

# EEC EuroLaw Environmental Consultants

Implementing Community Environmental Laws

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

ENVIRONMENTAL  
AGENCY  
06 JAN 2005

60 St. Joseph's Terrace,  
Portarlinton,  
Co. Offaly.

4<sup>th</sup> January 2005

**Re:** Infringements of European Directives

Dear Sir,

EuroLaw Environmental Consultants (EEC) has registered several complaints with the European Commission against a company called Advanced Environmental Solutions (Ireland) Ltd (AES), for infringements of the European (EIA) Directive 85/337/EEC, as amended by Directive 97/11/EC and the European (Waste) Directive 75/442/EEC, as amended by Directive 91/156/EEC. The European Court of Justice will give its ruling in January 2005 in Case C-01/494, which involves infringements by AES.

EEC understands that AES has applied to EPA for a license for 3 waste disposal activities and 4 waste recovery activities at Killowen, Portlaw, Co Waterford. EEC assessment of the application reveals that the Environmental Impact Statement is legally flawed and the proposed development infringes several other European Directives.

In this regard, could the EPA confirm whether or not it received a copy of the Environmental Impact Statement and if so could identify if the EPA assessed the adequacy of the Environmental Impact Statement. In particular, whether or not it contained the minimum information specified in Article 5 of the (EIA) Directive 97/11/EC. If the EPA is of the opinion that the Environmental Impact Statement is adequate could it please establish the criteria used to reach its decision?

In addition, on 23<sup>rd</sup> December 2004, Mr. David Kane, Piltown, Co Waterford registered a complaint (by fax) to EPA against AES for carried out unauthorised waste activities on this site. Could the EPA send EEC a copy of the results of its site investigation and what action it has or intends take against AES concerning this unauthorised waste activity.

Yours sincerely,

David Malone  
Environmental Development Officer EEC

EIS CHECKLIST  
IN WASTE  
FOLDER.



Enforcement

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Tuesday, 11 January 2005

Re: AES Portlaw - PAE2004/457

Dear Mr. Malone

I wish to acknowledge receipt of your letter to the Agency on 6th January 2005 in relation to correspondence received from *Mr. David Kane*.

Please note that pollution incidents should be reported in the first instance to the local authority in whose area the incident occurred. The OEE exercises a supervisory role in respect of the environmental protection activities of local authorities, through auditing their performance, providing advice and guidance, and, in appropriate cases, giving binding directions. In this regard, the OEE acts as a resource to members of the public who have exhausted all other avenues of complaint.

Therefore the status of *Mr Kane's* complaint is as follows and Mr. Kane has been informed of same.

**AES** has submitted a waste management licence application to the Agency for a facility at Portlaw Co. Waterford. Until a decision has been made by the Agency in **relation this application, the local authority; in this case Waterford County Council** remains the competent authority for environmental enforcement at this site. Therefore complaints of an environmental nature concerning activities at the site should be made to the local authority in the first instance and the opportunity afforded to the local authority to deal with same.

Mr Kane submitted his complaint to both the Agency and the Local Authority on 23<sup>rd</sup> December 2004 **and** was subsequently informed by the Agency that it would not be pursuing the matter in the short term as Waterford County Council should be afforded the opportunity to respond to his correspondence. However if upon receipt of this response if Mr. Kane considered the performance of Waterford County Council to be unsatisfactory in resolving this issue, he may revert to the Agency enclosing copies/records of communications with the Council.

ComplainantAck.doc

