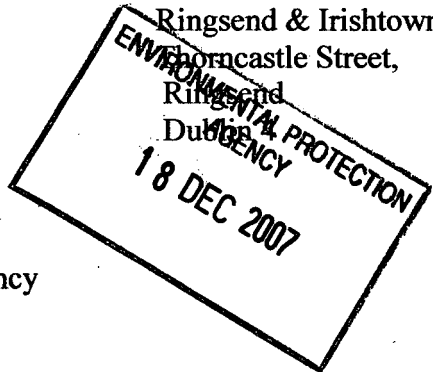


Crai combined residents against incineration



The Secretary
Environmental Protection Agency
Johnstown Castle Estate,
Co Wexford.

15th December 2007

Applicant Dublin City Council

Development: Proposed Mass burn incinerator and associated facilities.

Site Pigeon: House Road, Ringsend Dublin 4

Reference: W0232- 01

As the secretary of the above community based origination which represents the various residents associations in Ringsend, Irishtown, Bath Avenue & District, Sandymount and Merrion areas of Dublin 4 we are compelled to object to the draft licence issued by the EPA for a incinerator in our community on the grounds of several valid reasons and we enclose the specified fee to object and to request a oral hearing. We also request that the oral hearing should be held in a facility convenient to the community's of our area in the Dublin region.

Since we were informed on the 30th of June 2006 that an application was made to the EPA for a licence to operate the Mass Burn Incinerator in our community a substantial amount of further material has been introduced by DCC since the licence application was made.

I initially welcomed the decision by the agency to grant a draft licence as the attached conditions bared no mean full resemblance to the application sought by the Council and the permission granted by ABP. I attended the full oral hearing into the planning application and was shocked by the total disregard for the way in which serious concerns put forward at that investigation that have implications for the operation of the facility and the health of the surrounding communities as well as the economics of the process were apparently ignored by the Bord. The procedure to date does not assure the wellbeing of the communities surrounding the proposed site, the natural heritage of the protected areas and the environment itself.

Non-identification and Confusion of Responsibilities:

Before and during the oral hearing repeated requests were made for the Council to produce the supposed contract with the proposed contractor which was said to have

been signed in 2005. It then transpired that no contract was actually in place, but again in the period since the hearing it has again been stated that one has been signed. The Council stubbornly refuses to expose this highly crucial document, so that the contractual responsibilities of the various parties remain shrouded in mystery.

At the hearing the Council gave the very strong impression that waste would be delivered on their behalf to the door of the plant and all subsequent treatment would be the responsibility of the contractor. Had they not done so there would have been very strong representations made regarding the competence of the Council to operate any kind of process plant. We as a community have for over 5 years lived daily with the foul odour from the largest municipal sewage plant in Europe which we are aware is operating at over 17% of its capacity. Our experience confirms that Dublin City Council is quite incapable of operating any process plant within stipulated limits, and that their communication with the communities in such regard has been quite inadequate and gives rise to deep suspicion. No intervention has taken place by any Authority to investigate the conditions of this plant and its effects on the community or the environment.

In the introduction to the draft licence the EPA assumes a quite different arrangement, which is carried through the body of the document, where the Council would assume the responsibility for the operation of the facility and would be assisted by "professional agents". Given some of the disconnections in responsibility that will be demonstrated in following sections this suggests a most dangerous confusion, exactly the kind that has produced serious problems with many similar operations in the past. This confusion would undoubtedly be exacerbated, if not resolved at this stage, by the proposed arrangement for two companies from different continents, with different technologies and even language, to share responsibility for construction and operation. In this confusion we would submit that either the EPA or ABP must now insist on the production of the supposed contract so that some definition and certainty can be introduced into the process.

Until this is done the position of objectors and all those outside the Council and contractors must be based on guesswork, which invariably leads to misinterpretation and subsequent problems of safety, performance and excess costs. The dangers inherent in the current status will be fully set out at the requested hearing, and examples will be offered of problems with other operating incinerators that have arisen from this source, including where facilities have had to be shut down.

Licensed Activities:

Class 12 in the Third Schedule of the Waste Management Act covers the repackaging of waste prior to submission of any action associated with incineration. No proposal has ever been submitted for any such activity at the proposed Poolbeg site, and its inclusion in the licence is obscure and should be justified if it is indeed necessary. All waste collected within the M50 motor way catchments area, will be taken directly to the Incinerator for Mass burning.

Licensed Waste Recovery Activities:

In the table of permitted activities under the Fourth Schedule classes 3, 4 and 8 give very wide scope for expansion of activities at the site to include many which are currently not sought and which would be most objectionable to our communities. This requires clarification and much improved definition before any licence is confirmed.

Glossary of Terms:

Consignment Note: This appears to define the control of all movements of waste into and from the proposed facility. However it does not refer to the relevant EU legislation governing the trans-frontier movement of incinerator ash residues which would appear to have significant impacts on the design and operation of the plant. These concerns were raised at the oral hearing and were not adequately addressed, and the proposed licence is deficient following their omission.

Inert Waste: This definition is unsatisfactory in that it is not referred to other standards and is open to interpretation. There are problems of leachate generation arising from the untried design of the proposed facility that have not yet received adequate consideration and the definition here could impact on these.

Liquid Waste: It should be emphasised that, at this stage, no permission has been sought or granted, so far as is known, for the transport of liquid waste by tanker to the proposed facility, and this should be corrected before any licence is confirmed.

Residual Waste: The definition given appears to conflict fundamentally with the operating system proposed by the Council in the EIS and confirmed in great detail at the oral hearing. The EPA definition would seem to conform to best current practice, but this clearly requires further definition and confirmation, as the facility as currently approved would not meet these requirements.

Sludge: While the definition given is technically correct it does not restrict the sludge for this proposed facility to municipal sewage sludge. The licence would, therefore, allow the processing of other kinds of sludge, e.g. animal manure dispersions, for which no planning permission was sought or granted. This definition should be clarified. There is also conflict with the definition of "Residual Waste" in that sewage sludge is biodegradable and therefore not acceptable for incineration

Licensed Waste Disposal and Recovery Activities:

It is again emphasised that their scope far exceeds anything proposed by the Council so far as the communities have been informed, which does not necessarily mean that they may not be intended for the future or for which permission has been granted. Classes 12, 3, 4 and 6 should be removed or, at minimum, much better define

Condition I

In section 1.3 it should be made clear that this paragraph includes relevant European Law under the various applicable Directives. The permission granted by ABP appears to contravene these in several respects and is presently being audited.

1.7 No definition has been established for "hazardous waste", and it is important that this be done before the licence is issued because of differing interpretations of EU and national legislation.

1.9 While this condition is admirable in itself it is purely aspirational, as no adequate mechanism has been stipulated for ensuring compliance in the operation of the facility. When the sewage treatment plant on the adjoining site was not designed/constructed/operated properly the consequences were a long period of odour pollution that is still taking place. No adverse human health consequences appear to have yet been reported in the adjoining communities, although there may be some among the operatives. However if the incinerator is mis-designed/constructed/operated there are very serious potential health and welfare outcomes for humans and wildlife, and giving the operator a "smack on the wrist" for an excursion at some later date cannot rectify the damage, even if the excursion can be confirmed. This is the fatal flaw in the control system proposed.

Condition 2. Management of the facility:

This is similar to conditions in the adjacent Sewerage Treatment Plant which we are aware can not be closed down when adverse conditions effect the community as it is the only such plant catering for all treated sewerage in the greater Dublin area. Because of capacity, operational and economic constraints there would be every encouragement to the operators to minimise, conceal and even ignore excursions from correct operating practice. In the absence of any significant real-time reporting system to an independent authority (e.g. the EPA) there can be no confidence that the system would prevent the kind of concealment, obfuscation and downright deception that has been reported from similar facilities in other countries.

2.3.2.2. This condition does not make sense, given that the licensee is already required to "evaluate practical options for the use of cleaner technology and the prevention, reduction and minimisation of waste" and setting of "waste reduction targets" under the terms of National Waste legislation.

2.3.2.5. The terms of this condition should be approved by the Agency before the facility is permitted to start testing.

2.3.2.7. It is quite inadequate to leave it to the licensee to prepare the proposed list of process control parameters, especially given the inexperience of the licensee in such matters. If the Agency is unable to specify the control parameters at this stage it should seek advice from best European regulatory authorities and clearly specify all the measurements to be made.

2.3.2.8 This section suggests a regime where the Council sets up an interactive and transparent communication programme to inform the adjoining communities and the public at large about conditions in the facility. As a community leader who is involved in several such committees and based on my and many other community representatives experience this project from its inception some 10 years ago prohibits any trust whatever being placed in such a process. There was no interactive consultation, meetings were used to disseminate Council

propaganda, false information was given, and there was strong evidence given to ABP that the requirements of the EU were not reached.

2.3.2.8. b. This condition should be modified to read “ information via the internet at all times”

2.3.2.8.b.i. The requirement for internet access to real-time data is welcomed. However the licence must stipulate the information to be provided and the required frequency of refreshment or else the receiving community will be told, after the start of operations, that it is “unavailable”, “commercially sensitive”, “too expensive” or just “unavailable”, all excuses that have been used many times in the past.

Condition 3. Infrastructure and Operation:

3.2.1.2. The whole siting and operation of the proposed facility is postulated on the assumption that no hazardous emissions would be discharged from the stacks. The requirement for a windsock to be erected clearly shows that the Agency is not convinced that this situation will obtain and that it would be important to know the direction of the wind in the case of an accident or excursion. This being so and considering the sensitive location of the proposed facility no operating licence should be issued. If the facility is really essential in its present format, which is not accepted, it should be relocated to a safe site.

3.3.2. All the information to be displayed on the proposed board would be useful if any reliance could be placed on the numbers being manned and there being some kind of effective enforcement available if the conditions were breached.

The experience of the local communities is that requests for enforcement of existing legislation by the Council are met with total inaction, especially if commercial interests are involved, and that the only way in which the Council can be forced to undertake its statutory duties is to refer the matter to a higher authority. It is thus clear that this section demonstrates the lack of experience of the Agency of the real situation on the Poolbeg Peninsula. No licence should be granted until proper enforcement mechanisms are available. This is especially important given that the offender in the case in point would be the licensee who would also be responsible for enforcement, self-regulation of the most dangerous kind.

3.4.2. That the transport and ship loading of waste ash is an integral part of the operation of the facility the proposed CCTV system should include the wharf where loading is proposed to take place, as this will be the location of possible serious hazard and pollution creation. No EIS was conducted on the Port lands adjacent to the river liffey where it is proposed to load the bottom ash onto a ship by crane grabs similar to that which was used by the coal importer in the time when I grew up in the area for export. This method of loading and off loading ships is responsible for a huge number of those over 30 living in our community with sever heart and lung problems. It should also be emphasised again that the ship loading operations for bottom ash are proposed for an open quayside so that a completely separate dust control system will have to be implemented there. It is quite unacceptable that the Agency has not addressed this point despite having been made aware of it some time ago. ABP also chose to ignore it in their findings!

3.5. No mention of any of these requirements was put forward at the ABP oral hearing. As they will require substantial modification to the layout of the building and the proposed operation of the facility this condition, if upheld, will surely require that the permission issued by ABP be invalidated and the hearing re-opened to consider the implications and safety measures required.

3.5.3. As there is no control of the contents of incoming waste shipments there is no certainty that the drainage from the proposed inspection areas would be suitable for use as process water. The drainage could easily contain liquids that would introduce hazards if used.

3.9. The proposed storage capacity for bottom ash is completely inadequate. This point was clearly explained to the oral hearing in the light of relevant European legislation and was ignored in the ensuing permission. This aspect must be properly examined and evaluated before any licence is confirmed.

This condition clearly shows that the Agency does not understand that the negative pressure regime within the building envelope can only be maintained when the induced draught fans are running. When the plant is shut down for any reason it will be quite possible for dust and odours to escape, so that this condition cannot be implemented as it stands.

3.15.2. This condition would require waste removal to the ship loading facilities to take place at peak traffic hours. As it is proposed to move some 10,000 tonnes of waste in a relatively short period it is clear that there will be intense truck movement during this activity. It is submitted that, before any licence is confirmed, much more definition must be given by the licensee regarding the operating method that is proposed for this activity.

It should be particularly noted that this method of waste storage and shipment is completely untried. The ash is only accumulated in relatively small quantities in other incinerators and is removed at frequent intervals by road transport. No consideration whatever has been given to any special precautions that might be necessary at the loading quay or aboard the ship, or to the cleaning of the loading area and the disposal of cleaning wastes after the operation, especially if the berth is to be used for other purposes.

It should also be pointed out that this method of waste disposal will not be available for the full planned life of the facility, as it is proposed to move the port to another location and to use the vacated land for housing (See report "A Vision for Dublin Bay" issued by the Council in October 2007). And DDDA Master Plan Section 25 for development of 100 acres on Poolbeg. This calls into question the whole viability of the proposed facility, and should be thoroughly investigated before any licence is confirmed.

Indeed it would appear that the current planning confusion for the area would demand that no licence be issued until the situation has been resolved and a coherent approach defined. This point was strongly made to the oral hearing but was ignored.

3.16.2. A further condition should be inserted here. "The sensitivity of the site to marine flooding shall be re-examined in the light of current knowledge to ensure that the facility is protected from all possible future flooding events".

3.18.1. This condition is merely aspirational. No requirement is stipulated for immediate shut-down or other action in the case of an excursion, nor as to how this condition would be monitored in real life operation.

3.18.2. The proposed capacity is excessive, given that the Council has nowhere demonstrated that the available supply of residual waste would even approach that figure unless based on grossly inflated estimates of population growth for the Dublin Region or on the import of residual waste from a much wider area.

3.18.3. Given that the Council has not demonstrated the necessary competence in the operation of sophisticated process plant it is only a statement of hope to propose that they could do so for the proposed facility. If the procedures have to be developed by a third party the Agency should be dealing directly with that party to avoid potentially dangerous misunderstanding and confusion

3.24.1. Despite the strong objections of the local communities the construction works on this facility are proposed to take place continuously, 24 hours each day, and this condition needs to be strengthened to ensure compliance. "Appropriately qualified" appears to be a subjective requirement, open to considerable argument after construction begins, and the Agency should set out how it is proposed that it should be fulfilled.

Condition 4. Interpretation:

4.2. All danger posed to the receiving waters of the Liffey Estuary and its important populations would be removed if air-cooling of the condensers were adopted. This point was not adequately considered by ABP and the Agency should re-examine this simple and highly effective method of hazard removal.

Condition 5. Emissions:

5.3. This condition is too vague, what defines a "significant" impairment or interference? The oral hearing was given much information about possible impairment mechanisms which ABP chose to ignore, together with the EU requirement to implement the precautionary principle, and the Agency should re-examine this potential problem and give better definition.

5.5. Given that the site of the proposed facility adjoins an Important Bird Area, designated as a Special Protection Area, the interpretation of this condition must be given much more definition and clarity. Animals classified as "vermin" while on the site could well be part of the food chain for protected birds outside (e.g. Kestrels), and measures to control birds on the site could easily have a serious impact on those outside. This is a fundamental defect in the siting of the facility and the control methods referred in this condition should be subject to prior approval by the NPWS.

5.7. This condition is defective in that it does not make any provision for the measurement of nano-particulate matter, which is now known to pose a hazard to health. The proposed annual submission of dust emission figures would appear to be totally inadequate and should be revised.

Condition 6. Control and Monitoring:

6.2 The proposed frequency of noise measurement appears completely inadequate.

6.8 Noting the complex nature of the automated analysis and the sensitivity of the sensors to contamination the frequency proposed for surveillance and calibration appears grossly inadequate.

6.10 Referring to the argument under condition 5.5 this condition also requires much further definition, in particular of the meaning of bird-caused nuisance. Given the proximity of the protected areas the phrase "immediate surrounds" also requires rigorous definition.

6.17. The meaning of this condition is far from clear. "Final effluent" should be properly defined. This appears to be part of a larger section that may have been inadvertently truncated.

Condition 11. Resource Use and Energy Efficiency:

7.1 The introduction of district heating would further reduce the generating capacity of the proposed facility which, in any case, is not capable of reaching the figures stated in the specification. This was also brought to the attention of ABP and ignored.

Condition 8. Materials Handling:

8.2.3 (a). No proposal for waste inspection at the point of entry to the facility were proposed in the EIS or put to the oral hearing. Such a requirement would clearly influence the layout of the facility and have a possible adverse impact on the environment in the area. This confusion should be resolved before a licence is confirmed.

8.2.3.(b). The thrust of this condition is fully supported, and possible problems arising in this area were put to ABP and ignored. However as these problems would appear to have very significant potential to impact on the design and even viability of the proposed facility it is suggested that they should be resolved long before a licence is confirmed.

8.2.3. (d). This condition has similar potential impacts to those described in the previous paragraph, and should also be resolved before licence is confirmed. It is again emphasised that the proposed method of handling bottom ash does not appear to have been used anywhere before this proposal.

8.2.3. (e). This condition is vague and needs to be defined. The Council has never made any proposal to carry out such determination and would, in all likelihood, plead that it was not possible in practice to conform to that condition.

8.3. No provision has been made in the conceptual design or put before the oral hearing for a waste quarantine area. The fundamental design of the proposed facility is being altered without any opportunity being afforded to objectors to consider the implications arising; this should be resolved before any licence is confirmed.

8.5-8. All the conditions have potential impacts upon the design and operation of the proposed facility, and no proposals that would meet their requirements were put before the oral hearing. The process is thus degenerating into a series of ongoing modifications that, if confirmed as is, would render the EIS, the supplementary information amounting to almost 2,500 pages and the submissions given to the oral hearing completely redundant.

Condition 9. Accident Prevention and Emergency Response:

9.4.1 (b). It is assumed, and should be stated, that this condition does not apply to waste comprising fly ash, boiler ash or bottom ash, as its requirements could not be met by the proposed facility and its operation.

Condition 11. Notification, Records and Reports.

Problems have arisen in other jurisdictions when records of serious excursions have proved to be unavailable for a variety of reasons when subsequently sought. All the sub-conditions in this section are very worthy in themselves and the records would be of great importance in the event of any incident should this plant be built.

However no responsibility is allocated for ensuring that the Council would devise and implement a modern, safe system of archive management and safe storage, with rigorous controls, and this should be included in this condition before any licence is confirmed.

11.7.1. The Annual Environmental Report proposed should be available to the general public in the immediate area free of charge

11.11.1 The processes named in this condition are not, so far as can be ascertained, proposed to fall within the work scope of the Council. In this circumstance it is hard to see how any reports that the condition requires would have any real meaning. It is, of course, entirely possible that this aspect of the proposed operation has been changed, in which case the planning permission would appear to be invalid. It should be noted in this connection that the proposed facility would not appear to comply with current EU and National waste legislation.

Condition 12. Financial Charges and Provisions.

This whole section is founded on the assumption that financial compensation is an adequate remedy for loss of life, amenity, health, or damage to property or other interest. It is most strongly contended that the duty of the Agency is to prevent

hazards to the health of humans, wildlife and the environment and that any significant risk that cannot be removed at the design stage should prevent the commissioning of the facility until it has been overcome

Schedule A: Limitations:

It is again emphasised that a treatment capacity of 600,000 tonnes per annum is grossly in excess of the requirements of the Dublin Region.

Schedule B: Emission Limits:

B.3 Limits should be stipulated for emissions to sewer given that it is proposed that these will directly run to the adjoining sewage treatment plant and that there are many substances that could cause damage to the process involved in this treatment.

Schedule C: Control and Monitoring:

No condition is imposed to require adequate built-in redundancy for critical measurements in case of equipment failure, and this should be included before any licence is confirmed.

C.1.2. The proposed quarterly measurement schedule for many of the pollutants in the stack gas stream appears to be totally inadequate. The EIS was based on the combustion of unsorted waste, so that the composition of the stack gas could have varied significantly and excursions could have been frequent. The definitions included in the proposed licence have changed this, but if this is seen as having a large impact on the composition of these gases then new modelling should be carried out and this aspect re-examined.

C.3.1. Allowing emissions to flow to sewer without monitoring or control appear dangerous, as previously stated. This condition should be re-considered.

C.4.2. Given the very large quantity that it is proposed to hold in the bunker and the need for structural integrity of this construction it seems most unlikely that any sort of representational testing of the bottom ash for the elements and compounds mentioned would be possible. In any case it will be necessary to perform these tests at monthly intervals to comply with EU legislation governing waste shipment, and possibly even more often, so that this condition should be reconsidered.

No provision is made in Condition C for ongoing monitoring of the effect of project, both before and after commissioning, on the bird populations in the adjoining protected areas under the Birds Directive. This is a serious omission and should be rectified. This monitoring should produce an annual report that is certified by an experienced ornithologist who is properly qualified to interpret the effects of disturbance and pollution on populations.

Conclusion:

The proposed licence has been examined in great detail and has been shown in the foregoing comments to have serious defects. Many of these arise from discrepancies between the findings of ABP and the proposals of the Agency, but it is submitted that

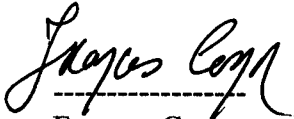
they pose significant risks if the facility were to be built as the documents stand. The conditions appear to relate to what is a proposed incinerator but not the type of plant or operation system portrayed to us at the oral hearing by ABP.

In particular the confusion and conflict that obtains in the planning process for the Poolbeg area and the modifications that may have to be made to accommodate all the different "master plans", "visions" and "frameworks" in the near future, whether produced by development pressures or external factors like climate change, traffic management, restriction on port tunnel traffic of certain goods must surely suggest that the licensing process for this large, intrusive and dangerous facility should be halted until a proper plan has been agreed. If this is not done then it would appear very likely that the serious, ongoing problems that beset the sewage plant which we have to endure would be repeated on an even larger and more dangerous scale.

I urge the Agency to deal with this by calling a public oral hearing where our concerns can be dealt with in an open and transparent manner.

I enclose a cheque for Euro 300, which includes the fee for objecting to the draft licence and Euro100 for a request for an oral hearing.

Yours faithfully



Frances Corr
Hon Secretary

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