

HYDRO RISK ASS REPORT
SUB. NO. 7

Josephine Kennedy

From: Josephine Kennedy
Sent: 20 March 2009 11:38
To: 'lazeral@indigo.ie'
Subject: FW: Submission - W0231-01

Dear Shay,

We acknowledge receipt of your submission received on the 19th March at 12.29

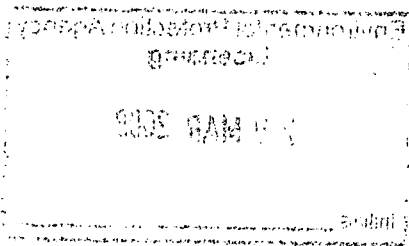
Thanks

Josephine

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Environmental Protection Agency Licensing
Received
20 MAR 2009
Initials _____

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19/03/09

Mr Frank Clinton
Programme Manager
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EPA Headquarters
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Johnstown Castle Estate
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Little Acre Cottage
Walshestown
Lusk
Co.Dublin

File Ref: Wo-231-01 Proposed landfill at Nevitt Lusk Co.Dublin

Dear Mr Clinton,

This submission is being made to you to express my grave concern at the manner in which the EPA are handling the above application.

Throughout the process the EPA have quoted the statutory code of the provisions of the waste management (licensing) regulations 2004 in all its correspondence to me and at no time were prepared to waive the limiting time constraints for submissions or requests for further information.

However it would appear that a completely different set of criteria are set aside for the applicant. For example the applicant has continually applied for extensions of time for requested information by the EPA and on occasion has refused to provide such information only to the complete acceptance of the EPA which indicates nothing less than an abuse of the process by Fingal County Council and the EPA.

The applicants assurance to the residents of this community that the licence was subject to approval by a completely independent statutory body namely the "EPA" has been clearly proven to be without foundation as the EPA's handling of this application "as the record will show" has been appalling.

This community has been held at a distinct disadvantage throughout this process from both a statutory and a legal point of view, and this could not be more apparent in view of the EPA's willingness and determination to maintain its proposed decision to "grant the licence" notwithstanding the following listed points;

1. The applicant has proceeded to carryout the recent probabilistic risk assessment based on the now (proven to be inaccurate) original EIS using maps and calculations which they were forced to re-issue on several occasions at both the EPA and an Bord Pleanala oral hearings.
2. The EIS did not meet the requirements of the EU landfill Directive.
3. The extensive volume of new information which has come into the public domain since September 6th 2004.

4. The applicants constant attempts at shifting the goal post with regard to the re-issuing of the non technical summary of the EIS on no less than 3 occasions and in particular the applicants claim in the 1st non technical summary that there was no gravel located beneath the foot print of the proposed landfill.
5. RPS consultants strategic water report revelations that a new water supply exists directly below the proposed site equal in capacity to that at the bog of the ring.
6. The instruction from the EU Department of Environment (Petitions committee) to (A) carryout further testing as appropriate (B) to designate the whole area as a protected water supply and (C) to refuse the licence.
7. The GSI request to carryout further investigations further South and East of the fault line ignored by the applicant.
8. All of these listed points, together with many more which will be brought into the public domain became relevant after the proposed decision but did the EPA take them on board, no they took the same attitude as always "proceed regardless".

In my opinion the above listed points represent only a handful of reasons why the applicant should have withdrawn the application or more importantly why the EPA should have refused permission or at the very least reversed its proposed decision.

This behaviour is in parallel to the behaviour of the bankers and the financial regulator, which brought this country to its knees.

My final point is simply this?

Why has the EPA threated this application with such favouritism or why did they never ask the applicant to submit an alternative application for one of the other preferred sites, after all there were six in total!

Th EPA are complicit in the negligent waste of taxpayers money on this proposal which we believe has now run into over €50 million.

The applicant and the EPA ought to be ashamed of themselves.

Heres hoping for an Oireachtas Committee investigation - to name and shame those responsible.

Please provide me with copies of all correspondence between Fingal County Council and the EPA since the last Oral Hearing on the matter held in the Bracken Court Hotel, Balbriggan in March 2008.

Shay Lunney

This letter is being sent by email only, please provide acknowledgement of receipt.