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LATEST VERSION B:00 AMON 21st

**GREEN PARTY DUN LAOGHAIRE RATHDOWN CONSTITUENCY
SUBMISSION TO EPA ORAL HEARING (POOLBEG INCINERATOR)
21.04.08**

Introduction

The Green Party Dun Laoghaire constituency welcomes the EPA Oral Hearing on this important licence application for the first municipal incinerator plant in the heart of Dublin city.

The Green Party is critically concerned about the grant approval for this licence application for a number of reasons.

1. Principles of Waste Management in Ireland

1.1 Firstly, if approving the plant, the EPA would set down a marker for the principles that would underpin Irish waste management practice into the future. If granting the licence, the EPA would in effect encourage waste generation and quick-fix disposal options, instead of taking the resource recovery approach. This is now accepted as international best practice, particularly in mainland Europe (Germany, Austria and the UK¹).

1.2 Although it is recognised that there is an energy recovery component to incineration, the ECJ EU determined that that incineration was not considered a waste recovery operation, rather, it classified it as a disposal option, which is low on the Waste Hierarchy applicable under EU waste law in Ireland². The UK Government's *Waste Not Want Strategy*³ sums up the problem:

"Waste management, like any other option for managing residual waste, depends on our success in reduction, reuse and recycling and the development of alternative residual waste facilities such as MBT. If we do not reduce our residual waste/develop alternatives we will need far more incinerators to manage residual waste. Ultimately, it is up to local authorities to decide on the solutions to managing their waste. When considering incineration they should:

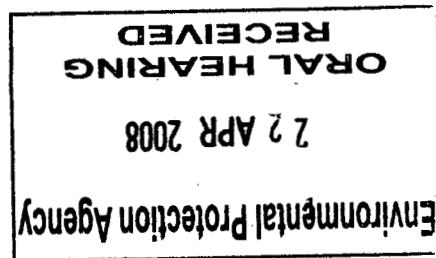
- take care to avoid being locked into long term tonnage contracts that do not take account of plans to reduce and recycle considerably more waste;
- Give thought to the development of contracts that only allow the incineration of residual waste i.e. waste after it has been pre-segregated;
- and consider other options like MBT for managing residual waste"

Forum on MBT, 2007, Hanover, Germany
00
Strategy (2002) 6.67/p.78

OH Sub No. 42

Recd From:

Mr Ciaran Cuff
TD
Green Party



2. The Proposal is Premature

2.1 Under this draft licence the waste feed to the plant is strictly contained to the incineration of 600,000 tonnes of residual municipal waste (household and commercial). We would submit however that the plant is being developed without full regard to the facts about the quantity of residual waste that will be available to feed it in reality, and on this basis the development of this plant is premature.

2.2 National policy on waste in Ireland is currently under review. In spring 2008 the Minister for the Environment, Heritage and Local Government issued a tender for an *International Review of Waste Management*. The e-tenders⁴ site states:

“ The purpose of the study is to inform a policy review which will assist Ireland in meeting its national, EU and other international objectives and obligations”.

It will *inter alia* examine waste management and policy; and waste technologies and practices across several countries. The findings of the review will be published in 2009 and it is intended that it will inform new national policy. We submit that the proposal to continue to introduce incineration as key part of Irish national waste policy is also premature given that the Minister's review has yet to be published.

3. Capacity – the Plant is Oversized vis National Residual Waste Processing Requirements

3.1 It is acknowledged that Ireland does not currently have a sufficient residual processing infrastructure capacity to deal with the current levels of end-waste material. However given that new plans for MBT are planned for in Cork and the fact that other such plants will be established after the EPA review of MBT (currently underway⁵), combined with the significant effort being made by the Department of the Environment, Heritage and Local Government, the public and local authorities to reach the recycling target of 49% by 2016, we submit that there will be a significantly reduction in the overall quantum of residual waste to be disposed of in the country, let alone at this plant.

3.2 Furthermore, the Minister for Environment, Heritage and Local Government recently highlighted the issue of Ireland's final municipal residual waste arisings in an answer to a Dail question on the issue on the 14th November 2007. In addition, a recent letter to my office from Minister

⁴ http://www.e-tenders.gov.ie/search/show/search_view.aspx?ID=FEB096980

⁵ See: National Biodegradable Waste Management Plan pp.91: reference to Cork Regional Waste Management Plan and EPA/ERDTI Prog: 2000-2006: “A study is now being carried out into the potential contribution of MBT to biodegradable municipal waste management in Ireland.... and will inform future policy”

Gormley shows that his Department has projected a credible scenario whereby the total amount of residual waste nationally requiring treatment other than landfill or MBT falls short of the quantity of residual waste planned to feed the Poolbeg incinerator alone. This is illustrated in table form below.

* JG LETTER.

1.	TOTAL National Municipal Waste (pre-residual removal) (2016)	3,384,492/t	100%
2.	Recycling (removal)	1,652,209/t	49%
3.	RESIDUAL #1	1,732,220/t	100%
4.	Less Landfill	823,502/t	24%
5.	RESIDUAL #2	908,658/t	100%
6.	Less MBT process evaporation	236,251/t	26%
7.	Less Landfill of MBT stabilised waste	236,251/t	26%
8.	Less Materials Recycling	27,260/t	3%
9.	RESIDUAL #3 TOTAL FINAL National residual	408,896	45%

Table 1: Total National Final Municipal Residual Waste – Post MBT
(Source: Minister for Environment, Heritage and Local Government
April 2008: Letter to Ciaran Cuffe T.D.)

This illustrates that the policy changes currently underway will very likely result in a situation where the Poolbeg incinerator is nothing more than an expensive white elephant.

4. EPA – Advisory role to the Government and Local Authorities - Waste Characterisation Studies

4.1 In addition to the above, the EPA itself has commissioned work and called for new research in areas that are of great relevance to this hearing. From as far back as 1996 the EPA has been in the process of gathering data on the characterisation of Irish waste arisings. One study includes a sample survey undertaken by consultants for the EPA in 2005 for the Dublin region (see Figure 1 and Figure 2 overleaf⁶). The EPA and other state

⁶ Sample survey: eight surveys across the Dublin Region with 24 samples accounting for seven different residual waste collections schemes.

bodies have commissioned studies⁷ to examine the content of Mixed Residual Waste (MRW) or content of the typical household 'grey bin', including commercial and industrial waste and the recyclable potential of dry agricultural residues. The EPA is therefore fully aware of the characterisation of waste in grey bins that could potentially be removed by means of MBT.

Figure 3.11: Overview of Materials Collected via the Residual Waste Collections

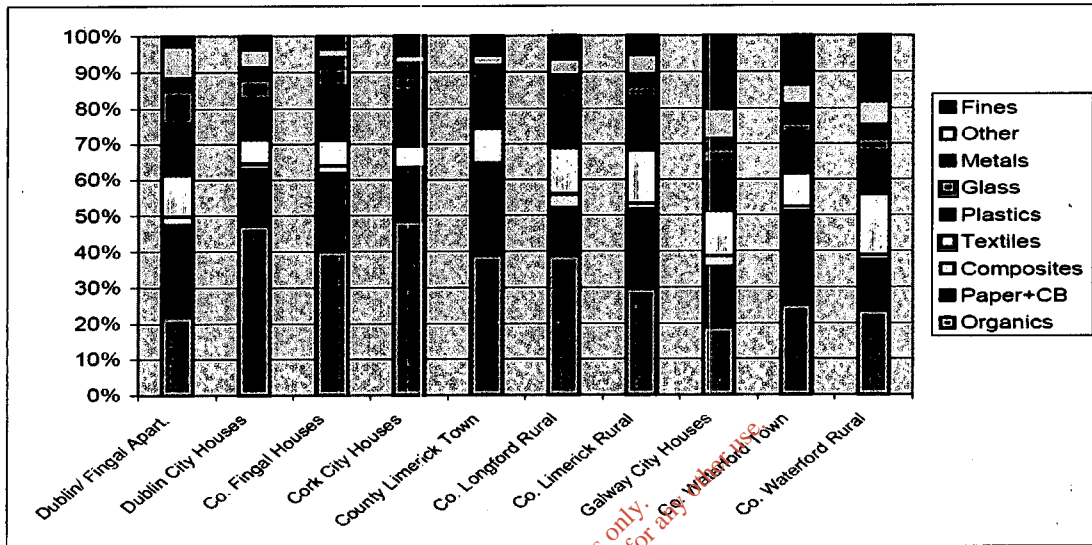


Figure 1:

(source: EPA/RPS/MCOS: Programme for Municipal Waste Characterisation Surveys – Final Report (December 2005) .

Figure 3.14: Dublin Region Quantities Delivered at Waste Treatment Sites in 2003

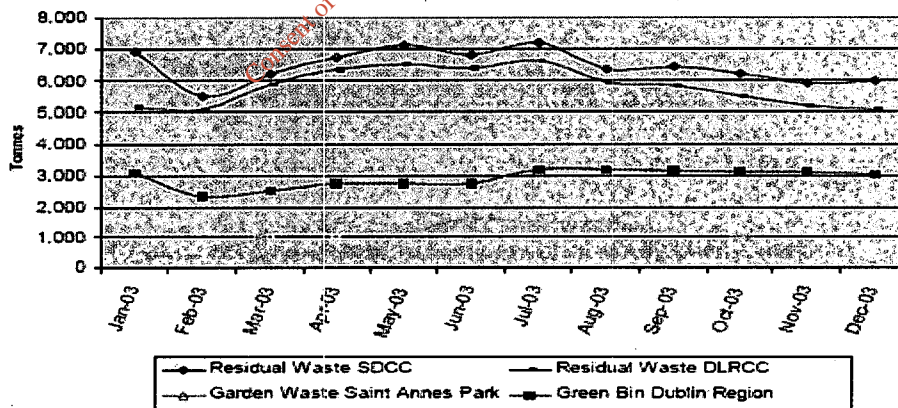


Figure 2:

(Source: EPA/RPS/MCOS: Programme for Municipal Waste Characterisation Surveys – Final Report (December 2005).

⁷ Programme for Municipal Waste Characterisation Surveys:

(i) EPA, *Waste Characterisation Methodology*. 1996

(ii) Final Report (2005) for EPA: by RPS/MCOS.

An Assessment of the Renewable Energy Resource Potential of Dry Agricultural Residues in Ireland. 2004: Sustainable Energy Ireland.

(iii) EPA/STRIDE: Waste Characterisation studies (tender stage)

4.2 These studies will provide the EPA with new data on both Mechanical Biological Treatment and the resource separation potential and character of waste being generated in Ireland at present. We submit that the EPA has a legal role in supporting and guiding local authorities in the area of environmental protection vis waste management planning, in line with its statutory functions the under the Environmental Protection Agency Act (1992). More specifically under Part III of the Act - *Functions of the Agency*.

PART II: FUNCTIONS OF THE AGENCY

Section 52 (1) The functions of the Agency shall, subject to the provisions of this Act, include:

Section 52(1) (c)

"the provision of support and advisory services for the purposes of environmental protection to local authorities and other public authorities in relation to the performance of any function of those authorities".

And

Section 52(2) (a)

"keep itself informed of the policies and objectives of public authorities whose functions have, or may have a bearing on matters with which the Agency is concerned."

The EPA has a statutory responsibility to advise local authorities, in the context of the data available on waste characterisation and on the findings of new research on the latest waste management options available, to assist Local Authorities to discharge their functions in relation to waste management under Article 52 (1)(c) of the EPA Act. The Green Party believes that granting a licence to this facility is incompatible with this responsibility of the EPA, as the planning for the proposed facility fails to take account of these circumstances.

4.3 The Green Party believes that this proposal, coming to the table at this stage in the lifetime of the new government, and during a time when reviews are underway, is premature. The outcome of the above studies will be critical in contributing to the continuing debate on the future direction of Ireland's waste management policy. The policy decisions made following analysis of these reviews may make incineration a redundant and outmoded form waste disposal in Ireland. Crucially the analyses will influence future reviews and subsequent revisions to the Regional Waste Management plans being implemented by Local Authorities across the country.

5. Economics of the Plant

5.1 The EPA's proposed licence does not address the question of the capacity of the proposed incinerator, although the decision of An Bord Pleanála clearly stated that this issue should be considered by the EPA, in particular in respect of air quality issues. The issue of the capacity is not only a key issue locally for Dublin City Council, for the residents and businesses of Ringsend, Sandymount and environs, but the decision on the capacity of this plant will have knock on effects in determining the future capacity and the economic considerations of other Local Authorities planning to develop other incineration plants as proposed in several Regional Waste Management Plans across the country. The capacity question is key to the economics of the plant for Dublin City Council. We understand that the "Put or Pay" clause of the contract between Dublin City Council and the PPP Company requires a minimum throughput of circa. 300,000 tonnes waste, below which the Council will be penalised. The Green Party on behalf of its Dublin city members and Councillors, wishes to express its grave concern about the underlying assumptions of the contract, given that it is known that the total figure for residual waste nationally can be reduced well below the capacity of this one plant with the implementation of the Government's revised policy. The contract for this project requires Dublin City Council to continually feed the plant with a growing volume of waste. This conflicts with the principles laid down in the Waste Hierarchy, to reduce waste and promote recycling, and it cannot be justified on the basis of the projections produced by the Department of the Environment, Heritage and Local Government. We would seriously question how the Council can justify the scale of the plant and request that the EPA challenge the Council on this issue. We also wish to highlight to the Council that it has a responsibility to protect its finances on behalf of the people it serves and to ensure best value for money on all contracts.

6. Scale – Health, Amenity and Environmental Quality

6.1 Most importantly though, the decision on the question of scale will have direct and long-last implications for the health, environmental and urban amenity quality of the residents of Ringsend, Sandymount, Dublin 4 and Dublin Bay environs. This is of serious concern to our representatives, and to our Party. The recommendations included in this submission in Section Seven (below) for a complete revision of nine licence conditions iterates our concerns in this regard. The Green Party firmly believes that there is a need for the highest level of transparent access to information on the operations of this plant.

7. Conditions

7.1 Notwithstanding our submission that this licence should be refused, we wish to make submissions on a number of specific issues relating to conditions included in the licence, should the EPA ultimately decide to persist in granting a licence.

This proposed licence is setting down a licence precedent for other such plants in terms of:

- (a) The level of information to be made assessable to the public
- (b) The air quality monitoring systems to be put in place
- (c) The waste deemed as acceptable to the plant for incineration

7.2 These concerns principally involve access to information on the operation of the site and notification of public agencies and departments and the public in the event of an incident or emergency at the plant. The specific conditions and questions that arise are as follows:

- (a) The ability of the EPA to allow for additional wastes to be fed to the plant on a 'case-by-case' basis (Condition 1.5 /p7 and Schedule A: Note 2/32) monitoring and information accessibility provisions built into the licence under certain conditions.
- (b) The ability of the EPA to alter the license at any time and the public's right to participate in this process (Condition 1.8/p.7)
- (c) The fact that the Environmental Management System to be drawn up by the licensee after the license has been granted (Condition 2.3.1/8) is not specified in the 'Documentation List' detailed in the licence (Condition 11.2/p. 27) and thereby not required to be included in the Public Awareness and Communications Programme (Condition 2.3.2.8 (a)/p. 10)
- (d) The minimum 'real-time data from on-line process monitoring' required at present under the licence is limited to 'combustion chamber temperature' only (Condition 2.3.2.8 (b)(i)/p.10).
- (e) The licensee is required to submit proposals for the operation of the CHP after the licence has been granted (Condition 7.1).
- (f) The licensee is only required to notify the EPA of an incident "as soon as it is practicable" or before 10.00 am the next working day (Condition 11.1/p. 26). There are no provisions under Condition 11 calling for the licensee to automatically notify the EPA (or within 1 hour of an incident) and to simultaneously notify the Dublin public, residents of the area, the Minister for Environment/ Department of the Environment Heritage and Local Government, the Health Service Authority, the Port Authority, the ESB, the Sewage Treatment Plant and any other adjacent industrial units with staff, and the National Emergency Response Unit.
- (g) The requirement under Condition 11.11/p29 to prepare a Waste Recovery Report after the license has been granted and "prior to commencement of the activity" and the fact that this report is not specified under Condition 11.2 as a document to be made available to the public under Public Awareness and Communications Programme under Condition 2.3.2.8.
- (h) The requirement that the licensee is required to maintain records of off-site waste profiling and characterisation for a ten year period and these records are not included in the document control list under Condition 11.2 and under Public Awareness and Communications Programme under Condition 2.3.2.8.

- (i) The requirement for the licence to produce a Waste Recovery Report and this document is again excluded from the document control list under Condition 11.2 and related Condition 2.3.2.8 on public awareness and communications.

7.3 The Green Party is calling for a complete revision of the above conditions in order to ensure the protection of public health and to provide for transparency of access to information on the operations of the plant, if given licence approval. In this respect, we would highlight the following commitment in the Programme for Government:

“Establish community monitoring arrangements of major waste management facilities, including on-line monitoring where appropriate, with specific powers/rights to information. “

As the statutory body responsible for licensing waste facilities, the EPA should implement the above commitment by imposing suitable conditions on all waste facilities, including the proposed incinerator at Poolbeg, should it decide to license this facility.

7.4 Finally, the Green Party would like to request that the EPA clarify the references to 'imported waste' in the licence (Condition 11.11.1 (a)/p29) for the sake of clarity and to remove any potential challenge to the licence at any future date.

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Appendix 1:

Residual Waste is defined in the license (p/3/41):

“In the context of intake to an incinerator/WtE plant, is waste that has been subject to pre-treatment (including *inter alia*, pre-segregation, sorting, mechanical-biological treatment) to extract, to the maximum practical and available extent having regard to BAT, the recyclable/reusable components”

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Comhshaol, Oidhreacht agus Rialtas Áitiúil
Environment, Heritage and Local Government



Oifig an Aire
Office of the Minister

18 April 2008

Ciarán Cuffe TD
Dáil Éireann
Kildare Street
Dublin 2

Dear Ciarán,

You asked me recently for more information on the Government's waste policy, and for more details on the waste projections carried out by my Department, to which I have referred in the House. I am pleased to provide these details below.

The Government's policy in regard to waste management is clearly set out in the Programme for Government. It is firmly grounded in a continuing commitment to the waste hierarchy with a renewed drive towards the achievement of international best practice in the reduction, re-use and recycling of waste. There is a commitment to meeting our national objectives and EU obligations through an increasing emphasis on technologies for mechanical and biological treatment, MBT, of a growing volume of municipal waste. This will significantly reduce the future need for incineration capacity.

As provided for in the Programme for Government, my Department has initiated a major international review of waste management policy which will in part focus on how best to advance the use of the full range of technologies available for waste management. I am confident that we can rapidly move away from a position where incineration is regarded as the only viable solution for waste management to one in which we can exploit a much broader range of technologies to meet our targets in the most environmentally benign way possible.

The review of waste management policy is an essential exercise to provide the soundest technical and scientific basis for our new policy. However, I am conscious that the review will take some time to complete, not least because we are bound to undertake a lengthy procurement process for the engagement of consultants. For this reason I have ensured that the terms of reference of the review allow for interim reports on specific issues. I have also not ruled out policy measures which may be necessary in the interim to ensure that our targets under the Landfill Directive are met. For example, I am increasing the landfill levy to ensure that the availability of cheap landfill capacity does not undermine our efforts to move up the waste management hierarchy.



Waste projections

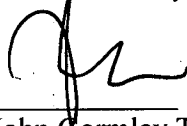
I have referred in the House to projections produced by my Department for the future treatment of municipal waste up to 2016. My Department has produced a model demonstrating how our landfill targets can be met with an increased rate of recycling and an increased use of Mechanical and Biological Treatment (MBT). The model is deliberately conservative in terms of what can be achieved in the interim in terms of waste prevention and minimisation, and allows for the maximum use of landfill allowed under the Landfill Directive. Of course our aim is, as you know to further decrease this use of landfill, and indeed the Programme for Government sets a target of only 10% of total waste going to landfill. This would represent a further but credible challenge and the path to it can be charted in the context of the outputs from the overall review of policy.

Based on these assumptions my Department is projecting that in 2016 the amount of Municipal Solid Waste (MSW) arising nationally will be 3,384,429 tonnes. The model assumes a recycling rate of 49% in 2016, which is consistent with current international best practice but is a rate I believe Ireland can better in the future. It has been demonstrated that we can achieve higher rates than this, particularly in our major urban centres. This recycling rate gives a residual fraction of 1,732,220 which will require other forms of treatment or landfill.

Assuming 823,562 tonnes is sent to landfill as allowed under the Landfill Directive, 908,658 tonnes of this residual fraction will remain. A developed MBT infrastructure can further reduce this fraction. My Department's projections, based on the experience of MBT in Austria and Germany, show the various processes would result in 26% of this fraction (236,251 tonnes) being eliminated through evaporation etc., a further 26% converted to stabilised waste, with recovery of metals etc. accounting for a further 3% (27,260 tonnes). This would leave a fraction of 408,896 tonnes available for use as solid recovered fuel for thermal treatment or for incineration. Refuse-derived fuel (RDF) can be used in existing power stations or cement kilns, displacing fossil fuels and thus potentially reducing carbon emissions. These estimates for the output of MBT are based on papers presented at the International Symposium on MBT last year in Hanover ("Two Years of Experience with German Regulations for MBT Plants: View of an MBT Operator" - Andreas Warndtedt, Joachim Dach and Gunter Muller; and "MBT of Waste in Austria: Current Developments" - Mr. Christian Neubauer of the federal Environment Agency, Austria).

I hope this information is helpful to you. Please don't hesitate to get in touch for clarification on any point.

Yours sincerely,



John Gormley T.D.,
Minister for the Environment, Heritage and Local Government