

**From:** [secretary@diving.ie](mailto:secretary@diving.ie)  
**To:** [AIE@epa.ie](mailto:AIE@epa.ie)  
**Subject:** Request for Access to Information on the Environment (AIE)

---

Dear Sirs,  
this request under AIE Regulations is being made by Comhairle F6- Thuinn- Irish Underwater Council (trading as Diving Ireland), which is the NGB for scuba diving, snorkeling and other underwater sports in Ireland.

Diving Ireland hereby requests information held by the Environmental Protection Agency (EPA) under the Access to Information on the Environment (AIE) Regulations 2007-2018. The EPA website has been accessed to obtain the information requested, but as far as can be determined the information is not available. Due to the Covid 19 restrictions, there is currently no access to the EPA public computers.

The documents and information requested relate to Dumping at Sea (DAS) permits. They fall into a number of groups and these are explained below along with a list of the specific information sought.

It is a requirement of DAS permits that the permit holder notify the EPA of their intention to start operations at least two weeks (14 days) in advance of the loading and dumping activities starting. With regards the DAS permits listed below, these notifications are not on the EPA website, so a request is made for copies of these notices where they are held on file by the EPA. The relevant Condition number in each permit is listed:

	<b>Permit No</b>	<b>Applicant</b>	<b>Date of issue</b>	<b>Relevant Condition of Permit</b>
1	S0005-02	Dept of Defence, Cork	26/01/2017	2.4
2	S0007-02	Kerry Co. Co.	15/09/2015	2.5
3	S0009-02	Shannon Foynes	22/01/2013	2.4
4	S0009-03	Shannon Foynes	21/12/2020	2.4
5	S0011-02	Donegal Co. Co.	20/08/2014	2.5
6	S0012-02	Port of Waterford	08/05/2014	2.5
7	S0015-03	Drogheda Port Company	11/02/2021	2.4
8	S0017-01	Wicklow Port	02/05/2013	2.5
9	S0019-01	Shannon Foynes Port Company	13/05/2014	2.5
10	S0020-01	L&M Keating Limited	25/02/2015	2.5
11	S0021-01	Port of Cork Company	22/07/2015	2.6
12	S0021-	Port of Cork Company	07/06/2017	2.5

	02			
13	S0022-01	Dept Ag, Food, Marine (Rossaveel)	03/12/2015	2.5
14	S0023-01	Sligo Co. Co.	20/05/2019	2.4
15	S0025-01	L&M Keating Limited	29/09/2015	2.6
16	S0027-01	Arklow Energy Ltd.	20/10/2017	2.4
17	S0028-01	Dept Ag, Food, Marine (Killybegs)	20/04/2018	2.4
18	S0029-01	Dept Ag, Food, Marine (Dingle)	30/11/2017	2.4.1
19	S0030-01	Wexford Co. Co. (Kilmore Quay)	02/08/2019	2.4
20	S0031-01	Malahide Marina	04/01/2019	2.4

In addition, for DAS permit S0029-01, the notice of the intention to commence dredging and dumping activities must be accompanied by written confirmations from both The Department of Culture, Heritage and the Gaeltacht (Condition 2.4.2), and The National Parks and Wildlife Service (Condition 2.4.3). Neither document is available on the EPA website and copies of both are requested:

21	Confirmation from The Department of Culture, Heritage and the Gaeltacht (as per Condition 2.4.2 of DAS permit S0029-01)
22	Confirmation from The National Parks and Wildlife Service (as per Condition 2.4.3 of DAS permit S0029-01).

With regards DAS Permit S0021-02 (Port of Cork Company), Condition 3.1 of the DAS permit states that “All loading and dumping activities shall be completed by 31<sup>st</sup> March 2019”. The AER for 2019 indicates that dredging and dumping continued for some time after this date. No documentation relating to this change to the conditions of the permit is available on the EPA website. Documentation relating to the EPA agreement to this amendment is sought, including:

23	Communication from the permit holder to the EPA requesting the extension for the permit
24	The decision of the EPA in this respect, and the documentation to support this decision.
25	If the extension of the permit was not agreed by the EPA, copies of documentation related to enforcement action by the EPA is sought.

With regards DAS Permit S0024-01, around the 29 June 2018 the EPA received a copy of a warning letter from Dublin City Council to the permit holder, in order that the EPA could open an enforcement file. This letter, and the contents of the subsequent enforcement file, are not available on the EPA website. On foot of this warning, the permit holder issued an updated Dredging Management Plan. This also is not on the EPA website, nor is there any

evidence of a review of the updated Dredging Management Plan by the EPA and agreement to the changes to the Plan. Copies of the following are requested:

26	Confirmation of receipt of the warning from Dublin City Council and copies of all other documents in the related enforcement file
27	The updated Dredging Management Plan
28	Evidence that the EPA reviewed the updated Dredging Management Plan and agreed to the amendments.

DAS Permit S0024-01 was the subject of a non-compliance on foot of complaints raised in January 2018 (complaint ref COM007031). The non-compliance notification from the EPA to the permit holder, and any response from the permit holder, are not available on the EPA website. Copies of the following are requested:

29	Non-compliance notification from the EPA to the permit holder with respect to COM007031
30	Any response from the permit holder to the EPA on foot of this non-compliance

The information requested is environmental information for the purposes of the AIE Regulations as it falls under the following categories as defined under Art. 3.1 of European Communities (Access to Information on the Environment) Regulations 2007 to 2018:

- The state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms and the interaction between these elements.
- Factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment affecting or likely to affect the elements of the environment.
- Measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in paragraphs (a) and (b) as well as measures or activities designed to protect those elements.

There is urgency in obtaining the requested documentation. Diving Ireland would greatly appreciate it if it were possible to return the requested information within two weeks, preferably in soft copy format.

Yours faithfully

Rory Keane

# Rory Keane

Hon. Secretary  
Diving Ireland  
78A Patrick Street  
Dun Laoghaire  
Co Dublin

Head Office Phone: + 353 1 2844601

Email: [secretary@diving.ie](mailto:secretary@diving.ie)

*Diving the sea since '63*  
*IUC 1963 - 2013*

DISCLAIMER: This message is intended only for the use of the person(s) to whom it is addressed. It may contain information which is privileged and confidential within the meaning of applicable law. If you are not the intended recipient, please be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing or copying of this email, or any part of it, is strictly forbidden. If you have received this email in error, please contact the sender as soon as possible. The views expressed in this email may not necessarily be the views held by Irish Underwater Council.

Any attachments have been checked by a virus scanner and appear to be clean. Please ensure that you also scan all messages, as the Council does not accept any liability for contamination or damage to your systems.