

EPA Industrial and Waste  
Licence Enforcement

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**2015**



## ENVIRONMENTAL PROTECTION AGENCY

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

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

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

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

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

## Our Responsibilities

### Licensing

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

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

### National Environmental Enforcement

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

### Water Management

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

### Monitoring, Analysing and Reporting on the Environment

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

### Regulating Ireland's Greenhouse Gas Emissions

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

### Environmental Research and Development

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

### Strategic Environmental Assessment

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

### Radiological Protection

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

### Guidance, Accessible Information and Education

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

### Awareness Raising and Behavioural Change

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

### Management and Structure of the EPA

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

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

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

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## Key Statistics for 2015 and Future Priorities

### EPA Licensed Industrial & Waste Management Sites

- ▲ 777 licences were in force in 2015: 581 industrial and 196 waste
- ▲ 83% of licences were operational, 17% (142) of licences were surrendered, closed or closing
- ▲ 1,306 Site Visits carried out in 2015: 695 enforcement visits and 611 monitoring visits

### Public Complaints

- ▲ 1,031 complaints were received in 2015; a slight reduction (1.2%) from 2014
- ▲ 72% of all complaints related to Food & Drink sites (42%) or Non-Hazardous Waste Transfer Stations (30%)
- ▲ 71% of complaints related to odour; 19% to noise
- ▲ 20 sites accounted for 90% of all complaints received

### Notifications and Submissions

- ▲ 5,748 returns were received from licensees in 2015 of which 44% were monitoring reports
- ▲ 1,610 incidents were reported; most were classified as minor. There were no major incidents in 2015
- ▲ 1,612 non-compliances with licence conditions were detected and assessed by EPA inspectors
- ▲ Breaches of Emission Limit Values (ELVs) accounted for 1/3 of incidents and 41% of non-compliances

### Compliance Investigations & Enforcement

- ▲ 459 Compliance Investigations were opened by the EPA in 2015 to address areas of non-compliance
- ▲ 13 summary prosecutions were taken by the EPA
- ▲ 10 convictions were secured; 3 respondents were given the benefit of the Probation Act
- ▲ A €20 million fine was imposed by the Circuit Court in relation to an illegal landfill, the highest fine ever for a licensed facility

### Future Priorities

- ▲ Focus on facilities causing odour nuisance
- ▲ Target enforcement at National Priority Sites
- ▲ Improve compliance levels in the waste and food and drink sectors
- ▲ Secure financial provision for environmental liabilities
- ▲ Continue to expand public access to enforcement information

## Introduction

This report focusses on the enforcement of EPA industrial and waste licensed facilities in 2015 by the EPA's Office of Environmental Enforcement.

The report outlines the EPA's strategy for enforcement of these activities, reviews the 2015 enforcement year and considers several longer term and ongoing EPA priority work areas.

Companion reports on enforcement of other categories of activities, including the drinking water and urban waste water treatment sectors, are available on the EPA website.

## 1. The EPA's regulation for environmental protection

As part of our wider remit of environmental protection, stewardship and advocacy, the EPA is responsible for the environmental licensing and enforcement of the major industrial and waste management operations in Ireland, to ensure that their activities and emissions do not endanger human health or harm the environment. These are the operations that, because of the nature and scale of their activities, have the potential to cause environmental impact if they are not appropriately managed and controlled.

### 1.1 The EPA's Enforcement Strategy

The EPA's overall enforcement strategy is underpinned by the principles of

- ▲ Proportionality in the application of environmental law and in securing compliance
- ▲ Consistency of approach
- ▲ Transparency about how the EPA operates
- ▲ Targeting of enforcement action where it is needed, and
- ▲ Implementation of the polluter pays principle.

In applying this policy in respect of licensed activities, the EPA aims to ensure that operators deliver on their responsibilities to carry on their activities in accordance with their EPA licences. These objectives are advanced through a combination of promoting compliance through guidance and assistance, the monitoring of compliance and the taking of enforcement sanctions where necessary.

An EPA licence includes a range of conditions with which the operator must comply so as to ensure that the activity has no significant environmental impact. Licence conditions include requirements in relation to

- physical infrastructure
- management systems and procedures
- staff training
- accident preparedness
- financial provision
- limiting and preventing emissions to surface waters, groundwaters and the atmosphere
- minimising and managing waste
- maintaining monitoring and performance records
- reporting routine performance information, and
- notifying the EPA about complaints received and incidents or non-compliant emissions that occur.

Licensees are required to put in place measures to address each of these aspects in the day-to-day business and in the longer term development of their operations; assessing the success of these measures is central to the EPA's enforcement of the licences it issues.

## 1.2 Combined approach to enforcement: sectoral engagement and focus on priority sites

The industrial and waste management sectors contain a diverse range of facilities that operate at a variety of scales and technical complexity, but also share a lot of common features in terms of the environmental impacts that can arise in the course of their activities.

Accordingly, the EPA takes a broad approach to our enforcement work that includes

- engagement with industry sectors by means of circulars, meetings, guidance and training events to promote high standards of environmental responsibility and performance
- assessment of environmental performance at individual sites and at the sectoral level in relation to priority issues, and
- targeted enforcement of poorly performing sites.

## 1.3 Identifying and addressing compliance issues: Compliance Investigations

The EPA oversees the performance of licensed sites in two main ways:

1. by assessing performance information such as monitoring reports, incidents, and complaints of off-site impact from neighbours, and
2. by carrying out its own site visits to inspect activities, monitor emissions and to detect non-compliance.

Where a non-compliant situation is encountered in relation to a licensed site, whether by way of submissions, complaints or site visits, which in our view creates a potential for environmental risk, the EPA may make a formal intervention in the matter, which we term a "**Compliance Investigation**" or "**CI**".

A CI typically directs the licensee to take specified corrective and preventative actions to ensure compliance with the licence and to provide evidence to demonstrate that the prescribed measures have been completed.

In the event that the issues which prompted the opening of a CI are not speedily and fully resolved, or where their significance so merits, enforcement may be further escalated by the taking of formal legal enforcement measures. These measures may include prosecution of the licensee, the issuing of statutory notices and ultimately the suspension or revocation of the licence.

## 2. Licensed industrial and waste management activities in 2015

### 2.1 Licences

The total number of EPA licences for industrial and waste management activities in force in 2015 was 777, of which a total of 672 (86%) were operational with the remainder in various stages of closure. The EPA approved 13 licences for surrender in 2015, while 18 new licences were granted.

Table 2.1: Status of operational and ceased licences by sector in 2015

Industry Sector	Licensed Facilities	Operational Facilities	Closed Facilities	Licensed Activity Not Commenced	Licences Issued in 2015	Licences Surrendered in 2015
Mineral & Other Materials	14	14	0	0	0	0
Energy	21	19	0	2	1	0
Metals	27	20	7	0	1	1
Mineral Fibres & Glass	5	1	4	0	0	1
Chemical	87	72	14	1	0	1
Intensive Agriculture	200	196	4	0	5	0
Food & Drink	92	81	10	1	2	3
Wood, Paper, Textiles & Leather	49	30	19	0	0	1
Fossil Fuels	3	3	0	0	0	0
Cement	4	4	0	0	0	0
Surface Coating	68	52	16	0	3	2
Class 13	11	7	4	0	0	2
<b>Total Industry</b>	<b>581</b>	<b>499</b>	<b>78</b>	<b>4</b>	<b>12</b>	<b>11</b>
<b>Waste Management Sector</b>						
Landfill	78	74	1	3	2	0
Hazardous Waste Transfer Stations	20	16	3	1	1	0
Non-Hazardous Waste Transfer Stations	69	60	7	2	1	1
Compost	14	12	1	1	2	1
Soil Recovery Sites	2	2	0	0	0	0
Civic Amenity Sites	7	5	0	2	0	0
Contaminated Land	3	2	1	0	0	0
Incineration	3	2	0	1	0	0
<b>Total Waste</b>	<b>196</b>	<b>173</b>	<b>13</b>	<b>10</b>	<b>6</b>	<b>2</b>
<b>Combined Industry &amp; Waste</b>	<b>777</b>	<b>672</b>	<b>91</b>	<b>14</b>	<b>18</b>	<b>13</b>

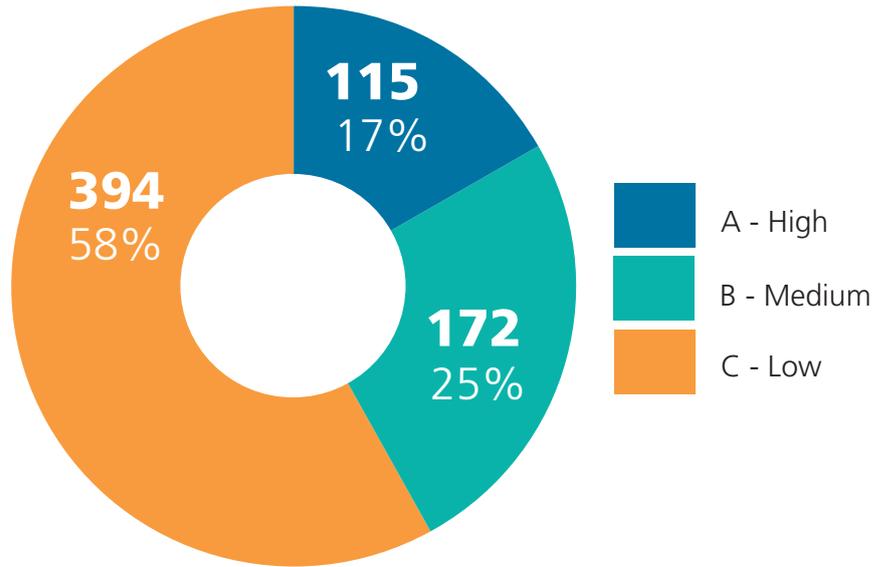
Note: "Closed" facilities include those sites where the licensed activity has ceased and may not be recommenced, but the licence remains in force for the purposes of ensuring orderly closure, decommissioning and remediation. With regard to the landfill sector, of the 74 operational licensed sites, only 6 municipal landfills were accepting waste in 2015, with the remainder either in various stages of closure or in temporary cessation.

## 2.2 Enforcement Category

The EPA adopts a risk based approach to enforcement. Licensed sites are categorised based on their “environmental risk potential”, resulting from a combination of their size, complexity, environmental performance and compliance history.

The Enforcement Category is compiled annually by the EPA based on the assessment of individual licensees’ environmental performance over the previous calendar year. The scale runs from **A** (high) to **C** (Low). **Category A** sites consume proportionately more of the EPA’s enforcement resources than **Category B** or **Category C** sites.

Figure 2.1 - Distribution of Enforcement Categories in 2105



## 3. Industrial and Waste Enforcement in 2015

### 3.1 Environmental Performance: Reporting by Licensees

Much of the information used by the EPA to assess the environmental performance of licensed facilities is supplied by operators in line with the obligations set out in their licences. Licensee reporting takes two main forms:

1. Reporting of general performance: Licensee Returns, Monitoring Reports and Annual Environmental Reporting;
2. Reporting of deviations from normal operation: Incidents and non-compliances.

Both of these types of submission are important for licensees for demonstrating the maintenance of high environmental performance standards on their sites.

#### 3.1.1 Reporting of general performance

##### Licensee Returns

Licensees made more than 5,700 Licensee Returns to the EPA in 2015, in accordance with the specific requirements of their individual licences. These cover a wide range of document types including monitoring reports (which accounted for 44% of returns), periodic reports and submissions specified in licences, as well as responses to EPA instructions and directions given during the course of the enforcement process.

##### Annual Environmental Reporting

The Annual Environmental Report (AER) is a key licence requirement for ensuring public access to information on the environmental performance of licensed facilities. The AER provides annual summary information on emissions from the facility to air, water, sewer and land, plus quantities of wastes generated by the facility and their recovery or disposal (the "Pollutant Release and Transfer Register" for the site). It also contains the operator's monitoring, compliance, complaints and incident records and descriptive information about the site. A total of 652 AERs were received in 2015. All AERs submitted by licensees are published to the EPA website.

#### 3.1.2 Environmental incidents

In 2015, there were 1,610 "Notifiable Incidents" at licensed sites. Over one third of all Notifiable Incidents related to exceedances of "trigger levels"<sup>1</sup> and a further one third to breaches of Emission Limit Values.

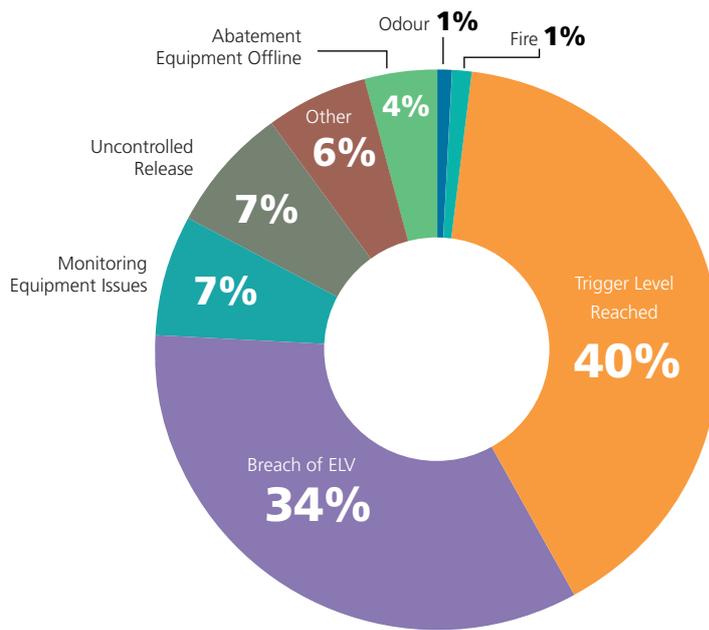
Of the 1,610 notifiable incidents reported in 2015, 1,113 incidents were closed following assessment and, as considered necessary, the issuing of instructions to licensees regarding measures to avoid recurrences. The remaining 497 incidents (31% of the total) were considered to require further intervention by EPA to ensure the taking of appropriate corrective action, and were linked to 71 Compliance Investigations. 30 of these investigations remain open and may be the subject of further enforcement action.

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<sup>1</sup> A Trigger Level is typically defined in licences as a value set for a measured parameter which, if exceeded, requires investigation by the operator and action if necessary.

A Trigger Level Exceedance, though a Reportable Incident, is not generally an instance of non-compliance with the licence, and the majority of such exceedances are not considered environmentally significant in broader terms.

Figure 3.1 - Nature of Incidents at Industrial and Waste Facilities in 2015



### 3.2 Environmental Performance: Complaints

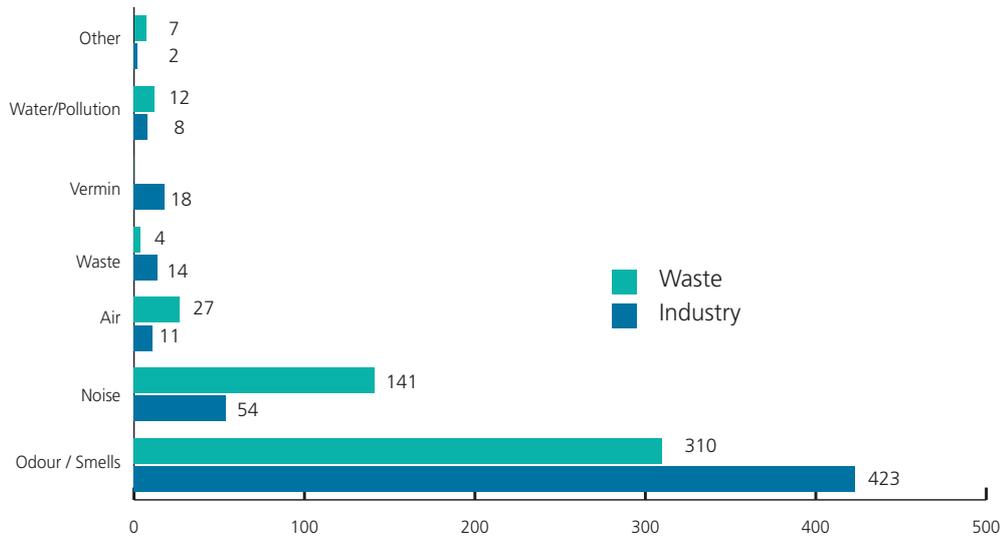
Complaints from neighbours who feel that the operators of licensed sites are not fulfilling their responsibilities are an important component of the performance-related information available to the EPA.

1,031 complaints were received by the EPA in 2015 about impacts caused by licensed sites. 20 sites accounted for 90% of all complaints received. Off-site odour was, by a large margin, the most frequent cause of complaints, followed by noise.

The Food & Drink and Non-Hazardous Waste Transfer Sectors were the cause of the highest numbers of both odour and noise complaints. However, in each sector the majority of complaints concerned only a few facilities.

The main root causes of issues that prompted complaints in 2015 were inadequacies on licensed sites regarding the availability, capacity and performance of equipment and systems to prevent the escape of odours or noise emissions, along with the absence or inadequate use of appropriate operating procedures.

Figure 3.2 - Categories of Complaints against Industrial and Waste Management Facilities in 2015

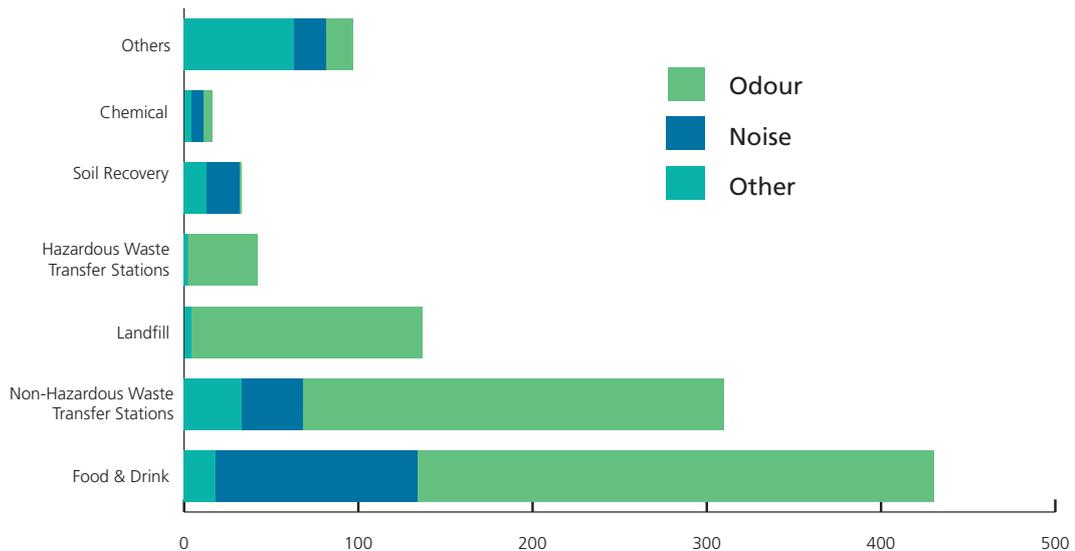


**Compliance Investigations associated with complaints in 2015**

Of the 1,031 complaints received in 2015, 533 complaints (52%) were closed following assessment and, where considered necessary, the issuing of instructions to licensees regarding measures to avoid recurrences. The remaining 498 incidents (48% of the total) were assessed to require further intervention by EPA and were linked to 33 Compliance Investigations. 18 of these Compliance Investigations remain open and may be the subject of further enforcement action, as discussed in Chapter 5.

Odour problems associated with a relatively small number of sites in the Food & Drink, Waste Transfer Stations and Landfill Sectors have remained unresolved for excessive periods, and are the root causes of the majority of Compliance Investigations that remain in effect.

Figure 3.3 - Sectors with the most complaints in 2015



## 4. Indicators of environmental performance: EPA site visits, monitoring, compliance assessment and intervention

### 4.1 Site visits

EPA carried out a total of 1,306 Site Visits in 2015. Of these, some three-quarters were scheduled inspection and monitoring visits. These visits provide for the systematic onsite assessment of the environmental performance of licensees, including operational and abatement control, materials and waste handling, training and housekeeping as well as direct measurement of emissions to air, water and sewer.

In addition to the scheduled programme, almost 300 reactive visits were conducted in response to information received or issues observed during the course of enforcement. In 2015, the main reason for reactive site visits was to follow up and investigate complaints about impacts, chiefly odour and noise as discussed above.

Table 4.1: Inspection and Monitoring Site Visits in 2015

Site Visits in 2015		Total No. of Visits	Industrial	Waste
Scheduled	Enforcement Inspection	396	294	102
	Air Emissions Monitoring	135	130	5
	Water / Effluent Monitoring	476	330	146
<b>Total Scheduled Site Visits</b>		<b>1,007</b>	<b>754</b>	<b>253</b>
Reactive	Enforcement Inspection	299	152	147
<b>Total Site Visits 2015</b>		<b>1,306</b>	<b>906</b>	<b>400</b>

### 4.2 Assessment of Compliance

As discussed in Section 1.1, the holder of an EPA License is obliged to comply with the full suite of conditions set out in the Licence. EPA inspectors continually track and assess compliance with licence conditions, which are designed to allow the operator to conduct the licensed activity without causing risk of harm to human health or the environment.

Compliance issues may be detected by means of any of the metrics of environmental performance already discussed, viz. licensee communications (reports, returns and notifications), third party complaints and EPA site visits.

A total of 1,612 instances of non-compliance were detected in 2015. Instances of exceedance of Emission Limit Values (ELV) were the predominant type of non-compliance, accounting for 40% of the total.

Table 4.2: Non-Compliances in 2015

Non-Compliance Type	Non-Compliances	No. of Associated Licences
ELV exceedance	655	123
Monitoring	151	81
Bunding & materials handling	148	104
Documentation & procedures	108	59
Non-notification of incidents	100	63
Outstanding reports	98	71
Waste management	90	53
Miscellaneous	84	45
Failure to provide/install infrastructure	84	61
Nuisances	62	25
Unapproved alterations/modifications to activity/site	18	17
Inadequate landfill cover	14	3
<b>Totals</b>	<b>1,612</b>	

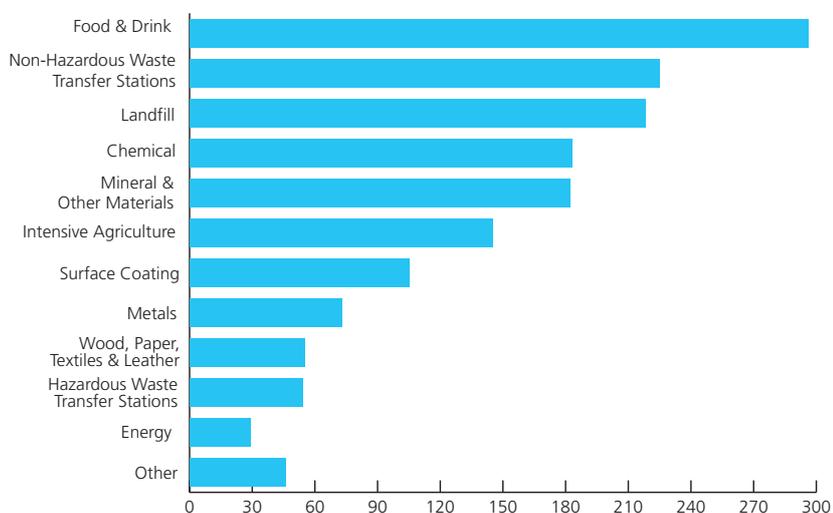
The Food & Drink, Non Hazardous Waste Transfer Station and Landfill Sectors accounted for 46% of all non-compliances registered in 2015, despite accounting for only 31% of licensed sites. The majority of non-compliances were detected at only a few sites in these sectors.

Non-compliances noted in 2015 were mainly for ELV exceedances relating to emissions to water/sewer and air and for issues relating to waste management by licensees. Non-compliances for odour and noise breaches accounted for 5% of the total.

Where non-compliance with a licence condition is noted, the EPA inspector registers the non-compliance, assesses its significance and brings it to the attention of the licensee for the purposes of having the causative issue rectified.

Of the 1,612 non-compliances registered in 2015, 1,046 (65%) were resolved following assessment and, where the EPA considered it necessary, the issuing of instructions to licensees regarding measures to avoid recurrences. The remaining 553 non-compliances (35% of the total) were assessed to require further intervention by EPA and were linked to 130 Compliance Investigations.

Figure 4.1 - Non-compliance by Sector in 2015



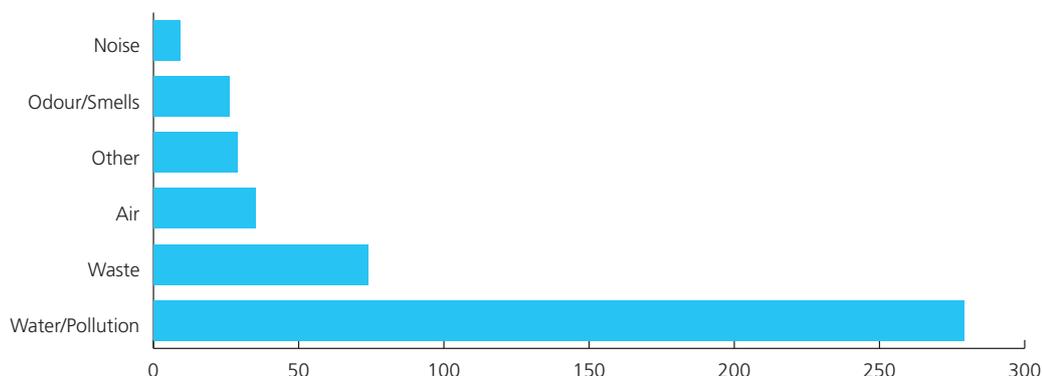
## 5. Response to inadequate performance: Compliance Investigations and further enforcement action

### 5.1 Compliance Investigations

As described in Chapter 1, the EPA initiates a Compliance Investigation, or “CI”, when it encounters an issue or a situation on or in connection with a licensed facility that in our view constitutes a substantive risk of failure to comply with the licence.

459 CIs were in place in 2015. These were opened for a variety of reasons, of which the predominant one was risk of water pollution; this was the main environmental issue in almost two thirds of the total. Waste-related impacts and air pollution risks made up a further quarter, and a total of 26 CIs were in place for odour issues.

Figure 5.1 - Compliance Investigations by Issue in 2015



The substantial majority of CIs were opened for compliance problems that related to the inadequacy of operational procedures in place and the training and performance of staff in implementing these procedures and for issues relating to inadequate infrastructure.

Table 5.1: Compliance Investigations in place in 2015: Main Probable Causes

Probable Cause	Compliance Investigations	No. of Associated Licensees
Inadequate operational procedures / training	167	129
Inadequate infrastructure	105	92
Failure of Primary or Secondary containment	49	42
Historical contamination issues	34	32
Overdue assessments / reports	29	22
Leachate management	22	21
Failure of abatement equipment	18	15
Other	35	34
<b>Total</b>	<b>459</b>	

Inadequate containment was also identified as an issue on licensed sites; these sites failed to provide reliable secondary containment around tanks, containers and pipelines, which is essential to prevent pollution in the event of ruptures or leaks.

A Compliance Investigation remains in effect until the causative compliance issue has been fully addressed by the licensee and the risk of failure to maintain compliance has been eliminated. While the EPA requires in each case a speedy conclusion to the causative issue, it is sometimes the case that the resolution of the problems involves substantial new infrastructure, additional investment or alternative production systems; in some instances, solutions may require new regulatory authorisations or processes. For these reasons, CIs may remain in place for extended periods. The EPA maintains oversight of the licensee's progress in resolving each CI, and unsatisfactory progress may itself result in the escalation of enforcement action by the Agency.

Close to 60% of the 459 Compliance Investigations that were initiated prior to or during 2015 have been concluded. 40% were closed by the end of the year; a further 17% have been concluded in 2016, with the remaining 43% still in progress.

## 5.2 Legal enforcement

The Compliance Investigation is regarded by the EPA as an efficient mechanism by which the EPA can intervene with licensees to assist them to deliver improvements in compliance. Where licensees have failed to effectively and in a timely manner address the requirements of Compliance Investigations and to complete the specified corrective actions and improvement measures, the EPA may determine that further enforcement action is required.

13 summary prosecutions taken by the EPA in relation to industrial or waste licensed facilities were concluded in 2015. Of these, 10 resulted in a conviction (see Table 5.2 below) and 3 companies and 1 company director were given the benefit of the Probation Act.

A case in relation to Kerdiffstown Landfill in Kildare was concluded in the Dublin Circuit Court with a record fine of €20 million imposed by the Court on Jenzsoph Ltd (the landowner) for holding waste in a manner likely to cause pollution and for causing ongoing odour nuisance over an extended period. This case was brought by the Director of Public Prosecutions following submission of an investigation file by the EPA.

Of the 13 summary prosecutions concluded in 2015, 5 were taken against licensees operating in the Waste Sector, 4 against licensees in the Food and Drink Sector and 4 against other industrial or intensive agriculture facilities.

Table 5.2: Convictions secured in 2015 with total fines and costs imposed

Reg. No.	Licensee / holder	Total Fines & Costs Imposed
N/A	Jenzsoph Ltd, Dublin	€20,000,000
P0057-02	Kingspan Insulation Ltd, Monaghan	€11,099
P0378-02	Quinn Cement Ltd, Cavan	€7,569
P0406-04	Bailieboro Foods Ltd, Cavan	€17,181
P0799-01	Glanbia Foods Society Ltd (Drogheda), Louth	€6,511
W0152-03	Oxigen Environmental (Robinhood Rd), Dublin	€25,000
W0184-01	ENVA Ireland Ltd (Portlaoise), Laois	€21,053
W0205-01	Greyhound Recycling and Recovery, Dublin	€23,373
W0208-01	Oxigen Environmental (Ballymount), Dublin	€18,000
W0257-01	Country Clean Recycling, Cork	€21,545
<b>Total fines and costs imposed</b>		<b>€20,151,331</b>

The most common charges on summonses issued by the EPA related to

- nuisance or impairment, in particular caused by odours,
- breaches of emission limit values, frequently as a result of poor operation of an on-site waste water treatment plant, and
- failures to manage waste and materials on-site in a satisfactory manner.

Other offences included non-notification of incidents, failure to maintain records and unauthorised emissions.

In most cases for which legal action was taken, the licensee remedied the situation and invested in infrastructure and improvements in site management. Enforcement action has been escalated in other cases where necessary improvements have not been delivered.

## 6. Ongoing priorities

As well as the immediate day to day work of enforcing the licences issued to the operators of industrial, waste and waste water management facilities, the EPA's Office of Environmental Enforcement is engaged in a number of longer term initiatives with the objective of bringing about progressive improvements in the way the range of environmental issues arising in licensed sectors are managed. A number of these initiatives are outlined in this chapter.

### National Priority Sites

Based on our experience in enforcing licence compliance, the EPA recognises that significant or persistent compliance issues generally arise in only a small number of sites. These are the sites that require the most improvement effort by the licensees and demand extra enforcement effort by the EPA. In order to streamline the identification of such facilities, the EPA developed in 2015 a new approach for the identification and prioritisation of National Priority Sites for enforcement. The methodology uses licensee performance and EPA enforcement data such as the number of incidents, complaints, non-compliances and the status of Compliance Investigations assigned to each licensed facility.

A consultation exercise on the new methodology was carried out with licensees and their representative bodies in late 2015, and the methodology was further refined in 2016. The National Priority Sites system is being launched shortly, with the aims of encouraging licensees to achieve and maintain compliance and of ensuring that significant issues are addressed without delay.

Preliminary assessment using the National Priority Sites methodology determined that less than 3% of licences in 2015 are indicated as National Priority for enforcement, but these facilities accounted for a disproportionate amount of incidents, complaints and non-compliances and received the most enforcement effort in terms of site visits and compliance investigations.

The National Priority Sites system will facilitate the EPA in focussing particular enforcement effort towards the small group of sites which are considered National Priority Sites for Enforcement.

### Reduce fire risk at Waste Transfer Stations

Risk of fire continued to be a priority enforcement issue for the waste sector in 2015, not least because of a number of fire-related incidents that had occurred at sites in this sector in the recent past.

The EPA worked closely in 2015 with the National Directorate for Fire & Emergency Management to strengthen existing provisions in relation to fire safety at sites in this sector. This work continued in 2016 and led to the publication in June 2016 of the Agency's Guidance on Fire Risk Assessment for Non-Hazardous Waste Facilities. Amendments have been made to a number of waste licences which require appropriate waste storage plans to be implemented and fire risk assessments to be conducted by the licensees.

### Increase the number of priority contaminated land sites in remediation

While Ireland has fewer contaminated land problems than most other industrialised countries, the EPA recognises that a number of EPA-licensed industrial and waste sites may be so described, and must be effectively managed to secure the protection of human health, groundwater and the wider environment.

In 2013, the EPA published Guidance on the Management of Contaminated Land and Groundwater at EPA Licensed Sites, which sets out a formalised approach to the management of contaminated sites. The risk based approach in this guidance is considered best practice for the assessment and remediation of this type of site. The guidance is being implemented in the ongoing management of a number of licensed sites. The consistent application of this approach will ensure that the issues are understood and dealt with appropriately, the standard of works undertaken is adequate and that both operators and the EPA achieve the aim of closing issues out in an efficient manner.

By 2015, Site-Specific Enforcement Plans were in place at 14 priority contaminated industrial and waste sites which require remediation programmes. Progress is being monitored and acted on where necessary by EPA inspectors.

### Financial Provision

Licensees are required to provide adequately for known and potential environmental liabilities, arising both from the closure of sites at the end of their operating lives and from the ongoing potential for incidents that could cause pollution. The setting aside of financial resources that allow operators to discharge their own obligations in these respects is essential to ensuring that the cost of major incidents or the abandonment of potentially contaminated sites does not fall to the state.

The EPA has since its inception worked to secure the making of adequate financial provision by all licensees who require it. Revised [Guidance on Assessing and Costing Environmental Liabilities](#) was published in 2014 and this was followed by updated [Guidance on Financial Provision for Environmental Liabilities](#) in 2015. This guidance, supported by webinars, has assisted licensees in developing their financial planning with regard to environmental liabilities. This work has continued, and, by the end of 2015, €110m in financial provision had been secured by the EPA from licensees for known and potential environmental liabilities.

### Public Access to Enforcement Information

Throughout its existence, the EPA has maintained a policy of providing full public access to information about its licensing and enforcement activities, including licensee documentation and third party correspondence as well as the Agency's own communications.

Initially, access to information was provided by means of paper-based files made available to visitors to EPA offices. Over the years, ongoing developments in communication technologies have allowed the publication of information on the EPA website [www.epa.ie](http://www.epa.ie). This was firstly achieved in relation to information concerning applications to the EPA for licences, which have since 2005 been published online via the "**Licence Details Page**" specific to each licence. That was followed by publication, as of 2009, of the Annual Environmental Reports submitted by licensees. Since January 2016, the EPA is now publishing additional enforcement-related information on [www.epa.ie](http://www.epa.ie). This information includes

- ▲ EPA Site Visit (Inspection and Monitoring) Reports
- ▲ Licensee Self-Monitoring Reports
- ▲ Site closure and surrender documentation

Further details regarding public access to the EPA's enforcement information are available on the website.

## 7. Conclusions and Outlook

The enforcement activities of the EPA's Office of Environmental Enforcement in 2015 are described in this report. The main environmental issues were again largely associated with a small number of problematic industrial and waste management sectors, notably the Food & Drink, Non Hazardous Waste Transfer Stations and Landfill Sectors. These sectors had relatively high numbers of public complaints and non-compliances in 2015, and had the highest proportions of licensees with Compliance Investigations. Food & Drink facilities and Non Hazardous Waste Transfer Stations also received the highest numbers of reactive site visits by EPA inspectors. The relative prevalence of issues in these sectors indicates that enforcement resources should continue to be targeted towards them.

It is, however, very clear that, while the types of issues that may arise at sites across sectors may be similar, significant or persistent compliance issues generally arise in only a small number of sites. In recognition of this, the EPA has developed a new approach for the identification and prioritisation of National Priority Sites. The NPS list will ensure that the EPA's enforcement effort will be focussed towards the small group of sites that have major compliance challenges to be addressed, while encouraging all operators to achieve and maintain compliance with their licences.

In this regard, the EPA continues to recognise the central role that individual licensees have in achieving and maintaining high levels of environmental performance, and acknowledges the significant investment of resources, personnel and expertise that is required of licensed industrial operators for these purposes. In illustration of this, a recent survey by the Irish Business and Employers' Confederation (IBEC) of 39 of its licensed members indicated that

- ▲ Most respondents operated an accredited environmental management system;
- ▲ all employed a dedicated team of environmental specialists, comprising on average 3.5 members;
- ▲ all sites had made investments in 2015 for the purposes of improvements in environmental and energy efficiency: the total expenditure over the group of respondents was approximately €27.25 million, with an average investment of €715,000.

These findings, though based on a relatively small sample of EPA licence holders, reflect the significant financial and resource demands of compliance with environmental protection legislation that fall to the operators of licensed industrial and waste activities. While this is acknowledged by the EPA, we will continue to insist that licensees achieve high performance standards as they conduct their businesses.

The enforcement of industrial and waste licences by the EPA's Office of Environmental Enforcement, while it is focussed in achieving high levels of compliance by operators, also contributes to wider EPA objectives in areas such as combating climate change, the achievement of good status in our rivers, lakes, tidal and groundwaters, preventing the misuse of land and promoting the efficient use of resources. The EPA will continue to work with our partners in other public bodies, in industry and in the wider community to improve our national performance in all of these areas.



# AN GHNÍOMHAIREACHT UM CHAOMHNÚ COMHSHAOIL

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

## Is féidir obair na Gníomhaireachta a roinnt ina trí phríomhréimse:

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

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

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

## Ár bhFreagrachtaí

### Ceadúnú

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

### Forfheidhmiú Náisiúnta i leith Cúrsaí Comhshaoil

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

### Bainistíocht Uisce

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

## Monatóireacht, Anailís agus Tuairiscíú ar an gComhshaoil

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

## Rialú Astaíochtaí na nGás Ceaptha Teasa in Éirinn

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

## Taighde agus Forbairt Comhshaoil

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

## Measúnacht Straitéiseach Timpeallachta

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

## Cosaint Raideolaíoch

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

## Treoir, Faisnéis Inrochtana agus Oideachas

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

## Múscailt Feasachta agus Athrú Iompraíochta

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

## Bainistíocht agus struchtúr na Gníomhaireachta um Chaomhnú Comhshaoil

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

- An Oifig um Inmharthanacht Comhshaoil
- An Oifig Forfheidhmithe i leith cúrsaí Comhshaoil
- An Oifig um Fianaise is Measúnú
- An Oifig um Cosaint Raideolaíoch
- An Oifig Cumarsáide agus Seirbhísí Corparáideacha

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



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