

European Union Network for
the Implementation and Enforcement
of Environmental Law

IMPEL REVIEW INITIATIVE (IRI)

**“A voluntary scheme for reporting and offering advice
to environmental authorities”**

**Report on the IRI that took place in Como, Italy,
between 21-24 May 2012
at ARPA Environmental Protection Agency of Lombardy**

Final draft, 22 June 2012

Introduction to IMPEL

The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an international non-profit association of the environmental authorities of the EU Member States, acceding and candidate countries of the European Union and EEA countries.

The association is registered in Belgium and its legal seat is in Bruxelles, Belgium.

IMPEL was set up in 1992 as an informal Network of European regulators and authorities concerned with the implementation and enforcement of environmental law. The Network's objective is to create the necessary impetus in the European Community to make progress on ensuring a more effective application of environmental legislation. The core of the IMPEL activities concerns awareness raising, capacity building and exchange of information and experiences on implementation, enforcement and international enforcement collaboration as well as promoting and supporting the practicability and enforceability of European environmental legislation.

During the previous years, IMPEL has developed into a considerable, widely known organisation, being mentioned in a number of EU legislative and policy documents, e.g. the 6th Environment Action Programme and the Recommendation on Minimum Criteria for Environmental Inspections.

The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on both technical and regulatory aspects of EU environmental legislation.

Information on the IMPEL Network is also available through its website at:

www.impel.eu

LOMBARDY IMPEL REVIEW

REPORT STRUCTURE

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Executive Summary

In line with the Recommendation for Minimum Criteria for Environmental Inspections (RMCEI), this informal review of the Environmental Protection Agency in Lombardy, by a broad cross section of the IMPEL network, focussed upon the inspection and enforcement of the IPPC and SEVESO Directives and, where relevant, any other industrial processes that fall under the RMCEI.

Throughout the review the IRI team have identified several examples of 'good practice' and 'opportunities for development', in regards to the implementation of the above Directives. Specifically, the review team have highlighted the following as particularly strong examples of this:

Good practices:

- ARPA carry out integrated IPPC inspections where all aspects of the environment are considered by a team of inspectors.
- The planning and the process of inspections are very well organised.
- There is a clear and transparent fee structure for inspection costs.
- ARPA carry out pre-emptive activities by providing general advice on problems noticed during inspections to contribute towards improving operator performance.
- If EMAS and ISO14001 accreditation is in place the installations have longer lasting permits and consequently fewer inspections.
- ARPA operate a Continuous Environmental Monitoring Systems for some IPPC Installations.
- There is good interaction and open discussions with the operator of the plant under inspection.

Opportunities for development:

- The many good practices and data could well be used in stronger cooperation with other ARPA's in Italy.
- There are opportunities for a better use of data already available.
- There are good opportunities to expand the Continuous Environmental Monitoring System.
- The use of environmental data to prioritise activities could be considered.

The review team considers that the objectives of the area of EU environmental law within the scope of the review of ARPA Lombardia are being delivered in Lombardy Region. Furthermore the arrangements for environmental inspection and enforcement are broadly in line with the RMCEI.

The IRI Scheme

The IRI scheme is a voluntary scheme providing for informal reviews of environmental authorities in IMPEL Member countries. It was set up to implement the European Parliament and Council Recommendation (2001/331/EC) providing for minimum criteria for environmental inspections (RMCEI), where it states:

“Member States should assist each other administratively in operating this Recommendation. The establishment by Member States in cooperation with IMPEL of reporting and advice schemes relating to inspectorates and inspection procedures would help to promote best practice across the Community.”

Purpose of the IRI

The aims of the IRI are to:

- Provide advice to environmental authorities seeking an external review of their structure, operation or performance by experts from other IMPEL member countries for the purpose of benchmarking and continuous improvement of their organisation.
- Encourage capacity building in environmental authorities in IMPEL member countries.
- Encourage the exchange of experience and collaboration between these authorities on common issues and problems.
- Spread good practice leading to improved quality of the work of environmental authorities and contributing to continuous improvement of quality and consistency of application of environmental law across the EU (“the level playing field”).

The IRI is an informal review, not an audit process. The IRI is intended to enable the environmental authority and review team to explore how the authority carries out its tasks. It aims at identifying areas of good practice for dissemination together with opportunities to develop existing practice within the authority and authorities in other IMPEL member countries.

Scope of the IRI in Lombardy

The IRI uses a questionnaire to review the environmental inspection authority against the requirements of the RMCEI. The IMPEL “Doing the Right Things” Guidance Book for planning of environmental inspections¹ has been used to help structure the questionnaire and the review.

¹ <http://impel.eu/tag/guidance-book>

The Guidance Book was developed to support Inspectorates in implementing the RMCEI and describes the different steps of the Environmental Inspection Cycle pursuant to the RMCEI.

The scope of the IRI in Italy focussed on the work of the Lombardy Environmental Protection Agency (ARPA) primarily in relation to the inspection of sites covered by the IPPC and SEVESO II Directives.

The IRI focussed in particular on the following areas:

- How to assess overall management procedures rather than just threshold compliance;
- How to take into account environmental management systems (EMS) where in place;
- How to make efficient use of the data collected both from self monitoring work of the operator and from the checks carried out by ARPA;
- How to improve the role of self-monitoring systems in environmental inspections;
- How to deal with complaints by local authorities and the public (in particular, noise and smell);
- How to improve public information and awareness.

Structure

A pre-review meeting was held in Como, Italy, on 29 March, 2012, in which planning and further details for the Review were discussed. The meeting comprised the team leader, the rapporteurs and a delegation from the hosts.

The review itself took place at the offices of the ARPA in Como on 21-25 May, 2012, and included a site visit to an Incineration plant. The review was structured according to the revised IRI questionnaire (2009). The findings were presented to the management team and inspectors of ARPA Lombardy.

The IRI Review team:

UK	Environment Agency for England and Wales	Team Leader	Terry Shears
UK	Environment Agency for England and Wales	Rapporteur	Elen Strahle
The Netherlands	Inspectorate of the Ministry of Infrastructure and the Environment	Rapporteur	Stan Smeulders
Romania	National Environmental Guard, Timis Regional Commissariat	Reviewer	Silviu Megan
Germany	Regional Administration Cologne (Bezirksregierung Köln)	Reviewer	Horst Büther
Iceland	Environment Agency of Iceland	Reviewer	Gottskálf Friðgeirsson

Croatia	Ministry of Environmental and Nature Protection	Reviewer	Anita Pokrovac Patekar
Italy	ARPA Lombardia, Environmental Protection Agency of Lombardy	Host; ARPA team manager	Fabio Carella
Italy	EU Office ARPA Lombardy, Regional Representative	Project Leader	Francesco Bafundi



IRI review team and ARPA hosts during the site visit at the Como waste incinerator ACSM/AGAM.

Part A – Defining the regulatory framework of environmental protection in the IMPEL member country.

Objective

To find out about the organisation of the environmental authority, the relevant legislation it complies with and relationships with the public, operators government and other countries.

Organisation

The public governance in Italy is split into three levels;

- State: national authority, organised in 13 Ministries
- Regions: 21 regional bodies which have to comply with all State decisions but they can also promulgate new laws on their own on some specific matters.
- Local bodies: third level of government, divided into:
 1. Provinces: sub-level of a region, constituted by groups of municipalities in the same area (12 provinces in Lombardy)
 2. Municipalities: basic governmental institution at local level (1,546 in Lombardy)



ARPA Lombardia is the Lombardy Regional Agency for Environmental Protection. It is an autonomous public sector agency which is part of the Lombardy Regional system of governance. It forms part of the network of public bodies and agencies set up by Lombardy for its governance.

ARPA Lombardia was established by Regional Law 16/1999 (subsequently amended and supplemented by Regional Law 14/2010) and became fully operational in 2000.

It has a Head Office which is based in Milan that sets policy, whereas technical and scientific tasks are carried out by several Units that handle administrative functions as well as policy setting, strategic and technical scientific tasks which are assigned to separate sectors. There are 12 departments, one for each of the 12 provinces and they are organised into 25 offices. There is also a Regional Representation Office in Brussels and 13 laboratories for chemicals, bio-physical and radiation protection (one for each province and one for radiation protection).



Each Sector is responsible for:

- Policies
- Coordination
- Support and control

They do this on behalf of the departmental structures and the Sectors are expected to facilitate both internal dialogue among ARPA Departments and external dialogue with the Regional Government, local public offices, business and citizens. The 12 Provincial departments give ARPA a strong presence in the Lombardy Region.

Authorisation and control responsibilities.

Authorisation/ Enforcement	Provincial Government Regional Government For Municipal Solid Waste-to-Energy (WTE) and Incineration Plants	Ministry of the Environment For large industrial installations (such as a crude oil refineries, LCP > 300MW)
Control	ARPA	ISPRA (National EPA) With the cooperation of the local ARPA

The mission of ARPA comprises:

- **disseminate knowledge (State of the Environment);**
- **promotion and prevention, cleaner technologies and BAT (Best Available Techniques), training, capacity building, education;**
- **environmental Inspections (IPPC; Seveso Directive);**
- **authorisations (technical support to competent bodies).**

ARPA Lombardia is responsible for the following tasks:

- It carries out all scientific and technical activities necessary to support environment related administrative work of competent local authorities;
- It monitors reference data (relating to air, water, soil, nature and biodiversity) and environmental pressures (deriving from economic activities, waste production, noise, transport and energy generation);
- It provides environmental information, promotes environmental education and encourages the adoption of innovative techniques.

The environmental fields that ARPA Lombardia gets involved in include:

- Industrial risks
- Air quality and emissions control
- Radiation and noise
- Water Resources
- Soil Remediation
- Geological risks
- Waste

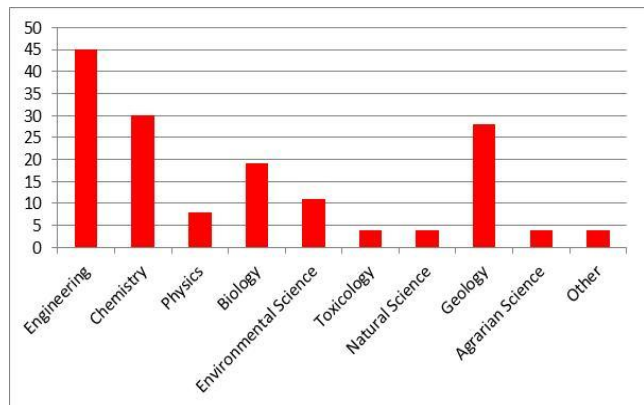
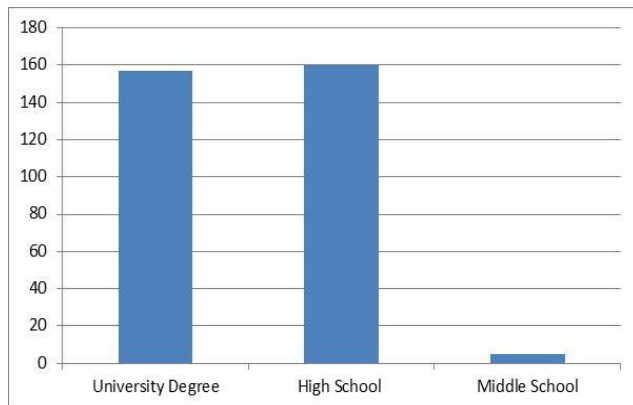
The responsibilities of ARPA Lombardia include:

- Support to licensing
- Enforcement of legislation
- Prevention and control
- Monitoring of the state of the environment
- Environmental information (Annual State of the Environment Report)
- Environmental education and training
- Support to defining regional policies

Number of staff

ARPA Lombardia is part of a national network of Regional Agencies. It is structured into 12 Departments (one for each of the 12 provinces), which are organised into 25 offices. ARPA also has in each province a chemical, bio-physical and/or radio protection laboratory. In addition to

this there is a Regional Representative Office in Brussels. ARPA Lombardia has 1050 employees of which 48% male and 52% female. About 320 employees are responsible for all inspection activities. Approximately half have a university degree, the other half high school qualifications.



The current total budget is 100 M Euros per year:

- Appropriations and transfers (Regional Health Budget) = 84%
- Services charged to third parties = 13%
- Projects carried out for third parties = 2.5 %
- Various = 0.5 %

Current operating expenses are divided into:

- Human resources = 73%
- Instrumental resources = 6%
- Management of current and fixed assets = 12%
- Functioning of information systems = 2%
- Studies, research and projects = 2.5 %
- Functioning of monitoring networks = 0.7 %
- Communication = 0.3 %
- Various = 3.5 %

Organisations working with ARPA

The institutions working with ARPA include:

- The Region
- The Provinces
- Local authorities and other public bodies in the field of environmental protection
- Other ARPAs

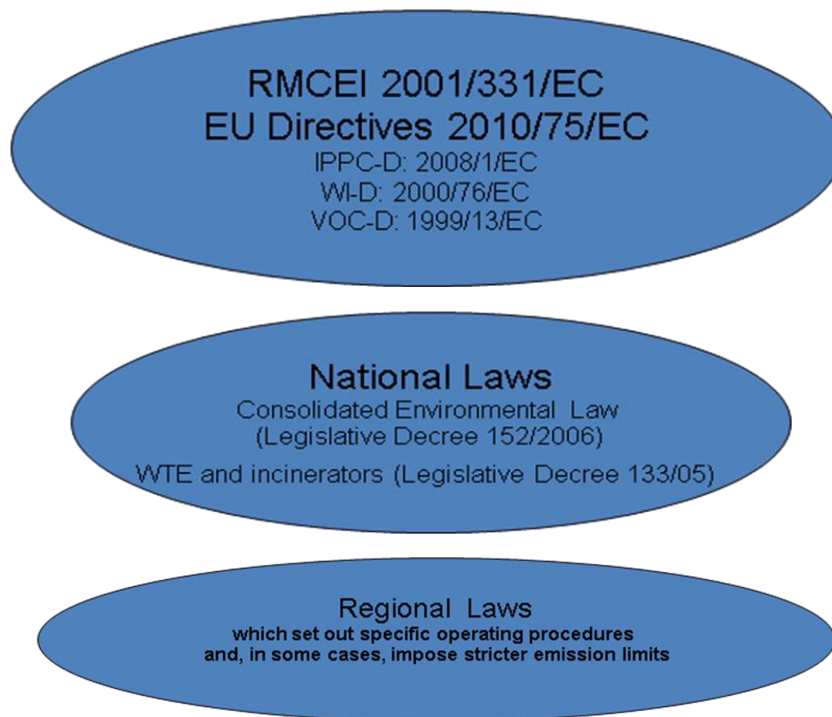
Other organisations include economic companies/activities, research bodies, educational organisations and civil society.

Legislation

A list of the RMCEI Directives that ARPA Lombardy has responsibility for are:

- IPPC – D: 2006/1/EC
- WI-D:2000/76/EC
- VOC-D: 1999/13/EC

The diagram below also describes how the European Legislation links to National and Regional Laws in the Lombardia Region.



Before 2005, when Legislative Decree n. 59 implemented the IPPC Directive in Italy, each environmental component required a separate authorisation:

- Emissions to the atmosphere: Region of Lombardy
- Waste water into sewage system: Municipality of Como
- Waste water into surface water system: Province and Municipality of Como
- Urban waste incineration: Province of Como
- Special Waste incineration: Region of Lombardy

Even within the same institution, different offices were in charge of permitting which had different deadlines. Up until 2005 the waste industry were regulated by two separate laws:

- DM 503/97 (Directives 89/369/EEC and 89/429/EEC) – Urban and special non hazardous waste
- DM 124/00 (Directive 94/67/EC) for hazardous waste

Controls in the field were performed by multiple entities with no coordination between them, mainly by Provinces.

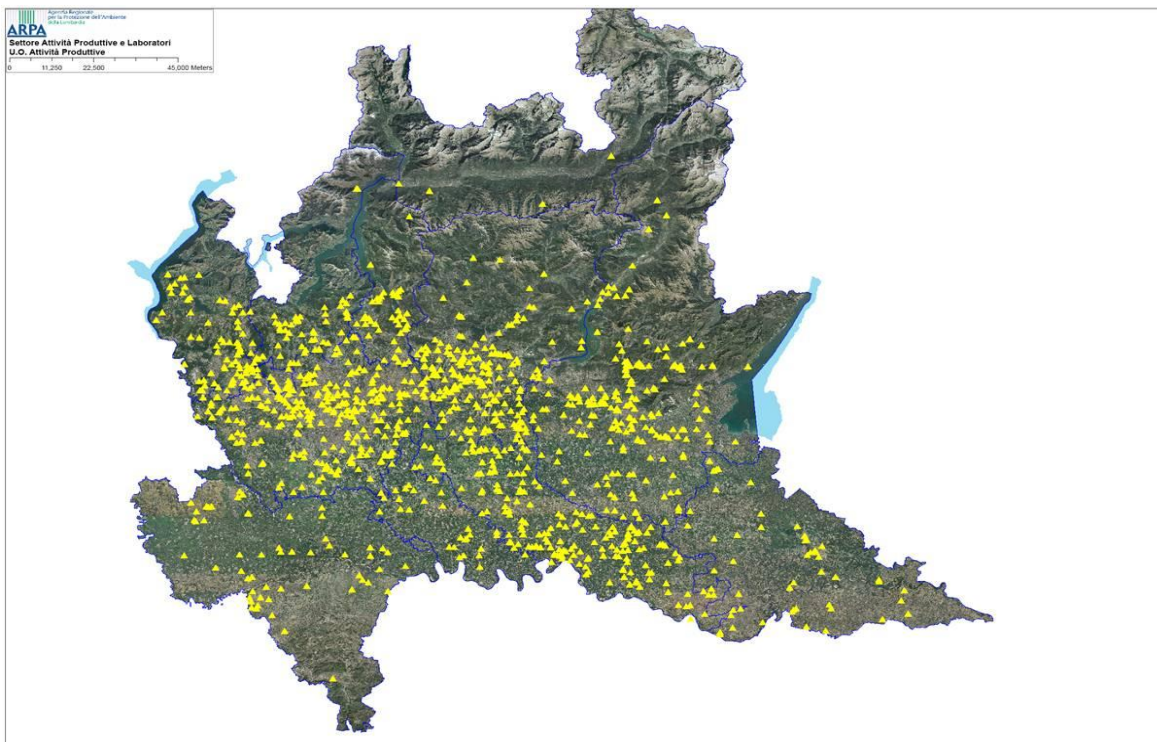
The transition to IPPC was partly mitigated by Law 133/05 (Directive 2000/76/EC) which already introduced an integrated approach to environmental aspects (air and water) as well as the obligation to inspections, public communication and participation.

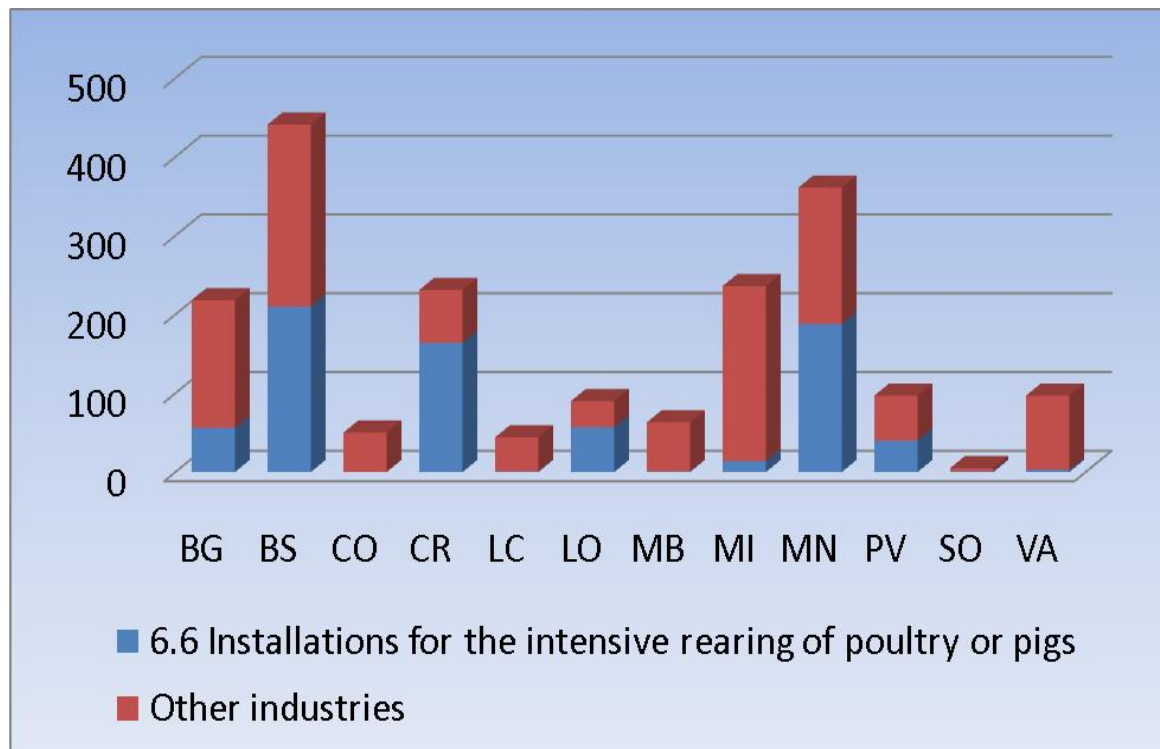
The IPPC procedure in Italy was named A.I.A (Integrated Environmental Authorisation). Permitting is the responsibility of the Region of Lombardy.

Number of installations

In Lombardy there are 278 companies under the Seveso Directive (Major Accident Risk; RIR). RIR companies are mainly located in the provinces of Milan (24%), Bergamo (18%), Brescia (16%) and Varese (10%).

In Lombardy the companies subjected to the IPPC Directive (Integrated Environmental Authorisation; AIA) are 1833 (March 2012) and located principally in the provinces of Brescia (25%), Mantova (14%) and Milan (13%).





IPPC plants in Lombardy (number per province)

External interaction

Until now, for IPPC plants, there has been no actual public participation in the process of issuing permits and the results of inspections are not actively publicised. However, ARPA is looking at ways to improve public participation. Questions to address are:

- how to make efficient use of the data collected both from self-monitoring by the operator of the plant and from the measurements carried out by ARPA;
- how to improve public information and awareness;
- how to deal with questions from local authorities and the public.

ARPA has concluded that there is a parallel to the processes for large infrastructure projects. For these projects the project authorization prescribes environmental monitoring. The General Contractor (GC) has to measure the impacts on the environment. The Regional Government is in charge of ensuring public control on self-monitoring. This is called an 'Environmental Observatory.' ARPA supports the Regional Government in verifying the results of self-

monitoring. These data can be published for stakeholders and the public. If this approach could be extended towards IPPC plants, there might be more public participation.



ARPA has a very good and complete website on which details of the organisation, relevant legislation, reports, documents and useful links can be found.

<http://ita.arpalombardia.it/ita/index.asp>.

Also the yearly report on the State of the Environment ('Rapporto sullo Stato dell'Ambiente in Lombardia') can be downloaded from this website. This report covers aspects of the population, industry, air quality, water quality and agriculture for the Lombardy Region.

Part B – Permitting activities

Objective

Explore the permitting activities of the environmental authority.

Permitting activities are outside the scope of this IRI, because it is outside the competence of ARPA. However, during the IRI, presentations were given about this topic by representatives from the Region of Lombardy. The following can be used as background information.

Authorisation/ Enforcement	Provincial Government	Ministry of the Environment For large industrial installations (such as a crude oil refineries, LCP > 300MW)
	Regional Government For Municipal Solid Waste-to-Energy (WTE) and Incineration Plants	

Since 1 January 2008 the Provinces are the competent authorities for Integrated Environmental Permits, with the exception of permits for waste incineration plants, for which the Region retains deliberative power.

The role of the Region is:

1. To give guidelines and policy indications to the Provinces.

Objective: the uniform and coordinated exercise of the administrative functions.

Instruments: resolutions adopted by the “Giunta Regionale” (the Regional Government).

Examples:

- Regional Government Decree (RGD) 2970 of 2.02.2012: Protocols and procedures for the renewal of Integrated Environmental Permits and criteria for the identification of substantial modifications.
 - Regional Government Decree (RGD) 10124 of 7.08.2009: Fees for permits and for permit modifications; charges for monitoring and sampling activities.
 - Regional Government Decree (RGD) 8831 of 30.12.2008: IPPC forms and protocols for issuance of Integrated Environmental Permits for new or existing plans and for substantial modifications.
2. Indicate emission limit values (ELV's), based on national ELV's and set prescriptions for provinces.
 3. Gather data and information to be forwarded to the Ministry of the Environment.

The following scheme provides information about the steps and timing involved in issuing an IPPC permit.

Steps IPPC permitting procedure	Timing
Receipt of applications by Competent Authority (CA)	
Verification that application is complete, start of permitting process with the selection of the offices from which the documents will be made available for public inspection	30 days after application received
Publication of announcement in newspaper with province- or region-wide circulation	Within 15 days of the receipt of the announcement of the start of the approval process
Submission of observations by interested parties to the CA	Within 30 days from the publication of the announcement
Conference of Services to obtain opinion of Mayor, ARPA and other organisations with an environmental brief (e.g. park authorities)	Must be concluded within 60 days from the deadline for the submission of observations by interested parties, unless extensions are sought (limit 90 days)
Final decision and making of plans available to public	Within 150 days from the submission of the application or, if additions have been asked for at the Conference of Services, within 180 days

Part C – Performing inspection tasks (Environmental Inspection Cycle)

The objective of this part of the questionnaire is to find out the criteria and procedures for planning of inspections and how this is put into practice. This part of the questionnaire is structured according to the different steps of the Environmental Inspection Cycle from the IMPEL “Doing the right things” Guidance Book. The cycle is shown in detail, in the Annex.

C 1. Planning of inspections

Objective

To find out the criteria and procedures for planning of inspections and how this is put into practice.

General

ISO 9001:2008 Certification

The Quality Policy of ARPA Lombardia is disseminated to all personnel. ARPA is constantly committed in every phase of its activities to maintaining high quality in the services it delivers. Being committed to quality, ARPA prefers to apply an interdisciplinary method to the understanding of environmental data, and follows a systemic approach to interpreting the complexity of environmental realities to obtain a clear picture of the situation. ARPA develops initiatives for the pooling of knowledge and sharing of skills in the technical and scientific fields. In order to implement the policy for quality, ARPA has developed an internal network with specific responsibilities

ISO 17025: 2005 Certification

Objective 1: accreditation of the tests carried out by the Provincial Departments of ARPA by certifying that test laboratories operate in accordance with the general criteria established by the UNI CEI EN ISO/IEC 17025:2005 standard.

Objective 2: supply of certain and comparable data from analyses to ensure complete customer satisfaction.

ARPA are responsible for dictating the conditions for the issuance of permits.

Specifically:

- ARPA is involved in the approval process (though ARPA does not issue permits).
- ARPA stipulates the conditions for monitoring activities that are part of the permit.

ARPA works with strategic plans, operational goals and regular reviews: there is a 3 year plan and 1 year annual programme (with number of inspections). This programme is revised on a 6

monthly basis. This programme also describes the sectors and priorities of ARPA during that year.

The frequency of IPPC inspections is based on regional criteria: at least 2 inspections in the permit lifetime (usually 5 years), except for rearing of poultry or pigs (IPPC cat 6.6) where 1 inspection in 5 years is prescribed.

C2. Execution framework

Objective

To find out what provisions, instructions, arrangements, procedures, equipment etc, are in place to enable inspectors and other staff to carry out inspection activities on the ground.

Overview

General guidance was produced in 2009 on inspection activities based on the European Minimum Criteria for Inspection which ties in with both national and regional legislation.

These are the key steps in the process:

- Preparation of ordinary inspection
- Carrying out ordinary inspection activities in the company
- Publication of final report and updating of IT tools (VISPO – IPPC)
- ARPA monitoring following the signalling of issues after transmission of the final report
- Appendices

ARPA Lombardia abides by the ISO9001 quality standard in carrying out IPPC compliant inspections (Reference document Recommendation 331/2001/EX (RMCEI)).

This prescribes the following:

- Planning criteria
- Purpose of the inspections (technical inspections and administrative inspections)
- The human resources to be dedicated to the task

The process of inspections is described in detail in ARPA Lombardia Operative Instruction IO SL 004/2011 (16.12.2011) "Inspection activities for IPPC plants, excluding the installations for the intensive rearing of poultry or pigs (cat. 6.6 of 96/61/EC)". The aim of this instruction is to harmonise IPPC inspection activities for all ARPA Departments. This instruction contains:

- Purpose/References/Scope
- Routine and non-routine Inspections
- Preparatory activities
- Communication to the Operator and other Stakeholders
- Preparatory meeting
- Execution of the inspection (site visit to analyse the industrial process and its environmental issues)

Routine inspections

For IPPC plants, 2 routine inspections are planned every 5 years (or every 6 years if the plant has an ISO 14.000 certification and 8 years if the plant has an EMAS certification). These routine inspections involve the whole plant and all the environmental aspects. The operator pays for the inspections.

Non-routine inspections

Non routine inspections are carried out in case of:

- complaints, accidents, local environmental critical aspects;
- permit renewal;
- permit revision (substantial changes, etc.);
- verification of the enforcement actions or requirements issued after the ordinary inspection;
- request by competent Authority;
- request by the Court - judicial authority;

Non routine inspections involve specific parts of the plant and particular environmental aspects. The operator doesn't pay for this inspection.

Preliminary activities

- RTO (department technical manager) defines the composition of the inspection team;
- examine documentation: IPPC permit, previous inspections' reports, the last communications of the operator or the Competent Authority, changes since the last inspection, self-monitoring data;
- establish the additional information (technical maps, procedures, flow charts etc.) to be requested from the operator;
- define critical issues and consequently define the priorities, considering that all environmental topics must be taken into account during inspection;
- organise sample activity according to chemical laboratories, instruments' availability;
- decide preliminary meeting date and a site visit inspection programme.

About 5-7 days before the inspection a communication is sent to the operator, to the competent authority, to municipalities involved and to other stakeholders (mountain community, protected area, etc.).

The next step is a preliminary meeting where the RTO introduces the inspection team. The RTO shows the inspection programme and makes arrangements for the coming inspection days with the operator. The inspection team acquires the documentation requested and the operator hands over the self monitoring data.

During the next inspection days the following aspects are verified:

- the permit and its prescriptions;
- the correspondence to self monitoring plan;
- the efficiency of measurement equipment regulating sanitisation processes (ex. pH meter, differential manometer etc.);
- waste management and document control.

An IPPC inspection is carried out by a Team Leader together with at least 2 inspectors (experts e.g. in air/water emissions, soil pollution, waste). The Team Leader is the manager of the inspection team and serves as contact reference for the plant manager.

Qualifications, skills and experience

Education and training for inspectors

ARPA has extensive internal and external training plans as well as short term and long term training plans. These plans are reviewed on a regular basis. Inspectors are prompted to new legislation by the Environmental Legislation Office. Regular legal updates are provided through the intranet. New activities trigger the development of new training programmes and periodical reviews are undertaken.

They also receive regular updates in regards to judgements made in court and weekly summaries of laws and regulations. Regular opportunities also exist for inspectors to discuss current practice with lawyers in relation to new laws.

The following table presents an overview of the training programme in recent years.

Title of the Course	Date
IPPC – General Course	December 2004, January 2005 (7 days)

Technical Annex to the IPPC Authorization	November 2006 (1 day)
Air Emissions Treatment Plants	January 2006 (3 days)
Waste Water Treatment Plants	April 2007 (2 days)
IPPC inspections	March 2008 (1 day)
Controls of the Steel Plants	July 2008 (1 day)
Controls of the Surface Metal Treatment Plants	November 2008 (1 day)
Controls of the Foundry Plants	November 2008 (1 day)
Waste Waters	October – November 2009 (7 days)
ARPA Lombardia Web Based Tools (VISPO-IPPC, AIDA)	March 2009 (1 day)
Controls of the IPPC Plants	Autumn 2009 (7 days)
Focus on some technical aspects	June 2011 (1 day)

The code of ethics

There is no specific code of ethics that inspectors have to sign. To avoid possible conflict of interest, ARPA works with internal checks and balances by colleagues and staff. Next to this, there is an internal audit unit that may investigate matters if there is any doubt about whether procedures are being followed.

C3. Execution and reporting

Objective

Find out how routine and non-routine inspection activities are carried out and reported and how data on inspections carried out, their outcomes and follow-up is stored, used and communicated.

Overview

ARPA Lombardia complies with the ISO 9001 quality standard in carrying out IPPC-compliant inspections. As a reference document the *Recommendation 331/2001/EC (RMCEI)* is used prescribing:

- the planning criteria;
- the purpose of the inspections;
- the human resources to be dedicated to the task.

Key steps in the process are the preparation and carrying out of ordinary inspection activities in the company. After the inspection the final report will be sent to the competent authority. ARPA will monitor issues that arose from the inspection after the final report has been sent.

The main issues in the inspection report are:

- Description of the plant and site;
- Description of site and plant;
- Evaluation of raw and auxiliary materials;
- Evaluation of water and energy resources;
- Impact analysis;
- Air;
- Water;
- Noise;
- Soil;
- Waste;
- General evaluation of the management of environmental aspects;
- Best Available Technologies (BAT);
- Analysis of BAT;
- Equally effective 'alternative' solutions adopted;
- Conclusions.

The following table presents an overview of the number of inspections carried out by ARPA in 2011.

Activity	N. Controls
IPPC Installations	648
IPPC Agro Livestock	47
DIAP (new installations)	271
Seveso Plants	131
Waste Water Treatment Plants	1.305
Discharges to superficial water bodies	303
Noise and electromagnetic fields	1.386
Remediation of contaminated sites	1.937

Information systems

ARPA has created 2 web based tools in support of IPPC inspection and permitting:
The first instrument is VISPO-IPPC, an application for IPPC inspections for internal use by the Agency. It is used for company and permit related data and for inspection data.

Company and permit data:

- Managing data and authorisation of companies;
- Upload documentation (system diagram, organisation chart, etc);
- Company staff contact;
- Permit Data (when, what, who, also old data);
- ARPA involvement in permitting process;
- Accidents;
- Complaints;
- Sanctions/fines;
- Requests and company communication.

Inspection data:

- Start and finish date, days on site, routine or non routine control;
- Upload final report and other documentation;
- Name of inspector;
- Documentation;
- Sampling data (if present);
- Warning, revoking and other critical issues.

C4. Performance monitoring

Objective

Find out how the environmental authority assesses its performance and the environmental and other outcomes of its activities.

Overview

All information gathered by ARPA is published yearly as aggregated data in a report on the State of the Environment in the Region of Lombardy. This report is available through the ARPA website and comprises population, economic growth, relevant emission sources and related emissions to environment.

CEMS Network:

The importance of CEMS (environmental monitoring system) in industrial plants is not only to assess the compliance with VLE, but to get important environmental data like yearly mass flow of a pollutant (NO_x, SO_x). In Italy:

- CEMS are requested in big plants (LCP > 50MW- Municipal Solid Waste Incineration Plants, Cement Kilns);
- CEMS are carried out by the owners and an accredited laboratory is used to assess them.

As a first step (within 2012) the network will comprise:

- Large Combustion Plants (LCP) - threshold: 50 MW per single plants;
- Solid Municipal Waste Incinerator Plants under IPPC directive;
- Cements Kilns under IPPC directive (capacity over 500 t/d);
- Glass Furnaces under IPPC directive (capacity over 20 t/d).

Part D – Site visit

Objective

To gain an understanding of the relationship between the environmental authority and industry and how this works in practice.

Overview

SITE VISIT: WTE Incinerator Plant (AGSM) in COMO.

Objective: to visit the site and measure the effects of the prescriptions and recommendations that ARPA made to its operators.



On Wednesday 23 May, the IRI team was invited to the Como waste incinerator ACSM/AGAM. This IPPC plant is regulated by ARPA Lombardia.

Before the site visit, the director of the plant presented background information to the IRI team and gave his personal view on environmental legislation in Italy, permit procedures and the upcoming IED.

Background information

The company that runs the plant is ACSM/AGAM. Shareholders of the plant are Como Municipality (25%), Monza Municipality (29%) and A2A (22%). The other shares (24%) were put on the Milan Stock Exchange.

The incineration plant takes in 84,3 kton municipal waste on a yearly basis. The electric energy produced is 32,7 GWh and the thermal energy exported is 39,3 GWht. The plant mostly processes urban waste but has in the past two years begun taking other types of waste characterised by human (90%) and commercial waste (10%) (i.e. textiles, plastics, paper and rubber).

The plant started back in 1969 with one incineration line, combined with heat recovery for district heating. Since then, many changes have been made to the process and the plant: boiler replacement (1986), second incineration line (1997), steam turbine (2001), flue gas treatment (2004), emission monitoring system (2005), ISO 9001 and ISO 14001 (2008) and dismantling of wet scrubber and installation of flue gas heat recovery equipment (2010/2011).

The result of this is a modern incineration plant that meets all permit standards.

Part A: Defining the regulatory framework of environmental protection

Good practice

- There is in certain areas good cooperation with Switzerland. For example on TFS Waste and there also is a treaty on Lago Lugano shared with Switzerland.
- Upon request, ARPA Lombardia offers expertise on IPPC and inspections to other regions.
- ARPA can advise the Competent Authority (CA) to issue a warning (1st level), stop the plant (2nd level) close it (3rd level) after repeated infringements as an alternative if the issue persists.

Opportunities for development

- Consider to organise (yearly) meetings with Switzerland on environmental issues, since there does not seem to be common understanding on all topics.
- Any violation of an IPPC permit has to be sent immediately to the prosecutor. In some European member states there is a more flexible system to deal with violation of IPPC permits which is very strict on criminal breaches and less strict on minor breaches.
- It could be considered to give higher priority to getting other regions at the same level of expertise on IPPC inspections as Lombardy. ISPRA has just issued a standard on this.

Part B: Permitting activities

Permitting activities are outside the scope of this IRI, because they are outside the competence of ARPA. However, during discussions with ARPA staff, the IRI team identified several issues that were worth noting.

Good practice

- Fees and charges for permits are:
 - related to the number of pollutants involved;
 - related to whether or not the plant has EMAS and/or certification.
- There is a guideline book on permitting for the provinces.

- Competent Authority can organise a conference when a new permit is issued or adapted. ARPA is part of this service conference for public bodies. ARPA is consulted also on draft permits of the Competent Authority and can propose to make changes.

Opportunities for development

- The number of Competent Authorities is very high, so there is a danger of different level of quality of permits.
- Permits are not actively available for the public only for other public bodies.
- It could be considered to compare permits for companies with plants also in other regions in order to obtain a level playing field.
- Time limited permits (mostly 5 years) differ from other European countries which tend to be permits for life and the frequency of inspections are included in the permits. If the permit time were extended to 10 years it would reduce the resource required.
- Time limited permits could also cause a problem when ARPA is asked to carry out an inspection, when the expiry date of the permit is passed and the new permit is still not ready.

Part C: Performing inspection tasks (Environmental Inspection Cycle)

1. Planning of Inspections

Good practice

- There is a good linkage between strategic plans, operational goals and regular reviews: there is a 3 year plan and a one year annual programme (with the number of inspections) and the programme is revised on 6 month basis.
- ARPA is ISO certified and there is an internal audit unit.
- Inspectors are normally recruited at University level
- Data on IPPC inspections are collected systematically.

Opportunities for development

- Consider using IMPEL risk assessment for setting inspection priorities (Easy Tools).
- Consider using a risk based approach when applying IED to prioritise measurements carried out during inspections (e.g. only when there are serious doubts on the quality of self-monitoring). The planned reduction of ARPA laboratories from 12 to 2 could be a stimulus for this.

- Consider an evaluation of the (possible) use of data collected.

2. Execution Framework

Good practice

- The integrated IPPC inspections are carried out by a team of inspectors and all aspects of the environment are considered.
- The inspections are well planned and carried out.
- There is good interaction and open discussions with the operator.
- There are internal and external training plans as well as short term and long term training plans. These are reviewed on a regular basis.
- There is good preparation of the staff for upcoming new legislation and regular legal updates are provided.
- There is participation in IMPEL work and the systematic use of this as a means of developing staff.

Opportunities for development

- ARPA might consider developing and using a plan tailored to the need of inspectors to better target development needs.
- ARPA are aware of the fact that having the same team leader going to the same companies all the time carries the risk of too strong involvement and, potentially, 'issue blindness'. A balance between good knowledge of the plant and an independent inspection is crucial.

3. Execution and Reporting

Good practice

- Information is shared with the public, e.g. the excellent yearly report on State of the Environment.
- ARPA are conducting non routine inspections and investigations.
- Sampling is seen, signed and traceable by the operator to ensure the authenticity of the samples.

- ARPA conduct pre-emptive activities by providing general advice on problems noticed during inspections to contribute towards improving operator performance.
- There is a clear transparent fee structure for inspection costs.
- Companies have longer lasting permits and fewer inspections if EMAS or ISO14001 accreditation is in place. However, the IRI team pointed out that existence of EMS does not by itself guarantee better environmental performance.
- ARPA operate a continuous environmental monitoring system.

Opportunities for development

- Consider expanding the continuous environmental monitoring system to other installations.
- It could be considered to combine emissions from the installations and other sources to better understand the impact on the environment in the area as a whole, not just particular to an installation.

4. Performance Monitoring

Good practice

- CEMS is a good system for providing up to date information on emissions from installations.

Opportunities for development

- ARPA might consider using inspection data to show impact on the environment and to prioritise activities.
- ARPA might consider to use performance monitoring, both internal and for monitoring of the companies, for example rankings.
- The CEMS system could be considered to be expanded, for example to the chemicals industry.

Part D: Site visit

Good practice

- ARPA have a professional relationship with the plant and their leadership.
- The Team Leader of the inspection team provides stability in the inspection process and the rotation of technical staff avoids issue blindness.

Opportunities for development

- ARPA could use the professional relationship with the plant to train ARPA inspectors from other regions.

Conclusions

ARPA Lombardia has developed a range of very strong tools for planning, carrying out and reporting on inspections. The way the inspections are being prepared and carried out, in combination with the skills and training of inspectors is impressive. The review team have stressed the importance of an evaluation of all data that are being gathered. It could be considered to use a risk based approach to prioritise measurements carried out during IPPC/IED inspections; e.g. only when there are serious doubts on the quality of self-monitoring. The planned reduction of ARPA laboratories from 13 to 2 could be a stimulus for this.

There is a strong commitment to outside learning and to the development and well-being of staff. This commitment could very well be used to share and compare data with other Regions and to exchange the many good practices identified by the review team.

The team of ARPA Lombardia is congratulated on their hard work in making this review a success. This was characterised by the very open and generous atmosphere in which discussions with the review team took place. The excellent presentations produced in advance, the notes, as well as the interesting site visit contributed considerably to the understanding of the review team.

The review team's broad conclusions are that the objectives of the area of EC environmental law within the scope of the review of ARPA Lombardia are being delivered in Lombardy Region, and that arrangements for environmental inspection and enforcement are broadly in line with the RMCEI.

Lessons learned from the Review process

The main lessons are:

- Preparation of key documents and presentations by the host organisation in advance of the review significantly improved the IRI process.
- It was felt that four days to perform the IRI including a site visited was long enough to adequately go into detail.
- There was a good balance between team members that had experience of the IRI process and those that did not. It was concluded that having an approximately 50/50 split was optimal.
- For more experienced IRI members, it was a good experience to analyse a legal system that offers less flexibility than in some other Member States.
- The number of team members (7) seemed to be ideal.
- It was concluded that distributing more general information on the IRI process to team members a week ahead of the IRI, e.g. questionnaire, one recent report and information of what is expected from the team members, has benefited to the outcome.
- Keeping presentations to the essentials allows team members time to follow up particular issues more in depth.
- It helps to have one delegate of the organization under review in the review team to clarify issues and to provide additional information if needed.
- The leadership of an IRI could be improved by making a MS PowerPoint package for team leaders with IMPEL templates included for example on what to consider when reporting on the first and last day, relevant IRI maps and reporting documents.

ANNEX 1: TERMS OF REFERENCE FOR IMPEL PROJECT

* Please read the supporting notes before filling in each section of this form.

1. Project details

Name of project <i>IMPEL Review Initiative (IRI) on the Environmental Protection Agency in Lombardy, Italy (ARPA Lombardia)</i>

2. Scope

2.1. Background	<p>The IRI scheme is a voluntary scheme providing for informal reviews of environmental authorities in IMPEL Member countries. It was set up to implement the European Parliament and Council Recommendation (2001/331/EC) providing for minimum criteria for environmental inspections (RMCEI), where it states:</p> <p>“Member States should assist each other administratively in operating this Recommendation. The establishment by Member States in cooperation with IMPEL of reporting and advice schemes relating to inspectorates and inspection procedures would help to promote best practice across the Community.”</p> <p>The potential benefits of the IRI include:</p> <ul style="list-style-type: none"> ⤴ providing advice to environmental authorities seeking an external review of their structure, operation or performance by experts from other IMPEL Member Countries ⤴ encouraging capacity building in environmental authorities in IMPEL Member Countries ⤴ encouraging the exchange of experience and collaboration between these authorities on common issues and problems ⤴ spreading good practice leading to improved quality of the work of environmental authorities and contributing to continuous improvement of quality and consistency of application of environmental law across the EU (“the level playing-field”) <p>The IRI scheme has recently been revised to make it easier to follow and more appealing to member countries. The questionnaire was updated and the inspection part aligned to the Doing the right things project. The new scheme was first used in Portugal in October 2009.</p> <p>The IRI in Lombardy, Italy, will be done under new scheme and using the new questionnaire.</p>
2.2. Directive / Regulation / Decision	<p>The European Parliament and Council Recommendation on Providing Minimum Criteria for Environmental Inspections in Member States (2001/331/EC)</p>

2.3. Article and description	Recommendation 2001/331/EC – Scope and definition. Article 4: “In order to promote best practice across the Community, Member States may, in cooperation with IMPEL, consider the establishment of a scheme, under which Member States report and offer advice on inspectorates and inspection procedures in Member States, paying due regard to the different systems and contexts in which they operate, and report to the Member States concerned on their findings.”
2.4 Link to the 6th EAP	Article 3 of the “Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme” states: “improved exchange of information on best practice on implementation including by the European Network for the Implementation and Enforcement of Environmental Law (IMPEL network) within the framework of its competencies”
2.5. Link to MAWP	ART. 3.3.2. of MAWP 2007-2010, among the key priorities and legislative areas of IMPEL activities mentions that: “IMPEL’s key priorities for the period 2007-2010 are to continue the work on the tasks given to IMPEL by the Recommendation on Minimum Criteria for Environmental Inspections (RMCEI) and to fulfil its mandate under the 6th Environment Action Program (6th EAP).”
2.6. Objective (s)	<p>To undertake an IRI review of Environmental Protection Inspection of Lombardy as described under point 2.5</p> <p>The benefits of the project are:</p> <ul style="list-style-type: none"> ⤴ the Environmental Protection Agency in Lombardy will benefit from an expert review of its systems and procedures with particular focus on conformity with the RMCEI, ⤴ the participants in the review team will broaden and deepen their knowledge and understanding of environmental inspection procedures ⤴ other Member States will benefit through the dissemination of the findings of the review through the IMPEL network. <p>The inspectorate will in particular benefit from an expert review of the risk based planning of the future permitted IPPC installations which is currently developed taking into account the criteria in the RMCEI and the IMPEL Guidance book on inspection planning “Doing the right things”.</p>

3. Structure of the project

3.1. Activities	<p>The IRI would focus on RMCEI, IPPC, SEVESO and all other relevant processes.</p> <p>This particular IRI would include the following aspects:</p> <ul style="list-style-type: none"> ⤴ give an overview of the main national and regional environmental policies applicable to the agency.
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	<ul style="list-style-type: none"> ⤴ to establish the role of the environmental authority in setting permit conditions and enforcement of relevant permit conditions and prosecution. ⤴ structure and managerial organisation, including funding, staffing and lines of authority and responsibility for regulatory and policy functions, ⤴ procedures, criteria and guidance for the development and revision of inspection plans and inspection schedules, ⤴ procedures for the execution and reporting of routine and non-routine inspections, ⤴ workload, in terms of numbers of IPPC processes and Annex 1 category, ⤴ qualifications, skills and experience of inspection staff, ⤴ setting the priorities for IPPC installations: the evaluation aspects, the risk assessment and classifications of risk, ⤴ relationships between public environmental authorities in charge of controls and self-check / self-monitoring systems ⤴ application and performance of environmental management systems ⤴ information management and information exchange (within the organisation and with partner organisations) ⤴ new possible alternative activities in prevention and monitoring ⤴ dealing with accidents on installations ⤴ systems used to collect and store data on the Inspectorate's activities. Use of these data. Target audiences ⤴ evaluation of output and the environmental outcome of inspection activities. Use of this information in the Environmental Inspection Cycle <p>A review team will be set up to consider the topics above. This will facilitate the identification of both good practice and opportunities for development. The assessment may involve examination of documentation related to the inspection of a number of future IPPC permitted facilities.</p>
<p>3.2. Product(s)</p>	<p>In addition to the benefits listed in Section 2.1, tangible products will include:</p> <ul style="list-style-type: none"> ⤴ A written report of the review for Environmental Protection Inspection, ⤴ Relevant extracts from the review report, as agreed with Croatian Environmental Protection Inspection, for dissemination to IMPEL members and the EC, <p>Training and Educational material on “lessons learnt” and on examples of good practice for incorporation into training schemes of Member State inspectorates</p>
<p>3.3. Planning (Milestones)</p>	<p>Work on composing the Review team can start after approval. The review itself is planned for June 2012 with a pre-review meeting to</p>

	be held in March 2012.
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4. Organisation

4.1. Lead	ARPA Lombardia, Environmental Protection Agency in Lombardy, Italy.
4.2. Project team	Lead member: ARPA Lombardia, Environmental Protection Agency in Lombardy, Italy. And core team members: Terry Shears (teamleader), Stan Smeulders (First Rapporteur) and Elen Strahle (Second Rapporteur)
4.3. Participants	International Core Team: 4 experts from Italy: ARPA Lombardia + Francesco Bafundi (project leader – Italy), Terry Shears (teamleader – UK), Stan Smeulders (1 st rapporteur – NL), Elen Strahle (2 nd rapporteur – UK), Gottskalk Fridgeirsson (Island), Costa Stanislav or Silivu Megan (Romania), Horst Buther (Germany) and one participant from Croatia.

5. Quality review

<p>Quality review by Core Team and Cluster 1</p> <ul style="list-style-type: none"> – Discussion in Cluster 1 in Spring 2012 on progress report. Mid-year 2012 General Assembly will be informed. – Discussion in Cluster 1 in Autumn 2012 on final draft reports. <p>Approval by autumn/winter IMPEL General Assemblies 2012.</p>
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6. Communications

6.1. Dissemination of results	The final reports will be published on the IMPEL web-site and submitted to the authorities in the Member States and to the EU institutions.
6.2. Main target groups	<ul style="list-style-type: none"> △ IMPEL members △ Italian Environmental Protection Ministry △ Environmental Protection Agency in Lombardy.
6.3. Planned follow up	<p>The report will contain review background, participants and expenditure and recommendations on its dissemination and follow up.</p> <p>For dissemination the new communication strategy of IMPEL will be used as well.</p>

7. Project costs/Resources required

	Estimated costs	Budget requested from IMPEL (€)	Total payments committed by lead authority (€)	Payments by lead authority directly to the project (€)	Payments by lead authority via the IMPEL budget (€)
• Project meetings in total					
<i>Pre-Meeting:</i>					
No of Participants:	7	(2)	(5)	280	
Travel:	1360 €	(x2) 720 €	(x1) 640 €		
Accommodation:	270 €	(x2) 180 €	(x1) 90 €		
Catering:	700 €	350 € (2 break lunch)	350 € (1 dinner)		
Meeting venue:	200 €	-	200 €		
Sub-Total:	2530 €	1250 €	1280 €		
<i>IRI Meeting:</i>					
No of Participants:	12	(7)	(5)		
Travel:	3160 €	(x7) 2520 €	(x1) 640 €		
Accommodation:	2160 €	(x7) 1890 €	(x1) 270 €		
Catering:	1900 €	700 € (4 break-lunch)	1200 € (2 dinner)		
Meeting venue:	400 €	-	400 €		
Sub-Total:	7620 €	5110 €	2510 €		
• Consultant:					
• Translation:					
• Dissemination:					
• Attendance for Project Manager at Cluster meetings:					
• Other (specify):					
TOTAL	10.150 €	6.360 €	3.790 €		
Human Resources					

Supporting Notes for completing an IMPEL project Terms of Reference

3. Structure of the project

Please state what activities will be undertaken to achieve the objectives stated in 2.6. and what the products will be resulting from these activities.

For milestones, a GANT chart would be welcome but the main thing is to describe when the following actions will be carried out: 1) Approval is expected to be given, 2) the start of the project, 3) when communications actions and the dissemination of results will be carried out, 4) project milestones, 5) the products will be finished and can be circulated, 6) which General Assembly the project report will be presented to.

5. Quality review

Please state who will check the quality of the project work and when e.g. IMPEL Cluster, a consultant...

6. Communications

For Dissemination of results', the questions to be considered are:

- Will the report be posted on the IMPEL Website?
- Are you going to write a News item for the IMPEL website?
- Are you going to send the results to the Commission desk officer concerned?
- Are you going to write a press article for media in your country?
- Are you going to write a press article for media in Brussels/European wide media or environmental trade bodies?
- Are you going to send the results to each target group identified in 3.6? If not, why not?

For 'Main target groups', some examples include:

- Are the European Commission involved e.g. as a workshop or conference participant or as a core team observer? If not, why not?
- Expert Working Groups e.g. European IPPC Bureau in Seville
- Networks e.g. Interpol, REACH forum, Basel Convention, European Chemicals Agency (ECHA), INECE...
- Non Governmental Organisations (business and environmental) e.g. Business Europe, European Environmental Bureau, WWF...
- European Parliament Environment Committee e.g. specific MEPs interested in an issue, Chair and Vice Chairs of ENVI, rapporteurs on specific legislative dossiers
- Economic and Social Committee
- Committee of the Regions
- Domestic national, regional and local government

Please state which are relevant AND add to the list where appropriate.

7. Resources required:

Note: it would be helpful if for this item an excel sheet template (using these exact headings) would be provided!

- This matrix is for one year only. If your project is taking place over more than one year, please fill in another for each year your project is taking place

- Accommodation per person, per night should be priced at a maximum of € 125
- Travel should be priced at a maximum of € 500 per person for a return journey
- Under 'Human Resources', please consider how many days commitment this project will require from: a) the project manager, b) the project team members and, c) participants at workshops, seminars etc.

To understand IMPEL's financing mechanism, it is important to consider the following:

- IMPEL is financed partly through its Members and partly through the EU-Commission's share of the LIFE+ fund. The applicable budgetary rules for this kind of Commission's financing differ to some extent from the budgetary rules applicable for LIFE+ project funding in the EU Member States. For example, Member State's human resources put into a project cannot be accounted for in monetary terms.
- IMPEL Members have to pay at least 30% of the overall IMPEL-budget (minimum!), the Commission may then pay 70% of this overall budget (maximum!)
Therefore, the size of the Commission's payment is limited through the size of the IMPEL Member's payment. For every 3 Euros a Member pays into the IMPEL budget, the Commission may pay 7 Euros to IMPEL. As a rule, if Members pay more into the IMPEL budget, the Commission will pay more to IMPEL as well.
- Only direct payments of IMPEL Members into the IMPEL-budget are recognised by the Commission's financial rules as "payment of a Member towards IMPEL". Neither in-kind - contributions like rooms, meals, human resources NOR PAYMENTS of a Member which are paid DIRECTLY INTO A PROJECT are counted as part of the IMPEL Member's share of 30%.

Annex 2 - Environmental Inspection Cycle

(from the IMPEL "Doing the right things" Guidance Book)

