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Unofficial translation from the Spanish original

What we could call the case Vinibasa extends in time. We have fight against the inactivity of administration, than in spite of recognizing that they have committed irregularities during years, has done nothing to prevent it. The danger for the citizens has existed of evident way.

Consideramos de interés hacer una cronología de cómo han sucedido los hechos para que cada uno saque sus propias conclusiones.

We considered of interest to build a chronology of how the facts have happened, in order that each one brings out its own conclusions.



## [Emissions from Vinibasa]

### Chronology of the “VINIBASA’s case”

- **July 23, 2004** – We remitted a paper to the General Commerce Management and Industry of the Junta de Extremadura and to Health and Environment Council Seat of the Town Council of Almendralejo.

Requesting:

Data of the reasons that have conduced to take some measures in relation to VINIBASA

Data on the last measurements of emissions of VINIBASA

**Answer from the Consejería of Environment.** – **October 04** – *insufficient, incongruent, without concrete data on what's solicited.*

**Resolution:** Requesting more concrete information

- **October 07, 2004** - We requested to the Consejería of Industry Ordination, Energy and Mines copies of analytical controls of Vinibasa– relative to the insufficient information of September 22 requested on July 7.
- **January 18** – We had an interview with Head Of Department of Ordination and the Industrial Planning (Manuel García), he recognizes that they had to have given the solicited information, but he does not know the motives because it has not been done, he commits to do it in the time limit of a week He explains the inspection procedure to us.
- **February 24, 2005** – We Requested information to the Town Council of Almendralejo on the “plant of treatment of residues of distillation” published in the BOP of Badajoz of February 3, 2003
- **April 05, 2005** – We requested to the Town Council of Almendralejo information about the industry’s Licences of opening and Authorization of residual waters. (**Incomplete answer November 04, 2005**)
- **April 05, 2005** – We remitted previous paper of Reclamation to the civil legal process against the Consejería of Economy and Employment for not to providing the information environmental requested to.
- **April 12, 2005** – We received a telephone call from the General Management on purpose to make a date with the Managing Director to the 12:00h the day April 14.
- **April 14, 2005** – We had an interview with the Head Of Department of Ordination and Industrial Planning. (Our education prevented from asking him where the Managing Director was that according to the call of the day April 12 would be the one that was going to talk with the representatives of the Platform). He shows a summary of the executed measurements, where it can be verified that they have passed over the maximum limits of emission considerably legalized. We asked him that, as long as the information has been requested in writing we requested that he forward us copies of the original analyses in writing or allow us making photocopies. He commits to send the copies of the originals in the time limit of a week.
- **April 20, 2005** – We Visit the Technical Office in order to be interested in the paper that was remitted to them with date February 24, 2005. The technical that has the file was not there, because she was in a tribunal. We will request him information on April 21.

- **April 26, 2005** – We Received answer to paper dated on April 05, 2005, communicating to the claim legal process the previous. They forwarded on a summary of information of emissions to us; do not originals copy; lack the annex II, where it is specified where the units of measurement of inmisión were located. Data prove that it has been emitting far above the maximum established. 1 - More of two times in all cases and more of three in one. 2 - More of 35 % in all and more of three times in one. 3 - Are obeyed in all with some modifications in CO2.
- **May 16, 2005** – We received copy of the originals of the analyses fulfilled from the Consejería of Economy, Industry and Trade.
- **November 04, 2005** – Answer – We received from the town council, as part of the information requested with date April 05, 2005, report of the technical office, in the one that it is affirmed that the industry only has licences for the following activities: Alcohols factory, tartars factory and store and commercialization of wines.
- **November 10, 2005** – We remitted a paper to the town council in which we demanded that immediately the industry stops fulfilling processes for which it lacks the mandatory authorizations. (The **partially** answer was the convocation on 28 November of a meeting with the Councillor of Urbanism).
- **November 28, 2005** – We received answer to November 10's paper convoking for a meeting (in writing) to the Platform with the Councillor of Urbanism to talk about the issue.
- **November 29, 2005** – We remitted acknowledgement of receipt to the citation and will attend.
- **December 15, 2005** – We remitted a paper to the town council claiming that the industry must quit immediately to accumulate and to incinerate residues (drained out residues). And we communicate that if in the period of a month they do not take the requested measure, we will attend the courts.
- **January 17, 2006** – We received answer from the Town Council with date was forwarded on 15, 2005. December– In it, they communicated that transfer has taken place of the same to the industry so that, during a time limit ten-day, he may present allegations.
- **February 27, 2006** – We remitted a paper to the Town Council communicating that given that it is considered that, in spite of their obligation, they does not have the will to enforce the ground rules in vigour that, let's not forget, it is about to protect the citizens. It has been decided to initiate the study to find the best way of putting the doings in knowledge of justice, with the aim of clarifying the possible responsibilities.
- **May 18, 2006** – We received answer from the Town Council to the paper which was forwarded to them dated March 29, 2006, in it, they assured that “the company is urged likewise to the presentation of technical project, for its corresponding procedure, in the fact that the adaptation of the existent

facilities is justified to the ground rules in vigour.” – Are not taken the measures demanded, that's to say, the closing of the activities it lacks for of the mandatory authorizations.

- **October 31, 2006** – We remitted a paper to the Section of Activities Categorised of the Consejería of Environment, in which we requested information on the licences of activity that the company has. Also we requested that we be sent information on the requested authorizations, and on the denied ones, particularising the arguments to make it.
- **December 19, 2006** – We remitted a paper of Remedy of Appeal to the Managing Director of Environment because we have gotten answer to our paper that with date October 31, 2006 we forwarded to the Section of Activities Categorised.

## **Year 2007**

- **January 03, 2007** – We received a paper from the General Management of Environment in response to the paper than with date 31/10/06 we remitted the Section of Activities Categorized. (We have to take into account the remedy of appeal for lack of answer to this once passed paper the period of specified time in the Law 27/2006). In this paper the fact that VINIBASA does not have authorization to negotiate residues is confirmed, does not have authorization to incinerate them either, neither to store alcohol.
- **January 17, 2007** – In answer to the paper that we received with date January 3 from the Environment's General Management, we remitted a paper in which we requested that they carry on an inspection to VINIBASA's installations and that they initiate the correspondent item file for the infractions to the rules on leftovers the company may have committed.
- **January 17, 2007** – We remitted a paper to the Town Council of Almendralejo which we requested that they initiate an inspection to VINIBASA, and they start up an open a file to penalty and close down the activity for alcohol storage because of lacking the pertinent authorization.
- **February 22, 2007** – As the paper remitted the Town Council have not had answer with date January 17, 2007 l, we remitted them a previous claim to the legal process.
- **February 22, 2007** – As the paper that we remitted to the Environment's General Management did not have answer than with date January 17, 2007, we remitted remedy of appeal to the Consejería of Agriculture and Environment.

- **February 27, 2007** – We remitted a report at the service of Protection of Nature ( SEPRONA ) communicating it that the industry has deposited great quantity of coming ashes of the incineration of leftovers and of mud of filter system, coming from pre-depuration, directly on the ground, being a possible cause of contamination for groundwater.
- **March 07, 2007** – We received a paper from the General Management of Environment in answer to the paper that we remitted him on January 17, 2007, (As not one answered within the period established legally, we initiate a course in remedy of appeal in front of the Consejería of Agriculture and Environment), in it he affirms that VINIBASA does not fulfil any management of leftovers.
- **March 09, 2007** – We received answer to the remedy of appeal for administrative silence that with date October 31, 2006, we had remitted to the Consejería Agriculture and Environment; the appeal is dismissed saying that the solicited information has been remitted for the General Management of Environment. At this point we have to bear in mind that they did not remit the solicited information until we did not put the remedy of appeal. The request took effect on October 31, 2006, the remedy of appeal the December 19, 2006 and the answer to the request of information the January 03, 2007. It is easy to verify that the information was supplied after we remit the remedy of appeal.
- **March 14, 2007** In answer to the previous appeal to the legal process that we forwarded on to with date **January 17, 2007** the Town Council of Almendralejo for administrative silence, we received a paper which they said that the storage of alcohol is fulfilled for concession of licence of activity conceded on May 31, 1978. The person giving a reference does not move to the request that the company made in “ *Open a File for 974/01 for activity storage of wine-growing alcohol. It was asked by D. Luis Carlos Zuzarte Reis as a representative of VINIBASA, which has inbound record 4/10/01 and does not have favourable report of the Commission. According to report of technical Cabinet there are reclamations, the report of the Local Chief of Health was unfavourable, the report of the Technician of projects was favourable, and as much they did not verbalise the report of the industrial Bachelor Of Sciences In Engineering as of the Municipal Corporation. In conclusion, it was given back to the Town Council on 06/05/02.*”
- **March 23, 2007** We forwarded on a paper to the Town Council requesting some photocopies of the file of May 31, 1978 which it is done in reference to the grade of danger of the industry, just like for its installation they will have to take correcting measures. Measures that after checking the file it was not possible to find. We also requested to be able to access the certificate of the session celebrated on **September 26, 1988**, to the File 974/01 for activity storage of alcohol, and to the File on establishment, opening and functioning of plant of treatment of residues.
- **March 26, 2007** – We received answer to the remedy of appeal for administrative silence than with date **February 22, 2007** we remitted the Consejería of Agriculture and Environment, in the same they dismiss the resource alleging that the solicited information has been remitted for the General Management of Environment. At this point we have to remember that the solicited information was not remitted until we put the remedy of appeal. The request took effect on **January 17, 2007**, the remedy of appeal the **February 22, 2007** and the answer to the request of information the **March 07, 2007**. As it is easy to verify the information it was supplied after the remedy of appeal remitted itself.

(This is a procedure that is repetitive consistently at the Headquarters of Environment. They do not obey the time limit established legally and they do not answer until the remedy of appeal is taken a course in)

- **April 03, 2007** – We get in touch phone with the SEPRONA to request information on the complaint that we sent to this service with date February 22, 2007. They inform us than after of proven the denounced doings, they appreciate existing a possible infraction to the **Law 10/1998, of April 21 of Residues**, for to be processing leftovers (sold-out residue, ashes and mud ) without the proper authorization of authorized manager.

The SEPRONA remitted a report communicating the infraction to Environment's General Management with date March 29, 2007. (Section of safe leftovers)

- **April 11, 2007** – We remitted a paper of remedy of appeal to Agriculture's and Environment Counsellor, because we do not agree upon the resolution of the General Management of Environment of date March 7, 2007, that he branded the residue depleted like byproduct and not like residue.
- **May 08, 2007** – We remitted a paper to the Town council of Almendralejo of Reclamation to the Civil Legal Process because they have not responded to the paper that we remitted you them with date March 23, 2007.
- **June 05, 2007** – (The Date reflected in the paper is not the true. I was received 5 June, 2007 at 14,35 o'clock. We have to have in account than that very day we remitted a communication press denouncing the fact) We received answer to the paper from the town council where it communicates that in accordance with the ground rules of referred application, that the documentation that is requested is at the disposal of the petitioner in the Technical Office of the Town Council.
- **June 13, 2007** – We remitted writing to the Town Council of Almendralejo requesting the file photocopies 974/01 for activity storage of wine-growing alcohol.
- **July 26, 2007** – We sent to the Counsellor of Industry, Energy and Environment a Previous Claim to the Civil Legal Process, in order not to have had answer the remedy of appeal was remitted to him with date that **April 11, 2007**.
- **August 06, 2007** – We received answer to the paper that with date June 13, 2007, we remitted to the Town Council, in which they communicated us that the solicited documentation can be collected from the Technical Office.
- **October 22, 2007** – We remitted a paper once the Consejería of Industry, Energy and Environment requesting that they remit us certificate of administrative silence not to have received answer to the repeated remitted papers to this staff. Reference concretely makes the releases with date April 11, 2007 – remedy of appeal - - and July 20, 2007 previous reclamation to the judiciary way -.

- **October 22, 2007** – We remitted a paper to Rationalization's Environmental Service of Activities requesting that pursuant to what's solicited for the Head Of Department of Food Security and Environmental Health, come true the measurement of emissions of dioxins, furanos and PCB of the industry Vinibasa.
- **October 31, 2007** – We remitted a report to the SEPRONA communicating it that the industry is negotiating residues without the mandatory authorization, disobeying what's established in the Law 10/1998, of April 21 of Residues.
- **October 31, 2007** We remitted a report to the SEPRONA communicating him the storage of alcohol of irregular manner, in order to have made substantial modifications in the facilities without the previous obligatory financial direction. They disobey several security standards of the public and protective health of the environment.

(On 28-11-2007.12:30 H) I contacted by phone with the SEPRONA to be interested in the result of the two reports sent the day October 31, 2007.

The official that attended me told that the industry inspection had given as a result the following:

1. They remit two complains to the Section of Safe Residues to the Junta de Extremadura for infraction to the Law of residues and for valorization step of mud of depuration of unsuitable way and without authorization.
2. They forwarded to the Hydrographic Confederation a complaint to the Guadiana for infraction to the Water's Law, (Storehouse of residues without permeabilization which allows to lixiviated that puts groundwater in danger )
3. They forward a complaint to the Managing Director of Industrial Ordination for substantial modifications in the facilities without the pertinent authorization. (They had changed in the deposits of alcohol )

All these complaints were sent to the dependences indicated by the SEPRONA the day 27-11-2007

- **November 29, 2007** – We answered the paper October 22, 2007 remitting a paper to the Section of safe residues of the General Management of Evaluation and Environmental Quality requesting the file copy initiated for the report formulated by the SEPRONA. We received a paper from the Head of Department of Evaluation which he gets in touch in that the report of the SEPRONA was and environmental Authorization filed when considering that the company does not fulfils line activities of residues, but it is about by-products. We want to remark that is standing out that in the same paper they maintained that: however, in front of the problems provoked on the functioning of VINIBASA, the General Management of Evolution and Environment is checking the implementation that the company fulfils of the sectorial legislation of the environment.
- **December 04, 2007** – We Remitted a paper to the Guadiana's Hydrographic Confederation requesting the file copy that he may have started up by reason of the reports that were been for remitted by the SEPRONA with date November 27, 2007.

- **December 04, 2007** - We remitted a paper to the Managing Director of Industry Ordination, Energetic and Miner requesting the file copy that he may have started up by reason of the reports that were been for remitted by the SEPRONA with date November 27, 2007.
- **December 04, 2007** - We Remitted a paper to the General Management of Evaluation and Environmental Quality ( Section of safe residues ) requesting the file copy that he may have started up by reason of the reports that were been for remitted by the SEPRONA with date November 27, 2007.
- **December 18, 2007** – We remitted a paper of uprising against the resolution of November 21, 2007 dictated by the Head of Department of Evaluation and Environmental Quality. Because in it is considered the residue of depleted grapes like byproduct. (We make a mistake when referring us to the resolution he recurs against)
- **December 19, 2007** – We remitted a correction to the previous paper. (right of appeal against the resolution of November 21, 2007)

## Year 2008

- **January 1, 2008** We received answer to paper dated on **October 22, 2007**, in which it is estimated that is not administrative silence (In my opinion erroneously) because the request made already has been answered and therefore there is no silence. However, he does not enter the bottom of the subject since what we recurred against is the decision of considering that alcohol is storing on a regular basis.
- **January 11, 2008** – In answer to the paper that we remitted with date October 4, 2007. We received a paper of resolution dictated with date January 2, 2008, for the Managing Director of Evaluation and Environmental Quality, in the which she communicates that has opened open a sanctioning procedure against the company VINIBASA for the commission of a Serious infraction to the Law April 21's 10/1998 residues, and more concretely to the article 34.3.a ).
- **January 17, 2008** – We remitted a paper in answer to the one of date January 11, 2008 of the Managing Director of Evaluation and Environmental Quality, in the one that she communicates that sanctioning process has started against the company VINIBASA. We requested a copy of the start procedure and copy of the report from the SEPRONA.
- **January 17, 2008** - In answer to an e-mail of date January 17, 2008, we remitted to the industry VINIBASA some copies of the following documents:
  1. Remitted report to the General Management of Consumer and Communal Health about the production of dioxins and furanos for incineration.



2. One copy of the report forwarded on to the Platform for the Department Head of Epidemiology dependent of the General Management of Consumer and Communal Health, which is about the adverse effects caused to on the health by exposition dioxins and furanos. Bibliographic revision.
  3. A copy of the remitted document to the Platform from the Head Of Department of Food Security and Environmental Health, for which he communicated us that, this service to “has requested the collaboration to Rationalization Environmental Service of Activities in order that, to the extent of their possibilities, fulfil measurements of the aforementioned industry in relation to furanos dioxins and PCB ( policlorobifenilos ).
- **January 29, 2008** – We remitted an e-mail to Vinibasa requesting a case-study copy on dioxins and furanos, that according to manifestations of the mayor of Almendralejo he has come true at the industry
  - **January 29, 2008** – We remitted a paper to the town council of Almendralejo requesting copy of the report of measurements of dioxins and furanos once were fulfilled to Vinibasa, according to declarations to the media of the mayor of the town.
  - **January 31, 2008** – We received the report over emission of dioxins and furanos of Vinibasa Company which was requested to the Town Council on January 29, 2008.
  - **February 08, 2008** – We received paper in answer to which with date January 17, 2008 we remitted to Managing Director of Evaluation and Environmental Quality. With a copy of the beginning procedure to sanction de company.
  - **February 18, 2008** – We remitted remedy of appeal to the woman minister of Environment not to have had answer the executed request to the Hydrographic Confederation of the Guadiana of date December 4, 2007.
  - **February 18, 2008** – We remitted remedy of appeal to the Counsellor of Industry, Energy and Environment on purpose, not to have had answer the executed request to General Management of Ordination, Energy and Mines dated one December 4, 2007
  - **February 22, 2008** – We received from the Consejería Energy and Environment a paper in answer to the Remedy of Appeal remitted for the Platform with date December 19, 2007. In which is dismissed that the Platform solicited. They continue giving to the sold-out residue byproduct instead of considering it a residue as requested by the Platform.
  - **April 21, 2008** – We received answer to the paper than we forwarded to Ministry of Environment on date February 18, 2008. In it they communicate us that the report formulated by the SEPRONA is under consideration. Also it is communicated that they have not answered the request of information for lack of staff to fulfil the job commissioned.

- **May 20, 2008** – We forwarded on a paper to the Counsellor of Industry, Energy and Environment requesting the *execution of presumed act estimator* to not to have had answers the papers of date December 04 we sent to the Managing Director of Industrial Ordination, Energy and Environment, neither the remedy of appeal of date February 18 was directed to Counsellor of Industry, Energy and Environment,
- **May 23, 2008** – We received answer to the paper than with date January 17, 2008 we directed to the Head of Department of Evaluation and Environmental Quality. This time, definitely he attaches the start report of file sanctioned and copy of the report of the SEPRONA.
- **May 28, 2008** We received answer to the paper of uprising remitted with date February 18, 2008. – (Seeing with the paper remitted with date May 20, 2008 execution of presumed positive act) - in it he resolves not to admit it to step the interposed remedy of appeal.
- **June 13, 2008** – We processed a request of gratuitous justice to interpose action against the administration due to the resolution of the Managing Director of Industrial Ordination, Energetic and Miner of date May 28, 2008.
- **June 16, 2008** - We remitted a paper to the General Management of Agrarian Exploitations requesting a copy of the file that he may have started up by reason of the reports of the SEPRONA, released by this service with date November 27, 2007
- **August 1, 2008** – As we didn't receive answer to the paper that we sent with date June 16, 2008, to the General Agrarian Management of Exploitations, remedy of appeal is interposed in front of the Counsellor of Agriculture and Rural Development.
- **August 1, 2008** – We remitted a paper to the Guadiana's Hydrographic Confederation being interested in the status of the measures that they have taken by the report that the SEPRONA remitted them
- **October 22, 2008** – We remitted a paper to the General Management of Evaluation and Environmental Quality requesting him to communicate the status of the file for punishing Vinibasa.
- **October 22, 2008** – We remitted a paper to the Consejería of Agriculture and Rural Development of Reclamation previous to the civil legal process not to have had answer the remedy of appeal than with date August 1 we remitted them.

- **October 29, 2008** – We were handed a paper from the General Management of Exploitations Agrarian and Alimentary Quality answering the release for the Platform with date June 16, 2008. In it they report that no sanctioning procedure has initiated to Vinibasa affirming than “the agrarian company that would be utilising the purified mud and processed by Vinibasa is in Andalucía. (It is necessary to bear in mind that with date August 22 we remitted a paper previous to the civil legal process to the Consejería of Agriculture and Rural Development, what this answer seems to have provided )
- **November 11, 2008** – **We received answer to the paper from previous report to the civil legal** process than with date October 22, we remitted to the Consejería of Agriculture and Rural Development, where they communicate us that the pretence is not admitted, on the grounds that the administrative silence we quote in the paper does not exist since they replied to the solicited. (See paper of October 29, 2008)
- **November 11, 2008** – We received answer to the paper than with date October 22 we sent to the General Management of Evaluation and Environmental quality requesting to be communicated to us the status of the file to sanction Vinibasa, at which it is indicated that: *“Once the instruction was finalized, the file to sanction is in the phase of Resolution, forcing on Vinibasa distillery an economic sanction of 20,000 euros for an administrative infraction characterised in the article 34,3 ) of the Law of residues.”*

## Year 2009

- **August 24, 2009** – We remitted a paper to the General Management of Evaluation and Environmental Quality requesting the status of file for treatment of mud of filter system. It is requested to remit us a copy of the resolution.
- **September 04, 2009** – We received answer to the paper that with date August 24, 2009 we remitted to the General Management of Evaluation and Environmental Quality, in the which they inform us If that: *“the sanctioning file meets in phase of Resolution, imposing to Vinibasa distillery an economic sanction of 20,000 euros due to an administrative infraction characterised in the article 34.3.a ) of the Law of Residues.”* (**The same answer that they gave us the November 11, 2008**)
- **September 18, 2009** – We received a paper of date September 11, 2009 completing the information remitted the day September 4, 2009.

### NOTICE:

All what is assured in this report can be proved with original papers.



Platform's act in order to protest against the contamination of Almendralejo.

In Almendralejo on November 10, 2009

A handwritten signature in blue ink, which reads "Félix Lorenzo". The signature is stylized and written on a light-colored rectangular background.

Félix Lorenzo Donoso  
President of the Platform Against the Contamination of Almendralejo

Unofficial translation from the Spanish original