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## Environmental Protection Agency Licensing and Enforcement Charging 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 Radiation 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.



# **Licensing and Enforcement**

## **Charging Policy**

### **2020**

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# 1. INTRODUCTION

The Environmental Protection Agency (EPA) is responsible for regulating activities that have significant polluting potential. Our responsibilities encompass:

- Integrated Pollution Prevention Control (IPPC) licences
- Waste licences (including Historic Landfill licences and Certificates of Registration)
- Dumping at Sea licences
- The contained use and deliberate release of Genetically Modified Organisms (GMOs)
- Volatile Organic Compounds (VOC) permits; and
- Waste Water Discharge licences and certificates

Licensed activities are required to conform to best practice and the conditions of the licences and permits granted by the EPA. These activities may be operated by local authorities or private enterprise.

This policy document on EPA licensing and enforcement charges will outline:

- The application fees, and enforcement charges of the EPA
- The enforcement charging principles that guide the EPA
- What ongoing enforcement charges fund
- What ongoing enforcement charges do not fund
- How the EPA calculates these enforcement charges
- How and on what basis licensees can query such charges

The aim of this policy is to ensure that the cost of regulation implemented by the EPA is fair, reasonable and equitable. This document will serve to increase the transparency of the charging systems implemented by the EPA. A short description of the main licensing regimes regulated by the EPA is provided in the following sections.

## 2. LICENSING REGIMES AND PROCEDURES

### 2.1 LICENSING REGIMES IN PLACE

#### 2.1.1 Integrated Pollution Prevention Control licensing

The EPA has been licensing certain large-scale industrial and agriculture activities since 1994. These include such activities as chemical and pharmaceutical plants, food and drink plants, cement manufacturing, power plants and intensive agriculture activities such as pig and poultry rearing. Originally, the licensing system was known as Integrated Pollution Control (IPC) licensing, governed by the Environmental Protection Agency Act, 1992. The Act was amended in 2003 by the Protection of the Environment Act, 2003 which gave effect to the Integrated Pollution Prevention Control (IPPC) Directive. Detailed procedures concerning the IPPC licensing process are set out in the EPA Acts, 1992 to 2007 and the associated licensing regulations.

##### **Aim of IPPC licensing**

IPPC licences aim to prevent or reduce emissions to air, water and land, reduce waste and use energy and resources efficiently. An IPPC licence is a single integrated licence that covers all emissions and environmental management at the facility. All related operations that the licence holder carries on in connection with the activity are controlled by this licence. Before a licence is granted, the applicant must satisfy the EPA that the activity will not cause environmental pollution when carried out in accordance with the licence conditions.

#### 2.1.2 Waste licensing

In 1996 the EPA began licensing certain activities in the waste sector under the Waste Management Acts (1996 to 2008). These include landfills, transfer stations, hazardous waste disposal and other significant waste disposal and recovery activities.

##### **Aim of waste licensing**

A waste licence is a single integrated licence dealing with emissions to all environmental media and the environmental management of the facility.

All related waste operations connected to the activity are considered in determining a licence application. The applicant must satisfy the EPA that the activity will not cause environmental pollution when carried out in accordance with the licence conditions.

Detailed procedures on processing waste licence applications are set out in the Waste Management Act, 1996 which was amended by the Protection of the Environment Act, 2003 and associated regulations.

#### 2.1.3 Historic Landfill – certificate of authorisation

In accordance with the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations, 2008, the EPA is obliged to process applications from local authorities in relation to historic landfills. Applications for a certificate of authorisation for historic landfills may only be made by local authorities.

#### 2.1.4 Waste activities – certificates of registration

Waste Management (Facility Permit and Registration) Regulations S.I. No. 821 of 2007 requires local authorities to apply for a certificate of registration for certain waste activities.

#### 2.1.5 Licensing – Dumping at Sea (DaS permits)

The Dumping at Sea Acts, 1996 to 2009 prohibit the dumping at sea of a substance or material from vessels, aircraft or offshore installation unless permitted in accordance with a permit from the EPA. Any person who wishes to dispose of material at sea is required to apply for a Dumping at Sea permit. The Foreshore and Dumping at Sea (Amendment) Act, 2009 empowers the Agency to decide on an application for a permit to dispose of material at sea.

### 2.1.6 Genetically Modified Organisms (GMO) licensing

Since 1995, the EPA is the Competent Authority in Ireland for the implementation of the Genetically Modified Organisms (GMO) Regulations on the contained use, the deliberate release and the transboundary movement of GMOs (since 2004) into the environment.

Any person or organisation utilising a GMO requires prior consent from the EPA in order to do so. The EPA is responsible for the licensing of GMO activity, both for what's called 'contained use' (usually in colleges/industry/hospital laboratories) or deliberate release of a GMO for purposes other than placing on the market (field trials and/or clinical trials for purposes of research and development) and for the placing on the market of GMOs as or in products.

### 2.1.7 Licensing – Petrol storage and distribution (VOC permits)

The EPA oversees regulations to control volatile organic compound (VOC) emissions resulting from petrol storage and distribution terminals. The Agency issues VOC permits under the Environmental Protection Agency Act, 1992 (Control of volatile organic compound emissions resulting from the storage of petrol and its distribution) Regulations, 1997 (S.I. No. 374 of 1997).

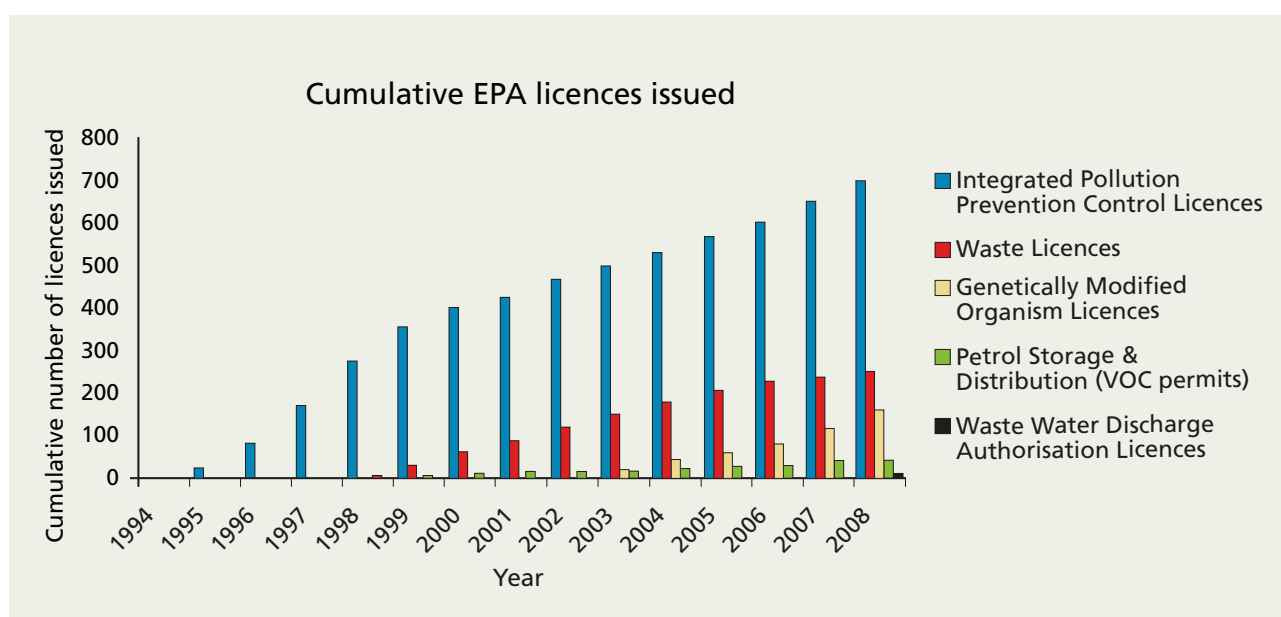
Petrol storage installations involved in the loading of petrol into, or unloading of petrol from, mobile containers are required to apply for a permit.

### 2.1.8 Waste water discharge authorisation

A system for the licensing or certification of waste water discharges (WWD) from areas served by local authority sewer networks was brought into effect in September 2007. The licensing and certification authorisation process is in accordance with the requirements of the Waste Water Discharge (Authorisation) Regulations, 2007 (S.I. No. 684 of 2007).

#### Aim of waste water discharge authorisation

The licensing and certification process gives effect to a number of EU Directives by the imposition of strict restrictions or prohibitions on the discharge of dangerous substances, and thus prevents or reduces the pollution of waters by WWDs. All discharges to the aquatic environment from sewerage systems owned, managed and operated by water service authorities require a WWD licence or certificate of authorisation from the EPA. The authorities are required to apply to the Agency for a licence by set dates depending on the population equivalent of the area served by the sewer network. The authorisation process provides for the Agency to place stringent conditions on the operation of such discharges to ensure that potential effects on the receiving water bodies are strictly limited and controlled.



**FIGURE 1** The growth in numbers of licences granted by the EPA.



## 2.2 LICENSING PROCEDURE – INTEGRATED POLLUTION PREVENTION CONTROL AND WASTE LICENCES

### 2.2.1 Licensing application fees

Once an application is made to the EPA, the Agency completes an assessment of the application and submissions on the application. Once the Agency has acknowledged the application as complete, the inspector assessing the application prepares a report detailing all relevant aspects of the application, and also prepares a proposed licence as necessary, taking into account any written submissions received. The Board of the Agency then makes a Proposed Decision/ Determination on the licence application.

The EPA is authorised to recover charges for such licensing<sup>1</sup>. Section 94 of the EPA Act, 1992 and section 50 of the Waste Management Act 1996 authorise the Minister to make regulations providing for the payment to the Agency of fees in relation to applications for licences<sup>2</sup>. These regulations specify fees for the making of an application for a licence to the Agency and are charged on a once-off basis for each application.

The EPA can attach conditions to licences requiring the making of payments for enforcement (i.e. enforcement charges) to the Agency. These are distinct from licence application fees. These enforcement charges contribute to such

enforcement activities as compliance checking, inspection and reporting, emissions monitoring, communication such as guidance and reports, and legal activities such as notices. Ongoing enforcement charges, which are incurred after a licence is issued, are recovered through these licence conditions. These are described in further detail in Section 3.

### 2.2.2 Specific licensing application fee regimes

Various application fees are required under the different licensing regimes the EPA is charged with operating under national legislation. Applications are made to the Office of Climate, Licensing & Resource Use (OCLR) and once-off application fees are required. This differs from enforcement charges, which generally recur on an annual basis. Other statutory licensing fees also apply, depending on the relevant licensing regime (e.g. an objection or a request for an oral hearing).

The principal licensing regimes relevant here are:

- i. Integrated Pollution Prevention Control (IPPC) licensing
- ii. Waste licensing
- iii. Historic landfill licensing
- iv. Certificates of registration for waste activities
- v. Dumping at Sea licensing
- vi. Genetically modified organism licensing
- vii. Petrol storage and distribution (VOC permits)
- viii. Waste water discharge authorisation

#### i) IPPC licensing

| Application Fee  | Objection Fee |           | Oral Hearing      |
|--|---------------|-----------|-------------------|
|  | 1st Party     | 3rd Party | 1st & 3rd parties |
| Varies according to activity<br>(See <i>Appendix 1</i> ) | €253          | €126      | €100              |
| Transfer of IPPC Licence                                 | €2000         |           |                   |

#### ii) Waste Licensing

| Application Fee  | Objection Fee |           | Oral Hearing      |
|--|---------------|-----------|-------------------|
|  | 1st Party     | 3rd Party | 1st & 3rd Parties |
| Varies according to activity<br>(See <i>Appendix 1</i> ) | €500          | €200      | €100              |
| Transfer of Waste Licence                                | €5000         |           |                   |

<sup>1</sup> Section 84 of the EPA Act, 1992 and section 41 of the Waste Management Act, 1996.

<sup>2</sup> The Environmental Protection Agency (Licensing) Regulations, 1994–2008 and the Waste Management (Licensing) Regulations 1997–2004 provide for this.

**iii) Historic landfill licensing**

| Application Fee | Objection Fee          |           | Oral Hearing      |
|-----------------|------------------------|-----------|-------------------|
|                 | 1st Party              | 3rd Party | 1st & 3rd Parties |
| €5000           | TBD (To be determined) | TBD       | TBD               |

**iv) Certificates of registration (Management (Permit Regulations) S.I. No. 821 of 2007)**

There is no objection or oral hearing in GMO.

| Application Fee   |      |
|---|------|
| Classes 1, 2, 3, 4, 8, 9, 10, 11, 12, 13, 14  | €300 |
| Classes 5, 6, 7 (these classes are usually for recovery/excavation of soil etc., inert waste) | €600 |

**v.) Dumping at Sea**

These fees are subject to review by DoEHLG<sup>3</sup>

| Application Fee | Objection Fee |           | Oral Hearing      |
|-----------------|---------------|-----------|-------------------|
|                 | 1st Party     | 3rd Party | 1st & 3rd Parties |
| €63.49          | TBD           | TBD       | TBD               |

**vi) Genetically modified organism licensing**

There is no objection or oral hearing in GMO.

|                            |         |                           |         |
|----------------------------|---------|---------------------------|---------|
| 1st Time use Class 1       | €250    | Deliberate Release Part B | €3,000  |
| 1st Time use Class 2       | €1,875  | Amended notification      | €1,125  |
| Subsequent use Class 2     | €625    |                           |         |
| 1st Time use Class 3       | €3,000  | Deliberate release Part C | €30,000 |
| Subsequent use Class 3     | €1,500  | Amended notification      | €11,250 |
| 1st Time use Class 4       | €22,500 |                           |         |
| Subsequent use Class 4     | €7,500  |                           |         |
| GMOs – GM animals & plants | No fee  |                           |         |

**vii) Petrol storage and distribution (VOC permits)**

| Application Fee | Representation (Objection) Fee |           | Oral Hearing      |
|-----------------|--------------------------------|-----------|-------------------|
|                 | 1st Party                      | 3rd Party | 1st & 3rd Parties |
| €6,348          | €254                           | €254      | €127              |

**viii) Waste water discharge authorisation**

There is no objection or oral hearing in GMO.

| Application Fee                 |
|---------------------------------|
| Varies (See <i>Appendix 1</i> ) |

*Appendix 1* outlines further details of the various fees as set out in legislation.

**2.2.3 Variance of the licensing fees**

While the EPA has discretion to set the level of annual enforcement (based on the environmental risk, for example), the fees in relation to license applications (including objections, oral hearing requests, etc.) are set out in legislation. Only where the legislation specifically allows for a variance in these fees can such variance be considered.

In certain cases, the EPA is allowed discretion to reduce licensing fees payable – for example in the case of repeat or multiple applications from the same applicant.

*Appendix 2* outlines examples of the discretion allowed to the EPA in charging licensing fees as set out in legislation.

<sup>3</sup> Department of the Environment, Heritage and Local Government.

## 3. PRINCIPLES IN SETTING ENFORCEMENT CHARGES

Enforcement charges, are determined by the EPA using six principles. These principles guide the EPA in setting the relevant enforcement charges, and are outlined below.

### 3.1 CHARGE SETTING PRINCIPLES

#### The Polluter Pays Principle

Operators should pay for the enforcement service, since it is due to their activities that a licence enforcement system is required.

#### Risk based charging

The main factor in setting the enforcement charges is the environmental risk category (or enforcement category) to which the activity belongs. This enforcement category is calculated according to the nature and size of the activity, its enforcement history and other factors. However, site-specific issues (e.g. differing monitoring requirements) can result in additional/differing charges.

#### Burden sharing

While the main factor in calculating the enforcement charge is the enforcement category – the overall burden of enforcement costs should be as evenly distributed as possible between facilities of equivalent environmental risk. Therefore, facilities are not charged directly for the number of inspections carried out, or for compliance assessment time relating specifically to their facility – rather, the burden is distributed amongst facilities of equivalent enforcement category as evenly as possible.

#### Ring-fencing of costs

Income from enforcement charges should only be used to cover the costs to the Agency of enforcement and compliance related activities undertaken. It should not be used to cross subsidise other Agency activities, and should be a fair reflection of enforcement costs.

#### Appropriate cost recovery

The EPA will recover only costs that are considered appropriate. The EPA considers appropriate cost recovery to include the recovery of all the costs

associated with the direct enforcement and monitoring of licences, and the indirect costs associated with the services necessary to support them.

#### Balance

Any over-spend or under-spend from a charging scheme, and the benefits of efficiency savings will be taken into account when annual charges are set for the following financial year.

### 3.2 REGULATORY ACTIVITIES FUNDED FROM ENFORCEMENT CHARGES

Enforcement charges are used to fund activities associated with regulating licence holders and in particular the following activities:

#### Compliance checking activities

- Inspection and Auditing
- Emission sampling and analysis
- Sectoral investigations
- Unscheduled activities such as complaint and incident investigation
- Compliance assessment of reports and proposals submitted by licensees

#### Communications activities

- Reporting activities
- Community engagement
- Licensee guidance development and publication
- Technical presentations
- Technical advice
- Liaison with trade associations
- National and European reporting obligations

#### Enforcement activities

- Issuance of enforcement notices, licensee interaction, and checking of compliance data
- Legal services such as legal advice

**Direct costs** associated with these activities include salaries and expenses, e.g. travel and field expenses.

**Indirect costs** associated with these activities include the costs associated with support services, (e.g. office services, financial and budgetary management, human resources, training information systems, property and infrastructure) allocated in proportion to direct regulatory expenditure. Apportionment of indirect costs is by reference to the numbers of staff involved in enforcement as a percentage of the total number of staff in the EPA or particular location.

### 3.3 REGULATORY ACTIVITIES NOT FUNDED FROM ENFORCEMENT CHARGES

Examples of activities that are not funded from enforcement charges, but are instead ultimately funded from central Exchequer grants, include:

- Environmental monitoring associated with European Directives such as the Air Framework Directive and Water Framework Directive
- Research and policy work not associated directly with licensing enforcement
- Preparing plans, carrying out surveys and providing advice not related to licensing enforcement
- Provision of information to public and response to enquiries, e.g. Freedom of Information requests
- Pension costs

### 3.4 CORPORATE GOVERNANCE AND ACCOUNTABILITY

The EPA is subject to the Code of Practice for the Governance of State Bodies and is subject to annual external audit by the Comptroller and Auditor General. A report on the performance of its functions (the Annual Report) together with the audited accounts and the report of the Comptroller and Auditor General must be laid each year before both Houses of the Oireachtas.

The EPA has also established CORPORATE GOVERNANCE AND ACCOUNTABILITY an internal audit function and Internal Audit Committee (chaired by an external independent chairperson), which have been in operation since 2004. The Internal Audit Office is empowered to audit all systems and activities within the Agency and has full, free and unrestricted access to all Agency activities, records, property and personnel. The Internal Audit Committee oversees the implementation of a rolling multi-annual internal audit plan.

## 4. CALCULATION OF THE ANNUAL ENFORCEMENT CHARGE

### 4.1 INTEGRATED POLLUTION PREVENTION CONTROL (INCLUDING INTENSIVE AGRICULTURE), & WASTE LICENCES

The annual financial charges for IPPC, & Waste facilities are calculated by computing a single charge point for each of the twelve risk categories, described in the Section entitled **'The revised RBME risk model'** below, and using this single charge or price point as the main basis for the overall annual enforcement charge.

The determination of the twelve charge points each year will seek

- to recover the full cost of the enforcement function of the industrial and waste sectors, based on the most recent completed actual costs;

The following costs are considered:

- Salaries
  - Salary and employer's PRSI
- Expenses
  - Direct EPA enforcement expenses
    - ◆ Overheads directly attributable to enforcement, such as travel and field expenses, etc.
  - Property and infrastructure services
    - ◆ Rent, light, heat and insurance
  - EPA services
    - ◆ Financial and budgetary management, human resources, IT support and development, etc., directly attributable to enforcement.
- to account for the number of OEE enforcement staff who enforce industrial and waste licences so that we only assign that portion (of the full enforcement costs) to this scheme,
- to reflect the number of inspector days assigned to A, B, C or D risk categories.

The calculation of each charge point for each risk category also considers the proportion of facilities in that risk category, thus incorporating the burden sharing principle across the scheme.

The only exceptions to apportioning all inspection and monitoring effort across the industrial and waste community is where there are significant costs to be applied to a small defined group of licensees each year.

We apply these exceptions where we arrange to carry out specialised air monitoring or conduct surveillance at a small number of sites involved in the Cork Animal Health Sentinel Scheme (CAHSS), or to individual sites, if retrospective charges are applied.

As these activities only occur at a limited number of sites, we consider it fairer to add these costs individually to the base charge point after the charge point per risk category has first been determined.

Finally, we will add a standing charge to all licensees.

$$\text{ANNUAL ENFORCEMENT CHARGE} = \text{CHARGE FOR RISK CATEGORY} + \text{STANDING CHARGE} + \text{AIR MONITORING} + \text{CAHSS}$$

### The revised RBME risk model

The RBME model determines a risk category for each site from one of four overall categories A, B, C or D the highest risk being A down to the lowest risk D. The difference between the new methodology and the former methodology is that the existing 'P' category for intensive agriculture is dropped, and replaced with an additional C category, C3, and a D1, D2, D3 set of categories. The D risk category reflects the relatively lower polluting potential of poultry units, and any other licensed activities in other sectors that may have a similar risk profile. This means that an intensive agriculture site will now be one of the regular categories.

Each of the overall risk categories retains the previous subcategories used e.g. A1, A2 and A3.

- A1 High Enforcement Category
- A2 High Enforcement Category
- A3 High Enforcement Category
- B1 Medium Enforcement Category
- B2 Medium Enforcement Category
- B3 Medium Enforcement Category
- C1 Low Enforcement Category
- C2 Low Enforcement Category
- C3 Low Enforcement Category
- D1 Lower Enforcement Category
- D2 Lower Enforcement Category
- D3 Lower Enforcement Category

The risk category is now based on a combination of a complexity rating and a location score for each licensed activity.

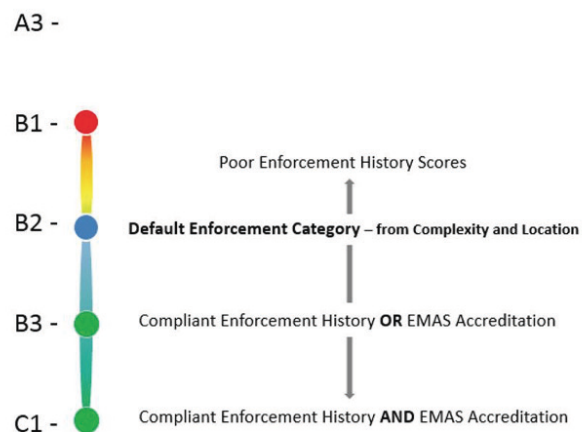
- The complexity rating reflects the complexity of the activity on site.
- The location score is based on the proximity of the nearest sensitive receptor and the proximity of a protected area, if relevant, and the type of aquifer, if present, and its vulnerability rating.

This results in the assignment of a default risk subcategory of A2, B2, C2 or D2 to each licensed activity.

A further score is then applied based on the previous 12 months' enforcement history or performance, and whether they have accredited EMAS status, to give an overall 'final' risk category.

Each year, this can result in the 'final' risk category remaining the same as it's 'default' risk category, but a poorly performing licensee is penalised by moving up to a higher risk subcategory, or conversely compliance is rewarded with movement to a lower risk sub-category, shown as follows:

**Figure 1** Range of Adjustment of Default Enforcement Category by Enforcement Performance



#### C2 -

The one exception to this applies to licensed facilities that have EMAS and, should they have compliant enforcement history, they can reduce their default risk category by a maximum of two subcategories in that year.

Invoices for the enforcement charge are generally presented as follows:

| Risk Category Price Point                        | € xxx        |
|--|--------------|
| Standing Charge                                  | € xxx        |
| Sampling & Analysis of Emissions Charges         | € xxx        |
| Animal Health Sentinel Scheme (where applicable) | € xxx        |
| Retrospective Charge (where applicable)          | € xxx        |
| <b>TOTAL</b>                                     | <b>€ xxx</b> |

A facility can work to reduce the number of non-compliances with its licence, or complaints about its activities. Depending on other site-specific circumstances, these endeavours can result in a reduction in the enforcement category, thereby reducing the level of charges payable to the EPA, as the level of monitoring and inspection required by the Agency will be reduced.

## 4.2 INVOICING OF INTEGRATED POLLUTION PREVENTION CONTROL, WASTE AND WASTE WATER DISCHARGE ENFORCEMENT CHARGES

Enforcement charges levied are the contribution by that licensee towards the total cost of enforcement and are not professional or service charges for the inspection of facilities. These charges are imposed in line with the charging principles outlined previously and that of 'Burden Sharing'. In practice, this means that these charges are imposed as uniformly as possible across equal enforcement categories. Facilities are invoiced based on an estimated number of days for an enforcement category. While most inspections and audits are carried out as planned, incidents and issues may arise that result in the need to change the planned inspections and/ or audit targets. Generally, if the number of actual days of enforcement required for a specific individual facility varies because of unscheduled activities, the original charge to that facility does not change. However, in certain instances there is provision for a retrospective charge.

### *'Standing Charge'*

The 'Standing Charge' is imposed on all facilities whether operating or not, regardless of enforcement category. This is a charge which contributes to the file administration for licensed activities. The existence of this standing charge also serves to encourage non-operating activities to seek surrender to their licence where the licensable activity has ceased.

### *'Sampling and Analysis Air Emissions Charge'*

The cost of air emission sampling and analysis of emissions, whether in-house or outsourced.

### *'Animal Health Sentinel Scheme'*

The 'Animal Health Sentinel Scheme' monitors the health of dairy cattle herds near the Cork harbour area and is coordinated by Cork County Council. Certain licenced facilities (between 10 and 20) contribute to the overall cost of this monitoring programme. For most facilities, there are no charges imposed under the 'Animal Health Sentinel Scheme'

### *'Retrospective Charges'*

The EPA may retrospectively charge a facility where significant resources are expended during the year. These are imposed on a case by case basis as appropriate. For most facilities there are no charges imposed under 'Retrospective Charges'.

## 4.3 GENETICALLY MODIFIED ORGANISMS ENFORCEMENT CHARGES

All active GMO users are inspected, by the Agency once every three years. The majority of these users are located in third-level institutions around the country. The remaining users are located in industrial commercial facilities and facilities under the control of public authorities (e.g. Teagasc).

The EPA does not charge enforcement charges to GMO users in third-level institutions. This decision is based on the fact that government policy has always been to encourage the development of a vibrant biotechnology sector in Ireland. A healthy indigenous biotechnology sector is dependent on research being undertaken in the universities and other third-level institutions. The imposition of such charges may discourage research and development.

All industrial commercial facilities are charged by the EPA for GMO enforcement charges. The Department of Finance CMOD<sup>4</sup> method is used for calculating the day rate for GMO site inspection charges. The charges are invoiced to the company after the Agency has conducted a site inspection. The CMOD calculation is based on:

- i. Annual salary for the particular staff member *plus*
- ii. Employer's PRSI, pension costs and allocation of overheads *divided by*
- iii. Number of working days for that employee.  
The CMOD method of calculating the daily rate is used only for GMO inspections.

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<sup>4</sup> Centre for Management and Organisation Development, Department of Finance.



#### 4.4 QUERYING INTEGRATED POLLUTION PREVENTION CONTROL, AND WASTE ENFORCEMENT FEES

Where a licensee is of the opinion that enforcement charges levied are incorrect or unreasonable, they may query these charges to the EPA. There is no statutory mechanism to appeal enforcement charges – however, such queries are dealt with, and each considered on its merits.

In general, the EPA will consider a reduction in enforcement charges payable in the following circumstances:

- An inappropriate enforcement category has been applied
- Certain emissions monitoring has been charged for but not carried out
- The licensee has ceased to operate or surrendered its licence during the relevant charge period – or the nature of the activity has changed in some other substantial way
- The enforcement charge is resulting in a

disproportionate burden on the activity in question. In this case, evidence from audited accounts must be presented to support such a query.

Each case shall be considered on its merits. Whether inspections and/or audits charged to a facility are carried out that year depends on the level of unscheduled events that arise through the year. However, the majority of inspections and audits are carried out as planned.



## APPENDIX 1 – EPA LICENSING APPLICATION FEES AS SET OUT IN LEGISLATION

The following information was taken from the legislation in August 2010. Check the current legislation for up-to-date fees.

### i) Integrated Pollution Prevention Control

#### SCHEDULE OF IPPC LICENSING FEES

Fees set out in EPA (Licensing Fees) (Amendment) Regulations 1994 to 2006

| Fees payable to the EPA  |   |                |  |                |
|--|---|----------------|--|----------------|
| Activity or class of activity in the First Schedule of EPA Acts 1992 and 2003                    | (i)   |                | (ii)   |                |
|  | Fees for an application for an IPPC Licence |                | Fee for a review of an IPPC licence or revised IPPC licence or the surrender of a licence or revised licence |                |
|  | Small Activity                              | Large Activity | Small Activity   | Large Activity |
| 1. Minerals and Other Materials  | €5,713                                      | €12,697        | €4,444   | €8,888         |
| 2. Energy  | €7,618                                      | €16,506        | €5,713   | €12,697        |
| 3. Metals  | €5,078                                      | €8,888         | €3,809   | €6,983         |
| 4. Mineral Fibres and Glass  | €5,078                                      | €8,888         | €3,174   | €6,983         |
| 5. Chemicals (excluding 5.6)   | €7,618                                      | €20,315        | €5,713   | €14,601        |
| 5.6 The manufacture of pesticides, pharmaceutical or veterinary products and their intermediates | €10,157                                     | €22,855        | €7,618   | €16,506        |
| 6. Intensive Agriculture   | €3,174                                      | €8,888         | €1,904   | €6,983         |
| 7. Food and Drink  | €5,713                                      | €12,697        | €4,444   | €8,888         |
| 8. Wood, Paper Textiles and Leather  | €5,078                                      | €8,888         | €3,174   | €6,983         |
| 9. Fossil Fuels  | €5,713                                      | €13,967        | €4,444   | €10,157        |
| 10. Cement   | €7,618                                      | €16,506        | €5,713   | €12,697        |
| 11. Waste  | €5,713                                      | €13,967        | €4,444   | €10,157        |
| 12. Surface Coating  | €5,078                                      | €8,888         | €3,174   | €6,983         |
| 13. Other Activities   | €5,078                                      | €8,888         | €3,174   | €6,983         |

## ii) Waste Licensing Fees as set out in the Waste Management (Licensing) Regulations, 2004 – S.I. No. 395 of 2004

### SECOND SCHEDULE FEES

#### PART I

Fees for applications, review and surrenders of waste licences

| Waste Activity<br>(1)  | Amount of fee for an application for a waste licence<br>(2) | Amount of fee for a review or surrender of a waste licence<br>(3) |
|--|---|---|
| 1.1 The disposal of waste at a landfill facility where the annual intake is likely to exceed 100,000 tonnes.   | €35,000   | €25,000   |
| 1.2 The disposal of waste at a landfill facility where the annual intake is likely to exceed 40,000 tonnes but be less than 100,000 tonnes.  | €30,000   | €22,500   |
| 1.3 The disposal of waste at a landfill facility where the annual intake is likely to exceed 20,000 tonnes but be less than 40,000 tonnes.   | €25,000   | €20,000   |
| 1.4 The disposal of waste at a landfill facility where the annual intake is likely to exceed 5,000 tonnes but be less than 20,000 tonnes.  | €20,000   | €5,000  |
| 1.5 The disposal of waste at a landfill facility where the annual intake is likely to exceed to be less than 5,000 tonnes.   | €10,000   | €6,000  |
| 2. The disposal of hazardous waste.  | €30,000   | €22,500   |
| 3.1 The disposal of waste (other than hazardous waste) at a facility (other than a landfill facility) where the annual intake is likely to exceed 100,000 tonnes.                                | €20,000   | €15,000   |
| 3.2 The disposal of waste (other than hazardous waste) at a facility (other than a landfill facility) where the annual intake is likely to exceed 25,000 tonnes but be less than 100,000 tonnes. | €12,000   | €10,000   |
| 3.3 The disposal of waste (other than hazardous waste) at a facility (other than a landfill facility) where the annual intake is less than 25,000 tonnes.  | €10,000   | €6,000  |
| 4. The recovery of waste.  | €10,000   | €6,000  |

## PART II

Other fees payable to the Agency in relation to waste licences

| (1)        | (2)  | (3)<br>Amount of fee |
|------------|--|----------------------|
| Article 42 | Objection by the applicant or licensee                       | €500                 |
|            | Objection by an authority or body mentioned in article 41(3) | €100                 |
|            | Objection by any other person                                | €200                 |
| Article 43 | Application for transfer of a waste licence                  | €5,000               |
| Article 44 | Request for an oral hearing                                  | €100                 |

### iii) Historic landfill licensing

Waste Management (Certification of historic unlicensed waste disposal and recovery activity) Regulations 2008 – S.I. No. 524 of 2008

(3) A fee of €5,000 shall be payable by a local authority to the Agency in respect of each application for a certificate of authorisation. The Agency may, however, refund or waive all or part of the fee payable in respect of a particular application where it is satisfied that the payment in full of the fee would not be justified or reasonable having regard to the limited scale or nature of the landfill activity concerned.

### iv) Waste Water Discharge (Authorisation) Regulations, 2007 S.I. No. 684 of 2007

#### SCHEDULE 3

Fees payable to the Agency in respect of an application for a licence or a certificate or for the review of a licence or of a certificate,

| Class of waste water discharges<br>(1)  | Amount of fee to accompany<br>an application<br>(2) | Amount of fee to accompany<br>an application for a review<br>(3) |
|---|---|--|
| Discharges from agglomerations with a population equivalent of more than 10,000 | €30,000   | €22,500  |
| Discharges from agglomerations with a population equivalent of 2,001 to 10,000  | €25,000   | €20,000  |
| Discharges from agglomerations with a population equivalent of 1,001 to 2,000   | €15,000   | €12,000  |
| Discharges from agglomerations with a population equivalent of 500 to 1,000     | €10,000   | €6,000   |
| Discharges from agglomerations with a population equivalent of less than 500    | €3,000  | €2,000   |

## APPENDIX 2 – VARIANCE OF LICENCE APPLICATION FEES IN RELEVANT LEGISLATION

### i) Integrated Pollution Prevention Control (IPPC) licensing

*EPA (Licensing Fees) (Amendment) Regulations 1994 to 2006 – Refund of fee in case of certain repeat applications.*

9. (1) Notwithstanding any other provision of these Regulations, the Agency shall have an absolute discretion to refund or waive the fee payable in accordance with these Regulations where it is satisfied that payment in full of the fee would not be just and reasonable.

### ii) Waste licensing regulations

*Waste Management (Licensing) Regulations 2004 – S.I. No. 395 of 2004*

*Discretionary power to refund or waive fee in certain circumstances.*

45. (1) Notwithstanding any other provision of these Regulations, the Agency shall have an absolute discretion to refund or waive up to half of any fee payable in respect of a particular application where it is satisfied that the payment in full of the fee would not be just and reasonable having regard to the relevant circumstances of the activity.

(2) A decision under sub-article (1) shall contain a statement specifying the reasons for the decision.

### iii) Historic landfill licensing

*Waste Management (Certification of historic unlicensed waste disposal and recovery activity) Regulations 2008 – S.I. No. 524 of 2008*

(3) A fee of €5,000 shall be payable by a local authority to the Agency in respect of each application for a certificate of authorisation. The Agency may, however, refund or waive all or part of the fee payable in respect of a particular application where it is satisfied that the payment in full of the fee would not be justified or reasonable having regard to the limited scale or nature of the landfill activity concerned.

### iv) Certificates of registration for waste activities

*Waste Management (facility permit and registration) Regulations 2007 – S.I. No. 821 of 2007*

(3) Notwithstanding the provisions of sub-articles (1) and (2), the local authority or the Agency, as appropriate, shall have an absolute discretion to refund or waive all or part of the fee payable in respect of a particular application where the local authority or the Agency is satisfied that the payment in full of the fee would not be just and reasonable having regard to the limited scale or nature of the activity concerned, or where the charging of a full fee may act as a financial disincentive to individuals or companies who are operating on a small scale and are engaged in environmentally beneficial operations such as waste recovery or recycling.

## **v) Genetically modified organisms**

*Genetically Modified Organisms (Contained Use) Regulations, 2001 – S.I. No. 73 of 2001*

48. (1) Notwithstanding any other provision of these Regulations, the Agency shall have an absolute discretion to refund or waive up to half of the fee payable in respect of a particular notification where it is satisfied that the payment in full of the fee would not be just and reasonable having regard to any of the following:

- (a) the limited scale of the contained use,
- (b) the limited capital or operational costs, or both, as appropriate, of the contained use,
- (c) the fee payable in respect of a notification for any other contained use of a similar character, extent or description.

(2) A decision under sub-article (1) shall contain a statement specifying the reasons for the decision.

## **vi) Petrol storage and distribution (VOC permits)**

*Environmental Protection Agency Act, 1992  
(control of Volatile Organic Compound emissions  
resulting from petrol storage and distribution)  
Regulations, 1997 – S.I. No. 374 of 1997*

11. The fee for the making of an application for a permit under article 10 shall be decided at the Agency's discretion and taking into account the size, nature and complexity of the application.

However a fee of €6,348 is defined in First Schedule of the Regulation

## **vii) Waste Water Discharge Authorisation**

*Waste Water Discharge (Authorisation) Regulations 2007 – S.I. No. 684 of 2007*

38 (3) The Agency may, at its discretion, reduce, by whatever amount it considers appropriate, a fee payable under paragraph (1) in the case of multiple applications from a water services authority within a 3-month period.



# AN GHNÍOMHAIREACHT 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 maíthe comhshaoil a sholáthar agus chun díriú orthu siúd nach gcloíonn leis na córais sin.

**Eolas:** Soláthraímid sonraí, faisnéis agus measúnú comhshaoil atá ar ardchaighdeán, spriocdhírithé 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 aistrithe dramhaíola*);
- gníomhaíochtaí tionsclaíocha 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 tionsclaíocha*);
- 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 dhíriú ar chiontóirí, agus trí mhaoirsiú a dhéanamh ar leasúchán.
- Cur i bhfeidhm rialachán ar nós na Rialachán um Dhramhthrealamh Leictreach agus Leictreonach (DTLL), um Shrian ar Shubstaintí Guaiseacha agus na Rialachán um rialú ar shubstaintí a ídíonn an ciseal ózón.
- 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, uiscí idirchriosacha agus cósta na hÉireann, agus screamhuiscí; leibhéil 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 tréimhsiúil 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 gáis 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 leibhéil 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 ghníomhaíocht 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 imní agus le comhairle a chur ar an mBord.



Environmental Protection Agency  
*An Ghníomhaireacht um Chaomhnú Comhshaoil*

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