

# FOCUS ON ENVIRONMENTAL ENFORCEMENT IN IRELAND

A report for the years 2006 – 2008



# Environmental Protection Agency

The Environmental Protection Agency (EPA) is a statutory body responsible for protecting the environment in Ireland. We regulate and police activities that might otherwise cause pollution. We ensure there is solid information on environmental trends so that necessary actions are taken. Our priorities are protecting the Irish environment and ensuring that development is sustainable.

The EPA is an independent public body established in July 1993 under the Environmental Protection Agency Act, 1992. Its sponsor in Government is the Department of the Environment, Heritage and Local Government.

## OUR RESPONSIBILITIES

### LICENSING

We license the following to ensure that their emissions 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 manufacturing, cement manufacturing, power plants);
- intensive agriculture;
- the contained use and controlled release of Genetically Modified Organisms (GMOs);
- large petrol storage facilities;
- waste water discharges.

### NATIONAL ENVIRONMENTAL ENFORCEMENT

- Conducting over 2,000 audits and inspections of EPA licensed facilities every year.
- Overseeing local authorities' environmental protection responsibilities in the areas of – air, noise, waste, wastewater and water quality.
- Working with local authorities and the Gardaí to stamp out illegal waste activity by co-ordinating a national enforcement network, targeting offenders, conducting investigations and overseeing remediation.
- Prosecuting those who flout environmental law and damage the environment as a result of their actions.

### MONITORING, ANALYSING AND REPORTING ON THE ENVIRONMENT

- Monitoring air quality and the quality of rivers, lakes, tidal waters and ground waters; measuring water levels and river flows.
- Independent reporting to inform decision-making by national and local government.

### REGULATING IRELAND'S GREENHOUSE GAS EMISSIONS

- Quantifying Ireland's emissions of greenhouse gases in the context of our Kyoto commitments.
- Implementing the Emissions Trading Directive, involving over 100 companies who are major generators of carbon dioxide in Ireland.

### ENVIRONMENTAL RESEARCH AND DEVELOPMENT

- Co-ordinating research on environmental issues (including air and water quality, climate change, biodiversity, environmental technologies).

### STRATEGIC ENVIRONMENTAL ASSESSMENT

- Assessing the impact of plans and programmes on the Irish environment (such as waste management and development plans).

### ENVIRONMENTAL PLANNING, EDUCATION AND GUIDANCE

- Providing guidance to the public and to industry on various environmental topics (including licence applications, waste prevention and environmental regulations).
- Generating greater environmental awareness (through environmental television programmes and primary and secondary schools' resource packs).

### PROACTIVE WASTE MANAGEMENT

- Promoting waste prevention and minimisation projects through the co-ordination of the National Waste Prevention Programme, including input into the implementation of Producer Responsibility Initiatives.
- Enforcing Regulations such as Waste Electrical and Electronic Equipment (WEEE) and Restriction of Hazardous Substances (RoHS) and substances that deplete the ozone layer.
- Developing a National Hazardous Waste Management Plan to prevent and manage hazardous waste.

## MANAGEMENT AND STRUCTURE OF THE EPA

The organisation is managed by a full-time Board, consisting of a Director General and four Directors. The work of the EPA is carried out across four offices:

- Office of Climate, Licensing and Resource Use
- Office of Environmental Enforcement
- Office of Environmental Assessment
- Office of Communications and Corporate Services

The EPA is assisted by an Advisory Committee of twelve members who meet several times a year to discuss issues of concern and offer advice to the Board.



# **Focus on Environmental Enforcement in Ireland**

A report for the years 2006 – 2008

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# **Focus on Environmental Enforcement in Ireland**

A report for the years 2006 – 2008

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## PREFACE

**This is the second enforcement report prepared by the Environmental Protection Agency (EPA) and covers the three-year period from 2006 to 2008. The report details the environmental outcomes achieved by the enforcement activities of all local authorities and the EPA. I wish to acknowledge the effort of local authorities in this regard.**



The report examines enforcement activity under the thematic headings of waste, water, air and noise and large industry. We do not report on enforcement activities where the EPA has no statutory role such as biodiversity, activities at sea or activities regulated under the planning codes.

In collating the data for this report a number of trends were evident. There was a significant increase in the amount of environmental legislation enacted in Ireland over the three-year review period and this was matched by an increase in the level of inspection and enforcement actions by environmental regulators. The level of activity from local authorities in 2008 alone included over 130,000 environmental inspections, 10,000 enforcement actions and 750 prosecutions.

The EPA has implemented a risk-based approach to enforcement of environmental legislation.

Risk-based enforcement strategies align resources to the activities that pose the highest environmental risk, thereby making best use of resources. Risk-based enforcement strategies have been implemented across EPA licensed facilities, historic landfill sites and public drinking water supplies. Local authorities also have risk-based approaches as part of their annual enforcement and inspection plans. Indeed Ireland was the first member state to have comprehensive inspections plans across all local authorities in compliance with the EU Recommendation on Environmental Inspection (RMCEI). These plans are prepared in accordance with guidelines developed by the EPA and provide for improved tracking of resources, prioritisation of enforcement effort and outcome delivery.

A continued emphasis on risk assessment and the prioritisation of available resources will be required to deliver intermediate and long-term environmental outcomes for Ireland. This emphasis will necessitate sustained infrastructural investment along with collaborative approaches between regulators and the regulated community. This risk-based approach is all the more important now given the increasing complexity and volume of environmental legislation at a time of reduced or negative growth in the economy.

Finally, future EPA reports will assess the performance of environmental regulators in dealing with the enforcement challenges identified and discussed in this report. The degree of success in achieving outcomes for the environment and public health will be defined by how well Ireland closes the infrastructural gap that exists between our current waste, wastewater and drinking water infrastructure, and the infrastructure required to meet environmental standards. Inextricably linked to this is the step change in expertise that is required at a local level to operate and manage these assets along with improving risk management and pollution prevention techniques.

**Dara Lynott  
Director**

## EXECUTIVE SUMMARY

**Environmental regulators in Ireland are responsible for in excess of 500 environmental protection functions contained within over 100 pieces of legislation. The EPA is responsible for regulating over 200 waste activities (e.g. landfills/waste transfer stations) and 550 industrial activities that have significant polluting potential. Local authorities control the collection and movement of waste in their functional areas and regulate smaller industrial waste and wastewater activities as well as controlling diffuse sources of pollution.**

During the review period 2006–2008 there was a major strengthening of enforcement powers available to the EPA to improve the compliance with EU directives relating to urban wastewater and drinking water. A process for authorising urban wastewater treatment plants was introduced in 2007. Drinking water regulations introduced in the same year designated the EPA as the supervisory authority over public water supplies and the local authorities for the group water scheme sector.

## REPORT FINDINGS

The following sections highlight the outcomes of enforcement activities by EPA and local authorities with respect to waste, water, air and noise during 2006–2008. A separate section outlines the outcomes achieved by the EPA from the regulation of large industrial activities under the Integrated Pollution Prevention and Control Directive (IPPC).

### Waste

- The EPA and local authorities carried out over 30,000 audits and inspections of waste activities in 2008, and over 700 waste prosecutions. This number of prosecutions is a significant increase over the 2007–2008 period (e.g. waste prosecutions taken by local authorities increased from 404 to 695).
- In line with government policy there was an increased use of higher courts (Circuit and High Courts). This was effected by securing High Court orders against unauthorised waste facilities or submitting files to the Director of Public Prosecutions.
- Odour complaints from waste transfer stations reduced almost three-fold (from just under 200 to 68); however, there was an increase in the level of landfill odour complaints (almost 520 in 2006 to over 1300 in 2008). The level of remediation work at landfills and waste transfer

stations has increased and there were seven prosecutions in relation to odours and landfill gas issues by the EPA during the period.

- 36% (i.e. 76) of EPA licensed waste facilities ceased operation during 2006–2008, indicating increased consolidation in the waste market.

### Water

- The period 2006–2008 saw a 40% increase (i.e. to almost 4,500) in the number of discharges to water and sewer licensed by local authorities. This increase is primarily due to a large increase in licensing of emissions to sewers by Dublin City Council in 2008. Over 60,000 water-related inspections and 80 water-related prosecutions took place across the country.
- The EPA identified 339 public drinking water supplies (representing 36% of public supplies) that require detailed profiling to ensure that the supply is providing clean and wholesome drinking water.
- 544 notifications of failure to meet the drinking water standards were reported to the EPA by local authorities in the period 2007–2008. The EPA issued 45 Directions and prosecuted one local authority in the same period.
- Data submitted as part of IPPC licensing indicates a 20% decrease in mass emissions of polluting matter (as measured by Biochemical Oxygen Demand) to waters from the food and drink sector during 2004–2007.
- The number of seriously polluted river stations has decreased from 39 to 29 during the period 2006–2008.
- €530m was allocated during the period 2006–2008 under the Farm Waste Management Scheme to improve farm infrastructure so as to prevent water pollution (€614.8m since 2001). In parallel with this investment, farm inspections undertaken by local authorities increased to over 5,000 in 2008.



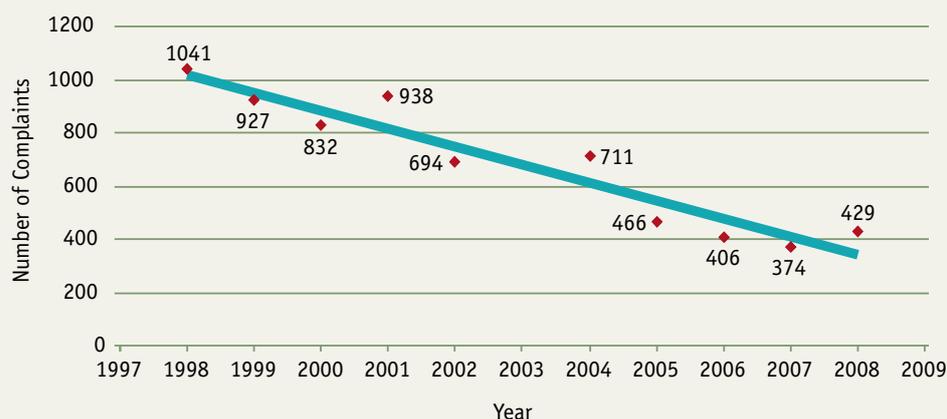
## Air & Noise

- The EPA and local authorities conducted over 4,000 inspections each year relating to air and noise issues. The EPA took eighteen prosecutions (the majority relating to odour from licensed waste facilities) and nine prosecutions were taken by local authorities (including unauthorised sales of bituminous coal and unlicensed air emissions) during the reporting period. The EPA prepared three files for consideration by the Director of Public Prosecutions (DPP) relating to air emissions.
- EPA licensed facilities in the power generating and Pharma-Chem sectors have shown reductions in emissions such as NO<sub>x</sub> and SO<sub>x</sub>, reflecting a shift towards cleaner fuels.
- There has been a substantial increase in the number of installations regulated under the Solvents and Decorative Paints Regulations.
- Returns to date indicate that total greenhouse gas emissions under the EU Emissions Trading Scheme (ETS) for the 100 main emitters in Ireland reduced by 9% between 2005 and 2008 (from 22.4Mt CO<sub>2</sub> equiv. to 20.4Mt).
- Ireland developed a National Emissions Reduction Plan (NERP) under the Large Combustion Plants Directive (2001/80/EC). NERP limits for nitrous oxide and dust have been achieved. It is expected that the NERP limit for sulphur dioxide (SO<sub>2</sub>) will be achieved following modifications and improvements at the ESB Moneypoint power station.

## Industry

- The EPA assesses licence compliance across the 550 licensed industrial activities by conducting over 1,200 audits, inspections and monitoring visits each year.
- Following the introduction of IPPC licensing in 1995, total pollutant emissions from the pharmaceutical/chemical sector (expressed as a single pollutant index) to the year 2007 decreased by 59%.
- Significant investment in abatement infrastructure at 44 IPPC-licensed food and drink facilities contributed to reduced wastewater emissions to water [i.e. BOD (21%), nitrogen (35%) and phosphorus (17%)] between 2004 and 2007.

### Trend in complaints about IPPC facilities





- Complaints associated with IPPC-regulated facilities have reduced by nearly 60% in the past 10 years (from >1000 to under 430).
- Smaller indigenous companies (e.g. surface coating and metal sectors) are exhibiting poor compliance. A key factor contributing to the low level of compliance is a lack of dedicated technical expertise to monitor and manage emissions to the environment.

- Farm emissions.
- Solvent use.

In addition, local authorities will play a key role to deliver the Programmes of Measures (POMs) under the Water Framework Directive. This Directive sets a target of good water quality status by 2015.

A summary of enforcement challenges highlighted in this report under the different thematic headings is outlined below.

## FUTURE ENFORCEMENT CHALLENGES

The number of activities regulated as a consequence of new environmental legislation will double in the next two years. This arises from an increased role for the EPA in:

- Licensing and enforcement of urban wastewater treatment plants.
- Enforcement of public drinking water supplies.
- Licensing of additional waste recovery, power sector and pig & poultry activities due to the introduction of lower thresholds.
- The registration of historic landfill sites.

Local authorities will also have an increased role in the regulation of:

- Private drinking water supplies.
- On-site systems for wastewater treatment.

### Waste

- Compliance with the Landfill Directive, particularly in terms of diversion of biodegradable waste from landfill. The first Directive target in 2010 sets an upper limit for biodegradable waste deposition in landfills.
- The need for a significant increase in separate waste collection/outlets for organic waste.
- The control of nuisance associated with landfill gas through the installation and correct operation of landfill gas infrastructure at active and capped cells.
- The implementation of the Environmental Liability Directive (ELD) 2004/35/EC, which is designed to discourage environmental damage and makes an operator liable for preventing and remedying such damage.



## Water

- The roll-out of the Water Safety Plan Approach to ensure that drinking water supplies are clean and wholesome at the tap.
- Provision of the necessary infrastructural works for drinking water and wastewater treatment plants to meet relevant standards.
- Finalisation and implementation of the POM as set out in the river basin management plans under the Water Framework Directive to return our rivers, lakes and estuaries to good status. This will include enhanced control of diffuse pollution associated with agricultural activities and on-site wastewater treatment systems such as septic tanks.

## Air and Industry

- The prevention and remediation of land and groundwater contamination associated with industrial activities.
- Tracking IPPC mass emissions discharged to air and water through the Pollutant Release and Transfer Register.
- Improvement in the quality of air emission monitoring and abatement at industries regulated by the EPA.

## Meeting the challenges

The challenges outlined above become more difficult against a backdrop of increasing regulation and reduced resources. However, pursuing a problem-solving approach involving an emphasis on risk assessment and prioritising available resources will deliver intermediate and long-term outcomes for the environment. As such, this will be a key focus for environmental regulators.

Investment in collaborative approaches such as the Environmental Enforcement Network of state agencies, liaisons with licensees, business representative groups, NGOs and the general public should continue. This approach will help foster a common understanding of the problems and interventions necessary to meet the challenges ahead.

# THE ENFORCEMENT OF ENVIRONMENTAL REGULATIONS IN IRELAND

# 01

*“Environmental considerations will be at the heart of policy-making and decision-making. Responsible environmental behaviour will be the norm across all sectors of society and those who flout environmental laws will be held to account.”*

2020 Vision – Integration and Enforcement<sup>[1]</sup> – EPA 2007

## 1.1 INTRODUCTION

## 1.2 ENFORCEMENT POLICY

## 1.3 ENFORCEMENT IMPLEMENTATION

- Risk-based inspection and enforcement planning
- Inspection-related activities
- Measuring and reporting on compliance
- Environmental Enforcement Network

## 1.4 SANCTIONS

- Administrative sanctions
- Criminal sanctions
- Study on the use of administrative sanctions for environmental offences

## 1.5 ENVIRONMENTAL OUTPUTS, OUTCOMES AND FUTURE ENFORCEMENT ACTIONS

- Environmental outputs and outcomes
- Future enforcement actions

[1] In this document the EPA has set out a vision for Ireland’s environment to the year 2020 and has identified what must happen for that vision to become reality

## 1.1 INTRODUCTION

This is the second 'Focus on Environmental Enforcement' report prepared by the Environmental Protection Agency (EPA) since it established a dedicated office in 2003 to improve compliance with environmental legislation. The Office of Environmental Enforcement (OEE) is an office within the EPA dedicated to the implementation and enforcement of environmental legislation in Ireland. The core objectives of the Office of Environmental Enforcement are to bring about improved compliance with environmental legislation in Ireland and to ensure that those who flout environmental law and cause environmental pollution as a result of their actions are held to account. The Office of Environmental Enforcement delivers enforcement in two ways. It is directly responsible for enforcing EPA licences granted to waste, industrial and other activities. It also supervises the environmental protection activities of local authorities, through auditing their performance, providing advice and guidance, and, in appropriate cases, giving binding directions.

This environmental enforcement report covers the three-year period from 2006 to 2008 and sets out, under the thematic headings of waste, water, air and noise, and large industrial activities, the enforcement work that the EPA and local authorities are engaged in, what outcomes have been achieved and the work that will be focused on into the future.

This first chapter sets out the strategic approach to enforcement that is implemented by the EPA and how that approach is utilised in the supervision of the enforcement work carried out by local authorities.

It is worth noting that in 2006 Professor Richard B. Macrory<sup>[2]</sup>, following appointment by the UK Government, published a review of regulators' penalty regimes in the UK and made a number of recommendations. One of these recommendations was that in designing the appropriate sanctioning regimes for regulatory non-compliance, regulators should have regard to the following seven characteristics. He recommended that regulators should:

1. Publish an enforcement policy
2. Measure outcomes, not just outputs

3. Justify their choice of enforcement actions
4. Follow-up enforcement actions where appropriate
5. Enforce in a transparent manner and publish enforcement activities
6. Be transparent in the way in which they apply and determine administrative penalties; and
7. Avoid perverse incentives that might influence the choice of sanctioning response.

Throughout the text of this report these characteristics are a recurring theme.

### 1.1.1 Developing a modern national enforcement system

Environmental regulators in Ireland are responsible for in excess of 500 environmental protection functions contained within some 100 pieces of legislation; however, the European Commission and Court have been critical of Ireland's implementation of certain European legislation. As Treaty guardian<sup>[3]</sup>, the European Commission oversees implementation of legal acts in the environmental field throughout the Community. One in five 'open' (ongoing) infringement cases dealt with by the Commission related to the environment<sup>[4]</sup> and Ireland has a number of European Court of Justice judgments against it for breach of European Directives. One particular judgment against Ireland, given on 26 April 2005, addressed the lack of adequate measures to implement the Waste Directive (75/442/EEC) correctly. The judgment referred to a number of sites where it was determined that the Waste Framework Directive was not implemented, and used this determination to form the view that there was a systemic failure to implement the Directive in Ireland. Indeed the Advocate General's<sup>[5]</sup> opinion, which preceded the judgment, noted that:

***“this situation of non-compliance can only be redressed by a revision of the general policy and administrative practice of the Member State”***

This judgment referred to a period in Ireland prior to the setting up of the Office of Environmental Enforcement.

[2] Regulatory Justice: Making Sanctions Effective, November 2006, Professor Richard B. Macrory

[3] EC Treaty, [http://europa.eu.int/eur-lex/en/treaties/dat/EC\\_consol.html](http://europa.eu.int/eur-lex/en/treaties/dat/EC_consol.html)

[4] Environment for Europeans September 2007 No 28, Magazine of the Directorate-General for the Environment

[5] Opinion Of Advocate General Geelhoed Delivered On 23 September 2004 Case C-494/01 Commission Of The European Communities v Ireland

### 1.1.2 Environmental Regulators in Ireland

Many government departments, authorities and agencies have a statutory role in protecting the environment in Ireland<sup>[6]</sup>, though significant responsibilities for environmental protection are vested with the Environmental Protection Agency (EPA) and the 34 local authorities. The primary legislation in the environmental area includes the Environmental Protection Agency Acts<sup>[7]</sup>; the Waste Management Acts<sup>[8]</sup>; the Local Government (Water Pollution) Acts<sup>[9]</sup>; the Air Pollution Act 1987; the Drinking Water Regulations<sup>[10]</sup>, Urban Waste Water Treatment Regulations<sup>[11]</sup> and the European Communities (Water Policy) Regulations<sup>[12]</sup>.

In order to enforce environmental legislation, the EPA and local authorities co-operate with many bodies such as the Department of the Environment, Heritage and Local Government, the National Bureau of Criminal Investigation, An Garda Síochána, the Director of Public Prosecution, the Fisheries Boards and other public sector bodies also involved in enforcement activities. To enforce international legislation the EPA works with environmental regulators in other jurisdictions, particularly the Northern Ireland Environment Agency (NIEA) with regard to cross-border issues. International best practice in enforcement is determined through participation in the IMPEL Network, the European Union's informal network of European environmental regulators; and bodies such as the European Network of Drinking Water Regulators (ENDWARE).

The IMPEL model has been replicated in Ireland through the establishment of the Environmental Enforcement Network (EEN). The network brings together the various public bodies with enforcement responsibilities to enhance effectiveness by adopting a co-ordinated approach to environmental enforcement. The enforcement objectives pursued by the participants in the network include:

- Improving overall compliance with environmental protection legislation
- Raising awareness about the importance of enforcement of environmental protection legislation
- Enhancing Ireland's reputation as a country with a clean and good quality environment

- Achieving better and more consistent enforcement of the Waste Management Acts by local authorities, particularly in relation to unauthorised waste disposal and recovery, the transfrontier shipment of waste and the enforcement of waste permits
- Taking appropriate enforcement action in a coherent, consistent, objective and timely manner
- Promoting the implementation of the polluter pays principle
- Actively communicating its enforcement actions to all stakeholders including the general public

The EPA adopts and promotes an enforcement approach best represented by **Figure 1.1**. This strategic approach involves a combination of enforcement tools to manage compliance with environmental legislation and deliver outcomes for the environment.

Enforcement tools comprise supporting measures (below the surface) and visible measures such as sanctions and national reports (above the surface). The tools are selected and applied on a risk basis.

Supporting measures include activities that assess and encourage compliance. Assessment activities include audits and inspections, emissions monitoring, and complaint investigations. These are complemented by guidance documents, meeting with licensees, residents, NGOs and business groups, and network events. In 2008 for example, the EPA and local authorities carried out in excess of 130,000 supporting measures to encourage compliance with environmental legislation.

Interventions to secure compliance with environmental legislation as a result of audits and inspections are for the most part, remedied by administrative sanctions. Administrative sanctions (civil sanctions) are applied without intervention by a court. These include warning letters, enforcement notices and directions. In 2008 the EPA issued in the region of 450 administrative sanctions and local authorities issued over 10,000<sup>[13]</sup> in the same period.

However, where serious non-compliance is detected or inaction persists, criminal sanctions are pursued. Criminal sanctions consist of summary prosecutions at the District Court, prosecution on indictment at the Circuit Court, and High Court injunctions. The EPA has

[6] *Ireland's Environment – Who does what?* EPA 2006

[7] EPA Acts 1992 and 2003

[8] WM Acts 1996 – 2008

[9] Acts of 1977 and 1990

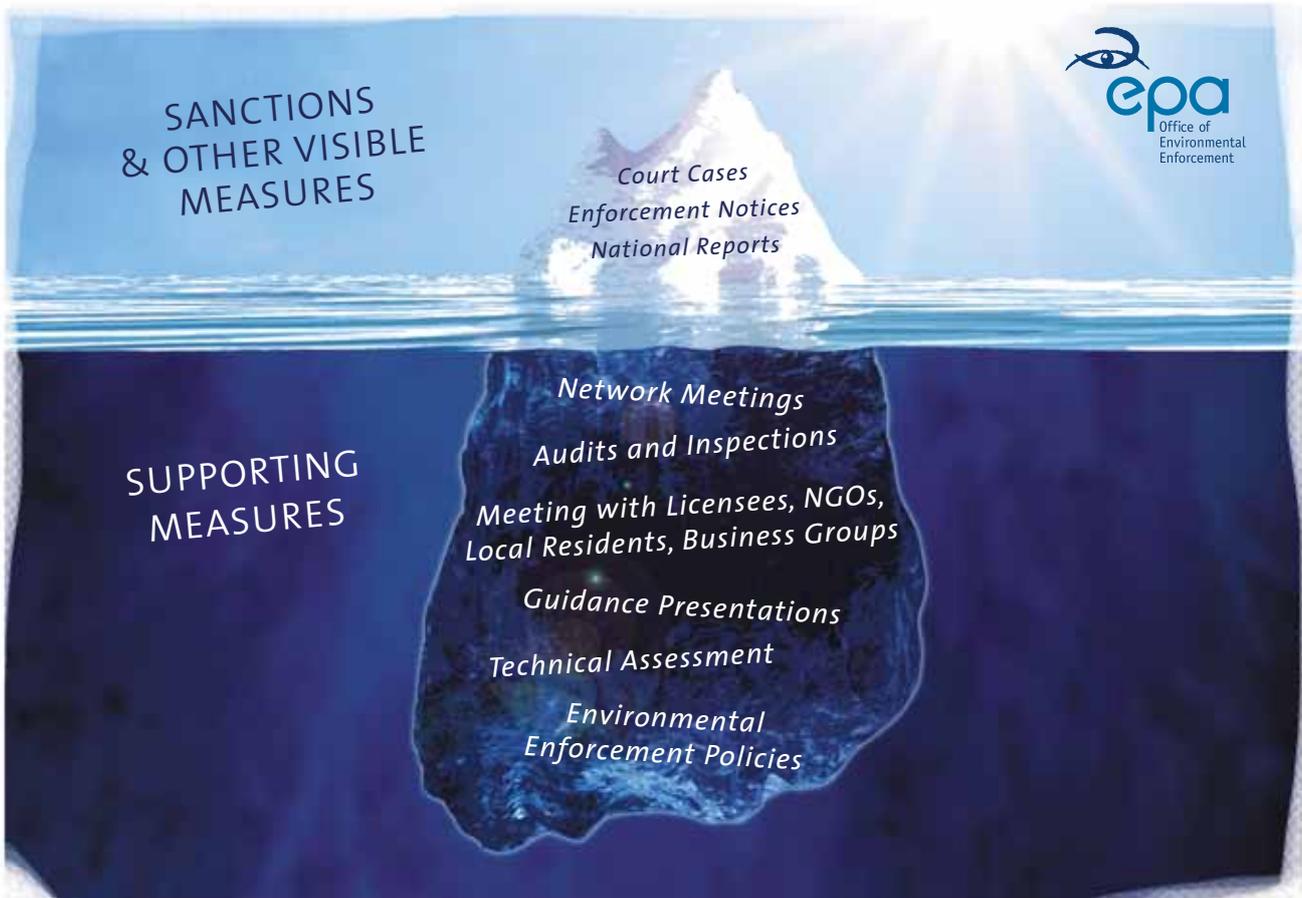
[10] European Communities (Drinking Water) (No.2) Regulations S.I. No. 278 of 2007

[11] S.I. No. 254 of 2001

[12] S.I. No. 722 of 2003

[13] Excludes litter

FIGURE 1.1 The national enforcement approach



prosecuted over 150 cases at District Court level since 2000 and submitted ten files to the Director of Public Prosecutions on indictment for more serious cases of environmental crime since 2000 (with eight of these heard or submitted during 2006–2008). The number of local authority criminal sanctions reported has increased, with over 770 cases initiated in 2008.

The impact of enforcement activity can be assessed by considering the resources applied, the level of activity and the outcomes that have been achieved as a result of these activities. This is best demonstrated by considering the types of measures that can be used using the logic model (Figure 1.2), which considers inputs, outputs and outcomes.

**Inputs** are measured in terms of staff, funds, research, and other resources that contribute to enforcement activities.

**Outputs** measure quantitative or qualitative activities, work products or actions, for example inspections and monitoring and subsequent legal actions initiated.

The introduction of local authority inspection plans has resulted in new data relating to the enforcement activities of local authorities, which is important in terms of tracking activities and resource use. This report links the activities or outputs to the environmental outcomes by considering intermediate outcomes.

**Intermediate outcomes** reflect changes in knowledge, behaviour or conditions that happen as a result of enforcement activities and which ultimately lead to environmental outcomes. Examples of intermediate outcomes include cessation of illegal activities; remediation of contaminated sites; reduction in pollution emissions; investment in infrastructure and abatement equipment; and an increase in the number of facilities that are authorised.

**Final outcomes** describe the ultimate outcomes of program activities, such as improvements in water quality. The final environmental outcomes are reflected by the state of the environment as reported on a frequent basis by the EPA.

FIGURE 1.2 Logic model for enforcement



This report further outlines the outputs, intermediate outcomes and final outcomes that have resulted from enforcement in Ireland during the period 2006 to 2008. The following sections of Chapter 1 outline the systemic nature of enforcement now in place in Ireland and outline the principles of enforcement policy, implementation and sanction. The chapter concludes with a review of developments in the enforcement of Environmental Law in Ireland and the enforcement actions that will be taken into the future.

Chapters 2, 3 and 4 later describe how these enforcement activities protect the environment under the topics of waste, water quality and air quality respectively. Chapter 5 gives a summary of the enforcement activities at industry regulated by the EPA under the IPPC Directive.

## 1.2 ENFORCEMENT POLICY

The EPA has developed guidance on the preparation of enforcement policies to assist regulators in setting out the general principles to follow in relation to enforcement and prosecution. This is a transparent process where the stakeholders are informed of the factors that are taken into account in determining appropriate enforcement responses to breaches of environmental legislation. Underlying the enforcement policy are the principles of: **proportionality** in the application of environmental law and in securing compliance; **consistency** of approach; **transparency** about how the regulator operates; **targeting** of enforcement actions and implementation of the **polluter pays principle**.

### Proportionality

The concept of proportionality is one of the basic tenets of environmental protection and enforcement. It is achieved through ensuring that the particular enforcement action taken is balanced with the risk posed to the environment and the cost of remedial works required. Enforcement action is taken in proportion to the magnitude of the breaches and/or environmental impact, taking account of the conduct of the parties involved. The main priority here is to prevent harm to the environment before it occurs or to stop it as soon as possible. Proportionality must always determine the upper limits of enforcement action.

### Consistency

The environmental regulator should aim to ensure a consistent response, across the regulated communities and across different locations, to pollution and other incidents and in its use of powers and in decisions on whether or not to prosecute. The environmental regulator should take account of variables such as the scale of environmental impact and risk to human health, the importance of particular habitats and ecosystems, the attitude and actions of the management concerned, and the history of the facility in dealing with previous incidents or breaches of licence conditions.

### Transparency

Transparency is important in maintaining public confidence in the environmental regulator's ability to regulate. In practice, it means helping those who are subject to regulation and others to understand what is expected of them. It also means clarifying to

stakeholders what to expect from the environmental regulator, and where necessary explaining why the environmental regulator intends to take, or has taken, particular enforcement action.

**Targeting**

The environmental regulators should focus their enforcement effort on activities that cause the greatest environmental damage, that pose the greatest threats to the environment or that undermine the confidence in the environmental legislation enacted to protect and improve the environment.

**Polluter pays principle**

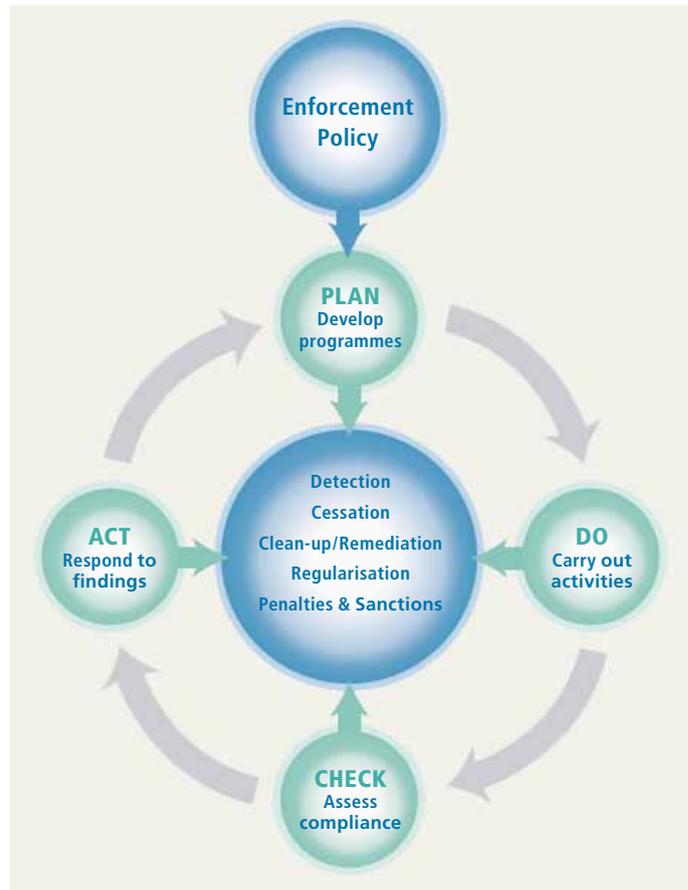
The environmental regulator should apply the polluter pays principle and work towards ensuring that activities or persons that cause environmental damage are held financially accountable for their actions. The severity of the non-compliance and the possible enforcement action form a sequence of responses, which can be escalated to match the severity of the non-compliance. In response to relatively minor contraventions of environmental legislation, or where the suspect has been particularly co-operative, it may be appropriate to pursue administrative rather than legal remedies. Administrative measures do not involve court action. The EPA enforcement policy can be viewed on the EPA website at <http://www.epa.ie/downloads/pubs/enforcement>. The EPA enforcement policy relating specifically to unauthorised waste is available in *Appendix 1*.

**1.3 ENFORCEMENT IMPLEMENTATION**

The implementation of enforcement is carried out on the basis of the ‘Plan-Do-Check-Act’ model. By way of example **Figure 1.3** outlines the steps to achieving distinct outcomes in the enforcement of unauthorised waste activities.

The following sections provide examples of the type of activities carried out under each phase of the ‘Plan-Do-Check-Act’ model.

**FIGURE 1.3 Enforcement policy implementation**



**Example: Risk-based inspection and enforcement planning**

The EPA, through the Environmental Enforcement Network has guided the development and implementation of local authority inspection plans under the EU Recommendation for Minimum Criteria for Environmental Inspections in Member States (2001/331/EC) (RMCEI) since 2006 (**Figure 1.4**). Ireland was the first member state to have comprehensive inspections plans across all local authorities. The inspection and enforcement plans provide a basis for assigning priorities based on risk and allocating available resources accordingly.

FIGURE 1.4 Integrated enforcement planning and implementation



A systematic risk-based approach is employed in allocating greater resources to assess compliance of facilities that carry out complex operations, facilities with significant emissions to the environment, facilities with poor environmental performance and facilities that are located in proximity to highly sensitive receiving environments. A formal risk-based methodology exists for EPA licensed sites, which is based on five environmental attributes – see **Figure 1.5(a)**.

1. **Complexity of activity** – some activities are inherently riskier than others
2. **Emissions** – the number and type of emissions
3. **Environmental sensitivity** – the activity location in relation to:
  - ◆ Human beings
  - ◆ Groundwater
  - ◆ Surface water
  - ◆ Air quality
  - ◆ Protected ecological species
  - ◆ Sensitive agricultural receptors

4. **Operator management** – whether the activity is/was well managed
5. **Compliance history** – whether the activity has complied with permits/legislation

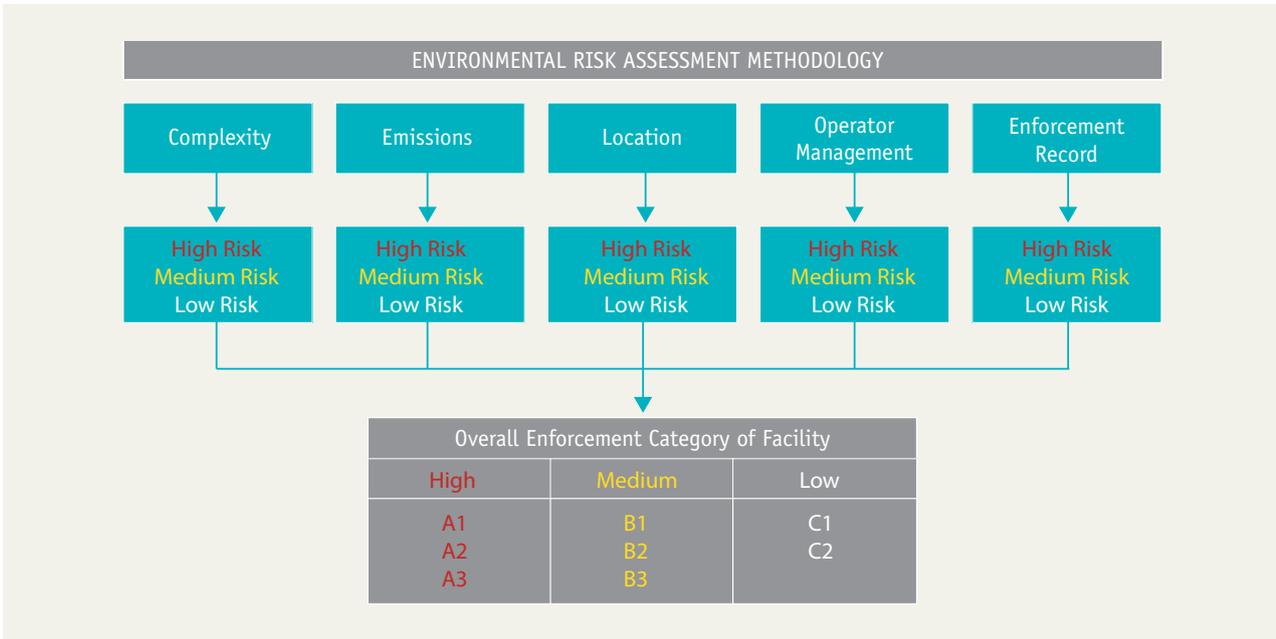
**Figure 1.5(b)** illustrates broadly how IPPC and Waste licences are distributed among the enforcement categories. For clarity, the enforcement sub-categories (i.e. A1, A2, A3, etc.) have been combined in this figure. The majority (>80%) of IPPC licences fall within the middle and lower IPPC enforcement categories (B and C). Waste licences on the other hand are more evenly distributed between the three waste enforcement categories. In summary, there is a greater proportion of high enforcement categories among waste licences when compared to IPPC licences. Chapter 2, Waste and Chapter 5, Industry illustrate these figures in more detail. Risk-based methodologies have also been developed for permitted waste facilities<sup>[14]</sup>, historic landfill sites<sup>[15]</sup> and drinking water supplies<sup>[16]</sup> to guide the planning of audits and inspections. Work on developing risk-based approaches has commenced in other sectors including historic mine sites and municipal wastewater treatment plants.

[14] See EEN website [www.enforcementnetwork.ie](http://www.enforcementnetwork.ie) – only available to regulators

[15] Code of Practice: Environmental Risk Assessment for Unregulated Waste Disposal Sites, EPA, April 2007

[16] Guidance for Local Authorities on Risk Screening Methodology for Cryptosporidium, EPA 2008

FIGURE 1.5(a) Enforcement categorisation assessment methodology



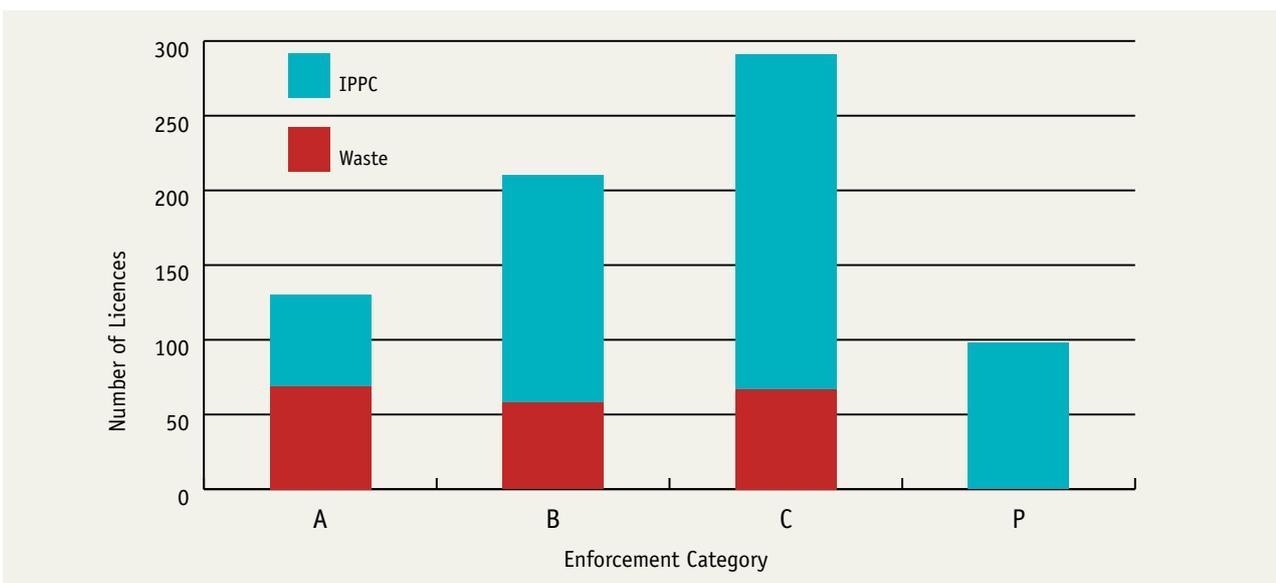
To close out non-compliances and promote sustained compliance, appropriate enforcement actions are implemented in line with the national enforcement approach (Figure 1.1).

Supporting measures have played an increased role to effect and sustain compliance with licensed activities over the reporting period. This has involved

partnership approaches with community liaison groups and licensees. A new initiative includes the temporary assignment of site agents at short notice to assess and validate complaints against licensed facilities. In addition, compliance meetings with senior company managers are held to effect infrastructural developments necessary to close out non-compliances.

FIGURE 1.5(b) Distribution of licences within the enforcement categories

[Note: P refers to intensive agricultural activities]





### Example: Inspection and complaint investigation

Compliance with environmental legislation is assessed through the completion of site inspections and audits, monitoring emissions to the environment, the assessment of technical reports and queries submitted by licensees, and the investigation of complaints and incidents. An assessment of compliance is made and any non-compliance(s) noted.

There were significant local authority inspection activities during 2007 and 2008, as outlined in **Table 1.2**. In total, over 130,000 inspections<sup>[17]</sup>, along with 10,000 enforcement actions (administrative sanctions) and 750 prosecutions (criminal sanctions) took place in 2008.

The EPA undertakes inspections of licensed facilities. The number of inspections for the years 2006 to 2008 is outlined in **Table 1.1**. Audits/inspections

were fewer in number in 2008 compared to previous years, as enforcement activities were more focused on problematic sites in the higher enforcement categories (A-sites). This resulted in more enforcement effort being directed where the compliance issues were greatest.

Audits and inspection activity varies from year to year depending on the outcomes pursued. When enforcement activities are focused on problematic sites, such as the waste area (e.g. odour-causing landfills) and in the higher risk sites more enforcement effort is required in the subsequent collection of evidence and preparation of files for legal action. In addition, inspections and audits can be replaced with high-level compliance meetings that seek to get commitment for additional resources or to provide for increased interaction with residents' groups to achieve certain outcomes. The decision to allocate resources is part of the formal inspection planning process carried out by environmental regulators in Ireland.

Complaints are a vital source of information for environmental regulators and assist them in performing their statutory obligations. The EPA receives over 1,800 complaints annually relating to licensed industrial and waste facilities. Local authorities receive almost 70,000<sup>[18]</sup> environmental complaints annually in relation to a broad range of environmental issues.

**TABLE 1.1 Summary of EPA environmental inspections**

EPA licence inspections and monitoring	2006	2007	2008
IPPC Inspections & Monitoring	1363	1339	1291
Waste Inspections & Monitoring	534	615	505
<b>Total</b>	<b>1897</b>	<b>1954</b>	<b>1796</b>

**TABLE 1.2 Summary of local authority environmental inspections**

Local authority related inspections	2007	2008
Routine Waste Inspections	26,691	33,209
Routine Water Inspections	42,290	63,178
Routine Air Inspections	1,224	1,685
Planning Inspections (relating to environmental issues)	10,647	7,216
Non-routine Inspections	23,800	26,295
<b>Total</b>	<b>104,652</b>	<b>131,583</b>

[17] This figure includes audits, site inspections and monitoring visits

[18] Reference Local Authority Service Indicators 2006 and 2007

These complaints are processed in line with the National Environmental Complaints Procedure. This was developed through the Environmental Enforcement Network and launched in 2007 along with the 'SEE SOMETHING? SAY SOMETHING!' leaflet (Figure 1.6). This leaflet provides information to the public on how to make an environmental complaint, such as who to contact and what to say and do. The objective of the National Environmental Complaints Procedure is that the complaint is directed to the correct agency responsible for investigating the complaint in the first instance. These complaints relate to matters such as littering, backyard burning, water pollution, noise, dust and odour.

A dedicated call line promoted with the slogan 'Dump the Dumpers' was developed to encourage reporting of illegal dumping of waste or of abandoned illegal dumps via a 24 hour call save telephone number – 1850 365 121. This information is followed up and checked by the enforcement authorities – local authorities, the EPA's Office of Environmental Enforcement and an Garda Síochána – through the Environmental Enforcement Network. Approximately 75% of the calls received to date have related to incidents of fly tipping and burning of waste. No new instances of large-scale illegal dumping have been reported through the phone line. Any complaints concerning the performance of statutory environmental functions of a local authority received by the EPA are first reviewed to determine if the local authority is aware of the issue. If not, the EPA gives the relevant local authority an opportunity to investigate and resolve the issue.



**Example: Monitoring the statutory performance of local authorities**

The EPA monitors the statutory performance of local authorities in their implementation of a wide range of environmental legislation such as: governing water services, regulation of waste facilities, and achieving good water and air quality. Compliance is measured against legislative standards and reported on in National Reports on topics such as Drinking Water and Urban Waste Water.

Where questions are raised regarding the statutory performance of local authorities and the EPA is of the opinion that a local authority has performed that function in an unsatisfactory manner, the EPA will investigate further. The EPA uses several steps in this investigation, which is escalated using its powers under Section 63 of the EPA Act 1992 as amended by the Protection of the Environment Act 2003. The EPA can use powers of direction<sup>[19]</sup> to:

- Request information
- Require advice and recommendations to be implemented

**FIGURE 1.6 SEE SOMETHING? SAY SOMETHING!**



[19] Under Section 63 of the EPA Act 1992 as amended by the Protection of the Environment Act 2003

- Direct specific actions to be taken (a direction)
- Prosecute local authorities for not implementing a direction

The number of pollution incidents reported to the EPA from 2006 to 2008 and the number of Section 63 investigations resulting from same are detailed in

**Table 1.3.**

The number of pollution investigations/complaints received by the EPA has reduced since the introduction of the national complaints procedure and the '*SEE SOMETHING! SAY SOMETHING!*' initiative. It is also noted that the number of formal investigations using Section 63 powers has decreased since the setting up of the complaints network in 2006.



### Example: Environmental Enforcement Network

The EPA co-ordinates a National Environmental Enforcement Network (EEN) which directs the national enforcement priorities. The aim of the network is to promote a consistent co-ordinated approach to enforcement in order to improve overall compliance. The Network harnesses the collective resources, expertise and investigative capacity available nationally to tackle environmental crime.

The network uses a number of approaches including:

- Co-ordinating inspection and enforcement activities
- Developing expertise in the investigation of environmental crime
- Promoting best practice through guidance and training
- Providing a mechanism for feedback to policy-makers

The EPA promotes communications by hosting a secure website; by publishing best practice examples in newsletters; arranging national enforcement conferences and holding frequent technical workshops. The *modus operandi* of the Network involves consultation between the EPA, the CCMA<sup>[20]</sup> and the DoEHLG<sup>[21]</sup> to determine the priorities and regular meetings to deal with specific enforcement issues such as cryptosporidium or unauthorised waste activities. Depending on the issue this may result in direct enforcement actions involving several agencies, or the building of capacity through the preparation of guidance and delivering of training to the wider network. Members of the Network work across the themes of water, waste and air.

### Example: Guidance

The EPA actively engages with a broad range of stakeholders, including the EEN, to develop and supervise the implementation of best practice guidance on specific sectors and issues. Guidance documents are disseminated through workshops, the EEN website ([www.enforcementnetwork.ie](http://www.enforcementnetwork.ie)) and the EPA website ([www.epa.ie/downloads/advice](http://www.epa.ie/downloads/advice)).

Examples include guidance in the following areas:

- Noise and air monitoring
- Environmental liabilities and risk assessment, and residual management planning
- Code of Practice for wastewater treatment and disposal systems for single houses
- Landspreading of organic wastes
- Waste facility permit and registration regulations
- Preparation of inspection and enforcement plans
- Evidence gathering and taking enforcement actions

In some instances, supporting measures alone are not sufficient and enforcement actions are escalated to include both administrative and criminal sanctions. These activities are described in section 1.4.

**TABLE 1.3 EPA investigations of local Authority statutory performance**

	2008	2007	2006
Number of new EPA investigations/complaints about local authority statutory performance	253	461	499
Number of Section 63 investigations initiated by the EPA	26	64	173
Number of directions issued	0	7	6

[20] County and City Managers Association

[21] Department of the Environment, Heritage and Local Government

## 1.4 SANCTIONS

A significant number of non-compliances are resolved without the need for further enforcement actions; however, where compliance cannot be achieved a mixture of administrative and criminal sanctions is employed as previously described. Administrative sanctions, in the general sense, is sanctions imposed by the regulator without intervention by a court or tribunal. Criminal sanctions on the other hand involve the courts.

### 1.4.1 Administrative sanctions

The EPA issued in excess of 600 notifications of non-compliance (NONCs issued)<sup>[22]</sup> resulting from over 1,300 incidents of non-compliance in 2008. This represents a drop in detected non-compliances since 2006 (see **Table 1.4**).

Limited information is available on sanctions applied by local authorities pre-2006; however, data collection improved in 2007, through the collection of data by the EPA from the local authority inspection and enforcement plans.

A significant level of sanctions applied by local authorities is evident over the reporting period 2007

and 2008 (see **Table 1.5**). This is of particular note in the waste sector in conjunction with the provision of enforcement officers and the activities of the enforcement network. This increase in activity has coincided with dedicated training provided through the National Environmental Enforcement Network.

### 1.4.2 Criminal sanctions

The EPA has taken 51 summary prosecutions to the district court during the period 2006 to 2008 resulting in total fines and costs of €684,782. Prosecutions are primarily taken under the EPA Acts and the Waste Management Acts. More recently, cases have been taken under the WEEE<sup>[23]</sup> Regulations and the Drinking Water Regulations.

In 2006, the EPA set up a special investigation unit to support the prosecution of serious cases on indictment, following submission of files to the Director of Public Prosecution (DPP). In addition, the EPA has developed specialised guidance for local authorities in preparing cases for submission to the DPP. This work was supported by investigative expertise on major crime from former members of An Garda Síochána. This expertise was funded through the Environment Fund (a fund arising from the landfill and plastic bag levies).

**TABLE 1.4 Non-compliances detected and Notices issued against IPPC and Waste licensed facilities in 2006–2008**

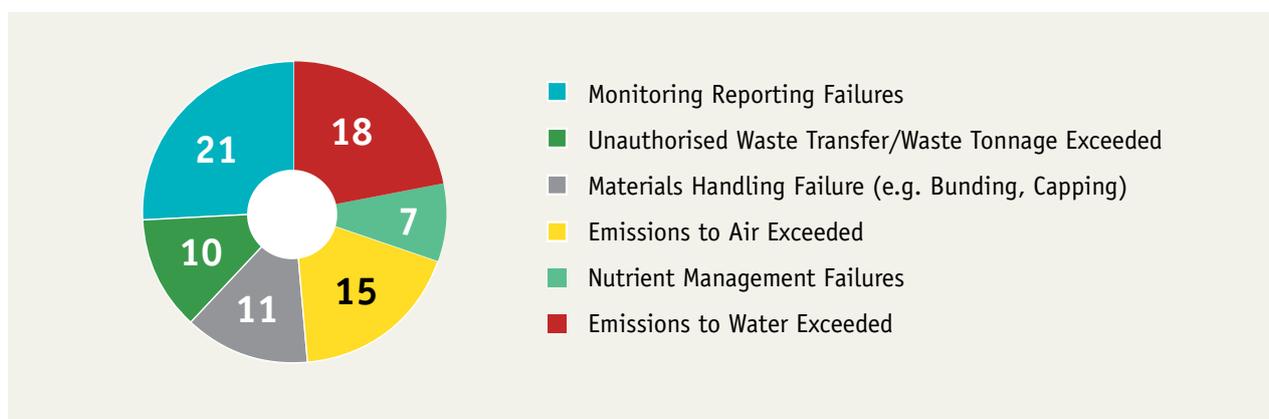
	2006		2007		2008	
	NONCs issued	NONCs detected	NONCs issued	NONCs detected	NONCs issued	NONCs detected
IPPC	433	1150	446	1292	434	846
Waste	165	511	217	563	185	465
<b>Total</b>	<b>598</b>	<b>1661</b>	<b>663</b>	<b>1855</b>	<b>619</b>	<b>1311</b>

**TABLE 1.5 Summary of local authority enforcement actions (warning letters/notices)**

	2007		2008	
	Warning Letters	Notices	Warning Letters	Notices
Waste	2,986	2,640	3,768	2,191
Water	1,120	559	2,440	613
Air/Noise	400	95	1,133	101
<b>Overall Total</b>	<b>4,506</b>	<b>3,294</b>	<b>7,341</b>	<b>2,905</b>

[22] A notice of non-compliance (NONCs issued) will usually address several non-compliance incidents detected (NONCs detected).

[23] Waste Electrical and Electronic Equipment Regulations

**FIGURE 1.8 Prosecutions – breakdown of issues 2006–2008**<sup>[24]</sup>

The issues associated with these prosecutions are summarised in **Figure 1.8**. While a total of 51 individual prosecutions were taken in 2006–2008 (see **Table 1.6**), the subject of each individual prosecution may cover a number of issues.

In response to enforcement actions, licensees have demonstrated improvements in management behaviour and through significant investment in infrastructure. Further information is provided in Chapter 2, Waste and Chapter 5, Industry.

The number of prosecutions taken by local authorities has increased, especially in the waste area. As previously mentioned this has coincided with an increase in resources applied through additional enforcement staff and training delivered via the Environmental Enforcement Network.

Further details are available in Chapter 2, Waste, Chapter 3, Water and Chapter 4, Air.

**TABLE 1.6 EPA prosecutions**

	2006	2007	2008	Total
Cases on hand at end of year	10	38	35	-
District Court cases	20	12	19	<b>51</b>
Fines and costs imposed	€372,411	€161,418	€150,953	<b>€684,782</b>
Files submitted to DPP (not yet heard)	0	2	3	<b>5<sup>[25]</sup></b>
DPP cases heard	3	0	0	<b>3</b>

**TABLE 1.7 Prosecutions taken by local authorities**

	2007	2008
Waste	404	691*
Water	81	79
Air & Noise	7	9
<b>Total prosecutions</b>	<b>492</b>	<b>779</b>

\* Does not include injunctions resolved in 2008

[24] 51 individual prosecutions in 2006–2008 – each individual prosecution can cover a number of issues therefore the total number of issues is greater than 51

[25] Two of these five cases were successfully heard in 2009.

### 1.4.3 Study on the use of administrative sanctions for environmental offences

Environmental regulators in Ireland have a number of types of sanctions available to them in protecting the environment. However, it is apparent that there is a potential for further opportunities to develop other sanctions that would allow for a more pragmatic and flexible approach to enforcement. This would allow the regulator to better match their response to the realities of enforcement, including the inevitable constraints that result from limited resources.

In light of this potential, the EPA has published a review of the use of administrative sanctions for environmental offences in comparable countries. The terms '*administrative sanction*' and '*civil penalty*'<sup>[26]</sup> are often used interchangeably in the literature, and indeed often misused. Generally speaking, a civil penalty is one imposed by the Courts applying civil rather than criminal court processes. They are often financial in nature and closely resemble fines and other punishments imposed on criminal offenders. The processes by which these penalties are imposed are not criminal. Administrative sanctions are broadly understood as being sanctions imposed by the Regulator without intervention by a Court or Tribunal. The EPA study found that Ireland already has a number of non-criminal sanctions available to regulators by virtue of existing environmental legislation. In addition, regulators use some sanctions without any formal statutory basis, e.g. warning letters, the 'name and shame' process, and verbal warnings. In total, Ireland currently has access to 11 of the 20 non-criminal

sanctions identified in the international review (see **Table 1.7**). There are 9 non-criminal sanctions that Ireland either does not have, or does not have a legislative basis for using (see **Table 1.8**).

## 1.5 ENVIRONMENTAL OUTPUTS, OUTCOMES & FUTURE ENFORCEMENT ACTIONS

The following section outlines the results in terms of outputs and outcomes in the 2006–2008 period under the headings of Enforcement Policy, Enforcement Implementation, Environmental Capacity Building and Environmental Reporting. Future enforcement actions are also outlined.

### 1.5.1 Environmental outputs and outcomes

#### 1.5.1(a) Enforcement policy

##### Implementation of risk-based enforcement strategies

– A risk-based methodology has been implemented across all licensed IPPC and waste facilities. Additionally, guidance has been provided to local authorities through the enforcement network for risk assessing waste facility permitted operators, historic landfill sites, risk of cryptosporidium contamination of drinking water and highlighting improvements required at drinking water supplies through the remedial action list<sup>[27]</sup>.

**TABLE 1.7 Administrative sanctions currently available in Ireland**

Sanction	Description
1. Persuasion/Verbal Caution	Informal warning, advice or support from the regulator
2. Information Notice	To provide records/evidence regarding a breach
3. Mandatory Environmental Audit	To compel a company to carry out an audit of its activities
4. Enforcement Notice, Order or Direction	Order to specify steps to rectify a breach
5. Clean up/Pollution Notice or Order	Requirement to take specific action to remedy environmental harm
6. Regulator Step-In and Recovery of Costs Order	Regulator can remedy breach & recover costs from offender
7. Financial Security	Retention of security, to remediate harm caused by breach
8. Licence Amendment, Suspension or Revocation	The regulator revokes, amends a licence or debars the offender from contracting with government agencies
9. Entry Powers	Powers to enter premises & do any act necessary
10. Costs Order	To pay all, or part of, the costs of proceedings
11. Injunction	Application to the High Court to seek Orders

[26] The final report is available on [www.epa.ie/downloads](http://www.epa.ie/downloads)

[27] A list of public water supplies (published by the EPA) which requires examination from source to consumer to determine improvements needed to reduce risk of contamination

TABLE 1.8 Potential administrative sanctions to consider

Sanction	Description
<b>1. Enforcement Undertaking</b>	Undertakings to remedy harm done (enforceable in court)
<b>2. Warning Letters</b>	Notification of a breach without further immediate action
<b>3. Fixed Penalties</b>	Payment of specified amount to compensate for breach
<b>4. Variable and Discretionary Penalties</b>	Payment of a variable amount to compensate for breach
<b>5. Civil Penalty</b>	A civil monetary penalty
<b>6. Environmental or Community Services Order</b>	Offender to carry out specified project for public benefit
<b>7. Monetary Benefits Penalty Order</b>	Made on its own or as part of a Civil Penalty whenever benefit can be quantified
<b>8. Compensation Order</b>	Compensate regulator/third party for costs incurred in taking action. Stand alone, or part of a Civil Penalty
<b>9. Name and Shame/Publicity Order</b>	Publicising environmental consequences and penalties

### 1.5.1(b) Environmental implementation

#### Implementation of inspections and enforcement planning

– The EPA through the Environmental Enforcement Network has guided the development and implementation of local authority inspection plans under RMCEI since 2006. Ireland was the first member state to have comprehensive inspections plans across all local authorities. All 34 local authorities have submitted RMCEI<sup>[28]</sup> plans. Enforcement policies are now linked to inspection and enforcement plans in the EPA and in local authorities. The level of activities is now in excess of 130,000 environmental inspections, 10,000 enforcement actions and 750 prosecutions.

#### Implementation of the National Complaints Procedure and auditing statutory performance of local authorities

– Local authorities are dealing with the order of 70,000 environmental complaints annually. The handling of these complaints by local authorities has improved significantly. This is demonstrated by the reduction in number of new investigations opened by the EPA. This has been checked through audits of all local authorities over the 2006–2008 period.

### 1.5.1(c) Environmental capacity building

**Environmental Inspection Skills Course** – Many local authority inspection staff have been trained through this Environmental Enforcement Network facilitated programme, with seven cycles of the course run through 2006–2008.

#### RMCEI and environmental complaint workshops

– Regular meetings are held with representatives of all local authorities to develop and implement best practice in inspection planning and complaint handling.

**Production of environmental guidance** – The EPA has produced environmental guidance in a number of areas such as:

- New waste regulations (e.g. batteries, WEEE, Packaging, Waste permitting)
- Code of Practice on Development of an Enforcement Policy for Unauthorised Waste Activities
- Historic landfilling risk assessment
- ELRA – Environmental Liabilities and Risk Assessment, Residual Management planning & aftercare
- Guidance on incident notification
- Guidance on design, operation and maintenance of on-site Wastewater Treatment Systems for Single Houses
- Pollution Release and Transfer (PRTR) – Guidance on how licensees can comply with EU PRTR reporting requirements

[28] EU Recommendation for minimum criteria for environmental inspections

## 1.5 Environmental outputs, outcomes & future enforcement actions

### 1.5.1 (d) Environmental reporting

**Environmental reporting** – The EPA reports on enforcement implementation and compliance through a range of National Reports. These reports include:

- Focus on Environmental Enforcement
- Drinking Water Quality (annual)
- Urban Waste Water Treatment (biannual)
- Focus on Waste Enforcement Newsletter 2007.

**Study of administrative sanctions** – This study has found that there are nine non-criminal sanctions that Ireland either does not have, or does not have a legislative basis for using. The final report is available on [www.epa.ie/downloads](http://www.epa.ie/downloads).

### 1.5.2 Future enforcement actions

The priority areas where enforcement effort will be directed in the coming years are outlined below.

#### 1.5.2 (a) Develop risk-based methodologies

The EPA will continue to develop and improve risk-based approaches to enforcement. This includes such areas as:

- Drinking water supply protection (WHO<sup>[27]</sup> approach)
- Mining waste
- Environmental Liabilities Directive
- Wastewater treatment plant performance

#### 1.5.2 (b) Report on compliance

The EPA will continue to promote compliance of EPA licence holders and local authorities in the operation of their facilities. The EPA will monitor and enforce discharge controls to the environment by those licensed to ensure that there is no detrimental impact on the environment. The EPA will highlight those who fail to meet the minimum environmental standards by publishing reports on compliance with environmental standards.

The EPA will report on compliance in further areas such as:

- Landfill Directive requirements
- Urban wastewater treatment and compliance with regulations
- Pollutant Release and Transfer Register (PRTR)

### 1.5.2 (c) Develop and measure outcomes of enforcement

The EPA will promote consistency of enforcement by assisting local authorities in their environmental enforcement activities and by co-ordinating the Environmental Enforcement Network. The EPA will further develop integrated inspection and enforcement plans that deliver tangible outcomes.

### 1.5.2 (d) Apply sanctions effectively

The EPA will apply sanctions objectively to change the behaviour of offenders and to restore the damage caused by regulatory non-compliance. The EPA will use sanctions that are proportional to the nature of the offence and the negative impact caused to the environment. The EPA will seek to eliminate financial gain or benefit and deter offenders from future non-compliances. The EPA will prosecute those who commit serious crime and encourage other regulators to do likewise.

### 1.5.2 (e) Develop new legislation and guidance

The EPA will develop enforcement responses for new legislation in such areas as the Environmental Liabilities Directive and the management of mining waste.

### 1.5.2 (f) Monitor environmental complaints

The EPA will continue to monitor complaints from the public and explore the feasibility of implementing a national environmental complaints line.

### 1.5.2 (g) Development of environmental information systems

The EPA will increasingly employ contemporary IT and GIS technologies to eliminate duplication, reduce reliance on manual procedures and promote strategic practices. This will result in developments and improvements such as:

- Increasingly automated reporting of environmental data and monitoring information
- More efficient reporting on environmental compliance
- More efficient licence enforcement categorisation
- Improved understanding and reporting of the environmental outcomes of EPA work

[29] WHO – World Health Organisation