



Our Ref: REP4344/MC/04

July 2004

AN ROINN COMHSHAOIL,

OIDHREACHTA AGUS

RIALTAIS ÁITIÚIL

DEPARTMENT OF THE

ENVIRONMENT, HERITAGE

AND LOCAL GOVERNMENT

Ms Jacinta Longworth Complaints Unit Office of Environmental Enforcement **Environment Protection Agency** P.O. Box 3000 Johnstown Castle Estate Co Wexford

Environmental Protection Agency Office of Environment Enforcement Public Authority

- 5 AUG 2004 Received

Initials:

TEACH AN CHUSTAIM

BAUF ÁTHA CUATH I

CUSTOM HOUSE, DUBLIN I

Tel No: +353 | 888 2000

LoCall No: 1890 20 20 21

Fax No: +353 | 878 2888

Dear Ms Longworth,

Please find enclosed correspondence that the Minister has received from Ms Emer Bailey, Donoughmore, Donard, Co Wicklow in connection with unauthorised dumping at Whitestown, Co Wicklow.

I am referring this correspondence for the attention of and for any appropriate action required by the Office of Environment Enforcement. It would be appreciated you could keep me apprised of the situation. Also enclosed is a sopy of the Departments response to Ms Bailey.

A copy of Ms Bailey's correspondence has also been forwarded to Wicklow County Council for their attention.

Yours sincerely

Niamh Drew

Waste Infrastructure & Regulation

Tel 01 888 2600

Mr Martin Cullen
Minister of the Environment
Dail Eireann
Government Buildings
Dublin 2

Donoughmore Donard Co Wicklow

19 July 2004

AREP 6 @

Re: Illegal Dumping

Dear Mr Cullen

I enclose a copy of my letter today to An Taoiseach I also enclose a copy of the two letters which I sent to the Planning and Payments Tribunal concerning illegal dumping in West Wicklow.

I would appeal to you to read them and take appropriate action.

Yours Sincerely

Emer Bailey

JUL 2004

An Taoiseach, Mr Bertie Ahern Dail Eireann Government Buildings Merrion St Dublin 2 Donoughmore Donard Co Wicklow

19 July 2004

Dear Taoiseach,

On the 24th April and again on 28th May I wrote by registered post to the Planning and Payments Tribunal concerning matters of serious planning irregularities and criminal activity in West Wicklow, specifically in relation to illegal dumping. Having had my objections ignored by Wicklow Co Council during the time that the dumping was actually taking place, I find it intolerable that I have not had a reply or even an acknowledgment of either letter to the Mahon Tribunal. For this reason I am writing to you. I enclose a copy of both letters and I ask you to please read them and take whatever action is appropriate.

There are serious plans to legitimise the various illegal dumps mentioned. If licenses are granted, West Wicklow will become the Dump Capital of Ireland, and criminal activity will be seen to have been rewarded. This will do nothing to endear our already poor environmental reputation to the E.U. and will have the most serious of consequences for Tourism and most especially for future generations living in the 'Garden County'.

I remain, Yours sincerely

Emer Bailey

C.C. Mr Martin Cullen, Minister for the Environment, Mr.Michael McDowell, Minister for Justice

Encl 2

Ms Susan Gilvarry, Solicitor Planning and Payments' Tribunal Dublin Castle Dublin 2 Donoughmore Donard Co Wicklow 24 April 2004

Dear Ms Gilvarry,

I write as a representative of WAG, (Whitestown Awareness Group) which was formed as a result of local outrage and deep concern following a matter of serious planning corruption which occurred in Co Wicklow and which was allowed to continue for many years. It relates to an unauthorised landfill dump at O'Reilly's Quarry, Whitestown, near Baltinglass, in West Wicklow, then owned by Mr John O'Reilly.

In January 1998 I contacted Wicklow Co Council to ascertain if planning permission had been granted to Mr O'Reilly to use his quarry as a landfill dump as there was a steady stream of lorries entering the quarry full, dumping their load and leaving empty. I was told that no such permission had been sought or given and that any such activity was in breach of planning regulations. However, repeated reports of this illegal activity to the Co Council went completely unheeded.

I wrote to the Co Manager in the first week of March 1998 giving precise information of the modis operandi of the (by now continuous) illegal operation and giving registration numbers of two of the lorries which I had followed. I also contacted my local public representative and on the 3rd March 1998 the matter of illegal dumping at Q'Reilly's quarry in Whitestown was raised on the floor of the council meeting by Councillor Tommy Cullen. My letter was acknowledged but never answered; in fact the Council denied ever having received my letter and it wasn't until Nov 2001 when Sybil Mulcahy (TV 3 News) reporting on the discovery of the illegal dump contacted the Council and informed them that she had seen the acknowledgment of my letter. They then agreed that they had indeed received it. Subsequently, the council claim that the letter has been lost. By now approximately 500,000 tons of mixed hazardous waste, including hospital waste had been dumped at the quarry. Had they heeded the letter and the numerous phone calls, that would not be the case.

The environmental damage to the Carrigower river valley where the quarry is located is now estimated at between eight and sixteen million tons of contaminated soil as the leachate resulting from the 500,000 tons of hazardous waste dumped continues to move downstream. The Carrigower is a main tributary of the river Slaney and is a major salmon spawning area. There is also a considerable otter population in the immediate area.

When in 2001 the Co Council 'discovered' the illegal dump and the media pursued the story, it transpired that the Co Council was itself seriously implicated in the dumping and allegations of bribes to Council officials have been made. One official tragically took his own life after being interviewed in relation to the allegations. The Co Council have admitted to having dumped in this quarry over the years. Indeed in April 1999 the Council sought to rent a portion of this illegal dump from Mr O'Reilly and made him a formal offer. Unusually, this formal offer was made by Executive Engineer Ms Bridge Kilkenny, normally such an offer would come I am told, from the County Secretary. Incredibly, in an interview that my husband and I had with the director of Environmental Services Mr Michael Nicholson and his assistant Mr Philip Duffy (held in our living room on Fri 21 June 2002), Mr Nicholson informed us that this was in fact a false letter issued by the Council to facilitate Mr O'Reilly in obtaining a bank loan! We expressed our absolute amazement at this statement.

Serious questions arise concerning the apparent acquiescence of Wicklow Co Council in allowing the multimillion development of an illegal landfill outside of statutory regulations, when they had full knowledge of what exactly was happening on this site.

Those who operated the dump and those who used it made enormous amounts of tax free money from a completely illegal operation, and the local authority took no action whatsoever, despite the flagrant breach of planning permission by the owner.

Wicklow, and in particular West Wicklow, appears to have been an 'area of comfort' for those involved in illegal dumping where the normal rules, regulations and laws to be enforced by the statutory authority, in this case Wicklow Co Council, were set aside. I ask that the Tribunal would investigate why?

Consultants' reports show that this site is in the most environmentally vulnerable location possible, being sand over shale with no clay deposits underneath which would be absolutely necessary for landfill purposes and the proximity of the Carrigower river further jeopardises the situation. The area has also been designated as a Special Area of Conservation (SAC) by the EU.

The lands concerned have been sold to Brownfield Restoration Ireland Ltd, a company owned by Mr and Mrs Ray and Ann Stokes, (inaugurated at the time of the sale, Sept 2003), and a company with no history in remediation of the nature required. Council officials openly refer to them as a subsidiary of A1 Waste, the company implicated in the dumping. An application by Brownfield for a landfill licence is currently being assessed by the EPA. This in itself is an extraordinary development unless it was the plan all along, which would mean that criminal activity now decides where landfill dumps will be located regardless of the devastating impact on the environment. Who would buy 47 acres of contaminated land the subject of a criminal investigation and with an absolute requirement for restoration which will cost hundreds of million euro?

It would appear to be the case that criminal activity in relation to illegal dumping can set out to make millions of euro by ignoring planning requirements, polluting the environment, and then expect to make even more millions by compromising the authorities into granting planning permission to operate a waste management facility in an area never intended for landfill and totally unsuitable for this purpose, so that the mess can be cleaned up and hundreds of thousands more tons of waste taken in.

I would ask the Tribunal to carry out an immediate detailed investigation into this matter. WAG would be glad to discuss this matter with your representative.

As the situation is ongoing, we believe that fair procedure with regard to public rights will not be adhered to given the scale of this planning scandal, the amount of money involved and the apparent influence of those in authority who would not wish to see the matter investigated.

Given the urgency of this matter our group would request an early meeting with your officers and consideration to make a formal submission to your tribunal.

I Remain Yours Faithfully

Emer Bailey Whitestown Awareness Group Ms Susan Gilvarry, Solicitor Planning and Payments' Tribunal Dublin Castle Dublin 2

Donoughmore Donard Co Wicklow 28 May 2004

Dear Ms Gilvarry

I refer to my letter of 24 April 2004 concerning illegal dumping and breach of planning regulations with the full knowledge and collusion of Wicklow Co Council. Despite registering the letter I have received neither a reply nor an acknowledgment. I would be obliged if you could inform me as to what action is to be taken in this matter.

I omitted to say in my last letter that when Wicklow Co Council stopped their household waste collection, the waste collection contract was awarded to Noble Waste. Coincidentally the then County Manager, Blaise Tracey is a director of Noble Waste, now Greenstar. Interestingly, Greenstar are closely connected to Roadstone who have five illegal dumps on their lands in Blessington and who are seeking to have another three hundred acres of land at the ancient heritage site of Glending rezoned for further quarrying. Roadstone are also a major contributor to all political party funds, and the Duchas report rejecting the rezoning plans was subsequently reversed in highly irregular circumstances and in Roadstone's favour immediately before the disbanding altogether of Duchas by the Minister of the Environment, and just in time for important discussions on the County Development Plan and the Blessington Town Plan (March /April 2003 and still the contentious subject of the CDP).

That there are serious planning irregularities in Co Wicklow and West Wicklow in particular is undisputed, especially in relation to quarrying and the propensity to dump illegally in these convenient holes. Further problems exist with the intention of quarry owners to turn their depleted quarries into legal dumps with the full acquiescence of the planners. By the nature of their soil composition, quarries are not suitable locations for landfill, but they present an apparently irresistible opportunity to make huge amounts of money for their owners... €15 a ton for taking out sand but €250 a ton for taking in waste.

I suggest that the whole issue of illegal dumping needs to be investigated as a module of your tribunal and all the threads unravelled regarding the relationships which exist between the criminal fraternity, quarry owners, council and departmental officials and politicians. The damage to the environment is incalculable at this stage and must be reversed. At the O'Reilly/Brownfield site alone the contamination caused by the movement of leachate from the illegally dumped waste is now somewhere between 8,000,000 and 16,000,000 tons of soil in the Carrigower River Valley. It's time to put a stop to this activity for once and for all.

I would ask you for a prompt reply please.

Yours Faithfully

Emer Bailey, Whitestown Awareness Group

Our Ref: REP4344/MC/04

July 2004

Ms Emer Bailey Donoughmore Donard Co Wicklow

Dear Ms Bailey,

I have been asked by Mr Martin Cullen, T.D., Minister for the Environment, Heritage and Local Government to refer to your letter in connection with unauthorised dumping at Whitestown, Co Wicklow.

As you will be aware, it is a matter for each individual local authority to address any incidence of unauthorised waste disposal activity within their functional area. Therefore a copy of your correspondence has been forwarded to Wicklow County Council for their attention and direct reply to you. However, the Minister notes your concerns on this matter.

In this regard, the Minister has already announced details of an allocation of approximately €7m from the Environment Fund in relation to local authority waste management enforcement programmes. The purpose of these programmes is to secure a very visible local authority enforcement presence on the ground in the form of enforcement officers, litter wardens and mobile crews who will deliver verifiable additional enforcement activity. The programmes also aim to get the message across that those who engage in illegal waste activity or other activities, which damage the environment, will face the full force of the law.

Also, as you may be aware, the recently established Office of Environmental Enforcement (OEE) has a mandate to deliver enhanced environmental compliance through enforcement of EPA licences issued to waste, industrial and other activities. It also exercises a supervisory role in respect of the environmental protection activities of local authorities. In this regard, the OEE acts as a resource to members of the public who have exhausted all other avenues of complaint.

A copy of your correspondence has also been forwarded to the Office of Environment Enforcement, Environment Protection Agency, P.O. Box 3000, Johnstown Castle Estate, Co Wexford for their attention and appropriate action.

Yours sincerely,

Conor Falvey Private Secretary

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How to Complain

If you have a complaint about the service we have provided you should speak either to the line manager of the area concerned who will look into the matter or you should write to the Quality Customer Service Officer for the Department. We will do our best to put things right if we have made a mistake. We will acknowledge your complaint within 3 working days and try to deal with your complaint within 10 working days. If we need to carry out further research we will let you know and try to have completed this within 20 working days.

If you are still not happy you can write to the Office of the Ombudsman, 18 Lower Leeson Street, Dublin 2.

Tel. (01) 678 5222; LoCall 1890 22 30 30; email: ombudsman@ombudsman.irlgov.ie

Full details of how you can make a complaint or a comment it service is set out in the Complaint Procedure Leaflets and Comment Cards available in our offices and on our website. Further details regarding the Department's general approach to ensuring a high quality of customer service to those who transact business with us are contained in the Customer Service Action Plan for the Department.

Jåne 2004

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Conas gearán a dhéanamh

Má bhíonn gearán agat faoin tseirbhís atá curtha ar fáil againn is ceart duit labhairt le bainisteoir líne na rannóige lena mbaineann a dhéanfaidh an gnó a fhiosrú nó is ceart duit scríobh chuig an Oifigeach um Sheirbhís Cháilíochta do Chustaiméirí de chuid na Roinne. Déanfaimid ár ndícheall cúrsaí a chur ina gceart má tá botún déanta againn. Admhóimid do ghearán laistigh de 3 lá oibre agus déanfaimid iarracht déileáil le do ghearán laistigh de 10 lá oibre. Más gá dúinn tuilleadh taighde a dhéanamh

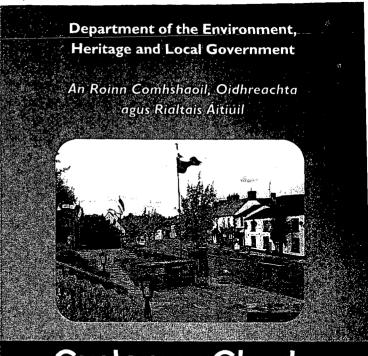
Nos imeachta um Chemicar o Chesta me il

cuirfimid ar an eolas thú agus déanfaimid iarracht é sin a' thabhairt chun críche laistigh de 20 lá oibre.

Más amhlaidh nach mbíonn tú sásta fós féadfaidh tú scríobh chuig Oifig an Ombudsman,
19 Sráid Líosain Íochtarach,
Baile Átha Cliath 2.
Teil: (01) 678 5222; LoCall 1890 22 30 30;
ríomhphost: ombudsman@ombudsman.irlgov.ie.

Tá sonraí iomlána faoin gcaoi na féidir gearán a dhéanamh nó ráiteas a dhéanamh maidir lénar seirbhís leagtha amach sna Bileoga um Nósanna imeachta maidir le Gearáin agus sna Trácht-Chártaí atá ar fáil inár n'oifigí agus ar ár láithreán gréasáin. Tá sonraí breise maidir le cur chuige ginearálta na Roinne chun seirbhís ardchaighdeáin do chustaiméirí a chur ar fáil dóibh sin a dhéanann gnó linn le fáil sa Phlean Gníomhaíochta um Sheirbhís do Chustaiméirí de chuid na Roinne.

Meitheamh 2004



Customer Charter Cairt Chustaiméirí



- documents such as the Annual Report and Customer Service Action Plan are available in both Irish and English.
- Information leaflets on various schemes are available in Irish and English.

Help us to help you

You can help us by...

- quoting reference numbers when writing to us about an existing application or query.
- providing a daytime telephone number or e-mail address in your correspondence if available.
- treating our staff in the way that you would like to be treated yourself.

eedback

The Department is committed to consulting with its customers and to evaluating its services. You can help us by...

- providing comments, complaints or suggestions regarding the service you receive.
- completing and returning any customer survey forms that we may send you.

If you want to forward a suggestion on how we could improve our service to you, please e-mail qcsofficer@environ.ie or send your suggestion directly to

Quality Customer Service Officer,
Department of the Environment, Heritage and Local Government,
Custom House,
Dublin I.

How to Complain

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Seirbhís i nGaeilge

Féachfaimid lena chinntiú ...

- gur féidir le custaiméirí ar mian leo a ngnó a dhéanamh trí Ghaeilge déanamh amhlaidh.
- go mbíonn doiciméid mar an Tuarascáil Bhliantúil agus an Plean Gníomhaíochta um Sheirbhís do Chustaiméirí ar fáil i nGaeilge agus i mBéarla.
- go mbíonn bileoga eolais ar scéimeanna éagsúla ar fáil i nGaeilge agus i mBéarla.

Cabhraigh linn cabhrú leat

Féadfaidh tú cabhrú linn trí ...

- uimhreacha tagartha a lua nuair a scríobhann tú chugainn faoi iarratas nó fhiosrú láithreach.
- uimhir theileafóin lae nó seoladh ríomhphoist a sholáthar i do chomhfhreagras más ann.

déileáil lenár bhfoireagh sa tslí chéanna inar mian leat go ndéileálfaí leatsa

Aiseolas

Tá an Roinn tiomanta i leith dul i gcomhairle lena custaiméirí agus i leith a cuid seirbhísí a mheas. Féadfaidh tú cabhrú linn trí ...

- ráitis, gearáin nó moltaí a thabhairt maidir leis an tseirbhís a fhaigheann tú.
- aon fhoirmeacha suirbhé custaiméara a sheolfaimís chugat a chomhlánú agus a sheoladh ar ais.

Más mian leat moladh a dhéanamh faoin gcaoi inar féidir linn ár seirbhís duit a fheabhsú, seol ríomhphost le do thoil chuig **qcsofficer@environ.ie** nó seol do mholadh go díreach chuig

An tOifigeach um Sheirbhís Cháilíocha do Chustaiméirí, An Roinn Comhshaoil, Oidhreachta agus Rialtais Áitiúil, Teach an Chustaim, Baile Átha Cliath 1.

Conas gearán a dhéanamh

Má bhíonn gearán agat faoin tseirbhís atá curtha ar fáil againn is ceart duit labhairt le bainisteoir líne na rannóige lena mbaineann a dhéanfaidh an gnó a fhiosrú nó is ceart duit scríobh chuig an Oifigeach um Sheirbhís Cháilíochta do Chustaiméirí de chuid na Roinne. Déanfaimid ár ndícheall cúrsaí a chur ina gceart má tá botún déanta againn. Admhóimid do ghearán laistigh de 3 lá oibre agus déanfaimid iarracht déileáil le do ghearán laistigh de 10 lá oibre. Más gá dúinn tuilleadh taighde a dhéanamh



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Our Customers

Given the diversity of its activities the Department has a wide range of customers including individual members of the public, elected representatives, local authorities, our agencies, other partner bodies, other Government Departments and Offices, international organisations and many voluntary and representative groups whose business interacts with the Department. A number of specific services are provided directly to members of the public, e.g. including maintenance of the National Vehicle Driver File, Motor Tax Online, National Parks and Wildlife Visitor centres and ENFO.

Our commitment to you

Meeting your needs is important to us and we aim to achieve this by...

- giving you the best possible service and providing helpful advice.
- treating everyone properly, fairly, impartially and with courtesy.

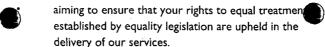
Ár gCustaiméirí

I ngeall ar ilchineálacht a gníomhaíochtaí tá raon leathan custaiméirí ag an Roinn lena n-áirítear daoine aonair den phobal, ionadaithe tofa, údaráis áitiúla, ár ngníomhaireachtaí, comhchomhlachtaí eile, Ranna agus Oifigí eile Rialtais, eagraíochtaí idirnáisiúnta agus cuid mhaith grúpaí saorálacha agus ionadaíochta a n-idirghníomhaíonn a ngnó leis an Roinn. Soláthraítear roinnt sainseirbhísí go díreach do dhaoine den phobal, e.g. lena n-áirítear cothabháil an Chomhaid Náisiúnta Tiománaithe Feithiclí, Mótarcháin ar Líne, ionaid chuairteoirí de chuid na Seirbhíse Páirceanna Náisiúnta agus Fiadhúlra agus an tSeirbhís Eolais Chomhshaoil.

Ár dtiomantas duitse

Tá sé tábhachtach dúinn go bhfreastalaítear ar do riachtanais agus féachaimid leis sin a bhaint amach tríd an méid seo a leanas:

- an tseirbhís is fearr is féidir a thabhairt duit agus comhairle fhóinteach a sholáthar.
- déileáil le gach duine go cuí, go cóir, go neamhchlaon agus le cúirtéis



aiming to meet any special need you may have.

Contact by Telephone

If you telephone us...



- our staff will answer your telephone enquiries promptly and politely.
 - we aim to answer your calls within an overall average of 10 seconds.
 - we will give our name and the name of the Section you have called.
- we aim to answer your questions straight away. If we cannot do so, we promise to take your details and tell you when you can expect to hear from us again.
- féachaint lena chimptiú go seastar le do chearta chuig cóireáil chomhionann arna bunú ag reachtaíocht comhionannais le linn sheachadadh ár seirbhísí.
- féachaine freastal ar aon riachtanas speisialta a d'fhéadfadh a bheith agat.

Teagmháil bealach Teileafóin

Má dhéanann tú glao teileafóin orainn ...

- freagróidh ár bhfoireann do chuid fiosruithe teileafóin go pras agus go múinte.
- féachaimid le do chuid glaonna a fhreagairt laistigh de mheán foriomlán de 10 soicind.
- tabharfaimid ár n-ainm agus ainm na Rannóige ar a bhfuil glaoite agat.
- féachaimid le do chuid ceisteanna a fhreagairt láithreach bonn. Mura féidir linn déanamh amhlaidh, geallaimid go nglacfar do chuid sonraí agus inseoimid cén uair is féidir leat a bheith ag súil le cloisteáil uainn arís.

Contact by Letter or e-mail

if you write to us...

- we aim to respond to your query in clear plain language within 15 working days. If we
 - cannot do this we will write to explain why and tell you when you can expect a full reply.
- If your correspondence relates to a matter that comes within the remit of another public body, we will direct the correspondence to that body and inform you accordingly.

Visit our Offices

If you call to see us...

we will try to arrange meetings at a time that suits you and will not keep you waiting unnecessarily.

Teagmháil bealach Litreach nó ríomhphoist

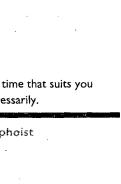
Má scríobhann tú chugainn ...

- féachaimid le freagairt do d'fhiosrú i dteanga shoiléir shimplí laistigh de 15 lá oibre. Mura féidir linn déanamh amhlaidh scríobhfaimid chun a mhíniú cén fáth agus inseoimid cén uair is féidir leat a bheith ag súil le freagairt iomlán.
- má bhaineann do chomhfhreagras le gnó a thagann faoi shainchúram comhlachta phoiblí eile, atreoróimid an comhfhreagras chuig an gcomhlacht sin agus cuirfimid ar an eolas thú dá réir sin.

Cuairt ar ár nOifigí

Má bhuaileann tú isteach chugainn chun sinn a fheiceáil ...

- déanfaimid iarracht cruinnithe a eagrú ag tráth a oireann duitse agus ní choinneoimid ag feitheamh gan ghá thú.
- féachfaimid le seomraí cruinnithe príobháideacha a chur ar fáil chun d'fhiosrú a phlé.



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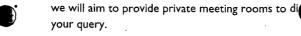
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- we aim to answer your questions fully. If we cannot do this we will arrange to phone you, or write to you if you prefer.
- we will ensure that our offices comply with occupational health and safety standards.
- we will ensure that our offices are as accessible for people with disabilities. Our offices at Dublin (Custom House, ENFO, Irish Life, Ely Place and Dún Scéine) Ballina and Shannon are accessible for people with disabilities.

Service in Irish

We will aim to ensure that

 customers who wish to conduct their business through Irish can do so.

- féachaimid le do chuid freagraí a fhreagairt ina n-iomláine. Mura féidir ligh déanamh amhlaidh déanfaimid socruithe go nglaofar orchnó go scríobhfar chugat más fearr leat sin.
- cinnteoimid go gcomhlíonann ár n-oifigí na caighdeáin sláinte agus sábháilteachta cheirde.
- cinnteoimid go mbíonn ár n-oifigí inrochtana do dhaoine faoi mhíchumas. Tá ár n-oifigí i mBaile Átha Cliath (Teach

an Chustaim, ENFO, Irish Life, Plás Ely agus Dún Scéine), i mBéal an Átha agus i Sionainn inrochtana do dhaoine faoi mhíchumas.





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Access is available by ramp/lift. A hearing

loop system is available in ENFO Offices

Our opening hours are:

Monday to Thursday 9:15 am to 5:30 pm Friday 9:15 am to 5:15 pm



An chaoi le teagmháil a dhéanamh linn

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