

Little Acre Cottage,
Walshestown,
Lusk,
Co. Dublin.
10th of July, 2010

Waste Licensing Section,
Environmental Protection Agency,
Johnstown Castle Estate,
Wexford.

Ref: Waste Licence Register No: W0231-01

To Whom it May Concern,

We hereby seek a Licence Review to Waste Licence W0231-01 owing to the following breaches of the Waste Management Act, 1996.

Section 46, (3) (b)

“...there has been a material change in the nature of the activity to which the waste license relates, or in the nature or extent of an emission concerned, or of the location in which the said activity is carried on or an adjacent area.”

The material changes are as follows:

- The granting of a licence to landfill Bottom Ash at Nevitt. This is in direct contravention to the Planning Permission which allowed temporary storage only.
- The McKetchnie Ruling of Dec. 2009, stated:

“The waste is the property of the operator who collects it and local authority can not compel them to bring the waste to any particular facility.”

Fingal County Council can not now force private waste companies to use the proposed Nevitt facility.

- The commitment of Dublin City Council to bring 350,000 tons of waste per year to Poolbeg Incinerator rather than the proposed Nevitt facility.
- The contractual granting of Dun Laoghaire Rathdown waste collection to private operators. These operators are not compelled use the proposed Nevitt facility.
- Continued yearly reductions in the annual tonnage of residual municipal waste requiring landfill in the Greater Dublin region due to;
 - increased recycling and reuse,
 - mechanical and biological treatment,
 - expanded private sector landfill facilities convenient to the Greater Dublin Area and
 - incinerators at Duleek and proposed at Poolbeg.

In particular we refer to the following existing and proposed facilities and associated estimated annual waste capacities:

Poolbeg Incinerator	630,000 tons
Duleek Incinerator	230,000
PANDA MBT Navan	200,000
BORD Na MONA Landfill, Drehid, Co Kildare	300,000
Greenstar Landfill, Kentstown, Co Meath	300,000 (proposed extension)
Murphys Environmental, Hollywood, Lusk	500,000 (proposed change of use)

Section 46 (3)(d)

“...evidence, which was not available when the waste licence was granted and would have materially affected the decision of the Agency to grant the licence subject to the conditions to which it was granted, has become available.”

- In the Internal Memoranda into the “Report on Re-opened Oral Hearing”, dated 8th of Oct. 2009, the Chairman, Mr Patrick Byrne, in Chapter 2.5 Page 18, refers to evidence presented in “The UK Technical Advisory Group (UKTAG) on the Water Framework Directive”. This document was not presented as evidence at any of the EPA Oral Hearings. There is information in this document which gives material support to our case. Public consultation did not take place in relation to this document.

And Section 44 (3)

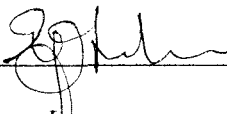
“The person appointed under subsection (1) shall make a written report on the hearing to the Agency and shall include in the report a recommendation relating to the grant of a waste licence or a revised waste licence, as the case may be (including the conditions to be attached to such a licence) or to the refusal of such a licence.”

- The person appointed, Mr Patrick Byrne, in his submission to the board, failed to recommend the granting or the refusal of a licence. This was brought to Mr. Byrnes attention in a letter from the board dated 26th November 2009 wherein it was stated that:

“...the Directors of the Board considered the report on the re-opened Oral Hearing to be incomplete as it did not contain a Recommendation for grant or refusal of the Waste Licence, as required under Section 44 (3) of the Waste Management Act....”

As a direct result of these major material changes, it is mandatory a Licence Review be undertaken.

Anxiously awaiting your reply.

PP 
James Lunney.

Nevitt Lusk Action Group