

Webinar briefing on LEAP Online for holders of EPA licences, permits and authorisations

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16 February 2023

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Outline



What is LEAP Online?

Why is LEAP happening?

How does LEAP work?



- Which activity sectors are included?
- When is LEAP Online starting?
- Deferral period before upload to LEAP
- EPA Site Visit Report & Licensee Public Response
- Lookback period
- Confidentiality
- GDPR and Data Protection
- Professional Details of Participants and Environmental Contacts
- Suitability for Online Publication

What is LEAP Online?



LEAP Online provides for online access to the regulatory records held by the EPA that are in the 'public domain'

previously and currently accessible in EPA Offices

'Regulatory records' are

- the Formal Compliance & Enforcement Correspondence exchanged between EPA and licensed operators
- Records that document the <u>compliance assessment and</u> enforcement process

What LEAP Online is NOT:

you comply with your licence or interact with the EPA

It does not affect <u>how</u> or <u>when</u> you are required to submit your reports, notifications and other FCEC

Regulatory Records are "Environmental Information" as defined in

-Article 2.3 of the 1998 Aarhus Convention and

-Regulation 3.1 of the Access to Information on the Environment Regulations 2007 - 2014

"Environmental Information:" Definition in AIE Regulations 2007 - 2014



Interpretation

- 3.1 "environmental information" means any information in written, visual, aural, electronic or any other material form on—
- (a) the **state of the elements of the environment**, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms and the interaction among these elements,
- (b) **factors**, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, **affecting** or likely to affect the elements of the environment,
- (c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in paragraphs (a) and (b) as well as measures or activities designed to protect those elements,

- (d) **reports** on the implementation of environmental legislation,
- (e) **cost-benefit** and other **economic analyses** and assumptions used within the framework of the measures and activities referred to in paragraph (c), and
- the **state of human health and safety**, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are, or may be, affected by the state of the elements of the environment referred to in paragraph (a) or, through those elements, by any of the matters referred to in paragraphs (b) and (c).

Legal and policy basis for providing Public Access to Environmental Information

1. EPA's Policy of Transparency and Open Access to Records

Fundamental principle since our foundation, in line with :-

2. Aarhus Convention 1998

(Article 1) ... each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention

Article 2.3 defines the scope of **Environmental Information**

(Article 5.3) ... environmental information (defined in Article 2.3) progressively becomes available in electronic databases which are easily accessible to the public online through public telecommunications networks"

3. Access to Information on the Environment Regulations 2007 – 2014

Implements the Aarhus Convention in Irish law and expands Article 2.3

- 4. Freedom of Information Act 2014 also applies
 - LEAP Online provides a means of delivering the "Guarantee of the Rights of Access to Environmental Information"







LEAP Online is the latest milestone in EPA's public access to environmental information:

Licence Application online

2006

2023

LEAP Online



2000	Licence Application online
2009	The Annual Environmental Report
2011	The National Pollutant Release and Transfer Register
2013	LEAP Portal in EPA Offices
2014	Documentation on closure of licensed facilities
2016	The "Keystone Enforcement Documents":
•	EPA Site Visit Reports (Inspection and Monitoring)
•	Licensee self-monitoring
•	Closure Documents
•	Special Management Plans
2017	The National Enforcement Priority Sites list
2020	Compliance & enforcement data and statistics

LEAP Online will replace:

LEAP Portal in EPA Offices

In place since LEMA / ALDER implemented in EDEN in 2013 – part of transition from paper to electronic correspondence.

'LEAP in EPA Offices' published all content (with a few exceptions) overnight.

Keystone Enforcement Documents

Selected document types published online since 2016.

These outlets will be discontinued



How does LEAP Online Work?

What are the categories of EPA licences and permits involved?



Dumping at Sea

Industry

- Industrial Emissions (IED)
- Integrated Pollution Prevention & Control (IPPC)
- Integrated Pollution Control (IPC)

Radiological Protection

Urban Waste Water:

- Waste Water Discharge Authorisations (WWDA)
- Certificates of Authorisation (CoA)

Waste Management

[Drinking Water "in the pipeline"]

When is LEAP Online starting?



Launching in two phases:

PHASE 1 Q1 2023:	Phase 2: Q3 2023			
Licensed Organisation / Site	Incidents and updates	Compliance Investigations		
Licence Profile (P9999)	Complaints (limited details)	CI - Actions / Instructions		
Licence Version (P9999-00)	Non-Compliances	EDEN Messages from operators		
Site Visit Reports and Licensee Public Responses	Licence Change / Alteration Requests under Condition 1.2 / 1.4	EPA Initiated Correspondence		
Licensee Returns, Eden Messages and Instructions, EPA Requests For Information (RFIs)	Meeting Records	Public 3rd Party Correspondence		

Deferral Period before upload to LEAP



Prior to publication of any record on LEAP:

There will be a Minimum **30 calendar** day deferral period after

- the **issue** of an enforcement record by an EPA inspector, or
- the receipt of a licensee's submission

This deferral period is in line with the timescale for requests for access to records under both AIE and Fol



A few exceptions to the 30-day rule:

- 1. Dumping at Sea Commencement Notices publish <u>1 day</u> after their receipt;
- 2. Closure or modification of previously published items are updated on the following day, for example:
- Confirmation of the Closure of an Action or Request by an EPA Inspector;
- Updates to certain previously uploaded records, such as Incident Notifications

EPA Site Visit Report & Licensee Public Response



Operators, who wish to do so, may submit a **Licensee Public Response (LPR)** to the **EPA Site Visit Report (SVR)**.

The LPR provides a **right of response** for operators to the EPA's findings as detailed in the SVR.

- The content of the LPR is a matter for the Operator, subject to a Review of Suitability for Publication (Slide 17);
- EPA considers that the LPR is the licensee's opportunity to inform their neighbours and the wider public about
 - your response to the issues raised in the Report;
 - the activities undertaken or underway, and associated timescales, for addressing the actions specified in the Report.

Simultaneous upload of the Licensee Public Response along with the EPA Site Visit Report

The SVR and LPR will be uploaded simultaneously on Calendar Day 30 after issue of the SVR

- <u>provided that the LPR</u> is received in time for EPA to review its Suitability for Publication.
- To be confident that the LPR will be published concurrently - submit it within 21 days of the SVR's issue date;
- If LPRs are received between 21 and 28 days after issue of the SVR, simultaneous upload may be less certain;
- LPRs received too late to be uploaded concurrently with SVR will be published the day after their review by the EPA.

Lookback period

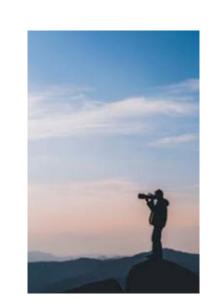


Under the EPA's Records Management Policy, we provide "Public access to Formal Compliance & Enforcement Correspondence for a period of <u>seven</u> calendar years after issue or receipt by the EPA." Note that older records are subject to request under FoI and AIE.

Records will be removed from LEAP Online after seven calendar years ¹, rolling forward 01 January each year:

Enforcement Records Available

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
2023			7	6	5	4	3	2	1	0		
2024				7	6	5	4	3	2	1	0	
2025					7	6	5	4	3	2	1	0



Note that some categories of records may not be published where necessary for GDPR purposes

Confidentiality



All of our regulatory documentation is in the public record

- except where legal mechanisms for confidentiality apply,
- as provided for in the EPA Act, the Fol Act and the AIE Regulations

This applies to information that may be considered by the EPA to relate to, for example:

- Ongoing legal investigations
- Correspondence from private citizens
- Internal business and communications within EPA
- Protection of confidential sources

Requests for Confidentiality

The EPA provides a mechanism for licensees to request confidentiality for any submission that they consider to be or contain

- Commercially sensitive information;
- Intellectual property

This involves making a submission to the EPA for decision by the Board of the EPA.

Guidance on this subject is available at

https://www.epa.ie/publications/compliance-enforcement/licensees/reporting/how-to-manageconfidential-enforcement-submissions.php

Please note: an EPA designation of Confidentiality can be challenged under the Fol Act or the AIE Regulations by any citizen



GDPR and Data Protection



Regulation (EU) 2016/679 (General Data Protection Regulation) came into effect on 25 May 2018

EPA is committed to providing access to 'public-domain' Environmental Information - while also complying with the GDPR Regulation.

EPA is committed to ensuring that its publications do not contain personal data of private citizens or 'Data Subjects'. We do this by:

- Only 'processing' personal data 'lawfully, fairly and in a transparent manner in relation to the data subject', e.g. with prior notice to those who may be involved;
- 'Lawful' includes processing that is necessary for the purposes of the legitimate interests pursued by the controller - in this case, the EPA pursuing environmental compliance.



Complying with GDPR



In order to provide access to 'public-domain' Environmental Information while also complying with the GDPR Regulation:

EPA carries out continual scrutiny of regulatory submissions to comply with GDPR.

Where we detect personal data of private citizens in submissions, we will:

- o inform the licensee of the finding,
- reject the submission, and
- require that the licensee resubmits the item with the personal details deleted or obscured.

We ask licensed operators to do your part:

When compiling a submission to the EPA, licensed operators and their agents should

- Avoid publishing Personal Data of private citizens:
 - identities, names or addresses of private correspondents such as complainants,
 - personal details used as labels for locations of monitoring points, such as 'Noise Sensitive Locations',
 - maps showing locations of sampling points
 close to dwellings associated with complaints.
- Alert EPA to any previous submissions that may have inadvertently contained personal data.

Professional Details of Participants and Environmental Contacts

Professional details of responsible participants

- relate to the holders of environmental licences or permits or
- to the officers holding responsible positions in regulated organisations or their agents or service providers.
- ➤ Such individuals are acting in their **professional capacities** in the course of business involving **environmentally sensitive activities**;
- > they are not, when acting in their professional capacities, the personal details of private citizens.

Environmental Contact Persons

- Licensees must maintain a list of Environmental Contacts, i.e. officers of the organisation who are responsible for communicating with the EPA.
- Licensees should avoid including the personal details of employees or other staff not responsible for or directly involved in licence compliance activities.



Recall that:
Licensed operators are made aware of the public status of regulatory information when they apply for their licences.



Licensed operators are made aware of the public status of regulatory information as and from the time of their applications for such licences. This is clearly set out in the various regulations governing the licensing process, and is stated on our website, which advises that:

Applicants for licences and authorisations and those who make submissions and objections are informed of the fact that any information they give to the EPA will be made publicly available, both at the offices of the EPA and on this website. This is notified to applicants by means of a declaration of the licence application form and to the public on the licence search page on this website.

Review of Suitability for Online Publication



- Your submissions must be suitable for publication:
 - Should be consistent with other information you have provided to EPA, no discrepancies or omissions
 - No defamatory, vexatious or misleading content
 - In a word: <u>Credible</u>
- Must be free of GDPR-risk content.

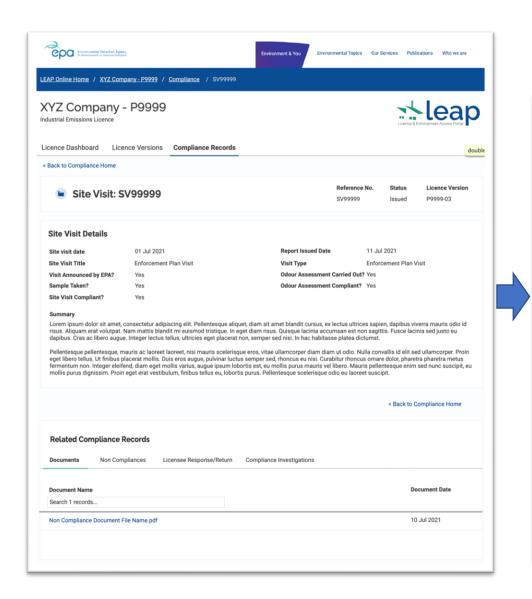
Recall that, when submitting formal correspondence to the EPA, you are making a legal declaration:

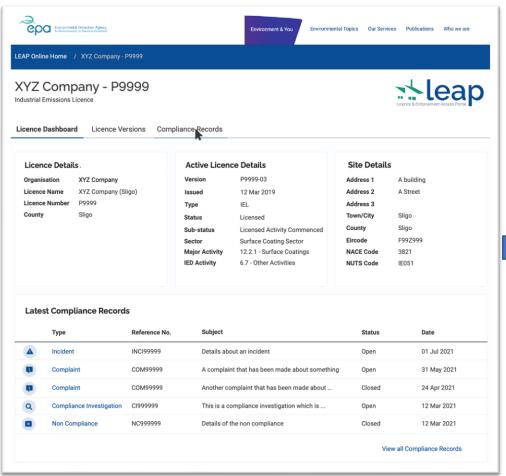
- Information you submit to EPA under the terms of your licence will be treated as your legal statement
- Must be complete, accurate and truthful
- o EPA will investigate any false or misleading statement made to us

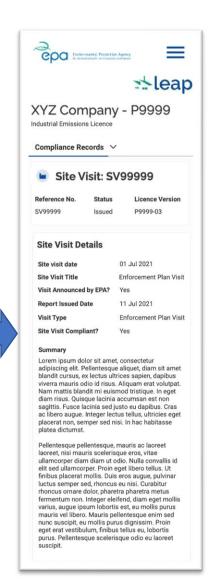
If we decide not to publish a submission, we will:

- inform the licensee of the decision,
- reject the submission, and
- require that the licensee submits a corrected version for the public record

LEAP Online will be Responsive = any device









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Radioactive Material Disposal Companies

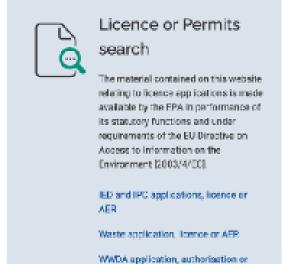
Year: 2012

Organisations known to the RPII who may be of assistance in relation to the disposal radioactive sources (assled and onswaled) and X-ray equipment.



XYZ Company

Licence Number: P9949 Licence Type: Industrial Emissions Town: Sligo County: Sligo





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XYZ Company - P9999

Industrial Emissions Licence

double-click to select image #double-click, ENTER or F2 to edit text

Licence Dashboard Licence Versions Compliance Records

Licence Details

Organisation XYZ Company

Licence Name XYZ Company (Sligo)

Licence Number P9999 Sligo

County

Active Licence Details

Version P9999-03

Issued 12 Mar 2019

Type IEL

Licensed Status

Sub-status Licensed Activity Commenced

Sector Surface Coating Sector **Major Activity** 12.2.1 - Surface Coatings

IED Activity 6.7 - Other Activities

Site Details

A building Address 1

Address 2 A Street

Address 3

Town/City Sligo

Sligo County

Eircode F99Z999

NACE Code 3821

IE051 **NUTS Code**

Latest Compliance Records

	Туре	Reference No.	Subject	Status	Date
A	Incident	INC199999	Details about an incident	Open	01 Jul 2021
(1)	Complaint	COM99999	A complaint that has been made about something	Open	31 May 2021
1	Complaint	COM99999	Another complaint that has been made about	Closed	24 Apr 2021
Q	Compliance Investigation	Cl999999	This is a compliance investigation which is	Open	12 Mar 2021
	Non Compliance	NC999999	Details of the non compliance	Closed	12 Mar 2021

View all Compliance Records



Licence **Dashboard**

& Quick Links to **Latest Compliance** Records



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XYZ Treatment Plant (Sligo)

Waste Water Discharge Licence



Licence Dashboard

Licence Versions

Compliance Records

Licence Details

Organisation Irish Water

Licence Name XYZ Treatment Plant (Sligo)

D9999 **Licence Number** County Sligo

Active Licence Details

Version D9999-01 Issued 12 Mar 2019

Waste Water Discharge Type

Licensed Status

Sub-status

Sector **Major Activity**

UWW

IED Activity

Site Details

Urban Area Sligo Sligo County F99Z999 Eircode

Urban Area PE 9.000

Plant Design PE (1) 7,000

Treatment Type (1) Secondary

UV Treatment No

Priority Site

No

Latest Compliance Records

	Туре	Reference No.	Subject	Status	Date
A	Incident	INC199999	Details about an incident	Open	01 Jul 2021
(D)	Complaint	СОМ99999	A complaint that has been made about something	Open	31 May 2021
(D)	Complaint	СОМ99999	Another complaint that has been made about	Closed	24 Apr 2021
Q	Compliance Investigation	Cl999999	This is a compliance investigation which is	Open	12 Mar 2021
K	Non Compliance	NC999999	Details of the non compliance	Closed	12 Mar 2021

View all Compliance Records

Licence **Dashboard**

Urban Waste Water Version

Who we are



XYZ Company - P9999

Environmental Protection Agency
An Ghnfomhaireacht um Chaomhnú Comhshaoil

Industrial Emissions Licence



Licence Dashboard **Licence Versions Compliance Records**

Licence Version	Licence Type	Licence Status	Licence Sub-Status	Licensed Date	Licence Replaced Date	
P9999-04	IEL	Applied		-	-	Licensing Documents
P9999-03	IEL	Licensed	No Further Action	12 Mar 2019	-	Licensing Documents
P9999-02	IEL	Replaced		22 Apr 2007	12 Mar 2019	Licensing Documents
P9999-01	IEL	Replaced		01 Feb 2001	22 Apr 2007	Licensing Documents
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Licence Versions

Licence Versions

Compliance Records

XYZ Company - P9999

Industrial Emissions Licence

Licence Dashboard



Compliance Record Type Subject Ref No. **Status Licence Version Date** Search subject All types All dates All statuses V V Incident P9999-03 Details about an incident INCI99999 01 Jul 2021 Open Complaint A complaint that has been made about ... P9999-03 COM99999 31 May 2021 Open Complaint Another complaint that has been made ... 24 Apr 2021 COM99999 Closed P9999-03 Compliance Investigation CI999999 This is a compliance investigation which is ... 12 Mar 2021 Closed P9999-03 Details of the non compliance Non Compliance NC999999 12 Mar 2021 Issued P9999-02 Details of the non compliance P9999-02 Meeting MTG999999 12 Mar 2021 Closed Page 1 of 6 Show: 10 V Go to page: 1

Main
Compliance &
Enforcement
Records List or
"Landing
Page"



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LEAP Online

LEAP Online Home > XYZ Company > Compliance > \$V999999

XYZ Company - P9999

Licence Dashboard Compliance Licence Versions < Back to Compliance Home Reference No. Open Date Closed Date Active Licence Status Site Visit: SV99999 SV999999 01 Jul 2021 11 Jul 2021 P9999-03 Closed Enforcement Plan Visit 01 Jul 2021 Site Visit Title Site visit date Enforcement Plan Visit Instigated by Report issued date 11 Jul 2021 Category Planned Site visit compliant? Yes Summary

The Agency carried out a remote compliance assessment (RCA) as part of the OEE annual inspection programme to evaluate the licensee's compliance with the requirements of the licence. The licensee was found to be compliant with its licence at the time of the Agency's assessment.



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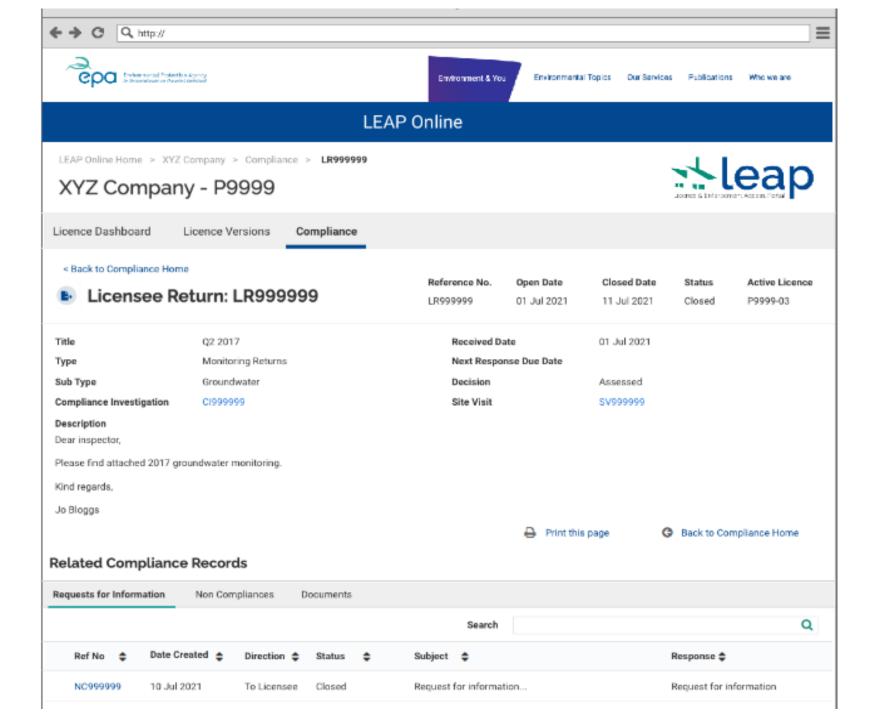
Back to Compliance Home

Related Compliance Records

Documents	Compliance Investigations	Non Compliances	Licensee Response/Return		
			Search		Q
File Name	\$			Date Modified 💠	
Letter to EPA re. A999999.pdf				10 Jul 2021	

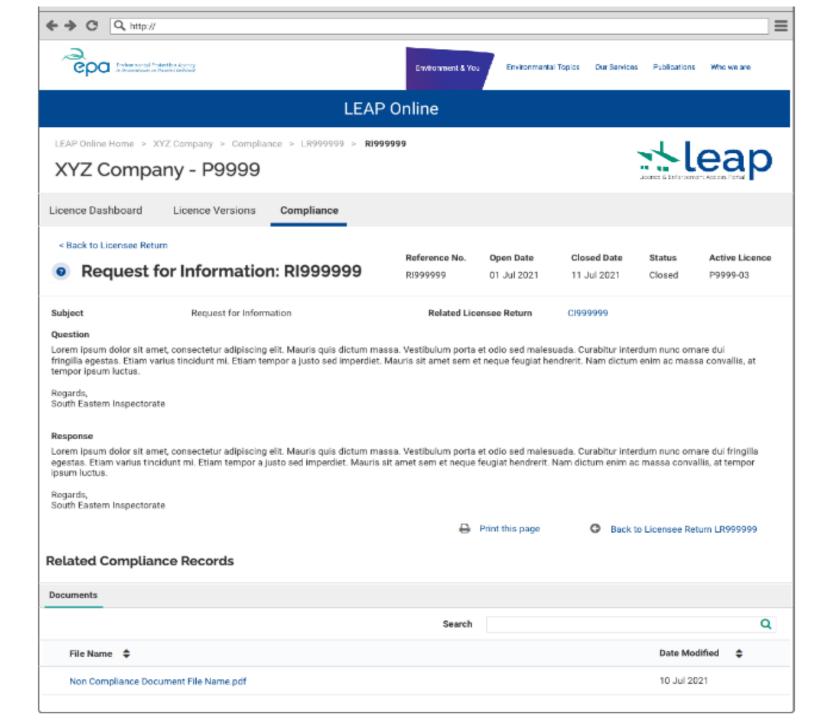


Site Visit





Licensee Return





Licensee Return: Request for Information



Environment & You

Environmental Topics



LEAP Online

LEAP Online Home > XYZ Company > Compliance > C1999999

XYZ Company - P9999



Licence Dashboard

Licence Versions

Compliance

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Compliance Investigation: Cl999999

Reference No.

CI999999

Open Date 01 Jul 2021 Closed Date 11 Jul 2021

Status Closed Active Licence

P9999-03

Response Level Assigned

Reason Investigation Started

Complaint

Receptors

Аіг

Issue / Theme

Odour / Smells

Investigation Description

At approximately 09.30am a valve failure released milk product to drain. The alarm was raised and the storm drains were diverted to the waste water treatment plant immediately however a minor quantity was discharge to river in the interim.

Remedial actions have taken place to avoid any further event. The incident will be investigated further, managed and closed out as per company procedures. Upstream and downstream samples were taken at the time, Ammonia, Ortho-P and COD were tested, the results obtained were in line with our normal monitoring, within licence limits and are not of environmental concern. No further action from an environmental perspective.



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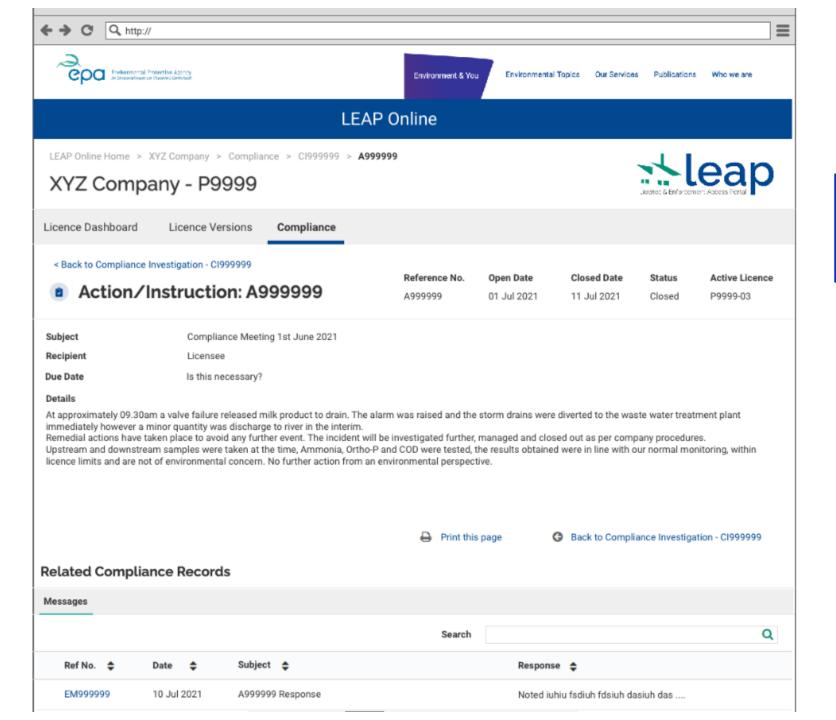
Related Compliance Records

Non Compliances Complaints Incidents Licensee Returns Site Visits Likely Causes Effects Outcomes Actions / Instructions Documents

Search

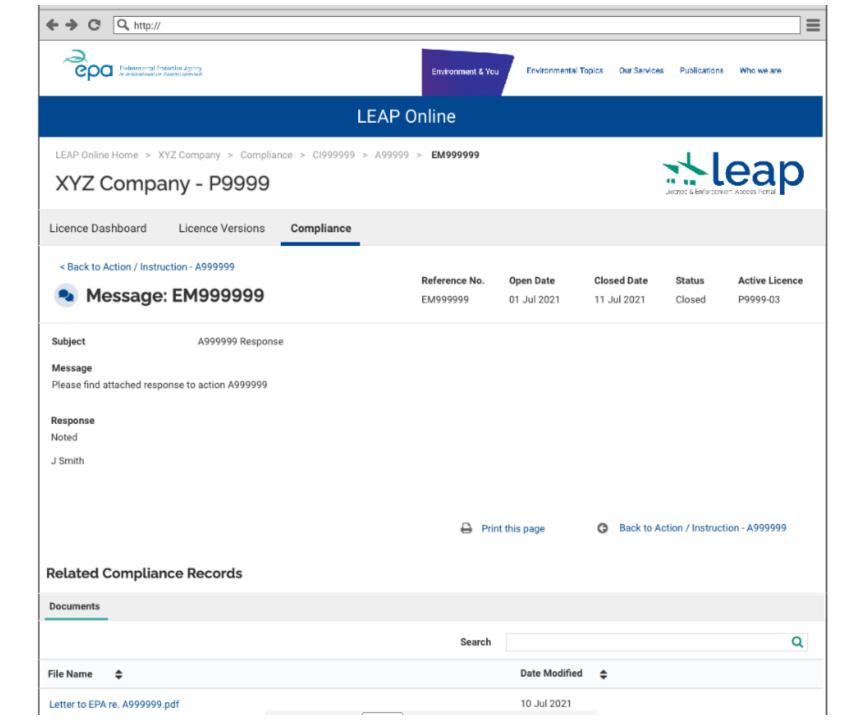


Compliance Investigation



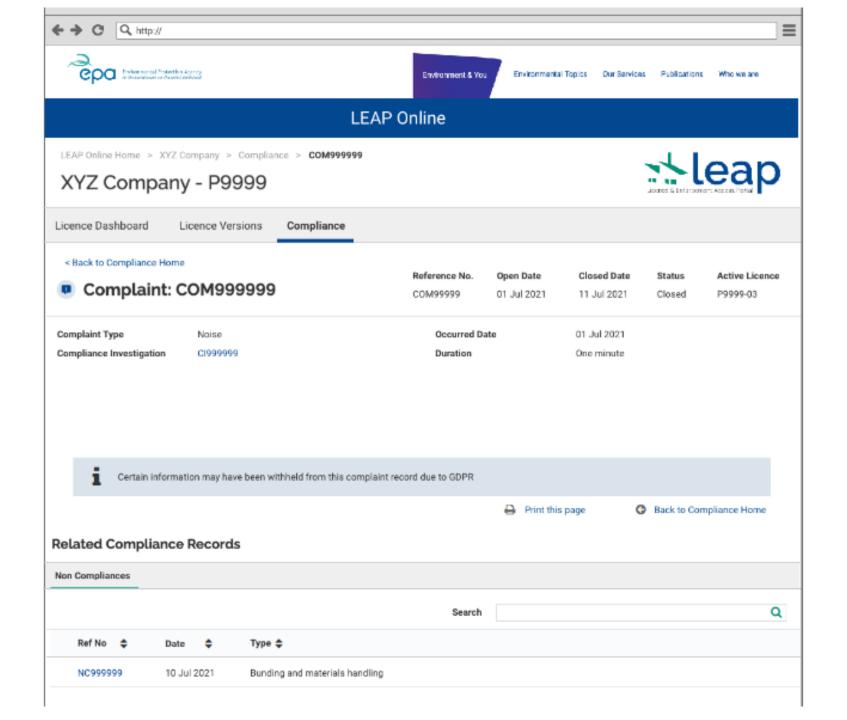


CI Action / Instruction





EDEN Message





Complaint

Summary

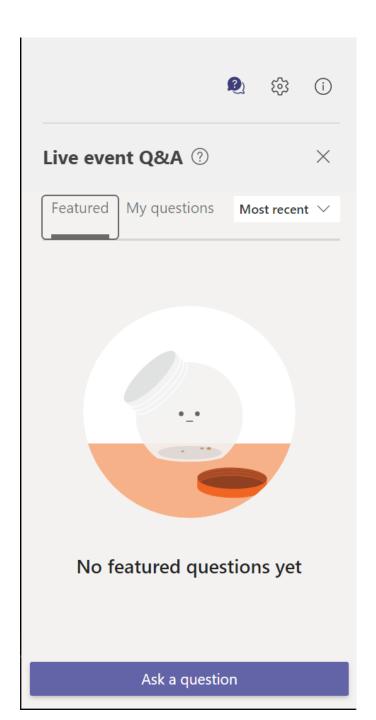
- LEAP Online provides for access to the 'public domain' regulatory correspondence between the EPA and licensed operators same as previously available but <u>online</u>
- Phase 1 launching in Q1 2023; Phase 2 in Q3
 2023
- (Most) content submitted by an operator or issue by EPA will be uploaded a minimum 30 calendar days later.
- The SVR and LPR will be uploaded simultaneously on Calendar Day 30 after issue of the SVR - provided that the LPR is received in time for EPA to review
 - To be confident that the LPR will be published concurrently - submit it within 21 days of the SVR's issue date



- All FCEC regulatory documentation is in the public record - except where designated confidential
 - Operators may apply for confidential status for particular correspondence / records
- GDPR: Avoid publishing Personal Data of private citizens
- GDPR does not apply to professional details of responsible officers and environmental contacts
- Operator submissions will be reviewed for suitability to publish
 - Submissions that fail this test will be rejected and a revised submission will be required.
- LEAP Online will NOT change how you comply with your licence or how you make your returns and notifications

Welcome to the Q&A Session

- Type your questions in the Q&A box
- We will aim to answer as many questions as possible today
- We will group some questions together and give general advice where relevant
- The questions will be used to develop a comprehensive Frequently Asked Questions (FAQ) package.
- The FAQs will accompany the launch of LEAP Online on our website



What's Next?



The video recording of this presentation will be made available as an information and guidance resource for licensees.

The questions arising from the Q&A session will be collated into a Frequently Asked Questions (FAQ) resource.

The video, the FAQ and the Guidance Note will be uploaded to www.epa.ie as part of the guidance information accompanying LEAP.

Advance Notices will be issued to licensees prior to the launch of Phase 1 and Phase 2