

**Marie Harris**

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**From:** Shortt, John [JShortt@shire.com]  
**Sent:** 02 February 2008 19:24  
**To:** Catherine O'Keeffe; Marie Harris  
**Subject:** Feb 1 NLAG response to Epa re Murphy environmental

**Attachments:** Feb 1 response to Epa re Murphy environmental.doc



Feb 1 response to  
Epa re Murph...

Catherine  
Please find attached our objection to Murphy Concrete Manufacturing Ltd application  
Please acknowledge receipt.

John Shortt  
<<Feb 1 response to Epa re Murphy environmental.doc>>

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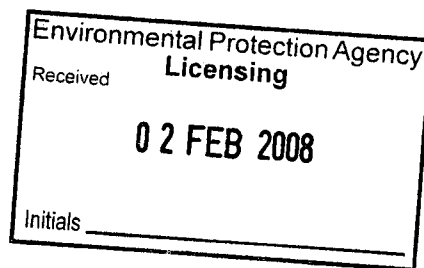
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## Nevitt Lusk Action Group.

To: Environmental protection Agency  
Licensing unit  
Office of Climate Licensing & Resource Use.  
Headquarters PO Box 3000  
Johnstown Castle Estate  
Co Wexford

Subject: EPA Letter dated 04 January 2008 . Ref WO129-02

Dear Sirs

On behalf of our local community upon reviewing the objections of Murphy Concrete Manufacturing Ltd to the conditions set out by the EPA in their proposed decision to grant a Waste License we wish to make the following points and call on the EPA to refuse their waste license application.

As citizens we expect that the EPA to uphold the guidelines, statutory laws, European Directives relating to Environmental Protection and above all both parties should ensure that there is a balanced sustainable approach to planning that ensures we act as "Good custodians" of our environment for future generations.

The Murphy Concrete Manufacturing Ltd response to conditions is without doubt the "**MOST SINISTER**" action that we have seen to date.

As the applicant is now attempting to fundamentally change the intent of their original application by proposing to covertly add the following EWC codes to their license application:

- 010409 Sand
- 100101 Casting cores or Moulds
- 100101 Bottom Ash & Boiler ash
- 101006 Casting cores or moulds
- 170501 Clay
- 190899 Waste from Waste water treatment plants not otherwise specified.
- 190902 Sludges from water clarification.
- 190904 Waste from the preparation of water intended for human consumption.
- In addition Murphy Concrete manufacturing Ltd wish to add "other waste which is deemed by the licensee as acceptable and which is proven to meet level 1 testing and all other waste acceptance criteria"

Fundamentally the EIS which was prepared by Murphy Concrete Manufacturing Ltd and presented to the EPA only supported the application for inert waste as already covered by their existing license. Likewise their planning application only supported inert waste.

We are of the opinion that the EPA ought to oblige the applicant for License "Murphy Concrete Manufacturing Ltd" to publish a Notice alerting members of the Public to the fact that there has been an amendment to the original application or in the alternative require that the applicant recommence the application process including the additional matters and that the public would be given a chance to comment.

It may well prove to be the case that local people might not have had a concern in relation to the application as originally submitted and accordingly made no objection, However had they been aware that the types of waste listed in the submission are to be brought onto site for disposal they may have concerns and want to make submissions or observations.

We are particularly concerned about the reference to Bottom Ash and Boiler Ash, there is no reference to where such materials are originating from the handling of same or transport of same to site is not addressed in the EIS. As Fingal County Council has also applied to accept Bottom Ash & Boiler Ash in their proposed Landfill in Nevitt we **fail** to see how the need for Murphy Concrete Manufacturing Ltd to accept such waste has been determined.

Accordingly the members of the local community must be put on notice of the proposed amendment to the waste license and afforded an opportunity of making submissions and if necessary obtaining expert advice in relation to their concerns.

Should the EPA proceed to determine the matter on in the absence of notice being published advertising the amendments it will in effect amount to the application being amended during the objection process and without knowledge to the local community.

In addition the waste license now being sought is not in accordance with the planning application and not keeping the two processes consistent is undermining the integrity of the process and leaving the public disillusioned with the integrity of the EPA and unwilling to voice their concern, this undermines the entire democratic society.

We have evidence that Murphy Concrete Manufacturing Ltd are not currently adhering to the conditions of their existing license and this will be the matter of a notice to your enforcement section and questions their suitability/commitment to operate within the legislation.

The public see the EPA conditions as been imposed in their proposed decision to grant a license on Murphy Concrete Manufacturing Ltd as the minimum standard required.

#### **2.2.2.2**

Murphy Concrete Manufacturing Ltd objection to this condition clearly shows their lack of commitment to the environment and the need for continuous improvement by individuals or industry to make our planet a better environment. It appears to us their only criteria is profit and to have a company with this goal running a 500,000 tonne per annum landfill facility makes us very nervous and we question their suitability for this role.

#### **2.2.2.9**

Murphy Concrete Manufacturing Ltd again show there lack of understanding in running an operation of a landfill facility. Having a quality management system that monitors performance to standard processes, identifies non conformances and is further processed thru a CAPA system is the minimum that should be maintained.

Obviously from their objection they have no such system currently in place for the operation of their existing license and again raise the question of their suitability.

### **3.12**

Having an emission monitoring system is a basic requirement, and Murphy Concrete Manufacturing Ltd objection to this condition clearly identifies their unwillingness to operate a facility to the highest standards.

### **3.13**

Having a basic sampling protocol that ensures composite homogenous sub samples of aqueous emissions is now regarded as necessary in a Quality System. Murphy Concrete Manufacturing Ltd response clearly shows the inadequacy of their existing protocol and should be immediately corrected by the EPA.

### **3.17**

Unless Murphy Concrete Manufacturing Ltd can establish that their bunding system has the capacity to meet all projected or unplanned events by carrying out a detailed risk assessment an alarm system is a poor minimum and their objection once again shows their poor approach/unsuitability to facility management.

### **3.19**

In the event of an emergency incident, having at a minimum a wind sock in a prominent visible public roadway is a basic requirement and their comment that this could be alarmist to neighbours is laughable and deserves no further comment.

### **4.1**

See our response to 3.12

### **4.2**

See our response to 3.13

### **6.3**

See our response to 3.12

### **6.4**

See our response 2.2.2.9

### **6.11**

An objection to carrying out daily monitoring and maintaining a log is a reflection of their poor attitude to Quality and gives the public no confidence in their willingness to be a fully compliant operator.

### **7.3**

See our response to 2.2.2.2

### **12.2.3**

The public are entitled to know that the correct financial provisions are in place to cover against any future liabilities. The taxpayer should be fully indemnified by Murphy Concrete Manufacturing Ltd to any potential environmental disasters resulting from their operation.

### **Table A.4.1**

To ensure full transparency, limits should be set by the EPA and published in advance of any license being granted. "Activated" following an EPA decision is unacceptable to the public.

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**Schedule D**

In our opinion monthly reporting is a minimum and there should be no reduction in EPA standards.

**Schedule E**

Perhaps it would be an appropriate condition that Murphy Concrete Manufacturing Ltd should achieve ISO 14001 as this may educate them in facility management.

Our fundamental concern is that now Murphy Concrete Manufacturing Ltd, are not willing to accept the standards being established by the EPA.

The wording of their response clearly sets out their wish to create subjective standards that would be agreed to by a cosy arrangement with the EPA and would not be subject to public scrutiny. This is totally unacceptable and illegal.

This approach totally undermines the integrity of the EPA to whom we are seeking to uphold the highest standards, the approach of Murphy Concrete Manufacturing Ltd clearly shows they do not have the integrity, openness or intent to develop or operate the proposed Landfill to the highest standards.

Our communities only hope of having any reasonable existence, living on the periphery of a Landfill is that the Highest Standards are set and adhered to and we are saddened to see at this stage Murphy Concrete Manufacturing Ltd is intent on weakening the standards and if the EPA put forward the minimum standards surely you are the authorities in this area and will ensure the highest standards are maintained and the process is carried out in Public.

For and on behalf of NLAG.

John Shortt

Windfield  
Nevitt  
Lusk  
Co Dublin

February 1, 2007.

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