

EEC EuroLaw Environmental Consultants

Implementing Community Environmental Laws

EEC has registered a complaint with the European Commission against Mr. Binman Ltd concerning the following infringements of European Directives:-

- Infringements, of the Article 2 (1) of the European (EIA) Directive 85/337/EEC, as amended by Directive 97/11/EC concerning the Waste Transfer Stations at Luddenmore, Grange, Kilmallock, and Harbour Road, Foynes, Co Limerick
- In compliance with the European Court of Justice in Case C-215/06 Mr. Binman Ltd cannot seek Retention for the unauthorised waste activity at Luddenmore
- The Luddenmore site also contravenes the Waste Management Plan for Limerick/Clare/Kerry Region (*An Bord Pleanala 2003*).
- Mr Binman Ltd is infringing the European (Waste) Directive and the European Court of Justice Judgement in Case C-494/01 concerning the Waste Transfer Stations at Luddenmore and Harbour Road, Foynes, Co Limerick
- In 2007, Limerick County Council took a High Court action against Mr. Binman Ltd for breaches of Article 8 of the Waste Management (Trans-Frontier Shipment of Waste) Regulations 1998 S.I. No. 149.
- The Health and Safety Authority and the DPP are pursuing a criminal action against Mr Binman after a worker died in an industrial accident at the unauthorised waste management site at Luddenmore County Limerick.
- On the 17th October 2008, the Environmental Protection Agency prosecuted Mr. Binman Ltd in Limerick District Court for breaches of its Waste Licence (Reg. No. W0061-02) issued under the Waste Management Acts 1996 to 2008. The company admitted breaching conditions of its Waste Licence by exceeding the licensed annual waste tonnage limit and permitting an emission from an onsite waste water treatment plant that exceeded the ELV's for suspended solids.
- In April 2010, Mr. Binman Ltd was fined €2,500 and ordered to pay the costs of Limerick County Council, after admitting breaching the terms of its waste collection permit by failing to collect dry recyclables' in wheelie bins. Over 30,000 customers of Mr Binman have not yet received wheelie bins for their recycable waste despite undertakings which were made in court by the company almost two years ago.
- In April 2010, in Newcastle District Court Mr. Binman Ltd was fined €750 for breaches of its Waste Collection Permit issued by Limerick County Council.

It is evident from the above mentioned that Limerick County Council and/or the EPA should not issue Mr. Binman Ltd any planning permission or waste license because Mr. Binman Ltd is clearly not a fit and proper person to handle any waste activity and will not comply with any conditions as may be attached to the planning permission or any license and is presently causing environmental pollution.

Contact: David Malone, 60 St. Joseph's Terrace, Portarlington, Co. Offaly.
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Liz Leacy

From: Martin O' Reilly
Sent: 15 July 2011 14:36
To: Yvonne English; Liz Leacy
Subject: FW: Submission
Attachments: Revised Submission to EPA.jpg

Hi Yvonne, Liz,

The attached email from David Malone regarding the Mr Binman (W0061) licence review was sent to myself.

Regards

Martin O' Reilly

From: Wexford Receptionist
Sent: 15 July 2011 14:30
To: Martin O' Reilly
Cc: OEE Cork
Subject: FW: Submission

Rec'd at info today

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From: David Malone [<mailto:davmalone@eircom.net>]
Sent: 15 July 2011 14:09
To: Wexford Receptionist
Subject: Submission

I was checking the EPA site concerning third party submissions sent to EPA. I did not see the attached submission or a submission made on 25th May 2011. Could you clarify if the EPA has received these submissions. Thanking you

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