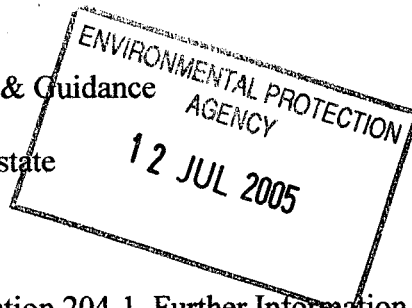


Office of Licensing & Guidance
E.P.A.
Johnstown Castle Estate
Co. Wexford



Newtown
Donard
Co. Wicklow
6th July, 2005

(SUB 119)
204-1
office

Re: License Application 204-1, Further Information, Article 16

The reported adjustments to the boundaries of the SAC 000781 are open to legal challenge and will be challenged.

The proposal to construct a barrier to the Carrigower River should be a requirement to protect the river from pollution during remediation of previously deposited wastes.

Such a barrier is not an adequate long-term measure for a raised landfill operation on a sloping site adjacent to protected surface waters.

Re: Further Information: Cover letter to Malcolm Doak, E.P.A. from Ray Stokes, 24th May, 2005.

FAILURE TO CONSIDER HEALTH & SAFETY

Upon the sale of the Whitestown quarry in late 2003 the gates were left open day and night exposing a steep drop from the entrance road to the bottom of the quarry floor, and disregarding the fact that contained within are hundreds of thousands of tons of illegal waste, the hazardous nature of which is still not known. There is not even a "danger pit face" warning along the N81 perimeter where the cliff face is now a sheer drop yards from the public road and separated only by a hedgerow. But apparently this is a 'normal working quarry'.

Persistent complaints made by local residents about this and the out-of-hours quarrying activity forced the Council to carry out an inspection at Whitestown. On foot of this, in March 2005 a further report by Wicklow County Council objecting to this development was submitted to the E.P.A.

As a result the entrance was finally closed off. It would be expected that E.R.M.L., a professional outfit that carried out the Environmental Impact Assessment would highlight this breach of safety. Whether they did so or not, the owners still failed to secure this site adequately over a protracted period.

No more convincing proof is needed that this applicant is unfit to operate a facility that poses a threat to the health and safety of the public and no less of a threat to the environment, even if 'expertise is bought in'. Costly Environmental Impact Statements and descriptive language expressing the 'excellence' of this proposal fail to mask the lack of professionalism on record to date.

Instead of taking basic measures to make safe this very hazardous property in a responsible manner, complaints are made to the Environmental Protection Agency that "the neighbours are trespassing".

UNAUTHORISED CELL

It has been observed by many locals that this cell was being formed, not because they were swarming into 'O'Reillys pit and trespassing at will but because everything that goes on there is visible winter and summer by motorists and walkers using the R4320.

Residents and users of the R4320 and the Fauna forest trails have unrestricted views down to this quarry. This fact has been omitted from the E.I.S. It is omitted from the E.I.S. because there are no mitigation measures possible to restrict the panoramic view from residences, road users and visitors walking and trekking the amenity of Fauna to access the Glen of Imaal.

NEW INTERPRETATION OF 'THE POLLUTER PAYS' PRINCIPLE.

The application of the 'Polluter Pays Principle' is intended to ensure that remediation of unauthorised waste is paid for by those who have dumped the waste. The 'Polluter Pays Principle' (much as the polluter would wish it to be) is not a means to re-impose charges on those who have already paid the market price for safe waste disposal.

The applicant now proposes to fund remediation costs on an expense account with a vague and unsubstantiated promise that the final bill is to be settled by recouping costs from offenders soon, or maybe later, depending on how co-operative they decide to be - a very desirable option for the criminals and completely irresponsible to the environment and the consumer.

This proposal is designed to distort the market by presenting an opportunity to double up profits for illegal operators and inflict further serious economic disadvantage to waste operators who have not been involved in the criminal disposal of waste.

Application 204-1 is based on the subversion of the 'Polluter Pays Principle.

If the owner has, as now claimed in letters to our elected representatives and in the legally vague term '*secured heads of agreement*' from six of the alleged offenders, the E.P.A. and the public must be provided with the documentary evidence. Whether any agreements '*secured*' from alleged offenders depend upon a license for a profitable landfill being obtained from the E.P.A. is not clarified. If '*admissions of liability*' exist this information should be passed on to the N.B.C.I, the Local Authority and the O.E.E. in the E.P.A. to assist with criminal and civil investigations. Omitted are any details of costs and what portion of what costs '*agreed*' will be borne by whom.

AVAILABILITY OF LANDFILL CAPACITY IN WEST WICKLOW

Comments contained in this cover letter are contradictory to arguments put forward in the original application to the E.P.A., the planning application and may now be put forward again to An Bord Pleanála. There does not seem to be any problem now to undermine the E.I.S. submitted with this application by maintaining that the local authority have a landfill cell ready and waiting for waste and worrying that there might be no waste available.

REMEDIAATION

Not only must offenders pay remediation costs but heavy fines of up to €15 million are applicable.

Most of the illegal waste in Whitestown has come from Dublin and smaller amounts from other counties. To return this waste to the point of origin is not unrealistic even if it creates pressure on capacity in Dublin.

On 25th June, in Blessington we spoke at length with Minister Dick Roche who said that he had purposefully inserted into his Section 60 Directive a clause to make way for the waste dumped illegally in West Wicklow to be disposed to licensed landfills in the waste management regions of origin.

There are seven offenders in this case and seven times several million euro in fines can go a long way to providing the re-cycling infrastructure that Dublin (and Wicklow) are crying out for. Such an investment in infrastructure would affect a far larger and on-going decrease in the volumes of waste destined for disposal than volumes in Whitestown and other illegal dumps in West Wicklow.

N81

This illegal waste was transported during night-time hours over four years. Brownfield are proposing to transport minimum 180,000 tons over each and every year during peak traffic times. Removing the illegal waste that is there would result in extra traffic on the road - but for a limited period. Unfortunately that is likely to be one of the less worrying of harmful effects to be suffered by us during remediation efforts.

Proper remediation and removal of wastes represents an opportunity to provide for less production of waste into the future. The applicant proposes to encourage increased production of waste; sorting and separation of wastes in a rural environment far removed from the sources of the waste; and transportation of waste and residuals back and forth over long distances.

Since the owners of Brownfield Restoration and E.R.M.L. refuse to concede to any volume of contaminated soil in their E.I.S. they are not in a position to comment on how it is to be removed, treated or otherwise.

The fact that this site is explicitly selected on economic grounds would set a precedence. Ireland would be back in the dock facing more fines for breaching EU directives. Other holders of illegal waste do not need to pay Brownfield Restoration to deal with their liabilities when they too can profit from crime.

More fines on the taxpayer who will eventually insist that someone must be held accountable.


AILISH GREENE


NOEL O'REILLY