RESPONSE TO EPA AUDIT REF.
NO. LAET 2025/04/22 OF LOCAL
AUTHORITY PERFORMANCE OF
ENVIRONMENTAL FUNCTIONS –
SECTION 63(2) EPA ACTS 1992 &
2003

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# 1 Introduction

Dún Laoghaire-Rathdown County Council welcome the opportunity to responds to the EPA Audit Ref. No. LAET 2025/04/22 of Local Authority Performance of Environmental Functions – Section 63(2) EPA Acts 1992 & 2003 undertaken on 26<sup>th</sup> March 2025.

## 1.1 Audit Report Clarifications

Please note the following clarifications in the report

Reference	Clarification
Page 2	James Phelan is Director of Services for Infrastructure and Climate Change.  Apologies noted from Helena Cunningham Director of Services Finance and Water.
Page 2	Name correction required - Jayne Dobson attended as Executive Engineer from Water.
Page 4	Under heading Construction and Demolition Waste – clarification that no Fixed Payment Notices were issued for waste collectors who did not submit annual returns.
Page 5	Commercial Food Waste inspection reviewed during the audit were case numbers 1382, 1241 and 1207.

Noting that the report may be made public – names of businesses, stores and premises have been removed.

## 2 AUDIT OBSERVATIONS & RECOMMENDATIONS

For each of the actions provided in the report DLR have provided a specific response and associated timeline for implementation where appropriate.

## 2.1 Sample Complaints Reviewed

Table 1, Row 1 on page 9 of the EPA Audit report refers to the EPA reference case EPA Ref. No. COM020152 / DLR-CRM349680 / DLR-CRM347473 and is in relation to 'Material from the cleaning of drainage pipes dumped in a builder's yard.'

This case been closed and a response provided to the EPA that includes copy of the final report. The yard that was investigated has been cleared of any waste present to the satisfaction of DLR. The matter of communication between the Litter Section and Waste Enforcement is addressed below.

## 2.2 Environmental Complaints Handling

No.	EPA Action / DLR Response
1	Provide training for relevant staff in the Water and Drainage Section on the CRM system to ensure effective use of the CRM system for recording actions and outcomes of complaint investigations within a single system.

#### **DLR Response:**

The Environmental Enforcement Section and Water Section held an initial demonstration meeting on 29<sup>th</sup> April 2025 where three staff from the Water were shown the functionality of CRM and the associated Site Visits database.

The Water Section met on 8<sup>th</sup> May 2025 and will be using CRM to record all complaints from 1<sup>st</sup> June 2025. Further investigation is required with Environmental Enforcement, Water and relevant staff in the IT department to determine any additional functionality that the Water Section may need with regards to the use of the Site Visits database.

#### Timeline for implementation:

Quarter 2 2025 for use of CRM.

Quarter 1 2026 for Site Visits Database. (It may be trialled during Q4 of 2025 prior to use from Quarter 1 2026)

2 Assess the feasibility of extending CRM Site Visit functionality to the Water and Drainage Section.

#### **DLR Response**

CRM functionality has been implemented. Further investigation is required with Environmental Enforcement, Water and relevant staff in the IT department to determine any additional functionality that the Water Section may need with regards to the use of the Site Visits database.

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#### Timeline:

Quarter 2 2025 for use of CRM.

Quarter 1 2026 for Site Visits Database. (It may be trialled during Q4 of 2025 prior to use from Quarter 1 2026)

3 Ensure compliance with the NEMIS Guidance Note for complaint recording and closure, available on the NEMIS system.

#### **DLR Response**

All relevant staff, who handle complaints have been reminded. Line Managers have also been issued reminder to ensure that their staff are aware of the guidance and raise any queries with the RMCEI Co-ordinator.

4 Remind Litter Wardens during monthly meetings to redirect complaints to the appropriate staff when an issue is determined to be unrelated to litter.

#### **DLR Response**

Completed during April 2025 meeting and will be incorporated into future meetings also. Administrative staff have also been reminded to ensure cases are referred correctly.

5 Implement measures to standardise complaint logging and handling across Sections to ensure consistency.

#### **DLR Response**

Work is ongoing to continually improve the processes in place and standardise responses. These processes will be updated to align with any legislative changes or updated guidance or best practice. Staff will be offered training in accordance with the processing of complaints received to ensure that they comply with the applicable guidelines, such as the DLR Customer Charter, NEMIS complaints guidance note, National Protocol for Dealing with Noise Complaints for Local Authorities.

### Timeline for implementation:

From Quarter 2 2025.

#### 2.3 Waste National Enforcement Priorities

# No. EPA Action / DLR Response 1 The C&D sector continues to grow, and a continued enforcement focus is required to drive compliance at the pre-planning stage, at resource and waste management plan reviews, C&D development site visits, with any relevant permitted waste collectors and at Regulation 27 source and destination sites.

#### **DLR Response**

Agreed. The Environmental Enforcement Section continue to be committed to driving compliance at pre-planning through the implementation of Resource and Waste Management plans as planning conditions, through site visits at construction sites and through the inspection of Regulation 27 source and destination sites as they arise.

DLR will provide a detailed outcome on this priority as part of the 2025 NEP progress report.

#### Timeline for implementation:

February 2026.

2 Progress on the 2025 household areas for focus, including the apartment complexes, should be provided in the 2025 NEP progress report.

#### **DLR Response**

Agreed. 2025 household areas for focus, including the apartment complexes, will be provided in the 2025 NEP progress report.

#### Timeline for implementation:

February 2026.

The site inspection system should be reviewed to ensure that cases with ongoing non-compliances remain open and should record fields to track when follow-up actions are required.

#### **DLR Response**

Following the Audit on 26<sup>th</sup> March 2025, the Environmental Enforcement Section undertook a thorough review to document any cases that may require further follow up. Personnel in the Section have now created bespoke "views" to capture any cases that require follow up and these are reviewed on an ongoing basis. For the cases reviewed during the audit the process is still ongoing for a few cases and appropriate follow up is being prioritised for any such cases that were mis-classified as closed while still requiring further follow up. The Section is also examining system improvements to restrict closure of a case unless appropriate follow has been completed or not required.

#### Timeline for implementation:

Fourth quarter 2025.

Progress with the commercial food waste inspections and WEEE inspections where follow-up actions were necessary are required to be submitted to the EPA for review in response to the audit report.

#### **DLR Response**

Case	Discussion / Follow Up Actions
1382	Commercial food waste inspection as per RMCEI
	Restaurant had been visited in December 2024 and found only to have a black bin with a sister shop/business in Blackrock.
	Site Visit was amended and marked for further investigation which occurred on 30/05/25. As of this date a compliant three bins system was not in place, but owner committed to having in place. A further visit will be undertaken to ensure this has occurred – and if not a fine will be issued.
1241	Commercial food waste inspection as per RMCEI
	On the day of inspection, the premises had in place one black bin for residual waste, and a green bin for recycling. The black & green bins seemed to be in order. A letter should have been issued paragraph recommending that a brown bin is ordered from their provider, however had not been followed up at the time of the Audit.
	Following this the Site Visit record was amended and marked for further investigation which occurred on 30/05/25. A compliant three bin system was found to be in place and the site visit record updated to show the business as being compliant with no further investigation required.
1207	Commercial food waste inspection as per RMCEI
	On the date of inspection, the premises had in place one black bin for residual waste, and a green bin for recycling. Recommended that a Brown bin is ordered from their provider and best practise would be to use compostable bin liners in the kitchen for the brown bin (compostable food waste bin). The black & green bins seemed to be in order. The site visit record had been marked for follow up which had not occurred at the time of the audit.
	A further investigation occurred on 30 <sup>th</sup> May 2025. A compliant three bin system was found to be in place and the site visit record updated to show the business as being compliant with no further investigation required.
1573 &	WEEE inspection as Per RMCEI
1030	Following the first site visit it was determined that the premises needed to sign up to the PRI WEEE Ireland via weeeireland.ie. Information was provided on the day explaining how to register with a further visit required. This site visit record has now been amended and was marked for further investigation.
	A follow up site visit was undertaken on 14 <sup>th</sup> May 2025 and additional issues were discovered with respect to deposit return scheme compliance and waste storage issues. Correspondence and further site visits are planned for June

	Site Visit has now been amended and marked as further investigation. A follow up site visit was undertaken on 27 <sup>th</sup> May 2025. Correspondence has been issued to the store manager with a direction to comply by registering with WEEE Ireland. Further compliance check to be completed and further enforcement will be explored at that stage if store remains non-compliant.
176	visit on 31st May 2024.  WEEE inspection as Per RMCEI
	Electrical Retailer in Carrickmines area was not compliant with their WEEE certificate on 2 <sup>nd</sup> May 2024. They complied with their WEEE cert on the second
119	Electrical Retailer in Carrickmines
	In addition, the EPA was consulted in May 2025 regarding best practice for WEEE inspections DLR will provide a detailed outcome on this case as part of the 2025 NEP progress report.
	2025. This is an ongoing investigation that will be followed through our processes and subsequent legal proceedings if required.

Dún Laoghaire-Rathdown County Council are reminded that the 2025 PRI for focus according to the NEP activities for focus are Tyres, Deposit Return Scheme, WEEE and Batteries.

#### **DLR Response**

Agreed. DLR will ensure that the inspections, as documented in our RMCEI plan, are completed as required and any issues that DLR become aware of with respect to these PRI are inspected thoroughly.

Dún Laoghaire-Rathdown County Council are reminded of the Recording and Reporting of Environmental Inspections, Compliance, and Enforcement Data Governance Process NEP activity for focus to use relevant inspection templates and guidance from WERLA.

#### **DLR Response**

Agreed. DLR will ensure that the 'RMCEI Waste Inspections & Compliance Input Guidance Notes' are implemented, and all inspections are completed using the relevant inspection templates and guidance from WERLA.

#### 2.4 Water National Enforcement Priorities

١	lo.	EPA Action / DLR Response
1		Ensure that there is a focused effort on closing out Advisory Notices for DWWTS
		failures open more than two years.

#### **DLR Response**

At the EPA audit on 26th March 2025, five Advisory Notices were open. Since then.

- 1 has been closed,
- 2 have been given instructions to proceed with remediation works,
- 1 verification inspection is scheduled for 27<sup>th</sup> May 2025 has this been completed and
- 1 homeowner remains uncontactable.

Efforts will continue on closing out outstanding Advisory Notices, particularly those open for more than two years.

2 Ensure that non-compliant Section 4 discharges are followed up with enforcement actions where necessary.

#### **DLR Response**

Agreed. DLR will ensure that non-compliant Section 4 discharges are followed up with enforcement actions where necessary.

Ensure that all regulated private water supplies are monitoring for compliance with Group A and B parameters at the required frequencies in accordance with the European Union (Drinking Water) Regulations 2023.

#### **DLR Response**

Since the Water Pollution section took over responsibility for private drinking water supplies at the end of 2024, the section has continued to ensure that all monitoring for compliance with Group A and Group B parameters has been carried out and reported to the EPA in accordance with the European Union (Drinking Water) Regulations 2023.

4 Ensure that proactive measures are undertaken to identify and register private water supplies that fall within the remit of the European Union (Drinking Water) Regulations 2023.

Since the EPA audit, the water section has been proactively looking for private drinking water supplies that are not currently on the DLR register, particularly when doing farm and septic tank inspections in the Glencullen area, and so far, one has been found. The section will ensure that they are on private drinking water supplies register by the end of 2025. The section will continue this process and take other proactive measures to identify and register private water supplies that fall within the remit of the European Union (Drinking Water) Regulations 2023.

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5 Ensure that the activities for focus across the four water NEPS for the 2025 to 2027 cycle are addressed.

#### **DLR Response**

Regarding the noted failure to demonstrate the required standard in the National Enforcement Priorities for Pressures from Agriculture (Farmyard) and Pressures from Agriculture (Farmland), agriculture has not been identified as a significant pressure in Dún Laoghaire Rathdown; there have been no complaints reported on either of these issues; the resource committed to by the NAIP to carry out farm inspections has not been received and until recently there were no resources within DLR to do them. Also, following a meeting with the NAIP on 12/03/2025 DLR's required minimum number of farm inspections for 2025 was reduced from 27 to 12.

Glencullen is one of DLR's main agricultural areas and farm inspections are being focused in this catchment. Glencullen\_010 has been at 'High' status since 2013 it has maintained this status.

DLR water section has availed of all the training provided by NAIP for Agricultural Inspections and one farm inspection has been carried out to date in 2025 and four are scheduled for June 2025, all in the Glencullen catchment.

Regarding the Local Water Quality Monitoring NEP, the work with South Dublin County Council on the DURL project since 2019 on finding misconnections in the Carrickmines and Shanganagh rivers has improved water quality in both rivers. Both have improved from 'Moderate' ecological status at the WFD 2<sup>nd</sup> cycle to 'Good' ecological status in the 3<sup>rd</sup> cycle.

As noted, Dún Laoghaire Rathdown is the lead authority for the BREWERY STREAM \_010 for the 3<sup>rd</sup> WFD cycle and DLR is focusing on the section of the Brewery stream upstream of the N11, which is culverted and urban for much of its length. Downstream of the N11 was surveyed extensively in 2023. An investigative assessment and sample taking at strategic manholes are being carried out to establish a baseline of water quality. Relevant businesses will be surveyed in Stillorgan Business Park and misconnection surveys will be undertaken as necessary. Several domestic wastewater treatment systems have been inspected near the head of the stream. It is hoped to install water quality monitors at strategic locations along the Brewery stream, as a pilot project to both monitor water quality and possibly act as an alarm for pollution events. In this way, DLR can react immediately to pollution events and have a better chance of finding the source.

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#### 2.5 Air and Noise National Enforcement Priorities

No.	EPA Action / DLR Response
1	Investigate the sale of unapproved solid fuels during multi-agency operations.

#### **DLR Response**

Staff involved in multi-agency checkpoints are authorised officers under both the Air Pollution Act (as amended) and the Waste Management Act (as amended). As such they are then authorised to seek information regarding the transport of the fuel and ensure that it is labelled in accordance with the Solid Fuel Regulations 2022. Vehicles targeted during the checkpoints include both vehicles that are carrying fuel products and waste management vehicles. DLR are reliant on the availability of An Garda Siochana to undertake the roadside checkpoints of which 10 are planned for 2025.

2 Continue follow-up enforcement actions for unapproved fuels following the sulphur testing of coal products carried out in 2024.

#### **DLR Response**

DLR will examine the outcome of the DECC sampling programme to see what if any enforcement action should be undertaken for producers operating from DLR. At present only one fuel producer is listed as being based in our jurisdiction. The findings of this project should inform future sampling programs and DLR will undertake sampling on suspected non-compliant fuels as required and complete any subsequent enforcement actions deemed necessary.

Establish a list of solid fuel distributors operating in the functional area. Dún Laoghaire-Rathdown County Council should carry out inspections on distributors/transporters of solid fuels.

#### **DLR Response**

A list has been established for follow up. The list has been categorised based on types of retailers, e.g. small (forecourt/ small shop), medium to large retailer (Large DIY chain), Wholesaler/ Distributor.

4 Review the air quality data in the functional area and investigate daily exceedances when relevant. Use the air quality data to direct and inform targeted inspections and awareness raising campaigns. The inclusion of direct links to national air monitoring stations in Dún Laoghaire-Rathdown County Council website, is recommended.

#### **DLR Response**

DLR has recently subscribed to additional functionality that will enable the Environmental Enforcement Section to run detailed reports and analysis on the data being gathered by the 12 air quality sensors.

The inclusion of direct links to national air monitoring stations in Dún Laoghaire-Rathdown County Council website, has been completed here:

https://www.dlrcoco.ie/environment/environmental-health/air-quality-monitoring

In addition, our Environmental Awareness section have sought interest from a local school that has an air quality sensor located outside their main entrance. If agreed with the school, DLR will be able to provide monthly bespoke Air Quality Bulletins from this sensor directly to the school. In addition to this we are examining the interest providing our elected representatives bulletins for the electoral areas subject to the sufficient data being available.

Dún Laoghaire-Rathdown County Council should repair links to the Solvents and Deco Paints registers on Dún Laoghaire-Rathdown County Council's website.

#### **DLR Response**

Completed

#### **Link to Deco Paints Register**

#### **Link to Solvents Register**

6 Continue follow-up enforcement work to bring into compliance an uncertified site under the Solvent Regulations.

#### **DLR Response**

Work is ongoing with bringing this business into compliance. DLR is examining all potential enforcement actions. The business claims to be in the process of closing down. DLR will consider issuing a Fixed Payment notice under European Union (Installations and Activities Using Organic Solvents) (Amendment) Regulations 2024 (S.I. No. 357 of 2024) that provide for fixed payment notices for certain offences under the original 2012 Solvents Regulations.

DLR will provide a detailed outcome on this case as part of the 2025 NEP progress report.