



# Focus on Local Authority Environmental Enforcement

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2018 Performance Report



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### **Environmental Protection Agency**

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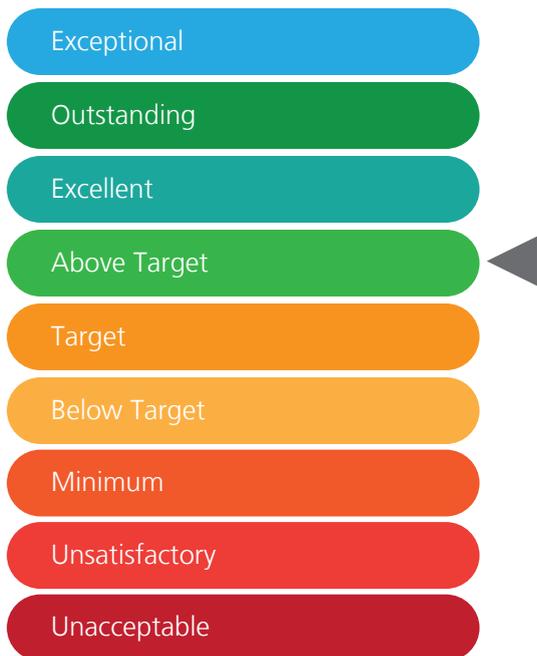
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**Focus on Local Authority Environmental Enforcement**  
2018 Performance Report

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## Executive Summary



Local authorities enforce over **500** environmental protection obligations arising from more than **100** pieces of legislation. The EPA has assessed the environmental performance of local authorities for 2018 using an enforcement performance framework<sup>1</sup> based on environmental inspection and enforcement data (using 26 indicators). The first baseline report of 2014 indicated that overall local authority environmental enforcement performance was on **'Target'** as measured against the performance standards of the framework. This remained unchanged in 2015. In 2016, overall local authority environmental enforcement performance improved to **'Above Target'**. This **'Above Target'** rating was maintained through 2017 and 2018.

The environmental indicators have identified both strengths and shortcomings in local authority implementation of environmental legislation. The strengths observed include:

- > There is rigorous planning undertaken by local authorities that has integrated national enforcement priorities into their inspection work. The environmental enforcement performance of local authorities improved from on **'Target'** in 2014 to **'Above Target'** for 2018. There is still, however, room for improvement to demonstrate that resources are focused on delivering national priorities and in monitoring the outcome of activities.
- > Good use of multi-agency approaches to enforcement are being applied in waste enforcement at a regional level which could be applied to other areas of environmental enforcement.
- > The scale of environmental inspection and enforcement activities undertaken by local authorities has increased with 168,000 environmental inspections and almost 20,000 enforcement actions in 2018. Over 850 prosecutions were initiated in 2018.
- > The handling, investigation and resolution of 78,000 environmental complaints.

The indicators have also identified areas where improvement will enhance environmental enforcement. These include:

### Enforcement Systems

- > Further consideration is required in local authority enforcement plans to define the environmental outcomes sought from inspections & enforcement actions and to plan the allocation of their resources in this context.

### Waste Enforcement

- > Local authorities need to improve the quality and sharing of waste data with the relevant enforcement agencies. The quality and timeliness of waste data must be improved to provide critical

<sup>1</sup> See Appendix 2 for further details

intelligence to ensure that illegal waste activities can be detected and prevented.

- > Local authorities should focus resources on identifying illegal waste activities. They should notify their Waste Enforcement Regional Lead Authority of any identified illegal waste sites and engage with it and other agencies to ensure that an appropriate and timely response is taken. This will require multiagency actions to ensure robust enforcement is taking place at difficult sites.
- > Better waste segregation at source is required. Local authorities must focus on the householder and businesses who are responsible for the segregation of their waste to ensure that they are meeting their obligations. This includes focusing on waste streams including food waste and the provision and proper use of brown bins, and the proper segregation of commercial and demolition waste on the site where it is produced. This is likely to need a mix of educational actions and enforcement actions.

## Water Enforcement

- > Farm inspection rates vary across the country and the overall number of farm inspections has fallen nationally. Local authorities should increase their inspection rates to previous levels and focus these inspections in “at risk” areas that are not being addressed by the Local Authority Waters Programme.

## Air Enforcement

- > A coordinated approach to enforcement in relation to air quality issues is required given the links between burning of solid fuels and health effects of air pollution. The regulation of solid fuels by local authorities includes the testing of the sulphur content of bituminous coal and the prohibited use of certain fuels in designated Low Smoke Zones. With respect to the burning of solid fuels, increased inspections and enforcement including the use of fixed payment notices is required. Local authorities may also further contribute to localised real-time air quality monitoring by installing their own air monitoring stations and linking these to the EPA's National Ambient Air Quality Monitoring Programme.

## Governance

There have been changes in the operating environment for local authorities with the creation of a series of local authority shared services in recent years. The EPA welcomes the establishment of these new regional structures and recognises the potential improvements that regional approaches to environmental enforcement can bring. The changing context for local authority enforcement requires clarity in the roles of the shared services, individual local authorities, EPA and other public organisations involved in enforcement and governance arrangements to ensure the alignment of national efforts towards national priorities.

The EPA will review the Performance Framework in 2020 to improve the link between performance metrics, nationally agreed enforcement priorities and the focus on achieving better environmental and public health outcomes.

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# 2018 Local Authority Environmental Enforcement Performance Indicators

Overall environmental enforcement performance of local authorities was 'Target' in 2014 baseline year and is 'Above Target' for 2018



## 2018 Local Authorities



Environmental Inspections

168,000



Environmental Licences/Permits/Certifications

>14,000



Environmental Enforcement Actions

20,000



Environmental Prosecutions

>850

## 2018 Local Authority Environmental Sectors

### Enforcement Planning & Management

Above Target



Further improve plans to focus on national priorities and report on outcomes

### Waste Enforcement

Target



Progress intelligence led enforcement of illegal activities, and waste segregation at source

### Water Enforcement

Above Target



Employ a risk-based approach to improve river and lake quality, with an increase in farm inspections to previous levels

### Air Enforcement

Below Target



Use a coordinated approach, and increase enforcement of solid fuel to improve air quality



# 1. Introduction

## 1.1. What is the purpose of this report?

Each year, local authorities develop enforcement plans, in accordance with European Council Recommendation for Minimum Criteria for Environmental Inspections (RMCEI 2001/331/EC), to allocate resources where they are most needed, based on the risk posed to the environment and what is deemed a priority locally and nationally.

These plans are submitted to the Environmental Protection Agency (EPA) by each local authority setting out their planned enforcement activities for that year. Twelve months later, local authorities submit data to the EPA on completed activities alongside information on notable achievements and any issues impacting on performance for the previous calendar year.

Using this information, and data from other sources, the EPA designed a framework<sup>2</sup> to assist local authorities to implement programmes of continual improvement in the areas of environmental enforcement and inspection. The framework was first applied using data from 2014 with that year acting as a baseline performance level. Subsequent year's performance levels are assessed against this baseline level.

The purpose of this report is to report on the environmental performance of the 31 local authorities in 2018 and recommend actions for improvements.

To this end, the report:

- > documents the performance of 31 local authorities in 2018;
- > outlines trends in local authority environmental enforcement performance since the baseline year of 2014;
- > outlines activities and outcomes relating to national priority areas; and
- > highlights actions for improvement in performance.

The national picture of environmental enforcement performance amongst local authorities in 2018 is presented in Section 2. Summary information on each of the thematic areas is discussed in Sections 3.1 to Sections 3.4. In addition, a summary of activities and outcomes achieved in National Priority areas are referred to in each section. This includes new information since the framework was developed and this type of information will be incorporated into the performance measurement in the future as the performance framework evolves.

Appendix 1 provides further information on the context of local authority environmental activities;

Appendix 2 provides an overview of the Performance Framework Methodology;

Appendix 3 presents a summary of the National Grade Results.

## 1.2 The Role of Local Authorities in Environmental Enforcement

Local authorities are at the forefront in the enforcement of environmental legislation nationally. Staff in local authorities enforce over **500** environmental protection obligations arising from more than **100** pieces of legislation. This includes:

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<sup>2</sup> See Appendix 2 for further details of the Performance Framework.

- > **Compliance with Waste Management Legislation** – for example, the permitting of waste facilities, such as recycling depots or soil & stone infill sites; the collection of waste including the segregation of food waste; regulation of unauthorised waste activities, including illegal dumping; and implementation of recycling and producer responsibility initiatives.
- > **Compliance with Water Quality Legislation** – for example, compliance of agricultural activities with the Good Agricultural Practice (GAP) Regulations, licensing of effluent discharges from factories or hotels and enforcement of licences, and the inspection of septic tanks.
- > **Compliance with Air Quality Legislation** – for example, the enforcement of the solid fuel regulations, and compliance with fuel standards including sulphur content of coals.

### 1.3 Local Authority Resources and Shared Services

There was a 30% decline in local authority environment staff available for environmental enforcement between 2008 and 2015. Since 2016 there have been moderate increases in staff numbers and in 2018 environment staff are 20% below 2008 levels. The total of environment staff across local authorities at the end of 2018 was 470. These local authority staff enforced over **14,000** environmental licences/permits/certificates, and in 2018 their staff conducted **168,000** inspections, resolved over **78,000** environmental complaints, undertook almost **20,000** enforcement actions and initiated over **850** prosecutions.

Over the past 15 years there has been a change in relation to how local authorities undertake some of their environmental functions – mainly in how they undertake their waste management and more recently some of their water management roles. These changes have taken place to address some of the difficulties of managing environmental concerns in an increasingly mobile environment where waste or water pollutants can move across county boundaries. To address these concerns, local authorities have created a series of shared services. The size of these services depends on the role specified for it (see Table 1). These resources are additional to the 470 staff.

Local authority shared services		
<p><b>WASTE</b></p> <p><b>National Trans-frontier Shipment Office</b></p> <p><b>National Waste Collection Permit Office</b></p> <p><b>Waste Enforcement Regional Lead Authorities (WERLA)</b></p> <p><b>Waste Planning Regional Offices</b></p> <p>(led by Dublin City, Offaly, Donegal, Leitrim, Cork County, Limerick City and County, Tipperary, Mayo County Councils)</p>	<p><b>WATER</b></p> <p><b>Local Authority Waters Programme</b></p> <p>(led by Tipperary and Kilkenny County Councils)</p>	<p><b>CLIMATE</b></p> <p><b>Climate Adaptation Regional Offices</b></p> <p>(led by Kildare, Mayo, Cork County Councils and Dublin City Council)</p>

**Table 1:** Local authority shared services

Recently, the sharing of resources and expertise amongst local authorities has been enhanced with the establishment of the Waste Enforcement Regional Lead Authorities (WERLAs) and the Local Authority Waters Programme (LAWPRO). The role of the WERLAs is to coordinate waste enforcement actions

within regions, to set priorities and common objectives, and to ensure consistent enforcement across the three waste management planning regions. WERLAs work alongside and with existing local authority personnel.

The LAWPRO is a local authority shared service that works with individual Local Authorities, EPA, Department of Housing Planning and Local Government and other State Bodies to implement the national River Basin Management Plan. The core focus of its work is to protect and improve water quality in rivers, lakes, groundwater, estuaries and coastal waters.

The EPA welcomes the establishment of these new regional structures and recognises the potential improvements that regional approaches to environmental enforcement can bring. The changing context for local authority enforcement requires clarity in the roles of the shared services, individual local authorities, EPA and other public organisations involved in enforcement and governance arrangements to ensure the alignment of national efforts towards national priorities.

## 1.4 Prioritisation of Resources.

Key findings in the 2014-2016 local authority performance report indicated progress was required to control the burning of solid fuel, to reduce the number of premature deaths associated with air pollution; and to improve management of key waste streams including waste tyres and waste food. These issues, amongst others, fed into a new process to agree annual national priorities for enforcement.

The process consists of consultation with the relevant public organisations including the EPA, the Department of Communications, Climate Action and the Environment; Department of Housing, Planning and Local Government; the County and City Management Association; Department of Agriculture, Food and the Marine; WERLAs and Local Authority Waters Programme. The annual waste priorities are discussed at the National Waste Enforcement Steering Committee, and all priorities including water and air are brought to the NIECE<sup>3</sup> Steering Committee for review each year. The national enforcement priorities for 2018 are outlined in Table 2.

National Enforcement Priorities	2018
<b>WASTE</b>	Illegal Dumping including Construction & Demolition waste
	Household and commercial waste management compliance
	Unauthorised sites of concern that require a multiagency response.
	Waste Tyres
<b>WATER</b>	Farm Inspections
	Water Framework Directive inspections addressing "at-risk" water bodies
	Supporting Investigative Assessments by Local Authority Waters Programme
<b>AIR</b>	Solid Fuel Regulations – preparation for smoky coal ban

**Table 2:** National enforcement priorities 2018

<sup>3</sup> The Network for Ireland's Environmental Compliance and Enforcement. Participants of the Network are involved in environmental enforcement activities

## 2. Overall National Enforcement Performance Evaluation

Each local authority is measured against defined standards of performance and given a grade for each standard. These are then grouped under four Enforcement Areas<sup>4</sup> with a composite grade for each Enforcement Area. The four Enforcement Areas are subsequently combined into one overall national grade, which is discussed in this section. See Appendix 2 and [www.epa.ie](http://www.epa.ie)<sup>5</sup> for further details on the methodology.

In addition, this report includes information on the level of enforcement activities and outcomes. It also highlights examples of case studies which demonstrate good practices.

The range of local authority environmental enforcement responsibilities is widespread, and the development and implementation of risk-based enforcement plans is the basis for ensuring good performance and ultimately the achievement of good environmental outcomes.

### Results – Performance framework

The first baseline report of 2014 indicated that overall national local authority environmental enforcement performance was on **'Target'**. This remained unchanged in 2015. In 2016, overall national local authority environmental enforcement performance improved and was **'Above Target'** and has been maintained at **'Above Target'** through 2017 and 2018 (Figure 1).

For a summary of the Performance Indicator grades in each thematic area (2014-2018) see Figure 2. By identifying areas for improvement in local authority environmental enforcement, the Performance Framework has assisted in driving improvements in these targeted areas, thereby improving the overall environmental enforcement performance in Ireland. However, the framework also identifies a number of areas that require additional improvement in order to enhance environmental enforcement and bring activity levels up to the required standard. EPA has identified a need to update the 2014 performance framework to take account of the changing approach to implementation of environmental enforcement responsibilities including the new shared services. This review and update will be undertaken in conjunction with local authorities in 2020.

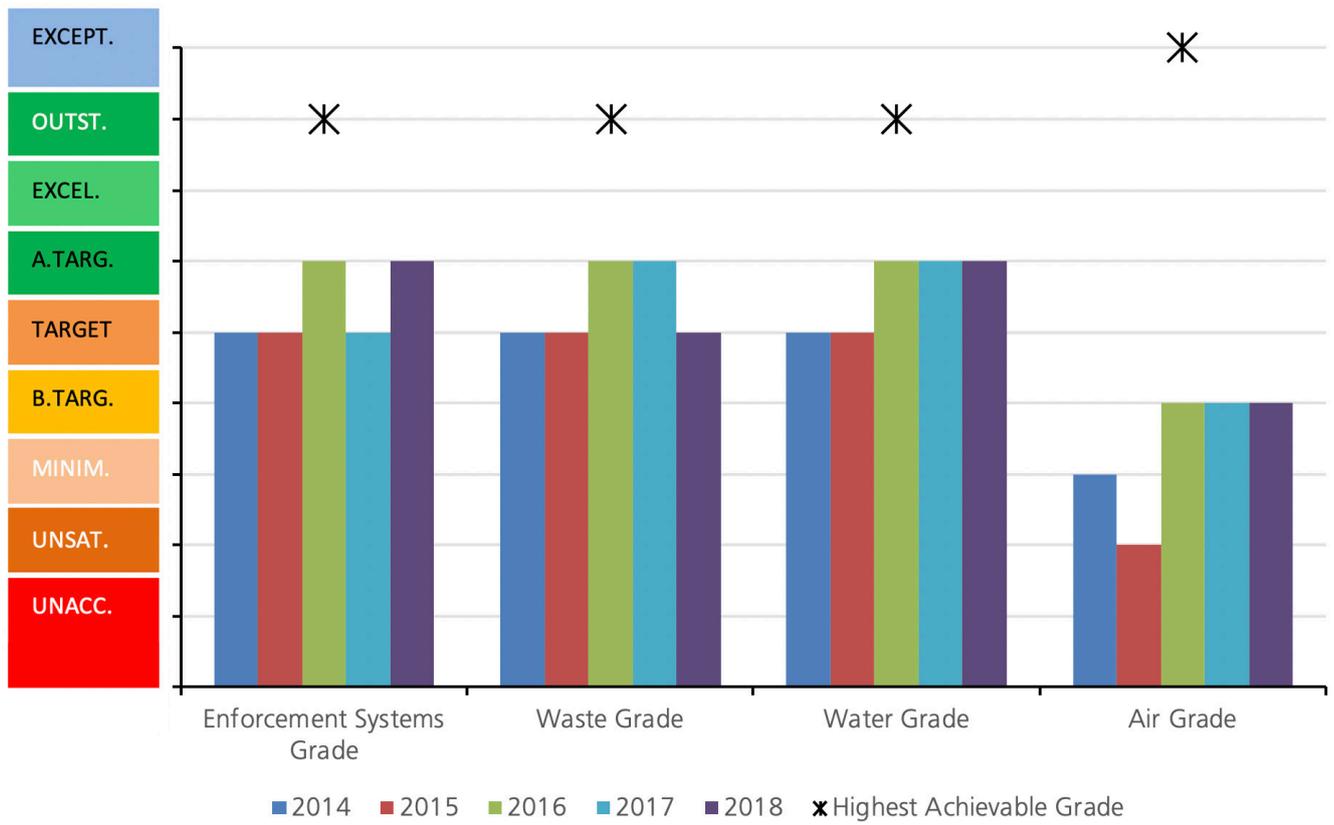


**Figure 1:** Local Authority Overall National Grade, 2014 to 2018.

<sup>4</sup>Activities relating to Producer Responsibility Initiatives and Food Waste have been considered under the Waste Theme in this report.

<sup>5</sup>[www.epa.ie/enforcement/pa/performanceframework/](http://www.epa.ie/enforcement/pa/performanceframework/)

## Enforcement Areas



**Figure 2:** Overall Local Authority Grades 2014 to 2018.

The local authority overall grades for 2018 are summarised by local authority in Table 3.

‘Excellent’ and above assessments:	‘Above Target’ & ‘Target’ assessments:	‘Below Target’, ‘Minimum’ and ‘Unsatisfactory’ assessments:
<p>Cork County Council</p> <p>Dublin City Council</p> <p>Kerry County Council</p> <p>Kilkenny County Council</p> <p>Leitrim County Council</p> <p>Monaghan County Council</p> <p>Sligo County Council</p> <p>South Dublin County Council</p> <p>Westmeath County Council</p> <p>Wexford County Council</p>	<p>Carlow County Council</p> <p>Cavan County Council</p> <p>Clare County Council</p> <p>Cork City Council</p> <p>Donegal County Council</p> <p>Dun Laoghaire Rathdown County Council</p> <p>Fingal County Council</p> <p>Galway City Council</p> <p>Galway County Council</p> <p>Kildare County Council</p> <p>Laois County Council</p> <p>Limerick City &amp; County Council</p> <p>Longford County Council</p> <p>Louth County Council</p> <p>Mayo County Council</p> <p>Meath County Council</p> <p>Offaly County Council</p> <p>Roscommon County Council</p> <p>Tipperary County Council</p> <p>Waterford City &amp; County Council</p> <p>Wicklow County Council</p>	

**Table 3:** Local authority overall assessment grades, 2018.

While the average overall grade for 2018 was **'Above Target'**, all local authorities achieved at the least the **'Target'** grade and in general improvements have been made. The performance by individual local authorities does, however, vary by enforcement area and this is outlined in Sections 3.1 to 3.4.

In general, local authorities received better assessments in 2018 in the enforcement system and water sectors. Assessments in air enforcement areas remain lower but have improved since the baseline was established in 2014. The waste enforcement grade has declined a little since 2017, primarily because of low rates of validation of waste collection permits and late submission of national waste return data to the EPA. This information is needed to inform national assessments of compliance and to improve information on the nature and extent of illegal activity.

## Results - Local authority enforcement activities 2018 overview

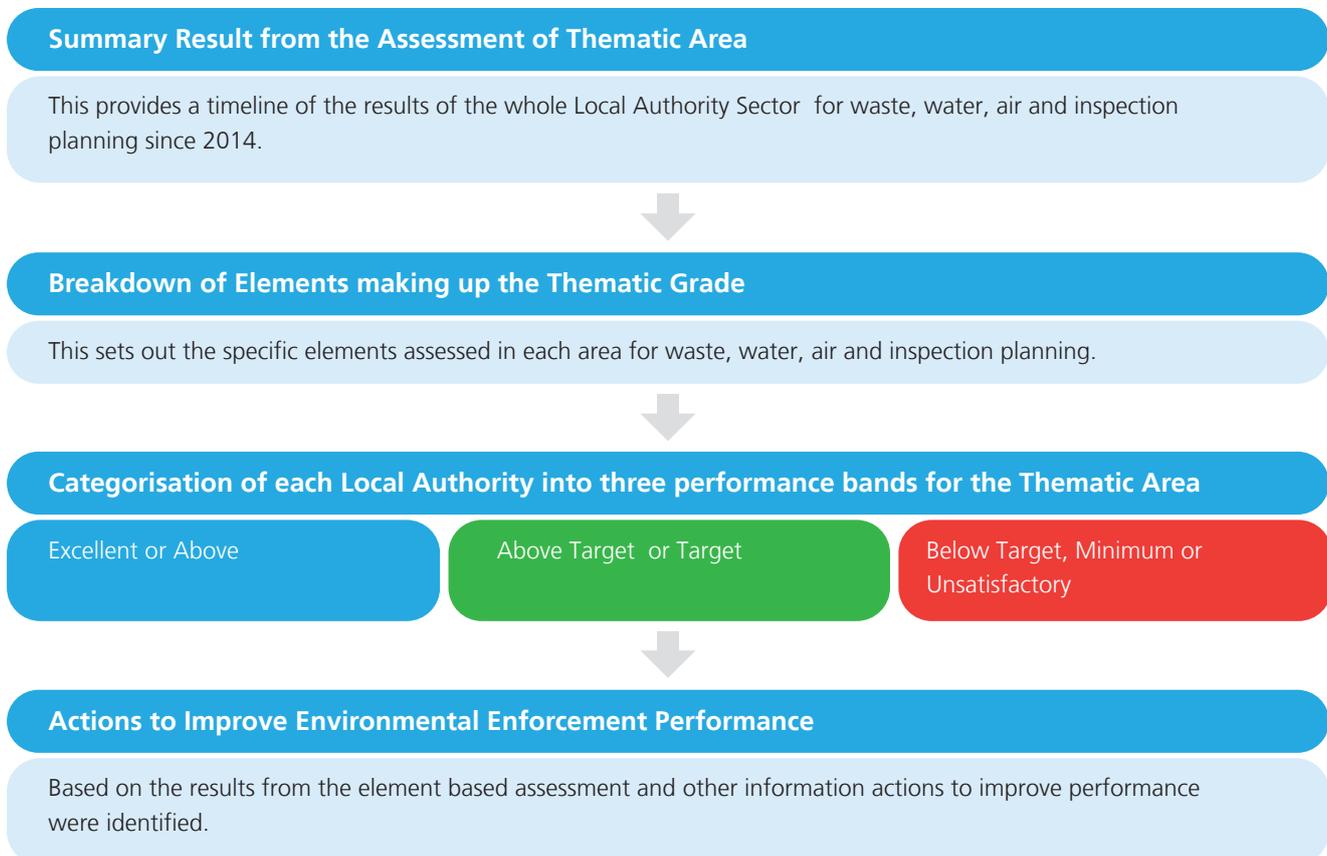
Local authorities' responsibilities and activities are summarised below (Further detail in Appendix 1).

Activity	Level & Trend	Comment
<b>Resources</b>	450 	Staff numbers have been recovering since 2015 and in 2018 were at 80% of peak 2008 levels. Since 2008 some roles have been transferred to shared service arrangements. <b>Increasing trend</b>
<b>Environmental licences/ permits/ certificates</b>	14,200 	This includes a diverse range of waste, water and air permitted and registered sites. <b>The number is largely unchanged from 2017.</b>
<b>All complaints</b>	<b>78,000</b> 	<b>Increasing</b> - Due principally to changed reporting arrangements/patterns in waste complaints reporting. Over 90% of local authority environmental complaints relate to litter and waste <b>Otherwise no significant trend noted.</b>
<b>All Inspection types</b>	<b>168,000</b> 	<b>Increasing</b> - Due principally to changed reporting arrangements in a specific area of water inspections across all local authorities, increased reporting of misconnection surveys by Dublin City Council, and increased vehicle inspections by Dublin City & South Dublin County Councils. Note that approx. 2/3 of all inspections carried out are waste related (litter, waste and PRI). <b>Otherwise no significant trend noted.</b>

Activity	Level & Trend	Comment
<b>All enforcement actions</b>	Approximately <b>20,000</b> actions 	<b>Increasing</b> - Due principally to increased warning letters and litter fines issued.  <b>Significantly increased waste/litter actions</b>
<b>All prosecution actions</b>	850 prosecutions initiated 	<b>Increasing</b> – predominantly due to increasing waste/litter prosecutions. Many of these prosecutions are undertaken where fixed penalty notices for litter offences are not paid – with the prosecution being taken for the original offence.  <b>Significantly increased waste/litter prosecutions</b>

**Table 4:** Local authority activities in 2018 - *[the figures above have been rounded down]*

The level of enforcement activities has continued to rise. These activities can be further broken down by thematic area and by local authority. Sections 3.1 to Sections 3.4 provide summary information on enforcement planning, waste enforcement, water related enforcement and air enforcement including an overview of the performance assessment of each local authority and the elements that were considered in that assessment. Each of these sections sets out actions required to improve performance on each of the three thematic areas (waste, water and air) and in enforcement planning as set out below.



## 3 Performance of Systems and Thematic Areas

### 3.1 Enforcement Systems

The Enforcement Systems performance indicators assess the quality of local authority inspection/enforcement planning and the management of environmental complaints.

RMCEI<sup>6</sup> inspection plans are the bedrock of local authority environmental management. Each year, all 31 local authorities plan their annual inspection/enforcement duties around national and local environmental priorities, based on their available resources. These plans are evaluated by the EPA with a focus on the following areas:

- > **Environmental Priorities** - integration of national priorities into inspection plans.
- > **Enforcement Resourcing & Plan Review** -
  - > Using risk to plan inspections; and
  - > Consideration of the previous year's inspection numbers when planning this year's inspections.
- > **Environmental Outcomes** - the integration of specified intermediate outcomes into the inspection plans.

The inspection and enforcement plan define the approach of the local authority to ensuring compliance with environmental legislation. Designated enforcement contacts for planning and complaints ensure enforcement issues are dealt with quickly and adequately.

#### Results – Performance framework

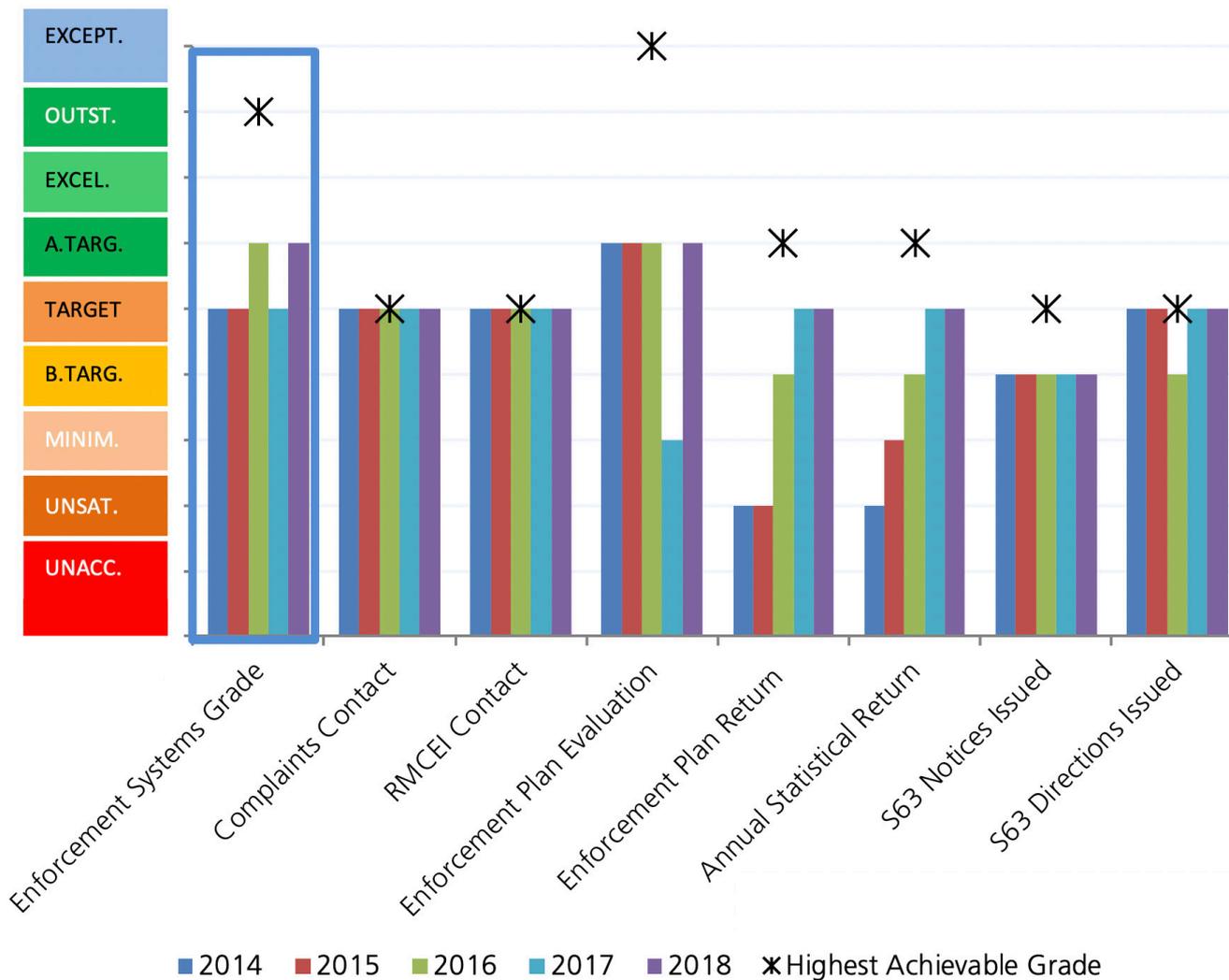
Nationally, enforcement systems performance in 2018 was **'Above Target'** (Figure 3) on average. This is an improvement from **'Target'** in the baseline year 2014 and a temporary drop to **'Target'** in 2017.



**Figure 3:** Local Authority Enforcement Systems National Grade, 2014 to 2018.

<sup>6</sup>Recommended Minimum Criteria for Environmental Inspections - 2001 European Parliament and Council Recommendation to provide for the setting of minimum inspection criteria for environmental inspections

# Enforcement Systems



**Figure 4:** Enforcement Systems National Performance Indicator Grades, 2014 to 2018.

For a summary of the Enforcement Systems Performance Indicator grades (2014-2018) see Figure 4. The quality of local authority Enforcement Plans has consistently been **'Above Target'** from 2014 to 2016. However, when specific national priorities and outcome reporting was introduced in 2017 the quality of enforcement plans declined to **'Minimum'** grade. More specifically, most inspections plans did not include all the intermediate outcomes specified and, in several cases, while metrics were identified they were not measured on an ongoing basis. In general, there have been improvements in this area in 2018 when the quality of the enforcement plans was graded **'Above Target'** on average. There is further scope to make improvements, in this regard i.e. make enforcement plans more outcomes focussed. Local authorities should focus resources on delivering national priorities and report on the outcomes achieved.

All local authorities, except for Meath and Sligo achieved the Target grade or better (see Table 5). The reason for the under performance by Meath was due the quality of Meath's enforcement plan being rated **'Minimum'** grade and that they received two \*Section 63 actions from the EPA in 2018. Sligo underperformed due to **'Unsatisfactory'** grade for the quality of its enforcement plan.

\*Statutory enforcement notice under Section 63 of the EPA act.

'Excellent' and above assessments:	'Above Target' & 'Target' assessments:	'Below Target', 'Minimum' and 'Unsatisfactory' assessments:
Cavan County Council Cork County Council Donegal County Council Dublin City Council Dun Laoghaire Rathdown Co. Council Galway County Council Kerry County Council Kildare County Council Kilkenny County Council Leitrim County Council Longford County Council South Dublin County Council Waterford City & Co Council	Carlow County Council Clare County Council Cork City Council Fingal County Council Galway City Council Laois County Council Limerick City & Co Council Louth County Council Mayo County Council Monaghan County Council Offaly County Council Roscommon County Council Tipperary County Council Westmeath County Council Wexford County Council Wicklow County Council	Meath County Council Sligo County Council

**Table 5:** Local Authority Enforcement Systems Grades, 2018.

There has been a steady improvement in the timeliness of plan and statistic submissions and from **'Unsatisfactory'** in 2014 to **'Minimum'** in 2015 to **'Below Target'** in 2016 to **'Above Target'** in 2017 and 2018.

### Results - Enforcement systems (activities and outcomes)

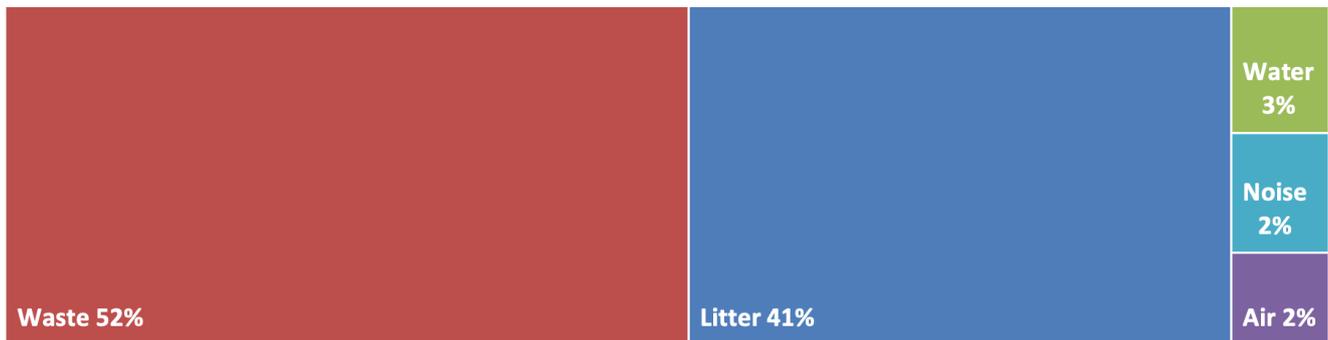
The level of enforcement activities including enforcement notices and initiated prosecutions has increased over this period in line with an increase in inspections (see Table 4). In parallel, the number of environmental complaints reported to local authorities has also increased over the last three years. The breakdown on routine enforcement activities for authorised sites and for non-routine work relating to complaints and incidents is approximately 60:40 with approximately 40% of local authority resources being directly involved in solving complaints and incidents. It is important that adequate resources are allocated to the area when constructing RMCEI plans. This work is not strongly reflected by the current performance framework and adjustments will be made in the next revision.

The breakdown for the type of complaints received by local authorities is outlined in Figure 5 and indicates how large a portion of complaints are waste/litter related.

There is greater awareness and citizen engagement as evidenced by the use of mobile complaint apps and anti-dumping initiatives. However, there is no current evidence of an increasing environmental issue underlying the rise in complaints reported (see Table 4).

The number of statutory enforcement notices and directions issued to local authorities by the EPA remains low indicating that local authorities are generally addressing issues without the need for EPA intervention.

There has been a renewed focus on training of enforcement officers especially in the waste area. There has been an improvement in knowledge sharing around taking enforcement actions and prosecutions. Waste convictions were recorded by 21 local authorities in 2018. There are notably less enforcement



**Figure 5:** Breakdown of environmental complaints received by local authorities in 2018

actions in the water and air areas. There needs to be a focus on the training of new staff in water and air. Training for local authority staff in investigative inspections under the Water Framework Directive will assist in ensuring that resources are targeted at water bodies where improvements are needed.

### Actions Required

The following actions have been identified that could improve performance:

- > Approximately 40% of local authority enforcement resources are directly involved in resolving complaints and incidents. Local authorities should ensure that a consistent approach is used when handling complaints and that they assign appropriate resources in annual inspection planning.
- > Further consideration is required in local authority enforcement plans to define the environmental outcomes sought from inspections and resulting enforcement actions and to plan the allocation of their resources in this context.

The EPA, in conjunction with local authorities will review the performance framework in 2020 to improve the link between performance metrics, nationally agreed enforcement priorities and focus on achieving better environmental outcomes.

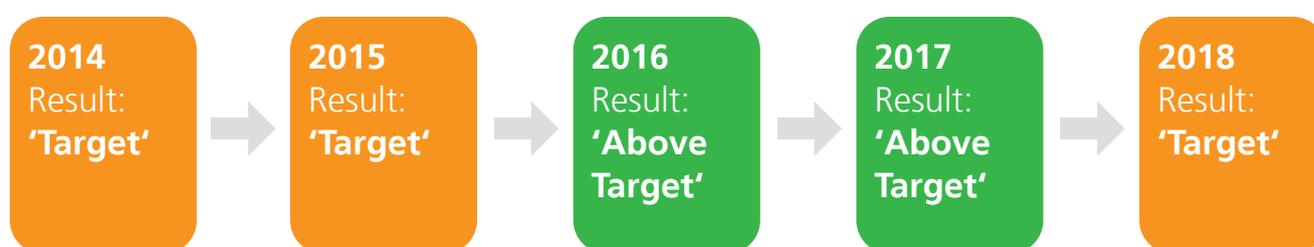
## 3.2 Waste Enforcement

Local authorities play a vital role in the enforcement of waste legislation in this country. As a group, local authorities have the largest numbers of waste enforcement officers, and good enforcement by local authorities can have a significant impact on the management of waste and can discourage illegal activity by the few.

The Waste Enforcement performance indicators examine the completion of various waste inspections (e.g. waste permitted facilities, waste collectors, litter, hazardous waste, vehicle checkpoints, amongst others), submission of waste data, and performance of local authority waste facilities licenced by the EPA.

Significant effort is also expended by local authorities in relation to non-routine waste activities (e.g. unauthorised activities/illegal dumping) which is not encompassed by this indicator as it is unplanned (non-routine) and therefore not amenable to assessment against targets. However, this can impact significantly on resources available for planned activities. Results in these areas are also outlined below.

### Results - Performance framework



**Figure 6** : Local Authority Waste Enforcement Area National Grades, 2014 to 2018.

Overall national performance for this indicator was on **'Target'** in 2018 (Figure 6). This is down on the 2016 and 2017 ratings of **'Above Target.'** Specific areas making up this assessment are analysed as follows:

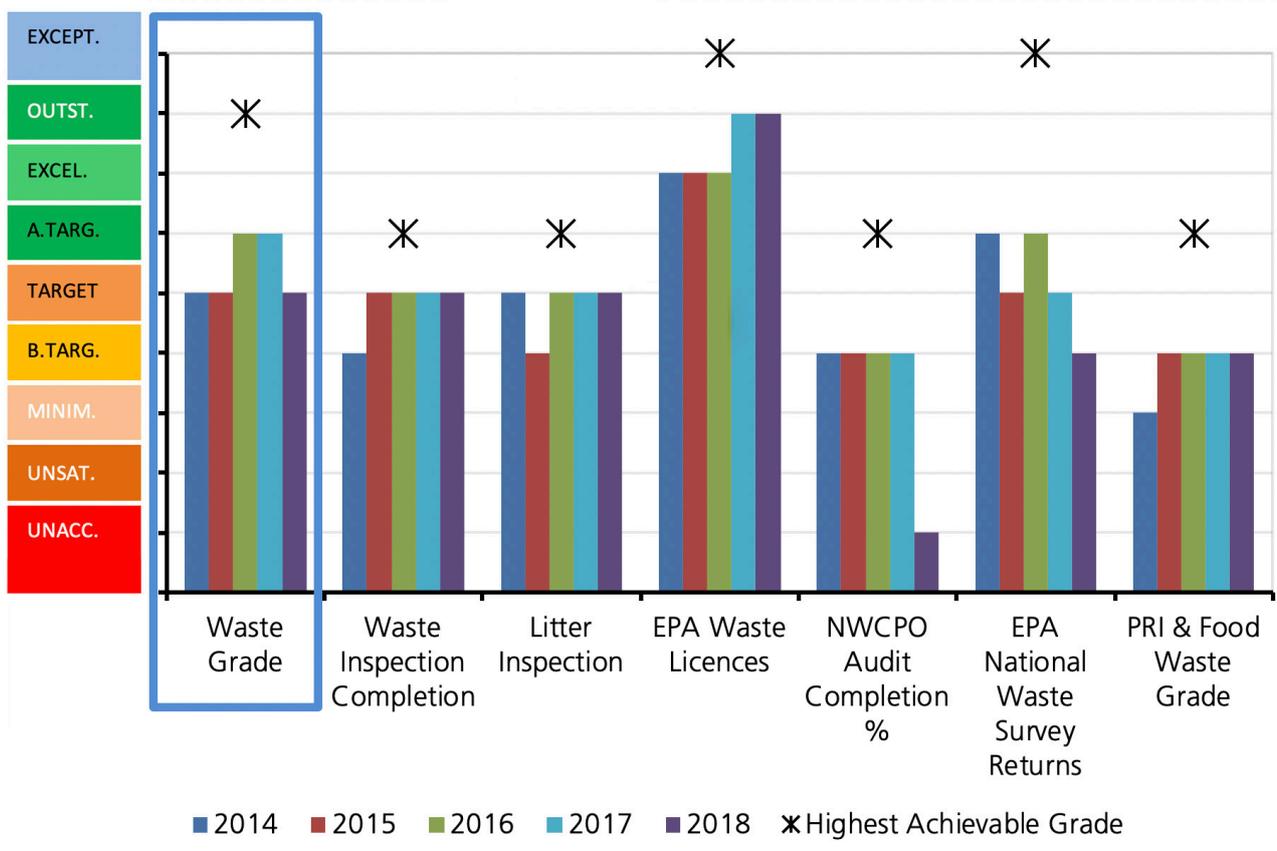
- > National Waste Collection Permit Office validation data was not available for the 2016 or 2017 assessment years. Therefore, the **'Below Target'** ratings for these years was based on 2015 data. However, the availability of 2018 validation data reveals a concerning reduction in grade to **'Unacceptable.'** On average, only 57% of waste collection permit validations were completed by local authorities in 2018.
- > The timeliness of the submission of local authority waste data to the EPA has declined from **'Above Target'** in 2016 to **'Target'** in 2017 and **'Below Target'** in 2018.
- > 97% of local authorities are now on or above **'Target'** in meeting their planned waste inspection types, an increase from 64% in 2014.
- > The number of litter inspections being carried remains on **'Target.'** This indicates that local authorities are carrying out the required number of surveys that they have set for their authority. However, it is widely acknowledged that littering remains an area of concern<sup>7</sup>.

<sup>7</sup>Department of Communications, Climate Action and Environment, 2016 Litter Survey Results: [http://www.litter.ie/system\\_survey\\_results/index.shtml](http://www.litter.ie/system_survey_results/index.shtml) and Irish Business Against Litter, Press Release, 3rd January 2017: [http://www.ibal.ie/press\\_releases/2017/2017-1.pdf](http://www.ibal.ie/press_releases/2017/2017-1.pdf)

- > Local authorities operate a number of waste facilities that are licensed by the EPA, for example civic amenity sites. Local authority performance was **'Outstanding'** regarding the operation of such sites.
- > The Producer Responsibility Initiative indicator remains at **'Below Target'**<sup>8</sup> – however Ireland is broadly meeting its current recovery targets in this area. Nevertheless the result indicates planning and execution of inspections could be improved in this area. Future targets for 2025 and 2030 under the Packaging & Packaging Waste Directive<sup>9</sup> will be more challenging. Future enforcement plans will need to consider how to improve our national recovery of packaging waste materials.

A summary of Waste National Performance Indicator grades (2014 to 2018) is presented in Figure 7.

## Waste



**Figure 7:** Waste National Performance Indicator Grades, 2014 to 2018.

<sup>8</sup>It should be noted that the highest achievable grade for both the indicators and the Producer Responsibility and Food Waste Enforcement Area is "Above Target".

<sup>9</sup>Directive (EU) 2018/852 of the European Parliament, amending Directive 94/62/EC on packaging and packaging waste

'Excellent' and above assessments:	'Above Target' & 'Target' assessments:	'Below Target', 'Minimum' and 'Unsatisfactory' assessments:
Louth County Council Monaghan County Council	Carlow County Council Cavan County Council Cork County Council Dublin City Council Fingal County Council Galway City Council Kerry County Council Kildare County Council Kilkenny County Council Laois County Council Leitrim County Council Mayo County Council Meath County Council South Dublin County Council Westmeath County Council Wicklow County Council	Clare County Council Cork City Council Donegal County Council Dun Laoghaire-Rathdown County Council Galway County Council Limerick City & County Council Longford County Council Offaly County Council Roscommon County Council Sligo County Council Tipperary County Council Waterford City & County Council Wexford County Council

**Table 6:** Local Authority Waste Enforcement Area Grades, 2018.

While planned waste inspections are being managed well by local authorities, auditing and reporting on waste data requires further attention from 13 local authorities listed – a lower performance in this area has resulted in these local authorities receiving 'Below target' or lower ratings. More specifically, this is due to incomplete verification of annual report data for the National Waste Collection Permit Office and slow returns of waste data to the EPA for National Waste Reports.

### Results - National waste priorities (activities and outcomes)

National waste priorities were first set in 2018. These include work not implicitly assessed with the current performance framework. For example, priority areas for waste enforcement include illegal dumping, multi-agency response, unauthorised movement of waste, food waste diversion and other areas tracked and assessed outside of the performance framework. The Performance Framework will be reviewed in 2020 and will incorporate performance in these activity areas.

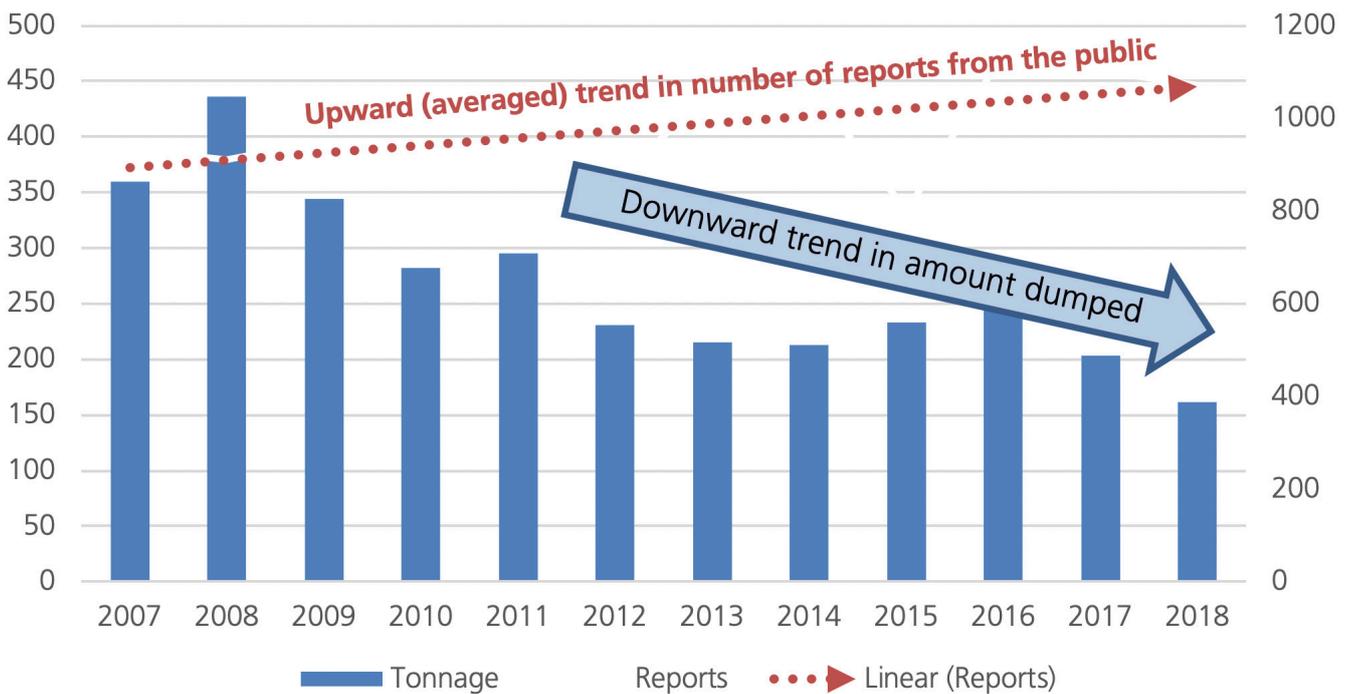
### Illegal dumping/unauthorised waste activities

Illegal dumping/littering indicators such as National Litter Pollution Monitoring System and IBAL<sup>10</sup> annual surveys indicate positive progress is being made in this area. In addition, PURE<sup>11</sup> project data supports this finding in the areas in which they operate - Wicklow/Dublin uplands see Box 1/Figure 8.

The “Protecting Uplands & Rural Environments” project known as “PURE” is a partnership project which incorporates statutory and non-statutory organisations, including; Wicklow County Council, South Dublin County Council, Dun Laoghaire Rathdown County Council, Coillte, National Parks & Wildlife Service, and the Wicklow Uplands Council, and was established to combat illegal dumping/fly-tipping in the Wicklow/Dublin Uplands.

PURE<sup>12</sup> collates data for the area within which they work allowing for yearly trending for tonnages/call outs over time<sup>13</sup>. The data outlined below indicates that for a consistent area over time there is a clear reduction in the total amounts of material dumped. This is despite increasing reporting of complaints and intelligence form the public regarding illegal dumping in the area covered by PURE.

### PURE Project tonnages collected and number of illegal dumping reports received



**Figure 8 :** PURE Project tonnages collected and illegal dumping reports 2007-2018

#### Box 1 - The “Protecting Uplands & Rural Environments” project dumping reports over time

The 2018 Anti-Dumping Initiative<sup>14</sup> resulted in over 200 projects including; collecting over 2,500t of illegal waste, collection of almost 11,000 mattresses, general waste awareness raising/media campaigns,

<sup>10</sup>Irish Business Against Litter

<sup>11</sup>Pure (Protecting Uplands & Rural Environments) is an environmental project established to combat the increase of illegal dumping/fly-tipping in the Wicklow/Dublin uplands - [www.pureproject.ie](http://www.pureproject.ie)

<sup>12</sup>[www.pureproject.ie](http://www.pureproject.ie)

<sup>13</sup>Pure Project 2018 Annual Report

<sup>14</sup>Developed and funded by the Department of Communications, Climate Action and Environment

avoidance of future illegal dumping through community parks & plastic-free initiatives and bulky/hazardous waste collections, waste reduction through greening festivals/community-based initiatives, and food waste reduction/avoidance.

The 30% of open illegal dumping cases over 6 months old indicates that there are significant numbers of complex cases that take substantial resources to resolve. Household waste presentation inspections on the other hand had a very good closure rate of 96%.

47 unauthorised waste facilities were identified at the end of 2018 by local authorities and this number forms a baseline against which future progress will be assessed. Three local authorities (Donegal, Mayo and Meath County Councils) account for over half of the facilities. Significant enforcement proceedings, including waste removal and court prosecutions, have been taken by local authorities in relation to these cases. Local authorities should notify their Waste Enforcement Regional Lead Authorities of illegal waste sites and engage with it to ensure that an appropriate and timely response is taken. In addition, the EPA will undertake a study on the nature and extent of unauthorised waste activities in Ireland. This will assist in determining the potential environmental risks and the appropriate enforcement actions necessary to tackle illegal waste operators and facilities such as the ones identified.

Almost 700 waste facility permits were in operation at the end of 2018. It was reported by local authorities in 2018 that 23 waste facilities continued to operate outside the period of their permit. 11 of these related to pay-to-use waste disposal units, which have subsequently either received certificates of registration or the units have been removed; 5 facilities have re-applied for their waste permit subject to planning requirements; 1 facility has ceased operation and the others are subject to follow-up enforcement actions. This indicates a good level of oversight of facilities entering and leaving the regulated sector.

Multi-agency inspections are an increasingly effective tool in waste enforcement. The 200 multi-agency inspections carried out in 2018 will serve to tackle the more complex challenges facing local authorities in this area.

30%

Illegal dumping cases open at the end of 2018 that were more than 6 months old

47

Unauthorised waste facility activities at the end of 2018

23

Waste facility permits continuing to operate after their permit had expired at the end of 2018

200

Multiagency inspections carried out in 2018



## Case Study Wexford County Council - Multiagency Enforcement against an Unauthorised Waste Processing Operation

The operators of the unauthorised bulk waste transfer station started operating on an unauthorised site in County Wexford. The operators were served with legal notices under the Waste Management Act to cease the waste activity. The site operators ignored all formal instructions and refused to cooperate with the enforcement staff. An enforcement operation was led by Wexford County Council involving 7 enforcement officers, 4 drivers, 1 fitter, 1 truck mechanic, 2 hydraulic mechanics, 3 plant operators, 3 banksmen and members of An Garda Síochána. The operation resulted in the removal of the waste treatment equipment (trommel) which was being used to process waste on the site.



**Photo 1:** Vehicles ready for enforcement action



**Photo 2:** Attempt to block enforcement action



**Photo 3:** Removal of blockage



**Photo 4:** Illegal waste stockpiled

Wexford County Council, with financial assistance from the Department of Communications, Climate Action and Environment, secured a High Court injunction to cease all operations at the site and successfully prosecuted the landowner and waste collector in the District Court under the Waste Management Act, 1996 as amended. All illegal operations have ceased at the site and a full site clean-up is on-going.

### Box 2 - Case Study Wexford County Council - Multiagency Enforcement

#### Management of Food waste

Local authorities have now put in place waste presentation bye-laws which regulate the storage, presentation and collection of household & commercial waste. These bye laws generally aim to ensure waste is presented for collection in the appropriate wheeled bin, that brown bins are used for organic material and waste is only managed by an authorised collector/facility.

The Household Food Waste Regulations 2015<sup>15</sup> oblige waste collectors to provide a separate collection service for household food waste<sup>16</sup>. The roll-out of the brown bin is being phased in on a progressive basis and began in 2013. Brown bins must be rolled out to population centres greater than 500 persons, i.e. to most towns and villages<sup>17</sup>. Total national brown bin rollout at the end of 2018 is approximately 730,000 households (up by over 75,000 in 2018). Progress stands at 74% of the statutory target<sup>18</sup> (i.e. rollout to serviced households in population centres >500).

At the end of 2018, local authorities reported variable compliance for first-time inspections of waste collectors in providing a compliant service to households. The compliance rate detected of 36% highlights the fact that these inspections are risk-based and target collectors likely to be non-compliant. Additionally, non-provision of a brown bin to any single eligible household would render the collector non-compliant. Positive progress in overall national provision of brown bins has been made however diversion of food waste from landfill has been identified as an area requiring further action. Additionally, waste characterisation surveys<sup>19</sup> have shown that correct use of the brown bins that are rolled-out (i.e. proper waste segregation) remains an issue in households and commercial premises.

There remains significant distance to travel on full use and provision of brown bins – and therefore this must remain a national priority for local authorities.

36%

Compliance rate for first-time inspections (158) of provision of brown bin service by waste collectors

4%

Household waste presentation inspections that were open more than 6 months old at the end of 2018

## End of life vehicles/waste tyres

End of life vehicles management has improved significantly with approximately 75,000 certificates of destruction issued in 2018 (versus 55,000 in 2016)

There has been significant progress in relation to the strategic management of waste tyres in Ireland. Most retailers are now members of the Repak End of Life Tyre scheme<sup>20</sup>. Over 400 unregistered 'tyre retailers<sup>21</sup>' were regularised by enforcement efforts of local authorities through registration with producer responsibility scheme for tyres (Repak End of Life Tyre). At the end of 2018 over 2,600 retailers were members of the Repak End of Life Tyre scheme with the remaining unregistered population estimated at less than 295 (this equates to approximately 90% membership). Further action is planned to sustain the significant positive progress made to date. The remaining unregistered retailers are relatively small – meaning most tyres are being handled by registered retailers. This compares with a 2014 estimate in the State of the Environment Report 2016 that between a quarter to a half of all waste tyres were unaccounted for<sup>22</sup>.

<sup>15</sup>S.I. No. 430/2015 - European Union (Household Food Waste and Bio-waste) Regulations 2015

<sup>16</sup>The Regulations also impose obligations on households and businesses to segregate food waste and keep it separate from other non-biodegradable waste and dispose of food waste in one of three ways: self-composting, bring it to a treatment centre or have it separately collected by an authorised waste collector (a brown bin collection).

<sup>17</sup>There were a total of approx. 1.75m households in the state (CSO 2016)

<sup>18</sup>As collated by Waste Enforcement Lead Authorities (WERLAs).

<sup>19</sup>EPA Municipal Waste Characterisation Study 2018

<sup>20</sup><https://repakelt.ie/>

<sup>21</sup>anyone who sells or otherwise supplies tyres in the state

<sup>22</sup>DECLG, 2014

The EPA enforces registration of ‘tyre producers’<sup>23</sup>, and by the end of 2018, 353 of 355 known producers nationwide were registered. Registration is annual and unregistered producers will be pursued and prosecuted where appropriate.



*[the figures above have been rounded]*

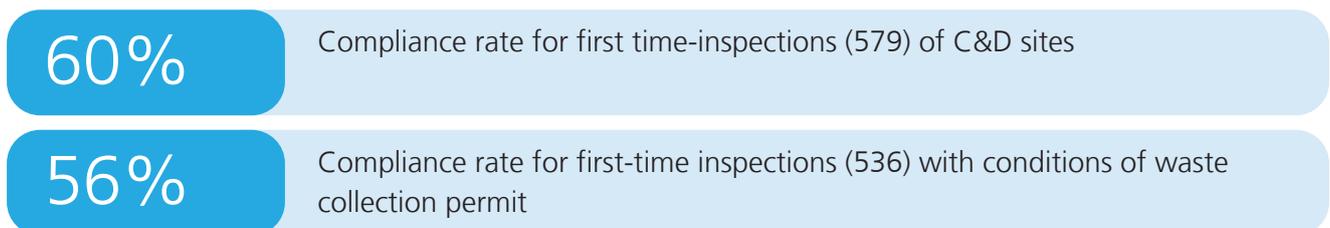
### Packaging and other producer responsibility initiatives

National packaging recycling rates are generally good, however, targets will become more stringent in future<sup>24</sup>. A targeted enforcement project focussing specifically on ‘suspected major producers’ of packaging was initiated in 2018. This is coordinated between local authorities, WERLAs and REPAK, and allows local authorities to better focus their efforts and inspect on a risk-basis. Seventy-nine ‘suspected major producers’ of packaging have been identified in this regard at the end of 2018.

While not identified as national priorities there are other aspects to Producer Responsibility enforcement that local authorities are required to enforce and is therefore a significant resource outlay annually. This includes battery, waste electrical and electronic equipment, farm plastics, and plastic bag levy - as well as end of life vehicles, tyres and packaging schemes as mentioned previously. The total Producer Responsibility inspection numbers carried out in 2018 was approx. 3,740.

### Construction & Demolition waste

These indicators track Construction & Demolition waste control and monitoring of waste movements. In 2018, a 60% Compliance rate for first time-inspections (579) of Construction & Demolition sites was observed, and this will be a baseline from which further progress will be required. Additionally, the compliance rate for first-time inspections with conditions of waste collection permits (56%) also indicates improvement is required.



<sup>23</sup>anyone who imports tyres – new or second hand – into the state

<sup>24</sup>Packaging & Packaging Waste Directive (PPWD) 2018

## Actions Required

The following actions have been identified that could improve the enforcement of waste activities.

- > Validation of annual report data for the National Waste Collection Permit Office was unacceptable at 57% validation. In addition, the return of waste data to the EPA was generally late. Local authorities need to share quality data in a timely fashion with each other as well as with other relevant agencies. The quality of waste data must be improved to ensure that illegal waste activities can be detected and prevented.
- > Approximately 30% of open illegal sites cases remain open after 6 months. This is not surprising due to the complexity of dealing with these situations but a focussed approach to dealing with these cases is critical. Local authorities have shown that they are developing capacity for multiagency responses to such situations. Local authorities should notify their Waste Enforcement Regional Lead Authorities of any identified illegal waste sites and engage with it to ensure that an appropriate and timely response is taken. This may require multiagency actions to ensure robust enforcement is taking place at difficult sites.
- > Better waste segregation of food waste at source is required. This includes focusing on the provision and proper use of brown bins. Local authorities must focus on the householder and businesses who are responsible for the segregation of their waste to ensure that they are meeting their obligations. This is likely to need a mix of educational actions and enforcement actions.
- > Waste management at construction sites was assessed in 2018 with only 56% of first inspections finding appropriate waste management. Local authorities should prioritise inspection of construction sites to confirm appropriate management at the beginning of the waste management process and should plan for repeat visits where necessary.

### 3.3 Water Enforcement

The Water Enforcement performance indicators examine the implementation of the Water Framework Directive (WFD), farm and septic tank inspections, including cross-reporting of non-compliances to the Department of Agriculture, Food and the Marine (DAFM), along with groundwater and hydrometric (river flow) monitoring schemes.

Diffuse pollution and agricultural impacts, as well as smaller point sources, such as Section 4 water pollution licences (e.g. licenses for hotels or some factories) can have significant impacts in some water catchments. These inspections are a key measure to protect surface and ground waters from excess nutrients.

#### Results - Performance framework



**Figure 9:** Local Authority Water Enforcement Area National Grade, 2014 to 2018.

Overall national performance for this indicator remains at **'Above Target'** since 2016 (Figure 9). This is an improvement on the 2015 assessment and the 2014 baseline of **'Target.'** Specific areas making up this assessment are summarised as follows:

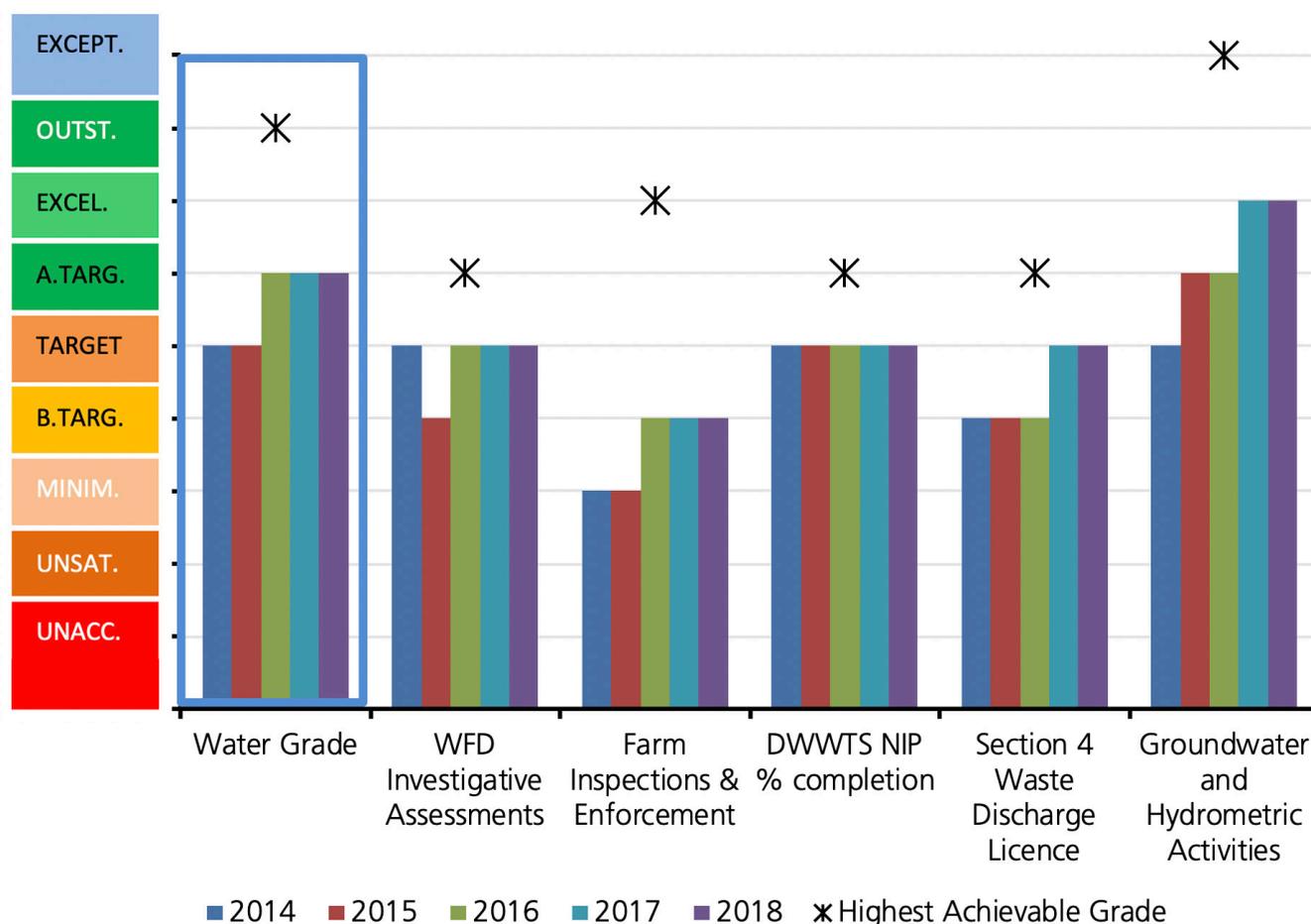
- > Water Framework Directive sampling remains on **'Target'** with over 12,000 samples collected and analysed giving a 99% completion rate in 2018.
- > Performance for **farm inspections** remains **'Below Target'** in 2018. There were about 650 less farm inspection numbers undertaken in 2018 compared with 2017.
- > There is still insufficient **cross-reporting of farm non-compliances** to the Department of Agriculture, Food and the Marine (DAFM) for Single Farm Payment penalties. Local authority farm inspections also serve to provide advice and guidance to farmers in relation to changing behaviour and improving environmental protection practices. As part of this role, local authorities have stated that cross-reporting can result in loss of stakeholder engagement where financial sanctions are applied and that minor non-compliances can be resolved through Section Notices and re-inspection. Nevertheless, an increase in cross reporting is required.
- > Performance remained on **'Target'** in 2018 for **domestic waste water treatment system (DWWTS/septic tank) inspections** in accordance with the National Inspection Plan.<sup>25</sup> The EPA is responsible for the development of the National Plan which sets minimum numbers of inspections to be undertaken by local authorities. The aim of the Plan is to protect human health and water from the risks posed by domestic waste water treatment systems by using a two-strand approach of education and awareness strategies linked with a risk-based inspection process.

<sup>25</sup>S.I. No. 2 of 2012 Water Services (Amendment) Act, 2012.

- > Inspection performance of discharge licenses to water improved to on **'Target'** in 2017 and 2018, an increase from **'Below Target'** in the 2014-2016 period. In general, local authorities planned discharge licence inspections based on risk and completed these inspections in 2018.
- > Groundwater and hydrometric activities remained **'Above Target'** in 2018. However, five local authorities have no budget in place, and have minimal maintenance programmes for hydrometric activities. Cavan, Louth, Mayo, Monaghan & Sligo need to ensure proper maintenance programmes are put in place.

For a summary of the Water National Performance Indicator grades (2014-2018) see Figure 10

## Water



**Figure 10 :** Water National Performance Indicator Grades, 2014 to 2018.

The local authority Water grades for 2018 are summarised in Table 7. Two local authorities scored below the target, these were Limerick City & County Council and Longford County Council who completed 20% and 50% of their planned Section 4 Licence inspections. Neither of these local authorities provided data regarding cross reporting of non-compliances to the Department of Agriculture, Food and the Marine (DAFM).

'Excellent' and above assessments:	'Above Target' & 'Target' assessments:	'Below Target', 'Minimum' and 'Unsatisfactory' assessments:
Clare County Council Cork City Council Cork County Council Dublin City Council Galway City Council Galway County Council Kerry County Council Leitrim County Council Sligo County Council South Dublin County Council Tipperary County Council	Carlow County Council Cavan County Council Donegal County Council Dun Laoghaire-Rathdown Co Council Fingal County Council Kildare County Council Kilkenny County Council Laois County Council Louth County Council Mayo County Council Meath County Council Monaghan County Council Offaly County Council Roscommon County Council Waterford City & County Council Westmeath County Council Wexford County Council Wicklow County Council	Limerick City & County Council Longford County Council

**Table 7:** Local Authority Water Enforcement Area Grades, 2018.

### Results - National water priorities (activities and outcomes)

There were approximately 12,000 Water Framework Directive monitoring samples taken by local authorities in 2018 and over 360 days of engagement work completed with LAWPRO. These assessments are vital to the scientific decision making required to maintain and achieve high water status across the country.

While farm inspection numbers have declined in recent years, there were still over 3,900 nitrates inspections undertaken by local authorities and DAFM in 2018. A lot of positive work is being done by local authorities such as the Longford County Council pesticide project, Monaghan County Council Farm Engagement project and Leitrim County Council cross-reporting of a serious nitrates breach.

Discharges from private industrial and commercial waste water treatment systems were inspected approximately 2,400 times. Cork County Council provided an example of good practice in the area when they followed up and prosecuted an ineffective treatment system for a housing development. The plant is now operating well.

### **Actions Required**

- > New approaches to focussing on areas that have been identified as “at-risk” of water pollution have been developed nationally and good coordination is taking place in the local authority sector between individual local authorities and the Local Authority Waters Programme. Local authorities should act on any referrals from the Local Authority Waters Programme, in addition to carrying out local inspections informed by the catchment science.
- > Farm inspection rates vary across the country and the overall number of farm inspections have fallen nationally. Local authorities should increase their inspection rates to previous levels and focus these inspections in “at-risk” areas that are not been addressed by the Local Authority Waters Programme.

### 3.4 Air Enforcement

Particulate Matter (PM<sub>10</sub> and PM<sub>2.5</sub>) are very small particles which can penetrate deep into the respiratory tract. Inhalation of these particles can increase the risk, frequency and severity of respiratory illness. The health impacts from solid fuel particulates, and the potential health, environmental and nuisance impacts from solvents, is well established. Strong enforcement by local authorities on the use of controlled fuel is necessary to reduce particulates and other pollutants in the air. In addition, local authorities may further contribute to localised real-time air quality monitoring by installing their own air monitoring stations and assisting in other ways with the rollout of the EPAs National Ambient Air Quality Monitoring Programme. This will serve to better focus enforcement efforts.

The Air Enforcement performance indicators examine the enforcement of the ban on the distribution and use of specified solid fuel as well as controls on paints, solvent and petroleum vapours. It measures the completion of planned inspections across these areas. Inspections are directed at solid fuel merchants, motor factors, vehicle refinishers, paints suppliers and dry cleaners.

#### Results – Performance framework



**Figure 11:** Local Authority Air Enforcement Area National Grade, 2014 to 2018.

The overall national performance in this indicator remains as **'Below Target'** (Figure 11). This is a modest improvement since the baseline was established in 2014 (**'Minimum'**) but overall improvements have not occurred in the 2016-2018 period. Specific areas making up this assessment are summarised as follows:

- > The performance assessment for solid fuel inspections has decreased to **'Below Target'** in 2018 from **'Target'** in 2016. While this is above the 2014 baseline of **'Minimum'** it is a concerning set-back. Inspection numbers have decreased by approximately 200 in 2018 compared with 2017 and 2016 levels.
- > Decorative paints and solvents inspections were on **'Target'** in 2018 and have gradually improved since the **'Minimum'** and **'Unsatisfactory'** ratings in 2014 and 2015.
- > While petroleum vapour enforcement was **'Minimum'** in 2018, it has improved from **'Unsatisfactory'** assessments from 2014-2016. Petroleum vapour inspections include checking the control of vapours from petrol supply tanks in garages along with the control of vapour from fuelling systems at the pumps if these exist. Further work is required in this area.

Enforcement of the air indicators examined continues to be inconsistent nationwide, with some local authorities completing all planned inspections and others having a very low percentage completion rate or not undertaking any inspections.

A summary of the Air National Performance Indicator grades (2014 to 2018) is presented in Figure 12.

## Air

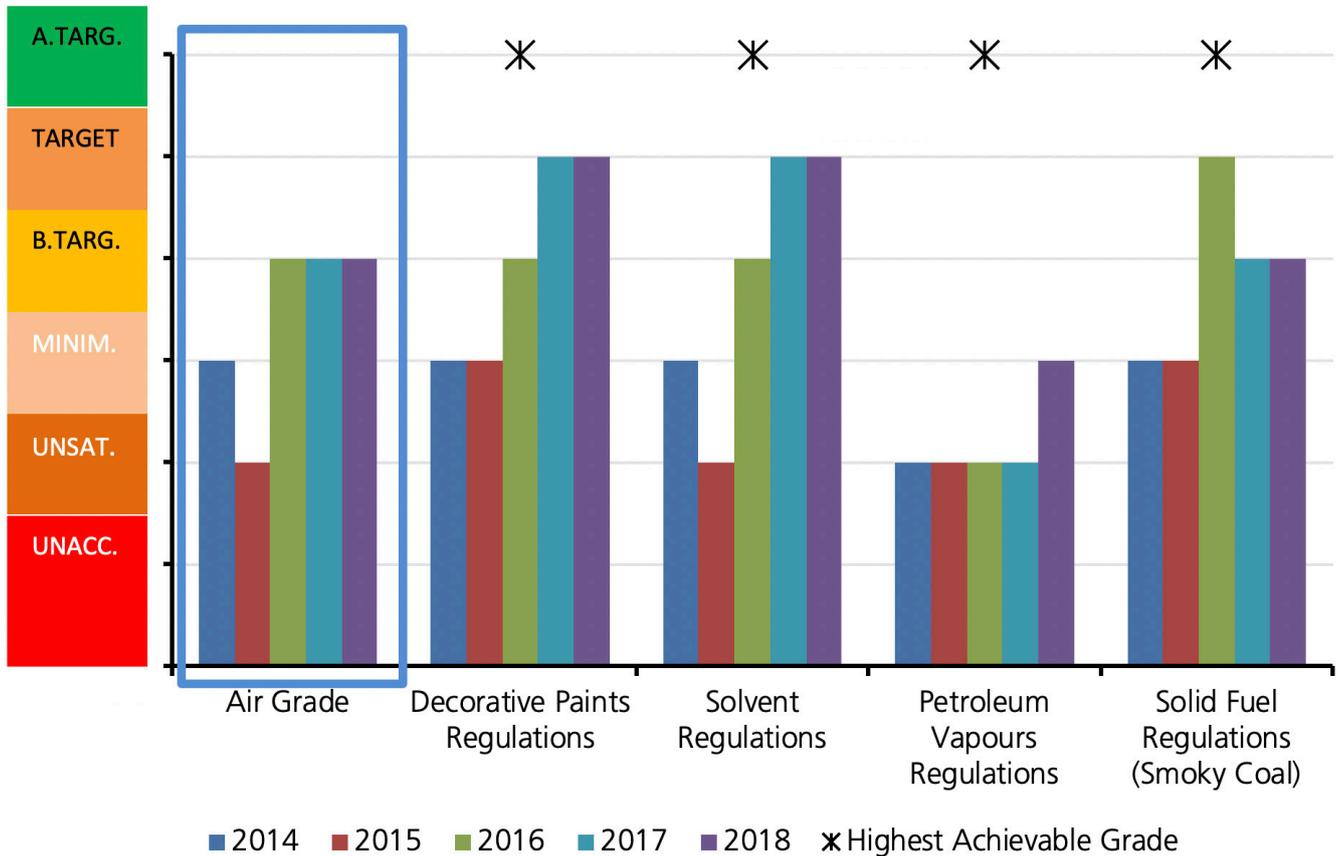


Figure 12: Air National Performance Indicator Grades, 2014 to 2018.

The local authority Air grades for 2018 are summarised in Table 8.

‘Excellent’ and above assessments	‘Above target’ & ‘Target’ assessments	‘Below target’, ‘Minimum’, ‘Unsatisfactory’ and ‘Unacceptable’ assessments
Cork County Council Donegal County Council Dublin City Council Dun Laoghaire Rathdown County Council Fingal County Council Galway County Council Kerry County Council Kilkenny County Council Laois County Council Leitrim County Council Longford County Council Mayo County Council Monaghan County Council Roscommon County Council Sligo County Council Tipperary County Council Waterford City & County Council Westmeath County Council Wexford County Council Wicklow County Council	Galway City Council Offaly County Council South Dublin County Council	Carlow County Council Cavan County Council Clare County Council Cork City Council Kildare County Council Limerick City & County Council Louth County Council Meath County Council

**Table 8:** Local Authority Air Enforcement Area Grades, 2018.

## Results - National air priorities (activities and outcomes)

While solid fuel inspections have been decreasing there were just over 900 inspections carried out nationally by local authorities. Specific awareness campaigns were undertaken by Leitrim County Council, while Monaghan County Council sampled a variety of solid fuels to assess compliance with the regulations. There were over 600 solvents and decorative paints inspections undertaken by local authorities on dry cleaners and vehicle refinishers in 2018. Wexford County Council investigated a number of vehicle refinishers to regularise the industry throughout the county. The number of petroleum vapour inspections completed are below planned levels in many local authorities. These are inspections for the control of vapours from petrol supply tanks in garages, and control of vapour from fuelling systems at the pumps if these exist.

While noise complaints are not currently part of the environmental indicators they comprise a significant number of investigations for local authorities with over 2,000 noise complaints received by councils in 2018. Cork City Council carried out proactive noise monitoring for a major music event in the city while Longford County Council investigated and achieved a positive result regarding an industrial noise complaint in 2018.

### Actions Required

- > The regulation of solid fuel includes the testing of the sulphur content of bituminous coal and the prohibited use of certain fuels in designated Low Smoke Zones. Increased enforcement is needed to protect public health in this area.
- > A coordinated regional approach to enforcement in relation to air quality issues would be beneficial focussing on the sale of non-compliant fuels and use of smoky fuels in Low Smoke Zones given the links between burning of solid fuels and health effects of air pollution. This could include multiagency action like the approaches developed under waste enforcement working with personnel from Revenue, An Garda Síochána, and the Department of Employment Affairs and Social Protection. Local authorities should also consider further involvement in the rollout of the EPA's National Ambient Air Quality Monitoring Programme.
- > Eight fixed payment notices under Air Quality Regulations were issued in 2018 by four different local authorities (Waterford City & County, Kerry, Galway City and Sligo County Councils). The application of these administrative sanctions should be increased.
- > The number of petroleum vapour inspections improved from unsatisfactory to minimum but were below planned levels in some local authorities. More focus is needed on these inspections.

## Appendix 1 – Context of Environmental Activity

This section provides a broad outline of the context in which local authorities operate. It gives an idea of the volume of the workload included in the enforcement and inspection of the many environmental regulations required of a local authority and the resources available to carry out such work.

<b>Enforcement Actions</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
1. Total No. Licences/Permits/Certs	~6,400	~7,800	~9,400	~14,100	~14,200
2. Total inspections	~130,000	~150,000	~140,000	~155,000	~168,000
3. Total No. of Environmental Complaints Received	63,160	58,707	64,618	67,037	78,457
4. Total No. Enforcement Actions Taken	~7,000	~8,900	~14,900	~16,100	~20,000
5. Total No. Prosecution Actions Initiated	~500	~500	~400	~670	~870
<b>Waste</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
6. Total No. Routine Completed Waste Inspections <sup>26</sup>	6,462	14,823	10,059	17,524	16,755
7. Number of litter patrols completed	55,480	58,337	51,780	43,756	51,847
No. litter patrols/inspections per 5,000 population	60.4	63.5	56.4	47.7	56.5
8. % Completion of Waste Collection Permit Data Verification	88%	90%	N/A <sup>27</sup>	N/A	57%
<b>Water</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
9. Total No. WFD Investigative Assessments Completed <sup>28</sup>	12,006	11,046	14,503	14,877	12,256
10. Total No. Farm Inspections Completed	3,533	3,352	3,329	3,745	3,072
11. No. Inspections required in Septic Tank National Inspection Plan	1,002	1,012	1,006	1,000	1,000
12. Total No. Discharge Licence (S4) Inspections Completed	2,135	2,147	2,569	2,611	2,447
<b>Producer Responsibility Initiatives</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
13. Total No. WEEE Inspections Completed	687	771	687	718	581
14. Total No. Tyre Inspections Completed	581	688	1,363	1,260	947
15. Total No. Food Waste Inspections Completed	6,144	7,722	3,872	2,023	2,463
16. Total No. Battery Inspections Completed	656	730	814	880	686
Completed Battery Inspections, as a %age of planned inspections	71%	107%	104%	129%	125%
<b>Air</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
17. Total No. Decorative Paint Regulation Inspections	425	407	626	509	450
18. Total No. Solvent Regulation Inspections	139	172	204	172	177
19. Total No. Petroleum Vapour Regulation Inspections	276	258	288	334	343
20. Total No. Solid Fuel Regulation Inspections	1,003	856	1,092	1,092	903

**Table A1: Summary of National Environmental Enforcement and Inspection Data, 2014 - 2018.**

<sup>26</sup>This is a subset of total waste inspections carried out and does not include non-routine waste inspections such as illegal dumping investigations.

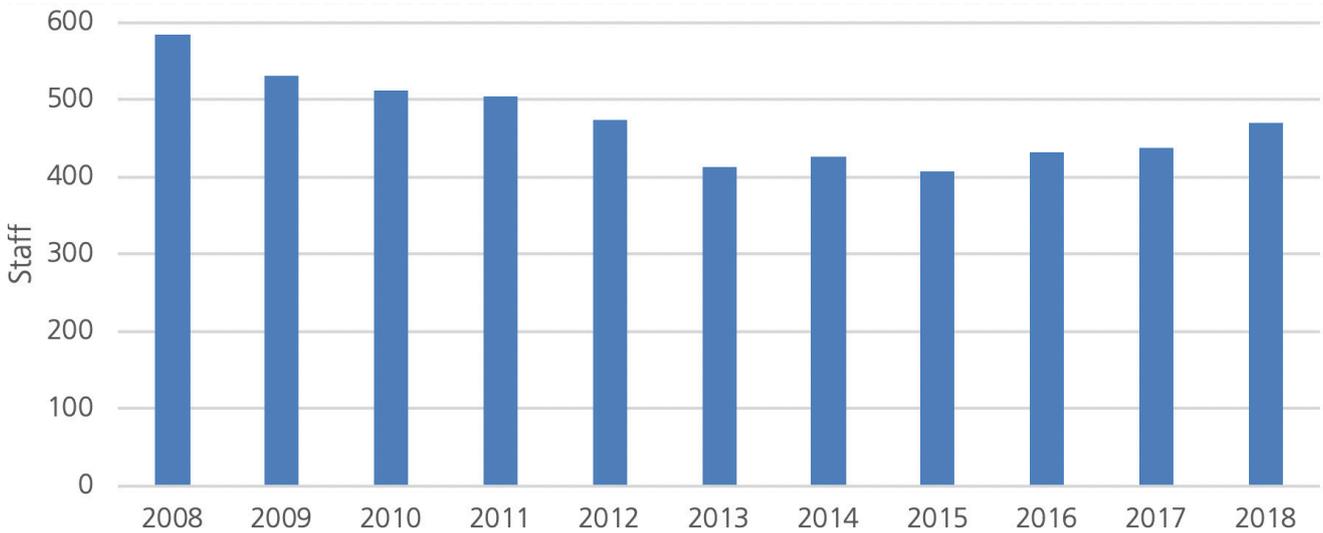
<sup>27</sup>The new annual returns validation system hosted by the National Waste Collection Permit Office is currently being upgraded and the dataset was

incomplete at the time of reporting.

<sup>28</sup>This includes the WFD Investigative Monitoring Programme and additional WFD assessments undertaken by local authorities such as small stream risk score, river surveys etc.

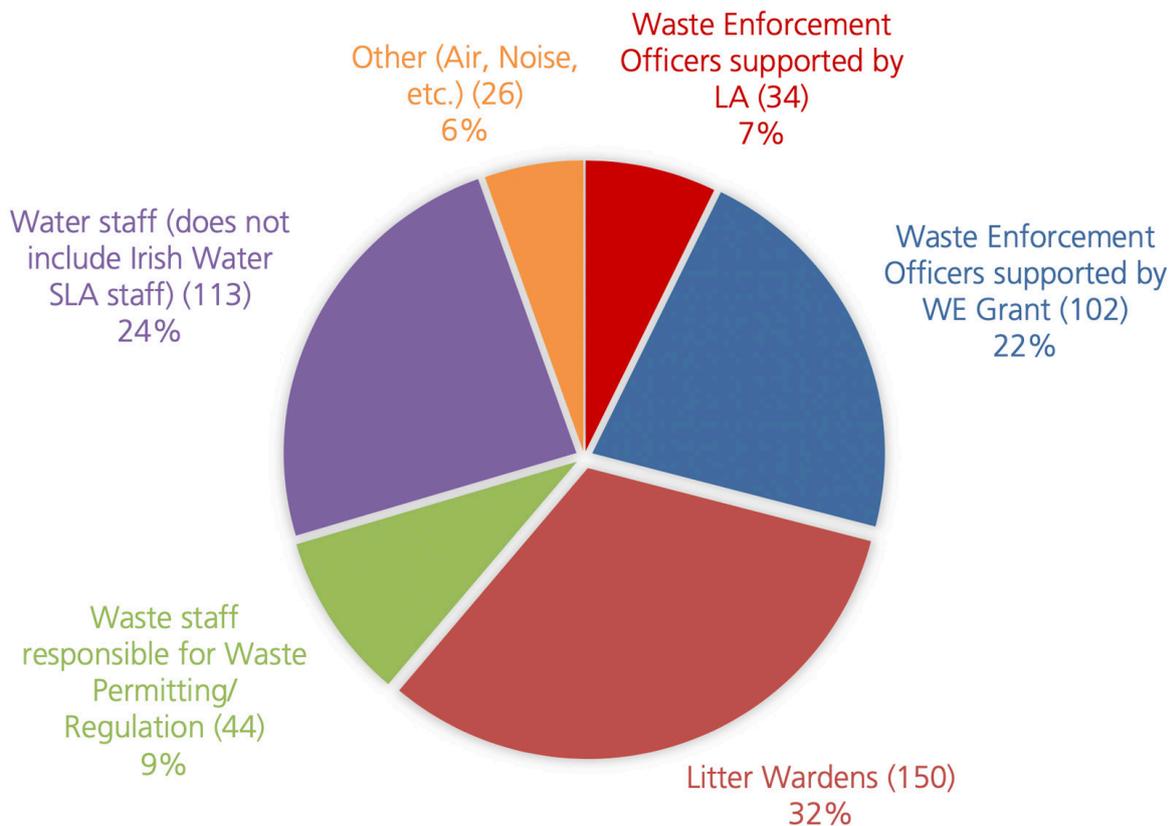
## Local authority environmental staff levels

Local authority environmental staff levels peaked in 2008 and declined following the economic recession (see Figure A1). Staff numbers have been recovering since 2015 and in 2018 were at 80% of peak 2008 levels. On average, local authorities reported an environmental staff capacity of 86% in 2018. This factors in staff absences, loss of experience and training requirements to determine operating capacity as opposed to staff complement.



**Figure A1** - Local authority environmental staff levels

The breakdown of local authority environmental staff by type is provided in Figure A2.

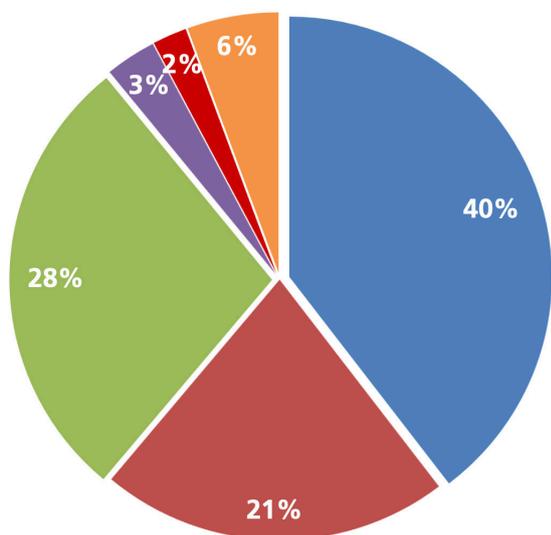


**Figure A2**- Local authority environmental staff by type

## Environmental Inspection Trends

### 2018 ENVIRONMENTAL INSPECTIONS BY TYPE

■ Litter ■ Waste ■ Water ■ Air/Noise ■ PRI ■ Planning



Most inspections in 2018 related to the litter and waste areas (63% including PRI inspections) – see Figure A3.

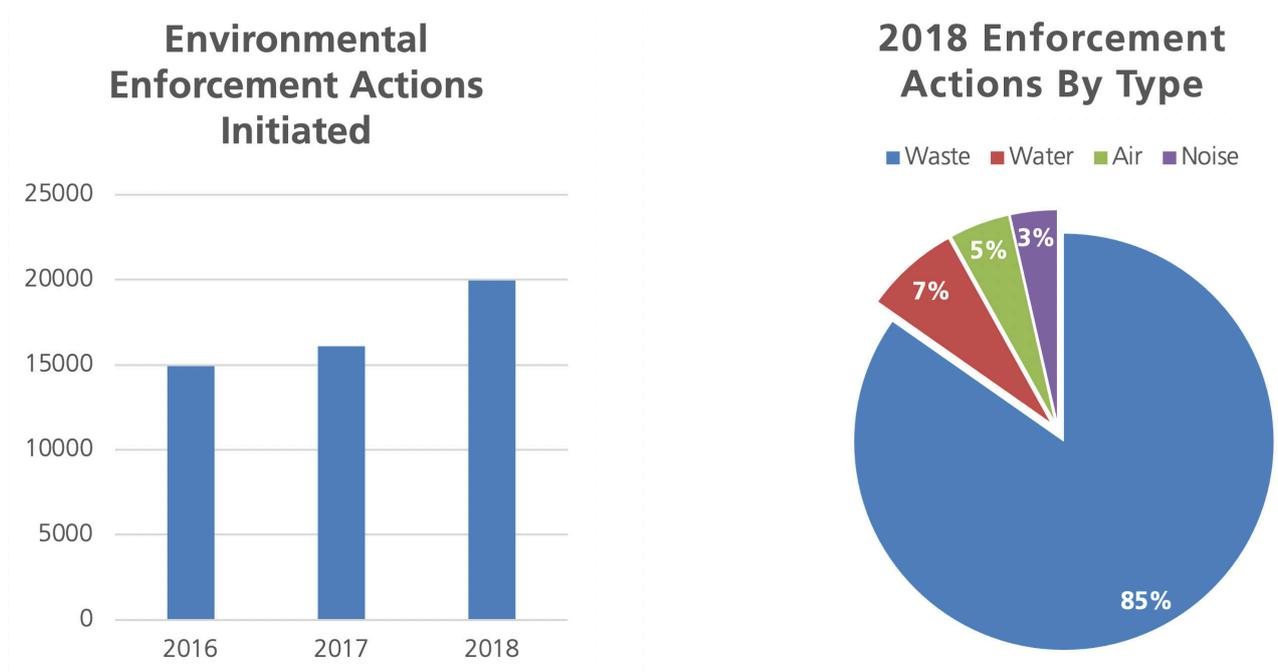
The 2018 RMCEI returns included specified environmental outcomes for inspection areas linked to national priority areas. These examined compliance rates for brown bin roll out, commercial food waste, C&D sites and waste collectors. The 2018 returns averaged across all local authorities are provided below. This information has been provided to the WERLAs for further assessment and action in 2019.

**Figure A3:** Environmental inspections by type 2018

## Enforcement Action Trends

Enforcement actions range from: warning letters, to fixed penalty notices, to section notices issued by the local authority. There has been an increase in enforcement actions initiated between 2016-2018. This is accounted for by increases in waste enforcement actions, in particular:

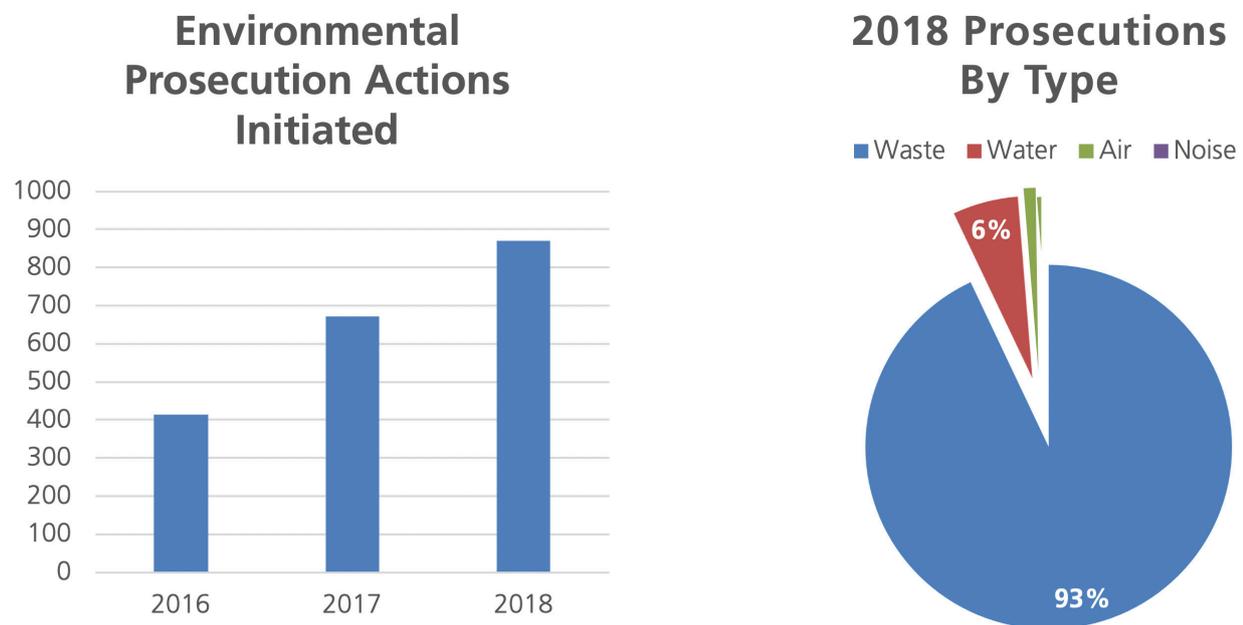
- > warning letters,
- > Direction from an authorised Person under Section 14 of the Waste Management Act,
- > Section 18 Notices under the Waste Management Act requiring a person to provide information on how they are managing a waste,
- > Section 71 Notices (Abandoned vehicles) under the Waste Management Act,
- > fixed penalty notices under the Waste Collection Permit Regulations.



**Figure A4:** Environmental inspections trend 2016-2018 and 2018 breakdown

### Environmental Prosecution Trends

There has been an increase in environmental prosecutions initiated by local authorities in recent years. This is mostly due to prosecutions for failure to pay fixed penalty notices for litter offences, which has seen an increase of over 300 cases between 2016 and 2018.



**Figure A5:** Environmental prosecutions trend 2016-2018 and 2018 breakdown

The vast majority of environmental prosecutions initiated by local authorities are for waste offences (93%) with the bulk of these being unpaid litter fines (350) followed by Section 32 offences (Waste Management Act) (145).

## Appendix 2 – Overview of Methodology

In the development of the framework, 26 environmental enforcement indicators (Performance Indicators) were selected (see Table A2). These indicators examine routine planned inspection work where targets can be set that are comparable across all local authorities.

Overall Grade	Enforcement Area	Performance Indicator
<b>National &amp; Local Authority Level Performance Assessment</b>	<b>Enforcement Systems Grade</b>	1.1 Complaints Contact Person Assigned by local authority 1.2 RMCEI Contact Person Assigned by local authority 1.3 Enforcement Plan Evaluation 1.4 Enforcement Plan Return, Submission Date 1.5 Annual Statistical Return, Submission Date 1.6 No. of Section 63 Notices issued by EPA 1.7 No. of Section 63 Directions issued by EPA
	<b>Waste Grade</b>	2.1 Waste Inspections, Percentage Completion 2.2 Litter Inspections, percentage completion of target Inspections per 5,000 population 2.3 EPA Waste Licences Compliance Score 2.4 National Waste Collection Permit Office Audit – % target completion 2.5 EPA National Waste Returns, Submission Date
	<b>Water Grade</b>	3.1 Water Framework Directive (WFD) Investigative Assessments, percentage completion of target Inspections 3.2 & 3.3 Farm Inspections & Enforcement 3.4 Domestic Wastewater Treatment Systems (DWWTS) - % completion of target inspections assigned in the National Inspection Plan (NIP) 3.5 Section 4 Discharge Licences-% completion of target Inspections 3.6 Groundwater & Hydrometric Activities
	<b>Producer Responsibility Initiatives (PRI) &amp; Food Waste Grade</b>	4.1 Waste Electrical and Electronic Equipment (WEEE) % completion of target Inspections 4.2 Tyres -% completion of target Inspections 4.3 Food Waste - % completion of target Inspections 4.4 Batteries - % completion of target Inspections
	<b>Air Grade</b>	5.1 Deco Paints Regulations - % target completion 5.2 Solvents Regulations – % completion of target Inspections 5.3 Petroleum Vapour Regulations % completion of target Inspections 5.4 Solid Fuels Regulations - % target completion

**Table A2:** Performance Indicators and Enforcement Areas.

For each Performance Indicator, a performance grade and weightings were defined by the EPA in collaboration with a focus group consisting of relevant stakeholders. An overall 9-point grading system was developed, as presented in Table A3, ranging from **“Unacceptable”** at the bottom to **“Exceptional”** at the top. However, it should be noted that the 9-point scale is not applied to all of the individual 26 Performance Indicators. The highest achievable grade for many of these Performance Indicators is either **“Target”** or **“Above Target”** (see Appendix III for further details). The reason for this approach is that in some cases an indicator assesses whether a particular item is in place or not, i.e. a “yes” or “no” answer rather than a measurement. Similarly, for other indicators, e.g., completion of planned inspection numbers, grades beyond **“Above Target”** were not deemed appropriate.

Grade	Description
<b>Exceptional</b>	<b>This indicates exceptional performance.</b>
<b>Outstanding</b>	<b>This indicates outstanding performance.</b>
<b>Excellent</b>	<b>This indicates excellent performance, exceeding the target in all areas of performance.</b>
<b>Above Target</b>	<b>This indicates generally very good performance in all areas and exceeding the target in particular areas of strength.</b>
<b>Target</b>	<b>This indicates good performance and is considered to represent the standard that is to be reached by all local authorities.</b>
<b>Below Target</b>	<b>This indicates some room for improvement to reach ‘Target’.</b>
<b>Minimum</b>	<b>This indicates a mixed performance, with significant room for improvement.</b>
<b>Unsatisfactory</b>	<b>This indicates failings in a number of the areas examined.</b>
<b>Unacceptable</b>	<b>This indicates significant failings in a number of the areas examined.</b>

**Table A3:** Grading System for Environmental Inspection and Enforcement Assessment.

The Performance Indicators are then grouped into the four<sup>29</sup> relevant Enforcement Areas: Enforcement Systems, Waste, Water and Air, with an overall composite grade being awarded to each Enforcement Area. As the Performance Indicators may be on a different point scale to their Enforcement Area, an appropriate “scaling up” is carried out. The grades for each Enforcement Area are then combined along with their relative weightings and an ‘Overall Grade’ is awarded to each local authority.

The results from each local authority are then combined to give an average National Grade for the Performance Indicators, Enforcement Areas and a National Overall Grade for environmental enforcement performance in Ireland.

<sup>29</sup>Previously 5 categories were used. In this report, Producer Responsibility enforcement and food waste was addressed under the Waste Thematic area.

## Appendix 3 – National Grade Results Summary Table

Enforcement Area – Assessment Breakdown for 2016 to 2018

	Highest Achievable Grade	2016:	2017:	2018:
Overall Local Authority National grade:	Exceptional	Above Target	Above Target	Above Target

Thematic area	Weighting	Thematic grade name	Highest Achievable Grade	2016 Grade	2017 Grade	2018 Grade
<b>1. Enforcement Systems</b>	<b>21% weighting</b>	<b>Enforcement Systems Grade</b>	<b>Outstanding</b>	<b>Above Target</b>	<b>Target</b>	<b>Above Target</b>
		1.1. Complaints Contact	Target	Target	Target	Target
		1.2. RMCEI Contact	Target	Target	Target	Target
		1.3. Enforcement Plan Evaluation	Exceptional	Above Target	Minimum	Above Target
		1.4. Enforcement Plan Return	Above Target	Below Target	Target	Target
		1.5. Annual Statistical Return	Above Target	Below Target	Target	Target
		1.6. S63 Notices Issued	Target	Below Target	Below Target	Below Target
		1.7. S63 Directions Issued	Target	Below Target	Target	Target
<b>2. Waste + PRI &amp; Food Waste</b>	<b>32% weighting</b>	<b>Waste Grade</b>	<b>Outstanding</b>	<b>Above Target</b>	<b>Above Target</b>	<b>Target</b>
		2.1. Waste Inspection Completion	Above Target	Target	Target	Target
		2.2. Litter Inspection	Above Target	Target	Target	Target
		2.3. EPA Waste Licences	Exceptional	Excellent	Outstanding	Outstanding
		2.4. NWCPO Audit Completion %	Above Target	Below Target	Below Target	Unacceptable
		2.5. EPA National Waste Survey Returns	Exceptional	Above Target	Target	Below Target
		4.1. WEEE	Above Target	Minimum	Target	Below Target
		4.2. Tyres Inspections	Above Target	Below Target	Below Target	Below Target
		4.3. Food Waste Inspections	Above Target	Below Target	Target	Below Target
		4.4. Battery Inspections	Above Target	Below Target	Below Target	Below Target

Thematic area	Weighting	Thematic grade name	Highest Achievable Grade	2016 Grade	2017 Grade	2018 Grade
<b>3. Water</b>	<b>32% weighting</b>	<b>Water Grade</b>	<b>Outstanding</b>	<b>Above Target</b>	<b>Above Target</b>	<b>Above Target</b>
		3.1. WFD Investigative Assessments	Above Target	Target	Target	Target
		3.2 & 3.3. Farm Inspections & Enforcement	Excellent	Below Target	Below Target	Below Target
		3.4. DWWTS NIP % Completion	Above Target	Target	Target	Target
		3.5. Section 4 Waste Discharge Licences	Above Target	Below Target	Target	Target
		3.6. Groundwater and Hydrometric Activities	Exceptional	Above Target	Excellent	Excellent
<b>4. Air</b>	<b>15% weighting</b>	<b>Air Grade</b>	<b>Exceptional</b>	<b>Below Target</b>	<b>Below Target</b>	<b>Below Target</b>
		5.1. Decorative Paints Regulations	Above Target	Below Target	Target	Target
		5.2. Solvent Regulations	Above Target	Below Target	Target	Target
		5.3. Petroleum Vapours Regulations	Above Target	Unsatisfactory	Unsatisfactory	Minimum
		5.4. Solid Fuel Regulations	Above Target	Target	Below Target	Below Target

**Table A4:** National Grade Results Summary



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