

Consultation Feedback on the New AER Template

Industry Feedback

Industry representatives were sent details of the consultation on 22nd January 2020. The consultation was open for approximately two weeks from 22nd January 2020 to 7th February 2020¹. Licensees were also informed of the consultation and this report includes their comments received directly to the EPA. Feedback was received from the following:

- Mc Gill Environmental Systems on 30th January 2020
- Kildare County Council on 31st January 2020
- Bord na Mona Energy Ltd. on 3rd February 2020
- KMK Metals Recycling Ltd. on 5th February 2020
- IBEC on 7th February 2020

The following feedback is in no particular order.

No.	Feedback	EPA Response
1	We acknowledge the need for use of plain English and simplifying the language used, however we would caution that over simplification of complex environmental scenarios could lead to a glossing over of items and result in items being misunderstood when read/ viewed by the public. There should be a mechanism for a reader to find out more information from the Licensee should they so require.	A section Contact Us has been added after the introduction. See guidance for further details.

¹ Upon request the consultation was extended for an additional two days to 7th February 2020

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2	<p>As a new Licensee we are cognisant of the requirements of our licence and specifically those that specifically mention items to reported in the AER as specified in Schedule D of the licence but also those additional items mentioned throughout our licence that also require to be submitted via the AER (As shown below). The template as supplied does not allow for these specific items to be included in the AER as well as some items mentioned in Schedule D.</p> <p>Specifically, conditions as outlined below: Condition 2.2.2.8 Environmental Management Programme (EMP) Condition 2.2.2.13 Communications Programme Condition 6.15 Groundwater Condition 6.19 Pollutant Release and Transfer Register (PRTR) Condition 6.29.5 Odour Management Plan Condition 10.2 Closure, Restoration and Aftercare Management Plan Condition 12.3 Environmental Liabilities</p>	<p>Where your licence states something is required as part of the AER, but it is not part of the new template or is not reported through the Environmental Performance Reporting (EPR) portal on EDEN, it shall be submitted as a licensee return on the EDEN portal, unless stated otherwise by the EPA.</p> <p>NOTE: PRTR reporting is now facilitated as part of EPR on EDEN. A section, Financial Provision, has been added to the Template. See guidance for further information.</p>
3	<p>Some IPC/IED/Waste licences have specific conditions that require data or information to be included in the AER. Is this information, which may be in excel or other format, still required to be submitted and how is it to be attached to this new proposed word document.</p>	<p>Where your licence states something is required as part of the AER, but it is not part of the new template or is not reported through the Environmental Performance Reporting (EPR) portal on EDEN, it shall be submitted as a licensee return on the EDEN portal, unless stated otherwise by the EPA.</p>
4	<p>Is there a requirement to include breaches in Trigger levels as incidents? These would not be Emission Limit Values.</p>	<p>Yes, breaches in trigger levels (<u>action level</u>) are classed as incidents.</p> <p>The table has been updated in line with EDEN.</p>
5	<p>In Table 8 a licence can have a range of monitoring requirements from daily/weekly/monthly grab to daily composite sampling to reactive/investigative monitoring to</p>	<p>Percentage compliance is based on licence conditions taking into consideration any interpretations or footnotes as specified by your licence.</p>

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	<p>EPA monitoring, all of which will have different conditions relating to interpretation e.g.</p> <p><i>75% of grab samples for each monitored discharge shall not exceed the emission limit value; and no individual grab sample value shall exceed 3 times the emission limit value.</i></p> <p><i>Eight out of ten consecutive results, on the basis of 24 hr flow proportional composite sampling, shall not exceed the emission limit value. No individual daily result similarly calculated shall exceed 1.5 times the emission limit value.</i></p> <p>Assume a range of tables will be required to report various parameters that have a range of frequencies and various interpretations. For EPA monitoring, which must be included in the No of samples, how is this compliance interpreted.</p>	<p>Only one table shall be used for all results.</p> <p>EPA monitoring is not included in the table.</p> <p>See guidance for further information.</p>
6	<p>Can you also advise will the document be required to be PDF before being submitted?</p>	<p>Yes, the document must be saved as a PDF prior to submitting as a licensee return on the EDEN portal. See AER guidance.</p>
7	<p>Overall, the change in format is a positive one, in the sense that the information is more comprehensible to the public and individuals outside of the field of environmental science. The time and resourcing required by licensees to prepare the report should be greatly reduced. There is a concern, however, that oversimplification of environmental performance and data could result in loss of truthful interpretation of facility compliance.</p>	

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8	<p>Introduction</p> <p>We suggest that within the guidance document the bullet point beginning “overview of compliance” should also allow for any positive environmental improvements and projects rather than the focus stated as “incidents and complaints”. As well as “infrastructural changes”, company changes could also be addressed such as expansion in compliance team resourcing or changes in company structure. The ability to discuss positives, not just negatives, about the facility is needed in the introduction.</p>	<p>The licensee should take the opportunity to report environmental improvements/achievements in the AER where relevant.</p> <p>See guidance for further information.</p>
9	<p>How we manage our facility</p> <p>We suggest that there is some level of accountability in this section to demonstrate how “complete” environmental goals were achieved rather than just stating so. We suggest a third column along the lines of “How goal was/will be achieved”. This is helpful information that could assist other companies with similar objectives and targets and provides the public with further information to evaluate the performance of the facility on. The time and effort a facility puts into completion of certain environmental goals should be highlighted to demonstrate their commitment to compliance and continual environmental improvement.</p>	<p>The table has been amended in line with plain English guidelines. See guidance for further information.</p> <p>The licensee may use the comment box for simple explanations and where relevant direct the reader to contact them directly for further information.</p>
10	<p>We have reported all energy figures in kilowatt hours (kWh) historically and report to the CSO also in this unit as part of the annual ‘Business Energy Use Survey’. We would request that the unit kWh be acceptable to report on rather than gigajoules (GJ) or as an alternative to this unit. To report in GJ would result in undue administrative burden to US and clear guidance on how figures should be converted is required to prevent any error by licensees.</p>	<p>KWh is a measurement of electrical energy only. KWh can be easily converted to GJ.</p> <p>See guidance for further information.</p>
11	<p>Regarding electricity use, the licensee is reporting on the fossil fuel/renewable energy breakdown provided by the energy provider,</p>	<p>See guidance for further information.</p>

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	correct? How should this be calculated/reported if the energy provider is changed mid-year and there is a change in this energy breakdown? Clearer guidance would be helpful to ensure this is calculated with same method by all licensees.	
12	Water usage can be a challenge to determine. The guidance is not helpful on how a licensee should source and estimate this data.	Licensees should measure their water usage.
13	As this template is new and some of the required information may not have been prepared by licensees in this format previously, is there exemption on calculating the “% Increase/ decrease on previous year” until the year 2022 when the first reports using this mandatory template are completed? There is undue administrative burden associated with going back over a previous year’s data to gather this information retrospectively.	Licensees should understand their environmental trends.
14	Complaints. The guidance document displays a table that is not the same as the AER template. Which is correct? WE would prefer the table shown in the guidance document.	Table amended.
15	This table is not reflective of the EDEN list of potential incidents and should be amended to address all options or at least have an “Other (please specify)”	Table updated in line with EDEN.
16	Regarding surface water trigger levels - is an exceedance in a warning level or action level deemed non-compliant, or both?	A breach in a surface/storm water trigger “action level” is a reportable incident to the EPA.
17	Regarding waste water - Foul water (sewerage) reporting should be separated from the wastewater (process type) reporting as facilities cannot be expected to monitor sewerage from their site.	If sanitary effluent monitoring is required by your licence it shall be included in Table 8.

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18	Regarding groundwater – The question “How are you managing the pollution?” directs responsibility or even blame (from a member of the public’s perspective maybe) on the licensee for polluting substances identified. If the groundwater contamination is not proven to be due to the licensee’s activity, it is likely out of the licensee’s control to manage. This question requires significant reconsideration or omission.	Detailed groundwater investigations would determine the source of pollution. A 150 word limit is provided for detail of the groundwater investigation and details of management of pollution, where applicable. A comment box is also provided after the table.
19	Inert waste is included in the annual waste data reporting. A definition of inert waste is required and guidance on what material this includes.	See legislation for definition.
20	Additional samples taken outside of EPA reporting requirements – what is the guidance on this as they have the potential to significantly affect (positively or negatively) “% compliance”.	All samples from licensed discharge points are required to be monitored for compliance. See guidance for further details.
21	The AER lacks sections for inclusion of environmental monitoring point location maps that would put monitoring conducted in clearer perspective to readers.	Maps or images shall not be included in the AER. The comment box may be used for explanations where required.
22	We strongly disagree with the inclusion of a word limit in comment box sections. The inclusion of word limits restricts the licensee’s ability to suitably provide interpretation and explain the context and important details surrounding any non-compliance.	In keeping with plain English guidelines, a word limit will be retained in comment boxes. Additional comment boxes have been provided in the template and some word limits reviewed.
23	The electricity supplied to site may be vendor certified as supplied from 100% renewable sources, although still through the national grid (actual % renewable source is variable). Split energy used between natural gas, electricity consumption as before. Incorporate clarifying note/example in the guidance on what should be attributed in the renewable energy row (e.g. onsite wind turbine).	Energy generated shall be calculated as best you can. Your energy supplier is required to display information on the split of the fuel mix (renewable and fossil fuel) on your electricity bill.

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		See guidance for further information and links to applicable reports published by the Commission for Regulation of Utilities.
24	The list in the template does not match the all potential reportable incident categories on Eden. For example, abatement equipment bypasses could be a reportable incident but does not naturally fall under one of these categories in the proposed template. We suggest that additional categories are added to this table, either a category for 'Abatement Equipment Offline' or a catch-all 'Other' category.	Table updated in line with EDEN.
25	Provide clarification in the guidance document if internal patrols onsite should be reported. Several facilities complete local odour assessment through independent service providers. Should such local patrols be reported in this table?	All odour assessments conducted in accordance with EPA Odour Impact Assessment Guidance for EPA Licensed Site, AG5, should be included in the Table.
26	There are 2 tables labelled 'Table 10' on page 23 & 24.	Template amended.
27	What qualifies as a polluting substance and how is this defined as opposed to materials naturally present in the groundwater? Further clarification on this would be beneficial.	Detailed groundwater investigations will determine such matters. Any clarification required can be included in the comment box.
28	Could guidance on what constitutes 'Inert' waste be incorporated. Is this inert category only for C&D waste? Further clarification would be appreciated.	See legislation for definition.
29	Clarification on whether the EPR (LoW waste generated/transfers off-site) will need to be attached to the new AER format for submission.	Only information sought in the template shall be included.

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30	There is an inconsistency in the use of comment boxes. Throughout the template some tables have a comment box underneath while others do not, this can be seen in the Waste section (table 11 & 12). We would recommend the inclusion of a comment box, that is optional to complete, as a company may wish to explain any differences from the previous year.	Additional comment boxes have been provided in the template and some word limits reviewed.
31	Some IE Licences have AER reporting requirements under 'Schedule D' of the licence. Should these reports be added as appendices to the new AER template or should they be submitted separately through Eden Portal?	Where your licence states something is required as part of the AER, but it is not part of the new template or is not reported through the Environmental Performance Reporting (EPR) portal on EDEN, it shall be submitted as a licensee return on the EDEN portal, unless stated otherwise by the EPA.
32	The Explanatory Note for each section states requirements of the licensee which may not actually be part of a licence. For example, in Section (4) Complaints, it states that "Our licence also requires that we have robust and transparent procedures in place to record, investigate and respond to environmental complaints if or when they arise" which may not be actually a condition within a licence.	The explanatory note has been amended. See guidance for further information.
33	Similarly, under Section (3) Energy & Water, the Explanatory Note states that there is an obligation to reduce energy use, this may not be a requirement under a licence. In relation to Water, a licence may state that water should be reduced "if possible".	All licensees shall strive to reduce their resource use including energy and water.
34	Under the Noise Explanatory note, it states that "Our EPA licence requires that noise produced by our facility shall not give rise to nuisance or exceed the noise limit values" while the licence itself may only require compliance with the noise limits and does not mention nuisance.	Explanatory note amended.

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35	<p>Regarding the new AER template for 2019. I've reviewed the documents and think the proposed new template is a huge improvement on the previous excel spreadsheet. I found the previous version very difficult to navigate and much too complex. The new template will be easier for the public to understand and it will be much easier for licensees to compile the report.</p>	

END