
Compliance and Enforcement Policy



ENVIRONMENTAL PROTECTION AGENCY

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

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

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

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

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

Our Responsibilities

Licensing

We regulate the following activities so that they do not endanger human health or harm the environment:

- waste facilities (e.g. landfills, incinerators, waste transfer stations);
- large scale industrial activities (e.g. pharmaceutical, cement manufacturing, power plants);
- intensive agriculture (e.g. pigs, poultry);
- the contained use and controlled release of Genetically Modified Organisms (GMOs);
- sources of ionising radiation (e.g. x-ray and radiotherapy equipment, industrial sources);
- large petrol storage facilities;
- waste water discharges;
- dumping at sea activities.

National Environmental Enforcement

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

Water Management

- Monitoring and reporting on the quality of rivers, lakes, transitional and coastal waters of Ireland and groundwaters; measuring water levels and river flows.
- National coordination and oversight of the Water Framework Directive.
- Monitoring and reporting on Bathing Water Quality.

Monitoring, Analysing and Reporting on the Environment

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

Regulating Ireland's Greenhouse Gas Emissions

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

Environmental Research and Development

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

Strategic Environmental Assessment

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

Radiological Protection

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

Guidance, Accessible Information and Education

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

Awareness Raising and Behavioural Change

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

Management and Structure of the EPA

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

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

The EPA is assisted by an Advisory Committee of twelve members who meet regularly to discuss issues of concern and provide advice to the Board.



COMPLIANCE AND ENFORCEMENT POLICY

ENVIRONMENTAL PROTECTION AGENCY
An Ghníomhaireacht um Chaomhnú Comhshaoil

PO Box 3000,
Johnstown Castle, Co. Wexford, Ireland T +353 53 916 0600
F +353 53 916 0699
E info@epa.ie W www.epa.ie
LoCall 1890 33 55 99

© Environmental Protection Agency 2019

This document sets out the EPA's Enforcement & Compliance Policy and replaces the document issued in 2003.

While the EPA has sought to ensure the accuracy of the material contained in this publication, complete accuracy cannot be guaranteed. Neither the EPA nor any person who contributed to the policy has any responsibility or liability whatsoever for loss or damage occasioned, or claimed to have been occasioned, in part or in full as a consequence of any person acting, or refraining from acting, as a result of a matter contained in this publication. The EPA has the right to depart from this policy, or amend or revoke and replace the policy, in any or all respects as it considers appropriate in any case.

All or part of this publication may be reproduced without further permission, provided the source is acknowledged.

Compliance and Enforcement Policy

Published by the Environmental Protection Agency, Ireland

ISBN 978-1-84095-825-6

Price: Free of charge

Table of Contents

INTRODUCTION FROM THE DIRECTOR GENERAL	1
INTRODUCTION	2
1. ENFORCEMENT PRINCIPLES	3
Risk-based	3
Proportionality	3
Consistency	3
Transparency	4
Polluter pays	4
2. COMPLIANCE ACTIONS AND ENFORCEMENT POWERS	5
3. CRITERIA CONSIDERED IN DETERMINING ENFORCEMENT ACTION	6
4. COMMUNICATION OF COMPLIANCE AND ENFORCEMENT ACTIVITIES	7

Introduction from the Director General

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

In enforcing legislation for the protection and improvement of our health and the environment, the EPA takes an approach that is outcomes focused and risk-based; is proportionate to the offence or non-compliance; applies the polluter pays principle; so that the public can have confidence in the EPA's work to protect the environment. This policy sets out the EPA's approach to enforcement and compliance. It covers:

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

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



Laura Burke
Director General

23 October 2019

Introduction

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

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

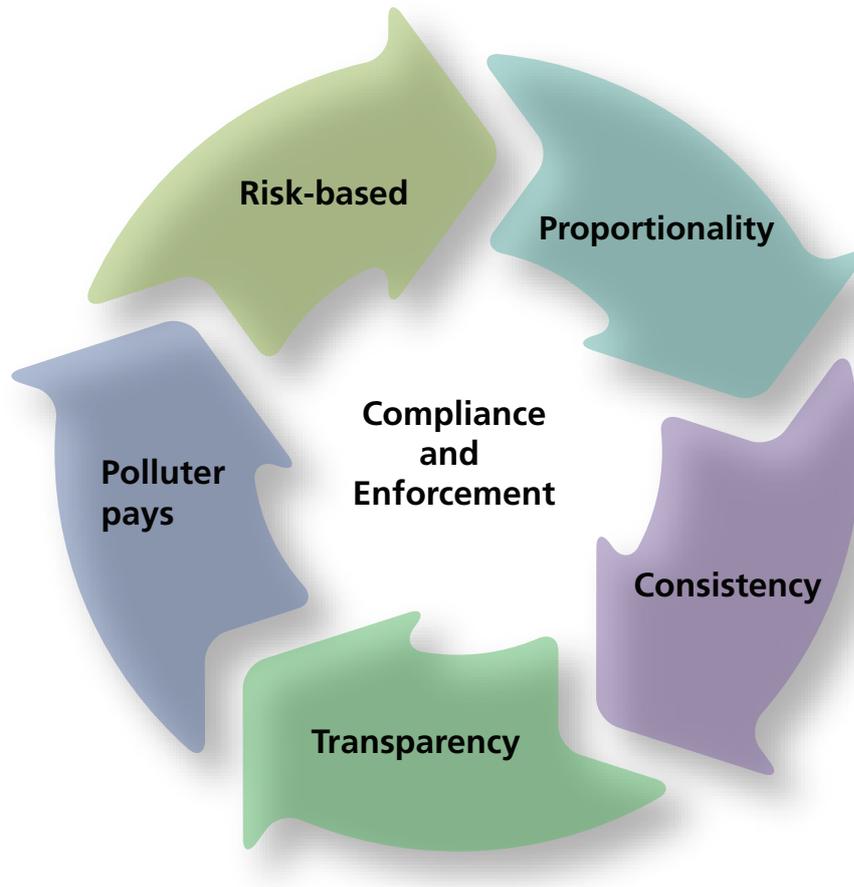
This policy sets out what the public, the regulated community and other stakeholders can expect from the EPA.

In auditing compliance and enforcing environmental and radiological protection legislation, the EPA's objective is to protect people and the environment and maintain public confidence in environmental regulation by:

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

1. ENFORCEMENT PRINCIPLES

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



Risk-based

Our enforcement work is risk-based, focusing resources and regulatory action on activities that pose a risk to human health and/or the environment.

Proportionality

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

Consistency

We have systems which provide consistency in the approach to the use of enforcement powers and in deciding the appropriate enforcement response. This means the public, the regulated community and other stakeholders know what to expect from the EPA. We promote consistency nationally through effective liaison with those we regulate and other regulatory authorities.

Transparency

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

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

Polluter pays

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

2. COMPLIANCE ACTIONS AND ENFORCEMENT POWERS

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

- ▲ **Support, advice and guidance:** We publish clear guidance outlining what we expect from those we regulate. We support other enforcement bodies through networks and compliance promotion events such as conferences.
- ▲ **Site visits/inspections/audits and compliance meetings:** We inspect sites that we regulate on a regular basis using a risk-based approach to focus on poorly performing or high-risk activities and publish inspection reports on our website. We have the power to enter, to seize objects/substances and to take samples.
- ▲ **Publish list of priority sites for enforcement:** We identify non-compliant operators through the National Priority List for licensed industrial and waste activities, the Remedial Action List for drinking water and the Priority Urban Area List for wastewater.
- ▲ **Warning letters/compliance Investigations:** We issue warning letters or open compliance investigations where we discover non-compliances.
- ▲ **Statutory notices, directions and penalties:** We issue statutory notices, enforcement notices, fixed penalty notices or mandatory penalties and directions to achieve compliance.
- ▲ **Prosecution:** We can initiate a prosecution summarily in the District Court or, in more serious cases, through the Director of Public Prosecutions (DPP) with a view to prosecution on indictment. Where an offence is committed by a body corporate, we can prosecute the company and its officers.
- ▲ **Civil actions:** We can apply for court orders or injunctions to have works undertaken or an activity ceased; we can intervene directly to carry out works on a site and recover the costs.
- ▲ **Revocation or suspension of licences:** We have the power to revoke or suspend a licence in full or in part, and the power to suspend a process at a licensed facility.

3. CRITERIA CONSIDERED IN DETERMINING ENFORCEMENT ACTION

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

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

The impact or potential impact of the breach on human health or the environment, which includes:

- ▲ seriousness of the non-compliance – the harm or potential harm to human health or the environment; and,
- ▲ the duration of the non-compliance.

The behaviour of the individual or organisation responsible for the breach, including:

- ▲ evidence of intention (if any) behind the regulatory non-compliance;
- ▲ history of compliance or non-compliance;
- ▲ financial gain made as a result of non-compliance with regulations; or,
- ▲ conduct after the non-compliance is discovered.

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

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

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

4. COMMUNICATION OF COMPLIANCE AND ENFORCEMENT ACTIVITIES

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

In communicating our enforcement activities, we:

- ▲ publish guidance to promote compliance;
- ▲ enable and encourage the public to make submissions on licence applications;
- ▲ publish site visit/inspections/audits on the EPA website;
- ▲ publish convictions on the EPA website;
- ▲ regularly publish updated lists of priority sites;
- ▲ publish periodic compliance and enforcement reports highlighting the key enforcement priorities; and,
- ▲ engage with the public in relation to complaints about regulated activities.

AN GHNÍOMHAIREACTH UM CHAOMHNÚ COMHSHAOIL

Tá an Gníomhaireacht um Chaomhnú Comhshaoil (GCC) freagrach as an gcomhshaoil a chaomhnú agus a fheabhsú mar shócmhainn luachmhar do mhuintir na hÉireann. Táimid tiomanta do dhaoine agus don chomhshaoil a chosaint ó éifeachtaí díobhálacha na radaíochta agus an truaillithe.

Is féidir obair na Gníomhaireachta a roinnt ina trí phríomhréimse:

Rialú: Déanaimid córais éifeachtacha rialaithe agus comhlíonta comhshaoil a chur i bhfeidhm chun torthaí maithe comhshaoil a sholáthar agus chun díriú orthu siúd nach gcloíonn leis na córais sin.

Eolas: Soláthraimid sonraí, faisnéis agus measúnú comhshaoil atá ar ardchaighdeán, spriocdhírthe agus tráthúil chun bonn eolais a chur faoin gcinnteoireacht ar gach leibhéal.

Tacaíocht: Bímid ag saothrú i gcomhar le grúpaí eile chun tacú le comhshaoil atá glan, táirgiúil agus cosanta go maith, agus le hiompar a chuirfidh le comhshaoil inbhuanaithe.

Ár bhFreagrachtaí

Ceadúnú

- Déanaimid na gníomhaíochtaí seo a leanas a rialú ionas nach ndéanann siad dochar do shláinte an phobail ná don chomhshaoil:
- saoráidí dramhaíola (*m.sh. láithreáin líonta talún, loisceoirí, stáisiúin aistriúcháin dramhaíola*);
- gníomhaíochtaí tionsclaíoch ar scála mór (*m.sh. déantúsaíocht cógaisíochta, déantúsaíocht stroighne, stáisiúin chumhachta*);
- an diantalmhaíocht (*m.sh. muca, éanlaith*);
- úsáid shrianta agus scaoileadh rialaithe Orgánach Géinmhodhnaithe (*OGM*);
- foinsí radaíochta ianúcháin (*m.sh. trealamh x-gha agus radaiteiripe, foinsí tionsclaíoch*);
- áiseanna móra stórála peitрил;
- scardadh dramhuisce;
- gníomhaíochtaí dumpála ar farraige.

Forfheidhmiú Náisiúnta i leith Cúrsaí Comhshaoil

- Clár náisiúnta iniúchtaí agus cigireachtaí a dhéanamh gach bliain ar shaoráidí a bhfuil ceadúnas ón nGníomhaireacht acu.
- Maoirseacht a dhéanamh ar fhreagrachtaí cosanta comhshaoil na n-údarás áitiúil.
- Caighdeán an uisce óil, arna sholáthar ag soláthraithe uisce phoiblí, a mhaoirsiú.
- Obair le húdaráis áitiúla agus le gníomhaireachtaí eile chun dul i ngleic le coireanna comhshaoil trí chomhordú a dhéanamh ar líonra forfheidhmiúcháin náisiúnta, trí dhírí ar chiontóirí, agus trí mhaoirsiú a dhéanamh ar leasúchán.
- Cur i bhfeidhm rialachán ar nós na Rialachán um Dhrámhthrealamh Leictreach agus Leictreonach (DTLL), um Shrian ar Shubstaintí Guaiseacha agus na Rialachán um rialú ar shubstaintí a ídionn an ciseal ózóin.
- An dlí a chur orthu siúd a bhriseann dlí an chomhshaoil agus a dhéanann dochar don chomhshaoil.

Bainistíocht Uisce

- Monatóireacht agus tuairisciú a dhéanamh ar cháilíocht aibhneacha, lochanna, uisce idirchríosacha agus cósta na hÉireann, agus screamhuiscí; leibhéal uisce agus sruthanna aibhneacha a thomhas.
- Comhordú náisiúnta agus maoirsiú a dhéanamh ar an gCreat-Treoir Uisce.
- Monatóireacht agus tuairisciú a dhéanamh ar Cháilíocht an Uisce Snámha.

Monatóireacht, Anailís agus Tuairisciú ar an gComhshaoil

- Monatóireacht a dhéanamh ar cháilíocht an aeir agus Treoir an AE maidir le hAer Glan don Eoraip (CAFÉ) a chur chun feidhme.
- Tuairisciú neamhspleách le cabhrú le cinnteoireacht an rialtais náisiúnta agus na n-údarás áitiúil (*m.sh. tuairisciú tréimhsíúil ar staid Chomhshaoil na hÉireann agus Tuarascálacha ar Tháscairí*).

Rialú Astaíochtaí na nGás Ceaptha Teasa in Éirinn

- Fardail agus réamh-mheastacháin na hÉireann maidir le gás cheaptha teasa a ullmhú.
- An Treoir maidir le Trádáil Astaíochtaí a chur chun feidhme i gcomhair breis agus 100 de na táirgeoirí dé-ocsaíde carbóin is mó in Éirinn

Taighde agus Forbairt Comhshaoil

- Taighde comhshaoil a chistiú chun brúnna a shainaitheint, bonn eolais a chur faoi bheartais, agus réitigh a sholáthar i réimsí na haeráide, an uisce agus na hinbhuanaitheachta.

Measúnacht Straitéiseach Timpeallachta

- Measúnacht a dhéanamh ar thionchar pleananna agus clár beartaithe ar an gcomhshaoil in Éirinn (*m.sh. mórphleananna forbartha*).

Cosaint Raideolaíoch

- Monatóireacht a dhéanamh ar leibhéal radaíochta, measúnacht a dhéanamh ar nochtadh mhuintir na hÉireann don radaíocht ianúcháin.
- Cabhrú le pleananna náisiúnta a fhorbairt le haghaidh éigeandálaí ag eascairt as taismí núicléacha.
- Monatóireacht a dhéanamh ar fhorbairtí thar lear a bhaineann le saoráidí núicléacha agus leis an tsábháilteacht raideolaíochta.
- Sainseirbhísí cosanta ar an radaíocht a sholáthar, nó maoirsiú a dhéanamh ar sholáthar na seirbhísí sin.

Treoir, Faisnéis Inrochtana agus Oideachas

- Comhairle agus treoir a chur ar fáil d'earnáil na tionsclaíochta agus don phobal maidir le hábhair a bhaineann le caomhnú an chomhshaoil agus leis an gcosaint raideolaíoch.
- Faisnéis thráthúil ar an gcomhshaoil ar a bhfuil fáil éasca a chur ar fáil chun rannpháirtíocht an phobail a spreagadh sa chinnteoireacht i ndáil leis an gcomhshaoil (*m.sh. Timpeall an Tí, léarscáileanna radóin*).
- Comhairle a chur ar fáil don Rialtas maidir le hábhair a bhaineann leis an tsábháilteacht raideolaíoch agus le cúrsaí práinnfhreagartha.
- Plean Náisiúnta Bainistíochta Dramhaíola Guaisí a fhorbairt chun dramhaíl ghuaiseach a chosc agus a bhainistiú.

Múscailt Feasachta agus Athrú Iompraíochta

- Feasacht chomhshaoil níos fearr a ghiniúint agus dul i bhfeidhm ar athrú iompraíochta dearfach trí thacú le gnóthais, le pobail agus le teaghlaigh a bheith níos éifeachtúla ar acmhainní.
- Tástáil le haghaidh radóin a chur chun cinn i dtithe agus in ionaid oibre, agus gníomhartha leasúcháin a spreagadh nuair is gá.

Bainistíocht agus struchtúr na Gníomhaireachta um Chaomhnú Comhshaoil

Tá an gníomhaíocht á bainistiú ag Bord lánaimseartha, ar a bhfuil Ard-Stiúrthóir agus cúigear Stiúrthóirí. Déantar an obair ar fud cúig cinn d'Oifigí:

- An Oifig um Inmharthanacht Comhshaoil
- An Oifig Forfheidhmithe i leith cúrsaí Comhshaoil
- An Oifig um Fianaise is Measúnú
- Oifig um Chosaint Radaíochta agus Monatóireachta Comhshaoil
- An Oifig Cumarsáide agus Seirbhísí Corparáideacha

Tá Coiste Comhairleach ag an nGníomhaireacht le cabhrú léi. Tá dáréag comhaltaí air agus tagann siad le chéile go rialta le plé a dhéanamh ar ábhair inní agus le comhairle a chur ar an mBord.



Environmental Protection Agency
An Ghníomhaireacht um Chaomhú Comhshaoil

Headquarters

**PO Box 3000,
Johnstown Castle Estate
County Wexford, Ireland**

**T: +353 53 916 0600
F: +353 53 916 0699
E: info@epa.ie
W: www.epa.ie
LoCall: 1890 33 55 99**

Regional Inspectorate

McCumiskey House,
Richview, Clonskeagh Road,
Dublin 14, Ireland

T: +353 1 268 0100
F: +353 1 268 0199

Regional Inspectorate

Inniscarra, County Cork,
Ireland

T: +353 21 487 5540
F: +353 21 487 5545

Regional Inspectorate

Seville Lodge, Callan Road,
Kilkenny, Ireland

T +353 56 779 6700
F +353 56 779 6798

Regional Inspectorate

John Moore Road, Castlebar
County Mayo, Ireland

T +353 94 904 8400
F +353 94 902 1934

Regional Inspectorate

The Glen, Monaghan, Ireland

T +353 47 77600
F +353 47 84987

Regional Offices

The Civic Centre
Church St., Athlone
Co. Westmeath, Ireland
T +353 906 475722

Room 3, Raheen Conference Centre,
Pearse House, Pearse Road
Raheen Business Park, Limerick,
Ireland
T +353 61 224764

