

Guidance Document for EPA Licensees:



**Online Publication of
Keystone Enforcement
Documents on the EPA’s
website:**

- EPA Site Visit Reports & Licensee Public Responses
- Licensee Self-Monitoring Reports
- Special Sectoral Reports

For the information of EPA Licensees in the industry, agriculture, waste management, waste water treatment and dumping at sea sectors

V.2 01 January 2016

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1 Overview

As the latest initiative in the progressive expansion of its Public Access to Information services, the EPA, on 01 January 2016, expanded the range of enforcement documents available to the public by means of the Agency's website, www.epa.ie

Online publication applies to a number of enforcement document types, which are collectively referred to as the **"Keystone Enforcement Documents"**. Together with others, including the Annual Environmental Report, that are published online under previous Public Access to Information initiatives, the Keystone Enforcement Documents provide a comprehensive overview of the overall enforcement status of each licence.

As with all formal enforcement correspondence between the EPA and its licensees, these categories of documents are placed on our Licence Enforcement Access Portal (LEAP), accessible at any EPA office, at the time of issue or receipt. As of 1 January 2016, they are also published online on the Licence Details Page of the EPA website, www.epa.ie, **60 calendar days** after issue or receipt by the EPA.

A novel feature introduced as part of this change is the capability for a Licensee to submit an update, referred to as a **"Licensee Public Response"**, to issues and actions raised in an EPA Site Visit Report. This Licensee Public Response must be submitted to the EPA within **45 calendar days** after the date of issue of the EPA Site Visit Report, and will be published alongside the Site Visit Report 60 calendar days after issue of that Report.

An Information Note was issued to industry representatives in September 2015 that discussed the background, rationale and implementation timescale for this initiative. This Guidance Document has been updated on the basis of feedback received during that consultation exercise.

The Keystone Enforcement Documents

These are the documents that collectively provide a substantive overview of the enforcement status of the licence. The specific Online-Publishable document types are:

- EPA Site Visit (Inspection and Monitoring) Reports and Licensee Public Responses thereto (New);
- Routine Self-Monitoring Reports (i.e. as per Licence Schedule; not investigations; see Appendix I);
- Special Sectoral Reports (Waste Incineration and Co-Incineration Plants performance reports; Solvent emissions monitoring reports; Solvent management plans);
- Site Closure Reports and related documentation.

Further details are provided in [Appendix 1](#).

2 Functions and Procedures in the LMA Portal

Your interactions with the EPA are carried out via your LMA Portal on our EDEN network. This remains the case. One novel form of interaction has been introduced: this is the **Licensee Public Response to an EPA Site Visit**. Several new procedures have been developed that you will use in relation to this new function. These are outlined at [Section 5](#) below.

3 Self-Monitoring and Special Sectoral Reports

The existing procedures by which you generate a report and upload it as a Licensee Return remain in place; these are outlined in [Section 5.1](#) below for ease of reference.

On receipt by the EPA, your report is made available to our enforcement staff and is placed on our LEAP Portal for public access.

The Online-Publishable reports are published automatically to the Licence Details Page specific to your licence, 60 calendar days following receipt of the report by the EPA.

A new column in the “Licensee Returns” Table of your LMA dashboard indicates the date of receipt of your report by the EPA and, where applicable, the date on which your report will be published to www.epa.ie:

Case No.	Title	Category	Sub-Category	CI Refs	Date Submitted	Decision	epa.ie Publication Date	Status	View
LR0		Environmental Liabilities, Closure and Financial Provision	Closure, Restoration and Aftercare Management Plan (CRAMP), Residuals Management Plan (RMP) or Decommissioning Management Plan (DMP)	n/a	22/12/2015 17:53	None	08/03/2016	Open	
LR0		Environmental Liabilities, Closure and Financial Provision	Environmental Liabilities Risk Assessment (ELRA)	n/a	22/12/2015 17:55	None	02/03/2016	New	
LR0		Requests for Approval (RFA) and Site Reports	Amendments to Monitoring	n/a	17/11/2014 18:31	Approved	-	Closed	

The report is your formal legal declaration to the EPA and to the public, and as such the contents must be accurate and reliable.

Please bear in mind that you are and remain obliged to report as an incident any non-compliant result or occurrence via the “Report an Incident” button on your LMA dashboard.

3.1 Format of Online-Publishable Licensee Reports: [PDF only](#)

In order to provide for online publication, the EPA requires that Online-Publishable reports be submitted in PDF format, as this is the most secure form of electronic document exchange.

Preferably, you should use the “save as PDF” option to create the Licensee Return directly from primary source (Word, Excel);

If the content is in a graphic format (Jpeg, PNG), it may be copied or screen-printed into a word document and then saved as PDF and appropriately titled;

Scanned hard copy documents are acceptable if electronic versions are not available (dockets, result sheets etc.) but you should make every effort, including use of the highest available resolution, to ensure that the scanned documents are legible on screen.

3.2 Non Online-Publishable documents: in PDF Format also

As of 01 January 2016, other Non Online-Publishable Licensee Returns should be uploaded in PDF format also, unless otherwise specified by EPA (for example where the use of an excel model is specified). Occasionally, the EPA may request that you provide, in addition to your PDF, an additional copy of a document in another format, to facilitate further analysis.

4 Making a Licensee Public Response

A Licensee Public Response is provided for as a means by which licensees can communicate directly to the public regarding their actions in response to the findings detailed in EPA Site Visit Reports. Note that this **does not replace the formal follow-up interaction** between the licensee and the EPA in relation to a Compliance Investigation or a requirement for a direct response as may be set out in the Site Visit Report.

If you choose to submit a Licensee Public Response to an EPA Site Visit Report, it will be placed on the LEAP Portal on receipt, and will be published, simultaneously with the EPA Site Visit Report, at the publication date, which is 60 calendar days after the date of issue of the Site Visit Report.

A procedure for creating and submitting a Licensee Public Response is set out in [Section 5.2](#).

4.1 Features of the Licensee Public Response

4.1.1 Submission and publication of your Licensee Public Response

- A Licensee Public Response to an EPA Site Visit Report is optional, not mandatory: licensees may choose to use the capability or not in relation to any particular Site Visit Report.
- You may compose your Licensee Public Response and submit it at any time up to 45 calendar days after the date of issue of the Site Visit Report.
- Your Licensee Public Response will be placed on the LEAP Portal on receipt and will, subject to EPA assessment of suitability for online publication (4.1.5 below), be published to

www.epa.ie, simultaneously with the EPA Site Visit Report, 60 calendar days after the date of issue of the Site Visit Report.

4.1.2 One opportunity to submit a Licensee Public Response

- Your Licensee Public Response may be submitted at any time up to 45 calendar days after the date of issue of the Site Visit Report, but **may only be uploaded once**. It is advisable to compose the Licensee Public Response with due regard to the publication criteria set out at Section 4.2 below and upload it when you are fully satisfied with its contents.
- Issues that subsequently come to light can be brought to the EPA’s attention by means of an “Unsolicited Correspondence”; this will be placed on the LEAP Portal for public access purposes but will not be uploaded to www.epa.ie. You may also refer to the matter in your Annual Environmental Report.

4.1.3 Size

- The Licensee Public Response may be in two or more parts as a consequence of file size limitations (<10 MB); component parts should be named and numbered appropriately.

4.1.4 Content

- The Licensee Public Response is provided as a means of communicating directly to neighbours and the wider public; it is not a formal submission to the EPA and will not be treated as such by the Agency.
- The Licensee Public Response is regarded by the EPA as the licensee’s opportunity to inform neighbours and the wider public about the activities undertaken or underway and associated timescales for addressing the actions specified in EPA Site Visit Reports.
- The submission of a Licensee Public Response does not satisfy any requirement that may be set out in the EPA Site Visit Report for a direct response to the Agency:
 - No formal response will be made by the EPA to the Licensee Public Response, other than notification of a negative outcome of an assessment of suitability for publication, described in the next Section;
 - However, if the EPA deems it necessary, the licensee may be asked to make a direct, formal submission concerning matters raised in the Licensee Public Response.
- The EPA will not dictate the structure or content of the Licensee Public Response, though a link to a suggested Template Format is available on the “**Completed Site Visits**” page of your **LMA Dashboard**, should you wish to use it in compiling your Licensee Public Response:
 - If you wish, you may submit, as your Licensee Public Response, an exact copy of your direct response to requirements set out in the EPA Site Visit Report; this will be published subject to the assessment of suitability for publication.

- The EPA suggests that the Licensee Public Response, since it is to be published on your Licence Details page, is NOT an appropriate forum for debating a finding set out in an EPA Site Visit Report;
 - Any issues of clarification that may arise concerning the findings of a Site Visit should ideally be raised at closing meetings or in the immediate period following the site visit;
 - Any necessary clarification regarding the content of EPA Site Visit Reports should in the normal course take place well in advance of the LPR submission deadline, so that the Licensee Public Response can provide the Licensee’s definitive message to your neighbours.

4.2 Suitability for Publication

While the content of the Licensee Public Response is a matter for the licensee, the EPA considers it appropriate that there be limited and stated grounds for a decision not to publish the LPR, which are

- I. **Discrepancy between content of LPR and other licensee submissions;**
- II. **Defamatory, vexatious or misleading content;**
- III. **Data protection issues.**

The Licensee Public Response shall be published subject to the following statement:

“While the Agency facilitates the provision by a licensee of a Licensee Public Response for public information to the findings of EPA Site Visit Reports, the Agency is not responsible for the comments therein, which are entirely those of the Licensee. However, the Agency reserves discretion regarding the decision to publish any particular Licensee Public Response. Issues related to data protection, potential for defamation and inaccurate or vexatious content will be considered in this regard.

All Licensee Public Response submissions, including any that have been rejected for online publication, but excluding any that have been rejected on defamation or data protection grounds ¹, are accessible via the EPA’s LEAP Portal, along with replies from the EPA where applicable”.

In the event that the EPA decides not to publish an LPR, you will be informed of the decision not to publish and the grounds for the decision. The Licensee may make a response to this notification by means of an “Unsolicited Correspondence”; this will be assessed by the EPA on receipt and will be placed on the LEAP Portal.

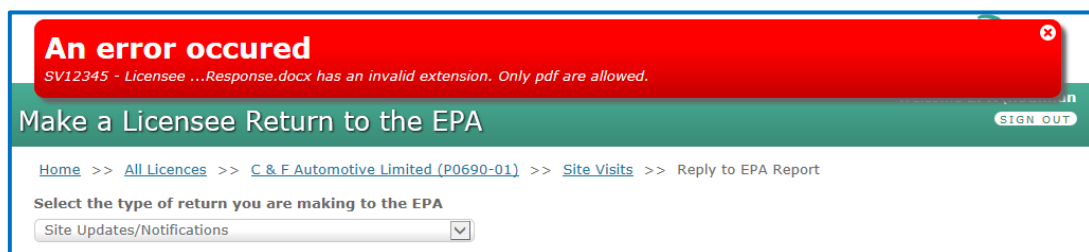
¹ For example, naming or referring to a third party or parties in a manner that would allow identification of the third party or parties. In such instances, the Licensee Public Response is deleted from LEAP also; the Licensee is duly informed of this and the reasons for it.

5 Procedures

5.1 Stepwise Procedure for submitting Online-Publishable Licensee Returns

Note that this procedure is essentially the same one that is used for making all Licensee Returns to the EPA via your LMA dashboard; modified steps are indicated.

- 1 Prepare your document for submission and save it as PDF, appropriately titled, to a convenient location on your computer or network;
- 2 Log in to LMA and select your Licence;
- 3 In your LMA dashboard, select the **“Make a Licensee Return to the EPA”** module;
 - **“Select the type of return you are making to the EPA”**;
 - **“Select the sub-type of return”**;
 - To attach a document, browse to the location where your document is stored and Select **“Upload Files”** to attach it to your Licensee Return;
- 4 Select **“Submit”** to upload your Licensee Return to the EPA
 - Only PDF files can be uploaded. If a file that is in another format is selected, an error message is displayed:



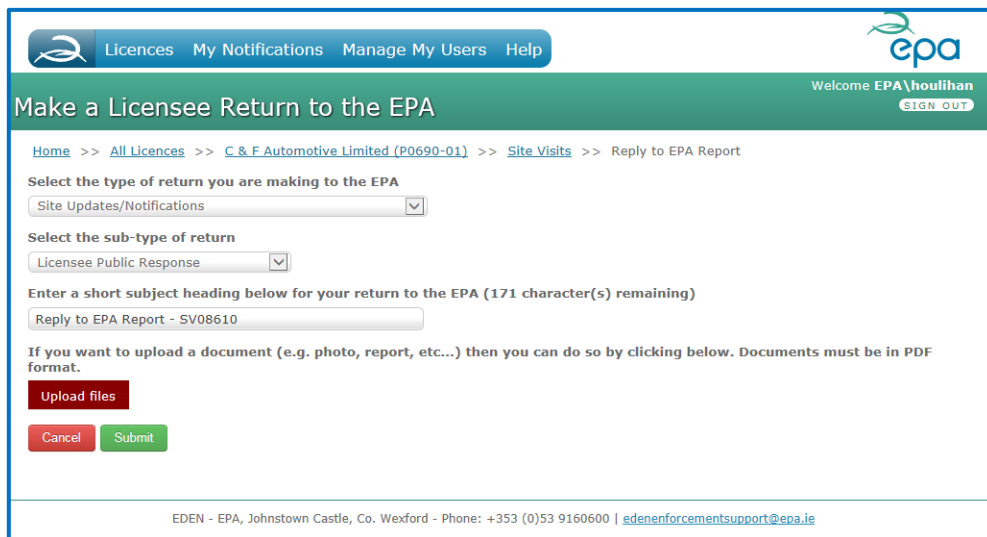
- 5 You will receive an automatic confirmation that your Licensee Return has been successfully uploaded.
- 6 You can also view the **“Licensee Returns”** Table of your LMA dashboard, which indicates the date of receipt of the report by the EPA and the date on which the report (if online-publishable) will be published to www.epa.ie.
 - Note that this table indicates the Submission Date and the Online Publication date where applicable.

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5.2 Stepwise Procedure for making a Licensee Public Response

Note that this procedure is essentially the same one that is used for making all Licensee Returns to the EPA via your LMA dashboard; modified steps are indicated.

- 1 Prepare your Licensee Public Response for submission (using the Guideline LPR Template if desired) and save it as PDF, appropriately titled, to a convenient location on your computer or network;
- 2 Log in to LMA and select your Licence;
- 3 In your LMA dashboard, select “View Site Visits”;
- 4 Select the relevant EPA Site Visit Report
 - you may only make a Licensee Public Response within 45 Calendar Days of the date of issue of the EPA Site Visit Report;
 - EPA Site Visit Reports to which a Licensee Public Response may be made are indicated by means of an active link “**Make Response**”;
- 5 You are directed to the “**Make a Licensee Return to the EPA**” module:



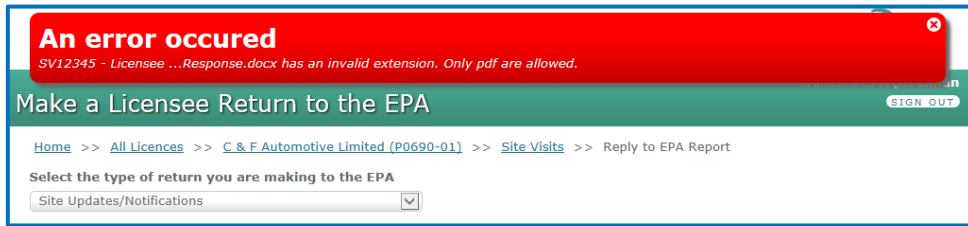
The screenshot shows a web interface for making a licensee return to the EPA. The page title is "Make a Licensee Return to the EPA". The breadcrumb trail is: Home >> All Licences >> C & F Automotive Limited (P0690-01) >> Site Visits >> Reply to EPA Report. The form includes the following fields and buttons:

- A dropdown menu for "Select the type of return you are making to the EPA" with "Site Updates/Notifications" selected.
- A dropdown menu for "Select the sub-type of return" with "Licensee Public Response" selected.
- A text input field for "Enter a short subject heading below for your return to the EPA (171 character(s) remaining)" containing "Reply to EPA Report - SV08610".
- A red "Upload files" button.
- Red "Cancel" and green "Submit" buttons.

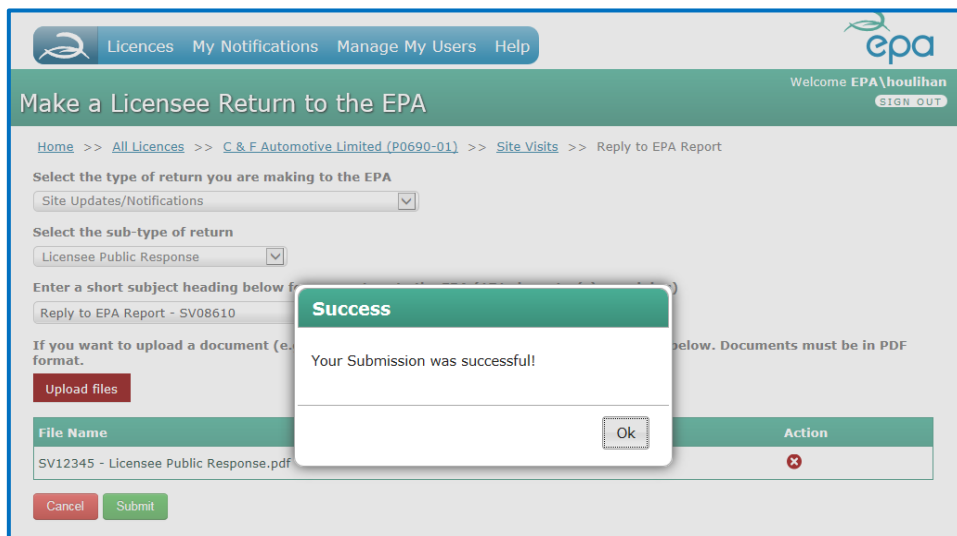
At the bottom of the page, there is contact information: EDEN - EPA, Johnstown Castle, Co. Wexford - Phone: +353 (0)53 9160600 | edenenforcementsupport@epa.ie

- a. “**Select the type of return you are making to the EPA**”: **Site Updates/Notifications**;
- b. “**Select the sub-type of return**”: **Licensee Public Response**;
- c. Select “**Upload Files**”;
- d. Browse to the location where your Licensee Public Response document is stored;
- e. Click “**Open**” to select the Licensee Public Response; ensure that you have selected the correct file;
- f. Select “**Submit**” to upload your Licensee Public Response to the EPA;

- g. Only **PDF files** can be uploaded. If a file that is in another format is selected, an error message is displayed:



- 6 You will receive an automatic confirmation that your Licensee Return has been successfully uploaded:



You can also view the “**Completed Site Visits**” Table of your LMA dashboard, which displays a list of all EPA Site Visits and the status of your Responses:

Report Issued Date	Actual Visit Date	Site Visit Number	Site Visit Report	Public Response Deadline	Public Response Status	epa.ie Publication Date
	08/10/2013	SV0		n/a	n/a	n/a
22/10/2015	01/10/2015	SV0	Report		Responded	
23/10/2015	08/10/2015	SV0	Report	07/12/2015	Responded	22/12/2015
23/10/2015	02/10/2015	SV0	Report	07/12/2015	Responded	22/12/2015
28/10/2015	02/10/2015	SV0	Report	12/12/2015	Make Response	27/12/2015
01/09/2015	02/10/2015	SV0	Report	16/10/2015	Expired	01/11/2015
29/10/2015	02/10/2015	SV0	Report	13/12/2015	Make Response	28/12/2015
29/10/2015	01/10/2015	SV0	Report	13/12/2015	Make Response	28/12/2015
02/11/2015	01/11/2015	SV0	Report	17/12/2015	Responded	01/01/2016

The date on which the EPA Site Visit Report and your Licensee Public Response will be published to epa.ie (subject to review in relation to suitability for publication) is also indicated.

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Appendix I: Online-Publishable EPA and Licensee Documents (Self-Monitoring and Special Sectoral Reports)

The table lists the enforcement documents that are included in the category of Keystone Enforcement Documents and are publishable online as and from 01 January 2016, subject to the holding period of 60 calendar days:

Report / Document	Relevant Activity Sectors
EPA Site Visit Reports (Inspection and Monitoring)	All Licensed Sectors
Licensee Self-Monitoring Reports * by theme / medium:	All Licensed Sectors
Air	Noise
Bioaerosol	Odour
Dust	Emission to Sewer
Groundwater	Slope Stability
Landfill Gas	Sludge
	Solvent Emissions
	Toxicity
	Vibration
	Waste Analysis
	Water
Site Closure Reports	All Licensed Sectors
Waste Incineration Plants / Waste Co-Incineration Plants performance reports	Waste Incineration & Co-Incineration Plants
Solvent emissions monitoring reports	Solvent Users
Solvent management plan	Solvent Users

* **Online Publication** applies only to **Routine Monitoring** that is carried out in accordance with the requirements of the Schedule to your licence.

Non-routine investigations are not classed as Routine Monitoring and are not classed as Online-Publishable. Such non-routine investigations include

- programmes of investigation, e.g. investigations for the purposes of demonstrating compliance with e.g. EO Groundwater or Surface Water Regulations;
- sampling programmes carried out for the purposes of Compliance Investigations;
- test programmes.

The existing procedure for submitting reports of these activities to the EPA remain in place.

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End