



**Freedom of Information Acts, 1997 and  
2003:  
Section 15 Reference Book**

April 2010

## Contents

<b>1. INTRODUCTION.....</b>	<b>3</b>
<b>2. ORGANISATIONAL STRUCTURE OF THE EPA .....</b>	<b>4</b>
<b>3. FUNCTIONS, POWERS AND DUTIES OF THE EPA .....</b>	<b>4</b>
<b>4. EPA MISSION, VISION AND VALUES .....</b>	<b>6</b>
<b>5. HOW TO ACCESS INFORMATION HELD BY THE EPA OUTSIDE FOI .....</b>	<b>7</b>
5.1 ROUTINELY AVAILABLE INFORMATION .....	7
5.1.1 Environmental Protection Agency Acts, 1992 to 2007 and supporting Regulations* .....	8
5.1.2 Waste Management Acts, 1996 to 2010, and supporting Regulations* .....	8
5.1.3 Waste Water Discharge (Authorisation) Regulations, 2007*.....	8
5.1.4 Genetically Modified Organisms Regulations, 1994, 1997, 2001, 2003 & 2004* .....	9
5.1.5. European Communities Environmental Objectives (Surface Waters) Regulations, 2009* .....	9
5.2 ACCESS TO INFORMATION ON THE ENVIRONMENT REGULATIONS, 2007*.....	9
5.3 DATA PROTECTION ACTS 1998-2003*.....	10
5.4 INFORMATION AVAILABLE ON THE EPA WEBSITE.....	10
<b>6. HOW TO ACCESS INFORMATION UNDER THE FOI ACTS .....</b>	<b>12</b>
6.1 APPLICATIONS UNDER THE FREEDOM OF INFORMATION ACTS 1997 AND 2003.....	12
6.2 RIGHTS OF REVIEW AND APPEAL.....	13
6.3 INTERNAL REVIEW.....	13
6.4 REVIEW BY THE INFORMATION COMMISSIONER.....	14
6.5 FEES.....	15
<b>7. STRUCTURE OF THE EPA.....</b>	<b>16</b>
7.1 OFFICE OF COMMUNICATIONS AND CORPORATE SERVICES.....	16
7.1.1. Structure of the Office.....	16
7.1.2 Delivery of service .....	16
7.1.3 Classes of Records .....	18
7.2 OFFICE OF CLIMATE, LICENSING AND RESOURCE USE.....	19
7.2.1 Structure of the Office.....	20
7.2.2 Delivery of Service.....	20
7.2.3 Classes of Records .....	21
7.3 OFFICE OF ENVIRONMENTAL ENFORCEMENT.....	23
7.3.1 Structure of the Office.....	23
7.3.2 Delivery of Service.....	23
7.3.3 Classes of Records .....	25
7.4 OFFICE OF ENVIRONMENTAL ASSESSMENT.....	26
7.4.1. Structure of the Office.....	26
7.4.2 Delivery of service .....	26
7.4.3 Classes of records .....	27
<b>APPENDIX 1 HOW TO CONTACT US.....</b>	<b>29</b>

# 1. INTRODUCTION

The Freedom of Information Act, 1997, hereinafter referred to as the FOI Act, established three new statutory rights:

- a legal right for each person to access information held by public bodies;
- a legal right for each person to have official information relating to him/herself amended where it is incomplete, inaccurate or misleading; and
- a legal right to obtain reasons for decisions by public bodies affecting oneself.

The Act asserts the right of members of the public to obtain access to official information to the greatest extent possible consistent with the public interest and the right to privacy of individuals.

This Reference Book has been prepared and published in accordance with the requirements of Section 15 of the FOI Act 1997. Its purpose is to facilitate access to official information held by the Environmental Protection Agency (EPA), by outlining the structure and functions of the EPA; details of the services provided and how they may be availed of; information on the classes of records held and information on how to make a request to the EPA for information under the Freedom of Information Acts 1997 and 2003, the Access to Information on the Environment Regulations, 2007 and/or other specific legislation. It also shows how routinely available information may be accessed by members of the public.

## **Routinely Available Information**

At present the Environmental Protection Agency (EPA) makes a large proportion of its information available to the public either under statute, in information leaflets, reports, guides or publications. Information can also be obtained through the EPA's website at [www.epa.ie](http://www.epa.ie). Such information will continue to be made available without the need to use the FOI Act. **Chapter 5** of this Reference Book highlights, in relation to each of the EPA's activities, where information of this nature is available. This chapter also indicates how different classes of records can be accessed, e.g. under the Access to Information on the Environment Regulations, 2007, the Data Protection Acts 1998 – 2003, the Environmental Protection Agency Acts, 1992 - 2007, the Waste Management Acts 1996 to 2010, the Waste Water Discharge (Authorisation) Regulations, 2007, the Genetically Modified Organisms (GMO) Regulations 1994 to 2004, and the European Commission Environmental Objectives (Surface Waters) Regulations, 2009.

**The Freedom of Information Act is designed to allow public access to information held by public bodies which is NOT routinely available through other sources e.g. through the rights conferred under the Access to Information on the Environment Regulations.** Access to information under the Act is subject to certain exemptions and involves specific procedures and time limits. Information on making a request under this Act is set out in **Chapter 6**.

## 2. ORGANISATIONAL STRUCTURE OF THE EPA

The EPA was established in 1993 with the purpose of protecting Ireland's natural environment. It is an independent public body, managed by a full time Executive Board and with a staffing level of 335. Its sponsor in Government is the Department of the Environment, Heritage and Local Government (DoEHLG).

The EPA's headquarters is located in Wexford and it operates five Regional Inspectorates, located in Dublin, Cork, Kilkenny, Castlebar and Monaghan. It also has four Regional Hydrometric Offices located at Athlone, Letterkenny, Limerick and Mallow. (See *How to Contact Us* at **Appendix 1** for postal addresses, telephone numbers, fax numbers and email addresses as well as the opening hours of our Headquarters and the five Regional Inspectorates).

The EPA is assisted by a 12 member Advisory Committee, which is chaired by the Director General. The members are appointed by the Minister for the Environment, Heritage and Local Government seven of whom are selected mainly from those nominated by organisations concerned with environmental, developmental and wider social, economic or general matters. The Minister may appoint the other four members. The Committee has a wide range of advisory functions under the Environmental Protection Agency Act, 1992, both in relation to the EPA and to the Minister.

For organisational purposes the work of the EPA is divided into the following areas.

- Office of Communications and Corporate Services
- Office of Climate, Licensing and Resource Use
- Office of Environmental Enforcement
- Office of Environmental Assessment

## 3. FUNCTIONS, POWERS AND DUTIES OF THE EPA

The EPA is responsible for protecting the environment in Ireland. The EPA regulates and polices activities that might otherwise cause pollution, and ensures there is solid information on environmental trends so that necessary actions are taken.

Key priorities for the EPA are protecting the Irish environment and ensuring that development is sustainable. Its main responsibilities include:

### **Licensing**

The EPA license the following to ensure that their emissions do not endanger human health or harm the environment:

- Waste facilities (e.g., landfills, incinerators, waste transfer stations);
- Large scale industrial activities (e.g., pharmaceutical manufacturing, cement manufacturing, power plants);

- Intensive agriculture;
- The contained use and controlled release of Genetically Modified Organisms (GMOs);
- Large petrol storage facilities;
- Waste water discharges.

#### **National Environmental Enforcement**

- Conducting over 2,000 audits and inspections of EPA licensed facilities every year;
- Overseeing local authorities' environmental protection responsibilities in the areas of air, noise, waste, waste-water and water quality;
- Working with local authorities, the Gardaí and other agencies by co-coordinating a national enforcement network, targeting offenders, conducting investigations and overseeing remediation;
- Prosecuting those who flout environmental law and damage the environment as a result of their actions.

#### **Monitoring Analysing and Reporting on the Environment**

- Monitoring air quality and the quality of rivers, lakes, tidal waters and ground waters; measuring water levels and river flows;
- Independent reporting to inform decision making by national and local government.

#### **Regulating Ireland's Greenhouse Gas Emissions**

- Quantifying Ireland's emissions of greenhouse gases in the context of our Kyoto commitments;
- Implementing the Emissions Trading Directive, involving over 100 companies who are major generators of carbon dioxide in Ireland.

#### **Environmental Research and Development**

- Co-ordinating research on environmental issues (including air and water quality, climate change, biodiversity, environmental technologies).

#### **Strategic Environmental Assessment**

- Assessing the impact of plans and programmes on the Irish environment (such as waste management and development plans).

#### **Environmental Planning, Education and Guidance**

- Providing guidance to the public and to industry on various environmental topics (including licence applications, waste prevention and environmental regulations);
- Generating greater environmental awareness (through environmental television programmes and primary and secondary schools' resource packs).

#### **Proactive Waste Management**

- Promoting waste prevention and minimization projects through the co-ordination of the National Waste Prevention Programme, including input into the implementation of Producer Responsibility Initiatives;
- Enforcing Regulations such as Waste Electrical and Electronic Equipment (WEEE) and Restriction of Hazardous Substances (RoHS) and substances that deplete the ozone layer;

- Developing a National Hazardous Waste Management Plan to prevent and manage hazardous waste.

## 4. EPA MISSION, VISION AND VALUES

The EPA Strategy *2020 Vision – Protecting and Improving Ireland’s Environment* sets out the Mission, Vision and Values of the EPA as follows:

### **Our Mission is:**

To protect and improve the natural environment for present and future generations, taking into account the environmental, social and economic principles of sustainable development.

### **Our Vision is to be:**

- A powerful agent for change, both in attitudes to the environment and in actions on environmental protection;
- An organisation that works to place environmental issues at the heart of international national and local decision-making processes;
- A credible and respected organisation, speaking out courageously for the protection of the environment;
- A world class organisation in which people are proud to work.

### **Our Values are:**

- Integrity, independence and professionalism;
- Service to our stakeholders;
- Value for money;
- Respect and support for colleagues;
- Openness to learning.

The Goals and Objectives which underpin the Mission, Vision and Values are also set out in the EPA Strategy document *2020 Vision – Protecting and Improving Ireland’s Environment* which may be accessed on the EPA website at [www.epa.ie](http://www.epa.ie).

## 5. HOW TO ACCESS INFORMATION HELD BY THE EPA OUTSIDE FOI

The Environmental Protection Agency conducts its business in as open and transparent a manner as possible. In keeping with this policy, information is and will continue to be made available to the public outside the formal procedures of the FOI Acts. This Chapter describes how members of the public can:

- obtain routinely available information;
- make a request for information under the Access to Information on the Environment (AIE) Regulations, and the Data Protection Acts 1998 – 2003; and
- seek information through the EPA's website.

### 5.1 Routinely Available Information

At present, the EPA makes a large body of information available to the public in relation to its functions and activities. Such information will continue to be made available without the need to use the FOI Act. This Reference Book highlights, in relation to each of the EPA's activities, where information of this nature is available. In general, all EPA publications are available to download free of charge from the EPA website [www.epa.ie](http://www.epa.ie). Information leaflets are available free of charge from any of the EPA's offices, while reports, guides, and documents on programmes may (if not available free of charge) be purchased from the **EPA's Publications Section, EPA Regional Inspectorate, McCumiskey House, Richview, Clonskeagh Road, Dublin 14 (Telephone 01-2680100; Fax 01-2680199)** or in the download centre of the EPA website [www.epa.ie](http://www.epa.ie). Reports, publications and information leaflets are also usually accessible through the local authority public library service. (A list of current publications is included on the EPA's website at [www.epa.ie](http://www.epa.ie)).

Records that come under the general description of 'information relating to the environment' are generally available either for public inspection under a statutory provision (such as Integrated Pollution Prevention Control and Waste Management Licensing Registers and Public Files, the Genetically Modified Organisms Register and AIE Regulations) or are made available by the EPA for inspection, purchase or free of charge. Exceptions to this would include personal information, procurement records and general administration records.

The EPA's Section 16 FOI Reference Book contains information on the rules, procedures and guidelines governing schemes administered by the EPA. The Section 16 Reference Book may be inspected online at [www.epa.ie](http://www.epa.ie) or in summary hard copy at the EPA Headquarters, Johnstown Castle Estate, Co. Wexford and at every EPA Regional Inspectorate.

The various ways in which to access routinely available information under the following enactments are outlined as follows:

### ***5.1.1 Environmental Protection Agency Acts, 1992 to 2007 and supporting Regulations\****

The provisions of the EPA Acts, 1992 to 2007 oblige the EPA to make certain information available to the public. This includes information on IPPC licensing and enforcement, environmental monitoring, state of the environment reporting and reports on various sectors including drinking water, urban wastewater and landfills. This information is provided either in the form of publications or is available for inspection by members of the public at EPA Headquarters, Johnstown Castle Estate, Co. Wexford and on the EPA website at [www.epa.ie](http://www.epa.ie). Details of the classes of records and how to access them are provided in **Chapter 7**, which describes the services and information provided by each Office of the EPA.

### ***5.1.2 Waste Management Acts, 1996 to 2010, and supporting Regulations\****

Information relating to the making of decisions by the EPA under the Waste Management Acts (WM Acts) 1996 to 2010 is made available to the public through registers, the EPA website and publications.

The EPA is required to maintain a register of waste licence applications for the purposes of the WM Acts. The WM Acts and supporting Regulations specify the type of information that is to be maintained in the Register. The Register includes details of waste licensing and the issue of various notices under various sections of the Acts and supporting Regulations. The Register is made available at the Headquarters of the EPA for inspection by any person free of charge during office hours. Any person may obtain a copy of an entry from the Register and the EPA is obliged to issue such a copy when a request is received (at nominal cost of creating copies). The Register is also available for inspection on the EPA website [www.epa.ie](http://www.epa.ie).

The Waste Management (Licensing) Regulations set out EPA obligations regarding the availability and inspection of documents relating to waste licence applications. Documents received from the applicant and correspondence between the EPA and the applicant is available to view on the EPA website. Information relating to third party submissions and objections is also available to view on the EPA website. Any written report prepared by or for the EPA for the purpose of making a decision in respect of a waste licence, together with copies of the proposed and final decision, are also available to view on the EPA website. All IPPC licence applications are available to view in hardcopy format at the EPA Headquarters or any Regional Inspectorate by prior arrangement with the Agency. In the case of an application for a waste licence by a local authority or the review by the EPA of a waste licence granted to a local authority, records relating to the applications or review are also available for inspection at the principal office of the local authority.

### ***5.1.3 Waste Water Discharge (Authorisation) Regulations, 2007\****

Information relating to the making of decisions by the EPA under the Waste Water Discharge (Authorisation) Regulations, 2007, is made available to the public through the EPA website.

The EPA is required to maintain a register of Waste Water Discharge Licences and Certificates of Authorisation granted. A copy of the register is available for public inspection from the EPA on request. The Waste Water Discharge (Authorisation) Regulations, 2007, set out EPA obligations regarding the availability and inspection of documents relating to waste water discharge authorisation applications. Documents received from the applicant and correspondence between the EPA and the applicant is available to view on the EPA website. Information relating to third party submissions is also available to view on the EPA website. Any written report prepared by or for the EPA for the purpose of making a decision in respect of an application, together with a copy of the final decision, are also available to view on the EPA website. All Waste Water Discharge applications are available to view in hardcopy format at the EPA Headquarters or any Regional Inspectorate by prior arrangement with the Agency.

#### ***5.1.4 Genetically Modified Organisms Regulations, 1994, 1997, 2001, 2003 & 2004\****

Under the GMO Regulations the EPA is required to maintain a register of GMO users. The Regulations specify the entries for inclusion in the register. The register is made available at the Headquarters of the EPA for inspection by any person during office hours. Copies of the register or parts of the register can also be obtained at a nominal fee.

#### ***5.1.5. European Communities Environmental Objectives (Surface Waters) Regulations, 2009\****

Under these Regulations the Environmental Protection Agency shall on completion of the classification of waters, publish and make available all relevant monitoring data and information, including data and information on protected areas, used by the Agency to classify waters.

## **5.2 Access to Information on the Environment Regulations, 2007\***

Information relating to the environment not obtainable under other legislation may be obtained from the EPA under the Access to Information on the Environment (AIE) Regulations, 2007 by making a written request to the appropriate contact person (see **Chapter 6**), stating as specifically as possible the type of information sought. Applications for information under the AIE Regulations, 2007 should be addressed to the persons/units mentioned in **Chapter 6** of this document in respect of the various areas of responsibility.

Under these Regulations the EPA is required to respond as soon as possible to a request for information and in any case, not later than one month from the date on which the request is received. Where the EPA is unable to respond within one month from the date on which a request is received, because of the nature or extent of a request for information, it shall give notice in writing to the person making the request of the reasons why it has not been possible to do so, and

shall specify the date, not later than two months from the date on which the request was received, before which the response shall be made. Under the Regulations there are mandatory and discretionary grounds for refusal of information. In either case the EPA must specify in writing the reasons for refusal. The EPA may impose a reasonable charge for providing the information requested.

An applicant, who considers that their original request for environmental information was refused wholly or partially, or was otherwise not properly dealt with in accordance with these regulations, may, not later than one month after they receive notification of that decision, request the EPA to review the decision. The EPA is then required to make a decision on the appeal and notify the applicant of that decision within one month of the date of receipt of the request.

Following completion of an internal review by the EPA, the requester has the right to seek an independent review by the Commissioner for Environmental Information, 18 Lower Leeson Street, Dublin 2, Telephone 01 – 6395674, Lo Call 1890 223030. Generally the appeal must be made no later than one month after receipt of the internal review decision.

### **5.3 Data Protection Acts 1998-2003\***

The EPA is committed to protecting the rights and privacy of individuals in accordance with the Data Protection Act, 1998 and Data Protection (Amendment) Act, 2003, (DP Acts). The EPA needs to process (store or use) certain personal data about staff and stakeholders in order to fulfil its purpose and to meet its legal obligations.

#### ***Rights of data subjects (i.e. Staff and third parties) to access to personal data***

Data subjects include staff and stakeholders of the EPA and any other person about whom the EPA processes data. All data subjects have the right to access the information held about them, ensure that it is correct and fairly held. All requests to access personal data will be handled in accordance with the DP Acts and requests for information should be made to Data Protection Officer, Environmental Protection Agency, PO Box 3000, Johnstown Castle Estate, County Wexford, accompanied by the statutory fee of €6.35.

*\*Copies of relevant Acts and supporting Regulations can be obtained from the Government Publications Sales Office, Molesworth Street, Dublin 2 - Telephone 01 – 6613111 and the Office of the Attorney General's website at [www.gov.ie/ag/](http://www.gov.ie/ag/).*

### **5.4 Information available on the EPA Website**

A range of information on EPA activities is available on the EPA website at [www.epa.ie](http://www.epa.ie).

The IPPC, Waste and Waste Water search pages contain summary details of licence and authorisation applications and certain related documents in electronic PDF format. At present, PDF documents available online include:

- All licences/authorisations granted to-date.
- Applications received by the EPA since 1 December 2004.
- A limited number of applications received by the EPA before December 2004.
- Annual Environmental Reports from 2008.

In addition, the website contains guidance pages for licensed facilities on their annual environmental reporting to the EPA and reporting required under the Pollutant Release Transfer Regulations (PRTR).

The website also contains information on the activities of the EPA including environmental data on water and air quality, made available through interactive maps and databases. A comprehensive section has been added also on waste arising in Ireland and how this is managed.

The Climate Change Unit webpages offer a range of information including the implementation of the emissions trading scheme, frequently asked questions on climate change, climate change research, emissions inventories and projections and carbon calculators for personal and business use.

## 6. HOW TO ACCESS INFORMATION UNDER THE FOI ACTS

Under the FOI Acts, anyone is entitled to apply for access to information **not otherwise publicly available**. Each person has a right to:

- access to records held by the EPA
- correction of personal information relating to oneself held by the EPA where it is inaccurate, incomplete or misleading
- access to reasons for decisions made by the EPA directly affecting oneself.

The following records come within the scope of the Acts:

- all records relating to personal information held by the EPA irrespective of when created
- all other records created from commencement date i.e. 21 April, 1998
- any records created before commencement of the Act that are necessary to the understanding of a current record.

### 6.1 Applications under the Freedom of Information Acts 1997 and 2003

- All applications must be made in writing and must specify that the information is sought under the FOI Acts.
- The application should be accompanied by the appropriate fee (if applicable- see *par.6.4.5*) and should be addressed to the persons listed in **Chapter 7**. The fee will be accepted by the EPA in the form of a cheque, bank draft or postal order made payable to the EPA.
- As much detail as possible should be given to enable the EPA to identify exactly what information is being requested.
- If information is desired in a particular form i.e. photocopy, computer disk, this should also be specified in your application.
- If you have difficulty in identifying the records which you require, the staff of the EPA will assist you in formulating your request.
- A contact telephone number should be given so that the EPA can make contact if there are any queries in relation to your request.
- A standard FOI application form is available from the EPA on request and is available on the EPA website at [www.epa.ie](http://www.epa.ie).

The EPA is obliged to acknowledge the FOI request within two weeks of receipt and to respond to the request within four weeks of receipt of the written request.

Requests for information under the FOI Acts should be addressed to the following:

- **For information from the Office of Communications & Corporate Services,**  
*Ms Yvonne Clooney, Office of Communications & Corporate Services, Environmental Protection Agency, P.O. Box 3000, Johnstown Castle Estate, Co. Wexford. Phone: 053 - 9160600; Fax: 053 – 9160699; E-mail: [y.clooney@epa.ie](mailto:y.clooney@epa.ie)*
- **For information from the Office of Climate, Licensing and Resource Use**  
*Ms Mary Turner, Office of Climate, Licensing and Resource Use, Environmental Protection Agency, P.O. Box 3000, Johnstown Castle Estate, Co. Wexford. Phone: 053-9160600; Fax: 053-9160699; Email: [m.turner@epa.ie](mailto:m.turner@epa.ie)*
- **For information from the Office of Environmental Enforcement**  
*Mr David Smith, Office of Environmental Enforcement, Environmental Protection Agency, P.O. Box 3000, Johnstown Castle Estate, Co. Wexford. Phone: 053 – 9160600; Fax: 053 – 9160699; E-mail: [d.smith@epa.ie](mailto:d.smith@epa.ie)*
- **For information from the Office of Environmental Assessment**  
*Dr Tom Stafford, Office of Environmental Assessment, Environmental Protection Agency, P.O. Box 3000, Johnstown Castle Estate, Co. Wexford. Phone: 053 – 9160600; Fax: 053 – 9160699, E-mail: [t.stafford@epa.ie](mailto:t.stafford@epa.ie)*

Requests for information under the Access to Information on the Environment Regulations should also be addressed to the above persons.

Please state clearly under which legislation you are seeking the information.

## 6.2 Rights of Review and Appeal

The FOI Acts set out a series of exemptions to protect sensitive information where its disclosure may for instance damage key interests of the State or of third parties. Where the EPA invokes these provisions to withhold information, the decision may be appealed. Decisions in relation to deferral of access, charges, and forms of access may also be the subject of appeal. Details of the appeals mechanisms are as follows:

## 6.3 Internal Review

You may seek internal review of the initial decision if:

1. You are dissatisfied with the initial response received e.g. refusal of information, form of access, charges; or
2. You have not received a reply within four weeks of your initial application - this is deemed to be a refusal of your request and allows you to proceed to internal review.

An official at a higher level than the official who made the initial decision will carry out internal review.

Requests for internal review should be submitted to:

*Ms Yvonne Clooney, Freedom of Information Officer, Environmental Protection Agency, P.O. Box 3000, Johnstown Castle Estate, Co. Wexford, Telephone: 053 – 9160600; Fax: 053 – 9160699; E-mail: [y.clooney@epa.ie](mailto:y.clooney@epa.ie)*

A request for internal review must be submitted within four weeks of the initial decision and must be accompanied by the appropriate up front-fee (if applicable – see par 6.5). The EPA must complete the review within three weeks of receipt of the internal review application. Internal review must normally be completed before an appeal may be made to the Information Commissioner.

## **6.4 Review by the Information Commissioner**

Following completion of internal review, you may seek independent review of the decision by the Information Commissioner. Also, if you have not received a reply to your application for internal review within three weeks, this is deemed to be a refusal and you may appeal the matter to the Commissioner. The Commissioner’s decision can only be appealed to the High Court on a point of law.

Appeals must be made in writing directly to the Information Commissioner (accompanied by the appropriate fee if applicable – see par 6.5) at the following address:

Office of the Information Commissioner  
18 Lower Leeson Street  
Dublin 2

Phone: 01 – 6395689

LoCall 1890 223030

Fax: 01 – 6395674/6395676

E-mail: [info@oic.ie](mailto:info@oic.ie)

Web address: [www.oic.gov.ie](http://www.oic.gov.ie)

In general an application for review by the Commissioner must be made within 6 months of the notification of the decision by the public body. The appropriate up front fee (as set out in par. 6.5) must also accompany certain requests to the Information Commissioner.

## 6.5 Fees

Section 47 of the Freedom of Information Act, 1997 provides that fees shall be charged as follows:

### UP-FRONT FEES

Type of Request/Application	Standard Fee*	Reduced Fee * **
<b>Request for a record</b>		
Initial Request	€15	€10
Internal Review	€75	€25
Review by Information Commissioner	€150	€50
Request for a record containing personal information	No charge	No charge
Application under section 17 for amendment of a record containing incorrect, incomplete or misleading personal information	No charge	No charge
Application under section 18 for the reasons for a decision affecting the individual	No charge	No charge

\* Fee will not apply where a person appeals a decision to charge a fee or deposit, or a fee or deposit of a particular amount under section 47 of the FOI Act

\*\* Reduced fee will apply in respect of persons covered by a medical card and third parties who appeal a decision of a public body to release their information on public interest grounds

### FEES FOR SEARCH, RETRIEVAL AND COPYING

- **Search and retrieval:** €20.95 per hour
- **Copying charges**
  - Photocopy per sheet: €0.04
  - Floppy disk: €0.51
  - CD Rom: €10.16

Fees (where charged) will have to be paid before the information is made available. A deposit may be payable where the total fee is likely to exceed €50.80. In these circumstances, the EPA will, if requested, assist you to amend the request so as to reduce or eliminate the cost of providing the information.

#### Charges may be waived in the following circumstances:

- where the cost of collecting and accounting for the fee would exceed the amount of the fee;
- where the information would be of particular assistance to the understanding of an issue of national importance; or,
- in the case of personal information, where such charges would not be reasonable having regard to the means of the requester.

## **7. STRUCTURE OF THE EPA**

The following section gives details of the internal structure and organisation of the Environmental Protection Agency. It also describes the categories of information held, and the ways in which these can be accessed (either through existing legislation or publications).

### **7.1 OFFICE OF COMMUNICATIONS AND CORPORATE SERVICES**

The Office of Communications and Corporate Services (OCCS) provides the organisational support systems and structures that enable the EPA to effectively deliver on its mandate.

The functions of the OCCS include human resource management, health and safety, staff training and development, finance, facilities management, public relations and communications, publications, and information technology development and support.

The Office is also responsible for organisational strategy and business planning, corporate governance including internal audit, and co-ordinating the EPA quality customer service initiative.

#### ***7.1.1. Structure of the Office***

A Director and three Programme Managers head the Office. The Office is located in Headquarters, Johnstown Castle Estate, Co. Wexford, with some staff in McCumiskey House, Richview, Clonskeagh Road, Dublin 14 and Inniscarra, Co. Cork.

#### ***7.1.2 Delivery of service***

##### ***Communications, Strategy and Governance Unit***

The EPA's policy of openness and transparency is supported by the Communications, Strategy and Governance Unit through the provision of factual information about the environment. This includes publishing reports (electronic and hard-copy), responding to media requests, responding to environmental queries, participating in TV and radio discussions and organising seminars/conferences. The Office also provides a library service to support staff in their work. It is also responsible for developing and maintaining the EPA Website, Quality Customer Service and Partnership.

The Strategy and Corporate Governance areas are responsible for corporate planning matters, driving the implementation of the EPA Strategy 2020 Vision – *Protecting and Improving Ireland's Environment* and overseeing compliance with the *Code of Practice for the Governance of State Bodies* including the management of an Internal Audit Function, publishing the EPA Annual Report and Accounts, development and monitoring of annual work programmes and overseeing the implementation of Freedom of Information legislation.

### ***Financial Services and Information Technology Unit***

In fulfilling its statutory role, and in addition to the normal administrative and financial computerised information systems, the EPA has computerised large volumes of information on a broad range of environmental topics. The Financial Services and Information Technology Unit develops and maintains the I.T. infrastructure necessary to support these roles.

The Office also provides accounting and financial management services required by the EPA, through the day-to-day operations of the Accounts Section.

### ***Corporate Services Unit***

The Corporate Services Unit is responsible for maintaining appropriate staffing levels, and developing the structure of the organisation. Services are provided to staff through the effective administration of policies and procedures in relation to all the necessary Human Resource issues, maintaining good employee relations and the delivery of staff development and training.

The Unit looks after the provision of all accommodation and associated organisation and building management services.

While local managers have the main responsibility for the safety of their staff, the Corporate Services Unit ensures the safety and well-being of staff by developing an increased awareness through training and supporting the continuing implementation of a Safety, Health and Welfare Programme for the EPA.

### ***Board Secretariat***

The Board Secretariat provides all the necessary organisation, support and services to the Board and the Advisory Committee and ensures the proper dissemination of decisions. Declarations of Interest under the Ethics in Public Office Act are sought from Directors and staff at the beginning of each year and all declarations are kept in a Register and are inspected annually by the external auditors. The Declaration from the Director General is also submitted to the Standards in Public Offices Commission.

### 7.1.3 Classes of Records

The classes of records held by the Office of Communications & Corporate Services, and an indication of the records which are routinely available are set out in the table below. Records not routinely available may be sought under the FOI Acts.

<b>Classes of Records</b>	<b>Routinely Available Information</b>	
	<b>Publications</b>	<b>Registers</b>
<b>Communications, Business Strategy and Governance</b>		
<b>Publications Information/Library/Communications</b>	Yes	
<b>Strategic Management</b>	Yes	
<b>Internal Audit</b>		
<b>Code of Practice for the Governance of State Bodies</b>		
<b>Quality Customer Service</b>	Yes	
<b>Partnership</b>		
<b>Freedom of Information</b>	Yes	
<b>Annual Report &amp; Accounts</b>	Yes	
<b>Financial Services and Information Technology</b>		
<b>Financial/Accounts</b>	Yes	
<b>Corporate Services</b>		
<b>Recruitment</b>		
<b>Human Resources</b>		
<b>Capital Projects/Organisational Services</b>		
<b>Employment of Consultants</b>	Yes	
<b>Procurement</b>		
<b>Administration</b>		
<b>Board Secretariat</b>		
<b>Executive Board Papers</b>		
<b>Advisory Committee Papers</b>		
<b>Ethics in Public Office Declarations</b>		
<b>Register of Consultants</b>		Yes
<b>Declarations of Interest Register</b>		Yes

## **7.2 OFFICE OF CLIMATE, LICENSING AND RESOURCE USE**

The Office of Climate, Licensing and Resource Use (OCLR) is divided into three operational units as follows:

### ***1. Environmental Licensing Unit***

The Environmental Licensing Programme is responsible for all Integrated Pollution Prevention Control (IPPC) Licensing, Waste Licensing and Waste Water Authorisation by the EPA. It is also responsible for issuing Volatile Organic Compound (VOC) Permits and the registration of users of Genetically Modified Organisms (GMO) in Ireland and develops guidance on Best Available Techniques (BAT) for IPPC licensing.

### ***2. Resource Use Unit***

The functions undertaken by the Resource Use Unit relate primarily to the implementation of the National Waste Prevention Programme, monitoring and reporting on waste generation and management, enforcement of certain Producer Responsibility/Hazardous Substances Directives and co-ordinating the EPA's development of guidance. The unit is also responsible for the National Hazardous Waste Management Plan and co-ordinating feedback to local and regional authorities on waste management plans.

### ***3. Climate Change Unit***

The Climate Change Unit functions relate to Emissions Trading, Emissions Inventories, climate research and the communication of information on climate change.

The work of the unit involves implementation of the following key functions assigned to the EPA. The first three functions concern the implementation of the EU Emissions Trading Scheme in Ireland under Directive 2003/87/EC and amendments:

- For the trading periods 2005-2007 and 2008-2012 - deciding how free CO<sub>2</sub> allowances are distributed among those covered by the emissions trading scheme (National Allocation Authority or NAA). From 2013 onwards there will be an EU wide cap and the NAA will be responsible for applying the Community rules at national level.
- Issuing of greenhouse gas emissions permits for participating installations and approval of monitoring plans for installations and, since September 2009, for aircraft operators (National Competent Authority).
- Overseeing the establishment and running of the National Emissions Trading Registry to enable trading of CO<sub>2</sub> allowances.
- Acting as Designated National Authority and Designated Focal Point for issuing *Letters of Approval* under the Kyoto Protocol Flexible Mechanisms Regulations 2006 (S.I. No. 244 of 2006).

- Annual reporting of greenhouse gas emissions and transboundary gas emissions projections.
- Annual reporting of greenhouse gas emissions inventories.
- Annual reporting of air pollutants for the National Emissions Ceilings Directive [2001/81/EC].
- Annual reporting on the limitation of emissions of certain pollutants into the air from large combustion plants [2001/80/EC].
- Annual reporting of air pollutants for the UN Convention on Long Range Transboundary Air Pollution and its Protocols.
- Co-ordination of research in the climate change area.

### ***7.2.1 Structure of the Office***

The Office is headed by a Director and three Programme Managers. The Director, two of the Programme Managers and the majority of the staff are located at the EPA's Headquarters. Environmental Licensing Programme staff are also based at Regional Inspectorates in Cork and Dublin. The Programme Manager and staff of the Climate Change Unit are principally based at the Regional Inspectorate in Dublin and EPA Headquarters in Wexford.

### ***7.2.2 Delivery of Service***

#### ***Environmental Licensing Unit***

The EPA's licensing and authorisation regime provides for full public participation. All applications received by the Agency are made available in electronic format on the EPA website or can be viewed in hardcopy format by prior arrangement with the Environmental Licensing Unit.

Any person may make a written submission regarding an application. The application and all submissions are considered by the EPA in arriving at a proposed decision (IPPC and Waste) or final decision (Waste Water Discharge Authorisation). For IPPC and Waste, any person, or the applicant, may then lodge an objection after the EPA has issued the proposed decision on the application. The proposed decision is issued to the applicant, specified bodies and any person who made a written submission in relation to the application. Any objection or submission on objection made in connection with a licence application is fully considered by the EPA before it makes its final decision on an IPPC or Waste application. The process for Waste Water Discharge Authorisation (licensing/certification) differs to the process for IPPC and Waste licensing and all licensing/authorisation processes are explained on the EPA website. All documents are available to view on the EPA website or by prior arrangement with the Environmental Licensing Unit.

Under the Genetically Modified Organisms (Deliberate Release) Regulations 2003, any person has a right under the Regulations to make a representation to the EPA in relation to a proposed deliberate release for Research and Development purposes.

Any person can make a representation to the EPA in relation to the contained use of a Class 3 or Class 4 GMM under the Genetically Modified Organisms (Contained Use) Regulations 2001. The EPA considers any representations made before arriving at its decision. In addition the EPA maintains a Register of GMO Users in Ireland. The Register is available for inspection by the public during office hours at EPA Headquarters.

### ***Resource Use Unit***

Many of the activities of this unit are of general interest to the public and the EPA is committed to informing the public as to the manner in which these activities are administered. Activities include such matters as the publication of status reports on waste management and the implementation of a number of producer responsibility schemes in areas such as Waste from Electrical and Electronic Equipment, Restriction on the use of Hazardous Substances, Batteries, and Persistent Organic Pollutants. At a more general level, the unit views the provision of accurate information relating to the environment as an important public service and is committed to processing and making available such environmental information as it has in its possession, subject to any statutory provision that exists under legislation e.g. AIE Regulations.

### ***Climate Change Unit***

Article 17 of Directive 2003/87/EC establishing a scheme for greenhouse gas emissions allowance trading within the community requires the EPA, as competent authority, to make available to the public decisions relating to the allocation of allowances and the reports of emissions required under the greenhouse gas permit scheme, subject to certain restrictions relating to information of a commercially confidential nature. All submissions arising from the public consultation on the NAP are on the EPA website.

Under the EU Commission's Registries Regulations (No 2216/2004), the public will have access to certain information relating to the environment held within the Registries System, subject to restrictions relating to information of a commercially confidential nature.

## ***7.2.3 Classes of Records***

Most of the information held by the Office of Climate, Licensing and Resource Use is information relating to the environment and is either available for public inspection or can be accessed under either the AIE Regulations or the FOI Acts. The classes of records held by the Office of Climate, Licensing and Resource Use and the manner in which records within these classes can be accessed are as follows:

Classes of Records	Routinely Available Information		AIE Regs / FOI Acts
	Public Registers/ Public Files/Website	Reports/ Publications	
<b>Environmental Licensing Programme</b>			
IPPC/Waste Licensing, Wastewater Authorisation	Yes	Yes	Yes
Genetically Modified Organisms	Yes	Yes	Yes
Volatile Organic Compounds	Yes	Yes	Yes
BAT Guidance and BREF Notes	Yes	Yes	Yes
<b>Resource Use Unit</b>			
National Waste Report		Yes	Yes
Hazardous Waste		Yes	Yes
Enforcement of Regulations concerning Waste from Electrical and Electronic Equipment, Restriction on use of Hazardous Substances, Batteries, Fluorinated Greenhouse Gases, Ozone Depleting Substances, Persistent Organic Pollutants, Polychlorinated Biphenyls		Yes	Yes
Local Authority-submitted information		Yes	Yes
Industry-submitted information (non-IPC licensed)		Yes	Yes
Recycling organisations-submitted information (non-EPA licensed)		Yes	Yes
Waste Management Planning		Yes	Yes
Research reports, Guidance documents		Yes	Yes
<b>Climate Change Unit</b>			
Emissions Trading Applications	Yes	Yes	Yes
National Allocation Plan	Yes	Yes	Yes
Current Permits Register (on-line)	Yes	Yes	Yes
Public Consultation	Yes	Yes	Yes
New Entrant Set Aside	Yes	Yes	Yes
Annual Installation Environmental Reports (AIER)	Yes	Yes	Yes
Annual GHG Emission Inventories	Yes	Yes	Yes
Annual Air Pollutant Inventories	Yes	Yes	Yes
Annual GHG and transboundary gas emissions projections	Yes	Yes	Yes
Climate Change Research Reports	Yes	Yes	Yes

## **7.3 OFFICE OF ENVIRONMENTAL ENFORCEMENT**

The Office of Environmental Enforcement (OEE) is dedicated to the implementation and enforcement of environmental legislation in Ireland.

The OEE is responsible for the enforcement of EPA licences issued to waste, industrial and waste water discharges. It also 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.

### ***7.3.1 Structure of the Office***

The OEE is headed by a Director and two Programme Managers with regional enforcement teams in Wexford, Dublin, Cork, Kilkenny and Castlebar. In addition, these teams are assisted by the EPA laboratory and field staff located in Dublin, Castlebar, Cork, Kilkenny, Mallow, Monaghan, Athlone, Letterkenny and Limerick.

### ***7.3.2 Delivery of Service***

#### ***Licence Enforcement***

The EPA Acts, 1992 - 2007 and the Waste Management Acts, 1996 - 2010 and associated regulations entitle members of the public to specific rights in relation to both IPPC and Waste licensing and enforcement. The EPA's licensing and enforcement procedures for both waste and IPPC activities encourage public participation in these processes by exercising their statutory rights.

Licensees are required to carry out ongoing monitoring of their own operations with the results being submitted to the EPA on a regular basis for assessment. The EPA also carries out its own independent monitoring of licensed activities to check the company's compliance with the licence conditions. In addition to monitoring, the EPA carries out environmental audits of licensed facilities to determine compliance with the conditions of the licence.

EPA inspectors respond to incidents and emergencies at licensed facilities, in order to assist in minimising environmental impact and, where appropriate, to assist the emergency response agencies in their work. They also review complaints about licensed facilities, and work with licensees to ensure that they proactively communicate to individuals and local communities their measures to minimise any impact from their facilities.

In cases where it is shown that a licensee is in breach of its licence conditions, appropriate enforcement action is taken by the EPA which may include issuing statutory notices to implement specific measures to prevent or remedy pollution or prosecution through the courts. The legal enforcement team provides the necessary support to the Office in the taking of appropriate legal action, in order to achieve compliance with environmental legislation and to act as a deterrent to illegal or non-compliant activities.

### ***Public Authority Enforcement***

Local authorities are assigned many functions under national and EU legislation and play an important role in environmental protection. The EPA is required, generally to oversee the performance by local authorities of their statutory environmental protection functions, and to advise and assist local authorities on environmental matters.

The OEE provides clear guidance to members of the public on what to do and who to contact if they wish to report incidents of environmental pollution and failure to enforce environmental legislation. Complaint procedures and standard complaint forms and registers listing all EPA licence holders are also available on the EPA website at [www.epa.ie](http://www.epa.ie).

In addition, the OEE also promotes more effective co-ordination of enforcement actions and the development of greater consistency of approach in the implementation, application and enforcement of environmental legislation in Ireland through the Environmental Enforcement Network (EEN) activities.

The EEN is a network of the environmental regulatory authorities in Ireland. These include all local and public authorities, state agencies and government departments with responsibilities for the implementation and enforcement of environmental legislation. Network activities include meetings, advice and guidance and auditing of local authorities performance in carrying out its environmental responsibilities.

In addition to preparing national environmental monitoring programmes which impact on local authorities, the EPA also publishes, on a regular basis, national reports in areas such as drinking water quality, wastewater (sewage) discharges and the Phosphorus and Dangerous Substances Regulations.

### 7.3.3 Classes of Records

Most of the information held by the OEE is information relating to the environment and is either available for public inspection or can be accessed under the FOI Acts and AIE Regulations. The classes of records held by the OEE and the manner in which records within these classes can be accessed are as follows:

Classes of Records	Routinely Available Information		AIE Regulations/ FOI Act
	IPPC & Waste Registers & files (under EPA Act 1992 – 2007, Waste Management Acts 1996 – 2010, and supporting Regulations)	Reports/ Publications	
<b>Licence Enforcement</b>			
IPPC Licence/Waste Licence/Wastewater Authorisation Control & Enforcement	Yes	Yes	Yes
Policy & Legislation			Yes
Internal Administration			Yes
<b>Public Authority Enforcement</b>			
Special Investigations			Yes
Complaint Investigations			Yes
National and EU Reports: Focus on Environmental Enforcement in Ireland Drinking Water Urban Wastewater Solvents Regulations		Yes	Yes
Guidance Documents		Yes	Yes
Priority Studies		Yes	Yes
Advice and Assistance		Yes	Yes

## **7.4 OFFICE OF ENVIRONMENTAL ASSESSMENT**

The work of this office is divided into three areas.

- ***Aquatic Environment***

The Aquatic Environment Unit co-ordinates key elements of the implementation of the Water Framework Directive in Ireland. It is responsible for qualitative and quantitative monitoring of both surface and groundwater and conducts biological monitoring (except for fish) on rivers, lakes and estuarine waters. The Unit conducts hydrometric measurements for surface and groundwater and carries out chemical monitoring for acidification of surface waters and monitors the freshwater reaches of the River Shannon.

- ***Laboratories Services***

The Laboratories Services Unit is responsible for co-ordinating ambient monitoring of water and air. It provides sampling and analytical assistance to local authorities and laboratory back-up facilities to the offices of Licensing and Guidance and Environmental Enforcement including the analysis of emissions from licensed facilities, and for implementing the EU Air Framework Directive.

- ***Environmental Research and Assessment***

The remit of the OEA also includes co-ordinating the national environmental research programme (STRIVE), establishing environmental databases, preparing environmental quality reports and providing periodic State of the Environment Reports. It has responsibility for operating Ireland's National Focal Point for the European Environment Agency (EEA).

### ***7.4.1. Structure of the Office***

The Office is headed by a Director and three Programme Managers, one based in Headquarters, Wexford and two based in the Regional Inspectorate, Dublin. The staff of this Office are located in the EPA's Headquarters in Wexford, at the Regional Inspectorates in Cork, Dublin, Monaghan, Castlebar and Kilkenny and at Regional Offices in Athlone, Mallow, Letterkenny and Limerick.

### ***7.4.2 Delivery of service***

Many of the activities of the Office are of interest to the public and it is committed to disseminating information regarding the scope and extent of its activities and outputs to as wide an audience as possible. These dissemination activities include the publication of sectoral reports on environmental quality, the publication of reports on the State of the Environment in Ireland, the publication of Environmental Indicator reports and the presentation of environmental quality data via the Internet using interactive maps and databases.

The Office provides advice and support to the Department of the Environment, Heritage and Local Government, particularly in relation to Ireland's responsibilities under international conventions.

The Office also provides services to certain local authorities in the area of environmental monitoring and the monitoring of waste discharges. The Office also assists the Health and Safety Authority with the implementation of the REACH and Detergents Regulations. Internally, the Office provides laboratory services to the other Offices of the EPA - particularly in the area of sampling and analysis of effluents and emissions from licensed activities. The national Hydrometric Programme operated by the Office assists local authorities and other bodies through managing and providing data on water levels and river flows.

### **7.4.3 Classes of records**

Most of the information held by the Office of Environmental Assessment is information relating to the environment and is either available for public inspection under the EPA Acts 1992 – 2007 and supporting Regulations, or can be accessed under the AIE Regulations or the FOI Acts. The classes of records held by the division and the manner in which records within these classes can be accessed are as follows:

Classes of Records	Routinely Available Information		AIE Regulations/ FOI Act
	Reports/publications	Public Registers	
<b>Aquatic Environment</b>			
Water Framework Directive Monitoring & Reporting (Rivers, Lakes, Estuarine and Coastal Waters and Groundwater)	Yes		Yes
National Hydrometric Programme	Yes		Yes
<b>Laboratories Service</b>			
EPA Laboratories Divisional Administration			Yes
Inter Laboratory Calibration Programme	Yes	Yes	Yes
Ambient Air Quality Monitoring	Yes		Yes
<b>Environmental Research and Assessment</b>			
State of the Environment reporting, indicators and environmental statistics	Yes		Yes
Research & Development	Yes		Yes
European Environment Agency	Yes		Yes

Classes of Records	Routinely Available Information		AIE Regulations/ FOI Act
	Reports/publications	Public Registers	
Activities			
Environmental Information Activities	Yes	Yes	Yes
Bathing Water Quality	Yes		Yes
Investigations of Pollution Incidents	Yes		Yes
National & International Organisations			Yes
Inventories of emissions to the Environment			Yes
<b>General</b>			
Local Authority matters			Yes
Department of the Environment & Local Government matters			Yes

## Appendix 1 How to Contact Us

The EPA LoCall number is 1890 33 55 99 (note that the rates charged for the use of 1890 (LoCall) numbers may vary among different service providers).

### LOCATION OF EPA OFFICES

<b>Environmental Protection Agency</b>	
Headquarters PO Box 3000 Johnstown Castle Estate County Wexford Tel: 053 9160600 Fax: 053 9160699 LoCall: 1890 335599 E-mail: <a href="mailto:info@epa.ie">info@epa.ie</a> <b>Opening hours</b> 9.00am to 5.00pm	Regional Inspectorate The Glen Monaghan Tel: 047 77600 Fax: 047 84987 <b>Opening hours</b> 9.15am to 1.00pm and 2.00pm to 5.15pm
Regional Inspectorate Inniscarra County Cork Tel: 021 4875540 Fax: 021 4875545 <b>Opening hours</b> 9.00am to 1.00pm and 2.00pm to 5.00pm	Regional Inspectorate John Moore Road Castlebar County Mayo Tel: 094 9048400 Fax: 094 9021934 <b>Opening hours</b> 9.00 am to 1.00pm and 2.00pm to 5.00pm
Regional Inspectorate Seville Lodge Callan Road Kilkenny Tel: 056 7796700 Fax: 056 7796798 <b>Opening hours</b> 9.15am to 1.00pm and 2.00pm to 5.15pm	Regional Office Mungret College Mungret Co. Limerick Tel: 061 227900
Regional Inspectorate McCumiskey House Richview Clonskeagh Road Dublin 14 Tel: 01 2680100 Fax: 01 2680199 <b>Opening hours</b> 9.15 am to 5.15pm	Regional Office Annabella Mallow Co. Cork Tel: 022 43865
Regional Office 11 Rosemount Lane Letterkenny Co. Donegal Tel: 074 9122274	Regional Office The Civic Centre Church Street Athlone Co. Westmeath Tel: 0906 475722