



Kilkenny Local Authorities

A large, faded coat of arms of Kilkenny is centered on the page. It features a shield with a white background and a repeating pattern of grey stylized trees or plants. The shield is divided into four quadrants by a red and white checkered pattern. The top-left quadrant contains a white tassel, the top-right quadrant contains a white and red geometric pattern, and the bottom-right quadrant contains a white and red geometric pattern. The bottom-left quadrant is empty.

Procedure Manual for Investigation and Resolution of Environmental Complaints

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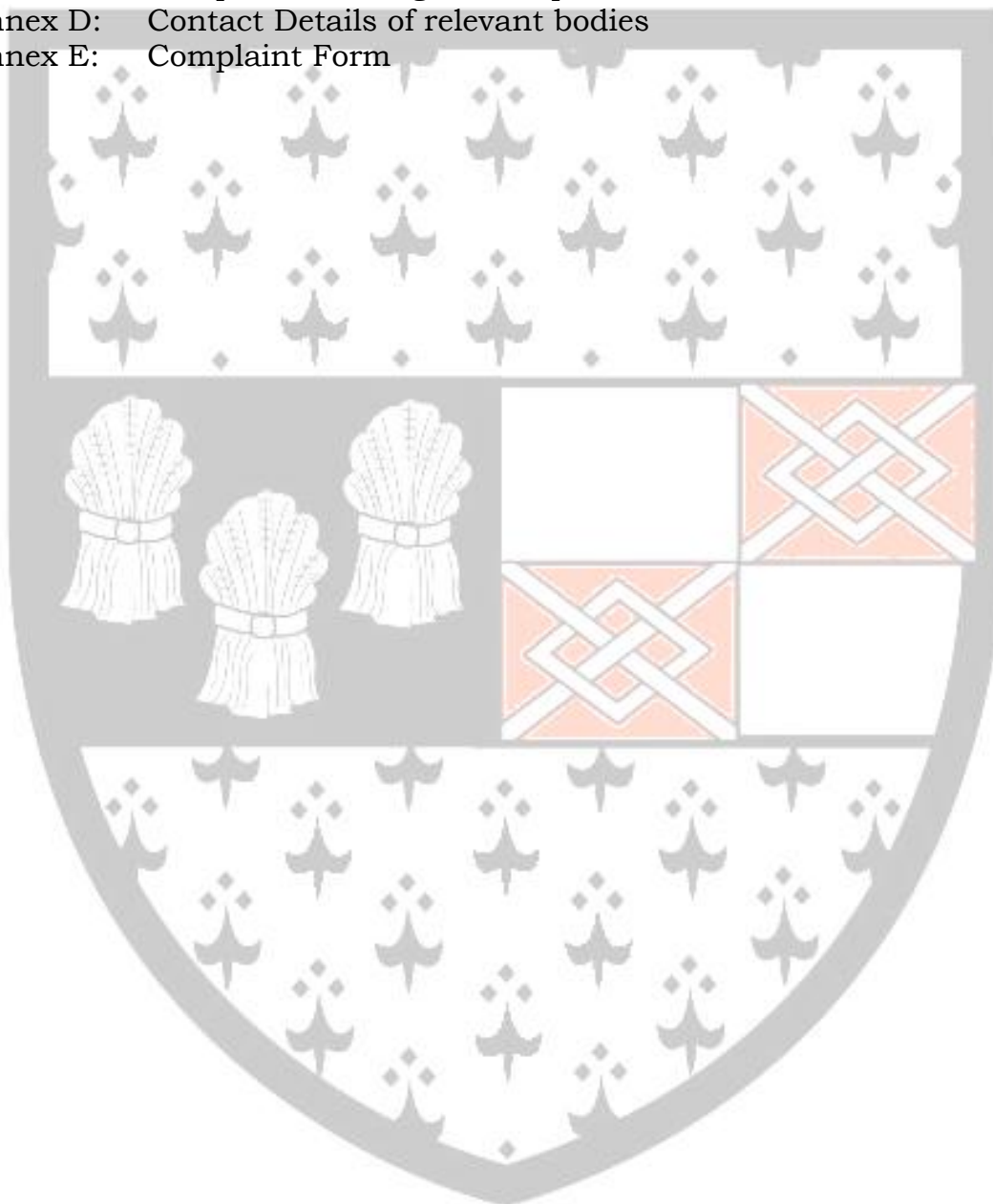
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1. Guidance for Members of the Public regarding Complaints

This section provides Guidance for Members of the Public regarding Complaints. It outlines the different bodies dealing with environmental protection issues; who to complain to; how to complain (along with a sample of a Complaint Form) and what to expect.

This guidance explains how a member of the public goes about making a complaint or reporting pollution incidents regarding litter, illegal waste activities, noise nuisance, drinking water complaints, river quality and/or other general environmental pollution matters. There are a number of state bodies with responsibilities for environmental protection and the purpose of this procedure is to provide a streamlined and transparent service to the public so that environmental complaints can be processed in an effective, timely and consistent manner.

The relevant state bodies are set out below.

Local Authorities have primary responsibility for investigating and resolving complaints about pollution and environmental protection matters in their functional areas.

The Environmental Protection Agency's **Office of Environmental Enforcement (OEE)** is responsible for enforcing licences issued by the EPA and also acts as a resource for members of the public who have exhausted all other avenues of complaint.

The **Department of Agriculture & Food** is responsible for dealing with complaints regarding dumped animal carcasses on private land.

The **Health Service Executive (HSE)** is responsible for dealing with complaints about public health matters.

The **Regional Fisheries Boards (RFB)** are statutory bodies mainly responsible for aquatic life forms and the fish habitat. They investigate complaints about fish kills and water pollution matters, including pollution arising from Local Authority Works and are also interested in any activity that impacts on waters such as dredging, gravel removal, bridge construction etc.

The **National Parks and Wildlife Service (NPWS)** is responsible for investigating complaints about wildlife and habitat protection matters.

The **Health & Safety Authority (HSA)** is responsible for securing health and safety in the workplace.

The **Food Safety Authority of Ireland (FSAI)** aims to protect consumers' health and consumers' interests by ensuring that food consumed, distributed, marketed or produced in the state meets the highest standards of food safety and hygiene.

The **Radiological Protection Institute of Ireland (RPII)** is the national organisation with regulatory, monitoring and advisory responsibilities in matters pertaining to ionising radiation and with radioactive contamination in the environment.

Contact details of the Local Authorities, the Office of Environmental Enforcement (OEE), the Health Service Executive, the Regional Fisheries Boards, the National Parks and Wildlife Service, the Health and Safety Authority, the Food Safety Authority of Ireland and the Radiological Protection Institute of Ireland are provided in Annex D.

When Should I Contact a Local Authority?

Pollution incidents, reports about illegal dumping and complaints about general environmental pollution matters should be reported in the first instance to the local authority in whose area the incident occurred. When you contact a local authority, the matter will be directed to the appropriate personnel in the relevant section.

Kilkenny Local Authorities

Environmental Enforcement
Water and Sanitary Services
Planning

Joan McLoughlin
Una Kealy
Maura Leahy

Kilkenny County Council has a freefone litter hotline **1-800-200-156**. Serious out-of-hours incidents may be reported to the fire station **(056) 779-4400**. This number should only be used to contact us in urgent situations where, for example, you observe pollution of drinking water or a fish kill.

Water pollution complaints should also be reported to the Southern Regional Fisheries Board, which operates a 24 hour emergency answering service for the reporting of emergency situations of such complaints.

How to Contact Kilkenny Local Authorities?

It is preferable to make your complaint to us in writing. Our address is

Environmental Complaints Co-ordinator
Environment Section
Kilkenny County Council
County Hall
John Street
Kilkenny

Complaints may also be emailed to us at environment@kilkennycoco.ie. Complaints received via social media will not be logged.

In order to assist you, an environmental complaint form for submitting a complaint to us is provided in Annex E. This form is also available on our website (www.kilkennycoco.ie) to download. Please note that you are not obliged to use this form. However, as it is in your interest to provide as much information as possible, the use of this complaint form is strongly recommended. Whatever written method you use (letter, email, complaint form), it is advisable to keep a copy of whatever correspondence you send so as to facilitate any necessary follow up.

Complaints can also be made by telephone. However, you are strongly encouraged to follow up any telephone complaint with the submission of a written complaint using the complaints form provided, so that an effective and comprehensive investigation can be carried out.

Of course, emergency or urgent situations (for example, a fish kill) should be reported immediately using the emergency or out-of-hours numbers provided. Fish kills should also be reported to the relevant Regional Fisheries Board in your area.

When Should I Contact the Office of Environmental Enforcement (OEE)?

Facility Licensed by the EPA

If the subject of your complaint concerns a facility that holds an EPA licence you should report the incident directly to the nearest OEE Regional Office. Contact details are provided in Annex D. Please note that details of the IPC (Integrated Pollution Control) licences and waste licences issued by the Agency are available on the EPA's website www.epa.ie.

Issues within the remit of the Local Authority

Where you have made a complaint to a local authority on environmental issues, and the local authority fails to respond to your complaint and the environmental pollution problem persists, you should then contact the OEE Public Authority Enforcement, so that your complaint can be investigated. See Annex D for contact details. Copies of all correspondence between yourself and the local authority should be submitted along with details of your complaint. Standard forms for submission of complaints to the OEE are attached at Annex D and are also available on the EPA website at www.epa.ie. To achieve maximum effectiveness, the OEE will, as a general rule, focus on priority issues and the investigation of serious cases of environmental pollution.

When Should I Contact the Health Services Executive? (previously known as the Health Boards)

Concerns about public health should be brought to the attention of the Health Services Executive (previously known as the Health Boards). This means that if you have a concern about impacts of an activity or incident on your own health, the health of your family or the health of the wider community, contact should be made with the Health Services Executive so that public health issues can be investigated. Contact details are provided in Annex D.

When Should I Contact the Regional Fisheries Board?

If your complaint concerns a fish kill or a water pollution incident, the matter should be reported to the relevant Regional Fisheries Board as well as to the relevant local authority. Contact details are provided in Annex D. The Regional Fisheries Boards operate a 24-hour emergency answering service for the reporting of emergency situations of such complaints.

When Should I Contact the National Parks and Wildlife Service?

If your complaint is in relation to habitat protection such as damage to wildlife, flora and fauna or protected areas such as Natural Heritage Areas, you should contact the National Parks and Wildlife Service.

Contact details are provided in Annex D.

When Should I Contact the Health & Safety Authority?

If your complaint is in relation to matters concerning health and safety in the workplace, you should contact the Health & Safety Authority.

Contact details are provided in Annex D.

When Should I Contact the Food Safety Authority?

If your complaint relates to matters of food safety and hygiene, you should contact the Food Safety Authority of Ireland. Contact details are provided in Annex D

When should I contact the Radiological Protection Institute of Ireland?

If your complaint is in relation to matters concerning the use of sources of ionising radiation or if you wish to report an incident involving a source of ionising radiation, then the matter should be referred to the Radiological Protection Institute of Ireland. Contact details are provided in Annex D.

What You Can Expect from the Local Authority and the OEE

Written Complaints

Having forwarded a written complaint to Kilkenny Local Authorities or the OEE, it is the intention of Kilkenny Local Authorities and the OEE to issue you as the complainant with a written acknowledgment of receipt within **5** working days. A full response on the complaint investigation to issue as soon as possible. Where a particular complaint may be complex or require further action, you will be advised of this and of the progress made in resolution to the complaint and also when a final response on the complaint investigation may issue.

Telephone Complaints

Where you make initial contact with Kilkenny Local Authorities by telephone regarding an environmental complaint, our personnel will endeavour to give you as much assistance as reasonably possible and provide you with accurate and clear information.

If the matter cannot be dealt with immediately, our personnel will take your details and tell you when you can expect to hear from us again. We will then arrange to return your call to provide you with the relevant information.

Again, it must be reiterated that in order for an effective investigation of the complaint issue to occur, full written details are clearly preferable. Accordingly, written complaints (or a written follow up of your initial complaint call) are encouraged.

Complainant Confidentiality

Please note that anonymous complaints are not encouraged. In many cases insufficient or vague details are supplied and the lack of complainant contact details enabling investigators to seek further information or to clarify information makes effective investigation very difficult and sometimes impossible. Moreover, the lack of complainant contact details means that we, Kilkenny Local Authorities cannot report back on our investigation of the complaint to you.

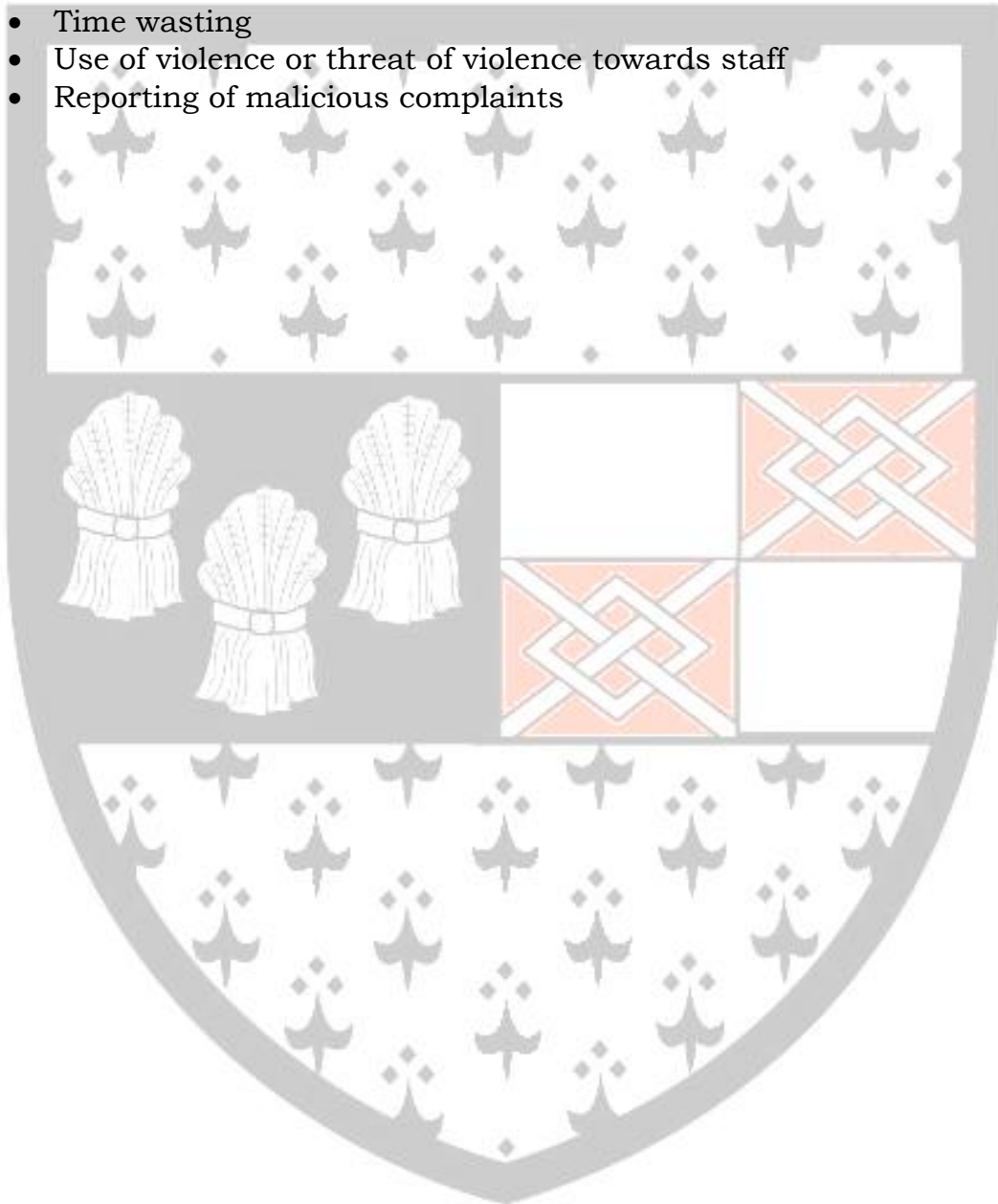
Accordingly, the provision of name and contact details is encouraged. However, where you do wish your name and contact details to be kept confidential, this should be specifically requested in the written complaint.

Kilkenny Local Authorities will respect your wishes in this regard within the powers provided under the Freedom of Information Act 1997.

What the Local Authority and the OEE Expects of You

Please note that Kilkenny Local Authorities' staff, OEE staff and staff of other statutory agencies are entitled to be treated with courtesy and respect. Accordingly, the following types of behaviour are not acceptable:

- Harassment of staff by use of offensive or inappropriate language
- Behaviour which is disruptive
- Time wasting
- Use of violence or threat of violence towards staff
- Reporting of malicious complaints



Annex A: Record of Telephone Complaint

Date:

Complaint Taken By:

Complainant:

Contact Details:

Site/Facility Name:

Complaint Details:

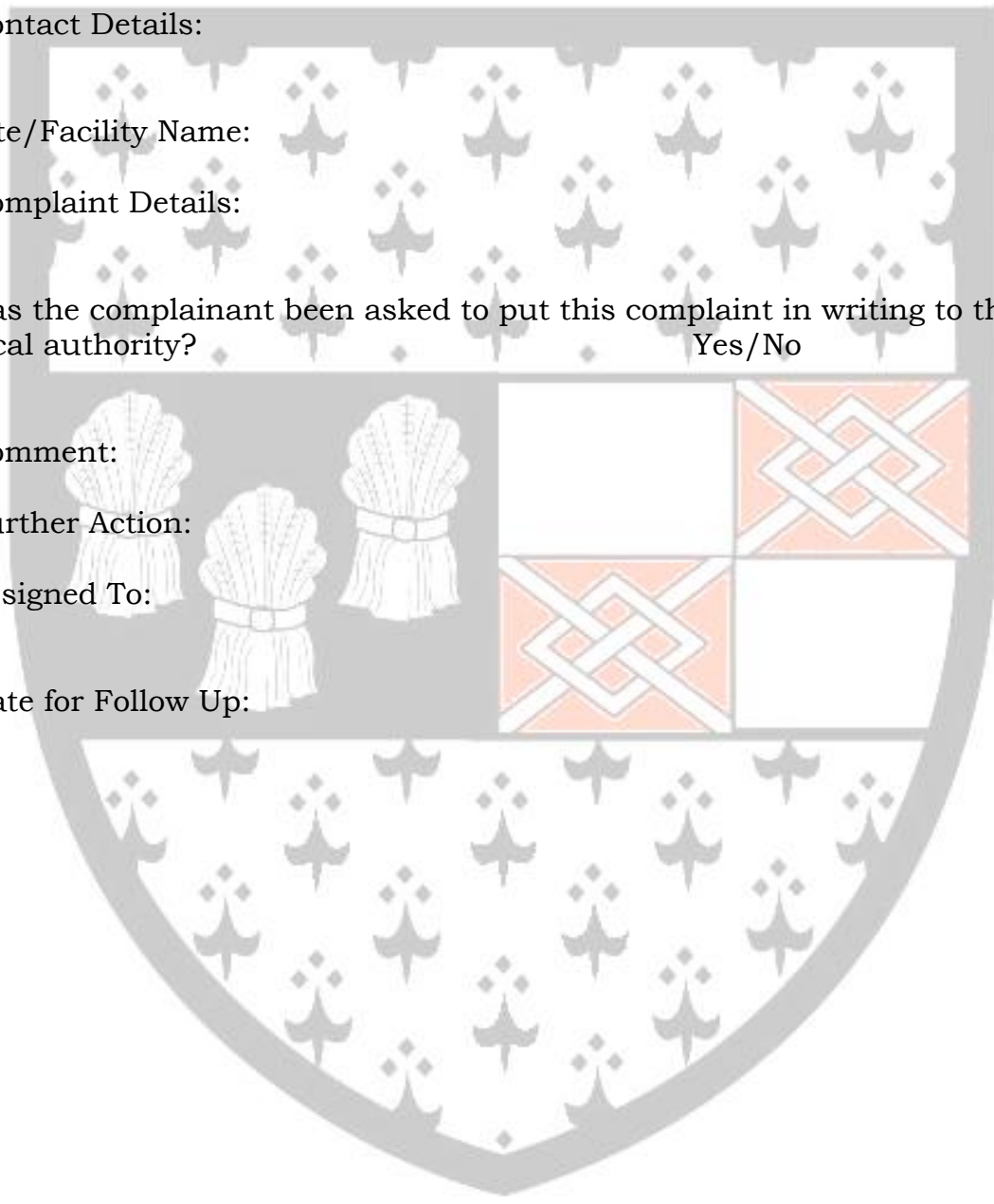
Has the complainant been asked to put this complaint in writing to the local authority? Yes/No

Comment:

Further Action:

Assigned To:

Date for Follow Up:



Annex B: Section 26 of the Freedom of Information Act, 1997

26.—(1) Subject to the provisions of this section, a head shall refuse to grant a request under *section 7* if—

(*a*) the record concerned contains information given to the public body concerned in confidence and on the understanding that it would be treated by it as confidential (including such information as aforesaid that a person was required by law, or could have been required by the body pursuant to law, to give to the body) and, in the opinion of the head, its disclosure would be likely to prejudice the giving to the body of further similar information from the same person or other persons and it is of importance to the body that such further similar information as aforesaid should continue to be given to the body, or

(*b*) disclosure of the information concerned would constitute a breach of a duty of confidence provided for by a provision of an agreement or enactment (other than a provision specified in *column (3)* of the *Third Schedule* of an enactment specified in that Schedule) or otherwise by law.

(2) *Subsection (1)* shall not apply to a record which is prepared by a head or any other person (being a director, or member of the staff of, a public body or a person who is providing a service for a public body under a contract for services) in the course of the performance of his or her functions unless disclosure of the information concerned would constitute a breach of a duty of confidence that is provided for by an agreement or statute or otherwise by law and is owed to a person other than a public body or head or a director, or member of the staff of, a public body or a person who is providing or provided a service for a public body under a contract for services.

(3) Subject to *section 29*, *subsection (1) (a)* shall not apply in relation to a case in which, in the opinion of the head concerned, the public interest would, on balance, be better served by granting than by refusing to grant the request under *section 7* concerned.

Annex C: Complaint Investigation Report

Complainant's Address 1
Complainant's Address 2

Date Reference No.

Complaint Investigation Report

Dear Sir/Madam

Further to your complaint ticket no. (insert unique reference number), I wish to advise as follows.

Authorised personnel of Kilkenny County Council conducted a site visit to the (insert permit holder/name of facility/site as appropriate) on insert date.

A number of non-compliances with the waste permit (insert reference number) were observed.

OR

A number of inconsistencies with the requirements of relevant legislation in this area were observed.

In light of same, Kilkenny County Council intends to take follow up action in this matter including;

E.g.

the carrying out of surveillance in this area in the near future in order to apprehend offenders;

the serving of statutory notices under the Waste Management Act to require the removal of all waste that was deposited in an unauthorised manner on -site;

the initiation of enforcement action so as to ensure that the activity is carried on in accordance with the permit conditions; .

the clean up of the site; the erection of *No Dumping* signs and the erection of bollards so as to prevent vehicular access to this site.

It is anticipated that these works will be completed by 20 June 2005.

OR

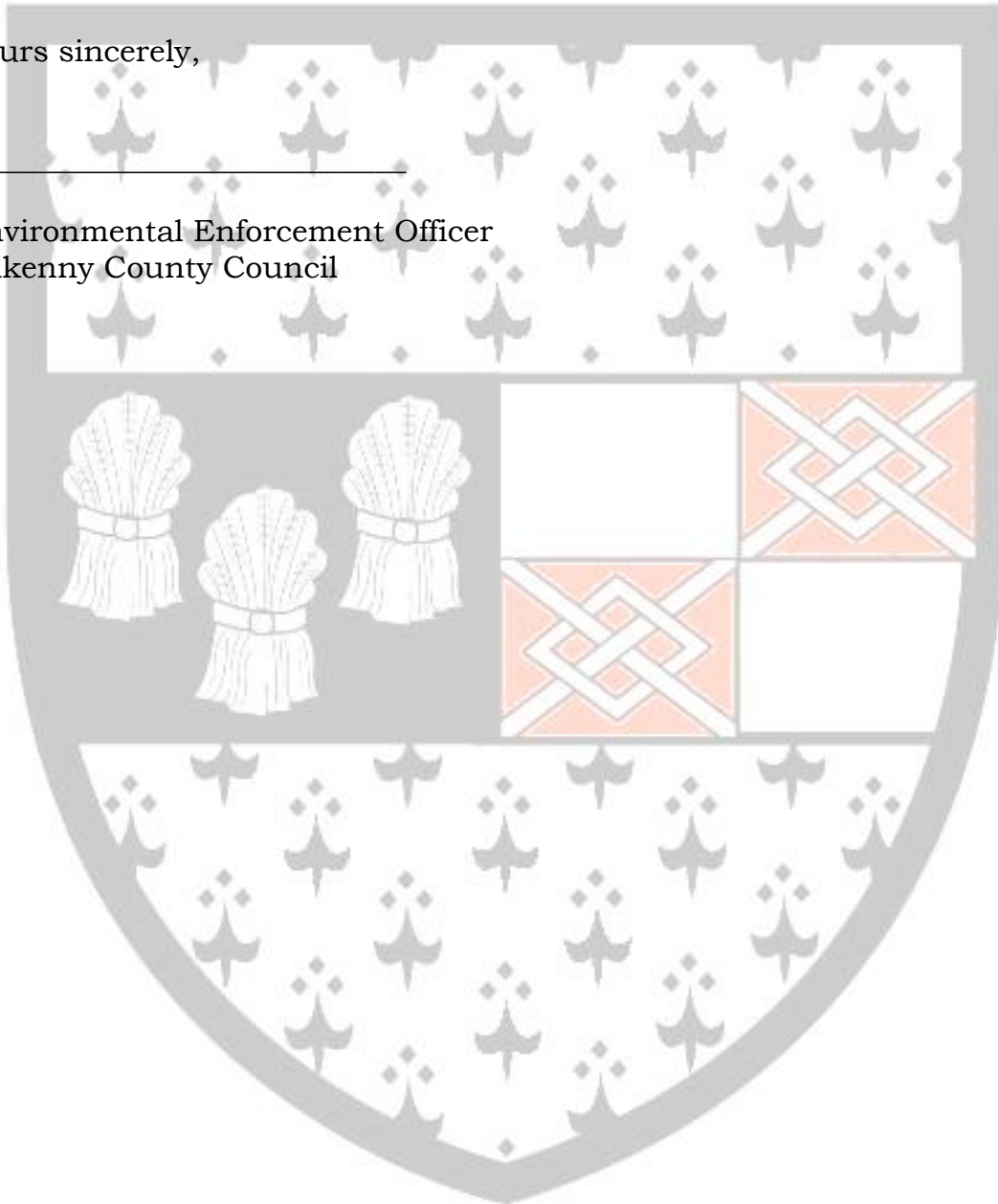
It is anticipated that these works will be largely completed by 20 June 2005. However, it is not anticipated that the erection of bollards can occur until September 2005.

On receipt of further information, we will revert to you. In the interim, if you have any further queries, please do not hesitate to contact me.

Lastly, thank you for bringing this matter to our attention.

Yours sincerely,

Environmental Enforcement Officer
Kilkenny County Council



Annex D: Contact Details of Relevant Bodies

Health Service Executive

South East Area
Lacken
Dublin Road
Kilkenny
Tel: 056 778-4100
Fax: 056 778-4388
Email:
Web: www.hse.ie

Southern Regional Fisheries Board

Anglesea Street
Clonmel
Co. Tipperary

Tel: 052 80055
Fax: 052 23971
Email: enquiries@srfb.ie
Web: www.srfb.ie

Health & Safety Authority

The Metropolitan Building
James Joyce Str. Dublin 1
Tel: 01 614-7000
Fax: 01 614 7020
Web: www.hsa.ie

National Parks & Wildlife Service

7 Ely Place
Dublin 2
Tel: 01 888-2000
Fax: 01 888-3272
Email: natureconservation@environ.ie
Web: www.environ.ie

Food Safety Authority of Ireland

Abbey Court
Lower Abbey Street
Dublin 1
Tel: 01 817-1300
Fax: 01 817-1301
Email: info@fsai.ie
Web: www.fsai.ie

Department of Agriculture & Food

Agriculture House,
Kildare Street,
Dublin 2.
Tel: 01 6072000
Lo-Call: 1890 200 510
Email: info@agriculture.gov.ie
Web: www.agriculture.gov.ie

Radiological Protection Institute of Ireland

3 Clonskeagh Square
Clonskeagh Road
Dublin 14
Tel: 01 269-7766
Fax: 01 269-7437
Email: rpii@rpii.ie
Web: www.rpii.ie

Environmental Protection Agency

Regional Inspectorate
Butts Green
Kilkenny
Tel: 056 772-2329
Fax: 056 776-5085
Email: info@epa.ie
Web: www.epa.ie

OEE

PO Box 3000
Johnstown Castle Estate
Wexford
Tel: 053 60600
Fax: 053 60699
Email: info@epa.ie
Web: www.epa.ie
Lo call: 1 890 33 55 99

Annex E: Complaint Form

Lodging a Complaint with Kilkenny County Council

If you have a complaint about environmental protection matters within the remit of Kilkenny Local Authorities' responsibilities, it is preferable to make your complaint in writing.

Note that in emergency or out-of-hours situations, there are specific contact telephone numbers for Kilkenny Local Authorities and also other statutory agencies that you should use.

In order to assist you, this standard complaint form is provided. You are not obliged to use this form. However, as it is in your interest to provide as much information as possible it is wise to use the complaint forms. Whatever written method you use (letter, email, complaint form), it is advisable to keep a copy of whatever correspondence you send so as to facilitate any necessary follow up.

Please note that the provision of your name and address is desirable as otherwise Kilkenny Local Authorities will not be in a position to report back to you regarding the matter complained about. Moreover, we may need to contact you in order to obtain information or to clarify some points.

If you do wish your details to be kept confidential, this must be specifically indicated in your written complaint. Kilkenny Local Authorities will respect your wishes in this regard within the powers provided under the Freedom of Information Act 1997.

Having completed this form, please also send copies of any correspondence or other supporting information such as photographs and maps to us.

Please complete this form in BLOCK LETTERS.

Your Name: _____

Address: _____

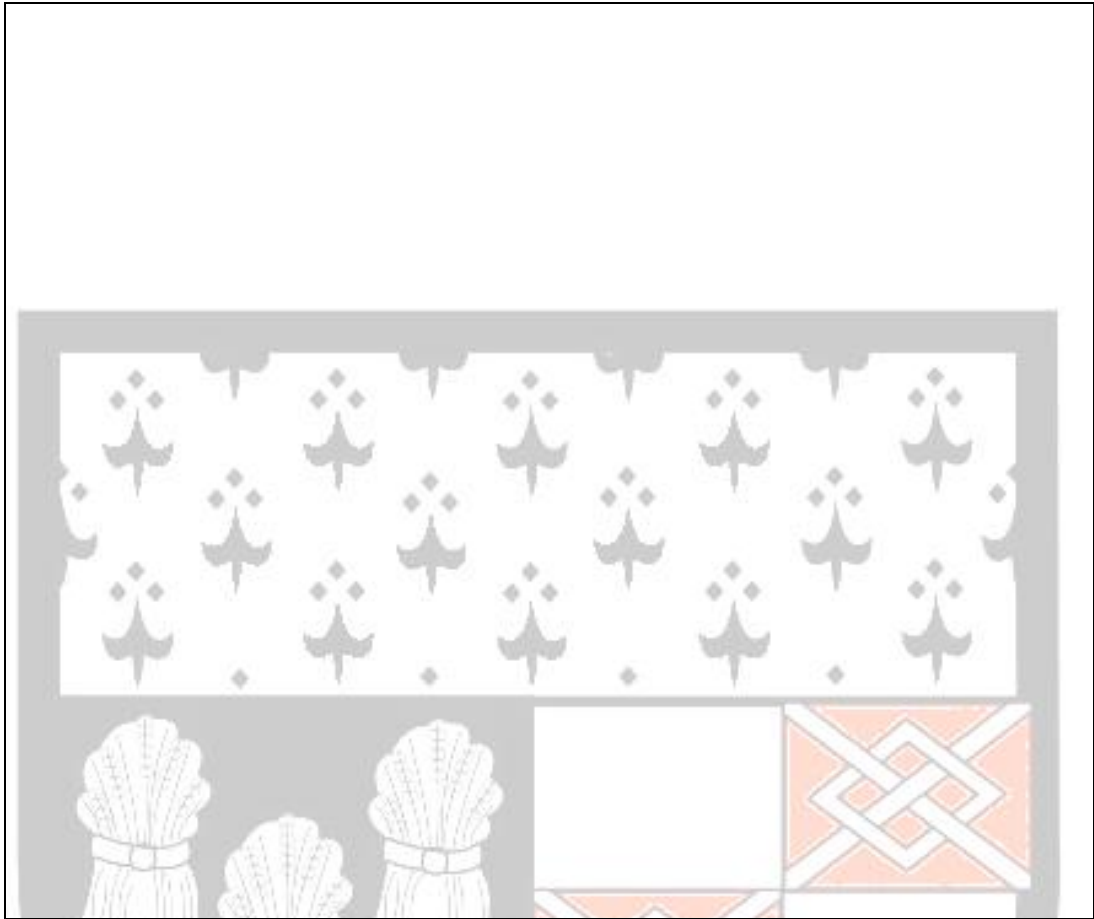
Telephone Number: _____

Fax: _____

E-mail address: _____

Name and Address of the industry, site, facility, water body, river or individual to which the complaint relates:

Location Address and Sketch Map: please use the space below to give directions to this location and to draw a sketch map of the location in question. The use of recognisable landmarks as reference points would be helpful e.g. main road, hotel, garage, signposting, map co-ordinates if possible. Please use another page if necessary.



Fullest possible account of facts giving rise to the complaint (INCLUDING TIME, DATE AND DURATION OF OCCURRENCE). The description should be as specific as possible and concentrate on the facts surrounding the issue being complained about. Note that details such as vehicle registration numbers are of particular assistance in complaint investigation:

Confidentiality

I request the local authority not to disclose my identity in its investigation of this matter.

Date and Signature of complainant:

DATE

SIGNATURE

Please forward to:

**Complaints Co-ordinator
Environment Section
Kilkenny County Council
County Hall
John Street
Kilkenny**

Thank you for your assistance in completing this form.