

PAE
2004/304

F. Clinton

fyi alby

Rec'd 17/08/04
Please fwd to AC &
MD for reply to
be co-ordinated.

Newtown,
Donard,
Co. Wicklow

7th August, 2004 Jura

Sub 84
206-1

Dear Mr. Carty,

I am requesting information on with regard to Wicklow County Council and their statutory duties in respect of environmental pollution resulting from the illegal landfill at Whitestown,

Officially discovered by Wicklow County Council in 2001 and criminal investigations completed in late 2003, Wicklow County Council have not yet brought legal action against the polluters.

The offenders were charged in the criminal court in January, 2004.

As a result of the delay the owner of the site has been able to sell it for an enormous sum in October, 2003 (his now obvious wealth is remarked upon around the locality). Since, the purchasers have had the opportunity to carry out an EIS, prepare an application for a landfill operation and submit this application to your licensing agency in March, 2004. They are now awaiting granting of a landfill license.

They are potentially, as holders of illegal waste now about to effect massive economic benefit. The message is clear ; pollution pays.

Wicklow County Council is legally obliged to pursue the polluters and holders of this waste for costs to clean up this site. Three years later that failure to enforce legislation has allowed the polluters to turn this into a situation from which they could make huge profits in addition to profits already gained. The application to your licensing department proposes to get all the other illegal dumpers in Wicklow off the hook by transporting their illegal waste to Whitestown and burying it there!

It is ludicrous that Wicklow County Council have made a submission to your licensing department against the issuing of this waste license when it is their failure to apply the law which has paved the way for this development.

The illegal waste at Whitestown is hazardous and environmental pollution is on-going. (and at other illegal landfills in Wicklow).

The public has been refused data on emissions to the atmosphere and leachate to the groundwater and the Carrigower river by the E.P.A and Wicklow County Council since tests and surveys were carried out by the EPA in Dublin during 2001-2002.

The new owners have been working out the sand and gravel quarry all this summer, sometimes up to 10 o'clock at night. They are already profiting from the purchase of a contaminated site.

- What directions does your office intend to make to Wicklow County Council regarding the immediate prevention of the continuing pollution?
- What directions does your office intend to make to Wicklow County Council regarding the cleaning up of this site?
- What directions does your office intend to make to Wicklow County Council regarding pursuing the polluters for the costs of cleaning up this site?
- Does the interim developments in this case not constitute a failure to enforce the polluter pays principle?
- Is anyone inspecting the material leaving the quarry at Whitestown (and other adjoining illegal landfills under investigation) to ensure that this is not a risk to the environment elsewhere or to handlers or purchasers of this material?

For information purposes only
Consent of copyright owner required for reuse

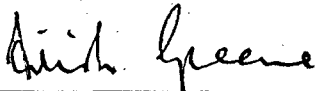
- What is the Office of Environmental Enforcement doing to ensure that the we, the stake holders are informed of and protected from the risks to our health and economic welfare as a result of these pollution incidents?
- What direction does your office intend to make to your licensing department regarding License Application 204-1

In addition to answering my questions I would be very grateful if you would define the role of your office in relation to this case and the role of Wicklow County Council. I would also like you to clarify your interpretation of "immediate action" in relation to pollution and risks to the environment.

In addition I would like information re the status of the quarry at Whitestown as a contaminated site and the classification of the material being extracted from there at this time.

I look forward to your prompt reply,

Yours sincerely,



AILISH GREENE

For inspection purposes only.
Consent of copyright owner required for any other use.