

Pat Moran

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08/12/23

Re: Kilkenny Cheese Update

Dear Sir/ Madam

Regards Kilkenny Cheese – Licence P01180 – 01 proposed determination

– First Party Objection.

3.2 Other

Error in the Inspector's Report – "A Licence amendment request for WWDL D0022 – 01 was received by the agency on the 24/10/2023.

I expect the error referred to is the date which I believe is a misprint. However, the other questions posed in the objection are not transparently answered in the file. A Licence amendment request was received by the agency?

No such amendment is necessary?

Kilkenny Cheese effluent will not constitute a material change with respect to the WWDL D0022 – 01 discharge.

Should such a Licence amendment request have been received by the agency from Irish Water a brief consultation with the office of Environmental Enforcement within the EPA would have revealed that a Licence amendment would not solve the problem with the WWDL D0022 - 01 discharge to bring it in line so that Kilkenny Cheese could connect to the discharge. Potentially the D0022 – 01 discharge has been continuously exceeding (in breach) of its emissions to water limits as a result of the two previous 99E connections to sewer agreements. That Irish Water agreed with Glanbia (now Tirlan). I expect discussions did take place and during those discussions the **Grey Area** around the responsibility and compliance referred to in the file came to light as regards the 99E connections to sewer agreements.

1/ 99E – No P0963 – 01

"Glanbia ingredients (Ballyragget) ltd proposes to operate a new processing plant with a production capacity of over 1.04 million M3 of dairy liquids per annum.

2/ 99E – No P0963-02

“ The expansion (called Project Topaz) will provide for an increase in the maximum capacity to 5000 tonnes of whole milk per day (potential 80% increase over 2017 levels)”.

Extract from the Inspector’s Report 06/09/2018 for Licence review reg P 0963 – 02

“Accidental emissions to water may occur if the Waterford WWTP becomes overloaded causing a discharge of untreated or high BOD effluent with the potential for impact on the receiving waters.”

Overloaded – Untreated ???

From this Inspector’s Report 06/09/2018 for Licence review reg P 0963 – 02 which was dismissed on account of a major cust agreement that was to be put in place vital to Irish Waters 99E connection agreement along with the EPA’s cumulative and indirect effects and conclusions on page 21 – 22 of the IR’s report. Subsequently the major capital works – cust agreement was dropped following a first party objection where Glanbia expressed grave concern that the cust agreement works would not be completed by March to meet the expanding milk volumes for which other outlets did not exist. The vital major capital works that were needed for the Licence were dropped by Irish Water and the EPA’s (Technical Committee) even though there were recordings of overloading on account of the previous 99E connection to Glanbia at the WWTP with NO extra capacity before Licence review P 0963 – 02 was completed potentially the Waterford City UWWTP was compromised and the potential accidental emissions to water potentially became permanent and continuous. Why is it not of concern to the EPA that the Waterford City UWWTP and its discharge has changed its primary function and has now become a food processing plant treatment and discharge point with Waterford City sewerage treatment being secondary?

Will not constitute a material change?

The EPA position now appears to be that a Licence can be connected to an in-situ Licenced discharge, irrespective of the connecting Licence causing an exceedance of the emission to water limits for the in-situ Licence without constituting a material change to the discharge.

The file demonstrates the EPA policy as regards responsibility / compliance of EPA Licences to their emissions to water limits and values has been dropped in favour of dilution results at river monitoring points (wherever they may be) evidenced in the proposed Licence determination and within at least two other Licences in close proximity. Whereas accidental emissions, permanent exceedances, storm water overflows, major events, mass emissions never appear to register at the river

monitoring stations/ points and if they do, they must be seen as minor and irrelevant and could never be seen as the cause of Shellfish Dieback / Phytoplankton loss which would be causing the loss of biodiversity in the Waterford estuary, the wider catchment, and coastal waters.

Licences that only have emission limits and values on paper only has environmental protection status on paper as well.

As the discharge site for D0022 - 01 is tidal any increase in the emissions to water limits and values at the emission point would potentially further compromise the achievement of the surface water objectives for the upper / middle and lower Suir estuary along with Waterford estuary's SAC and Shellfish designated waters.

The information contained within the EPA files potentially shows the 99E connection of the Kilkenny Cheese discharge to the D0022 – 01 discharge will constitute a material change with the information also showing the capacity of the estuary to absorb certain substances has been exceeded and the estuary has become a hostile environment for certain species affecting the biodiversity of the entire catchment.

Should a Licence be granted, the EPA would then be a big part of the problem in allowing the waterbodies deteriorate in status rather than working to achieve good status by 2027.

Yours sincerely

Pat Moran