SOLID FUEL ENFORCEMENT ACTIVITIES PROGRESS REPORT DUBLIN REGION

Contents

1. Overview

Detailed overview of activities conducted.

Dún Laoghaire-Rathdown County Council (dlr) in collaboration with Dublin City Council (DCC), Fingal County Council (FCC) and South Dublin County Council (SDCC) undertook analysis of solid fuels across our functional areas to investigate compliance with S.I. No. 529/2022 - Air Pollution Act 1987 (Solid Fuels) Regulations 2022. The coal samples were analysed by an accredited laboratory for the following parameters:

Total Moisture

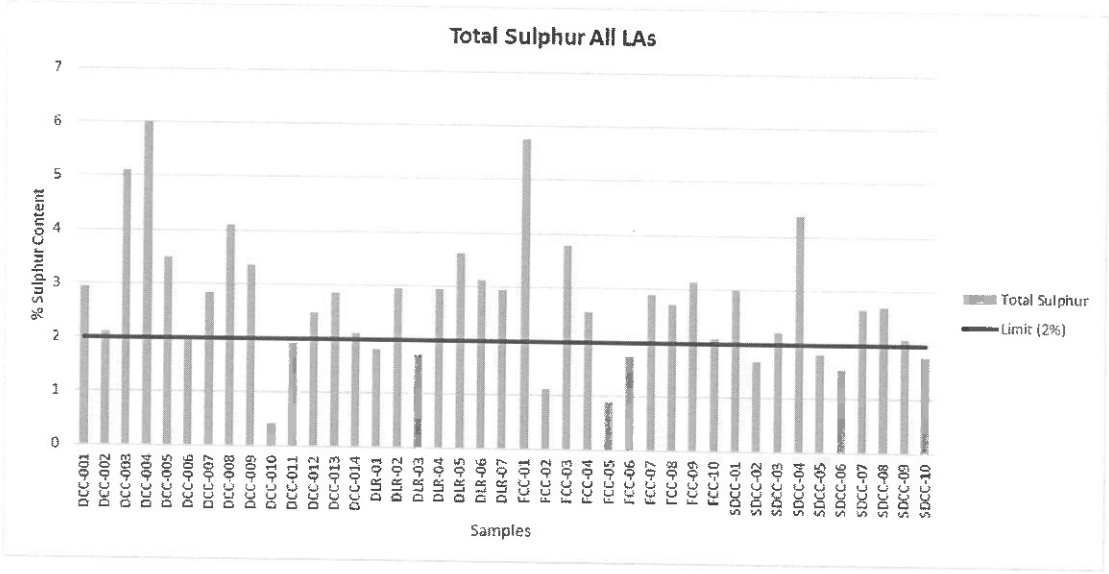
- Analysis Moisture
- Ash Content
- Total Sulphur

The total number of samples was broken down across the functional areas of each of the Dublin local authorities with 41 samples obtained. The analysis was undertaken by accredited laboratory, [redacted]

On 22 October 2024 coal samples were purchased across our functional areas from a range of supplier types (fuel depots, garage forecourts, large chain retailers, large DIY shops). The selection of supplier types was based upon our experience to date in undertaking solid fuel inspections as part of routine RMCEI inspections. The local authorities co-ordinated in advance to ensure that a wide range of suppliers was targeted and to avoid duplication.

Once all samples were collected and labelled, they were brought to Belfast port for collection by [redacted] collection vehicle for transport directly to the laboratory and ensuring chain of custody was maintained throughout.

Results of the analysis are attached with a summary of compliance with the sulphur limit shown below. [redacted]



Local Authorities are in the process of informing the suppliers and retailers of the results. Future sampling and inspection campaigns will be informed by the results.

Materials Developed

Details and copies of any materials developed are attached to the report including Chain of custody templates and letter templates.

2. Project Impact

The measure of the impact is difficult to measure with certainty. Some of the benefits of the project are outlined below:

- A Dublin wide approach has established a county wide network of individuals within the Dublin region with responsibility for regulation and enforcement of the Regulations.
- Several meetings were held in the weeks prior and following the sampling which has aided the teams to get to know each other, share knowledge and protocols. With staff changes in all local authorities in recent years this has been useful to establish a network to share knowledge on a local level for the Dublin region.
- The project was of benefit to the retailers to know what they are selling and to ask questions of the suppliers as to whether the products they are buying are in compliance with the Regulations.
- In one case [redacted] the retailer had ceased stocking one of the products sampled when we returned to discuss the outcome of the inspection/sampling. This relates more to the fact the producer wasn't registered to the sampling results only occurred as a result of the inspections. The retailer had replaced the products in question with products from a registered supplier.
- In addition, the retailers welcomed the sampling as they advised that the general public were very much interested in the issue and in general have been expressing a desire to only purchase solid fuels that are compliant.
- The project was of benefit to the let the suppliers know that the local authorities are conducting enforcement activities, including sampling and that the Regulations are being enforced.

3. Project Review

The results of the analysis demonstrate that there is still a large amount of non-complaint fuel freely available on the market. The samples taken by the Dublin local authorities were from retailers taking their supply form registered producers. The Dublin local authorities obtained the samples from garage forecourts, large retail chains and fuel depots so the non-compliant fuel samples can be easily obtained. There was no attempt to obtain samples that have been observed for sale on online platforms.

Therefore, there is a significant issue with the supply of non-compliant fuel to the retailers and therefore the focus of future sampling and enforcement should be on the producers placing the fuel on the market.

The sampling undertaken while straightforward in practical terms was also resource intensive. Approximately 8 local authority staff participated in the sampling on 22 and 23 October. In addition, several co-ordination meetings were held in the run up to the sampling to ensure that the project was successful. We understand that local authorities may not be involved in sampling and analysis during 2025 and would recommend that the results if the analysis undertaken by the project are used to inform any future sampling program.

We are aware of the proposed changes to the Air Pollution Act 1987 and would hope that the powers available to local authorities to regulate and enforce these regulations are strengthened to enable improved compliance in the market.

4. Lessons Learned

Outline of lessons learned.

- Co-ordinated approach across multiple local authorities is possible but resource intensive.
- A sampling protocol based on the experience of the local authorities would be of benefit to enable others to follow.
- Costs of the analysis at £520 per sample was significant and without an accredited laboratory based in Ireland these costs are unlikely to be avoided.

5. Conclusion

The Dublin region local authorities are still considering future action based on the results obtained which may include publication of results this requires more consideration at the time of writing this report.

The regional approach worked will albeit with each authority making a contribution to the project in terms of administrative or logistical support.

The costs incurred through the project excluded staff costs and were dominated by the costs of the analysis at the accredited laboratory in Scotland. It's worth noting that the laboratory was good to deal with and very responsive to any queries we had which was appreciated.

Sampling of solid fuel needs to be more regular and consistent to achieve the desired results of compliant fuels on the market and thereby improving air quality. The results of any future analysis need to be used to undertake legal proceedings against producers who are consistently non-compliant, [redacted] A national sampling programme should be developed by taking account of the existing results from previous local authority sampling events.

Appendix 1 Documentation Developed

Template Letter to Producer

County Hall,

Co. Dublin

Direct Tel: +353 1 XXX XXXX
email: inf@xxxxx.xx

Company Secretary

Company Address

Date

Reference: Dublin Region Sulphur Testing Programme 2024 (A) under Air Pollution Act, 1987 (Solid Fuels) Regulations 2022 (S.I. No. 529 of 2022)

Dear XXXX,

XXX County/City Council is the enforcement agency for the regulation and enforcement of the Air Pollution Act 1987 (Solid Fuels) Regulations 2022 (hereafter referred to as 'the Regulations') within the functional area of XXX County/City.

As part of the implementation and enforcement of the Regulations, XXX City / County Council undertook sulphur testing of coal-based products taken from retailers across the county during October 2024 and these were tested for compliance to the sulphur limits as set out in the regulations.

These accredited tests have raised concerns regarding compliance to the sulphur requirements of the regulations which are stated in the Regulations 5(4)a as:

(4) Coal products and manufactured solid fuels, including manufactured part biomass products, must have sulphur content —

(a) less than 2% by weight on a dry ash-free basis

As part of this round of testing X of your products were sampled, and X were recorded as non-compliant with the regulations. Detailed information regarding your test results can be found in Annex 1.

On foot of these test results, you are in contravention of regulation 5(4)a of the Regulations.

We have sent a copy of the results to the retailers from where the samples were taken. We have also informed the Air Quality Unit of the Department of the Environment, Climate and Communications and the Environmental Protection Agency of the results of samples.

We would request that you put a compliance improvement plan in place as soon as possible to ensure no further non-compliances are detected. An national sampling campaign will take place in the coming months across the country.

Yours Sincerely,

_____

On behalf of XXX City/County Council

Annex 1: Test Results

Producer Name: XXX

EPA Producer Number: XXXXXXXX

Sample No.	Moisture % AD	Sulphur % Dry	Sulphur % AD	Product Name

Template Letter to Retailer

County Hall,

Co. Dublin

Direct Tel: +353 1 XXX XXXX
email: inf@xxxxx.xx

Company Secretary

Company Address

Date

Reference: Dublin Region Sulphur Testing Programme 2024 under Air Pollution Act, 1987 (Solid Fuels) Regulations 2022 (S.I. No. 529 of 2022)

Dear XXXX,

XXX County/City Council is the enforcement agency for the regulation and enforcement of the Air Pollution Act 1987 (Solid Fuels) Regulations 2022 (hereafter referred to as 'the Regulations') within the functional area of XXX County/City.

Under the Regulations, a retailer (in relation to the sale of solid fuel), means a person who for the purposes of trade or otherwise in the course of business, sells or otherwise supplies irrespective of the selling technique used, solid fuel to other persons for combustion for heating, in, from or in connection with a premises or online, whether directly or indirectly, and includes a wholesaler and a supplier.

As part of the implementation and enforcement of the Regulations XXX City / County Council undertook sulphur testing of coal-based products taken from retailers across the county during October 2024 and were tested for compliance to the sulphur limits as set out in the regulations.

These accredited tests have raised concerns regarding compliance to the sulphur requirements of the regulations which are stated in the Regulations 5(4)a as:

(4) Coal products and manufactured solid fuels, including manufactured part biomass products, must have sulphur content —

(a) less than 2% by weight on a dry ash-free basis

As part of this round of testing, X No. coal products on sale at your premises (insert address if appropriate) were sampled, and X were recorded as non-compliant with the regulations. Detailed information regarding your test results can be found the Annex 1.

On foot of these test results, you are in reminded of your below obligations as a retailer of these products:

Retailer Responsibilities	
Cannot sell an unapproved solid fuel and/or products from an unregistered producer.	Retailers should ensure that all their suppliers ('producers') are appropriately registered and products purchased are approved.
Keep records (1 year) to show only approved solid fuels have been sold.	Should include all invoices, credit notes, dispatch, and delivery documents from the producer. Must include producer registration number.
Obligation to provide information	These records must be available for inspection and provided if requested.

We have sent a copy of the results the producers from where the samples were taken. We have also informed the Air Quality Unit of the Department of the Environment, Climate and Communications and the Environmental Protection Agency of the results of samples.

XXX County /City Council intends to continue to carry out formal visits to retailers in the near future. The visits will be unannounced, and findings will be recorded with follow up enforcement actions where non-compliances are noted.

We would request that you ensure, through your supplier, that only compliant fuels are supplied to your premises for sale so no further non compliances are detected. An national sampling campaign will take place in the coming months across the country.

Yours Sincerely,

_____

On behalf of XXX City/County Council

Annex 1: Test Results

Producer Name: XXX

EPA Producer Number: XXXXXXXX

Sample No.	Moisture % AD	Sulphur % Dry	Sulphur % AD	Product Name

Results Table

LA	Client Ref.	Brand	Product	Reg. No.	Product Code	Test	Method	Unit	As Received	Dry Basis	Dry Ash-Free
[redacted]						Total Moisture *	SM030	%	17.2		
						Analysis Moisture *	SM031	%	1.6		
						Total Ash Content *	SM033	%	4	4.8	
						Total Sulphur *	SM034	%	1.42	1.72	1.81
						Total Moisture *	SM030	%	14.3		
						Analysis Moisture *	SM031	%	1.63		
						Total Ash Content *	SM033	%	2.1	2.4	
						Total Sulphur *	SM034	%	2.47	2.88	2.95
						Total Moisture *	SM030	%	16.7		
						Analysis Moisture *	SM031	%	4.28		
						Total Ash Content *	SM033	%	3.8	4.6	
						Total Sulphur *	SM034	%	1.37	1.64	1.72
						Total Moisture *	SM030	%	7.8		
						Analysis Moisture *	SM031	%	1.51		
						Total Ash Content *	SM033	%	2.4	2.6	
						Total Sulphur *	SM034	%	2.65	2.87	2.95
						Total Moisture *	SM030	%	15.6		
						Analysis Moisture *	SM031	%	1.12		
						Total Ash Content *	SM033	%	2.5	3	
						Total Sulphur *	SM034	%	2.96	3.51	3.62
						Total Moisture *	SM030	%	13		
						Analysis Moisture *	SM031	%	2.22		
						Total Ash Content *	SM033	%	2.3	2.6	
						Total Sulphur *	SM034	%	2.65	3.05	3.13
						Total Moisture *	SM030	%	12.8		
						Analysis Moisture *	SM031	%	1.23		
						Total Ash Content *	SM033	%	1	1.1	
						Total Sulphur *	SM034	%	2.55	2.93	2.96
						Total Moisture *	SM030	%	16.9		
						Analysis Moisture *	SM031	%	1.25		
						Total Ash Content *	SM033	%	2.5	3	
						Total Sulphur *	SM034	%	2.37	2.85	2.94
						Total Moisture *	SM030	%	21.5		
						Analysis Moisture *	SM031	%	2.87		
						Total Ash Content *	SM033	%	2.6	3.3	

[redacted]	Total Sulphur *	SM034	%	1.6	2.04	2.11
[redacted]	Total Moisture *	SM030	%	14.5		
[redacted]	Analysis Moisture *	SM031	%	1.01		
[redacted]	Total Ash Content *	SM033	%	1.2	1.4	
[redacted]	Total Sulphur *	SM034	%	4.3	5.03	5.1
[redacted]	Total Moisture *	SM030	%	13.7		
[redacted]	Analysis Moisture *	SM031	%	0.69		
[redacted]	Total Ash Content *	SM033	%	2.7	3.1	
[redacted]	Total Sulphur *	SM034	%	5.01	5.81	6
[redacted]	Total Moisture *	SM030	%	10		
[redacted]	Analysis Moisture *	SM031	%	0.78		
[redacted]	Total Ash Content *	SM033	%	1.2	1.3	
[redacted]	Total Sulphur *	SM034	%	3.1	3.44	3.49
[redacted]	Total Moisture *	SM030	%	13.6		
[redacted]	Analysis Moisture *	SM031	%	1.51		
[redacted]	Total Ash Content *	SM033	%	5.1	5.9	
[redacted]	Total Sulphur *	SM034	%	1.62	1.87	1.99
[redacted]	Total Moisture *	SM030	%	15.2		
[redacted]	Analysis Moisture *	SM031	%	1.56		
[redacted]	Total Ash Content *	SM033	%	2.5	2.9	
[redacted]	Total Sulphur *	SM034	%	2.34	2.76	2.84
[redacted]	Total Moisture *	SM030	%	3.7		
[redacted]	Analysis Moisture *	SM031	%	1.12		
[redacted]	Total Ash Content *	SM033	%	3	3.1	
[redacted]	Total Sulphur *	SM034	%	3.83	3.98	4.11
[redacted]	Total Moisture *	SM030	%	15.5		
[redacted]	Analysis Moisture *	SM031	%	1.47		
[redacted]	Total Ash Content *	SM033	%	2.9	3.4	
[redacted]	Total Sulphur *	SM034	%	2.75	3.25	3.36
[redacted]	Total Moisture *	SM030	%	3.3		
[redacted]	Analysis Moisture *	SM031	%	0.85		
[redacted]	Total Ash Content *	SM033	%	7.9	8.2	
[redacted]	Total Sulphur *	SM034	%	0.37	0.38	0.41
[redacted]	Total Moisture *	SM030	%	18		
[redacted]	Analysis Moisture *	SM031	%	1.86		
[redacted]	Total Ash Content *	SM033	%	5	6.1	

[redacted]						Total Sulphur *	SM034	%	1.47	1.79	1.91
[redacted]						Total Moisture *	SM030	%	15		
[redacted]						Analysis Moisture *	SM031	%	3.87		
[redacted]						Total Ash Content *	SM033	%	3.5	4.1	
[redacted]						Total Sulphur *	SM034	%	2.03	2.39	2.49
[redacted]						Total Moisture *	SM030	%	12.1		
[redacted]						Analysis Moisture *	SM031	%	1.52		
[redacted]						Total Ash Content *	SM033	%	2.5	2.9	
[redacted]						Total Sulphur *	SM034	%	2.44	2.78	2.86
[redacted]						Total Moisture *	SM030	%	21.8		
[redacted]						Analysis Moisture *	SM031	%	2.23		
[redacted]						Total Ash Content *	SM033	%	2.5	3.2	
[redacted]						Total Sulphur *	SM034	%	1.6	2.04	2.11
[redacted]				Not on Register	Not on Register	Total Moisture *	SM030	%	13.5		
[redacted]				Not on Register	Not on Register	Analysis Moisture *	SM031	%	0.97		
[redacted]				Not on Register	Not on Register	Total Ash Content *	SM033	%	1	1.1	
[redacted]				Not on Register	Not on Register	Total Sulphur *	SM034	%	4.92	5.69	5.75
[redacted]						Total Moisture *	SM030	%	19.5		
[redacted]						Analysis Moisture *	SM031	%	7.84		
[redacted]						Total Ash Content *	SM033	%	5	6.2	
[redacted]						Total Sulphur *	SM034	%	0.84	1.04	1.11
[redacted]						Total Moisture *	SM030	%	11.6		
[redacted]						Analysis Moisture *	SM031	%	0.91		
[redacted]						Total Ash Content *	SM033	%	1	1.1	
[redacted]						Total Sulphur *	SM034	%	3.32	3.76	3.8
[redacted]						Total Moisture *	SM030	%	14		
[redacted]						Analysis Moisture *	SM031	%	4.62		
[redacted]						Total Ash Content *	SM033	%	3.5	4.1	
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[redacted]						Total Ash Content *	SM033	%	4.4	5.2	
[redacted]						Total Sulphur *	SM034	%	1.39	1.65	1.74
[redacted]						Total Moisture *	SM030	%	15.1		
[redacted]						Analysis Moisture *	SM031	%	2.67		
[redacted]						Total Ash Content *	SM033	%	2.4	2.8	
[redacted]						Total Sulphur *	SM034	%	2.39	2.81	2.89
[redacted]				Not on Register	Not on Register	Total Moisture *	SM030	%	12.8		
[redacted]				Not on Register	Not on Register	Analysis Moisture *	SM031	%	4.41		
[redacted]				Not on Register	Not on Register	Total Ash Content *	SM033	%	1.9	2.2	
[redacted]				Not on Register	Not on Register	Total Sulphur *	SM034	%	2.32	2.66	2.72
[redacted]				Not on Register	Not on Register	Total Moisture *	SM030	%	5.8		
[redacted]				Not on Register	Not on Register	Analysis Moisture *	SM031	%	2.05		
[redacted]				Not on Register	Not on Register	Total Ash Content *	SM033	%	2.5	2.7	
[redacted]				Not on Register	Not on Register	Total Sulphur *	SM034	%	2.88	3.06	3.14
[redacted]				Not on Register	Not on Register	Total Moisture *	SM030	%	2.4		
[redacted]				Not on Register	Not on Register	Analysis Moisture *	SM031	%	0.56		
[redacted]				Not on Register	Not on Register	Total Ash Content *	SM033	%	0.5	0.5	
[redacted]				Not on Register	Not on Register	Total Sulphur *	SM034	%	2.04	2.09	2.1
[redacted]						Total Moisture *	SM030	%	14		
[redacted]						Analysis Moisture *	SM031	%	1.99		
[redacted]						Total Ash Content *	SM033	%	3.5	4.1	

[redacted]	Total Sulphur *	SM034	%	2.48	2.88	3
	Total Moisture *	SM030	%	13.8		
	Analysis Moisture *	SM031	%	1.58		
	Total Ash Content *	SM033	%	8.4	9.8	
	Total Sulphur *	SM034	%	1.3	1.51	1.67
	Total Moisture *	SM030	%	18.1		
	Analysis Moisture *	SM031	%	2.34		
	Total Ash Content *	SM033	%	3.8	4.7	
	Total Sulphur *	SM034	%	1.74	2.12	2.22
	Total Moisture *	SM030	%	14.5		
	Analysis Moisture *	SM031	%	2.47		
	Total Ash Content *	SM033	%	2.5	2.9	
	Total Sulphur *	SM034	%	3.64	4.26	4.39
	Total Moisture *	SM030	%	16.5		
	Analysis Moisture *	SM031	%	4.29		
	Total Ash Content *	SM033	%	4.2	5	
	Total Sulphur *	SM034	%	1.44	1.72	1.81
	Total Moisture *	SM030	%	13.6		
	Analysis Moisture *	SM031	%	2.12		
	Total Ash Content *	SM033	%	5.4	6.3	
	Total Sulphur *	SM034	%	1.24	1.44	1.54
	Total Moisture *	SM030	%	19		
	Analysis Moisture *	SM031	%	1.37		
	Total Ash Content *	SM033	%	3.4	4.2	
	Total Sulphur *	SM034	%	2.07	2.55	2.66
	Total Moisture *	SM030	%	7.2		
	Analysis Moisture *	SM031	%	1.47		
	Total Ash Content *	SM033	%	2.9	3.1	
	Total Sulphur *	SM034	%	2.44	2.63	2.71
	Total Moisture *	SM030	%	19.7		
	Analysis Moisture *	SM031	%	3.5		
	Total Ash Content *	SM033	%	4.3	5.4	
	Total Sulphur *	SM034	%	1.61	2	2.11
	Total Moisture *	SM030	%	24.5		
	Analysis Moisture *	SM031	%	2.29		
	Total Ash Content *	SM033	%	2.3	3	
	Total Sulphur *	SM034	%	1.31	1.73	1.78

Sulphur Specific Tables & Graphs

Total Sulphur
2.94
2.11
5.1
6
3.49
1.99
2.84
4.11
3.36
0.41
1.91
2.49
2.86
2.11
1.81
2.95
1.72
2.95
3.62
3.13
2.96
5.75
1.11
3.8
2.57
0.88
1.74
2.89
2.72
3.14
2.1
3
1.67
2.22
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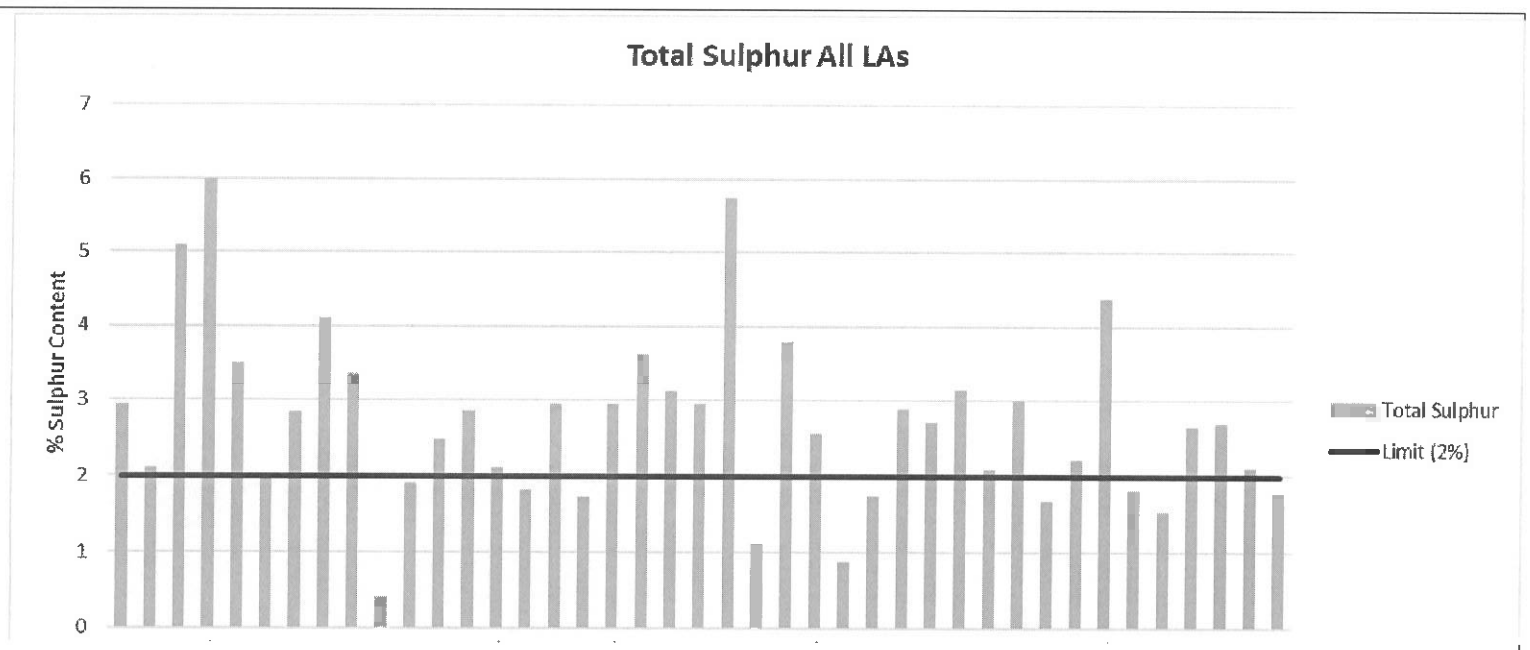
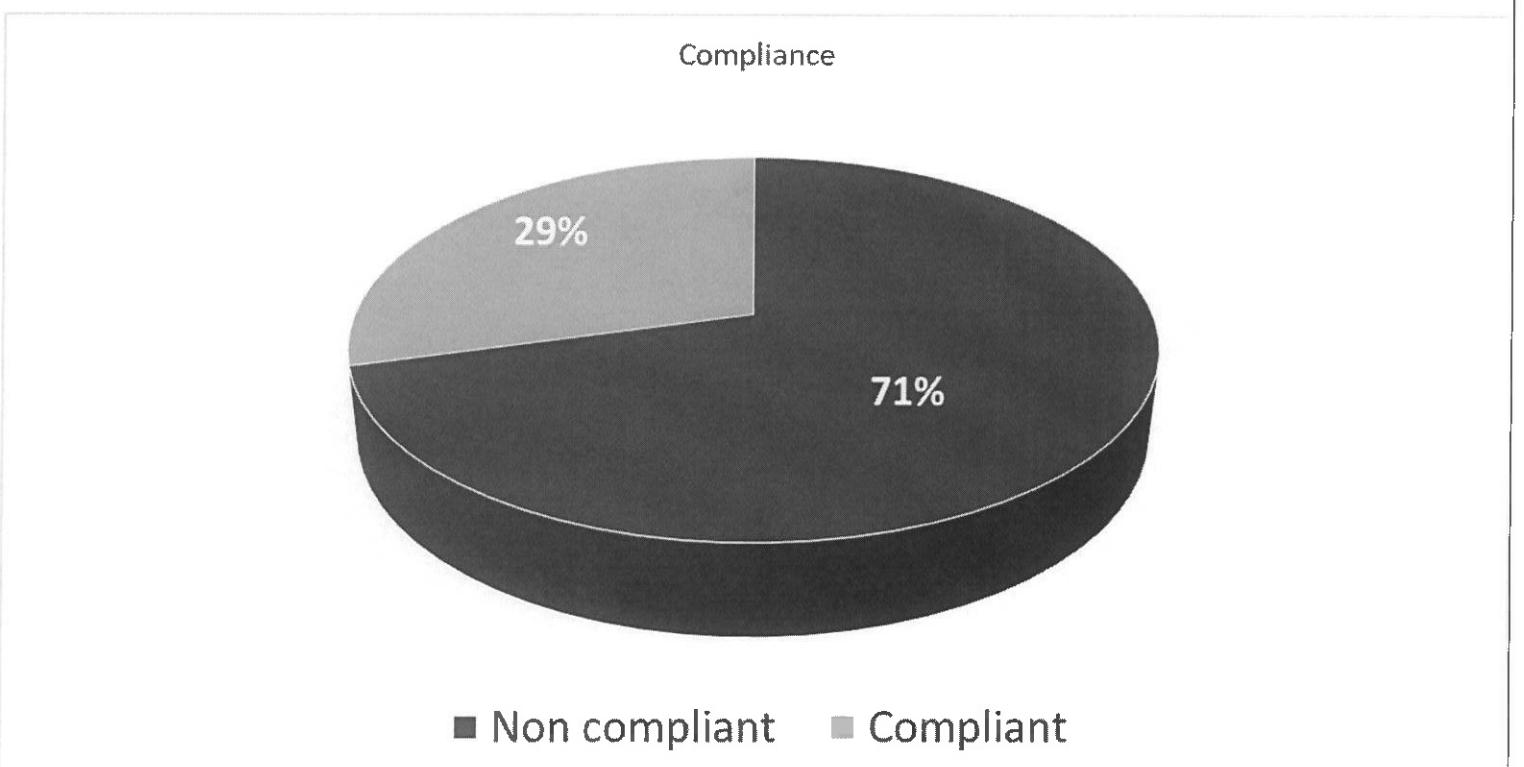
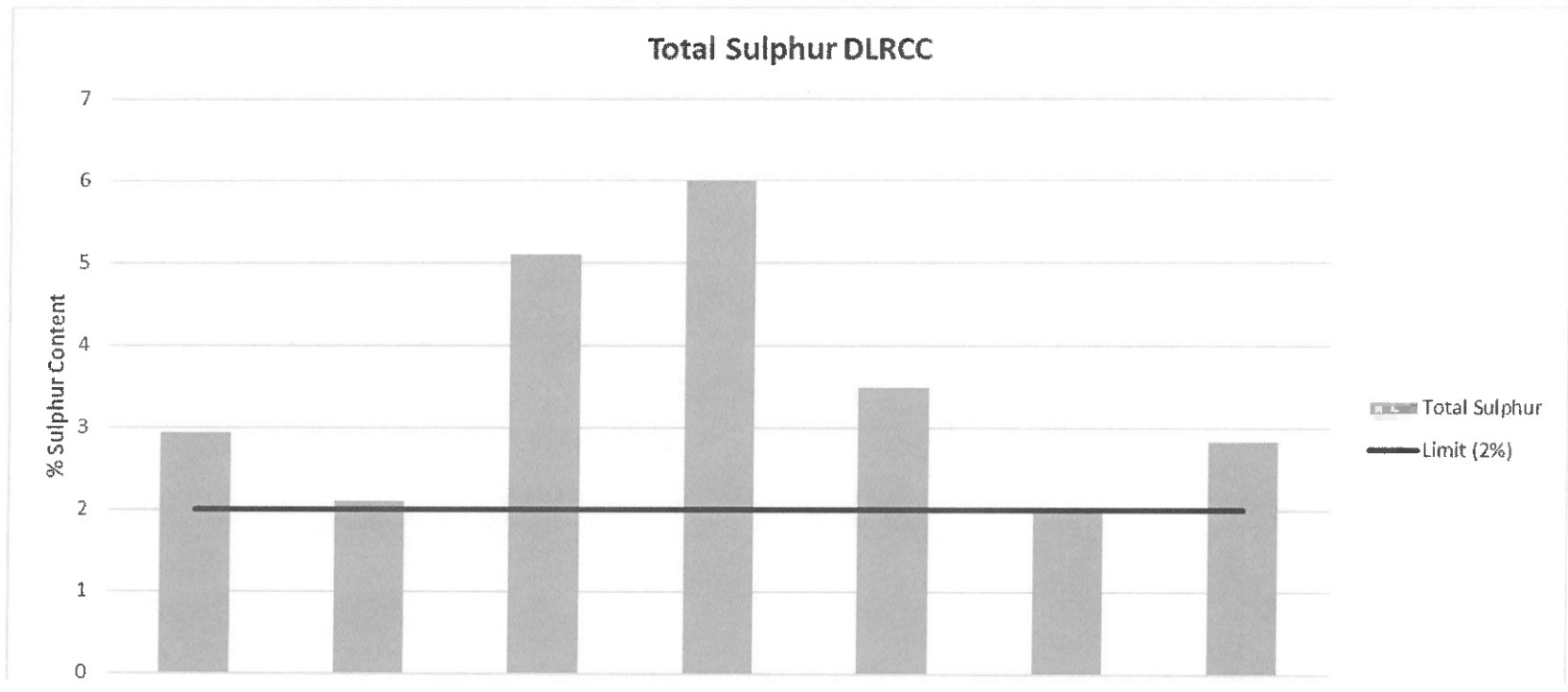
1.54
2.66
2.71
2.11
1.78

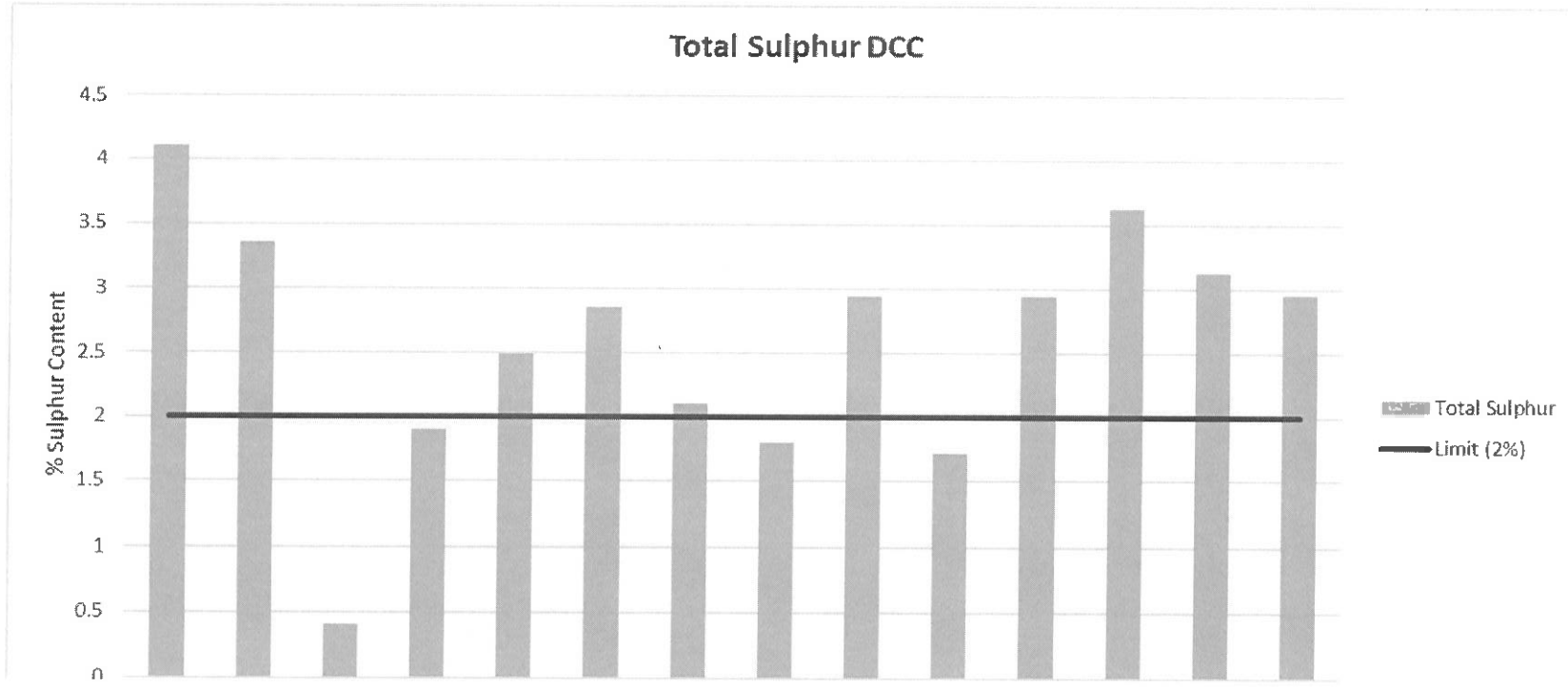
71%
29%

2.72
6
0.41





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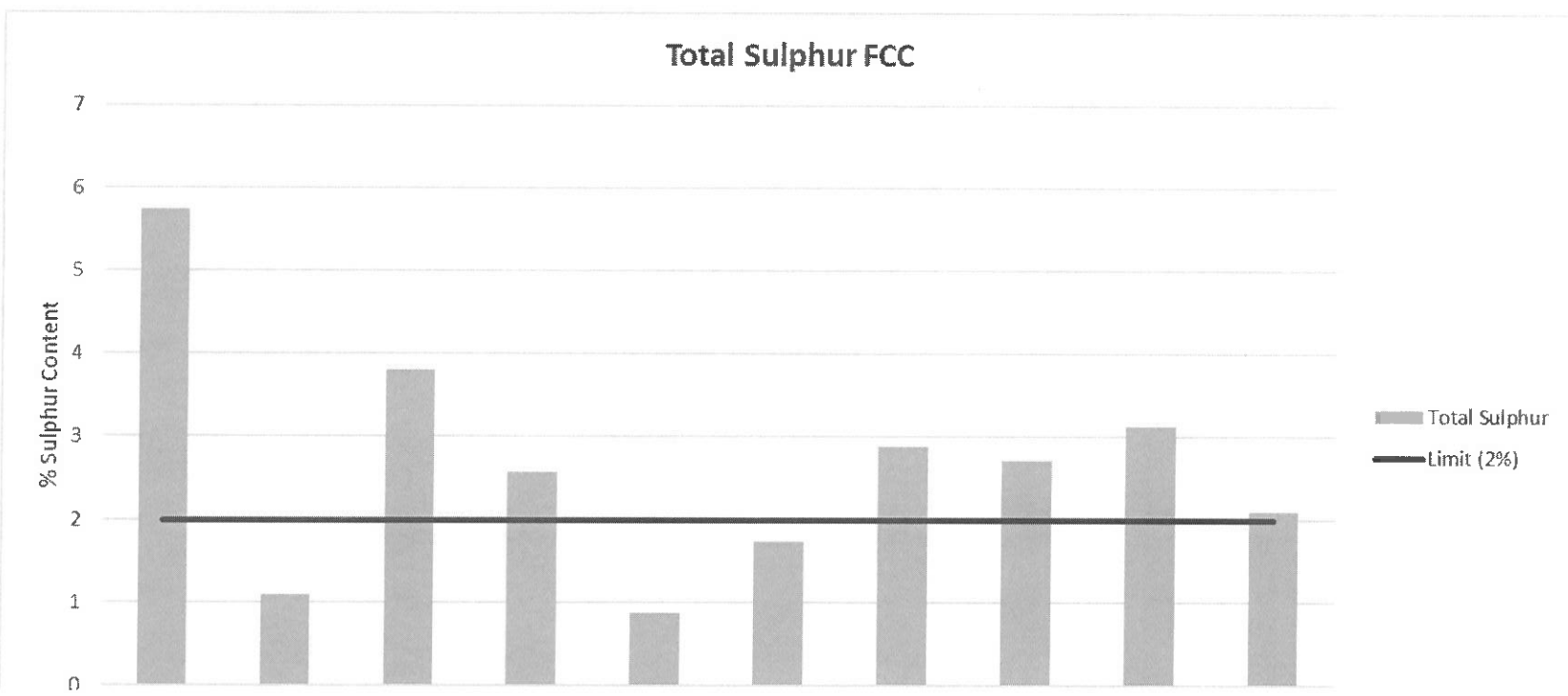
3.5
3
2.5
2
1.5
1
0.5
0
Total Sulphur
Limit (2%)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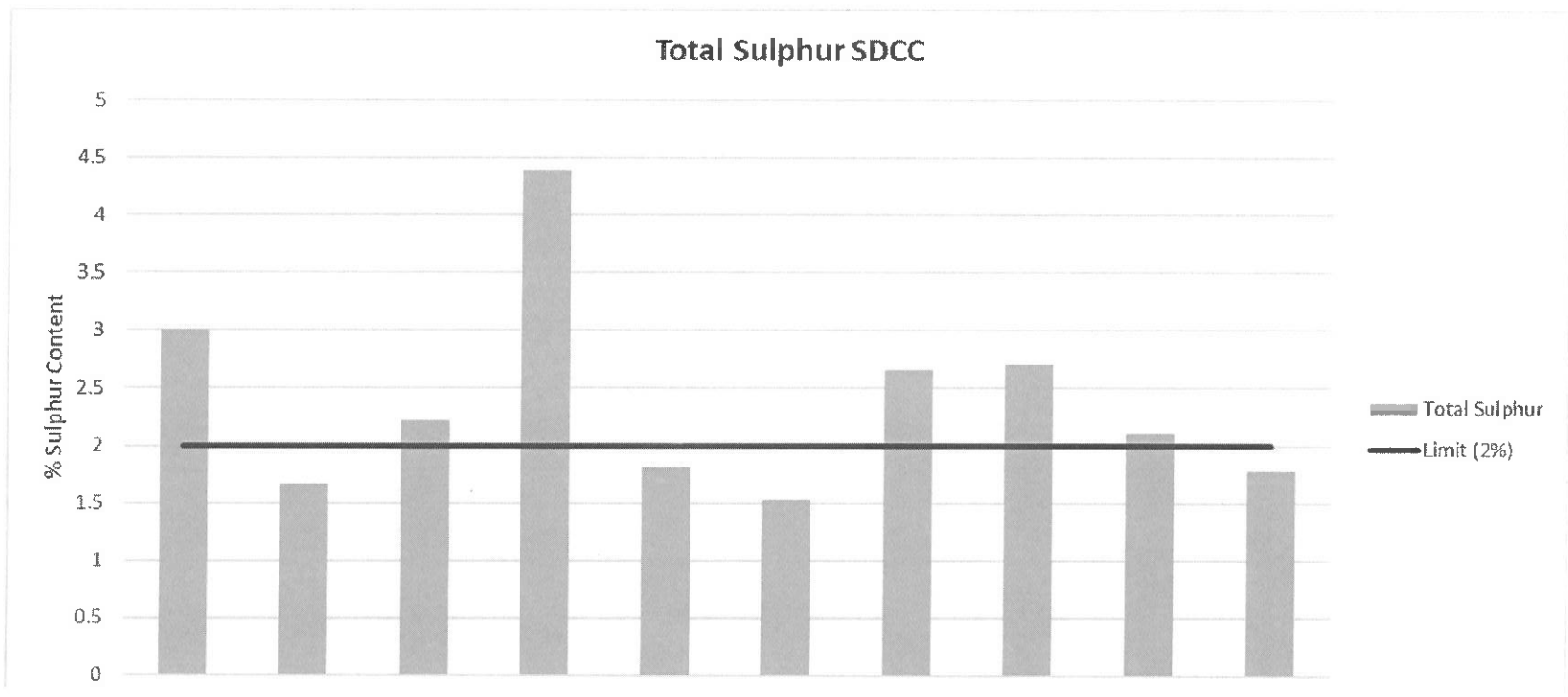
6
5
4
3
2
1
0
Total Sulphur
Limit (2%)


Total Sulphur SDCC
% Sulphur Content
5
4.5
4
3.5
3
2.5
2
1.5
1
0.5
0
Total Sulphur
Limit (2%)