



Local Authority Enforcement Audit Report

Laois County Council

Date of audit 25 04 2024 Audit report Ref: LAET 2024/05/17

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.

While some good practices were noted, issues were found regarding record management, completion of assigned Annual Return validations, timely follow up of corrective actions and not enough routine inspections to monitor compliance.

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.

Laois County Council stated that resource constraints has impacted on the performance of its statutory environmental protection functions. Laois County 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 Laois 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>
Simon Walton	Director of Service
Colin Doyle	Executive Engineer (RMCEI Co-Ordinator)
Adrian Barrett	Senior Engineer
Rory O'Callaghan	Senior Executive Engineer
Kim O'Meara	Executive Scientist
Martina Fanning	Assistant Scientist
Dominic Reddin	Administration Officer (Complaints Co-Ordinator)
Derval O'Rourke	Staff Officer
Siobhan Duff	Staff Officer
Ann Marie Callan	Executive Scientist
Marie McGrath	Assistant Scientist
Marc Chawke	Executive Scientist (Laboratory Manager)

Representing the Environmental Protection Agency:

Aoife Loughnane	Inspector I
Kenneth Bucke	Inspector II
Maria Lenihan	Inspector I

3. AUDIT OBSERVATIONS & RECOMMENDATIONS

3.1 Environmental Complaints Handling

Observations:

- The environmental section of Laois County Council have been using a CRM system for the handling of complaints since 2022. Litter wardens have tablets that they use to upload relevant information directly to the CRM system.
- The IT department are preparing tender documents for a new litter fine system.
- The CRM system has different categories under 'Mode' to identify the source of a complaint e.g. 'Fix your Street' and 'EPA – Hotline' which are not relevant sources. There is currently no category for complaints received via the 'See it? Say it!' App, and this source of complaints appear to be categorised as 'EPA – Hotline'.
- There is no option for a member of the public to make a complaint on-line via Laois County Council's website. Laois County Council are developing a new website and the option of making a complaint on-line was discussed.
- For one particular complaint reviewed (Ref. No. 15479), regarding the illegal dumping of bags of waste, the date that the complaint was received (22/11/23) and date of closure of the complaint (18/12/23) was clear, however the date(s) that the litter warden investigated the complaint was not logged in the system.

Table 1: Sample complaints reviewed

	Reference	Subject	Finding	Action
1.	EPA. Ref. No. COM016713	Illegal waste activity	This complaint was referred by email from the EPA to Laois County Council on 18/01/23 but was not investigated as the complaint was received by email by Laois County Council but was not logged on the CRM system.	Investigate this complaint without further delay.
2.	No. 14087	Illegal dumping of waste	Area cleaned up by a contractor.	No further action required.

3.	No. 15479	Illegal dumping of waste	Litter warden called to the area twice and no waste was found. The dates of investigation were not detailed on the CRM system.	Refer to Actions required below.
4	No. 16022	Illegal dumping of tyres	Clean up undertaken within 24 hours	No further action required
5	No. 16033	Run-off from agricultural activities	This complaint is currently under investigation. Laois County Council previously inspected this farm in 2022.	Inspection scheduled for 26/04/24.
6	No. 16153	Cattle accessing river and causing water pollution	Laois County Council previously inspected this farm, which is in derogation. No cattle are currently using the field however fencing is required at a cattle access point before livestock are put back out.	Follow up inspection to ensure fencing is in place.
7	No. 16095	Allegation of slurry flowing down the river	Laois County Council carried out a site visit on the day of receipt of complaint (15/04/24). Farmer had carried out landspreading the day before heavy rainfall. Farmer was instructed to block the surface flow pathway.	Full inspection planned under Good Agricultural Practice Regulations.

Actions Required:

1. Ensure there are appropriate checks and procedures in place to make sure that all complaints received are logged and investigated without delay.
2. Ensure that the date(s) and details of complaint investigations are logged on the CRM system.
3. Review the categories under 'Mode' of the CRM system to ensure they accurately reflect the sources of complaints.
4. Review Laois County 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:

Illegal waste

- No multiagency check points were undertaken in 2022 or 2023. Laois County Council stated that they conducted one roadside check point with An Garda Síochána (AGS) and the RSA on 10th April 2024. A completed roadside checkpoint form was reviewed. A warning letter that was issued to a Waste Collection Permit (WCP) holder following this roadside checkpoint was also reviewed. This related to not having the WCP available for review. The Waste Enforcement Officer (WEO) was able to confirm via the NWCPO portal that the vehicle was listed on the WCP. Laois County Council confirmed that further roadside checkpoints will be undertaken this year.
- An enforcement file relating to an unauthorised C&D site was discussed where an WCP holder was discovered bringing material from a construction site to an unauthorised site. The WEO was refused access at the first site inspection and brought the guards to gain access on the second site inspection. The WEO confirmed that the WCP holder has stopped bringing material onsite. A Section 14 Notice and a Section 18 Notice has been issued and both were reviewed. The WCP holder has engaged an engineer to work with Laois County Council in addressing this issue. An enforcement file number was not available. An appropriate filing system should be implemented to make it easier to locate and access specific files and to track issues.

- An enforcement file relating to an unauthorised C&D site was discussed where C&D material has been dumped adjacent to an SAC. This intelligence was received from NPWS (Complaint Ref. No. 15257), and Laois County Council are engaging with NPWS regarding trial hole investigations. Laois County Council have also engaged a specialist legal firm for advice on this matter due to complex ownership of the site.
- A site continuing to operate after the Waste Facility Permit (WFP) had expired in 2021 was discussed. Stockpiles of waste remains including an estimated 20,000 – 30,000 tonnes of black plastic. This is a complex case as the site is in liquidation. A Section 55 Notice was issued to the liquidator with a response due by 01st March 2024. A response has not been received to date (25/04/24) and enforcement action is being escalated. Appropriate enforcement action should be progressed as a matter of priority by Laois County Council.

Construction & Demolition waste

- Laois County Council has two Certificate of Registration (COR) sites and five WFPs for soil and stone recovery, four of which also have WCPs. Laois County Council confirmed that all sites were visited at least once in 2023 and during site inspections at WFPs lorry movements were monitored to ensure that the correct material was being tipped, that they were going over the weighbridge and waste collection dockets were also checked. While WERLA inspection templates are not used Laois County Council has developed permit condition checklists that they follow at site inspections and each condition is scored either zero where compliant or one where non compliant. One of these completed site inspection checklist forms was reviewed. An issue with track ballast was raised on this particular site inspection checklist form. A letter was issued subsequently to that COR regarding the matter and Laois County Council confirmed that the COR has stopped taking in track ballast.
- Laois County Council stated that a number of truck movements were monitored regarding one particular waste facility permit in 2023 and no issues were reported.
- Laois County Council stated that five Resource and Waste Management Plans were reviewed at the pre-construction or planning stage of development. Commencement Notices are not reviewed by WEOs to allow for timely inspection of a number of these construction sites.
- 9 article 27 notifications were completed for material from Laois, however only one of these notifications were for use in Laois and a site inspection was undertaken.
- A summary of any non-compliances identified at the permitted facilities and collectors and the enforcement actions taken should be provided in future NEP progress reports.

ELVs and the metal sector

- Laois County Council confirmed that they have 7 Authorised Treatment Facilities (ATFs). Laois County Council generally use their own site inspection checklist form for the majority of their site inspections instead of the WERLA site inspection templates as they are satisfied that their own site inspection checklist form is comprehensive, covering all permit conditions.
- Three unauthorised ELV sites were investigated in 2023. Laois County Council confirmed that two out of the three sites shut down and that the remaining site is bordering another local authorities functional area. Laois County Council informed the Agency that they have engaged with the relevant local authority and have proposed a joint inspection of this site.
- Laois County Council gave examples of non compliances found at ATFs including cracked concrete, integrity testing of bunding, other waste streams being found on site, parts being stored outside and interceptors not being emptied. A summary of the non compliances found and a comparison of compliance rates with previous years should be included in future NEP progress reports.

Household and Commercial waste

- Laois County Council confirmed that there are no household and/or commercial WCP holders in Laois and that they have one WFP. Laois County Council informed the Agency that they have contacted the WCP holders with varying degrees of success in obtaining information on waste collection services for particular householders.

- Laois County Council stated that due to resource constraints inspection of WCP operators for the provision of the 3-bin system was not carried out in 2023.
- The establishment of a register under section 34C of the Waste Management Act was discussed. Laois County Council confirmed that they will progress the establishment of a register under section 34C of the Waste Management Act in 2024 as a lot of work has been undertaken to date in the household sector.
- Laois County Council confirmed that they carried out 247 proactive door to door inspections across 10 areas to promote compliance and used WERLA inspection templates for this work. Intelligence from litter wardens and close collaboration with the Housing Department informed the areas for inspection. Laois County Council provided the Agency with a breakdown of householders with and without a waste collection service in 2022 following inspections but did not have a breakdown of householders with and without a waste collection service for 2023 due to resource constraints.
- Laois County Council confirmed that odour nuisance is an ongoing issue at one authorised site and showed the Agency recent correspondence from the authorised holder regarding the installation of a new odour abatement system. Enforcement action should be escalated if odour nuisance is not resolved at this site.
- 9 out of 11 commercial food sites notified by WERLA were inspected in 2023 and all 11 were issued letters. The reason for not inspecting all sites was attributed to resource constraints. In addition, following a complaint about a fast food outlet in a village, while awaiting for the outlet to open the WEO proactively visited the other three remaining food outlets in the village. Two out of the three were compliant and the third had only just opened the premises, the WEO engaged with the owner and compliance was achieved. The fast food outlet was inspected, was found to be non compliant and Laois County Council confirmed that the outlet is now compliant with the relevant regulations.
- The Agency was unable to view the commercial food waste inspections on the day of the audit as these inspections were recorded on the WEO's diary and while the WERLA online commercial food waste MS forms were filled out and submitted the WEO did not have access to these completed forms. WEOs cited resource constraints in documenting these site inspections.

PRIs and local priorities

- Laois County Council reduced activity around PRIs in 2023 due to resource constraints. This reduced activity is continuing in 2024 due to resource constraints.
- Inspections were undertaken at three suspected major producers in 2023 i.e. pharmacies. A legal issue has arisen and Laois County Council are actively engaging with the WERLA on the matter. Two Waste Electrical and Electronic Equipment (WEEE) and battery inspections were completed and Laois County Council informed the Agency that the sites were compliant.

Actions Required:

1. The audit of Laois County Council has provided clarity on the work outlined in the waste NEP progress report in 2023. Compliance rates and comparison to previous years, detection and follow up and clear examples of environmental outcomes were not detailed across sections of the waste NEPs. Take necessary measures to improve reporting under the five waste NEPs to ensure that all the work undertaken by Laois County Council is clearly demonstrated and that the NEP assessment criteria are addressed.
2. Annual Return validations were not completed for all the WCP holders within Laois County Council's functional area in 2023. Ensure that all annual return validations are completed and finalised within the required timeframe.
3. Appropriate enforcement action should be progressed as a matter of priority regarding the expired WFP, outlined under the heading Illegal Waste above.
4. Set up an appropriate filing system for work undertaken in the waste sector.
5. Endeavour to use WERLA site inspection templates where they would be beneficial in assisting with site inspections.

6. Ensure that WEOs are notified of Commencement Notices for construction sites to allow for proactive site inspections of these construction sites.
7. Escalate enforcement action at the authorised site if odour nuisance is not resolved, following installation of odour abatement equipment.
8. Ensure that detailed site inspection records are kept allowing for the capture of intelligence on sites and to allow for further appropriate enforcement work to be undertaken.
9. Progress with the establishment of a register under section 34C of the Waste Management Act.
10. Household and commercial WCP and WFP holders, who are not based in the local authorities functional area, take and hold waste respectively from Laois County Council's function area. Laois County Council should interact with the local authorities where these permit holders are based to better understand compliance levels with these permit holders.
11. Increase activity under the PRI and local priorities NEP.

3.3 Water National Enforcement Priorities

Observations:

Pressures from Agriculture – Farmyards and Farmland

- The EPA provided numbers of farms to be inspected in 2024 and 2025 to all local authorities in February 2024. There was a slight increase in the number of farm inspections carried out by Laois County Council from 2022 to 2023. A further increase is required for 2024 (101 farms) and again in 2025 (134 farms).
- Laois County Council uses the appropriate external supports provided, including the farm inspection reporting form, EPA PIP-N and PIP-P maps, and the EPA targeted measures for agriculture map. Farm inspections should continue to be focused on achieving positive environmental outcomes.
- Laois County Council responded to a Red Dot notification from the EPA during 2023, which required focused investigation and liaison with other Agencies and the Department of Agriculture, Food and the Marine. This priority work pulled an already stretched resource away from routine work for a period and so impacted farm inspection numbers.
- Laois County Council has been taking enforcement actions however these have been limited to Advisory Letters and Section 12 Notices. Laois County Council confirmed during the audit that they plan to use cross reports, when appropriate, in 2024 now that the additional staff resource is in place.

Septic Tanks

- The number of inspections carried out in 2023 met the requirements of the National Inspection plan for Domestic Waste Water Treatment Systems. Laois County Council had a 75% closure rate of advisory notices by the end of 2023. There are currently 23 open advisory notices.
- Laois County Council's website does not currently provide information for the public regarding the changes to the septic tanks grant scheme announced in November 2023.

Section 4 Discharge Licences

- There are 14 Section 4 discharge licences issued by Laois County Council for discharges to waters. None are identified as significant pressures on receiving waters under the Water Framework Directive, however there are some known non-compliances that need to be followed up by Laois County Council.

Private water supplies

- The Private Water Supplies Register and 2024 Compliance Monitoring Programme were examined during the audit and meet the requirements of the 2023 Drinking Water Regulations.

Actions required:

1. Ensure that the full range of enforcement actions are being used in relation to farm inspections, including cross reporting of non-compliances to the Department of Agriculture, Food and the Marine.
2. Prioritise efforts to close older advisory notices issued for non-compliant domestic waste water treatment systems.
3. Update Laois County Council's website to provide information for the public on the changes to the septic tanks grant scheme announced in November 2023.
4. Ensure that non-compliant Section 4 discharges are being followed up with enforcement actions as necessary.

3.4 Air and Noise National Enforcement Priorities

Observations:

Solid Fuel

- Laois County Council carried out a high level of inspection activity under the Solid Fuel Regulations in 2023.
- On the day of the audit, Laois County Council was participating in a solid fuel sulphur content sampling programme in collaboration with 7 other local authorities. Four bags of coal were dispatched for delivery to an accredited laboratory in Scotland for testing.

Air Quality Monitoring Activities and Data Use

- Laois County Council engages with the EPA Ambient Air Quality Monitoring Programme team in relation to the monitoring stations at Portlaoise, Mountrath and Emo Court.
- Laois County Council's website provides public access to real-time local air quality data.
- There were no PM₁₀ exceedances in Laois in 2022 or 2023. There was a NO₂ exceedance recorded at the Emo Court monitor in 2023. At the request of the EPA, Laois County Council investigated the exceedance and determined it was caused by the proximity of the monitor to machinery parked in the courtyard.

Environmental Noise Directive (ENDs)

- Prior to 2024, the Council's Environment Section was not involved in implementing the Environmental Noise Directive, which was dealt with solely by the Roads Section. In 2024, the Environment Section has begun working together with the Roads Section on the Council's Noise Action Plan.
- Laois County Council stated that their Draft Noise Action Plan 2024-2028 identifies 18 priority areas relating to transport noise; 17 from roads and 1 from rail. They will undertake monitoring at these locations to inform what actions need to be taken to protect noise sensitive receptors from transport noise.

Air & Noise Controls (including Planning)

- Environment staff assess planning applications for potential air and noise impacts and carry out compliance assessments post planning to ensure adherence to air and noise conditions in planning permissions.
- Laois County Council's NEMIS data for 2023 reported zero inspections under category 6.9.3 *Quarry inspections (e.g. relating to noise, dust, surface/groundwater emissions, vibrations etc)*. During the audit, Laois County Council confirmed that those inspections were reported under category 6.9.1 *Inspections (environmental) of existing planning permissions*.

Ongoing Air & Noise Enforcement Work

- A representative of Laois County Council attended the EPA Training Workshop for Solvent & Deco Paints held in Portlaoise on 16/04/24.
- There are currently zero dry cleaners certified by Laois County Council under the Solvents Regulations. Council staff believe there are possibly 2 sites currently operating without a certificate. They intend to follow up with inspections.
- There are currently 2 vehicle refinishers certified by Laois County Council under the Decorative Paints Regulations. Council staff believe there are other vehicle refinishers operating in the county without a certificate.
- There are 12 service stations certified by Laois County Council under the Petroleum Vapours Regulations. The Environment Section recently took over responsibility for this work from the Fire Section. Council staff believe there are other service stations currently operating without a certificate.
- The register of vehicle refinishers is published on Laois County Council's website. There is currently no register of dry cleaners as there are none currently certified by Laois County Council.
- There is one site (a bitumen plant) licensed under the Air Pollution Act. The licence dates from the 1990s and needs to be reviewed.

Actions required:

1. Identify the unauthorised operators under the Solvents, Decorative Paints and Petroleum Vapours Regulations, and target enforcement actions to ensure they are brought into compliance.
2. Review the existing Air Pollution Licence for the bitumen plant, to ensure appropriate and up-to-date controls and monitoring requirements are specified in the licence.
3. Continue to review local air quality data to identify areas of concern and to target solid fuel inspections.
4. Ensure that quarry inspections (e.g. relating to noise, dust, surface/groundwater emissions, vibrations etc) are reported under category 6.9.3 in NEMIS.

3.5 Resources

Observation:

- **Waste Enforcement:** Resource constraints are attributed to some work not being completed in the waste sector.
- **Water Enforcement:** In 2023 there was less than one-person full-time equivalent working on farm inspections. Since January 2024, there is a new dedicated staff resource in place for farm inspections. Sanction has also been provided for a second new resource.
- **Air & Noise Enforcement:** There is a low level of resources allocated to air and noise enforcement work. During the audit, Laois County Council estimated that 50% of one staff member's time is allocated to air enforcement activities and an estimated 5-10% of one staff member's time is dedicated to noise activities under the Environmental Noise Directive.


Action Required:

1. Laois 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.
2. The recruitment competition for the new staff resource for farm inspections should be held as soon as possible to ensure the target numbers of farm inspections can be achieved in 2024 and 2025. Staff resources recruited for farm inspections must be ring-fenced for this role.

4.0 FOLLOW-UP ACTIONS

Laois 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. This audit report will be published on the EPA's website, www.epa.ie, following the deadline for the local authority response to the report.

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Reviewed by:


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Date:

17/05/24

Date:

17/05/24