

**Gemma Larkin, Resident of the area and member of the
Nevitt Lusk Action Group.**

Here we are again at oral hearing number 5 into this proposed landfill. As one of the citizens of the locality we yet again find ourselves at a huge disadvantage having to beg and borrow (we have refrained from stealing to date) to be allowed the opportunity to highlight the unsuitability of the Nevitt site for this proposed landfill.

I/We can safely say we as a group we can no longer be considered nimbi's. Nimbi's would have got a brief hearing at the early stages of this process, not sitting in on and been involved to the degree in which we are in the 5th hearing. There is much more at risk here than my back yard. There is our, the citizens of North County Dublin (Fingal), Ireland & Europe's environment, wellbeing, resources, water, livelihood, industry, heritage and our future potential at risk.

Yet, we are here subjected to another round of waste, waste of my right now, precious taxed on what has been clearly identified as a totally inadequate Hydrogeological Risk Assessment of the area.

What is going on here? Did the Council think that a report could be flung together with any OLD information, allowing for a box to be ticked and the applicant to PLOUGH ahead with this proposal. Did the application think that the EPA works like other Government Agencies, which have come under scrutiny in recent times, for turning a blind eye to the content and inadequacies of reports? Once they could tick the appropriate boxes and felt they were covered. We trust the agency in this case is not going to act in this manner. The concerned people, objectors, will not sit idly by and watch this project been pushed through because all the boxes are ticked. There is too much at RISK.

Why should we throw good money after bad, in order to show the complete inadequacies of this "Hydrogeological Risk Assessments". We have sat here and listened to all the objectors and their professionals which are independent of each other, singing from the same hymn sheet, highlighting

1. The insufficiency of information used to compile this assessment.
2. The inaccurate information used to compile this assessment.
3. The unsuitability of this modeling for the Nevitt site

OH(2) Sub No. 11

**Recd From: GEMMA
LARKIN**

Date: 29/4/09 11:30am.

4. The misleading conclusion.
5. Miss interpretation of the request from the EPA

We have now sat through 4 hearings where,

1. The inaccuracies of information presented in the original EIS was presented.
2. The inadequacies of information in the original EIS was presented.
3. Where new mapping was requested and presented.
4. Where further testing and investigations were strongly recommended.

In conclusion the site we are now looking at is a completely different site, from a geological and hydro geological aspect, to that presents in the original EIS.

On the 14-3-08 DOE EU wrote to the Irish Government regarding this proposal (appendix 1) requesting that the authorities:

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

The GSI suggested that further testing be carried out to the south & east of the site.

A potential public water source has been identified by all the bodies involved in this process including the applicant.

None of these investigations have been done. None of the inadequacies have been rectified.

At the An Bord Pleanála oral hearing in Nov. 2008 the inspector asked the applicant

1. Had anybody suggested further investigations? To which the applicant answered No.
2. Had a water resource been identified in the area? To which the applicant answered No
3. Was there any change required to the EIS presented to the Bord in the original application? To which the applicant answered No

4. What information was going to be used in the complying of the modelling requested by this agency (EPA)? To which the applicant answered the data contained in the original EIS.

What is going on here???

In the waste management directive Council Directive 99/31/EC requires the applicant to identify the cost of developing the site and how it is to be financed.

1. How can this be done when the exact mythology to be used for the prevention of pollution have not identified or agreed?
2. In the present economic climate can Fingal County Council afford to develop this site to the level required in order to prevent any risk to our environment and can the operator afford to maintain it?
3. Who is the operator?

Risk assessments: The risks from this proposed landfill have not been identified by the applicant. Framework for Tiered Approach to Risk Assessment as presented on pg.3 of the "Hydro geological Risk Assessment" shows us what should be done. I cannot see where this risk assessment has been carried out. The only time we have seen any of the issues been dealt with was at the EPA oral hearing in March 2008 when Minister Sargent identified the "Magnitude of Consequences" of this proposal on the Horticultural industry. What about the risk of contamination of our rivers, streams, private wells, Or Rogerstown Estuary. How might this proposal effect the Water Quality in the Rogerstown Estuary, do the streams and rivers down gradient of this proposed site drain into Rogerstown Estuary, where there is a real effort been made to improve the water quality.

What are the risks associated with this proposal? We still don't. It has not been dealt with.

If I apply for planning permission and am asked for additional information, that information must be returned complete and within a specific time frame or else my application will simply and rightly be rejected, refused. The agency has asked for modeling to be carried out. The response as we have seen is purely inadequate. How many chances are the applicant to get? I implore the agency reject this proposed decision. The applicant has had every opportunity to present a clear accurate picture and has failed. Why is there such a reluctant to present a

clear, accurate and comprehensive picture? How much longer more do we have to go through this farcical proposal? It is now obvious to the people in the body of this room, with the exception of Fingal County Council, that this site at Nevitt is not a suitable site for landfill. How much more of our lives will be tied up ensuring that this farcical application is not allowed to proceed?

The Environmental Impact Statement used in this Hydrogeological Risk Assessment failed to contain:

1. An National Ground Water map of Ireland which is available from the EPA and clearly identifies the Nevitt area as part of the North Leinster Aquifer
2. An Aquifer map of Fingal.
3. An adequately assessed of the aquifer. There was a totally inadequate well report, with only 12 wells identified, just one identified accurately. NLAG identified approx 150 working private and industrial wells. To this day these wells have not been documented.
4. The aquifer was never assessed with regard to its output capacity.
5. The aquifer was never assessed as a future water source.
6. 5 hydro geologists involved in the proposed landfill site identified the area as a potential public water source. This resource is not sustainable in conjunction with landfill.
7. The applicant stated that 36,500 lts of leachate a year (100 lts per day) will leak from this landfill.
8. The EPA admitted that no landfill is water tight and advise the ground water in the area should not be used based on the "Precautionary Principle" This is a complete misrepresentation of the "Precautionary Principle"

9. . Surly the ideology behind the “Precautionary Principle” is that one errors on the side of caution, before the event rather than after.
10. There was no assessment of the horticultural industry in the area, yet 55% of fresh produce grown in Ireland comes from Fingal. 70% of all processing of fruit and vedg. is carried out in Fingal and 95% of all packaging and grading goes on within Fingal. The industry is totally dependant on the clean, plentiful water from this aquifer. Yet none of this industry was considered in the EIS. We have all seen ourselves sucked in by perception, it is something which has never been given a consideration.
11. Is there justification in the EU to have the landfill below the level of the water table, as it will be in this case??
12. The Nontechnical Summary of EIS was rewritten as the result of a request from the EPA, as a result of new information which was presented.
13. No archaeology was considered as having potential in site selection process. This is still causing confusion resulting in An Bord Pleanala, referring the archaeology back to the Department of the Environment for guidance and the reopening of the An Bord Pleanala oral hearing.
14. The ownership of ground water and who has the rights to it, has never been properly challenged explored or considered
15. Manipulation of the evidence in the EIS resulted in an inaccurate EIS. The results of some borehole investigations were never mapped.
 - A: No gravel map.
 - B: No bedrock map.
 - C: No clay map.A & B were presented at the An Bord Pleanala Oral hearing. It

subsequently emerged that the maps presented to the hearing were different to those sent to the EPA. Clay maps were requested by the EPA.

16. ICAO recommends that no landfill is located within 13km of an airport - this proposed facility is within 12km of Dublin airport.
 17. Objections have been lodged regarding the proposed decision to grant a licence as Water Framework Directive has been breached.
 18. This proposal is not sustainable, as has been highlighted to the EPA.
 19. The proximity of this proposed landfill to public, private and industrial water supplies has not been considered
 20. Slope stability has not been addressed properly given the location of the site.
 21. The issue of nuisance with regard smells was not adequately dealt with. Odour is the single biggest cause for official complaint to the EPA. Yet the EIS tries to imply the odours will remain within the boundaries of the landfill despite prevailing westerly wind.
- Is the EPA responsible for policing and enforcing the licences? This causes us great concern as we observe the way other modern engineered landfills are progressing. We have followed with particular interest the site at Inagh Co. Clare which has been a disaster and has destroyed the quality of life of the people in the area.

The System: To lay people such as ourselves, when it comes to large infrastructural projects like this, where two different agencies are deliberating, we are completely at a loss. Who is meant to be deliberation on what? An Bord Pleanála and the EPA seem to work away as if they have no common ground. We would not see it like that and find ourselves hugely frustrated trying to remember which body/agency has dealt with what. Where and from whom did

we get different portions of information. Have issues been highlighted in front of this agency or ABP. Two areas which immediately spring to mind and are presented once again at this hearing are.

1. Risk: While the agency are attempting to ascertain the nature of the risks posed by this project to our environment they do not seem to be in a position to deliberate on the consequences of these risks on the planning and development of our area. These risks, their consequences, perceptions & implications are areas that ABP should be considering. Yet while the agency has not yet had the opportunity to consider all the risks associated with this proposal, the ABP inspector has already sent his report back to the Board of the planning agency without knowing the risks involved or having had the opportunity to considered the consequences.
2. Need: We have yet to establish who should be deliberating on need. While it is necessary to establish the need from ABP point of view in order to justify the CPO orders, just one of many reasons, but one that has affected us the residents of the area constantly for the last 3 years. It appears that the EPA are the people with the knowledge of the need issue. The EPA knows what the true waste capacity is. They know that:
 - The Ringsend Insinuator has been licensed and what its capacity is and where the waste for that insinuator is to come from.
 - The Insinuator in Duleek is already under construction, what its capacity is and where its waste is to come from.
 - The Kockharley landfill has had a huge extension granted to its licence and where they hope to serve with this licence.
 - The Bord na Mona site at Drehid, Co Kildare. had an extension to its licence, and where that waste is to come from.

As far as I am award ABP and the EPA have not been in communication regarding these and many other critical areas.

The EU has shown much concern regarding these and other issues within the Irish planning system and may well chose to use this application as a test case.

All the concerned body's are in agreement that this site is not suitable for land fill.

It is high quality arable land, with an underlying water resource, which is far too valuable to threaten or render useless.

In the words of Leonardo De Vinci,

"Clean water is as important to society as the blood that runs in our veins."

I would like to take this opportunity, while venting at our frustration, as a group at the system which does not give us access to professional support or financial assistance, to thank the inspector Mr. Byrne, His assistance Mr. Mister & Mr. Reynolds for tolerating our unprofessional and sometimes disorganised approach, to this process. Thank you also has to be extended to Sonja, Ana, Mary & Marie for putting up with our endless requests for extra copies and presentation of last minute documents. A special, thank you, to the other objectors and there teams, seeing our disadvantage kept an eye out for us, in particular Mr. Mulcahy And last but no means least Mr. Flannigan & the FCC team who aided us when appropriate with secretarial serviced.

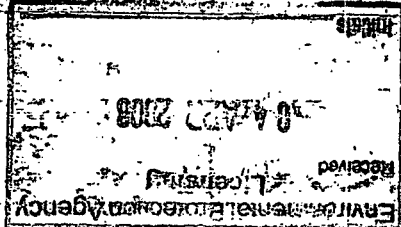
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Brussels, 14 MARS 2008
 D(2008) 4189

Mr Bobby McDonagh
 Permanent Representative of Ireland
 to the EU
 Rue Froissart 89-93

1040 Brussels

epa
 17 APR 2008
SCANNED

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 and the Commission has indicated to be 8 years. In this respect, the license should be reviewed to comply with this legislation.

Environmental Protection Agency
 Licensing
 Received
 04 APR 2008
 Initials _____

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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.

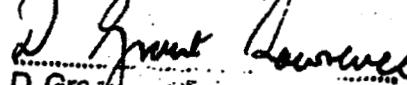
In the light of the above, the Commission requests the Irish Authorities to take appropriate measures to:

- 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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