



Local Authority Enforcement Audit Report

Carlow County Council

Date of audit 20 03 2024 Audit report Ref: LAET 2024/05/23

PURPOSE OF AUDIT

This audit was carried out in accordance with **Section 63(2)** of the **Environmental Protection Agency (EPA) Acts 1992 & 2003** and aims to assess the performance by the local authority of its statutory functions in relation to environmental protection. This report contains advice and recommendations for the local authority in accordance with **Section 63(3)(a) of the EPA Acts 1992 & 2003**.

1. SUMMARY OF FINDINGS

Observations were raised in relation to:

- Environmental Complaints Handling; and
- Progress with the National Enforcement Priorities (NEPs) 2022-2024 in the areas of waste, water and air/noise.

Actions in relation to the above are required to be taken, as specified in the report.

Local authorities are expected to meet the required standard in 100% of the NEPs by the end of the 2022 – 2024 three-year cycle.

2. SCOPE OF AUDIT & ATTENDEES

The scope of the audit included a review of Carlow County Council's enforcement plan under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections (RMCEI), environmental complaint handling, progress in relation to the National Enforcement Priorities (NEPs) under the Local Authority Performance Framework, and resources. During the audit a number of local authority staff were interviewed in relation to statutory environmental functions, NEPs, complaints and RMCEI inspection plans.

Representing the Council:

<u>Name</u>	<u>Position</u>
Pádraig O'Gorman	Director of Service
Eleanor McDonald	RMCEI Co-Ordinator, Executive Scientist
Orla Barrett	Senior Engineer
Donnacha Lynch	Senior Executive Engineer
Paul Byrne	A/Senior Executive Engineer
Catherine Buggy	Environmental Enforcement Officer
Jake Lawlor	Complaints Co-ordinator
Fergus Mulhare	Environmental Enforcement Officer

James Lakes

Litter Warden

Representing the Environmental Protection Agency:

Neil Foley

Inspector II

Isabel Valera

Inspector II

Maria Lenihan

Inspector I

3. AUDIT OBSERVATIONS & RECOMMENDATIONS

3.1 Environmental Complaints Handling

Observations:

- Carlow County Council demonstrated the use of the ProWorks App for recording and tracking of complaints in Environment, Roads and Health and Safety. This included the use of inspection tablets.
- The Council generates monthly reports to check follow up and closure of complaints. There were 15 open complaint actions at the time of the audit.
- The Complaints Co-ordinator has documented a number of the complaints procedures and is progressing the remaining procedures.

Table 1: Sample complaints reviewed				
	Reference	Subject	Finding	Actions required
1.	COM018276	Concern with regard to impact on livestock of machinery manufacturing plant (spray painting) in Co Carlow.	Process change proposed by the operator to be implemented in January 2024 which should resolve the issue.	Carlow County Council to assess if proposed process change has been implemented by the operator and whether this has resolved the issue.
2.	COM017791	Concerns regarding possible illegal dumping of construction waste in a disused part of the quarry (not by the owner).	Section 55 notice issued on 01/02/2024 with response due by 12/03/2024.	Carlow County Council to assess response to Section 55 notice and whether any further actions are required to resolve the issue.
3.	ENV/CP/24-131	Issue with domestic bin collection.	Complaint was resolved through contact with resident and the bin company.	No further action required.

Actions Required:

1. Carlow County Council should ensure that all complaints procedures are documented and available to staff as necessary.
2. Carlow County Council should follow up on complaints COM018276 and COM017791 as specified in Table 1.

3.2 Waste National Enforcement Priorities

Observations:

Illegal waste

- Carlow County Council conducted 16 roadside check points in 2023.
- On review of one of the site inspections of unauthorised waste sites, it was noted that a site inspection form was unavailable for review. Carlow County Council informed the Agency that site inspection templates have been added to their tablets and they plan on using them this year.
- Carlow County Council undertook innovative surveillance work under ADI funding to investigate illegal activity.

Construction and demolition waste

- Carlow County Council confirmed that they have six waste facility permits and one certificate of registration in the Construction and Demolition (C&D) sector. Carlow County Council confirmed that these sites are visited in accordance with scheduled inspections and no issues have been identified at these sites. Carlow County Council informed the EPA that they take a proactive approach of closely monitoring these sites to ensure compliance.
- Four construction site inspections were carried out, one adjacent to the environmental department building and the remaining three were randomly picked for inspections. Carlow County Council informed the EPA that no issues were found at these inspections.
- There were no article 27 notifications relating to Carlow County Council in 2023.
- The environmental department engages with the planning department on planning applications but do not currently carry out joint inspections.
- 21 inspections of unauthorised C&D waste were undertaken in 2023 across 9 sites. One site remains unresolved and was discussed in detail during the audit, including a review of the file (Ref. 23/516). This issue arose from a complaint forwarded by the Agency. A section 55 notice was issued to the operator and a witness statement was taken under caution. A section 14 notice was also issued to remove an estimated 2,070 tonnes of C&D waste that is adjacent to a Special Area of Conservation. A two-week extension notice has been issued and a response is due by the end March 2024.
- Two more enforcement files in relation to unauthorised C&D waste was reviewed and were satisfactory (Ref. No. 23 – 543 and 23 – 188).

ELVs and metals

- Carlow County Council has one Authorised Treatment Facility (ATF) and one authorised ATF and metal facility. 9 inspections were completed between the two WFPs based on the risk rating tool of 4 inspections for each ATF. These permits were due to expire in 2023, review applications were received and authorisations were granted.
- There were 13 suspected unauthorised ELV sites at the beginning of 2023, by the end of 2023 six of the sites had been resolved and Carlow County Council also wrote to five out of the remaining seven suspected ELV sites. Carlow County Council plan to inspect the remaining seven sites in 2024.

Household and commercial waste

- 84 householders were targeted for door-to-door surveys in 2023, 42 householders participated and 92% were found to be compliant.
- 29 household waste surveys were distributed to individuals that had received litter fines in 2023 which was a proactive initiative. These surveys were distributed in December 2023 and the outcomes of these surveys are to be assessed in 2024.
- 10 commercial food waste inspections were undertaken in 2023 with a 90% compliance rate.
- The annual local authority waste survey, due for submission to the EPA in June 2023 was delayed.

PRIs and local priorities

- 7 inspections were undertaken for WEEE and batteries and were 57% compliant, signage was the only issue found from WEEE and battery inspections.

Actions Required:

1. Carlow County Council should use relevant WERLA site inspection templates when carrying out site inspections.
2. Intelligence gathered from the work undertaken by the private investigator should be passed on directly to An Garda Síochána and the WERLA or via the Multi Agency forum for Environmental/Wildlife Crime.
3. Carlow County Council should consider carrying out joint inspections with the planning department.
4. The Council should escalate enforcement action regarding enforcement file (Ref. 23/516) if a satisfactory response is not received by end March 2024.
5. The Council need to ensure that the annual local authority waste survey is submitted within the required timeframe to the EPA.

3.3 Water National Enforcement Priorities

Observations:

- Carlow County Council met the required standard of Strong across the five water NEPs in 2022.
- The audit examined specific aspects of a complaint received by the EPA from Inland Fisheries Ireland (IFI) (complaint reference COM018647) relating to discharge licence DL/S4C/2011/05. Carlow County Council responded to the Section 63(1) request for information on this matter dated 27/02/2024. The Council advised that a review of the licence had commenced in 2021 but was not completed owing to the retirement of the Senior Executive Engineer with responsibility for Water and Planning. The Council stated that a licence review would be completed and that it should be co-ordinated with Wexford County Council who also licence a discharge from the facility.
- Catchment data identified potential wastewater pressures on Ballaghmore Distributary_010 (IE_SE_12B120990). The Council stated that this referred to a facility which has its own WWTP and that the Council previously advised the facility to upgrade their WWTP or to connect to the public sewer, however the status of the site was not known at the time of the audit.
- IFI raised a concern regarding a decline in Q-value at the River Slaney (IE_SE_12S021200). The Council stated that previous inspections in the area included inspection of a facility did not reveal any discharge from the site but that the Council would investigate this further to confirm.
- The Council stated that additional investigative monitoring should be undertaken by agricultural inspectors once appointed later this year.
- Carlow County Council provided the small private supplies (SPS) register during the audit and details of the sampling contract covering all necessary check and audit samples (group A and B parameters). The Council also outlined collaboration with the HSE on protection of SPS and follow up actions with non-compliant supplies.

Actions Required:

1. Carlow County Council should immediately recommence the review of discharge licence DL/S4C/2011/05 in accordance with S.I. 272 of 2009 (as amended) and condition appropriate emission limit values (ELVs) and abstraction rate. Carlow County Council should ensure there is effective collaboration with Wexford County Council who also licence a discharge from the same facility on the Wexford side of the County Boundary. The licence review should be completed within 6 months of receipt of this audit report.

2. Carlow County Council should undertake an inspection of the private WWTP within 1 month of receipt of this audit report, to determine if a discharge to waters is occurring and to appropriately licence any discharge or ensure connection to the public sewer with Uisce Eireann agreement.
3. Carlow County Council should undertake an inspection of the River Slaney (IE_SE_12S021200) within 1 month of receipt of this audit report, to determine if any discharge to waters is occurring and to appropriately licence any discharges where necessary.

3.4 Air and Noise National Enforcement Priorities

Observations:

Solid Fuel

- The register for solid fuel retailers was reviewed during the audit. Discussions were held in relation to the household survey on the use of solid fuels funded in 2022 by the Department of Environment, Climate & Communications. The local authority carried out 42 door-to-door surveys under the Solid Fuel Regulations and confirmed that inspections on retailers will be taking place during April and/or during the Autumn. The Council also undertook proactive work during a multi-agency checkpoint where a transporter was found to be compliant. The outcome of a complaint related to the sale of coal in unmarked bags was discussed. In general, the local authority is maximising the limited resources under this NEP to achieve positive outcomes.
- The local authority website includes up to date information in relation to the Solid Fuel Regulations.

Air Quality Monitoring Activities and Data Use

- The location of the air quality monitoring station at Carlow town was discussed. The local authority explained that the station is located near a parking site which will undergo works in the near future. The activity in the site may tamper with the air quality readings of the station.
- A pilot project was funded by the Department of Environment, Climate and Communications which erected 12 air quality sensors in four locations in Carlow Town. Carlow County Council staff will be trained on how to use the results from the project. An anti-idling project is also to be carried out. Once trained, the staff will be able to assess if the door-to-door calls along with the anti-idling campaign have had an impact on air quality in Carlow Town.
- The local authority includes a link to www.airquality.ie and a direct link to the Carlow Town air quality monitoring station.

Environmental Noise Directive (ENDs)

- The local authority explained that during 2023 there was a lack of funding to carry out measures identified within the Noise Action Plan 2018-2023. Despite limited funding under this NEP the local authority gave an account on the different projects ongoing that will reduce noise levels in the County such as new available electric bike and bus services.
- A Pavement scheme schedule for 2023 will be carried out in 2024.
- The local authority website provides a link to round 4 maps on the EPA website and a link to Carlow Town noise map is also included.

Air & Noise Controls (including Planning)

- The local authority scored excellent in 2023 under this NEP and detailed the referral system between Planning and Environment Section. Staff in the environment section are very proactive to take part in pre-planning meetings and make recommendations to reduce air and noise impacts from developments within the functional area. Inspections on existing Planning Permissions are also carried out to check compliance.

Ongoing Air & Noise Enforcement Work

- The 2023 NEP Progress Report was discussed. Proactive work was carried out in relation to a solvent complaint and that Section 26 notices were served.
- Registers under Solvents and Deco Paints Regulations were reviewed. The Registers are kept up to date however they should be uploaded to the local authority website to be accessible to the public.

Actions Required:

1. Carlow County Council should carry out solid fuel inspections of retailers to establish compliance rates within the functional area. The Council should endeavour to carry out solid fuel sampling individually or jointly with other local authorities. It is recommended that the local authority engages with the Local Authority Implementation Group (LAIG) in relation to solid fuel sampling methodology and future sampling activities planned by the group.
2. It is recommended that a primary and secondary contact person in the Council is available to carry out communication checks for the air quality station in Carlow Town.
3. The local authority should seek funding to carry out the measures identified within the Noise Action Plan 2018-2023 and for the NAP 2024-2029.
4. The NEP Progress Reports should provide specific examples where assessment of planning was critically reviewed for air and noise impacts and/or examples of specific industries causing local air and noise problems. Outcomes from complaints should also be provided in the NEP Progress Report.
5. The Council should carry out activities to detect unauthorised operators under Solvent and Deco Paint Regulations, such as searches online and visits to sites.
6. The Solvents and Deco Paints Registers should be available to be viewed by the public in the local authority website.

3.5 Resources

Observation:

- Carlow County Council stated that they are one of the least staffed Councils in the Country. The retirement of a long serving Senior Executive Engineer also impacted the corporate knowledge of the Environment Section. In addition, the current Senior Engineer is moving to the Roads Section. However, two new agricultural inspectors have been sanctioned and should be appointed during the year.

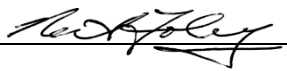
Action Required

1. Carlow County Council should regularly review the staff resources in its Environmental Section and ensure that this vital work is appropriately prioritised and that adequate resources are deployed to deliver its statutory functions in environmental protection.

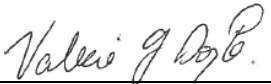
4.0 FOLLOW-UP ACTIONS

Carlow County Council shall take action to address the observations raised in this report and submit a report to the EPA within **2 months** from the date of issue of this report. The report should provide details of the actions taken (or planned) to address the various recommendations, including timeframes where appropriate. These actions may be checked and verified by the EPA during future audits/inspections. This report is issued without prejudice to the right of the EPA to take any further action which it may in future decide is appropriate, whether under Section 63 of the EPA Acts 1992 and 2003 or otherwise.

Report prepared by:



Reviewed by:



Date:

23/05/2024

Date:

23/05/2024