SOB
No. 69

Joe Reilly

Subject: FW: NLAG Email to Ms Laura Burke, Director General EPA re MEHL

From: Paddy Boyle [mailto:paddyboylerush@hotmail.com]
Sent: 20 June 2012 07:41
To: Wexford Receptionist
Subject: FW: NLAG Email to Ms Laura Burke, Director General EPA re MEHL

To: Waste licencing section, EPA
Ref: MEHL application for hazardous waste landfill licence WO 129-03

Dear Sirs,
We request that our Email dated 18June 2012 to the Director General EPA below be regarded as a submission by the NLAG on the above application by MEHL.

Yours truly,
Patrick Boyle BE, for the Nevitt Lusk Action Group

From: paddyboylerush@hotmail.com
To: info@epa.ie
Subject: NLAG Email to Ms Laura Burke, Directo General EPA re MEHL
Date: Mon, 18 Jun 2012 19:34:11 +0100

To: Ms Laura Burke
Director General EPA

From : Patrick Boyle BE, Hand's Lane, Rush, Co Dublin
On behalf of the Nevitt Lusk Action Group (NLAG)

Dear Ms Burke,

Neighbours to the proposed development by Murphy Environmental Hollywood Ltd (MEHL)of a hazardous waste landfill at The Naul in County Dublin, as represented by the Nevitt Lusk Action Group (NLAG), are deeply concerned at recent actions by the applicant and the Agency which have lead to the widespread perception that this process is no longer open and transparent and may be biased in favour of the applicant or the applicant's apparent mentor Indaver.

On 23rd March 2012 the Agency wrote to the applicant and requested within 4 weeks (i.e. on or before the 19th of April) a response to information requested under Article 14 of the Waste Management (Licensing Regulations). No extension of this period was sought by the applicant or granted by the Agency. The four week period is therefore the period 'specified by the Agency' as referred to in Article 14 (b) (ii) of the said regulations.

However the applicant chose to ignore the four week period specified by the Agency under Article 14 (b) (ii) and instead awarded itself a six week time extension (150% time extension) to reply to the request. This is a material extension and in the absence of the necessary 'notice in writing' from the Agency confirming the said extension, is outside the law. The Agency, nonetheless accepted the applicant's response.

On 23rd March 2012 the Agency sent a second letter to the applicant requesting within 12 weeks (i.e. by Thursday 14th June) responses to information required under Article 16 (1) of the Waste Management (Licensing Regulations). No extension of this period was sought by the applicant or granted by the Agency. The 12 week period is therefore the period 'specified by the Agency' under Article 16(a) of the said regulations.

The Article 16 request set out the requirement for significant additional information regarding Hydrogeology including detailed invasive site investigations. The material content of the request was not complied with during the specified period, i.e. apparently no site investigations and related computations of any sort were carried out.

Instead the applicant has granted itself another time extension, stating in section 8.0.1 of the response document dated 7th June 2012:

"It is proposed that this item [additional site investigations] will be discussed at a meeting with the Agency and MEHL's hydrogeology EIS team, including a time extension to the stated 12 week response time to the Agency's notice of 23rd March 2012."

Our membership of local householders and landowners believes that a private meeting of this type between the applicant and the Agency would be inappropriate. No oral hearing has been sought or called.

It is clear that neither the Article 14 nor the Article 16 request has been properly replied to within the allowable and legal timeframe. In its acceptance of both responses the Agency is creating the perception of bias towards the applicant. It is inappropriate for an applicant to set its own deadlines in this manner and arrange private meetings with the Agency in the manner proposed.

We call on the Agency to return to MEHL the flawed responses to Article 14 and Article 16 requests and refuse this licence application immediately.

Yours truly

Patrick Boyle BE, on behalf of the NLAG