



Submission

Submitter:	Mr John Martin
Submission Title:	Objection to renewal
Submission Reference No.:	S010577
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Application

Applicant:	ERAS ECO Limited
Reg. No.:	W0211-03

See below for Submission details.

Attachments are displayed on the following page(s).

Environmental Licensing Programme
Environmental Protection Agency
EPA Headquarters
PO Box 3000
Johnstown Castle Estate
County Wexford
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Date: 06 September 2022

Ref: Submission in relation to the licence application/review for ERAS ECO Limited at Foxhole, Youghal, Cork, P36 F903, Reg. No. W0211-03.

To whom it may concern,

My family and I have lived in Foxhole, Youghal, Co. Cork since 1975. We have enjoyed living alongside local businesses throughout this time and are generally very supportive of local business and employment. However, the actions of ERAS ECO Limited, since it came to this area, have continually compromised the environment we live (and work) in, infringed on the wellbeing of me and my family, the enjoyment of our home (particularly our garden) and I fear, have adversely affected the value of my property.

I know from speaking to other local neighbours (some of whom are quite a distance away across the river from the plant) and businesses that this opinion is widely shared. For example, local businesses in particular have significant concerns about providing a safe workplace for their staff due to poor air quality.

This has all made for a very unhealthy and unhappy environment for the people of the area as a result of the continued negligence with respect to odour control at the ERAS ECO Limited plant. We urge the EPA to consider denial of the application of ERAS ECO Limited for licence number W0211-03 for the reasons given above in addition to the evidence and comments given below in this submission.

EPA responsibility:

As noted on the EPA website, *“the EPA is responsible for protecting and improving the environment as a valuable asset for the people of Ireland. We [the EPA] are committed to protecting people and the environment from the harmful effects of radiation and pollution.”*

With respect to the proposed licence renewal (Reg. No. W0211-03.), I am writing to you as a resident of Foxhole, Youghal, Co. Cork to submit a request for the EPA to protect and improve the environment of my home and the homes and workplaces in my neighbourhood.

I can confirm that the people who live and work in Foxhole, Youghal and nearby are suffering from the harmful effects of pollution from the ERAS ECO Limited facility. I represent myself, my wife, my children and grandchildren in submitting this note.

I expect you will receive similar notes of complaint from other business and residential neighbours of mine.

Renewing this licence (putting aside enabling any kind of increase in plant capacity) would be a failure of the EPA’s responsibility for protecting and improving the environment as a valuable asset for the people of Ireland and your commitment to protecting people and the environment from the harmful effects of pollution.

Official track record of Eras Eco Limited:

I appreciate that you are well aware of the official track record for the plant from your own inspections and management of complaints but I thought it worth summarising this again for completeness:

- **8 out of 14 EPA inspections confirming non-compliance within an 8 month period (over the most recent 12 months):** According to EPA inspection records dating back to August 2020 (with 14 reports dating from 5/8/20 to 26/3/22), out of 14 inspections, 8 were found to report non-compliance at the plant. **Conclusion: 57% of inspections which took place during a period shortly after the November 2019 court case confirmed non-compliance or 1 case of non-compliance every 2.5 months. The penalty fine was clearly not effective to change the behaviour of the consistently non-compliant plant.**
- **3 events of non-compliance were the subject of a prosecution of the plant owner in November 2019:** Further, on 1st of November 2019 the Environmental Protection Agency prosecuted Eras Eco Limited, Foxhole, Youghal, County Cork at Youghal District Court. This prosecution found Eras Eco Limited guilty of three counts of its Industrial Emissions Licence (all of which were relevant to odour control). The fine associated with this judgement was payment of €3,750 (plus costs awarded which I expect were to cover EPA costs of bringing the case to court). Residents and business who suffer regular nuisance from the plant as a result of odour issues received nothing as a result of this judgement. Continued non-compliance has been seen as noted above.

It is worth noting that ERAS ECO Limited reported an operating profit of €475,338 in its annual return for the year to 31 December 2019 (then €485,074 for the year to 31 December 2020) so enforcement through the courts which leads to fines for this company does not appear to be effective given the negligible scale of such fines (less than 1% of annual profits) in the context of the commercial scale of this operation. **Conclusion: a negligible fine of €3,750 (+costs) was issued to this plant which reported operating profit of €475,338 in the same period.**

- **5 further events of non-compliance since November 2018:** In the period from November 2018 (EPA report dated 27/11/2018), a further 5 inspection reports have confirmed non-compliance bringing the total number of non-compliance reports to 13 (excluding those raised in the court case) across a period of 46 months (November 2018 to August 2022) which equates to a non-compliance finding at least every 3.5 months on average over a less than 4 year period. **Conclusion: this plant has been confirmed to be non-compliant with its licence based on public records of EPA inspections, on average, almost every quarter over the past four years.**

As a result of this most recent track record alone, I believe there is sufficient evidence to support refusal of a licence renewal as the only remaining method of securing clean air for this area of the town of Youghal. Not only has the plant been continually non-compliant with its licence, efforts to enforce against the plant through the courts appear to be of very limited impact give the scale of fines that are handed out to such a high turnover business. Refusal of the licence unfortunately appears to be the only tool that will be effective.

Further, the above reports of non-compliance, as you know, are limited to the events where the EPA was able to visit the site for a site inspection (and where inspection reports have been publicly available) and do not cover the periods outside of those inspections and the complaints made to the EPA by local residents and businesses. As such, the above (very poor) track is not telling the full story of the failure of this plant to comply with its licence.

Construction of the Eras Eco Limited plant:

The structure was not up to standard to ensure that it would not emit odours and I was promised that it would be constructed and operated at the highest standards.

This promise was made to me by the consultants for the project to persuade me not to object to the planning application.

Work had to be carried out to prevent odours from the buildings thus proving that the design and construction of the buildings were not in compliance with the terms of the licence from the first day of operation.

Day to day life near the Eras Eco Limited plant:

This plant is emitting foul odours daily and depending on the wind, this affects different areas of the locality.

The people as far as Kinsalebeg and Piltown (across the river from the plant) experience this regularly as well as the people of Youghal.

On days with no wind, the most local businesses and residents experience significant issues as the odours do not move and a pall of odour settles over our home and garden. The NCT centre beside the plant is another example of this where members of staff are badly affected on such days.

I complained directly to Ormonde Organics the owners of Eras Eco Limited about the odours but they do not accept complaints from me and indeed advised me if I wanted to contact them I should do so through their solicitors. This kind of behaviour from the owners is further insult to me and the locals at the site and shows little or no interest in the impact the plant is having on their neighbours (in addition to their ongoing non-compliance with their licence).

Non-conformance seems to be a comfortable way of life for this enterprise and that is simply not good enough. This plant is obviously incapable of handling the amount of waste being delivered and processed at the plant. The local people cannot envisage any improvement that can be made to a plant that is such a nuisance on a regular basis for such a long time.

Conclusion

We urge the EPA to deny the application of ERAS ECO Limited for licence number W0211-03 for the reasons given in this submission.