



C/O 15 Castle Park,
Sandymount.
Dublin 4.

9/12/2007.

Submission/objection re license application by Dublin City Council for waste license reg. no WO232 - 01 for Dublin Waste to Energy Project at Pigeon House Road, Dublin 4.

Dear Sirs,

Glossary descriptions and waste codes.

The above license application does, in respect of the glossary description of "residual waste" and the waste codes applied for to be accepted under Schedule A, cast doubt on the precise types of wastes to be incinerated. Neither is there a precise definition of "Municipal" waste.

The license application includes incineration of wastes that can and should be dealt with in other ways. e.g. compostable wastes including park and garden wastes [Chapter 20 00 00 -20 02 00] and for which facilities have or are in the process of being provided. These should be excluded.

Some of the waste codes categories referred to in the license application include wastes defined as hazardous in the EU Council document number C[2000] 1147 of [2000/532/EC].

Where mixed loads of wastes are concerned it would be well nigh impossible to guarantee that only the non-hazardous wastes listed in these chapters were in the loads, or that sludges from certain commercial processes did not contain some hazardous solvents or chemicals. Condition 8.2.3 does in a sense admit this in that the words "where possible" are used. In an area as environmentally and ecologically sensitive as the Poolbeg peninsula with its adjacent beach habitats, protected species and water bodies, the resultant impact of errors in management of waste acceptance would be very serious.

Sludge incineration.

The Inspector's Report of the Planning Appeal relating to the Ringsend [Poolbeg] incinerator refers to the proposal to include a connection from the Ringsend wastewater treatment plant in order to incinerate sludge. [page 146]

He stated - quote "There is confusion in the documentation in relation to the possibility of sewage sludge being incinerated in the plant..... References were made in the submissions and documentation to 80,000 tonnes of sludge being incinerated per annum..... There was no definitive information as to the basis for the figure of 80,000 tonnes and whether this derives solely from the Ringsend wastewater treatment plant....."

"On the basis of the information submitted any approval of the development should clarify that the burning of sludge is not a part of the development for which approval is being granted, as this is not included in the development for which approval has been sought."end of quote.

Condition 2 of his suggested decision conditions did include this proviso. At a meeting of the board of An Bord Pleanála held on 19th November 2007 the Board omitted Condition 2, as recommended by the Inspector, on the grounds that, -quote. "... the application does not include proposals for the acceptance of sewage sludge at the facility or for the treatment of ash other than by export"

The License application includes, under the codes of 19 08 00, sludges from treatment of industrial waste water,[19 00 04], sludges from treatment of urban waste water [19 08 05] and sludge from septic tanks [under 20 03 04].

In line with An Bord Pleanála's decision these license applications should be refused, [as should all other such license applications nos,] for sludge incineration of any sort, from any source.

Construction related impacts.

Under Part 11 of the license Class 6 and Class 10 are refused on the grounds that biological treatment and discharge of wastes into a water body are normal steps in the operation of an incinerator. This is true. However this is not an outfall in the usual sense by a pipe and interceptor on the actual site or site boundary. It is an outfall located in/on the foreshore outside the site which both during construction and operation will impact on marine and other wildlife.

Section 3.13.2 refers to the guidance document "Requirements for the protection of fisheries Habitat during construction and development works at river sites" issued by the ERFB. Careful reading of the document suggests that this document refers to upriver works which can be easily isolated from the main river body. In this river mouth/estuarine site the possibility of silt, during dredging, and other construction pollutants escaping and affecting marine life is far greater because the site will not be easily contained. We submit that The EPA is constrained by law to ensure that no deterioration occurs, temporary or permanent, in the receiving environment.

Section 3.14.2 referring to the construction phase of the facility uses the words "the licensee shall install and maintain silt traps and oil separators at the facility to ensure that all storm water discharges from the facility pass through a silt trap....." It is unclear how this could also apply to the construction of the outfall/intake building which is outside the actual facility site and in the river bed.

The construction area south and south west of the actual site, but outside its boundaries is in year round use by wildlife from the SPA. All these birds are protected under EU law. In considering any issuing of a license for the facility, either during construction and/or operation, we submit that the EPA is bound to consider all impacts on these birds. The Birds Directive does not permit interference or disturbance of these species for any time scale or any purpose except for projects of over-riding public interest. An Bord Pleanála has stated that this proposed facility does not fall into that category.

The Inspector's Report of the oral hearing includes the statement that "I note the statement in the submission from the Environmental Protection Agency that construction related impacts manifested prior to the commencement of waste activities at the site, would not be addressed in the waste license."

Nevertheless, the EPA does have the responsibility of ensuring that all EU laws and Directives are complied with.

We would suggest that for the EPA to grant a license for a facility that in its construction and operation would seriously impugn EU law without considering these impacts could perhaps be considered an abdication of its overall duty. It is an issue for which some body must be held responsible. Unless and until these issues are addressed we submit that it would be premature to grant any license at all.

Emissions.

Under B.2., emissions to water, the temperature rise of 9.0°C is described as “relative to intake temperature”. In this situation where the heated outfall water from the operating facility discharges close to the intake water, in addition to the fact that heated discharges from other facilities occur at the same point, the intake water temperature itself is likely to be higher than that presently existing and certainly higher than intake from a river where no heated discharges take place. We believe that any predictions of final water temperature resulting from all cumulative discharges into the river at that point can only be assumptions with no factual basis.

Is hypochlorite/chlorine dosing requirement likely to vary with effects of variations in intake water temperature.? Under C.2.1 we note that dosage concentration and interval is to be agreed by the agency.

It is unclear as to what parameters will be used and to what extent, if any, the requirements of the operators of the facility will over-ride the effects on the receiving waters and organisms.

Biannual biological and thermal surveys of the river taking place after the facility is in operation, will be of little help to dead or immobilised species. We suggest that in considering the granting of a license for the plant the EPA should reconsider the effects of all cumulative thermal and biocidal discharges into water, particularly in the light of the phrase “relative to intake temperature”

Impact assessment of emissions to air in the EIS and at the oral hearing of the Planning Appeal considered only the effects on vegetation and did not take into account the cumulative effects in invertebrates, including molluscs, and crustaceans. We believe this is an omission of some considerable import. Wading birds consuming worms, shellfish etc. will further accumulate pollutants from their food sources. This will apply to bird populations of all SPA's in the bay and not just to those of the Sandymount SPA. Again we suggest that further surveys and research are required before any license is granted for this thermal treatment plant.

Condition 7. Resource use and energy efficiency.

While understandable, we submit that there is no district heating scheme presently in existence. Such a scheme for the sale of heat would clearly be to the financial benefit of the operators of the proposed facility but is dependent upon wider planning issues and Planning Appeals. This condition could be used to influence unduly the fairness and independence of future oral hearings.

Throughout the proposed license document there is mention of matters to be later agreed with the Agency when further information becomes available, e.g. design of plant, technology etc.

We believe that in the light of all the issues raised above, it would be premature for the Agency to issue any license at this stage.

Yours sincerely,

Lorna Kelly

Lorna Kelly, p.p. Sandymount and Merrion Residents Association.

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