

**SUBMISSION TO EPA PUBLIC HEARING ON THE PROPOSED  
DECISION TO GRANT A LICENCE FOR A LAND FILL  
DEVELOPMENT IN LUSK/NEVITT AREA, TO FINGAL CO CO**

**Proinsias De Rossa MEP**

**28/4/09**

**INTRODUCTION**

My name is Proinsias De Rossa. I am an MEP for the Dublin Constituency, which covers the city and the county north and south, on behalf of the Labour Party.

Ireland is already facing the European court on a range of environmental cases. In addition the Commission has expressed concern that Ireland has not properly transposed 10 of the 20 articles of the landfill Directive. There may therefore be question marks in the future over permissions or licenses granted, based on defective national laws.

**Nevitt/Lusk Land Fill Proposal**

I have been very impressed with the work done by the voluntary community Group in support of whom I am speaking here today. When they came to the EU there was universal praise for the professionalism with which they addressed the issues and explained their case. The outcome was a decision to send Mr. David Hammerstein to the hearing held here in March 2008. The Petitions Committee has never before taken such an approach to a case.

I am pleased therefore that the outcome has been that the EPA has reopened the issue, based on concerns raised by the objectors regarding the water source, now admitted to be located beneath the footprint of the proposed landfill.

That outcome alone validates the enormous effort put into this matter by the Nevitt Lusk Action Group. For citizens to engage with the process of ensuring that official bodies are complying transparently and strictly in accordance with national and EU law, with regard to major developments of this kind is a daunting and costly task. They are to be congratulated for their perseverance and their success to date.

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It is inevitable that powerful organisations such as Fingal Co. Co. will seek to progress what they see as critical infrastructure. There is always a tendency for such organisations to consider that they know best, because they have professional expertise and a self belief that they know what is best for us.

The EPA's primary role in this instance should be to protect the citizens' fundamental right to a clean environment, and not simply to mitigate the worst effects of a proposal as seems to be the effect of their actions to date.

As I have said here on a previous hearing I am struck by the fact that the EPA's proposed decision to grant a license is their reliance on the expertise of Fingal Co. Co, THE APPLICANT FOR THE LICENCE, to rebut objections. The document, which we are considering here today, is the work of the applicant, not of an independent body. Bear in Mind that the applicant, Dublin Co. Co. already demonstrated its unwillingness to acknowledge even the existence of the aquifer, and I am being very generous with my language here on that matter.

I am not an expert on hydro-geology, So I will leave the judgment on the Hydro-geological risk Assessment to the experts that you will hear during this process.

### **Fingal Co Co**

My scepticism concerning this proposed dump has been sharpened by the way in which the Co Co dealt with the presence of the aquifer from the beginning. At all times it has been treated as an obstacle to the grand plan for the dump.

What we now know about the underground reservoir of water is entirely due to the tireless work done by citizens affected by the proposal. The EIS admits that leachate can escape for up to 100 years. This dump, if it goes ahead will operate until 2040, so the risk to the water resource will last until the end of this century. We know for a fact that it is physically impossible to prevent all leakage of leachate. The Risk Assessment now being considered confirms this.

I am convinced more than ever that had this aquifer and its size and importance as a clean water resource for human consumption and for the horticulture industry in Ireland, been admitted at an early stage, this site would have been ruled out as an option. Whatever about the adequacy of the current hydro-geological assessment, I suggest that the fact it has finally had to be undertaken at this late stage, calls into question all the assumptions underpinning the entire proposal.

### **THE AQUIFER/Natural Underground Water Reservoir**

I have never come across a case before where a public authority deliberately proposed to neutralize a valuable and irreplaceable water source and seemed to actively hide its existence. All the evidence is that we as a nation have mismanaged water resources in many parts of our country.

The response of the European Commission to the additional information provided by the Nevitt Lusk Action Group, not, let it be noted by the Fingal Co. Council or the Environment Protection Agency, is a devastating reprimand for the Irish authorities in this matter.

EXCERPT:

**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL  
ENVIRONMENT  
The Director-General

Mr Bobby McDonagh  
Permanent Representative of Ireland  
1040 Brussels  
Petition 2992005 on Nevitt landfill project

Dear Mr McDonagh,

**“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 license should be reviewed at least every 4 years under Directive 80/68/EEC (is) indicated to be 8 years. In this respect, the license should be revised to comply with this legislation.

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 above, the Commission requests the Irish Authorities to take appropriate measures

-Carry out further impact assessment studies and review the landfill licence accordingly

**-(or withdraw the authorisation as appropriate); (MY EMPHASIS)**

-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.

## CONCLUSION

Here we have a proposal, which the EPA proposes to sanction, which will render unusable a water source, which could provide us with 40 MILLION Liters per day of drinkable water. Fingal currently uses 84million liters per day. Ironically, at the same time we have a proposal to pipe water from the west of Ireland to Dublin to try and safeguard against predicted water shortages in the future for our growing population.

Yet Fingal Co. Co. whose population is one of the fastest growing in the region treats this significant water source as unimportant.

I urge that the EPA proposal to grant a licence for this dump be withdrawn.

-I do so because it is clear that we cannot accept assurances and promises from the applicant on this important issue at face value.

-There must be a full comprehensive review of the assumptions that underlie the proposed dump.

- A newly elected Fingal Co Co. should be given the opportunity to review the project after June, particularly in light of process which is underway for new development plan for the region.

-We are in the middle of an economic, social and environmental crisis. There is emphasis everywhere on finding environmentally sustainable solutions for energy production and waste control. Assumptions made even one year ago no longer hold.

-Climate change, which is happening right now, makes it more necessary than ever to protect productive land and clean water resources and to plan in a more integrated way.

-The imminent availability of waste incineration on the borders of Fingal must be taken into account in a review as to the advisability of proceeding with this proposed super dump. It seems to be an exercise in blinkered planning to proceed with this proposal in these circumstances.

Many thanks for the opportunity to have this submission placed on the record.

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