



Irish Cement, Castlemungret: will burn tyres

Limerick environmentalists mull legal challenge

CRH subsidiary gets permission to burn tyres in residential area

By Angus Mitchell

IN MAY the Environmental Protection Agency (EPA) granted a conditional incineration licence to Irish Cement Limerick (ICL) for its cement plant at Castlemungret, an area surrounded by homes, sports fields and other community facilities.

The company plans to end its practice of burning fossil fuels and switch to burning up to 90,000 tonnes annually of alternative fuels such as used tyres and solid waste (though it was pulled back from plans to burn “animal faeces, urine, manure and spoiled straw”).

The decision was no surprise. Since the application was made, the EPA has held the hand of the CRH-owned company. The EPA’s director general, Laura Burke, recruited when she was a project manager from incineration conglomerate Indaver back in 2003, has never wavered from her professional belief that Ireland can burn its way out of climate catastrophe.

The next step may be a High Court challenge spawned by some of the issues that arose during the December 2020 oral hearing and from the decision itself.

Since ICL announced its intention to switch from pet-coke to co-incineration in its cement production, it has been met by fierce resistance from local environmental campaign group Limerick Against Pollution (LAP). Back in October 2019, over 5000 citizens

turned out to protest against the granting of the licence.

From day one, ICL’s defence changed little from its line at the An Bord Pleanála hearing back in August 2017. But the experience of that first oral hearing meant that their opponents were better prepared for round two.

ICL’s long track record of getting it wrong meant that there was no shortage of evidence of operational failures and sustained environmental abuse.

Drawing attention to the prevalence of respiratory ill-health in the mid-west, Dr Roisin Cahalan, a senior cardiovascular lecturer at UL, cited the increasing body of peer-reviewed research on health risks and impacts from exposure to emissions from co-incineration located near large populations.

Environmental consultant, Jack O’Sullivan, speaking on behalf of LAP, challenged the arguments made by Irish Cement that its switch of fuels would credibly reduce carbon emissions. He demonstrated how its Health Risk Assessment was based on out-dated research. ICL’s communications director, Brian Gilmore’s claim that co-incineration was environmentally progressive was carefully deconstructed and shown up as demonstrably false.

Limerick solicitor Michelle Hayes of Environmental

Trust Ireland challenged the history of derogations permitted by the EPA and the health risks from existing background levels of hexavalent chromium and sulphur dioxide. She concluded that the EPA would be acting *ultra vires* – illegally outside the powers afforded it – by issuing the licence under these circumstances.

Michael O'Donnell BL representing local philanthropist, Sue-Ann Foley, began his cross-examination by asking environmental consultant Dr Imelda Shanahan to read her 36-page report for the objectors into the record. Shanahan highlighted out-dated forms of modelling and an unreliable health risk assessment.

Shanahan verified that both the Environmental Impact Statement and Natura Impact Statement were based on invalid data and erroneous calculations.

Shanahan's observations formed the basis for O'Donnell's extensive cross examination of ICL's Seamus Breen, the ecologist Matthew Hague, and Dr Martin Hogan. O'Donnell revealed that the recent rash of "incidents and events" from the plant, leading to two successful prosecutions of ICL for non-compliance in 2018, demonstrated that safety at ICL had not improved over time..

O'Donnell proceeded to interrogate ICL's head of quality and sustainability, Seamus Breen. This led to the admission by Breen that ICL land-filled over 3,000 tonnes of hazardous materials and asbestos just metres away from a Special Protection Area. This storage, according to Breen, was based on an "informal agreement" with the EPA.

Bunlicky pond is not the only hazardous area to have suffered abuse. Inspection of an old quarry in Ballyneety in County Limerick, owned by Roadstone, has exposed further environmental delinquency on the part of CRH.



The toxic Wild Atlantic Way[ste] of the Shannon estuary runs between Moneypoint, the red mud ponds at Aughinish and the ICL co-incineration plant.

The five-year campaign by LAP has exposed at every turn the lack of due diligence in the planning and licensing process. Failure to apply the precautionary principal is compounded by the dearth of any HSE data to establish a health risk register, propped up by a court system incapable of applying proportional fines for operational failure when they occur.

Limerick's on-going ambitions to become a smart city, with promises to double in size by 2040, seem destined to fall short. New schools, creches and housing estates are billowing up in the shadow of the stack. The slow violence against the environment and community well-being is part of a region-wide toxic ecosystem defining the Wild Atlantic Way[ste] of the Shannon estuary running between Moneypoint, the red mud ponds at Aughinish and the ICL co-incineration plant.

But air quality regulation and environmental law is a fast-moving field. Irrespective of any Irish judicial review process this may well end up in the European Courts where the Human Biomonitoring Initiative for Europe (HBM4EU) is providing a new platform to protect the health of EU citizens from exposure to chemical emissions from big polluters. **L**



Incineration : Not for the children and grandchildren