

Observation on EIS in relation to contravention of the national waste management plan in the SID for the proposed development by Indaver NV trading as Indaver Ireland for a Resource Recovery Centre (including a waste-to-energy facility) at Ringaskiddy

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## **ABP Case Reference PA004. 318802**

### **Observation on Environmental Impact Statement (EIS) – contravenes national waste management plan**

This observation focuses specifically on the applicant's inadequate justification for expanding thermal treatment (incineration) capacity, which contravenes Ireland's National Waste Management Plan for a Circular Economy (NWMPCE) 2024-2030, Volume I: Current Situation and Challenges (May 2024), EU waste directives, and circular economy (CE) principles. The claims of insufficient waste treatment capacity—both current and projected over the facility's 30–40-year lifetime—are overstated and risk entrenching "incineration overcapacity," a critique repeatedly levelled by the European Commission (EC) and European Environment Agency (EEA) against several Member States.

The EIS posits the facility (240,000 tonnes per annum (tpa) total, including 216,000 tpa non-hazardous residual municipal solid waste (MSW) and 24,000 tpa hazardous) as essential for self-sufficiency and proximity, citing EPA data on export reliance (e.g., 38% MSW exported in 2021). However, NWMPCE Volume I reveals these gaps as symptoms of systemic recycling failures (e.g., 41% MSW recycling rate stagnant since 2009), not a mandate for thermal expansion. Approving this would undermine the Waste Action Plan for a Circular Economy (WAPCE), prioritising energy recovery over material recycling and prevention. This objection draws on NWMPCE assessments, EU Waste Framework Directive (WFD, 2008/98/EC as amended), Circular Economy Action Plan (CEAP, 2020), and EC/EEA critiques of overcapacity, urging refusal unless aligned with CE hierarchy.

#### **1. Misalignment with NWMPCE Priorities: Prioritising Thermal Treatment Over Circular Economy Reforms**

- **Issue:** The application emphasises immediate thermal capacity deficits (e.g., dedicated WtE at full utilisation, 910,000 tpa authorised but strained) to justify 216,000 tpa non-hazardous incineration, with limited integration of upstream

measures like separate collections or producer responsibility initiatives (PRIs). NWMPCE Volume I projects MSW rising to 3.7-3.8 million tonnes by 2030 (16-19% increase) but stresses diverting 50-74% of residuals via 60% recycling targets, rendering large-scale incineration non-essential if reforms succeed (e.g., biowaste collection diverting 21% household residuals).

- **Non-Compliance:** Contradicts NWMPCE's "whole-of-government" CE strategy (e.g., pay-as-you-throw enforcement, end-of-waste criteria for 13 recyclables) and WFD Article 4 (waste hierarchy: prevention > recycling > recovery). The facility risks processing 51% divertible household residuals (per 2021 data), forgoing €200-500/tonne embedded value.

## 2. Overstated Capacity Shortages: Current Gaps Do Not Justify Lifetime Lock-In

- **Issue:** Indaver claims critical shortages (e.g., no commercial hazardous incinerator; 48% hazardous exports; 29% thermal exports for non-hazardous), validated short-term by NWMPCE (e.g., 807,785 tonnes treated vs. 910,000 tpa authorised in 2022). However, projections show potential surpluses by 2035 if CE targets met (residuals drop ~500,000 tonnes), with proposed additions (Ringaskiddy + Glanpower 65,000 tpa) creating 261,000 tpa contingency—exceeding needs without decoupling waste from GDP growth.
- **Non-Compliance:** Ignores NWMPCE warnings on "over-reliance on thermal treatment" (41% MSW in 2021) and Landfill Directive (1999/31/EC) goals (≤10% biodegradable MSW landfilled by 2035), favouring cheaper contingencies like a 150,000 tpa landfill extension (€10-12M vs. €200M for Ringaskiddy).
- **Lifetime Risk:** Over 30-40 years, the facility could become underutilised, importing waste like overcapacity-plagued neighbours, conflicting with WFD self-sufficiency (Article 16) by undermining prevention.

## 3. EU Critiques of Incineration Overcapacity: Lessons for Ireland from Member States

- **Issue:** The EC and EEA have critiqued "emergence of over-capacity in incineration" across Member States, warning it locks in low recycling, distorts markets, and contradicts CEAP's zero-pollution goals. Examples include Denmark, Sweden, Germany, Netherlands, and Austria, where landfill bans shifted residuals to incineration, creating excess capacity that "limits the potential for recycling" and competes for waste streams (e.g., high incineration rates of 50-60% despite strong recycling). In Estonia, a 42% incineration rate (2022) led to overcapacity hindering 33% recycling, exacerbated by insufficient separate collections—mirroring Ireland's 41% rate and export reliance. Civil society echoes this, calling for an EU moratorium on new incinerators amid a "significant overcapacity crisis," with facilities capable of treating more waste than generated, fostering imports and undermining prevention.
- **Non-Compliance:** Risks Ireland joining "Type 3/4" countries (high residual treatment) per EC assessments, violating CEAP and 7th Environment Action Programme (residual waste near zero by 2050). EEA 2024 Ireland Profile flags

similar overbuild risks, with ash exports (183,598 tonnes/2022) adding emissions burdens.

- **Impacts:** Economic lock-in (€200M investment over facility lifespan); environmental (GHG from avoided recycling: 443 Mt CO<sub>2</sub> e.g. savings possible per EC modelling); social (lost 178,000+ recycling jobs EU-wide).

## **Conclusion and Overall Observation**

The Ringaskiddy application, while addressing very short-term hazardous waste gaps, exacerbates Ireland's low circularity (1.8% vs. EU 12.8%) by prioritising incineration over NWMPCE reforms, echoing EU critiques of overcapacity in Member States that stifle recycling and hierarchy compliance.