

My name is Anthony Irwin. I am a native of Erris and currently run two companies in the area.

1. Dulra Nature Tours, which is a marine based tour company specialising in wildlife, ecology, research and educational tourism.
2. ICC (Irwin Carpentry & Construction), which involves construction of greener homes and sustainable energy systems.

Having left Erris in the early nineties in seek of employment my work and travels brought me to over thirty different countries. During this time I have witnessed firsthand the benefits of a well run, well designed hydrocarbon industry and the destruction and controversy of a poorly designed one.

I will begin with a brief review of the oral hearing in my view, covering the following points.

- Air Emissions
- Outfall pipe
- Drinking Water
- Cold venting
- Codes of practice
- Community consent

Air Emissions

Details of the air dispersion modeling have been covered by a number of different speakers on Shells behalf. The fact still remains, that the information feed into the model was incorrect. The information used to predict dispersion is not relevant for the Ballinaboy site and not representative of the actual conditions locally. A quote from the Sunday Independent 08/05/07 in relation to Belmullet Met office stated, as the encroachment of housing developments onto our land means the locations is no longer remote enough to accurately monitor the elements.

If you are familiar with Met Eireann's current location in Belmullet you will be aware the houses in question have been built for over 20 years, rendering historical data incorrect for that location and irrelevant for Ballinaboy. It was also highlighted during the hearing, that Ballinaboy is a hot spot for summer thunderstorms and can cause down draughts in near calm conditions, bringing the plume to ground in the immediate vicinity of the refinery. Data from particular procedures that was inputted into the model has not been carried out in Belmullet Met office. The question that remains is, *where was this information sought?*

The modeling expert James Garvey admitted that if the information inputted into the model was incorrect, the outcomes might vary. The bottom line is, the current air dispersion model is not representative of what will actually happen when thousands of tonnes of gas is released into the atmosphere over Erris.

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Outfall pipe

Broadhaven bay is a marine SAC and is so designated, because of its biological importance in relation to a range of sublittoral sediments in the outer part of the bay characterized by burrowing urchin *Echinocardium cordatum* and extensive areas of intertidal mud characterized by polychaete communities (www.npws.ie)

It has more recently been discovered that broadhaven bay is of major importance as a breeding and foraging ground for a number of protected species. In a study carried out by CMRC in 2002, it concluded that up to eight species of whale and dolphin use the bay. Over 220 sightings were recorded in a one-year period. This is unprecedented in the country and quoting CMRC 'The waters of Broadhaven bay represent an important area for a number of marine mammal species and for other marine life. In particular in regard of its relatively small size there are very few, if any at all, examples of similar areas with all five Annex 2(whale & dolphin) species regularly being present'. The fact that this bay supports so many predators from the top of the food chain suggests a healthy equilibrium. It is widely accepted that base line measurements take up to 5 years to establish. So far there has been 4 sporadic measurements taken by Shell and the Marine Institute (MI). This doesn't constitute an effective base line for these waters. The MI study shows the background concentrations used in the EIS is in no way representative of the actual levels in the bay, Shell seems to be down grading broadhaven bay to allow them to go on polluting the bay unnoticed for years to come (Ref 738 IPCC licence application).

The proposed location for the outfall pipe was chosen on a financial basis and not from an environmental point of view. This is one of the only places along the line of the marine SAC that the current runs back into the bay. Mr. Malcolm Brian admitted that he or his associates had never been in the bay or had not put any equipment in the water at the proposed outfall location, so the dispersion model is based on predictions only and has not been validated by any hard facts. Non uniform dispersion and mixing could give considerably different concentrations in sensitive areas

Professor Peter Matthiessen states in his report that 'In the event of an accidental discharge of untreated production water, any impacts are expected to be relatively minor and restricted to within 1 km of the diffuser', if this were the case the SAC would be impacted upon and lead to penalties imposed on Ireland by the EU yet again. In a recent meeting between the Erris Inshore Fisherman's Association and Shell, Shell admitted that they do not know the exact composition or the quantity of the discharge effluent until they begin refining.

In the EIS it states the concentrations of most metals, which are anticipated in the discharge are only marginally above these in the receiving waters. This was based on Shells own background concentrations, which are up to 700% higher than real values. This combined with their application for double the limit set by the EPA would confirm the above statement that they do not know what is

coming out out. This would undoubtedly result in bioaccumulation of heavy metals and its transfer up the food chain from primary plankton, sediment dwellers, filter feeders, crustaceans, fish, cetaceans, sea birds and humans.

Drinking Water

The citing of this refinery in this catchment area of our drinking water is obviously wrong. The drainage and containment design was based on the same flawed Met Eireann data used in the air dispersion model.

The drainage capacity of the site was based on a mysterious figure 67mm of rain obtained from god knows where and it was highlighted by Mr. Leo Corcoran that the failure of one pump would lead to the contamination of 10 000 peoples drinking water. There has been no real baseline studies carried out on the lake prior to the licence application.

Water Framework Directive

The Water Framework Directive requires "that controls are specified as allowing only a slight departure from the biological community which would be expected in conditions of minimal anthropogenic impact". Already this catchment is suffering in a major way from anthropogenic impacts before this development. The consideration of baseline levels for the catchment by Shell is based on current status and is therefore considerably raised over the Water Framework Directive requirement for minimal impact reference levels to be determined. It is not reasonable to quote existing metal concentrations in catchment tributaries as representative of the "natural" levels. To ensure conformance with the Water Framework Directive a new baseline study must be carried out before any waste licence application is considered by the EPA.

In the event of a serious accident a combination of thousands of tonnes of toxic chemicals stored on site and the lethal fire fighting foam used would undoubtedly contaminate our water. What alternative water supply have the EPA identified in the event of such an accident or do they see Galway County Councils approach of 'buy one get one free' as an adequate solution to this foreseeable problem.

The fact is if you cite a petro chemical industry within the catchment area of a community drink water you are asking for trouble and its only a matter of time before damage is done, leading to more EU fines and more hardship for this rural community

Cold Venting

Shell does not have permission to cold vent gas into the air above Erris. The HSA have clearly stated that the issue of cold venting is a planning issue. Shell did not apply for planning to cold vent and so cannot cold vent. Shell has also lied about their consultation with local people and the 200 signatures collected from everybody who lives in the immediate area of this refinery clearly shows the word cold venting was never mentioned. It was also omitted from the EIS, which is the main document in which the decision to grant planning permission was based upon, Shell did not provide Mayo County Council with all the relevant information to base their decision upon, so in my opinion the planning is flawed.

Codes of practice

Codes of practice are written as guidelines for developments such as this. They are not written as statements of law, they are written by engineers to be interpreted by engineers, to be implemented by engineers to ensure the health and safety of humans and our environment. In the code PD8010 it states, when citing gas refineries consideration should be given to catchment areas. If the failure of one pump ended up with the contamination of the primary drinking water for 10 000 people, this does not constitute due consideration for the catchment area. Selection of an unsuitable site for a refinery and trying to engineer out the problems is not complying with any code of practice and is posing an unnecessary risk to the local community.

Community Consent

In Shells own information leaflet titled 'Questions people are asking' it states 'the project can only succeed in partnership with the local community'.

If this statement is true then this current design concept cannot and will not succeed. The community is not behind this project and has not given it their consent. The citing of an inland refinery of this design in an established rural community in the catchment of our only water supply, is an example of poor planning and will struggle to get the consent of the locals unless real changes are made to guarantee our health and safety.

Are shell fit and proper

During the first day of the hearing we were told that the epa were only interested in shells history in this country to judge them as a fit and proper person to apply for an IPCC licence, Shell have only being in this country a few short years as an exploration company and in this time they have

Being the main reason for the jailing of Five Erris men for 94 days. The men believed that the pipeline, which Shell, attempted to run through their land to be unsafe. The subsequent independent Advatica report vindicated there position and also deemed the pipe as unsafe and ordered Shell to reduce the operating pressure of the pipeline.

- Shell have omitted vital information from their planning application in relation to cold venting of raw gas in to the skies over Erris
- Shell have breached planning conditions and were ordered to dismantle 3km of illegally constructed pipeline and claimed that it came "pre-welded".
- Shell have installed an illegal septic tank in the Rossport compound.
- Shell are in breach of limits set out by mayo county council in relation to contaminates leaving the site and entering our regions drinking water supply.
- Shell have broken more laws and rules in their short history than most people do in their entire life. If this was my record and I were applying for a IPCC licence I have no doubt that it would be grounds for refusal.

Closing statement

The current project location and design has caused nothing but controversy, conflict and tension in the Erris area since its conception. large numbers of gardi present day and night violent clashes, batton charges,entire couminitys marching the road before dawn in the middle of winter is not normal behaviour in rural Ireland The fact is This is the wrong site to develop such an industry This is what Kevin Moore **senior planning officer** with Bord Plaenala had to say about the current location of the refinery in Bellenaboy " From a strategic planning perspective **this is the wrong site**; from the perspective of government policy which seeks to foster regional development **this is the wrong site**; from the perspective of minimizing environmental impact, **this is the wrong site**; and from the perspective of sustainable development, **this is the wrong site**" Trust is

a crucial factor in any relationship and has emerged as a major issue between Shell and the local community.

As Erris people we are being asked to accept a gas refinery in our community! Do we understand fully what this entails? Do we understand the full implications for our children and us? Not only for the next 2-3 years but for the next 25- 50 years (when the benefits of the construction period are long over.

The fact is there are safer ,cheaper and more enviromently friendly ways to develop this project there is no rush; there no shortage of supply and the gas is appreciating in value with the duration of time. As a community should we not insist that all work on the refinery ceases until all licences and planning permissions are in place and a solution is found which takes into account both community consent and Shell's interests?

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