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EU CHAP (2010) 00645 / Garda File FB11.242/09 Complaint related to Waste Policy of Department of Environment and Consultation Process

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To: Pat Swords <pat.swords.chemeng@gmail.com>

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Receipt of your e-mail dated the 25/7/10 is acknowledged.

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From: Pat Swords [mailto:pat.swords.chemeng@gmail.com]

Sent: 25 July 2010 22:21

To: env-chap; GBFI_DV; wasteconsultation@environ.ie; MINISTER; ombudsman@ombudsman.gov.ie; Raymond_Butler@ombudsman.gov.ie

Cc: info; Brian Cotter; Waste Regulation; John.Ahern@indaver.ie

Subject: EU CHAP (2010) 00645 / Garda File FB11.242/09 Complaint related to Waste Policy of Department of Environment and Consultation Process

To: EU CHAP (2010) 00645, Garda Bureau of Fraud Investigation (File FB11.242/09), Waste Consultation at Department of Environment, Heritage and Local Government, Minister for Environment, Heritage and Local Government, Ombudsmans Office

CC: American Chamber of Commerce in Ireland, Indaver, Dublin Waste to Energy Project

Date: 25/7/2010

As regards the recently announced Public Consultation on Waste:

- <http://www.environ.ie/en/Environment/Waste/PublicConsultations/>

Furthermore the on-going obstruction of waste to energy projects by the Irish Administration:

- <http://www.independent.ie/national-news/us-firm-asks-to-meet-cowen-over-delays-to-incinerator-2269741.html>

This obstruction is occurring due to senior elected and non-elected officials acting outside the legislative framework. One of the key aspects of EU Environmental legislation is that policies have to be implemented through the strategic environmental assessment process, which not only includes public participation but an environmental report documenting the cost, benefits and most critically the alternatives considered. If we consider the recent policy change on waste launched on the Department of Environment's website, under Directive 2001/42/EC (Articles 2 (2 a) and 4 (1)), an environmental report and public consultation is required for this policy change in advance of Government approval.

It is clear from the attached clarification that the Irish Administration has no intention of completing this. Furthermore the international report on waste management practices and the environmental report on the Section 60 incineration cap, neither reflect proper scientific and technical facts nor EU legislation in the area of waste (see attached documentation). Indeed if we consider Indaver's planning application for a Municipal Incinerator in Cork, which is currently with the Planning Appeals Board, An Bord Pleanala (PL04.PA0010), the Board is basing its decisions on a revised waste policy in line with the Minister's requirements. This is opposed to the Cork Region regional waste plan developed in 2004, which has as Proposed Action Item 27 the examination of the feasibility of thermal waste to energy in line with the Government Policy of 2004 "Taking Stock and Moving Forward", in which waste to energy was seen as a key element in the integrated approach. It is therefore clear that the planning process is already using this new approach, even though it has not been through the proper legislative requirements of public consultation and strategic environmental assessment.

Clearly what is happening is that senior elected and non-elected officials are guilty of dissemination of false information on the environment in breach of Directive 2003/4/EC and utilising their position by failure to comply with Directive 2001/42/EC to force perfectly legitimate businesses out of operation and create a market place for their 'friends'. This is a serious offence with regard to the Prevention of Corruption (Amendment) Act of 2001 and the Ombudsman's Code for Public Servants.

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Biography: Pat Swords is a Fellow of the Institute of Chemical Engineers and a Chartered Environmentalist. Since graduation from University College Dublin in 1986 Pat has worked in developing the high technology manufacturing industry in Ireland. His work experience has also included projects in over a dozen other countries throughout Europe and North America. Since 1999 he has worked extensively on EU Technical Aid Projects in Central and Eastern Europe helping to implement EU Industrial Pollution Control and Control of Major Accident Hazards legislation.

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