



To: All News Editors

Wednesday, July 7, 2010

NWC STATEMENT ON SETTLEMENT OF HARBOUR VIEW SEWERAGE COURT CASE

In view of certain inaccurate statements being carried in sections of the media regarding a matter previously brought before the Supreme Court of Jamaica and involving the National Water Commission (NWC), the National Water Commission wishes to set the record straight.

Below are the basic facts of the Harbour View Case:

- 1) Jamaica Environment Trust (JET) commenced Judicial Review proceedings against the National Water Commission (NWC), National Environment and Planning Agency (NEPA), Natural Resources Conservation Authority (NRCA) and Kingston and St. Andrew Corporation (KSAC) contending that these statutory bodies had failed in their duties with regard to the Harbour View Sewage Treatment Plant.
- 2) JET sought orders of certiorari and mandamus against NEPA, NRCA and the KSAC on the basis that since these organizations had known about the problems at Harbour View for some time and had not issued NWC with any Enforcement Notice, their decisions were bad in law and therefore should be quashed by an Order of Certiorari or they should be directed to act by the court by orders of Mandamus.
- 3) Subsequent to the filing of the Claim at the Supreme Court, representatives of the NWC and JET engaged in a number of meetings to reach an amicable resolution to the matter.
- 4) The matter was set for hearing at the Supreme Court on the 6th and 7th July 2010. The representatives of the NWC and JET along with their respective Attorneys-at-Law settled a Consent Order and on the 6th July 2010 the Court was advised that the NWC and JET along with NEPA/NRCA had resolved the

issue. The Consent Order was therefore presented to the Court and was adopted as an Order of the Court.

- 5) As a consequence of the Consent Order, the NWC has undertaken to put in place an interim solution at Harbour View within 18 months of NEPA's approval of the works to be undertaken while continuing to work towards a permanent solution to the problems at Harbour View.

In light of the above, it is not correct to say the NWC lost in Court as the Court was never asked to address any evidence and come to a conclusion.

Furthermore, it is to be recognized that the National Water Commission (NWC) has nothing to gain from engaging in a long legal battle on the matter. The NWC has always maintained its commitment to work towards resolving the problem of the malfunctioning Harbour View Sewage Treatment Plant within the limit of its resources and in the shortest possible time. Even prior to the filing of the claim in the Supreme Court the NWC had invited bids for the construction of a replacement facility and has only been constrained from completing this process by the technical challenges of the undertaking, the very high cost of the project, the fact that existing revenues cannot defray the cost of the project and required adherence to Government of Jamaica Procurement and Contracting Guidelines.

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