

20 February 2012

Kilkenny farmer convicted following major fish kill

At the sitting of the District Court held at Kilkenny on Tuesday 14th February 2012, Mr. Paul Madigan of Graigue, Windgap, County Kilkenny was prosecuted by Inland Fisheries Ireland (IFI) following investigations into a fish kill on the River Glory which took place as a result of the discharge of silage effluent.

Mr. Patrick Kilfeather Senior Fisheries Environmental Officer with IFI told Judge Anderson that following receipt of a complaint on Monday 13th June 2011, Inland Fisheries Ireland carried out detailed investigations on the River Glory over a number of days, and had established that in excess of 1100 fish including trout and salmon as well as invertebrate life had been killed over a distance of 5.1 kilometres from below the outfall from Mr. Madigan's farm to Clone Bridge. Giving details of sampling and analysis undertaken, Mr. Kilfeather confirmed the discharge from the farm to a roadside watercourse and thence to the Glory had seriously elevated ammonia, orthophosphate and BOD levels. He said that on the evening of 13th June 2011, he instructed Mr. Madigan to immediately terminate discharges, and remove all remaining effluent residues from the watercourse. However, when he returned to assess progress on the following afternoon, discharges were still occurring, and he had to speak again with Mr. Madigan concerning the lack of effectiveness of the steps taken. In reply to Mr. Laurie Grace, Solicitor for Mr Madigan, Mr Kilfeather confirmed that by 9 pm on the Tuesday night when he again inspected the farm area, discharges had been terminated, and subsequently the watercourse had been cleaned out using an excavator.

Mr. Grace who had earlier told Judge Anderson there was a plea in the matter said that the discharge occurred as a result of the failure of an electric pump, and as soon as this had come to Mr. Madigan's attention, he had taken steps to keep an effluent storage tank alongside his silage pit emptied. He sought leniency on behalf of his client, who he said had invested heavily in the provision of silage storage facilities, and said that Mr. Madigan's Single Farm Payment had, following the incident, been reduced by €2000. Judge Anderson convicted Mr. Madigan and imposed a fine of €500.00 and awarded legal costs of €1,611 and expenses of €2,828.53 to Inland Fisheries Ireland.

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Media enquiries:

SuzanneCampion
Head of Business Development
Inland Fisheries Ireland
Anglesea Street,
Clonmel, Co. Tipperary.
Tel: 052 6180055 **Fax:** 052 6123971
Email: suzanne.campion@fisheriesireland.ie **Website:** www.fisheriesireland.ie