



Submission

Submitter:	Pat Moran
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Application

Applicant:	SSE Generation Ireland Limited
Reg. No.:	P0606-04

See below for Submission details.

Attachments are displayed on the following page(s).

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Noeleen Keavey

Subject: FW: Legality of EPA Licences? Protection of EPA Licences
Attachments: letter110521v2.docx

From: Pat Moran
Sent: Thursday 20 May 2021 14:03
To: Licensing Staff <L.Staff@epa.ie>; Wexford Receptionist <REC_WEX@epa.ie>
Subject: Legality of EPA Licences? Protection of EPA Licences

To whom it may concern

Dear Sir or Madam

Please find below my attached letter in regard to the confusing statements, validity and capability of any EPA Licence. I believe you have had a copy of the letter sent to you by the Attorney General's office on the 13/05/21.

The resulting outcome is disastrous pollution and environmental impact and injustice and a violation of Irish law, EU law and human rights.

I am so aggrieved that I am sending this letter to the highest authorities in Ireland and the European Commission.

Yours sincerely

Pat Moran
Stakeholder in Waterford Estuary

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Pat Moran

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County Waterford

11/05/21

Ref – Did the EPA intentionally grant a Licence with an error? Is Licence P0606-03 an illegal Licence?

Dear Sir or Madam

The EPA has been issuing confusing and contradictory statements since the issues with Licence P0606-03 came to light. Deliberately confusing the issues around the Licence and now they have issued the most confusing of statements 14/04/21 which raises the most serious of questions.

Was the error a deliberate error on behalf of the EPA when granting the Licence? The question of whether this could be happening with EPA licences needs to be answered. Licence P0606-03 needs to be investigated. The EPA have refused to explain or accept any responsibility for their actions nearly two years on or requested the SSE plant to give and print an account of their actions. Can the amount and damage caused by pollution in Waterford Estuary be explained any other way? Waterford Estuary overburdened with pollution while the EPA issue illusionary licences

I welcome and support the Fisherman's organisations call for an independent investigation. But now following the update from the EPA website on the 14/04/21 that the Sodium Hypochlorite use for 2019 was 1,128 tonnes and for 2020, 525 tonnes and where also the EPA states that under IE Licence P0606-03 there are **no non-compliance issues** at the one discharge tested, this comes after the EPA letters- statements of 9/03/21 and 4/06/20 along with others since the discovery of the licence issue is now possibly the time for a **criminal investigation** into the EPA Licence P0606-03 and also the EPA's handling of the Licence. There are serious questions and consequences for the State as a result of Licence P0606-03 on account of the EPA's position and stance on this Licence, the EPA being the licencing and regulatory authority for the State.

The EPA granted an illegal Licence P0606-03 which is now politely called a Licence with an error plus **Mass Emission** and two continuous breaches from 2015. The error being the discharge of hundreds of tonnes, up to at least 1,300 tonnes of Sodium Hypochlorite annually, over the application amount. This puts the Licence in violation of planning and licencing laws along with EU directives and laws protecting

the SAC, Natura sites and the Shellfish designated waters of Waterford estuary and without a valid Appropriate Assessment from day one.

The EPA unimaginable statement now is the illegal Licence is within its discharge limits is a stunning statement, but not unlike other statements made by them on this Licence, yes the plant is within the discharge limits of Licence P0606-03 but the Licence is a Licence with an error and is an illegal Licence granted by the EPA, the error being at least 1,295 tonnes of Sodium Hypochlorite discharged annually over the application amount since 2015. The inference being the Licence is not illegal and the EPA intentionally gave a licence for 1,300 tonnes when the Licence application was for 5 tonnes and in doing so the EPA intentionally created the illusion of a 5 tonne Licence that nobody questioned. Was the feeling within the EPA at the time they could not be seen to give a Licence for 1,300 tonnes when the old ESB plant was only using 5 tonnes?

This is truly shocking the EPA position, stance and statements on this Licence. There is now a question around the validity and capability of any EPA Licence to protect the environment, species and people in Ireland. The immediate and bigger question for the State is how many more licences like this one are on the EPA books in Ireland and how will they be found out? Not with the present system that's for sure. Only for the foam and the impact on the environment from whatever source or sources this Licence would never have been found out, the EPA have been trying very hard to get the plant to disguise the foam and a few new spin words have emerged into the open –Sea Foam – Shellfish Dieback.

The position is and has been an illegal licence knowingly tolerated by the EPA in an estuary the EPA admits there are problems in, and they do not know what is causing the problems. But the EPA persist in allowing an illegal licence to operate that could potentially be part of the problem along with granting licences and permits which potentially in combination with this Licence could be adding to the disaster that is Waterford estuary. A rollover EIS used for dredging amendment 2021 (No S0012-03/A), when estuary is not in favourable conservation status. There is a clear disregard for the law and the precautionary principle by the regulatory authority.

Is there any relevance to an EIS and or an AA, NIS in the decision making process or is it just window dressing? When disastrous problems that could lie within licences and planning and or a combination of licences is not being identified in the EIS's AA's and NIS's or mentioned within them. One example (others?) would be Mussels which would be vital for an SAC that the species could disappear (or become extinct without a reference to this native species of Waterford estuary). How could this be missed by the EIS, AA, NIS and EPA? See attached Fig1 Mussels still abundant on shore in 2015- gone in 2020 (as per photos) also Fig2 Map of Co-op Mussel beds attached, Bed 37A produced 1000 tonnes of Mussels annually how many Mussels today? Nothing is said or mentioned.

It should be noted the plant is now looking for a Licence to discharge 1,000 tonnes (Licence P0606-04) after the issues with the present Licence P0606-03 and only six years after it began operating to the illusory 5 tonne licence

For the EPA to allow the waters of Waterford estuary to become overburdened with pollution of all sorts where the environment and species are sacrificed along with Fishermen, Stakeholders and their communities then become casualties also. The rivers, estuaries and coasts of Ireland are littered with casualties, the law and EU directives are casualties also of the EPA.

From a Shellfish Producer's point of view the EPA has created three seasons in Waterford Estuary - The Starving time- All Year

The Dying time – June to September

The Norovirus Season – Oct to March

Thriving Shellfish business destroyed in the Shellfish Designated Waters

Shellfish Designated Waters- That appears to be an irrelevant document as it's not mentioned in any EIS, AA and NIS and therefore would assume not to be considered

Waterford Estuary overburdened-overcome with pollution.

Problems in the Waterford estuary of which the EPA does not even know the cause of? EPA stance, No- Investigation of the Waterford Estuary? No-Precautionary Principle Waterford Estuary? EPA are not looking for an answer? Do the answers lay within the EPA issued licences?

MILK- Use of Sodium Hypochlorite- now stopped. What were the potential dangers which the EPA has not addressed? The stopping of miniscule amounts of Sodium Hypochlorite used in MILK production (In what year did this problem appear?) while hundreds if not thousands of tonnes are discharged into the river.

The EPA in their duty of care are displaying a shocking portrayal of themselves as an uncaring unaccountable organisation with a total lack of responsibility for their actions. Have the EPA been exposed as something more by Licence P0606-03.

The Credibility of the EPA and other Regulatory Authorities – Silence, spin and? is not protection.

Furthermore please find my letter sent 07/07/20 attached which highlights the EPA confusing statement of the Environmental Licensing Programme EPA 4-6-2020.

Yours sincerely

Pat Moran Sacrificed – Salmon and Eel Fisherman and now a Sacrificed Shellfish Producer. Thanks to the EPA.

FIG 1



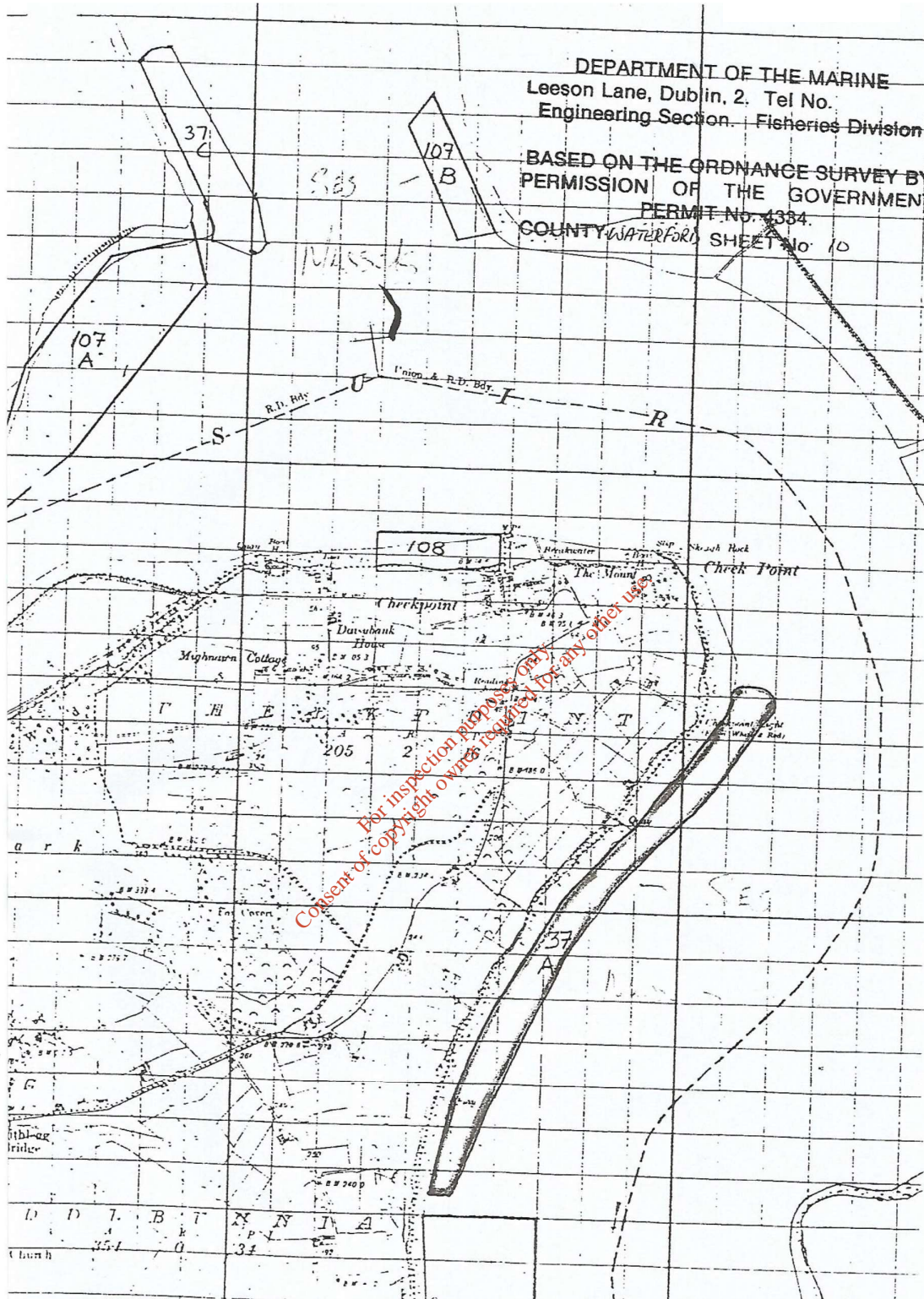
2015

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2020

FIG 2



Pat Moran

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County Waterford

07/07/20

Ref- Environmental Licensing Programme EPA 4-6-2020

Dear Sir or Madam

The three confusing pages from the Environmental Licensing Programme EPA 4-6-2020 as regards the EPA refusal to grant a Technical Amendment Request from SSE Generation Ireland for **Licence P0606-03** could only be seen as more proof if it was needed that an Independent Investigation is required into **Licence P0606-03** and the EPA decision not to suspend the licence until the full facts and consequences are established.

1/ "Resulted in a Reduction"-from **25 tonne** to **6000+ tonnes**- Confusing or what?

The licensee initiated a revision of licence Re. P0606-03 on the 10/05/2010. The review proposed to consolidate the discharge of process waste water from the installation from six emission points to three once the CCGT plant was installed and commercially operational. This resulted in process waste water discharges being consolidated to emission points SW2, SW3 and SW13 only, and did not include SW-7 or SW-8. The licence required a reduction in cooling water usage and discharges and set new emission limits (including a reduction in chlorine and mineral oil) at the consolidated emission points once the CCGT plant was operational. The setting of new emission limits and removal of emission points SW-7 and SW-8 in the licence resulted in a reduction in the mass emissions of chlorine and mineral oil from the installation.

The reduction referred to is reducing Sodium Hypochlorite. Below the previous amount of **5 tonne per annum**, which would make it **25 tonne** in the period since Qtr2-2015 instead there is now a figure of potentially **6000+ tonne** having been discharged in that time period. Since Qtr2-2015 with no accountability as regards the estuary or its designation as a Special Area of Conservation and Shellfish Designated Waters, meaningless in practice but relevant on paper only.

2/ *What exactly was discharged from SW-7 and where did it come from?*

Discharges to SW-7 consist of storm water from a now decommissioned engine room and buildings and an emission limit value (ELV) of 20mg/l for mineral oil was applied at this emission point.

Mineral Oil- What amounts were being discharged and from where? What amount of Mineral Oil has been discharged since Qtr2-2015? Has it risen like Chlorine by hundreds if not thousands of tonnes?

3/ What exactly is being said?

The licensee states that they have not ceased discharging to emission points SW-7 and SW-8 since the CCGT plant has been operational (Qtr2-2015), and it had never been their intention to do so following the licence review in 2011.

4/ It is unclear from reading the Refusal document as to whether the discharges from SW-7 and SW-8 have stopped.

5/ Has the plant got a legally valid licence to operate at present?

The cumulative effect on the estuary since Qtr2-2015 has the estuary and the environment changed dramatically as a result of this plant's true emissions not having been calculated within the cumulative effects of all licences, permits, permissions, discharges and extractions in the rivers and estuary. Potentially **6000+ tonnes** as opposed to **25 tonnes** must have had a big effect on the in combination of all licences granted. Not forgetting their Mineral Oil amount whatever that was. What is the position of permits, permissions, discharges, extractions since Qtr2-2015? Have they any legal standing as they have not been in a position to comply with EU directives when compiling their Appropriate Assessments (AA)? With the above discharge variation, is the estuary overloaded with an accumulative mix of all discharges when they have not been correctly calculated?

Responsibility

With the EPA unwilling or unable to come to grips with **Licence Register No – P0606-03** and its consequences the Department of Housing, Planning and Local Government (DoHPLG) and other State Agencies unwilling to become involved then I refer the matter to the Department of Justice on the legality of all discharge licences, permits and permissions given that none have been compliant with the legal requirements of EU directives for AA (through no fault of their own) on the cumulative effect of all licences on the environment.

There is also the legal position of allowing **Licence Register No – P0606-03** to go to review without first addressing the cumulative effect of the Licence since Qtr2-2015.

Has the Great Island power plant got a valid licence to operate now?

I am also sending this letter to the EU Commission and would ask the Commissions position on the above questions as regards EU directives and the legality of all licences along with **Licence – P0606-03** and if the Commission is unsure of how to proceed then would they refer the matter to the EU Court of Justice for a decision?

Yours sincerely

Pat Moran Stakeholder, Fisherman and Shellfish Grower

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