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Right to Know
Via email: requests@righttoknow.ie

29th December 2023

Re: OEE AIE 2023 48 Decision Letter

Dear Sir/Madam,

I refer to your request dated and received on 1st December 2023, made under the EC (Access to Information on the Environment) Regulations 2007 to 2018 (AIE), for records held by the Environmental Protection Agency (EPA).

Your request sought:

'AIE Request - Reg No. A0098-01 Causeway, Kerry

Under the AIE Regs to request the following records for Causeway WWTP in Kerry

- 1) Records of all sampling, analyses, measurements, examinations, calibrations and maintenance carried out in accordance with the requirements of this Certificate of Authorisation and guidance produced by the Agency;*
- 2) Records of incidents, including the nature, extent, and impact of, and circumstances giving rise to, the incident, and all corrective actions taken to manage the incident, to minimise the effect on the environment, and to avoid recurrence;*
- 3) Records of all complaints of an environmental nature related to the discharge(s) to waters from the waste water works in accordance with the national environmental complaints procedure. A record shall also be kept of the response and remediation action taken in the case of each complaint;*
- 4) Relevant correspondence with the Agency; (Please note it's unclear to RTK what correspondence in relation to the WWTP licence this term references, as part of the AIE please only consider relevant correspondence in an environmental records context, ie correspondence in relation to points 1, 2, 3, 5 and 6)*

5) *Up to date drawings/plans showing the location of key process and environmental infrastructure, including monitoring locations and discharge points;*

6) *Up to date operational procedures for all monitoring and control equipment necessary to give effect to this Certificate of Authorisation*

Note: https://epawebapp.epa.ie/licences/lic_eDMS/090151b2803e6b63.pdf

Term of the request: records online in relation to this WWTP appear to stop in May 2011. RTK release that a request for data for the period 2011 to 2023 would be onerous, but the records could in fact be spread over this period, e.g. details on operational procedures could have been presented in 2012, and not updated since. As part of this request, RTK require communication with the EPA decision maker to determine the timeframe for the request. As an alternative, posting the relevant records to LEAP Online would be publication for the purposes of the AIE Regs'

I wish to advise you that I, Breege Rooney have made a final decision to **part-grant** your request on 29th December 2023. The purpose of this letter is to explain that decision.

SUMMARY OF DECISION

Please note that the EPA plan to visit this plant in 2024. Your request consisted of 6 parts, and these are addressed as follows:

Parts 1, 3 & 4 are being refused as I have been unable to locate any records relevant to these parts of your request. Therefore, I am refusing these parts of your request in accordance with Article 7(5) of the AIE Regulations which states:

7.(5) Where a request is made to a public authority and the information requested is not held by or for the authority concerned, that authority shall inform the applicant as soon as possible that the information is not held by or for it.

A total of two records identified as relevant to Part 2 of your request. These records are granted in full.

Parts 5 & 6 of your request are being refused as the records relevant to these parts of your request are already available publicly, therefore I am refusing these parts of your request in accordance with Article 7(3)(a)(i) of the AIE Regulations which states:

7(3)(a) Where a request has been made to a public authority for access to environmental information in a particular form or manner, access shall be given in that form or manner unless-

(i) The information is already available to the public in another form or manner that is easily accessible

The records relevant to Parts 5 & 6 are available as part of the application on the EPA website at the following link. [Environmental Protection Agency \(epa.ie\)](https://epa.ie).

SCHEDULE OF RECORDS

I have completed a schedule of records relating to the records that I consider relevant to your request. The schedule provides a brief description of each record and the decision I have made on each record.

FEES

As previously mentioned, Article 15 of the regulations allow a public body to charge a reasonable fee for the cost of supplying (search and retrieval) the environmental information. In this instance the fee is being waver as the estimated cost for Search & Retrieval is less than €100.

RIGHTS OF APPEAL

Under Article 11 of the AIE Regulations you have a right to request an internal review of this decision. An internal review involves a complete reconsideration of the matter by a more senior member of the staff of the Environmental Protection Agency, unconnected with the original decision, who may affirm, vary or annul the original decision.

In the event that you wish to request an internal review, you can do so by writing to Ms Ana Bolger, AIE Officer, EPA, P.O. Box 3000, Johnstown Castle Estate, Co. Wexford or by sending an email to aie@epa.ie. You should make your request within one month from the date of this notification.

Yours sincerely,



Breege Rooney
AIE Decision Maker
Office of Environmental Enforcement

Access to Information on the Environment (AIE) Schedule of Records

Summary of Decision Making

AIE Request Ref: OEE AIE XX 20xx

Record No	Date of Record	Brief Description of Record	Decision – Grant/Part-Grant/Refuse	Basis for refusal – Article of Regulations	Public Interest Yes/No	Reason for Decision
1	2016	Incident with ELV Exceedance	Grant	N/A	N/A	N/A
2	2016	Discharge of Oil	Grant	N/A	N/A	N/A