

Inspection of Environmental Protection

HOW TO ACT IN CASE OF IRREGULARITIES THAT MAY HAVE A NEGATIVE IMPACT ON THE ENVIRONMENT?

Norway grants

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Improving the efficiency of Polish Environmental Inspection, based on Norwegian experiences.

Beneficiary: The Chief Inspectorate for Environmental Protection (GIOŚ)

Partner: Norwegian Pollution Control Activity (SFT)

Result 1: Implementation of a modern inspection data processing system.

Result 2: Development of transparent procedures for determining priorities and carrying out inspections taking into account the specifics of individual branches of industry.

Result 3: Providing inspectors with equipment to carry out tests on the facility’s premises.

Result 4: Development of a public information dissemination system.

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REACT IF YOU WITNESS AN “ENVIRONMENTAL PROBLEM”!!!

FIRST STEP:

Contact with a given person/plant/enterprise

In many cases a method to solve an “environmental problem” will be to contact directly the person/plant/establishment that you consider to be the cause of the problem. You can contact them personally, by sending a letter or by telephone.

However, before you contact them think first what your desired result is. Outline the issue/problem/matter that is the reason for the intervention. Take also the period/time limits when the problem should be solved into account.

If the FIRST STEP fails to bring the desired result or you do not want to solve the problem this way go to SECOND STEP.

SECOND STEP:

- a) Contact the locally competent voivodship inspectorate for environmental protection
- b) If the problem relates to such matters like: visible pollution of the air with dust/or gases, unpleasant smells, contamination of water caused by activity of a large plant that should have a permit to use the environment the best way is to write a letter do the locally competent voivodship inspectorate for environmental protection or send an e-mail giving your personal data (name and surname and address or a telephone). You

can also contact them personally or report the problem by telephone. This can be the seat of the voivodship inspectorate for environmental protection locally competent for the entity and situated in a voivodship town or the seat of the Branch of the voivodship inspectorate for environmental protection.

However it may happen that you consider that the Voivodship Inspector for Environmental Protection has failed to solve the problem and you are not satisfied with his actions. If this is the case you should write a letter to the Chief Inspectorate for Environmental Protection or send an e-mail with your contact data. You can also report the problem personally or by telephone. Employees of the Chief Inspectorate for Environmental Protection will provide you with information and consider the matter. The Chief Inspector for Environmental Protection will decide on further actions aimed at solving the problem.

NOTE: The Voivodship Inspector for Environmental Protection will not consider matters that should in the first place be considered by local authorities – see procedures described in item b.

c) Contact with a competent body of public administration for environmental matters (head of the commune, mayor of the town, city mayor) or head of the county.

If the problem relates to matters such as: cutting down trees without the required permission, illegal landfill of waste (for example in the forest or other places not designated for this purpose), incineration of waste outside devices designated for this purpose, leaking home containers for liquid waste – the so-called septic tanks, elevating the ground by the neighbour, which results in changes in water level and has a negative impact on the adjacent land (flooding) the best method is to write a letter to the locally competent commune or town office or send an e-mail with your contact data. You can also contact them personally or report the problem by telephone.

Such a body, competent for the location of the entity that causes a certain problem is the head of the commune, mayor of the town or city mayor. The head of the county is competent in matters of excessive noise and illegal extraction of minerals.

If your problem is still unsolved by the head of the commune, mayor of the town or city mayor you should write a letter to the commune council and in the case of the head of the county to the county council and lodge a complaint particularly about negligence or undue performance of tasks by these bodies or their employees, infringement of the law or also lengthy or bureaucratic consideration of matters. If your matter was considered by *bodies of public administration for environmental protection*, the complained you lodged to the commune (county) council did not bring the expected result, you think that the problem has not been solved and in your opinion the environment is still being harmed, then you should write to the locally competent voivodship inspectorate for environmental protection or send an e-mail with your personal data. You can also contact them personally. The Voivodship Inspector for Environmental Protection will consider the matter and try to find a solution.

IF YOU LOOK FOR A SOLUTION TO AN “ENVIRONMENTAL PROBLEM” REMEMBER – REGARDLESS OF WHETHER YOU ARE AT STEP 1 OR STEP 2 ABOUT THE FOLLOWING:

RECORDING

If you have chosen to contact by telephone a good idea is that you record the time, date, name and surname of the person you are talking to, the key issues discussed, which actions you took and the person you contacted.

In the case of next telephone conversations you also should record (register) everything. However remember that a telephone conversation is not enough to set the wheels in motion. You must write a letter or send an e-mail with your address data: name and surname and place of your residence. You can also contact them personally.

DETAILS

Always give as many details of the matter as you can. Who? What? When? Where? What are the effects for the environment?

REPETITION OF THE INTERVENTION

It is necessary to repeat your intervention and/or the problem reported by telephone, through writing a letter or sending an e-mail, with your personal data or personally. This is required by the provisions of the code of administration proceedings in order that you obtain an answer.

Check whether you have a copy of this correspondence. Such information may be important with relation to the running of periods in successive steps of consideration of the intervention or complaint.

POSSIBILITY TO CONTACT PERSONALLY

You can also directly visit the competent body and lodge your intervention or complaint in writing or contact the indicated employee of the body that will write a memo on what the problem is and what entity it concerns. Remember about details that should be contained in this memo. Remember also to keep a copy of such a document.

POSSIBILITIES TO OBTAIN INFORMATION ON THE PROGRESS OF THE MATTER'S CONSIDERATION

If you lodge an intervention or complaint you will get to know how it will be considered and what procedures will be used. Some matters may be considered very fast, however solution of some environmental problems due to their "structure" and type of complexity takes much time. If you want to get to know more about the progress of your matter's consideration contact a competent employee that will conduct the matter.

CONFIDENTIALITY OF THE MATTER

Consideration of the matter requires that you give your personal data, since if your intervention or complaint is anonymous you will not know how it is considered. You can also reserve that your personal data are kept confidential.

Files of the actions related to the plant/entity that is the object of the intervention are kept in public files according to the regulations on public access to information. You can ask that your personal data are kept confidential and then your data will not be stored in publicly accessible data.

POSSIBILITY TO ACT AS A WITNESS

As a last resort, in some cases it may be necessary to start court or administrative actions that will help solve the problem. Then it may happen that you will be asked to appear as a witness and give testimony on the matter subject to penal liability resulting from regulations on witnesses.

COMPETENCES OF PUBLIC ADMINISTRATION BODIES

All bodies of public administration are obliged to observe their competence. The division of competence of bodies in the field of environmental protection is regulated by separate provisions. So if you referred your matter to an incompetent body you will be informed what body is competent or the matter will be referred to another body on which you will be informed as well. It may happen that the matter is complex and that it may involve various bodies of public administration.

Commune bodies are competent in matters resulting from the following regulations:

1. article 34 of the act of 27 April 2001 on waste (Journal of Laws of 2007, No. 39, item 251 as amended) that states that *the head of the commune, mayor of the town or city mayor, by way of a decision, orders the owner of waste to remove waste from places not designated for its landfill or storing, by indicating the manner of carrying out the decision;*
2. article 363 of the act of 27 April 2001 Environmental protection law (Journal of Laws of 2008, No. 25, item 150 as amended) that states that *the head of the commune, mayor of the town or city mayor may, by way of a decision, order a natural person whose actions have a negative impact on the environment, to carry out within a specified time actions aimed at reducing the negative impact on the environment;*
3. article 29 paragraph 3 of the act of 18 July 2001 Water law (Journal of Laws of 2005, No. 239, item 2019 as amended) that states that *if changes in the level of water on land caused by the land owner have a negative influence on the adjacent land the head of the commune, mayor of the town or city mayor may, by way of a decision, order the land owner to recover the previous state or build devices that would prevent the damage;*
4. provisions of the act of 13 September 1996 on maintaining cleanness and order in communes (Journal of Laws of 2005, No. 236, item 2008 as amended);
5. provisions of the act of 16 April 2004 on protection of the nature (Journal of Laws No. 92, item 880 as amended).

The County Inspector of Construction Supervision should be notified on irregularities related to the use of construction facilities, for example use of a building not for the intended purpose or building a facility without the construction permit.

The marshal of the voivodship and the head of the county should be informed about extraction of minerals without the concession for prospecting, exploration and extraction of basic and common minerals. The head of the county is the competent body for determination of the exploitation fee in case of extraction of minerals without the required concession.

The State Sanitary Inspection should be notified on incidents threatening the human health and lives, particularly in residential buildings and workplaces.

The competence of the Inspection of Environmental Protection covers most of all inspection of economic activity related to the use of the environment, in particular of systems listed in

the ordinance of the Minister of the Environment of 26 July 2002 on types of systems that may cause significant pollution of individual elements of the nature or the environment as a whole (Journal of Laws No. 122, item 1055).

According to the provisions of the Code of Administration Proceeding:
state administration bodies observe ex officio their material and local competence (article 19);

if the body to which an application has been lodged is incompetent in the matter it immediately submits it to the competent body (article 65);

complaints should be lodged to bodies competent for their examination (article 228).

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