



2022 National Enforcement Priorities Progress Report

National Enforcement Priority: GOVERNANCE - RMCEI Review & Reporting	
Local Authority:	Activities
 Looking back at the year	<p>Tell the story of what your council did on this priority in the reporting year. This is an opportunity to capture the impacts of the work completed to drive compliance. You are not required to duplicate data that you are submitting through the 'RMCEI data returns' or your 'RMCEI Plan'.</p> <p><i>[Guideline of 500 words per priority area]</i></p>
<p>Describe what was carried out under this activity in the previous reporting year – e.g.</p> <ul style="list-style-type: none"> • The RMCEI Plan frequency of reviews should be bi-annual at a minimum. The review frequency and the outcomes should be included in the progress report. • RMCEI reviews should evaluate progress of NEPs and assess if planned inspection targets are on track. • RMCEI reviews should provide reasons for any deviation from targets, planned activities or objectives set out in the plan. • RMCEI reviews should be presented to the Director of Services/Senior Engineer/Senior Management/Environment Strategic Policy Committee at least once during the earlier part of the year, to facilitate plan review. • The RMCEI Plan, RMCEI Data Return and NEP Progress Report should be submitted to the EPA on schedule. 	<p>The following governance measures were in place for 2022 :</p> <ul style="list-style-type: none"> • The County Kerry RMCEI Plan for 2022, the data return for 2021 and the progress report on the National Enforcement Priorities were prepared and submitted to the EPA within the agreed timeframe. • The RMCEI plan was specifically based on the standard template and guidance as provided by the EPA. • Implementation of the County Kerry RMCEI Plan for 2022 was monitored on an on-going basis to track progress and to highlight any deviation from targets or other issues. • <u>On-going Review of Inspection Targets</u> : Due to a lack of staff in certain areas, the inspection targets as originally set out for 2022 had been set at a defined level taking specific account of this issue. A new member of staff joined our waste enforcement team in August 2022 and the inspection targets in that area were reviewed at that point. No changes were made to the targets as originally set out and these were subsequently met. <p>Due to a staff recruitment issue, inspection targets in the PRI and air quality areas were not fully achieved in 2022. This issue was identified by way of the periodic review undertaken and, accordingly, the inspection targets in these areas were scaled-back, with the approval and acknowledgement of Senior Management.</p> <p>Following adoption of the new solid fuel regulations in November 2022, and as a result of air quality issued identified in Tralee, inspection activities in the solid fuel area were increased above the initial target levels as part of the plan review process. In order to achieve this, resources were directed to this work area in the latter part of 2022.</p>


	<ul style="list-style-type: none">• Up-dates on the implementation of the plan were provided to senior management (Director of Service and Section Head) at the Environment Department’s monthly Service Review meetings.• Up-Dates on inspection targets, including those related to the NOAC return, were provided on a quarterly basis to senior management.• Monthly compilation and assessment of waste enforcement inspection statistics was undertaken.
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National Enforcement Priority:	GOVERNANCE - Environmental Complaint Handling
Local Authority:	Activities
 Looking back at the year	<p>Tell the story of what your council did on this priority in the reporting year. This is an opportunity to capture the impacts of the work completed to drive compliance. You are not required to duplicate data that you are submitting through the 'RMCEI data returns' or your 'RMCEI Plan'.</p> <p><i>[Guideline of 500 words per priority area]</i></p>
<p>Describe what was carried out under this activity in the <u>previous reporting year</u> – e.g.</p> <ul style="list-style-type: none"> • Assignment of a dedicated Environmental Complaints Co-ordinator. • Implementation of the National Environmental Complaints Procedure. • Appropriate systems in place for recording and tracking environmental complaints. • Adequate resources assigned to complaint investigation in the RMCEI Plan. • Appropriate handling of EPA referred complaints and Section 63 Notices received by the local authority. • Ensuring timely investigation of complaints and reporting of complaints outcomes. This should include progress on complaints outstanding from previous years and the timeframes for complaint investigation. • Analysis of complaints numbers and inspection intelligence that may have potential impacts on NEPs and other thematic areas. • Details of environmental complaint handling should be provided in the appropriate section of the NEP Progress Report. • Reporting of complaint numbers and investigation for each thematic area in the RMCEI Data Returns. 	<p>The following environmental complaints handling procedures and systems were in place for 2022 :</p> <ul style="list-style-type: none"> • Environmental complaints received by KCC were investigated and followed through in a timely manner; • All complaints were managed and tracked on an on-going basis using our IT-based complaints management system. In this regard, details of all environmental complaints received by KCC are recorded on our dedicated complaints management system and are allocated to the relevant staff member for investigations and follow-up. All investigations carried out, along with reports, photos etc., are stored as complaint records on the system. Initial investigation timeframes are set out in the PMDS Operational Plan, ranging from 5 working days for significant issues, to 10 working days for less serious issues. However, these targets were not entirely achieved across all inspection areas. In particular, response times varied in the waste enforcement area and the air/noise area due to staff vacancies in 2022. Overall, 1263 environmental complaints were received by KCC in 2022, of which 75% were subject to initial investigation within 5 working days and 80% were subject to initial investigation within 10 working days. <p>Where contact details are available, initial contact is normally made with the complainant in order to confirm the details of the complaint etc. Reminder emails are automatically generated by the IT complaints systems to prompt re-inspections where required. Once the issue which is the subject of the complaint has been resolved satisfactorily, the complaint is then closed.</p> <p>A total of 441 environmental complaints remained open at the end of 2022. Some of these related to complaints received in the latter part of the year, while the remainder largely relate to complaints which have been investigated, but which are on-going. Reasons for this include complaints which are</p>

currently the subject to enforcement action, or where there is engagement with the party involved. As outlined previously, staff vacancies in the waste enforcement and air/noise area impacted somewhat on complaint investigation activities in 2022. Notwithstanding that, efforts were made to follow-through on open legacy complaints where possible. In that regard for example, an exercise was carried out to assess open legacy complaints in the noise nuisance area – as a result there were only 14 noise complaints remaining open at the end of 2022, 9 of which had received an initial investigation.

- Where sufficient evidence was available enforcement action was pursued, including statutory notices, litter fines, court action etc.
- KCC continued to investigate complaints throughout 2022 and a staff-presence was maintained at the office and on-site throughout the year.
- Business Continuity Plans were up-dated on a regular basis to ensure that this essential service was provided on a continuous basis throughout 2022. Business continuity measures included the provision of laptops and off-campus remote working facilities for various members of staff.
- Investigation procedures followed the appropriate COVID19 protocols, taking specific account of the relevant Health and Safety guidance and LGMA Standard Operating Guidance.
- A designated environmental complaints coordinator was in place throughout 2022.
- A member of the management team is an active member of the NEMIS Development Working Group.
- KCC continued to implement the National Complaints Procedures in 2022.
- Members of staff of the Environment Department attended incidents on a number of occasions outside of regular working hours in 2022, such as during evening and weekend periods – an example of this is provided in the case study which accompanies the RMCEI Plan (Ref. Oil Spill Response – Ardfert, Co. Kerry).
- Any complaints which might have a bearing on NEPs were identified and managed.
- EPA referrals received were responded to by KCC and any reports requested were provided in a timely manner


NEP Assessment Criteria		
A	For regulated / authorised sites, a compliance rate documented and compared over the previous years, and analysed or explained;	CORE
B	Demonstrate appropriate site selection methodology and inspection implementation and/or early interventions;	
C	Demonstration that non-compliances/unauthorised activities are being detected and are being followed up – and some progress in the NEP is shown;	
D	Clear example(s) of a positive environmental outcome(s) – something was achieved to improve the environment (not simply reached a target of inspections);	
E	Clear useful learning in a NEP area (positive or negative e.g. what to do, or what not to do, or identification of illegal sites or unauthorised operators);	Complementary
F	Collaborative work with WERLA, NTFSO, RWMPO, LAWPRO, EPA, Catchment Care Projects, inter-departmental within the local authority or with other local authorities; cross cutting NEP collaboration;	
G	Demonstration of a proactive approach , or innovation in dealing with a problem or demonstration of an enforcement curiosity ;	
H	Compliance promotion and awareness raising activities;	
I	Activities on data validation, data analysis, systems development, website development ;	
J	Significant enforcement actions/prosecutions and the outcomes such as remediation, sharing of lessons learnt to aid national consistency of enforcement;	
K	Case studies written up and shared that encompass any of the above properties.	

National Enforcement Priority:		WATER – Pressures from Agriculture (slurry/soiled water collection and storage)	
Local Authority:		Activities	
 Looking back at the year		<p>Tell the story of what your council did on this priority in the reporting year using the assessment criteria detailed in Table 2 of the guidance document. This is an opportunity to capture the impacts of the work completed to drive compliance. You are not required to duplicate data that you are submitting though the ‘RMCEI data returns’ or your ‘RMCEI Plan’.</p> <p><i>[Guideline of 500 words per priority area]</i></p>	
<p>Describe what was carried out under this activity in the previous reporting year – e.g.</p> <ul style="list-style-type: none"> • Inspections of farmyards in areas where agriculture is identified as a significant pressure, with a small percentage in other areas, as defined in the National Agricultural Inspection Programme for local authorities. • Undertake targeted agricultural inspections specific to the pollutants of concern (P, N and organics), using the EPA Pollution Impact Potential (PIP) maps and EPAs Targeting Agricultural Measures Map. • Take all necessary steps to ensure compliance, including follow up and close out of non-compliances. • Cross reporting of non-compliances to DAFM. • Document and report results for all farm inspections to the EPA. 		<p>KCC carried out a desktop study in order to identify waterbodies where agriculture was deemed a significant pressure – the information sources used for the study included the WFD module on EDEN and the catchment information provided to LAs under the NAIP programme. One such waterbody where agriculture was deemed a significant pressure was the Emlagh_010 waterbody. An in-depth desktop study was carried out on this waterbody. As part of this desktop study, KCC engaged with DAFM who provided herd owner details including sizes of herds for each farm holding in the waterbody. KCC also discussed the farmyard inspections in this waterbody in advance with IFI, to determine if IFI had any particular concerns in this waterbody. It was decided to inspect all farmyards in this waterbody. A total of 14 farmyard inspections were carried out in this waterbody. Particular emphasis was placed on the management of slurry and soiled water on these farmyards. The farm holdings within the waterbody were predominantly suckler and sheep enterprises with a small number of dairy enterprises. Good engagement was had with all the farmers during the inspections. No issues were identified in the majority of farmyards inspected. Minor issues were identified in two farmyards. These issues were discussed with the farmers in question. Warning letters were issued to both farmers identifying the issues observed. Follow up inspections have been scheduled for both farmyards in 2023.</p> <p>KCC continued to receive complaints in relation to farmyards 2022. These complaints were investigated promptly and thoroughly and, where sufficient evidence was available, enforcement action was pursued, up to and including court action. A total of 52 farm related water complaints were received by Kerry County Council in 2022 - of these, 38 were closed in 2022 and 14 remained open at the end of the year, but are being progressed to closure.</p> <p>Follow up inspections aimed at closing out issues which had been identified previously were undertaken in a number of instances. KCC have engaged with ASSAP advisors in relation to issues observed in some farmyards</p>	


located within PAAs. KCC have regular contact with IFI officers in relation to farmyard complaints. A court case and cross report to DAFM is pending in relation to the waste storage unit in one particular farmyard inspected in late 2022, this case will be before the courts in 2023.

Details of all farm inspections undertaken by KCC in 2022, both routine and non-routine, have been recorded on the Excel returns file developed by the EPA under the NAIP programme. The completed file will be submitted to the EPA along with the RMCEI Plan.

Case study: KCC received a complaint in relation to alleged pollution from a farmyard in the greater Listowel area of North Kerry in 2020. A prompt inspection of this farmyard was carried out and a discharge of soiled water was observed entering a watercourse below the farmyard. The issue was communicated to the farmer and he addressed the issue promptly, this was confirmed during two subsequent inspections. Based on the severity of the issue observed, the matter was cross reported to DAFM under the GAP Regulations and a penalty was imposed on the farmer by DAFM. KCC identified this farmyard amongst others for a follow up inspection in 2022. An inspection was carried out at this farmyard in early March 2022. Significant issues were again observed with the waste storage unit on this farmyard. Soiled water and slurry were observed entering a watercourse below the farmyard. We immediately made contact with the farmer and instructed him to address the issue which he did. Subsequent inspections confirmed that he was managing his waste storage unit satisfactorily. Based on observations made during the March 2022 inspection, a prosecution file was prepared and the matter was heard before Listowel District Court on the 17th November 2022. The farmer was convicted under article 6(2) of GAP Regulations and fined €2,500 plus costs of €350. An inspection of the farmyard immediately before the court hearing confirmed that the farmer had installed addition waste storage capacity.

National Enforcement Priority: WATER – Pressures from Agriculture (slurry and fertiliser spreading)	
Local Authority:	Activities
 Looking back at the year	<p>Tell the story of what your council did on this priority in the reporting year using the assessment criteria detailed in Table 2 of the guidance document. This is an opportunity to capture the impacts of the work completed to drive compliance. You are not required to duplicate data that you are submitting though the 'RMCEI data returns' or your 'RMCEI Plan'.</p> <p><i>[Guideline of 500 words per priority area]</i></p>
<p>Describe what was carried out under this activity in the previous reporting year – e.g.</p> <ul style="list-style-type: none"> • Inspections of farmlands in areas where agriculture is identified as a significant pressure, with a small percentage in other areas, as defined in the National Agricultural Inspection Programme for local authorities. • Undertake targeted agricultural inspections specific to the pollutants of concern (P, N and organics), using the EPA Pollution Impact Potential (PIP) maps and EPAs Targeting Agricultural Measures Map. • Take all necessary steps to ensure compliance, including follow up and close out of non-compliances. • Cross reporting of non-compliances to DAFM. • Document and report results for all farm inspections to the EPA. 	<p>KCC received some complaints in late 2021 in relation to the land spreading of slurry during the closed period as defined in the GAP Regulations. Prompt inspections were carried out in relation to these complaints. Slurry had been land spread in some incidents, these farmers were cross reported to DAFM under the GAP Regulations and these farmers received penalties from DAFM.</p> <p>KCC made a concerted effort in early 2022 to focus on the land spreading of slurry during the closed period. A focus was placed on areas with previous issues with land spreading of slurry during the closed period and waterbodies where agriculture was identified as a significant pressure. Prior to the end of the closed period in January 2022, five separate incidents of land spreading of slurry during the closed period were observed. Two of these incidents occurred in water bodies where agriculture was identified as a significant pressure. KCC engaged with the farmers responsible and, in each incident, the farmer was cross reported to DAFM under the GAP Regulations, a penalty was imposed on each farmer by DAFM.</p> <p>KCC continue to receive complaints in relation to slurry and fertiliser spreading. These complaints are investigated promptly and thoroughly, where sufficient evidence was available, enforcement action was pursued, up to and including cross reporting issues to DAFM, see case study below. Follow up inspections aimed at closing out issues which had been identified previously were undertaken in a number of instances. In one particular complaint, a substantial issue was observed in relation to the application of slurry to land in late December 2022. A cross report file to DAFM and a prosecution file is being prepared in relation to this issue, it is envisaged that this matter will be before the courts in 2023.</p> <p>Details of all farm-related inspections undertaken by KCC in 2022 have been recorded on the Excel returns file developed by the EPA under the NAIP programme. The completed file will be submitted to the EPA along with the RMCEI Plan.</p>


	<p>Case Study: KCC received two separate complaints in March 2022 in relation to the inappropriate spreading of slurry. Both complaints were promptly investigated. In both incidents, the farmer had spread slurry from the public road onto land in contravention of the GAP Regulations. KCC liaised with DAFM and were able to identify the farmers responsible for these inappropriate spreading of slurry. The farmers responsible for these issues were contacted and discussions were had with the farmers. Both farmers were cross reported to DAFM under the GAP regulations, DAFM imposed a penalty on both farmers.</p>
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National Enforcement Priority:	WATER – Domestic Waste Water Treatment Systems / Septic Tanks
Local Authority:	Activities
 Looking back at the year	<p>Tell the story of what your council did on this priority in the reporting year using the assessment criteria detailed in Table 2 of the guidance document. This is an opportunity to capture the impacts of the work completed to drive compliance. You are not required to duplicate data that you are submitting though the ‘RMCEI data returns’ or your ‘RMCEI Plan’.</p> <p><i>[Guideline of 500 words per priority area]</i></p>
<p>Describe what was carried out under this activity in the previous reporting year – e.g.</p> <ul style="list-style-type: none"> • Undertake the allocated number of DWWTS / Septic Tank inspections under the National Inspection Plan for Domestic Waste Water Treatment Systems 2022 - 2026. • Take all necessary steps to follow up and ensure advisory notices are closed out. • When selecting households for inspection, consider areas where LAWPRO have issued letters of grant eligibility and homeowners have not taken action. 	<p>Under the NIP (National Inspection Plan), KCC were required to carry out a minimum of 49 septic tank inspections in 2022, a total of 65 septic tank inspections were carried out by KCC in 2022. Sites were selected for inspection using the risk-based methodology set out in the National Inspection Plan and also using local knowledge and taking account of local priorities. Accordingly, inspections were undertaken in at-risk catchments etc. The compliance rate for these inspections was 54% and most issues identified during these inspections were relatively minor in natures (eg. discharges of clean surface waters to the DWWTS). The compliance rate for 2022 shows and improvement over the corresponding rate for previous years – by way of illustration, the compliance rate for 2021 was 46% and the rate for 2020 was 35%</p> <p>In addition, a review of advisory notices open from previous years was undertake and these were followed up in 2022. 52 follow-up inspections of previously issued Advisory Notices were undertaken in 2022. Of the 279 advisory notices issued by KCC to date, a total of 238 have now been closed. Time extension have been granted to some of these advisory notices. KCC continue to monitor open advisory notices and have taken legal action in 2022 in relation to some advisory notices where the property owners had failed to comply with their advisory notices. These legal actions are discussed in the case study below.</p> <p>KCC have a dedicated SAU (Site Assessment Unit), each planning application which involves an onsite wastewater treatment system is thoroughly reviewed by SAU team who have completed the <i>Site Suitability Assessment for Onsite Site Wastewater treatment systems</i>. The robust examinations of these planning applications by the SAU unit ensure that appropriate onsite wastewater treatment system are installed on sites. SAU have recommended the refusal of some planning applications in 2022 which they feel that the proposed onsite wastewater treatment system doesn’t comply with the EPA CoP. KCC staff responded to queries and offered advice directly to members of the public on a regular basis during 2022 about onsite wastewater treatment system. KCC staff have also regular contact throughout 2022 with site assessors who are involved in the carrying out of site assessments for new onsite wastewater treatment system and the preparation of proposals for onsite wastewater treatment systems.</p>

To date, KCC have not dealt with any septic tank grant applications in PAA areas identified by LAWPRO. Kerry County Council received two septic tank grant applications in HSOCA (High Status Objective Catchment Areas) in 2021, the proposed upgrade works in both sites was approved and works were completed during 2022. A further two septic tank grant applications in HSOCA were received in 2022, the proposed improvement works were agreed in both sites, works are due to be completed in 2023.

KCC received a total of 27 complaints relating to DWWT systems in 2022, all of which were investigated. 16 of these complaints have been closed and the remainder are being pursued to closure.

Case Study: KCC identified five outstanding advisory notices which had received time extensions but had not completed works to address the advisory notices. We engaged with the five property owners. Some of these property owners had made a commitment to comply with their advisory notices but had made little progress. A heads-up letter was sent to the property owners in late 2021 informed them that KCC was contemplating taking legal action. Numerous discussions were had with the property owners and some engaged site assessors to assist them in addressing their advisory notices. Prosecution files were prepared and summons were issued to the five property owners. The five cases appeared before their local district courts in early 2022. Further discussion were had between KCC and their site assessors prior to the court dates. The site assessors furnished KCC with proposals and outlined a reasonable time frame for addressing the advisory notices. When the cases were first called in the district courts, each case was granted an adjournment by the district court judge. The proposed Improvement works were completed when ground conditions allowed in late spring/early summer 2022. This was confirmed by site inspections by KCC. When the cases were back before the district courts again, KCC agreed to withdraw legal action against the five property owners.

National Enforcement Priority:	WATER – Discharge Licences / Misconnections
Local Authority:	Activities
 Looking back at the year	<p>Tell the story of what your council did on this priority in the reporting year using the assessment criteria detailed in Table 2 of the guidance document. This is an opportunity to capture the impacts of the work completed to drive compliance. You are not required to duplicate data that you are submitting though the 'RMCEI data returns' or your 'RMCEI Plan'.</p> <p><i>[Guideline of 500 words per priority area]</i></p>
<p>Describe what was carried out under this activity in the previous reporting year – e.g.</p> <ul style="list-style-type: none"> • Ensure all Section 4 Discharge Licence conditions are consistent with the requirements of the Surface Waters and Groundwater regulations. • Undertake risk based inspections/monitoring of Section 4 Discharge Licences. Inspect all licences in areas where discharge licensing is a significant pressure. • Ensure that all licensable discharges are authorised by a Section 4 Discharge Licence. • Ensure compliance with discharge licence conditions and follow up and close out non-compliances and LAWPRO referrals on Section 4s and misconnections. • Follow up on misconnections that have been identified as impacting on water quality, to ensure that works are undertaken by property owners to remediate such misconnections. 	<p>Discharge Licences:</p> <p>The numbers of licenced discharges in County Kerry in Kerry in 2022 are set out the RMCEI plan. They cover a range of discharge types and sources, including the hospitality sector, food processing, quarry activities etc. All active licences were classified on the basis of risk : 3 were classified as Category A, 15 as Category B and the remainder were classified as Category C.</p> <p>Monitoring of discharge licences were prioritized on the basis of the risk assessment categorisation and primarily involved site-inspections. Overall compliance levels were good, however issues were identified with five licences. These issues were highlighted to the relevant Licensees. Warning letters were sent to the five licensees requiring them to ensure that their discharges are brought into compliance with their licence conditions. On follow up inspections, three of the discharge licences were complaint. In the other two discharge licences, non compliances with the discharge licences continued. Legal action was initiated in one case, see case study below. In relation to the other discharge licence, KCC has had more engagement with the licensee, and the licensee has engaged a competent person to address the issues involved. KCC is closely monitoring this discharge licence and a further sample will be taken from this discharge in early 2023 - this will dictate what action KCC may decide to take. KCC have also liaised with IFI in relation to this particular discharge, IFI are also monitoring this discharge.</p> <p>KCC were contacted by LAWPro in 2022 in relation to a licenced discharge in one of the PAA catchments – there was a concern that the discharge in question could be impacting on the quality of the waterbody in question. The issue was subsequently followed up by KCC with the licence holder. The discharge in question has now ceased due to a change in the operational arrangements at the licenced facility.</p> <p>KCC have identified two unlicensed discharges in 2022; one from a quarry and the other from a tourism related facility. KCC are in discussion with both property owners in relation to applying for discharge licences.</p>

Both property owners have engaged consultant engineers to prepare their discharge licence applications. KCC have discussed the scope of the discharge licence applications with these consultants. Discharge licence applications are due to be received by KCC on both facilities in the 1st quarter 2023.

Case Study: On foot of a discharge licence compliance inspection carried out on a property, significant issues were observed onsite. These issues included non-compliances with a number of licence conditions. In particular, KCC observed the discharge of wastewater to waters at a location other than the approved discharge point. A sample of this wastewater discharge was taken, and sample results confirmed that the discharge wasn't in compliance with the discharge licence limits. This was communicated to the Licensee. The Licensee did get some advice from their engineer and ceased the discharge of wastewater to waters. Based on the severity of the issues observed, KCC decided to take legal action against the Licensee under section 3 and section 4 of the Local Government (Water Pollution) Acts. The matter was heard before Tralee District Court in May 2022. The Licensee pleaded guilty to the prosecution under section 3 of the Acts. The district court convicted the Licensee and fined them €2,000 and awarded KCC costs. KCC have carried out a number of inspections at this property during the remainder of 2022 and did not observe any further wastewater discharge to waters.


Misconnections:

KCC encountered a number of misconnections of greywater to surface water during NIP inspections carried out in 2022. These misconnections were communicated to the property owners during the inspections. The property owners received advisory notices to address these misconnections. The timeline for addressing these advisory notices extend into 2023. Misconnections identified under the NIP inspections in 2021 were all complied with in 2022.

KCC received a limited number of complaints in 2022 in relation to possible misconnections that are impacting on water quality. All these complaints were inspected promptly. In some cases, no misconnections were observed. In other cases, KCC were able to confirm misconnections using dye tests. These misconnections were communicated to the property owners and addressed promptly. The case study below outlines a more complex investigation of a misconnection.

Case Study: KCC received a complaint from a local Tidy Towns in relation to a watercourse close to a public amenity in an urban area in the North of the County. KCC investigated this complaint along with IFI. The watercourse in question appeared to be impacted by wastewater from a surface water culvert. As the

	<p>watercourse was within an urban area, KCC discussed the matter with Irish Water (IW). Local IW staff reviewed the sewer network within this part of the town but did not identify any misconnections. KCC called to a number of properties close to the impacted watercourse. All these properties were connected to the public sewer and the property owners were unaware that they had any misconnections. KCC carried out a dye test on these properties in attempt to identify any misconnections. No misconnections were identified by the dye tests. KCC and IW arranged for a CCTV survey to be carried out on the suspect culvert. The CCTV survey did identify a misconnection in a commercial premises, the majority of wastewater from this premises was routed to the public sewer, however, a single wastewater pipe from a washdown area was routed to the surface water culvert. This misconnection was communicated to the property owner and the property owner addressed the misconnection promptly.</p>
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National Enforcement Priority:	WATER – Local Priorities and Water Quality Monitoring
Local Authority:	Activities
 Looking back at the year	<p>Tell the story of what your council did on this priority in the reporting year using the assessment criteria detailed in Table 2 of the guidance document. This is an opportunity to capture the impacts of the work completed to drive compliance. You are not required to duplicate data that you are submitting though the ‘RMCEI data returns’ or your ‘RMCEI Plan’.</p> <p><i>[Guideline of 500 words per priority area]</i></p>
<p>Describe what was carried out under this activity in the previous reporting year – e.g.</p> <ul style="list-style-type: none"> • Complete statutory monitoring for WFD surveillance and operational monitoring, investigative monitoring and bathing water monitoring. • Inspect and follow up any local issues (not covered by other NEPs), including non-compliances with water quality standards and LAWPRO referrals. • Address any climate related water quality issues, e.g. impacts due to extreme weather events. • Registration and monitoring of all private drinking water supplies. Investigate supplies that fail to meet drinking water quality standards and take necessary enforcement action. • Engage with LAWPRO and Regional Committees on the implementation of RBMP Actions. 	<p><u>WFD Monitoring:</u></p> <p>Kerry County Council’s Laboratory completed the 2022 sampling programme for the County, involving operational and surveillance sampling of rivers and lakes throughout the County. The sampling load undertaken by the laboratory was over and above the WFP requirements. However, significant issues again arose in relation to the transport of samples by courier to the EPA, and in particular with the late delivery of samples for analysis. In this regard, it should be noted that County Kerry is over 200 km from the nearest EPA laboratory, which presents particular logistical challenges. The issue has been raised directly with both the EPA and LAWPro and is badly in need of reform.</p> <p>Kerry County Council’s Laboratory has continued to retain INAB Accreditation, and holds accreditation for a broad range of parameters.</p> <p><u>Investigative Monitoring:</u></p> <p>Kerry County Council’s laboratory has continued an extensive programme of investigative water quality monitoring in the greater Lough Leane Catchment (Killarney Lakes). The sampling and analysis carried out within the catchment builds on similar work which has been carried out by Kerry County Council in the catchment since the significant algal bloom event which occurred in the late 1990s. As a result, a significant body of water quality data has been built-up for the catchment over this period, and this is used to analyse and compare nutrient export rates within the catchment.</p> <p>In addition, a significant body of phyto-plankton assessment work is carried out by our laboratory for a large number of lakes within the county. This monitoring work is in addition to the WFD programme and a considerable body of knowledge and expertise in the phyto-plankton assessment area has been built-up among the laboratory staff. The phyto-plankton assessment programme includes shoreline assessment work in Lough</p>

Leane – the outputs from which are analysed on an ongoing basis during the key algal-growth period (May to September). As part of this work in 2022, an increase in algal growth was identified in the Lough Leane Catchment in July 2022 – Kerry Council Council invoked our algal alert protocol and issued an advisory to the public (via. Social media, conventional media and on-site advisory signage) outlining the precautions that should be observed in the vicinity of the lake. In addition, we maintain on-going contacts with the National Parks & Wildlife Service in relation to water quality within the Killarney National Park.

Example 1 - Following a significant landslide event in the Upper Smearlagh River Catchment in August 2022, Kerry County Council, in conjunction with IFI, carried out extensive follow-up investigations and water quality monitoring work. This included, water quality analysis, as well as obtaining drone-footage of the site (using the Environment Department’s drone). The event originated in private property in an upland part of the catchment and resulted in an extensive landslide involving the movement of massive quantities of peat, subsoil and rock for a considerable distance along the river channel. A similar event had previously occurred in the same catchment in 2008. Water quality in the catchment is continuing to be assessed.

Example 2 – Oil spill event : Ardfert, Co. Kerry (See accompanying case study file).

Bathing Water Monitoring:

KCC continued to provide this essential service throughout the bathing season in 2022. All bathing water monitoring is undertaken by the Kerry County Council laboratory and fully complied with the monitoring programme submitted to the EPA Bathing Water Unit. The samples taken and analysed by the laboratory for the 2022 bathing season included routine monitoring as well as follow up and replacement samples associated with Short Term Pollution events.

Monitoring activities were primarily focused on our 16 identified bathing area (13 of which have Blue-Flag status) beaches and 3 Green Coast beaches. In addition, monitoring work was also undertaken at another 4 non-identified bathing water locations. Overall there was good compliance with the bathing water standards and continuing improvements in water quality were seen in both Ballybunnion North and Cuas Crom bathing areas in 2022.

The Environment Department’s bathing water quality management team met on a regular basis before, during and after the designated bathing season to review information etc. and data was uploaded as required on an on-going basis to the EPA’s BWIS via EDEN. Water quality data was reviewed by the team on an on-going basis and any issues arising were promptly communicated to relevant staff for follow-up.

The management of water quality information also continued to a significant body of work in 2022. All activities in this area were carried out in accordance with the Bathing Water Regulations and the appropriate guidance provided by the EPA Bathing Water Unit.

On-going assessment of weather and other relevant information was undertaken during the bathing season and information was provided to the public about both water quality and any potential issues arising with water quality. A total of 51 prior-warnings notices of potential Short-Term Pollution events relating to potentially severe weather conditions were issued across 15 bathing areas in County Kerry over the course of the 2022 bathing season, relating to 6 separate dates. The issuing of a prior-warning required the erection of public notices at each beach, notification via KCC social media accounts and the posting of information on the Beaches.ie website (with the assistance of the EPA). In addition, replacement samples were taken as and when required at a number of these beaches. The increased frequency and intensity of these weather events is probably indicative of the effects of climate change and highlights the need to take account of climate change in the management of bathing water quality.

KCC was also in regular contact with the Bathing Water Unit in the EPA on various issues over the course of 2022 and also with the Environmental Health Team in the HSE – we are very grateful for the help and support of both agencies. In that regard, direct contact is made with the Public Health Unit of the HSE in relation to prior-warnings and the management and closure of any such incidents.

Private Water Supplies:

There were 119 private water supplies on the Kerry County Council register in 2022 : 9 private group schemes, 31 public group schemes and 79 private commercial supplies. The register is kept updated on a continuous basis, with new scheme added as these are identified. One scheme was added to the register in 2022, based on information obtained directly by Kerry County Council. The HSE also notified us of some additional schemes in late 2022 and these have now been added to the register.

32 (Group B) audit samples and 113 (Group A) check samples were taken and analysed in 2022, the vast majority of this work was undertaken by the Kerry County Council Laboratory, however the HSE also assisted in sampling 6 supplies on our behalf. 3 supplies were identified with ecoli issues in 2022 and in each case the operators were notified of the exceedances and boil-water notices were issued. In addition, each operator was instructed to submit an action plan to address these non-compliances and to ensure future compliance

	<p>with the drinking water regulations. One of these premises is no longer in operation, and works to deal with the issue are being progressed by the other two operators. It should be noted that two compliant samples for bacteriological parameters are needed prior to any proposed lifting of Boil Water Notices and only where it is agreeable to the HSE following consultation.</p> <p>5 audits of private supplies were carried out by Kerry County Council in 2022. These were selected on the basis of previously identified water quality issues or non-compliances. In each case, site visits were undertaken by Kerry County Council staff and progress on dealing with the issue was assessed.</p> <p>In addition to the above, Kerry County Council also administers the Private Water Supply Grant in County Kerry. The grant is potentially available to householders seeking to carry out improvement works on their supply, such as the addition of disinfection etc. The scheme requires pre and post-works sampling of these supplies - Sampling is undertaken by Water services personnel while analysis is conducted by Kerry Co Council Laboratory.</p>
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National Enforcement Priority: WASTE - Tackling significant illegal waste activities & Multi-Agency Sites/Operators of Concern	
Local Authority:	Activities
 Looking back at the year	<p>Tell the story of what your council did on this priority in the reporting year using the assessment criteria detailed in Table 2 of the guidance document. This is an opportunity to capture the impacts of the work completed to drive compliance. You are not required to duplicate data that you are submitting though the 'RMCEI data returns' or your 'RMCEI Plan'. Note that Criteria A (to provide a compliance rate and comparison with previous years) is not specifically applicable under this NEP.</p> <p><i>[Guideline of 500 words per priority area]</i></p>
<p><u>Describe what was carried out under this activity in the previous reporting year – e.g.</u></p> <ul style="list-style-type: none"> • Targeted inspections and follow up enforcement actions of unauthorised collectors and site operators using intelligence from waste data flows, complaints and other available data. • Co-ordination with, and input from Revenue/Social Protection/An Garda Síochána in relation to unauthorised activity and identified sites of concern. • Multi-agency investigations for sites of concern. • Roadside check points. • Relevant Anti-Dumping Initiatives implemented. • Traceability requirements to be enforced at Permitted/Licensed sites. • Focus on those who are facilitating the unauthorised treatment of waste. 	<p><u>Illegal Waste Activity</u></p> <p>Use was made of intelligence received primarily via complaints. Complaints received were followed-up and managed via our dedicated complaints handling system. In addition, we undertook a total of 10 roadside checkpoints in conjunction with the Gardai which focused on potential unauthorised waste activity, although no issues of major significance were identified during these inspections.</p> <p>Illegal dumping of waste mattresses had previously been identified as a significant issue in the Kerry. Accordingly, a mattress amnesty event was held over two days in Killarney in July 2022, funded from the Anti-Dumping Initiative. The event was aimed at providing a legitimate outlet for members of the public to deposit waste mattresses, thereby reducing the risk of unauthorised disposal – approx. 800 mattresses were dropped-off during the event.</p> <p>A new member of staff joined the waste enforcement team in July 2022, which increased our capacity to carry out work in the waste enforcement area.</p> <p>Example 1 : Based on information received from an anonymous source regarding a construction project in the County, a follow-up investigation was undertaken by staff of the waste enforcement team. Following a number of interviews with staff of the main contractor, it was found that a substantial quantity of roads-based material had been drawn to two separate unauthorised sites for use as fill material. Site investigations confirmed this to be the case and a formal direction was issued under Section 14 of the WMA requiring the removal of the material and remediation of the sites. The total quantity of material removed was approx. 1000 tonnes. Formal interviews under caution were then held with all relevant parties at the offices of the Environment Department and, based on the information obtained from these, along with the evidence gathered on-site, a number of</p>

Fixed-Penalty-Notices were subsequently issued. In addition, the 2021 Annual Returns received from the parties involved were reviewed in detail to cross-check the waste flow data, however, not specific issues were identified.

Example 2 - Following receipt of a complaint about alleged unauthorised waste activity related to a manufacturing premises located outside of County Kerry, an inspection of a site within County Kerry was undertaken by staff of the waste enforcement team. This confirmed that significant quantities of waste material, largely comprising residue from the manufacturing process, were deposited on the site in question. A formal direction was subsequently issued to the owner of the manufacturing premises requiring submission of a technical assessment of the site, along with a remediation plan for same. The direction required the assessment to be carried out using the relevant guidance contained in the EPA Code of Practice "Environmental Risk Assessment for Unregulated Waste Disposal Sites". The assessment is due for submission in 2023. In addition, contact was made with the Local Authority in whose area the manufacturing premises in located in order to arrange an inspection of the premises.

Multi-Agency Sites of Interest

Three sites in the County have been identified as potentially significant unauthorised ATFs and all were inspected in 2022 and discussions held with the operators. It is estimated that, in total, approximately 200 ELVs could be in-situ across the three sites, although this estimation cannot be confirmed until such time as an expert assessment of the vehicles has been undertaken. Following the discussions, one of these operators is currently preparing an application for a waste facility permit, which is expected in 2023. In the cases of the other two sites, Kerry County Council made contact with the WERLA in 2022 and both sites have now been included in the list of sites of significant concern and are due to be inspected jointly with the WERLA in early 2023. Expert assessment of the vehicles on the sites in question will be undertaken in order to assess what ELV numbers may be involved.

National Enforcement Priority:	WASTE - Construction and Demolition Activity
Local Authority:	Activities
 Looking back at the year	<p>Tell the story of what your council did on this priority in the reporting year using the assessment criteria detailed in Table 2 of the guidance document. This is an opportunity to capture the impacts of the work completed to drive compliance. You are not required to duplicate data that you are submitting though the 'RMCEI data returns' or your 'RMCEI Plan'.</p> <p><i>[Guideline of 500 words per priority area]</i></p>
<p>Describe what was carried out under this activity in the previous reporting year – e.g.</p> <ul style="list-style-type: none"> • Risk based inspections of construction sites using WERLA intelligence and inspection templates. • Inspection of Article 27 sites of origin and destination to include material notified under Article 27 being accepted at WFP/Licensed sites. • Inspection of soil recovery sites to ensure only appropriate materials accepted. • Validation and inspection of WCP/WFP and licensed sites dealing with C&D waste. • Take all necessary steps to resolve non-compliant issues including the selling of crushed concrete from WFPs/Licensed sites without EoW decision. • Incorporate proposed improvements to the Article 27 notification system. • Tracking of waste delivered to Licensed sites. • Based on researched data and local knowledge, identify authorised operators for further investigation and/or enforcement action. • Focused monitoring of the resources and systems available for gathering and reporting waste data to be carried out as part of site audits at waste facilities/waste collectors. 	<p><u>Risk based inspection of construction sites</u></p> <p>A new member of staff joined the waste enforcement team in July 2022, which increased our capacity to carry out work in this area. In that context, formal inspections of 5 construction projects were undertaken in the latter part of 2022, making use of the WERLA pro-forma inspection sheet. In the first instance, sites were prioritised on the basis of scale and type of activity. In selecting the sites for inspection, reference was made to the list provided by WERLA of the major publicly-funded projects currently at construction stage in Kerry. However, local knowledge and observations were also a factor in the selection process.</p> <p>Of the 5 construction projects inspected, no waste management plans were available for 2 (although on-site practices appeared to be satisfactory) and an issue was identified with alleged use of an un-permitted contractor on a third site. The alleged issue with an un-permitted contractor was resolved immediately and the haulier in question has now submitted an application for a waste collection permit. With regard to the waste management plans, one was subsequently submitted and the other is being followed-up.</p> <p>In addition to the above, any planning applications deemed potentially significant from the C&D waste perspective were referred by the Planning Department for assessment by the Environment Department. These were all subject to desk-based assessment, and a small number were also subject to site inspection. In addition, two applications related to Strategic Infrastructural Developments were subject to assessment by the Environment Department, which included an assessment of the waste management aspects of these developments.</p>

Intelligence based information :

Kerry County Council received a report that C&D waste from a construction job in a town in the county was being removed to an unauthorised site. A member of our waste enforcement team called to the site and, following a discussion with the contractor, was able to confirm the report. The officer then carried out an inspection of the unauthorised site which confirmed that a quantity of rubble had been deposited at the location in question for the intended use as trunking material. A formal direction was issued to the contractor to remove the material to an authorised facility and to submit confirmation of same. The direction was subsequently complied with and the unauthorised site was remediated. In light of the findings of the investigation a fixed-penalty notice was also issued for non-compliance with the conditions of a waste collection permit.

Validation and inspection of Waste Collection Permit (WCP)/Waste Facility Permit (WFP) (including Soil Recovery Sites)

In total, 33 authorised facilities (both WFPs and CoRs) currently dealing with C&D related wastes were subject to validation and inspection by Kerry County Council in 2022. All sites were physically inspected at least once over the course of the year. Historically, compliance rates have been satisfactory and in 2022 the vast majority were again compliant. However, a formal direction was issued to one facility operator requiring removal of unapproved material which was identified during one of these site inspections. The material in question was subsequently removed to a suitably approved facility. In addition, the Annual Returns for two facilities were deemed inconclusive due to some anomalies in the data submitted which were identified during the validation process. These issues are currently being followed through.


In addition, Annual Returns for 45 C&D related waste collection permits were validated in 2022. Assistance from the Southern Region WERLA was provided for this process. While some minor anomalies were identified and followed up, there were no significant issues identified.


A total of 10 roadside checkpoints were also undertaken in 2022, in conjunction with the Gardai. Included in these was a focus on C&D waste, however, no issues were identified during these checkpoints.

Article 27 Notifications Activity (Sites of Origin and destination)

A total of 10 article 27 notifications were submitted to the EPA for projects in County Kerry in 2022. Seven of these related to road-planings and two of these were subject to desk-top review by Kerry County Council. In

	<p>one instance, some anomalies were identified in the back-up data provided and these have been highlighted to the EPA.</p> <p>The remaining article 27 submissions related to soil and stone and one has been determined as by-product. A site inspection of the destination site for another of the submissions has recently been carried out and the information obtained is being assessed.</p>
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National Enforcement Priority:	WASTE - End-of Life Vehicles (ELV) & the Waste Metal sector
Local Authority:	Activities
 Looking back at the year	<p>Tell the story of what your council did on this priority in the reporting year using the assessment criteria detailed in Table 2 of the guidance document. This is an opportunity to capture the impacts of the work completed to drive compliance. You are not required to duplicate data that you are submitting through the 'RMCEI data returns' or your 'RMCEI Plan'.</p> <p><i>[Guideline of 500 words per priority area]</i></p>
<p>Describe what was carried out under this activity in the previous reporting year – e.g.</p> <ul style="list-style-type: none"> • Risk based inspections of Authorised Treatment Facilities and other ELV sites using WERLA intelligence and inspection templates (at least one inspection per annum of permitted sites). • Validation and inspection of records for WCP/WFP and licensed operators dealing with ELV and metal waste. • Take all necessary steps to resolve non-compliant issues. 	<p>A total of 12 authorised facilities were actively engaged in the acceptance and processing of ELVs in 2022. A small number of these (2 no.) were also approved to accept waste metal. All facilities were considered to be potentially high-risk, due to the types of wastes involved (eg. waste oils, batteries etc.) and accordingly all were subject to regular inspection by Kerry County Council during 2022.</p> <p>Historically, compliance rates among the regulated operators have been satisfactory and overall compliance rates were again satisfactory in 2022, with no significant issues identified. The large ATFs tended to have dedicated systems in place for the management of wastes and data, however, some of the smaller facilities lacked clear systems in these areas. For example, recording of data was less structured in some of the smaller facilities. On that basis, Environment Staff met with a targeted number of the smaller operators in 2022 in order to provide guidance in these areas and this work will continue in 2023.</p> <p>The validation of Annual Returns for operators in this area, both facility and collection permits, was also undertaken in 2022. The assistance of the WERLA was invaluable and use was made of the ATF data-anomaly ready-reckoner. No issues of major significance were ultimately identified, although a number of anomalies in the data submitted by two of the operators was highlighted and rectified. In particular, these related to incorrect references to the hauliers drawing a certain waste-type off-site</p> <p>Three sites in the County have been identified as potentially unauthorised ATFs and all were inspected in 2022 and discussions held with the operators. It is estimated that, in total, approximately 200 ELVs could be in-situ across the three sites, although this estimation cannot be confirmed until such time as an expert assessment of the vehicles has been undertaken. One of these operators is currently preparing an application for a waste facility permit, which is expected in 2023. In the cases of the other two sites, Kerry County Council made contact with the WERLA in 2022 and both sites have now been included in the list of sites of significant concern and are due to be inspected jointly with the WERLA in early 2023. Expert assessment of the vehicles on the sites in question will be undertaken in order to assess what ELV numbers may be involved.</p>

National Enforcement Priority: WASTE - Waste Collection - Household & Commercial	
Local Authority:	Activities
 Looking back at the year	<p>Tell the story of what your council did on this priority in the reporting year using the assessment criteria detailed in Table 2 of the guidance document. This is an opportunity to capture the impacts of the work completed to drive compliance. You are not required to duplicate data that you are submitting though the 'RMCEI data returns' or your 'RMCEI Plan'.</p> <p><i>[Guideline of 500 words per priority area]</i></p>
<p>Describe what was carried out under this activity <u>in the previous reporting year</u> – e.g.</p> <ul style="list-style-type: none"> • Inspection of WCP operators for provision of 3 bin system. • Surveys of retail, hospitality and industrial sectors to ensure proper use of 3 bin system, segregation and use of authorised collectors. • Sampling/analysis of treated waste outputs • AER Validations on WCP and WFP priority lists. • Maintenance of register of households with/without a waste collection service and targeted inspections in areas with low compliance. • Focused monitoring of the resources and systems available for gathering and reporting waste data to be carried out as part of site audits at waste facilities/waste collectors. • Monitoring of waste acceptance criteria at authorised sites e.g. WFP, Waste Transfer Sites, Landfills and Waste to Energy Plant. 	<p><u>Household Waste</u></p> <p>Householders in County Kerry currently have two main options for managing household waste :</p> <ul style="list-style-type: none"> • kerbside collection service – there are currently a small number of operators active in County Kerry, with four operators servicing the majority of customers in the County. • Civic Amenity and Bring-Bank Network – there are currently five civic amenity facilities operated by the Kerry County Council and two privately operated civic amenity facilities in the County. In addition, there is an extensive network of bring-bank facilities throughout the county. <p>Analysis of the relevant data for 2021 showed that a total of 30,810 households in County Kerry were availing of a kerbside collection service, which represents a steady increase from a base year of 2016, when the corresponding figure was 26,519.</p> <p>28,289 of these households were provided with a 3-bin service in 2021, representing a 92% roll-out. Kerry County Council staff carried out a total of 6 surveys during 2022 to confirm roll-out of the brown-bin service – the surveys were undertaken in smaller agglomerations and involved visual inspections of bin presentation and collection. These inspections were all satisfactory.</p> <p>Notwithstanding this, however, analysis of the Annual Return data from 2021 suggested that presentation rates for domestic brown-bins across County Kerry were lower than anticipated. In addition, information provided directly by the main service provider in Tralee in 2022 suggested that the presentation rate for brown-bin waste is currently only at approx. 51% in the town area. Given this situation we engaged with our Environmental Awareness Officer with a view to developing an awareness campaign on this issue and this is currently progressing. In addition, we have encouraged the service providers in the County to highlight the issue with their customer base.</p>

We also carried out a programme of household waste inspections in the Tralee Town area in late 2022, involving door-to-door surveys of households in order to assess compliance with the Kerry County Council (Segregation, Storage & Presentation of Household & Commercial Waste) Bye-Laws 2019. The survey programme had initially begun in 2019, but had been paused due to the COVID19 pandemic situation. A total of 23 households were surveyed in December 2022 in areas of the town with either low-presentation rates and/or high levels of fly-tipping. The householders in question were pre-notified of their inspection date and provided with information on waste management options etc.

Based on initial figures of those with whom direct contact could be made at the time, compliance levels were high. Follow-up letters have issued to those householders who were not contactable on the dates of the survey and these will be followed-up in early 2023. Further surveys will also be undertaken in 2023.

Commercial Waste

Surveys of commercial entities to assess the proper storage, presentation of commercial waste were primarily based on intelligence obtained via complaints etc. By way of example, a complaint was received of alleged unauthorised waste disposal by a commercial premises in the County which, following a site inspection, was confirmed. A Fixed Penalty Notice was issued, which was subsequently paid, and a section 18 notice was also served on the company requiring quarterly submission of waste collection data. The notice has, to date, been complied with and the data submitted confirms that waste from the premises is collected by an approved waste collector.

Annual Returns & Facility Inspections


Assessments of all Annual Returns for 2021 were completed in 2022. Initial focus was on the EPA list of priority sites and, a number of these were subject to joint assessment and audit by Kerry County Council and the Regional Waste Management Office.

A total of 80 Waste Collection Permit Annual Returns were assessed in 2022, of which 35 related to household and commercial waste. In addition, a total of 48 Waste Facility Permit Annual Returns were assessed, of which 6 related to household and commercial waste facilities (the balance all related to inert and ELV facilities). While most were straightforward, a small number related to companies engaged in significant levels of waste activity, involving the collection of large quantities of waste across a broad range of List-of-Waste codes. In addition, some of these companies make use of multiple outlets and export markets. The AR assessments carried out by


Kerry County Council and the RWMO raised some queries in relation to certain of the information submitted in relation to 2 of these ARs. Kerry County Council worked with the RWMO to resolve any issues arising. This involved holding on-line audits with the 2 companies in question and obtaining clarification of certain waste classification entries. All issues were subsequently resolved.

In addition, all authorised facilities were subject to on-site inspection in 2022. The facilities in question included a large new materials recovery and civic amenity site, which accepts and processes large quantities of household and commercial waste annually.

These facility inspections did not identify significant issues of note, however, one facility currently authorised to accept a certain waste stream had exceeded its approved annual intake, resulting in a large quantity of waste being stored on-site. The matter was followed-up with the site operator and a direction has been issued to reduce the tonnage on-site to the previously approved quantity. The issue in question is currently being monitored and will be followed-up in Q1 of 2023.


National Enforcement Priority:	WASTE - Producer Responsibility Initiatives and additional local priorities
Local Authority:	Activities
 Looking back at the year	<p>Tell the story of what your council did on this priority in the reporting year using the assessment criteria detailed in Table 2 of the guidance document. This is an opportunity to capture the impacts of the work completed to drive compliance. You are not required to duplicate data that you are submitting though the 'RMCEI data returns' or your 'RMCEI Plan'.</p> <p><i>[Guideline of 500 words per priority area]</i></p>
<p>Describe what was carried out under this activity in the <u>previous reporting year</u> – e.g.</p> <ul style="list-style-type: none"> • Identification and inspection of all suspected producers who require registration. • Examination of potential for information exchange between Local Government Sector and other Agencies, where appropriate. • Relevant PRIs with local impact and local priorities, not covered by the other waste NEPS, should be reported (e.g. where suspected producers are not registered or are non-compliant). • (RMECI PRIs: WEEE Regs, Battery Regs, Suspected Vehicle Importers (ELV Regulations 2016), Farm Plastics, Plastic Bag Levy, Packaging Regs – Suspected Major Producers and Registered Self Compliers, Tyre Regs – Tyre Retailers). 	<p>Activity in the Producer Responsibility Initiatives area was limited in 2022 due primarily to a staff vacancy. However, assessments of Annual Return data relating to facilities and collectors dealing with end-of-life vehicles, waste tyres, farm plastics and packaging waste were undertaken in 2021.</p> <p><u>Local Priorities –</u></p> <p><u>Fly-Tipping</u> : Illegal disposal of household waste (fly-tipping) has continued to a significant problem in 2022. These cases typically involve the illegal disposal of black-bag waste and are primarily dealt with by our Litter Enforcement Team. The team continued to provide this essential service during 2022. The team investigated all complaints, including searching through bags of waste for evidence, and also removed significant quantities of illegally dumped waste. On foot of their investigations 109 Litter Fines were issued in 2022.</p> <p><u>Community Clean-Up Initiatives (Spring Clean, County Clean-Up)</u> : Kerry County Council continued to support community clean-up initiatives throughout Kerry in 2022. This included coordinating and supporting the National Spring Clean Campaign, the Kerry County Clean-up (supported by KWD) and Community Clean-Up of Coastal Areas. KCC also widely publicised these events and campaigns through conventional and social media channels and also directly with community groups and organisations. In total, approx. 2,300 bags of waste were collected by the Litter Enforcement Team and brought to KCC waste transfer stations in 2022.</p> <p><u>Provision of Public Waste & Litter Management Outlets :</u></p> <p>Kerry County council continued to provide and operate a range of public outlets for the management of waste and litter in 2022. This included the following :</p> <ul style="list-style-type: none"> • 5 Civic Amenity Sites – these sites are located throughout the County and provide outlets for a range of waste types. 4,200 tonnes of residual waste and 520 tonnes of mixed dry-recyclables were deposited at these facilities in 2022. • Bring Bank Network – a total of 96 bring bank sites were operational in 2022.


	<ul style="list-style-type: none">• Public bin network – Kerry County Council continued to provide and manage an extensive network of public bins throughout the County in 2022, including residual/recyclable bins, solar-powered compactor bins, dog-fouling bins.
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National Enforcement Priority:	AIR - Solid Fuel Inspections
Local Authority:	Activities
 Looking back at the year	<p>Tell the story of what your council did on this priority in the reporting year using the assessment criteria detailed in Table 2 of the guidance document. This is an opportunity to capture the impacts of the work completed to drive compliance. You are not required to duplicate data that you are submitting though the 'RMCEI data returns' or your 'RMCEI Plan'.</p> <p><i>[Guideline of 500 words per priority area]</i></p>
<p>Describe what was carried out under this activity in the <u>previous reporting year</u> – e.g.</p> <ul style="list-style-type: none"> • Tackle the sale of non-compliant fuel and its use via compliance promotion, inspection and enforcement of fuel merchants and retailers. • Participate in multi-agency operations investigating the sale of non-compliant fuels. • Develop and implement a programme for the sampling and analysis of fuel types (this can be carried out per individual local authority or a joint approach can be adopted with other local authorities). • Carry out awareness programme to promote compliance by increasing the awareness of how the choices people make in heating their homes impacts on their air quality and health and legal obligations. • Establish and/or maintain a list, including the number and profile of solid-fuel merchants operating in each local authority area, including those using social medial platforms to market solids fuels. • Build capacity through engaging, collaborating and sharing with colleagues in other local authorities via networks and working groups and participating in training events. 	<p>Kerry County Council carried a range of activities in this area in 2022 :</p> <ul style="list-style-type: none"> • Inspections of retailers and sales outlets were carried out in both the Tralee and Killarney Low Smoke Zones (LSZ) in Q1 of 2022. However, following the introduction of the new national solid fuel regulations in November 2022, inspection activities were expanded to cover the general county area. Notwithstanding this, a particular focus was kept on the situation in Tralee due to the air quality issues evident there during the latter part of the year. • Following the introduction of the new solid fuel regulations, an initial register of fuel producers, suppliers and retailers active within the county was drawn-up. This register was expanded as new information came to hand and is being kept up-dated on an on-going basis. • On-line sales of solid fuels in the County are monitored on a regular basis and cross-checked against the fuel-supply register. No unauthorised outlets have been identified to date. • Kerry County Council engaged directly with the main solid fuel suppliers in the County in relation to the new solid fuel regulations. This involved on-site meetings with the suppliers in questions, along with subsequent inspections of fuel depots and yards. Operators were provided with information such as the relevant FAQ documents etc. • Inspections of retail outlets were undertaken at various locations throughout the county following introduction of the new regulations in order to assess initial compliance levels and also as a means of engaging with and providing information on the issue to retailers, such as the relevant FAQ documents etc. • Monitoring of mobile sales of solid fuels was undertaken in the Tralee and Killarney town areas, involving periodic mobile patrols of residential areas. • Notwithstanding the above, air quality monitoring in the Tralee town area (data obtained from the Air Quality Monitoring Unit in Tralee) continued to identify air quality issues, particularly during the still and calm weather conditions evident during December. This issue continues to be a concern and, as a

result, Kerry County Council put particular focus on the sale and distribution of solid fuels in the Tralee area. Accordingly, the majority of inspections undertaken in 2022 were focused on the Tralee area.

- Use was made of the new Solid Fuel Guidance Document produced by the Department in the latter part of 2022. In this regard, the procedures recommended in the document were followed.
- A total of 83 solid fuels inspections were undertaken by Kerry County Council in 2022, during 6 of which some element of non-compliance with the new solid fuel regulations was identified. In each instance of non-compliance, instructions were issued to the business owner/operator and a follow-up inspection undertaken in order to confirm subsequent compliance.
- Kerry County Council continued to provide information on air quality and solid fuel use on our website and the website details were updated to take account of the new solid fuel regulations. In addition, links to relevant information on air quality and the Air Quality Index for Health have been provided via a link to the EPA website.
- The Environment Department made a presentation to the Kerry County Council SPC to highlight air quality and the new solid fuel regulations.
- Our Air Quality staff have liaised with our Environmental Awareness Officer about development of a public awareness campaign in relation to air quality and the new solid fuel regulations. The campaign is currently being developed.
- KCC has continued to be actively involved in the National Solid Fuel Implementation Group and also engaged directly with the Department on the new solid fuel regulations. Kerry County Council also attended meetings with the Department in 2022 regarding the new regulations.

National Enforcement Priority: AIR - Air Quality Monitoring Activities and Data Use	
Local Authority:	Activities
 Looking back at the year	<p>Tell the story of what your council did on this priority in the reporting year using the assessment criteria detailed in Table 2 of the guidance document. This is an opportunity to capture the impacts of the work completed to drive compliance. You are not required to duplicate data that you are submitting through the 'RMCEI data returns' or your 'RMCEI Plan'.</p> <p><i>[Guideline of 500 words per priority area]</i></p>
<p>Describe what was carried out under this activity in the previous reporting year – e.g.</p> <ul style="list-style-type: none"> • Work with the EPA to complete the expansion of the Ambient Air Monitoring Programme network including: <ol style="list-style-type: none"> 1. Assist EPA to determine viable locations for air quality monitoring stations. 2. Assist EPA to progress the siting of air quality monitoring stations. 3. Assist EPA to troubleshoot issues at existing air quality monitoring stations including the nomination and notification to the EPA of a primary and secondary contact person. 4. Assist (where possible, to the best extent possible) EPA to maintain existing and new air quality monitoring stations. • Review local air quality data to identify hotspots and to prioritise sites/areas for action. • Ensure local air quality data, including a map, is made available to the general public as soon as technically possible for each local authority. As a minimum, a link to the relevant page(s) of the EPA site should be placed on each local authority website. 	<p>Kerry County Council carried a range of activities in this area in 2022 :</p> <ul style="list-style-type: none"> • Kerry County Council actively worked with the EPA Ambient Air Quality Monitoring Unit in 2022 in relation to the installation of a new ambient air quality monitoring station for Killarney Town. KCC provided the necessary access and carried out the civils and electrical works to enable the installation of the unit. The unit has been fully operational since July 2022. • KCC has continued to provide support and assistance in the management of the ambient air quality monitoring units located in Tralee and Killarney – KCC personnel provided on-site support on a number of occasions when issues arose with the data-feed connection. In addition, KCC staff have supported the on-going maintenance of the units by accommodating pre-arranged service visits. • As outlined previously, air quality monitoring in the Tralee town area (data obtained from the Air Quality Monitoring Unit in Tralee) continued to identify air quality issues, particularly during the still and calm weather conditions evident during December. This issue continues to be a concern and, as a result, Kerry County Council put particular focus on the sale and distribution of solid fuels in the Tralee area. Accordingly, the majority of inspections undertaken in 2022 were focused on the Tralee area. • Kerry County Council continued to provide information on air quality and solid fuel use on our website and the website details were updated to take account of the new solid fuel regulations. In addition, links to relevant information on air quality and the Air Quality Index for Health have been provided via a link to the EPA website.

National Enforcement Priority:	AIR - Environmental Noise Directive (END) Activities/ Noise Plans
Local Authority:	Activities
 Looking back at the year	<p>Tell the story of what your council did on this priority in the reporting year using the assessment criteria detailed in Table 2 of the guidance document. This is an opportunity to capture the impacts of the work completed to drive compliance. You are not required to duplicate data that you are submitting through the 'RMCEI data returns' or your 'RMCEI Plan'.</p> <p><i>[Guideline of 500 words per priority area]</i></p>
<p>Describe what was carried out under this activity in the previous reporting year – e.g.</p> <ul style="list-style-type: none"> • Deliver the Round 4 Noise Mapping requirements as set out in the Environmental Noise Regulations of 2018. This includes the timely submission of any relevant datasets and information in the required format as requested by the RMO/Urban Agglomeration Project Team and/or any other specified body. • Prepare and submit the Annual Noise Action Plan Progress Report to the EPA by 28th February. • Annual Noise Action Plan Progress Report should demonstrate progress on the key issues and priority areas for action. 	<p>Submission of the local authority Noise Action Plan (NAP) Progress Report by the 28th of February 2022:</p> <p>The NAP Annual Report was submitted by the specified deadline of the 28th February 2022. Please refer to the report for further details.</p>


National Enforcement Priority:	AIR - Air & Noise Controls in Planning Assessments
Local Authority:	Activities
 Looking back at the year	<p>Tell the story of what your council did on this priority in the reporting year using the assessment criteria detailed in Table 2 of the guidance document. This is an opportunity to capture the impacts of the work completed to drive compliance. You are not required to duplicate data that you are submitting though the 'RMCEI data returns' or your 'RMCEI Plan'.</p> <p><i>[Guideline of 500 words per priority area]</i></p>
<p>Describe what was carried out under this activity in the previous reporting year – e.g.</p> <ul style="list-style-type: none"> • Pre-planning assessments of air and noise impacts. • Environment staff assist in follow up of air and noise issues including use of Section 107 and 108 of the EPA Act, the Air Pollution Act and liaising with planners where planning enforcement is more appropriate. • Increased public awareness of noise induced health impacts. 	<p>Kerry County Council carried a range of activities in this area in 2022 :</p> <ul style="list-style-type: none"> • The weekly list of planning applications received by Kerry County Council was forwarded to the Environment Department and checked in order to identify any applications that might require a detailed air and/or noise assessment. In addition, the Planning Department referred any applications that they consider in need of expert assessment such as applications that included an Environmental Impact Assessment Report. Examples include the following : <p><u>Example 1</u> - a planning application for a large quarry which included a detailed EIAR covering air and noise assessment – the assessments were checked to ensure good practice in accordance with the relevant guidance including EPA Guidance Document NG4 (<i>Guidance Note for Noise</i>), EPA Guidance Document AG4 (<i>Air Dispersion Modelling from Industrial Installations</i>) and EPA Guidance Document <i>Environmental Management in the Extractive Industry</i>.</p> <p><u>Example 2</u> - a planning application for a fish processing premises within a high-density residential setting – a detailed odour assessment was sought by way of further information and appropriate planning conditions were subsequently applied;</p> <p><u>Example 3</u> – a planning application for a new asphalt manufacturing plant (2022 application) - Detailed odour and noise assessment have been sought by way of further information.</p> <ul style="list-style-type: none"> • Where required, site specific air quality and/or noise assessments were sought from planning applicants and were then the subject of further assessment by the Environment Department. In this regard, specific reference to the relevant guidance documents was made, including : EPA Guidance

Document NG4 (Guidance Note for Noise), EPA Guidance Document AG4 (Air Dispersion Modelling from Industrial Installations), EPA Guidance Document AG9 (Odour Emission Guidance Note), Environmental Management in the Extractive Industry (EPA) and the Wind Energy Development Guidelines (DoE);

- Where required, appropriate planning conditions relating to air quality and noise management were applied in instances where planning permission was granted. In this regard KCC, Environment Department has developed and uses a standard suite of planning conditions covering the air quality and noise area.
- Where post-planning issues involving noise and/or air quality arise these are generally referred to the Environment Department for follow-up. Examples include the following :

Example 1 - Complaints were received regarding the alleged breach of dust deposition levels and other environmental planning conditions associated with a quarry in the County. Staff from the Environment Department carried out a number of inspections of the quarry and provided technical reports for the Planning Enforcement Unit on the issues in question. The quarry in question was the subject of an enforcement action in the Circuit Court under the Planning Act and has now ceased operations.

Example 2 - Complaints were received by the Planning Enforcement Unit regarding alleged noise nuisance associated with a bar in the County. The matter was referred to the Environment Department and follow-up site visits were undertaken by staff of the Environment Department in order to determine whether the relevant planning conditions were being complied with. No obvious breach of these conditions was identified, but the situation is still being monitored. No further complaints have been received since these inspections were undertaken.

National Enforcement Priority:	AIR – Local Enforcement Issues
Local Authority:	Activities
 Looking back at the year	<p>Tell the story of what your council did on this priority in the reporting year using the assessment criteria detailed in Table 2 of the guidance document. This is an opportunity to capture the impacts of the work completed to drive compliance. You are not required to duplicate data that you are submitting though the ‘RMCEI data returns’ or your ‘RMCEI Plan’.</p> <p><i>[Guideline of 500 words per priority area]</i></p>
<p>Describe what was carried out under this activity in the previous reporting year – e.g.</p> <ul style="list-style-type: none"> Inspect and carry out any required enforcement actions of facilities/activities as specified in the RMCEI template and/or as otherwise determined by the local authority. Make available on their websites, the EPA vehicle refinishers video and use appropriate channels to promote it. Inspect and carry out any required enforcement actions under Sections 107 and 108 of the EPA Act 1992, in order to limit noise nuisance. Build capacity through engaging, collaborating and sharing with colleagues in other local authorities via networks and working groups and participating in training events. 	<p><u>Deco Paints Regulations:</u> Work in this area was somewhat limited in 2022 due to a staff vacancy. However, a number of certification renewals were received and processed in 2022.</p> <p><u>Solvents Regulations:</u> Work in this area was somewhat limited in 2022 due to a staff vacancy. However, a number of certification renewals were received and processed in 2022.</p> <p><u>Petroleum Vapour Regulations:</u> Work in this area was somewhat limited in 2022 due to a staff vacancy. However, the unit manager attended training on the regulations provided through the LASNTG. Following completion of the course, work has commenced on the development of an approved assessor register – one application for approved assessor status has been approved and another was received and is currently being processed.</p> <p><u>Licensed sites under the Air Pollution Act:</u> There were 3 air emission licences in place in County Kerry in 2022. Issues had previously been identified in relation to one of these premises, particularly with regard to odour nuisance, and a review of the licence in question had been instigated by Kerry County Council under section 33 of the Air Pollution Act in 2021. Given the technical complexity of the issues involved, Kerry County Council engaged the services of a technical expert to assist in the review assessment process. The technical assessment was completed and a revised licence was issued by Kerry County Council in 2022. This decision has since been appealed to the EPA.</p>

Kerry County Council also carried out a number of odour assessment patrols in accordance with EPA Air Guidance Note AG5 (Odour Impact Assessment).

Local air and noise issues:

Kerry County Council carried out a range of activities in this area in 2022 :

- Complaints received in relation to air and noise nuisance were investigated and followed through;
- In responding to complaints, reference was made to the relevant guidance documents including : The National Protocol for Dealing with Noise Complaints for Local Authorities (NIECE) and EPA Guidance Note AG5 (Odour Impact Assessment);
- Where sufficient evidence was available enforcement action was pursued, including statutory notices, enforcement of planning conditions etc.

Example 1 : KCC received a large number of odour complaints in relation to particular industrial facility in the County. In response to these complaints odour patrols had been undertaken by staff of the Environment Department using the procedures as set out in EPA Guidance Note AG5 (Odour Impact Assessment) and a significant odour event had been identified in 2021. A file for proposed prosecution of the company under section 23 of the Air Pollution Act was prepared and forwarded to our Law Department in 2022. Given the potential complexity of the case, Kerry County Council engaged a barrister with particular expertise in the environmental area to provide legal advice and support and, in that regard, a number of consultations were held with counsel in 2022. The case came before the District Court in January 2023 and the company was convicted for breach of the Act and fined €1,500.

The company in question began engaging with Kerry County Council in 2022 in relation to a proposed application for an air emission licence.