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|  | <h1>Local Authority Enforcement<br/>Audit Report</h1> |
| <h2>South Dublin County Council</h2>  |   |
| <p>Date of audit 01/10/2024 Audit report Ref: LAET 2024/10/18</p>                 |   |

### 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 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.

South Dublin County Council met the required standard for 80% of the National Enforcement Priorities (NEPs). The national average was 71% in 2023. South Dublin County Council is commended for achieving the required standard in 16 NEPs, including all five Waste NEPs. The local authority must focus on the following 4 work areas which did not meet the required standard:

- Agriculture Farmyard;
- Agriculture Farmland;
- Solid Fuel, and
- Air Quality Monitoring.

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 South Dublin 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>                             |
|-------------------|---|
| Teresa Walsh      | Director of Service                         |
| Michael Heffernan | RMCEI Co-Ordinator, Complaints Co-ordinator |
| Damien McNulty    | Senior Engineer                             |
| Sharon Conroy     | Senior Executive Officer                    |
| Paul Sullivan     | Clerical Officer                            |
| Laura Abbey       | Administrative Officer                      |
| Tomas Mangan      | Environmental Health Officer                |
| Siobhan Power     | Environmental Health Officer                |
| Richard McCormack | Executive Engineer                          |
| James Naughton    | Executive Engineer                          |
| Deirdre Loftus    | Assistant Staff Officer                     |
| Lorraine Beirne   | Executive Scientist                         |
| Laura Healy       | Executive Technician                        |

### Representing the Environmental Protection Agency:

|               |              |
|---------------|--------------|
| Maria Lenihan | Inspector I  |
| Anne Laffan   | Inspector II |
| Isabel Valera | Inspector II |

## 3. AUDIT OBSERVATIONS & RECOMMENDATIONS

### 3.1 Environmental Complaints Handling

#### Observations:

- South Dublin County Council informed the audit team that the Environmental Complaints System (ECS), currently in place is an aging system and that they are awaiting the roll out of the NEMIS system to replace the system currently in place.
- It became clear during the audit that there is no link between complaints received by the EPA and through the National Environmental Complaints Line (NECL), with the ECS. There is a clear linkage between the Customer Care Unit system and the ECS.
- 101 litter complaints and five non Construction and Demolition (C&D) waste complaints were open at the end of 2022, 329 litter complaints and 194 non C&D waste complaints were open at the end of 2023. The audit team queried the higher number of waste complaints open at the end of 2023. South Dublin County Council informed the audit team that root and branch analysis of complaints was undertaken in 2023 and that the 2023 figures were representative while the 2022 figures were not reflective of the complaints open at the end of 2022.
- Employees that have left the organisation are still named on the ECS.

| Table 1: Sample complaints reviewed |                                  |   |  |  |
|-------------------------------------|----------------------------------|---|--|--|
|                                     | Reference                        | Subject                                       | Finding  | Action   |
| 1.                                  | EPA Ref. No. COM017716/COM018932 | Pollution of the River Poddle                 | A potential source was found 2km away via an extensive investigation that included manhole screening. South Dublin County Council are actively engaging with the potential source of this pollution. No further complaints have been received to date on the matter.                       | On-going.  |
| 2.                                  | LT-24-1467 (52626)               | Banner in an industrial estate                | Investigated, no issue found and the complaint was closed.   | No further action required.  |
| 3.                                  | LT-24-1462 (52619)               | Burnt out car                                 | Car removed on the day that the complaint was received.  | No further action required.  |
| 4.                                  | LT-24-1311 (52399)               | Illegal dumping                               | Cleaned up and closed. Commentary on the complaint stated 'Dumped bags are searched for evidence and when evidence is found then FPNs under the LPA are issued'.   | Ensure that details of the actual investigation are recorded on the ECS. |
| 5.                                  | AR-24-5 (50909)                  | Air pollution/odour associated with a chimney | Referred for investigation to a Building Control Officer.  | On-going.  |
| 6.                                  | AR-16-14 (18312)                 | Air pollution                                 | Open since 22/03/16 but no record of actions undertaken to address the complaint on the ECS. One of the Environmental Health Officers (EHO) informed the audit team that the EHO assigned to this complaint has left the organisation and that there may be a paper file on the complaint. | Review to determine if this complaint was investigated.                  |

#### Actions Required:

1. Put in place appropriate measures to ensure that NECL and EPA complaints can be linked to the ECS.
2. Carry out a detailed review of the ECS to ensure that the complaints system is up to date, that all complaints have been investigated and that complaints that have been investigated are closed.
3. Details of the investigation of complaints should be clearly outlined on the ECS.
4. Ensure that employees that have left the organisation are removed from the ECS.
5. Ensure that a linkage is maintained between the EHOs and South Dublin County Council in relation to investigation and close out of complaints.

## **3.2 Waste National Enforcement Priorities**

### **Observations:**

South Dublin County Council met the required standard across all five waste NEPS for 2023, scoring strong.

### **Tackling significant illegal waste activity and Multi-Agency Sites of Interest**

- South Dublin County Council detailed the enforcement actions at a current unauthorised site where waste has been burned.
- South Dublin County Council have carried out checkpoints with WERLA, the NTFSO and Dublin City Council this year.
- South Dublin County Council informed the audit team that they are keeping the waste convictions register up to date and have a number of prosecutions pending.

### **Construction & Demolition Waste**

- South Dublin County Council have six permitted and six Certificate of Registration C&D sites. A risk-based methodology is used to calculate how many site visits are carried out per annum with each site inspected at least once. A letter of non compliance dated 09/05/24 was reviewed for WFP-DS-22-0002-04 dated and an inspection report dated 28/03/24 was reviewed for WFP-DS-11-0009-05. The WERLA inspection template was not used. South Dublin County Council informed the audit team that future joint inspections are planned with WERLA.
- South Dublin County Council outlined the activity taken around the Resource Waste Management Plan (RWMP) reviews and their collaboration with the planning department, 44 RWMPs have been reviewed to date. Commencement notices and local intelligence are used to pick sites for a physical inspection. 31 inspections in relation to segregation, recovery and disposal of C&D waste at construction/development sites have been carried out this year to date with good compliance rates found.
- 23 Article 27 inspections have been carried out this year to date exceeding the planned 15 inspections. A sample inspection of N-BP-0120, as well as supporting documentation, was reviewed at the audit. South Dublin County Council informed the audit team that the WERLA inspection template has been adapted to suit their inspections.
- South Dublin County Council are using the EPA's By-product Register- Deregistration Request form and provided an example of N-BP-0262.
- South Dublin County Council informed the audit team that they are updating their officers authorisations, inspection procedures and forms in relation to the extractive industries register and will review and update the register.

### **ELVs and Metal**

- South Dublin County Council indicated that there are three permitted ELV Authorised Treatment Facilities (ATFs) in their region. Eight site inspections have been carried out this year to date and each site is inspected at least once a year. A sample inspection, as well as supporting documentation, was reviewed at the audit for WFP-DS-14-0012-0. WERLA inspection templates are being used.
- Two unauthorised ELV sites were shut down in 2023 and remain closed and monitored.

### **Household & Commercial Waste**

- South Dublin County Council has developed a Register under Section 34C of the Waste Management Act and obtain updates from four waste collectors who operate within their functional area. This information is being used to select areas for household waste surveys. 23 household waste surveys have been carried out this year and 10 have replied to date.
- South Dublin County Council contacted household kerbside collectors operating in the County to verify if they were complying with Section 34 (7)(g)(i) of the Waste Management Act 1996 as amended by seeking information on their charging regimes for waste collected. This project was finalised in 2024 and the collectors were found to be compliant.
- South Dublin County Council have progressed their AR validations for 2024, there are nine validations with data outstanding to be completed by permit holders. FPNs have been sent to waste collection permit holders and site inspections will be planned for waste facility permit holders who have not submitted their data.
- South Dublin County Council plan to carry out commercial food waste inspections in quarter 4 of 2024 with casual traders and at events. A sample inspection dated 04/12/23, as well as supporting documentation, was reviewed at the audit.
- South Dublin County Council informed the audit team that they have carried out 12 inspections in relation to the household and commercial kerbside waste collection regime (including brown bin). Site selection was based on the Section 34C Register.

### **PRIs and Local Priority**

- South Dublin County Council indicated that they are on schedule to carry out the planned PRI inspections for 2024.
- South Dublin County Council plan to carry out inspections under the Tyre Regulations – Tyre Retailers in the lead up to Halloween.
- Follow up enforcement actions with two non-compliant farm plastic sites and a packaging regulation – registered self-complier are outstanding from 2023.

### **Actions Required:**

1. The validation of the AR validations for all authorised facilities and collectors, with the exception of household waste collectors which will be managed by WERLA, is required to be completed by the end of September. Progress enforcement action with permit holders that have not submitted outstanding data or that have not submitted their data.
2. Carry out the planned inspections under the Producer Responsibility Initiatives, with a focus on WEEE Regulations, Suspected Major Packaging Producers and the Deposit Return Scheme.
3. Carry out the follow up enforcement actions with two non-compliant farm plastic sites and a packaging regulation – registered self-complier outstanding from 2023.
4. Use the WERLA inspection templates where available to ensure consistency during inspections.
5. Review and update the extractive industries register.

## **3.3 Water National Enforcement Priorities**

### **Observations:**

South Dublin County Council met the required standard for Local Priorities and Water Quality Monitoring, Domestic Wastewater Treatment Systems (Septic Tanks) and Discharge Licences/Misconnections in 2023. However, the Council needs to make improvements in its inspection and enforcement of Agricultural Farmyards and Farmlands.

### **Pressures from Agriculture – Farmyards & Farmlands**

- A small number of farm inspections were undertaken by South Dublin County Council in 2023 in appropriate areas based on risk and impacts on water quality. South Dublin County Council has a requirement of 23 agricultural inspections assigned in the National Agricultural Inspection Plan for 2024. South Dublin County Council informed the audit team that 5 Good Agricultural Practice (GAP) inspections have been completed to date, that they plan to do 25 farm inspections and that the remaining farms have been notified of dates for inspection. South Dublin County Council and Dun Laoghaire-Rathdown County Council have been allocated one shared service position for the completion of farm inspections and it has been agreed that South Dublin County Council will manage that shared service.

### **Septic Tanks**

- South Dublin County Council is required to undertake four septic tank inspections in 2024 in accordance with the National Inspection Plan (NIP). South Dublin County Council informed the audit team that two out of the four inspections were completed recently and that the remaining two inspections have been scheduled for completion. Zone 2 is the focus for inspections in 2024. An advisory notice that has been open since 2014 (Ref. No. DWAN0000444) was discussed. The audit team were informed that the inspector involved has left the organisation and that information relating to this advisory notice is absent. It was agreed that another inspection of this septic tank needs to be undertaken.

### **Discharge Licences/Misconnections**

- The Dublin Urban Rivers LIFE Project, where a high level of misconnections was identified and rectified was discussed in detail. South Dublin County Council demonstrated the success of installed Integrated Constructive Wetlands (ICW) to improve water quality and the engagement and awareness campaigns undertaken including videos on misconnections. The audit team commend the extensive work undertaken in this area and note the creation of a Decision Support Tool and ICW builder tool for use by local authorities. South Dublin County Council demonstrated the practical use of this project to aid in the identification of the source of pollution on the River Poddle.
- South Dublin City Council has 12 Section 4 discharge licences with one seeking a review of their licence.

### **Local Priorities & Water Quality Monitoring**

- The Water Framework Directive monitoring programme was successfully completed in 2023 and South Dublin County Council informed the audit team that this monitoring programme is on track for completion in 2024.
- South Dublin County Council has 7 private water supplies. The small private supplies (SPS) register and the SPS monitoring programme was reviewed and found to be satisfactory.

### **Actions Required:**

1. South Dublin County Council must ensure that they meet the requirements of the National Agricultural Inspection Plan (NAIP) for 2024 which requires 23 agricultural inspections and relevant follow-up actions to be undertaken by the local authority.
2. South Dublin County Council is required to carry out a repeat septic tank inspection related to Ref. No. DWAN0000444.

### **3.4 Air and Noise National Enforcement Priorities**

#### **Observations:**

South Dublin County Council met the required standard for the work carried out under the Environmental Noise Directive, Planning Controls and Ongoing Air and Noise Work in 2023. However, the Council needs to make improvements in its inspection, enforcement and reporting of activities under the Solid fuels and Air Quality Monitoring National Enforcement Priorities.

#### **Solid Fuel**

- The register for solid fuel retailers was reviewed. Solid fuels are mostly sold from petrol stations and big stores. South Dublin County Council reported a good understanding of the Solid Fuel Regulation by the retailers with a 100% compliance rate for premises inspected in 2023. South Dublin County Council indicated that complaints received were mostly related to burning of waste. South Dublin County Council confirmed that joint sulphur testing will be carried out in 2024 along with the other County Councils in the Dublin region to assess compliance with the regulations.

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

- A comprehensive website on the monitoring of noise levels in the County was noted. South Dublin County Council outlined the intention to upgrade the noise monitoring network with NO2 monitoring and informed the EPA that a pilot project on NO2 monitoring is currently undergoing.
- The daily limit exceedance on PM10 on the 12/10/2023 at the air monitoring station in Tallaght was reviewed. South Dublin County Council did not receive complaints related to the exceedance.

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

- South Dublin County Council provided an account on the monitoring work carried out to identify quiet areas and most important areas under the Environmental Noise Directive. A cost analysis was undertaken on the implementation of the findings from the monitoring. Funding of the implementation is dual between TII and South Dublin County Council. Good progress was undertaken in this NEP in 2023.

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

- South Dublin County Council has developed sets of standardised conditions for air and noise impacts for different developments. The standard conditions were reviewed during the audit. The Planning Section of the Council refers planning application to the EHOs for review. Planning applications are assessed having regard to the Dublin Agglomeration Noise Action Plan 2024 – 2028 and noise maps.
- Noise impact assessment reports are submitted with planning applications for big urban residential developments.
- South Dublin County Council provided an account on the number of planning applications referred by the Planning Sections between January and June of 2024.

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

- South Dublin County Council described the planned work in 2024 to identify unauthorised operators under the Solvent Regulations.
- South Dublin County Council provided detail on the work carried out under the Deco Paints Regulations. A list of potential Deco Paints sites in the functional area was identified by the EPA team and provided to the Council. In 2024 South Dublin County Council carried out follow up work to assess compliance on the activities carried out at the sites.

#### **Actions Required:**

- 1. South Dublin County Council's website:** The Air and Noise section of the local authority's website should include current information on the Air Pollution Act 1987 (Solid Fuels) Regulations 2022 (S.I. No. 529 of 2022) along with links to the national campaign 'Lets Clear the Air' developed by the Department of Environment, Climate and Communications. The location of the two air quality monitoring stations in Lucan and Tallaght along with information on the parameters measured should be detailed and include a link to the [www.airquality.ie](http://www.airquality.ie) website. The register under the Deco Paints Regulations should be updated and EPA decorative paints video should also be included.
- 2.** Complete solid fuel sampling and participate in multi-agency roadside checks to assess compliance on the sale and transport of solid fuels in the functional area.
- 3.** Review the air quality data in the functional area and investigate daily exceedances when relevant.
- 4.** Report on outcomes of inspections carried out in relation to planning applications and post application.

#### **3.5 RMCEI Plan review meetings**

- South Dublin County Council generate monthly reports on RMCEI progress for Senior Management to be reviewed at Departmental monthly meetings.

#### **3.6 Resources**

##### **Observation:**

- South Dublin County Council has one Waste Enforcement Officer vacancy and has sanction for an Assistant Scientist for farm inspections that will be a shared service with Dun Laoghaire-Rathdown County Council.

##### **Action Required**

South Dublin 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**

South Dublin 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:**

  
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Isabel Valera

**Reviewed by:**

  
\_\_\_\_\_

Valerie Doyle

**Date:**

18/10/24

**Date:**

18/10/24