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Sub(2)

Gortadroma Action Group

Please address all correspondence to: Hon. Secretary: Mr. Timothy Mullane.
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Mr. Breen Higgins
Environmental Protection Agency,
Johnstown Castle,
Wexford.

21 November 2004

Environmental Protection Agency <i>BHUS</i> Waste Licensing	
Received	23 NOV 2004
Initials	<i>AB</i>

Ref: Licence no. 17-2 Co. Limerick

Dear Sir,

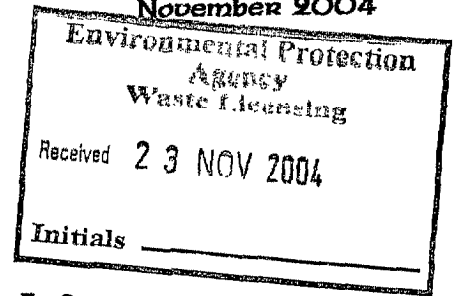
Herewith is a submission on behalf of the above Group in relation to the Environmental Impact Survey submitted to you for your perusal by Limerick County Council in respect of the proposed extension to its dump facility at Gortadroma, Co. Limerick.

This Group is representative of the residents who are forced to live around the periphery of this operation against their will.

Yours sincerely,

Tim Mullane.
Hon. Secretary.

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Submission on Waste Licence Application

in respect of

**Limerick County Council
For the operation of the dump at
Gortadroma, Co. Limerick.**

**Submission by:
the Gortadroma Action Group,
On behalf of:**

The local community members forced to
live in proximity to this dump.

Previous licence ref: 17.1 & 17.2.

Introduction

The local community around Gortadroma has endured the disruption of the dump on their doorstep for the past 15 years. This dump has caused local residents to leave the area; it forced the closure one person's shop and has caused the death of many animals locally, both domestic and wild.

The problems continue although the local community have been worn down to such an extent that they no longer make complaints because neither the County Council management nor the management of the dump gives them any real redress.

This most recent application by the Council for an extension is just one more insult that the local community must endure, with the prospect of having to endure another 20 years of the same disruption and disrespect for the quality of life they are entitled to.

To add insult to injury this dump now proposed is the dump that originally was due to be located in the east of the county, in Slieve Felim.

The Action Group has already objected to the granting of planning permission for this operation to An Bord Pleanála. An Bord held a public hearing at the Kilmurray Lodge Hotel, Limerick starting the 2nd Nov. The Gortadroma Action Group attended.

1 Legislation

This extension is not provided for in the Council's own Development Plan nor in its proposed Development Plan.

The extension is going to exceed the total laydown area of the present operation by almost a factor of two, which by any interpretation is not an extension but a new operation being set down beside an existing one, which at the time of its inception was not subject to the scrutiny of planning permission by any body other than the County Council Planning Section itself.

It is our contention that this Environmental Impact Survey is defective in that it does not make any attempt to examine other possible sites; its only focus is the final layout of the site at Gortadroma, which is not by any stretch of the imagination a valid exercise in site selection.

The Council's argument is that it is following the guidance given in the Government policy document of 1998, Changing our Ways. This is a specious argument as the document only urges that extension of existing facilities be undertaken if the original location was correctly located in the first place. It was and still is the contention of the Group that this is not the case.

The same Council, that is so intent in complying with the above general recommendation of Changing Our Ways, has chosen to ignore the actual targets in that same document; targets that are not recommendations but actual requirements. This Environmental Impact Survey submission deliberately ignores these targets too. It also ignores the fact that the regional plan for counties Kerry, Limerick and Clare are a group and that the combined waste arisings in the region are to be dealt with on a regional basis. On this basis there is actually no need for this extension at all. The Council should be making much more strenuous efforts to fulfil its obligations on the three Rs, Reduction - Reuse - Recycling. The figures in the Environmental Impact Survey for these activities fall far short of what the minimum required by Changing Our Ways demands.

It appears from the evidence to the planning tribunal that this application may in fact be illegal and may not get planning permission if existing precedent in the courts is to be followed.

The Process of preparing the Environmental Impact Survey

It also was deduced in evidence during the hearing that the Council has not in fact followed the guidelines of the Environmental Protection Agency on site selection.

It further emerged that several of the studies were in fact desk top studies and were based on findings of previous fieldwork carried out for the previous Environmental Impact Survey and this includes the 1987 study; the study on whose results the County Council based the legitimacy of the decision to locate a dump in a gravel pit originally. This

study was carried out before any of the modern parameters were drawn up based on actual operational experience in this activity.

The criteria on which the dump was first located here were those of that time and they have not been re-examined properly from a planning point of view since.

This so-called extension is compounding this first travesty and if granted prolonging it.

This Environmental Impact Survey states clearly that there is not enough information to determine whether there is an aquifer under the overburden and it also states that it will establish this after it gets planning permission to proceed with the development. This is not acceptable and is against the actual rules laid down for planning permissions; it will also be too late to prevent possible destruction of the water source feeding the wells of the local community in the area around the periphery of this proposed extension area.

This Environmental Impact Survey is defective in several ways and glosses over difficult points so that it can achieve the Council's objective of foisting another 20 years of dump activities with its attendant nuisances and stress on the members of the local community, at the end of which time there will be no community left as no children of the present residents have any intention of living or building or even working in the area, even if work in the area were to be created.

This effectively means that it is the aim of Limerick County Council to kill off the community that has lived in this area for generations in order that it might have an easy option on disposal of waste that it should be disposing of at a more suitable location, like Slieve Felim or it should be providing the practical infrastructure to allow for the materials to be prevented from being generated, or they should allow for re use or recycling of the amounts or more than the amounts demanded by Government policy.

As an arm of the enforcement of that very Government policy the Group submits that the Agency should be putting very specific pressure on the local authority to show where and how it is fulfilling its obligations in this regard rather than just issuing another licence.

The Council has actually cited the Agency in its efforts to promote the required success of its application to an Bord Pleanála in so far as it stated that audits by the Agency carried out show that the Council is operating within its licence conditions in the present operation. The local community members present were astonished to hear this evidence, as this is not their experience of the way in which the Council is carrying out its obligations. It was pointed out by this Group in its previous submissions to the Agency that Condition 7 was the only condition where there were no objective measurable parameters laid down by the Agency to protect the local community against nuisances. It was further surprised to learn that the Agency is making decisions on the compliance with such conditions from within the dump and without any formal contact with those who are solely qualified to determine whether the conditions are being adhered to in relation to Condition 7.

Recommendations

The Group suggest to the Agency that it seek a copy of the transcript of the planning application public hearing. It suggests that the Agency peruse this document in detail to assess for itself the reality of the deficiencies on this Environmental Impact Survey.

It suggests that the Agency treat this application, not as an extension, but as an application for a new facility to be located beside a smaller one, with the only benefit for the applicant being that of being able to use the existing leachate treatment and gas flaring facilities, neither of which seem to be capable of eliminating the hazards that they are designed to eliminate.

The Group suggests that the Council should be obliged to resubmit a full and proper Environmental Impact Survey that complies fully with the Agency's own rules before it issues even a provisional decision.

It suggests that that decision should be to deny Limerick County Council a licence to operate another dump in this area, which was and still is unsuitable for the location of such an operation, particularly in view of its significantly negative effects on the members of the local community.