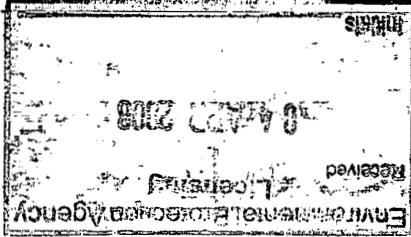


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EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
The Director-General

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DATE: 17/3/08
CC: Kelly
CC: A O'Connell



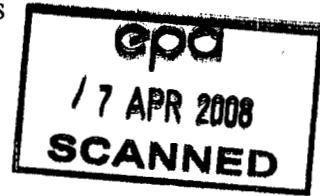
Brussels,
D(2008) 4189

14 MARS 2008

Mr Bobby McDonagh
Permanent Representative of Ireland
to the EU

Rue Froissart 89-93

1040 Brussels



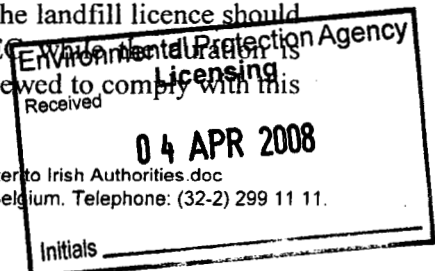
Re: **Petition 295/2005 on Nevitt landfill project**

Dear Mr McDonagh,

As you are certainly aware, a petition about a planned construction of a large landfill facility in Nevitt (north County Dublin) has been presented to the European Commission by Mr. James Lunney in September 2005 on behalf of the Nevitt Lusk Action Group against a Superdump. This petition has been registered under the reference 295/2005 and has been examined by Commission services on the basis of the information provided by the Petitioner. Results of a preliminary analysis have been reported to the Members of the Petition Committee on 24 April 2005 and the Commission indicated that an environmental impact assessment had to be carried out and that, at the time, and considering that no authorisation had yet been granted for the landfill, no potential breach of the (waste) legislation could be identified.

Following a further analysis by Commission services based on supplementary information sent by the Petitioner, it appears that the planned landfill might lead to a deterioration of groundwater resources, which would potentially breach water legislation. In particular, the proposed landfill is located near an aquifer (the Bog of the Ring) which produces drinking water to local areas and would be potentially affected by the landfill activity.

In its report of 18 June 2007, the Irish EPA's office of licensing and guidance indicated that the likelihood of impacts on the quality of groundwater is insignificant as regard to the potential risk of leakage (as compared to the groundwater flow and related dilution factor) from the landfill and considering that various technical precautions have been taken to ensure that pollution will be prevented, which is in compliance to Directive 80/68/EEC on the protection of groundwater against pollution. There are, however, no concrete data (in particular in the EIS of April 2006 and June 2007) firmly demonstrating this (comparison of monitoring data with natural background levels), meaning that the unlikelihood of significant risk is an assumption. Furthermore, the landfill licence should be reviewed at least every 4 years under Directive 80/68/EEC. The Commission has indicated to be 8 years. In this respect, the license should be reviewed to comply with this legislation.



\\S-env-004\24\34 WATER\06 Groundwater\7.5 Letters & notes\Petition 295-2005 Letter to Irish Authorities.doc
Commission européenne, B-1049 Bruxelles / Europese Commissie, B-1049 Brussel - Belgium. Telephone: (32-2) 299 11 11.
Office: BU9 03/142. Telephone: direct line (32-2) 296 33 51. Fax: (32-2) 296 88 25.

E-mail: philippe.quevauviller@ec.europa.eu

The Commission expresses concern about the apparent lack of surveys of the most permeable aquifer zone (gravels) and the lack of conclusions about the aquifers located below the landfill in the light of their potential use as drinking water resource. Moreover, this area should have been registered as a drinking water protected area under Article 6 of Directive 2000/60/EC (Water Framework Directive), which does not seem to be the case. This legal requirement is linked to avoid deterioration of (ground)water quality in order to reduce the level of purification treatment required in the production of drinking water.

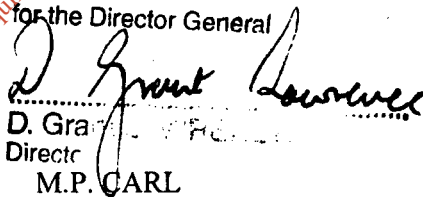
In the light of the above, the Commission requests the Irish Authorities to take appropriate measures to:

- Carry out further impact assessment studies and review the landfill licence accordingly (or withdraw the authorisation as appropriate);
- Register the area as drinking water protected area to comply with Article 6 of Directive 2000/60/EC;
- Take appropriate measures to avoid deterioration of groundwater quality.

To enable the Commission to keep the Petitions Committee informed, I would be grateful for comments and additional information within the next two months.

Yours sincerely,

for the Director General


D. Grant
Director
M.P. CARL

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