

## Best Practice Guide

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# WATER POLLUTION CONTROL LEGISLATION AS IT AFFECTS INDUSTRY

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## 1.0 Water Pollution Act

In Ireland, in cases where Integrated Pollution Prevention Control (IPPC) is not applicable, the control of water pollution is exercised through the Local Government (Water Pollution) Acts 1977-1990 and Water Services Act 2007-2013. Local authorities are responsible for the issuing of effluent discharge licences for effluents discharged to waters and Irish Water are responsible for effluent discharges to sewers. Until January 1<sup>st</sup> 2014, local authorities were responsible for issuing effluent discharge licences for effluents discharged to sewers, under the provisions of Section 16 of the (Water Pollution Act) 1977. Irish Water, are now responsible for the issuing of effluent discharge licences for effluents discharged to sewers under the provisions of Section 7 of the Water Services (No.2) Act 2013, (which transfers part of the functions of the local authorities to Irish Water). A licence issued under Section 16 of the (Water Pollution Act) 1977 shall continue in force for the unexpired period of the licence, as if granted by Irish Water. As far as industry is concerned, a discharge of wastewater (effluent) to waters (river, stream, lake, estuary etc. and groundwater) or to a municipal sewer can only take place if it is licensed.

### 1.1 Effluent discharge licences

It is the legal responsibility of the discharger to apply for a licence. Application for discharge to waters should be made to the relevant local authority on a standard application form obtained from that local authority. Application for discharge to sewer should be made to Irish Water. Application forms are submitted on-line on the Irish Water website.

On-line application form can be found at <http://www.water.ie/business/trade-effluent/about-trade-effluent/>

The characteristics of the discharge must be fully described and the completed application form must be accompanied by scaled drawings showing the layout of the premises, the drainage systems (foul and storm) and the point of discharge. A prescribed fee must be paid. In the case of a discharge to waters, a notice must first be published in a newspaper circulating in the functional area of the local authority and a copy of the notice attached to the application form. The local authority/Irish Water must make a decision within two months unless it requires further information or clarification.

It is always advisable to consult with the local authority/Irish Water before making an application. This is to ensure, for example, that there is capacity in the local sewer to accept

the discharge. It is important to realise that the local authority/Irish Water cannot grant a licence if subsequently there was likely to be a failure to meet a prescribed water quality standard. The local authority/Irish Water must also respect any international agreements to which Ireland is a signatory and which limit the discharge of specified pollutants to the environment.

If the local authority/Irish Water decides to grant a licence it must be carefully examined on receipt as there are many cases on record where conditions imposed were impractical, unreasonable or prohibitively expensive to implement. The only means by which changes can be made is through an appeal to [An Bord Pleanála](#) within one month from the date of grant (or refusal). In the case of a discharge to waters, third parties may appeal. It is vital to realise that An Bord Pleanála adopts a very strict policy with regard to statutorily defined time periods.

All licences contain conditions typically specifying:-

- the standard of wastewater discharge permitted
- maximum allowable volume (per day and per hour)
- monitoring of wastewater quality and flow
- record keeping and reporting requirements
- pollution control equipment operation and maintenance
- spill prevention control measures
- annual charges to defray the local authority's costs for monitoring and inspections
- other relevant conditions depending on circumstances

The costs incurred by Irish Water in treating a discharge to a sewer may also be recharged to the discharger. The charges are normally based on the volume of wastewater and the concentration of pollutants such as suspended solids and biochemical oxygen demand (BOD) present in the wastewater.

## 1.2 When is a licence needed?

Sometimes there is confusion as to what is wastewater or effluent and whether a licence is needed or not. The Water Pollution Act (1977) defined a 'trade effluent' as an effluent, "which is discharged from premises used for carrying on any trade or industry (including mining) but does not include domestic sewage or storm water". All 'trade effluents' must be licensed.

Discharges of domestic-type wastewater (sewage) from commercial and industrial premises to municipal sewers is generally not subject to licence but a licence would be required if the discharge was to a surface water. A licence is not required for domestic sewage not exceeding a volume of 5m<sup>3</sup> in any period of 24 hours that is discharged to an aquifer from a septic tank or other disposal unit by means of a percolation area, soakage pit or other method. A licence is required for discharge of domestic sewage from a septic tank where the discharge is direct to surface waters and, in all cases where the discharge exceeds 5m<sup>3</sup> in 24 hours. Many industrial processes do not generate 'process wastewater' or effluent but there may be uncontaminated cooling water. This is regarded as wastewater since it is often hot and usually contains various treatment chemical additives and so a licence is required. The same applies to boiler blowdown and the discharge from any water treatment plant used to treat the boiler make-up water.

In general, licences are not granted for discharges of uncontaminated storm water (rain water) to either municipal sewers or watercourses since such discharges are non-polluting. However, it may be decided that storm water from paved areas where there is a risk of pollution (e.g., loading or unloading of liquid materials or chemical substances) should be licensed.

### 1.3 Revised licences

Where "a material change" in a process has taken place or if a new process has been introduced, and the resulting wastewater discharge has changed, then any existing licence must be reviewed and, if necessary, a revised licence obtained. This is a formal process similar to making the original application. Local authorities/Irish Water themselves may initiate a review particularly if new water quality standards have been specified in national or EU regulations.

## 2.0 Integrated Pollution Prevention and Control

See [Envirocentre publication Integrated Pollution Prevention and Control](#) [IPPC]

## 3.0 Water Framework Directive

The [Water Framework Directive \(2000/60/EC\)](#) is a European Union law which aims to protect and improve the quality of all waters throughout the European Union. The core reason for the Water Framework Directive was that while there were many directives dealing with water quality, the fact remained that there was little or no integration and no overall coordinated policy for sustainable management of the resource. Furthermore, it was argued by some that despite all the directives, water quality was not improving and in some areas was actually deteriorating. The scope of the directive includes inland surface waters, coastal waters, transitional waters and groundwater. The latter is significant as it recognises the link between surface water and groundwater and how the quality of one often affects the other.

### 3.1 Main Objectives

The key objectives of the Directive are to:

- protect and enhance the status of aquatic ecosystems
- promote sustainable use of water
- provide for sufficient supply of good quality water
- provide enhanced protection and improvement of the aquatic environment
- contribute to mitigating the effects of floods and droughts
- protect territorial and marine waters
- establish a register of 'protected areas'

### 3.2 Implementation

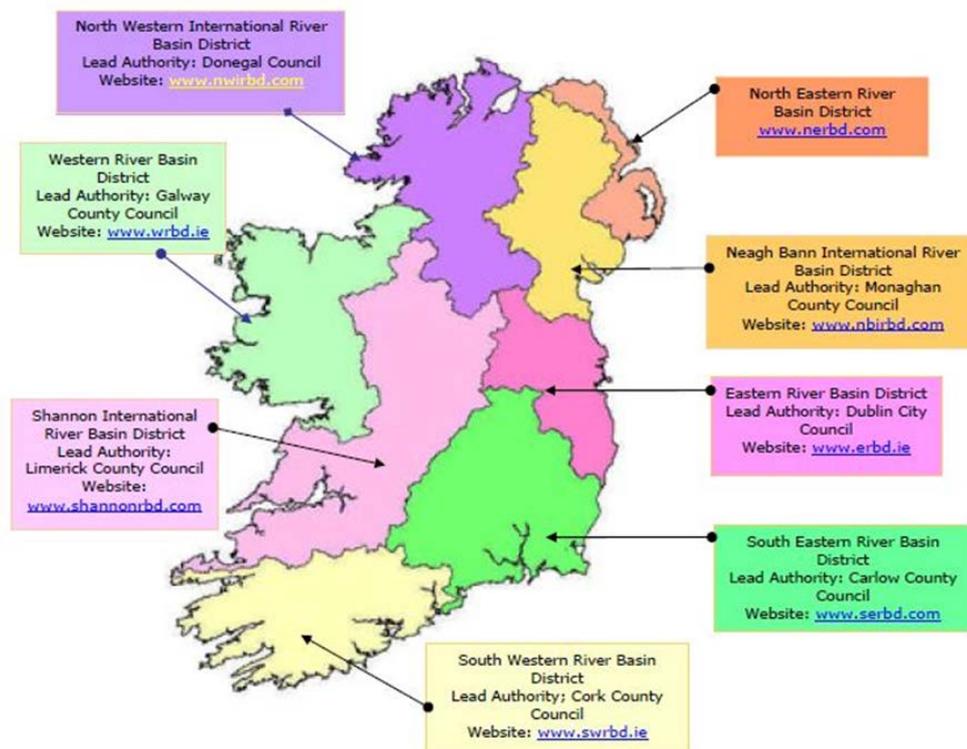
The WFD has been transposed into Irish law by means of five main Regulations:

1. [European Communities \(Water Policy\) Regulations, 2003](#) (S.I. No. 722 of 2003)
2. [European Communities Environmental Objectives \(Surface Waters\) Regulations, 2009](#) (S.I. No. 272 of 2009)
3. [European Communities Environmental Objectives \(Groundwater\) Regulations, 2010](#) (S.I. No. 9 of 2010)
4. [European Communities \(Good Agricultural Practice for Protection of Waters\) Regulations, 2010](#) (S.I. No. 610 of 2010)
5. [European Communities \(Technical Specifications for the Chemical Analysis and Monitoring of Water Status\) Regulations, 2011](#) (S.I. No. 489 of 2011)

These Regulations require all public authorities to take measures appropriate to their functions to promote or achieve the implementation of this directive. At national level the Department of the Environment, Community and Local Government (DECLG) has delegated the task of national coordination of all the technical aspects of the WFD to the Environmental Protection Agency (EPA), while retaining ownership of the economic and policy aspects of the Directive.

### 3.3 River Basin Districts

The basic means by which the core aims are to be achieved is by the River Basin District (RBD) concept and the development of a strategic management plan for each district. A district may contain more than one river basin.



A total of eight RBDs have been established in relation to the island of Ireland. They are as follows;

- Eastern River Basin District
  - all or part of twelve local authority areas: Dublin (Dublin City, Dun Laoghaire-Rathdown, Fingal, South Dublin) Meath, Kildare, Wicklow, Cavan, Offaly, Westmeath and small parts of Wexford and Louth. It encompasses the

catchments of the rivers Liffey, Boyne, Avoca/Vartry and Nanny/Delvin, along with the coastline from Drogheda, Co. Louth to Arklow, Co. Wicklow, and all the groundwater of the region. It also includes 524 natural lakes.

- **South Eastern River Basin District**
  - All of counties Carlow, Wexford and Kilkenny, most of Waterford, Tipperary and Laois, parts of Kildare, Offaly and Wicklow and small portions of Limerick and Cork. It includes mainly catchments of the 'Three Sisters' – the rivers Suir, Nore & Barrow along with the river Slaney and the 1,000 km<sup>2</sup> of marine waters off Co. Wexford and Waterford including Waterford Estuary, Wexford Harbour, bays Dungarvan, Bannow and Rosslare and lagoons such as Ladies Island and Tacumshin.
- **South Western River Basin District**
  - covers about one sixth of the country and it encompasses most of counties Cork and Kerry, parts of Limerick, South Tipperary and Waterford and all of Cork City. It is made up mainly of the catchments of the river Blackwater, the Lee, the Bandon, the Ilen, the Inny, the Maine and the Laune. It includes the Lakes of Killarney – Lough Leane, and much of Cork and Kerry coastlines (over 1,800 km), including Cork Harbour, Bantry Bay and Dingle Bay.
- **Western River Basin District**
  - incorporates counties Mayo, Sligo, Galway (including the Galway Urban District area), Leitrim and smaller portions of Roscommon and County Clare. It includes mainly catchments of the rivers Corrib, Moy, Ballysadare, Dunkellin, Bonet and Erriff and the famous Western Lakes: Corrib, Conn, Mask, Carra, Gill, Cuilin and Carrowmore, along with the coastline of Sligo, Mayo, Galway and Clare. It also includes offshore islands such as the Aran Islands and Inishboffin.
- **North Western International River Basin District**
  - all of County Donegal, large parts of Fermanagh, Cavan, Derry, Monaghan and Tyrone, significant areas of Leitrim and Longford and a small portion of Sligo. It comprises catchments of the rivers Foyle, Erne and Swilly, lakes Erne (Upper and Lower), Melvin, Macnean and Swilly. It also encompasses coastline of County Donegal, Leitrim and Sligo and County Londonderry/Derry in Northern Ireland; and all the groundwater of the region
- **North Eastern River Basin District**
  - lies wholly in Northern Ireland. It encompasses large parts of Co. Antrim and Co. Down and a small part of Co. Derry.
- **Neagh Bann International River Basin District**
  - all of County Armagh, large parts of Antrim, Louth, Monaghan and Londonderry, significant areas of Down, Meath and Tyrone and small areas of Cavan and Fermanagh. It encompasses catchments of the rivers Bann, Newry and Glyde, and main lakes Neagh, Muckno, Emy, Bracken and Glaslough, along with the coastline of counties Louth and Down on the south and Londonderry/Derry on the north where the Bann flows into the North Channel at Portstewart Bay, and all the groundwater of the region.
- **Shannon International River Basin District**
  - incorporates large areas of counties Limerick, Clare, North Tipperary, Offaly, Westmeath, Longford and Roscommon as well as significant portions of counties Kerry, Galway, Leitrim and Cavan and small portions of counties Sligo, South Tipperary, Mayo, Cork, Laois and Meath. It is made up mainly of the catchments of the river Shannon and its tributaries: Suck, Inny, Brosna, Fergus, Maigue, Deel and Mulkear, along with most of the coastline of County Clare and one third of the coastline of County Kerry. The largest lakes in the district are Lough Derg, Lough Ree and Lough Allen.

In relation to each of the RBDs the Regulations specify a local authority which shall act as co-ordinator of all the relevant local authorities, for instance Carlow County Council is the co-ordinating local authority for the South Eastern RBD.

### 3.4 Time Frame for Implementation of the Water Framework Directive

Year	Issue	Reference
2000	Directive entered into force	Article 25
2003	Transposition into national legislation	Article 23
	Identification of River Basin Districts and Authorities	Article 3
2004	Characterisation of river basin: pressures, impacts and economic analysis	Article 5
2006	Establishment of monitoring network	Article 8
2008	Present draft river basin management	Article 13
2009	Adoption of river basin management plan including a programme of measures	Article 11 & 13
2010	Introduce pricing policies	Article 9
2012	Make operational programmes of measures	Article 11
2015	Meet Environmental objectives	Article 4
	First management cycle ends Second river basin management plan & first flood risk management plan.	
2021	Second management cycle ends	Article 4 & 13
2027	Third management cycle ends final deadline for meeting objectives	Article 4 & 13

Source: [http://ec.europa.eu/environment/water/water-framework/info/timetable\\_en.htm](http://ec.europa.eu/environment/water/water-framework/info/timetable_en.htm)

## 4.0 Additional Information

Department of Environment, Community and Local Government:

<http://www.environ.ie/en/Environment/Water/WaterQuality/WaterFrameworkDirective/>

Water Framework Directive Ireland: <http://wfdireland.ie/index.html>

EPA: <http://www.epa.ie/water/watmg/wfd/#.VNUTJEqvncs>

## 5.0 Disclaimer

This guidance note should not be considered as a legal document nor does it purport to provide legal advice on Water Pollution Control Legislation. In many situations it may be necessary to seek expert advice and assistance.