



Local Authority Enforcement Audit Report

Galway City Council

Date of audit 04/09/2024 Audit report Ref: LAET 2024/09/30

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 complaint handling, Annual Return validations, RMCEI and progress with the National Enforcement Priorities (NEPs) 2022-2024 in the areas of waste, water, air, and noise, which will require actions 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. Galway City Council met the required standard for 44% of the National Enforcement Priorities (NEPs) in 2023 which is a notable decline in performance from 2022. The national average was 71% in 2023. The local authority must focus on the following 10 work areas which did not meet the required standard:

- Domestic Waste Water Treatment Systems (DWWTS) / Septic Tanks;
- Discharge Licences/Misconnections
- Noise – ENDS;
- Air & Noise Controls (Including Planning);
- Ongoing Air & Noise Enforcement Work;
- Illegal waste activity
- Construction and Demolition (C&D) Waste;
- End-of-Life Vehicles (ELVs) & Metal;
- Household and commercial waste, and
- Producer Responsibility Initiatives (PRIs) and Local Priorities.

Galway City Council stated that resource constraints have impacted on the performance of its statutory environmental protection functions, particularly in 2024. Galway City Council should, therefore, continue to 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.

2. SCOPE OF AUDIT & ATTENDEES

The scope of the audit included a review of Galway City 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> |
|----------------|------------------------------------|
| Patrick Greene | Director of Services – Operations |
| Fiona Holland | Senior Engineer |
| Paul Connolly | Senior Executive Engineer |
| Maebh Collins | RMCEI Co-Ordinator / Staff Officer |
| Patrick Foley | Administrative Officer |
| Jason Corbett | Executive Engineer |
| Alan Faulkner | Community Warden Supervisor |
| Sharon Carroll | Executive Scientist 2021-2023 |
| Fergal Cushen | Environmental Awareness Officer |

Representing the Environmental Protection Agency:

| | |
|---------------|--------------|
| Helen Boyce | Inspector II |
| Maria Lenihan | Inspector I |
| Neil Foley | Inspector II |

3. AUDIT OBSERVATIONS & RECOMMENDATIONS

3.1 Environmental Complaints Handling

Observations:

- The Environment section of Galway City Council uses a CRM based system (XY Comply) for the recording of complaints.
- Complaints are received by phone, email or in person and are logged by Admin staff. There is no option for a member of the public to make a complaint on-line via Galway City Council’s website.
- It was noted that complaints are recorded on several systems. The information from the various systems is compiled monthly to give overall figures for complaints.
- It was noted that the XY Comply system contains a basic record of the complaint however detailed follow up is recorded separately. It is not easy to track a complaint through from initial receipt to enforcement action such as a Fixed Penalty Notice or a court case.
- It was not easy to determine at the audit how many complaints has been received in total in 2024 to date nor how many were open greater than 6 months.

Table 1: Sample complaints reviewed

| | Reference | Subject | Finding | Action |
|---|-----------|---|---|-----------------------------|
| 1 | COM018710 | Water pollution: Detergent used for street washing | This complaint was referred by email from the EPA however it was not logged on the CRM system. Complaints referred from the EPA are logged on a separate drive. It was noted that the complaint had been investigated and a response was communicated to the complainant. | No further action required. |

Actions Required:

1. Take measures to ensure that all complaints are recorded on one central system where they can be easily located and tracked using a unique reference number and supporting documentation is readily accessible. This should include clarity as to how and when complaints are closed.
2. Review Galway City Council's website with a view to facilitating a member of the public to make a complaint on-line. A clear link that allows a person to make a complaint on-line is recommended.

3.2 Waste National Enforcement Priorities**Observations:**

Galway City Council need to make improvements across the five waste NEPs as highlighted in the EPAs assessment of 2023. Compliance rates and comparison to previous years, site selection, activity undertaken, detection and follow up and clear examples of environmental outcomes were not detailed across sections of the waste NEPs.

Good practices were noted during the audit, including the assistance of the Community Wardens in complaint follow up and completion of inspections and the production of awareness raising and education videos.

Illegal waste

- Galway City Council stated that awareness raising and education of the general public about illegal waste has resulted in a reduction in large scale illegal dumping. A number of multi-agency checkpoints were completed in 2023 and there was no illegal activity detected. These checkpoints were promoted on Galway City Council's social media sites (sample reviewed for 22/05/2023) to raise awareness amongst the general public to always ask any waste collectors for their Waste Collection Permit. Galway City Council informed the EPA that there was also coverage of one of the roadside checkpoints on Nuacht TG4.
- There were instances of dumping of household waste which were investigated and enforced by the Community Wardens up to the issue of fines, however there were no prosecutions taken if fines were not paid.
- Galway City Council has made short videos on raising awareness on litter management and posted these on their social media.
- There were two prosecutions taken in 2023 under S32 and S34 of the Waste Management Act.
- Parts of the city have a wheelie bin exemption and with the introduction of the Deposit Return Scheme (DRS) littering has occurred as black bags left out for collection have been opened to find cans and bottles. Galway City Council stated that this issue is stabilising and that they are engaging with another local authority that are having the same issue to tackle this problem.
- Galway City Council have two Section 55 prosecutions files open and the enforcement file in relation to one was reviewed. This file refers to the build up of predominantly household waste at a private house that was subsequently removed. There is no unique file reference number for this case.

Construction & Demolition

- The Community Wardens are authorised officers under the Waste Management Act and carry out inspections at Construction and Demolition sites in response to complaints received. The wardens are not trained to check the contents of vehicles hauling material to destination sites. Galway City Council confirmed that C&D inspections have not been undertaken to date in 2024 and this is of concern to the EPA as it is a priority area for enforcement.
- Galway City Council confirmed that they have one C&D Waste Facility Permit and that Annual Return (AR) validation has not been completed to date.
- The WERLA site inspection template is used as the basis for a shorter more user-friendly inspection form used by Galway City Council staff on permitted sites. This form is entitled "Galway City Council Waste Inspection Sheet" and a sample, as well as supporting documentation, was reviewed at the audit for WFP-GC-17-0002-02.

- Risk ranking for site inspections is carried out in accordance with a procedure entitled “Galway City Council Waste Management Inspections on Construction Sites (November 2022)” as part of the annual work plan.
- A By-Product Notification inspection sheet and supporting documentation for an inspection carried out on 08/09/2023 was reviewed during the audit (Ref. No. ART27-3243).
- Galway City Council confirmed that the Extractive Industries Register needs to be updated.

End of Life Vehicles (ELV) & the Waste Metal Sector

- Galway City Council confirmed that there is one permitted Authorised Treatment Facility (ATF) and that there is no scrap metal permitted sites in their functional area. AR validation of the permitted ATF for 2023 has not been completed to date.
- Two ELV inspections were carried out on the 18/04/23 and 19/05/23 at the permitted facility with a focus on record keeping. WERLA inspection templates were not used for these inspections. There were no unique file reference numbers for these inspection reports.

Household and Commercial

- Galway City Council confirmed that they do not have any household and commercial waste permitted facilities in their functional area.
- Galway City Council has developed a Register under Section 34C of the Waste Management Act and obtain quarterly updates from four waste collectors who operate within their functional area.
- Site selection for inspection of the waste collection permit holders is based on a combination of a list provided by the WERLA, local knowledge and complaints from the general public. There were no enforcement actions taken in this sector in 2023.
- A commercial food waste inspection report for 2023 was reviewed. There was no unique file reference number for this inspection report.
- Local authorities are required to submit an Annual Return via the NWCPO portal regarding waste directly collected by local authority staff. Galway City Council could not confirm whether they had submitted an Annual Return.

Producer Responsibility Initiatives

- Galway City Council stated that garage inspections undertaken in 2023 were generally compliant.
- Galway City Council stated that they had undertaken further work on two suspected major producers, including the issuing of legal warning letters and that both were now registered.
- Galway City Council stated that they had prioritised food markets and retailers for inspection in 2023.

Actions Required:

1. Take necessary measures to improve performance and reporting in relation to the five waste NEPs to ensure that all the work undertaken by Galway City Council is clearly demonstrated and that the NEP assessment criteria are addressed. Ensure that the feedback provided in the EPA’s assessment for 2023 (issued 31/07/2024) is taken into account.
2. Ensure that NWCPO AR validations are completed without delay and if not submitted to date, submit an Annual Return via the NWCPO portal regarding waste directly collected by local authority staff.
3. Ensure that inspections are carried out in the C&D sector without further delay.
4. Set up an appropriate filing system for work undertaken in the waste sector, including a unique reference number for each enforcement file.
5. Consider whether prosecution for non-payment of fines for illegal dumping would enhance awareness raising of this issue as well as ensuring the “Polluter Pays” and that sanctions are applied and are effective.
6. Ensure that the Waste Convictions Register and the Extractive Industries Register are up to date.

7. The use of Community Wardens for waste enforcement is a valuable resource and Galway City Council should ensure that the wardens receive all appropriate training to assist them in carrying out of duties under the Waste Management Act and the Litter Pollution Act.
8. Ensure that relevant WERLA inspections templates are used across the waste sector.
9. With regards to PRIs, ensure that inspections are carried out as a minimum for the 3 priority areas i.e. WEEE, packaging and DRS, highlighted by the WERLAs for 2024.
10. Ensure that there is a minimum of one inspection per annum carried out at the Authorised Treatment Facility and that the Annual Return validation is completed within the required timeframe.

3.3 Water National Enforcement Priorities

Observations:

Galway City Council met the required standard for Local Priorities and Water Quality Monitoring in the EPAs assessment of 2023. However, the Council needs to make improvements in its inspection and enforcement of Domestic Wastewater Treatment Systems (Septic Tanks) and Discharge Licences/Misconnections. The Agriculture NEPs are not applicable to the City Council functional area.

Septic Tanks

- Galway City Council is required to undertake two septic tank inspections in 2024 in accordance with the National Inspection Plan (NIP). The Council stated that these inspections will be completed. The Council advised that there is one authorised inspector in place and that a newly appointed Environmental Technician will be undertaking the inspection training course.

Discharge Licences/Misconnections

Galway City Council undertook misconnection surveys in relation to water quality impacts in Rusheen Bay.

Local Priorities & Water Quality Monitoring

- Galway City Council reported significant investigative monitoring of Lough Atalia and bathing water awareness raising. These activities should continue with any resultant outcomes reported.

Actions Required:

1. Galway City Council must ensure that they meet the requirements of the National Inspection Plan (NIP) for septic tanks and follow-up to close out the advisory notices that remain open.
2. The local authority website should be updated to reflect the changes to the septic tanks grant scheme announced in November 2023.
3. The Council should carry out misconnection surveys and corrective actions. These surveys should be targeted at impacted waterbodies, correct misconnections that are found and report the number of rectified misconnections and any resultant water quality outcomes.

3.4 Air and Noise National Enforcement Priorities

Observations:

Galway City Council met the required standard for Solid Fuel and Air Quality Monitoring & Data Use in the EPA's assessment of 2023. However, the Council needs to make improvements for Noise (ENDS), Air & Noise Controls and Ongoing Air & Noise Enforcement Work.

Solid Fuel

- The register for solid fuel retailers was reviewed during the audit. The Council advised that Community Wardens undertake solid fuel retail inspections using an inspection template that includes the facility details, compliance checklist and photographs. The Council identified the requirement for additional warden training.
- The Council also undertook solid fuel sampling with three non-compliances detected. Advisory letters were issued to the suppliers requiring corrective actions to be submitted in 21 days. Further follow up is required by the Council as the deadline has passed.

Air Quality Monitoring Activities and Data Use

- Galway City Council conducted significant work as part of the Clean Air Together project.
- The Council provided details on The Air We Share project (www.theairweshare.ie) and the use of low cost PM2.5 sensors. The data is hosted on PurpleAir with real-time data available to the public.
- The Council has appointed a new technician to the air quality work area and further training would be beneficial.

Environmental Noise Directive (ENDs)

- Galway City Council stated that it was not possible to progress noise monitoring in 2023 (or 2022) owing to a lack of staff. The Council appointed an Executive Engineer to this role and the new Noise Action Plan is currently in public consultation period. The Council is currently examining monitoring equipment requirements and has implemented certain actions in 2023.

Air & Noise Controls (including Planning)

- Galway City Council advised that all air and noise planning controls are administered by the Planning Section.

Ongoing Air & Noise Enforcement Work

- Registers under Solvents, Deco Paints and Petroleum Vapours Regulations were reviewed. The Registers were not up to date with multiple expired registrations. The Council advised that they are updating the registers and demonstrated progress made on removing non-operating facilities and contact made with facilities where certificates have expired. The registers were not available on the Council's website.
- Inspection templates were presented and in use for petroleum vapour and deco paints inspections. However, there was no inspection template for solvent inspections.
- The Council identified the requirement for additional petroleum vapour training.
- Air and noise complaints are recorded on the XY System and initially dealt with by Community Wardens. Template noise information is issued to complainants containing guidance on noise regulations, a noise log and information on Section 108 of the EPA Act.

Actions Required:

1. Galway City Council should follow up with fuel suppliers regarding non-compliant solid fuel samples to ensure that only compliant solid fuels are placed on the market.
2. Galway City Council should liaise with the Local Authority Solid Fuel Working Group regarding potential training for Solid Fuels inspections.
3. Galway City Council should liaise with the EPA National Ambient Air Quality Monitoring Programme regarding training for the review of air quality data.
4. Galway City Council should ensure that priority is given to the new Noise Action Plan including monitoring requirements. The Galway City Council website should be updated to include links to the noise maps for Galway City.

5. Provide details in the NEP report of Galway City Council procedures and standard conditions used to reduce air and noise impacts from developments within the functional area.
6. Update the Galway City Council website to include the Solid Fuel, Solvents and Deco Paints Registers and associated information. The overall outcomes of investigations into Solid Fuel, Solvents, Deco Paints, and air/noise complaints should be reported in the NEP report. Inspection templates should be available and used for all air inspections.

3.5 RMCEI Plan

Observations:

- Galway City Council has had no RMCEI review meetings to date this year but committed to have an RMCEI review meeting without delay.
- The current RMCEI Plan indicates that Galway City Council has a surplus of resource days to undertake the worked required but that was not evident during the audit.
- The RMCEI Co-Ordinator had the sole responsibility of reporting on progress with the NEPS for 2023 at short notice without relevant training or assistance. The EPA reminds Galway City Council that it is the responsibility of all the people included within the scope of the RMCEI plan to report on progress with the plan and the NEPs.
- It was noted that majority of staff present at the audit were not aware of the Local Authority Performance Results and Assessment 2023 for Galway City Council which was issued by the EPA on 31/07/2024.

Actions Required:

Ensure that:

1. Progress with the RMCEI Plan is reviewed twice a year as a minimum.
2. The RMCEI Plan reflects the work that is required for the year, taking into account non routine work.
3. The RMCEI Co-Ordinator receives appropriate assistance and training to allow that person to fulfil the role and responsibilities of the position.
4. Internal communications are such that all relevant staff are aware of the priority areas for focus and of the requirements/recommendations of the EPA regarding the national enforcement priority work.

3.6 Resources

Observations:

Resource constraints are attributed by Galway City Council to some work not being completed to date in the waste sector in 2024. A number of positions are vacant including Executive Scientist positions and a Waste Enforcement Officer position. Galway City Council outlined difficulties in recruitment and that interviews were being held again shortly to fill vacant positions.

Action Required:

1. Galway City 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

Galway City 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.

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Reviewed by:

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Date:

30/09/24

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