



2016

EPA Industrial and Waste Licence Enforcement

## 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 and Environmental Monitoring
- Office of Communications and Corporate Services

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

EPA Industrial and Waste  
Licence Enforcement

**2016**

© Environmental Protection Agency 2017

Although every effort has been made to ensure the accuracy of the material contained in this publication, complete accuracy cannot be guaranteed. Neither the Environmental Protection Agency nor the author(s) accepts any responsibility whatsoever for loss or damage occasioned, or claimed to have been occasioned, in part or in full as a consequence of any person acting or refraining from acting, as a result of a matter contained in this publication. All or part of this publication may be reproduced without further permission, provided the source is acknowledged.

ISBN 978-1-84095-720-4

# 1. Table of Contents

1.	INTRODUCTION	3
1.1	The EPA's regulation for environmental protection	3
1.2	The EPA's Enforcement Strategy	4
1.3	Industrial and Waste Licence Enforcement	4
2.	LICENSED INDUSTRIAL AND WASTE MANAGEMENT ACTIVITIES IN 2016	5
3.	LICENCE ASSESSMENT AND COMPLIANCE	8
3.1	EPA Visits & Inspections	8
3.2	Non Compliances	11
3.3	Compliance Investigations	13
3.4	Complaints from the Public	14
3.5	Environmental Reporting by Licensees	17
4.	ENFORCEMENT TOOLS AND METHODS	19
4.1	Prosecutions	19
4.2	National Priority Sites	20
4.3	Financial provision	22
5.	SUMMARY AND KEY MESSAGES FROM 2016	25



**€178,630**



Total fines, costs and charitable donations from EPA prosecutions

**66%**

66% of all complaints received related to odour

**1552**

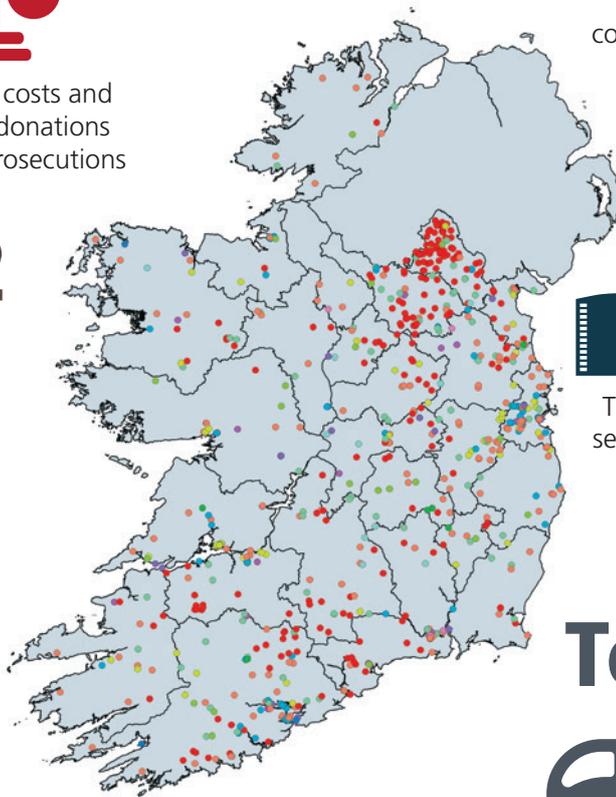


EPA site inspections were carried out

**95%**



95% of EPA site inspections were unannounced



The Food and Drink sector were the least compliant sector

**Top 5**



Top 5 sites visited in 2016 were from the Waste Sector

## 1. Introduction

This report focuses on the enforcement of Environmental Protection Agency (EPA) industrial and waste licensed facilities in 2016 by the EPA's Office of Environmental Enforcement.

The EPA is the competent authority for granting and enforcing Industrial Emissions (IE), Integrated Pollution Control (IPC) and Waste licences for specified industrial, agriculture and waste activities.

In summary the categories of industry (and number of sites in brackets) coming within the scope of the EPA's licensing regime are:

<ul style="list-style-type: none"> <li>▲ Minerals and Other Materials (14).</li> <li>▲ Energy (19).</li> <li>▲ Metals (20).</li> <li>▲ Mineral Fibres and Glass (1).</li> <li>▲ Chemicals (76).</li> <li>▲ Intensive Agriculture (poultry and pigs) (217).</li> <li>▲ Food and Drink (86).</li> <li>▲ Wood, Paper, Textiles and Leather (6).</li> </ul>	<ul style="list-style-type: none"> <li>▲ Fossil Fuels (3).</li> <li>▲ Cement, Lime and Magnesium Oxide (4).</li> <li>▲ Waste (184)</li> <li>▲ Surface Coatings (54).</li> <li>▲ Other Activities (includes testing of engines, timber treatment, manufacture of printed circuit boards, production of lime, the manufacture of ceramic products, the capture of CO<sub>2</sub> streams and treatment of waste water) (29).</li> </ul>
---	---

Some of the classes are subject to thresholds. Any person carrying on an activity that is below a threshold must ensure that they do not exceed that threshold without first obtaining a licence.

Waste disposal and recovery activities in Ireland are required to hold an authorisation in accordance with the Waste Management Act 1996 as amended. Operators of larger waste facilities are required to hold a waste licence from the EPA.

This report outlines the EPA's strategy for enforcement of these activities, reviews the 2016 enforcement year and considers 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.

### 1.1 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.

## 1.2 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 strategy 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.

## 1.3 Industrial and Waste Licence Enforcement

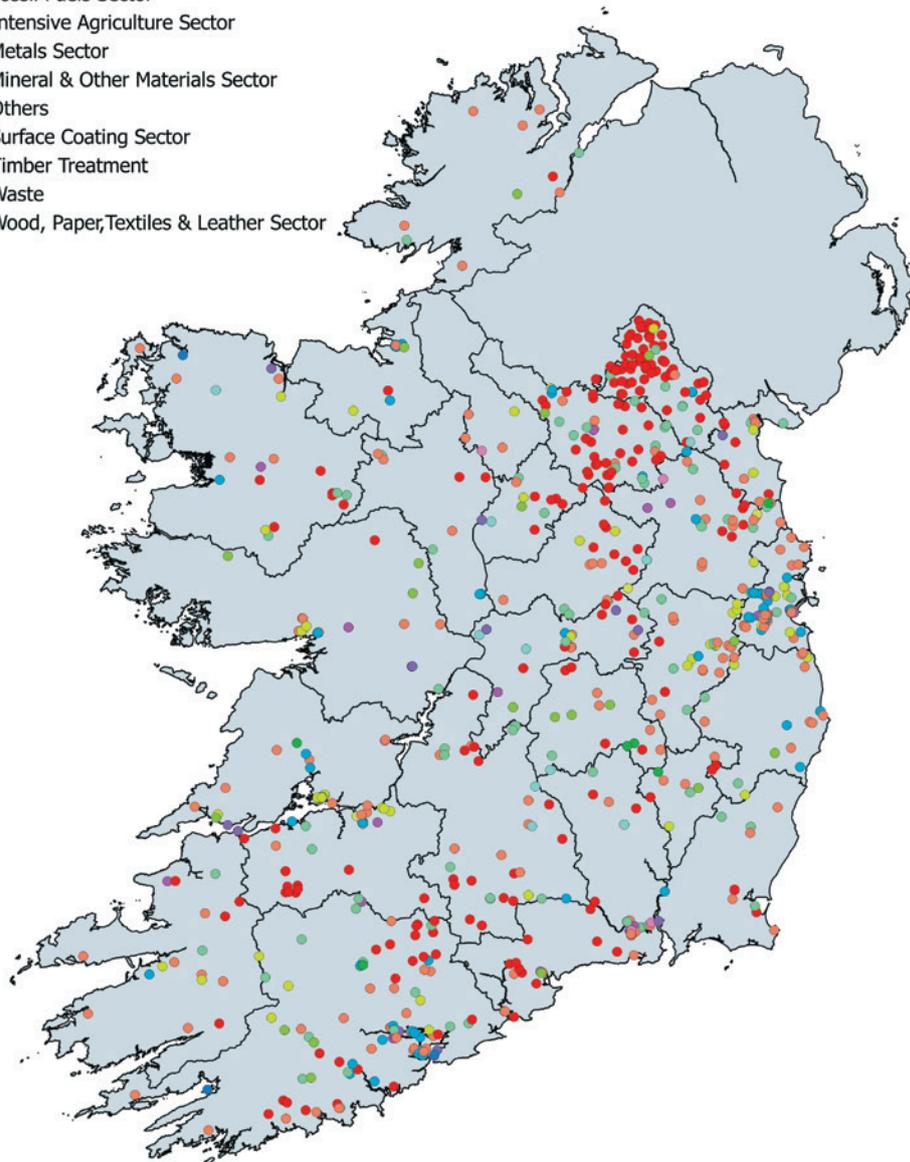
Industrial and Waste Licences are enforced by the EPA using a number of tools as highlighted later in this report. Licensees are required to comply with strict monitoring and reporting regimes as set out in the licenses.

## 2. LICENSED INDUSTRIAL AND WASTE MANAGEMENT ACTIVITIES IN 2016

The total number of Industrial and Waste Licences in force during 2016 was 806. There were 713 operational sites while the remainder had either ceased activities or had never commenced the planned activities. The location of all licensed sites in 2016 is shown in Map 1.

EPA Licensed Sites 2016

- Cement Sector
- Chemical Sector
- Energy Sector
- Food & Drink Sector
- Fossil Fuels Sector
- Intensive Agriculture Sector
- Metals Sector
- Mineral & Other Materials Sector
- Others
- Surface Coating Sector
- Timber Treatment
- Waste
- Wood, Paper, Textiles & Leather Sector



Map 1 – EPA licensed sites 2016

## Key Facts 2016

45 new licences were issued by the EPA during 2016 with 46% of these being for Intensive Agriculture sites and 26% for waste sites.

There were EPA licensed sites in each county with **Cork** having the highest number of licensed sites, followed by **Monaghan** where the intensive agriculture sector makes up **84%** of the “licensed community” compared with an average of 24% for all other counties.

- ▲ **Monaghan** and **Cavan** combined have **47%** of the entire licensed **Intensive Agriculture** sector.
- ▲ The **Intensive Agriculture sector** (pig rearing/fattening units, poultry rearing/fattening units) represent **30%** of all EPA licensed sites in Ireland.
- ▲ **36%** of all EPA licensed sites are located in counties **Cork, Monaghan** and **Dublin**, with less than **10%** of all licensed sites being located in **Connaught**.
- ▲ **Cork** has the **highest** number of licensed **Industrial sites** (51)<sup>1</sup> with **Dublin** having the **highest** number of licensed **waste sites** (30)<sup>1</sup>

**1: Industrial sites** refers to all sites in the Minerals and Other Materials, Energy, Metals, Mineral Fibres and Glass, Chemicals, Intensive Agriculture (poultry and pigs), Food and Drink, Wood, Paper, Textiles and Leather, Fossil Fuels, Cement, Lime and Magnesium Oxide, Surface Coatings, Other Activities (includes testing of engines, manufacture of printed circuit boards, production of lime, the manufacture of ceramic products, the capture of CO2 streams and treatment of waste water).

**Waste sites** refers to waste transfer stations, incineration, dredging, composting, landfill and soil recovery sites.

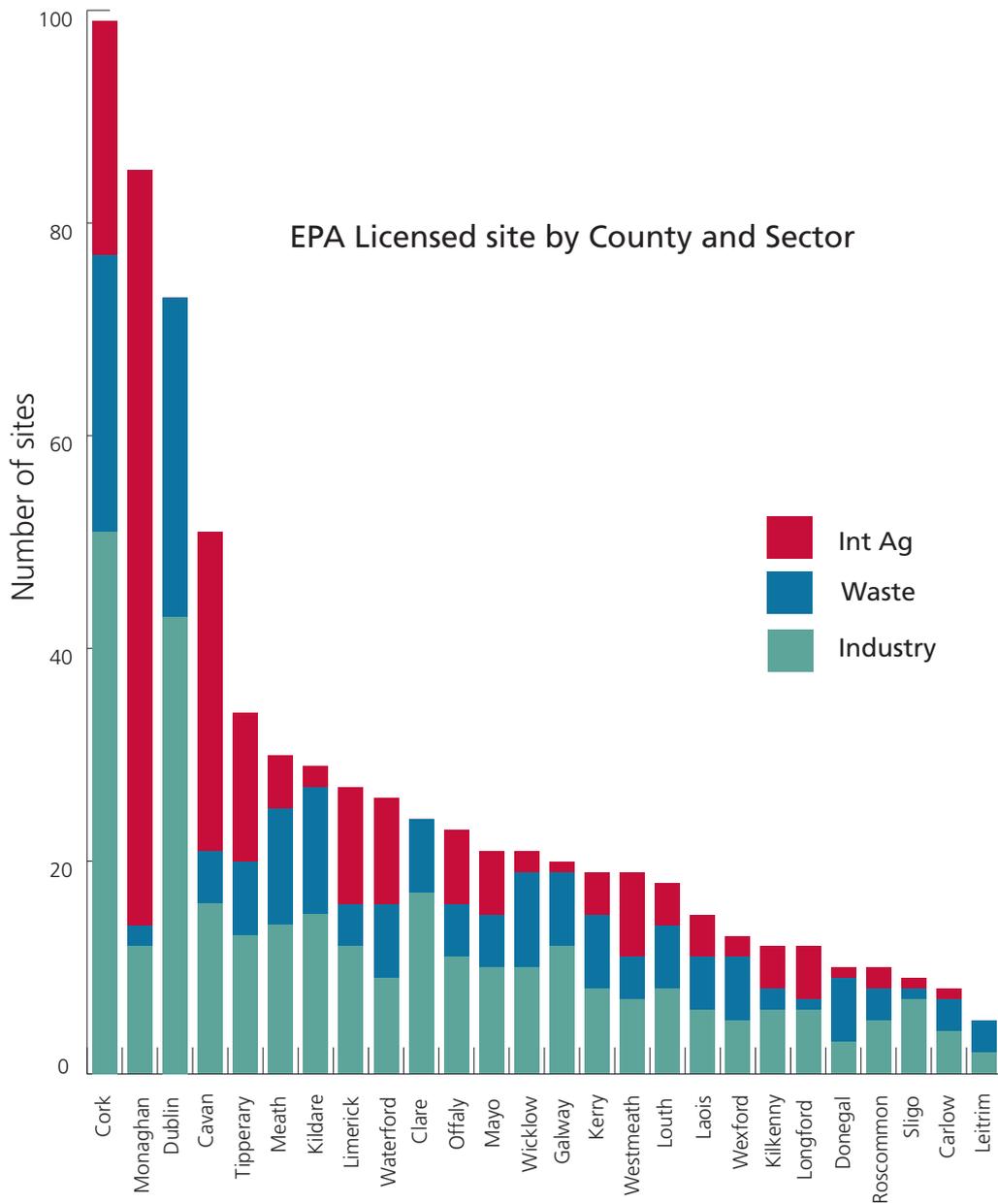


Chart 1 – Licensed sites by county

No. of licensed sites per km <sup>2</sup>	
Top 5	Lowest 5
Dublin	Donegal
Monaghan	Leitrim
Cavan	Galway
Louth	Mayo
Kildare	Roscommon

Table 1 – Density of licensed sites per county by area.

### 3. LICENCE ASSESSMENT AND COMPLIANCE

#### 3.1 EPA Visits & Inspections

A cornerstone of the EPA's enforcement of Industrial and Waste licences is site inspection. The EPA carries out inspections of licensed facilities using a number of approaches and techniques.

#### Key Facts 2016

- ▲ A total of **1,552** site inspections were carried out at **539** licensed sites during 2016. **512** of these visits were at operational sites with the remaining **27** at sites where the licensable activity had ceased. Inspections are carried out at closed sites to ensure that the site has been managed and controlled appropriately during the cessation of activities
- ▲ **203** of the sites were inspected once during the year and the remaining **336** sites were visited at least twice.
- ▲ **95%** of all of the Industrial and Waste enforcement inspections carried out by the EPA during 2016 were unannounced
- ▲ Most sites are inspected according to an annual plan and are not inspected more than twice per year. However, **12** sites required inspection more than **10** times during 2016, and these were:

Site Name	County	No of Inspections 2016
Enva Ireland Limited	Laois	78
Knockharley Landfill	Meath	68
Ballynagran Residual Landfill	Wicklow	46
Oxigen Environmental (Coes Road)	Louth	36
Oxigen Environmental (Robinhood)	Dublin	32
Greyhound Recycling & Recovery	Dublin	27
Oxigen Environmental (Merrywell)	Dublin	26
Thorntons Recycling Centre (Ballyfermot)	Dublin	23
Arrow Group	Kildare	19
Anglo Beef Processors Waterford	Waterford	13
College Proteins	Meath	13
Nutricia Infant Nutrition Limited	Cork	11

**How does the EPA decide which licensed sites to inspect, and how often to inspect them?**

In line with the requirements of the Industrial Emissions Directive (2010/75/EU) the EPA has, for a number of years, categorised each licensed facility in terms of the risk to the environment. Factors for the risk categorisation of each site include the complexity of the activity, the type, nature and quantity of emissions, the sensitivity of the receiving environment and its location. The highest ranked facilities receive the most planned visits from the EPA each year and may also receive EPA visits in response to complaints from the public or environmental incidents at the facilities. The various types of visits undertaken by the EPA on an annual basis are illustrated below.

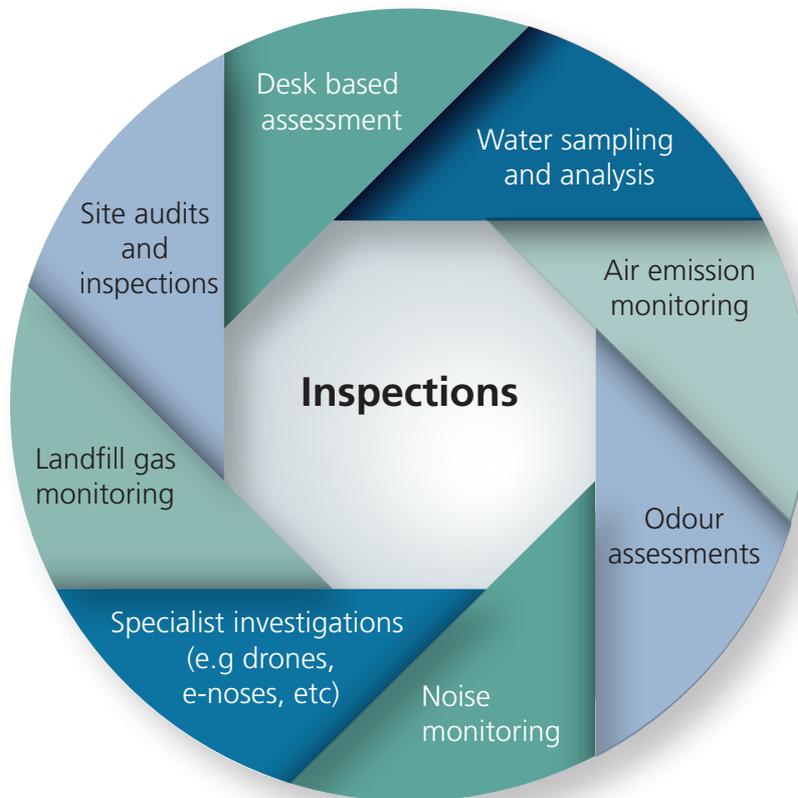


Figure 1 – EPA Inspection types

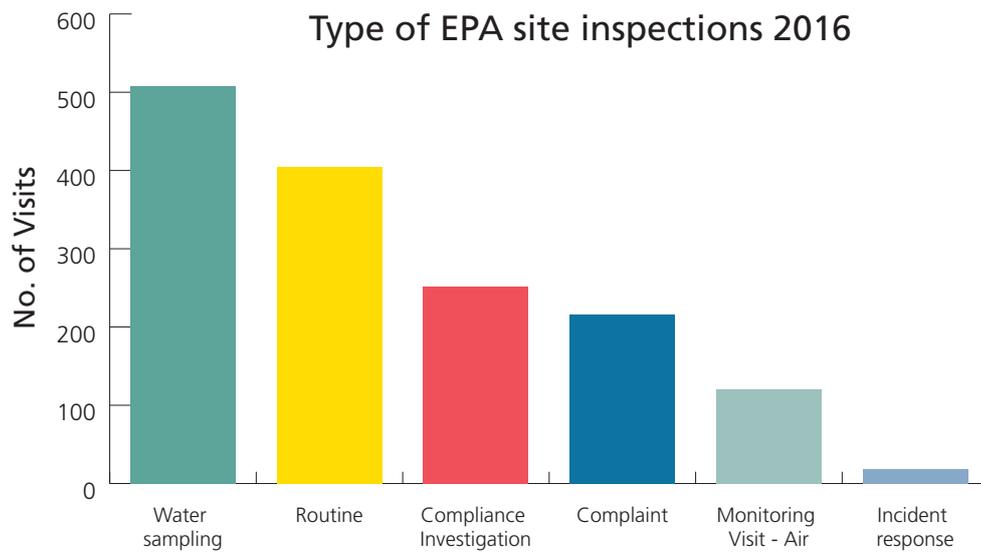


Chart 2 – Types of site visits completed at licensed sites in 2016

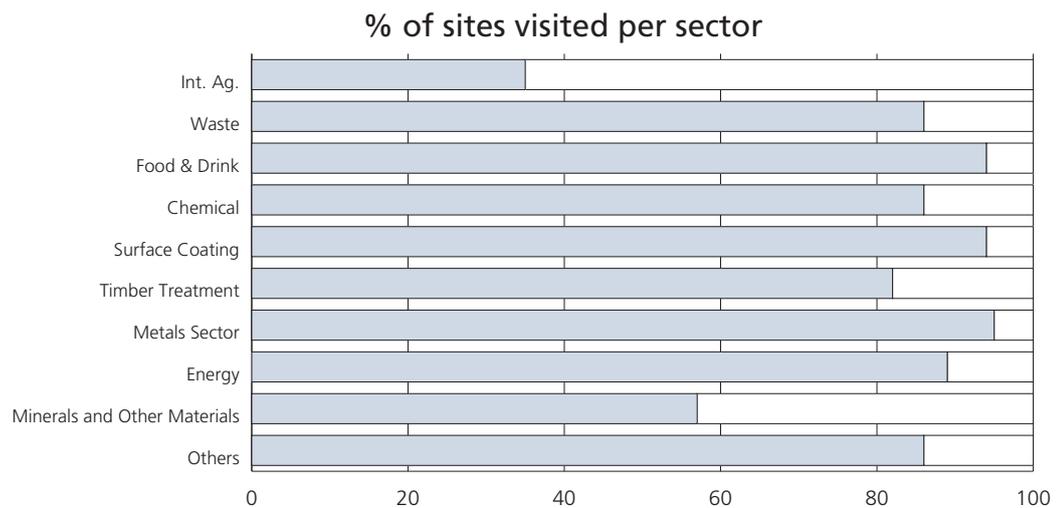


Chart 3 – Sites visits per sector completed during 2016

## 3.2 Non Compliances

The holder of a licence issued by the EPA is obliged to comply with the full suite of conditions as set out in the licence. EPA inspectors assess compliance with the licence conditions, which require 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, for example, licensee communications (reports, returns and notifications), third party complaints, EPA site visits, and targeted campaigns.

### Key Facts 2016

- ▲ A total of **1546** non-compliances were recorded by the EPA during 2016 for **325** individual sites.
- ▲ **45%** of operational licensed sites had no non-compliance recorded during 2016.
- ▲ **30%** of all non-compliances recorded related to a breach of an emission limit value.
- ▲ **8%** of all non-compliances recorded related to the licensees failure to notify the EPA of an incident at the licensed site.
- ▲ **5%** of non-compliances recorded related to environmental nuisance issues (e.g. odour)
- ▲ **30%** of the nuisance non-compliance were linked to a Compliance Investigation.

### What happens when a non-compliance is recorded?

The detection and recording of a non-compliance with a licence condition is often the first step in escalation of enforcement action by the EPA. A non-compliance that is considered to be of environmental significance will be linked to a Compliance Investigation. In the case where the EPA takes legal action against a licensed site it is the non-compliance with the licence which is the offence being prosecuted. All non-compliances recorded form part of the Priority Site score for the licensed site (explained elsewhere in this report).

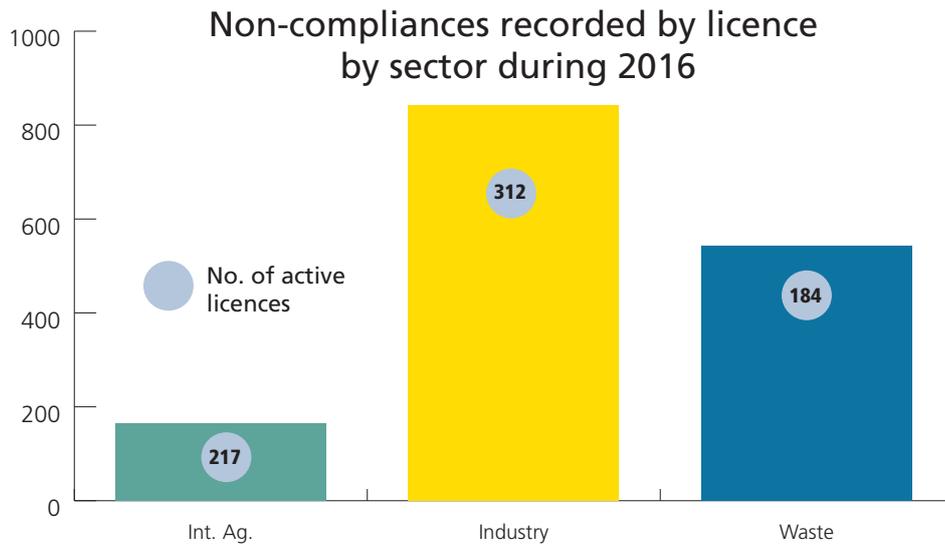


Chart 4 – Non-compliances recorded 2016

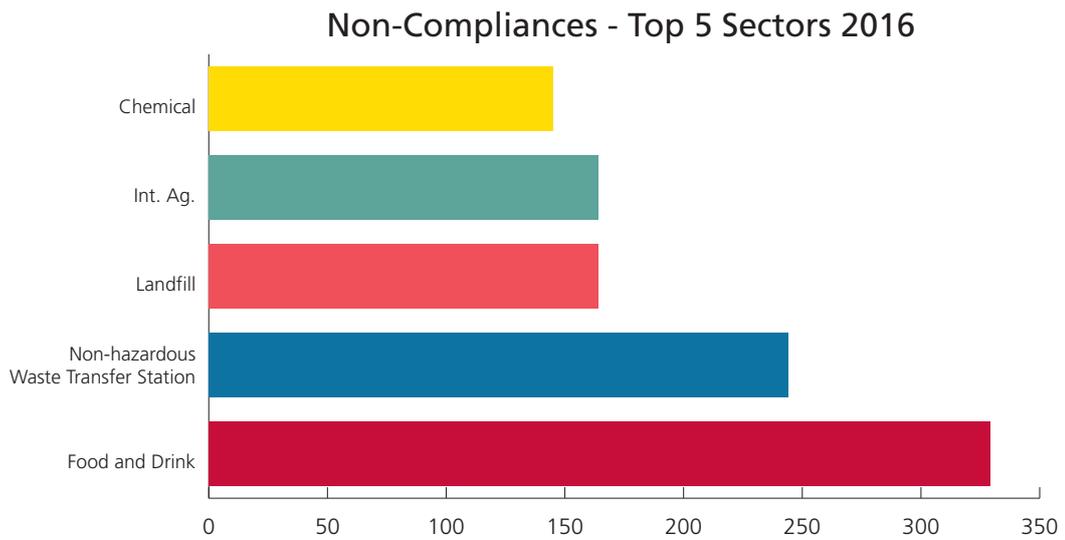


Chart 5 – Sectors at which non-compliances were recorded during 2016

### 3.3 Compliance Investigations

A Compliance Investigation (CI) is opened by the EPA where it deems that further information and/or action is required in relation to a compliance related issue at a licensed site.

#### Key Facts 2016

- ▲ **402** CI's were open during 2016.
- ▲ **124** of these were opened during 2016, the remaining **278** were opened during previous years.
- ▲ **56%** of CI's that were opened during 2016 were closed during 2016.
- ▲ **57%** of the open CI's during 2016 referred to water quality issues and/or a risk to water quality, with waste issues being the next most significant area at **12%**.
- ▲ The majority of CI's (**42%**) that were open during 2016 were opened based on the findings of a site inspection carried out by the EPA

#### When does a Compliance Investigation get opened/closed?

When opening a CI the EPA inspector assigns a risk rating (High, Medium & Low) depending on the risk to the environment. The CI may contain a number of items for the licensee to address, e.g. further monitoring, carry out an investigation, provide clarification, carry out improvement works, etc.

A CI remains in effect until the causative compliance issue has been fully addressed by the licensee. 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.

### Top 5 Reasons for open CI's in 2016

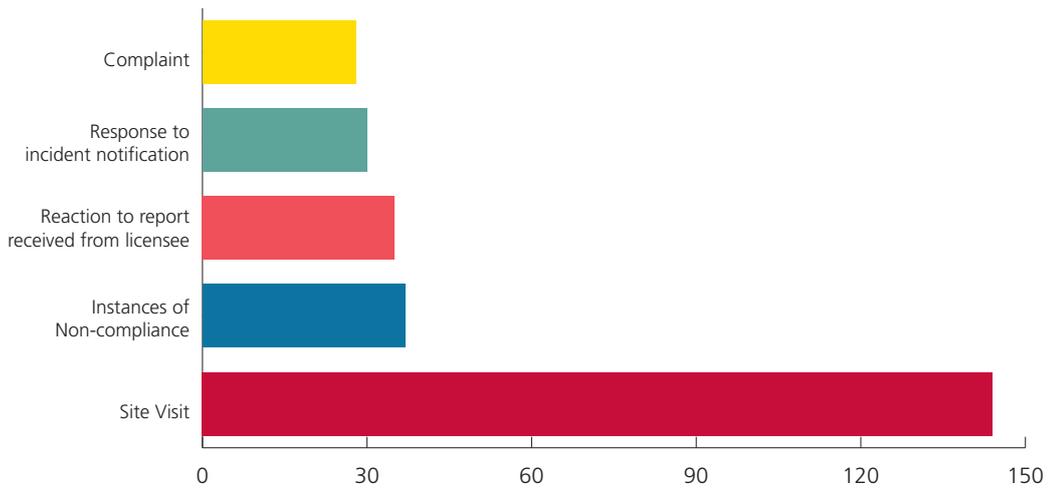


Chart 6 – Reasons for opening a CI during 2016

### 3.4 Complaints from the Public

Complaints from members of the public 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.

#### Key Facts 2016

- ▲ The EPA received a similar number of complaints from the public in 2015 and 2016 (**1097 v 1101**)
- ▲ **3** of the **Top 5** complained against licensees in 2015 remain in the Top 5 in 2016 and these are Arrow Group, Ballynagran Residual Landfill and Nutricia Infant Nutrition Ltd.

Site Name	County	No of complaints 2016
Arrow Group	Kildare	114
Ballynagran Residual Landfill	Wicklow	112
Knockharley Landfill	Meath	105
Oxigen Environmental (Coes Road)	Louth	97
Nutricia Infant Nutrition Limited	Cork	61

- ▲ **Odour** remains the most significant issue for the public – **66%** of all complaints in 2016 related to odour, with next highest being noise - **18%**

### How does the EPA handle complaints from the public?

Each year, the EPA receives a significant number of complaints from the public about licensed facilities by various means – telephone, writing, email, web etc. Once a complaint against a licensed facility is received, it is recorded and directed to the licensee by the EPA for investigation. At this stage, the EPA may also decide that it requires further investigation and open a Compliance Investigation with a specific set of Actions or Instructions for the licensee to carry out. The EPA may separately carry out its own monitoring and additional enforcement work may be necessary. If the complaints continue and/or if the licensee has not carried out the works required to rectify the problem, the EPA may take legal action against the licensee.

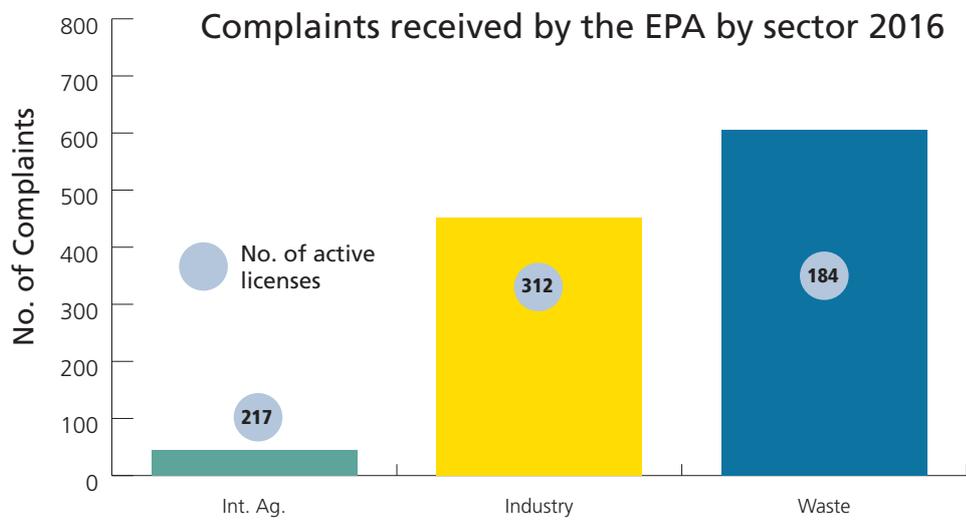
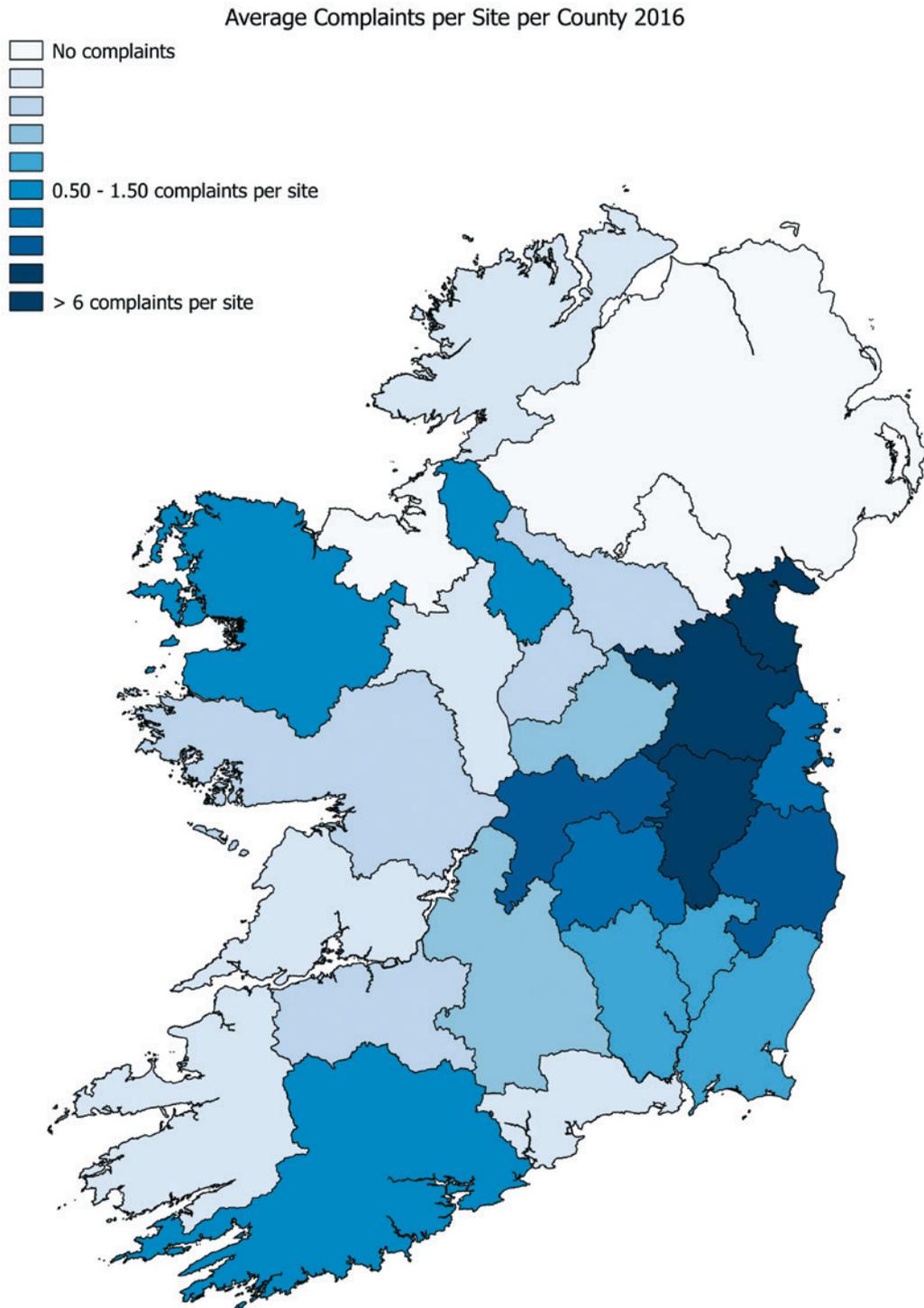


Chart 7– Complaints received 2016



Map 2 – Complaints per licensed site by county 2016

### 3.5 Environmental Reporting by Licensees

Licensees are required to submit information to the EPA in line with the obligations set out in their licences and using the EPA's electronic document management system (EDEN).

#### Key Facts 2016

##### Environmental Performance Reports

- ▲ In 2016, the Agency received a total of **6147** electronic reports from licensees.
- ▲ Sites in the Waste Sector submitted the highest number of reports submitted by licensees in 2016
- ▲ Monitoring returns accounted for **45%** of reports in 2016

##### Environmental Incidents

- ▲ The EPA received **1175** environmental incident reports in 2016, **97%** were classified as '**Minor**' by licensees with the remaining **3%** being '**Limited**' or Category 2.
- ▲ Of the **32 'Limited'** environmental incident reports, **53%** of these were related to **spillages/uncontrolled** releases at sites.
- ▲ **23** incident reports were received in relation to **Fires** at sites in 2016.

#### What are the key reports sent into the EPA by Licensees?

##### Environmental Performance reports

**Licensee Returns** - These cover a wide range of document types including monitoring reports, 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 Reports** - 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, as well as quantities of wastes generated by the facility and their recovery or disposal. It also contains summaries of the operator's monitoring, compliance, complaints and incident records and descriptive information about the site. All AERs submitted by licensees are published to the EPA website.

##### Environmental Incident reports

Each licensee is required to report incidents at their installation to the EPA under the terms of their licence. An incident is typically defined as an Emission Limit Value breach, breakdown of key abatement plant or any indication that environmental pollution has or may have taken place. The licensees are required to report each incident in line with the EPA's incident classification scheme (Ranked 1-5) with 'Category 1' having a Minor impact on the environment and 'Category 5' being Catastrophic

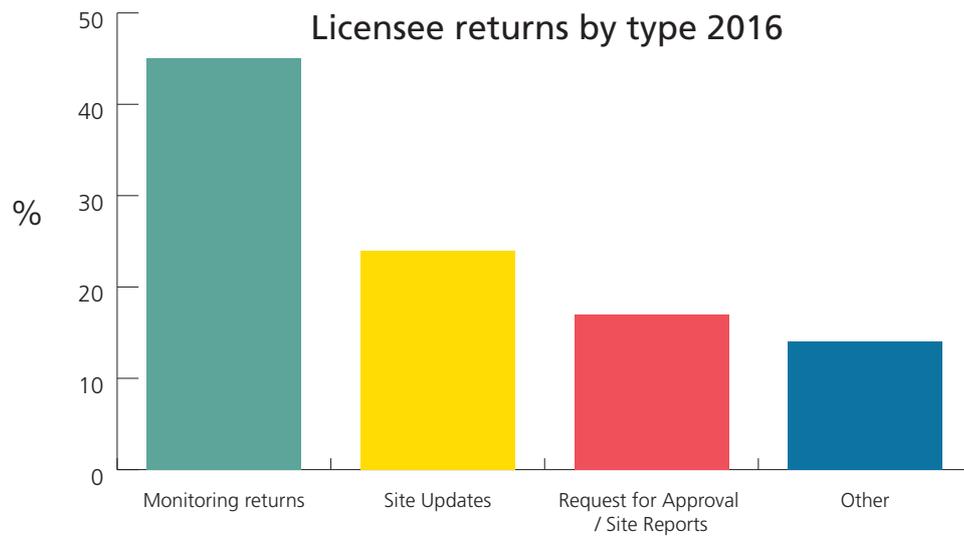


Chart 8 – Types of licence returns received during 2016

## 4. ENFORCEMENT TOOLS AND METHODS

### 4.1 Prosecutions

As a regulator, the EPA has a range of enforcement tools available to it and these range from the provision of advice and guidance, investigating the various issues through Compliance Investigations, the issuing of non-compliances to formal enforcement processes such as prosecution. As stated above, the Compliance Investigation drives licensees 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.

#### Key Facts 2016

- ▲ The EPA took **17 District Court Prosecutions in 2016, 11 were in relation to industrial/waste** licensed facilities
- ▲ The **Waste (3), Surface Coating (2) and Food & Drink (2)** Sectors had the highest number of summary prosecutions taken against them
- ▲ The total fines, cost and donations imposed by the courts during 2016 was **€178,630**. All of the prosecutions brought by the EPA were for not complying with the conditions of a Waste or Industrial Licence.
- ▲ The issues to which the prosecutions related to included; breach of emission limit values for discharges to air, water and sewer, causing nuisance and impairment of the environment as a result of odour emissions, failure to control noise emissions, failure to notify the EPA of an incident, poor waste management and handling practices, inadequate management of a facility and failure to complete monitoring as required by the licence.

#### Why the need for Prosecutions?

Prosecution is a sanction against licensees where the conditions of their licence are not being complied with and/or other enforcement actions have not resulted in improved compliance. It is a means of bringing to justice those who commit offences and protecting the environment and the community. The EPA has a strong track record of prosecutions and has used all of the enforcement powers available to it against non-compliant licensees.

Summary Prosecutions (District Court) - 2016	County	Fines / Costs/ Donations
Vedanta Lisheen Mining	Tipperary	€5,000
Rilta Environmental Limited (W0192-03)	Dublin	€19,636
T&J Standish (P0320-02)	Offaly	€2,288
Shell E&P Ireland (P0738-03)	Mayo	€16,138
Nutricia Infant Nutrition Limited (P0792-02)	Cork	€34,182
Greyhound Recycling and Recovery (W0205-01)	Dublin	€34,500
Rosderra Irish Meats Group (P0181-01)	Tipperary	€9,085

**Table 2 – List of prosecutions 2016**

In addition to the cases listed above in Table 2, another 4 cases were concluded during 2016 (two were dismissed and two received the benefit of the Probation Act) securing an additional €27,802 in costs and €30,000 in charitable donations. The total costs, fines and donations secured from all the cases concluded during 2016 was €178,630.

## 4.2 National Priority Sites

The EPA employs a system for the identification of licensed sites which are considered a national enforcement priority. The system provides a dynamic ranking of facilities based on their enforcement/compliance status and the scoring system is particularly affected by the level of enforcement activities for each licensed site. National Priority Sites are subject to additional scrutiny and attention from the EPA.

### Key Facts 2016

- ▲ **25 sites** were considered to be a National Priority Site during 2016.
- ▲ **12** of the 25 National Priority Sites for 2016 were considered to be a National Priority Site for at least 2 quarters of 2016.
- ▲ The Food & Drink and Waste Sectors had the largest proportion (8 each) of National Priority Sites in 2016 (Figure 1). 5 of the 8 National Priority Sites in the Food & Drink Sector undertake **milk processing activities** while 2 of the remaining 3 sites are involved in animal slaughtering with the third carrying out food manufacture activities.
- ▲ The 8 Waste industry National Priority Sites consist of 3 Landfills sites and 5 **Waste Transfer Station** sites.
- ▲ The predominant issue of concern to the EPA at the National Priority Sites was risk of **Water Pollution**.
- ▲ **63%** of all complaints (industrial/waste) received by the Agency in 2016 were related to National Priority Sites.
- ▲ **50%** of the National Priority Sites were found **not to** have reported incidents as required by their licence.
- ▲ **91%** of Site Visits to National Priority Sites were in response to issues of concern to the EPA.

### What are the key components of the National Priority Sites methodology?

The methodology has four key components –

- ▲ *Compliance Investigations* - CI's are categorised into Low, Medium and High based on the severity and likelihood of the effect on the environment and whether they are still active or closed.
- ▲ *Complaints* - The methodology takes particular account of the number of complaints from the public which are linked to Medium or High CI's for each licensed site as they are considered to be a higher priority.
- ▲ *Incidents* - Only 'limited' or higher incidents are scored in the methodology.
- ▲ *Non-compliances* - The number of non-compliances recorded by the EPA against each licensee is included in the methodology, with a greater weighting being applied to incidents which were not notified to the EPA.

### How does a licensed site become a National Priority Site?

Each licensee receives a score based on the status of their enforcement against the 4 key criteria above. In order for a licensed site to make it onto the National Priority sites list, it must achieve a score of **greater than 30 points** against the 4 key components above. Licensees who have a score of <30 points will not be considered to be a national priority site at that time but the list is dynamic and it doesn't preclude it from being a national priority site at another time. The roll out and communication of the National Priority Sites list has driven improvements in compliance and better engagement from licensees.

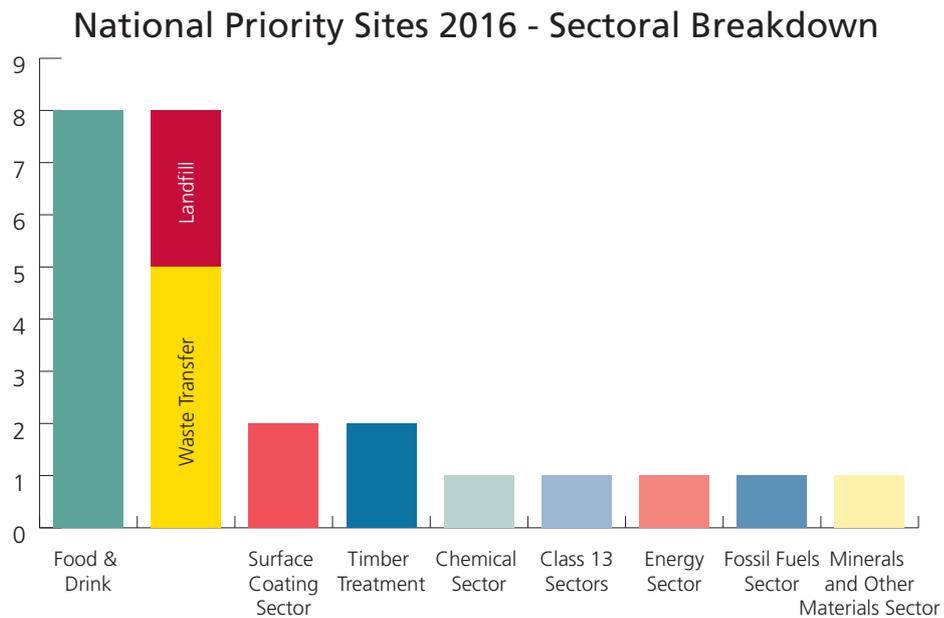


Chart 9 – National Priority sites by sector

### 4.3 Financial provision

Financial provision is a priority under the EPA’s Strategic Plan (2016-2020) and the EPA has made a concerted effort to secure compliance with conditions related to environmental liabilities and financial provisions. Though good progress has been made, and, with over €800m in environmental costings agreed, the securing of financial provision remains a priority under the EPA’s Strategic Plan (2016-2020).

A number of guidance documents, (e.g. Guidance on Financial Provision for Environmental Liabilities in late 2015), and templates have been published by the EPA to assist operators in complying. These are available on the EPA website at <http://www.epa.ie/enforcement/financialprovisionforenvironmentalliabilities/>

#### Key Facts 2016

- ▲ There was **€232 million** in financial provisions secured during 2016, bringing the overall provision in place to **€342 million** at end of 2016 across 81 EPA licensed facilities.
- ▲ The majority of financial provision in place was by way of bonds (**49%**), with **23%** agreed in the form of Parent Company Guarantee, **14%** as Environmental Impairment Liability Insurance, **10%** in secured funds and **4%** as charges on property.

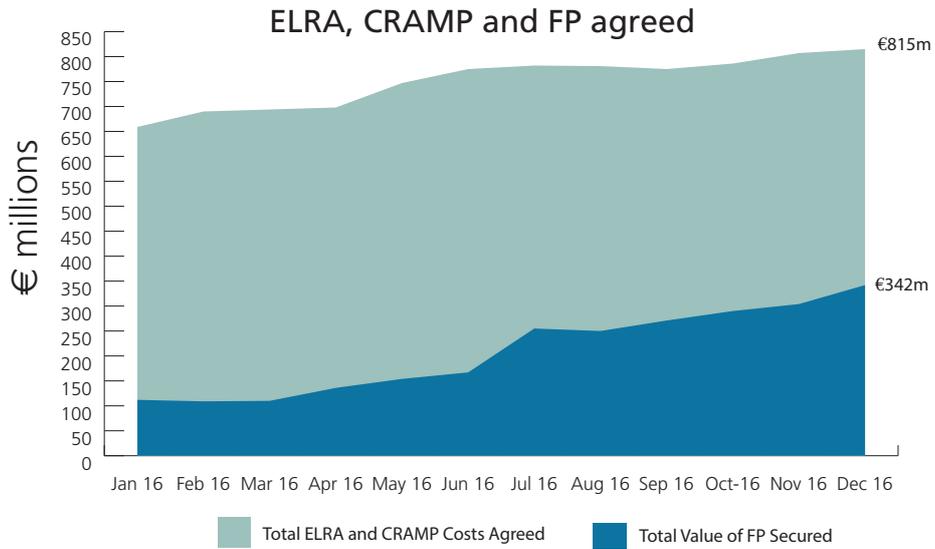
### Why do we need financial provision at licensed sites?

The prevention and remediation of environmental damage and pollution from incidents and from the closure of licensed facilities is a strategic priority for the EPA. It is important to ensure that there is adequate financial provision in place to manage these environmental risks, protect the environment and minimise the exposure of the State to the cost of remediating environmental damage and pollution when persons carrying out licensed activities fail to do so.

The European legal framework for environmental liabilities is set out in several European Union (“EU”) directives including:

- ▲ Industrial Emissions Directive (2010/75/EU);
- ▲ Waste Framework Directive (2008/98/EC);
- ▲ Mining Waste Directive (2006/21/EC);
- ▲ Environmental Liability Directive (2004/35/EC); and
- ▲ Landfill Directive (1999/31/EC).

In addition to the requirements of the directives above the conditions of the Industrial and Waste licences strengthen the requirements for operators to provide adequate financial provision. Ireland and Scotland are leading an EU IMPEL project called “Financial Provision: Protecting the Environment and the Public Purse”. Phase 1 which consisted of evidence gathering was completed in 2016. Phase 2 will be completed in 2017 and will produce practical guidance for regulators and other stakeholders to support implementation of financial provision for environmental liabilities.



ELRA - Environmental Liabilities Risk Assessment CRAMP - Closure Restoration and Aftercare Plan

Chart 10– ELRA, CRAMP & FP agreed during 2016

### Types of Financial Provision Agreed

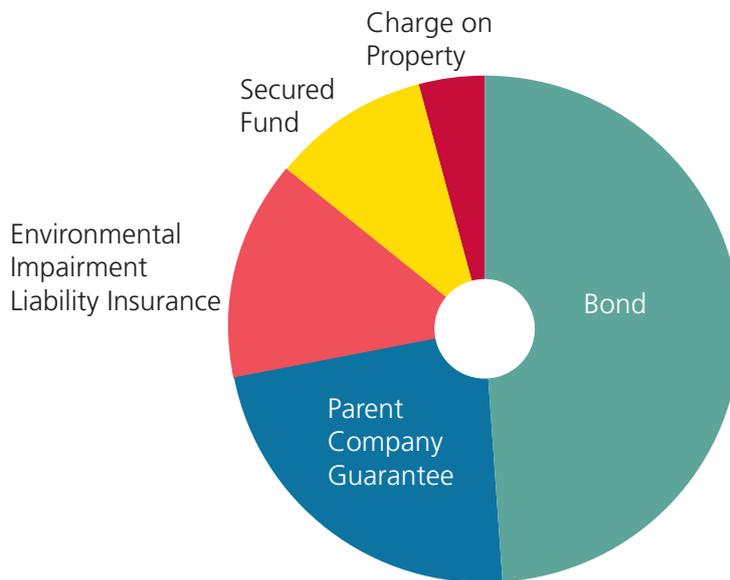


Chart 11 – Types of Financial Provision agreed

## 5. SUMMARY AND KEY MESSAGES FROM 2016

This report highlights that, in 2016, the main environmental issues were largely associated with a small number of industrial and waste sites and the EPA continued to focus its attention on these problematic sites. For example, a total of 12 sites were visited by the EPA on more than 10 occasions in 2016 and whilst the key issues were resolved at some sites, many of the licensees have been prosecuted for failure to address the main problems in a satisfactory manner.

The National Priority Sites system proved to be a key tool for highlighting those licensed sites which were considered to be a national enforcement priority in 2016. 25 sites were identified as being a National Priority Site during the year with the Food & Drink and Waste Sectors having the largest proportion (8 sites each) of National Priority Sites. Also, 63% of all complaints from the public received by the Agency in 2016 related to National Priority Sites. However, the overall number of National Priority Sites represented a very small percentage (3%) of the total number of licensed industrial and waste sites. The National Priority Sites system identifies the sites which are the least compliant and allows the EPA to focus on these sites.

The EPA received a significant number of complaints from members of the public in relation to industrial and waste sites. Odour was the most common issue and accounted for 66% of all complaints received. The resolution of odour problems at licensed sites continues to remain a key priority for the EPA. Where licensees fail to put in place measures to minimise odours emanating from installations, the EPA will take whatever enforcement actions it considers necessary to address this issue.

Securing Financial Provision at licensed sites is a key part of the EPA's Strategic Plan (2016-2020) and all financial provisions secured must be 'safe, secure and available when required'. The amount of Financial Provision secured by the EPA at licensed sites during 2016 increased by €232 million and brought the total amount of financial provision in place to €342 million at the end of the year. To date, the EPA has invested significant time and resources into this key area and will continue to do so in the years ahead.

17 District Court prosecutions were taken by the EPA in 2016, 11 of which were in relation to industrial/waste licensed site. A total of €178,630 in fines, costs and charitable donations was granted by the courts in these cases.

The EPA took further steps in 2016 to improve the accessibility of information to the public and a lot of information on the performance of industrial and waste licensees is available on the EPA website ([www.epa.ie](http://www.epa.ie)) under the licence search pages.

The EPA monitors licensed sites on a regular basis to assess and determine compliance with the licence conditions and, as part of the conditions of their industrial/waste licence, licensees have an ongoing requirement to monitor emissions from their installations. The EPA is collaborating with various international Agencies on looking at ways of enhanced monitoring and detection systems and has, in recent times, used new technology (e.g. e-noses) and methods (e.g. drones) to gather intelligence and information on key environmental issues associated with licensed sites.



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

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

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

## Ár bhFreagrachtaí

### Ceadúnú

- Déanaimid na gníomhaíochtaí seo a leanas a rialú ionas nach ndéanann siad dochar do shláinte an phobail ná don chomhshaoil:
- saoráidí dramhaíola (*m.sh. láithreáin líonta talún, loisceoirí, stáisiúin aistriúcháin 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 peitрил;
- scardadh dramhuisce;
- gníomhaíochtaí dumpála ar farraige.

### Forfheidhmiú Náisiúnta i leith Cúrsaí Comhshaoil

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

### Bainistíocht Uisce

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

## Monatóireacht, Anailís agus Tuairisciú ar an gComhshaoil

- Monatóireacht a dhéanamh ar cháilíocht an aeir agus Treoir an AE maidir le hAer Glan don Eoraip (CAFÉ) a chur chun feidhme.
- Tuairisciú neamhspleách le cabhrú le cinnteoireacht an rialtais náisiúnta agus na n-údarás áitiúil (*m.sh. tuairisciú tréimhsíúil 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 gás ceaptha 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 taismí núicléacha.
- Monatóireacht a dhéanamh ar fhorbairtí thar lear a bhaineann le saoráidí núicléacha agus leis an tsábháilteacht raideolaíochta.
- Sainseirbhísí cosanta ar an radaíocht a sholáthar, nó maoirsiú a dhéanamh ar sholáthar na seirbhísí sin.

## Treoir, Faisnéis Inrochtana agus Oideachas

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

## Múscailt Feasachta agus Athrú Iompraíochta

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

## Bainistíocht agus struchtúr na Gníomhaireachta um Chaomhnú Comhshaoil

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

- An Oifig um Inmharthanacht Comhshaoil
- An Oifig Forfheidhmithe i leith cúrsaí Comhshaoil
- An Oifig um Fianaise is Measúnú
- Oifig um Chosaint Radaíochta agus Monatóireachta Comhshaoil
- An Oifig Cumarsáide agus Seirbhísí Corparáideacha

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



#### **Headquarters**

**PO Box 3000,  
Johnstown Castle Estate  
County Wexford, Ireland**

**T: +353 53 916 0600  
F: +353 53 916 0699  
E: [info@epa.ie](mailto:info@epa.ie)  
W: [www.epa.ie](http://www.epa.ie)  
LoCall: 1890 33 55 99**

#### **Regional Inspectorate**

McCumiskey House,  
Richview, Clonskeagh Road,  
Dublin 14, Ireland

**T: +353 1 268 0100  
F: +353 1 268 0199**

#### **Regional Inspectorate**

Inniscarra, County Cork,  
Ireland

**T: +353 21 487 5540  
F: +353 21 487 5545**

#### **Regional Inspectorate**

Seville Lodge, Callan Road,  
Kilkenny, Ireland

**T +353 56 779 6700  
F +353 56 779 6798**

#### **Regional Inspectorate**

John Moore Road, Castlebar  
County Mayo, Ireland

**T +353 94 904 8400  
F +353 94 902 1934**

#### **Regional Inspectorate**

The Glen, Monaghan, Ireland

**T +353 47 77600  
F +353 47 84987**

#### **Regional Offices**

The Civic Centre  
Church St., Athlone  
Co. Westmeath, Ireland  
**T +353 906 475722**

Room 3, Raheen Conference Centre,  
Pearse House, Pearse Road  
Raheen Business Park, Limerick,  
Ireland  
**T +353 61 224764**

