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LITTLE ACRE COTTAGE
WALSHSTOWN
LUSK
CO. DUBLIN



16/10/07

EPA
Johnstown Hse
Johnstown Castle Est.
Co. Wexford

To the Board of the EPA

A Chara,

Please accept the enclosed information from the following bodies as objection to the proposed decision / RD by Dr. Ian Marnan, dated 21st September 2007 with regard to file ref. No. WO 231-01.

- O'Connell and Clarke Solicitors
- Dr. Paul Ashley - Mott Mc Donald
- Mr Paddy Boyle
- Mr Declan White
- Mr Damian Christie
- Mr Shay Lunney
- Mrs Gemma Larkin

Secretary. us.

For and on behalf of the Nevitt Lusk Action Group.
(A non-funded Community Group)

Signed:
Declan White (DECLAN WHITE)
PP SHAY LUNNEY

LITTLE ACRE COTTAGE
WALSHTOWN
LUSK
CO. DUBLIN.

16/10/07

EPA
Johnstown Hse
Johnstown Castle Est.
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**Ref: WO 231-01 Inspectors Report
Proposed Decision / Recommended Decision**

- **Licence Criteria**
The application and proposed decision is for a non-hazardous waste licence. The above has no legal standing as the applicant and the inspector have no documented means of ensuring that all waste is of a non-hazardous nature.
- **Inspectors Report P.4**
Efficient use of resources is a requirement of the RD. But the inspector accepts that no information is provided on water usage.
- **Inspectors Report P.5**
The inspector refers to all waste being pre-treated yet there is no proposal (by the applicant) or plan or location of where such pre-treatment will occur nor is it considered in the EIS.
- **Inspectors Report P.5**
The inspector refers to lower percentage of organic waste being sent to landfill-but fails to provide calculations of reduction or time frames yet he refers to this being a requirement of the landfill directive. As organic waste causes most problems in landfill should this not be a critically important factor.
- **Inspectors Report P.5**
Fugitive emissions may be generated. But condition no 6.24 is for the identification and reduction of such emissions.
Why is this condition necessary when he fails to state that such emissions will impact on the nearest sensitive receptor.

- **Inspectors Report P.6 - Request for details of temporary cells for storage of bottom ash from incinerators.**
Should this information not have been contained in the EIS and was it not more appropriate to receive this information prior to the RD.
- **Inspectors Report P.6 - Emissions to Sewer.**
The inspectors choice of words is notable here and I quote (the applicant has indicated that sufficient capacity is available at the planned new wastewater treatment plant at Portrane) end quote. Should the statement not have read (will be available) as it was only a planned project. This point is of very grave concern to me as it is probably the most important aspect of the proposed landfill (leachate disposal) yet the inspector has a cavalier approach to it and satisfies himself with the fact that in the absence of the portrane plant being available there will be temporary storage available at Swords and Malahide. But does he seek clarification of capacity for temporary storage or is he confident that the Portrane plant is going ahead - no, but yet proceeds to his RD. the inspector also fails to note that the EIS did not contain a quantitative risk assessment for the disposal or transportation of the leachate.

The community of the Nevitt Lusk region are entitled to have no emissions effecting their wellbeing and should not be subjected to controlled and so called accepted levels of emissions.

- **Inspector Report P.9**
The applicant has committed to retaining at least 10 mtrs of in situ low permeability subsoil's below the landfill footprint after excavation. Would the inspector be so kind as to explain to us how this is mathematically possible when borehole ref. No AGB4 in its present state contains only 0.7 mtrs of clay and is located directly within the footprint of the proposed landfill.
- **Inspectors Report P.9**
The inspector has ignored the solid mass of factual evidence provided by this group and 5 individual hydro - geologists plus the GSI (national authority on water) and the extensive information he gathered at the ABP oral hearing which he attended for several days. He also ignored the relevance of the 7 known pathways identified during the course of the investigation.
The inspectors reason for describing industrial wells as private wells is known only to himself.
- **Inspectors Report P.11 - GSI Response to further information.**
The inspectors admission that a further groundwater abstraction scheme which lies to the east of the motorway along the north / south fault line would be impacted upon by the development of a landfill is reason enough to refuse to grant a licence.

- **Inspectors Report P.12 - Well Report**
The well survey presented by the applicant was wholly inappropriate and incomplete and it was highly unprofessional of the inspector not to request a more comprehensive report. The inspector failed to pick up on the fact that the majority of the wells surveyed were not immediately in the vicinity of the landfill footprint.
- **Inspector's Report P.12 - Theoretical leakage rate from landfill.**
The inspector states that this admission of breach of the so called fully engineered landfill lining system will not result in any significant impact to the quality of groundwater downgradient of the site. May I state for the benefit of the inspector that to wilfully contaminate groundwater is an offence irrespective of how significant that contamination is.
- **Inspectors Report P.13 - Waste Sludge**
It is my understanding that Ireland is the only EU Member State that permits waste sludge to be used in landfills. The inspectors RD requires procedures to be put in place for management of waste sludge at the site. Should this information not have been contained in the EIS and was it not more appropriate to receive this information prior to the RD.
- **Inspectors Report P.13 - Unaccepted Waste types**
The contents of municipal waste cannot be identified as bins are collected by waste freighters and emptied directly into the landfill. This fact alone makes the RD a complete contradiction in terms as the proposed licence is for a non-hazardous facility.

The EIS failed to adequately assess the extent at the horticulture industry or the extent of the capacity of the north Leinster aquifer. The inspector states that it is supposed to be 50% of the national average. But should he not have clarified this from on Bord Bia and should this information not have been contained in the EIS.

The EPA should have a moral responsibility to honour the EU requests to encourage, waste prevention, reduction, recycling, MBT and waste to energy options before choosing to grant licences for ahead of the alternative options landfill.

- **Inspectors Report - requirements of Landfill Directive.**
A landfill of 500,00 tonnes per annum is not in line with EU recommendations to reduce content by 75%. Landfill of construction and demolition waste is not in line with EU requirements to fully recycle all of this waste type.

The inspector has not embraced the obvious change of policy currently being embarked upon by the minister for the environment Mr John Gormley, (recent request for a comprehensive review of waste management).

China with its poor record on environmental matters has agreed to address its environment responsibilities; at what stage do the IRL EPA STOP being an environmental pollution agency and start taken care to protect our environment.

The proposed decision / RD is more consistent with a third world country that knows no better. Proposing to grant a licence to an applicant to run a facility who does not have a site or planning permission to develop such a site is outrageous and the timing of the proposed decision raises serious questions.

The EPA should grant an oral hearing to enable this group (non funded) and the Nevitt community an opportunity to present its case to the Board as it would appear from the inspectors report that he as shown an unfair bias towards the applicant.

The oral hearing convened by An Bord Pleanala last October was held to collect all the information up to that date, however large amounts of new information have come available over the last 12 months and the applicant has changed the non tech summary of the EIS in order to be compliant with the EPA.

In effect An Bord Pleanala and the EPA are adjudicating on two separate pieces of information.

Finally a highly productive well at farmer J.Thorns yard and directly linked to the landfill has been overlooked by the applicant. This well is producing in excess of 750,000 L/D for the purpose of potato processing.

The applicant or the EPA should not be permitted to condition their way out of a project that is so obviously going to destroy this environment and the amount of conditions is a true reflection of the unsuitability of the site for a landfill.

A final question to Dr. Mary Kelly, Why would the UK and other environmental protection agencies forbid a landfill to be located below a water table?

Irish
Daily
M.M.11

'Environmental devastation'

ANEU delegation has been left gobsmacked over the extent of environmental destruction encountered during a fact-finding mission here, an Irish MEP has claimed.

Independent MEP Kathy Sinnott toured a number of environmental hotspots around the country yesterday in her role as Vice President of the European Parliament's Petitions Committee.

"There was just devastation everywhere we've gone," she said.

Richard Lamb

How much more environmental devastation does Ireland need before the EPA step up to the mark!

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Declan White (DECLAN WHITE)
PP SHAY LUNNEY

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TRANSACTION REPORT

21-SEP-2007 10:22

FOR:

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Environmental Protection Agency
Headquarters PO Box 3000
Johnstown Castle Estate,
Ref. WO231-01

Baile Na Ridire
Lusk
Co. Dublin
10 / 10 / 07

Location; Proposed landfill by Fingal Co. Council at Nevitt Lusk Co. Dublin.

To; Dr. Mary Kelly Director General of the EPA

Please accept the following as an objection to the proposed EPA decision to grant a provisional license [RD] for Fingal Co. Council proposed landfill at Nevitt , Lusk Co. Dublin .

To; Mr. Marnane [Inspector Report],
Why did you not ask for an EIS of the Horticultural Industry ? .
Why did you not ask for an EIS of the Aquifer of Fingal ? .
After all , you have given a provisional license [RD] to put a landfill in the center of this huge Horticultural Industry [55 % approximately is concentrated over this Aquifer] that depends on this water . This Industry is off National Importance.
Also , you have given a provisional license [RD] to put a landfill in the center of this Aquifer that is of Regional and of National Importance . This Aquifer contains a public water supply, the Horticultural Industry depends on this water , and FIVE Hydrogeologists have stated the Nevitt area is a water supply [along N / S fault line] .
An Engineer from applicant has already told the farmers they were caught out by the Horticultural Industry [no study of this industry in the Main EIS] .
Mr. Marnane , We gave you all this information [all on record] .

A. Therefore the EIA directive is not fully compliant.

We are advising you to work within European and National Law. Two MEP s have advised us to give you Mary Kelly and your organization [EPA] ,the opportunity to become EIA directive compliant . This letter is now proof of this request .

How to become EIA directive compliant;

The decision by Mr. Marnane is Illegal [no EIS of Horticultural industry or Aquifer] .

1. You withdraw this decision
2. You ask for an EIS of the Horticultural Industry
3. You ask for an EIS of the Aquifer of Fingal
4. When they are completed , you are legally entitled to make a decision

Mary Kelly, there is too much at stake [the Horticultural Industry has taken 300 years to build up to National status , a public water supply and a future water supply for Fingal and Dublin will be destroyed] . We have only one shot at this, lets do it right.

B. Mr. Marnane stated on page 12 of his report, The contours indicate that any potential leakage from the landfill site would also flow towards this fault and then along the fault line i.e. there would be no flow towards either the Kennedys or Moores wells. Moores are on the East of the Nevitt. On page 25 the applicant assessment indicated that development of wells to the East of the landfill would most likely result in the zone of influence of the wellfield extending though the Landfill. It looks like you Mr. Marnane are tripping yourself up.

C. On page 12 of Mr. Marnane report, the applicant admits 100 l/d of Leachate will leak out [36,500 litres per year].Mr. Marnane admits that No landfill can be fully watertight i.e. contamination. This is against the Groundwater Directive and the Water Framework Directive .The EPA is debarred from law from causing environmental damage .You state 1,504,000 l/d flows through the Nevitt bedrock every day. How much flows through the gravel and the fault lines?. Our experts have said ,up to 365,000 l/y of leachate will leak out per year. What ever the figure, it is a lot of leachate leaking out. You mention a dilution factor of 15000, and we now know this is not correct if you use 365000 l/y The point is, how dare you Mr. Marnane use our clean bacteria free water to dilute your poison from your landfill. Mary Kelly , now can you see how 57 % of our groundwater is contaminated ,[attitude needs to change].

D. Mr. Marnane, can you please show your Professional Indemnity Insurance and sign your report. It is considered that you are probably the only Inspector in Ireland, Europe or the World to give a provisional license [RD] to put a landfill on a perfectly good water supply as confirmed by five professional Hydro geologists. We will be mentioning your name in front of all the MEPs in Brussels When we make our presentation. Your name will go down In history but not that you will be proud off. Ian , I have met You, and I know you are an intelligent man , but why do you want To destroy a perfectly good water supply and destroy the Horticultural Industry that depends on this clean water .

E. On page 25 , Mr Marnane / the applicant states it is considered that The development of a landfill at the Nevitt site may effectively prevent the development of an additional abstraction system directly to the east of the site as detailed above , purely based on the precautionary principle. Mr. Marnane can you show us where EPA policy clearly states that landfill Is far more important than water supplies. Water supplies are expendable And they are not really important ? . If there is a toss up between landfills And water supplies , landfills will always win. There are over 200,000 People in Fingal and we have been suffering from water shortages for Many years. Five qualified Hydro geologists have clearly stated the Nevitt area [along n/s fault line] is a water supply. Who the hell do you Think you are Mr.Marnane telling us not to use our water supplies because You want to put a landfill in the center of our water supplies . How dare You use the precautionary principle in this way.

I suggest you should have presented the evidence in this way. Five Hydro geologists states the Nevitt area is a water supply, some wells are producing over a million litres per day [approx 200 wells in this aquifer], The Horticultural industry is of National importance and depends on this water. The exact location of the water divide has not been confirmed [see GSI report]. There are huge depths of gravel , a major fault line , the rock is highly fractured , there is evidence of Karst features [R3 one], the zoc of a public water supply extends into the Nevitt , the zoc of two industrial wells extend into the Nevitt and of course we now have another industrial well on the east [approx. 120 m away] and

confirmed by the applicant, the zone of wells in the east would most likely extend under the proposed landfill. This means the majority of the Nevitt is R4 and therefore protected, in other words you cannot put a landfill there. The water is moving very quickly through the Nevitt and therefore contamination will move quickly through this industrial aquifer. Using the precautionary principle we recommend a landfill is NOT put on this water supply. Would you think Mr. Marnane this is a far more professional approach rather than tripping yourself up, trying to present the Nevitt as a perfect site when we all know now, it is a perfect water supply.

If a qualified Hydro geologist compares your report Mr. Marnane and my small report above. He / she would say we are talking about two different sites. Of course, five professional Hydro geologists are backing us up.

Has the EPA lost the reason why you exist ?

Is the EPA suppose to protect our environment which includes our water supplies?. A lot of farmers and a lot of people in Fingal have lost all trust in Mary Kelly and her organization EPA [putting a landfill on a perfectly good water supply is totally stupid and ownership of their groundwater was Not discussed which is a legal minefield].

Let us kick off a small investigation;

If you look at the report Water Quality in Ireland 2006, almost one third of the Republics rivers, nearly a quarter of estuarine and coastal waters, and 8 per cent of lakes contain an unacceptable and sizeable level of pollution. The report also highlights an alarming level of contamination in groundwater's. Dr Kelly stated [Irish times Oct 12 2007] the challenge under the Water Framework Directive is to protect our high status waters and have all waters, both surface and groundwater, in good or higher status by 2015.

Do you think Mary Kelly, by putting a landfill on a perfectly good water supply you will improve the quality of our groundwater?.

Do you think Mary Kelly you are doing a good job in protecting our water supplies in Ireland [remember Galway] ?.

Mary Kelly, your organization the EPA have licensed 111 landfills.

How many of these landfills are in aquifers like the proposed landfill at the Nevitt?.

How many of these landfills are on huge depths of gravel, [water and therefore contamination can flow through gravel quickly] like the Nevitt ?.

How many of these landfills are on highly fissured [fractured] rock like the Nevitt ?.

How many of these landfills are beside major fault lines like the Nevitt?.

How many of these landfills are on water supplies like the proposed landfill at the Nevitt?.

We suggest the same type of questions are asked of the municipal discharges.

We locate all landfills, all municipal discharges and others on a map of Ireland. We then put this map over the aquifers map of Ireland and we generally know The surface water and groundwater flow direction. Can you take it from here ?.

I am sure John Gormely would be interested in the results ?.

Is it possible Mary Kelly that you and your organization EPA are the primary cause, of our contamination of our water supplies [both surface and groundwater] by simply licensing these projects in bad locations ? . For example, trying to put a landfill on a perfectly good water supply in the Nevitt would be described as a bad location. We know Mary Kelly is an intelligent lady and we are not accusing you of anything .

Mary Kelly can you please show your organizations EPA insurance . The cost of this environmental disaster , we estimate to be between 1000 million euros and 2000 million euros, contravene section 52 2 b and 52 2 e of the EPA ACT 1992. Are you covered properly because remember everything is recorded and please get Mr. Marnane to sign his report, the secretary or any other person is not acceptable to sign Inspectors reports . He has made certain statements which makes the EPA responsible both legally and financially for Future environmental disasters in relation to this project on a water supply.

Mary Kelly , is it professional that when Inspectors produce a report, they are then taken out of the loop and their responsibilities end there . This is not acceptable to us, when an inspector produces a report , the person or persons are responsible for their decision from start to finish. For example . the modern landfill at Inagh County Clare [2002] have identified 9 leaks in the landfill, 15 gas leaks in the site, the smells are disgusting [read report] and 19 Non Compliances . The inspector or persons who gave a license should be held responsible for this environmental disaster [i.e. from start to finish]. The people of Inagh were misled on the amount of leachate the landfill will produce [talk to the people of Inagh] and this is suppose to be a modern landfill using best available techniques but it is an environmental disaster. Note, the New waste water treatment at Portrane has been cancelled. Swords has overflowed Many times into next door neighbour gardens. Malahide is also close to maximum. Fingal has grown 22 % in the last four years approx.. Lusk has only Holding tanks. The applicant has not shown that they have the capacity to handle all this leachate.

We are 100 % determined to protect our water supplies in the Nevitt area, to protect our Horticultural Industry of National Importance , to protect the only public water supply in Fingal and to protect peoples health [remember Galway and all the people in hospital].

Mary Kelly , Surely you should be on our side ? . It is a sad day that we have to fight the EPA to protect our water supplies . A response is required for all questions. I repeat , it is a sad day that we have to fight the EPA to protect our water supplies.

Our title for our presentation in front of the MEP s in Brussels is ;
The EPA of Ireland Director General Mary Kelly wants to put a landfill on a Perfectly good water supply as confirmed by 5 qualified professional Hydro geologists.

Mary Kelly, the board of the EPA, David O Connor Manager of Fingal County Council , RPS consultants, who also admit the Nevitt area is a water supply ; you all

have played and are playing your part in trying to put a landfill on a perfectly good water supply, in the center of the Horticultural Industry of National Importance that depends on this water and beside a public water supply that is obviously connected to the Nevitt [see Geological Survey of Ireland report], They do not know where the water divide is and recommends to drill more wells .

You and your families [babies to adults] have a 60 % chance [approx.] of eating vegetables , potatoes etc. that is grown in Fingal using the water that you all are trying to put a landfill on.

The Inspector Mr. Marnane, forgot to say , 5 qualified Hydro geologists have stated the Nevitt area [along N/S fault line] is a water supply, and are all backed up physically by the amount of water these wells are producing [example Kerrigans well can produce 1 million litres of fresh water every day , Bergins well can produce 2 million litres per day]. There are approx. 200 wells in this Industrial Aquifer . Fingal needs 80 million litres per day approx.. Ladies and Gentlemen I will let you all do a simple calculation ? . Mr. Marnane , you should have asked for an EIS of the horticultural industry and the Aquifer of Fingal as required by the EIA directive . Not very professional Mr. Marnane.

A copy of this letter is being sent to ;

Objection EPA

Our legal team [have read EIA directive in great detail]

Mr. John Gormely , Minister for the Environment

Mr. Eamon Ryan , Minister for Communications, Energy and Natural Resources
[GSI]

Mr. Trevor Sargent , Minister for Food

All the MEP s in Brussels when we make our presentation

Mary Kelly Director General EPA [registered post].

David O Connor Manager Fingal County Council . Mr. PJ Howell is required by law
To record all these wells , But he did not so.

If this water supply and Horticultural Industry is destroyed , we know who to blame and to claim , all your names are all recorded.

Its your move Ladies and Gentlemen.

Thanking You

Deaglan De Faoite

Deaglan De Faoite

BSc [hors] BSc [open]

Dip Eng Dip Des Inn

AmI Mech E DECLAN WHITE

P.S. legally we have two EIS s for one proposed landfill. Bord Pleanala is working off the old Non Technical Summary [NTS] which we know now, is obsolete. EPA is working on the new NTS.

WALSHTOWN
LUSK
CO. DUBLIN

TO: E.P.A. REF: W0231-01

Who is to police this Licence???? It must be an Independent body, self policing dose not work.?

What is to happen if the developer dose not adhere to conditions of licence .?

What is to happen if the licensee dose not respond to the non compliance notice.?

When we look at the case of Ballyduff Beg, Inagh, Co Clare
Licence Number: W0109-01

This was one of the first Modern Engineered Landfills and one would have thought an example of how the EPA could ensure a project would progress perfectly. Since the opening of this facility in 2002 , 19 non-compliance notices have been served on Clare County Council.

Non-Compliances at Inagh Landfill.

31/01/02

Conditions 4.20.1 to 4.20.6; 4.20.8 to 4.20.10;

Conditions 3.1 & 4.2.1

All to do with discharge of surface water.

31/01/02

Conditions 6.8 & 9.1.

Both to do with monitoring.

15/02/02.

Conditions 4.5.4; 4.4.1; 1.7

Soil removal in particular.

13/03/02.

Condition 4.5.4 again

15/04/02.

Conditions 4.20; 7.6; 6.8.1; 4.4.1; 4.6.3; 4.5.1.

13/05/02.

Condition 3.3

09/12/02.

Conditions 4.20.1; 4.20.3; 4.20.10; 10.8.

28/01/03.

Conditions 4.20.1; 4.20.3; 4.20.10; 10.8; 1.8.

28/04/03.

Conditions 4.17.6; 4.18.1

26/05/03.

Condition 7.1

04/09/03

Conditions 4.18.1; 6.1; 7.1.

09/12/03

Conditions 4.20; 9.1

16/02/04.

Conditions 4.20; 4.17.3

05/08/04

Conditions 4.22.2; 3.14.

31/05/05.

Condition 6.1; 3.6

24/11/05

Condition 6.1 + 13 other areas where major problems were occurring.

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LEACHATE

LOCAL'S have stopped
Big Tankers in Lusk
Portlaoise stopped

20/03/06

Conditions 4.1.2; 6.1

??/10/06

Ref., Smells

19/09/07

Conditions 6.1; 6.2; 5.5.

Swords very close to its nose.
+ lots of problems with
odours.
+ Portlaoise →

Two damming gas reports in July and Sept 2007 carried out by Odour Monitoring Ireland

Gases: Systems in place are clearly not working. After constant complaints from the local residents of the smell of gas, Clare County Council eventually commissioned a report from Odour Monitoring Ireland in July 2007, which identified nine leaks from the covered cells, but felt Clare County Council had put systems in place to rectify the problem so an improvement should be seen. However the EPA commissioned another report from Odour Monitoring Ireland in Sept 2007, which at this stage identified 15 gas leaks in the site. To the immediate locality these gases leaking result in smell described (by Odour Monitoring Ireland) as disagreeable, garlic, rotten cabbage, unpleasant, rotten eggs, rotten vegetables, intense rubber, skunk, pungent, fishy, sour ammonia, sweet rancid, to name but a few. These smells are resulting in an very unpleasant environment, where people are experiencing thro and eye irritations. The people in the locality can not leave a door or a window open if there is even the slightest breeze in the direction of their homes and will go as far as saying that even with doors and windows closed the odours still penetrate there homes. The basic ability to hang your laundry on the clothes line and bring them in smelling fresh is but a distant memory. Similar to our situation the licence issued in Ballyduff Beg, Inagh Co. Clare, stated that all smells, (the odour plume), will remain within the boundary of the landfill site for the duration of its operational life, regardless of weather conditions. Even the professionals in this area find this an unrealistic presumption and the nascence the smells case clearly identifiable.

Leachate: In our EIS it is estimated that when this land fill is at full production the facility will be transporting _____ of leachate for waste water treatment. This facility is due to be 650 acres. Inagh's facility is 150 acres, their EIS estimated Removal of Leachate when it was in full production of 1-2 tankers a day. This facility is presently only operating to approx half its capacity yet during the wet weeks this summer there were 30-40 tankers of leachate were been removed from the sight per week. In the period 3rd-21st Jan 2006 (Just 14 operational days) 72 tankers, 1440 ton, (approx 4 times the estimated amount) of leachate were removed from the site. The leachate from the site are not been brought the waste water treatment in Ennis as per the licence, as this plant dose not yet, five years after the plant has opened. The leachate is presently been transported to three separate plants at Listonvarna, Sixmile Bridge and Limerick

Bird Control: The conditions of the Inagh licence are virtually identical to that been proposed at Nevitt, Lusk. The Falcon dose not fly dawn to dusk seven days a week, the helium balloons are just fun for the crows and the bird numbers are now monitored on a daily bases, showing up to a hundred at any given time nothing is done about it. As a result of the amount of bird activity in the area the local farmers

can no longer but silage in plastic bales as they are shredded. This is more than nuance.

Vermin: Flies as vermin has always been an issue with the nuance, discomfort, risk of disease always present. With the recent outbreak of Blue Tong in cattle and the most common way of this virus been spreading is with flies we need to need to be very stringent in our vermin control

The facility commenced operation before all the conditions of the licence been met, e.g. only one settling pond and not two as per the licence. The one that was built ~~did~~ was not built properly resulting in the service of a Notice of Non-Compliance notice Ref WL109-1/NC , Dated 31-01-02 for "The discharge of surface water which is significantly contaminated with silt/ sediment has not been treated as an incident as required by your licence"

With regard the zones of contribution of Moors and Kerrigan's industrial wells intersection. the landfill, I am surprised at the EPA refuting this, as without the aid of a modflow or similar modelling, it is anyone's guess

I have to query how RPS come to the conclusion that there are no wells immediately down gradient of the landfill when,

1. Their was no proper well report carried out.
2. How far is immediately?? 1km. 250mts, over the wall??
3. Where is down gradient?? Can we really know without the aid of a modflow or similar modelling

All the hydro geologists associated with this project agree that there are potential public water sources in the area of the landfill that are not compatible with landfill. You can have one or the other but you cant have both.

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Declan White (DECLAN WHITE)
PP JEMMA LARKIN

Hands Lane
Rush
Co Dublin
16/10/07

EPA Waste Licensing Section
Johnstown Castle Estate
Co Wexford

Ref: Proposed licence for a Landfill at Nevitt to Fingal County Council.

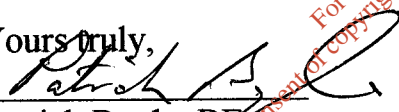
Dear Sirs,

On behalf of Nevitt/Lusk Action Group I wish to object to the proposed licence and request an Oral Hearing on the following grounds

- The location of the proposed landfill adjacent to the M1 motorway is a clear and unacceptable risk to human life in that an accidental fire at the facility, of the type and scale well recorded at similar landfills worldwide, would result in reduced visibility due to smoke, and cause a consequential serious traffic hazard. Many of these landfill fires have been of such ferocity that all attempts to quench them quickly have failed, and, even when applying the best available fire-fighting techniques, some have burned for months. One such landfill fire at Vancouver in recent times created a plume of smoke and noxious fumes engulfing the entire city resulting in public panic. For this reason alone landfills should always be confined to remote unpopulated locations and never be allowed alongside a motorway.
- I have studied the hydrogeology of the site extensively and it is my belief that, given the proposed location of the landfill base below the existing water table, pollution of groundwater is inevitable. I accept the concept of an engineered positive pressure on a cell liner. On this site however it will be necessary to relieve the water pressure in the confined gravel aquifer in order to prevent blowout and base heave for each individual cell within the artesian zone during construction and operation. This means in effect that it will not be possible to allow for positive water pressure to reassert itself on any cell within this zone until such time as the entire artesian zone is complete. In the meanwhile completed cells within the zone will have to remain with negative outside water pressure, and consequently will pollute the soil beneath the liner.

- I do not believe that the cause of the dramatic drop in water head in the bedrock beneath the site from south/west to north/east has been properly investigated in the EIS or subsequently. Dr. Paul Ashley has suggested a substantial loss of groundwater to an overlying stream, but this before a map of the deep gravel deposits below the site was produced during the An Bord Pleanála oral hearing. RPS have refuted this explanation, but have failed to come forward with an explanation themselves. I have suggested the presence of gravels extending far to the south of the site presents an escape for the groundwater, whilst Kevin Cullen suggests that the North/ South Fault zone extends beneath the site, as does some entries on the Resistivity Profiles. The existence of previously undetected Karst features or piping below the site is another possible explanation. Any of these explanations would result in a change of Matrix Response of the site, and a resolution of this problem is thus central to the acceptability or otherwise of the site.
- The long term effect of a steep drop in water head over a short distance can result in piping, i.e. large clay caves. Construction work involving dewatering above a zone containing piping has been known to result in sudden subsidence, and such a zone would therefore be entirely unsuitable for the proposed landfill.

Yours truly,


Patrick Boyle, BE

The Environmental Protection Agency
Johnstown Estate
Wexford
BY HAND

15th October 2007

**Re: Our clients: The Nevitt Lusk Action Group
Objection to Proposed Determination No W0231-01**

Dear Sirs,

We act for the Nevitt Lusk Action Group and we hereby object to the Proposed Determination No W0231-01 of the EPA to grant a Waste Disposal Licence to Fingal County Council to develop a landfill project as detailed in an Environmental Impact Statement of April 2006.

In addition to lodging an Objection our clients also hereby request that the EPA convene an Oral Hearing and accordingly please find enclosed a cheque in the sum of €300, in satisfaction of the fees in respect of both the objection and the application for an Oral Hearing.

Accordingly our Clients outline their objections to the Proposed Determination, which will be elaborated upon in detail at an Oral Hearing.

1. An Bord Pleanala have not made a decision in relation to the proposed development nor the Compulsory Purchase Order. The EPA cannot make a decision in the absence of the determination of An Bord Pleanala, as the ambit of the land-take will be determined by the decision of An Bord Pleanala. Furthermore there are implications of the decision of An Bord Pleanala for the EPA in particular having regard to the

Suite 142,

The Chapel Building,

Mary's Abbey,

Capel Street,

Dublin 7

Tel: (01) 872 2246

Fax: (01) 872 2247

Email: info@oconnellclarke.ie

principals:

Aoife o'connell BCL LL.M

Órla Clarke LL.B

conditions, which An Bord Pleanala will impose in the event that the scheme is approved.

2. The EPA cannot know whether the CPO will be approved in whole or in part and therefore cannot be aware of the actual scale of the facility nor determine the control of the facility.
3. The application before the EPA is materially different to the application pending before An Bord Pleanala, as significant additional information has been submitted to the EPA.
4. The Minister for the Environment has ordered a review of waste disposal policy as it is considered that landfill is not deemed appropriate or sustainable into the future. Therefore the EPA should not determine this application in the absence of the findings of that review.
5. The conditions are so vague so as to give local residents no assurances as to what standards they may expect in particular having regard to Condition 5 in relation to Emissions, which provides that there shall be no impairment of or inference with the environment beyond the facility boundary. There is no regard had to the subjective nature of the characteristics local residents.
6. It is accepted by the applicant that there will be abstraction of water both during construction and operational phases of the facility. It is furthermore accepted that the Zone of Contribution impacts upon lands over which the applicant has no control. In these circumstances if the EPA were to permit the development it would in effect be tantamount to authorising a trespass and nuisance.
7. It is accepted that some contamination of groundwater will occur and having regard to the provisions of the Local Government Water Pollution Act 1977, to permit contamination is to permit an illegality.

8. We enclose herewith a submission dated October 12th 2007 prepared by Mott MacDonald Limited.
9. The EIS did not include an assessment of the Horticulture, and Food Processing Industry. In addition the EIS did not assess the impact of the proposed development on Fingal Aquifer and accordingly the EIA Directive is not fully complied with.
10. There has been no consideration to the danger to aircraft from the proposed development.
11. Existence of a Horticultural Well (producing 750,000 Litres per day) situated 100metres due East of proposed landfill site has gone undetected and unreported by the applicant. / Farm – J. Thorn. The “Zone of Contribution” to this well as stated by RPS extends under Landfill. Therefore the Aquifer should have an R4 status.
12. The Geological Survey of Ireland Letter of April 4th 2007 to EPA states *“There appear to be insufficient monitoring points in the area between Rowans Little, Courtlough and Hedgestown/The Five Roads to ascertain with a high degree of confidence (a) the location of the groundwater divide and particularly,(b) its lateral migration as a function of seasonal variations in recharge.”*
13. The Licence application is for Landfill of treated waste, there is no evidence in the EIS as to what locations the pre treatment of waste will take place, therefore it must be assumed that no plans exist for same as any proposed sites for this activity would require planning permission and an EPA license.
14. 5 independent Hydro geologists have identified the Nevitt area (along n/s fault line) as a ‘potential public water supply’.

15. Ownership of the moving water within the aquifer under the site has not been established nor the matter of compensation to existing groundwater users
16. Having regard to the announcement by Minister of Environment on 11th October 2007; "*By 2016 there will only be a need to thermally treat/landfill 400,000 tonnes of waste per annum, as this will be catered for by the already approved 2 incinerators*". There is no need for additional incinerators nor is there a need for this landfill facility.
17. New data indicates area underneath landfill in KARST therefore aquifer should be classified as R3.

We look forward to making appropriate submissions and participating fully at an Oral hearing.

Yours sincerely,

O'Connell + Clarke

O'Connell & Clarke

Solicitors

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Demeter House
Station Road
Cambridge CB1 2RS
United Kingdom

T +44 (0)1223 463500
F +44 (0)1223 461007
W www.mottmac.com

Our ref: JHP/RPA/219714BA01/1/AC
Your ref:

Mr John Shortt
Nevitt Lusk Action Group
Windfield
Nevitt
Lusk
Co Dublin
Republic of Ireland

12 October 2007

Dear John

Ref.: Proposed Fingal Landfill

I have reviewed the Inspector's Report published by the EPA on 18 June 2007, and have set out below some of my particular concerns with the conclusions contained therein. I understand you may submit them to the EPA.

- The inspector has concluded (4.5) that the site and scheme are, on the basis of aquifer classification and vulnerability, as "Acceptable subject to guidance in the EPA Design Manual or conditions of a waste licence". However, the Geological Survey of Ireland, in preparing the classification on which this conclusion is based states ".....delineation of the groundwater protection zones is dependent on the data available and site specific data may be required to clarify requirements in some instances. It is intended that the statutory authorities should apply a scheme in decision-making on the basis that the best available data are being used." The inspector also recognises, however, that there is potential for groundwater development in the area (east of the M1), and that the ZOC for such a development would include the proposed landfill. In this circumstance it is surprising that the inspector (12.3.2) has concluded that a quantitative risk assessment is not required and has preferred to rely on the general classification. It has always been my opinion that such a risk assessment is vital for such a large landfill that will interact with the groundwater in such a complex manner.
- The inspector (4.5) relies on the statement by the applicant that 10 m of low-permeability material will be left beneath the base of the landfill and the underlying aquifer. The applicant has not provided, in any document that I have seen, any plan or sections showing the thickness of low-permeability material that will actually be left in situ after ground clearance, initial excavation and profiling, nor has it demonstrated by such plans and sections that 10 m of such material are available. The inspector's acceptance of the applicant's simple statement on this critical matter is unsatisfactory.
- The applicant intends to dewater the site during initial construction and during subsequent construction of individual cells. I have seen no estimate of the quantity of water that will be produced at any one time, nor whether the surface water management system will have the capacity to handle it. The inspector has not queried (4.4) the absence of any data on these flows, which have the potential to be significant.



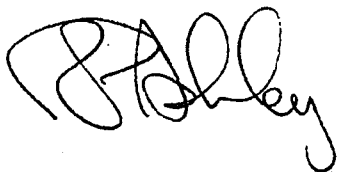
Mott MacDonald Limited
Registered office:
St Anne House, Wellesley Road
Croydon CR9 2UL, United Kingdom
Registered in England no. 1243967

Mr John Shortt
Nevitt-Lusk Action Group

12 October 2007
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My primary concern is that the inspector has accepted that there is potential for new groundwater resources to be developed which would draw water from beneath the proposed landfill. In my opinion, a responsible future developer of such a resource for high quality use would not accept the risk of pollution from the landfill sited in the catchment. Thus if the landfill is constructed, the resource is less likely to be developed. The proposed landfill would therefore reduce the sustainability of water resources in the area.

Yours sincerely



Dr Paul Ashley

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EPA Office of Licensing and Permitting
PO Box 3000
Johnstown House
Johnstown Castle Estate
Co. Wexford

15 October 2007

Dear Sir/ Madame

Please find below the objection to the **Proposed Decision Reference WO/231/01
Proposed Toomen Nevitt Super Dump.**

This objection is on behalf of myself, Damian Christie, my wife, Patricia Christie, my 2 sons, John & Patrick Christie, my 2 daughters, Philomena & Paula Christie. All of which are living in the North County Dublin area. I am object to this proposition on the 4 points that are listed below.

1. This is not a barren waste land, it is an area that is rich in high quality natural habitat. We simply can not afford to lose any more of this irreplaceable resource, which will be lost to us forever if this foolish short sighted proposition goes ahead.
2. There was no detailed EIS or Bio-diversity studies carried out that addressed the quality of natural habitat of the vast horticultural industry this area has been long renowned for.
3. When it is a known fact, that there is going to be an increasing demand for water. It is absurd to suggest land fill be positioned in an area that is known to have highly significant watercourses above and below ground.
4. This area is in close proximity to Balleally landfill which is also in the Lusk area. Indeed Balleally can be seen from the proposed site. The people and landscapes of this general area have sacrificed enough over the years to facilitate the countries waste management problem (namely Balleally). It is just not acceptable that they once again be emburdened, with yet another landfill on their door step.

I demand an oral hearing for this matter Separate cheque of €100 euro enclosed for this

Send correspondence to Mr. Damian Christie, Mt. Carmel, Baldungan, Skerries, Co. Dublin.

Also find enclosed €200.00 for the above objection.

Regards

Mr. Damian Christie

Damian Christie

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