



Local Authority Enforcement Audit Report

Westmeath County Council

Date of audit 06/09/2024 Audit report Ref: LAET 2024/10/02

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.

Westmeath County Council met the required standard for 40% of the National Enforcement Priorities (NEPs) in 2023 which is a decline in performance from 2022. The national average was 71% in 2023. The local authority must focus on the following 12 work areas which did not meet the required standard:

- Agriculture Farmyard;
- Agriculture Farmland;
- Domestic Waste Water Treatment Systems (DWWTS) / Septic Tanks;
- Discharge Licences/Misconnections
- Noise – ENDS;
- Solid Fuel;
- Ongoing Air & Noise Enforcement Work;
- Complaint Handling;
- Construction and Demolition (C&D) Waste;
- End-of-Life Vehicles (ELVs) & Metal;
- Household and commercial waste, and
- Producer Responsibility Initiatives (PRIs) and Local Priorities.

Westmeath Council stated that resource constraints have impacted on the performance of its statutory environmental protection functions, particularly in 2023. Westmeath 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 Westmeath 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>
Deirdre Reilly	Director of Service
Ciaran Jordan	Acting Senior Engineer (RMCEI Co-Ordinator)
Fintan O'Reilly	Executive Engineer
Elizabeth Whelan	Assistant Scientist
Leona Murtagh	Executive Engineer

Representing the Environmental Protection Agency:

Neil Foley	Inspector II
Thomas Wallace	Inspector II
Maria Lenihan	Inspector I

3. AUDIT OBSERVATIONS & RECOMMENDATIONS

3.1 Environmental Complaints Handling

Observations:

- Westmeath County Council informed the audit team that the complaints system currently in place is an aging system and while it does 90% of the work needed and minor overhauls can be undertaken, Westmeath County Council are awaiting the roll out of the NEMIS system to determine its value as a replacement for the system currently in place.
- A pollution complaints procedure is in place and all complaints are logged on their complaints system.
- The complaints system has a priority field, which incorporates three levels of priority, high, medium or low.
- Westmeath County Council focussed on resolving open waste complaints at the end of 2023 and had 6 open litter/waste complaints at the end of 2023 versus 80 waste complaints open at the end of 2022.
- It was not evident prior to and during the audit that a member of the public can make an environmental complaint online via Westmeath County Council's website.
- Where a number of complaints are received regarding a particular site/location, it is counted as one complaint for RMCEI as it can be under one complaint file.
- Westmeath County Council informed the EPA that staff have carried out a number of odour impact assessments in response to complaints regarding an installation with an air emissions licence.

Table 1: Sample complaints reviewed				
	Reference	Subject	Finding	Action
1.	EPA Ref. No. COM017716	Dumping of cars	Subject to an on-going investigation.	On-going.
2.	EPA Ref. No. COM017913	Odours attributed to a facility	A revised draft air emissions licence for this facility has been issued to the facility and correspondence on the matter is ongoing.	On-going.
3	Ref. No. WC-24-34	Build up of waste at the rear of a property.	Issue was addressed and the complaint was closed.	No further action required.
4	Ref. No. WC-22-19	Illegal dumping of tyres, C&D and ELVs.	Subject to an on-going investigation	On-going

Actions Required:

1. Ensure all environmental staff undergo appropriate odour impact assessment training.
2. Review Westmeath 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:

- Westmeath County Council met the required standard for Tackling significant illegal waste activity and Multi-Agency Sites of Interest in 2023. However, the Council needs to make improvements in the areas of Construction and Demolition Waste, End-of-Life Vehicles & Metal, Household & Commercial Waste and Producer Responsibility Initiative (PRIs) and Local Priorities.
- Westmeath County Council informed the audit team that WERLA inspection templates for all the waste NEP areas were not being used.
- The Annual Return (AR) validation of the authorised waste facilities and permitted collectors had commenced, with four completed including some back-office audits carried out with other agencies, however the target date to complete the AR validations is the end of September. Westmeath County Council indicated that another resource is expected which will assist this work area. In addition, during review of the NWCPO portal Westmeath County Council highlighted a number of Westmeath based facilities and collectors which remain on the NWCPO portal but the permit activity has ceased.

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

- Westmeath County Council reported a low level of non-routine waste inspections, with 68 inspections reported as completed for 2023 and a similar range planned for 2024. During the audit the 571 waste and litter complaints received in 2023 were reported as investigated. The investigative inspections carried out into unauthorised activities, were not being fully recorded under the relevant RMCEI categories in NEMIS (*category 6.2.1*) to capture the inspections being undertaken in this area.
- Westmeath County Council detailed an on-going unauthorised waste tyre and ELV site, which has increased its activity despite enforcement action undertaken. The case is on-going in collaboration with WERLA.

- No legal actions were initiated in 2022 or 2023 but Westmeath County Council informed the EPA that prosecutions cases were being prepared with a number of enforcement files opened in 2024.
- Westmeath County Council informed the EPA that a multi-agency roadside check point is being planned for later in the year to also coincide with solid fuel inspections. Multi-agency inspections with the NTFSO and WERLA have been carried out.

Construction & Demolition Waste

- Westmeath County Council informed the EPA that due to the proximity to Dublin there is an increase in demand for authorised C&D waste facility capacity in Westmeath County Council.
- Westmeath County Council indicated there is a change to the sector with more use of Article 27. Seven Article 27 inspections have been carried out to date in 2024 and they were found to be compliant with responses issued to the EPA for these sites. Responses in relation to the following were reviewed during the audit:
 - ART27-3596;
 - Art27-3708, and
 - Art27-3540.
- Westmeath County Council request a Construction Environmental Management Plan (CEMP) and Resource and Waste Management Plan (RWMP) for every development greater than two dwellings. Approximately 20 have been received and assessed to date in 2024.
- The 2023 and 2024 RMCEI plan reported two proposed inspections under *category 6.1.7 Inspections in relation to segregation, recovery and disposal of C&D waste at construction/development sites to include major public projects (e.g. waste management plans, gypsum handling etc)*. During the audit, it was established that the desktop RWMP and CEMP inspections were not being recorded under this category. In addition, based on the level of construction activity in the area, with over 252 notices for Westmeath on the 2023 Building Control Register, two site inspections of construction/development sites is not reflective of the level of enforcement activity required in this area. Two inspections have already been completed in 2024, one following a complaint and one on a housing estate which was found to be compliant.
- The permitted facility site and Certificate of Registration sites (CORs) are being inspected, with a number of the CORs (many of which are GAA clubs developing playing facilities) reaching capacity. For the inspections a report is drafted for internal use, but a separate letter is issued detailing the required actions, a recent report and letter issued were reviewed for WFP-WH-2017-0100 and COR-WH-2021-002. Westmeath County Council informed the EPA that a full audit checks every condition of the permit and some inspections focus on specific areas of interest. The WERLA inspection templates are not being used.

ELVs and Metal

- Westmeath County Council indicated that there are six permitted ELV Authorised Treatment Facilities (ATFs), but they will review this number to ensure its accuracy. One permit has ceased since 2023.
- Positive activity was demonstrated with the multi-agency inspections with the NTFSO and WERLA to investigate AR anomalies at an ELV ATF (ref: WFP-WH-2021-004), which were on-going since 2023.
- The RMCEI plan risk register outlined the frequency of inspections for the ATFs, this should be adhered to with at least one site inspection annually at all ELV ATFs, using the WERLA inspection template.

Household & Commercial Waste

- Westmeath County Council detailed during the audit that quarterly meetings were being held with the five Household and Commercial waste permitted collectors. These meetings identified some reporting anomalies which has resulted in a higher segregated waste rate than the originally reported 17% of householders availing of a brown bin service in the agglomeration area. It was indicated that the actions with the household permitted waste collectors will be progressed by WERLA in 2024. It was unclear during the inspection if one of the collectors, Ref No.: NWCPO-20-12475-01, was only a commercial waste collector. This should be clarified with WERLA to ensure the responsibilities for this collector are clear.
- Westmeath County Council are responsible for the waste segregation inspections at households and there were no planned household waste bye-law inspections in the 2024 RMCEI plan (*category 6.1.10*) and no completed inspections reported in this area since 2022. It is noted that reactive inspections to follow-up complaints in this area were carried out. It was discussed during the audit and Westmeath County Council confirmed that focussed inspections will be carried out in this area in 2024.
- Westmeath County Council detailed that they have four permitted facilities in this area to be inspected this year, with one inspection completed.
- Westmeath County Council have initiated the commercial waste segregation inspections by issuing initial correspondence in July of this year to 10 sites identified by WERLA and through local intelligence. These will be progressed during the year.

PRIs and Local Priority

- Westmeath County Council confirmed that resource constraints impacted the Producer Responsibility Initiative (PRI) enforcement activity in 2023. For 2024 the PRIs for focus are the WEEE regulations, Suspected Major Packaging Producers and the Deposit Return Scheme. Westmeath County Council indicated that activity is progressing in this area. Outstanding activity from 2023 will be progressed in 2024.
- The waste management plan put in place for the National Fleadh Cheol held in Mullingar in 2023 was a positive initiative which promoted waste segregation with approx. 3.5 Tonnes of food waste collected during the 8-day festival.

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, should be completed by the end of September 2024.
2. Increase the number of C&D site visits in 2024 from the planned two inspections. The scale of the activity, environmental risk associated with the activity and local intelligence (such as the involvement of operators of concern) should guide the focus for the inspections.
3. Plan and carry out focussed waste presentation bye-law inspections of households in areas of the county with low rates of 3 bin waste segregation where the collector is providing this service.
4. All ELV ATFs should have at least one site inspection in 2024, using the WERLA inspection template. Ensure the number of ELV ATFS are clearly detailed in the RMCEI plan and the NEP progress report.
5. Carry out the planned enforcement actions under the Producer Responsibility Initiatives, with a focus on WEEE Regulations, Suspected Major Packaging Producers and the Deposit Return Scheme. The outstanding enforcement actions from previous years should be prioritised in 2024.
6. Use the WERLA inspection templates where available to ensure consistency during inspections.
7. For all LAPF NEP progress reports the actions taken under the activities for focus should demonstrate the compliance rate with a comparison with previous years, the methodology for the detection, identification and focus for site inspections, the enforcement actions and follow-up and the environmental outcome achieved in that area.
8. Record all waste inspections under the relevant RMCEI categories in NEMIS, in particular the unauthorised investigative inspections under RMCEI *category 6.2.1* and the RWMP and CEMP

assessment inspections under RMCEI *category 6.1.7*. Further guidance for these categories will be circulated later this year.

9. Notify the NWCPO of the WCPs and WFPs that have ceased operation.

3.3 Water National Enforcement Priorities

Observations:

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

Pressures from Agriculture – Farmyards & Farmlands

- Westmeath County Council did not complete any planned farm inspections in 2023 owing to staff shortages. The Council advised that two Assistant Scientists have been appointed as agricultural inspectors within the last month and will be commencing farm inspections once the appropriate site selection is completed. Both Assistant Scientists have completed the Catchment Science and Agricultural Inspection training courses. The Council has a requirement of 37 agricultural inspections assigned in the National Agricultural Inspection Plan for 2024.

Septic Tanks

- Westmeath County Council is required to undertake seven septic tank inspections in 2024 in accordance with the National Inspection Plan (NIP). The Council stated that these inspections will be completed and that the shortfall of five inspections in 2023 has been completed. The Council advised that there are two authorised inspectors in place who undertook the inspection training course in 2024. The Council has 11 open advisory notices that require follow up actions.

Discharge Licences/Misconnections

- The Section 4 discharge licence register was examined during the audit and is available on the Council's website. Westmeath County Council did not inspect all higher risk (A and B) discharge licences in 2023. The Council advised that this was due to a lack of staff and that self-monitoring submissions were assessed and followed up.
- Two Section 4 discharge licences were assessed during the audit (file references ENV/W08/2012 and ENV/W06/2013). Westmeath County Council assessed self-monitoring returns and followed up on non-compliances in both cases.
- Westmeath County Council identified the requirement for discharge licence training.
- The EPA will provide further details of licenced/unauthorised discharge significant pressure Syonan Castle Stream 10.

Local Priorities & Water Quality Monitoring

- Westmeath County Council demonstrated significant work undertaken on bathing water and investigative monitoring at Lilliput bathing area. In addition, Westmeath County Council provided an update on PFAS monitoring and engagement with a former industrial facility in Mullingar.
- Westmeath County Council provided the small private supplies (SPS) register during the audit and details of the SPS sampling regime. The sampling schedule included all Group A parameters, and a sample certificate of analysis was provided. However, Westmeath County Council did not have a schedule for Group B parameter monitoring of SPS. Westmeath County Council also outlined collaboration with the HSE on protection of SPS and follow up actions with non-compliant supplies.

Actions Required:

1. Westmeath County Council must ensure that they meet the requirements of the National Agricultural Inspection Plan (NAIP) for 2024 which requires 37 agricultural inspections and relevant follow-up actions to be undertaken by the local authority.
2. Westmeath County 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.
3. Westmeath County Council should inspect all A and B risk ranked Section 4 discharge licences annually to ensure compliance with licence conditions and report any resultant water quality outcomes. Section 4 discharge licence training should be undertaken by relevant staff once available via ESNTG/LAWPRO.
4. Westmeath County Council must undertake analysis of Group B parameters (“audit sample”) of all SPS at least once per year and ensure that all SPS are registered.

3.4 Air and Noise National Enforcement Priorities**Observations:**

Westmeath County Council met the required standard for Air Quality Monitoring & Data Use and Air & Noise Controls in 2023. However, the Council needs to make improvements in the areas of Solid Fuel, Noise (ENDS) and Ongoing Air & Noise Enforcement Work.

Solid Fuel

- The register for solid fuel retailers was reviewed during the audit. Westmeath County Council advised that Litter Wardens undertake solid fuel retail inspections, however, not all the wardens were using the inspection template. Westmeath County Council stated that the multi-agency checkpoint did not take place and that sampling of solid fuels was not undertaken owing to lack of resources. Westmeath County Council identified the benefits of linking with the Local Authority Solid Fuel Working Group for combined fuel sample analysis.

Air Quality Monitoring Activities and Data Use

- Westmeath County Council engaged with the National Ambient Air Quality Monitoring Programme. Westmeath County Council advised that the Acting Senior Engineer and Assistant Scientist are on PM₁₀ mailing list. Air quality monitoring links are now available on the Council’s website.

Environmental Noise Directive (ENDs)

- Westmeath County Council stated that the new Noise Action Plan will be presented to the Special Policy Committee (SPC) at the end of September and that sources of funding for mitigation measures would need to be examined.

Air & Noise Controls (including Planning)

- Westmeath County Council presented their planning assessment procedures and standard planning conditions for air and noise controls during the audit.

Ongoing Air & Noise Enforcement Work

- Registers under Solvents, Deco Paints and Petroleum Vapours Regulations were reviewed, and all the Registers were available on the Council’s website. Westmeath County Council advised that EMS reminders are set for registration expiry and that letters are issued to the facilities reminding them of their obligations. Westmeath County Council stated that the number of solvent facilities has decreased owing to the move away from solvent based cleaning and the centralisation of dry-cleaning facilities.

- Westmeath County Council identified the requirement for odour assessment training.
- Westmeath County Council advised that air and noise complaint investigations are dependent on resource availability and that recent and upcoming recruitment will be allocated to this area.

Actions Required:

1. Solid fuel inspection templates should be available and used for all inspections.
2. Westmeath County Council should liaise with the Local Authority Solid Fuel Working Group regarding combined fuel sample analysis.
3. Westmeath County Council must ensure that priority is given to the new Noise Action Plan including mitigation measures.
4. The overall outcomes of investigations into Solvents, Deco Paints, and air/noise complaints should be reported in the NEP report.

3.5 RMCEI Plan review meetings

Observation:

Westmeath County Council currently have monthly review meetings of the RMCEI plan and have developed excel spreadsheets for each of the thematic NEPS to assist in the compilation of NEP progress reports.

3.6 Resources

Observation:

Westmeath County Council informed the EPA that the environmental department has been restructured to include four additional posts and a career pathway within the department to address resource constraints. Three positions are currently vacant, and Westmeath County Council outlined difficulties in recruiting positions.

Action Required

1. Westmeath 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

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

Report prepared by:  Reviewed by: 

Date: 02/10/2024 Date: 02/10/2024