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Recd From:

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Date Recd:

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Submission to EPA

Kate Kirkpatrick

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### Submission to oral hearing on the granting of IPPC license to Shell

I am making a submission against the granting of an IPPC license for the Corrib Gas refinery. The EIS conditions for the operational stage are often very similar to those for construction, and I am about to outline just one example of how these have been breached. My concern is if conditions and procedures are not been met at this initial stage and accidents are occurring, what confidence can we have that the conditions and procedures set out in the IPPC licence will be followed?

A diesel spill occurred on Sat 24 March 2007, when and I quote from the Shell Environmental Monitoring report 29th March, 'the generator at Gate 3 started leaking' in the Ballinaboy construction site. This spill made its way into the stream by Gate 3. This stream feeds in to Carrowmore Lake, the source of drinking water for approx, 10,000 people in Erris.

This incident was mentioned as a possible risk in the EIS '*The construction works could increase the risk of spills of fuel or lubricants or other materials entering the soil, groundwater and water courses.*' (9.4.1 EIS) Shell were fully aware of the risk to the drinking water source 'Natural run-off from the terminal site eventually feeds into designated conservation areas...which include Carrowmore Lake SAC/SPA' (9.2.5 EIS). In the EIS, Shell outlined their procedure for dealing with spills as being the 'use of on-site containment measures to prevent run-off from reaching off-site by use of a perimeter ditch which is a moat type structure i.e. no outlet drain;'. However, to any observer, it is clear that the stream by Gate 3 acts as an outlet drain and so contaminated water can flow freely downstream to Carrowmore lake. Shell accepted the dangers of this in their EIS 'Spills or leaks in the terminal, or from tankers taking materials to the terminal could damage the ecology of nearby watercourses, water bodies and designated conservation areas. This could reduce or eliminate invertebrate and vertebrates (fish) and lead to loss of feeding habitat for predators. Recovery would be expected, but could take considerable time.' (9.4.3 EIS)

This is a public confidence issue as what happens in the construction phase reflects how the operational stage could go. Statements about the operational phase such as 'The contamination of well water or surface water in the local area by chemical or oil spills on site is not expected to occur as a result of this development. (9.6.1 EIS)' seem incredibly hollow when incidents such as this diesel spill occur.

1. This diesel spill should not have occurred in the first instance. This suggests poor maintenance and monitoring of site equipment.

The EIS makes it perfectly clear that 'During the construction phase the contractor will be required to have a management plan in place, which will minimise the risks of spills and leaks, and other potential causes of contamination, from construction activities.' (9.5.1 Construction Phase). However this spill highlighted the lack of any clear procedure in dealing with such incidents and thus no procedure was undertaken until public pressure forced a belated but insufficient response.

2. It also highlighted the fact that no one would accept responsibility for this incident, likewise there was little clean up operation or enforcement. Shell security refused to acknowledge our requests for the responsible person to examine the spill. Shell's environmental report states 'water was pumped into the terminal footprint but there is no further capacity there'. If the terminal reached its capacity over such a small incident, what hope have we with a more serious occurrence? Where did the overflow of contaminated water end up?

3. Our queries, questions & calls were not answered, our recommendations not acted on or considered. Would it not be a fair assumption that as there was a diesel spill on the refinery site, procedures to stop the flow escaping into the stream should be put in place immediately? If diesel did escape in to the stream, would it not make sense to clean it up immediately? As it runs in to the drinking water source, should samples not be taken at the first opportunity? When it was known diesel was in the stream, would it not have been prudent to have reassured the public by acting on the spill or answering our questions rather than simply dismissing concerns on the local radio. ? It is still not clear from Shell or any of the authorities when water samples were first taken.

4. Shell's explanation has been inconsistent, blatantly misleading or outright dishonest on this issue.

On Tuesday 27th March, Shell announced on the radio that the spill was just 5 litres and that there was no trace in stream. However Shell's environmental report from the 28th March states that 'At 14.00 hours on the 28-03-07 there was no trace of diesel/oil in the receiving stream.' This suggests Shell knew that there must have been some trace before this date. If they claim there was no trace on the 28th then why did Shell hire a tanker to pump the diesel out on 30th March?

5. No 24 hour contact exists for contacting Shell or the construction site in the event of an emergency situation occurring. I was told to ring the freephone Shell Bangor office which is not 24 hours and does not have a pager service. This means if an incident occurred on a Friday after 5pm and was not noticed by security, (or in this case, refused to be acknowledged by security) and a member of the public spotted it and rang the emergency number, it would not be heard until Monday 10am- even if this was a relatively small incident, this would be a 65 hour delay!

In the light of this diesel spill, what confidence have we that EIS operating conditions such as 'All areas, where oil

or chemicals could spill or leak, will be banded and sealed from the underlying ground and will not have the potential to contaminate surface or ground water. Enclosed drains will collect the contaminated water from these areas and feed it to the treatment system.' (9.5.2 EIS) How can we trust that this will be adhered to?

The EPA conditions of the IPPC licence should inspire confidence but unless the procedures are adhered to, it is meaningless. Shell have demonstrated a disregard for their own procedures. If they are unable to effectively deal with relatively simple but serious incidents how can they be trusted to be able deal with larger more complicated emergencies?

## EPA conditions for IPPC licence

### 9.3 Incidents case

9.3.1 In the event of an incident the licensee shall immediately:-

- (i) carry out an investigation to identify the nature, source and cause of the incident and any emission arising there from;
- (ii) isolate the source of any such emission;
- (iii) evaluate the environmental pollution, if any, caused by the incident;
- (iv) identify and execute measures to minimise the emissions/malfunction and the effects thereof;
- (v) identify the date, time and place of the incident;
- (vi) notify the Agency and other relevant authorities.

11.3 In the case of any incident which relates to discharges to water, the licensee shall notify the Local Authority and the North Western Regional Fisheries Board as soon as practicable after such an incident.

11.4 The licensee shall make a record of any incident. This record shall include details of the nature, extent, and impact of, and circumstances giving rise to, the incident. The record shall include all corrective actions taken to; manage the incident, minimise wastes generated and the effect on the environment, and avoid recurrence. The licensee shall as soon as practicable following incident notification, submit to the Agency the incident record.

11.5 The licensee shall record all complaints of an environmental nature related to the operation of the activity. Each such record shall give details of the date and time of the complaint, the name of the complainant and give details of the nature of the complaint. A record shall also be kept of the response made in the case of each complaint.

11.6 The licensee shall record all sampling, analyses, measurements, examinations, calibrations and maintenance carried out in accordance with the requirements of this licence and all other such monitoring which relates to the environmental performance of the installation.

From what I have experienced, I do not believe Shell will follow these conditions.

In the light of this incident, if Shell cannot get the small things right, then what hope have we got if there is something far worse like a gas explosion. My experience in finding someone to take responsibility for the procedure has been very frustrating to say the least. I would hate to think what would have happened in a more serious incident where time was of the essence. The criteria in the IPPC licence is incredibly vague; who exactly would be responsible for deciding the nature of the incident? Would it be left to security, who didn't realise it was their job to begin the procedure? Shell should have immediately put the barriers down as soon as the spill was noticed to prevent it running in to the stream. The diesel spill occurred on Saturday 24th March, yet one month on and no one from Shell, Mayo County Council or the Fisheries has been able to confirm when the water samples were first taken. The only known water sample was taken after I had requested it on Tuesday 27th March, 4 days after the spill, which to me seems too great a delay.

Article 9 Section 6 of the EC Council Directive concerning the IPPC licence (96/61/EC of 24th Sept. 1996) states that, "This permit shall contain measures relating to conditions other than normal operating conditions. Thus, where there is a risk that the environment may be affected, appropriate provision shall be made for start up, leaks, malfunctions, momentary stoppages and definite cessation of operations."

What is the procedure for these eventualities? What is the Environmental Management Plan?

The majority of gas leaks and explosions have been caused by human error.

As with all systems, human error cannot be ruled out so what measures are in place to incorporate this risk and to ensure failsafe safety mechanisms?

Who is responsible overall?

There are numerous examples of Shell failing to clean up more serious incidents, for example recently National Geographic covered the Niger Delta situation

"Shell keep promising to come, but they say they need more foam and special equipment because the fire has grown so large."

Letam Nwinek, living in a village where fireballs from the leaks occur regularly. (National Geographic Magazine, February 2007). What guarantee is there that Shell will deal with incidents better than they do in the Niger Delta?

## The Incident

Sunday 25th March Strong diesel smell from refinery site.

Monday 26th March

Strong diesel smell from refinery site. Stream from refinery-thick brown coating on water surface, stank of diesel. Alerted security on refinery site and asked them to take action but met with no response. Calls to Mayo County Council and North West Regional Fisheries Board met with no response, water samples taken by locals and brought to Mayo County Council for analysis. Mayo County Council refused to accept samples but gave no date as to when they would take their own. 8pm Increase of diesel in stream. Site pump was switched on and it was observed that water and diesel flow increased in stream. The EPA website states that they work with the Gardai on enforcement so at 8.37pm we tried to make an official complaint to Belmullet Garda Station. Gardai arrived at scene but refused to take complaint. Discovered pump was on but no one monitoring it. Security were not sure who was responsible or what the emergency procedure was. Could not find an emergency number on EPA website so rang the media desk and left message. Left message with EPA Castlebar office. 11.15pm Jim Hurley from the EPA called and recorded my concerns and observations. Was based in Wexford so couldn't come and visit the incident. Jim Hurley didn't know the local emergency contact number but suggested I ring the Council. Rang both Belmullet and Castlebar, left message but no emergency number or response.

Tue 27th March

Shell seem to have spread twigs over the stream to make it harder to examine. Rang Council, Fisheries and Shell about threat to drinking water but no response.

Later that day, Michael Hughes from Fisheries rang, confirmed he had visited but no water sample was taken. I requested the Fisheries to take a water sample as soon as possible, but felt this was now very late to get an accurate reading of how much diesel would have passed through in the last few days. Rang Council, Padraic Brogan said Paddy Mahon, Council Manager, had visited but no water sample was taken. I said I would clean up the diesel spill myself but was told the council would be dealing with it.

Rang Mick Henry, EPA, Eileen Kavanagh, Mayo County Council, EPA would not get involved at this stage.

Phoned 3 people at Mayo County Council, 2 people from Fisheries. No response, had to leave messages for all of them.

Phoned Shell, Bangor office to ask for emergency contact number if a further incident occurred, told to ring Susan Shannon, Shell, Dublin. Had to leave message.

Later, Michael Hughes from Fisheries informed me he had tested the water today.

At approx. 8.30pm Susan Shannon, Shell Dublin told me I had to ring Shell Bangor.

Wed 28th March

John Cronin, Shell Bangor, admitted the leak had actually occurred on Saturday 24th. He wasn't sure of the emergency number but would let me know. He rang me back saying just to alert security if there was an incident. I said I had done this but security had informed me it was not their job to deal with incidents. John Cronin suggested I ring the Shell freephone number instead. I said this was only in office hours. He assured me that if I left a message, it would be responded to in an emergency. I asked how this was possible if it was not 24 hours but did not get an answer. I asked him to phone me when he knew exactly when Mayo County Council was informed about the incident, when the water samples were first taken and who exactly is the Council person responsible. He has still never rung me back with this important information. I must ask that if Shell are following procedures, why do they not just inform us? Why is it so difficult to get simple information that simply would reassure us?

Thurs 29th March

An otter was seen in the stream coated with the diesel residue. Rang National Parks and Wildlife Service, had to leave message. Rang Paddy Mahon, Council Manager, Mayo County Council, had to leave a message. Still no reply from Mayo County Council or Shell about when water samples were taken and when clean up would happen.

Fri 30th March

Informed security that there was still a strong smell of diesel and that the thick brown residue left in stream still was not cleaned up. I asked to speak to Tony Doyle, Shell's Environmental Officer but was told by security to contact the Shell Bangor office. I said John Cronin had told me to contact them if I had a concern. That afternoon, a truck, (marked ENVA) with suction pump and tank arrived and started to work on the stream. The workers noted that it



was a large diesel spill, almost certainly more than Shell's claim of 5 litres. Blotting material and padding was laid down. The padding barrier blew to the side of the stream almost immediately, allowing the spill to flow freely downstream to Carrowmore Lake.

23rd April...one month later!

Numerous calls later....still no real answers, no known emergency procedure. The blotting material has blown around the ditch. The diesel residue is still in the stream.

## Conclusion

As this farcical exercise clearly demonstrates, Shell and its contractors are not serious about adhering to planning or licence conditions, especially with no enforcement from Mayo Co.Co. They are not serious about protecting the sensitive environmental area and they are not serious about protecting the local drinking water supply. Their operations and construction work jeopardise all these elements and cannot but have a serious negative impact on the area.

Having regard to the EU Council Directive 96/61/EC concerning the IPPC licence of 24 Sept 1996, Article 3, section E,

'the necessary measures are taken to prevent accidents and limit their consequences.'

I would question if Shell follows this?

I feel that Shell would not be able to fulfill the obligations that this directive requires. Maybe if Shell had spent more of their time and money cleaning up the spill rather than refuting our genuine concerns in the media, the community would not be so worried.

Based on this minor incident alone, it would be ill advised to grant an IPPC license to Shell, a company with a proven track record for environmental degradation, greenwash and a refusal to carry out clean up operations. 'Trust' has been a word banded about frequently during this Oral Hearing but what guarantee can Shell offer us, in the light of their track record and our own experiences of incidents so far? I do not believe it is Best Available Technique to site a refinery up stream and in the catchment area of a major water supply. I do not understand how the so called Environmental Protection Agency could justify this.

Lastly I must question how the EPA can categorically state that the refinery will and i quote „not cause environmental pollution“. Even the most careful amongst us create some pollution, never mind one of the largest oil and gas companies in the world. As the Inspector's report notes 'The EPA cannot grant a licence unless it is satisfied, that any emissions from the activity will not cause significant environmental pollution.' I do not believe this to be case. The granting of the licence has to be more than just Shell writing promises on paper. They have already demonstrated their incompetence and have lost the confidence of the community. To grant a licence to a company who have already such an appalling track record is to put the health, safety and very lives of the people of Erris at risk.

**Environmental Report - Interim**Week Ending: Thur 29<sup>th</sup> Mar 2007

Generated By: Siobhan Quinn/Sandra Barber

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## 2 Environmental Exceedances/Incidents/Complaints

There was a single environmental incident during the reporting period.

Date and Time	24-03-07 @ ~ 12:00
Location	SP1
Nature of Incident	<p><u>Diesel Spill</u></p> <p>Background: The generator at Gate 3 started leaking on Saturday. The leak was fixed and the spill was mopped up using granules.</p> <p>On Monday morning, water upwelling in the immediate area of the generator released the diesel associated with the stone. Security contacted the env dept. On arrival only traces of diesel could be seen, these were dealt with using a dispersant. Matting and booms were also put out to deal with any further traces of diesel.</p> <p>Inspection of the local drain (Eastern side of Gate 3) showed no trace of diesel. Protestor activities outside Gate 3 made it impossible to check the status off-site. Due to our inability to go off-site to check water quality we cannot easily quantify the volume of diesel, if any, released off-site. Visual check carried out on arrival would suggest only trace volumes were released within site and none off-site.</p>
Actions Taken	<ol style="list-style-type: none"><li>1. Fitter checked the generator to ensure there are no issues as regards maintenance</li><li>2. The top 20cm of stone was removed and bagged for disposal off-site by a licenced carrier (ENVA)</li><li>3. Trackmat re-instated below the generator</li><li>4. An intercepter drain is being installed to re-route the sub-surface water into the sump on the Western side of Gate 3, from where it will be pumped up to the N.Settlement pond. Initially water was pumped to the terminal footprint but there is no further capacity there</li><li>5. Site wide power supply now provided to this area. This work was on-going in the area prior to the spill</li><li>6. Generator will be permanently removed.</li><li>7. Housekeeping to ensure all material used during the incident are cleared away</li><li>8. RBL staff reviewed the condition of the receiving waters twice daily since the event. At 14:00 hours on the 28-03-07 there was no trace of diesel/oil in the receiving stream</li></ol>
Category	Environmental Incident
Status	Closed

The exceedance for Total Aluminium at SP1 reported in November continues.

The exceedance for Total Suspended Solids at SP1 reported in February continues.