



This Report has been cleared for submission to the Director by Mr Breen Higgins

Signed: [Signature] Dated: 21/12/16

SUSTAINABILITY

Environmental Licensing Programme Memorandum

To:	Dara Lynott, Director
From:	Yvonne English, Inspector
Date:	12 December 2016
RE:	Technical Amendments to Wastewater Discharge Licences for the purpose 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 Register Number	Agglomeration
D0345-01	Rathmullan
D0367-01	Doogort
D0423-01	Whitegate/ Aghada
D0459-01	Ballylongford
D0461-01	Castlegregory
D0480-01	Littleton
D0512-01	Ardara
D0519-01	Manorcunningham
D0523-01	Carrigart
D0531-01	Burnfoot
D0535-01	Fahan
D0538-01	St. Johnston
D0539-01	Rossnowlagh

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:

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

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

Proposed Amendment 2 & 3:

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%.

Comment: Irish Water proposes that an annual mean limit would be a more appropriate measure of determining compliance with the nutrient emission limit values. 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 4:

Primary Discharge locations are to be corrected.

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

EPA Comment: In relation to the Littleton WWDL D0480-01, the Agency has removed the emission limit value commencement date for orthophosphate as the date has passed.

Proposed Amendment 5:

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.

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 request 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: Specified Improvement Programme*, 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*, it is considered that in order to ensure the adequate conveyance and treatment of all waste water generated, it is necessary to specify that certain improvement works are planned for and undertaken within the wider waste water works. For this reason the wording is specified as above.

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 5:

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.

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

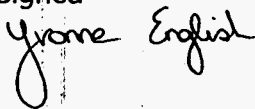
Requested changes from Irish Water

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
Environmental Licensing Programme