



# Local Authority Enforcement Audit Report

## Sligo County Council

Date of audit 10 04 2024 Audit report Ref: LAET 2024/08/21

### 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 detected with lack of documentation, gaps in follow up 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.

Sligo County Council stated that lack of resources has impacted on the performance by the Council of its statutory environmental protection functions. Sligo County Council also stated that they were taking steps to address the shortage of resources and a recruitment campaign was underway to fill vacant posts. Sligo County Council should 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 Sligo 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>
Emer Concannon	Director of Service
Imelda Mc Carron	RMCEI Co-Ordinator
Fineen O'Driscoll	Senior Engineer
Paddy Hughes	Senior Executive Engineer
Rosie Morrissey	Senior Executive Scientist

Barry Guckian	Waste Enforcement Officer
Enda Killoran	Assistant Scientist Catchment Management
Joanne McMahon	Administration Officer

#### Representing the Environmental Protection Agency:

Isabel Valera	Inspector II
Neil Foley	Inspector II
Maria Lenihan	Inspector I

### 3. AUDIT OBSERVATIONS & RECOMMENDATIONS

#### 3.1 Environmental Complaints Handling

##### Observations:

- Sligo County Council informed the Agency that all complaints received are investigated, that a site inspection is carried out for every water complaint received and that complaints are closed when the issue is resolved.
- Sligo County Council has a CRM system in place that is used by the environment section only. The IT Department are looking at a new CRM system that can be used by all departments. The Environmental Department keep a separate excel spreadsheet for complaints referred from the EPA.
- A number of complaints were received on a particular issue and while one complaint was left open to track the issue the other complaints were closed but were not linked to the open complaint. Complaints related to the same issue should be linked as this functionality is available on the CRM system.
- Further complaints were reviewed and commented on under the Waste National Enforcement Priorities section of the report.

**Table 1: Some of the complaints reviewed**

	Reference	Subject	Finding	Action
1.	EPA Ref. No. COM017480 (Case. No. 414978)	River pollution from a sewage system associated with a hotel and housing estate.	A Section 12 Notice issued on 23/11/23 to install a new Waste Water Treatment Plant (WWTP) system. A WWTP system has been installed, a percolation area is currently being installed and this should be in place by end June 2024. More complaints were received on this matter e.g. Case No. 414427. These complaints were closed but not linked to the main complaint.	On-going
2.	Case. No. 414615 (Reported via See It Say It App)	Burying of waste	Notified of waste buried four years after the event occurred. Spoke to the complainant, no evidence that this occurred, and the case was closed.	No further action required.
3.	Case No. 415496	Dumping of cigarette butts on public road.	Associated with employees of a company taking their breaks outside the facility when smoking was banned within the facility. The company provided a bin for the collection of cigarette butts.	No further action required.
4	Case No. 413849	Waste build up at an adjacent house causing nuisance.	Evidence of waste outside the front of the house was not found. It was a month before Sligo County Council addressed this complaint. Resource constraints was attributed to the delay in investigating this complaint. Refer also to the household and commercial section of the report.	Address complaints as soon as possible.

5	EPA Ref. No. COM017047 (Case No. 414157)	Waste build up at nearby local authority owned houses that was causing nuisance.	Complaint investigated straight away and clean up was undertaken where required.	No further action required.
6	Case No. 414821	Burning of waste at a commercial premises.	Refer to the household and commercial section of the report.	Further action required.
7	Case No. 415219	Sewage issue at Ballinear	2x inspections undertaken (16/11/23 & 25/01/24). Water Service cleaned the sewer. Closed on 20/11/23.	Follow-up misconnection work required.
8	Case No. 415569	Water pollution at Bridge at Drumcliff	1x inspection undertaken (14/02/24). No pollution evident on inspection. Closed on 14/02/24.	No further action required.
9	Case No. 414504	Oil in Ballymote Park Stream	6x inspections undertaken (Jun-Aug 2023). Booms and pads deployed. Sporadic issue that occurs. Drainage assessment done but no source located. Closed 15/09/23.	No further action required.

#### Action Required:

1. Ensure that complaints about the same issue are linked on the CRM system.
2. Ensure that complaints are investigated as soon as possible.

### 3.2 Waste National Enforcement Priorities

#### Observations:

##### Illegal waste

- Three sites of significant illegal activity were addressed by Sligo County Council in 2023. Estimates on the quantities of waste collected and appropriately disposed of should be included in future NEP progress reports.
- One multiagency site inspection was undertaken in collaboration with the WERLA and NTFSO. Sligo County Council confirmed that another multiagency site inspection will be undertaken shortly in relation to this site. An update on the outcome of this inspection and any subsequent enforcement action undertaken should be provided in the 2024 NEP progress report.
- One multiagency roadside checkpoint was undertaken in 2023 resulting in a Fixed Payment Notice (FPN) being issued to a waste collection permit holder, who was carrying hazardous waste, for not having appropriate markings on the vehicle.

##### Construction & Demolition waste

- The annual return validations for 65% of the C&D Waste Collection Permit (WCP) holders i.e. 11 out of 17 and two out of the three authorised waste sites were completed by Sligo County Council. Annual Returns validations should be completed for all authorised sites and finalised within the required timeframe.
- Sligo County Council had one Waste Facility Permit (WFP) and two Certificate of Registration (COR) authorised for the acceptance of C&D waste in 2023. Site inspections are recorded on CRM. A site inspection record (Ref. No. 22031) for a COR was reviewed on CRM (Case No. 413728). The inspection was undertaken on the 26/01/23 and the record stated 'Some smaller issues outstanding'. Sligo County Council was unable to provide a description of what these issues were as the inspector had left the organisation. Intelligence on this site was lost when a description of the issues was not recorded on CRM.
- A site inspection record (Ref. No. 23788) dated 09/08/23 was reviewed for the WFP and no issues were noted at that inspection. This site was the subject of a complaint referred by another local authority (Case No. 414560) and a site inspection was undertaken on 22/02/24. Sligo County Council informed the Agency that a lot of contaminated waste was found. A site inspection record was not available for review but a memo recommending a Section 55 Notice and a copy of the subsequent S55 Notice issued, was reviewed during the audit and both were found to be very comprehensive.

- 14 inspections were undertaken at 7 C&D development sites. Two of these sites were brought to the attention of Sligo County Council via complaints citing dumping and burning of waste. Details of the enforcement actions undertaken, and waste quantities involved should be provided in NEP progress reports.
- One article 27 notification was received by Sligo County Council in 2023. The notification was assessed and a site inspection was undertaken at both the source and destination site.
- The compliance rates at authorised sites, construction sites and for waste collectors were not provided in the 2022 and 2023 NEP progress report. This should be provided and analysed with previous years.

#### **ELVs and the metal sector**

- Sligo County Council has two Authorised Treatment Facilities (ATFs), one of which accepts scrap metal. 8 inspections were reported for one ATF, yet no issues were found. Sligo County Council explained that the reason for so many inspections was due to the delivery of paper Certificates of Destruction as requested by the ATF, giving Sligo County Council an opportunity to carry out spot checks onsite.
- An inspection record (Ref. No. 24646) for an ATF was reviewed and it stated 'Also discussed SW monitoring'. Sligo County Council could explain verbally to the Agency that it related to the monitoring of a specific parameter in surface water and that it was agreed that a round of monitoring would be undertaken to establish if this parameter is evident in the surface water. This information however, was not documented.
- One ATF has had two consecutive inconclusive AR validations and this was discussed in detail. Sligo County Council stated that a multiagency site inspection of this ATF will be undertaken shortly to address this issue and that they are in contact with the WERLA on this matter.
- The inspection record (Ref. No. 414172) for an unauthorised End of Life (ELV) site was reviewed. It is noted that a Section 14 Direction was issued and that a response was received on 24/05/23.

#### **Household and Commercial waste**

- Sligo County Council confirmed that there are no household and/or commercial WCP holders or WFP holders in county Sligo. There are four kerbside collectors operating in county Sligo.
- 42 household waste/waste presentation inspections arising from complaints were reported under RMCEI data 6.2.9 (household waste/waste presentation inspections arising from complaints, including backyard burning) while five household surveys were reported under RMCEI data 6.1.10 (household waste surveys). The Agency requested one of the household waste surveys for review. Sligo County Council informed that Agency that 47 household waste/waste presentation inspections arising from complaints were undertaken and that five of those were assigned under RMCEI data 6.1.10. Sligo County Council deemed that they fulfilled the requirement of household waste surveys. The Agency reminds Sligo County Council that presentation of waste by-laws inspections are proactive inspections undertaken under RMCEI data 6.1.10 and should be undertaken and reported correctly.
- Household waste presentation inspection record (Ref. No. 22540) in response to a complaint (Case No. 413849) was reviewed. This complaint dated 20/02/23, related to waste build up at a nearby house that was causing nuisance. The complainant was contacted a month later (21/03/23) and a site visit was undertaken on that date. The delay in addressing this complaint was attributed to resource constraints. While no issue was found on the day of the inspection the delay in investigating the complaint is of concern and all complaints should be investigated as soon as possible.
- Household waste presentation inspection record (Ref. No. 22852) in response to a complaint (Case No. 414157) and forwarded by the EPA (COM017047) on the 18/04/23, was reviewed. This complaint related to waste build up at nearby local authority owned houses that was causing nuisance. This complaint was addressed straight away with a site visit undertaken on the day that the complaint was received.
- Sligo County Council reported 20 Commercial food inspections undertaken in 2023. The NEP progress report reported that the majority of the premises were able to provide evidence of compliance, however the RMCEI data (6.13 b) reported a compliance rate of only 44.44 % for 18 first time inspections. This was discussed with Sligo County Council and Sligo County Council confirmed that the majority of the inspections were compliant. Sligo County Council need to address this apparent anomaly in the RMCEI data return.
- A commercial food waste inspection (Ref. No. 24231) that was undertaken on the 04/10/23 in response to a complaint (Case No. 414821) was discussed. Sligo County Council confirmed that the waste, mainly packaging was being burnt at the back of the premises. Sligo County Council informed that Agency that the owner was spoken to on the day, that the burning of waste was unacceptable and that they would be formally writing to the owner on the matter. Sligo County Council confirmed that a letter had not been issued to date due to constraints on staff resources. Sligo County Council need to visit this site again and issue a section 14 direction if warranted.

- A commercial food waste inspection record (Ref. No. 24228 & 24528) that was undertaken on the 03/10/23 (no access allowed) and on the 01/11/23 was discussed and Sligo County Council stated that only chicken waste was being put into the food bin. Sligo County Council followed up on this matter with the facility and correspondence from the facility stated that they would adhere to the relevant regulations. A follow up commercial food waste inspection should be undertaken in 2024 to confirm compliance with the regulations.
- The annual local authority waste survey, due for submission to the EPA in June 2023 was delayed.

#### **PRIs and local priorities**

- One inspection was undertaken at a suspected major producer in 2023. No other work was undertaken for the relevant PRI schemes and Sligo County Council stated that due to a reduction in staff resources, work was not undertaken in this area.

#### **Actions Required:**

1. Annual Return validations were not completed for all the WFP holders and WCP holders within Sligo County Council's functional area in 2023. Ensure that all annual return validations are completed and finalised within the required timeframe.
2. 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. WERLA site inspection templates are available for different sectors and should be used during site inspections.
3. A follow up multiagency site inspection is due to be undertaken shortly. An update on the outcome of this inspection and any subsequent enforcement action undertaken should be provided in the 2024 NEP progress report.
4. Presentation of waste by-laws inspections are proactive inspections undertaken under RMCEI data 6.1.10. Sligo County Council should undertake proactive inspections in the household sector to assess compliance in this sector.
5. A follow up commercial food waste inspection should be undertaken at the premises, associated with inspection records Ref. No. 24228 & 24528, in 2024 to confirm compliance with the regulations.
6. A follow up commercial food waste inspection should be undertaken at the premises, associated with inspection record Ref. No. 24231, in 2024 to confirm that the practice of burning waste is no longer being undertaken.
7. Ensure that local authority waste surveys are completed and submitted to the EPA within the required timeframe.
8. Resource constraints has been attributed to work not being completed under the waste National Enforcement Priorities, particularly in the area of PRIs. Sligo 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.
9. The audit of Sligo County Council has provided clarity on the work outlined in the waste NEP progress report in 2023. Compliance rates and comparison to previous years, site selection, 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 Sligo County Council is clearly demonstrated and that the NEP assessment criteria are addressed.

### **3.3 Water National Enforcement Priorities**

#### **Observations:**

##### **Agriculture**

- Sligo County Council did not undertake any planned farm inspections in 2023. Complaints were investigated and followed up and planning applications relating to farming activities were assessed. Some non-compliances were detected during complaint investigations and some water quality promotion/awareness activity was demonstrated. Sligo County Council advised that extra resourcing has now been assigned to this area for 2024.
- There was no demonstration of planned landspreading surveillance activities or detection campaigns in 2023.

## Section 4 Discharge Licences

- The Section 4 Discharge Licence Register was provided during the audit and a number of licences were assessed. It was noted that resources were significantly reduced in the Water Section owing to tragic circumstances.
- Castledargan DL(W)37, hotel, golf club and housing development subject to long standing complaint involving issues with WWTP and percolation area resulting in pollution and public health risks. Sligo County Council advised that there were significant legal issues around ownership and responsibility for the discharge. The Council issued a Section 12 Notice in November 2023 specifying that a new WWTP and percolation area be installed. The new WWTP has been installed and with works underway on the new percolation area.
- Yeats Tavern (Aragonda Trading Ltd) DL(W)75 – licence issued 02/07/2012. Self-monitoring for April 2023 was checked and found to be compliant for all parameters. Sligo County Council sampling was not undertaken owing to staff shortages.
- St Angela’s College DL(W)43 – licence issued 01/09/2006. Sligo County Council monitoring in 2024 was checked and the discharge was found to be compliant with all parameters.

## Small Private Supplies (SPS)

- The SPS Register was provided and was found to be compliant with the regulations. All necessary A and B parameters were set out for the supplies and are contracted. Sligo County Council meet with the HSE regarding SPS on a quarterly basis. The Council stated that all non-compliances are reported to the HSE for comment and recommendations.
- An update on the Keash SPS was requested during the audit. The Council advised that the Keash network will be connected to the Lough Talt supply. The contractor for the project has been appointed and they are currently examining wayleaves.

## Septic Tanks (DWWTS)

- It was noted during the audit that Sligo County Council had undertaken substantial work on close out of advisory notices. The Council issued a press release on the changes to the septic tank grants scheme and advised that they will update their website accordingly.

## Action Required:

1. Sligo County Council shall ensure that agricultural resources are used effectively to achieve the aims of the National Agricultural Inspections Programme (NAIP), carry out agricultural inspections, undertake surveillance and detection activities, implement associated enforcement actions where required and undertake 'good farming practice' awareness and promotional activities.
2. Sligo County Council should ensure that the works at Castledargan (DL(W)37) are completed and that all complaint issues are resolved and closed. In addition, the complainant should be informed upon resolution.
3. Sligo County Council should update their website to inform the public of the changes to the septic tank grants scheme.

## 3.4 Air and Noise National Enforcement Priorities

### Observations:

#### Solid Fuel

- The Solid Fuel register was reviewed. The register is kept up to date on a yearly basis. An external contractor carried out inspection work during 2023 and a list of 85 active retailers in the functional area was compiled. Follow-up enforcement work from inspections in 2023 will be carried out in 2024. Sligo County Council detailed solid fuel sampling work carried out in 2023. Products were re-bagged into sample bags and sent for sampling preserving the chain of custody. Results from sampling were provided to the Department of Environment Climate and Communication (DECC) and the EPA Solid fuel register team for information. Follow-up work related to non-compliant products was followed-up with the producers.
- Sligo County Council found very useful inspection forms included in the Guidance document produced by DECC.

## **Air Quality Monitoring Activities and Data Use**

- Sligo County Council provided an overview of the activities carried out under this NEP during 2023. The Air Ambient Monitoring Station located in Sligo was not operational during 2023 due to operational and logistical issues with the contractor. The station has been relocated and is fully operational since January 2024. Sligo County Council explained that two graduate staff were working closely with local schools in relation to the “WeCount” project and deployed air monitoring equipment, however these graduates are no longer working with this project. Sligo County Council also purchased Bluesky monitors and deployed them in different locations within the functional area. Sligo County Council explained that additional resources in 2024 will follow-up on the WeCount project and data captured by the Bluesky monitors.

## **Environmental Noise Directive (ENDs)**

- Resources and activities under this area were discussed. Sligo County Council stated that staff in the Environment Section of the Council will carry out the work during 2024. There was no work carried out under the ENDs NEP during 2023. A Senior Executive Engineer in the Environment Section will liaise with staff in the Roads Section to submit the next round of Noise Action Plans (NAPs) 2024-2028.

## **Air & Noise Controls (including Planning)**

- The process to assess planning applications by Sligo County Council was discussed. The Environment Section receives planning permissions referrals via a dedicated email. The county is divided in 2 areas and a person is allocated to review planning applications located in each area. Staff in the Environment Section reviews the planning applications and writes a report with recommendations on standard conditions to be applied. The report is referred to the Senior Executive Scientist for review and finally forwarded to Planning.
- All planning files are logged in the CRM system including the list of standard conditions applied in each case.
- Joint inspections with the Planning Section are carried out to ensure that conditions applied are 100% relevant to the development.
- A discussion was held in relation to historic complaints related to the quarry located within the Ballisodare area (asphalt plant). The site is currently compliant. Sligo County Council proactively liaises with the site and carries out regular inspections during the year (7 in 2023) to ensure compliance and prevent local complaints. A second site requiring a license under the Air Pollution Act, 1987 was also discussed.

## **Ongoing Air & Noise Enforcement Work**

- The registers under Solvents, Deco Paints and Petroleum Vapours were reviewed. All registers are colour coded (green: compliant, amber: needs renewal, red: expired) and kept up to date in the local authority’s recording system. Sligo County Council issues reminders for renewal, however Sligo County Council has no current capacity to carry out site inspections. The registers included in the local authority website require update.
- A noise complaint procedure has been developed by the local authority to deal with noise complaints. A letter is sent to the complainant and a second letter is issued to the problematic site. Guidance on noise complaints is also issued to both parties. Noise complaints during 2023 and outcomes were reviewed during the audit. Each complaint is recorded on the CRM system and documentation attached.

## **Actions required:**

1. Ensure the local authority website is updated as follows:
  - Information related to Solid Fuels should refer to the Air Pollution Act 1987 (Solid Fuels) Regulations 2022 (S.I. No. 529 of 2022).
  - Include up-to-date registers under the Solvents and Deco Paints Regulations.
  - Provide public access to noise maps on the Local Authority’s website to communicate information to the public and include a link to all Round 4 maps on the EPA website.
  - Include public access to real-time air quality monitoring data.
2. Ensure final Noise Action Plans (NAPs) 2024-2028 are submitted to the EPA by 18th July 2024.
3. Ensure NEP Progress Reports include information related to the outcomes of air and noise complaints.
4. New staff allocated to the air and noise area should carry out work to identify unauthorised operators under the Solvents, Deco Paints and Petroleum Vapours Regulations.

### 3.5 Resources

#### Observation:

- Sligo County Council stated that they are down three staff in the Water Section and one staff member in the Waste Section. However, Sligo County Council plan to fill these vacancies during the year.

#### Action Required

1. Sligo 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

Sligo 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](http://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:

21/08/24

Date:

21/08/24