

St John's Grove Residents Association

Co. Kildare

May 27th, 2010

Environment Policy Section,
Department of the Environment, Heritage and Local Government,
Newtown Road,
Wexford
Co. Wexford.

Dear Mr. Gormley and EPA Review Committee,

The following comments are on behalf of the residents of St John's Grove in Johnstown in County Kildare. Our estate is situated less than 1 mile from the dump in Kerdiffstown (run by Neiphin Trading Ltd) that has caused tremendous consternation over the last number of years. The issues associated with this dump have brought to the forefront for our estate the role of the EPA in environmental protection and policing.

We believe that there are at least three areas where the EPA could improve its operations:

1. Enhanced powers to close facilities and issue civil/criminal proceedings

The EPA currently has no executive powers to close either temporarily or permanently a licensed facility which is acting in a non compliant manner. Instead it must pursue errant individuals / companies through the courts. This is an arduous, expensive and extremely time-consuming task. Whilst this course of action is being pursued, the errant individuals / companies seem to be able to continue without any regard for the law. This is of concern as our environment can in a very short space of time become highly polluted and irretrievably so. In some other cases where there is a breach of a license given by other agencies and where there is a risk to life, a facility may be shut down immediately.

We are stunned that the EPA had 11 inspections, identified illegal dumping, but still had to go to the courts to effect the obvious next step of shutting the Neiphin facility down. What the EPA needs is authority to take enforcement action. We believe that, just like in the US and other countries, the EPA should have powers to not only license operators but also to shut down and, if necessary, issue civil/criminal proceedings against owners and the companies management for breaches of environmental laws.

2. Independent non-executive directors

The Board of Directors of the Environmental Protection Agency comprises all Executive Directors. There are no independent non-executive directors on the Board and this is not an appropriate Board composition especially for a State Board.

3. Posting of bonds

We believe that all licenses to be issued should be subject to suitable bonds being put in place to ensure that there is funding to cover the clean up in the event that facilities close without fulfilling their obligations.

We look forward to the completion of the review of the EPA and hopefully to changes in legislation that will significantly enhance environmental protection in our communities.

Yours sincerely,

Eugene O'Keane

A black rectangular redaction mark covering the signature of Eugene O'Keane.

CC: Residents Association Committee