



Dirección:
C/ Guadalupe 17
06200 Almendralejo
(Badajoz) Tfno. 675 043 835
Identificación fiscal: G06442412
E-mail:
almendralejosincontaminacion@yahoo.es
http://perso.wanadoo.es/plataforma_cc/

Document 3
Translated from the Spanish original

January 17, 2008

Department of Environment

Plaza de San Juan de la Cruz, s/n
28071- Madrid

Most illustrious Mrs.: **D. Cristina Narbona Ruiz**, Minister of Environment

D. **Félix Lorenzo Donoso**, legal age, with domicile to notifications effects in c / *Guadeloupe 17, 06200 Almendralejo* (Badajoz), ID card *9154113K*, phone *675 043 835*, in name and representation of *the Platform Against the Contamination of Almendralejo*, inscribed in the register of Associations of the Commission of Presidency of the Junta of Extremadura with the number 3.829, before **Vd.**, it appears and, as better it proceeds in right,

Exhibits:

That by means of the written present comes to put in his knowledge the attitude of the Town hall of Almendralejo opposite to the established in the *Agreement of Aarhus* ratified by Spain in December, 2004, which establishes that the environmental access to information is a clear right that all the persons have to know the situation of the way in which they are developed: the quality of the air that they breathe, of the water and food that they consume, the scenery that they enjoy, etc.

In several occasions, through writings directed to the Department that you direct, we have put in his knowledge the shortcomings that on the subject of waste treatment the municipality of Almendralejo suffers. A good test of it there are the fines that the above mentioned Town hall has had to pay; serve like example the one that imposed the Cabinet of July 5, 2002, with a quantity of 404.610 € (more than 67 million pesetas) for spilled illegally of wastes water to the creek Harnina. In the above mentioned sanction it was specified that the crime was worsening for the fact of existing precedents that were verifying the reiteration of the spilled ones and his corresponding sanctions during the year 1996, 1998 and 2000. But it has not been the only one, but the Top Court of Justice of Extremadura has ratified the fine imposed on the Town hall of Almendralejo by the spilled one of wastes water on the creek 'The Stings'. The fine, which amounts to 1.500 euros, was imposed on him in November, 2004 by the Hydrographic Confederacy of the Guadiana for a light infraction.

These repeated infractions have driven to that on October 19 of 2.007 the Court of Penal nº was condemning 1 of Merida in the first instance to an Almendralejo excouncilman, as well as to the person in charge of water service of the same municipality, to six months of prison, eight months of fine and special disqualification for profession or office in time of one year. In the judgment it gives itself like facts proved that "the accused, D. JUAN ASUAR MONK, Manager of the water Service and Sewerage of the Town hall of Almendralejo, and D. BROWN FELIPE MARTÍNEZ, water Councilman of the same Town hall, major both of age and without criminal records, in April of 2.001, before the deterioration of the sewage treatment plant of wastes water of this locality, they decided, in common agreement and with full knowledge of the serious risk that it would provoke for the environment, the spilled one without debugging from the domestic waters to the creek Harnina, adopting the same decision as regards the industrial waters in November of 2.001. Both accused allowed that the spilled one of the industrial waters to be carried out realizing a derivation of these by means of the laying of a by pass who was leading them in a direct way to the mentioned creek, which ends in the river Guadajira, with the consequent possibility of extension to this one of the harmful effects of the spilled ones.

The above-mentioned situation of spilled of the waters without debugging, fundamentally vinazas and purines,

The politicians recognize the uselessness of the current sewage treatment plant from its beginning

The processing of Felipe Martínez and Juan Asuar for its functioning makes the bugs of the past outcrop



- GLORIA CASARES

Which nonconformist spirit for an unjust negligence of his soul, appears again these days and after many years the image of the first Station Sewage treatment plant of Wastes water (EDAR) that had the city of Almendralejo, a project, the most expensive till then in the history of the city with an investment of more than 2.100 million former pesetas.

The motive of this return has been the judgment to three supposed persons in charge of some spilled direct of wastes water to the creek Harnina, without these having being treated previously in the EDAR, which was a councilman of the area, Felipe Martínez; the

manager of that time of the municipal service of waters, Juan Asuar, and the third one, responsible for Sewage treatment plant. A judgment that was foreseen initially for May, before the municipal and autonomic elections, but that finally was celebrated in last September, when the local corporations were already shaped.

The motive of the supposed crime, via of the penal course, it is said that those spilled had to be carried out, previous authorization first municipal and after the Hydrographic Confederacy of the Guadiana, while a few works were carried out in the EDAR to put it to point, after the non-payment of the municipal canon on the part of the team of government of Manuel Jesus Moran, first, and after Francisco Javier Fernández Perianes, was provoking the absence of his maintenance and his deterioration.

According to the mayor, José Maria Ramírez, his team of government had to invest 600.000 Euros in the year 2000 to put to point the sewage treatment plant and that at least will work partly, since, as he admitted some weeks ago, the EDAR never went so far as to work well from his construction and throughout these years only it has managed to treat between the half and a third of the wastes water that come to it, due to his scarce capacity and its wrong design.

It begun to be constructed in 1986 and ended almost ten years later

The current EDAR begun to be constructed in the year 1986, under the government of the Socialist José García Bote, but it did not end until May, 1995, the same month that municipal elections celebrated and in that it lost the mayoralty quoted to the detriment of popular Manuel Jesus Moran. Its initial budget was of 350 million pesetas, although there ended up by supposing a cat of 2.100 millions, financed by the European funds FEDER.

Since we were already referring in the reportage of THE CAPITAL of May 1999, the first one of this one already long list of reportages, this construction raised numerous criticism from his beginning or even earlier, first on the part of conservationist associations as DEMA, but also of the political groups of the opposition, which were wondering the delay in the beginning of his activity after so many years of construction.

The bad smells that the sewage treatment plant was detaching and that continued stream wise from the creek Harnina were presaging, already from his beginning, that the process does not work well.

In the year 1983, already with socialistic government in the town hall, the Junta of Extremadura decides to summon a public contest opened for the construction of the first sewage treatment plant of Almendralejo, to which almost an about thirty of companies appeared. The table of regional hiring grants the works to a joint venture, between which there was Degremon, the company that it scrolled with his development for several years, but also other companies, between which there was one that failed, what provoked an "big delay in his construction", according to words then of García Bote.

In the interview that for then was done to the one that was a mayor in this epoch. García Bote showed that the project approved by the Junta of Extremadura some ideas joined on the part of many technical staff and companies, with the intention of which this way there would join the most modern technological advances applied to the plant, thing that some of them criticized for thinking that the project "happened for too many hands". In the end, it was inaugurated by the president of that time of the Junta of Extremadura, Juan Carlos Rodríguez Ibarra, and he said that it was the "more modern sewage treatment plant of Spain", together with that of Tomelloso.

Resource against the condemnation to Martínez and Asuar

The one that was a councilman of Almendralejo, Felipe Martínez, as well as the one that was a manager of the water service Juan Asuar, they had to face an unpleasant judgment for the penalty last September, as we have indicated previously, for allowing the wastes water spilled one the creek Harnina without happening for the sewage treatment plant. Both have been condemned to six months of prison and to eight months of fine, because of eight daily euros for each of them, more the special disqualification for profession or office for one year. The Town hall of Almendralejo has already announced that it will appeal before the Provincial Hearing the judgment that he condemns to these two persons. The facts go back a year 2000, when before the bad functioning of the sewage treatment plant and during five years of local government of the PP it was not paid to Degremon, the company in charge of the maintenance of the plant, which, as a result of it, stopped exercising little by little his functions until finally the functioning was paralyzed, as told the mayor. José Maria Ramírez. With the government of the Spanish socialist party, in the year 2000 invirtieron 600.000 Euros to start, for what it was necessary to attack diverse works and it was in this moment in which the command happened to do the spilled ones straight to the creek Harnina, according to the same fonts The Hydrographic Confederacy of the Guadiana had knowledge of the works and of the spilled ones to the creek while they were concluding, therefore the mayor does not understand why the SEPRONA has decided to continue with the denunciation, although it was already saved in the first instance Also, the mayor supports that the creek Harnina does not contain fauna for the big contamination that he endures for years, therefore it does not understand "why the judgment thinks that the sorrow is to punish the damage that has been done to the environment",

The new one, 20 million euros

In the new sewage treatment plant projected for the city, which José Luís Rodríguez Zapatero was already gathering in the Plan Hidrológico Nacional of José Maria Aznar and years later in the budgets, they try to invest approximately 20 million euros, more than 3000 million pesetas, in several annuities.

The new station sewage treatment plant reckons for two canalizations different from input of wastes water, one of urban origin and other one of industrial origin, basically of few alcohol factories that exist in the city. Also, the new sewage treatment plant is already going to meet another added factor and is that it will not have already to assume the spilled ones of the aceituneras, that the factories already have a different canalization that is going to stop to the rafts of decanting of the farm "The Estiles". This canalization would have to be before to the starting of the existing sewage treatment plant, since the miscellany of these three spilled ones was making ineffective the process of treatment, based on a biological process, which has no effect when spilled so pollutants as the lye or the residue mix, since they kill the bacteria necessary for the said process Also, as the proper subdelegate of the Government declared in Badajoz. Inocencio Ramos, the new sewage treatment plant will have capacity for a city of 210,000 inhabitants. Said in other

words, while the current EDAR has aptitude to debug 7 100 daily cubic meters, the piece of news will be able to treat up to 18.000 cubic meters.

Its facilities will go in a few areas next to the current EDAR therefore the denomination of the investment is an enlargement of the current sewage treatment plant of wastes water, even that in practice, as they declared municipal fonts, will be a new sewage treatment plant.

2.100 millions, for nothing

Gloria Casares

What it does not stop surprising, in spite of the years that have passed, is that in spite of be processing as the most ambitious work economically that had been constructed in the city, it was the whole abort in practice and, nevertheless, nobody seemed to ask for responsibilities on it. It attracts attention on that the work any more in of the city will not work from his beginning, as it has been recognized up to the satiety, because his design was wrong. They jump many questions, although we could have heard few ones publicly perhaps for conformism or for corporate spirit. Since it can be the fact of why there was chosen this design, who did it, who chose it, why the project was selected and why it was modified later, what previous studies were done on the part of the companies that wrote it to design it so badly. It was processed as a too serious mistake, bearing in mind that, for saying it sudden, they threw themselves to the garbage, or to another side, more than 2.100 millions of weigh them, because the sewage treatment plant never debugged well. Also it would be necessary to know who the maxima were to benefit that this project will be selected, an erroneous project or it was a heap of nonsenses, deliberate or fortuitous. The true thing is that 20 years later and nearly more money than it cost that of then, it goes to be able to count, let's hope that it should be true, with a sewage treatment plant that it works well in the city and that his design and capacity are adapted to the industry and population of Almendralejo.

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was supported in the time until, at least, November of 2002, date in which one proceeded to the repair of the sewage treatment plant, having been always prohibited for the Hydrographic Confederacy of the Guadiana the spilled one of those substances (vinazas and purines).”

On February 23, 2004, the Municipal corporation approved definitely the Municipal Regulation of Spilled and Treatment of the Wastes water of the Town hall of Almendralejo, regulation that we consider to be very positive, once and for all, to solve part of the problems that till now has come suffering the municipality. Nevertheless, the fulfillment of the same one leaves much that to wish. That's why in several occasions we have requested to the Town hall that takes the opportune measures for his application.

The Department of Environment awarded the contract of the project and execution of the works of integral treatment of wastes water of Almendralejo (Badajoz) to the company formed for Railroad, Agromán and Cadagua, with a budget for 14.478.844 euros. This performance belongs to the Program A.G.U.A., that includes projects of progress of management, quality, supply and water treatment according to the existing and future needs linked to the development of the territories of sustainable form in economic, social and environmental terms, even in drought situation, as well as measurements for the preservation of the hydraulic public domain and of the spaces associated with the same ones.

The project takes as a target the reshaping and enlargement of the Station Sewage treatment plant of Wastes water of Almendralejo, since it does not have the sufficient aptitude to process the wealths produced at present. Also there will carry out punctual progress performances in the network of sanitation of the creeks Stings and Harnina.

Sewage treatment plant one plans to increment the capacity of the Station, going on from 7.100 daily cubic meters to 18.000 daily cubic meters, with a capacity of processing of 210.000 equivalent inhabitants.

Interceptor will attack also the construction of a collector for the right margin of the creek Keyed, that will gather spilled direct that produce to the creek, by means of tubes 453 meters long, a pumping station to themselves with the corresponding conduction of impulsion by means of tubes of smelting 63 meters long and the modification of the desarenador - auditor of rain of the creek Harnina.

Nevertheless, if the waters do not come in the necessary conditions so that the new sewage treatment plant could realize his assignment, something similar will happen to what it has spent with the former sewage treatment plant, which never worked well, although the citizens we are paying a charge for treatment.

To the writing we enclose a reportage carried out by local mass communication media on the topic of the water treatment. (I document 1)

In order to know in what situation there is the fulfillment of the said Municipal Regulation of Spilled and Treatment of the Wastes water of the Town hall of Almendralejo, with date September 21, 2007, the Platform sent writing to the Town hall to request information about this topic. Copy of the said writing is enclosed requesting information (I document 2).

With date 21de in November answer is got to the writing of request of information for which refuses the same one to herself being based on a few arguments, which apparently of the Platform, they go against the established in the Agreement of Aarhus, which forces the administrations to which they are transparent and to which there itself gives all the information that is in possession of the same ones, so that the citizen is an integral part in the capture of decision and is expert, at all times, in the management of the environment, since it is a subject affected by the same ones and, therefore, it has right to take part in them. There is enclosed copy of the answer of the Town hall (I document 3).

We are sure that if we were resorting to the law courts, these would give us the account in the right that assists in our information request the established to us in the Law 27/2007, of July 18 for the one that there regulate the rights of access to information, of public participation and of access to the justice on the subject of environment. Nevertheless, the judicial processes are very slow and this does that in many cases there are no procedure most adapted to process be afraid that, like this one, they are necessary a rapid answer.

We completely are sure that if the spilled ones are not corrected before his arrival to the new sewage treatment plant, applying for it the established in the Municipal Regulation of Spilled and Treatment of the Wastes water of the Town hall of Almendralejo, the sewage treatment plant not only will not work well, but it will have a very short life.

We think also, that the citizens have right to know the quantity of the fines paid for the municipality, in order that they should be conscious, that these infractions not only affect to the environment, but also they affect to the

economic resources of the municipality.

We want to congratulate it on his management at the head of the Department of Environment that has propitiated norms as the mentioned Law 27/2007, of July 18 on the one that regulate the rights of access to information, of public participation and of access to the justice on the subject of environment, which provides to the citizens very important participation river beds.

We are sure that there will try for all the means that the Town hall of Almendralejo rectifies his attitude obstructionist who puts in danger the public participation, with what it generates between the citizens who think that they cannot do anything and, therefore, he feels foreign to the environmental protection process, mutilating his year of the right that the Spanish Constitution grants them to enjoy an environment adapted for the development of the human being, as well as the preservation of the same one for the future generations.

For everything previously exhibited,

I request:

Value if the request of information of the Platform to the Town hall of Almendralejo is inside the right that he assists to us like citizens. If it is not like that, one communicates to our association which are the reasons for which what we request violates the current legislation referred to the access of the environmental information. And if, on the contrary, his evaluation was giving us the account:

- Communicate to the Town hall of Almendralejo the reason that is present at our association. And that, therefore, obstructionist stops in his attitude at the time of facilitating the information related to the environment.
- Communicate to the Platform the taken measurements, in order to know if we have to resort to the judicial route to obtain the requested information, or on the contrary, as we hope that it should happen, could receive it without coming to this end.

Without another thing, receive in my name and in that of our association, our gratitude and more cordial greeting.

In Almendralejo on January 17, 2008

Fdo. Félix Lorenzo Donoso

Plataforma Contra la Contaminación de Almendralejo

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