

Objection No. 1

John McCabe

From: John McCabe
Sent: Tuesday 17 July 2018 16:19
To: 'info@epa.ie'
Subject: Our Clients Michael and Carol O'Connor, Ballincolly, Charleville, Co. Cork
Attachments: Submission 16.7.18.pdf; Schedule of Documentation.pdf

Our Ref: JM/OCM004001

Your Ref:

Environmental Protection Agency
Headquarters
PO Box 3000
Johnstown Castle Estate
Co. Wexford

Re: Our Clients Michael and Carol O'Connor, Ballincolly, Charleville, Co. Cork
Licensee – Kerry Ingredients (Ireland) Limited, Rathgoggan Middle, Charleville, Co. Cork
Licence Registration Number P0386-04

Dear Sirs,

I refer to the above and attach copy submission together with Schedule of Documentation in respect of an objection to a licence renewal for Kerry Ingredients (Ireland) Limited.

I am today forwarding a hard copy by registered post along with cheque in the sum of €253.00 being the statutory fee.

Please acknowledge receipt by return.

Yours faithfully,

John McCabe
Solicitor

O'Shee Murphy & Co., Solicitors, New Quay, Clonmel, Co. Tipperary

Tel: +353 52 61 22411

E-mail: john@osm.ie

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Reg no :- 00386 – 04

**Objection to a Proposed Determination of an Application for an Industrial Emissions Licence
in accordance with Section 87 (2) of the Environmental Protection Agency Act 1992, as
amended,
by Kerry Ingredients (Ireland) Limited ('the Applicant'), Rathgoggan Middle, Charleville, Co
Cork (Licence Register No. P0386-04)**

By Michael O Connor and Carol O'Connor of Ballincolly, Charleville, Co. Cork

Background:-

We are a married couple who have resided at our dwellinghouse at Ballincolly, Charleville Cork since 1997. Our dwellinghouse is located approximately 250 meters from the Applicant's treatment plant and is the nearest dwellinghouse to the said plant. Our son also resides with us at our dwellinghouse.

Grounds for Objection:-

We hereby object, in accordance with S87 (6) of the EPA Act 1992 as amended, to the proposed determination on the following grounds:-

- 1) Odours emanating from the applicant's treatment plant -

Our dwellinghouse constitutes an "Odour-sensitive location" as defined in the glossary of terms attached to the proposed determination. Furthermore, Condition 5.2 provides that *"no emissions, including odours, from the activities carried on at the site shall result in an impairment of, or an interference with amenities or the environment beyond the installation boundary or any other legitimate uses of the environment beyond the installation boundary"*

In previous correspondence with the Environmental Protection Agency and The Applicant we have documented a very significant ongoing issue of Odours emanating from the Applicant's treatment Plant. We are attaching this correspondence as per the schedule attached to this objection.

The problem is particularly acute in warmer weather (usually but not limited to the months April to September) when the wind direction is from the Treatment Plant. This has had and continues to have a very detrimental impact on:-

a) Our use and enjoyment of our dwellinghouse;

- during the warm summer months we have had to keep the windows to our house closed in an effort to keep out the smell;
- we cannot carry out normal every day activities such as put clothes on the line outside to dry, cook a barbeque or eat outside, invite people or entertain guests at our house;
- our five-year-old granddaughter does not want to come to visit us at our house and we cannot bring her outside to play.

b) The Value of our dwelling house – the market value of our dwelling house is significantly diminished because of the odour emanating from the Applicant's treatment plant and is unmarketable when the odour problem is at its worst.

c) Our health and mental wellbeing - we are very concerned that the odour is having a detrimental impact on the health of our family. The odour is physically sickening to the point of being intoxicating and we are very concerned about possible unforeseen long-term health implications of living with the emissions.

We are suffering increasing stress and anxiety as a result of the odour and because our concerns have not been addressed to our satisfaction and are not being treated by the applicant with a sufficient degree of urgency or significance.

Control and Monitoring – We are not aware of what monitoring (if any) the Applicant conducts at its treatment plant for emissions nor indeed whether an Odour Management Plan has been prepared as envisaged under Conditions five and six of the Notification of a Proposed Determination of an Application for an Industrial Emissions Licence.

On the basis of the above, and our correspondence in the attached schedule, we hereby object to the Licence Renewal Application in respect of Kerry Ingredients (Ireland) Limited (otherwise known as Golden Vale) having its Licence Register No. P0386-04.

Dated this 16 day of July, 2018



Michael O' Connor



Carol O'Connor

Schedule of Documentation: -

1. Letter from Environmental Manager, Kerry Group dated 4 June 2014;
2. Client's statement dated 30 June 2014;
3. Handwritten letter by clients dated 16 September 2014;
4. Letter from Environmental Manager, Kerry Group dated 7 October 2014;
5. Handwritten letter from clients dated 6 December 2014;
6. Letter from Environmental Manager, Kerry Group dated 16 December 2014;
7. Letter from Environmental Manager, Kerry Group dated 15 June 2015;
8. Copy handwritten letter from clients dated 1 June 2017;
9. Copy handwritten letter from clients undated;
10. Copy letter from clients dated 17 June 2017;
11. Copy handwritten letter from clients dated 27 May 2018;
12. Letter from Environmental Manager, Kerry Group dated 1 June 2018;
13. Copy handwritten letter from clients dated 5 June 2018;
14. Copy handwritten letter from clients undated;
15. Letter from Environmental Manager, Kerry Group dated 7 June 2018;
16. Letter from Environmental Manager, Kerry Group dated 19 June 2018;
17. Copy handwritten letter from clients dated 19 June 2018.



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www.kerry.com

Mr. and Mrs. Michael O' Connor,

Ballincolly,

Charleville,

Co. Cork.

04/06/14

Dear Mr. and Mrs. O' Connor,

We are sorry to hear that ye have been experiencing odour nuisance from the Effluent Treatment Plant.

Your complaint went to the Kerry Agri division and unfortunately it took a number of days to reach us in the Environment Dept. by which time the wind direction/weather conditions had changed and it was not possible for me to observe the problem at your property first hand.

I have carried out odour checks at the effluent plant today and there are no odours detectable at the boundaries.

However, if you have further issues could you ensure that the plant is copied on correspondence or ideally notified of problem immediately though security on 063 35000. This will allow us to do a full investigation and put corrective actions in place as quickly as possible.

Yours sincerely,

Teresa Fitzgerald

Environment Manager.

Kerry Ingredients (Ireland) Ltd.
Registered Office
Prince's Street
Tralee, Co Kerry
Registered in Ireland
No. 206782

30th June 2014

Kerry Agri Business

Reference: Your treatment plant at Ballincolly, Charleville, Co.Cork.

To whom it may concern,

For the last two weeks since the fine weather and since ye started drawing out the waste the pong is worse now than it was for the entire summer of last year 2013 which was a long summer and seems to be worse than 1997 when we came here. Now we are in 2014, 17 years later and we still have the same problem if not worse.

At this stage it is a joke! We have done research into this. From the research it seems that if the plant isn't treated properly this is the result. There should be no smell whatsoever from this plant. At the moment with the humid weather we are actually getting physically sick as we cannot open windows some nights and it is actually intoxicating. That plant should be occupied 24/7, not closing the gate on Friday evenings and coming back on Monday morning hoping all is well.

This is my final time asking ye to sort this out because I know it can be sorted but who cares when it is not on yere doorstep. The next time this waste is being drawn out I will be blocking the gate myself and making ye treat it properly before ye shift it.

There is a Human Shit Plant up the road and I never got a smell off that and I pass it a hundred times a week so there must be something wrong somewhere!!



Carol O'Connor



Michael O'Connor

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16/9/14

Ref: Your Treatment Plant

With reference to our letter sent to you in June. Since that time there was rarely an "odour" as you call it from the plant until the middle of last week.

As I told you in that letter to sort it out, but it seems I will have to keep repeating myself every so often, but eventually it might sink in with ye, because I have more important things to be doing. I want a proper explanation as to the cause of today's toxic smell, as it was physically sickening and it is now becoming a health issue. I told J.G. at 2 PM.

That the smell was foul and to sort it out and no more stuff to be drawn out until it was treated properly.

Within 15 mins. the smell seemed to disappear like magic. So could you please explain this to me, as it was there for last 24 hrs constantly and I want the truth. I did notice yesterday ye had a crane working there. Also Cow Flyer was around. Seeing that Cow was around it seemed to me that ye might be doing something with old tanks etc. In that case if it occurs that ye are shifting old sludge, which would be absolutely toxic, it would be manners to notify us.



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Mr. and Mrs. Michael O' Connor,

Ballincolly,

Charleville,

Co. Cork.

07/10/14

Re: Your letter dated 16/09/14 regarding Effluent Treatment Plant.

Dear Mr. and Mrs. O' Connor,

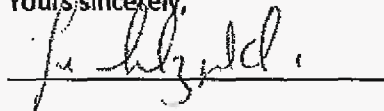
- The sludge being removed from the plant on the 16/09/14 was from the 8% Liquid Sludge Storage Tank.
- This tank had previously been emptied on the 5/9/14, so contents were max 11 days old which would be the typical age of sludge removed. Sludge removal started at approx. 8am on the 16/9/14. There was no sludge removal during the w/c 8/9/14 when the smell started or on the 15/9/14 when smell intensified (if I am reading your letter correctly).
- JJ O' Sullivan notified me of the issue shortly after 2pm on 16/09/14 and it was agreed to stop removing sludge. I visited the plant around 2.30pm and while the wind was directly from our effluent plant towards your house and there was a slight smell around the old Calf rearing unit, there was not a significant issue at that time. I walked the treatment plant, in particular around where the sludge had been loaded and the area was clean with no obvious spills or smells.
- The remaining contents of this tank were removed on the 22nd and 23rd of September. When sludge goes into this tank there is no further treatment of it possible prior to removal. I was present when one of the tankers was being filled on the 22nd and there was no smell from the loading or from the tanker.
- The crane on site was involved in replacing the float (fat) storage tank. Work commenced on this tank on 16/09/14 and continued until 18/09/14. No significant odours were detected by JJ during this operation or around it at 2.30pm on the 16/9/09 when I walked the plant and work was still going on, on the tank.
- I can assure you that there has been no removal of 'old' sludge from the plant and there is no 'old' sludge stored at the plant. Neither, are there any plans to do anything with the old effluent lagoons.

Kerry Ingredients (Ireland) Ltd.
Registered Office
Prince's Street
Tralee, Co Kerry
Registered in Ireland
No. 206782

While we are glad to hear that the smell disappeared within 15 minutes of your complaint to JJ, it is difficult to see with the timelines above how the stopping of removing the sludge caused such a change.

In the event of the problem arising again in the future, please contact JJ O' Sullivan as soon as possible.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Teresa Fitzgerald', written over a horizontal line.

Teresa Fitzgerald

Environment Manager.

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6/12/14

Dear Terence,

With reference to your letter dated 7/10/14, at this stage we want a meeting with yourself and the main board involved in the Kerry Group to discuss this situation going forward and to make sure that this problem does not get worse, with the extra capacity of waste that will be coming down here, due to the major expansion in the factory.

We want to resolve this by having a discussion between ourselves before we go any further. As you are aware in previous letters when this plant was modified in year 2000 approx. there was no smell from it for at least 6 or 7 years, but with extra capacity coming down every year, next year will be a major problem, if it is so hard to solve it now.

Yours

Mike & Carol O'Connor



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Mr. and Mrs. Michael O' Connor,
Ballincolly,
Charleville,
Co. Cork.

16/12/14

Re: Your letter dated 6/12/14

Dear Mr. and Mrs. O' Connor,

This is to acknowledge receipt of your letter dated 6/12/14 requesting a meeting to discuss odour issues from our effluent treatment plant. I will contact you in early January to arrange a meeting.

Yours sincerely,

Teresa Fitzgerald

Environment Manager.

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Kerry Ingredients

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Mr. and Mrs. Michael O' Connor,
Ballincolly,
Charleville,
Co. Cork.

15/6/15

Re: Odours from Effluent Treatment Plant

Dear Mr. and Mrs. O' Connor,

Following our meeting in January, we consulted with an effluent treatment plant expert to advise us on potential sources of smells from our effluent treatment plant. Following this season's milk start-up he assessed the plant and identified the effluent receipt balance Tank as the most likely cause of issues, and advised the following works to be carried out:

1. To change the current surface mounted aerator with a mixer located on the tank floor. This would eliminate the spray of effluent into the air and would mix the tank better thus reducing the risk of solids settling out and going off at the bottom of the tank.
2. To enclose the tank fully.
3. To fit an odour scrubbing unit to treat the air coming off the tank.

Quotations have been got for this work and budget approval has been received. Work is commencing this week on installing the different type of mixers outlined in point 1 above. The structure to enclose the tank and the odour scrubber unit have also been ordered. There is a longer lead time on these items. Our plan is to complete their installation in October.

We are confident that the planned works will deal with this recent issue and previous problems.

Hopefully, this will assure ye that we are taking this issue seriously.

Yours sincerely,

Teresa Fitzgerald

Environment Manager.

E. P. A. (Ref: Kerey Agri) 1/6/17

Please find enclosed copy of letter we forwarded to you in June 2015, stating the ongoing problems with this plant in the summer months for the past number of years.

One of our main points was the extra volume of waste that was entering the plant. At present they are applying for an emissions licence from ye to facilitate a quantity being greater than 200 tonnes per day.

We would like to know what the current quantity of the current licence is?

Please forward me details of same. There is an improvement, but we don't want it going back to the way it was, in the future, as it took so long for us to get it through to show how bad it was, so we don't want a repeat of same.

Yours
Carol O'Connor
Michael O'Connor

E. P. A

To whom it may concern:

Please find enclosed letter we received from Kerry Ingredients in relation to their effluent plant.

Prior to that letter approx 10/6/15 this odour was around again and we just have enough of it, so we sent them a text to switch on and sort it out.

On receipt of letter we were of the opinion that work was in progress seeing that there was so much activity and also saw your geeps around as well. Unfortunately that wasn't the case, a neighbour informed us that a lagoon had burst! Seeing that ye are currently around ye might take note of what changes they are making to help this odour! We have been unsuccessful till now over a period of 5 years, where we have found this odour worsening every year and extremely physically sickening during the hot summer months.

We feel that this plant is not capable now, of coping with all the extra volume of waste coming down. Even though they are telling us that there is no extra waste coming down, we are intelligent enough to know what's being drawn out of there now, to what was being

drawn out 5 years ago.

At the meeting we asked them about the 'baby food plant' they told us that it was all going into skips & not coming down. But now there are no more milk quotas, so that is going to be some extra load!

At the moment there is an operator there 24/7. We walked in there over the weekend to see what's going on. We feel that there should be an operator as well there looking after that plant 24/7 in the summer months to make sure it is kept properly, not going away Friday evening and returning Monday morning/Tue. morning, or Bank holiday weekends, hoping all is well in the meantime and more often than not it would have been 'toxic' over that period.

Yours,

Mickael O'Connor 0872528932
Carol O'Connor

17/6/17

1 letter I forwarded to you
on 1/6/17.

To date I have
not received a reply to same.

Your earliest
attention to this matter would
be appreciated. I assume
you have our address on
file since 2015.

Yours

Musiel O'Connor

Carol O'Connor

address:

Bahiscola
Charleville,
Co. Cork.

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27/5/18

Kerry Ingredients

Dear Teresa,

Unfortunately this smell is around again, which we hadn't for last 12 months.

As you are aware I told you we weren't going to object to anything when you were looking for planning because it would improve the situation.

It is very disappointing to see these new tanks nearer to us instead of them being built further away, when you knew that it was an ongoing problem. You covered one of the old tanks going back 2 years ago and it made a big improvement. Now we have these newer tanks nearer to us and uncovered! So windows closed again back to square one!!

Yours
Cape O'Connor
Michael O'Connor



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Mr. and Mrs. Michael O' Connor,

Ballincolly,

Charleville,

Co. Cork.

01/06/18

Re: Text message May 30th and letter received June 1st re odours from Treatment Plant.

Dear Mr. and Mrs. O' Connor,

We have logged your complaint and have informed the EPA of the issue.

Your last complaint, previous to this, was in June 2015. As you know, Kerry implemented a number of measures at that time which resolved the issue.

Now that we are aware that the problem has reoccurred, following receipt of your text message on May 30th, we are carrying out a full review of the plant similar to that which we carried out in 2015 and will identify any measures necessary to rectify issue again.

I have tried contacting you a number of times this week to arrange a meeting and I am available to meet with you at any time.

Hopefully, this will assure you both that we are taking this issue seriously.

Yours sincerely,

Teresa Fitzgerald

Environment Manager.

cc. Environmental Protection Agency.

Kerry Ingredients (Ireland) Ltd.
Registered Office
Prince's Street,
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Registered in Ireland
No. 206782

5/6/18

Teresa,

Saw you going around the ceef unit yesterday morning Tuesday 5th June. There is no point going around it now as it was a week ago the smell was there, as you are well aware!

I went over Tuesday night & met one of the tractor drivers, went over Wednesday night & met one of Ward & Burke's Project Managers. He will be able to tell you how bad it was that night. At 10.30pm. I came in.

Also incl. is a copy of your opposition, which has the same problem!

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1/ WE ARE SO ANGRY AT this stage putting up with this odour for 20 years. And it is now 2018 and nothing has changed!

2/ You can see whats on the sign, when thats sorted we will take it down.

3/ If odour re-occurs the sign will be put in place again without any contact or correspondence.

4/ Why do I have to keep repeating what a hot of the problem is, which is disturbing the stuff in the hottest of weather which last week was 25/26°. If ye were at it and temp was about 15/18° wouldn't be half as toxic.

5/ It was April last year when I had to go over and that time ye were after doing the exact same thing!

6/ As I said in my letter these new tanks are nearer to us and complete open, but I just wonder what kind of chemicals are being used to treat them?

7/ When we went over on Wednesday night, there was a smell which was unbelievable, so you can just imagine how bad it is in an enclosed smelt area, which is our dwellinghouse and our home. We actually have

to stuff the chimney with a
dovek quilt and close windows,
because you would be actually
heaving with the smell!

This is something we will not
put up with anymore!!

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Mr. and Mrs. Michael O' Connor,

Ballincolly,

Charleville,

Co. Cork.

07/06/18

Dear Mr. and Mrs. O' Connor,

Thank you for your letter dated 5/6/18.

Again I would like to say how sorry Kerry are that you are experiencing odour problems and that Kerry are committed to resolving this problem.

I agree with you going forward that we should not move the limed cake during hot weather. Spreading of the limed cake went later than usual this year due to the very wet spring. We had planned to move more of the cake this week but we have stopped moving it.

I accept your comments regarding me carrying out odour assessments this week when the issue was last week. However, with the issues you have raised about ongoing odour issues I need to establish the source of these odours and this can only be done by carrying out odour assessments in line with EPA Guidance over a period of time.

I promise you we will do everything we can to prevent a reoccurrence of last week but please contact me on my mobile at the first sign of any problems and I will deal with it immediately.

Yours sincerely,

Teresa Fitzgerald

Environment Manager.

087 2268780

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Mr. and Mrs. Michael O' Connor,

Ballincolly,

Charleville,

Co. Cork.

19/06/18

Dear Mr. and Mrs. O' Connor,

I hope you have not had any further odour problems since the end of May.

As you may have seen, I have checked every day at the front gate to the plant and downwind of the plant and I have not picked up any odours from the plant.

As the only thing that has changed since the problem the end of May is the taking out of the limed cake, I am taking it that was the problem.

If you have different views than this, please let me know as I do want to deal with any problems.

Repeating what I said in my previous letter, going forward we will not move limed cake during hot weather.

Speaking to the Ward and Burke Project Manager you met, he said you mentioned being able to see the new tanks from your house. We have set trees but these will take time to establish themselves enough to screen off the tanks. There are other options which we could do to screen off the tanks, such as plant hedging on the top of the bank, if you felt that would benefit you, so please contact me if you want to discuss this?

Yours sincerely,

Teresa Fitzgerald

Environment Manager.

087 2268780

Kerry Ingredients (Ireland) Ltd.
Registered Office
Finca's Street,
Tralee, Co. Kerry
Registered in Ireland
No. 206782

Teresa,

Your letter 19/6/18

What we were concerned about was question No. 6 in our previous letter, which ye still have not answered to date, which was "these new tanks are nearer to us and completely open, but we just wonder what kind of chemicals are being used to treat them?" We are not concerned about seeing the tanks or putting hedging around them! They are not an eyesore but should have been built further away from us seeing there is an ongoing problem with odours!

Ref letter 1/6/18

It is not our job to be informing ye 3 years later by text, to have another full review of the plant.

Ref letter 7/6/18

In this letter as well ye have said to contact ye at the first sign of any problems. That shouldn't be the case.

Hope fully this letter should make it easier for ye to understand the issue!

Yours
Carel O'Connor
Michael O'Connor