

Best Practice Guide



**HOW TO OBTAIN
AN EFFLUENT
DISCHARGE
LICENCE**

Introduction

This document deals with discharges from industrial facilities.

Any company that discharges the following requires an effluent discharge licence:

- Trade effluent (including cooling water) to waters
- Sewage effluent to waters
- Trade effluent (including cooling water) to sewers

Under the provisions of the Local Government (Water Pollution) Acts 1977 and 1990 and the Water Services Act 2007 to 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 1st January 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.

The provision of a new wastewater connection and review of an existing licence to discharge to sewer, will be carried out by Irish Water in partnership with each local authority.

The conditions attached to licences to discharge to both waters and sewers must be in accordance with:

- any relevant Water Quality Management Plans, or
- any relevant quality standards prescribed under the (Water Pollution) Acts 1977 and 1990, the Water Services Act 2007 and the Water Framework Directive.

Definitions

“*trade effluent*” means effluent from any works, apparatus, plant or drainage pipe used for the disposal to a waste water works or waters or of any liquid (whether treated or untreated), either with or without particles of matter in suspension therein, which is discharged from premises used for carrying on any trade or industry (including mining), but does not include domestic sewage or storm water.

“*trade*” includes agriculture, aquaculture and any scientific research or experiment.

“*sewage effluent*” means effluent from any works, apparatus, plant or drainage pipe used for the disposal to waters of sewage whether treated or untreated

“*sewage*” includes domestic sewage and a combination of domestic sewage and storm water.

“*sewer*” means drainage pipes and sewers of every description, including storm water sewers, owned by, vested in or controlled by a water services authority, an authorised provider of water services jointly with or on behalf of a water services authority or an authorised provider of water services, but does not include a drain or service connection.

“*waters*” include:

- (i) any (or any part of any) river, stream, lake, canal, reservoir, aquifer, pond, watercourse or other inland waters, whether natural or artificial.
- (ii) any tidal waters – these include the sea and any estuary up to high water mark, medium tide and any enclosed dock adjoining tidal waters.
- (iii) Where the context permits, any beach, river bank and salt marsh or other area, which is contiguous to anything mentioned in (i) and (ii) above, and the channel or bed of anything mentioned in (i) above, which is for the time being dry, but does not include a sewer.

“*aquifer*” means any stratum or combination of strata that stores or transmits groundwater.

“*water services authority*” means a County Council or a City Council.

Exemptions

A licence **is not** required for domestic sewage, not exceeding a volume of 5m³ 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 5m³ in 24 hours.

A licence **is not** required for the discharge of domestic sewage to sewers.

Making an Application to Discharge Trade Effluent or Sewage Effluent to Waters (Section 4 of the Local Government (Water Pollution) Act 1977)

Application should be made to the relevant local authority on a standard application form obtained from that local authority.

Documents to be submitted:

A licence application should be accompanied by the following:

- A completed Application Form
- copy of the newspaper in which the public notice referred to above has been given (Note: The notice must be published within the two weeks prior to the date the application is received by the Council)
- For an existing discharge licence the following data needs to accompany the application;
 - (a) Duplicate copies of plans and such other particulars as are necessary to describe the premises, drainage systems and any works apparatus or plant from which the effluent is to be discharged, in order to identify the waters to which the discharge is to be made. The point of discharge should be shown on 1:2500 Ordnance Survey Map.
 - (b) Particulars of the nature, composition, anticipated temperature, volume and rate of discharge and/or the proposed method of any treatment of the effluent and the period or periods during which the effluent is to be discharged.
 - (c) In the case of a trade effluent, a general description of the process or activity giving rise to the discharge.
- For a discharge licence other than an existing discharge licence application:-

- (a) In addition to that outlined above, the applicant may be required to furnish other particulars as the local authority may reasonably require for consideration of the application, including particulars of the quality, volume and flow rate of receiving waters, the effects of the discharge on such waters and the results of any investigations made, or required by the local authority to be made, in relation to such matters.

Making an Application to Discharge Trade Effluent to a Sewer (Section 63 of the Water Services Act 2007)

A licence is required from Irish Water for any trade effluent or other matter (other than domestic sewage or storm water), discharged to a sewer controlled by Irish Water.

Documents to be submitted:

Application forms are submitted on-line on the Irish Water website. On-line application form can be found at <http://www.water.ie/help-centre/connections/form/>

After the application form is submitted a member of Irish Water will respond to the application and may look for the following information:

- Plans and other particulars necessary to describe the premises, drainage system, discharge points, etc from which the effluent is to be discharged
- Particulars of the discharge, such as nature, composition, temperature, volume, rate and period of discharge, proposed methods of treatment, etc
- A general description of the process or activity giving rise to the discharge

Public Notice

Discharge to Waters:

Prior to the making of an application for a licence to discharge to waters, an applicant must publish in a newspaper circulating in the functional area of the local authority a notice of his/her intention to make such an application. Members of the public are given an opportunity to make representations or objections concerning a licence application, and they are entitled to inspect documents relating to a licence application under the Local Government (Water Pollution) Acts 1977 and 1990.

A notice should contain the heading:

“DISCHARGE OF EFFLUENT TO WATERS” and the following information must be specified in the notice:

- Name of applicant
- Name of local authority
- Description of the effluent
- Nature of the trade or industry
- Name and location of the premises from which the effluent is to be discharged
- Waters to which the effluent is to be discharged

The following is an example of an acceptable public notice:

DISCHARGE OF EFFLUENT TO WATERS

NOTICE IS HEREBY GIVEN THAT ROSCOMMON FOOD PROCESSING COMPANY LTD., HAS APPLIED TO ROSCOMMON COUNTY COUNCIL FOR A LICENCE TO DISCHARGE EFFLUENT FROM ITS FACTORY AT RAILWAY ROAD, (KNOWN AS ROSCOMMON FOOD PROCESSING FACTORY) TO THE RIVER SUCK. THE EFFLUENT TO BE DISCHARGED CONSISTS OF WASTE WASHWATER (INCLUDING DETERGENTS), FATTY AND ORGANIC SOLUBLE MATTER.

Discharge to Sewer:

In contrast to making an application for a licence to discharge to waters, publication in a local newspaper of a notice of intention to apply for a licence to discharge trade effluent to sewers is **not required**. Members of the public are not given an opportunity to make representations or objections concerning a licence application, nor are they entitled to inspect documents relating to a licence application under the Local Government (Water Pollution) Acts 1977 and 1990.

Fees

Fees must be paid to either the Local Authority for a licence to discharge to waters or to Irish Water for a licence to discharge to sewer.

Decision of Local Authorities/Irish Water

A decision will be made within two months, once the application which includes all the proper information, submissions, etc. is submitted, whether to grant or refuse a licence or to grant one subject to conditions (the latter is the normal outcome).

The applicant and any person who submitted representations or objections regarding an application are notified of the decision to grant or refuse a licence.

For licences of discharges to waters, the local authority will publish the outcome of their decision in a newspaper, circulating in the functional area of the local authority, stating the decision and that the proposed licence is available for inspection at their offices by any member of the public. Irish Water does not have to publish notice of its decision for licences of discharges to sewers.

Any objections, including those by the applicant, are then made directly to An Bord Pleanála (the Planning Appeals Board). The final decision is made by the Board having considered all appeals and, if held, the outcome of an oral hearing.

Granting A licence

Local authorities/Irish Water usually attach conditions to a licence by which the licensee must comply with, these may:

(a) relate to:

- (i) The nature, composition, temperature, rate, volume, periods during which a discharge may or may not be made, the design, construction and location of the discharge outlet and if applicable, the method of treatment and/or the effect of the discharge on the receiving water.
- (ii) The provision and maintenance of flow meters, gauges, other apparatus, manholes and inspection chambers.
- (iii) The taking and analysis of samples, the keeping of records and the furnishing of information to the local authority/Irish Water.
- (iv) Measuring the intake of water to a premises for the purpose of assessing waste water discharge volumes.

- (v) Action to be taken in the event of an emergency.
 - (vi) The prevention of a discharge in the event of a breakdown of the plant.
- (b) Require contribution towards the cost incurred by the local authority/Irish Water in monitoring the discharge and administration of the licensing system.
- (c) Specify a date by which any conditions shall be complied with.

The local authority/Irish Water may put in any other appropriate conditions e.g. to bund tank and drum storage areas to protect groundwater and surface water.

Appeals

Any person, including an applicant for a licence, may appeal to An Bord Pleanála against a decision on a licence application in relation to the granting, refusal to grant or to conditions attached to a licence to discharge trade or sewage effluent to waters. Only the applicant can appeal a decision on a licence to discharge trade effluent to sewers. No other person has a right to appeal a decision. In both cases an appeal must be made within one month of a local authority's/Irish Water's decision. A party to an appeal may request an oral hearing.

An Bord Pleanála may turn down an appeal or it may give directions to a local authority/Irish Water relating to the granting, refusing, revoking or alterations which should be made to conditions attached to a licence. A local authority/Irish Water must abide by the decision of the Board.

Registers

Each local authority/Irish Water shall keep a register of all licences granted by it for discharges to waters and to sewers. The register must be kept at the offices of the local authority/Irish Water and should be open to inspection by any member of the public who may make a copy of any entry on payment of a nominal fee.

Review of Licence

The provisions for the review of licences to discharge to waters and sewers are similar, except where, in the case to discharge to sewers, there are no publicity requirements. Therefore, the public are not entitled to make representations.

A licence can be reviewed:

- (a) At intervals of not less than three years.
- (b) At any time, with the consent of the person causing the discharge.
- (c) At the official request of the licensee,
- (d) At any time, when a local authority/Irish Water has reasonable grounds for believing the authorised discharge may be a threat to public health or will make the waters unfit for other uses, or that it conflicts, or is likely to conflict, with the sustainable use of water resources, or is inconsistent, or likely to be inconsistent, with requirements of a river basin management plan or programme of measures under the EU Water Framework Directive.
- (e) Where a material change has taken place in the nature or volume of the discharge.
- (f) Where a material change has taken place in the conditions of the receiving water or where the capacity of the receiving waste water works has been or is likely to be exceeded.
- (g) Where further information concerning the discharge has become available.
- (h) When new water quality objectives or emission standards for effluents are prescribed under the Water Pollution Acts, 1977 and 1990; and Water Services Act 2007.
- (i) When a drain or service connection, through which trade effluent or other relevant matter is discharged under the terms of the licence is declared to be a sewer under section 69 of 2007 Act.
- (j) At intervals which may be specified by any Regulations introduced under the 1977 Act.

Obligations of Local Authority's and Irish Water in relation to a licence review

Licences should normally operate for at least three years but a licence may be reviewed within that period. Where a local authority/Irish Water intends to review a licence it:

- a) Must give notice to the discharger of its intention, and that representations relating to the review may be made within a specified period, otherwise the review may be completed without them.
- b) Must specify the fee in relation to the licence review.
- c) Must place a notice in a newspaper circulating in the functional area of the local authority, that must state, that written representations relating to the review may be made within one month and any plans or particulars submitted by the discharger must be made available for public inspection at its offices until the review or any appeal is determined. (This applies to reviews of licences to discharge to waters only.)

A local authority/Irish Water may amend or delete any condition attached to a licence, or may attach new conditions to a licence. It must then give notice of its decision to the discharger and to any person who submitted written representations. The notice will specify any new conditions, deletions or other amendments that have been made to the licence.

Compliance

It is an offence not to comply with the conditions of a licence, and any person found guilty of an offence shall be liable to a fine and/or imprisonment and an additional fine for each day the offence continues. Prosecution for an offence may be brought by a local authority or Irish Water or any other person affected.

Legal

These notes are for guidance only and do not purport to be a legal interpretation of the (Water Pollution) Acts 1977 and 1990 and Water Services Acts 2007 to 2013. The following is a list of the Acts and S.I.'s that are related to water pollution.

More information is available The Irish Statute Book

(eISB) <http://www.irishstatutebook.ie/home.html>

SI No. / Act	Description
S.I. No. 76/2014	Water Services (No. 2) Act 2013 (Commencement) Order 2014.
S.I. No. 96/2014	Water Services (No. 2) Act 2013 (Transfer of Other Liabilities) Order 2014.
S.I. No. 122/2014	European Union (Drinking Water) Regulations 2014.
S.I. No. 188/2014	Water Services Act (No. 2) 2013 (Transfer of Other Liabilities) Order (No. 2) 2014.
S.I. No. 350/2014	European Union (Water Policy) Regulations 2014.
S.I. No. 422/2014	Water Services (No. 2) Act 2013 (Commencement) (No. 2) Order 2014.
S.I. No. 548/2014	Water Services (No. 2) Act 2013 (Sections 4(2) and 35) Commencement Order 2014.
Water Services Act 2014	
Water Services Act 2013	
Water Services (No. 2) Act 2013	
S.I. No. 108/2013	Water Services Act 2013 (Commencement) Order 2013.
S.I. No. 180/2013	Domestic Waste Water Treatment Systems (Registration) (Amendment) Regulations 2013.
S.I. No. 189/2013	Water Services Act 2007 (Re-inspection) Regulations 2013.
S.I. No. 190/2013	Water Services Act 2007 (Appointment of Inspectors) Regulations 2013.
S.I. No. 222/2013	Domestic Waste Water Treatment Systems (Financial Assistance) Regulations 2013.
S.I. No. 269/2013	Water Services Act 2013 (Prescribed Persons) Order 2013.
S.I. No. 575/2013	Water Services (No. 2) Act 2013 (Commencement) Order 2013
S.I. No. 219/2012	Water Services (Amendment) Act 2012 (Commencement) Order 2012.
S.I. No. 220/2012	Domestic Waste Water Treatment Systems (Registration) Regulations 2012
S.I. No. 223/2012	Water Services Acts 2007 and 2012 (Domestic Waste Water Treatment Systems) Regulations 2012.
S.I. No. 384/2012	Water Services Act 2007 (Registration and Inspections) Regulations 2012.
Water Services (Amendment) Act 2012	
S.I. No. 351/2011	Bathing Water Quality (Amendment) Regulations 2011.
S.I. No. 489/2011	European Communities (Technical Specifications for the Chemical Analysis and Monitoring of Water Status) Regulations, 2011
S.I. No. 48/2010	Urban Waste Water Treatment (Amendment) Regulations, 2010.
S.I. No. 93/2010	European Communities (Water Policy) (Amendment) Regulations, 2010.
S.I. No. 231/2010	Waste Water Discharge (Authorisation) (Amendment) Regulations 2010.
S.I. No. 326/2010	European Communities (Water Policy) (Amendment) (No. 2) Regulations, 2010.
S.I. No. 139/2009	Water Services Act 2007 (Commencement) Order 2009
S.I. No. 141/2009	Water Services Act 2007 (Waste Water Complaint Notice Form) Regulations 2009
S.I. No. 79/2008	Bathing Water Quality Regulations 2008
S.I. No. 219/2008	European Communities (Water Policy) (Amendment) Regulations 2008
S.I. No. 510/2008	National Rural Water Services Committee Regulations 2008
S.I. No. 522/2008	National Rural Water Services Committee (Establishment Day) Order 2008
S.I. No. 527/2008	Water Conservation Regulations 2008
S.I. No. 528/2008	Water Services Act 2007 (Commencement) Order 2008
S.I. No. 684/2007	Waste Water Discharge (Authorisation) Regulations 2007
S.I. No. 846/2007	Water Services Act 2007 (Commencement) Order 2007
Water Services Act 2007	

S.I. No. 413/2005	European Communities (Water Policy) (Amendment) Regulations 2005
S.I. No. 440/2004	Urban Waste Water Treatment (Amendment) Regulations, 2004
S.I. No. 722/2003	European Communities (Water Policy) Regulations 2003
S.I. No. 12/2001	Water Quality (Dangerous Substances) Regulations, 2001
S.I. No. 573/2001	Local Government (Water Pollution)(Fees) Regulations, 2001
S.I. No. 573/2001	Local Government (Water Pollution)(Fees) Regulations, 2001
S.I. No. 42/1999	Local Government (Water Pollution)(Amendment) Regulations, 1999.
S.I. No. 41/1999	Protection of Groundwater Regulations, 1999.
S.I. No. 257/1998	Local Government (Water Pollution)(Nutrient Management Planning Consultation) Regulations, 1998.
S.I. No. 258/1998	Local Government (Water Pollution) Act, 1977 (Water Quality Standards for Phosphorous) Regulations, 1998.
S.I. No. 18/1996	Local Government (Water Pollution) Act, 1977, (Commencement) Order, 1996.
S.I. No. 184/1996	Local Government (Water Pollution)(Amendment) Regulations, 1996.
S.I. No. 43/1994	Local Government (Water Pollution) Acts, 1977 and 1990 (Control of Carbon Tetrachloride, DDT and Pentachlorophenol Discharges) Regulations, 1994.
S.I. No. 419/1994	Environmental Protection Agency Act (Urban Waste Water Treatment) Regulations, 1994.
S.I. No. 245/1994	Local Government (Water Pollution) Acts, 1977 and 1990. (Control of EDC, TRI, PER and TCB Discharges) Regulations, 1994.
S.I. No. 348/1993	Local Government (Water Pollution) Acts, 1977 and 1990 (Control of Aldrin, Dieldrin, Endrin, Isodrin, HCB, HCBd and CHC13 Discharges) Regulations, 1993.
S.I. No. 270/1992	Local Government (Water Pollution)(Amendment) Act, 1990, (Commencement) Order, 1992.
S.I. No. 271/1992	Local Government (Water Pollution) Regulations, 1992.
S.I. No. 272/1992	Local Government (Water Pollution)(Transfer of Appeals)(Revocation) Order, 1992. Local Government (Water Pollution) (Amendments) Act 1990.
S.I. No. 31/1990	European Communities (Control of Water Pollution by Asbestos) Regulations, 1990.
S.I. No. 293/1988	European Communities (Quality of Salmonid Waters) Regulations, 1988.
S.I. No. 55/1986	Local Government (Water Pollution) Act, 1977, (Control of Hexachlorocyclohexane and Mercury Discharges) Regulations, 1986.
S.I. No. 115/1985	Local Government (Water Pollution)(Fees) Regulations, 1985.
S.I. No. 294/1985	Local Government (Water Pollution) Act, 1977 (Control of Cadmium Discharges) Regulations, 1985.
S.I. No. 36/1983	Local Government (Water Pollution) Regulations, 1983.
S.I. No. 37/1983	Local Government (Water Pollution) Act, 1977 (Transfer of Appeals) Order, 1978, (Amendment) Order, 1983.
S.I. No. 16/1978	Local Government (Water Pollution) Act, 1977, (Sections 4 and 16)(Fixing of Dates) Order, 1978.
S.I. No. 96/1978	Local Government (Water Pollution) Act, 1977 (Transfer of Appeals) Order, 1978.
S.I. No. 108/1978	Local Government (Water Pollution) Regulations, 1978.
S.I. No. 117/1977	The Local Government (Water Pollution) Act, 1977. (Commencement) Order, 1977. Local Government (Water Pollution) Act, 1977.
S.I. No. 172/1977	The Water Pollution Advisory Council Order, 1977.
S.I. No. 296/1977	The Local Government (Water Pollution) Act, 1977 (Commencement) (No. 2) Order, 1977.