



INZRAK

**Enhanced environmental protection inspection
for efficient control of air quality monitoring and
of all entities under obligation within system of
greenhouse gas emission allowance trading, in
order to achieve better quality of air in Republic
of Croatia**



REPUBLIKA HRVATSKA

MINISTARSTVO ZAŠTITE
OKOLIŠA I ENERGETIKE



EKONERG



SREDIŠNJA AGENCIJA ZA
FINANCIARANJE I UGOVARANJE



This project is funded by the European Union



EKONERG

Energy research and Environmental Protection Institute



11. INSPECTION MONITORING

11.3 INSPECTION MONITORING OF LOCAL (AND REGIONAL) SELF-GOVERNMENT UNITS

Subject of inspection	INSPECTION MONITORING OF LOCAL (AND REGIONAL) SELF-GOVERNMENT UNITS
Inspection code	PKZ-JLS
Legal basis	<p>Air Protection Act, Articles</p> <p>12, 14 – Air Protection Programme</p> <p>24, 25 – air quality categories, limit and target values</p> <p>26 – special protection measures of human health</p> <p>31, 32, 33, 46 – legal basis for monitoring</p> <p>37 – measures for pollution reduction</p> <p>37, 46, 47 – action plans and short-term action plans</p>

11.3 INSPECTION MONITORING OF LOCAL (AND REGIONAL) SELF-GOVERNMENT UNITS

CONTINUATION

Legal basis	<p>34 and 49 – public informing 52, 54, 55 - method of monitoring, permit for AQM 119 – information system 129, 130, 131, 133, 137, 144 – inspection monitoring 146, 148 - misdemeanour provisions</p>
Bylaws	<p>Ordinance on the Air Quality Monitoring, Articles 11 to 15 - method of monitoring, data quality 21, 22 - reporting, annual report 25, 26 – public informing</p>

11.3 INSPECTION MONITORING OF LOCAL (AND REGIONAL) SELF-GOVERNMENT UNITS

CONTINUATION

Bylaws	<p>Regulation on the Pollutant Levels in Air, Articles 3, 5, 7, 8, 13 - interpretation of annual report 8 to 12 – exceeding of threshold alert and informing</p> <p>Regulation on Mutual Exchange of Information and Reporting on air quality and obligations for implementation of Commission Decision 2011/850/EU, Articles 7 to 10 – data submission to CEA for the purpose of data submission to EC</p>
---------------	---

11.3 INSPECTION MONITORING OF LOCAL (AND REGIONAL) SELF-GOVERNMENT UNITS

Other documents	<p>Programme of air and ozone layer protection, climate change mitigation and adaptation</p> <p>Report on implementation of the programme of air and ozone layer protection, climate change mitigation and adaptation</p> <p>Annual reports on air quality monitoring</p> <p>Action plan for air quality improvement and/or short-term action plan</p> <p>Information/reports on implementation of action plans for air quality improvement and/or implementation of short-term action plan.</p>
Monitored person	Local and/or regional self-government units

Control of regulations implementation per phases

A. Preparation of inspection monitoring - steps

1.

Ask of the monitored representing body of the County, City of Zagreb or large city the **programme** of air and ozone layer protection, climate change mitigation and adaptation which is an integral part of the environmental protection programme for the County, i.e. the City of Zagreb and large city (hereinafter referred to as the Programme), and it should be published in official journal of the local and regional self-government unit, depending on which representing body had brought it. (Cl. 12 APA)

Ask for report on programme implementation, as administrative body authorized for environmental protection (hereinafter referred to as the authorized administrative body) of the County, City of Zagreb or large city prepares the report for the period of four years, adopted by representing body of the County, City of Zagreb or large city. (Cl. 14 APA)

Control of regulations implementation per phases

A. Preparation of inspection monitoring - steps

2. Ask the monitored local and/or regional self-government unit for copy of most recent **annual reports on air quality monitoring** from their area. (Cl. 31 and Cl. 32 APA, Cl. 22 OAQM)

3. Ask the monitored local self-government unit, i.e. the City of Zagreb for **action plan** for air quality improvement and/or **short-term action plan** if prepared. (Cl. 37, 46 and 47 APA)
Ask the monitored local and/or regional self-government unit and City of Zagreb for **information on action plans submitted to CEA**. (Cl. 9 and Cl. 10 RMEI)

Control of regulations implementation per phases

A. Preparation of inspection monitoring - steps

4. Ask the monitored local and/or regional self-government unit and the City of Zagreb for information on public informing on air quality, implementation of action plans for air quality improvement, implementation of short-term action plans and annual reports on AQM (Cl. 34 and 49 APA).

5. In case of **exceeding of alert threshold** for SO₂ and NO₂ and **informing threshold** or warning threshold for ground-level ozone, the executive body of the local self-government unit in which area there was an exceeding, it is required to take special health and environmental protection measures and to determine the way of their implementation based on special regulation which regulates the prevention of major accidents involving dangerous substances. (Cl. 8 to 12 RPLA)

Control of regulations implementation per phases

B. Implementation of inspection monitoring - steps

1.

Verify whether the monitored representing body of the County, City of Zagreb or large city prepared the **Programme** for the County, i.e. City of Zagreb and large city, and whether it prepared the **report on programme implementation**. (A1)

2.

Verify whether the monitored local and regional self-government unit **established monitoring stations** for air quality monitoring in its area, if it assessed that pollution levels exceed the prescribed limit values (LV), i.e. If it assessed that there are justified reasons (especially in case of increased development of industry, expanding of business and industrial zones, etc.). (Cl. 31 APA)

Control of regulations implementation per phases

B. Implementation of inspection monitoring - steps

3.

If there is monitoring established in the area of local or regional self-government units, whether the competent administrative body of the monitored LSGU (or RSGU) **submitted to the Agency the original and validated data and report on pollution levels and on air quality evaluation** by 30 April of the current year for the previous calendar year. (Cl. 31 and 32 APA)

Verify whether these monitoring data have been **published** in official journal or on web pages of local and regional self-government unit in summarized scope and in a way understandable to the public. (Cl. 34 APA)

Control of regulations implementation per phases

B. Implementation of inspection monitoring - steps

4.

Verify whether in the area of monitored local self-government unit, **at the request of an environmental inspection or there was suspicion, expressed by citizens' complaint**, there was an air pollution whose quality could be such as to impair human health, quality of life and / or adversely affect any environmental component, the executive body of the City of Zagreb, the city and the municipality established the justification of doubt and made a decision on the need to carry out measurements of special purpose i.e. assessment of the level of pollution (Cl. 33 APA).

5.

In random order verify several **annual reports on air quality monitoring** and further steps of verification adjust to the year of the report or monitor most recent reports from A2.

Control of regulations implementation per phases

B. Implementation of inspection monitoring - steps

6.

Verify whether the **reports on air quality monitoring** (from A2) contain data on :

- legal person – testing laboratory or reference laboratory carrying out the air quality monitoring
- metering points of sampling and metering scope
- time and method of sampling
- used methods and measurement equipment
- data quality assurance based on the request of complied standard for testing and calibration laboratories
- other data related to quality assurance, such as continuity assurance, participation in comparing monitoring, deviations from prescribed methodology and reasons for such deviations.
- on level of air pollution and on dates and periods of air pollution exceeding the limit values, target values and long-term values of ground-level ozone

Control of regulations implementation per phases

B. Implementation of inspection monitoring - steps

6.

- on exceeding the alert threshold and warning thresholds, as well as on dates and periods
- on calculated statistical parameters of air pollution for pollutants based on the criteria specified in Appendix 8 of the Regulation – arithmetic mean, median, relevant percentile and maximum value, data range – percentage of total possible number of data and number of data, for relevant averaging periods
- on average annual value of ozone, polycyclic aromatic hydrocarbons and chemical composition in flying particles PM_{2,5}
- on the level of air pollution in relation to the upper and lower threshold of assessment
- on criteria applied during evaluating the air pollution
- on causes of exceeding the limit value, target value and long-term objective for ground-level ozone. (Cl. 22 OAQM)

Control of regulations implementation per phases

B. Implementation of inspection monitoring - steps

7.

Verify whether the testing or reference laboratory carrying out the monitoring has a valid permit (date until it is valid for each pollutant) and pollutants for which it is issued, and verify the **coverage of monitoring scope** by permit and whether the annual reports were issued for that metering point (Example: Table 1) (Cl. 54 and 55 APA).

8.

Verify whether the **continuous data transfer** has been ensured for pollutants which concentration in air is determined by monitoring instruments for automatic monitoring by computer network into the air quality information system managed by the Agency. (Cl. 21 OAQM)
<http://iszz.azo.hr/iskzl/>

Control of regulations implementation per phases

B. Implementation of inspection monitoring - steps

9.

Verify whether in the area of monitored local self-government unit the levels exceeding the **alert threshold or warning threshold** have been determined, and whether the executive body of the City of Zagreb, city and municipality ordered an implementation of special health protection measures and method of their implementation, and whether it informed the public via media covering the area of that local self-government unit.

Verify whether in the area of monitored local self-government unit the **critical levels** have been exceeded, prescribed for the vegetation protection, and whether the representing body of the local and regional self-government unit ordered an implementation of special measures and method of their implementation. (Cl. 26 APA)

Control of regulations implementation per phases

B. Implementation of inspection monitoring - steps

10.

Verify whether the **action plan** has been adopted for air quality improvement (from A3), if pollutant levels in the air exceed any limit value or target value, in order to reach the limit or target values as quickly as possible.

Verify whether the **short-term action plan** has been adopted (from A3), if there is a risk that pollutant levels will exceed the alert threshold for ground-level ozone, sulphur dioxide and nitrogen dioxide, which contains the measures that should be taken in short time period in order to reduce the risk or duration of such exceeding.

Verify whether the **measures** from action plans for air quality improvement are implemented, as well as the measures from short-term action plans. (Cl. 37 APA)

Control of regulations implementation per phases

B. Implementation of inspection monitoring - steps

11. Verify whether the **Action Plan** for air quality improvement from A3 contains mandatory elements prescribed in Part I of the Appendix of the Regulation on Mutual Exchange of Information and Reporting on air quality and obligations for implementation of Commission Decision 2011/850/EU

12. Verify whether the Representing body of the local self-government unit submitted to the Agency the **information on action plan** for exceeding of limit and target values (from metering points defined by the regulation which regulates the list of metering points for monitoring the pollutants in the air) into the air protection information system in electronic version using forms and protocols from Commission Decision 2011/850/EU, published by the Agency on its web pages, immediately upon the adoption of the Action plan.

Control of regulations implementation per phases

B. Implementation of inspection monitoring - steps

12.

Information on action plans from Cl. 13 and Appendix (information H-K) of the Commission Decision 2011/850/EU:

- information on air quality improvement plans (H),
- information on sources distribution (I),
- information on scenario for achievement year (J),
- information on air quality improvement measures (K).

13.

Verify whether the monitored local and/or regional self-government unit and the City of Zagreb **informed the public** on air quality, implementation of action plans for air quality improvement, implementation of short-term action plans and annual reports on AQM (from A4).

Control of regulations implementation per phases

B. Implementation of inspection monitoring - steps

14.

Verify whether in case of **exceeding of alert threshold** for SO₂ and NO₂ and **informing threshold** or warning threshold for ground-level ozone, the executive body of the local self-government unit has taken special measures for health and environmental protection and determined the method of their implementation according to the special regulation regulating the prevention of major accidents involving dangerous substances. (from A5)

Control of regulations implementation per phases

C. Conducting after performed inspection monitoring - steps

1.

If it is established that the County, City of Zagreb, i.e. large city **did not fulfil the obligation of adopting and publishing the Programme and report on Programme implementation** for the period of four years from B1, it will be punished for the offence. (Cl. 129 and 148 APA)

2.

If it is established that the monitored County, City of Zagreb, i.e. large city **did not established the monitoring stations** for air quality monitoring in its area if they assessed that pollution levels exceed the prescribed limit values (LV), i.e. if they assessed that there are justified reasons (especially in case of increased development of industry, expanding of business and industrial zones, etc.) from B2, inspector shall indicate to irregularities and determine the deadline of their resolution (Cl. 129, 131 APA).

Control of regulations implementation per phases

C. Conducting after performed inspection monitoring - steps

2. If the irregularities are not resolved in defined period, the Ministry shall file an indictment or a criminal charge for misdemeanor or criminal offense to the authorized body, while inspector is entitled to take other measures and actions for which he is authorized. (Cl. 144 APA)

3. If it is established that the County, City of Zagreb, i.e. large city **did not submit original and validated data** on air quality monitoring and **report on pollution levels** and air quality assessment to the Agency by 30 April of the current year for the last calendar year from B2 and B3, they will be punished for the offense (Cl. 129 and 148 APA)

Control of regulations implementation per phases

C. Conducting after performed inspection monitoring - steps

4. If it is established that the executive body of the City of Zagreb, city and municipality did not adopt a decision on monitoring of special purpose or assessment of pollution level **at the environmental protection inspection request** or when there is a suspicion expressed by public that there was an air pollution which quality is such that could impair human health, quality of living and/or have an adverse impact on any environmental component from B4, it will be punished. Also, the responsible person in the City of Zagreb, city and municipality shall be punished as well. (Cl. 129 and 148 APA)

Control of regulations implementation per phases

C. Conducting after performed inspection monitoring - steps

5. If there are irregularities established in steps :
B5 and B6 (**annual report and content of annual report**),
B7 (**permit and coverage of monitoring scope**),
B8 (**continuous data transfer**),
inspector shall indicate to irregularities and set forth a deadline of their resolution (Cl. 129, 131 APA).
Deadline depends on a type of irregularity
If the irregularities are not resolved in defined period, the Ministry shall file an indictment or a criminal charge for misdemeanor or criminal offense to the authorized body, while inspector is entitled to take other measures and actions for which he is authorized. (Cl. 144 APA)

Control of regulations implementation per phases

C. Conducting after performed inspection monitoring - steps

6.

If it is established that the County, City of Zagreb, i.e. large city **did not order the implementation of special health protection measures** and method of their implementation and they **did not inform public on exceeding of alert threshold or informing threshold** from B9, they will be punished. Also, the responsible person in the City of Zagreb, city and large city shall be punished as well. (Cl. 129 and 148 APA).

7.

If it is established that the County, City of Zagreb, i.e. municipality did not **adopt the action plan** for air quality improvement **or short-term action plan** from B10, they will be punished. Also, the responsible person in the City of Zagreb, city and municipality shall be punished as well. (Cl. 129 and 148 APA)

Control of regulations implementation per phases

C. Conducting after performed inspection monitoring - steps

8. If there are irregularities established in steps:
B11 (mandatory elements of action plan),
B12 (submission of information on action plan),
B13 (public informing)
inspector shall indicate to irregularities and set forth a deadline of their resolution (Cl. 129, 131 APA).
Deadline depends on a type of irregularity (refer to Table 1).
If the irregularities are not resolved in defined period, the Ministry shall file an indictment or a criminal charge for misdemeanor or criminal offense to the authorized body, while inspector is entitled to take other measures and actions for which he is authorized. (Cl. 144 APA)



EKONERG

Energy Research and Environmental Protection Institute



THANK YOU FOR YOUR ATTENTION

Disclaimer: The contents of this publication are the sole responsibility of EKONERG – Energy Research and Environmental Protection Institute, Ltd. and can in no way be taken to reflect the views of the European Union



This project is funded by the European Union