

## WHAT IS THE OFFICE OF ENVIRONMENTAL ENFORCEMENT (OEE)?

***Those who flout environmental law and cause environmental pollution as a result of their actions must, as a matter of course, be held to account.***

Turning this principle into reality is an overriding goal of the OEE.

The OEE is a new Office within the EPA dedicated to the implementation and enforcement of environmental legislation in Ireland. Its establishment:

- gives a necessary extra focus to enforcement of licences issued by EPA for waste, industrial and other activities, by bringing together, for the first time in a single Office, all the major enforcement activities of the EPA;
- gives greater attention and priority to supervising the environmental performance of local authorities;
- links with the granting of significant additional enforcement powers to the EPA to underpin a strong and effective OEE.

The OEE has a mandate to deliver enhanced enforcement in two ways. It is directly responsible for the enforcement of EPA licences issued to waste, industrial and other activities.

It also exercises a supervisory role in respect of the environmental protection activities of local authorities, through auditing their performance, providing advice and guidance, and, in appropriate cases, giving binding directions. In this regard, the OEE acts as a resource to members of the public who have exhausted all other avenues of complaint.

The OEE is based in Wexford with enforcement teams in Dublin, Cork and Castlebar, assisted by the experience and knowledge of EPA laboratories and field staff located in Dublin, Castlebar, Cork, Kilkenny, Mallow, Monaghan, Athlone, Letterkenny and Limerick.

## WHY THE NEED?

The Agreed Programme for Government, published in June 2002, included a commitment to:

***‘establish a new Office of Environmental Enforcement to audit the performance of local authorities in discharging their environmental enforcement functions, taking action against those lagging behind. The Office will also monitor compliance by public authorities with their environmental obligations. Where significant breaches of environmental legislation occur, the Office will be able to prosecute cases or assist local authorities in doing so.’***

The EPA and local authorities have engaged in a significant level of environmental enforcement over the

years. It is clear, nonetheless, that further impetus must be given to protecting Ireland's environment through enhanced enforcement. Accordingly, an Office of Environmental Enforcement has been established as a distinct and dedicated unit of the EPA. This gives the necessary extra focus on enforcement, while at the same time allowing the OEE to avail of, and build on, the EPA's wide experience and legislative powers (including enhanced powers provided for in the Protection of the Environment Act 2003). As a dedicated unit of the EPA, the OEE also benefits from the existing regional structure of the EPA, its data resources and its research, monitoring and analytical capabilities.

## WHAT IS THE ROLE OF THE OEE?

The main functions of the OEE are:

- Improving overall compliance with environmental protection legislation in Ireland;
- Raising awareness about the importance of enforcement of environmental protection legislation in Ireland;
- Enforcement of IPPC licences issued by the EPA under the Environmental Protection Agency Act, 1992;
- Enforcement of Waste licences issued by the EPA under the Waste Management Act, 1996;
- Auditing and reporting on the performance of local authorities in the discharge of their environmental protection functions, including:
  - enforcement in respect of breaches of waste permits,
  - taking action in relation to illegal dumping,
  - implementation of waste collection permits, and
  - enforcement of producer responsibility initiatives (for example, in the area of packaging waste).
- Taking action against local authorities that are not discharging their environmental protection functions in an adequate manner;
- Prosecuting, or assisting local authorities to prosecute, significant breaches of environmental protection legislation, in a timely manner;
- Assisting local authorities to improve their environmental protection performance on a case by case basis through the establishment of an enforcement network to promote information exchange and best practice, and by the provision of appropriate guidance.

## WHAT POWERS ARE AVAILABLE TO THE OEE?

A range of legislation, including the Local Government (Water Pollution) Acts 1977 and 1990, the Air Pollution Act 1987, the Environmental Protection Agency Act 1992 and the Waste Management Act 1996, has provided significant powers for the EPA to take enforcement action. These powers are available to the OEE. In addition, the capacity of the EPA in relation to enforcement has been enhanced by important amendments contained in the Protection of the Environment Act 2003. The major enforcement powers available to the OEE include:

### ENFORCEMENT OF IPPC AND WASTE LICENCES

- Fines of up to €15 million, allied to a requirement for the Courts to have regard to any environmental remediation required in deciding on fines;
- New powers for the EPA to gather and use evidence for prosecutions;
- Requirement for a licence applicant to be a 'fit and proper person';
- Provisions for the revocation or suspension of licences;
- Power to seek a Court order where an activity is being carried on in contravention of IPPC or waste licensing requirements;

## GENERAL WASTE ENFORCEMENT

- Presumption, for the purposes of prosecutions, that the carrying on of a waste activity other than in accordance with any requisite authorisation will be deemed likely to cause environmental pollution, unless the contrary can be shown;
- In cases of illegal dumping, a presumption that landowners are complicit in the activity;
- Extension to the EPA/OEE of current local authority powers under the Waste Management Act, 1996, enabling action to be taken for the purposes of preventing or remediating environmental pollution;
- Explicit provision for court orders where a waste activity is carried on other than in accordance with any requisite authorisation;

### SUPERVISION OF LOCAL AUTHORITIES

- The OEE may request information from local authorities in relation to the discharge of their statutory environmental protection functions, either in particular cases or on a more general basis;
- The OEE can carry out broader assessments, such as environmental audits, of local authority environmental performance;

- On the basis of information obtained from a local authority, the OEE can provide advice, recommendations, assistance or support;
- Where appropriate, the OEE may issue a proposed direction to the authority to take specific action within a specified timescale. If a proposed direction is issued, the local authority is given an opportunity to make observations to the OEE before any direction is finally issued;
- Where significant environmental pollution is resulting from a failure by a local authority to carry out its statutory environmental protection functions, or there is a real and imminent risk of such pollution, the OEE may issue a binding direction to the local authority;
- If a local authority fails to comply with a request for information or a direction from the OEE, the authority will be liable to prosecution by the OEE.

The circumstances in which the OEE will consider issuing a direction include where:

- a local authority has failed to follow advice or recommendations made by the OEE, or,
- significant environmental pollution or a real and imminent risk of such pollution is resulting from a failure by a local authority to carry out its statutory environmental protection functions.

## WHAT ARE THE OEE's PRIORITIES?

Initial priorities are:

- Achieve enhanced implementation and enforcement of IPPC and waste licences, building on the significant progress to date;
- Tackle, in cooperation with local authorities, the problems of illegal waste movement and unauthorised disposal;
- Establish and implement a system for auditing and reporting on local authority environmental protection performance, including:
  - enforcement in respect of breaches of waste permits,
  - taking action in relation to illegal dumping,
  - implementation of waste collection permits, and,
  - enforcement of producer responsibility initiatives (for example, in the area of packaging waste);
- Improve management of urban waste water treatment plants;
- Review the implementation by local authorities of the waste permitting system in relation to the control of waste management facilities;
- Develop in co-operation with the local authorities, a consistent approach to enforcement of

environmental protection legislation;

- Provide clear guidance and support to members of the public on what to do and who to contact if they wish to report incidents of environmental pollution and failure to enforce environmental legislation;
- Develop and coordinate an enforcement network of public bodies and other organisations involved in environmental enforcement;
- Promote implementation by local authorities of the EU Recommendation on Minimum Criteria for Environmental Inspections.

### **DOES THE ESTABLISHMENT OF THE OEE LESSEN THE ENVIRONMENTAL RESPONSIBILITIES OF OTHER BODIES?**

**No.** Local authorities and other public agencies have a range of significant environmental protection functions and continue to have responsibility for enforcement in this regard.

While the OEE is not intended to be a one-stop-shop for all issues of environmental enforcement, it has a specific role in coordinating national efforts to improve the level of compliance with environmental law and the enforcement of environmental legislation; it also has a major role, as set out above, in supervising local authority environmental performance.

In these ways, the OEE aims to focus greater attention on the need for better enforcement of environmental protection legislation by all public bodies with enforcement responsibilities.

### **HOW WILL THE OEE INTERACT WITH OTHER PUBLIC BODIES?**

The OEE will build on the EPA's existing relationship with local authorities. On the one hand, the OEE will be working with local authorities to bring about an overall improvement in the level and consistency of enforcement of environmental protection legislation in Ireland. On the other hand, the OEE will be auditing the performance of local authorities in relation to their enforcement of such legislation. This may extend to giving specific directions to local authorities when considered necessary and to prosecution should such directions not be complied with.

The OEE will also work, as appropriate, with the National Bureau of Criminal Investigation, the Criminal Assets Bureau, the Office of the Director of Corporate Enforcement and other public sector bodies involved in enforcement activities.

The OEE will establish an enforcement network involving the various public bodies with enforcement responsibilities. In a further stage of its development, the OEE will also monitor compliance by public authorities with their environmental enforcement obligations.

## HOW IS THE OEE STRUCTURED?

The OEE is one of five offices in the EPA. The other offices are the Office of Corporate Governance, the Office of Licensing and Guidance, the Office of Environmental Assessment and the Office of Communications and Corporate Services. The Director of the OEE, like the Directors of the other Offices, is a member of the Board of the EPA. The OEE is based in the EPA Headquarters in Wexford with enforcement teams in Dublin, Cork and Castlebar and is assisted by the experience and knowledge of the EPA laboratories and field staff located in Dublin, Castlebar, Cork, Kilkenny, Mallow, Monaghan, Athlone, Letterkenny and Limerick.

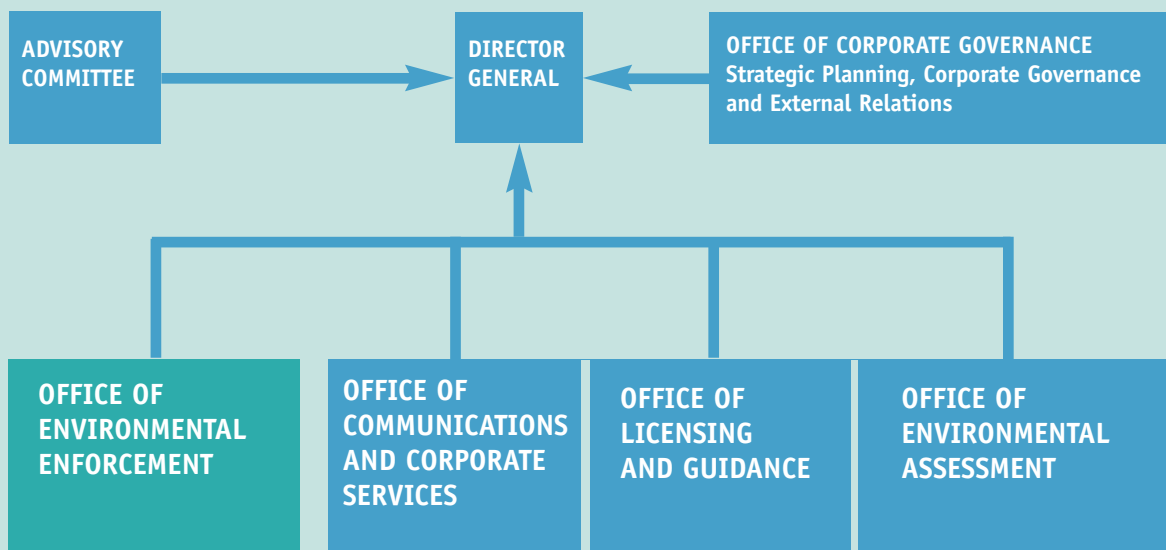
## WHAT IS THE ENFORCEMENT POLICY OF THE OEE?

The OEE will put the environment first and encourage individuals and businesses to integrate good environmental practices into normal working methods. The OEE will seek to prevent environmental pollution before it has a chance to occur. The OEE will provide information and advice via published guidance to those it regulates to secure environmental improvements while ensuring value for money.

The OEE will work with local authorities and other Regulators to ensure efficient use of resources and coherent enforcement of



### Organisational Structure



environmental law. Where appropriate, the OEE will co-operate with local authorities and other public bodies, voluntary groups and non-governmental organisations in order to achieve common goals.

The Enforcement Policy sets out the general principles, which the OEE intends to follow in relation to enforcement and prosecution. The OEE will monitor the implementation and effectiveness of the Policy and revise it when and where necessary.

Underlying the enforcement policy of the OEE are the principles of: **proportionality** in the application of environmental law and in securing compliance; **consistency** of approach; **transparency** about how the OEE operates; **targeting** of enforcement action and implementation of the **polluter pays principle**.

A copy of the OEE enforcement policy is available on the EPA website at [www.epa.ie](http://www.epa.ie).

## HOW DO YOU GET IN TOUCH WITH THE OEE?

You can contact the OEE during normal business hours at the following EPA Offices: Wexford, Dublin, Castlebar and Cork. Contact details are provided below.

Office of Environmental Enforcement  
South East Region  
Environmental Protection Agency  
P.O. Box 3000  
Johnstown Castle Estate  
Wexford

Phone: 053 60600 or  
LoCall: 1890 335599  
Fax: 053 60699

Office of Environmental Enforcement  
East/North East Region  
Environmental Protection Agency  
McCumiskey House  
Richview  
Dublin 14  
Phone: 01 268 0100  
Fax: 01 268 0199

Office of Environmental Enforcement  
South/South West Region  
Environmental Protection Agency  
Inniscarra  
Co. Cork  
Phone: 021 487 5540  
Fax: 021 487 5545

Office of Environmental Enforcement  
West/North West Region  
Environmental Protection Agency  
John Moore Road  
Castlebar  
Co. Mayo  
Phone: 094 21588  
Fax: 094 21934

You can also email the OEE at [oe@epa.ie](mailto:oe@epa.ie).

If you wish to contact the OEE outside of normal business hours phone 053 – 60600 or the LoCall number 1890 335599.



## WHEN DO YOU GET IN TOUCH WITH THE OEE?

Pollution incidents should be reported in the first instance to the local authority in whose area the incident occurred. If the incident concerns a facility that holds an EPA licence you should also report the incident directly to the nearest OEE regional office (see contact details above). Standard complaint forms and registers listing all EPA licence holders are available on the EPA website at **[www.epa.ie](http://www.epa.ie)**.

If you have a query or complaint about general environmental pollution matters or about facilities under the control of local authorities, you should contact the relevant local authority in the first instance, preferably in writing where the matter is not urgent. It is good practice to keep a record of any correspondence or contact to facilitate any necessary follow up.

If a local authority fails to respond to your complaint and the environmental pollution problem persists, you should then contact the OEE, which will investigate your complaint. Copies of all correspondence between yourself and the local authority should be submitted along with details of your complaint. Standard forms for submission of complaints to the OEE are available on the EPA website at **[www.epa.ie](http://www.epa.ie)**. To achieve maximum effectiveness, the OEE will, as a general rule, focus on priority issues and the investigation of serious cases of environmental pollution.

Documents submitted to the OEE are subject to the provisions of the Freedom of Information Act, 1997.