

MONITORING & COMPLIANCE CONTROL

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Vienna, 17/07/2018

COMPLIANCE WITH ENVIRONMENTAL PERMIT CONDITIONS

- Selected measures and obligations regarding **information exchange** and **reporting**
 - BAT reference documents and exchange of information (Art.13 IED)
 - Information exchange in permit application process (Art.12 IED)
 - Information in the event of any incident or accident, and of a breach of the permit conditions (Art.7 & 8 IED)
 - Information obligations in permit conditions (Art.14 IED)
- Environmental inspection → reports on EI (Art.23)
- Access to information and public participation in the permit procedure (Art.24)

INCIDENTS AND ACCIDENTS (ART. 7 IED)

In the event of any incident or accident significantly affecting the environment, Member States shall take the necessary measures to ensure that:

- a) the **operator informs** the competent authority immediately;
- b) the **operator** immediately takes the measures to **limit** the environmental consequences and to **prevent** further possible incidents or accidents;
- c) the **competent authority requires** the operator to take any appropriate complementary measures that the competent authority considers necessary to limit the environmental consequences and to prevent further possible incidents or accidents.

NON-COMPLIANCE (ART. 8 IED)

Member States shall take the necessary measures to ensure that the **permit conditions are complied with**.

In the event of a **breach of the permit conditions**, Member States shall ensure that:

- a) the **operator** immediately **informs** the competent authority;
- b) the **operator** immediately **takes the measures** necessary to ensure that compliance is restored within the shortest possible time;
- c) the **competent authority requires** the operator to take any appropriate complementary measures that the competent authority considers necessary to restore compliance.

Where the breach of the permit conditions poses an immediate danger to human health or threatens to cause an immediate significant adverse effect upon the environment, and until compliance is restored in accordance with points (b) and (c) of the first subparagraph, the operation of the installation, combustion plant, waste incineration plant, waste co-incineration plant or relevant part thereof shall be suspended.

DEFINITION & PURPOSE OF ENVIRONMENTAL INSPECTION

Art. 3(22) IED:

“**Environmental Inspection means all actions** including site visits, monitoring of emissions and checks of internal reports and follow-up documents, verification of self monitoring, checking of the techniques used and adequacy of the environmental management of the installation, undertaken by or on behalf of the competent authority to

→ **check and promote compliance of installations with their permit conditions**

→ and where necessary, to **monitor their environmental impact.**“

ENVIRONMENTAL INSPECTIONS (ART. 23(1,2,3))

- Permit conditions comprise suitable emission **monitoring** and **reporting** requirements linked to compliance with permit conditions
- MS shall set up a system of **environmental inspections** and draw up inspection plans accordingly.
- Operators shall afford the competent authorities all necessary assistance to enable those authorities
 - to carry out any site visits,
 - to take samples and
 - to gather any information

necessary for the performance of their duties for the purposes of this Directive.

ENVIRONMENTAL INSPECTIONS (ART. 23(4))

- Based on the inspection plans, the competent authority shall regularly draw up programmes for **routine environmental inspections**, including the frequency of site visits for different types of installations.
- The IED requires a site visit shall take place at least every 1 to 3 years, using risk-based criteria.
- If an inspection has identified an important **case of non-compliance** with the permit conditions, an additional site visit shall be carried out within 6 months of that inspection.

ENVIRONMENTAL INSPECTIONS (ART. 23(5, 6))

- **Non-routine environmental inspections** shall be carried out to investigate serious environmental complaints, serious environmental accidents, incidents and occurrences of non-compliance as soon as possible and, where appropriate, before the granting, reconsideration or update of a permit.
- Following each site visit, the competent authority shall prepare a **report describing the relevant findings** regarding compliance of the installation with the permit conditions and conclusions on whether any further action is necessary.
- The **report shall be notified** to the operator concerned within 2 months of the site visit taking place. The **report shall be made publicly available** by the competent authority within 4 months of the site visit taking place.
- Without prejudice to Article 8(2), the competent authority shall ensure that the **operator takes all the necessary actions identified in the** report within a reasonable period.

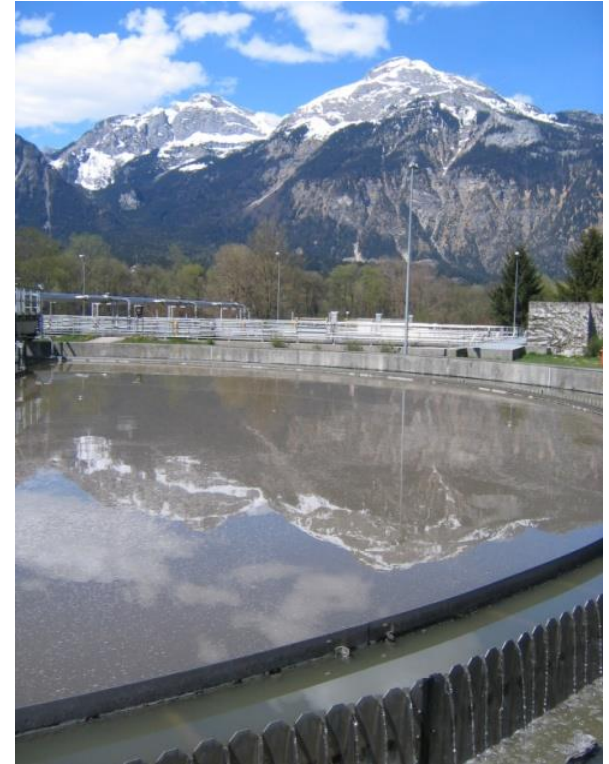
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Study Visit Tour Austria in the Frame of SEIS
Vienna ● 16 - 20.07.2018