



Freedom of Information Acts, 1997 and 2003:

Section 16 Reference Book

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1. INTRODUCTION

This Reference Book has been prepared and published in accordance with the requirements of Section 16 of the Freedom of Information (FOI) Act 1997. Its purpose is to facilitate the public in understanding how the EPA makes decisions under enactments and schemes it operates. It does this by outlining how these schemes operate and by detailing the relevant legislation, regulations and instructions to staff on the operation of schemes.

The functions of the EPA, the services it provides, and classes of records held by the EPA are outlined in the EPA's FOI Section 15 Reference Book which accompanies this Reference Book.

2. DETAILS ON SCHEMES OPERATED BY THE EPA

This Chapter sets out, for each Office as described in the EPA Section 15 Reference Book, the following information, where applicable, on each scheme or enactment carried out by each Office:

1. A description of the scheme and its intended manner of operation;
2. Reference to the relevant primary legislation (i.e. Act of the Oireachtas);
3. Reference to the relevant regulations (i.e. Statutory Instruments brought into force by the Minister under such Acts or under EU Directives);
4. Circulars to staff and instruction manuals which the EPA has prepared for the purpose of administering the schemes/enactments;
5. Sources of other information on the schemes/enactments.

Other information available

Chapter 5 of the Section 15 Reference Book sets out how to access routinely available information held by the EPA outside FOI. Chapter 6 of the Section 15 Reference Book sets out how to access information under the FOI Acts.

In addition to the above information, the EPA also makes a wide range of information on schemes and enactments available through publications and information leaflets. Details of these publications can be found in the EPA's FOI Section 15 Reference Book.

General information and publications may also be sought by accessing the EPA website at www.epa.ie.

Copies of legislation mentioned throughout this Reference Book may be obtained from: The Office of Public works, Unit 20, Lakeside Retail park, Claremorris, Co Mayo. (Telephone 01 – 647-6834) and the Office of the Attorney General's website at www.gov.ie/ag/.

2.1. OFFICE OF COMMUNICATIONS AND CORPORATE SERVICES

2.1.1 Recruitment

Description:

The EPA may appoint persons as employees subject to the consent of the Minister for the Environment, Community and Local Government and the Minister for Finance.

The EPA has adopted an open competitive recruitment policy for the filling of posts generally. The aim is to attract and retain sufficient staff with the qualifications and experience necessary to provide an effective and efficient level of service. The EPA's staff are its most vital resource, and securing, developing and retaining staff is a crucial factor in ensuring the successful discharge of EPA functions. The EPA is fully committed to equality of opportunity.

Legislation/Rules/Procedures/Practices/Guidelines:

- Section 29 of the EPA Act, 1992 as amended.
- EPA Recruitment & Selection Policy and Procedures.
- Code of Practice for the Employment of People with Disabilities.

2.1.2 Declaration of Interests

Description:

Directors, employees, members of the Advisory Committee or persons whose services are availed of by the EPA have a duty to give to the EPA a declaration of relevant material interests in a prescribed form. The form must contain particulars of every current interest, or if any other relevant interest is acquired, the person must give a new declaration to the EPA. Failure to make a declaration, or giving particulars which are false or knowingly misleading in a material respect, is an offence which is punishable under the Act.

Legislation/ Rules/Procedures/Practices/Guidelines:

- Section 37 of the EPA Act, 1992 as amended.
- Environmental Protection Agency (Declaration of Interests) Regulations, 1994 (S.I. No. 205 of 1994).

2.1.3 Superannuation Schemes

Description:

The Director General and Directors' Superannuation Scheme, and associated Spouses' and Children's Contributory Pension Scheme have been approved by the Minister for the Environment, Community and Local Government with the consent of the Minister for Finance. The Staff Superannuation Scheme, and associated Spouses' and Children's Contributory Pension Scheme have been approved by the Minister for the Environment, Community and Local Government with the consent of the Minister for Finance. The *An Foras Forbartha Teoranta* Superannuation Scheme 1975 has been approved by the Minister for Local Government with the consent of the Minister for the Public Service.

Legislation/Rules/Procedures/Practices/Guidelines:

- Section 33 and 34 of the EPA Act, 1992 as amended.
- Environmental Protection Agency Staff Superannuation Scheme, 2001 as amended.
- Environmental Protection Agency Staff Spouses and Children's Contributory Pension Scheme, 2001.
- Environmental Protection Agency (Director-General and Director's) Superannuation Scheme 1996, as amended.
- Environmental Protection Agency Director General and Directors) Spouses' and Children's Contributory Pension Scheme, 1996, as amended.
- *An Foras Forbartha Teoranta* Superannuation Scheme, 1975.

2.1.4. Consultants and Advisers

Description:

The EPA may engage consultants or advisers as it considers necessary for the discharge of its functions. Any person may notify the EPA in writing of a willingness to be engaged by the EPA as a consultant or adviser and give details of qualifications and experience. The EPA maintains a list of these persons and may have regard to the list maintained when engaging consultants or advisers. The EPA is not precluded however from engaging a consultant or adviser whose name is not on the list. The EPA is required to include in its annual report a statement of the names of the persons engaged as consultants during the year to which the report relates.

Legislation/Rules/Procedures/Practices/Guidelines:

- Section 42 of the EPA Act, 1992 as amended.
- The Procedures for the Employment of Consultants and Services of Other Bodies.

2.1.5 General Administration

Description:

This scheme involves general administration in relation to human resources, organisational services, accommodation, health and safety, the management and control of financial resources, effective public relations/information/library/communications services and information technology development.

Information relating to all staff administration, policies and procedures is circulated to EPA staff on a regular basis - see Appendix 1.

Legislation/Rules/Procedures/Practices/Guidelines:

- Generally Part 2 of the EPA Act, 1992 as amended.
- See Appendix 1.

2.1.6 Annual Report and Accounts

Description:

The EPA is required to keep proper accounts of all moneys received or expended by it, and is required to submit these accounts annually to the Comptroller and Auditor General for audit. The audited accounts and the Comptroller and Auditor General's report are presented to the Minister for the Environment, Community and Local Government and the Minister lays them before the Houses of the Oireachtas. As soon as may be after the end of each financial year, the EPA is also required to present a report on the performance of its functions during that year to each house of the Oireachtas.

The EPA publishes its Annual Report and Accounts which are available free of charge on the website www.epa.ie or from the Publications Office, EPA Headquarters, PO Box 3000, Johnstown Castle Estate, County Wexford, Telephone 053 9160600.

Legislation/Rules/Procedures/Practices/Guidelines:

- Sections 50 and 51 of the EPA Act, 1992 as amended.
- Code of Practice for the Governance of State Bodies.

2.1.7 Board and Advisory Committee Meetings

Description:

The Executive Board of the EPA under the Chair of the Director General holds regular formal meetings dealing with its many statutory functions and policy issues.

The Advisory Committee which has a wide range of advisory functions, mainly in relation to policy, also meets regularly.

Legislation/Rules/Procedures/Practices/Guidelines:

- Section 25, 26, 27 and 28 of the EPA Act, 1992 as amended.
- Environmental Protection Agency Standing Orders.
- Advisory Committee Standing Orders.

2.1.8 Declarations under the Ethics in Public Office Act, 1995

Description:

The Ethics in Public Office Act, 1995 requires the annual disclosure of registrable interests, in addition to disclosure, whenever necessary, by directors and certain employees of specified public bodies. This Act and associated Regulations stand alone from the requirements in other legislation to declare interests. Therefore these statements must be made by the designated directors and staff in addition to the requirements under the EPA Act, 1992 and the EPA (Declaration of Interests) Regulations, 1994, SI No. 205 of 1994.

Legislation/ Rules/Procedures/Practices/Guidelines:

- Ethics in Public Office Act, 1995, as amended.
- Standards in Public Office Act, 2001.

2.2. OFFICE OF CLIMATE, LICENSING AND RESOURCE USE

Environmental Licensing Programme

2.2.1 IPC/IPPC Licensing (EPA Acts, 1992 to 2013 and supporting Regulations)

Description:

An Integrated Pollution Prevention Control (IPPC) licence is a single integrated licence which deals with emissions to all environmental media and the environmental management of the facility. IPPC licences aim to prevent or reduce emissions to air, water and land, reduce waste and use energy/resources efficiently. All related operations carried on by the licensee in connection with the activity are controlled by this licence.

Before a licence may be granted the EPA must be satisfied that emissions from the activity do not cause significant adverse environmental impacts.

Detailed procedures concerning the IPPC licensing process are set out in the EPA Acts 1992 to 2013 and the associated Licensing Regulations.

IPPC Licensing Process

A summary of the IPPC licensing process is as follows:

- The applicant is required to notify, in writing, the local planning authority of their proposed application. In addition, the applicant is required to publish a notice in a newspaper and to erect a notice on the site of the activity/proposed activity alerting the public of the intention to apply for a licence for a specified activity.
- The applicant submits the application to the EPA together with the required information and appropriate fee.
- Once the EPA receives the application, any person can make a written submission to the EPA regarding the application.
- Following an assessment of the application and any submissions received, a newspaper notice is published (IPPC only at this time), indicating the EPA's proposed decision as to whether a licence is to be granted or refused.
- At this point in the process any person may examine the proposed decision and make an objection to the EPA within a specified timescale.
- If no objection is received then the EPA must issue its final decision as proposed.
- Where an objection is lodged the EPA has the discretion to hold an oral hearing. When the EPA has considered all the objections, a final decision is made to grant or refuse a licence.
- The final licence issued contains conditions for the operation of the activity. These conditions are wide reaching and failure to comply with them constitutes a breach of the licence. The EPA's Office of Environmental Enforcement is responsible for enforcing licences and taking action in cases of non-compliance.

Public Participation

The IPPC licensing system in Ireland is open and transparent. The public has access to the application documentation, in electronic format and where available, hard copy format. RSS Feeds are available on the IPPC licensing webpages.

Members of the public may make written submissions or objections to the EPA about IPPC licence applications. Submissions are available for public inspection and are considered by the EPA in deciding on the application.

Everyone who makes a submission is notified of the EPA's proposed decision on the application. Subsequently, anyone may make an objection, accompanied by the appropriate fee, to a proposed decision by the EPA on an application, within 28 days of notification of the proposed decision. There is also a provision for a request to be made for an oral hearing of objections.

Legislation/ Rules/Procedures/Practices/Guidelines

- Protection of the Environment Act, 2003, Number 27 of 2003.
- Environmental Protection Agency Act, 1992, Number: 7 of 1992.
- European Union(EIA) (IPPC) Regulations 2012 S.I. 282 of 2012
- European Union (EIA) (IPPC)(No. 2) Regulations 2012, S.I. 457 of 2012
- Environmental protection Agency (Licensing)(Amendment) Regulations 2010, S.I 352 of 2010
- Environmental Protection Agency (Licensing) (Amendment) Regulations, 2008, S.I. No. 382 of 2008.
- Environmental Protection Agency (Licensing) (Amendment) Regulations, 2004, S.I. No. 394 of 2004.
- Environmental Protection Agency (Licensing) (Amendment) (No 2) Regulations, 1996, S.I. No. 240 of 1996.
- Environmental Protection Agency (Licensing) (Amendment) (No 2) Regulations, 1995, S.I. No 76 of 1995.
- Environmental Protection Agency (Licensing) Regulations, 1994, S.I. No 85 of 1994.
- Fees Regulations Environmental Protection Agency (Licensing Fees) (Amendment) Regulations, 2006, S.I. No. 278 of 2006.
- Environmental Protection Agency (Licensing Fees) (Amendment) Regulations 2004, S.I. No. 410 of 2004.
- Environmental Protection Agency (Licensing Fees) (Amendment) Regulations, 1996, S.I. No. 239 of 1996.
- Environmental Protection Agency (Licensing Fees) Regulations, 1994, S.I. No. 130 of 1994.
- Environmental Protection Agency Act, 1992 (Established Activities Order) 2006, S.I. No. 279.

2.2.2 Waste Licensing (Waste Management Acts 1996 to 2013 and supporting Regulations)

Description:

A waste licence is a single integrated licence, which deals with emissions to all environmental media, in addition to the environmental management of the facility. All related waste operations carried on by the applicant in connection with the activity are taken into consideration in determining an application for a waste licence. The EPA must be satisfied that the activity does not cause environmental pollution when it is carried on in accordance with the conditions of a waste licence.

The detailed procedures in respect of the processing of a waste licence application are set out in the Waste Management Acts 1996 to 2013 and associated Regulations.

A parallel simpler permit system is provided for in the Waste Management (Facility Permit and Registration) Regulations 2007 to 2008. The permitting system, operated by local authorities, applies to smaller waste disposal sites (except landfills) and to recovery activities. However, a local authority which operates a waste recovery facility is not allowed to issue a permit to itself and such facilities require either a waste licence or must be registered with the EPA. This requires a Certificate of Registration from the EPA.

Waste Licensing Process

A summary of the waste licensing process is as follows:

- The applicant is required to notify, in writing, the local planning authority of their proposed application. In addition, the applicant is required to publish a notice in a newspaper and to erect a notice on the site of the activity/proposed activity alerting the public of the intention to apply for a licence for a specified activity.
- The applicant submits the application to the EPA together with the required information and appropriate fee.
- Once the EPA receives the application, any person can make a written submission to the EPA regarding the application.
- At this point in the process any person may examine the proposed decision and make an objection to the EPA within a specified timescale.
- If no objection is received then the EPA must issue its final decision as proposed.
- Where an objection is lodged the EPA has the discretion to hold an oral hearing. When the EPA has considered all the objections, a final decision is made to grant or refuse a licence.
- The final licence issued contains conditions for the operation of the activity. These conditions are wide reaching and failure to comply with them constitutes a breach of the licence. The EPA's Office of Environmental Enforcement is responsible for enforcing licences and taking action in cases of non-compliance.

Public Participation

The waste management licensing system in Ireland is open and transparent. The public has access to the application documentation in electronic format and, where available, hardcopy format. RSS Feeds are available on the Waste Licensing pages

Members of the public may make written submissions or objections to the EPA about waste licence applications. Submissions are available for public inspection and are considered by the EPA in deciding on the application.

Everyone who makes a submission is notified of the EPA's proposed decision on the application. Subsequently, anyone may make an objection, accompanied by the appropriate fee, to a proposed decision by the EPA on an application, within 28 days of notification of the proposed decision. There is also a provision for a request to be made for an oral hearing of objections.

Legislation/ Rules/Procedures/Practices/Guidelines

- Protection of the Environment Act, 2003, Number 27 of 2003.
- Waste Management Act, 1996, No 10 of 1996.
- Protection of the Environment Act, 2003, No 27 of 2003.
- European Union (Environmental Impact Assessment) (Waste) Regulations 2012 S.I. 283 of 2012
- European Communities (Waste Directive) No 2 Regulations 2011, S.I. 323 of 2011
- European Communities(Waste Directive) Regulations 2011, S.I. 126 of 2011
- Waste Management (Landfill Levy) Regulations 2010, S.I. No 31 of 2010
- Waste Management (Licensing)(Amendment) Regulations 2010 S.I. 350 of 2010
- Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity)Regulations 2008 S.I. 254 of 2008
- Waste Management (Landfill levy) Regulations 2008 S.I. 199 of 2008
- Waste Management (Registration of Brokers and Dealers) Regulations, 2008, S.I. No. 113 of 2008.
- Waste Management (Facility Permit and Registration) (Amendment) Regulations, 2008, S.I. No. 86 of 2008.
- Waste Management (Facility Permit and Registration) Regulations, 2007, S.I. No. 821 of 2007.
- Waste Management (Waste Electrical and Electronic Equipment) Regulations, 2005, S.I. 340 of 2005.
- Waste Management (Licensing) Regulations, 2004, S.I. No. 395 of 2004.
- Waste Management (Permit) Regulations, 1998, S.I. No. 165 of 1998.

2.2.3 Waste Water Discharge Authorisation (Waste Water Discharge (Authorisation) Regulations, 2007 as amended)

Description:

The licensing and certification process gives effect to a number of EU Directives by the imposition of restrictions or prohibitions on the discharge of dangerous substances and thus preventing or reducing the pollution of waters by waste water discharges. All discharges to the aquatic environment from sewerage systems owned, managed and operated by water service authorities require a waste water discharge Licence or Certificate of Authorisation from the EPA. These authorities are required to apply to the Agency for a Licence or Certificate of Authorisation by set dates depending on the population equivalent of the area served by the sewer network. The authorisation process provides for the Agency to place stringent conditions on the operation of such discharges to ensure that potential effects on the receiving water bodies are strictly limited and controlled. In overall terms the aim is to achieve good surface water and ground water status in addition to complying with standards and objectives established for associated protected areas by 2015 at the latest.

Waste Water Authorisation Process

A summary of the Waste Water Discharge Authorisation (Licensing /Certification) process is as follows:

- For licence applications only, the applicant is required to publish a notice in a newspaper circulating in the area and erect a site notice indicating that they propose to apply for a licence. The content of the notices is set out in the Regulations.
- The applicant submits the application to the EPA together with the required information and appropriate fee.
- Once the EPA receives the application, any person can make a written submission to the EPA regarding the application.
- Following an assessment of the application and any submissions received, the EPA issues a final decision to either grant or refuse an authorisation.
- The Licence or Certificate of Authorisation granted contains conditions for the operation of the discharge. These conditions are wide reaching and failure to comply with them constitutes a breach of the Licence or Certificate of Authorisation. The EPA's Office of Environmental Enforcement is responsible for enforcing Licences and Certificates of Authorisation and taking action in cases of non-compliance.

Public Participation

The licensing and certification processes are open and transparent and access to the application documentation is freely available on our website. RSS feeds are available on the Wastewater licensing pages.

Any person may make written submissions to the Agency in relation to an application for a licence and thus participate in the processing of a particular application. The Agency welcomes and encourages such participation. The Agency must have due regard to all submissions received in its consideration of each licence application. Although the Regulations do not provide for submissions in respect of WWD Certificate of Authorisation applications, the Agency will take comments regarding any certificate of authorisation application into account.

Legislation/ Rules/Procedures/Practices/Guidelines

- Waste Water Discharge (Authorisation) Regulations, 2007, S.I. 684 of 2007.
- Waste Water Discharge (Authorisation) (Amendment) Regulations 2010

2.2.4 Permitting of Oil Terminals (VOC Permitting)

Description:

The EPA is responsible for issuing permits for any activity that involves the storage and distribution of petrol at terminals exceeding defined throughputs. The purpose of such a permit is to control petrol vapour emissions. The Regulations require renewals of permits at least every three years.

Public Participation

Any person may make written submissions to the Agency in relation to an application for a VOC Permit and thus participate in the processing of a particular application. Any person may make an objection, in writing, to the Agency's proposed decision on an application, within one month of the notification of such a proposed decision.

Legislation/ Rules/Procedures/Practices/Guidelines:

- Environmental Protection Agency Act, 1992 (Control of Volatile Organic Compound Emissions resulting from Petrol Storage and Distribution) Regulations, 1997 (S.I. No. 374 of 1997).

2.2.5 Genetically Modified Organisms (GMO's)

Description:

The EPA is the Competent Authority in Ireland for the implementation of GMO Regulations on the contained use and the deliberate release of GMOs into the environment.

Contained use of GMOs covers any premises where organisms are genetically modified or where GMOs are cultured, stored, used, transported, destroyed or disposed of. This

could include Genetically Modified Micro-organisms (GMMs) such as GM bacteria or Genetically Modified Organisms (GMOs) such as GM plants or GM animals.

The deliberate release of GMOs may fall under Part B of Directive 2001/18/EC (the deliberate release of GMOs for any purpose other than placing on the market) or Part C of the Directive (the deliberate release of GMOs for placing on the market). Part B release may include field trials for growing GM crops or hospital clinical trials for gene delivery systems for medicinal purposes such as administering a vaccine.

The EPA is the competent authority for the evaluation of Summary Notification Information Formats (SNIFs) and Dossiers (relating to placing on the market of products containing or consisting of GMOs) received from the EU competent authorities via the EU Commission. SNIFs generally relate to field trials in connection with the release of GMOs to the environment in all EU Member States.

The EPA is also the Competent Authority for the GMO (Transboundary Movement) Regulations 2004, S.I. No. 54 of 2004 which came into force on March 12th 2004. The Regulations detail the obligations placed on exporters to ensure that all relevant requirements in relation to the transboundary movement of a GMO intended for deliberate release are fulfilled; they give power to the EPA as competent authority to give such directions to an exporter as it sees fit.

Public Participation

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.

Legislation/Rules/Procedures/Practices/Guidelines:

- GMO (Contained Use)(Amendment) Regulations S.I. No 442 of 2010
- GMO (Transboundary Movement) Regulations S.I. No. 54 of 2004
- GMO (Deliberate Release) Regulations S.I. No. 500 of 2003
- Genetically Modified Organisms (Contained Use) Regulations, 2001 (S.I. No 73 of 2001).

2.2.6 Dumping at Sea (DaS Permitting)

Description:

The Foreshore and Dumping at Sea (Amendment) Act 2009 amends the Dumping at Sea Acts 1996 to 2006 so that certain functions relating to dumping at sea are transferred from the Minister for Agriculture, Fisheries and Food to the EPA.

From 15th February 2010 it is the function of the EPA to issue Dumping at Sea Permits under the Dumping at Sea Acts 1996 to 2009.

The Dumping at Sea Acts 1996 to 2009 prohibit the dumping at sea from vessels, aircraft or offshore installation of a substance or material unless permitted by the Environmental Protection Agency.

Public Participation

Any person may make written submissions to the Agency in relation to an application for a DaS Permit and thus participate in the processing of a particular application. RSS feeds are available on the Dumping at Sea permitting pages on the EPA website.

Legislation/ Rules/Procedures/Practices/Guidelines:

- Dumping at Sea (Fees) Regulations 2012 S.I. 270 of 2012
- Foreshore and Dumping at Sea (Amendment) Act 2009
- Foreshore and Dumping at Sea (Amendment) Act 2004
- Dumping at Sea Act 1996.

Climate Change, Resource Use & Environmental Research Unit

2.2.7 National Hazardous Waste Management Plan

Description:

The Waste Management Act, 1996, gave the EPA responsibility for producing a National Hazardous Waste Management Plan. The Waste Management Act specifically provided for a public consultation phase prior to the plan being adopted. Accordingly, there were two formal periods for public consultation during which time the EPA actively sought the opinion of citizens, business interests, community groups and environmental groups.

The first National Hazardous Waste Management Plan was published in 2001. In 2003, the Minister for the Environment, Community and Local Government established an Implementation Committee to oversee and report on implementation of the Plan. This committee was amalgamated with a new National Waste Prevention Committee in 2004 and is chaired by the EPA.

The National Hazardous Waste Management Plan was reviewed in 2007. A first consultation period was opened in 2006 and a *Proposed* Plan was published for

consultation in 2007. A replacement plan was developed, subjected to Strategic Environmental Assessment and full public consultation and published in 2008. Projects have been ongoing since then to promote the implementation of the plan's recommendations.

Legislation/Rules/Procedures/Practices/Guidelines:

- Section 23 and 26 of the Waste Management Act, 1996 -2013.

2.2.8 National Waste Report

Description:

Accurate statistics on waste arisings in Ireland are essential if waste is to be properly managed and the environment protected. In 1994, the EPA undertook the publication of National Waste Reports for the calendar years 1995, 1998 and 2001 to 2008.

With the adoption of the Waste Management Act in 1996 and subsequent waste regulations, the need for more comprehensive waste information collection and reporting requirements continues to grow, both at national and European level. The National Waste Report is being reviewed and revised on an ongoing basis to ensure that these reporting requirements are being met and that the project is capable of delivering the type of information needed for planning at national level.

Legislation/ Rules/Procedures/Practices/Guidelines:

- Section 18 of the Waste Management Act, 1996 - 2013.
- Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics.

2.2.9 National Waste Prevention Programme

Description:

Government policy recognises the need to reverse the trend of increasing waste generation and to decouple waste generation from economic growth. To achieve this broad goal a Core Prevention Team within the EPA has been established to implement the National Waste Prevention Programme (NWPP). The NWPP is building on existing programmes, initiatives, knowledge and experience (for example, the Cleaner Greener Production Programme, IPPC licensing, *Race Against Waste* awareness campaign). Grants and technical assistance are being provided to local authorities to carry out waste prevention at local/Small and Medium Enterprises/community level. A Local Authority Prevention Demonstration programme has been successfully completed and a Prevention network established. A Green Business Initiative has been developed and launched. A Green Hospitality Awards programme is in place for all major hotels and catering operations. This work is now being extended to hospitals. A Packaging Waste Prevention Programme was developed by supporting Repak and was launched in 2007.

Householders are being targeted for prevention through the Green Home programme run by An Taisce and through projects in relation to Food Waste Prevention and Home Composting. In 2009 the EPA co-ordinated the Irish contribution to the first European Week for Waste Reduction. The new Waste Framework Directive requires Member States to have waste prevention programmes in place by 2013.

Legislation/Rules/Procedures/Practices/Guidelines:

- Section 28 of the Waste Management Acts, 1996 to 2013.
- EU Framework Directive on Waste (2008/98/EC).

2.2.10 Persistent Organic Pollutants (POPs)

Description:

Persistent Organic Pollutants or POPs are chemical substances which can be transported across international boundaries far from their sources. They can persist in the environment, bio accumulate through the food web and pose a risk to human health and the environment. The EPA is the competent authority for the implementation of EC Regulation 850/2004 on Persistent Organic Pollutants. The POPs covered under this Regulation can be sub-divided into three main categories:-

1. **Pesticides** e.g. Dichloro-diphenyl-trichloroethane (DDT)
2. **Industrial Chemicals** e.g. Polychlorinated biphenyls (PCBs)
3. **Unintentional by-products** e.g. Dioxins, furans

This POPs Regulation covers obligations under the Stockholm Convention on POPs and also the Convention on Long Range Transboundary Air Pollution.

The EPA is currently working to address the requirements of the POPs Regulation in particular the preparation of a national implementation plan and action plan. The national implementation plan will be developed to demonstrate how the obligations of the Stockholm Convention will be implemented in Ireland. The action plan will aim to identify, characterise and minimise with a view to eliminating the total release of certain POPs. The EPA is actively involved with other bodies and organisations who undertake POPs related work to ensure that POPs issues are dealt with on a national basis.

The EPA is also currently updating the National PCB inventory and PCB Management Plan.

Legislation/Rules/Procedures/Practices/Guidelines:

- Regulation EC No. 850/2004 on Persistent Organic Pollutants.
- Directive 96/59/EC on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT).
- S.I. No. 163 of 1998. Waste Management (Hazardous Waste) Regulations, 1998.

2.2.11 WEEE Regulations

Description:

The Waste Management (Waste Electrical and Electronic Equipment) Regulations, 2005 (WEEE Regulations) came into force on 13 August 2005. The Regulations are designed to promote the recovery of WEEE, and facilitate the achievement of targets for the collection, treatment, recovery and disposal of WEEE in an environmentally sound manner.

The EPA is responsible for enforcing the WEEE Regulations in co-operation with local authorities and other regulatory bodies with related responsibilities. A programme of inspections, complaint investigation, and surveillance is ongoing to identify and address non-compliances. The EPA is working with local authorities through the Environmental Enforcement Network, and a WEEE Working Group, to optimise enforcement effort, foster consistency of enforcement and exchange information. The EPA has also prepared guidance documents and is undertaking an ongoing promotion and publicity campaign to raise producer, retailer and consumer awareness of obligations under the WEEE Regulations.

Legislation/Rules/Procedures/Practices/Guidelines:

- Section 53 of the Waste Management Acts, 1996 to 2013.
- Waste Management (Waste Electrical and Electronic Equipment) Regulations, 2005 (S.I. No. 340 of 2005).

2.2.12 Restriction on the use of Hazardous Substances (RoHS) Enforcement.

Description:

The Directive on the Restriction on the use of certain Hazardous Substances in Electrical and Electronic Equipment, Directive 2002/95/EC, restricts the concentration of six toxic substances – cadmium, chromium VI, lead, mercury and flame retardants polybrominated biphenyls and polybrominated diphenyl ethers – in the components and materials of many household electrical and electronic items. Under the Irish Regulations, S.I. 341 of 2005, the Environmental Protection Agency is responsible for the enforcement of the Directive's requirements in Ireland.

Phase 1 Inspections of the monitoring programme was initiated March 2007. This involved examination of relevant technical documentation provided by the producer and, in some cases, product testing. The Environmental Protection Agency participates actively in the informal RoHS Enforcement Network, a body of RoHS enforcement agencies established to facilitate the consistent enforcement of the Directive throughout the European Economic Area. The Environmental Protection Agency was involved in the development of the Enforcement Guidance Document (May 2006) and

the Manual of Decision (scoping document) version 1, completed March 2007. The first RoHS product recall took place in 2009.

The Resource Use Unit has similar responsibilities in relation to restriction of hazardous substances in packaging, deco-paints and in certain vehicles placed on the Irish market.

Legislation/Rules/Procedures/Practices/Guidelines:

- Section 28 of the Waste Management Acts, 1996 to 2013.
- Waste Management (Restriction of certain hazardous substances in electrical & electronic equipment) Regulations, 2005 (S.I. No. 341 of 2005).
- Waste Management (Packaging) Regulations, 2007 (S.I. No. 798 of 2007).
- Limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints, varnishes and vehicle refinishing products Regulations, 2007 (S.I. No. 199 of 2007).
- Waste Management (End-of-Life Vehicles) Regulations, 2006 (S.I. No. 282 of 2006).

2.2.13 Batteries Regulations

Description:

The Waste Management (Batteries & Accumulators) Regulations came into effect in September 2008. The requirements are twofold: to maximise recovery of waste batteries and accumulators, and to ensure that product not meeting limits to certain hazardous substances are not placed on the market. The EPA is responsible for enforcing the Batteries Regulations in co-operation with local authorities and other regulatory bodies with related responsibilities. A programme of inspections, complaint investigation, and surveillance is ongoing to identify and address non-compliances. The EPA is working with local authorities through the Environmental Enforcement Network, and a Batteries Working Group, to optimise enforcement effort, foster consistency of enforcement and exchange information. The EPA has also prepared guidance documents and is undertaking an ongoing promotion and publicity campaign to raise producer, retailer and consumer awareness of obligations under the Batteries Regulations.

Legislation/Rules/Procedures/Practices/Guidelines:

- Waste Management (Batteries & Accumulators) Regulations, 2008 (S.I. No. 268 and 556 of 2008).
- Council Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators.

2.2.14 Ozone Depleting Substances (ODS) and Fluorinated Greenhouse Gases (F-gases)

Description:

ODS such as CFCs and HCFCs were used widely as refrigerants and are damaging to the stratospheric ozone layer and have high global warming potentials. While CFCs are largely phased out, HCFCs are in fairly widespread use but will be phased out over time. F-gases such as HFC have become popular as replacement refrigerants but unfortunately also have high global warming potential. The emphasis here is on containment, leak checking and minimum training requirements for operators in this sector. Implementing these requirements revolves around awareness-raising, guidance, inspections and information dissemination in affected sectors.

Legislation/Rules/Procedures/Practices/Guidelines:

- Regulation (EC) No. 2037/2000 and Regulation (EC) No. 1005/2009.
- Control of Substances that Deplete the Ozone Layer Regulations, 2006 (S.I. No. 281 of 2006).
- Regulation (EC) No. 842/2006.

2.2.15 Greenhouse Gas Emissions Trading

Description:

In July 2003 the Environmental Protection Agency was assigned responsibility for implementing the EU Emissions Trading Directive (Directive 2003/87/EC) in Ireland. The Directive establishes an allowance-trading scheme for emissions to promote reductions of greenhouse gases, in particular carbon dioxide. The EPA remit involves the design and implementation of a National Allocation Plan for the pilot phase 2005-2007 and Phase 2 (2008-2012). The National Allocation Plan indicates what proportion of national emissions are assigned to emissions trading; and how the portion assigned to emissions trading is distributed among those covered by the scheme.

The EPA was also designated the Competent Authority for issuing permits for participation in emissions trading and for monitoring, overseeing and verifying emissions from participating companies. Additionally, the EPA is responsible for establishing and maintaining the National Emissions Trading Registry.

Since September 2009 the EPA is also responsible for approval of monitoring plans from aircraft operators since the scope of the ETS has been extended to cover aviation.

The EPA maintains an on-line Register of current participants in the Greenhouse Gas Emissions Trading Scheme in Ireland (current permit holders) which is available at www.epa.ie.

Legislation/Rules/Procedures/Practices/Guidelines:

- EU Emissions Trading Directive (2003/87/EC) (PDF format).
- Directive 2008/101/EC extending the ETS directive to include aviation.
- Commission Decision of 18 July 2007 establishing guidelines for the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council (2007/589/EC).
- Decision No 280/2004/EC of the European Parliament and of the Council of 11 February 2004 concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol.
- Commission Regulation (EC) No 2216/2004 of 21 December 2004, for a standardised and secured system of registries pursuant to Directive 2003/87/EC of the European Parliament and of the Council and Decision No 280/ as amended by Commission Regulation (EC) number 916/2007 and Commission Regulation (EC) number 994/2008.
- Directive 2004/101/EC of the European Parliament and of the Council, of 27 October 2004 amending Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community, in respect of the Kyoto Protocol's project mechanisms.
- European Communities (Greenhouse Gas Emissions Trading) Regulations, 2004 (S.I. 437 of 2004).
- European Communities (Greenhouse Gas Emissions Trading) (Amendment) Regulations, 2005 (S.I. No. 706 of 2005).
- Kyoto Protocol Flexible Mechanisms Regulations, 2006 (S.I. No. 244 of 2006).

2.2.16 Air Emission Data Compilation and Reporting

Description:

The EPA compiles annual emission inventories and projections of all major air pollutants (including sulphur dioxide, nitrogen dioxide, carbon monoxide, ammonia, volatile organic compounds) and greenhouse gases (carbon dioxide, nitrous oxide, methane and F-gases). These emission inventories and projections are compiled to meet national obligations under EU legislation and international conventions on climate change and long range transboundary air pollution.

The EPA also compiles inventories of particulate matter (PM_{2.5}, PM₁₀ and TSP), heavy metals (Pb, Cd, Hg, As, Cr, Cu, Ni, Se and Zn) and persistent organic pollutants (PCDD/PCDF, PAHs, HCB and PCBs).

The annual GHG inventories are submitted on 15 April annually to the secretariat of the UN Framework Convention on Climate Change. The annual inventories for transboundary gases are submitted on 15 February annually to the secretariat of the Convention on Long Range Transboundary Air Pollution. Greenhouse gas emissions projections are submitted to the Commission on a biannual basis on March 15th. Transboundary gas emissions projections are submitted annually to the Commission under the requirements of the National Emission Ceiling Directive.

Legislation/Rules/Procedures/Practices/Guidelines:

- UN Framework Convention on Climate Change and the Kyoto Protocol.
- UN Convention on Long Range Transboundary Air Pollution and its Protocols.
- European Parliament and Council of the European Union (2004) Decision 280/2004/EC concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol. *O.J.* L49, 19 February 2004.
- European Parliament and Council of the European Union (2005) Decision 2005/166/EC laying down rules implementing Decision No 280/2004/EC of the European Parliament and of the Council concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol.
- Council of the European Communities (2001a) Council Directive 2001/80/EC of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants. *O.J.* L 309, 27 November.
- European Parliament and Council of the European Union (2001b) Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emissions ceilings for certain atmospheric pollutants. *O.J.* L 309, 27 November.

2.2.17 Environmental Research and Development

Description:

The EPA Act gives the EPA responsibility for the promotion and co-ordination of environmental research, the provision of assistance and advice in relation to research and the organisation of programmes to undertake research projects. The EPA is currently managing the Research Programme on behalf of the Department of the Environment, Community and Local Government. This programme has been allocated a budget of €101m under the National Development Plan 2007-2013 and the

Interdepartmental Committee – Strategy on Science, Technology and Innovation (IDC-SSTI).

The EPA has prepared a strategy for environmental research for the period 2007-2013, the main aims of which are to:

- Contribute to a better environment by delivering applicable and relevant data and information based on high quality science and technology;
- Generate data, information and knowledge for improved management of the environment;
- Develop new techniques, methods and systems for measuring, recording and predicting the quality of the environment; and
- Develop practical methods for the integration of environmental considerations into policies and programmes of the main economic sectors.

Legislation/Rules/Procedures/Practices/Guidelines:

- Section 71 of the EPA Act, 1992 as amended.

2.2.18 Chemicals Management

Description:

Under the Chemicals Act, 2008, the Environmental Protection Agency (EPA) has been named as a competent authority for the purposes of the REACH Regulation, in respect of the prevention of environmental pollution (as defined by the EPA Act, 1992 as amended). The EPA is also named as a competent authority for the purposes of the Detergents Regulation, in respect of matters relating to biodegradability of surfactants in detergents. The EPA assists the main Competent Authority, the Health and Safety Authority, with the implementation of these Regulations. This includes providing technical input into guidance/policy development and various REACH processes, liaison with relevant stakeholders and supporting an active research programme in the chemicals area.

During 2013 this function will transfer to the Office of Environmental Enforcement.

Legislation/Rules/Procedures/Practices/Guidelines:

- Chemicals Act, 2008 (No. 13 of 2008).
- REACH Regulation (EC) No. 1907/2006.
- Detergents Regulation (EC) No. 648/2004.

2.3. OFFICE OF ENVIRONMENTAL ENFORCEMENT

Licence Enforcement

2.3.1 *Enforcement of EPA Licences issued to waste, industrial and waste water discharges.*

Description:

The establishment of the Office of Environmental Enforcement (OEE) in October 2003 gave a necessary extra focus to the enforcement of licences issued by the EPA for waste, industrial and waste water discharges, by bringing together, for the first time in a single Office, all the major enforcement activities of the EPA.

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 also carries out environmental audits of licensed facilities to determine compliance with the conditions of the licence. In cases where it is shown that the company is in breach of its licence conditions, appropriate enforcement action is taken by the EPA which may include prosecution through the courts.

All licences issued by the EPA include a condition which requires the licensee to make available to the public details of the environmental performance of the facility and to record all complaints of an environmental nature, give details of the nature of the complaint and the response made in the case of each complaint. Complaints about licensed facilities are also reported directly by the public to the EPA. In this regard the EPA seeks to encourage direct dialogue between licensed facilities and the local community.

EPA Inspectors in their daily interaction with licensed facilities encourage individuals and businesses to integrate good environmental practices into normal working methods. Part of this work is to ensure that the appropriate management structures are in place. This is done through the development of environmental management systems at licensed facilities all of which helps to prevent environmental pollution before it has a chance to occur.

Legislation/ Rules/Procedures/Practices/Guidelines:

- EPA Acts, 1992-2013 and associated Regulations.
- Waste Management Acts, 1996-2013 and associated Regulations.

- Integrated Pollution and Control – Guide to Implementation and Enforcement in Ireland.
- A Guide to the Implementation and Enforcement of Waste Licensing in Ireland.

Public Authority Enforcement

2.3.2 Drinking Water

Description:

The EPA Act, 1992 as amended, requires the EPA, in relation to each year, to prepare and submit to the Minister for the Environment, Community and Local Government a report on the monitoring of drinking water supplies and an assessment of the results. The report is laid by the Minister before each House of the Oireachtas and is published by the EPA.

The Environmental Protection Agency Act, 1992 as amended empowers the EPA to publish criteria and procedures in relation to the management, maintenance, supervision, operation or use of drinking water treatment plants. Sanitary authorities are obliged to have regard to such criteria and procedures. To date, manuals on 'filtration', 'disinfection' and 'coagulation, flocculation and clarification' have been published by the EPA.

The European Communities (Drinking Water) Regulations, 2007 (S.I. No 278 of 2007) designate the Agency as the supervisory authority for drinking water supplied by sanitary authorities.

Legislation/Rules/Procedures/Practices/Guidelines:

- Sections 58, 60 and 76 of the EPA Act, 1992 as amended.
- European Communities (Drinking Water) (No.2) Regulations, 2007.

2.3.3 Urban Wastewater

Description:

The EPA Act, 1992 as amended, requires the EPA to report (and make recommendations if necessary) on a biennial basis on the quality of wastewater being discharged from treatment plants and sewers which are controlled by sanitary authorities.

The EPA Act, 1992 as amended, provides for the preparation of guidance by the EPA to assist sanitary authorities in the management, maintenance, supervision and operation

of wastewater treatment plants. This guidance is produced as a series of manuals. In addition, Section 76 of the Act allows the EPA to publish codes of practice.

Legislation/Rules/Procedures/Practices/Guidelines:

- Sections 59, 60, 61 and 76 of the EPA Act, 1992 as amended.
- European Communities (Waste Water Treatment) (Prevention of Odours and Noise) Regulations, 2005.

2.3.4 Landfill Sites for Waste Disposal

Description:

Section 62 of the Environmental Protection Agency Act, 1992 as amended provides for the specification, and publication of criteria for the selection, management, operation and termination of use of landfill sites for the disposal of domestic and other wastes.

These are being published as a series of manuals and to date five manuals on *Investigations for Landfills*, *Landfill Monitoring*, *Landfill Operational Practices*, *Landfill Restoration and Aftercare*, and *Landfill Site Design* have been published.

Local authorities are required to have regard to and take such steps as are practicable, to ensure that the management or operation of such landfill sites complies with the specified criteria and procedures. The provisions of Section 62 of the EPA Act, 1992 as amended shall, insofar as they apply or have effect in relation to a particular landfill facility, cease to have effect upon the grant of a waste licence.

Section 62(6) requires the EPA to publish reports on the management and operation of local authority landfill sites and to include in such reports such recommendations as it considers appropriate.

Legislation/Rules/Procedures/Practices/Guidelines:

- Section 62 of the EPA Act, 1992 as amended.
- Section 68 of the Waste Management Act, 1996.

2.3.5 Evaluating the Performance of Environmental Protection Functions of Local Authorities

Description:

The EPA is required under Section 63 of the EPA Act, 1992 and the Protection of the Environment Act, 2003 to exercise general supervision over the environmental protection performance of local authorities. Other sections of the same Act make provision for the EPA to advise and assist local authorities on environmental matters.

These powers include: the requesting of reports from a local authority; the assessment of performance of a local authority; the issue of advice & recommendations; and, the provision of assistance, support or guidance and the issue of proposed directions and directions to the local authority.

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 and wastewater (sewage) discharges. These reports are based on information supplied by local authorities and provide an overview of local authority performance in the areas concerned. These reports, in conjunction with national monitoring reports, assist in prioritising, at national level, infrastructural schemes requiring investment and identifying improvements resulting from funds already allocated.

Legislation/Rules/Procedures/Practices/Guidelines:

- Section 63 of the EPA Acts, 1992 as amended by Section 13 of the Protection of the Environment Act, 2003.

2.3.6 Advisory Functions in Relation to Ministers of the Government and Local Authorities

Description:

The EPA provides a range of advisory services to local and public authorities. These services may relate to proposed legislation, changes to existing legislation and advice or recommendations on issues concerning the environment and/or environmental protection. It includes advice on standards, criteria to be used, monitoring of emissions and laboratory services.

The EPA may organise and promote or assist in organising and promoting conferences, seminars, lectures, training courses, and prepare publications for those involved in environmental protection.

Agreements may be made with local authorities for the delivery of services on such terms and conditions as are acceptable to both parties.

Legislation/Rules/Procedures/Practices/Guidelines:

- Sections 55, 56, 57 and 104 of the EPA Act, 1992 as amended.

2.3.7 Complaints

Description:

The EPA deals with complaints from members of the public in relation to matters of local authority performance of their statutory environmental protection functions. Complaint procedures and standard complaint forms are also available on the EPA website.

Legislation/Rules/Procedures/Practices/Guidelines:

- Section 63 of EPA Acts, 1992 as amended.

2.3.8 Licensing Discharges by Sanitary Authorities to Groundwater

Description:

Sanitary authorities shall not cause or permit the direct discharge, by or on behalf of a sanitary authority, to an aquifer of an effluent which contains a harmful substance unless under and in accordance with a licence. The harmful substances correspond to those specified as List 1 and List 2 substances under the Groundwater Directive (80/68/EEC). The licensing requirement only applies to the direct discharge of harmful substances to groundwater. Direct discharge means the discharge of such effluent without percolation through the ground or subsoil. The EPA is responsible for the licensing of such discharges.

Legislation/Rules/Procedures/Practices/Guidelines:

- Protection of Groundwater Regulations, 1999, S.I. No. 41 of 1999.

2.3.9 Ground Water Protection

Description:

The Ground Water Regulations, 2010 establish a new strengthened regime for the protection of groundwater in line with the requirements of the Water Framework Directive (2000/60/EC) and by the Groundwater Directive (2006/118/EC).

The EPA has a duty to set clear Environmental Objectives, Groundwater Quality Standards and Threshold Values for the classification of groundwater and the protection against pollution and deterioration.

The EPA may issue advice and/or directions to local authorities or other authorities where appropriate and necessary for the purpose of these Regulations. The Agency may also review codes of practice for the purpose of preventing or limiting pollutants into groundwater.

The Regulations also provide that the EPA may make recommendations to the Minister regarding threshold values for the assessment of groundwater chemical status.

The Agency may also prepare and publish a detailed technical report by June 2010. The report may contain methods and procedures on the following:

- Groundwater quantitative status
- Groundwater chemical status
- Results of monitoring for identified pollutants
- Pollution trend reversal

This report should be made publicly available.

Legislation/Rules/Procedures/Practices/Guidelines:

- European Communities Environmental Objectives (Ground Water) Regulations, 2010 (S.I. No. 9 of 2010).

2.3.10 Surface Water Protection

Description:

The Regulations apply to all surface waters and provide for:

- The establishment of legally binding quality objectives for all surface waters and environmental quality standards for pollutants.
- The examination and, where appropriate, review of existing discharge authorisations by Public Authorities to ensure that the emission limits laid down in authorisations support compliance with the new water quality objectives/standards.
- The classification of surface water bodies by the EPA for the purposes of the Water Framework Directive.
- The establishment of inventories of priority substances by the EPA.
- The drawing up of pollution reduction plans by coordinating local authorities (in consultation with the EPA) to reduce pollution by priority substances and to cease and/or phase out discharges, emissions or losses of priority hazardous substances.

These Regulations repeal the Phosphorous and Dangerous Substances Regulations. The EPA has the duty to classify each surface water body according to its ecological status and potential and chemical status. The Agency must publish and make available monitoring information and data used to classify waters. The Agency must also provide a map for classification of ecological status of each body.

Legislation/Rules/Procedures/Practices/Guidelines:

- European Communities Environmental Objectives (Surface Water) Regulations, 2009 (S.I. 272 of 2009).

2.3.11 Environmental Liability Directive

Description:

The European Communities (Environmental Liability) Regulations, 2008, came into force in Ireland on 1 April 2009. These Regulations (SI 547 of 2008) transpose EU Directive 2004/35/CE on environmental liability with regard to the prevention and remedying of environmental damage. The purpose of these Regulations is to establish a framework of environmental liability based on the 'polluter-pays' principle, to prevent and remedy environmental damage. The Agency has been designated as the competent authority for all aspects of these Regulations.

The Regulations supplement existing National and European Legislation to achieve the prevention and remediation of environmental damage by introducing, among other things, a positive reporting obligation on operators in respect of actual or threatened environmental damage. Environmental damage under the Environmental Liability Regulations means:

- Water damage that has significant adverse effects on water status under the Water Framework Directive.
- Land damage that creates a significant risk to human health as a result of the direct or indirect introduction, in, on or under land, of substances, preparations, organisms or micro-organisms.
- Damage to protected species and natural habitats.

The Regulations represent an overarching piece of legislation that can be used in concert with all the Agency's existing powers, but will only be used in the appropriate circumstances when environmental damage has occurred as a result of an incident.

The Agency may issue Directions under these Regulations on an operator where an imminent threat or environmental damage has occurred. The Agency must also maintain a register of all information and data in relation to environmental damage or liability, and report same to the Commission.

Legislation/Rules/Procedures/Practices/Guidelines:

- European Communities (Environmental Liability) Regulations, 2008 (SI 547 of 2008).

2.3.12 Nitrates Regulations

Description:

The European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2009 (S.I. 101 of 2009), provide the legal basis for the operation of derogation under the Nitrates Directive granted to Ireland by the European Commission. These Regulations strengthen the enforcement powers for local authorities and the requirements for improved farmyard management.

The Agency must publish and prepare for the Minister a report at four yearly intervals in accordance with Article 10 of the Nitrates Directive.

The Agency must prepare an annual report for the Minister for Agriculture, Fisheries and Food in relation to water quality evolution and evaluation practice. Furthermore, the EPA may make recommendations and give directions to local authorities regarding monitoring and inspections to be carried out or measures to be taken under these regulations.

Legislation/Rules/Procedures/Practices/Guidelines:

- European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2009 (S.I. 101 of 2009).

2.3.13 Environmental Noise Directive

Description:

The Environmental Protection Agency is the National Authority for implementing the Environmental Noise Directive (2002/49/EC) with general supervision over noise-mapping bodies and action planning authorities, and reporting duties.

The Environmental Noise Regulations 2006 define noise-mapping bodies for the purpose of carrying out the noise-mapping process as follows:

- For agglomerations, the local authorities concerned are responsible for the noise-mapping process e.g. Dublin City Council and Fingal, South Dublin and Dun Laoghaire/Rathdown County Councils for the Dublin agglomeration and Cork City and County Councils for the Cork agglomeration.
- Major roads are split into national and non-national roads. The National Roads Authority, on behalf of local authorities, are responsible for noise-mapping national roads and local authorities are responsible for noise-mapping non-national roads.
- For major railways, the Railway Procurement Agency or Iarnród Éireann are responsible for noise-mapping.

- For major airports, the relevant airport authority is responsible for noise-mapping. In addition, the Regulations specify action planning authorities who are responsible for the making and implementation of noise action plans. Both the noise-mapping bodies and the action planning authorities are required to report data to the EPA. The EPA in turn, will report the national statistics to the European Commission, according to the timeframes specified in the Environmental Noise Directive.

Legislation/Rules/Procedures/Practices/Guidelines:

- Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise.
- Environmental Noise Regulations, 2006 (S.I. No. 140 of 2006).
- The EPA has produced two national guidance documents in relation to both noise-mapping and action planning. These are available on the EPA website at www.epa.ie/downloads/advice/noisemapping/.

2.4. OFFICE OF ENVIRONMENTAL ASSESSMENT

2.4.1 National Monitoring Programmes

Description:

Under the provisions of the EPA Act, 1992 as amended the EPA is obliged to prepare and publish programmes for monitoring the quality of the environment. National monitoring programmes have been prepared for river waters, lake waters, estuarine and coastal waters, groundwaters and air and may be inspected on the EPA website. Each programme specifies:

1. the nature and extent of the monitoring to which the programme relates and the reasons why the monitoring should be carried out;
2. the bodies (including the EPA) by which the intended monitoring will be carried out;
3. the resources required; and
4. the arrangements by which the EPA will disseminate and publish the results of the monitoring.

Legislation/Rules/Procedures/Practices/Guidelines:

- Section 65 of the EPA Act, 1992 as amended.
- EU Air Framework Directive.
- EU Water Framework Directive.

2.4.2 Water Quality Monitoring Surveys

Description:

The EPA is required to carry out, cause to be carried out or arrange for the monitoring of the quality of various aquatic media as outlined in the National Monitoring Programmes. The surveys presently being undertaken include the following:

1. River Water Quality Surveys
2. Lake Water Quality Surveys
3. Groundwater Quality Monitoring
4. Transitional (Estuarine) and Coastal Water Quality Monitoring

Legislation/Rules/Procedures/Practices/Guidelines:

- Section 65 and 67 of the EPA Act, 1992 as amended.
- Water Framework Directive 2000/60/EC.

- European Communities (Water Policy) Regulations, 2003 (S.I. No. 722 of 2003).
- European Communities Environmental Objectives (Surface Waters) Regulations, 2009 (S.I. No. 272 of 2009).

2.4.3 Air Quality Monitoring

Description:

The EPA is the competent authority under both the Ambient Air Quality and Cleaner Air for Europe (CAFE) Directive (2008/50/EC) and the Fourth Daughter Directive (2004/107/EC) relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air. The EPA is responsible for the development of an air quality monitoring programme. The monitoring of air quality is carried out by the EPA and the local authorities. Currently, the EPA maintains a national network of fixed sampling stations throughout Ireland to measure all the parameters specified in the Directives. In addition, the EPA operates mobile laboratories to make short-term assessments of quality in areas without fixed sampling stations. All air quality data from the EPA and local authority monitoring stations is displayed on the EPA website www.epa.ie. Real-time data, updated hourly, is available for many parameters.

Legislation/Rules/Procedures/Practices/Guidelines:

- Section 65 and 67 of the EPA Act, 1992 as amended.
- EU Air Framework Directive.
- Ambient Air Quality and Cleaner Air for Europe (CAFE) Directive (2008/50/EC).
- Fourth Daughter Directive (2004/107/EC) relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.
- Air Quality Standards Regulations 2011 (S.I. No. 180 of 2011).
- Arsenic, Cadmium, Mercury, Nickel and Polycyclic Aromatic Hydrocarbons in Ambient Air Regulations 2009 (S.I. No. 58 of 2009).

2.4.4 National Hydrometric Programme

Description:

One of the statutory obligations of the EPA is to prepare a national programme for the collection, analysis and publication of information on the levels, volumes and flows of water in rivers, lakes and groundwaters in the State. The network of some 710 gauging stations on rivers and lakes is operated mainly by the Office of Public Works, the Local Authorities and ESB and in addition 133 locations are used for Groundwater level monitoring. The EPA undertakes processing of the data from the local authority network and provides advice and assistance in the co-ordination of the operation of this network.

The EPA maintains a register of Hydrometric Gauging stations in Ireland and information collated through the hydrometric programme is made available (using HydroNet) on the EPA website www.epa.ie and through published reports and on request.

Legislation/Rules/Procedures/Practices/Guidelines:

- Section 64 of the EPA Act, 1992 as amended.
- Water Framework Directive 2000/60/EC.
- European Communities (Water Policy) Regulations, 2003 (S.I. No. 722 of 2003).

2.4.5 Reporting on the Quality of Bathing Water

Description:

Since 1996, the EPA has been assigned the responsibility of collating the annual bathing water quality results from local authorities and of compiling specific information to be sent to the EU annually as required under Directive 76/160/EC and the revised directive 2006/7/EC. The information submitted is included in a European-wide report produced by the European Environment Agency.

Annual national reports have also been prepared by the EPA since 1996. Their format has changed and reports now reflect the requirements of the revised Bathing Water Directive 2006/7/EC. These provide an overview of bathing water quality and explanatory information for the general reader. The latest national report is available for download from the EPA website at www.epa.ie. In June 2009, the EPA launched a bathing water quality website “Splash” (www.bathingwater.ie). Amongst other items, this website provides as near real-time data as is available in relation to water quality at each of the 131 designated bathing sites around the country. It also provides data in relation to historic water quality at National, Local Authority and bathing site level.

The EPA also participates on the National Blue Flag Jury which assesses Irish beaches that have been put forward by Local Authorities for the European Blue Flag Award.

Legislation/Rules/Procedures/Practices/Guidelines:

- Quality of Bathing Water (Amendment) Regulations, 1996 –2002.
- Bathing Water Quality Regulations, 2008 (S.I. No. 79 of 2008).

2.4.6 Inter-Laboratory Calibration Programme

Description:

The EPA Act 1992 as amended provides for the establishment by the EPA of an analytical quality control programme involving its own laboratories, laboratories provided and operated by the local authorities and such other laboratories as it

deems appropriate from which data are submitted to the EPA. At present 130 laboratories participate in the programme.

The EPA maintains a register of the quality approved laboratories which is available for inspection by any person at EPA headquarters during office hours, and also on the EPA's website, www.epa.ie. The register is based on an assessment of performance in the programme for the previous year and is updated annually.

Legislation/Rules/Procedures/Practices/Guidelines:

- Section 66 of the EPA Act, 1992 as amended.

2.4.7 EPA Laboratory Accreditation

Description:

The EPA operates four laboratories which are located in Castlebar, Dublin, Kilkenny and Monaghan.

The Castlebar, Monaghan, Kilkenny and Dublin laboratories currently have Irish National Accreditation Board (INAB) accreditation to ISO17025.

As part of the requirements of the accreditation process, laboratory quality manuals have been prepared. The quality manual is the working manual of the laboratory. The manual also defines all of the procedures devised to ensure that the quality objectives are met and outlines the laboratory test methods and procedures.

Information regarding the Laboratory Quality Manual for Castlebar, Monaghan, Kilkenny and Dublin Laboratories can be obtained from the Regional Chemists.

Legislation/Rules/Procedures/Practices/Guidelines:

- Section 66 of the EPA Act, 1992 as amended.
- Laboratory Quality Manuals.

2.4.8 National Focal Point for the European Environment Agency

Description:

The European Environment Agency (EEA) has a mandate to ensure the supply of objective, reliable and comprehensive information at European level, enabling its member states to take the requisite measures to protect their environment, to assess the result of such measures and to ensure that the public is properly informed about the state of the environment.

The work of the EPA in fulfilling its role as the EEA National Focal Point in Ireland includes liaison with the EEA and the national co-ordination of activities related to the EEA work programme. It involves inputs to various EEA projects such as European

State of Environment Reports and the evaluation of EEA technical reports, work programmes, strategies and proposals.

Legislation/Rules/Procedures/Practices/Guidelines:

- Section 52 of the EPA Act, 1992 as amended.
- European Council Regulation (EEC) No. 1210/90 amended by EEC Regulation 933/1999.

2.4.9 State of Environment and Indicators Reporting

Description:

One of the functions of the EPA is to prepare and publish periodic reports on the State of the Environment in Ireland. The EPA published reports in 1996, 2000, 2004, 2008 and 2012.

The EPA has also published periodic National Environmental Indicators Reports in 1999, 2002 and 2006 with the development of an on-line indicators website coming on stream in 2010. In developing these indicator reports, cognisance is taken of related work at EU level.

Legislation/Rules/Procedures/Practices/Guidelines:

- Section 70 of the EPA Act, 1992 as amended.

2.4.10 Environmental Quality Data Storage Systems

Description:

The EPA is required under the EPA Act 1992 as amended to develop a range of Environmental Quality Databases. Databases for drinking water, river and lake water quality, wastewater discharges, bathing water quality, air quality, hydrometrics and inventories of emissions to the environment have been developed. A laboratory information management system has been installed in a number of the EPA laboratories.

The EPA has also implemented a Geographical Information System (GIS) to facilitate integration and analysis of data. An integrated digital map library has been established and a range of products have been developed to support the work of the EPA. A web-based data portal has been developed (<http://gis.epa.ie/>) where the public can access key environmental data held by the EPA. This data is available for download or for viewing online via the Envision Map Viewer.

Legislation/Rules/Procedures/Practices/Guidelines:

- Section 69 of the EPA Act, 1992 as amended.

2.4.11 Air Quality Data Collation and Annual Reporting

Description:

Air quality monitoring in Ireland has been described under 2.4.3. Annual Reports are produced based on the collation and assessment of results from the national network.

All air quality data are assessed in relation to current standards and guidelines. The annual report provides a comprehensive overview of the concentrations of these pollutants in Ireland and the level of compliance with relevant national and EU standards. The report and other air quality data are made available on the EPA's website. Annual statistics, raw data and exceedances of relevant limits and thresholds for specified pollutants and monitoring stations are reported annually to the European Commission and the European Environment Agency in accordance with Implementing Decision on Reporting arrangements.

Legislation/Rules/Procedures/Practices/Guidelines:

- DEHLG (Department of Environment, Community and Local Government) 2009, Arsenic, Cadmium, Mercury, Nickel and Polycyclic Aromatic Hydrocarbons in Ambient Air Regulations, 2009 (S.I. No. 58 of 2009).
- DEHLG (Department of Environment, Community and Local Government) 2011, Air Quality Standards Regulations 2011 (S.I. No. 180 of 2011).
- Commission Implementing Decision of 12 December 2011 laying down rules for Directives 2004/107/EC and 2008/50/EC of the European Parliament and of the Council as regards the reciprocal exchange of information and reporting on ambient air quality.

2 Appendix 1: General Administration

EPA policies and procedures on general administrative matters which have been circulated to staff are listed under and may be inspected by contacting the Office of Communications & Corporate Services, EPA Headquarters, Johnstown Castle Estate, Co. Wexford.

- Adoptive Leave Policy and Procedure
- Annual Leave Policy and Procedure
- Anti-Fraud and Anti-Corruption Policy and Procedure
- Dignity at Work Policy and Procedure
- Application for Sight Testing for VDU Users
- Bilingualism Policy
- Carer's Leave Policy and Procedure
- Career Break Policy and Procedure
- Corporate Identity Standards
- Code of Conduct for Directors and Staff of the EPA
- Code of Practice for Employment of People with Disabilities
- Data Protection Policy
- Data Protection Policy – Guidance Note for Staff
- Disciplinary Policy and Procedure
- Electronic Mail Usage Policy
- EPA Corporate Use of the Internet
- Equal Opportunities Policy
- Flexitime Policy and Procedures
- Grievance Policy and Procedure
- HR Records Management Retention Policy and Procedure
- Induction Policy and Procedure
- Job Sharing Policy and Procedure
- Lateral Mobility Policy
- Maternity Leave Policy and Procedure
- Parental and Force Majeure Leave Policy and Procedure
- Pay Policy and Procedure
- Policy for Monitoring and Assessing Compliance with Corporate Legislation
- Probation Policy and Procedures
- Recruitment & Selection Policy and Procedures
- Reimbursement of Membership Fees
- Safety Statements and Codes of Practice

- Secondment of Staff - Guidelines
- Attendance and Sick Leave management Policy and Procedures
- Smoke Free Policy
- Social Media Policy
- Sponsorship Policy
- Staff Training and Development Policy and Procedure
- Starting Pay on Promotion Policy and Procedure
- Student Placement & Work Experience Policy and Procedure
- Terms and Conditions of Employment
- Travel and Subsistence Policy and Procedure
- Whistleblowing Policy and Procedure