

Boolaglass
Askeaton
Co.Limerick
12-11-2013



Office of Climate,
Licensing & Resource Use
EPA Headquarters
P.O Box 3000
Johnstown Castle Estate
County Wexford

Dear Sir

I wish to object to the proposed determination for Licence Register P0035-06 on the grounds that it contains no Environmental Impact Statement. In fact it doesn't take into consideration the effect this project and review, could have on my families' health and that of others in the Community.

The arguments put forward by Limerick County Council is not creditable, to state that the applicant is just changing boilers, like with like is not sufficient to warrant no EIS. The same applies with the EPA trying to cover for Limerick County Council mistake, that further screening concluded that a sub-threshold EIS was not required as the development will not have a significant effect on the Environment and meets criteria in the Planning and Development Regulations 2001.

The guidelines laid down for an EIS is very clear the EIS is drawn up by "the developer and must contain analysis of the likely effects (**good and bad**) on a proposed development on the Environment including on **people, flora and fauna, soil, water, air, landscape and culture heritage**"

Extract from the minutes of the 748th licensing meeting of the Environmental Protection Agency on the 24th September 2013 where Directors Present Mr D Lynott chairman, G O' Leary and M O' Cinneide, clearly undermined their own EPA decision of not requesting an EIS from the applicant and the decision of Limerick County Council on same.

The minutes states as follows under Condition 1.5 Insert new condition 1.5 as follows and renumber subsequent existing conditions accordingly " ***The licensee shall notify the Agency, in a format as may be specified by the Agency, of any proposed alteration, reconstruction or extension of the installation which may affect the environment. The notification shall include a full assessment of the environmental impact of the planned change and the proposed date of the alteration, reconstruction or extension. Any such alteration, reconstruction or extension shall not be implemented until agreed by the Agency. From the agreed date the installation shall be operated in accordance with the agreed alteration, reconstruction or extension***"

This above would be considered as requesting an EIA within condition 1.5 of the proposed IPPC licence called for within this review P0035-06. While I have requested an EIS one must consider also is an EIA called for in this case too. If one looks closely for what Mr D Lynott called for, it covers the **installation/construction** of this new gas boiler (A4-B) under review P0035-06. You have the proposed **alteration**, covering the change from HFO to CHP.

Extension of the installation as it follows on from boiler (A4-A) previously granted all fall within the guidelines of Mr D Lynott request **and it has an impact on the Environment**. There is a case not alone for an EIS or an EIA or both and the EPA can't ignore it, like their counterparts in Limerick County Council. The EPA must take into concern the European Courts judgment on the EIA.

Just because Limerick County Council has let the horse bolt in leaving the stable door, need not mean that the EPA don't want to retrieve the horse, put him back in the stable, closing the door behind him.

The meeting chaired by Mr D Lynott and the inserting of this new condition 1.5 in this review has serious consequences for P0035/5 review, where planning and licence was granted for gas boiler A4-A, with a chimney 35 metres in height must now be re looked at immediately.

If one looks further at the review of this licence, and the request to install and operate a new gas boiler (rated thermal input of 120 MW) with a capacity of 150 tonnes of steam per hour. An Inspectors report on this licence application by Ms Ann Maria Donlon to the Directors of the EPA dated the 19th September 2013 mentions four scenarios been shown by the applicant, in regard to Modelling impact/ concentrations on ground/air standard on just a few of many emission types from boilers & calciners.

- 1- 2 HFO boilers, 2 CHP & 3 calciners on natural gas
- 2- 3 HFO boilers, 1 CHP & 3 calciners on natural gas (8% of the year)
- 3- 2 gas boilers, 2 CHP, 3 calciners (all on natural gas)
- 4- Worst case scenario 2 boilers on HFO, 3 calciners on HFO and 2 CHP on gas oil for 1 hour per week and the rest of the time on natural gas.

From the air quality that exists on our farm and the damage to our family from the applicants emissions, the above modelling and concentration levels should come with a health warning in both ways. It again raises the question as to why we are not been shown the full types of emissions and their interactions in a cumulative effect on human health and the Environment in this or past licences. Is it not time for the EPA to disclose the full facts here.

It also shows that the statement in the second paragraph of this objection, where the EPA stated ***"That a sub threshold EIS was not required as the development will not have a significant effect on the Environment"*** From the applicants scenarios above that statement by the EPA was misleading in giving such an impression at this time.

Up until 2016, we can have any of the following scenarios. The applicant will still use HFO boilers and if certain scenarios are used, you could possibly have the HFO emissions masked

by CHP emissions. This is nothing new to the applicant, who have been let off by the EPA in readings been masked previously on audit visits. Even from 2016 on, these HFO boilers will be used.

The question must be asked as to why the EPA have not requested these HFO boilers to be decommissioned and put out of use due to their age, along with the health and safety of workers, not to mention damage to the Environment and human health.

Another issue I would like to comment on is where the EPA allowed the applicant to have the application fees of 18,757 euro's waived. If memory serves me right, did the EPA director at the time and now Director General Ms Laura Burke not sanction the applicant with a similar waiver in relation to the preview review? The EPA might confirm if this was the case and would the figure be another 18,757 euros giving a total of 37,514 euros in total? Oh and let us not forget the savings the EPA have given to the applicant by not demanding an EIS/EIA for this review

In the interest of fairness, may I now make also a formal request to the EPA for a waiver of my fee for this objection of the 126 euro's which is a lot to an ordinary person like myself.

In relation to conditions 9.3.3 and 11.2 of this review, the EPA has failed to specify what significant affects on the Environmental covers. Again the EPA leaves it up to the applicant to make up their own mind on it and we all know what that will be.

Condition 2.3 what is the possible shortest time the EPA has specified in writing to the applicant to restore compliance within or as usual it's left up to the applicant to decide.

If one is to list all the loop holes implanted in the review to facilitate the applicant, this would be a very long objection.

The same question arises, since the EPA granted the first licence to the applicant back in 1998 as to how long more, the EPA will leave the loop holes in the licences for the applicant.

On the 19th Day of September 2007 the EPA granted an IPPC licence under P35004 to this Applicant which is now 6 years ago. Just an example alone in that licence is Condition 8.3.15 states ***"that the Mud and sand residues deposited in phase 2 shall be subject to a neutralization step prior to deposit (soluble alkalinity as a minimum)"***

Condition 8.4.18 of proposed licence P0035/6 states ***"From the date of grant of this licence, all mud and sand residues deposited at the BRDA (Phase 1 and 2) shall be subject to partial neutralisation"***

Condition 8.3.15 this same issue was in the review 6 years ago and was to implement this neutralization process within a specified time, now in this review it shows all the EPA have done is changed the condition numbers in this review and never forced its implementation.

Condition like 8.3.16 in P0035-04 states "unless otherwise agreed in writing the neutralisation referred to in Condition 8.3.15 shall be by the Carbonation process"

The same condition now is 8.4.19 in P0035-6 states "unless agreed by the Agency, the partial neutralization referred to in Condition 8.4.18 shall be by way of enhanced atmospheric carbonation"

The same pattern here, has anything been done in relation to the carbonation process to make safe these mud ponds in 6 years. Our objections were completely ignored at that time by the EPA when we raised these important issues.

The red Mud ponds (BRDA 1& 2) are the biggest Environmental Disasters of all time, with toxic waste impacting on our farm and the community and the Shannon Estuary. I object to the EPA issuing the applicant with licence after licence while not properly monitoring or demanding that the applicant abides by the conditions laid down or even implement all of the conditions that applied to all previously granted licences. The EPA under their remit have a duty to police the holders of all IPPC licensed facilities and most of all have due regard to the damage been caused to our Environment, Actually from its inception back in the 1990s the EPA have steadfastly ignored our and the wider community fears from the means of storage of the red mud right through to the hazardous content of the red mud and this is now shown in the conditions laid down in this and previous reviews that the EPA are not implementing conditions against the applicant.

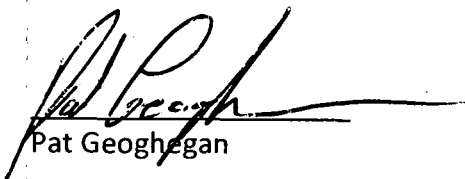
On foot of this matter, I have enclosed a full list of questions in relation to most of those conditions in the licence P0035/04 which I'm sure the Agency can match up to the relevant changes of condition numbers now in P0035/06 and previously in P0035/05 which I need answered under this review and must be addressed before any review is granted by the EPA to this applicant. Should you have any problem in cross checking them, please revert back to me.

The term agreed later by the Agency should not be inserted by the Agency in relation to any condition in any licence especially this review as it undermines the objection process completely in the EPA been able to agree with the applicant at a later date a certain condition without the objector been informed of what that change was.

Finally, I would like to refer you to item 9.0 in an inspectors report on the 19th September 2013 to the Directors of the EPA, where the heading is fit and proper person assessment. The EPA inspector gives the all clear to this applicant, even though a bond was in the region of approx 12 million the last time we checked. The Environmental Disaster that that Limerick County Council and the EPA created between them in relation to the Mud Ponds, a figure of 1 billion euros would not clean up this, if the plant is decommissioned not to mention should the waste breach its banks next to the Shannon Estuary.

I'm requesting that this review of this licence P0035/06 is refused on the grounds that an EIS or EIA are required and a full review of all condition in the attached questions in relation to P0035/04 and this review of P0035/06 on the basis of all matters I have raised in this complaint.

Yours Faithfully,



Pat Geoghegan

For inspection purposes only.
Consent of copyright owner required for any other use.

QUESTIONS IN RELATION TO CONDITIONS LAID DOWN IN LICENCE REG NO P0035-04

Condition 2 Management of the Installation

2.2.2.2. Schedule of Environmental Objectives and Targets

(i) How has the elimination of sources of groundwater contamination which has the potential of groundwater contamination been undertaken?

Has it been stopped?

If not when will it be stopped.

(ii) The same three questions again in relation with Caustic Mass Balance

(iii) The three questions again in relation with the Reduction in BOD loading discharge to the River Shannon

(iv) The same three questions again in relation with the reduction of CO₂ emissions from the site

(v) Has the commissioning of a neutralisation step for process residue sands and mud's prior to deposition in the BRDA taken place and when will it be neutralisation completely?

Some of the above requests should be contained in 2.2.2.3 Environmental Management Programme (EMP) that the Licensee has been requested to submit.

Condition 4 Interpretation

4.1.1. Has the value of the 95% confidence intervals determined at the emission limit values exceed any of the following percentages of the emission limit values in relation to Sulphur Dioxide 20%, Nitrogen Dioxide 20%, Dust 30%

4.1.2 Has the validated hourly and daily average values been determined within the effective operating time and what were there values?

4.1.3 (i) Has validated daily average been exceeded other than Boiler Plant?

(ii) Has validated hourly average value exceeded twice the emission limit values?

4.1.4 (i) Has monthly mean value exceeded the emission limit value for Boiler Plant?

(ii) Has the nitrogen oxides levels of 1.1 times the emission limit been exceeded?

4.1.5 (i) Has limits been exceeded on emission values for non continuous monitoring?

(ii) Has limits been exceeded for flow, hourly or daily mean values?

(iii) Has 30 minutes values been exceeded?

4.2 Has the volume flow limits for emissions to atmosphere specified in licence been achieved in relation to 4.2.1, 4.2.2 and 4.2.3?

4.3 Has the emission limits for emission to water been exceeded?

4.3.1 Has the emission in regard to continuous monitoring (i) flow value (ii) pH value (iii) temperature value limits been exceeded?

4.3.2 Has the Composite Sampling in regard to (i) pH value (ii) temperature value exceeded the limit value set?

(iii) Has parameters other than pH and eight out of ten consecutive composite results proportional composite sampling exceeded their limit values? Has any individual results similarly calculated exceeded 1.2 times the emission limit value?

4.3.3 Has discrete sampling for parameters sampling other than pH and temperature, no grab sample value exceeded 1.2 times the emission limit value?

4.4 What was the agreement from the Agency and Aughinish Alumina in relation to measuring the parameter by mixing before emission?

Condition 5. Emissions

5.1 has any specified emission from the installation exceeded the emission limit set out in schedule B: Emission limits of this licence?

5.2 Has the Agency determined if, emissions, including odours, from the activities carried on at the site resulted in an impairment of, or an interference with amenities?

5.4 Has any start up period exceeded 60 minutes in any 24 hour period and such soot blowing period exceeded 60 minutes in any 24 hour period?

5.5 How has the Agency verified independently any of SO₂ and NO_x total annual emissions been given to the AER and by who?

How has the Agency independently verified the amount supplied, where continuous monitoring is not in use, where estimates of the total annual emissions is determined by the operator on a basis acceptable to the Agency?

5.6 Has the total sulphur dioxide emission from any of vents A1, A2, A3-A and A3-B as detailed in schedule B.1 Emissions to air exceeded 1000kg/h

5.7 Has the total sulphur dioxide emission to air from the site been calculated in kg/h as SO₂ for each source as agreed with the Agency and when was it agreed.

Has this information been submitted to the Agency quarterly as an itemised and totalled list?

Has the additional monthly fuel oil usage and associated sulphur content been submitted quarterly to the Agency?

5.8 Has the programme provided for representative monitoring of SO₂, Suspended Dust, Deposited Dust, and PM₁₀?

Did this programme start within six months of the granting of this licence, which would be October 2008?

Did this programme extend to include representative monitoring of PM₂₅ within that six months again being October 2008?

5.9 Was the feasibility study to undertake the monitoring of sodium Hydroxide emissions from the site, undertaken within twelve months from the date of grant of this licence, which would be the April 2009?

5.10 Was effluent discharged to water, with temperature greater than 1.5 degree celsius?

5.11 Has any mud or dust associated with the activity that won't result in an impairment of or an interference with amenities or the environment beyond the installation boundary?

Condition 6. Control and Monitoring

6.2 Has automated measurement systems been carried out in accordance with CEN-standards or ISO, national or International standards?

6.3 Were all automatic monitors and samplers functioning at all times (except during maintenance and calibration?)

6.4 Has monitoring and analysis equipment been maintained as necessary so that monitoring accurately reflects the emission or discharge?

6.5 Has the Agency ensured that groundwater monitoring well sampling equipment is available/installed on site and is fit for purpose at all times?

6.6 Have all the treatment/abatement and emission control equipment calibrated and maintained in accordance with instructions given?

6.7 Have the method and scope of monitoring, sampling and analyses, as set out in this licence been changed and if so why?

6.8 Has the licensee maintained a programme to the satisfaction of the Agency?

6.9 Has the integrity and water tightness of all underground pipes, tanks, bunding structures and containers and their resistance to penetration by water and other material carried or stored therein shall be tested and demonstrated by the licensee?

6.11.2 Has the Agency been notified of contamination in the surface water in (i)

6.12 Has potential polluting substance or matter been permitted to be discharged into the groundwater?

6.12.2 Has all groundwater monitoring points been included in the maintenance programme?

6.12.3 Have all known contamination or high risk zones must be included in the monitoring network?

6.12.4 Has the licensee completed to the satisfaction of the Agency the necessary repair to the storm water pond, within 24 months of granting this licence, which would be 16th April 2010?

6.15 Has the monitoring been undertaken at monthly intervals from the site dust monitoring stations?

6.16. Has the licensee carried out and developed and established a data management system within six months of the granting of this licence which would October 2008?

6.17 Has the licensee carried out testing for Hydrocarbon vapours in the leak detection monitoring system every six months and reported to Agency on same?

Condition 7 Resource Use and Energy Efficiency

7.1. Has the licensee carried out an audit of the energy efficiency of the site within one year of the date of grant of this licence, which would be April 2009?

7.4 Has the licensee undertaken an assessment of the efficiency of use of raw material in all process?

Condition 8 Material Handling

8.3.13. Has the licensee implemented the recommendations of the Golder Associations report (ref 05515445)?

8.3.14. Had a written confirmation of implementation or commencement of the recommendations been submitted to the Agency within 12 months of date of this licence? Which would be the 16th April 2009?

8.3.15. Has the mud and sand residues deposited in Phase 2 been neutralization by 1st January 2012?

8.3.16. Has the licensee produced annual reports on progress towards the achievement of neutralization of mud residues?

8.3.17. Has the neutralization referred to in condition 8.3.15 been the Carbonation process?

8.3.18. Has the final 1m of all exposed mud's deposited in phase 1 and 2 of the BRDA contained a proven composite of neutralized process residues, sand and gypsum and organic material?