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AN ROINN COMHSHAOIL, OIÐHREACHTA AGUS RIALTAIS ÁITIÚIL
DEPARTMENT OF THE ENVIRONMENT, HERITAGE
AND LOCAL GOVERNMENT



Our Ref: 4147/MC/04

23 August, 2004.

Environmental Protection Agency
Office of Environment Enforcement
Public Authority
Received 27 AUG 2004
Initials: _____

AN ROINN COMHSHAOIL,
OIDHREACHTA AGUS
RIALTAIS ÁITIÚIL
DEPARTMENT OF THE

Ms. Jacinta Longworth,
Office of Environmental Enforcement,
PO Box 3000,
Johnstown Castle Estate,
County Wexford.

ENVIRONMENT, HERITAGE
LOCAL GOVERNMENT

Dear Ms. Longworth,

TEACH AN CHUSTAIM

Please find enclosed a copy of correspondence which the Minister has received from Mr Peter Walton, peterwalton@eircom.net in connection with alleged illegal dumping and the proposed waste management facility at Whitestown, Co. Wicklow.

BAILE ÁTHA CLIATH I

I am referring this correspondence for the attention of and for any appropriate action required by the Office of Environment Enforcement. It would be appreciated if you could keep me apprised of the situation.

CUSTOM HOUSE, DUBLIN 1

Tel No: +353 1 888 2000

Yours sincerely,

LoCall No: 1890 20 20 21

Fax No: +353 1 878 2888

Conor O' Sullivan
Conor O' Sullivan
Executive Officer,
Waste Infrastructure & Regulation Section.
Tel: (01) 888 2958

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From: Minister
To: peterwalton@eircom.net
Date: Tue, Jul 6, 2004 11:01
Subject: REP4147/MC/04

Please Quote Ref: REP4147/MC/04

6 July, 2004.

Mr. Peter Walton
Email: peterwalton@eircom.net

Dear Mr. Walton,

I have been asked by Mr. Martin Cullen, T.D., Minister for the Environment, Heritage and Local Government to refer to your recent email in connection with alleged illegal dumping at Whitestown, Co: Wicklow.

A further letter on this matter will issue as soon as possible.

Yours sincerely,

Conor Falvey,
Private Secretary.

>>> <peterwalton@eircom.net> 04/07/2004 14:27:44 >>>
Dear Minister Cullen,

I write on behalf of the Whitestown Awareness Group, which is a group of very concerned residents living near the large illegal landfill at Whitestown, Co. Wicklow.

We are concerned about the health & environmental risks caused by the existing dump, and our anxiety for the future has been raised alarmingly by recent developments at the site:

In late 2003 a new company, Brownfield Restoration (Ireland), purchased the site for approx. €2.5 million. In March 2004 Brownfield submitted an application to the EPA requesting a Waste Management Licence to begin a 10-year plan to import a further 1.5 million tonnes of waste into Whitestown from 3 other counties and from other illegal landfills. Their proposal is to carry out waste treatment and landfill activity and to recover and remediate onsite the illegally dumped waste already there.

Wicklow County Council has repeatedly described this site as completely unsuitable for landfill. Furthermore, the site borders the Carrigower river, an internationally valued salmon spawning area of the Slaney river network. Leachate from the illegal waste has already begun to contaminate these waters. In addition, the site borders the proposed "Slaney River Valley" EU SAC.

We believe that siting a waste treatment operation & landfill at this location is clearly in opposition to the principles and guidelines of your Department's initiatives on the environment, as well as being in contravention of EU guidelines.

We also believe that the sanctioning of such an operation at this site would amount to nothing less than rewarding the original criminal activities which caused the environmental calamity at Whitestown.

We simply want the illegal Whitestown dump cleaned up and the waste removed and correctly dealt with using recognised best practices. The large costs involved in this should be funded from penalties applied to the original perpetrators (or does the "polluter pays" principle have any real meaning?).

We appeal to you to lend the considerable weight and influence of your Department to ensure that this environmental mess is properly dealt with and that no waste management or landfill is authorised at this sensitive site.

Yours sincerely,

Peter Walton
Secretary
The Whitestown Awareness Group

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Our ref: 4147/MC/04

July, 2004.

Mr. Peter Walton,
Email: peterwalton@eircom.net

Dear Mr. Walton,

I have been asked by Mr Martin Cullen, T.D., Minister for the Environment, Heritage and Local Government to refer to your email in connection with alleged illegal dumping and the proposed waste management facility at Whitestown, Co. Wicklow.

The development of such a waste management facility requires planning permission. A decision to grant or refuse planning permission is a matter for the relevant planning authority, or An Bord Pleanála, or independent body, in the case of appeal. The Minister is specifically precluded under the Planning Acts from exercising any powers or control in relation to any planning applications or appeal.

Under the Waste Management Acts, 1996-2003 and Regulations thereunder, the operation of a waste management facility, including, requires a waste license from the EPA. The licensing system is intended to ensure that high standards of environmental protection apply in relation to the operation of relevant waste facilities. The EPA must take the precautionary principle into account when granting a license and may not do so unless it is satisfied among other things, that-

- any emissions from the activity concerned will not contravene any relevant standard,
- the activity concerned, carried on in accordance with license conditions, will not cause environmental pollution,
- the best available technologies will be used to prevent or eliminate, or where that is not practicable, to limit, abate or reduce an emission from the activity concerned and
- the applicant, if not a local authority, is a fit and proper person to hold a waste license.

An application to the EPA for a waste licence must be accompanied by an Environmental Impact Statement, (EIS), where such statement is required in respect of the development of the facility concerned. There is extensive provision for public participation and access to information in the process of determining an application for a waste licence.

A decision in relation to a waste license is solely a matter for the EPA. The Minister has no function in this regard and in parallel with the Planning Acts, is specifically precluded from exercising any power or control in

relation to the performance by the EPA of its functions in particular circumstances.

In relation to the illegal waste activities you have referred to, I wish to advise that it is a matter for each individual local authority to address any incidence of unauthorised waste disposal activity within their functional area. A copy of your letter has been sent to Wicklow County Council for their attention and reply.

The Minister also recently launched the Office of Environmental Enforcement (OEE). The OEE is based in Wexford with enforcement teams in Dublin, Cork and Castlebar and is to be financed from the Environment Fund. It has a mandate to deliver enhanced environmental compliance through enforcement of EPA licences issued to waste, industrial and other activities. It also exercises a supervisory role in respect of the environmental protection activities of local authorities. In this regard, the OEE acts as a resource to members of the public who have exhausted all other avenues of complaint. A copy of your correspondence has also been forwarded to the Office of Environment Enforcement, Environment Protection Agency, P.O. Box 3000, Johnstown Castle Estate, Co Wexford for their attention.

Yours sincerely,

Conor Falvey
Private Secretary

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