

WRITTEN QUESTION E-4260/06  
by María Sornosa Martínez (PSE)  
to the Commission

Subject: Illegal dump in Masalavés

On 28 February 2006, following repeated complaints by a private citizen, proceedings were started in Marsalavés (Valencia) against the company 'El Alterón S.A.L. for dumping non-dangerous waste (consisting of dust from gypsum and plaster, produced by polishing the plaster sheets produced by the company, and the fibreglass used to strengthen these sheets) without official authorisation; the outcome was a decision to fine the company, stop the dumping, and seal the existing waste. I have also been informed that the company has no licence to operate, is located in a green belt zone, and that the appropriate declaration of Community interest has not been approved.

The problem is that the illegal dump remains active (it has merely been sealed), and the waste, as indicated by a range of scientific and legal documentation, could give rise to chemical and biological reactions which produce pollutant agents such as hydrogen sulphide, sulphur dioxide and sulphur-derived compounds harmful to the environment and human health.

I have proof that there is a very real threat that the waste could leach into and pollute a subterranean water of an aquifer lying very close to the sealed dump site, with all the risks that this would pose to environmental conservation.

Furthermore, the Commission has written to the complainant (after submitting the appropriate complaint) saying that the file was now being closed, given that the administration had already taken action against 'El Alterón S.A.L.'. According to a report of the Valencian Generalitat's Ministry of Planning and Housing (Territori y Habitatge) this gypsum and plaster waste cannot be classed as inert, under the terms of Council Decision 2003/33/EC<sup>1</sup> of 19 December, laying down the criteria and procedures of the acceptance of waste at landfills pursuant to Article 16 and Annex II of Directive 1999/31/EC<sup>2</sup>. Furthermore, the Autonomous Community's Secretariat-General adopted a resolution on 20 June 2005 which states that the waste in question must be removed and deposited in an authorised dump, and the damage to the original site be made good, but this resolution has not been complied with, and the sealing of the dump has been upheld, leaving the illegal waste in situ.

Does the Commission not think that the existing waste should be removed as a matter of urgency and transferred to a legal dump, and the ground affected restored to its original condition?

Does the Commission not believe that the quality of the subterranean waters in the nearby aquifer are at risk, if the waste is left where it is, even though it is sealed-off?

Does the Commission not believe that allowing this illegal dump to have been built may constitute a violation of European environmental legislation?

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<sup>1</sup> OJ L 11, 16.1.2003, p. 27.

<sup>2</sup> OJ L 182, 16.7.1999, p. 1.