

ANNUAL REPORT 2010 Czech Environmental Inspectorate



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The Director's word of introduction

In 2010, Czech Environmental Inspectorate recalled semi-centennial of the setting up the State Water Management Inspectorate, from which after the integrating with the Technical Air Protection Inspectorate and enlargement of inspection competencies in forestry, The Czech Environmental Inspectorate was set up.

In this year The Czech Environmental Inspectorate will celebrate the twentieth anniversary of the setting up. From this time, the Czech Environmental Inspectorate established its profile of being highly professional and transparent inspection authority, which fulfil executive, control and preventive functions, but at once CEI has developed cooperation with media and with the general public.

In the framework of the section of water protection the change of territorial competency according to regions, which was implemented in the middle of 2009, was projected into inspection activities and further the amendment to the Act on Waters, whose changes has been continuously put into practice by inspectors. On the field of nature protection the amendment of the Nature Protection and Landscape Act came into force, namely in areas of competencies, mandatory standpoints, exceptions, protection of protected areas of European importance, breeding of specially protected animals, operating of rescue stations and wood protection. One of the achievement of CEI in 2010 was process of regulating rules approvals, which covered ecological measures during exceeding a special pollution limit for suspended particles. CEI demanded, that in contents of these regulation rules were stated controllable measures which leading to reduction in emissions of the concerned pollutants and to more effective protection of the environment.

In conclusion, I would like to thank all inspectors, who often face up to insults and threats during inspections and despite that they carry on in their work further. At the same time I would like to thank companies and their owners, who was not found any violation of the law, but also to those who tried to realize remedial measures thoroughly and as soon as possible. I thank also our citizens and workers of news media who through their motions and publications of serious offences against the environment contributed to their remedies.

Milan Bukolský
Nominee Director of CEI





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1 Basic information on CEI

1 BASIC INFORMATION ON CEI

The Czech Environmental Inspection was established in 1991 by Act no. 282/1991 Coll. on the Czech Environmental Inspection and its jurisdiction in forest protection; the other departments were added later on in 1991-1992. The CEI is a separate organizational component of the State reporting to the Ministry of the Environment of the CR, and is active in five areas: air protection, water protection, waste management, nature protection, and forest protection. That is reflected in its administrative divisions, although it has embraced additional spheres of activity over time: ozone layer protection, supervision over chemical handling, accident prevention, genetically modified organisms, etc. An integrated approach to environmental protection has been increasingly taken, both pursuant to the Integrated Prevention Act and Environmental Impact Assessment Act and in the overall method of our inspection work.

The CEI is divided into 10 regional inspectorates, two branch offices, and headquarters. The CEI had 643 employees in 2010; about 80% of that are inspectors. The CEI Director is appointed by the Minister of the Environment.

Regional Inspectorates: Prague, České Budějovice, Plzeň, Ústí n/Labem, Liberec, Hradec Králové, Havlíčkův Brod, Brno, Olomouc, Ostrava; branch offices: Zlín and Karlovy Vary.



2 DESCRIPTION OF INSPECTION WORK

The content of CEI inspection work is defined by the scope of powers bestowed to the Inspection by applicable component acts of law and other legal standards. The CEI performs all its duties and covers the entire range of inspection work defined by law as much as possible.

An overview of CEI duties

- oversee adherence to legal regulations on environmental protection
- carry out inspections/checks
- impose measures to remedy any deficiencies identified
- impose punitive measures for non-compliance with environmental legislation
- inspect trade in and treatment of endangered animal and plant species and products thereof (seize illegally acquired specimen and items)
- reduce or stop operations if they pose a serious threat to the environment
- be involved in resolving old environmental burdens
- handle complaints by citizens and corporate entities
- provide information upon request pursuant to legislation in force
- communicate to the public and media and state

Overview of CEI competencies in the individual sectors of the environment

CEI competencies		Sector of the environment				
		Air	Water	Waste	Nature	Forest
supervision	controls, revisions, reviews, investigations etc.	*	*	*	*	*
sanction	fines to legal entities	*	*	*	*	*
	fines to individuals	*	*	*	*	*
	restricting or closing operations	*	*		*	*
measures	measures for rectification of identified shortcomings	*	*	*	*	*
	dealing with old environmental burdens		*			
	accidents registration and cooperation in dealing with accidents	*	*	*		
	detention and confiscation of illegal specimens of endangered species of animals and plants				*	
	confiscation of illegally held specimen, confiscation of products	*			*	
charges	charges for discharging of waste water, charges for groundwater abstraction		*			
permitting and approvals	regulating rules, co-incineration of several fuels, classification of sources	*				
statements	statements, comments or approvals for other administrative bodies	*	*	*	*	*
motions	processing motions	*	*	*	*	*

2 DESCRIPTION OF INSPECTION WORK IN 2010

- administration authorities information about the environment that it acquires in its inspection work
- elaborate position statements for other state administration authorities
- be involved in handling environmental accidents
- cooperate with inspection authorities in European Union countries and the EU inspection network (IMPEL)
- determine charges for wastewater discharges and groundwater withdrawal

FINDINGS OF INSPECTION WORK

a) Air protection

The most serious delicts proven in 2010 included breach of emission limits, emission ceilings and emission reduction plans. Other delicts included failure to identify air pollution levels (emission measurement), departure from operating rules, violation of conditions specified in operating permits, source operation or replacement without permits, failure to implement measures, failure to eliminate dangerous conditions, failure to inform the CEI, negligence of operating records or failure to elaborate and provide summary operating records, violation of duties when handling volatile organic compounds, violation of regulations and bans when handling controlled substances, and violation of regulations when handling fluorinated greenhouse gases.

Inspections of adherence to requirements on installations involved in the carbon dioxide emission permit trading scheme identified no violations of duties in 2010. The installations were operated by permit of the Ministry of the Environment, their operators reported equipment modifications, monitored, authenticated and reported their carbon dioxide emissions.

A comparison of the numbers of delicts proven in 2010 and 2009 indicates that with the exception of violations of the duty to keep operating records, elaborate and provide air protection authorities with summary operating records and violation of regulations when handling controlled substances and fluorinated greenhouse gases, the numbers decreased slightly in 2010. The first exception – increased numbers of cases of undisciplined operating records for stationary air pollution sources, elaboration and provision of summary operating records – can be explained by the cessation of blanket authentication of the summary operating record data provided by operators of all especially large and large stationary air pollution sources, ruled by the amended Air Protection Act. The performance of the duty to keep operating records, elaborate and provide air protection authorities with summary operating records was only inspected in 2010 as part of on-site inspections in the sources when inspecting the performance of other duties, or based on complaints. The other exception – increased numbers of delicts when handling controlled substances and fluorinated greenhouse gases – can be justified by the changed conditions for the handling, duties when operating facilities containing them, and the changed duties of persons maintaining and inspecting them, newly implemented by Regulations (EC) nos. 1005/2009 and 842/2006 of the European Parliament and of the Council.

As in the previous year, in consequence of the dissatisfactory state of air quality in some areas of the Czech Republic, especially the presence of volatile dust in the air, the CEI inspection work focused on sources of major emissions in the energy, fuel processing and production, and iron and steel production industries.

b) Water protection

The work of the Water Protection Unit in 2010 was still affected by the shift in territorial jurisdiction by regions of mid 2009, and the fact that Act no. 150/2010 Coll., amending Act no. 254/2001 Coll. on Waters came into effect on 1 August 2010. The amendment instituted some changes to the Waters Act that the Water Protection Unit inspectors have to implement in the inspection practice and decisions in administrative procedures. Following are some examples: groundwater consumers do not have to submit an annual charges report on advance determination – significant paperwork reduction; application of certified hydraulic engineering structures in wastewater treatment; altered distribution of revenues from fines imposed on municipalities.

Compared to the previous year, the inspection work changed substantially due to the shifted powers between the CEI Water Protection Unit and the Central Agricultural Inspection and Testing Institute. The latter became an authorized inspection body for checks of conditionality of the mandatory requirements pursuant to Council Directive 80/68/EEC the protection of groundwater against pollution caused by certain dangerous substances.

There are annually increasing numbers of cases where waste-handling entities declare waste as certified products, which remain objectionable from the perspective of the Waters Act. Such “products” are deposited outside landfills, frequently in abandoned factories. They are used in land reclamation and landscaping in sand pits and quarries. This establishes a future problem of so-called “new burdens”.

c) Waste management

In 2010 more than in previous years, the inspection work of CEI WMD focused on treatment of WWTP sludge. The objective of the inspections was to compare whether the amount of sludge generated in a certain type of installation (water lines) approximately corresponds to the amount reported by operators, and to track down the final application or disposal of the sludge: the CEI would progressively examine all the segments of the chain from the generation to the final disposal. When collecting data for all inspections (not only the WWTP mentioned in more detail), all the WMD inspectors make maximum use of all the available software, especially programmes for editing nationwide data from annual reports on waste generation and disposal.

The CEI WMD staff accomplished the annual schedule of inspection work in 2010. They also carried a lot of inspection work unplanned and based on numerous complaints. The number of administrative procedures on the imposition of a fine or determination of remedial measures initiated and the total amount of fines imposed document that systemic inspections of waste disposal still need to be performed at a similar rate. The narrow focus of the inspection work on handling of WWTP sludge as well as the long-term monitoring of handling of hazardous waste proved that numerous problems persevere in those areas. Inspection work results for 2010 continue to indicate that business in the waste management sphere can be economically attractive, but adherence to legal regulations in force is a precondition for any respectable business.

2 DESCRIPTION OF INSPECTION WORK IN 2010

d) Nature and landscape protection

The year 2010 was the first year in which Act no. 114/1992 Coll. on nature and landscape protection (Act 114) was in force as amended by Act no. 349/2009 Coll., which modified Act 114 as concerns the powers, binding statements, exemptions, protection of Special Areas of Conservation, breeding of specially protected animal species, operation of rescue homes, and tree and shrub protection. In spite of some initial concerns which regarded some of the modifications – the tree and shrub protection provisions, for instance – as questionable and arguable, the CEI noted no signals of increased reduction of greenery, whether in the open country or in municipalities. The number of complaints, the overwhelming majority of which concern tree and shrub protection, decreased by about 10% year-on-year for the first time since 2000. It continues to be a fact, however, that the interest of the public in nature protection issues has a significant effect on the range of CEI inspection work in the area and about 50% of the complaints are justified; besides trees and shrubs, most of the complaints concerned specially protected animal species.

In the other supervised nature protection areas (genetically modified organisms and zoological gardens), the inspection work hardly changed year-on-year and made up no more than 5% of the total activity.

e) Forest protection

The crucial inspection findings and problems in the Forest Protection Unit include the accelerated development of climbing facilities in forests, calamitous bark beetle outbreaks in Kutná Hora EPD and Šumava National Park, increased bark beetle presence in Vlašim and Benešov EPD, adverse effects of drought on the state of protection of forest from pest insects in Vítkov, Bílovec, Opava and Jablunkov EPD under Ostrava RI, continuing situation where companies in multiple EPD log with a hard-to-prove logging of sound forest beyond the legal extent – Plzeň RI FPD, and the same for a natural person under Olomouc RI, increased illegal logging, especially around Č. Budějovice, calamitous Cucurbitaria outbreaks in substitute blue spruce vegetation in the Ore Mountains, increased demands on LIFFF due to sporting and leisure activities, coal mining and increased linear construction under Ústí nad Labem RI FPD, recurring adverse effects of increased burdening of forests with game, as well as hard-to-solve problems of forest damage due to off-road motorcycles and especially quad-bikes. Other major issues include the landscaping and threat to forest due to the development of the ski resort at Kouty nad Desnou, extensive devastating logging by a natural person in Šumperk District resulting to an illegitimate condition of at least 34.08 ha of forest, extensive and inadequate interference caused by use of milling machines in grinding clear-cut brushwood onto the naked earth, destruction of natural tree seeding, alluvial plant and animal species in Království Nature Reserve and its buffer zone under Olomouc RI FPD.

3 DECISIONS IN ADMINISTRATIVE PROCEDURES IN 2010

The CEI performed 16,603 inspections in 2010 (17,432 in 2009; 14,255 in 2008). The number of inspections per inspector was 35 in 2010 (36 in 2009; 35 in 2008). The slight decrease in the number of inspections performed compared to 2009 is due to the increased legal and professional complexity of the inspections and the ensuing administrative procedures. The CEI issued 14,081 administrative decisions in 2010, including 14,039 conclusive (the figure includes 2,070 decisions on charges and advances for wastewater discharges and 8,759 decisions on charges and advances for groundwater withdrawal).

ADMINISTRATIVE DECISIONS OF PUNITIVE NATURE

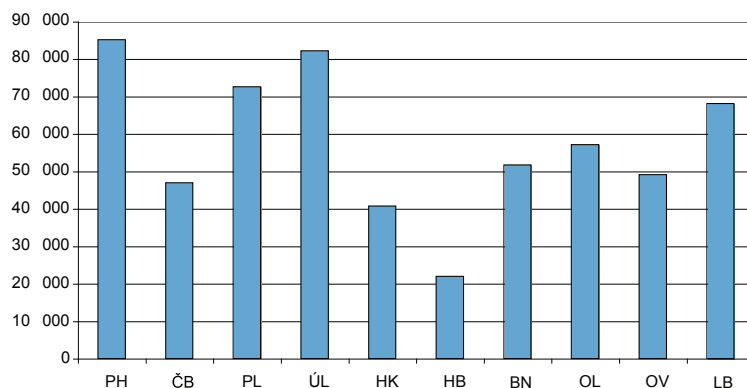
The CEI imposed 2,554 fines; 2,512 of those fines became conclusive in the year 2010 (2,778 fines, incl. 2,650 conclusive in 2009; 2,684 fines, incl. 2,501 conclusive in 2008). The total fine amount was CZK 141,820,843 – a slight decrease compared to 2009 (CZK 164,165,643 in 2009; CZK 142,921,818 in 2008). Fines imposed decreased in the Waste Management and Water Protection Units. The reduction in the total amount of legitimately imposed fines is due to the examination of complicated cases, which are subject to high fines. Some of those cases have been appealed. The most fines of all the regional inspectorates were imposed by Plzeň RI (CZK 26,848,881) and Prague RI (CZK 25,119,250). The average amount of a conclusive fine assessed in an administrative procedure was CZK 56,457 (CZK 56,077 in 2009; CZK 57,146 in 2008). The average fine amount differs across units and regions. The highest average fines were

imposed in waste management; the lowest ones in nature protection, which can be explained by the nature of their work and the legal punitive limits.

ADMINISTRATIVE DECISIONS OF REMEDIAL MEASURES

In addition to punitive measures, remedial decisions are another category of decisions with which the administrative authority responds to identified divergence from law. This type of measures are issued either separately or alongside punitive ones. A total of 340 decisions on remedial measures were issued in 2010 (406 in 2009; 427 in 2008) along with 68 decisions to stop or reduce operation (70 in 2009; 51 in 2008).

Development of the number of inspections



3 DECISIONS IN ADMINISTRATIVE PROCEDURES

The number of cases of seizure and confiscation of live or dead specimens by administrative decision (including CITES) decreased to 53 (68 in 2009; 84 in 2008).

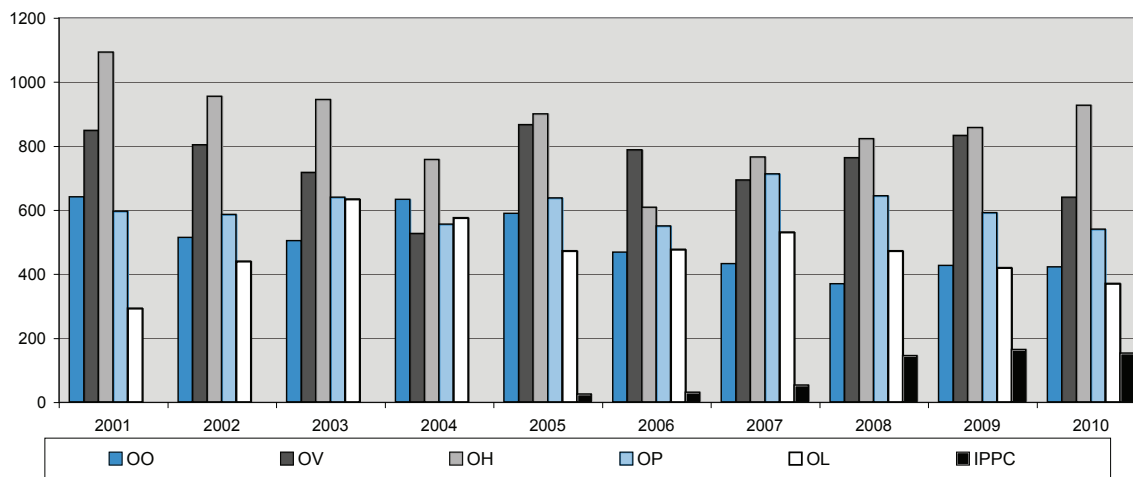
Seizure of unlawfully kept specimens, and reduction or stopping of harmful activity or operation are extreme forms of response of the administrative authority to identified divergence from law. That is reflected to their shares in the total number of decisions

ACTIVITY OUTSIDE ADMINISTRATIVE PROCEDURES

This consists of statements and positions for other authorities, such as positions on applications for funding from the SEF, statements on EIA studies, etc. The CEI issued 11,592 such statements (12,006 in 2009; 12,013 in 2008).

The CEI cooperates with the MoE and the departmental organizations as well as the General Customs Directorate concerning CITES, GMOs and transboundary shipments of waste, the Police, Fire Rescue Service, Czech Trade Inspectorate, Occupational Safety Inspectorate, Public Health Service, regional and local authorities and institutions, judicial authorities, etc.

Development of the number of penal and remedial measures according to departments



4 CEI INVOLVEMENT IN HANDLING ACCIDENTS

CENTRAL REGISTER OF WATER ACCIDENTS

The CEI has maintained a central register of accidents pursuant to Act no. 251/2001 Coll. since 2002. The CEI has cooperated with the Fire Rescue Service (FRS) on handling accidents since 2003.

A total of 139 accidents compliant to the definition of accident pursuant to §40 of Act no. 254/2001 Coll. were registered in 2010. Compared to 2009, the number of accidents due to transport increased to 29 (12 accidents in 2009), making them some of the most numerous ones. Death loss of fish accompanied 16 accidents, which is 14 fewer compared to the previous year. Groundwater was affected in 6 cases. The accident originator was known in 62 of the cases, translating into 45% of the total registered number. The CEI examined or was directly involved in the examination of 40 accidents.

MAJOR CASES

CONTAMINATION OF THE ROKYTKA

A contamination of the Rokytka downstream of Freyova street in Prague Vysočany was reported to Prague RI in July 2010. In an on-site examination performed immediately after the report, CEI inspectors found out that severely contaminated water was running out of a pipe in the right bank in an allotment area. Further examination established that the water was coming out of

the severely clogged and undermaintained storm water settlement tank (SST) on the right bank below the Mobelix plant. Following examinations in cooperation with PVK, a.s., Prague City Council Environmental Dept. and Prague 9 Municipal Authority involved checks on sewers and companies operating in the ČKD-DIS industrial estate. The inspection found out that one of the sewers got clogged and the effluent flowed over into a sewer terminating in the SST. Given the legal dispute over the ownership of the SST and to avoid continued contamination of the Rokytka, the Prague City Council Environmental Dept. arranged a sanitation of the SST in compliance with §42 of the Waters Act.

BLACK OIL LEAK IN LETOHRAD

One of the worst registered accidents in the period in question was the occurrence of petroleum derivatives on the surface of a right-hand tributary of the Tichá Orlice. The black oil leak was caused by a breakdown of the pipeline system in the black oil store inside Dietfurt, s.r.o., plant in Letohrad. The entire interior of a concrete underground pipeline was filled with leaked black oil, which then leaked into the rock environment and penetrated a nearby local watercourse – a tributary of the Tichá Orlice – via drains and storm sewers. Pardubice Regional FRS installed scumboards and sorbent on the right-hand tributary of the Tichá Orlice and a plug in the storm sewer well. After that, the elimination of the accident was taken over by Dekonta, a.s., which installed cascades of scumboards in the stream and filled them with sorbent, and pumped the black oil out of the underground pipeline (approx. 35 m³). A total of about 2,500 tonnes of contaminated earth

4 CEI INVOLVEMENT IN HANDLING ACCIDENTS

and concrete were excavated; this was accompanied by remedial pumping of drain water and groundwater on the accident site, cleaning them and releasing them into storm sewerage. In the final stage, leading to the elimination of the faulty condition, a drain layer was placed on the trench bottom, monitoring bores were made, the trenches were then backfilled with inert materials, and a post-remediation system for monitoring groundwater quality was designed and implemented.

EMERGENCIES DUE TO THE AUGUST 2010 FLOODS IN LIBEREC RI JURISDICTION

Several emergencies occurred in the affected area in consequence of the August flooding (7-8 August 2010):

- former chemical factory in Mníšek u Liberce – premises of J. G. HEUSSER, Chemické produkty Mníšek, a.s. – was washed down into the Jeřice river;
- light fuel oil leaked from the basement of a house into a local watercourse in Kryštofovo Údolí;
- about 900 l of light fuel oil leaked from a basement tank in LISAMON s.r.o. Předlánce onto adjacent meadows and gardens;
- hydraulic oil was washed out from a LIP Engineering s.r.o. factory into a lagoon (former mill race) near the Jeřice river (approx. 2,000 l).

The elimination of the consequences of the washing out of the former chemical factory in Mníšek u Liberce has been in progress to this day; the consequences of the other leaks have been eliminated. Since the accidents were due to a flood, the CEI initiated no administrative procedures on fines.

Classification of accidents by leaked pollutant category in 2010

Pollutant category	Number of accidents	%
petroleum derivatives	85	61,1
wastewater	14	10,1
chemicals except heavy metals	9	6,5
animal husbandry waste	7	5
sludge and suspended solids	3	2,2
food processing products	1	0,7
heavy metals	1	0,7
other substances	4	2,9
undetermined	15	10,8
TOTAL	139	100

Classification of accidents by general cause in 2010

Cause of accident	Number of accidents	%
human factor	52	37,4
technical cause	26	18,7
natural forces	7	5,0
undetermined	54	38,9
TOTAL	139	100,0



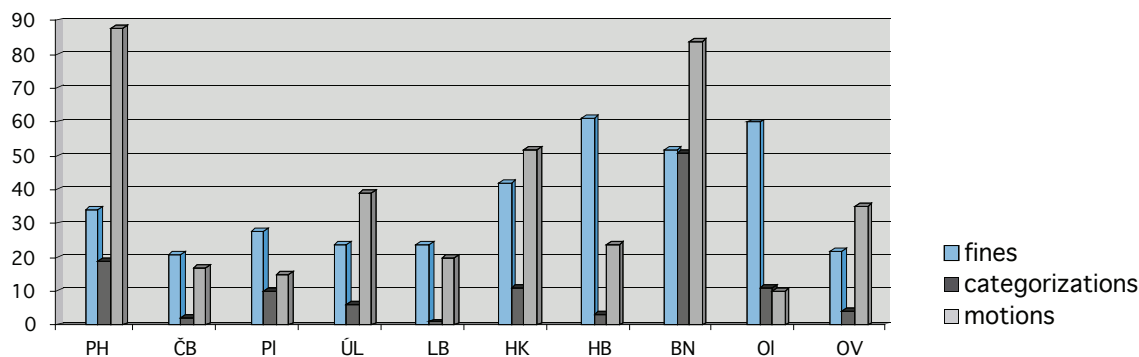
5 CEI ACTIVITY IN 2010 DIVIDED BY DEPARTMENT

5.1 AIR, OZONE LAYER AND EARTH'S CLIMATE SYSTEM PROTECTION

OVERVIEW OF ACTIVITIES IN 2010

- performed 4,998 inspections on compliance with requirements on air, ozone layer and Earth's climate system protection;
- within that, 2,269 inspections were planned, and 2,729 were unplanned;
- air protection was the concern of 4,352 inspection, including 120 on especially large sources, 1,263 on large ones, 2,455 on medium ones, and 514 on small ones; the rest of the inspections dealt with compliance of requirements on operators of installations involved in the carbon dioxide emission permit trading scheme (103 inspections), compliance of requirements on handling controlled substances and fluorinated greenhouse gases (388 inspections), performance of authorized persons' activities (121 inspections), and examination of activities impacting on the air that do not fall into any of the above categories (34 inspections);
- issued 118 decisions to restrict stationary air pollution sources and classify them in respective categories;
- issued 62 decisions to approve regulatory rules for sources listed in the central regulatory rules and regional regulatory rules;
- issued 5 decisions to determine emission limits for simultaneous combustion of multiple fuel types;
- handled 391 complaints and petitions;
- issued a total of 371 conclusive administrative decisions on fines amounting to CZK 17,487,500.

Comparison of numbers of fines imposed, operation categorizations, and complaints handled by regional inspectorates; 2010



OVERVIEW OF PERFORMANCE OF DEPARTMENTAL TASKS

Inspections of compliance with emission limits, emission ceilings, emission reduction plans, requirements of permits and operating and regulating rules, and implementation of remedial measures

Compliance with emission limits, emission ceilings and emission reduction plans was inspected in 3,838 air pollution sources (120 especially large, 1,263 large and 2,455 medium sources). Emission limit violations were identified in 59 cases; emission ceilings in once case; and emission reduction plans in one case. Moreover, one case of exceeding an emission ceiling in 2008 was handled in 2010. Fines totalling CZK 5,530,000 were imposed on the operators for these delicts. Inspection of compliance with the above requirements was performed both based on results of emission measurements carried out by the source operators and using measurement equipment of the Czech Environmental Inspectorate. The measurement equipment of the Czech Environmental Inspectorate was used in inspecting compliance of 14 source operators with emission limits; a violation of the limits was identified in one case for two pollutants.

The above facts resulted in the issuance of 23 decisions ruling remedial measures (compliance with emission limits), and the operation of one source was ordered to be reduced to such a level of consumption of volatile organic compounds to which the emission level for fugitive emissions does not apply. The most common violations concerned emission limits for volatile organic compounds, nitrogen oxides, carbon monoxide, and solid pollutants.

As for the other substantial duties, the above inspections involved an examination whether the sources are operated based on and in compliance with permits issued by air protection authorities. In 65 cases, we identified that the operators were operating the sources without applicable permits issued by air protection authorities, and the operators were imposed fines totalling CZK 2,965,000. The operation of one source was ordered to be reduced. Additional delicts included failure to measure emissions, non-adherence to operating rules, violation of requirements of permits issued for source operation, failure to implement remedial measures, failure to eliminate a dangerous condition, failure to provide the Inspectorate with data, and violation of obligations when handling volatile organic compounds.

Inspection of operating record keeping and reporting summary operating record data

The keeping of operating records and reporting summary operating record data was inspected in 6,332 cases. This resulted in identification of violation of record keeping or reporting obligations in 97 cases, and source operators were imposed fines totalling CZK 1,277,000.

Decisions on definition of stationary air pollution sources and their classification into categories, and decisions on emission limits for simultaneous combustion of multiple fuel types

Procedures conducted by the Czech Environmental Inspectorate resulted in 118 decisions defining 201 stationary air pollution sources; 200 of them were classified into respective categories: there was 1 especially large source, 17 large ones, 82 medium ones, and 100 small ones. One sour-

5 CEI ACTIVITY IN 2010 DIVIDED BY DEPARTMENT

ce was only defined as a stationary air pollution source, and since the source contained a newly introduced technology (low-temperature pyrolysis of tyres), the Czech Environmental Inspectorate did not classify it into a stationary source category; its classification and determination of emission limits and technical operating conditions are currently the subject of a procedure being conducted by the Ministry of the Environment.

Approvals of regulating rules and inspection of adherence to conditions following regulation signal

In 2010, applicable regional inspectorate of the CEI – Prague, Plzeň, Ústí nad Labem, Hradec Králové and Ostrava RI – approved of 62 regulating rules, namely 2 regulating rules by Prague RI, 2 regulating rules in Plzeň, 29 regulating rules in Ústí nad Labem, 5 regulating rules in Hradec Králové, and 24 regulating rules in Ostrava. As for air pollution source categories, 36 of the regulating rules were approved for operators of facilities with especially large sources, 19 operators with large sources, and 7 operators with medium sources. The regulating rules affirmed the measures, proposed by the source operators, that will result in effective reduction of emissions of those pollutants for which the regulating signal is made. The CEI regional inspectorates in Prague, Plzeň and Hradec Králové only submitted for approval regulating rules for air pollution sources included in the central regulating rules, subject to regulation based on exceeding a special pollution limit for PM10; the CEI regional inspectorates in Ústí nad Labem and Ostrava submitted for approval both regulating rules for sources included in the central regulating rules, subject to regulation based on exceeding a special pollution limit for PM10, and regulating rules for air

pollution sources included in regional regulating rules, subject to regulation based on exceeding a special pollution limit for PM10, nitrogen dioxide and sulphur dioxide.

The regulating rules approval process was very difficult for Czech Environmental Inspectorate inspectors. The actual decisions on approving the regulating rules were preceded by complicated negotiations and convincing of the operators to include in the regulating rules effective and controllable measures leading to reductions in emissions of the concerned pollutants. The situation was very acute in early 2010, when based on the effect of the new Ministry of the Environment Decree no. 373/2009 Coll., the Inspectorate received the first draft regulating rules of facilities newly listed in the central regulating rules for exceeding newly defined special pollution limits for suspended PM10; they frequently contained vague, uncontrollable measures intended to reduce emissions of pollutants which experienced inspectors assessed as hardly effective.

In the concerned period – the year 2010, ‘alert’ and ‘regulation’ signals were made for 3 districts, always due to exceeding the special pollution limit for PM10: two in Moravian-Silesian Region (Ostrava-Karviná and Třinec) and for Ústí nad Labem Region. The alert signal was made for Ostrava-Karviná district for a period of 17 days, and the regulation signal for 2 days; in Ústí nad Labem Region, the alert signal was made for a period of 9 days and the regulation signal for 7 days. When inspecting the adherence to the requirements of the regulating rules, Czech Environmental Inspectorate inspectors identified no violations of any duties during source regulation.

Inspection of work of persons authorized to measure emissions, pollution, issue expert statements, calculate dispersion analyses, supervise incinerator operation, and authenticate reports on carbon dioxide emissions

In 2010, a total of 121 persons performing work for which the Air Protection Act requires authorization by the Ministry of the Environment. No deficiencies that would constitute ground for initiating administrative proceedings were found in the work of any of the authorized persons.

Updating of information on waste incinerators and combined combustion facilities

On a regular monthly basis, updated information on incinerators and combined combustion facilities in operation was submitted to the Czech Hydrometeorological Institute, which is charged by the Ministry of the Environment to maintain a publicly accessible register of these air pollution sources. In 2010, reports were submitted on 3 municipal waste incinerators, 31 hazardous waste incinerators, and 6 combined combustion facilities. An administrative procedure was initiated with the operator of a municipal waste incinerator for exceeding an emission limit, but the decision to impose the fine did not become conclusive in 2010. No other violations of operating requirements were identified in waste incinerators and combined combustion facilities.

Inspections of adherence to requirements when handling controlled substances, fluorinated greenhouse gases and products containing them

As part of the departmental tasks defined for the area of

ozone layer and Earth's climate system protection, we inspected all the duties that persons handling controlled substances and selected fluorinated greenhouse gases have to perform, including the process of verification of theoretical knowledge and practical skills of applicants for certificates in the selected spheres of activity. These tasks were inspected simultaneously since controlled substances and fluorinated greenhouse gases are utilized together for identical or similar purposes in applications containing more than 3 kg of coolants. Czech Environmental Inspectorate inspectors performed 388 inspections, which identified 22 cases of violations of duties when handling controlled substances and 41 cases of violations of duties when handling fluorinated greenhouse gases, for which conclusive fines were imposed in 2010. The fines for violating duties in protecting the ozone layer – handling fluorinated greenhouse gases – totalled CZK 737,500; the fines for violating duties when handling fluorinated greenhouse gases totalled CZK 480,000. The most common delicts included failure to assure inspection of application tightness, performance of tightness inspection, maintenance and servicing without a valid certificate, absence of coolant leak detectors, and failure to maintain records. Three decisions on remedial measures were issued, namely the obligation to install coolant leak detection systems.

Inspections of performance of duties of operators of facilities involved in the carbon dioxide emission permit trading system

In the 103 inspections of facilities involved in the carbon dioxide emission permit trading system performed, we compared the condition of the facilities operated with their definitions in permits issued by the Ministry of the

5 CEI ACTIVITY IN 2010 DIVIDED BY DEPARTMENT

Environment, and the methods of monitoring, reporting, authenticating and reporting carbon dioxide emissions. No violations or failure to perform any of the duties were identified.

MAJOR CASES

PLAKOR CZECH s.r.o.: a fine of CZK 500,000 for operating a source in conflict with the operating rules and the requirements set in a permit issued by an air protection authority. The remediation of Ostramo lagoons is a case receiving high media coverage due to both the odour annoyance and the impacts of activities connected to the handling of the “product” – fuel.

In 2010, ČEZ was assessed two fines of CZK 250,000 and CZK 300,000 for exceeding emission ceilings at the Tisová power plant in calendar years 2008 and 2009.

Pražská teplárenská a.s.: a fine of CZK 500,000 for exceeding the defined emission limit for chlorine; Cayman Pharma s.r.o.: a fine of CZK 360,000 for exceeding the defined emission limit for volatile organic compounds (VOC) expressed as total organic carbon.

5.2 WATER PROTECTION AND PREVENTION OF SERIOUS INDUSTRIAL ACCIDENTS

OVERVIEW OF ACTIVITIES IN 2010

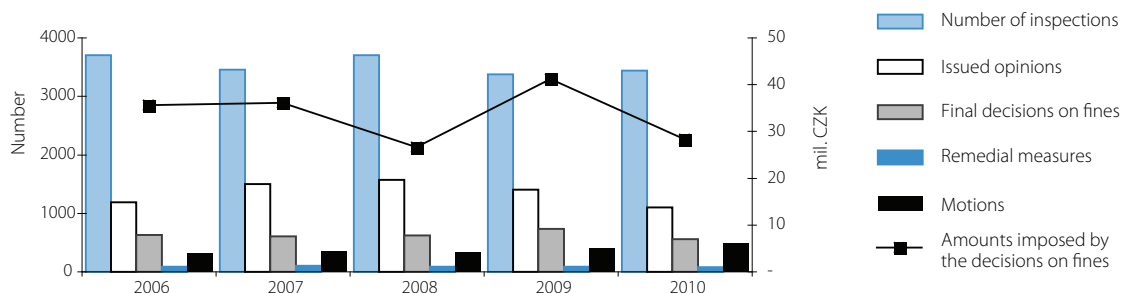
- *performed 3,432 inspections, incl. 1,898 planned and 1,534 unplanned;*
- *performed 237 inspections pursuant to Act no. 76/2002 Coll. on integrated prevention;*
- *imposed 80 decisions on measures to remedy a faulty condition;*
- *elaborated 1,098 statements and positions for other authorities;*
- *also elaborated 1,386 statements on EIA/SEA documentations, and 563 statements on applications for issuance or amendment of integrated permits, registered by the CEI Integrated Prevention Unit;*
- *issued 2,070 decisions on charges and advances for wastewater discharges;*
- *issued 8,759 decisions on charges and advances for groundwater withdrawal;*
- *examined 40 water accidents;*
- *handled 481 complaints and petitions;*
- *issued 557 conclusive administrative decisions on fines, totalling CZK 28,103,243.*

OVERVIEW OF PERFORMANCE OF DEPARTMENTAL TASKS

Monitoring prominent wastewater treatment plants of over 10,000 EI

One of the priority tasks of the Water Protection Department

Development of the Water Protection Department activity



is the annual inspection of the state of the most prominent wastewater treatment plants. In 2010, we inspected the Waters Act compliance of 216 most prominent pollution sources, connected with the detection of the actual state of pollution generated and discharged in 2009. This concerned 184 municipal wastewater treatment plants (WWTP), i.e., plants treating sewage or mixed sewage and industrial effluent, in the Czech Republic, located in settlements of more than 10,000 equivalent inhabitants (EI), and 32 sources of industrial wastewater.

Among the sources examined, 138 municipal WWTP had an actual capacity of over 10,000 EI, and treated 656 million m³ of effluent at an input contamination of 161 thousand tonnes of BOD₅ in 2009; that corresponds to a capacity of approx. 7.4 million EI. Almost one half of that contamination was treated by eleven WWTP with a capacity over 100,000 EI.

These sources discharged into watercourses treated water containing 3,125 tonnes of BOD at an average concentration of 4.7 mg/l (160 thousand tonnes intercepted), 22,446 tonnes of COD at an average concentration of 30 mg/l (349 thousand tonnes intercepted), 8,192 tonnes of total nitrogen at an

average concentration of 11.2 mg/l (20.5 thousand tonnes intercepted), and 533 tonnes of phosphorus at an average concentration of 0.91 mg/l (5 thousand tonnes intercepted). The average efficiency of pollutant interception from the effluent was 98% for BOD₅, 94.7% for COD, 71% for total nitrogen, and 84.3% for phosphorus.

Having interpreted all the findings, it can be concluded that most of the WWTP sized over 10,000 EI are already meeting the requirements of Council Directive 91/271/EEC. The completion, refurbishment or test operation of a smaller part will be accomplished in 2011-2012, and they can be expected to meet the limits required by the Directive by 2011. One exception is the largest WWTP – the Prague Central WWTP, where the construction of the new process plant, necessary for meeting the limits, has not even started. The Czech Republic's commitment arising from the transition period for meeting the Directive requirements has not been fulfilled in this source, and it is not likely in the nearest several years. However, since a zoning permit for the construction has already been issued, the CEI is not allowed under the amended Waters Act to impose a fine on the City of Prague for not meeting the Directive requirements.

5 CEI ACTIVITY IN 2010 DIVIDED BY DEPARTMENT

Inspections identified that the situation concerning WWTP operation and adherence to permits issued by water management authorities is satisfactory. All the WWTP inspected were discharging wastewater based on valid permits issued by water management authorities. Based on information acquired during CEI inspections in 2010, 6 fines totalling CZK 1.3 million were imposed for violating provisions of Act no. 254/2001 Coll., namely for exceeding permitted limits on wastewater discharges into surface waters.

Agenda of charges for wastewater discharges into surface waters

The annual processing of the agenda of charges for wastewater discharges into surface waters remained unchanged in 2010. Between February and April, charge assessment for 2009 were issued totalling CZK 210 million, which is a significant decrease compared to the amount of previously assessed and paid advances (324 million). The greatest charges were assessed for the COD and inorganic nitrogen indicators; the charges for the amount of wastewater discharges remained stable at approx. CZK 110 million. The amount of charges suspended due to construction or upgrading of treatment facilities was CZK 22 million in 2009: approx. 10% of the final charge amount. The final charge amount was significantly affected by the subtraction due to the year-on-year decrease in contamination discharged (more than CZK 50 million).

Between October and December 2010, we were issuing decisions on advances for the fees for 2011. A total of 1,007 advance assessments totalling CZK 261 million were issued.

Throughout the year, we inspected the charged entities using inspection laboratories and measurement teams, selected and funded by the SEF. We collected 3,130 samples from 450 charged sources in 2010, along with 160 inspection measurements of the amounts of wastewater in 105 sources. An interpretation of the results identified 30 deficiencies, resulting in 5 cases of changing (increasing) the charge limits by a total of approx. CZK 4.2 million, and 12 cases of imposed fines for violating limits defined by wastewater discharge permits totalling CZK 650 thousand. A sum of approx. CZK 18 million was paid for the purposes of SEF charge inspection in 2009-2010.

A new selective bidding for inspection laboratories and measurement teams for 2011-2012 was announced in 2010; the extent was reduced to approx. one half of that in the previous period due to having to save money and low inspection efficiency due to the dissatisfactory, still unamended legislation.

Groundwater withdrawals

In 2010, we issued 4,371 decisions on charges for groundwater withdrawals in 2009, totalling CZK 739 million, and 4,213 decisions on advances for 2011 and later amounting to CZK 1.2 billion. We also issued 175 additional decisions on advances for 2010 totalling CZK 21.7 million. The amounts of charges assessed decreased compared to previous years (charges totalling CZK 758 million were assessed in 2009). One of the reasons may be the economic crisis, due to which many operations have reduced production. At the same time, they have been economizing on the water resources. As part of our inspection work, we imposed fines for unauthorized groundwater withdrawals totalling CZK 5.8 million, and fines for violating

the charge-paying duty amounting to nearly CZK 2 million. The charge agenda for groundwater withdrawals has changed in consequence of the amended Waters Act. Advance assessments will now be issued at once; the advance assessments will change based on a new charge report submitted by the consumer when the permit to withdraw groundwater changes or when the rate of the groundwater withdrawal charge changes. In addition, consumers whose actual withdrawal does not reach the charging threshold do not have to submit charge reports for determining advances.

Inspections of wastewater treatment plants of 500 to 10,000 EI

Based on identified deficiencies, we imposed 24 fines totalling CZK 875 thousand, mostly for discharging wastewater into surface waters in conflict with a water management authority permit and for violating other duties, namely failure to carry out measurements of quantity or quality of wastewater discharges. Additionally, we initiated 7 administrative procedures on the imposition of a fine. Since the Waters Act was only violated by 9% of the inspected entities, we can conclude that the quality of wastewater treatment is improving. The inspections found out that facilities operated by municipalities or associations of municipalities perform worse. Conversely, facilities operated by specialized water management firms tend to achieve better quality.

Inspection of management of agricultural enterprises in terms of meeting Waters Act requirements

We inspected 76 agricultural entities in 2010. Based on the results of the inspections performed, we issued 22 decisions

on remedial measures and imposed 19 fines totalling CZK 705,527. Minor deficiencies were handled by way of written record. However, the deficiencies identified were frequently not the result of poor building condition but rather missing work discipline of the staff.

Most of the fines were imposed for unauthorized handling of harmful substances (e.g., leaks of dung-water from a semi-permeable container, leaks of harmful substances from silage and haylage stored on soft surfaces, overflowing of a dung-water reservoir resulting in dung-water flowing into a local amelioration collector, failure to secure a field storage and leaks of dung-water into a brook, application of liquid farm fertilizers on frozen and snow-covered ground near surface waters, storage of pig manure in an open pit dug in the ground, etc.); moreover, for unauthorized withdrawals of groundwater (and surface waters), unauthorized discharges of wastewater into surface waters, failure to submit a charge report, handling of harmful substances without an approved emergency plan, and absence of an inspection system for identification of leaks of harmful substances in fuel filling stations.

We have to reiterate that we are still lacking a legal regulation that would set out a definite method of testing the tightness of storage reservoirs for dung-water, silage juices and slurry.

Checks of adherence to Act no. 59/2006 Coll. on preventing serious accidents

Checks were performed based on an inspection schedule approved by the Ministry of the Environment. The entities were inspected in cooperation with regional authorities and integrated inspection authorities pursuant to Act no.

5 CEI ACTIVITY IN 2010 DIVIDED BY DEPARTMENT

59/2006 Coll. on preventing serious accidents. The Act was substantially amended in 2010 by Act no. 488/2009 Coll. Pursuant to the amendment, the CEI shall also inspect whether an operator follows an approved safety scheme or safety report and an internal emergency plan.

The purpose was to inspect all the 113 entities falling into category B, 43 selected entities in category A, and 1 entity not categorized. A total of 162 scheduled inspections were performed, within that, 157 according to the schedule approved by the MoE and another 5 based on suggestions of RI; 19 inspections were unplanned.

A joint inspection by German and Czech authorities was also performed in Lovochemie, a.s., Lovosice in 2010.

When checking the duties defined in the safety documentations, we found out that most of the operators were meeting their set targets. A violation of the Integrated Prevention Act was only proven in one company; and the CEI imposed a fine of CZK 60,000 on AIR PRODUCTS spol. s r.o. for an administrative delict pursuant to §36, Para 6 of the Act on Preventing Serious Accidents, because the company had not implemented the system of preventing serious accidents described in its approved safety scheme. The decision became conclusive.

Inspections of adherence to duties under the Act on Preventing Serious Accidents are to prevent the occurrence of accidents and mitigate their potential consequences.

Inspection of old environmental burdens

This task involves monitoring potential and actual sour-

ces of groundwater and surface water contamination, included in the CEI database of long-lasting accidents. The database is upgraded annually based on an assessment of an applicable regional inspectorate in whose jurisdiction it belongs, based on on-site surveys, requested information on the scope of remediation performed, costs thereof, quantity of contaminants removed, and an assessment of performance of the imposed measures. Upon assessment of the achieved state, the monitoring of a site can be terminated, or a new site can be included in the database. At present, we are registering about 450 long-lasting accidents in various degrees of treatment. The figure is less than one half of the initially registered long-lasting accidents; monitoring of the others has been terminated.

Old environmental burdens are a special category of long-lasting accidents; their monitoring is always a priority, and they are resolved based on an environmental contract made between the acquirer of a privatized property and the Ministry of Finance. The sites are monitored in the form of inspection trips summoned by the acquirers 4 times a year, or more often depending on the situation.

In 2010, the CEI issued 35 measures to remedy a faulty condition, including 27 concerning old environmental burdens. The task involved the performance of 412 inspections. In addition to inspection work, the CEI also performs tasks such as statements on remediation projects, methodological changes, remediation reports, and negotiations as part of opponency to the projects.

In spite of the above difficulties, remediation works after the end of remediation of the dioxin structures are con-

tinuing with preparatory works leading towards the long-expected remediation of groundwater and the historic amalgam electrolysis plant in Spolana, a.s.

We issued a decision in the emergency mode which imposed measures on Paramo consisting in implementation of necessary protective remediation works to eliminate the petroleum contamination in the basement of the Svata Trojice dormitory in the immediate vicinity of residential development in Pardubice.

Sites where a substantial worsening of the situation threatens unless remediation continues or starts include ICEC Šlapanice, a.s., where 50 – 60 m³ of free tar and around 550 m³ of tar bound to the rock environment remain after the end of stage I of the remediation in 2002 according to the initial estimate. The contamination is spreading outside the compound towards existing residential development, and the area of the free tar phase has increased substantially.

Similar situations exist in numerous locations, e.g. in FAR-MAK, a.s., where the spreading CIH, BTEX and UDS contamination threatens groundwater in the Černovír accumulation area, used for large-scale supplies of drinking water for the Olomouc district; AERO Vodochody, a.s., where the CIH contamination threatens wells in Postřižín; EUTECH, a.s., where the massive CIH contamination in the centre of Šternberk migrates into surface waters in the spring area of the Grygava; EVRAZ Vítkovice Steel, a.s, where CIH, PAH and UDS contamination threatens groundwater in the Nová Ves accumulation area.

Remediation of 7 sites ended in 2010 and the environmental contracts with the acquirers of the sites were terminated (Foundeik s.r.o., ČSAD AB, s.r.o., Agrosnep Skalka s.r.o., Lovochemie, a.s., Mikov Mikulášovice, s.r.o. ČEZ Distribuce, s.r.o. – Západočeská energetika, Motor Jikov Group, a.s.)

Inspection of fishery management in selected fishponds

We performed 49 inspections in 37 inspected entities in 2010. A total of 59 ponds and 8 pond systems were inspected, including the related fishery facilities. Based on the inspections, we imposed 6 fines totalling CZK 95,000; two cases concerned application of fodder in surface waters without possessing exemption under §39, Para 7 of Act no. 254/2001 Coll.; two were cases of handling surface waters without a water management authority permit; the other cases concerned application of fodder in surface waters while exceeding the maximum values of the indicators at the pond discharge set by water management authority decisions and non-compliance with approved handling rules.

The inspections indicate that larger professional companies dealing with fish keeping have a good grasp of the water management issues. It can also be concluded that no adverse impacts on the fisheries on the water quality in watercourses was identified in the inspected locations.

Inspection of entities with harmful substances

We inspected a total of 69 entities. The Inspectorate initiated administrative procedures on fines with 14 of the entities, and issued 1 decision on measures to remedy a

5 CEI ACTIVITY IN 2010 DIVIDED BY DEPARTMENT

faulty condition. In 9 cases, the entities failed to meet the requirements set out in their wastewater discharge permits and violated limits set out in their permits. In one case, the entity discharged wastewater without a valid water management authority permit. In 2 cases, the Inspectorate imposed fines for non-compliance with requirements and duties defined by the operating rules of hydraulic structures. Fines for violating duties when handling harmful substances were imposed in 5 cases. Ten of the decisions have become conclusive so far, imposing fines totalling CZK 510,000. In some cases, where waters were not immediately threatened, the Inspectorate imposed measures to remedy a faulty condition by way of written record.

- most serious problems identified at SHP operators without a MRF defined in the water handling permit or the handling rules (Líšný SHP (Jizera), Kořenov SHP (Jizera), Polka SHP (Teplá Vltava)). Although the operation of these SHP has adverse environmental impacts (primary biological functions of the watercourse not assured), the long-lasting faulty condition cannot be sanctioned under the existing legislation;
- Based on our inspection work, we provided the MoE with a database of the SHP inspected, including additional materials and information for the Government Regulation in preparation concerning the definition of minimum residual flows.

Inspection of operation of small hydropower plants

We inspected 93 SHP in 2010. Major deficiencies identified:

- water handling permits not limited in time (40 cases);
- handling rules not elaborated, not approved by water management authority or their validity has expired (21 cases);
- water level bars or watermarks wrongly installed, damaged or missing (approx. 30% of the cases);
- MRF defined neither in the water handling permit nor in approved handling rules (8 cases);
- violation of MRF identified in 6 cases;
- handling rules not reviewed every 5 years;
- ambiguities in water handling permits, making inspection impossible; inappropriate requirements in permits that evidently do not comply with environmental protection requirements;

MAJOR CASES

Charge for wastewater discharges into surface water from WWTP in Ústí nad Labem

The CEI RI in Ústí nad Labem made a decision on altering the charge levied for Ústí nad Labem WWTP based on differing results of analysis by inspection laboratory and that by the polluter's authorized laboratory – Severočeské vodovody a kanalizace a.s. We found out that the results from the two laboratories differed by more than 30% in the COD indicator; we ruled that the fault is with the polluter, which was the only one aware of the differing analysis results and which only dealt with the discrepancy at a several months' delay, when relevant evidence could no longer be found. The results from the inspection laboratory were therefore accepted as decisive for calculating the charge for the COD indicator, resulting in an increase in the charge by approx. CZK 4 million compared to the report submitted by the polluter.

The polluter appealed against the charge increase, but the appeals authority accepted the CEI arguments as justified and affirmed the CEI decision in full.

Spolana, a.s. Neratovice

Remediation of dioxin structures and a non-saturated zone using thermic desorption was finished in line with terms set out in a CEI decision in 2010. There was a positive shift towards scheduled start of remediation works in the old amalgam electrolysis plant, where a time lag in the remediation preparations led to legislative changes and the need to update the remediation concept with an eco-containment. An updated risk analysis for the groundwater in the factory compound was elaborated in 2010: it identified contamination epicentres and serious environmental, health and economic risks. The conclusions of the analysis, assessing a broad range of pollutants mostly of organic origin, which overlap across contamination clouds, have led to accelerated preparations for the remediation, which will be preceded by the elaboration of a feasibility study.

RECOM-PV, s.r.o., remediation area in Suchdol u Konice

In March 2010, the CEI received an anonymous complaint pointing out a faulty condition of the remediation area in Suchdol u Konice, posing a hazard of leakage of contaminated water from the area, thus a threat to the quality of surface and groundwater in the vicinity.

In April 2010, based on repeated on-site surveys, the owner of the facility, RECOM-PV, s.r.o., received a remedial measure decision without a deferrable appeal option, obliging the company to pump wastewater out of the interception re-

servoirs situated on the premises and submitting it for disposal in compliance with the Waters Act. Since the remedial measure was not performed within the term of the decision, the CEI proceeded to enforce it by way of execution, and in June 2010, the company received an execution order and a resolution to carry out an execution in the form of a substitute performance and payment of the associated cost of CZK 1,353,600.

In June 2010, RECOM-PV, s.r.o. received another remedial measure decision without a deferrable appeal option consisting in having to arrange a survey/risk analysis of the site in question. The company again failed to perform this remedial measure by the set deadline, so the CEI again proceeded to enforce it by way of execution in the form of a substitute performance and payment of the associated cost of CZK 275,328. An execution court is currently claiming the costs.

5.3 WASTE MANAGEMENT, CHEMICALS AND BIOCIDAL PRODUCTS

OVERVIEW OF ACTIVITIES IN 2010

- *performed 3,271 inspections, reviewing 3,228 entities;*
- *out of the total number of inspections, 1,194 were planned and 2,077 unplanned;*
- *247 inspections were performed based on integrated permits;*
- *issued 15 decisions on remedial measures;*
- *issued 830 statements, assessments and opinions for other authorities, incl. 97 statements for the SEF and 63 audit reviews;*

5 CEI ACTIVITY IN 2010 DIVIDED BY DEPARTMENT

- *inspected 191 entities pursuant to the Packaging Act, and issued 76 conclusive decisions totalling CZK 1,725,000;*
- *inspected 696 entities pursuant to the Chemicals Act, and issued 151 conclusive decisions totalling CZK 3,736,600;*
- *filed 6 criminal complaints;*
- *handled 526 complaints and petitions;*
- *issued a total of 922 conclusive administrative decisions on fines totalling CZK 65,610,600.*

OVERVIEW OF PERFORMANCE OF DEPARTMENTAL TASKS

Waste disposal and processing facilities

In 2010, we inspected waste disposal facilities, which can be classified into four basic types: waste dumps, waste processing or pre-processing facilities (primarily for hazardous waste), waste incinerators, and others (non-specified facilities such as illicit waste disposal in the form of “illegal dumps”, deposition of construction rubble and soil, and burning of waste). Waste disposal facilities include decontamination and biodegradation areas, stabilisation and solidification plants, de-emulsification and neutralization stations, as well as wastewater treatment plants that accept waste. The inspections focused primarily on compliance with legal obligations when “reclassifying” waste from the hazardous category to the other. A total of 312 inspections were performed in 2010, including 95 based on complaints received.

We checked 150 waste dumps in 2010. Identified violations resulted in the initiation of 31 administrative procedures on the imposition of fines, and 19 decisions on the imposition of

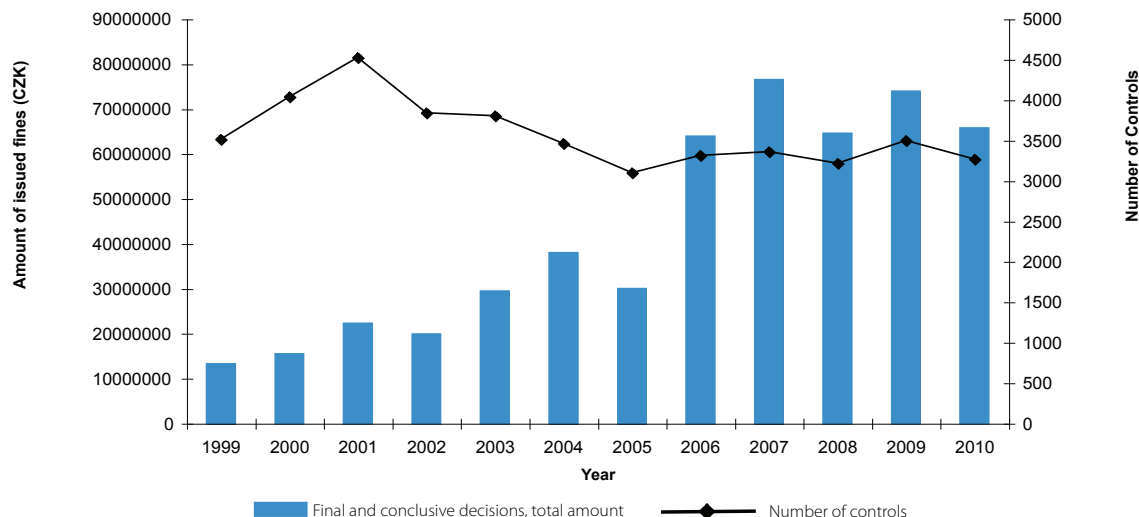
fines were issued. The most common administrative delicts identified were violations of approved operating rules.

Frequent cases were the admission and ensuing disposal of unpermitted waste, admission of waste based on incomplete analyses, insufficient covering up of waste in landfills and insufficient compacting of the waste deposited, increased drift of lighter waste, violation of permitted maximum size of active uncovered surface, releases of dump gases from unsecure degasification systems, landslides, violation of maximum level height in seepage water reservoirs, overflows of seepage water reservoirs, use of construction waste with an addition of waste containing asbestos fibres as a material for technical safeguarding of dumps, as well as failure to maintain dump operating logs in compliance with operating rule requirements, failure to make entries in operating logs and non-inclusion of all required information. In addition, administrative procedures are in progress chiefly for faulty records on waste and failure to generate financial reserves for land reclamation, dump caretaking and rehabilitation after the end of dump operation. We also inspected old disused dumps; we found out that municipalities burn waste in these dumps and store construction waste and soil there illegally. We also performed several inspections based on emergencies due to disrepair, i.e., spontaneous ignition of waste inside dumps. We also inspected the operation of a landfill: the progress of works in relation to a request to issue a statement on an application for subsidy to the landfill operator.

We inspected 53 (hazardous) waste processing facilities in 2010. We initiated 8 administrative procedures based on identified violations and issued 4 decisions on fines.

We performed 25 inspections of waste incinerators in 2010, including 4 based on complaints. We initiated 6 administra-

Development of inspection numbers and amount of issued fines



tive procedures on the imposition of fines for the identified violations, and issued 5 decisions. The dominant administrative delicts were wrong waste generation and handling reports.

Waste reuse facilities

As part of our departmental task, we inspected facilities turning waste into alternative fuels, which are then regarded as “combustible waste” or that are reclassified as products after the processing. We also inspected composting plants and biogas stations and facilities utilizing waste imported from abroad. Other inspections focused on waste reuse when shutting down mines managed by the CMA and waste reuse on the ground surface in general. Out of the total of 324 inspected entities, 94 inspections were performed based on complaints received. We initiated 92 administrative procedu-

res in relation to inspection of waste reuse facilities in 2010; 88 of the decisions became conclusive. The total amount of the conclusive fines was CZK 25,240,000. Among the complaints investigated in that period, 25 violations of the Waste Act were identified, and 20 conclusive decisions on the imposition of fines were issued totalling CZK 7,607,000.

The most common delict was handling of excavated earth and construction waste in waste reuse facilities (landscaping, land reclamation), which were operated without any permits under the Building Act or the Waste Act. Another frequent violation of the Waste Act was insufficient adherence to working procedures and insufficient documentation of quality of waste admitted to facilities processing biodegradable waste as well as insufficient documentation of quality of waste leaving the facilities.

5 CEI ACTIVITY IN 2010 DIVIDED BY DEPARTMENT

Waste collection and repurchase facilities

Inspectors of all the regional inspectorates examined 271 waste collection and repurchase facilities, mobile waste collection facilities, and municipal recycling yards in 2010. These operations mostly repurchase metals, especially non-ferrous, as well as plastic and paper waste, tyres and construction waste. Out of the total number of inspections, 86 had been planned and 185 unplanned, including 60 based on complaints. We initiated 78 administrative procedures on the imposition of fines and 96 decisions on fines totalling CZK 9,225,000 became conclusive in 2010. The average fine amount in 2010 was CZK 96,095; the greatest fine imposed was CZK 1,300,000.

Deficiencies identified during the inspections concerned fewer cases of operating a facility without a required approval, and largely operating waste collection and repurchase facilities in conflict with approved operating rules. However, inspectors found out very frequently that operating rules of the facilities are approved by regional authorities although they are not quite in compliance with the Waste Act. In such cases, it is difficult to punish an entity that had acted in good faith and was not aware of its violation. Inspections frequently revealed that operators of waste collection facilities themselves handle waste generated by their activity in conflict with the Act. In general, it can be said that the significance of the identified violations of legal regulations differed greatly, which is reflected in the size of the assessed fines ranging from thousands to millions of crowns.

Car wreck collection, repurchase and processing facilities

Inspectors of all the regional inspectorates performed 112 field inspections in 2010; 52 had been planned and 60 unplanned, including 26 based on complaints. We initiated 17 administrative procedures on the imposition of fines and 38

decisions on fines totalling CZK 2,405,000 became conclusive. The average fine amount was CZK 63,290; the greatest fine imposed was CZK 1,000,000. The inspections revealed a massively expanding trend of natural persons licensed to do business disassembling car wrecks – often on a large scale – in facilities not intended for that purpose under the Waste Act. However, there was one much more important finding: natural persons not licensed to do business disassemble car wrecks illegally in unsecured areas using methods that pose a threat to their health and that of their neighbours and may harm the environment.

Inspections of legal facilities collecting, repurchasing and processing car wrecks based on valid approvals of applicable regional authorities identified way fewer deficiencies than in the case of the above described hidden illegal car wreck yards.

Collection of used products

Electrical appliances and waste (incl. fluorescent and discharge lamps)

Concerning EAW, including the handling of electrical waste, we performed 56 inspections and initiated 21 administrative procedures on the imposition of fines. The total amount of conclusive fines in 2010 was CZK 155,000, but most of the administrative procedures were not concluded in 2010. The largest proportion of the identified deficiencies are cases of so-called free riders, or manufacturers not contributing to the financing of the EAW handling system, who do not perform their legal obligations even after notifications by operators of the collective systems. Inspections of free riders had a positive effect: most of the manufacturers immediately registered for the performance of their legal obligations

and performed on them even retroactively. The penalties imposed on these manufacturers by the CEI could thus only be symbolic, and this type of inspection was definitely a success. It is a positive trend of the recent years that inspections of EA retailers (especially large chains selling electrical appliances) revealed no violations consisting in refusal to admit used appliances for collection.

Inspections of collection of used products focused chiefly on the new obligations introduced by an amendment of the law in connection to the transposition of European legislation – so-called Battery Directive. We performed standardized inspections of obliged persons and end sellers of tyres and oils, and inspections of entities processing those commodities.

Inspections of industrial enterprises and other waste originators

Concerning waste originators, we performed 961 inspections in 2010 and initiated 307 administrative procedures on the imposition of fines. The total amount of conclusive fines imposed within this departmental task was CZK 15,357,000. As in previous years, the identified violations of legislative regulations mostly concerned handling of hazardous waste, failure to maintain mandatory regular waste records and submit reports on waste generation and disposal for each year. Another frequent violation was failure to collect waste divided by type and category, especially of those types that permit reuse.

Inspections of performance of obligations under the Packaging Act

We inspected a total of 191 entities: packaged goods manufacturers, wholesalers, packaged goods importers for

manufacturing, and packaged goods importers for resale. In 2010, we performed 75 administrative procedures; 76 decisions became conclusive which imposed fines totalling CZK 1,725,000. A notable fine amounting to several hundred thousand crowns was imposed for not performing obligations when importing packaged components for automotive manufacturing. The fine was assessed so high because of the large quantities of packaging introduced to the Czech Republic's market without fulfilling the associated obligations. Fines of several dozen thousand crowns were imposed on entities that were found to not perform their obligations concerning packaged goods imported for the purpose of redistribution. In most cases, these were repeated imports (toys, clothes). The fine amount was derived from the quantity of packaged introduced to the market.

Inspections of compliance with the Chemicals Act

In 2010, a total of 696 operations selected by the regional inspectorates were inspected for the Chemicals Act. Inspections under the Chemicals Act involved supervision over the classification, packaging and labelling of hazardous chemicals and chemical preparations (432 operations), supervision under the Detergent Regulation (31 operations), supervision under REACH Regulation (231 operations), and two operations were inspected for imports, exports. In addition, the CEI performed inspections as part of the European system RAPEX (233 operations). Out of the 18 notifications by the Ministry of Industry and Trade that we examined, not one concluded that the products would be used to consumers in the Czech Republic.

In 2010, the CEI focused part of its inspections directly on product groups posing a chemical risk to consumers. We inspected 180 products in 87 operations (Class I: antifreeze

5 CEI ACTIVITY IN 2010 DIVIDED BY DEPARTMENT

for car windscreen washers, lock defrosters, frost removers, and antifreeze fuel additives; Class II: ski waxes, wax removers, impregnating and caring preparations for footwear, impregnating preparations for textiles and tents; Class III: caustic chemical preparations; and Class IV: swimming pool chemicals). The inspections mostly resulted in detection of flaws in labelling of hazardous chemicals and preparations. We imposed 17 fines for the commodity inspections that became conclusive in 2010 and totalled CZK 325,500.

A total of 151 decisions on fines for the Chemicals Act became conclusive in 2010. The total amount of fines imposed was CZK 3,736,600. The greatest conclusive fine was CZK 90,000. The fines were imposed for non-compliance with requirements of the Chemicals Act on classification of chemical preparations (18), incorrect packaging of hazardous chemicals and preparations (16), and shortcomings in labelling hazardous chemicals and preparations (128). Some companies were not performing their duties under REACH Regulation (70). Two entities were found to not comply with the Detergent Regulation and not perform obligations under the Hazardous Chemicals Export and Import Regulation. One disciplinary fine was imposed under Act no. 552/1991 Coll. on State Inspection. The CEI is again planning to perform inspections under the Chemicals Act in 2011, on a predefined class of products, because the inspection method has proven effective.

Inspections under the Biocidal Products Act

In 2010, the CEI performed 72 inspections, revealing violations of the law in 16 cases. Some of the cases will still be in examination in 2011. The non-compliance with the law consisted largely in inadequate labelling of biocidal products,

and obligations applicable to promotion and advertising were not fulfilled in some cases. Twenty-three decisions on fines became conclusive in 2010. The total amount of the fines imposed was CZK 393,000.

MAJOR CASES

WMD inspectors dealt with numerous cases deserving of a special commentary in 2010. As an example of the good cooperation of the CEI and an insolvency trustee of a bankrupt company, let us quote the case of ASTON spol. s r.o. in Tábor (but the case is a bright exception). Since 2006, the CEI had imposed fines exceeding CZK 10 million for various recurring serious administrative delicts on the company. Since 2008, the company had been in insolvency, which led to the announcement of bankruptcy in July 2010. Based on a CEI complaint, the South Bohemian Regional Authority withdrew its approvals to the company to operate mobile and stationary (hazardous) waste collection and repurchase facilities. However, large quantities of waste were still stored in the former stationary facility. In addition, the CEI filed two criminal complaints against the company manager concerning suspicion of unauthorized business in hazardous and other waste management. In October 2010, CEI WMD České Budějovice agreed on a procedure with the insolvency trustee according to which the trustee used all the funds available to dispose of the waste situated in the former collection and repurchase facility. Several hundred tonnes of hazardous and other waste were removed from the facility (see photo documentation attached).

According to CEI findings in 2007-2009, Ostravská těžební,

a.s. was handling over 117,000 tonnes of waste in places not specified for waste handling under the Waste Act. The CEI performed inspection of 3 sites in which the company was doing land reclamation or landscaping in which it was reusing waste. It allegedly possessed either building execution approvals or zoning decisions issued by a building authority. However, those documents only included a requirement that landscaping may only make use of 4 types of processed, i.e., recycled waste. The inspection proved that the requirement was not met. This case illustrates the need for a precise specification of the waste handling regime in land reclamation and landscaping in the administrative procedure in which a regional authority issued its approval pursuant to §14, Para 1 of the Waste Act, which shall also include an approval of the facility operating rules. The CEI demonstrated by its examination that the inspected company was handling waste in a place not specified for that, and ruled a fine of CZK 450,000. The company appealed against the ruling, but the appeals authority made a more precise description of the facts of the administrative delict and reduced the fine amount to CZK 420,000 as a result.

Another major case was the examination of a complaint pointing out the works of RECOM-PV s.r.o., which operated a remediation area in Suchbátka u Konice. Between June 2005 and March 2010, the company handled about 2,500 m³ of hazardous waste (earth and sludge contaminated with petroleum derivatives) in that area, although the facility was not intended for waste handling under the Waste Act, because the last valid permit to handle waste in the facility had expired in May 2005, stating that no more waste would be admitted to the facility and only waste admitted before would

be processed in the facility. However, the company neither commenced biodegrading the admitted waste nor removed the waste from the area in the entire period. CEI believes that such handling of hazardous waste poses a serious threat to the environment because contaminated effluent might leak from overflowing reservoirs. The company was imposed a conclusive fine of CZK 5,000,000. Based on a decision of an extraordinary general assembly meeting, the company was dissolved without a successor and went into liquidation.

5.4 NATURE PROTECTION AND CITES

OVERVIEW OF ACTIVITIES IN 2010

- *performed 2,206 inspections, including 910 planned and 1,296 unplanned;*
- *number of inspections in 2010 was in total 2,666*
- *performed 414 inspections according to the CITES Act and issued 86 unclusive decisions on fine in total amount CZK 553,400*
- *performed 44 inspections according to the GMO Act. and 11 inspections according to the ZOO Act*
- *issued 1,078 statements and positions for other authorities;*
- *61 suspensions or restrictions of business;*
- *53 decisions to seize or confiscate living or non-living specimens;*
- *issued 61 preliminary measures;*
- *handled 1,140 complaints and petitions;*
- *filed 23 criminal complaints;*
- *issued 394 conclusive administrative decisions on fines totalling CZK 8,959,000.*

5 CEI ACTIVITY IN 2010 DIVIDED BY DEPARTMENT

OVERVIEW OF PERFORMANCE OF DEPARTMENTAL TASKS

Inspections of projects subsidized by the MoA under Schemes 129120 and 129130 in fishponds, dam lakes and watercourses focusing on compliance with defined nature protection requirements

The inspections focused on compliance with the Nature and Landscape Protection Act when doing construction work on projects funded from Ministry of Agriculture subsidies on flood prevention and renovation, mud extraction and rebuilding on fishponds and construction of hydraulic structures. No violations of the Act were identified in the 16 inspections; 2 inspections identified non-compliance with some requirements of binding permits for intervention with prominent landscape features (PLF), but none of the features had been damaged according to expert opinions. In another case, the entity executing the project failed to present the inspectors with a required binding permit of a nature protection authority for interventions inside watercourse and fishpond PLF, but since there was no way to prove that the said PLF had been damaged, the inspectorate did not initiate any administrative procedures. In one case, we examined flood prevention modifications on the bed of the river Elbe based on citizens' complaints, and the entity was assessed a fine for damaging the root system of trees when building the foundations of a flood prevention wall. In another case, we imposed a fine for removing river bank vegetation beyond the scope of the permit issued by a nature protection authority. Since construction of some of the approved projects have not commenced yet, the inspectorate has not performed part of the planned inspections. The total amount of the fines imposed was CZK 37,000.

Inspections of agricultural entities under the Cross Compliance scheme focusing on defined inspection requirements

We performed so-called cross compliance checks of 251 agricultural entities in 2010. These are inspections of compliance with legislative requirements on farming in the interest of preserving favourable agricultural and environmental conditions pursuant to the Common Agricultural Policy of the European Communities. A large part were inspections of requirements derived from Council Directive 79/409/EEC on the conservation of wild birds. Additionally, under a third of the entities were examined in respect of Council Directive 92/43/EEC on the conservation of natural habitats and the related ban on damaging subjects of protection of Special Protection Areas.

Field inspections focused chiefly on soil units with the presence of trees and shrubs, groves, watercourses and alluvial plains as well as soil units with free cattle grazing or those that the LPIS classifies as nestling grounds for waders or cranes; the latter are also inspected for compliance of requirements derived from the AEO EAFRD subsidy scheme. Increased attention was paid to land that is part of Giant Mountains National Park, small-scale specially protected areas and SPAs.

As in the previous year, no deficiencies were identified serious enough for making a proposal to reduce the subsidy for violating the set rules of the Cross Compliance scheme. Less substantial deficiencies were handled on site by way of reports on inspection findings, defining the procedure and deadline for eliminating them. These often include measures to prevent potential damage to the natural environment, especially assuring protection of trees and shrub from exce-

5 CEI ACTIVITY IN 2010 DIVIDED BY DEPARTMENT

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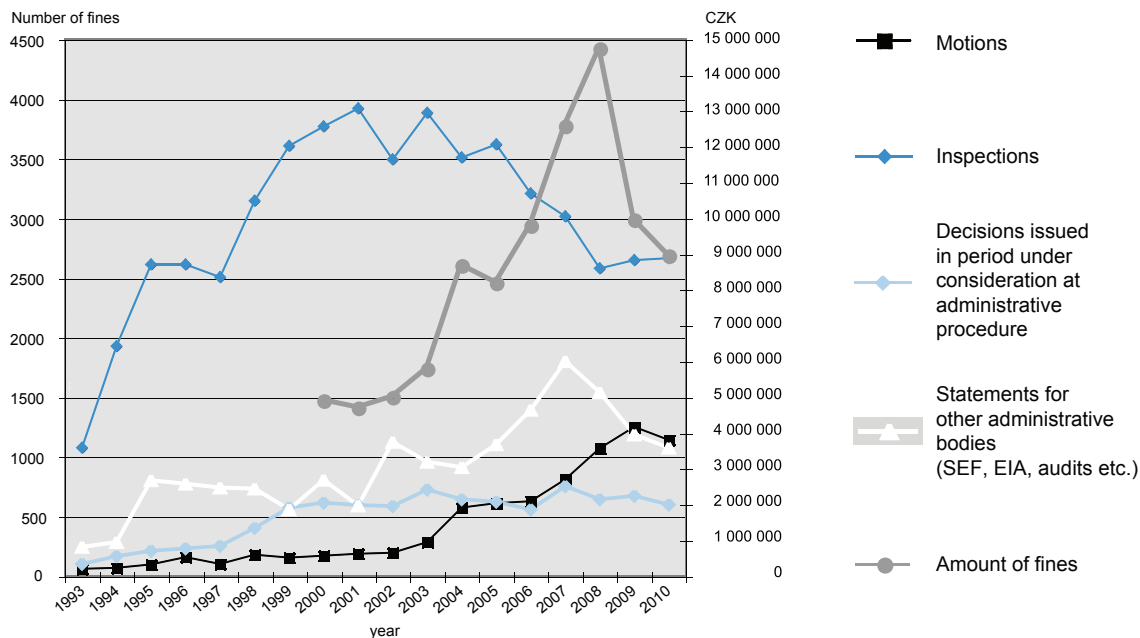
ssive gnawing in pastures and prevent adverse impacts of animal grazing on small watercourses and their surroundings. In several cases, the CEI recommended reduced use of herbicides along pasture fences near watercourses, removal of deposited material or disused machinery from the soil units, bringing of the recorded use of the soil units in agreement with the actual state, monitoring of expansive plants and adoption of related measures, as well as implementation of erosion preventing measures, incl. backfilling of tracks left behind by machinery etc.

Multiple inspections identified adverse interference with non-forest trees under the Nature and Landscape Protection Act. As a rule, however, the trees grow outside farmed

soil units, therefore beyond the scope of cross compliance checks, or the inspected entities were not those that felled or cut them. Based on the identified facts, an administrative procedure on a fine was initiated against one entity for unauthorized felling of trees, and another was assessed a measure to remedy an inappropriate tree cutting.

As part of its cross compliance checks, the Inspectorate also provides agricultural entities with preventive information on risky activities that might be in conflict with valid legislation and result in reduced agricultural subsidies or fines under the NLPA. We also inspect on historically assessed or agreed remedial measures. Inspections of agricultural entities are also scheduled for 2011.

Development of the Nature Department activity



5 CEI ACTIVITY IN 2010 DIVIDED BY DEPARTMENT

Inspectorate-wide check of state administration performance and inspection of especially protected areas in the jurisdiction of Olomouc Regional Authority

The Inspectorate-wide check of the NPD took place in May 2010 under the auspices of the Olomouc RI Nature Protection Department and CEI Directorate Nature Protection Department. The check focused on inspecting small-scale especially protected areas (EPA) classified as Nature Reserves and Nature Monuments, and NATURA 2000 sites (Special Protection Areas, SPA) within the jurisdiction of Olomouc Regional Authority (ORA). The purpose was to determine the current state of protection of the EPA and SPA and the quality of state administration performance by ORA in the sphere of nature protection in connection to the inspected sites.

We performed 28 inspections of EPA, including 5 SPA. The inspections were performed by five inspection teams in Jeseník, Šumperk, Olomouc, Prostějov and Přerov districts. They involved 28 inspectors, 4 ORA employees, and 2 ANCLP Olomouc office employees.

We identified 1 violation of detailed protection requirements for a NM (CEI to handle the case in an administrative procedure), and 3 additional examinations are to be made. The actual findings and recommendations (renovation of signage in 9 EPA, reclassification of some EPA) were listed in a separate report, the final report on the performance of an Inspectorate-wide check, which the CEI presented to ORA for comments.

Inspection of observance of basic protection in SPA (pursuant to §45b and §45c of the NLPA) with amphibians as the object of protection, in connection to the

inspection of management compliance with valid legal regulations in respect of §45b, Para 1 of the NLPA)

In cooperation with the ANCLP, we drew a list of Special Protection Areas (SPA) in which significant adverse impacts of human activity have been registered historically or where populations of amphibian species of European importance (Fire-bellied Toad, Yellow-bellied Toad, Great Crested Newt) are dwindling rapidly. These were mostly fishponds and pond systems, in which the target species populations may be threatened by inappropriate fishery methods or interference with the water level. Forest ponds and pools where the amphibians live are potentially threatened by waste dumping or changing hydraulic conditions, or inappropriate gamekeeping practices (semi-wild duck keeping).

In the selected SPA, the Inspectorate looked into the compliance of the management and other activities with requirements on preventive protection derived from §45b of the NLPA. During the season, we made 99 inspections on 73 sites. Many sites have been experiencing a rapid decrease in the populations of the objects of protection; however, it is impossible to attach any legal liability for the adverse condition to any entities. Violations of the law were only proven on several sites, and the CEI proceeded to remedy them.

In connection to waste dumping in SPA Skalky, we initiated an administrative procedure on a delict, and issued a restricting preliminary measure. Analogously, we are running a procedure on a fine for draining a pond and storing dung in the inflow without an exemption from the Waters Act in SPA Vatin. In the case of SPA Popovické rybníky, the CEI initiated the elaboration of a new management plan and building of small pools near fishery ponds in order to preserve the amphibian populations.

A procedure on restriction to activities was initiated against the entity managing SPA Dolní Marklovice, where we identified an inadequately numerous fish population and fertilization and liming without an exemption from the Waters Act. By arrangement with the ANCLP, a decision will be issued determining the maximum fish population. On this site, we also spoke to the manager of the nearby motocross track, who pledged to prevent harmful earth wash-offs into the ponds.

In SPA Osek, Labutinka fishpond, we identified an adverse impact on the populations of the objects of protection in connection to the release of semi-wild ducks, so the CEI will issue a decision banning their continued releases. The same problem was identified in SPA Hluboký Kovač and SPA Nadslav, where the gamekeeping activities in ponds will be subjected to examination. In another four SPA, we identified inappropriate methods of interference with the water level during the amphibian reproduction period, which the CEI will continue investigating.

The CEI had also long been dealing with the unlawful situation in SPA Dolní a Prostřední Svrčov. Back in 2007, the leaseholder received a decision restricting its activities after it had made extensive alterations to the ponds without the required permits and approvals of the applicable state administration bodies. The entity was assessed a fine of CZK 100,000 for failure to meet the decision requirements in 2009. The recently performed inspection did identify compliance with the previously awarded decision, but the site is still in an adverse condition as regards the amphibians' needs.

Trade in CITES endangered species (Act no.100/2004 Coll.)

In 2010, CEI inspectors performed 414 inspections pursuant to Act no. 100/2004 Coll. (CITES) and 86 procedures on fines. The CEI imposed fines in the CITES area totalling CZK 553,400 (conclusive decisions). Moreover, we performed 50 procedures on seizure of specimens, seized 898 specimens, 7 kg of coral and 1.36 kg of genuine caviar. The inspectors were also involved as expert consultants in 7 house searches performed by law enforcement authorities.

We made several major seizures in 2010: in May, we seized 5 rare Palm Cockatoos (*Probosciger aterrimus*) illegally imported by a Czech citizen from Russia. We also caught Czech hunters importing the meat of illegally hunted bears from Slovakia. We also dealt with the case of several companies that imported a large quantity of creams with bear gall and leech extract without permit and sold them in the Czech Republic. However, the most momentous case was the seizure of the extremely rare Indigo Macaw (*Anodorhynchus leari*) parrots in June 2010. This is one of the world's most endangered species: only about 750 specimen survive in the wild, the species is practically not kept in captivity, and the birds are priceless. Three of these parrots were illegally imported to the Czech Republic by Czech citizens. During ensuing house searches, we seized additional rare parrots, including Hyacinth Macaws. The seizure was made in cooperation with the Customs Service and preceded by several years of investigation, which found out that the illegal trade in parrots is a highly sophisticated and well organized activity of an international nature, the uncovering of which requires a lot of effort, collaboration among multiple components of public administration and international cooperation. The case received a broad media coverage, even internationally, and the Czech Environmental Inspectorate and the Czech

5 CEI ACTIVITY IN 2010 DIVIDED BY DEPARTMENT

Customs Service received a prestigious decoration from the CITES Secretariat for exemplary work in CITES enforcement. CEI and CS representatives accepted the award at the Czech Republic's embassy in Geneva in October 2010.

Genetically modified organisms (Act no. 78/2004 Coll.)

In 2010, we performed 44 inspections in the GMO area, including 33 focusing on inspecting entities handling GMOs in a closed management regime, and 11 inspections focused on field experiments. These were mostly experiments with transgenic maize, potatoes, flax, Stanley plum tree, peas and tobacco. In addition, we made 10 examination as part of monitoring genetically modified aquarium fish *Danio rerio* (8 inspections) and GM potatoes *Amflora* (2 inspections).

Neither the planned nor the unplanned inspections found any deficiencies that would pose a threat to the environment. The inspections mostly identified minor administrative shortcomings in relation to the GMO Act or Decree. 209/2004 Coll., which the inspected entities immediately eliminated, or did so within the period set by the CEI.

Zoological gardens (Act no. 162/2003 Coll.)

Inspections in zoological gardens were performed in connection to the periodic inspections on licensed zoos, organized by the MoE IBPD together with the MoE Zoo Committee. In 2010, we performed inspections in 11 zoos; the CEI was involved in 8 of them, and 3 out of those were performed as part of licensing zoos. The identified deficiencies in 2 of the licence applicants were progressively remedied; the third of the applicants failed to meet the legal requirements necessary for granting the licence. The other zoo inspections found no deficiencies and conflicts with require-

ments made in the zoo operating licences or the Zoo Act.

Another CEI inspection focused on a breeding facility that has no valid licence yet exhibits exotic animals; however, no violation of the Zoo Act was identified in this case. Yet we found some deficiencies pursuant to Act no. 114/1992 Coll. (NLPA) and Act no. 100/2004 Coll. (CITES), concerning registration and labelling of the stock animals.

MAJOR CASES

Statutory City of České Budějovice

The Inspectorate imposed a conclusive fine of CZK 200,000 on the Statutory City of České Budějovice for causing the death of especially protected beetles, the Hermit Beetle (*Osmoderma eremita*) and the click beetle *Ludius ferrugineus*. The City ordered the felling of an oak tree standing at the beginning of a cycle path towards Hluboká nad Vltavou, which was home to populations of these beetles, which are included in the MoE Decree among seriously endangered species. The tree was also home to another rare beetle, the rove beetle *Velleius dilatatus*, not protected by the MoE Decree, but listed on the Red Book of Endangered Species of the Czech Republic. Although the tree was in a critical condition, it was a very important entomologic biotope, situated near SPA Vrbenské rybníky, promulgated to protect the Hermit Beetle. The City did not proceed in compliance with the NLPA, did not make a proper examination of the tree condition on site, and charged a contractor to fell the tree without consulting the matter with the applicable nature protection authority. When assessing the facts, the Inspectorate considered the unique nature of the oak tree, but admitted on the other hand that the tree was a threat to the health and safety of passers-by, so

it set out a fine of 10% of the legitimate amount. The contractor who felled the tree was also assessed a fine of CZK 20,000.

Death of gulls in NR Chomoutovské jezero

In April 2010, a mass dying of Common Black-headed Gulls (approx. 1,500 over time) was registered in Nature Reserve Chomoutovské jezero within Litovelské Pomoraví PLA; the site is their largest nestling colony in Central Moravia. An autopsy on sampled gulls, made by the State Veterinary Institute in Olomouc, proved poisoning by bromadiolol, the effective substance of the rodenticide Lanirat Micro, among others. The Inspectorate filed a complaint with the State Phytosanitation Service, but its checks identified no violation of phytosanitary regulations when applying the rodenticide on adjacent farmland.

The CEI regarded adoption of factual measures as the highest priority, also with respect to the nesting season in progress, so it decided to proceed to measures pursuant to §66 of the NLPA, i.e., set requirements on actions of natural persons and corporate entities that might cause an unpermitted change to a general or especially protected part of nature, or even ban such actions. Based on the flight range of a gull, the CEI delineated a circle of 10 km from the centre of Chomoutovské lake, in which it initiated administrative procedures with agricultural entities on reduction in the use of Lanirat Micro and other biocides with bromaliodon as the effective substance. Preliminary measures were issued to 23 agricultural entities farming about 90% of the farmland in the defined area, and decisions to restrict activity were issued afterwards. Seven of the entities appealed against the CEI decisions, but the MoE appeals authority refused all the appeals and affirmed the CEI decisions. The Litovelské Pomoraví PLA Management and wildlife rangers collaborated

with the CEI on the monitoring and documentation of the situation, and the Czech Police was consulted.

5.5 FOREST PROTECTION

OVERVIEW OF ACTIVITIES IN 2010

- *performed 1,564 inspections, including 1,039 planned and 525 unplanned;*
- *performed 68 multi-departmental inspections, mostly in cooperation with the NPD;*
- *elaborated 405 opinions EIA proceedings and further were processed 416 statements and other opinions*
- *imposed 209 remedial measures; 213 measures became conclusive;*
- *issued 1 preliminary measure and suspended or restricted activity by decisions in 3 cases;*
- *filed 1 criminal complaint;*
- *handled 136 complaints and petitions;*
- *issued 147 conclusive administrative decisions on fines totalling CZK 5,419,000.*

The following were the most momentous inspection findings with consequences in the form of environmental damage or endangerment in forests in 2010:

- exploitation of forest land for purposes other than fulfilment of forest functions;
- uncontrolled development of climbing parks in forests, damaging vegetation and forest soil;
- development of biotic agents in forests;
- damage by game;
- Cucurbitaria outbreaks in substitute blue spruce vege

5 CEI ACTIVITY IN 2010 DIVIDED BY DEPARTMENT

- tation in the Ore Mountains;
- forest damage by tree felling and haulage, and compromised stability of forests;
- forest land fund damage by activities in forests;
- non-compliance with legal deadlines for renewing forests, including forests after illegal cutting;
- problems with forest land fund protection as a result of recreational activities in forests not permitted by law;
- unauthorized logging.

OVERVIEW OF PERFORMANCE OF DEPARTMENTAL TASKS

The purpose of the CEI departmental tasks in 2010 was to acquire objective information on the state of the forest in respect of exploitation of the LIFFF in accordance with Act no. 289/1995 Coll. on forests and amendment of certain acts, and state and protection of forests from insect calamity pests, especially bark beetles.

Survey process and result:

Survey scope:

- handle all types of ownership;
- well-proportioned choice of entities across the supervised territory;
- minimum size of inspected entity: 50 ha;
- minimum number of entities: 10 per region;
- deviations and exceptions possible with the consent of Prague Directorate FPD.

As part of the inspections focused on LIFFF protection and exploitation, the inspectors followed standardized schemes.

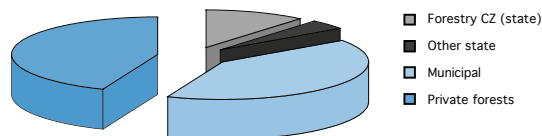
Given the rather broad range of problems in this field, Forest Protected Department managers were given a free hand to focus on the hottest issues in their respective regions.

The issue of biotic calamity pests mostly narrowed down to the presence of bark beetles. The field inspections paid no attention to calamity pests present at their normal numbers. We performed 223 LIFFF protection inspections and 231 insect calamity pest inspections, i.e., a total of 454 inspections in 234 entities (forest owners), classified as follows by forest ownership:

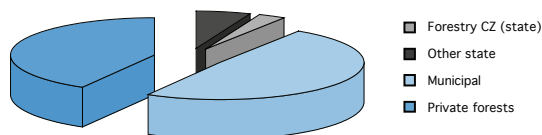
No. of inspections

		LIFFF	Insect pests
Forestry CZ (state)	LČR, s.p.	25	14
Other state	VLS ČR, s.p., NP	9	7
Municipal		91	114
Private forests		98	96
Total		223	231

Number of inspections focused on land intended to fulfil forest functions



Number of inspections focused on protection from insect pests (bark beetles)



It is clear from the above table that the inspections involved significant portions of forests owned by the state, municipalities, and private forests under municipalities with extended powers. The greater numbers of the private properties is due to their small average sizes and graver bark beetle problems; the inspected state properties were incomparably larger organizational units.

The LIFFF protection and exploitation inspections identified 285 deficiencies and flaws. They resulted in 74 administrative procedures on the imposition of remedial measures and 16 administrative procedures on the imposition of fines totalling CZK 467,000. The inspections focusing on protecting forest from insect calamity pests identified 38 deficiencies. We initiated 12 administrative procedures on the imposition of remedial measures and 21 administrative procedures on the imposition of fines totalling CZK 308,000.

The exceptions from the departmental inspections were as follows: Lesy České republiky, s.p. and Vojenské lesy a statky ČR, s.p. were not included in the departmental inspections in the jurisdiction of Prague RI, because they were absent from the 2010 inspection schedule (note: state forests had been inspected in the preceding years). In the jurisdiction of Ústí nad Labem RI, we failed to shortlist any properties owned by natural persons sized over 50 ha and featuring over 20% of spruce in forest older than 60 years for a bark beetle assessment. Staff of Olomouc RI and Ost-rava RI focused primarily on smallholders' forests as part of district inspections due to their dominant proportion and increased problems.

LIFFF exploitation inspection

It can be concluded based on the performed inspections that substantial delicts caused by forestry are rather exceptional affairs. Only in a few cases did we identify substantial damage to forest soil and roads due to timber haulage. Increased burden on forests arises from recreational activities that often do not consistently respect legal provisions restricting their enjoyment (bicycles, four-wheelers, climbing parks).

Additional significant findings consist in administrative shortcomings of large investment projects: uncompleted and sometimes unperformed reclassification of land under structures. These mostly occur in Olomouc and Moravian-Silesian Regions as a result of the political and economic development in the latter half of the twentieth century. Forest land was relatively often used for farming and vice versa.

Substantial deficiencies were identified in weekend home allotments in most of the regions. They have progressively been handled both directly and via state forest management authorities.

Insect calamity pest inspection

The inspections affirmed the Spruce Engraver Beetle as the most prominent insect calamity pest in forests. It was present in increased to calamity numbers primarily in the Šumava National Park and its nearest vicinity, and in the Central Vltava basin in the jurisdiction of Kutná Hora EPD in 2010. Its increased numbers, albeit in combination with the Ips duplicatus, continued in the Moravian-Silesian Region, especially around Jablunkov. The Ips duplicatus was also significantly present in the jurisdiction of Hranice na Moravě EPD.

5 CEI ACTIVITY IN 2010 DIVIDED BY DEPARTMENT

The year 2010 was rather adverse for the bark beetle development thanks to a cold May and August. Significant centres of Spruce Engraver Beetle spread outside the above areas were only exceptional and isolated. They were mostly in mid-sized properties owned by shareholders, properties under a change of ownership and small centres in patchy forests.

Locally slightly increased numbers of the Spruce Wood Engraver were due to the tendency to produce wood chips from smallwood and logging scraps, connected with collection of drying wood mass ready for chipping.

Concerning other insect calamity pests, locally increased numbers of the Pine Weevil were registered. In spite of its general presence, the species only causes damage of a local nature and protection against it is relatively easy; its classification as a calamity pest is questionable.

Substantial identification of other biotic pests

Locally, even substantial damage due to May beetles was identified in the Elbe and Lower Morava basins.

Ústí nad Labem RI points out calamitous Cucurbitaria outbreaks in substitute blue spruce vegetation in the Ore Mountains, resulting in a large-scale withering and dying of forests.

Damage due to the proliferating Eurasian Beaver are becoming frequent in South and Central Moravia, Elbe basin, Plzeň Region.

MAJOR CASES

- conclusive fine for illegal logging imposed on a natural person amounting to CZK 700,000 (Č. Budějovice RI);
- fine for illegal logging imposed on a natural person amounting to CZK 280,000 (Č. Budějovice RI);
- fine of CZK 50,000 for damaging forest by wrong use of farming pesticides (Plzeň RI);
- fine (being appealed against) for damage by game amounting to CZK 200,000 (Plzeň RI);
- fine for forest damage during a cycling event amounting to CZK 55,000 (Ústí nad Labem RI);
- fine for tree damage while logging amounting to CZK 116,000 (Ústí nad Labem RI);
- fine for illegal logging imposed on a natural person amounting to CZK 600,000 (Hradec Králové RI);
- fine for neglecting forest protection amounting to CZK 360,000; conclusive but ensuing court proceedings still in progress (Hradec Králové RI);
- fine of CZK 150,000 for failure to afforest extensive areas within legal deadline (Hradec Králové RI);
- fine of CZK 250,000 for illegal logging (Hradec Králové RI);
- fines of CZK 220,000, CZK 90,000 and CZK 50,000 for failure to afforest clearings within legal deadlines (Havlíčkův Brod RI);
- fine of CZK 50,000 for unlawful waste deposition on forest land (Brno RI);
- fine for damaging forest road surfaces and forest soil amounting to CZK 50,000 (Brno RI);
- fine of CZK 100,000 for landscaping threatening forest (Olomouc RI).

6 INTEGRATED AGENDAS

The core of the work is supervision in the area of integrated prevention pursuant to the Integrated Prevention Act, the Integrated Environmental Pollution Register Act in connection to EC Regulation establishing the E-PRTR, and the Act on Preventing Environmental Harm. Additional activities include issuing positions and statements primarily under EIA processes, for IP applications or IP amendment applications, for subsidies from Environment operational programmes operated by the SEF, for EMAS, for project documentations, as part of the Safe Enterprise scheme, for environmental audits, etc. We are also involved in drawing new legislations; e.g., the Integrated Agendas Unit worked on the Government Regulation on the Act on Preventing Environmental Harm as part of the MoE working group; we have also coordinated and handled complaints and public information.

OVERVIEW OF ACTIVITIES IN 2010

IPPC

We performed 715 inspections in 561 facilities and operations. We made 18 checks whether a facility falls under the IPPC; 9 of them were justified. The Integration Department (ID) was involved in 126 other checks, reviews and inspections performed by other professional departments. In the period in question, the ID initiated 111 administrative procedures. We issued 152 decisions on fines, incl. rulings, that became conclusive in 2010. The fines imposed ranged between CZK 1,000 and CZK 2.5 million, and the total amount of the conclusive fines was CZK 16,241,000. The average imposed conclusive fine per decision (ruling) was CZK 106,800. Combined decisions imposed fines totalling CZK 422,000 for OO and CZK 1,185,000 for OH.

INTEGRATED POLLUTION REGISTER (IPR)

We inspected 378 operations, including 303 IPR inspections of meeting requirements of IP. Forty-one of the inspections were separate, and 34 were performed by comparing against operating records of air pollution sources, or by the form of letter exchange. IPR inspections according to the list of "suspicious" facilities from CENIA, the Czech information agency, were performed continuously as needed. The total amount of imposed conclusive fines for violating IPR reporting obligations was CZK 758,000. Given the number of 53 decisions, the average amount was CZK 14,300. In the case of the IPR supervision work, they were all insignificant formal flaws of the operators or misunderstandings and delayed reports. The overwhelming part of the IPR fines were at the lower end of the legitimate range of CZK 1,000 to 10,000, mostly in the form of rulings and field rulings.

EIA/SEA

CEI ID processed 1,386 positions on projects, documentations, assessments, strategy notifications and strategy drafts in EIA/SEA processes – Act no. 100/2001 Coll. Compared to the previous year, there was a 20% decrease (1,724). It was probably due to the economic crisis, depending on the region, and partially also the repercussions of the amended EIA Act no. 216/2007 Coll. for below-threshold projects (defined by Act no. 186/2006 Coll.).

IP APPLICATIONS

In 2010, we elaborated 563 positions on applications for the issuance of IP or amendments thereto. Moreover, CEI representatives participated in 66 oral negotiations on the issuance of IP.

7. INTERNATIONAL COOPERATION

In 2010, we made 41 trips abroad, involving 96 employees. Two General Assembly of the IMPEL network took place, one in Spain and another in Belgium. The CEI was involved in preparing the IMPEL conference to be held in Malta in 2012. The conference takes place every three years, and its chief purpose is to communicate the IMPEL work results and project conclusions to the public, NGO people, the European Commission and the European Parliament.

The CEI was an organizing institution in 2010: in cooperation with EU-TWIX, we organized an international workshop in the Czech Republic on rare wood species protected under the CITES, attended by representatives from other EU countries. Most of our trips abroad were in order to perform on the Czech Republic's commitments under international organizations, treaties and protocols on the other hand, and activities directly related to our EU membership on the other. The CEI expended a total of CZK 341,123 on the trips abroad; a large part of the costs was funded directly from the European Commission budget.

8 ECONOMICS

Being an organizational component of the State, the Czech Environmental Inspectorate managed non-investment budgetary resources amounting to CZK 360,361,000 and investment budgetary resources amounting to CZK 18,892,000 in 2010. Its total budgetary resources amounted to CZK 379,253,000.

The CEI also managed limited non-budgetary resources. The non-budgetary resources drawn in the period in question were CZK 4,085,728.87.

Out of that, CZK 153,385 went from insurance premium for item 5171 – repairs and maintenance. Unspent claims in previous years amounting to CZK 164,550 went for item 5121 – WPD; CZK 340,000 went for item 5024 – severance pay; CZK 3,425,282.87 for item 5162 – ICT; and CZK 2,410 for item 6121 – buildings and structures.

Overview of activity of regional inspectorates in the year 2010

Department	Number of Inspectors	Number of Inspections	All statements and standpoints (including partial EIA Standpoints)	Fines			Other Decisions								Fee Agendas		Total number of registered accidents	Number of handled motions and petitions	Number of submitted criminal informations
				All decisions on fine issued in the period observed	All decisions on fine that came to force in the period observed	Final and conclusive decisions, total amount (CZK)	Number of final decisions – stopping or restriction of activities, operation or its parts	Number of final decisions on seizure/confiscation	Number of final decisions on remedial measures in the period observed	Number of decisions on remedial measures to adherence to emission limits	Number of decisions on determining the emission limit for burning of multiple fuel types	Number of issued approvals of the rules of regulation	Number of issued decisions on source categorization	Seizure and stopping of validity of certifications on hazardous properties of waste	Number of issued decisions on fees for discharging waste water	Number of decisions on fees underground water consumption			
				299	295	25 119 250	0	1	45	8	0	2	19	3	292	969	38	697	1
ČB	37	1 196	625	255	249	11 683 110	10	0	61	0	1	0	2	0	156	1 057	3	247	3
PL	49	1 710	839	376	370	26 848 881	4	3	26	9	0	2	10	0	241	1 089	23	228	0
UL	42	1 243	1 048	164	172	14 135 450	7	0	12	4	0	29	6	0	179	577	13	246	3
HK	44	1 647	1 215	229	224	9 130 600	2	1	8	3	0	5	11	0	212	1 236	15	310	0
HB	35	1 361	748	297	285	6 256 650	4	1	41	4	4	0	3	0	124	850	10	222	2
BN	57	2 611	2 222	348	338	17 480 524	9	7	30	10	0	0	51	0	364	1 233	15	283	6
OL	32	1 456	650	200	210	11 995 500	22	0	56	3	0	0	11	0	176	836	14	139	0
OV	47	1 730	1 311	222	205	10 070 650	10	13	21	3	0	24	4	0	232	420	17	242	4
LB	28	1 059	407	133	131	8 922 728	0	0	40	6	0	0	1	0	94	492	1	194	2
ŘDT	48	327	66	31	33	177 500	0	27	0	0	0	0	0	0	0	0	0	7	0
TOTAL	479	16 603	11 592	2 554	2 512	141 820 843	68	53	340	50	5	62	118	3	2 070	8 759	149	2 815	21

ABBREVIATIONS AND EXPLANATIONS

BCD

Alkaline catalytic decomposition
BSK Biochemical oxygen consumption

CITES

Convention on International Trade in Endangered Species of Wild Fauna and Flora

ČIŽP

Czech Environmental Inspectorate

ČHMÚ

Czech Hydrometeorological Institute

ČOV

Waste water treatment plant

ČSPHM

Fuel filling station

ČR

Czech Republic

EIA

Assessment of environmental impacts

EK

European Commission

EO

Equivalent population

EU

European Union

EVL

European significant locations

GMO

Genetically modified organisms

HZS

Fire and Rescue Corps

CHSK

Chemical oxygen consumption

CHKO

Natural preserve

CHÚ

Conservation area

IMPEL

Network of environmental inspection authorities of EU countries

IPPC

Integrated prevention and pollution elimination

LHP

Forest economy plan

LHO

Forest management framework

MZCHÚ

Small-area specially protected areas

MŽP

Ministry of the Environment

NL

Undissolved substances

OI

Regional inspectorate

OkÚ

District Authorities

OOH

Waste Management Department

OOL

Forest Protection Department

OOO

Air Conservation Department

OOP

Environmental Protection Department

OOV

Water Conservation Department

OÚ

Municipal Authorities

RAPEX

European information system of products dangerous for consumers

PPO

Trans-border transport of wastes

PHARE

Poland and Hungary: Assistance for Restructuring (extended to other countries)

PUPFL

Plots intended for forest function

SFŽP

State Environmental Fund

SRS ČR

State Phytosanitary Administration of the Czech Republic

TWINNING

Program of cooperation between the institutions of the EU member states and the

candidate states

ÚČOV

Central waste water treatment plant

ÚKZÚZ

Central Institute for Supervising and Testing in Agriculture

VKP

Significant landscape element

VZCHÚ

Large-area specially protected territories

ZCHD

Specially protected species

ZCHÚ

Specially protected area pursuant to Act no. 114/92 Coll.

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Modified from the Czech version of Annual Report 2010

Consultancy, production and design: Artist Jaroslav Novotný graphic design

Photo: CEI, GD atelier

Print: Ekon, družstvo, Jihlava

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