfall pipe carrying pollutants from the refinery overland to the foreshore does not have planning permission. In response to an Art. 11 request for further information, Item B.c the Applicant stated that it was granted permission by DoCMNR in April 2002. However, the DoCMNR does not have jurisdiction over the wastewater pipe over land from the refinery to the foreshore. This wastewater pipe is not ancillary to the incoming high-pressure pipeline. The discharge is entirely and completely a function of the refinery. The EPA cannot grant a licence for the discharge of effluent into Broadhaven Bay from an illegal discharge pipe.

It is unacceptable that it has taken six years, by way of instruction to the Applicant to 'Update' the EIS, to correct the incorrect and grossly misleading information regarding concentration of metals in Broadhaven Bay. This was revealed through three scientific studies carried out by the Marine Institute.

Millions of kilos of emissions EVERY DAY will be pumped into the pristine environment that local communities have to date enjoyed. Did the EPA not have a duty to insist on an energy system that would prevent pollution occurring?

What was the basis for the measurement of Nox given by the Applicant at Sruth Fhada Conn and Ballinaboy?

When asked by the EPA to compare Ballinaboy's air quality with that of other similar environments, the Applicant compared Ballinaboy to three areas in the U.K., all situated near major motorways and one situated in one of the most industrialised areas in the U.K. This is totally unacceptable. Third parties want answers from the EPA regarding the suitability of the information they are willing to accept from the Applicant as being true?

There will be mercury emissions from the maintenance flare. This flare will operate upstream of the mercury filtration beds. A report dated February 2006 was carried out by AEA Technology plc. It is not known by third parties what date this report was made available to the EPA. A letter dated 2-10-2006 was on the website stating that the report was attached but it was not. It did not appear on the website until shortly before the PD was issued. Three 'design cases' of mercury concentrations were supplied by the Applicant by way of Article 11 request. They vary enormously and consequently, there is concern as to what level of mercury concentration was used as a basis for compiling the above report.

The use of data from the Belmullet Met. Station by the Applicant is totally inappropriate. Recent catastrophic landslides at Dooncarton due to very heavy rainfall was not recorded at Belmullet. The area in which the proposed refinery is to be situated experiences atmospheric inversion. It cannot be concluded that high wind speeds recorded at Belmullet will also be experienced at Ballinaboy. The PD instructs the Applicant to set up weather station facilities at Ballinaboy. This should have been set up six years ago by the Applicant to evaluate the true met. Conditions upon which to base information to be released by way of environmental impact assessment.

Were independent consultants available to the EPA to help the Inspector to evaluate the effects of this enormous, unprecedented project? If they were, were their services availed of?

The Inspector's Report or the PD made no reference to the fact that emergency services are 50 miles (80km) away. The recent GSI report states that the incidence of landslides in Ireland is grossly underestimated. In 2005, 2000 acres of forest was destroyed in Ireland. In April,

2007, thirty-five forest fires were recorded within a ten-day period. Bogs can burn very deeply. With global warming, bog and forest fires could affect the proposed upstream pipeline/refinery with catastrophic consequences for man and the environment.

Cold-venting of gas.

Reference is made in several 3rd party objections, regarding fears about releases of gas and especially the cold-venting of gas and its effects on villages downwind of this proposed refinery and its implications for safety. The EPA has accepted responsibility for cold-venting of gas in relation to emissions without referring the issue to the HSA and the Planning Authority for those competent authorities to also carry out their responsibilities in relation to cold-venting of gas.

Local communities did not know what cold-venting of gas was until they read about it in the IPPC licence application. This was a totally new concept and they could not understand how any company would be allowed to purposely release gas on them in this manner. One arm of the State (Bord Gais) spends large sums of money in advertising, advising people that if they smell gas to report it immediately, while another arm of the State, in this case the EPA, in its PD is authorising the deliberate release of 7,000kg of gas on the local community every month. This, along with other (described as fugitive) releases of gas would mean that the local community would be the recipients of up to a tonne of gas per day!

People were familiar with the EIS which was the basis of the planning permission received for this refinery from Mayo Co. Co. and subsequently, An Bord Pleanala and there was no reference to cold-venting of gas in the EIS. They had attended the very extensive An Bord Pleanala Oral Hearings, to which Mr. John Colreavy, a senior officer of the HSA was summoned, where all the health and safety matters were thoroughly analysed and cold-venting of gas was never mentioned.

Was the EPA not negligent in accepting an IPPC licence application that was at variance with the information contained in the EIS and violated their Regulation No. 14? Why was the IPPC licence application not rejected at that point? Instead, the IPPC licence application was circulated to all the Notifiable Bodies, including Mayo Co. Co, the EPA and the HSA for comment. Why did Mayo Co. Co. not inform the EPA that there was an irregularity and that it was a planning issue. Why did the HSA not inform the EPA that they had obligations as this was a SEVESO site? They had to be reminded in August '05 of their obligation.
[Art. 137(1)(a) of the 2001 Regulations state "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 22 Directive) then that amendment shall not proceed until the agreement of the HSA has been obtained"]

It took from early December 2004 to end of June, 2005 (7 months) for the EPA to request

further information about cold-venting despite several reminders. It was almost one year later (April 2006) before the Applicant complied with the Art. 11 request for further information. [The Applicant failed to comply with their own undertakings to comply with Art. 11 requested information by June '05; by August '05 and by end of year '05, citing complexity of questions asked! The EPA was reminded of three options open to them under their own regulations in relation to compliance with information sought but chose to exercise none of them but instead chose to give the Applicant more time.]

On 11 August 2006, the EPA requested the Applicant to 'Update' the EIS (because of omissions or misinformation) on several counts. The so-called 'Addendum' (a rewriting of the EIS) was sent to the EPA in September 2006 and was distributed to all Notifiable Bodies including Mayo Co. Co. for comment 'as soon as possible'. To date, Mayo Co. Co. refuses to comment on the 'Addendum' on the basis that it is not required by law to do so.

The 'Addendum', in relation to cold venting of gas p. 5 states:
"The decision to cold vent was made on the basis of consultation during the planning application process with the community and planning authority in order to minimise the visual impact and disturbance that may arise as a result of using the high level flare in a non-emergency situation in what is a rural area".

This is an inaccurate, misleading and deceptive statement. Two hundred people living within a 5-mile radius of Ballinaboy signed a declaration that they were not consulted about cold-venting of gas. (most signatures witnessed by Dr. Gerry Cowley who added his name).

Cold-venting of gas does not have planning permission. It was omitted from the EIS. The EPA was asked to inform the Applicant that they must, first and foremost, apply for planning permission . The EPA did not do so. All Notifiable Bodies were informed of the irregularity, including two All Party Joint Oireachtas Committees (the legislators). One of those Committees asked the EPA if an inadequate EIS could secure planning permission. The EPA replied that they had no role in planning matters, that was a matter for the Planning Authority.

The question is, can any company leave crucial information out of an EIS, get planning permission and reveal this crucial information when subsequent licences (such as an IPPC licence) is required? If State Agencies allow this to happen then nobody can have any faith in the planning process in this country.

Art. 7 Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control 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".

Cold-venting of gas was first revealed to the EPA. The EPA had a duty under the above-named Directive to point out the discrepancy to the other Competent Authorities. It did not. What was discussed at the various meetings between these Competent Authorities? There is extensive correspondence by 3rd parties on the EPA files pointing out the duties of the various Competent Authorities. This should not have been necessary. It is the duty of 'Protective Agencies' to do just that - protect!

In relation to cold-venting of gas, the Applicant, through extra information given under Art.11 request and the 'Addendum' to the EIS has misled the EPA, The Planning Authority, An Bord Pleanala, the HSA and every Notifiable Body in this State. This is a very serious matter and the EPA has a duty to deal with it.

CONCLUSIONS:

Third parties wanted an EPA Oral Hearing. To them, it presented an opportunity to get answers from the EPA. Unfortunately, that did not happen. They needed answers as to why the Inspector made certain decisions and on what basis those decisions were made. Repeated requests were made to the Chairman for the attendance of the Inspector with responsibility for evaluating this licence. The requests were repeatedly turned down although it was established that there was no legal impediment to her attendance.

Third parties came to the EPA Oral Hearing in full expectation that other competent authorities would be made accountable for their respective actions and inactions e.g. The Planning Authority. Repeated requests were made throughout the Oral Hearing for the attendance of a senior planner, Mr. Iain Dougles, who was the inspector responsible for evaluating the planning aspects of this project. The requests were repeatedly turned down. Repeated requests were made for the attendance of a representative of the planning authority to attend and the requests were repeatedly turned down.

The Applicant submitted information in response to an EPA Article 11 request and in the form of an 'Addendum' to the EIS which is false. Thus, the Applicant has misled all Notifiable Bodies and Competent Authorities in this State. This is a serious matter and remains unresolved. Is this Applicant a 'Fit and Proper Person' to operate and monitor a project of this magnitude?

Only in the last two months have declarations been made by oil companies , namely Statoil and Island oil and Gas, with control of four other fields in the vicinity, that the intention is to use

the facilities proposed to be put in place for the Corrib field. The Applicant can, once the facilities are in place at Ballinaboy, sit back and see the royalties pouring in from all the other oil companies who use those facilities. Whatever financial benefits there will be from the construction of the refinery will be once-off. Thereafter, local communities and the environment will pay an enormous price for the damage caused.

The EPA will move on to evaluating another project but the local communities will be left unable to enjoy the kind of environment they have to date enjoyed. How could anyone enjoy 'taking the air' in this vicinity with millions of kilos of emissions and up to one tonne of gas pumped into the local environment EVERY DAY and the constant threat that there might be an explosion.

Coillte, a State Body, inappropriately sold this site even without putting it on the open market. However, the EPA is only evaluating the effects of Corrib for seven years ignoring the fact that a huge refrigeration plant and its consequences will be required after that.

The reasons the EPA gave for their PD are "The Agency is satisfied, on the basis of the information available, that subject to compliance with the conditions of this licence, any emission from the activity will comply with and will not contravene any of the requirements of Section 83(5) of the Environmental Protection Agency Acts 1992 and 2003." What if there is a major incident or accident?

The EPA cannot expect ordinary people objecting to this licence to be aware of and have regard to EPA Acts, EU legislation as it applies to this proposed licence. It is up to the EPA to evaluate all of the information and decide whether this refinery is entitled to a licence. We expect the EPA to carry out their duty in a responsible manner.