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Office of  
Environmental  
Enforcement

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Mr David Malone  
EuroLaw Environmental Consultants  
60 St Josephs Terrace  
Portarlinton  
Co. Offaly

Tuesday, 11 January 2005

Re: AES Portlaw - PAE2004/457

Dear Mr. Malone

I wish to acknowledge receipt of your letter to the Agency on 6th January 2005 in relation to correspondence received from Mr. David Kane.

Please note that pollution incidents should be reported in the first instance to the local authority in whose area the incident occurred. The OEE exercises a supervisory role in respect of the environmental protection activities of local authorities, through auditing their performance, providing advice and guidance, and, in appropriate cases, giving binding directions. In this regard, the OEE acts as a resource to members of the public who have exhausted all other avenues of complaint.

Therefore the status of Mr Kane's complaint is as follows and Mr. Kane has been informed of same.

AES has submitted a waste management licence application to the Agency for a facility at Portlaw Co. Waterford. Until a decision has been made by the Agency in relation this application, the local authority; in this case Waterford County Council remains the competent authority for environmental enforcement at this site. Therefore complaints of an environmental nature concerning activities at the site should be made to the local authority in the first instance and the opportunity afforded to the local authority to deal with same.

Mr Kane submitted his complaint to both the Agency and the Local Authority on 23<sup>rd</sup> December 2004 and was subsequently informed by the Agency that it would not be pursuing the matter in the short term as Waterford County Council should be afforded the opportunity to respond to his correspondence. However if upon receipt of this response if Mr. Kane considered the performance of Waterford County Council to be unsatisfactory in resolving this issue, he may revert to the Agency enclosing copies/records of communications with the Council.

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Mr. Kane contacted the Agency on 4<sup>th</sup> January 2005 to establish the status of his complaint within the Agency and I reiterated the above. As a goodwill gesture, a call was made by the Agency to Waterford County Council to verify that the matter was being dealt with and the Agency was informed that a site visit had been carried out and that no activity was observed. Mr. Kane's correspondence has been passed to the planning section as it referred specifically to a planning application. The Agency was informed that Waterford County Council would be reverting to Mr. Kane in relation to the matter. This information has been conveyed to Mr. Kane.

The benefit of reporting activities causing environmental concern to the relevant local authority at the time of occurrence was also expressed to Mr. Kane.

I enclose a copy of the Office of Environmental Enforcement Policy and details on the complaints procedure for your information in relation to this matter and for future reference.

Yours sincerely,

*Mary Frances Rochford*

Mary Frances Rochford

Public Authority Enforcement

Office of Environmental Enforcement