

Marie Fay

From: Licensing Staff
Sent: 16 December 2013 15:14
To: Marie Fay
Subject: FW: submission on P0035/06
Attachments: submissions to Aughinish Licence 2013.docx; mud pond 2.pdf; mud pond 3.pdf

-----Original Message-----

From: geogheganpat@eircom.net [<mailto:geogheganpat@eircom.net>]

Sent: 16 December 2013 15:09

To: Licensing Staff

Subject: submission on P0035/06

Dear Sir or Madame

Please find enclosed my 3 page submission on P0035/06 as attachment 1.
Daily mail article on Red Mud ponds attachments 2&3.

Please confirm if you have receive this email and all three attachments.

Yours Faithfully

Pat Geoghegan

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Boolaglass
Askeaton
Co.Limerick
16-12-2013

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

Dear Sir or Madame

I wish to make a submission on the following objection by Rusal/Aughinish Alumina to the proposed determination of licence P0035-06.

In dealing firstly with Item 4 of their objection re **New Condition 1.4, 1.5 regarding Notification, Assessment and approval of Change**, Rusal/Aughinish has questioned these new conditions, especially condition 1.5, in trying to show the confusion that such a condition would have, If they had to supply a full assessment of its environmental impact for any future alteration, reconstruction or extension at the plant.

With the company trying to remove the words "*may affect the environment*" to, "*is likely to have a significant effects on the environment*", is just playing with words, when it usually comes down to the company getting what they want, like this condition been possibly dropped or put under the get out clause of the agreed later terms in their licence. One would get the impression that the EPA has put condition 1.4, 1.5 forward because of how they were forced into accepting the way that Rusal/Aughinish had no EIA/EIS or both requested at planning stage for both boilers and a stack, leaving the EPA as usual to agree with, what's put before them by other.

On reading certain documents, one would get the impression that the EPA was expecting an EIA/EIS on this occasion from Limerick County Council for the second boiler. Especially having received Cllr Longs objection from the EPA, Cllr long referred to a very important letter, which he enclosed from an Ms Pamela McDonnell in the EPA dated the 17th January 2013 to Ms Carey in Planning in Limerick County Council. It's clear that certain personal within the EPA were laying down clear guidelines and directives in which an EIS should be considered with this application from Limerick County Council.

Two months earlier, on the 3rd October 2012 at a Technical committee meeting which dealt with P0035/05, for the first boiler and the construction of a 35 metre stack in that review. A section in page 4 of this documents states "*In light of the fact that planning permission has only been granted for one gas boiler and any planning application for a second gas boiler will require full EIA screening under the 2012 EIA Regulations*" This report was signed off by Dr Tara Higgins on behalf of the Technical committee.

It's quite clear that the screening process should have immediately shown, that this project was a prime candidate as was the previous one, under annex II if not annex I of the EIA Directive, due to its size alone been constructed, Its located of being near an SAC and its impact on the Environment whether been positive or negative. This boiler and the previous one with its new stack would be the

driving force to produce more waste especially hazardous at the plant. Its clear why the EPA expected an EIA/EIS this time around, having sold themselves short as usual under P0035/05.

In reverting back to my original objection, where I believed an EIA/EIS or both were required because of just one of many reasons, having a significant impact on the Environment, by way of HFO& Natural Gas emissions combining out into our environment, having an effect on human, animal health along with flora and fauna in the vicinity.

In supporting my views above, I would like to refer you to an Inspectors report, that was sent to the Directors of the EPA, from Ewa Babiarczyk and Michael Owens on 17th May 2013 re review of licence P0035/05 under 7.3 schedule B1 emissions to air. It states *"In order to provide for dual Combustion (HFO or Natural gas) on the installation's boilers, which are currently authorised for HFO only. The licensee proposes to amend schedule B1 for emission point A1& A2 to introduce new elvs for natural gas combustion. Furthermore, the licensee proposes two new emission points to Air (A4-A and A4-B)"*

The Inspectors response is clear and states ***"The proposed changes to emissions to air are significant and will require modelling to ensure the new emission limits and revised flow rates will not cause a breach of air quality standards."***

This report was produced after Limerick County Council granted planning for first boiler and stack, showing that a breach of air quality standards may occur, this alone warrants an EIA/EIS or both, which we now know has not happened to date.

As pointed out in my original objection, Mr D Lynott Director of the EPA has tried to introduce an EIA now when the horse has bolted on lesser projects. In doing so, has in fact undermined Ms Pamela McDonald letter to Limerick County Council, Dr Tara Higgins report from the Technical Committee and the Inspectors report above, all showing in one way or another that an EIA/EIS is required now and not later for both P0035/05/06. Mr Lynott should now consider his position as Director of the EPA based on his handling of the above.

One of the most worrying factors of all must be condition 12.2.1 where Rusal/Aughinish states ***"securing agreement for a financial provision acceptable to both parties will invariably be difficult and will require the full time window available as provided under the extractive waste directive"***

Can this actually be true that the EPA has not secured agreement to cover a closure plan with Rusal/Aughinish? This company has estimated the cost to be slightly more than 20 million euro's. In my objection, I put forward a figure of 1 billion euro's for closure and cleanup. That leaves a short fall of 980 million euro's under condition 12.2.1.

I based my figures on a site that the EPA are involved in, Haulbowline in Cork, where a figure of 500,000 tonnes of waste to be cleaned up, costing in the region of 40 million euro's. If we take figures given by Dr Edward Horgan, a former management employee of Rusal/Aughinish, who has put a figure of 50 million tonnes of hazardous waste in Mud Pond (BRDA 1) as per Irish Daily mail article attached. That figure can be multiplied by two, now that the second mud pond (BRDA 2) is filling so quickly. When full, there would be an estimated 100 million in total of hazardous waste located metres from the Shannon estuary. From the figures given in Haulbowline, you would be looking at 800 million euro's to clean up both ponds with at least 200 million to clean up and the closures of such a huge plant itself.

In having a 1 billion bond in place, would cover the huge cost also, should a similar disaster happen in Askeaton like it did in Hungary as shown in Irish Daily Mail article. At this moment the community is not protected?

I would call on the EPA now to give the true figures of waste located in BRDA 1 and have it included in a condition of the licence. The EPA cannot continue in classing the waste as non hazardous for this company any longer, when clearly most if not all is hazardous.

As Rusal/Aughinish requested this review, then all the points raised in my objection especially in relation to all questions on conditions, originally listed in P0035/04 that are contained under P0035/05 and now in 06 needs to be addressed by the EPA and the company in question, before any licence can be granted. We need to know, if conditions are been met in relation to any licence been granted, within the time frames allocated and most of all, if certain conditions mentioned adheres to European Directives.

Directive 2003/35/EC was seeking to align the provisions on public participation with the Aarhus Convention on public participation making and access to justice on Environmental matters. To date we have not seen this from the EPA of any public participation been aloud, as earlier objections and submissions, that have been made to licences for this Company by third parties to the EPA over the years have been totally ignored. The question is, do you intend to continue this practise here again?

Yours Faithfully,

Pat Geoghegan

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Birmingham Six's Hill wins libel damages over poem

ONE of the Birmingham Six has accepted libel damages after an essay in a poetry anthology suggested there were grounds to believe he was guilty.

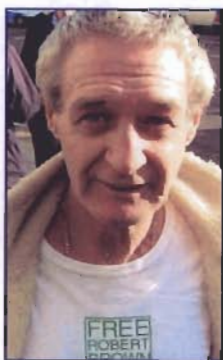
Paddy Hill spent more than 16 years in prison for the 1974 Birmingham pub bombings before his conviction was quashed in 1991.

He claimed a reference about him in the preface to *An Anthology Of Modern Irish Poetry* - that he was 'one of the six men accused, perhaps wrongly, of bombing a pub in Birmingham, England' - was defamatory.

Counsel Lucy Moorman told Mr Justice Eady in London: 'Mr Hill fought for years to establish his innocence and to rebuild his life and restore his good name.'

'It is immensely frustrating and distressing for him that such an allegation appears in a book like the Anthology, which may well be in circulation for many years to come.'

Editor - Wes Davis and publisher Harvard University Press accepted the allegation was without foundation.



Distressing: Paddy Hill

Low-income families to be hit hardest by 'universal' tax

LOW-INCOME families will be hardest hit by plans to replace PRSI and other levies with a single 'universal' charge.

Finance Minister Brian Lenihan signalled in last year's Budget that he aimed to swap the existing PRSI, health levy and recent income levy with a new 'universal social charge'.

But unlike PRSI and the health levy - which are imposed only when someone earns above €353 a week and €500 a week respectively - the minister warned the new tariff would be imposed on lower-paid workers as well.

Yesterday, the influential Economic and Social Research Institute estimated that the new charge would have to be imposed at least 7.5 per cent on people's earnings if it was to collect as much as the existing three levies.

Such a charge would see the lowest earners suffer a 2.3 per cent drop in their disposable income, while top earners would see their income increase by 1.9pc, the ESRI calculated.

UCD Public Policy Professor Brian Nolan yesterday said he expected far

By Alden Corkery
Political Correspondent

what the minister means when he says that income tax would only be levied on higher incomes, he said.

Yesterday, a series of social campaigners, union leaders and left-wing politicians hit out at the possibility of imposing the new universal charge on low earners.

Socialist MEP Joe Higgins said such a move would put low income families under enormous pressure.

'It would simply be intolerable that low-paid workers would be further savaged in their living standards which would be the outcome of this particular exercise,' he said.

'This would have to be seen in the context of the constant speculation that on top of such an adjustment you could have the introduction of water tax, home tax and other stealth taxes and further cuts in living standards.'

Mr Higgins also rejected the suggestion that too many low-income workers do not pay tax.

'This is part of the general propaganda. The poorest people pay VAT at different degrees depending on what they're buying,' Mr Higgins said.

Anyone proposing bringing such low-paid workers further into the tax net should try and live on their level of income, he added.

'I challenge anyone to try and survive on it, anyone who wants those people brought in,' he said.

Civil and Public Service Union chief Blair Horan hit out at the proposal.

'I am extremely cynical about the minister's approach,' he said.

'It seems all about getting the lower-paid back into the tax net and perhaps getting them to pay a disproportionate amount.'

Economist Jim O'Leary, who recently joined the Department of Finance, said the State should aim to return to the tax rates when the economy was in good health, in the late 1990s.

'We are currently three percentage points below where we were on average over the 1998 to 2000 period,' Mr O'Leary said. 'So that would suggest there is scope there - and I am talking very loosely here I accept that - there is scope for increasing the tax burden by about three percentage points.'

Comment - Page 14
alden.corkery@daily Mail.ie

Mudpile

By Neil Michael
Chief Reporter

IRELAND is in danger of suffering a toxic sludge disaster even worse than that which is devastating areas of Hungary, it has been claimed.

'Twenty million tons of the red mud are contained in Limerick's Aughinish Alumina plant, close to the Shannon river.'

And the threat of a disaster there - the largest alumina refinery in Europe - is 'very real', according to a safety expert who worked at the plant.

Dr Edward Horgan said last night that the proximity of the mountain of red mud to the tidal river is what should be ringing alarm bells.

He said: 'It's a toxic time bomb.' With more than 450 employees, it is a major employer in the area and booses at the plant claim it injects as much as €100million into the local economy.

Of deep concern to Dr Horgan is the fact that the amount of waste residue at the plant is 'many times' that which flooded three towns in Hungary last Monday week, killing eight people so far. He worked at the site between 1987 and 1995, and last night he told the Irish Daily Mail: 'The Limerick plant's red mud pile is massive compared to the amount that spilled out in Hungary.'

'I estimate that it is around 50million tons. All you need here is a combination of high tides in the Shannon estuary and a bout of prolonged rainfall and you have the potential for disaster.' Aughinish Alumina bosses last night played down fears that the 250-acre mud pile could burst its walls, as happened in Hungary. They said it could withstand 'a once in a 100-year event'.

They also insisted that most of the red mud at the €1.2billion plant, which is owned by Russian billionaire Oleg Deripaska's aluminium processing firm Rusal, is not hazardous.

20million tons of toxic waste in the pile, claims the company

They dispute Dr Horgan's assertion that there is at least 50million tons of waste on the site - saying that it is nearer to 20million tons.

A spokesman said: 'Our plant and all its facilities are designed to the best available technological standards, we receive regular surveillance and we run a very highly regulated site.'

'We are not going to comment on what Dr Horgan has to say but the red mud is non-hazardous, as classified by the Environmental Protection Agency.'

However, he then added that there was a 'percentage of hazardous material' but said it was 'a small percentage of the overall residue'.

The Limerick plant uses a similar process as that used at the site in Hungary when disaster struck. It is called the Bayer process and it refines bauxite (aluminium ore) to produce aluminium oxide, or alumina.

The red mud is the by-product of getting aluminium out of the bauxite, which comes out of the ground containing

many minerals, including some heavy metals.

The process involves soaking the ore in sodium hydroxide to separate the aluminium from the unwanted minerals, creating the toxic sludge or 'red mud'.

At least two tons of bauxite - 3.6million tons of which is shipped in from Brazil and west Africa each year - is needed to produce just one ton of alumina.

The red mud is highly alkaline.

After the residue is treated, it is laid out across the red mud pile via a series of pipes and pumps. The idea is that it dries but each newly laid layer is then compacted under fresher layers.

These layers can, as reporter Philip Boucher Hayes pointed out on RTE radio's Drive Time yesterday, dry under hot sunny conditions. And, in the 1990s, this caused a problem because in high winds, toxic dust clouds were formed.

Dr Horgan recalls calling the fire

Pictures from the air reveal the scale of the red mudpile by the Shannon, where a million tons of waste are added each year - and more storage space is still needed...



Catastrophe: Fireman at work on toxic clean-up in Hungary

brigade out to hose down sections of the red mud pile but the plant has since installed a sophisticated sprinkler system.

He said last night: 'Although dust clouds have not been a problem at the plant for a while, I have heard about an incident in the past year.'

As well as water spray to cut down on dust, the plant also lays out cheap hay which then rots and forms as a sort of protective mesh over the red mud.

The company claims its method of treating waste in Limerick is superior to the Hungarian plant.

In Hungary they use a 'wet pond' facility to treat the by-product, different from the 'dry stacking' method in Limerick. A spokesman said: 'The major advantage of the Aughinish 'dry stacking' system is that the deposited residue is not hazardous waste.'

'It compacts and solidifies and can be walked on and driven on today. It also means the area can be

reinstated with vegetation and returned to its natural state with relative ease. This methodology and the process model and software that we use for 'mud farming' has been developed through research and development at Rusal Aughinish and is being patented as it is Best Available Technology.'

Dust from this residue has, however, been blamed by local farmers as the cause for problems with their cattle as well as their health.

And there have been a number of incidents over the years. A spray of more than 5,000 litres of lime, bauxite and caustic soda slurry erupted into the air in March 2006 after a pressure failure at the plant, sending workers fleeing indoors.

The previous year, tons of caustic soda overflowed from a storage tank for more than three hours before anybody noticed.

The EPA was first informed by a member of the public - and not the company, as it was obliged to. In

more low-earners to be brought into the tax net under the new system.

'The assumption is that pretty much everyone receiving income from employment... would be liable,' he said. 'So the people who would be exempt in all likelihood would be pretty much those on social welfare and those on the very lowest levels of earnings.'

But everybody else who either was in work or receiving a pension from work would be charged.

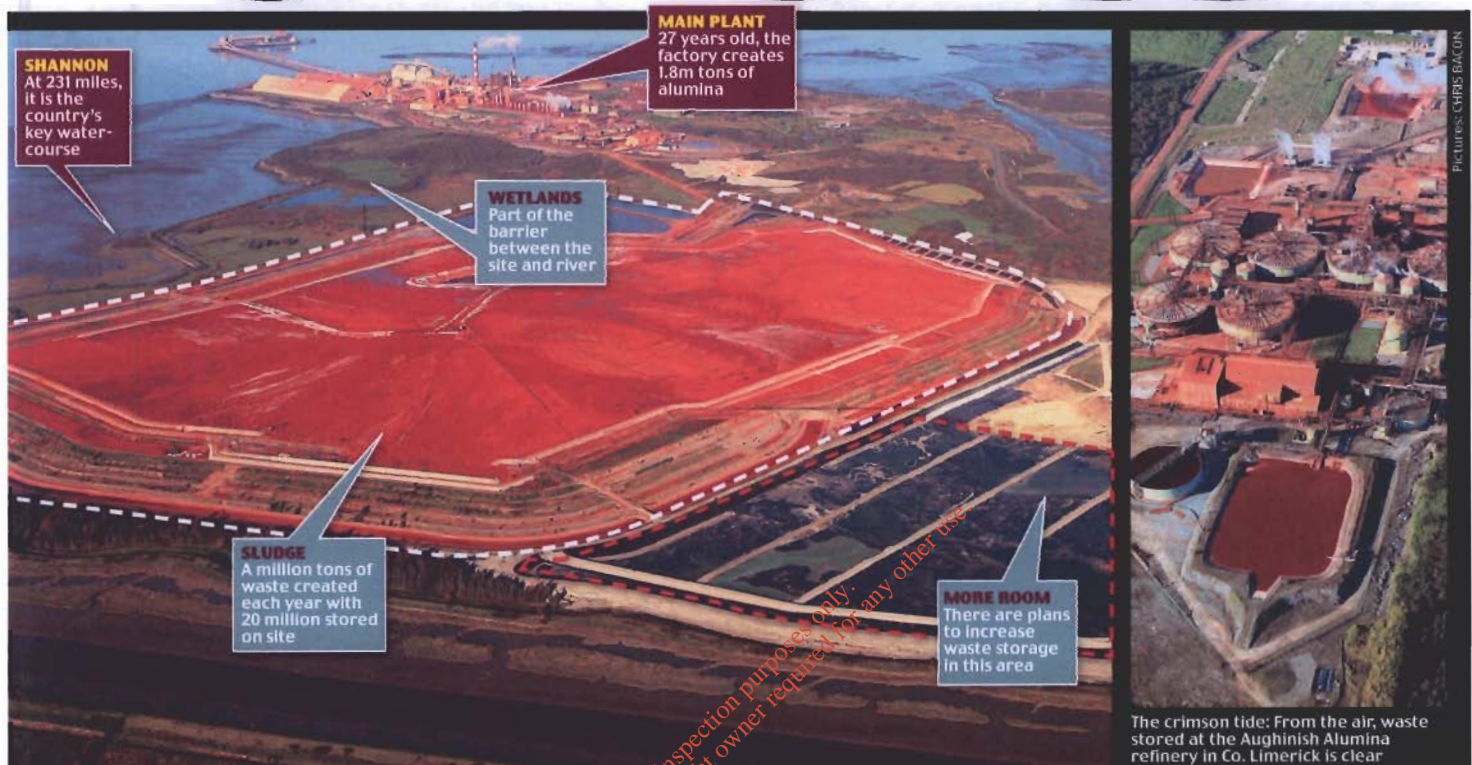
He said he believed the new charge would be imposed on a person's entire earnings and will not be any higher for those earning large salaries.

'The whole point of the [universal] charge is that it would be a flat rate,' Professor Nolan said.

While Mr Lenihan said last year that he would attempt to hit higher earners by increasing their rate of income tax, Professor Nolan said he was not sure this would level things up.

'We're completely in the dark as to

is getting bigger



The crimson tide: From the air, waste stored at the Aughinish Alumina refinery in Co. Limerick is clear

'MUD FARMING' - HOW PLANT BOSSES SAY THEY CAN DEAL WITH TONS OF RED SLUDGE

LAST night the plant's owners, RUSAL, issued the following statement:

'We would like to express our shock and sadness for the tragic loss of life and the injuries suffered by people following the major accident at the Hungarian Ajkai plant owned by MAL Rt., the Hungarian Aluminum Production and Trade Company.'

'The RUSAL-owned Aughinish plant in Limerick does not have a bauxite residue lake or pond. That type of older process is conventionally referred to as "wet ponding".'

'This method would not be given planning permission or licensed by the Environmental Protection Agency (EPA) in Ireland.'

'Instead RUSAL Aughinish uses the "dry stacking" system of bauxite residue disposal.'

'This dry stacking method utilises modern technology to dewater the bauxite residue within the process plant. The res-



Waste: Bauxite residue being processed. The residue is washed, vacuum filtered and then transferred to the dry stacking bauxite residue disposal area (BRDA) as a thick paste.

In the BRDA itself, further drying takes place using thin layer deposition and a

mobile plant technology termed "mud farming".

'There, we use equipment known as an Amphiroil, which has been developed specifically for modern bauxite residue disposal areas, to further dewater the residue.'

'This equipment ensures that the maximum quantity of the remaining free water is removed from the residue.'

'This fluid along with rain water run-off is then recycled to the alumina plant.'

'The major advantage of the Aughinish "dry stacking" system is that the deposited residue is not hazardous waste.'

'It compacts and solidifies and can be walked on and driven on today.'

'It also means the area can be reinstated with vegetation and returned to its natural state with relative ease.'

'This methodology and the process model and software that we use for "mud farming" has been developed through research and development at RUSAL

Aughinish and is being patented as it is best available technology.'

The EU Commission produced a Best Reference Document in 2005 to act as a guideline for the design and operation of current and future residue disposal facilities.'

'The EU technical experts visited the RUSAL Aughinish bauxite residue disposal area during the development of the BRef. The BRef states that the key feature of the Aughinish design - dry disposal rather than wet lake - makes it an example of best available technology.'

'The BRef document issued by the EU Commission references the Aughinish BRDA engineering design and operation more than 18 times as examples of best available technology.'

'The RUSAL Aughinish BRDA is subject to planning permission from Limerick County Council and also IPCC licensing and inspection from the Environmental Protection Agency.'

2003 a boiler malfunctioned - sending plumes of thick black smoke into the air. That same year, an EPA survey discovered emissions at the plant were - in some cases - more than seven times permitted levels.

A power failure caused a caustic vapour cloud to be formed over the plant in May 2002 but an incident in May the previous year is its worst so far. Then - when the company was owned by a different firm - more than 500,000 litres of a highly toxic alkaline solution leaked from the plant.

Much of it went straight into the Shannon killing every plant and fish life as it did. But yet again, a member of the public reported the spillage to the EPA while the company at first insisted the incident was minor one and said just 50,000 litres had leaked. The higher figure only emerged after an EPA investigation and led to the plant owners being fined.

Last night, a spokesman for the plant said: 'We do not accept that the plant is responsible for any health

problems experienced by the farmers or their cattle. The EPA came out with a report which dismissed the claims and we support the report's findings.'

Originally designed to produce 800,000 tons of alumina each year when it opened in 1983, the plant is now operating at more than double the capacity.

Its owner Oleg Vladimirovich Deripaska is estimated to be worth about \$10.7 billion, down somewhat on estimations for his wealth in 2008.

Then he was ranked the 9th richest person in the world, according to the Forbes rich list, with an estimated \$28 billion fortune.

Nuclear physicist graduate Deripaska, who is married to former Russian President Boris Yeltsin's grand daughter, is rumoured to have links to the Russian mafia.

These alleged links - furiously denied - are believed to have been the reason why the U.S. temporarily suspended his access visa. No slouch

when it comes to charity, a foundation he has set up hands out between \$60 million and \$100 million a year to around 400 mostly educational initiatives in Russia.

While hardly a household name here, the 42-year-old father-of-two -

50,000

Litres of toxic liquid leaked at the plant in 2001

who is also involved in aircraft and automobile manufacturing - is better known in the UK.

In 2008, Peter Mandelson spent time on Deripaska's Queen K private yacht while he was serving as EU Trade Commissioner.

At the time, he was involved in discussions dealing with the reduction of EU aluminium tariffs.

Dr Horgan said last night: 'There is

little danger of a disaster such the Hungarian one in the short and medium terms. The immediate danger lies in health hazards, to employees and local residents from much smaller scale leaks of dust and toxic materials into the air and ground water, and the danger in the longer term when the plant closes down.'

'Apart from closure for economic reasons, the plant will eventually be forced to close due to lack of space to store the red mud waste.'

'At Aughinish Island the plant is already experiencing waste storage difficulties and they are getting around this by piling the waste mound ever higher, using containing walls of stone.'

'This requires careful monitoring and regular maintenance which will continue as long as the plant remains in operation. The inevitable eventual closure of the plant could be a disaster waiting to happen' several years after closure.

'It would be precipitated most like-

ly in winter-time by an exceptionally prolonged period of heavy rain, of the type described as the worst in living memory.'

'The rains of 1947 are still part of local folklore, and their like are probably due again.'

He added: 'Unlike the Hungarian disaster, when the Aughinish mud pile starts to move, there will be no stopping it.'

'There will probably be a build-up of water internally and externally and the mountain will simply burst northwards into the estuary possibly during a very high or spring tide.'

'It won't just go westwards toward the sea at Ballybunion, destroying all in its path on both sides of the estuary.'

'Some of it will also be washed towards Limerick City, and towards nearby Shannon airport and up the River Fergus estuary, as the tides come in twice a day.'

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[Top of Form](#)[Home»Today's Stories](#)**€40m package to clean up Haulbowline toxic dump**

Tuesday, October 04, 2011

THE Cabinet is expected to sign off today on a €40 million package to begin the clean-up of one of Ireland's largest toxic waste dumps.



By Eoin English

After years of surveys and reports on the contaminated former Irish Steel/Irish Ispat plant in Cork Harbour, the Cabinet is poised to approve the setting aside of €20m in the 2012 budget and €20m in the 2013 budget to tackle the site on Haulbowline island.

The site contains slag heaps — by products of the steel-making process — including the deadly carcinogen chromium 6 and a number of heavy metals.

Minister for Agriculture, Marine and Food Simon Coveney will seek approval for the package at this morning's Cabinet meeting.

"I am confident they will sign off on this," Mr Coveney said last night.

"Despite the difficult economic conditions, we are planning to set aside €40m over the next two years to clean up this site.

"This is a strong signal of intent — a strong statement that we are serious about tackling this issue."

Mr Coveney said the Government has a legal obligation to put a proper framework around how the site is managed.

Mr Coveney volunteered earlier this year to chair an inter-agency task-force, involving government departments, the Environmental Protection Agency and Cork County Council, to examine the Haulbowline site, where some 500,000 tonnes of toxic waste are dumped.

The Irish Examiner first highlighted the Haulbowline toxic dump scandal in June 2008 when environmental consultant Stephen Griffin blew the whistle.

He was one of several subcontractors employed by the state to remove some of the hazardous materials from the polluted island.

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