## Annex 8: Template of an inspection report that can be made publicly available, and related guidance on classification of non compliances

### Template of publicly available inspection report for IED installations:

**Identification of the operator**

|  |  |
| --- | --- |
| Operator’s name |  |
| Address |  |
| ID |  |

**Identification of the installation**

|  |
| --- |
| Name of the installation |
|  |
| Address |
|  |
| IPPC category |
|  |
| ID in Information system IPPC |
|  |

**Scope of control and controlled period**

|  |
| --- |
| Description of the scope of control |
| *E.g.: Monitoring compliance with the integrated permit conditions or complaints about smell* |
| Announced or unannounced inspection |
|  |
| Controlled period |
| *The time between this type of inspection and the previous one (e.g. Time between the two integrated inspections or time between the inspections because of complaints)* |

**Site visit date**

|  |  |
| --- | --- |
| Site visit starting date |  |
| Site visit finishing date |  |

**Non compliancesMängel**

|  |  |  |
| --- | --- | --- |
| No Non compliances | Minor Non compliances[[1]](#footnote-1)  Number: | Serious Non compliances[[2]](#footnote-2)  Number: |

**Sanctions**

|  |
| --- |
| Description of sanctions arising out of inspection |
| *There are three categories of misdemeanours that are imposed:*   * *I-st category ,* * *II-nd category,* * *III-rd category.*   *In case of non compliances what sanction will be used as the result of this inspection?* |

**Further action**

|  |
| --- |
| Description further action arising out of inspection |
| *(e.g. education, time to solve non compliance, next inspection)* |

### Guidance on the classification of non-compliances in IED installations

**Keep in mind:**

**Every classification of non-compliance requires a case-by-case decision.**

**The classification should avoid discrepancies to other regulations. E.g. if it is a criminal offence to run an installation without a permit this should not be rated as a minor non-compliance.**

|  |
| --- |
| Minor cases of non-compliance[[3]](#footnote-3) |

**Description**

* Non-compliances that have a low risk of damage to the environment, so within a reasonable period of time appropriate measures must be taken to eliminate the non-compliances;
* Only minor violations of permit conditions /legal obligations/operator duties with no consequences on the protection measures against pollution.
* Emission limit values, environmental quality standards and other limitations are still met.
* The aim of the permit (to protect the human health and the environment against pollution and to take precautionary measures against pollution) is still achieved.
* The competent authority gives a point of attention to the operator, without a limited timeframe.

**Cases**

* Operations diary is not kept orderly or only with delay
* Missing work instructions
* Pipelines are not labelled properly
* Documentation of stipulated maintenance work is not directly available
* Missing or inadequate records, if required, such as: data on raw material consumption
* Missing data on waste types and waste quantities, solvent management plan, etc.
* Missing or inadequate waste management plan
* Not adequate safety precautions at storage units of or for the handling of environmentally hazardous substances (e.g. catch basin)
* Emission measurement reports incomplete or the measuring itself is not in accordance with the state of the art
* Some data missing from the continuous measurements [[4]](#footnote-4)
* Exceeded deadline for periodic reports
* Other obligations under environmental law for reporting or verification not met

|  |
| --- |
| Serious cases of non-compliance |

**Description**

* Violation of an environmental quality standard or non-compliance that could lead to a maximum potential impact
* The aim of the permit (to protect the human health and the environment against pollution and to take precautionary measures against pollution) is in question or not even met.
* Violations of permit conditions/violations of legal obligations/operator duties which can have consequences on the protection against pollution, or which derogate the protection against pollution.
* Non-compliances that may cause a risk of harm to the environment or the damage has already occurred, so within a reasonable period of time appropriate measures must be taken to eliminate the non-compliances
* Non-compliances that cause a serious risk of substantial harm to the environment or the damage has already occurred, so usually immediately appropriate measures must be taken to eliminate the non-compliances.
* Breaching the operator’s duty of informing the competent authority about non-compliances and changes of the operation within the periods established in legislation.
* It is unclear if the emission limit values are complied with.
* Emission limit values, environmental quality standards or other limitations are not met.
* Several or repeated similar relevant non-compliances
* Non-compliance very important in terms of complaints and public perception

**Cases**

* Presence of "imminent danger" to the environment
* Misoperation with potential big impact
* Operation of an installation without permit or a substantial change of an installation without changes of the permit
* Relevant exceeding of the maximum permitted waste storage capacity
* For waste treatment installations: activity not covered by the permit
* Missing permit for a mode of operation, which may affect emissions
* Missing annual self monitoring report
* Missing (audit or emission or monitoring) report
* Missing emission measurement report, if required, or deadline for periodic report exceeded by far [[5]](#footnote-5)
* Failure of monitoring systems of a noise protection facility without exceeding of ambient noise limit values
* Maintenance or monitoring of environmentally relevant parts of the installation does not exist
* Continuous measurements severely deficient, measuring device not operational or does not exist at all
* Exceeding emission limit values (based on BAT-AELs) that could lead to significant impacts on public health and environment
* Important exceedance of an emission limit value [[6]](#footnote-6)
* Frequency of maintenance is not complied with
* Maintenance work on an exhaust gas cleaning facility was not carried out
* Missing safety precautions at storage units of or for the handling of environmentally hazardous substances (eg, catch basin)
* Operation of a malfunctioning filter installations or protection systems with important exceeding of emission limit values[[7]](#footnote-7)
* Storage of dangerous (liquid) waste on unprotected soil
* Operation of an old single-walled sub soil pipeline for hazardous substances without proper protection against corrosion
* Inoperative emission control system or wastewater treatment system
* Continuously existing minor non-compliances
* Orders from previous inspection reports are not fulfilled

1. Follow the definition for minor cases of non-compliance described below [↑](#footnote-ref-1)
2. Follow the definition for serious cases of non-compliance described below [↑](#footnote-ref-2)
3. This division is based on the IMPEL report “Supporting implementation of the Industrial Emissions Directive”, still unpublished  [↑](#footnote-ref-3)
4. Depending on the type and frequency of the measurement, and the amount of missing data, it may be considered as a serious non-compliance [↑](#footnote-ref-4)
5. It is recommended that criteria should be internally agreed in SEI to decide what is meant with “by far”. Please take into account that it depends e.g. on the frequency of the measuring. [↑](#footnote-ref-5)
6. It is recommended that criteria should be internally agreed in SEI to decide what is meant with “important”. Please take into account that there are several relevant factors involved, e.g. the ELV itself (the norm), the uncertainty in the measurement and the substance. [↑](#footnote-ref-6)
7. See previous comment. [↑](#footnote-ref-7)