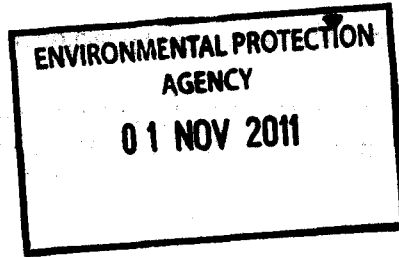


Little Acre Cottage  
Walshestown  
Lusk  
Co Dublin

Environmental Protection Agency  
Johnstown House  
Johnstown Castle Estate  
Co Wexford



24/10/2011

Your ref no.: Wo129-03

To whom it concerns,

Please accept the following objection to the proposed facility by MEHL at Hollywood Great, Naul, Co. Dublin.

The grounds on which I object to the grant by the EPA of an operating license are set out in detail below.

In summary, I submit that the proposal contravenes Irish and European waste policy. The facility is not needed and it would pose an unnecessary and unacceptable risk to the environment, most specifically to the ground water. As such, the proposed facility does not constitute sustainable development and if the agency were to grant a license, it would not fulfill its statutory mandate pursuant to section 52 (2) of the Environmental Protection Agency ACT 1992 (as amended) to;

“have regard to the need to promote sustainable and environmentally sound development”

and to ensure that;

“a proper balance is achieved between the need to protect the environment (and the cost of such protection) and the need for infrastructural, economic and social progress and development”

For these reasons I urge the EPA not to sanction additional unnecessary landfill capacity and not to grant an operating license for this proposed development. There is currently an abundance of excess landfill capacity available with operating licenses from the EPA.

Under current EU environmental law this proposal is required to undergo a strategic environmental assessment (SEA). The SEA directive stipulates that “all plans and programs likely to have a significant effect on the environment” be the subject of an SEA.

This directive also states that if there are any changes or modifications to such plans or programs it is required to provide a screening report clarifying such changes. However, I see no evidence of either requirement being met by the proposer notwithstanding several changes made to the original EIS.

Also a significant and material change has occurred to the strategic waste management plan for Dublin following the withdrawal of the four Dublin local authorities from the waste collection market. Again, I see no screening report from the proposer.

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This proposal conflicts with the following Government plans and programs:

- The current county development plan clearly states that no bottom ash is to be land filled
- The current waste management plan does not encompass land filling bottom ash
- The current program for Government does not endorse land filling bottom ash
- Government policy is to seek out environmentally sound alternatives

The need to refuse a waste license for this proposal is accelerated by the granting "by the EPA" of a waste license to Fingal County Council for a 500,000 ton per annum capacity landfill at Nevitt, Lusk. The MEHL proposal is less than 2km from Nevitt, and Nevitt is down gradient of the proposed site resulting in the threat of serious contamination to the Fingal aquifer being doubled.

Following the protracted debate on the Nevitt landfill the EPA are now in possession of all the information they require to confirm refusal of a license for this proposed facility by MEHL, including a flawed hydrological risk assessment (HRA) commissioned by Fingal County Council.

The only methods which can be used to accurately measure the impact of such a facility on a community are analysis of similar facilities sited in similar locations or the quality of information supplied by the applicant. Unfortunately, there are no similar facilities in similar locations and the quality of information provided by the applicant in the EIS falls far short of the criteria as set out in the SEA directive.

In my opinion there are systematic failures contained in the MEHL proposal consisting of the following:

- Failure to prepare a baseline study of vehicle movements for the proposed facility
- Failure to identify the baseline density of the bottom ash for the proposed facility
- Failure to prepare a coherent study of the medical history of residents residing in close proximity of the facility
- Failure to prepare a coherent study of the proximity of private dwellings and commercial and industrial enterprises to the proposed site
- Failure to accurately indicate the correct **ph** level of the bottom ash
- Failure to produce a well report for the inclusion of all wells down gradient of the facility in order to establish a proper risk / vulnerability assessment of private wells, commercial wells, industrial wells and public water supplies
- Failure to provide accurate contour maps for the area as one of the maps "provided by the applicant" is fundamentally misleading in that the contour lines and the flow of water are based on (one well which is dry) and another well which is artisean
- MEHL claim that a water divide exists however, the actual classification of vulnerability is extreme. In fact the water flows directly into a stream on the west side of the proposed site where murmurian rock is exposed
- Failure to provide quantitative statistics of the benefits of land filling bottom ash in favour of mechanical biological treatment (MBT)
- Failure to prepare a comprehensive study of the human impact of such a facility being located in an area zoned primarily residential and agricultural
- Failure to have regard to the Hedgestown primary school and to its pupils, parents and teachers, and to give adequate consideration to the primary school route (Nevitt Road)
- Failure to provide a detailed description of the proposed vehicle type for the method of transportation of the bottom ash

During the An Bord Pleanala oral hearing regarding this proposal, the inspector referred to the "Red book" as he stated, "and I quote"

"There is no plan put forward by the applicant indicating as to how such hazardous chemicals are to be stored on site or segregated on site, because if this is done, poisonous gasses, liquids, fumes and dangerous particles can separate and cause serious injury and explosions. Best available techniques (BAT) ensure that the "Red book" is written into the license as part of the license and conditions"  
"end quote"

Will the EPA accept this proposal without this crucial information? The EPA has an unquestionable duty of care in its role as environmental guardians and must insist that all relevant information and testing is fully complete prior to any decision making.

The EPA were reprimanded and cautioned against the policy of split decision making together with An Bord Pleanala in the recent European Court of Justice (ECJ) ruling of Cork residents versus Indaver Ireland. This ruling has set a precedent which must be upheld in law!

This ruling followed a case in the United Kingdom called "The Diane Baxter Case" where it was proven in the high court that both the planning and licensing authorities conflicted with each other in their split decision making.

**The Nevitt landfill case was a perfect example of such a conflict by the EPA and An Bord Pleanala.**

This proposal does not represent proper planning for sustainable development, so I urge the EPA to refuse the license. And be warned, the new minister Phil Hogan is being closely watched by the new European wide environmental enforcement section in Brussels.

The EPA must refrain from its policy of accepting license applications at face value. The fundamental principles of the planning and licensing acts require that the criteria must be met in accordance with such acts, however, the EPA have a history of siding with the applicant and nursing the flawed proposals / applications along until they tick all the boxes for the EPA. This method of skulduggery results in the applicant failing to fulfill its obligations to the local community. I draw the agency's attention to the erroneous behavior demonstrated by the EPA regarding the Nevitt EIS non technical summary which the EPA permitted the applicant Fingal County Council to change no less than 3 times, notwithstanding the fact that the details contained therein changed significantly with no community entitlement to public consultation on the changes or impacts.

**And it must be said that the same panel of EPA members went on to grant a license to Fingal County Council.**

The agency and its officials need to draw their minds to the fact that "the years of insane planning approval and the granting of licenses with apparent impunity to developers is over".

The EPA are in possession of all the technical information regarding the illegal landfill at Nevitt, Lusk but what action "if any" has the agency taken to ascertain the extent of contamination emanating from this illegal landfill for many years now and in the absence of the Nevitt landfill being developed.

Yours truly  
Shay Lunney.