

This Report has been cleared for submission to the Director by Breen Higgins, Senior Inspector

Signed:  Date 15/12/2016



**OFFICE OF
ENVIRONMENTAL
SUSTAINABILITY**

Environmental Licensing Programme Memorandum

To: Dara Lynott, Director

From: Yvonne English

Date: 15 December 2016

RE: Technical Amendments to Wastewater Discharge Licences for the purposes of updating the licences in line with the current wastewater discharge licence template and correcting technical or clerical errors.

The Agency, in accordance with Regulation 33(1)(c) of the Waste Water Discharge (Authorisation) Regulations 2007 as amended, proposes to amend a number of licences granted to Irish Water. The licences to be amended are outlined in Table 1 below.

Table 1: Waste Water Discharge Licences to be Technically Amended

Licence Number	Register	Agglomeration
D0218-01		Mallaranny
D0296-01		Baltimore
D0305-01		Kilfinnane
D0307-01		Croom
D0313-01		Bruff
D0342-01		Milford
D0348-01		Inniskeen
D0441-01		Ballyclough
D0455-01		Ballyclerahan
D0046-01		Courtown/Gorey
D0031-01		Tuam
D0281-01		Ballinamore

These amendments are arising from changes to legislation, the occurrence of technical or clerical errors and to provide further legal clarity to conditions attached to waste water discharge licences.

The Agency is minded to amend these licences in order to bring the licences into line with the Agency's current modus operandi for waste water discharge authorisations.

Article 33(2) of the Waste Water Discharge (Authorisation) Regulations 2007 as amended requires the Agency to consult with licensees before amending a licence or a revised licence. The Agency issued a letter to Irish Water on 28/09/2016 outlining the agglomerations to be amended and the proposed changes to be made to those licences.

Irish Water responded to this letter making comments on a number of the proposed amendments. Irish Water made the following comments in relation to the licences outlined above to be amended:

Proposed Amendment 1:

To be inserted into the Glossary of the existing licence

**Unusual
Weather
Conditions**

In relation to waste water discharges unusual weather conditions, means any one or combination of the following:

- (i) heavy rainfall >50 mm in 24 hrs, >40 mm in 12 hrs, >30 mm in 6 hrs (i.e. Met Eireann Orange Alert criteria or greater);
- (ii) low ambient temperatures as evidenced by effluent temperature of 5° C or less or by the freezing of mechanical equipment in the works;
- (iii) significant snow deposits;
- (iv) tidal or fluvial flooding;

weather conditions causing unforeseen loss of power supply to the waste water treatment plant which could not be ameliorated by the reasonable provision and operation of standby generation facilities.

Insert New Condition 2.2 & 2.3, to read as follows

2.2 No sample of the discharge taken at a time when unusual weather conditions are adversely affecting the operation of the waste water treatment plant, shall be taken into account in determining compliance with Conditions 2.1 of this licence. A replacement sample shall be taken within 72 hours of cessation of the unusual weather conditions. The licensee shall report the sample result including any justification of the basis for excluding the sample in the Annual Environmental Report.

2.3 On any occasion where unusual weather conditions affect the operation of the waste water works the licensee shall use its best endeavours to mitigate the effect of the unusual weather conditions.

Irish Water Comment: Irish Water are concerned that the definition of unusual weather conditions namely rainfall criteria are not representative of rainfall duration relevant to waste water collection networks and treatment plants which are typically shorter. Irish Water believes that the application of these criteria could lead to highly unusual rainfall events being considered as normal weather conditions.

Response: The Agency considers that the above definition and conditions are necessary for the purpose of defining unusual weather conditions in the context of waste water discharge authorisations.

Proposed Amendment 2:

To be inserted into the Glossary of the existing licence

Priority Substances Those substances, or groups of substances, identified in accordance with Article 16(2) of the Water Framework Directive and listed in Annex I of Priority Substances Directive 2013/39/EU, for which measures have to be taken in accordance with Article 16(1) and 16(8) of the Water Framework Directive.

Insert New Condition 4.XX, to read as follows

4.1 Priority Substances

- 4.1.1 The licensee shall undertake a risk based assessment of the discharge(s) in order to identify the relevant priority substances for monitoring. This assessment shall be undertaken in accordance with "*Guidance on the Screening for Priority Substances for Waste Water Discharge Licences*" issued by the Agency. Monitoring for the identified priority substances shall be carried out at least annually.
- 4.1.2 The licensee shall take such measures as are necessary to reduce or eliminate priority substances in the discharge(s). Implementation of the measures identified shall be reported on in the Programme of Improvements (required under Condition 5.1).

Delete footnotes in relation to priority substances from Schedule B 'Ambient Monitoring'

Irish Water Comment: Irish Water proposes that based on the outcome of the risk assessment that the scope and frequency of subsequent monitoring be agreed with the Agency and that the requirement to undertake monitoring of priority substances on an annual basis be removed.

Irish Water also states that as a utility company they are not empowered to prevent priority substances entering the collection network.

Response: There is a requirement under the Water Framework Directive to prevent and or eliminate priority and priority hazardous substances from entering the aquatic environment. The purpose of a Waste Water Discharge licence is to make provision for the protection of the environment and the protection of human, animal and plant life from harm or nuisance caused by the discharge of priority and priority hazardous substances to the aquatic environment as well as to ensure compliance with national legislation.

Proposed Amendment 3:

Amend Schedule B.X Receiving Water Monitoring to include the following requirement:

Parameter	Units	Monitoring Frequency	Analysis Method / Technique
Salinity	PSU	XX samples/year	Standard Method

Irish Water Comment: Irish Water has no comments on this proposed alteration.

Proposed Amendment 4, 5 & 9:

Delete Condition 2.1.1 (v) of the licence and replace with the following:

Condition 2 Interpretation

2.1.1(v) For parameters other than pH, cBOD, COD, Suspended Solids, *XXXX & XXXX* no more than the relevant number of samples specified in *Schedule B.3: Interpretation of Discharge Monitoring Results* – Column 2, of this licence, shall exceed the concentration Emission Limit Value based on the number of samples taken as listed in *Schedule B.3: Interpretation of Discharge Monitoring Results* – Column 1, of this licence. No individual result similarly calculated shall exceed the emission limit value by more than 20%.

Amend Condition 2.X of the licence, to read as follows:

2.X Discrete Sampling
 No cBOD or COD grab sample value shall exceed the concentration emission limit value by more than 100% and no Suspended Solids grab sample value shall exceed the concentration emission limit value by more than 150%. For all other parameters, except pH, no grab sample value shall exceed the emission limit value by more than 20%.

Amend Condition 2.1.1.4 of the licence, to read as follows:

- 2.1.1.4 For parameters other than pH, cBOD, COD and Suspended Solids no more than the relevant number of samples specified in *Schedule A.4: Interpretation of Discharge Monitoring Results* – Column 2 or Column 4, of this licence, shall exceed the **concentration** Emission Limit Value based on the number of samples taken as listed in *Schedule A.4: Interpretation of Discharge Monitoring Results* – Column 1 or Column 3, of this licence. No individual result similarly calculated shall exceed the emission limit value by more than 20%.

Irish Water Comment: Irish Water proposes that an annual mean limit would be a more appropriate measure of determining compliance with the nutrient emission limit values (ELVs). Irish Water does not agree that an instantaneous upper tier limit should be set for nutrient parameters.

Response: The Agency is satisfied that the requirements of the condition outlined above are necessary to provide protection to the receiving water environment.

Proposed Amendment 6:

Primary Discharge locations are to be corrected.

Irish Water Comment: Irish Water has no comments on this proposed alteration.

Proposed Amendment 7:

Amend Condition 5.4 of the licence, to read as follows:

- 5.4 The licensee shall complete the improvements as set out in *Schedule C: Specified Improvement Programme*, of this licence, in order to ensure compliance with the emission limit values as set out in *Schedule A: Discharges and Discharge Monitoring*, of this licence.

Irish Water Comment: Irish Water states that the Waste Water Discharge (Authorisation) Regulations 2007 as amended relates specifically to the regulation and control of waste water discharges from authorised waste water works and plants and Irish Water welcomes that specified improvements detailed in the licences are solely to ensure compliance with ELVs set out in the licence. Irish Water requests that improvements specified in *Schedule C: Specified Improvement Programme*, for other works which do not impact on ELVs being complied with be removed from the licence.

Irish Water would welcome the opportunity to review the proposed improvements to be specified in *Schedule C* before a final licence is issued in order to prioritise for funding under

the Capital Investment Programme as permitted under Regulation 28(3) of the Waste Water Discharge (Authorisation) Regulations 2007.

Response: In relation to the request from Irish Water to remove the requirements for certain aspects of *Schedule C: Specified Improvement Programme*, for works which do not impact on ELVs being complied with cannot be accommodated under this technical amendment.

In relation to Irish Water having the opportunity to review the proposed improvements to be specified in a licence as permitted under Regulation 28(3), the Agency highlights that Regulation 28(3) states that the Agency **may** require an applicant to provide confirmation that all programmes of works that would be required to comply with the licence have been given appropriate prioritisation for funding. Regulation 28(3) applies prior to the granting of a final licence or a review licence, it does not apply to Technical amendments.

Proposed Amendment 8:

Due to a technical error *Schedule B.2 Receiving Water Monitoring* was erroneously omitted from the licence at the time of issue. Receiving water monitoring requirements are to be added to the licence.

Irish Water Comment: Irish Water has no comments on this proposed alteration.

Proposed Amendment 10:

Insert New Condition 3.X, to read as follows

3.X No discharges from the waste water works is/are permitted save under and in accordance with this licence.

Irish Water Comment: Irish Water seeks clarification that the above condition does not include reference to emergency overflows from the waste water works.

Response: The issue of emergency overflows is considered to be addressed under the definition of secondary discharges in the waste water discharge licence. Where further secondary discharges become known during the lifetime of the licence the licensee is obliged to notify the Agency and regularise under the licence.

Requested changes from Irish Water

In response to the Article 33(2) notice issued to Irish Water by the Agency, Irish Water requested a number of additional changes be made to the licences. These changes fall outside the scope of Regulation 33(1)(c) and this project.

Recommendation

I recommend that the licence amendments be approved as set out in the attached recommended Technical Amendments. Such amendments do not result in the relevant requirements of Regulation 6(3) of the Waste Water Discharge (Authorisation) Regulations 2007 as amended, ceasing to be satisfied.

Signed

Yvonne English

Yvonne English
Environmental Licensing Programme