



Submission

Submitter:	Mr. Paul Barlow
Organisation Name:	Woodstown Bay Shellfish Limited
Submission Title:	Rec'd by email
Submission Reference No.:	S011157
Submission Received:	08 June 2023

Application

Applicant:	Kilkenny Cheese Limited
Reg. No.:	P1180-01

See below for Submission details.

Attachments are displayed on the following page(s).



EPA Headquarters,
P.O. Box 3000,
Johnstown Castle Estate,
County Wexford.
Y35 W821

8th June 2023

Re: Objection in respect of Licence Application P1180-01 made by Kilkenny Cheese Limited.

To whom it may concern,

We write to you on behalf of Woodstown Bay Shellfish Ltd. in relation to the above-mentioned licence application submitted to the EPA by Kilkenny Cheese Limited on the 8th of April 2022.

Woodstown Bay Shellfish Ltd. is a huge stakeholder within the Waterford Estuary who depend solely on a healthy eco-system for the survival of their business. The Waterford Estuary is protected under the EU Water Framework directive (2000/60/EC) and lies within a Special Area of Conservation (SAC). In recent years, we have seen a huge decline in Water quality and Biodiversity in the Estuary. We suggest this is a huge failure by the EPA in allowing this major deterioration of the waterbody. The EPA's lack of enforcement has resulted in an overall decline in water quality and resulted in a massive negative impact on both marine life and shellfish production within the Waterford Estuary.

This application has failed to access the cumulative effects on the waterbody. The EPA noted in a Site Visit in November 2022 to Waterford City WWTP, licence Reg. D0022-01 that:

"It was stated by Irish Water and the DBO Operator (Celtic Anglian Water) that the local Glanbia plant is now providing 50% of the load to the Waterford wastewater treatment plant. It is also stated that Irish Waters source Control Team were liaising with Glanbia for information on the loading from their plant and were conducting a 'flow and load survey'. The DBO Operator reported that they were operating the plant in a 'shock load' mode and would benefit from more comprehensive and regular information on the loading from Glanbia to their plant."

Please see attached in Appendix 1. This Site visit report highlights the failure on behalf of the Agency to control and protect the surrounding Habitat and Marine Environment. We submit that no regard has been considered for the EU Water Framework Directive. The EPA has failed to consider the cumulative effects of this new application alongside the existing pressures on the Waterford City WWTP from the above mentioned Glanbia installation.

We submit that Irish Waters consent granted to the applicant to discharge to sewer is legally questionable. Please see attached in Appendix 2. Irish Water has not taken The EU Water Framework Directive (2000/60/EC), The Habitats Directive (92/43/EEC), The EIA Directive (2011/92/EU), and The Maritime Spatial Planning Directive (2014/89/EU) into consideration which are in place to protect the surrounding Marine environment. By the granting of the above consent, Irish Water failed to satisfy the above listed EU Directives. Irish Water was made aware of the huge existing pressures on the Waterford City WWTP by the EPA in their Site Visit Report in 2022, however by granting this consent to the applicant, they have now added even more serious pressures to the Waterford City WWTP. This can only be seen as negligence on the behalf of Irish Water as this new connection to sewer can only be seen as a new development and should comply with the Planning and Development Act 2000 (as amended).

The relevant waterbody at the discharge point have been characterised as at risk of not meeting good status currently. There has been no specific Water Framework Directive assessment carried out for this development, as required under Article 4 of the WFD. This assessment is crucial in determining whether this development may cause further deterioration to the status of the waterbody which lies within a Special Area for Conservation. The EPA must satisfy that they comply with Article 4 of the WFD.

"Article 4(1)(a)(i) to (ii) of Directive 2000/60/EC of the European Parliament and of the Council of the 23 October 2002 establishing a framework for community action in the field of water policy must be interpreted as meaning that the Member States are required:

- unless a derogation is granted*
- to refuse authorisation for an individual project where it may cause a deterioration of the status of a body of surface water or where it jeopardises the attainment of good surface water status or of good ecological potential; and good surface water chemical status by the date laid down by the Directive".*

The EPA must satisfy itself that the appropriate assessments it carries out have been robust enough to allow the agency to reach the conclusion that by licencing this discharge the requirements of the Water Framework Directive will not be undermined. It must assess how increasing the load to a system which is already at risk of not achieving its WFD objectives is legally robust enough for the purposes of Article 4 of the Water Framework Directive.

The EPA have a responsibility under the Habitats Directive. The threshold the Applicant must pass in this context is explained in paragraph 44 of CJEU Case 258/11:

"So far as concerns the assessment carried out under Article 6(3) of the Habitats Directive, it should be pointed out that it cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned".

The EPA must assess the planning merits of this development in accordance with the Maritime Spatial Planning Directive (2014/89/EU) to ensure that the proposed development and discharge is in accordance with proper planning and sustainable development of the area.

The EPA must satisfy themselves that the application in question must adhere to the below:

The EU Water Framework Directive (2000/60/EC)


The Habitats Directive (92/43/EEC)

The EIA Directive (2011/92/EU)

The Maritime Spatial Planning Directive (2014/89/EU)

The Planning and Development Act 2000

Your Sincerely,

A handwritten signature in dark ink, appearing to read 'Paul Barlow', is written over a horizontal dashed line.

Mr Paul Barlow

Site Visit Report

Appendix 1



The site visit process is a sample on a particular day of an installation's compliance with some of its licence conditions. Where non-compliance against a particular condition has not been reported, this should not be construed to mean that there is full compliance with that condition of the licence.

Instructions and actions arising from the visit shall be addressed, or where applicable noted, by the licensee in order to ensure compliance, to improve the environmental performance of the installation and to provide clarification on certain issues.

The licensee shall take the actions specified to close out the non-compliances and observations raised in this Site Visit Report.

The licensee may also be requested to provide a response to the Environmental Protection Agency (hereafter referred to as the Agency) in relation to the site visit report findings.

Licensee

Name of Installation	Waterford city
Licensee	Irish Water
Licence Register No.	D0022-01
CRO Number	
Site Address	Waterford, X91 WK77
Site Visit Reference No.	SV23797

Report Detail

Issue Date	11/11/2022
Prepared By	Dr John Feehan

Site Visit Detail

Date Of Inspection	28/09/2022		
Time In	11:00	Time Out	14:15
EPA Inspector(s)	Dr John Feehan		
Additional Visitors			
Licensee Personnel and Role	Representing Irish Water: Ms Christina Geraghty. Representing Celtic Anglian Water (working under contract to Irish Water): Mr Thomas Hayes; Mr Conor Rush.		

> Summary

The Waterford waste water treatment plant appeared to be operated and managed satisfactorily on the day of this site visit. However, it is noted with concern, that the plant is reported to be organically overloaded at present, is being operated in a "shock load" state and that 50% of the load to the plant is now coming from just one local food industry. Irish Water should ensure that the strong odours detected at a number of locations on site, does not give rise to odour complaints off site. Improvements in the handling of complaints is needed.

> Site Areas Inspected

Waste water treatment plant.

> Documents Inspected

- Effluent monitoring results for previous 2 years.
- A list of the critical spare parts required for the site.
- Calibration/maintenance records for all of the DO probe(s) on site.
- Records of Desludging at this plant for previous 2 years.

> 1. General

		Answer	Condition Number	Non Compliance	Observation
1.1	Is there a significant discharge from industry into the plant?	Yes			
Comment / Action Required					
It was stated by Irish Water and the DBO Operator (Celtic Anglian Water) that the local Glanbia plant is now providing 50% of the load to the Waterford waste water treatment plant.					
It was also stated that Irish Water's Source Control Team were liaising with Glanbia for information on the loading from their plant and were conducting a "flow and load survey". The DBO Operator reported that they were operating the plant in a "shock load" mode and would benefit from more comprehensive and regular information on the loading from Glanbia to their plant.					
Irish Water are required to:					
<ol style="list-style-type: none">1. request Glanbia to provide data on the effluent loading from their plant to the DBO Operator on a regular basis;2. ensure that there is a communications protocol in place between Glanbia and the plant operator; and3. provide data from the "flow and load" survey to the plant operator.					



2. Site Specific Issues

2.1

Answer	Condition Number	Non Compliance	Observation
Checked			

Comment / Action Required

A strong odour was detected just outside the main entrance gate to the waste water treatment plant. It was confirmed by Irish Water that this was emanating from a "breather" vent on an effluent line from the Glanbia plant to the Waterford waste water treatment plant.

It was noted that there was a strong H2S type odour from the penstock influent line onsite. Strong H2S type odours were also noted onsite at the primary settlement tank, at the pasteurisation tank and the digester holding tank which was also noted to be open on top.

Irish Water are required to:

1. Ensure that Glanbia are notified in writing each time an odour is detected from this "breather" vent.
2. Examine the feasibility of sealing the penstock influent line and covering the top of the digester holding tank.
3. Investigate the reason for the strong H2S type odours at the primary settlement tank and the pasteurisation tank and identify measures that could be taken to reduce them.

2.2

Answer	Condition Number	Non Compliance	Observation
Checked			

Comment / Action Required

How Irish Water dealt with a number of complaints over the summer of 2022, alleging that the Waterford water treatment plant was giving rise to odours off site was reviewed. It is acknowledged that Irish Water requested both Waterford and Kilkenny County Council to conduct an investigation into the source of these odours and that a comprehensive written response was provided to the complainant. However, it was noted that no one from the local authorities or Irish Water ever visited / met up with the complainant. It was also noted that complainants, who call the waste water treatment plant telephone number were advised to "contact Irish Water directly" and that such calls are not logged by the DBO Operator.

Irish Water are required to:

1. Ensure that there is a protocol/procedure at the plant for dealing with all complaints received and ensure that all calls received are logged, that complainants are provided with the telephone number and an email address for Irish Water and that a mechanism is put in place, whereby Irish Water's Compliance Team are immediately made aware of any complaint received at the plant by telephone.
2. Ensure that personnel undertaking odour surveys are appropriately trained to conduct them.
3. Ensure that an Irish Water Representative visits the Waterford waste water treatment plant after receipt of alleged odour complaints, conducts an odour survey and establishes whether the plant is giving rise to odours off-site.

FOLLOW-UP ACTIONS

The licensee is required to complete the actions outlined in this site visit report within the specified timeframes. Where required, the licensee shall also respond to actions specified in Compliance Investigations and/or submit a response to this site visit report via the EDEN system. The licensee shall maintain a documentary evidence, for review by the Agency, that the prescribed actions were completed within the required timeframe.

(i) Compliance Investigations

The Agency may generate a Compliance Investigation through the EDEN system and issue instructions and actions to the licensee. The licensee will receive notification when an instruction or action is issued and the licensee must respond to the actions within the Compliance Investigation within the specified timeframe.

(ii) Response to Site Visit Report

Where the licensee is requested to (or wishes to) respond to the Agency in relation to this site visit report, the licensee may select the 'Make a Response' link on the actions taken by the licensee to address the issues raised in this site visit report and the target completion dates. This Licensee Public Response provides the licensee with an opportunity to inform both the Agency and the public about the implementing of actions set out in the Agency site visit report. The response must be submitted **within 30 calendar days** of the issue date of this site visit report.

(iii) Publication of Reports

The site visit report will be made available for public viewing via the Agency's Licence Enforcement Access Portal (LEAP), within one day of the issue date. The Site Visit Report and the Licensee Public Response will also be published on the Agency's website, www.epa.ie, 60 calendar days after the site visit report issue date (on the Licence Details Page for the relevant licence).

Please note that licensees are required to comply with the conditions of the licence at all times, and where non-compliance occurs, compliance must be restored within the shortest possible time. These actions will be verified during subsequent Agency visits. Please quote the above Inspection Reference Number in any correspondence in relation this Report.

Appendix 2

From: WWSCl@water.ie <WWSCl@water.ie>
Sent: Monday 12 December 2022 11:28
To: Licensing Staff <licensing@epa.ie>
Cc: pricing <pricing@water.ie>; Irish Water - Section 99 <section99@water.ie>
Subject: IW Section 99E Consent Response - P1180-01 for Kilkenny Cheese Limited
EIMS:0680001395

Dear Sir/Madam,

Please find attached the Section99e consent response for Kilkenny Cheese Limited, IDA Science & Technology Park, Gorteens, Belview, Co. Kilkenny.



Best Regards,

Irish Water Team

Uisce Éireann

Teach Colvill, 24-26 Sráid Thalbóid, Baile Átha Cliath 1, D01 NP86, Éire

Irish Water

Colvill House, 24-26 Talbot Street, Dublin 1, D01 NP86, Ireland

Phone : 1850 278 278

Email: WWSCl@water.ie

www.water.ie

@IrishWater



Environmental Licensing Programme,
EPA Headquarters,
PO Box 3000,
Johnstown Castle Estate,
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www.water.ie

Reg No: P1180-01

12/Dec/2022

Dear Sir/Madam,

I refer to your correspondence dated 20/April/2022 relating to an application from Kilkenny Cheese Limited, IDA Science & Technology Park, Gorteens, Belview, Co. Kilkenny for **Section 99E Consent Request**.

Please find attached Irish Water's consent to discharge to sewer subject to the consent conditions attached.

If you have any further queries please do not hesitate to contact us.

Yours sincerely

Wastewater Source Control & Licensing

IRISH WATER RESPONSE

Irish Water
Colvill House
24/26 Talbot Street
Dublin 1

Name of Facility: Kilkenny Cheese Limited

Reg. No: P1180-01

Location Address: Kilkenny Cheese Limited, IDA Science & Technology Park, Gorteens, Belview, Kilkenny, X91 YC9R

Consent granted subject to the consent conditions outlined below.	Yes
Consent granted without conditions.	N/A
Consent refused ^{Note 1} .	N/A

The sewer, to which this consent relates, is vested or controlled by Irish Water.	Yes
Does the consent constitute a material change with respect to the associated waste water discharge authorisation? ^{Note 2} (If 'Yes', you must attach to the consent a document describing the measures to be taken to bring about compliance with the waste water discharge authorisation including timeframes where appropriate.)	No

Indicate either "Yes" or "No" to the request to include the condition(s) below in the licence as follows:

GENERAL CONSENT CONDITIONS		Condition to be Included (Yes/No)
1.	Other than the trade effluent authorised to be discharged under this licence, the licensee shall at no time discharge or cause or permit to discharge into sewer trade effluent or any other matter unless authorised in writing by Irish Water.	Yes
2.	Monitoring and analysis equipment shall be installed, operated and maintained as necessary, so that all monitoring, accurately reflects the emission/discharge.	Yes
3.	The licensee shall carry out such sampling, analyses, measurements, examinations, maintenance and calibrations as set out below and as in accordance with <i>Schedule C: Control & Monitoring</i> , of this licence. (i) Sampling and analysis shall be undertaken by competent staff in accordance with documented operating procedures.	Yes

(ii) Such procedures shall be subject to a programme of Analytical Quality Control using appropriate control standards with evaluation of test responses.	
(iii) Where any analysis is sub-contracted it shall be outsourced to a competent laboratory.	
4. The licensee shall ensure that any trade effluent generated from canteen activities shall pass through appropriate grease removal equipment prior to discharge to sewer.	Yes
5. The licensee shall maintain and implement a detailed programme for maintenance of all plant and equipment based on the instructions issued by the manufacturer/supplier or installer of the equipment or as otherwise approved in writing by IW.	Yes
6. A summary report of volumes of trade effluent and other matter discharged to the sewer along with monitoring and analysis data as specified in <i>Schedule B: Emission Limits to Sewer</i> and <i>Schedule C: Control & Monitoring</i> , of this licence shall be forwarded to both Irish Water and the Local Authority in a manner and timeframe as may be specified by Irish Water.	Yes
7. The licensee shall prepare, maintain and implement (text highlighted in black bold for new licence only) / maintain and implement (text highlighted in green bold for reviews) a Schedule of Environmental Objectives and Targets. The Schedule shall, as a minimum, provide for a review of all operations and processes, including an evaluation of practicable options, for energy and resource efficiency, the use of cleaner technology, cleaner production and the prevention, reduction and minimisation of waste and shall include waste reduction targets, reduction and diversion of storm water runoff to sewer. The Schedule shall include time frames for the achievement of set targets and shall address a five-year period as a minimum. The schedule shall be reviewed annually and submitted to Irish Water as requested.	No
8. The licensee shall pay to Irish Water such sum as may be determined from time to time, having regard to the variations in the cost of providing drainage and the variation in effluent reception and treatment costs. Payment is to be made on demand from Irish Water.	Yes
9. Silt Traps and Oil Separators The Licensee shall, within six months of date of grant of this licence, install and maintain silt traps and oil separators at the Facility: (i) Silt traps to ensure that all storm water discharges, other than from roofs, from the facility pass through a silt trap in advance of discharge; (ii) An oil separator on the storm water discharge from yard areas. The separator shall be a Class I Class II full retention/by-pass separator. <<EPA to select as appropriate>> (iii) The silt traps and separator shall be in accordance with I.S. EN-858-2: 2003 (separator systems for light liquids).	Yes
10. The licensee shall conclude an end user agreement with Irish Water.	Yes
11. In the event of any incident which relates to discharges to sewer having taken place, the licensee shall notify Irish Water and the Local Authority, in the manner prescribed by Irish Water, as soon as practicable after such an incident.	Yes
12. No alteration to, or reconstruction in respect of, the activity, or any part thereof, that would, or is likely to, result in (i) a material change or increase in: <ul style="list-style-type: none"> the nature or quantity of any emission; the abatement/treatment or recovery systems; the range of processes to be carried out; the fuels, raw materials, intermediates, products or wastes generated, or (ii) any changes in: <ul style="list-style-type: none"> site management, infrastructure or control with adverse environmental significance; shall be carried out or commenced without prior notice to, and without the approval of, the Agency and/or Irish Water as appropriate.	Yes
13. No specified emission from the installation shall exceed the emission limit values set out in <i>Schedule B: Emission Limits</i> , of this licence. There shall be no other emissions of environmental significance.	Yes

ADDITIONAL GENERAL CONSENT CONDITIONS In respect of discharges or emissions to sewers, in accordance with Section 99E of the Environmental Protection Agency Act 1992, as amended. <i>(Specify, if required)</i>

Limit Values for Process Effluent to Sewer

Schedule B: Emission Limits

Emission Point Reference No.: **SE1**

Emission to (**sewer description**): Irish Water treated effluent outfall from Waterford City WWTP

Volume of Trade effluent emitted:

Maximum in any one day:	6,000 m ³
Maximum rate per hour:	250 m ³
Maximum rate per second:	69.4 l/s

Parameter	Emission Limit Values	
pH	6-9 pH Units	
Temperature	35°C	
	Concentration (mg/l)	Max Daily Load (kg/day)
BOD 5 days with inhibition (Carbonaceous BOD)	15	90
COD - Cr	75	450
Suspended Solids	35	210
Total Nitrogen (as N)	10	60*
Ammonia (as N)	1	6
Total Phosphorus (as P)	1.2	7.2
Sulphate	1,000	6,000
Chloride	2,000	12,000
Fats, Oils & Greases	10	60

*Total N emissions will be 40kg/day from mid-November to mid-February.

Frequency of Monitoring Process Effluent to Sewer**Schedule C**

Emission Point Reference No.:

SE1

Parameter	Monitoring Frequency (Note 1 & 2)	Analysis Method/Technique
Flow to sewer	Continuous	On-line flow meter with recorder
pH	Continuous	pH electrode/meter & recorder
Temperature	Continuous	On-line Temperature probe with recorder
BOD 5 days with inhibition (Carbonaceous BOD)	Weekly	Standard Method
COD - Cr	Daily	Standard Method
Suspended Solids	Daily	Standard Method
Total Nitrogen	Daily	Standard Method
Ammonia – Total (as N)	Daily	Standard Method
Total Phosphorus (as P)	Daily	Standard Method
Sulphate	Quarterly	Standard Method
Chloride	Quarterly	Standard Method
Fats, Oils & Greases	Weekly	Standard Method
Toxicity	As Requested	Standard Method

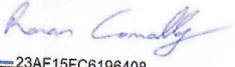
Note 1: All samples, excluding those for flow, pH and temperature, shall be collected on a 24 hour flow proportional composite sampling basis. **Note 2:** Sampling shall take place on alternate week days on a rolling basis to ensure representative samples are obtained for site operations which may vary across the working week.

Control of Emissions to Sewer

Description of treatment:

Control Parameter	Monitoring	Key Equipment

Signed on behalf of

DocuSigned by:

23AE15FC6196408

Date 12/12/2022