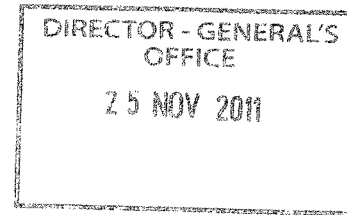


Kilshannig House

Cratloe Wood

Cratloe

Co. Clare



Ms. Laura Burke

Director

Environmental Protection Agency

Office of Environmental Enforcement

P.O Box 3000, Johnstown Castle Estate

Co. Wexford

23 November 2011

By Registered Post

Dear Director,

The Agency is now directed to engage an independent consultant to cost and advise on best option for the HAZARDOUS WASTE removal from our Seveso protected zone.

The Environmental Protection Agency and the Clare County Council were placed on notice on the 31 October 2011 that the Hoffmann la Roche unlined H2 HAZARDOUS WASTE Pit and other pits, have progressed to EU Pilot.

Under EU pilot, the Agency has been formally requested to immediately take action to remedy the situation.

The H2 HAZARDOUS WASTE Pit is to be excavated and its contents removed outside the Seveso protected zone my property shares with Hoffmann La Roche.

Roche consultants URS states in its report (45078361) relating to the H2 unlined HAZARDOUS WASTE Pit containing in excess of 90,000 tonnes of HAZARDOUS WASTE beneath the water table of the River Fergus:

"Monitoring data shows that a likely drum rupture occurred in 2001 and records show crushed and intact drums in the H2 area. Solutions involving leaving the waste in place will likely require

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undefined long term monitoring and operational costs for decades, while not eliminating the possibility of future incidents which may prompt a regulatory rethink. Only removal and treatment or off-site disposal /destruction of the contaminated waste materials eliminates the potential future environmental liability associated with the buried drummed material but at considerable capital cost (reasonable worst case estimate for off site disposal €9 to €18million)”

Roche consultants RPS states in its report (MDE0451_Rp0002) relating to the H2 unlined HAZARDOUS WASTE Pit,

“There are other options for such a scenario and excavation is often not the best option since the excavation of hazardous waste has health and safety, potential environmental pollution, odour nuisance, and public relations/community implications, and may not be environmentally sustainable”

Roche consultants URS makes the following statement in relation to capping of the H2 HAZARDOUS WASTE area.

“Capping of the H2 area to reduce rainfall infiltration is considered to be of limited benefit, as the chemical/process waste in some areas is emplaced below the water table and there is through flow of shallow groundwater through the waste, driven by natural gradients due to the hillside to the west of the H2 area”.

“Capping would require considerable engineering works to profile the H2 area to promote runoff and manage the drainage, but would not eliminate the release of leachate to groundwater. In addition, the presence of a landfill cap would restrict the future use of the H2 area and, despite the capital investment, would not provide Roche with a reduction of liability in the event of an unforeseen future incident”.

For transparency the independent consultant is to have no previous, current or future contractual relationship with

- Environmental Protection Agency
- Clare County Council
- Health and Safety Authority
- RPS Consultants
- URS Consultants
- Hoffmann la Roche and its subsidiaries

To this end and subject to satisfying the above criteria, it is recommended that the Agency look to Marti Holding AG which is part of the DIB consortium contracted to clean up the Bonfol Toxic Waste Landfill in the Swiss Canton of Jura. Unchecked amounts of waste were deposited in a former clay pit not far from the village of Bonfol between 1961 and 1976 including waste products from the chemical industry (Marti News 16 June 2009). Marti is excavating and removing approximately 115,000 tonnes of toxic waste. The Hoffmann la Roche H2 HAZARDOUS WASTE Pit alone contains in excess of 90,000 tonnes and the Agency will be aware of additional waste pits 1,2,3A,3B,4,5,6, and 7 to be costed for removal outside our Seveso Protected Zone.

I am to be permitted as a stakeholder to engage directly with the chosen consultant in this regard as my property is located within the Seveso protected zone. I would hope to have clarified specific areas of confusion such as the Roche Closure, Restoration, Aftercare and Management Plan (CRAMP) on file with the Agency which makes the assumption that "the entire facility will be fully decontaminated and decommissioned and the site with buildings and pipe work can be sold as development land for future industrial use." This assumption of course is not feasible given the existence of the buried HAZARDOUS WASTE landfill.

You will respond to me confirming the Agency endorsement to the engagement of an independent consultant within ten working days from the date of this letter and your response is to be forwarded to the European Commission.

You are again advised that EU Pilot is the final attempt by the Commission, prior to launching formal infringement proceedings under Article 258 of the Treaty.

Yours sincerely


Roger O'Mahony

Copy: Mr Tom Coughlan, Clare County Manager

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