

Eve O'Sullivan

Subject: Kinsale D0132-01 Technical Amendment
Attachments: unsolicited response_Kinsale_D0132-01 2016 12 07.pdf

From: Sheelagh Flanagan [mailto:sheelaghflanagan@water.ie]
Sent: 07 December 2016 15:13
To: Yvonne English
Cc: Karen Creed; Breen Higgins; T Stafford
Subject: Kinsale D0132-01 Technical Amendment

Hi Yvonne,

Further to the Agency's correspondence on its decision to refuse Irish Water's Alternation Request for Kinsale, please find attached submission.

If you wish to discuss further please do not hesitate in contacting me.

Kind Regards
Sheelagh

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7th December 2016

Dear Yvonne,

RE: Kinsale Waste Water Discharge Authorisation D0132-01: Technical Amendments

Further to the Agency's decision to refuse the alteration request CR02829 for Reg. No. D0132-01 Kinsale. Irish Water requests the Agency consider the following information in re-evaluating its findings on the Technical Amendment request.

It is our understanding that the EPA's decision to refuse the Technical Amendment was based on whether the storm water overflows complied with the DoECLG 'Procedures and Criteria in Relation to Storm Water Overflows', 1995.

Irish Water would like to bring your attention to the Waste Water Discharge Licensing Application Guidance Note where it describes the various types of discharges and the guidance explicitly states that a storm water overflow includes "any storm water overflow the operation of which is not satisfactory". Furthermore the Glossary of Terms in the Kinsale Licence defines a secondary discharge as "A potential, occasional or continuous discharge from the waste water works other than a primary discharge or a storm water overflow."

The storm water overflows notified to the Agency in the 2015 AER and as part of the Technical Amendment request were designed and constructed for the purpose of relieving the system of excess water and as detailed in the 2015 AER are compliant with Formula A.

As highlighted in the Agency's Licencing Programme memo for Kinsale dated 02/12/2016 a number of the SWO were recorded as "causing significant visual or aesthetic impact and public complaints". The nature of these complaints were principally noise and odour and as specified in the Authorisation for Kinsale "any odour or noise issue that may be associated with the waste water works including the treatment plant cannot be addressed by this licence".

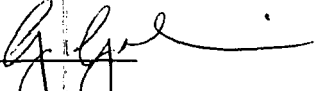
The wastewater discharge authorisations issued by the Agency include requirements under *Condition 5 programme of Improvements* that require the Licensee to assess and identify storm water overflow and prepare an improvement programme where required.

It is noted that for storm water overflows where the compliance with the Department's guidance document is unknown the Agency has not to date classified these as secondary discharges in any of the Authorisations Issued. Neither the guidance issued by the Agency nor the Department specified that where there is uncertainty over the compliance of a storm water overflow that the overflow should be considered a secondary discharge. Furthermore the purpose of the Departments guidance is to assist the Sanitary Authority evaluate and prioritise remedial actions required to ensure compliance with the Urban Wastewater Directive and not specifically for licencing under the Authorisation Regulations.

Irish Water is of the opinion that the notified discharges fulfil the definition of a storm water overflow and the screening report that was undertaken established beyond reasonable doubt that the discharges will have no significant effect on the integrity of a Natura 2000 site. Irish Water would ask the Agency to review the technical basis for considering a storm water overflow as a secondary discharge for the purpose of the Licencing under the Authorisation Regulations having regard to the above.

The Agency is aware of the existence of ongoing court proceedings and accordingly Irish Water would welcome your response as expeditiously as possible in the circumstances.

Best Regards,


Gerry Galvin
Chief Technical Advisor

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