Compliance and Enforcement Policy
ENVIRONMENTAL PROTECTION AGENCY

The Environmental Protection Agency (EPA) is responsible for protecting and improving the environment as a valuable asset for the people of Ireland. We are committed to protecting people and the environment from the harmful effects of radiation and pollution.

The work of the EPA can be divided into three main areas:

Regulation: We implement effective regulation and environmental compliance systems to deliver good environmental outcomes and target those who don't comply.

Knowledge: We provide high quality, targeted and timely environmental data, information and assessment to inform decision making at all levels.

Advocacy: We work with others to advocate for a clean, productive and well protected environment and for sustainable environmental behaviour.

Our Responsibilities

Licensing

We regulate the following activities so that they 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, cement manufacturing, power plants);
- intensive agriculture (e.g. pigs, poultry);
- the contained use and controlled release of Genetically Modified Organisms (GMOs);
- sources of ionising radiation (e.g. x-ray and radiotherapy equipment, industrial sources);
- large petrol storage facilities;
- waste water discharges;
- dumping at sea activities.

National Environmental Enforcement

- Conducting an annual programme of audits and inspections of EPA licensed facilities.
- Overseeing local authorities’ environmental protection responsibilities.
- Supervising the supply of drinking water by public water suppliers.
- Working with local authorities and other agencies to tackle environmental crime by coordinating a national enforcement network, targeting offenders and overseeing remediation.
- Enforcing Regulations such as Waste Electrical and Electronic Equipment (WEEE), Restriction of Hazardous Substances (RoHS) and substances that deplete the ozone layer.
- Prosecuting those who flout environmental law and damage the environment.

Water Management

- Monitoring and reporting on the quality of rivers, lakes, transitional and coastal waters of Ireland and groundwater; measuring water levels and river flows.
- Monitoring and reporting on Bathing Water Quality.

Monitoring, Analysing and Reporting on the Environment

- Monitoring air quality and implementing the EU Clean Air for Europe (CAFE) Directive.
- Independent reporting to inform decision making by national and local government (e.g. periodic reporting on the State of Ireland’s Environment and Indicator Reports).

Regulating Ireland’s Greenhouse Gas Emissions

- Preparing Ireland’s greenhouse gas inventories and projections.
- Implementing the Emissions Trading Directive, for over 100 of the largest producers of carbon dioxide in Ireland.

Environmental Research and Development

- Funding environmental research to identify pressures, inform policy and provide solutions in the areas of climate, water and sustainability.

Strategic Environmental Assessment

- Assessing the impact of proposed plans and programmes on the Irish environment (e.g. major development plans).

Radiological Protection

- Monitoring radiation levels, assessing exposure of people in Ireland to ionising radiation.
- Assisting in developing national plans for emergencies arising from nuclear accidents.
- Monitoring developments abroad relating to nuclear installations and radiological safety.
- Providing, or overseeing the provision of, specialist radiation protection services.

Guidance, Accessible Information and Education

- Providing advice and guidance to industry and the public on environmental and radiological protection topics.
- Providing timely and easily accessible environmental information to encourage public participation in environmental decision-making (e.g. My Local Environment, Radon Maps).
- Advising Government on matters relating to radiological safety and emergency response.
- Developing a National Hazardous Waste Management Plan to prevent and manage hazardous waste.

Awareness Raising and Behavioural Change

- Generating greater environmental awareness and influencing positive behavioural change by supporting businesses, communities and householders to become more resource efficient.
- Promoting radon testing in homes and workplaces and encouraging remediation where necessary.

Management and Structure of the EPA

The EPA is managed by a full time Board, consisting of a Director General and five Directors. The work is carried out across five Offices:

- Office of Environmental Sustainability
- Office of Environmental Enforcement
- Office of Evidence and Assessment
- Office of Radiological Protection and Environmental Monitoring
- Office of Communications and Corporate Services

The EPA is assisted by an Advisory Committee of twelve members who meet regularly to discuss issues of concern and provide advice to the Board.
This document sets out the EPA’s Enforcement & Compliance Policy and replaces the document issued in 2003.

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Compliance and Enforcement Policy

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Introduction from the Director General

The Environmental Protection Agency’s mission is to protect and improve the environment as a valuable asset for the people of Ireland and to protect our people and the environment from the harmful effects of radiation and pollution. A clean, healthy and well-protected environment lies at the heart of social and economic wellbeing and is a major contribution to the quality of life for current and future generations.

In enforcing legislation for the protection and improvement of our health and the environment, the EPA takes an approach that is risk-based; is proportionate to the offence or non-compliance; ensures the polluter pays; and is both consistent and transparent in its application. This policy sets out the EPA’s approach to enforcement and compliance. It covers:

- the enforcement principles that guide our work;
- the range of enforcement powers available to the EPA;
- the criteria considered by the EPA in assessing breaches of environmental legislation; and,
- communication of enforcement activities and outcomes.

It is essential that economic growth is based on appropriately regulated industry that supports the protection and improvement of our environment. The EPA is committed to the enforcement of environmental and radiological legislation in a fair manner – targeting those who do not comply.

Laura Burke
Director General
20 March 2019
Introduction

The EPA was established in 1993 under the Environmental Protection Agency Act 1992. It is responsible for implementing environmental and radiological protection legislation across a wide range of activities and economic sectors in Ireland, including industrial, waste, drinking water, wastewater and healthcare.

This document sets out the policy that the EPA applies when enforcing environmental and radiological protection legislation to ensure compliance. It aims to promote a shared understanding of the principles and criteria underpinning enforcement decisions. It also aims to demonstrate to the public and other stakeholders that, in taking such decisions, there is proportionality of action, consistency of approach and transparency of process.

This policy ensures that the public, the regulated community and other stakeholders know what to expect from the EPA. In ensuring compliance and enforcing environmental and radiological protection legislation, the EPA’s objective is to protect people and the environment by:

- promoting a culture of compliance with legislation to achieve a clean and healthy environment;
- deterring non-compliance in the regulated community;
- ensuring the harm caused by the non-compliance is remedied;
- taking proportionate, effective and timely enforcement action;
- eliminating any financial gain or benefit from non-compliance;
- intervening to deal with serious risks to the environment and/or human health;
- promoting a culture of safety and security, particularly in the management of hazardous and radioactive materials;
- managing the risks associated with the beneficial use of ionising radiation;
- collaborating with relevant national and international authorities, when necessary, to promote and achieve compliance; and,
- communicating enforcement activities to build and maintain confidence in the EPA’s enforcement role.
1. **ENFORCEMENT PRINCIPLES**

In deciding an enforcement action in a given set of circumstances, unless otherwise mentioned by legislation, we take into consideration the guiding principles set out below.

- **Risk-based**
  Our enforcement work is risk-based, focusing resources and regulatory action on activities that pose the greatest risk to human health and/or the environment, or that have the potential to undermine the public’s confidence in environmental regulation.

- **Proportionality**
  We ensure that enforcement action taken is proportionate with the risk posed to human health and/or the environment, the damage already caused and the costs of remedial works required. We also consider enforcement action where there are persistent regulatory breaches.

- **Consistency**
  We have systems that ensure consistency in the approach to the use of enforcement powers and in deciding the appropriate enforcement response. This means the public, the regulated community and other stakeholders know what to expect from the EPA. We promote consistency nationally through effective liaison with other regulatory authorities.
Environmental Protection Agency | Compliance and Enforcement Policy

**Transparency**

We support compliance within the regulated community by being clear and open about what is expected of them in terms of legal requirements and compliance and what they should expect from us in terms of regulatory oversight.

We publish enforcement information including site visit reports, monitoring results, enforcement correspondence, priority lists, performance reports and legal convictions on the EPA’s website in a timely manner.

**Polluter pays**

We work to ensure that polluters are held financially accountable for their actions (including bearing the cost of environmental remediation), that they do not profit from illegal activity and that they do not gain a competitive advantage over law-abiding operators.
2. **COMPLIANCE ACTIONS AND ENFORCEMENT POWERS**

We have a wide range of enforcement powers, including statutory enforcement powers. We utilise these powers in enforcing legal requirements, promoting compliance and achieving good environmental outcomes. These powers include:

- **Support, advice and guidance:** We publish clear guidance outlining what we expect from those we regulate. We support other enforcement bodies through networks and compliance promotion events such as conferences.

- **Site visits/inspections/audits and compliance meetings:** We inspect sites that we regulate on a regular basis using a risk-based approach to focus on poorly performing or high-risk activities, and publish inspection reports on our website. We have the power to enter, to seize objects/substances and to take samples.

- **Publish list of priority sites for enforcement:** We identify non-compliant operators through the National Priority List for licensed industrial and waste activities, the Remedial Action List for drinking water and the Priority Urban Area List for wastewater.

- **Warning letters/compliance Investigations:** We issue warning letters or open compliance investigations where we discover non-compliances.

- **Statutory notices, directions and penalties:** We issue statutory notices, enforcement notices, fixed penalty notices or mandatory penalties and directions to achieve compliance.

- **Prosecution:** We can initiate a prosecution summarily in the District Court or, in more serious cases, through the Director of Public Prosecutions (DPP) with a view to prosecution on indictment. Where an offence is committed by a body corporate, we can prosecute the company and its officers.

- **Civil actions:** We can apply for court orders or injunctions to have works undertaken or an activity ceased; we can intervene directly to carry out works on a site and recover the costs.

- **Revocation or suspension of licences:** We have the power to revoke or suspend a licence in full or in part, and the power to suspend a process at a licensed facility.
3. **CRITERIA CONSIDERED IN DETERMINING ENFORCEMENT ACTION**

We consider our enforcement principles when deciding which enforcement action to take. We decide which enforcement action can deliver the best outcome for the environment and human health by considering the urgency of the situation and the public interest in environmental protection.

In deciding which enforcement action to take, we consider the following criteria:

1. The impact or potential impact of the breach on human health or the environment, which includes:
   - seriousness of the non-compliance – the harm or potential harm to human health or the environment; and
   - the duration of the non-compliance.

2. The behaviour of the individual or organisation responsible for the breach, including:
   - evidence of intention (if any) behind the regulatory non-compliance;
   - history of compliance or non-compliance;
   - financial gain made as a result of non-compliance with regulations; or,
   - conduct after the non-compliance is discovered.

Having considered the principles, criteria and enforcement powers available, we decide on a case-by-case basis which enforcement action to take. Where necessary we escalate our enforcement response if previous sanctions have failed to achieve the desired outcome.

We will normally consider a prosecution or higher sanction in the following circumstances:

- incidents or breaches that have significant consequences for human health and/or the environment, or have the potential for such consequences;
- carrying out activities without a relevant licence/authorisation from the EPA;
- excessive or persistent breaches of regulatory requirements;
- the use of unauthorised waste disposal/recovery facilities;
- failure to comply with statutory notices;
- failure to supply information without reasonable excuse, or knowingly or recklessly supplying false or misleading information; or,
- obstruction of EPA inspectors/authorised persons carrying out their legitimate functions by the use of threatening behaviour, obstruction or assault.
4. COMMUNICATION OF COMPLIANCE AND ENFORCEMENT ACTIVITIES

It is our policy to make our compliance and enforcement activities available and accessible to the public. We communicate and engage with the public, stakeholders and the regulated community to ensure that they can be involved in decision making that affects their health and their environment, and to highlight key environmental issues and priorities.

In communicating our enforcement activities, we:

- enable and encourage the public to make submissions on licence applications;
- publish site visit/inspections/audits on the EPA website;
- publish convictions on the EPA website;
- regularly publish updated lists of priority sites;
- publish annual reports highlighting the key enforcement priorities;
- engage with the public in relation to complaints about regulated activities; and,
- publish guidance to promote compliance.
Is féidir obair na Gníomhaireachta a roinnt ina trá phríomhírим: 

Ríugú: Déanaimid cáisí éifeachtacha rialaithe agus comháisú comhshaol a charú i bhfeidhm chun torthaí maithte comhshaol a sloláthar agus agus chun dirúi orthu siúd nach gCelolón leis na cárais sin.

Eolas: Soláthraimid sonraithe, faisnéis agus measúnú comhshaoil atá ar ardchaighdeáin, spriocdhírithe agus tráthúil chun bonn eolais a tharla agus a chur faoin gcinnteoireacht ar gach leibhéal.

Tacaíocht: Bhímid ag saothrú i gcomhar le grúpaí eile chun tacú le comhshaol atá glan, táirgíoil agus cosanta go maith, agus le hiompar a chuirfidh le comhshaol inbhuanaithe.

Ár bhFreagrachtaí

Ceadúnú

- Déanaimid na gníomhálaíochtaí seo a leanas a rialú ionsachach nach ndéanann siad dochar do shláinte agus an phobail nach ndéanann siad do charú comhshaol.
- Saoráidí drámhail (m.sh. láithreán líonta talún, loisceoirí, m.sh. Timpeall an Tí, m.sh. muca, éanlaith)
- Tuairisciú tréimhsiúil ar thionchar pleananna agus don chomhshaol a chosaint ó éifeachtaí díobhálacha na radharcachta agus an tráthnúil.

Forfheidhmí Náisiúnta i leith Cúrsaí Comhshaoil

- Clar náisiúnta imníochtaí agus círeachtachta a dhéanamh gach bliain ag acharóidí a bhfuil ceadúnas nó nún-gníomhaireacht acu.
- Maoirseacht a dhéanamh ar fhreagrachtachtaí cosanta comhshaol na n-údarás aistiúil.
- Ba ghlac Chaidgeáin an uisce óil, ar na sloláthar ag sloláthraithe uisce phoiblí, aithníonn an uisce mo chuid is mó in Éirinn.
- Ós a bhfuil an uisce agus na gáisimhíochtaí agus leis an tsaoláilteacht raideolaíochta agus leis an gcosaint raideolaíoch, tá an Gníomhaireacht um Chaomhshaoil freagrach ar toipní na seirbhísí sin.

Bainistíocht Uisce

- Monatóiríocht a dhéanamh ar chéileachtaí an uisce agus leis an uisce.
- Monatóiríocht a dhéanamh ar chéileachtaí dhon uisce Na Snámha.

Ríulá Astóchtai na nGáis Ceaptha Teasa in Éirinn

- Fardail agus réamh-mheasachtachán na Héireann maidir le gáis cheaptha teasa a úllmhum.
- An Treoir a dhéanamh le Trádáil Astóchtai a chur chun feidhme i gcomhshaoil breis agus 100 de na táirgíearí dé-oícheadbh carbón is mó in Éirinn.

Taighe agus Forbairt Comhshaoil

- Taighe comhshaoil a chur i bhfeidhm agus a fhorbairt thar lear a bhall leis an gcosaint raideolaíoch.
- Saineirbhísí cosanta ar an radharc a sholáthar, nó maoirsí a dhéanamh ar sholáthar na seirbhísí sin.

Cosaint Raideolaíoch

- Monatóiríocht a dhéanamh ar leibhéil radaíochta, measúnacht a dhéanamh ar leibheidh leis an gcosaint raideolaíoch.
- Faisnéis thráthúil ar an gcosintéacht san uisce, fás na rialachán agus leis an tsábháilteacht raideolaíochta.
- Cabhrú leis an gcosaint raideolaíochtha a státhaí a bhainteacht a bhainteacht, a bhainteachtaí fhuil a thaisteal.
- Measúnacht Straitéiseach Timpeallachta

Measúnacht na Sraith Bhrataighsan

- Taighde agus Forbairt Seirbhísí Gnéasacha

Treoir, Faisnéis Inrochtana agus Oideachas

- Cabhrú leis an gcosaint raideolaíochtha a státhaí a bhainteacht a bhainteachtaí fhuil a thaisteal.
- Measúnacht Straitéiseach Timpeallachta

Múscaill Feasacha agus Aithrú Ionpraíocha

- Feasachtaí an gcosaint raideolaíochta a fhorbairt agus a chur i bhfeidhm.
- Faisnéis thráthúil a bhainteacht a bhainteachtaí fhuil a chaomhacht a bhainteachtaí fhuil.

Bainistíocht agus struchtúr na Gníomhaireachta um Chaomhshaoil

- Ós a bhfuil an gcosaint raideolaíochtha a bhainteacht a bhainteachtaí fhuil, tá an gcosaint raideolaíochtha a bhainteacht a dhéanamh ar an gcosaint raideolaíochtha.
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