



ENVIRONMENTAL PROTECTION AGENCY

AER / PRTR GUIDANCE DOCUMENT No. 1:

PRINCIPLES OF PRTR AND AER REPORTING OF ANNUAL ENVIRONMENTAL INFORMATION

For use in reporting of:

- 1** *PRTR Emissions and Waste Transfers information via the EPA Electronic AER / PRTR Reporting Workbook*
- 2** *Full AER: Submission of the Original Signed Copy (x 1) of your Full Annual Environmental Report (AER) to the Regional Inspectorate's Office. This is the "hardcopy" or "paper" AER specified under your licence. (Only applicable for WWDL for the reporting year commencing 2011 i.e. those due on the 28th February 2012)*
- 3** *The Full PDF Annual Environmental Report – Electronic Copy*

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1 Introduction

This document is addressed to operators of EPA–Licensed facilities who are required to:

- Report their annual Releases (emissions) and Off-Site Waste Transfers under S.I. 123 of 2007 and S.I. 649 of 2011, the **Pollutant Release and Transfer (PRTR) Regulations**, and
- Submit an Annual Environmental Report to the EPA under their EPA Licences.

EPA- Licensed facilities are obliged to make returns to the EPA under both the PRTR Regulations and their EPA Licences. Operators of relevant activities not currently licensed by the EPA, which are covered by S.I. 123 of 2007 and S.I. 649 of 2011, are obliged to make returns also.

The requirements arise under the terms of both the PRTR Regulations and individual EPA licences issued under the EPA Acts 1992 – 2008, the Waste Management Acts 1996 – 2008, the Waste Water Discharge (Authorisation) Regulations S.I. 684 of 2007 and other legislation.

2 The PRTR Regulations

The PRTR Regulations are the European Communities (European Pollutant Release and Transfer Register) Regulation 2007, S.I. No. 123 of 2007, which signed into Irish Law on 22 March 2007 and S.I. 649 of 2011, which signed into Irish Law on 13 December 2011, the E-PRTR Regulation (EC) No 166/2006, concerning the establishment of a European Pollutant Release and Transfer Register.

As set out in the PRTR Regulations, releases of pollutants and off site transfers of waste by facilities operating in relevant industrial sectors will be reported by the EPA to the European E-PRTR website **where**:

- 1 the facility **exceeds** specified thresholds for the Capacity of the activity (*Annex I of the PRTR Regulations*) **and**
- 2 for the quantities of the emissions (*Annex II of the PRTR Regulations*) and/or waste transfers (*Article 5 1 (b) of the PRTR Regulations*) from the facility.

Following the coming into force of the PRTR Regulations, S.I. 123 of 2007 and S.I. 649 of 2011, there is now an obligation on all EPA-licensed facilities, and on operators in certain other industrial sectors, to make returns, in the form and content specified by the EPA, of their annual Releases (emissions) and Off-Site Waste Transfers for each calendar year by 31 March of the following year. The first calendar year to be reported under the PRTR Regulations was 2007, with reporting by operators required to be completed by 31 March 2008.

Non EPA-Licensed facilities

The PRTR Regulations apply to a number of non EPA-licensed activity sectors. In the Irish context, these sectors, and the applicable capacity thresholds above which facilities must report under PRTR Regulations, are:

Sector	Capacity Threshold (PRTR Regulations Annex I)
Opencast mining and quarrying	where the area effectively under extractive operation above 25 ha ¹
Urban waste-water treatment plants (prior to licensing under S.I. 684 of 2007)	plants with a capacity of 100,000 population equivalents
Intensive aquaculture	With a production capacity of 1,000 tonnes of fish or shellfish per year
Installations for the building of, and painting or removal of paint from ships	with a capacity for ships 100 m long

The same reporting requirements apply to the operators of non EPA-licensed facilities falling under the PRTR Regulations. Reporting for the calendar year is required to be completed by 31 March of the following year.

3 The Annual Environmental Report (AER): Annual environmental information² reporting requirements on EPA-licensed facilities

The annual reporting of environmental information is a legal obligation on the operators of all EPA-licensed facilities. The annual reporting obligation comprises three separate tasks. These are:

- 1 **AER / PRTR Emissions Data:** Reporting of emissions and waste transfers information via the EPA's AER / PRTR Emissions Data Reporting Workbook.
- 2 **Full AER:** Submission of **the Original Signed Copy** of your Full Annual Environmental Report (AER) to the Regional Inspectorate's Office. This is the "hardcopy" or "paper" AER specified under your licence. **(Only applicable for WWDL facilities for the reporting year commencing 2011 i.e. those due on the 28th February 2012)**
- 3 **Full PDF AER.** Submission of an electronic PDF copy of your Full AER.

As of 01 January 2009, each of these tasks is mandatory for all EPA-Licensed facilities. The reporting obligation will not be satisfied until all three steps are completed and the EPA has confirmed that it has accepted the information.

¹ The term "Surface area effectively under extractive operation" means the surface of the area of the site reduced by

1. the surface of the rehabilitated area and
2. by the area of future excavation

Note that all in-site transport, processing, storage and associated facilities, including settlement lagoons, are to be included within this definition. (Source: EU PRTR Guidance Document May 2006).

² This applies to Annual Reporting only; this does not supersede or render inapplicable the requirements in your licence for other regular reporting, e.g. returns of monitoring data, progress reports, waste records etc.

Task 1: AER / PRTR Emissions Data

The reporting of **AER / PRTR Emissions Data** is a requirement which arises from both the PRTR Regulations and individual EPA Licences. All licensed facilities are obliged to report a summary of their Emissions (or Releases, the term used in the PRTR Regulations) to Air, Water, Sewer / Off Site Waste water Treatment Plants and Land (specific operations only, not used in Ireland), and a Waste Management Summary.

Task 2: Full AER (Only applicable for WWDL facilities for the reporting year commencing 2011 i.e. those due on the 28th February 2012)

The **Annual Environmental Report (AER)** is a standard requirement of all Waste, Waste Water Discharge and IPPC licences issued by the EPA. We call it the **Full AER** in relation to annual environmental reporting to distinguish it from the **AER / PRTR Emissions Reporting Task**.

The AER is a single report by a licensee on their facility's environmental performance in the previous calendar year. An AER also sets out the programme of environmental works that the licensee is planning for the coming year. A key component of the AER is the Summary of Emissions and Waste Transfers.

The EPA Guidance Note on the Annual Environmental Report, available on this website, provides guidance for compiling all of the necessary information on emissions, waste transfers and environmental performance of the facility.

Task 3: Full PDF AER

As of 01 January 2009, the submission of a **Full PDF AER** is now a mandatory requirement of your EPA licence.

It is essential that the PDF is a true and accurate copy of your Full AER.

Only Task 1 is an obligation on the operators of non EPA-licensed activities

4 How to report

The EPA has developed a web facilitated reporting and data management system, available at <http://aer.epa.ie/reporting>, to carry out Tasks 1 and 3.

Task 2 (for WWDL facilities only) is achieved by delivery of the **1 original copy of the Full AER** to your local Regional EPA Office.

The EPA Electronic reporting System has been developed to allow EPA licensees and operators of relevant non EPA-licensed activities, to report their emissions and offsite waste transfers more easily and in a readily understandable and easy-to-use format.

This new system has been developed for four main purposes:

- 1 To permit more efficient analysis and assessment of data regarding emissions from industrial operations and waste management facilities to the atmosphere, to surface and groundwaters and to

sewer as well as information on the quantities and types of wastes arising on and from these facilities.

- 2 To facilitate the assessment of combined emissions and waste transfers from multiple facilities in, for example, specific geographic areas, river catchments or administrative regions and well as allowing comparisons internationally.
- 3 To facilitate the EPA to allow us to meet our national obligations under the European PRTR Regulation (EC) No166/2006 concerning the establishment of a European Pollutant Release and Transfer Register.
- 4 To facilitate the delivery of your Full PDF AER to the EPA to complete your annual environmental reporting obligations.

The system therefore has significant advantages over the previously used methods that were paper-based throughout. These include ease of access to information for EPA personnel, facility staff and others, and also the assurance of information quality and consistency. To achieve these benefits, the information cannot be accepted in any other manner or format other than that specified here and in the guidance documentation provided on this website.

5 Legal Obligation to Report Environmental Information

The nature of the information to be included in your Electronic AER / PRTR information and in your Annual Environmental Reports is specified in

- The EPA Licence;
- The PRTR Regulations.

Guidance in the interpretation of these specifications is given in the guidance documents listed in Chapter 8.

The EPA have, by means of a series of letters to licensees, by the publication of guidance and by providing a series of training seminars, specified the nature of the information which must be reported by all operators. The content of these general guidance documents, and where applicable the sector-specific Guidance Documents and **Excel-based Calculation Toolsets**, reflect the required information to be reported by facilities and their use will be considered sufficient to meet your requirements.

The **reporting deadlines** set out in both the PRTR Regulations, 31 March of the following year, and in EPA Licences shall both apply where the EPA Licence specifies an earlier reporting date. Where the EPA Licence specifies a date for AER submission which is later than 31 March, then the latter is superseded by the PRTR date. Licensees for whom a later reporting date is specified in the licence should now regard 31 March as their reporting deadline for their Annual environmental reporting obligations.

Your intention is drawn to Regulations 5 and 6 of the PRTR Regulations, S.I. 123 of 2007, in relation to the legal obligation to make your AER/PRTR annual submissions to the EPA:

5. An operator shall, not later than 31 March in each year, furnish to the Environmental Protection Agency information, of such nature and in such form as shall be specified by the Environmental Protection Agency, in relation to releases of pollutants and off-site transfers of pollutants and waste in respect of the preceding calendar year.

6. A person who fails to comply with Article 5, 6 or 9(1) of the EC Regulation or Regulation 5 is guilty of an offence.

Your attention is drawn to the fact that, as with all submissions to the EPA, your environmental information submitted in the form of Electronic AER / PRTR information and in your Annual Environmental Reports constitutes a Legal Declaration on behalf of your facility to the EPA.

In this regard the Agency requires all facilities to use best available methodology for the monitoring, calculation or estimation of their annual emission loads. If best methodologies, as prescribed in specified International Standards, are not used as part of the facilities emission quantification methods, this must be justified by the operator. During site audits, the Agency may interrogate the use of the verified quantification methods that were employed for the data return declaration.

Non-submission of the required information shall be considered by the EPA as non-compliance with the relevant conditions of your licence and / or with the PRTR Regulations as applicable.

It should also be noted that the EPA shall regard the making of intentionally false or misleading statements in these submissions as an offence under Article 13 (5) (c) of the EPA Act 1992 – 2008:

13 5) Any person who-

(c) Gives, either to an authorised person or to the Agency, information which is false or misleading in a material respect, shall be guilty of an offence.

6 Validation

The EPA is obliged under the PRTR Regulations to assess the quality of the data submitted by operators, in particular as to their completeness, consistency and reliability (*Article 9 of the E-PRTR Regulation*). Equally, the EPA Act (Article 13 (5) (c) of the EPA Act 1992 – 2008) requires that information submitted by licensed facilities shall not be false or misleading. Moreover, the EPA is responsible for the development of inventories of emissions to the environment and requires that the data collected for these purposes is of a sufficient quality and reliability.

All information submitted is therefore subject to a process of validation and verification by the EPA. For example, errors or omissions from your submissions might subsequently be detected during the EPA's review of the information, during on-site audits of your facility or by yourself; this may necessitate correcting and resubmitting the information.

Any errors or omissions will require to be rectified by the submission of corrected information.

We strongly recommend that you retain all electronic and paper copies of your submissions and all related documentation in a secure location (the electronic documents may be retained in the AER PRTR Reporting folder you created at Step C), as these may be required for inspection by either by your inspector or another authorised person.

7 Reporting of emissions and waste transfers information to the European PRTR website

As described in Chapter 2, the PRTR Regulations require the reporting to the European E-PRTR website of releases of pollutants and off site transfers of waste by facilities operating in relevant industrial sectors **where** the facility **exceeds** specified thresholds for both the Capacity of the activity **and** for the quantities of the emissions and/or waste transfers from the facility.

Specifically, releases and waste transfers are reportable under the European PRTR Regulation when two distinct criteria are met:

- 1 The facility itself must be carrying out one of the specified activities and must be of a sufficient size or capacity (Annex I of the RPRT Regulation), and
- 2 Each emission or the total quantity of waste transferred must exceed prescribed threshold quantities (Annex II of the PRTR Regulation).

Facility operators will be notified where any of their emissions or waste transfers exceed the relevant PRTR thresholds and will consequently be included in the annual report for Ireland to the European Commission.

It must be understood that the reporting of data pertaining to a facility to the European PRTR website does NOT indicate non-compliance with any licence limits on the part of that facility.

8 Guidance for annual environmental reporting

Further Guidance is available on the EPA website at

<http://www.epa.ie/whatwedo/enforce/lic/aerprtrreporting/operatorinformation/>

The following documents, available at that link, should be studied before completing your annual environmental reporting tasks:

1. *PRINCIPLES OF PRTR AND AER REPORTING OF ANNUAL ENVIRONMENTAL INFORMATION BY EPA-LICENSED FACILITIES (This document)*
 - This introductory paper sets out the technical requirements and the legal framework for annual environmental reporting by both EPA-Licensed facilities and operators of relevant Non EPA-Licensed activities.
2. *The Step by Step Guide for AER / PRTR Reporting for EPA-licensed facilities*
 - This Guide will assist you in making the required annual submissions of environmental information in accordance with your EPA Licence and with the PRTR Regulations.
 - A version of the Step by Step Guide for AER / PRTR Reporting for non EPA-licensed facilities, intended for use by the operators of non EPA-licensed facilities, is also available at the above link.
3. *EPA Guidance Note on the Annual Environmental Report*
 - This document provides guidance for compiling all of the necessary information on emissions, waste transfers and environmental performance of the facility.

4. The *EPA Guidance Note Annex on AER / PRTR Reporting*

- This document provides detailed guidance on the requirements of both AER and PRTR emissions and waste transfers reporting for all EPA-licensed industry sectors and non-licensed industry subject to the PRTR Regulations. It also provides a wealth of additional material, including examples of calculation and estimation methods, conversion tools, worked examples and a Frequently Asked Questions section based on the experience of the first reporting cycle.

5. The *AER / PRTR Electronic Reporting Workbook and Website User Manual*

- This document provides a detailed step-by-step procedure for using the Electronic AER / PRTR Reporting Workbook and for downloading from and uploading to the AER / PRTR Website.

6. *Procedure for creating and submitting the Full PDF AER*

7. Where applicable, the EPA's *Sector-Specific AER / PRTR Guidance Document*

- This document complements Documents 3 and 4, and provides sector-specific assistance in deciding what needs to be reported and for compiling the required information. For some sectors, the EPA have developed Excel-based Calculation Tools which provide for the calculation of the required emissions based on best available scientific knowledge.

8. *European Commission Guidance Document for the Implementation of the European PRTR, May 2006*

- This document is more relevant to non-EPA licensed industry sectors but will be of interest to licensed sites as well. Please note, however, that in the event of any inconsistency or conflict between the EU Guidance Document and the requirements of your licence, the requirements of your licence shall be followed. Also, please be careful to take the widest interpretation of the guidance in relation to your facility.