



WASTE ENFORCEMENT REGIONAL LEAD AUTHORITIES

ANNUAL REPORT 2020



connacht - ulster
waste region



eastern - midlands
waste region



southern
waste region

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AA	Appropriate Assessment
ADI	Anti-Dumping Initiative
AGS	An Garda Síochána
AR	Annual Return
ATF	Authorised Treatment Facility
C&D	Construction & Demolition
CCMA	County and City Management Association
CEO	Chief Executive Officer
DECC	Department of Environment, Climate and Communications
DHPLG	Department of Housing, Planning and Local Government
DPC	Data Protection Commission
DPIA	Data Protection Impact Assessment
DVWG	Data Validation Working Group
ELV	End of Life Vehicle
ELVES	End of Life Vehicle Environmental Services
EPR	Extended Producer Responsibility
EPA	Environmental Protection Agency
ESTG	Environment Services Training Group
EU	European Union
FPN	Fixed Payment Notice
ICG	Industry Contact Group
ICT	Information Communication Technology
IMVRA	Irish Motor Vehicle Recyclers Association
IMPEL	European Network for the Implementation and Enforcement of European Law
IWMA	Irish Waste Management Association
Local Authority / LA	The corporation of a borough of any kind and the council of an urban district
LASNTG	Local Authority Services National Training Group

LAWCO	Local Authority Waters and Communities Offices
LGMA	Local Government Management Agency
LoW	List of Waste
NIECE	Network for Ireland's Environmental Compliance and Enforcement
NTFSO	National Transfrontier Shipment Office
NWESC	National Waste Enforcement Steering Committee
NWCPO	National Waste Collection Permit Office
PSROG	Public Sector Reform Oversight Group
PRI	Producer Responsibility Initiative
PRO	Producer Responsibility Officer
RMCEI	Recommended Minimum Criteria for Environmental Inspections
RWMPO	Regional Waste Management Planning Offices
SEE	Senior Executive Engineer
SEO	Senior Executive Officer
SLA	Service Level Agreement
SMP	Suspected Major Producers
WAP	Waste Action Plan
WEO	Waste Enforcement Officer
WFP	Waste Facility Permit
WMA	Waste Management Act
WERLAs	Waste Enforcement Regional Lead Authorities
WERLA CUR	Waste Enforcement Regional Lead Authority in the Connaught Ulster Region
WERLA EMR	Waste Enforcement Regional Lead Authority in the Eastern Midlands Region
WERLA SR	Waste Enforcement Regional Lead Authority in the Southern Region



Background



The Waste Enforcement Regional Lead Authorities (WERLAs) were established in 2015. The three WERLAs are as follows; Connacht-Ulster, Eastern-Midlands and Southern Region. The WERLAs macro goal is to enhance and support the waste enforcement functions in Local Authorities.

The WERLA offices are responsible for coordinating the waste enforcement actions of Local Authorities and reporting on outcomes achieved, both on a regional and national basis. The WERLAs work

programme is underpinned by the Department of Environment, Climate and Communications (DECC), and the National Waste Enforcement Steering Committee (NWESC) who set the National Waste Priorities and common objectives for waste enforcement and ensure consistency of enforcement of waste legislation, while still leaving Local Authorities as first responders on the ground.

Executive Summary

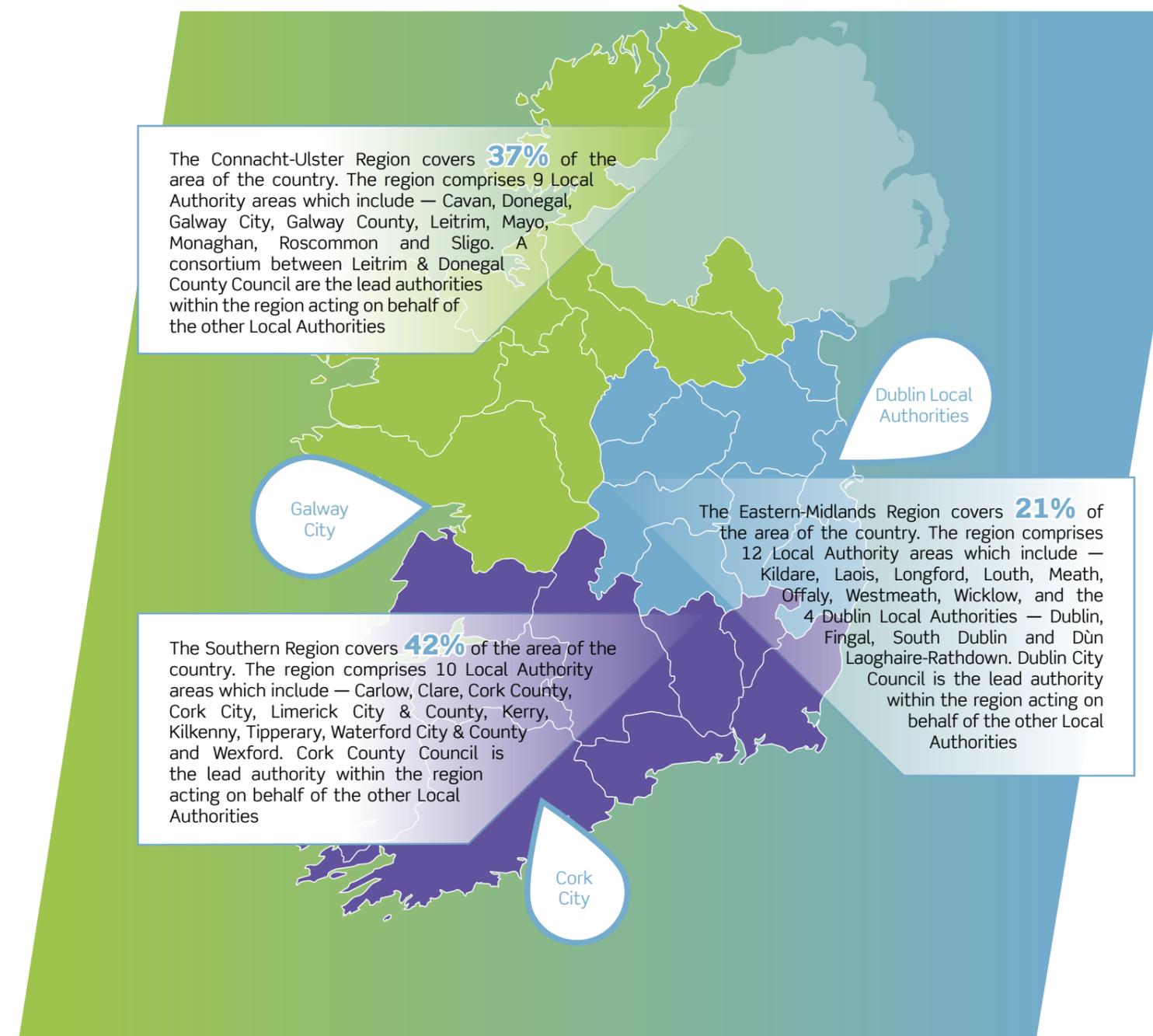


Through the WERLA structure and with the cooperation of Local Authority Waste Enforcement Officers, a more co-ordinated and consistent approach to dealing with waste crime in Ireland has been achieved. Using concerted actions to address National Waste Enforcement Priorities and with the use of multi-agency operations the WERLAs, working with Local Authorities, have secured important outcomes over the past five years.

With the onset of Covid-19 in 2020, waste management was deemed an essential service and a 'High Level Covid-19 Waste Management Advisory Group' was established by the DECC. Consequently, the WERLAs adapted their work plan and corresponding Local Authority work programme to guide Local Authorities in focusing on areas that could be progressed either remotely or in a manner in line with public health guidelines. A monthly waste reporting tool was developed by the WERLAs to monitor on the ground enforcement activities taking place during the pandemic. A combination of this report, the development of a remote inspection tool kit and regular on-line meetings through the Regional structures, ensured that enforcement activities were progressed where possible and that communication channels remained open through this dynamic period.

The Anti-dumping initiative for 2020 is an example of a successful accomplishment by all stakeholders. Over €3M was allocated by the DECC across 304 local authority projects. LAs were encouraged to include clean-up and prevention measures to deal with Covid-19 related cases and €1m was set aside to cover any such claims. The RWMPOs were allocated funding from the ADI to develop an anti-dumping toolkit and a national illegal dumping advert during Covid-19.

Building on an established work plan, the WERLAs will continue this approach throughout 2021 and will continue to build on success and learnings to drive improved regulation and enforcement at a national level. The WERLAs would like to acknowledge the cooperation and support of Local Authorities in the process of moving towards an approach to waste enforcement that is more targeted, coordinated and consistent across Ireland. The WERLAs would also like to thank all stakeholders that have worked in parallel with the Regional structure. Finally the WERLAs would like to acknowledge the support of all staff in the DECC.

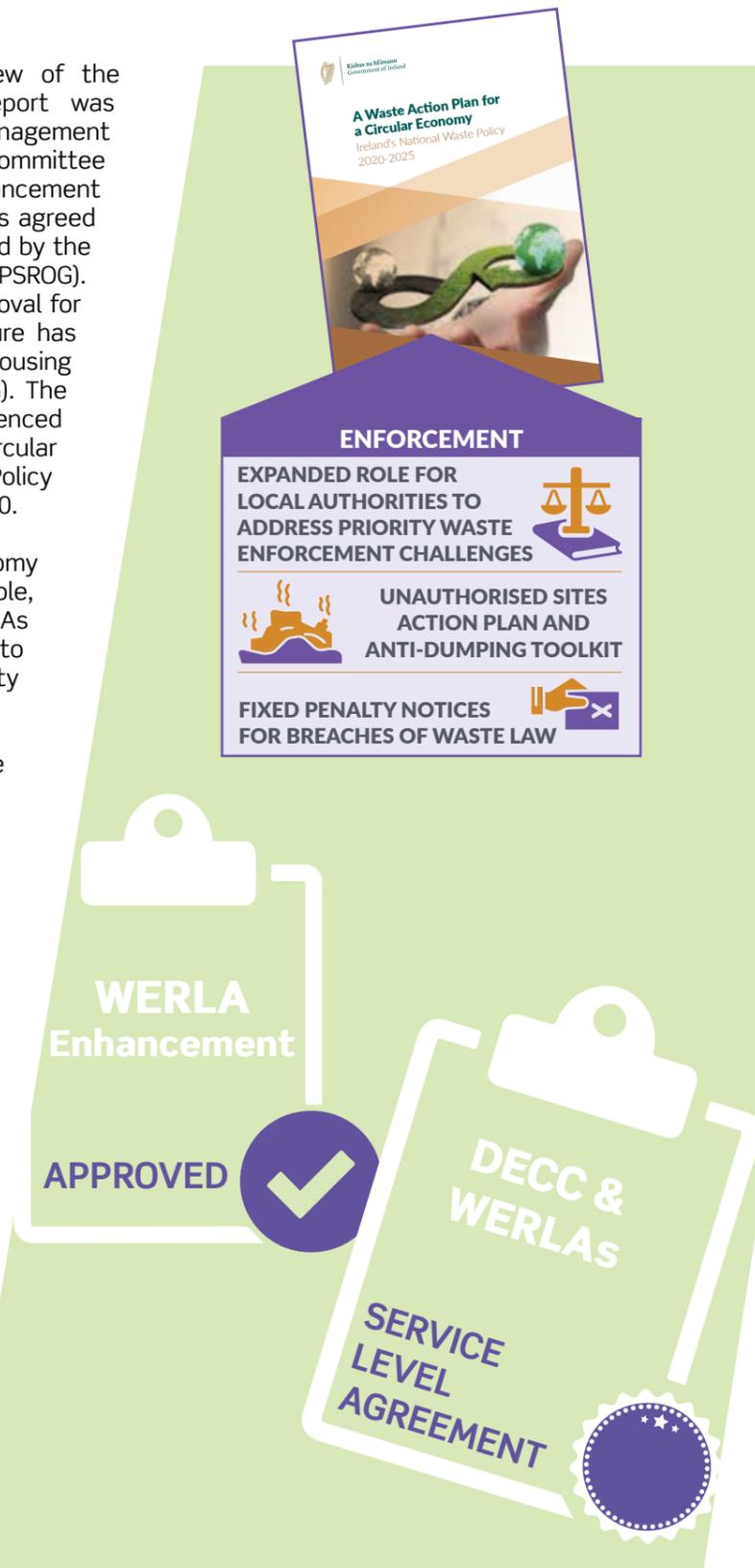


WERLA Enhancement

In 2018 a post implementation review of the WERLAs was carried out and a report was submitted to the City and County Management Association (CCMA) Environment Committee titled; 'Exploration of Options for Enhancement to the WERLA Structure'. The report was agreed by the CCMA and subsequently approved by the Public Sector Reform Oversight Group (PSROG). The DECC endorsed the report and approval for appointment of a new staffing structure has been agreed by the Department of Housing Planning and Local Government (DHPLG). The enhanced WERLA structure was referenced in the "Waste Action Plan (WAP) for a Circular Economy – Ireland's National Waste Policy 2020-2025" published in September 2020.

Specifically, the WAP for a Circular Economy commits the DECC to enhance the role, capacity, and responsibilities of the WERLAs and position the Local Authority sector to better respond to emerging and priority enforcement challenges.

A key feature of the report is to increase the staff numbers in the WERLA offices, which will be linked to an increase in quantifiable activities developed in relation to the National Waste Enforcement Priorities. The DECC requested that DHPLG sanction the posts in accordance with the approved business case. Following the sanction of these posts, a Service Level Agreement (SLA) was developed to be signed by the DECC and the three WERLAs in 2021.



WERLA Mission Statement

To protect and improve our high-quality natural environment by ensuring waste activities in Ireland are monitored, and waste legislation is enforced, in a consistent, coordinated and efficient manner in accordance with EU and national legislation and policy through a process of continuous improvement.

WERLA Work Plan 2020 Themes, Objectives & Policies



Figure 1: WERLA Work Plan Themes

Objective A:

Implement EU and national legislation and policy to ensure a consistent approach to waste enforcement.

A1 Policy: Support and monitor implementation of the National Waste Enforcement Priorities for 2020 as agreed by the National Waste Enforcement Steering Committee (NWESC).

A2 Policy: Support and monitor implementation of PRI schemes in 2020 as agreed by the National Waste Enforcement Steering Committee (NWESC).

A3 Policy: Support and monitor implementation of Mercury Regulations in 2020 as agreed by the National Waste Enforcement Steering Committee (NWESC).

Objective B:

Identify and manage national waste enforcement issues through a clearly defined strategy.

B1 Policy: Review and maintain Annual Work Plan.

B2 Policy: Continue working relationships with stakeholders and utilise the data gathered to identify enforcement challenges.

B3 Policy: Deliver an integrated approach to drive consistent enforcement of legislation.

Objective C:

Communicate and coordinate waste enforcement strategies and activities, and work with relevant stakeholders to drive improved levels of compliance.

C1 Policy: Ensure all guidance issued is accurate, consistent and takes account of relevant legislation.

C2 Policy: Provide the structure to facilitate greater cooperation between enforcement authorities, allow for increased peer-to-peer learning and allow for the creation of forums for knowledge sharing of best practice.

C3 Policy: To communicate effectively amongst stakeholders.

Objective D:

Drive improved performance and consistency of waste enforcement through clearly defined structure and procedures.

D1 Policy: Provide standard waste enforcement guidance to ensure best practices and efficiencies are adopted.

D2 Policy: Work with stakeholders on structures to develop knowledge sharing.

D3 Policy: Improve performance through the use of technology.

Objective E:

Work with Local Authorities and other stakeholders to deal with serious environmental waste crime.

E1 Policy: Develop measures to assist Local Authorities with the prevention, reduction, and cessation of unauthorised waste activities.

E2 Policy: Identify serious national waste enforcement issues and liaise with stakeholders in formulating appropriate responses.

Governance



The WERLAs report, on a quarterly basis, to the CCMA Environment Committee and the NWESC. The WERLAs also report to the PSROG on an annual basis. The CCMA provides a platform to deal with enforcement issues and emerging challenges within the sector, which in turn supports the theme of consistency on enforcement efforts nationally.

The NWESC is chaired jointly by the DECC and the Environmental Protection Agency (EPA) The NWESC determine National Waste Enforcement Priorities, drive consistency at a central level and review outcomes and emerging threats that can be dealt with on a multi-agency basis.

The NWESC includes representatives from a wide range of regulatory authorities including the EPA, An Garda Síochána, National Trans-Frontier Shipment Office (NTFSO), National Waste Collection Permit Office (NWCPO), Department of Social Protection, Regional Waste Management Planning Offices (RWMPOs), Office of Revenue Commissioners, CCMA and the WERLAs as well as senior officials from each of the Lead Authorities. The Committee supports the WERLAs in dealing with serious waste crime.

The Industry Contact Group (ICG) is a forum for dialogue and information exchange between key industry and government stakeholders. The ICG is chaired by the Irish Waste Management Association (IWMA) and consists of representatives from the DECC, EPA, WERLAs, NTFSO, NWCPO, Producer Responsibility Compliance Schemes and other waste industry stakeholders.

The WERLA governance structures consist of Regional Steering, Operations and Enforcement

networks which help drive the compliance theme as it facilitates the identification of emerging issues and challenges in the Local Government sector, while increasing peer-to-peer learning and allowing for the creation of forums for knowledge sharing of best practice.

The WERLAs work closely with the RWMPOs to align enforcement activities with the requirements of the Regional Waste Management Plans 2015-2021, and to integrate awareness programmes with the National Waste Enforcement Priorities.

In 2020, the WERLA management group was chaired by the Chief Executive of Leitrim County Council and comprised the Directors of the Lead Authorities and Regional Coordinators of the three WERLAs.

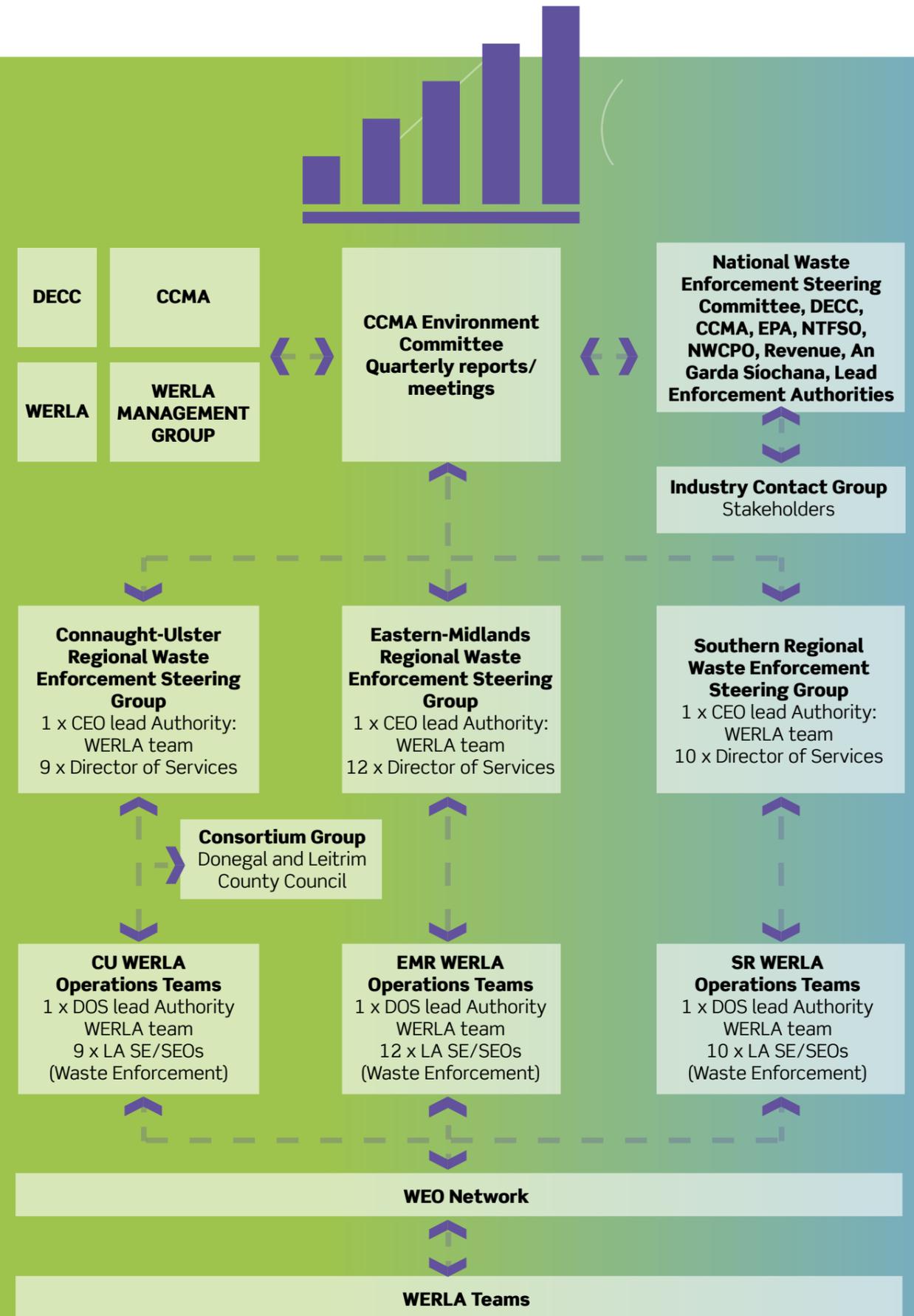


Figure 2: WERLA Governance Structure

Stakeholder Engagement



The WERLAs promote an ethos of collaborative working; and recognise the importance of identifying and engaging with key stakeholders to achieve policy objectives and work targets including those set out to achieve National Waste Enforcement Priority goals.

The WERLAs and the EPA meet on a regular basis. The purpose of this collaboration is to address areas of common interest in waste enforcement across the Local Authority and EPA regulated waste sector. The WERLAs assist the EPA in improvements to the Recommended Minimum Criteria for Environmental Inspections (RMCEI) process, in relation to the waste functions in Local Authorities.

The Network for Ireland's Environmental Compliance and Enforcement (NIECE) platform enables the WERLAs to engage with Local Authorities, to facilitate information sharing and maintain a repository of guidance documents and enforcement tools developed by the WERLAs.

The WERLAs participate in various Working Groups and make submissions on public consultations regarding waste policy with key stakeholders to

enhance synergies across a multitude of waste related areas. These include but are not limited to:

- Packaging.
- End of Life Vehicles (ELVs).
- Tyres.
- Construction Waste Resource Group.
- Environmental Services Training Group (ESTG).
- IMPEL (European Network for the Implementation and Enforcement of European Law).
- Metal Theft Forum.

An overview of the work undertaken by the following working groups is outlined in the section of Working Group Insights.

- Overt and Covert Audio-Visual Recordings Working Group.
- Data Validation Working Group.
- Consultation response on the development of a new Waste Action Plan.

An overview of the work through An Garda Síochána Multi-Agency Regional Forums is provided under the section of Multi-Agency Operations.



Working Group Insights



Further details of work undertaken in 2020 by some of the key working groups are provided below.

OVERT AND COVERT AUDIO-VISUAL RECORDINGS WORKING GROUP

The Data Protection Commission (DPC) issued provisional rulings on the use of CCTV in the Local Government sector regarding potential GDPR issues arising vis-a-vis legislative provision and DPIAs. This ruling gained national attention with parliamentary questions raised in the Dáil and Seanad. The use of drones to prevent, detect and prosecute breaches of waste management legislation came within the scope of this ruling. The CCMA in response to the ruling established a working group to examine this issue and the use of overt and covert audio-visual recordings.

The working group comprised representatives from the Local Government Management Agency (LGMA), CU WERLA on behalf of the WERLAs and Local Authority Data Protection Officers. The main aim of the working group was to develop a Data Protection Impact Assessment (DPIA) for the overt use of drones at authorised and unauthorised waste facilities and submit to the DPC for review and comment with a view to circulating nationally. The CU WERLA developed the DPIA and several supporting documents in consultation with the working



group. These documents were submitted to the DPC in August 2020 to engage in a consultative process to achieve best practise.

The DPC actively engaged with the CU WERLA and returned with positive comments and areas of concern with the DPIA and associated documents. The CU WERLA undertook further consultation with the working group to address these concerns and re-submitted the documents to the DPC. The WERLAs will continue to engage with the DPC in 2021.



DATA VALIDATION WORKING GROUP

In 2018 the DECC issued Circular WP05.18 'Data Validation Protocol for Waste Collection Permit and Local Authority Authorised Facilities Annual Returns' to all Local Authorities. The protocol sets out the roles and responsibilities of the various Local Authority waste regulatory bodies in terms of collating and validating Annual Return (AR) data. The protocol aims to strengthen the systems already in place to improve data reporting, which is vital in terms of measuring performance against targets and informing future policy decisions as well ensuring the timely submission of data in order to meet EU reporting requirements.

On foot of the protocol, in May 2019, at the request of Local Authorities, the WERLAs and RWMPOs; the NWCPO agreed to host a number of waste data validation "brainstorming sessions". Three sessions were held between July and October 2019 where a formal working group was established to manage the data validation process. Terms of Reference (TOR) were prepared and the establishment of the formal Data Validation Working Group (DVWG) was



Data Validation

approved by the CCMA on the 28th of November, 2019. The DVWG is chaired by the NWCPO and members include representatives from the WERLAs, RWMPOs, NTFSO, EPA and two individual Local Authorities, with a high level of validation experience, from each Region.

The primary objective of the DVWG is to develop a standard methodology and system, for the validation of waste collection permit and waste facility annual or periodic data. This will be achieved

by providing a platform for efficient and effective communications, by including representatives from all relevant regulatory stakeholders.

The working group aims to meet bi-monthly. Six meetings took place in 2020 and were held remotely due to Covid-19. Sub-groups comprising two or three individuals also formed to progress specific key work areas. These sub-groups met in addition to the formal working group meetings.

SUBMISSION ON CONSULTATION DOCUMENT FOR NEW WASTE ACTION PLAN

In December 2019, the DECC published a public consultation document on the development of a new WAP for Ireland as part of the move to a more Circular Economy.

The RWMPOs and the WERLAs prepared a combined response on behalf of Local Authorities and made a submission to the DECC prior to the deadline of the 21st February 2020. They requested that DECC take the views and recommendations expressed into account in the preparation of the new WAP.

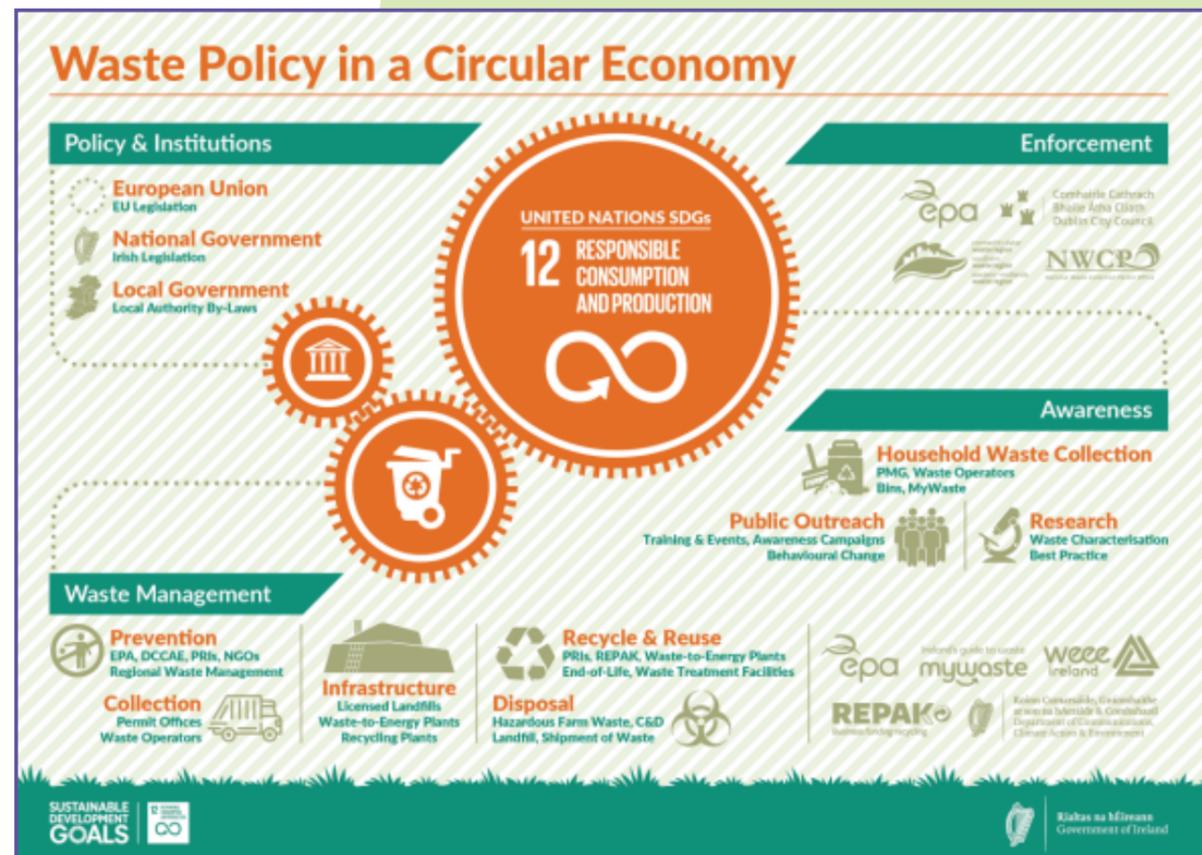
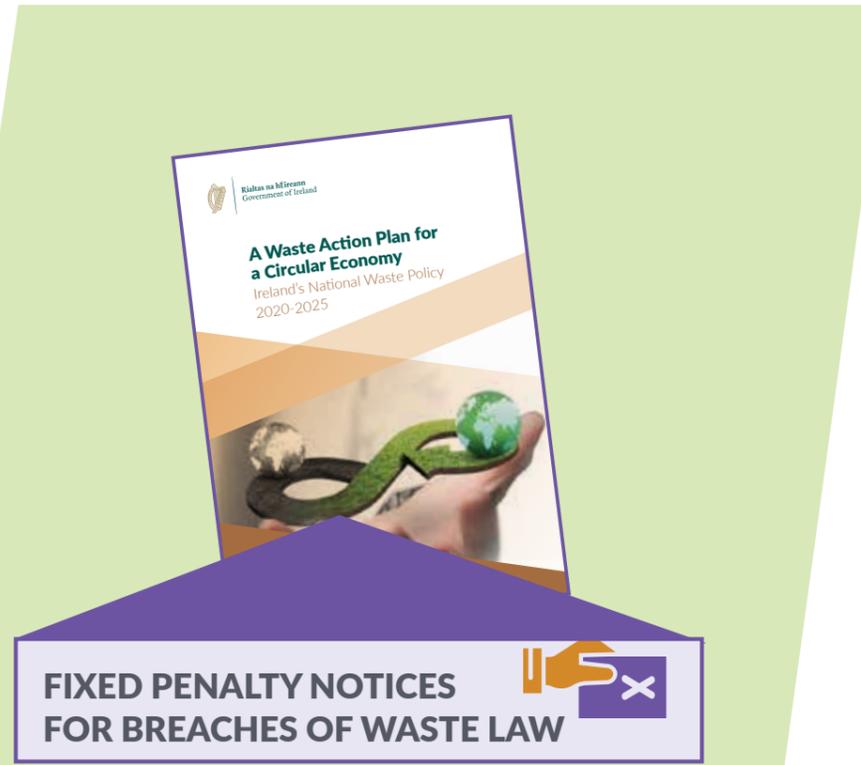
A key issue throughout the response relates to fragmentation in the regulation of waste within the State, in particular within the areas of enforcement, reporting, behaviour change and awareness/education. The perception was that with such fragmentation there is an ongoing risk of a divergent approach or duplication of effort between bodies in these areas. Therefore, a key requirement put forward for inclusion in the new WAP was the consolidation of the institutional arrangements to assign clear responsibility to the appropriate regulatory body for each action. In particular, it is believed that the Local Authorities, represented by the Regional Waste Offices (WERLAs and RWMPOs), are

ideally positioned to undertake a greater role within these areas and the role of the Local Authorities should be greatly enhanced in the new WAP. Subsequently, these requirements have been strongly featured in the new WAP, particularly in the area of enforcement which is underpinned through the WERLA enhancement.

The response also recommended that enforcement measures and penalties, under the Waste Management Act, 1996, as amended (WMA), for waste offences be reviewed, including the expansion of Fixed Penalty Notices and adjusted as required to ensure greater clarity on offences and their consequences as well as supporting improved consistency in judgements nationally. This recommendation was also a core feature in the new WAP.



The areas outlined above make up only two out of twelve headline issues which were recommended for inclusion into the final action plan. The others areas included — waste prevention targets and objectives; single statutory national waste management plan; funded national awareness and behavioural change campaign; incentivised pay by weight charging scheme for householders and commercial sector; waste collection at apartments; brown bin extended to all households; rollout of brown bins to commercial customers; civic amenity sites; economic regulator and licensing agreement conditions. Recommendations under each headline issue is supported by six enabling and six intervention actions.



Enforcement Challenges, Adaptive Performance & Business Continuity



Waste management was deemed an essential service by the DECC following the onset of Covid-19 in 2020. The WERLAs acknowledged the resulting challenges that waste enforcement staff faced in their work and provided reassurance in the flexibility of work on the National Waste Enforcement Priorities under the newly restricted working environment.

By way of regular communications to Local Authorities through the Regional structures, the WERLAs highlighted that inspection plans developed under RMCEI should be adjusted to reflect the new working reality. The WERLAs liaised with the EPA in relation to the Performance Assessment Report 2020 resulting in the EPA issuing further information to Local Authorities in this regard.

To further assist Local Authorities, the WERLAs outlined suggested work items that could be progressed remotely and encouraged Local Authorities to communicate with the WERLAs on a regular basis through the existing Regional networks and the NIECE platform.

The Local Authority work programme was amended in April and again in June 2020 to take in to account work items that could be progressed or put on hold due to changes in government advice on restrictions and with consideration for Local Authority resources. Varying degrees of restrictions across the country influenced levels of on the ground enforcement activity. Some planned activities were deferred to 2021 to allow businesses to reopen and get back up and running without interruption and others were adapted depending on restrictions. For example, less concentration on the hospitality sector and increased concentration on the retail sector who were able to stay open throughout 2020. In addition to this the construction industry was not operational for certain periods resulting in adaption of the C&D work programme to allow for remote inspections. A standard inspection proforma and work flow 'Remote Waste Inspection Form - Covid-19' and 'Workflow Diagram Remote Waste Inspection' were developed to assist with maintaining enforcement actions and ensure consistency in the monitoring of waste activity during the crisis. This inspection proforma was designed to be initiated by desktop if Waste Enforcement Officers (WEOs) were monitoring complaints/ social media and if WEOs were patrolling permitted facilities, sites of interest, or known blackspots as per the government guidelines and LAs own H&S policies. This also encouraged a visible presence on the ground so that unauthorised collectors were aware that enforcement was still active. The WERLAs endeavoured to keep all Local Authorities up to date with changing circumstances and remained working throughout to assist Local Authorities where required.



MONTHLY REPORTING ON WASTE ENFORCEMENT

The EPA complaints report for 2020 shows there was a marked increase of illegal dumping and illegal burning of waste from March coinciding with Covid-19 restrictions (compared to the same months in 2019).

The WERLAs developed a monthly waste enforcement reporting tool to monitor on the ground enforcement activities taking place during Covid-19. The new monthly reporting

tool was modelled on the Local Authority RMCEI return to avoid duplication of effort and facilitate ease of use by Local Authorities. This has been a very positive development that provides monthly updates from every Local Authority on waste enforcement activities and on waste and litter complaints received. A summary report is compiled by the WERLAs on a monthly basis and submitted to the LGMA/CCMA for review.

National Waste Enforcement Update Year 2020

Total Complaints (RMCEI Ref 4.1.1., 4.1.2., 4.2.3.)



Litter Patrols/Investigations (RMCEI Ref 6.3.1., 6.3.2., 6.3.3.)



Figure 3: Example of the Output from the Monthly Reporting System (May-December 2020)

As the excel system in its current format is aligned with the RMCEI return, this assists Local Authorities in collating their waste RMCEI statistics at the end of the year. The WERLAs have also built charts and trending systems customised for individual Local Authorities to add value to the information submitted. This can be used to update management in monitoring progress towards the RMCEI programme and it can also be used to communicate the great work and effort of Local Authority Waste Enforcement personnel to

elected members and other stakeholders.

Overall, the data showed that on the ground enforcement efforts were maintained throughout the year. As WEO staff were mostly working remotely this allowed for a change of focus in terms of examining Annual Returns and the identification and close out of data anomalies. The intelligence gathered in the examination of the Annual Returns can inform future strategic approaches to enforcement.

REVIEW OF LOCAL AUTHORITY ENVIRONMENTAL ENFORCEMENT PERFORMANCE FRAMEWORK

Ireland has 31 Local Authorities that are responsible for a range of local services, including:

- Housing
- Roads
- Recreation and Amenities
- Planning and Development
- Libraries
- Environmental services
- Fire services
- Register of electors

Most (26) Local Authorities are county councils. There are also three city councils (Dublin, Galway and Cork) and two councils that oversee a city and a county (Limerick and Waterford).

The 31 Local Authorities in Ireland are collectively responsible for the enforcement of over 100 pieces of environmental legislation intended to protect public health and the environment. Over the past number of decades, Ireland has also implemented a broad range of European Union environmental legislation.

In its publication 'Ireland's Environment an Integrated Assessment (2020)', the EPA commented that 'Overall the quality of Ireland environment is not what it should be, and the outlook is not optimistic unless we accelerate the implementation of solutions across all sectors...' The implementation of solutions to these

environmental challenges need to be tackled in a structured and coordinated way.

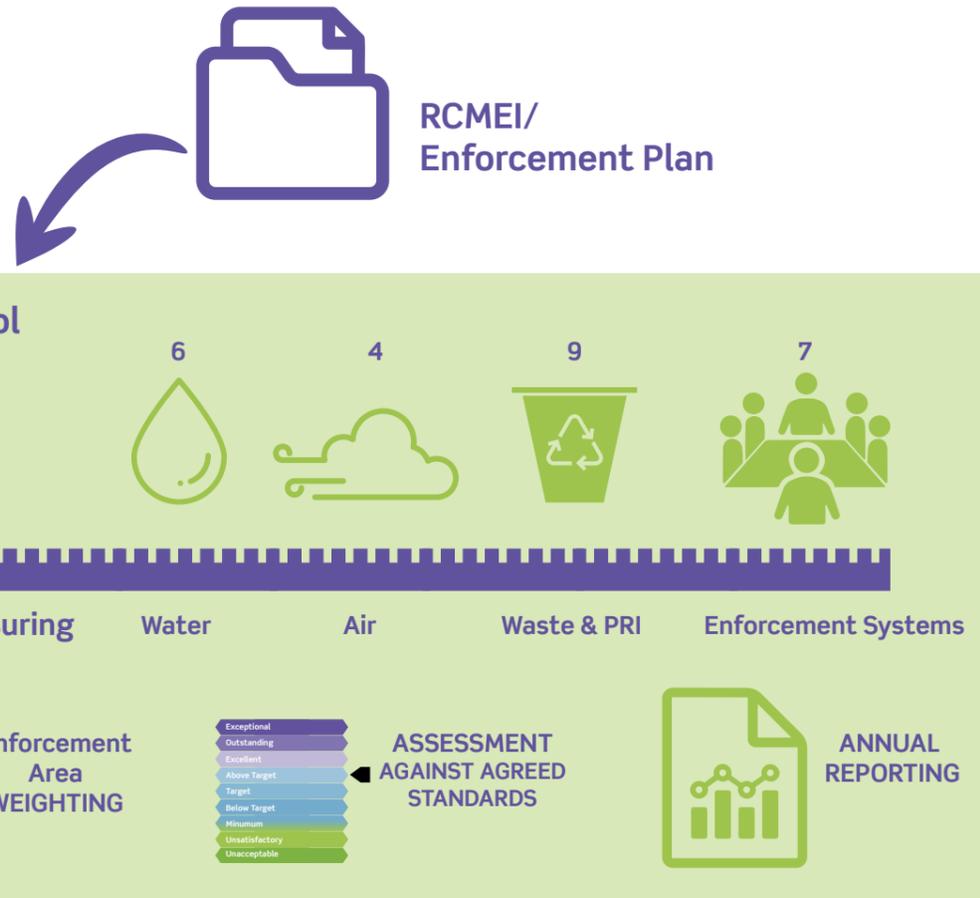
Better implementation of existing legislation has long been identified as one of the critical factors to safeguard citizens from environment-related pressures and risks to health and wellbeing.

Strengthened governance structures in Local Authorities to ensure effective and coordinated implementation and enforcement of the Water Framework and Waste Framework Directives have been introduced through the establishment of the Local Authority Waters and Communities Offices (LAWCO) & WERLAs. These structures together with the Local Authorities are now in a better position to bring the full weight of the State's resources to bear on the most pressing environmental problems.



Each year, Local Authorities develop enforcement plans, in accordance with European Council Recommendation for Minimum Criteria for Environmental Inspections (RMCEI 2001/331/EC), to allocate resources where they are most needed, based on the risk posed to the environment and what is deemed a priority locally and nationally. These plans are submitted to the EPA by each Local Authority setting out their planned enforcement

activities for the upcoming year, at the end of which Local Authorities submit data to the EPA on completed activities. This includes information on notable achievements and any issues impacting on performance for the previous calendar year. The EPA has designed a framework to measure the environmental performance of Local Authorities based on this process.



In 2016, the EPA published the first baseline report at Local Authority level based on 2014 data. Subsequent reports continue to build on that baseline assessment using appropriate and relevant data to examine trends in environmental enforcement performance.

The WERLAs participated in a review of the framework during 2020 which focused more on the implementation of National Waste Enforcement Priorities and the reporting of environmental outcomes by Local Authorities. There was also extensive consultation at local, regional and other national authorities by the EPA.

These reports present summary results for each individual Local Authority and combined results to give a picture of local government environmental enforcement. The performance results are generated from 26 environmental enforcement indicators.

A new reporting template was developed by the EPA which allows capture of outcome related results from Local Authorities. The revised framework will commence in 2021 and will provide local and national-level data to assist authorities to plan and implement a programme of continuous improvement. It is envisaged that assessments will align with waste planning and water framework planning cycles and allow for year on year examination of trends in performance.

The report also seeks to set these results within the operational context of each authority by including other key data such as staffing levels and population served.

Since their establishment, the WERLAs have been engaging with the EPA to ensure that the allocation of resources by Local Authorities to National Waste Enforcement Priorities is acknowledged in the summary results for each individual Local Authority.



ICT Developments

NATIONAL REPORTING SYSTEM FOR ENVIRONMENTAL ENFORCEMENT

The EPA published a review of Local Authority Performance for 2019 in Quarter 4, 2020. The activity report quantifies the challenge in terms of complaints and regulated activities to be managed by the Local Authority sector. Figure 4 demonstrates that over 49% of complaints relate to waste and 44% relate to litter.



Complaints Breakdown 2019

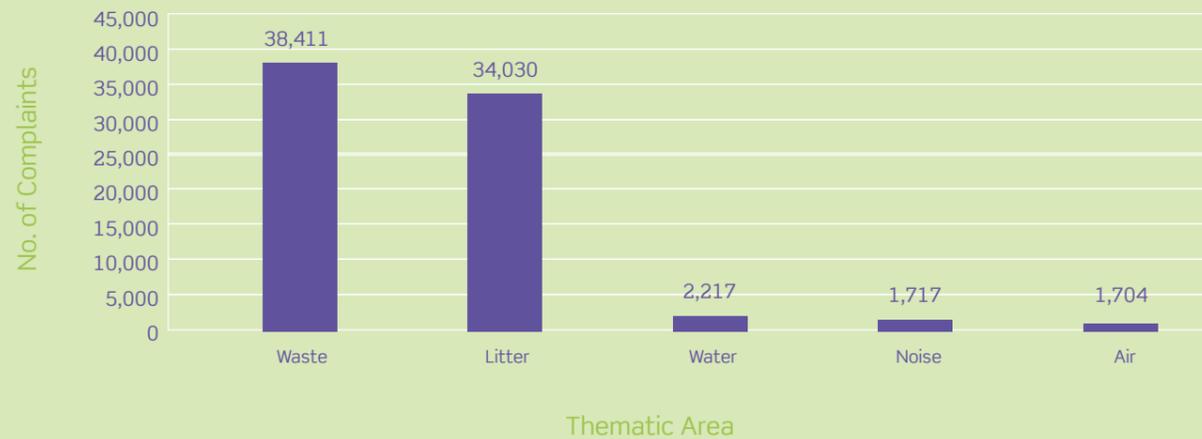


Figure 4: Complaints Breakdown 2019

The total number of inspections carried out by Local Authorities increased by 10% in 2019 to 188,000 inspections, due mainly to an increase in waste inspection activity which accounts for 67% (125,333) of all inspections. The Local Government sector regulates over 14,800 activities. This represents an increase of 4% on 2018.

The report noted a significant increase in waste and litter enforcement. 90% of the 22,851 enforcement actions in 2019 related to waste, whilst 93% (483) of the 517 prosecutions initiated (not incl. litter) were waste related and 98% (1683) of the 1717 total prosecutions were waste/litter related. There is no singular system to manage the collation of this data. Inspections and workflow processes are reliant on paper-based systems. The data is only available 6-8 months after the end of each calendar year which is a significant time lag. This impacts on the ability

to make decisions and timely interventions.

In 2018, the Council of the European Union carried out a report (The Genval Report); the recommendation for Ireland included the following recommendation:

Ireland:

“*should work out a method to collect systematic, reliable and updated statistics relating to the number of investigations, prosecutions and convictions recorded to enable an assessment of the efficiency of the actions taken by bodies involved in the protection of environment; (cf. 3.3.2 and 3.6)*”

The development of ICT systems to support enforcement is listed as an action item in the initial WERLA business case in 2015 and the enhanced WERLA business case. The WERLAs were specifically tasked by the CCMA Water, Waste, Environment and Emergency planning group to scope this project and to work with the LGMA in doing so.

The aim of this project is to provide a purpose-built mobile workforce reporting and work flow system, to facilitate environmental enforcement in Ireland. This will assist in delivering efficiency

improvements and will give access to timely enforcement data, coordinated consistent approach to inspections, notices, and significant time savings in preparing monthly, quarterly, and annual reports or other such periodic reports as required. The system will also provide tools to facilitate better decision making and more timely interventions. The move away from the cumbersome paper-based system will allow for staff to spend more time “on the ground” and be more readily available for enforcement actions from investigations.

ONLINE VIDEO TRAINING PLATFORMS

Throughout 2020 the WERLAs have been working to develop innovative solutions to training and guidance. In continuing to support WEOs. The WERLAs developed videos to support written guidance to provide a more enhanced learning experience for waste enforcement staff as part of on-the-job training and continued professional development (CPD).

An example of these training videos is outlined below and can be accessed through www.werla.ie/media/. (See also page 25 for further details on the WERLA website).

- **Waste Collection Permit System - what is the law and key enforcement messages.** (video explores the legislation governing the collection of waste in Ireland, what to do if you come across a vehicle carrying waste, enforcement issues and fixed payment notice details)



QR CODES

The WERLAs developed a self-declaration process across waste enforcement themes to try and reduce the burden on Local Authorities in terms of on the ground environmental enforcement inspections. This included the development of dynamic self-declaration forms using a Microsoft Forms web platform which can facilitate the provision of a QR code with the form.

This QR code can be copied onto correspondence issued by Local Authorities to the target audience. The QR code can be read by the persons in receipt of the correspondence using a smart phone to launch the relevant Microsoft form instantly. This will result in a higher and faster return rate and reduces the administrative burden in processing information arising from paper-based declarations as the form updates to the cloud.



DYNAMIC FLIGHT RISK ASSESSMENTS FOR DRONES

A dynamic flight risk assessment and DPIA was developed for drone flight operations using Microsoft Forms. This approach adopted by the WERLA enables the timely capture and assessments of flight risks ensuring a coordinated and consistent approach to drone flight operations. The data captured within the form synchronizes

to the cloud in real time and allows pre and post flight analysis by the chief pilot. The use of drones for enforcement is dependent on new legislation to deal with GDPR issues and is expected to be brought into force in 2021.



WERLA Website



The WERLA website werla.ie provides information to the public, and industry, on the activities of the WERLA offices and also supports the work of Waste Enforcement staff in Local Authorities. There are also links between the WERLA website and mywaste.ie

The website features information on the following:

- National Waste Enforcement Priorities.
- WERLA Annual Reports.
- How to make a waste complaint via Local Authorities and the EPA.
- Useful links to other agencies and organisations involved in, and providing support to, the Waste enforcement sector.
- Location Maps related to authorised waste facilities.
- Information on the WERLAs and their offices.
- Waste enforcement online training videos.



Training



The Environmental Services Training Group (ESTG) was established to meet the developing training needs of the Environmental Services Sector through the provision of courses utilising the resources and facilities of the Regional Training Centres and through the development of new training courses. The ESTG committee is chaired by the CEO of Laois County Council and the WERLAs are represented on this committee by WERLA SR.

There are five training centres (TC) covering the following areas:

- Stranorlar TC — Donegal, Cavan, Monaghan, and Sligo.
- Roscrea TC — Tipperary, Offaly, Clare, Limerick, Waterford, Kilkenny, and Carlow.
- Castlebar TC — Mayo, Galway, Roscommon, Longford, and Leitrim.
- Ballycoolin TC — Westmeath, Louth, Fingal, Wicklow, Kildare, Dublin City, Dun Laoghaire-Rathdown.
- Ballincollig TC — Cork city and County, Kerry, Limerick.

WASTE POLICY & LEGISLATION AND THE REGULATION OF WASTE ACTIVITY TRAINING

The increase in the volume and complexity of waste policy & legislation and the obligations on Local Authorities in relation to the regulation of waste activity meant that the traditional model of delivering courses on these topics needed to be reviewed. Accordingly, the WERLAs raised the issue of delivering these courses through third level institutions at the ESTG Board meeting in early 2020. Agreement to investigate the delivery of courses in this manner was reached, and the WERLAs approached Sligo IT in May 2020 in relation to the potential development of an online course in Waste Management dealing with policy & legislation and the regulation of waste activity. The ESTG and the WERLAs remained involved in the process of development.

It was proposed that the course would be online, funded by DECC and involve lectures / workshops from WERLA team members in addition to Sligo IT faculty members. The target audience were those in Local Authority waste enforcement positions with full or increasing levels of responsibility in this area. Suitable candidates were required to have a Level 5 qualification (Leaving Certificate) OR equivalent relevant work experience in the waste sector. It was also decided that candidates who had third level qualifications in different disciplines and have transferred to the waste enforcement area would also benefit from this course.



The agreed course syllabus is outlined below:

1. Introduction to Legal Systems for Environmental Studies (5 credits - Level 6)

- Regulation and compliance.
- Principles of enforcement and the regulatory toolkit.
- Sanctions.
- The Irish legal system.
- Legislation.
- The Courts.
- Role of the public & other third parties.
- European Law.
- Introduction to environmental policy.
- Overview of existing Irish environmental legislation.

2. Introduction to Waste Management (5 Credits - Level 6)

- The nature of waste and waste classification systems.
- Irish and EU waste management policy.
- Waste Management Planning.
- Waste management hierarchy and the circular economy.
- EPA and Local Authority Waste Awareness and Prevention strategies.
- Waste segregation systems for non-hazardous and hazardous wastes.
- An overview of infrastructure for non-hazardous waste management (transfer stations, composting facilities, anaerobic digestion, MB, waste-to energy facilities and landfills).
- An overview of infrastructure for the management of priority waste streams.

3. Environmental Legislation: Waste (5 credits - Level 6)

- Key Irish bodies with responsibilities for waste management and enforcement.
- Permitting and licensing in waste management.
- Salient legislation for the management of waste: main Acts and SIs. For the main pertinent items of legislation identify and explain:
 - What the legislation aims to achieve?
 - Who is regulated?
 - Key compliance requirements of the regulated.
 - Regulatory powers in the legislation.
 - Enforcement responses in the legislation.

ASSESSMENT:

All modules will be assessed through 100% continuous assessment which will include multiple choice questions and short assignments.

ENVIRONMENTAL SERVICES TRAINING GROUP - CONFERENCE 2020:

Due to Covid-19 restrictions it was not possible to hold a physical conference and a decision was taken to hold the conference online. The conference subsequently ran very successfully online on the 9th and 10th November 2020. The conference focused on Climate Action and the role of the Local Authority Sector and addressed:

- Climate Science.
- Climate Action Policy.
- Climate Action at a Local Level.

The relevance of this topic to Management, Engineering and Administration staff working in Environmental, Planning and Housing sections of Local Authorities, Local Authority staff working in other divisions with a role in the implementation of Climate Action policy and their Consultants/ Contractors was reflected in the increase in the numbers attending. There was no charge for the event.

- Day 1 — focused on Climate Science and Policy.
- Day 2 — focused on Transcribing National Objectives to Local Actions.

OTHER COURSES COMPLETED ONLINE DURING 2020:

- Certificate in Leadership for Performance and Change – Carlow IT – Level 9 12-week course.
- Regulatory Investigations - La Touche Training.



National Waste Priorities & Statistics

Construction & Demolition Waste



Construction and demolition waste (C&D) comprises the largest waste stream in the EU.

C&D activity looks set to increase with the construction of key infrastructure projects set out in Project Ireland 2040 through the National Development Plan & the National Planning Framework combined with plans to build 35,000 houses per annum up to 2027.

The arrival of Covid-19 led to the shutdown of the construction sector. Despite this there was only a slight decrease in Article 27 notifications. 432 Article 27 notifications (458 in 2019) were made in 2020, of which approximately 90% await determinations. See Figure 5 below for breakdown:

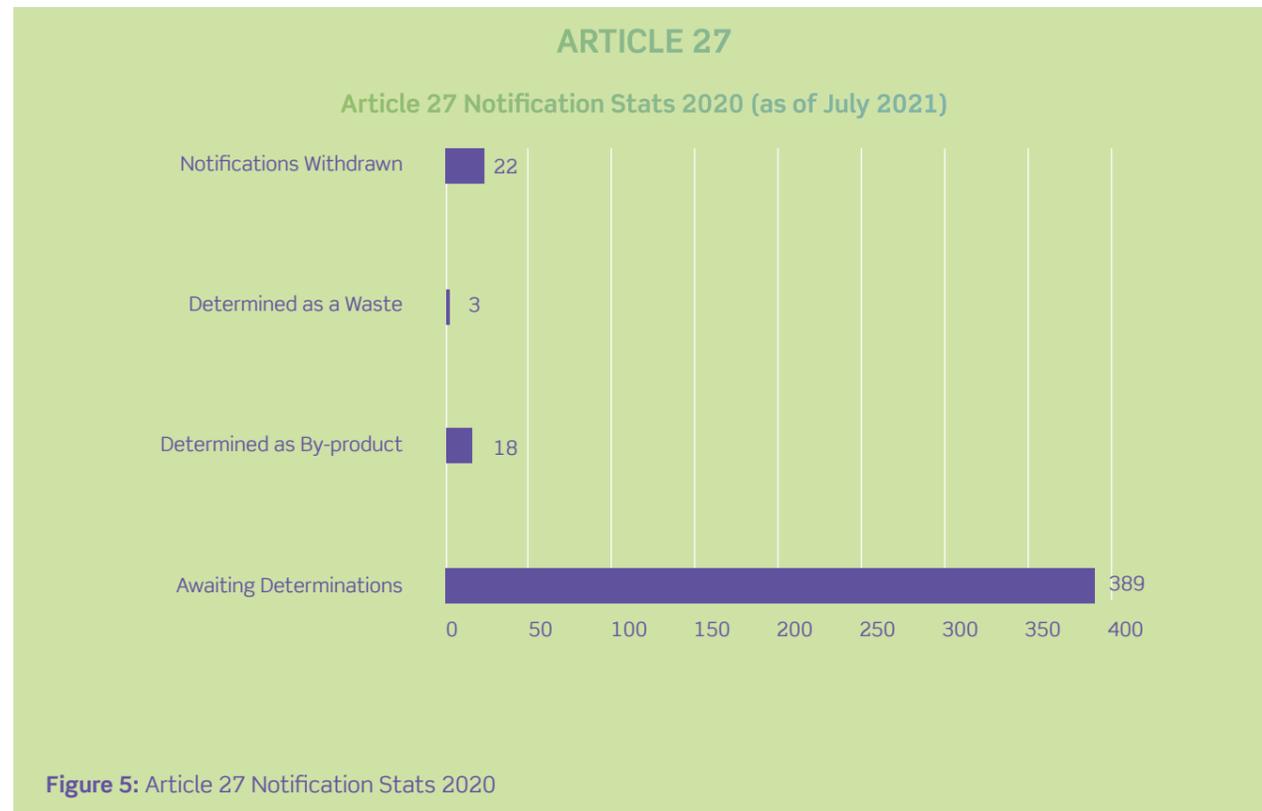
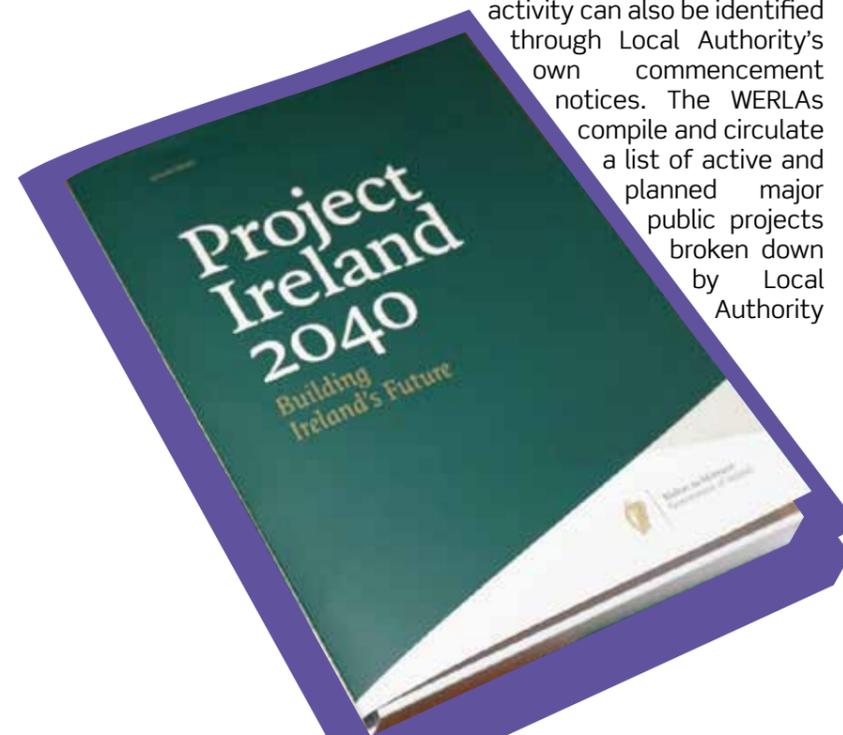


Figure 5: Article 27 Notification Stats 2020

By-product notifications made to the EPA under Article 27 were circulated to all Local Authorities by the WERLAs on a regular basis in 2020. The Article 27 toolkit developed by the WERLAs highlights the importance of coordinated liaison of the source and destination Local Authorities. This has proven very successful where such cooperation can be conducted. In May 2020, the EPA drafted a 'By-Product Guidance Note' to complement the existing 'Guidance on Soil and Stone By-Products', which was published in June 2019.

The WAP for a Circular Economy identified that under certain circumstances substances may be considered a by-product rather than a waste. This has circular economy benefits by ensuring that the productive life of resources is enhanced and extended. However, the WAP also recognised that an efficient, sustainable system needs to be in place for it to function effectively. In 2020, the WERLA submitted a Position Paper to highlight the issues in the current Article 27 system that, potentially, have significant impacts for the Local Government sector.

Project Ireland 2040 is the Government's long-term strategy for future development outlining many of the major public projects that are underway or planned throughout the country. Smaller scale construction activity can also be identified through Local Authority's own commencement notices. The WERLAs compile and circulate a list of active and planned major public projects broken down by Local Authority



area each year. Local Authorities were asked to inspect these sites using the associated tool kit developed by the WERLAs to ensure that C&D Waste Management Plans were in place and in line with the 2006 'Best Practice Guidelines on the Preparation of Waste Management Plans for Construction & Demolition Projects'. The inspections could be carried out remotely with the aim of ensuring C&D waste generated on site was being managed in an appropriate manner.

AR data from waste collectors and waste facilities was used to identify large collectors and facilities for particular List of Waste (LoW) codes. This information alongside AR anomaly data allowed Local Authorities to focus inspections. The C&D guidance manual 'Monitoring of Construction & Demolition Waste Activity' was used to assist waste enforcement officers carrying out remote inspections.

Inspections in relation to segregation, recovery and disposal of C&D waste at construction/development sites including major public projects in 2020

Source: EPA



The Construction Waste Resource Group was established by the DECC in 2018 and was divided into four thematic subgroups as follows:

- Article 27 / End of Waste / Permit threshold limits;
- Capacity, projections;
- Waste prevention / Best practice on site/ Circular economy;
- Enforcement / Waste flows.

EM WERLA chaired the Enforcement/Waste Flows sub-group comprising stakeholders from across industry and regulators. WERLA representatives sat on the other sub groups. Each group made recommendations to the DECC which fed into actions detailed in the WAP.



Waste Collection Including Household & Commercial Food Waste



Interventions in the household waste collection sector have yielded very positive outcomes over the last number of years. 2020 Annual Returns to the NWCPD indicate that 81% of total households (excluding apartments) are participating in a kerbside waste service. Most Local Authorities

have implemented the Presentation of Waste bye-laws to ensure households and commercial premises manage their waste appropriately. These bye-laws along with WERLA toolkits are facilitating a targeted enforcement approach in areas where there are increased complaints of illegal dumping.

Households served and brown bin roll out by year

Source: NWCPD

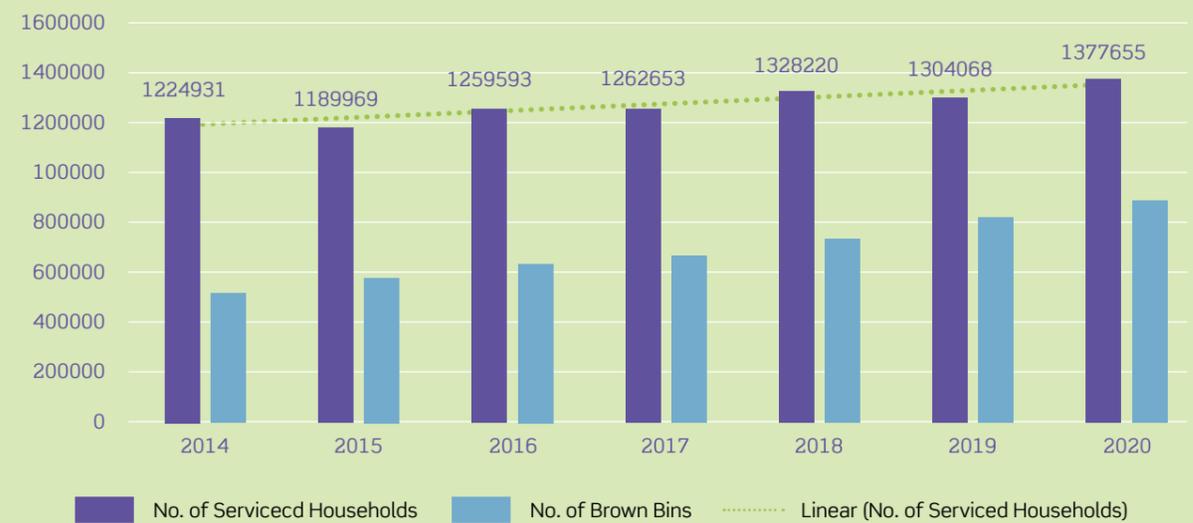


Figure 6: The growth in household kerbside waste participation since 2015.

Various Local Authorities working with their respective WERLA region put in place enforcement measures and pilot programs to implement these new bye-laws. The WERLAs also developed standard guidance, inspection forms, letter templates and workflows to support this enforcement process. Working through Galway City Council, a consultation process with the DPC in relation to DPIAs is underway to support the implementation of the Waste Presentation bye-laws.

See overleaf the various measures that continue to be implemented to ensure the roll out of brown bins in agglomerations > 500 in line with the European Union (Household Food Waste and Bio-Waste) Regulations 2015.

Measures to ensure roll out of brown bins

- ✓ Inspections under the Presentation of Waste bye-laws to ensure that Householders are source segregating their waste.
- ✓ Audits of Household Waste Collectors.
- ✓ Referral of Household Waste collection permits for review by NWCPO.
- ✓ Serving of Notices under Section 18 of the WMA, as amended on Household Waste Collectors to provide information on a monthly basis as to compliance with the Food Waste Regulations.
- ✓ Serving of Notices under Regulation 10 of the Food Waste Regulations seeking information on the direct provision of brown bins.
- ✓ Prosecutions of Household Waste Collectors for not providing the brown bin to their customers.
- ✓ Seeking an order in the High Court requiring the direct provision of the brown bin to customers.

The suite of enforcement actions outlined above has resulted in a significant increase in the provision of brown bins. Future enforcement actions will target areas and operators that

have not complied with the requirements of the European Union (Household Food Waste and Bio-Waste) Regulations 2015.



Figure 8 below sets out the brown bin roll out by year since 2015, and shows the very positive trends in terms of brown bin roll out. However, where brown bins have been directly provided

to householders, the challenge will be to ensure that there is an incentivised charging mechanism for households to encourage the use of, and presentation for collection of these brown bins.

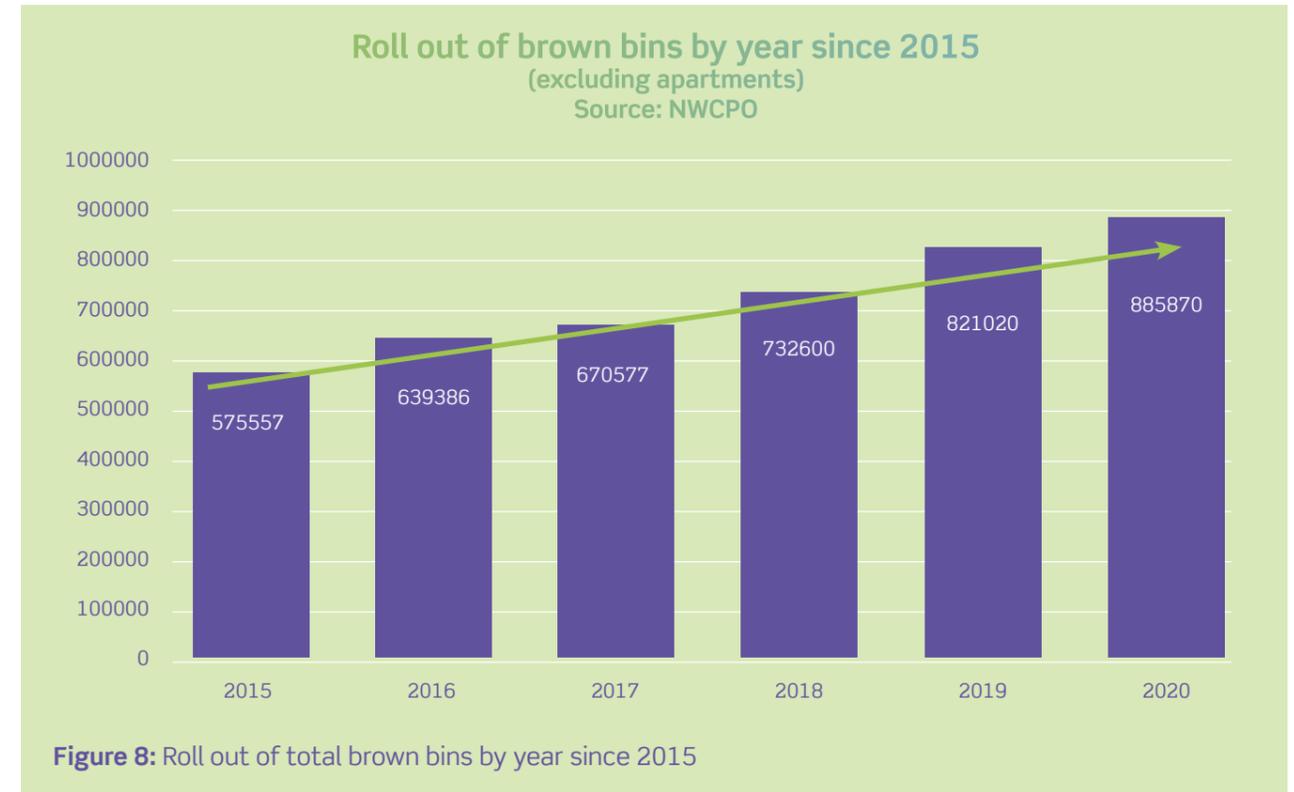


Figure 8: Roll out of total brown bins by year since 2015

The Commercial Food Waste Regulations (S.I. No. 508 of 2009- Waste Management (Food Waste) Regulations 2009) are in place since 2009. However, contamination of commercial bins remains a problem, with EPA figures indicating that 70% of the material in general waste bins from the commercial sector should be in recycling or organic bins. This represents a massive loss of resource value, an unnecessary high cost to businesses whose waste charges would be lower through proper segregation and undermines investment in indigenous treatment capacity.

The strategy aimed to improve the segregation of commercial waste with a particular focus on organic matter and the separation of dry recyclables.

Further work on the strategy will be undertaken in 2021, with a focus on businesses that traded through the Covid-19 pandemic.

To address this National Waste Priority the WERLAs developed a strategy and disseminated guidance to Local Authorities to ensure compliance with these Regulations and the commercial conditions of Waste Collection Permits- this “cradle to grave” strategy includes inspections on:

1. Collectors of Commercial Waste.
2. Commercial premises and trade shows/ exhibitions/ events.



STATISTICS
(Source: EPA)



Figure 7: Waste Collection Including Household & Commercial Household Food Waste Statistics 2020

Tackling Significant Illegal Waste Activity



Unauthorised Waste Collectors - "Man in Van"

Ireland's waste management practices, infrastructure and regulation, have matured significantly over the last 20 years and there are multiple routes for households and businesses to deal with their waste – either by having it collected through kerbside waste collection, bringing it to the network of 118 civic amenity sites & 1850 bring banks or by employing an authorised waste collector to bring it to an appropriately authorised facility.

Yet the problem of illegal dumping persists and analysis of complaints received through the EPA's National Complaints Procedure and reports on unauthorised waste disposal identified

unauthorised collectors, known as "Man-in-Van", as a potential source of the illegal dumping.

Tackling significant illegal waste activity by focussing on illegal dumping and on unauthorised collectors (including collectors not authorised for specific wastes) continues to be a National Waste Enforcement Priority. Local Authorities used a multi-faceted approach to secure successful outcomes under this National Waste Priority. An example of this can be seen in the case study below:

Case study: Longford County Council "Man in Van"

Longford County Council received complaints of dumping and burning commencing in 2018. Enforcement actions in the form of a Direction under Section 14 and a Notice under Section 55 of the Waste Management Act led to a successful prosecution and 5 month prison sentence in 2019 against the occupier. Due to further reports of dumping, Longford County Council secured funding under the ADI 2020 to assist with covert operations, which, over the course of a 2 week period, identified 9 incidences of dumping, 4 of which included burning of waste. With the

assistance of An Garda Síochána, the offenders were identified using vehicle registration details. Individuals were also identified through evidence found within waste, which resulted in the issuing of litter fines and gathering of evidence statements to assist with enforcement efforts. During this period the same offenders were identified as being linked to large scale dumping on a different site within the county, using a 'Man in Van' profile on social media. This was supported by evidence gleaned through householder surveys carried

Man jailed for 'one of the worst dumping cases' judge has seen

out by the local authority, which identified a householder who has used this illegal waste collector through social media. Successful prosecutions under Sections 32 and 34 of the Waste Management Act resulted in fines and 3 further jail sentences. Details of the outcomes are outlined below:

- Offender 1 — €200 fine + €800 costs.
- Offender 2 — 4-month prison sentence.
- Offender 3 — 4-month prison sentence.
- Offender 4 — 2x 7-month prison sentence.

Considerable effort has been expended by the Local Authority sector to tackle such "Man-in-Van" operators. Using learnings from past success into continuous future outcomes will involve ongoing monitoring of waste movements and development of intervention strategies on an ongoing basis.



SR Case Study: Multi Agency Site Operation 2020

In September 2020 Kilkenny County Council led a multi-agency operation on an unauthorised ELV site. The multi-agency team also included SR WERLA, members of AGS, Customs Officers, Revenue, Department of Social Protection, and independent motor assessors.

In total, 21 No. ELVs were found on the site. Enforcement actions undertaken by Kilkenny County Council included the issuing of Section 14 Direction under the WMA, 1996, and 21 No. FPNs issued to the registered owners of the vehicles identified through registration and chassis numbers.

The ELVs were subsequently removed by authorised waste collectors to an authorised treatment facility, Certificates of Destruction (CoD) issued, and the site remediated. Other agencies involved also conducted investigations into their own findings on site following interviews of persons present. These investigations are ongoing.

Kilkenny County Council continue to monitor the site to ensure prevention of further unauthorised activity.

CUR Case Study: Illegal Dumping of Mixed Municipal Waste

A significant multi-agency operation was initiated by the Gardaí in 2020 and involved the CU WERLA and Donegal County Council. It related to the illegal dumping of thousands of tonnes of mixed municipal waste on two sites in close proximity to each other, which was traced back to a skip hire company source. The subsequent enforcement actions by Donegal County Council ensured the removal of all waste from one site, while matters relating to the second site are still before the courts at the time of writing. A conviction in the district court has so far been secured for the first site.

While the investigation was able to focus on the land owners and indeed the original holders of the waste, pursuing the waste collector through the courts presented more of a challenge. The matter has been dealt with to ensure that repeat offences are unlikely.

A significant unintended benefit from this operation was the development of a protocol with the Regional AGS forum to provide the details of the last registered owner of any UK/Ni registered vehicles. This information provided CU WERLA with intelligence to share with relevant Local Authorities for the purpose of enforcement as required.



Anti-Dumping Initiative 2020



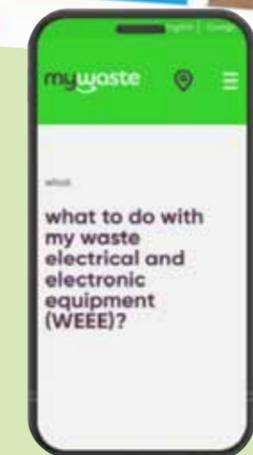
The 2020 Anti-Dumping Initiative (ADI) was officially announced on the 10th March 2020 by the DECC via Circular WP03.20. Over €3m was made available for Local Authorities to continue with further projects under the ADI following the success of 707 projects completed through this initiative in the preceding three years. Local Authorities throughout the country reported an increase in complaints concerning fly-tipping, illegal dumping and littering during the restricted periods of the covid-19 pandemic. Local Authorities were therefore encouraged to use funding under the ADI to assist with community clean-ups. On the 22nd April 2020, Minister Richard Bruton TD announced that €1 million of funding from the ADI would be ring-fenced to support efforts to tackle a reported increase in illegal dumping. Waste removal and the installation of CCTV and/or other monitoring and surveillance equipment was among the activities supported.

Minister Bruton said:

“ I am extremely concerned with reports of an increase in illegal dumping during the COVID-19 crisis. By providing local authorities with advance funding we will ensure they can respond quickly and decisively. Illegal dumping is committed by a minority but is a scourge on local communities. ”

As well as assisting with clean ups and enforcement initiatives, monies were allocated to develop a national awareness campaign on illegal dumping organised by the RWMPOs. The Anti-Dumping awareness campaign was created to highlight the importance of eliminating illegal dumping activities in rural and urban areas across Ireland. A suite of clear, compelling and consistent communication materials was created for Local Authorities and community and voluntary groups, schools and corporations and is available for download from mywaste.ie/local-authority/.

Materials included posters, press adverts, social media assets, static posts and GIFs, a flyer and guidebook. This new communications initiative is another tool in addressing the scourge of illegal dumping and fly-tipping by creating awareness of this issue and outlining a call to action.



A total of 304 projects were completed under the 2020 ADI, including 19 Local Authorities carrying out bulky waste collections resulting in the collection of 12,633 mattresses. 11 bikes for Africa projects were also completed with the cooperation of Rotary Ireland, the Dept. of Defence (transport arrangements by the army) and the Dept. of Justice and Equality who organised bike repairs within the prison service.

A detailed report on the 2020 ADI was prepared and published by the WERLAs in July 2021, and is available to download using the following link: werla.ie/annual-report/.



No. of Projects & Funding Claimed

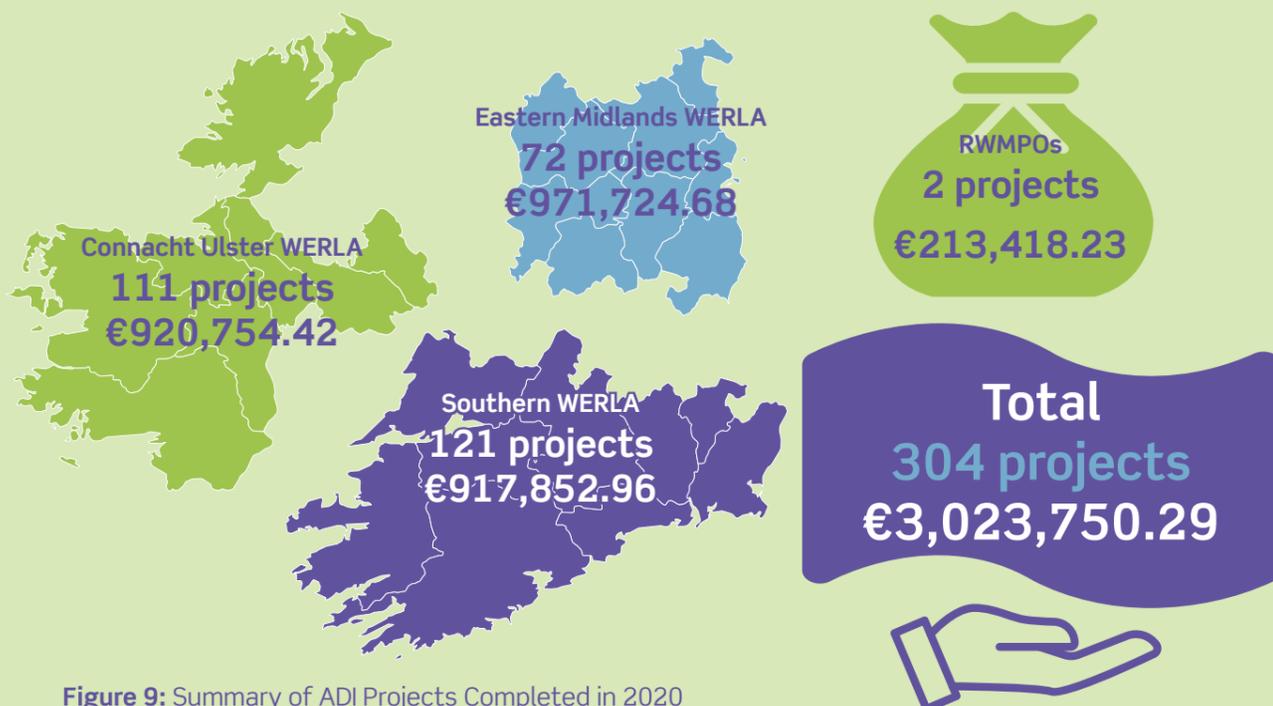


Figure 9: Summary of ADI Projects Completed in 2020

End Of Life Vehicles



The European Union (End-of-Life Vehicles) Regulations, 2014, hereby known as the Regulations, places specific obligations on vehicle owners, producers and Authorised Treatment Facilities (ATFs) regarding the deposit, treatment and disposal of ELVs. The Regulations implement the provisions of Directive 2000/53/EC which sets targets for the reuse, recovery and recycling of ELVs. The annual target for reuse and

recovery is at least:

- 95% by an average weight per specified vehicle and at a minimum
- 85% for reuse and recycling.

Authorised Treatment Facilities

Obligations are imposed on ATFs to ensure that such facilities operate under a waste license, or as appropriate, a waste permit and meet the minimum technical requirements for the:

- storage (including temporary storage) of ELVs prior to their being the subject of appropriate treatment and recovery,
- appropriate treatment and recovery of end-of-life vehicles,
- storage of components containing fluids, recoverable components and spare parts.

An ATF is required to keep specified records in relation to the appropriate treatment and recovery of ELVs. In addition, the ATF must forward details of the vehicles CODs to the National Vehicle Driver File (NVDF) which is retained by Department of Tourism, Transport and Sport (DTTAS). There are currently over 200 ATFs operating across the State.

In recent years, DTTAS, EPA and WERLAs along with the metal waste industry have worked together in order to reduce unauthorised ELV activity. This has led to positive outcomes including:

- The closing down of unauthorised scrap metal sites.
- Significant quantities of CoDs being issued each year. In 2019 for example, 109,025 CoDs were issued of which 88% were issued online. While in 2020, 81,266 CoDs were issued of which 90% were issued online.

The EPA published statistics for 2020 showed Ireland met its reuse and recovery targets for ELVs for the first time in 2018. The latest data shows that Ireland continued to meet all reuse and recycling rate targets for ELVs in 2019 as follows:

- Ireland achieved a reuse and recycling rate of 87.43% compared with the EU target of 85%.
- Ireland achieved a reuse and recovery rate of 95.21% compared with the EU target of 95%.

Ireland's rates of reuse, recycling and recovery of ELVs have shown gradual year-on-year improvements over the last decade — see Figure 11.

Treatment Type	Tonnes	%
Reuse & Recycling	138,501	87.43
Reuse & Recovery	150,825	95.21
Disposal	7,588	4.79
Total	158,413	100



Figure 10: Summary of Irish ELV Treatment, 2019

Reference Year	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
ELV reuse and recycling %	79	77	81	82	80	82	83.3	86	85.9	86.37	87.43
ELV reuse and recovery %	82	77	83	88	92	91	91.8	92.8	94.6	95.17	95.21

Figure 11: Rate of progress by year towards the End of Life Vehicle EU targets

Source: EPA

Although Ireland has achieved its ELV targets, the continued maintenance of high reuse, recovery and recycling rates presents a challenge to both ATF operators and regulatory authorities. To further strengthen compliance within the ATF sector and ensure the effective capture of waste data, the WERLAs undertook a review of waste streams arising at ATFs.

The review initially focused on the volume of waste tyres at ATF sites using 2019 AER data submitted to the NWCPO. This dataset was compared to DTTAS data on the number of CoDs issued in 2019. This enabled a comparison between the number of CoDs issued and projected waste tyres arising versus the number of waste tyres declared by the ATF. The data was also compared to REPAK ELT tyre data. Given the high number of anomalies identified the WERLAs expanded the review to incorporate high value waste streams such as lead acid batteries, catalytic converters and ELVs. This resulted in the following five LoW codes being examined in detail:

Waste Type	LoW codes
End of life vehicles	16 01 04*
End of life vehicles containing neither liquids nor other hazardous components	16 01 06
End of Life tyres	16 01 03
Lead Batteries	16 06 01*
Spent catalyst (catalytic convertor)	16 08 01

*Hazardous



This type of data led strategic planned intervention, is in line with one of the main functions of the WERLAs, being the identification of specific/emerging waste enforcement challenges and the development, coordination and management of strategic responses to issues. Many of the National Waste Priorities are now being driven by data sourcing and involve year on year planning.

The primary aim of this review is to strengthen compliance within the ATF sector and ensure that ATF operators are effectively capturing waste streams arising at their facilities.

By using CoDs issued by DTTAS as the benchmark for projected waste streams, anomalies were identified at a number of ATFs across the State. To further evaluate this data, a toolkit was developed by the WERLAs to apply conversion rates, allowing for consistent comparison of datasets.

Results from the ATFs analysed indicated that in some instances further investigation was required to ensure consistency of reporting and data capture across the sector as follows:

1. Substantial differences in ELVs accepted versus corresponding CoDs being issued,
2. Substantial differences in ELVs accepted, CoDs issued and lead acid batteries arising,
3. Substantial differences in ELVs accepted, CoDs issued and waste tyres arising,
4. Significant tonnages of lead acid batteries and ELVs being accepted from the general public and
5. ARs having no record of tyres, catalytic converters or lead acid battery movements off site.

Concentrating on the ATFs with the highest anomalies in terms of ELVs accepted and CoDs issued versus waste battery, catalytic converters and tyre arisings will help focus enforcement resources and further assist with improved compliance within the sector.

Unauthorised 'Scrap Yards'

Every year, millions of vehicles in Europe reach their end of life. When ELVs are not properly managed, they can cause environmental pollution and the European economy loses millions of tonnes of materials which could have been repaired or recycled.

Considerable effort has been expended by the Local Authority sector to ensure compliance with the ELV directive as depicted above, and monitoring of the metal industry has been deemed a National Waste Enforcement Priority since 2016.

The multi-annual intervention strategy developed by the WERLAs has, in general, been directed at monitoring the authorised industry to ensure that they are not facilitating unauthorised vehicle dismantlers. The Local Authorities work programme for 2020 outlined a targeted

inspection programme of authorised ELV sites and ELV operators.

Due to Covid-19, remote inspections and audits replaced the planned coordinated actions against unauthorised ELV sites and ELV operators of concern, to ensure compliance by waste facility operators with the enhanced traceability requirements introduced through S.I. No. 320/2014 - Waste Management (Facility Permit and Registration) (Amendment) Regulations 2014.

The remote inspections and audits ensured an increase in the level of scrutiny at Local Authority authorised facilities. The outcome led to a more compliant industry by ensuring a level playing field for authorised operators and the prevention of environmental pollution arising from unauthorised activity.

The WERLAs anticipate that monitoring of the ELV & waste metal industry will continue to be

a focus of the enforcement effort over the next number of years with a prolonged focus on unauthorised activity and authorised operators facilitating unauthorised activity.

The WERLAs also developed an information note for all waste collectors and waste facilities collecting or accepting waste metal which highlighted, that in recent years the metal industry and the regulatory authorities have worked together to reduce unauthorised activity in the scrap metal industry resulting in a level playing pitch for authorised industry. It also outlined the traceability requirements for authorised facilities and the obligations of the authorised industry under Section 32(1) (a) of the WMA 1996 as amended. This has resulted in positive outcomes such as significant quantities of CoDs being issued each year and the closing down of unauthorised scrap metal sites. Ireland must continue to improve the reuse, recycling and recovery of valuable material from ELVs as part of our transition to a circular economy.

Multi-Agency Site Operation on Unauthorised Scrap Yard

In December 2020, Tipperary County Council led a multi-agency operation on two unauthorised ELV sites. In attendance were two officers from Tipperary County Council, two WERLA officers from the Southern Region, three members of An Garda Síochána, and two independent motor assessors.

In total 14 ELVs were found on the sites. Other State agencies also began further investigations

into their own findings on site with persons present and those investigations are ongoing.

Tipperary County Council issued Direction under Section 14 of the WMA on the day. The ELVs were subsequently removed by authorised waste collectors to an authorised treatment facility, CoDs issued, and site remediated. Tipperary County Council continue to monitor the sites.

Producer Responsibility Initiatives



Increasing European recovery and recycling targets in the context of the circular economy presents a significant challenge to the State. The effective operation of Extended Producer Responsibility (EPR) schemes is predicated on effective and consistent enforcement of EPRs nationally.

Tyre Enforcement Project

The Waste Management (Tyres and Waste Tyres) Regulations 2017, as amended (SI. No. 400 of 2017) were enacted on the 1st of October 2017 to promote the environmentally sound management of tyres and waste tyres. The Tyres Regulations introduced a strengthened compliance scheme for tyres and imposes obligations on those who supply tyres to the Irish market.

In establishing the scheme, the DECC agreed that a review of the operation of the new structures be undertaken at 6 and 12 month intervals after its introduction. The 12-month review was published in early 2020 and acknowledged “the significant progress made to date in the environmentally sound management of ELTs. The establishment of the compliance scheme was positive, and the approach made a real contribution in terms of preventing environmental impacts and pollution” and noted the “good engagement with the compliance scheme across retail and producer sectors which reflects well on the operations of the initiatives to date”.

In 2020, Covid-19 had an impact on compliance scheme operations and the export of waste tyres out of the State. The compliance scheme expressed concern about the availability and cost of shipping containers and the resulting stockpiling of waste tyres in holding yards across the

Country. The closure of the Indian export market further compounded the issue and the sourcing of markets for waste tyres proved challenging.

Most tyre operators were closed during the lockdown period and this impacted on the inspection regime. However the Local Authority enforcement drive, although somewhat less active during certain periods, continued with the support of the WERLAs. Inspections focused primarily on unregistered and revoked tyre retailers operating outside the regulatory framework.

The use of the communication portal between the approved body, REPAK ELT and Local Authorities ensured a continued compliance rate of 91% nationally with the Regulations.



Case Study: Local Authority Secures Successful Prosecution against Tyre Collector

In late 2020, Donegal County Council had a successful prosecution in Letterkenny district court against a former waste tyre collector.

The judge convicted and imposed a three month prison sentence on two directors of the company for breaches under the WMA and non-compliance with a court order. There is a stay on the prison sentence pending the removal and lawful disposal of waste tyres from the unauthorised tyre site.



STATISTICS

Local Authority Inspections under the Tyre Regulations - Tyre Retailers

(Source: EPA)

495 inspections



REPAK ELT Membership

Source: REPAK ELT

2,622 memberships



Number of Waste Tyres Collected & Recovered by REPAK ELT

Source: REPAK ELT

3.41M

28,495T

Figure 12: Tyre Statistics 2020

Packaging Regulations

The pilot packaging enforcement project commenced in 2017 and is ongoing on a yearly basis. The project focuses on Suspected Major Producers (SMPs) of packaging who are not meeting their obligations under the Regulations, and continued during 2020 developing and circulating a list of 173 SMPs nationally to relevant Local Authorities.

To further develop the understanding of packaging compliance Regulations in Local Authorities, the WERLA Producer Responsibility Officers (PROs) developed an updated guidance on the enforcement of the Packaging Regulations. A new packaging information leaflet was also developed to assist WEOs with potential major producers of packaging.

In 2020, the Covid-19 pandemic had a significant impact on businesses throughout the State and in particular businesses associated with the hospitality sector. Being mindful of the challenges facing the sector and following consultation with DECC, the WERLAs only included SMPs identified as essential and who remained trading in the 2020 enforcement packaging programme. SMPs within the hospitality sector who were not operating were not included.

S.I. NO. 282 OF 2014 EUROPEAN UNION (PACKAGING) REGULATIONS 2014, AS AMENDED

If you handle packaging as part of your business, you have obligations under the Packaging Regulations.

WHAT IS PACKAGING?
Packaging means any material, container or wrapping, used for or in connection with the containment, transport, handling, protection, promotion, marketing or sale of any product or substance.

ARE YOU A PRODUCER OF PACKAGING?
If you trade or otherwise in the course of business, sell or supply to other persons packaging material, packaging or packaging products you are deemed a producer of packaging.

WHAT OBLIGATION DO PRODUCERS OF PACKAGING HAVE?
All producers of packaging have an obligation to ensure that packaging waste arising on their premises (including back door waste) is managed correctly. Additional obligations apply to major producers of packaging.

HOW SHOULD I MANAGE MY PACKAGING WASTE?
Packaging waste arising on your premises (including back door waste) must be separated by material type and collected by a recovery operator with a valid waste collection permit.

WHAT TYPE OF PACKAGING WASTE MUST BE SEPARATED AND COLLECTED?
Waste aluminium, fibreboard, glass, paper, plastic sheeting, steel and wood must be separated and collected.

WHAT SHOULD I DO WITH ALL OTHER TYPES OF PACKAGING WASTE?
All other types of packaging waste should be collected by a recovery operator with a valid waste collection permit e.g. clear plastic wrap, bubble wrap, polystyrene containers and filler beads.

WHAT DOES THE TERM 'MAJOR PRODUCER OF PACKAGING' MEAN?
If you place more than 10 tonnes of packaging on the Irish market annually and have an annual turnover of more than 1 million euro you are classified as a major producer.

I'M A MAJOR PRODUCER OF PACKAGING - WHAT SHOULD I DO?
Major producers are required to become a member of the approved body (REPAK) or alternatively register each premises with the Local Authority in whose functional area, the premises are located. Major producers who fail to become a member of the approved body or register with the Local Authority are not fulfilling their obligations under the Regulations and may be prosecuted under the Regulations (see overleaf).

Case Study: Local Authority Secures Successful Prosecution against Pharmacy Group

Donegal County Council secured a successful prosecution of a major pharmacy group for failure to comply with 3 Regulation 25 Notices issued to three holding companies under S.I. No. 282/2014.

The companies were convicted and fined €750 each with costs awarded to Donegal County Council of €1,400.



STATISTICS

Local Authority Inspections under the Packaging regulations -

Suspected Major Producers
(Source: EPA) **295**
inspections

Registered Self-Compliers
(Source: EPA) **292**
inspections



REPAK Membership **3,414**
memberships
(Source: REPAK)



Packaging Major Producer Registered premises
(Source: REPAK) **8,702**
registered premises



Figure 13: Packaging Statistics 2020

End-of-Life Vehicles Pilot Compliance Project

The End-of-Life Vehicles Directive 2000/53/EC requires Ireland and other EU countries to recycle and recover ELVs.

The European Union (End-of-Life Vehicles) Regulations 2014, as amended place specific obligations on vehicle owners, producers and authorised treatment facilities regarding the deposit, treatment and disposal of ELVs.

The Regulation encourages the reuse, recycling and recovery of ELVs. End-of-Life Vehicle Environmental Services (ELVES) CLG is the

approved body appointed by the DECC.

Producers of specified vehicles (importers of new and used cars) have an obligation to register with each Local Authority within the state or with the approved body, ELVES.

The ELV pilot compliance enforcement project continued in 2020 albeit with inspections limited due to the Covid-19 pandemic. A national list of specified vehicle producers continued to be used by Local Authorities enabling targeted inspections.

STATISTICS

Registered Vehicles Importers
(Source: ELVES) **192**



Inspections of Suspected Vehicles Importers
(Source: EPA) **130**



Figure 14: ELVs Pilot Compliance Project Statistics 2020



Mercury Regulations

The UN Minamata Convention on Mercury was ratified by Ireland in March 2019. It provides an international regulatory framework with the aim of protecting human health and the global environment from the harmful effects of mercury. The Minamata Convention addresses all aspects related to the use of mercury throughout its lifecycle and sets out measures such as banning mercury mining, restricting trade, manufacture of mercury-added products, and ensuring the safe storage and management of mercury waste.

One of the largest uses of mercury is in dentistry, through the use and removal of amalgam fillings.

The EU Mercury Regulation (EU) 2017/852 was developed to ensure consistency across the European Union and to ensure countries are compliant with the expectations of the convention.

S.I. No. 533 of 2018 European Union (Mercury) Regulations 2018 lays down the rules and penalties applicable for infringements of Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury. It also designates competent authorities to implement the EU Regulation, sets new standards for dental amalgam separators, and reiterates the existing obligations on dentists and the contracting authority to ensure that amalgam waste is disposed of safely by a licensed waste disposal company. The Regulation was signed by the Minister for Environment, Climate and Communications in December 2018.

Role of Local Authorities

Local Authorities are the Competent Authority appointed for monitoring compliance requirements

for dental facilities and handling of amalgam waste under Regulation 4. (1) and 4. (2) of S.I. No. 533/2018-European Union (Mercury) Regulations 2018 as outlined below:

- 4. (1) Each local authority shall monitor compliance by operators of dental facilities situated within its functional area with the obligation in Article 10(4).
- 4. (2) Each local authority shall monitor compliance by dental practitioners situated within its functional area with the obligations in Article 10(6).

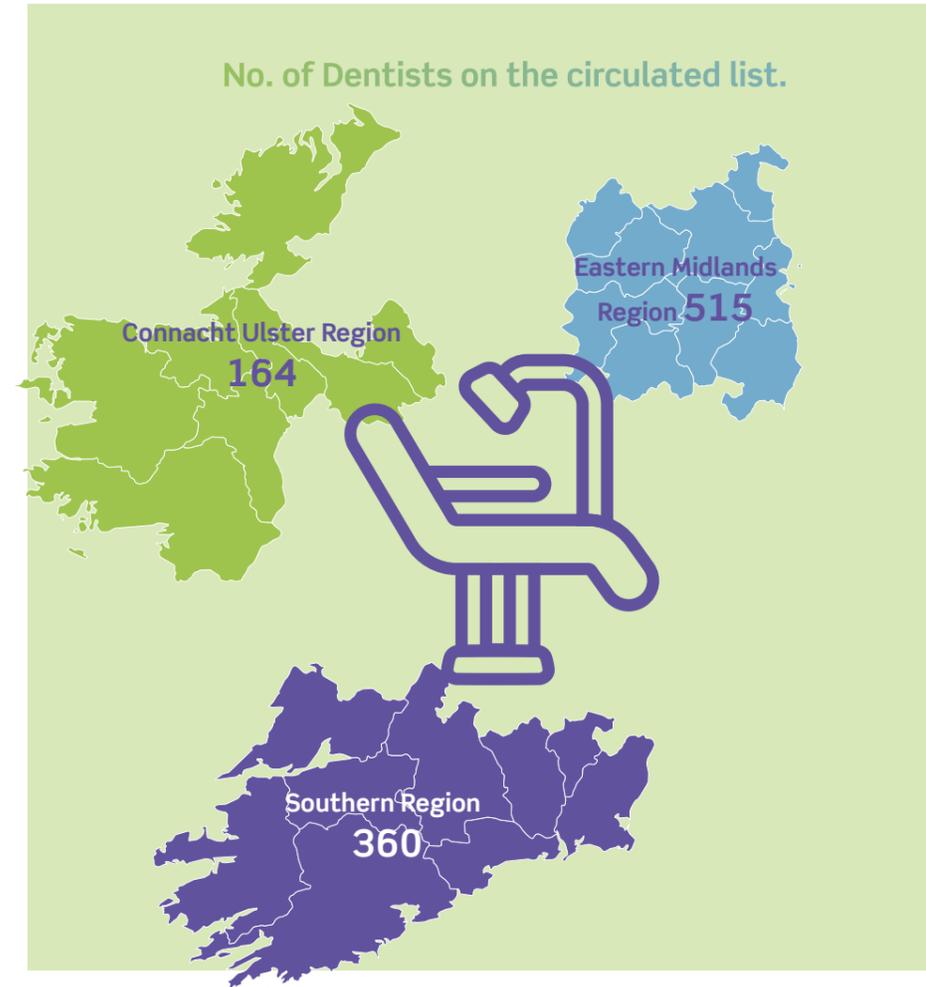
In July 2019, the WERLA identified dental practices through various sources and it was anticipated that inspections of these practices would be carried out in 2020. However, Covid-19 restrictions meant that an alternative intervention strategy had to be considered.

Accordingly, in September 2020 the WERLAs developed a template letter and a self-declaration form to be completed by dental practices.



Dentists were requested to complete the self-declaration form and return to their respective Local Authority. They were also asked to include copies of any relevant supporting documentation/records. The purpose of this exercise was to ensure compliance with the Regulations. Local Authorities commenced distributing the letters/self-declaration forms in November/December 2020.

A number of Local Authorities were innovative in the use of IT and set up designated email addresses to allow electronic return of the declaration. Follow up actions include reminder letters and if necessary, enforcement letters.



STATISTICS

Inspections in Relation to Mercury Regulation (S.I. No. 533/2018)

(Source: EPA)



Figure 15: Mercury Regulations Statistics 2020

Key Statistics for 2020

Waste Facility Permits/
Certificates of Registration **1,083**

Authorised Treatment
Facilities (ATFs) **220**

Authorised Waste Collectors ... **1,871***

(source NWCPO)

*As of August 2021, 6 Authorised Waste Collectors are based in Northern Ireland and the NWCPO are in the process of allocating these to a region.



Number of Waste Collection Permit (WCP) Holders

Eastern Midlands Region ... **801**
 Connacht Ulster Region ... **396**
 Southern Region **668**

(source NWCPO)

INSPECTIONS

Waste Permitted Facility **1,722**

Multi-Agency Inspections **174**

Joint Inspections with NTFSO ... **33**

Inspections of LA Cert
of Registration sites **7,900**

(source EPA)



COMPLAINTS

Waste Complaints Investigated (excl. Litter) **29,182**

(source EPA)

ENFORCEMENT ACTIONS (source EPA)

Waste Warning Letters 3,291	Direction under Section 14 1,301	
Notice under Section 18 221	Notice under Section 55 362	
Section 71 - Abandoned Cars 2,751	Notice under Article 25 Packaging 17	PRI action initiated during the year 120
Fixed Payment Notices (FPN) 153	Recommendations to NWCPO to review WCPs 4	TOTAL 8,220

PROSECUTION ACTIONS (source EPA)

Prosecutions for failure to pay FPN.....	16
Prosecutions in relation to PRI Schemes	6
Notice under Section 14..	19
Notice under Section 18..	25
Notice under Section 32..	170
Notice under Section 55..	72
DPP / Indictments.....	0
TOTAL	308



Publications



Document Type	No. of Documents	
	New	Revised
Advice/Recommendation templates	2	
Standard Application Forms for Self-Compliant Applications for Producer Responsibility Initiatives	1	
Guidance Manuals	1	2
Inspection Forms	3	1
Reports to stakeholders	9	
Standard Letter Templates	9	
Standard Notices and Orders		1
Submissions to stakeholders (generally consultation)	1	
Workflow systems	4	
Position Papers	1	

Figure 16: Publications by WERLA Offices in 2020.

WERLA BUSINESS PLAN STRATEGY 2021

An important part of the work of the WERLAs each year is to develop a work plan for the following year. During 2020 the WERLAs developed the following work plan for 2021.

OBJECTIVE A:

Implement Eu And National Legislation And Policy To Ensure A Consistent Approach To Waste Enforcement.

A1 Policy: Support and monitor implementation of the National Waste Enforcement Priorities for 2021 as agreed by the National Waste Enforcement Steering Committee (NWESC).

National Priority: End of Life Vehicles Directive (ELV) and Waste Metal Industry

Sub-National Priority: Authorised Treatment Facilities, Metal Waste Operators & Unauthorised Scrap yards

Action	Target 2021
Improve recovery, reuse and recycling rates of ELVs through data gathering and compliance with WFPs and ELV regulations.	To improve compliance rates and maintain EU targets set out by the ELV Directive (85% reuse and recycling and 95% reuse and recovery). To enforce WFP & ELV regulations.
Ensure appropriate enforcement actions are taken against unauthorised ELV sites/ Scrap Yards.	To ensure only Authorised Treatment Facilities operate in the ELV sector.

National Priority: Waste Collection- Household & Commercial

Sub-National Priority: Waste Collection- Household & Commercial

Action	Target 2021
To ensure consistent enforcement of household, commercial waste legislation and waste bye laws.	Compliance of waste operators with waste segregation requirements.

National Priority: Construction and Demolition Activity

Sub-National Priority: Construction and Demolition Activity

Action	Target 2021
Design and implement a programme to monitor construction and demolition activities.	Roll out programme to monitor construction and demolition activities.

National Priority: Tackling Significant Illegal Waste Activity

Sub-National Priority: Operators/Sites of Concern including Authorised and Unauthorised sites

Action	Target 2021
Utilise data, local knowledge and other enforcement stakeholder information to identify operators and sites of concern.	Reduce number of illegal operators and close down unauthorised sites.

Sub-National Priority: Man in the Van	
Action	Target 2021
Continue programme to identify and address Man in the Van operators using National/Regional/Local enforcement bodies.	Continue to support Local Authorities with Man in the Van Operations. Explore avenues for further contacts with DECC to tackle unauthorised operators advertising on social media platforms.
Sub-National Priority: Anti-Dumping Initiative (ADI)	
Action	Target 2021
Subject to funding from DECC, roll-out ADI programme.	To identify appropriate projects for funding subject to DECC criteria.
National Priority: Multi-Agency Sites of Interest	
Sub-National Priority: Multi-Agency Sites of Interest	
Action	Target 2021
Design and implement a strategy for identifying multi-agency sites of interest.	Address sites of concern using multi-agency approach where appropriate.
A2 Policy: Support and monitor implementation of PRI schemes in 2021 as agreed by the National Waste Enforcement Steering Committee (NWESC).	
National Priority: EPR Compliance	
Sub-National Priority: Vehicle Producer Compliance Project	
Action	Target 2021
Ensure compliance with ELV regulation in particular for vehicle producers and importers.	To increase the number of compliant producers.
Sub-National Priority: Waste Tyres	
Action	Target 2021
Ensure continued compliance with the tyre regulations.	To increase the number of registered retailers.
Sub-National Priority: Packaging Enforcement Project	
Action	Target 2021
Ensure obligated operators are compliant with Packaging regulations.	To ensure SMPs are compliant with the regulations.
Sub-National Priority: WEEE Compliance	
Action	Target 2021
Ensure compliance with WEEE regulations.	Increase compliance of WEEE retailers. Increase compliance within waste industry.

A3 Policy: Support and monitor implementation of Mercury Regulations in 2021 as agreed by the National Waste Enforcement Steering Committee (NWESC).	
National Priority: Compliance with Mercury Regulations	
Sub-National Priority: Compliance with Mercury Regulations	
Action	Target 2021
Ensure compliance with Mercury Regulations as directed by DECC.	To ensure compliance as per DECC guidance.
A4 Policy: Monitor Waste Data and Waste Flows.	
National Priority: Waste Data and Waste Flows	
Sub-National Priority: Waste Data and Waste Flows	
Action	Target 2021
Improve data quality; coordinate data analysis and utilise data for appropriate enforcement actions in line with Waste Action Plan.	Improve available data sets leading to successful enforcement outcomes. Increase in use of shared data with relevant stakeholders.



OBJECTIVE B:
Identify And Manage National Waste Enforcement Issues
Through A Clearly Defined Strategy.

B1 Policy: Review and maintain Annual Work Plan.	
Action	Target 2021
To prepare and maintain an annual work plan to prioritise enforcement actions and activities across the region taking account of the national enforcement priorities laid down by the EPA, DECC and EPR Compliance Schemes.	In line with Policy Action F3.3 of RWMP. 2021 work plan agreed by Nov 2020. Circulated to all Local Authorities for RMCEI planning. Maintained/updated throughout the year.
B2 Policy: Continue working relationships with stakeholders and utilise the data gathered to identify enforcement challenges.	
Action	Target 2021
Maintain working relationships with stakeholders and utilise the data gathered to address and identify enforcement challenges.	In line with Policy Action F2.2 work in partnership with stakeholders to address ongoing regulatory obligations. To identify and recommend waste enforcement challenges to the NWESC for consideration as future national priorities.
Identify Local Authorities who have become centres of excellence for enforcement functions in specific waste streams.	Establish and organise waste enforcement teams to deal with issues/ emergencies and identify operations requiring a WERLA response.
B3 Policy: Deliver an integrated approach to drive consistent enforcement of legislation.	
Action	Target 2021
Continue to work with the EPA to develop consistency of approach with RMCEI plans and enforcement of legislation.	To ensure the Local Authority RMCEI plans are consistent with the National Waste Priorities.
Improve enforcement through greater regional coordination, information sharing and prioritisation of enforcement activities.	In line with Policy Action F.2.1 deliver annual work plan (B1.1.1) to LAs through the regional structure.
To ensure Local Authorities are aware of obligations under Waste Management Plans.	To ensure Local Authorities fulfil their requirements under Objective F of the Waste Management Plans.

OBJECTIVE C:
Communicate And Coordinate Waste Enforcement Strategies
And Activities And Work With Relevant Stakeholders
To Drive Improved Levels Of Compliance.

C1 Policy: Ensure all guidance issued is accurate, consistent and takes account of relevant legislation.	
Action	Target 2021
Develop and maintain a document control system.	Manage document control system.
Maintain appropriate structure for provision of legal advice.	Maintain current structure for sharing legal advice.
C2 Policy: Provide the structure to facilitate greater cooperation between enforcement authorities, allow for increased peer-to-peer learning and allow for the creation of forums for knowledge sharing of best practice.	
Action	Target 2021
To identify current training deficits among waste enforcement staff within the region and future training requirements including specific specialist training where necessary and utilising the network of training centres to organise the relevant training and refresher training.	Meet the training needs of the region.
C3 Policy: To communicate effectively amongst stakeholders.	
Action	Target 2021
To communication effectively with stakeholders.	Maintain effective communications within governance structure and with other stakeholders.



OBJECTIVE D:

Drive Improved Performance And Consistency Of Waste Enforcement Through Clearly Defined Structure And Procedures.

D1 Policy: Provide standard waste enforcement guidance to ensure best practices and efficiencies are adopted.	
Action	Target 2021
To maintain a funded Regional Waste Enforcement Office and the requisite structures (including administrative, technical & governance to implement national policy.	Ensure a funded regional office is maintained. Maintain SLA and other related policy documents.
To maintain a Regional Coordinator, Regional Technical Officer, PRO and administrative support or as agreed with the DECC.	Ensure roles are in place and maintained.
D2 Policy: Work with stakeholders on structures required to develop knowledge sharing.	
Action	Target 2021
To develop and disseminate guidance for waste enforcement practices.	Develop and implement guidance for waste enforcement practices as required.
D3 Policy: Improve performance through the use of technology.	
Action	Target 2021
Explore opportunities for the use of ICT technologies that add value to waste enforcement policies.	Develop ICT Proposal.

OBJECTIVE E:

Work With Local Authorities And Other Stakeholders To Deal With Serious Environmental Waste Crime.

E1 Policy: Develop measures to assist Local Authorities with the prevention, reduction, and cessation of unauthorised waste activities.	
Action	Target 2021
Ensure all Local Authorities maintain the role of Environmental Complaints Coordinator to manage an unauthorised waste activity database, based on complaints received and monitoring undertaken.	Environmental Complaints Coordinator in place in each Local Authority. Consistent database of unauthorised waste activities in place in each Local Authority.
Support Local Authorities in their responsibilities in carrying out investigations and issue notifications, as required, as dictated by the unauthorised waste activity database and as directed by the EPA.	Increased investigation and prevention of unauthorised waste activities.
Scope out an appropriate response (subject to AA screening) to deal with the prevention and management of waste from significant unauthorised activities and waste arising from other criminal activities. Coordination required between the regions.	Prevent and address unauthorised activities in the region.
E2 Policy: Identify serious national waste enforcement issues and liaise with stakeholders in formulating appropriate responses.	
Action	Target 2021
Coordinate Regional / National response to unauthorised activities.	Support a coordinated approach to unauthorised activities.
Support the development of intelligence led and coordinated multi-agency enforcement.	Maintain and support multi-agency group.



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