

**Environmental Management of the Wastewater Functions of a Local
Authority**

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**By
Ann Dolan**

Supervised by: Mr. Noel Connaughton

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Dedication

To my Mother with love.

Acknowledgements

I would to express my thanks to the following:

To my mother, for her encouragement and faith.

To the members of staff in the local authority, who helped me throughout the year.

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Chapter One

Introduction

Local authorities are multipurpose bodies who are responsible for an extensive range of environmental functions and an extensive range of services.

The environmental functions are prescribed through environmental legislation at both National and European level.

The environmental protection functions assigned to local authorities are wide ranging and include the protection of air, water and soil from pollution, but extend further to such areas as the protection of natural conservation areas, amenity and recreational areas.

There are approximately 500 environmental protection functions that the local authorities are responsible for and these are contained within some 100 pieces of legislation.

The local authority is also a service provider and some of the services have significant environmental aspects and impacts. The provision of water and sewage services to the public and the provision of a disposal facility for waste (i.e. landfill), all have significant impacts.

The Environmental Protection Agency (EPA) Act was brought into force in 1992 and the EPA was established in 1993. One of the general functions of the EPA is to provide support and advisory services to local authorities for the purposes of environmental protection. The EPA has a statutory role in relation to assessing the performance of statutory environmental protection functions of local authorities. The EPA is also required to prepare national reports on the implementation of EU Directives and Regulations. The information required to prepare these reports resides, for the most part, within the administration of the local authorities.

In light of this, the EPA now publishes reports on drinking water quality, urban wastewater discharges, river water quality and landfills.

These reports highlight the situation exactly the way it is, and unfortunately the local authorities are often found to be non-compliant with statutory obligations.

An example of this is given in the Quality of Drinking Water in Ireland report for the year 1999; it says in the conclusion section "It has been stressed repeatedly that

breaches of the regulation, being in fact, transgressions against the law, can not therefore be condoned”.

Perhaps the reasons why local authorities are not in compliance with legislation are that local authorities do not have adequate resources to implement the ever increasing level of legislation. It seems that with the increasing level of legislation that is required to be implemented, there does not seem to be the same increasing level of resources made available. There is also a well-known problem in local authorities that the rate of turnover of staff is high, which makes the situation of inadequate resources ever harder to deal with.

The EPA commissioned a survey on public attitudes to performance of environmental protection functions. This survey was completed in 1999 and consisted of 51 questions, which were put to 1000 people. The results show that the majority of people felt local authorities are not doing enough to prevent:

Air Pollution (51%)

Water Pollution (51%)

Litter/Waste Pollution (65%)

Encourage Recycling (66%)

Only 37% were fairly confident that local authorities were protecting the environment, 44% were not confident (Carty, G., EPA 1999).

It is clear from this survey that the present performance of local authorities towards their statutory environmental functions cannot be sustained, because local authorities are coming under pressure from a society, which through politicians, pressure groups, media and consumers has decreed that good environmental behaviour is an essential ingredient for long term success.

The Freedom of Information Act came into force in 1998, which allows the public access to information regarding local authorities among other organisations. If local authorities are found not to be in compliance with statutory obligations, while on the other hand they are regulators of legislation, this to an extent could portray the local authorities as both gamekeeper and poacher. This is not an image local authorities should be pleased with.

The objective of this research is to:

- ◆ Identify how well one local authority is performing its statutory obligations in relation to the wastewater sector, using the EPA management system as an audit checklist.
- ◆ Identify the reasons and problems associated with the level of performance.
- ◆ Identify solutions, which are available to help to relieve the situation.
- ◆ Make recommendations on how to advance from the current position.

Chapter Two

Methodology

2.1 A literature review of the following areas was undertaken:

- ◆ Existing roles and responsibilities of local authorities
- ◆ Additional (wider) roles proposed for local authorities in the context of Local Agenda 21 (LA21)
- ◆ The role of the EPA
- ◆ Environmental Management Systems (EMSs)
- ◆ Use of EMSs by local authorities in other countries and the use of EMSs in Ireland
- ◆ Advantages/disadvantages of EMSs.

2.2 EPA Management System

The EPA management system was developed to assist local authority in meeting their statutory obligations with regard to environmental protection. The EPA management system provides a database of all the statutory functions of local authorities related to environmental protection.

The EPA management system was used to assess the performance of the statutory wastewater functions of the author's local authority. The management system was piloted in three local authorities. These three local authorities were contacted and the person in charge of the management system in each local authority was interviewed over the telephone.

The management system consisted of a series of questions that were divided into two sections:

- (1) Responsibility/power questions.
- (2) Checklist questions.

(A copy of these is presented in Appendix 1).

The management system also compiles information useful for the production of environmental reports.

These questionnaires were given to two Senior Staff Officers in the environment section and in the sanitary services section of the local authority and they were

requested to complete the questionnaire. The author reviewed the answers obtained and it was felt that while the EPA management system was useful to a degree, the system had shortcomings and limitations, which left a gap in the information necessary to complete the research.

This necessitated the preparation of a supplementary questionnaire.

2.3 Supplementary questionnaire

A supplementary questionnaire was developed by the author to gather the additional information required.

The author carried out a review of all the legislation relevant to the wastewater sector of a local authority (a list of the legislation reviewed is presented in Appendix 2). A questionnaire was developed from this review and it was issued to four members of staff at Senior Executive Engineer level and Senior Staff Officer level in the environment and sanitary services section of the local authority. The questionnaire and the replies to the questionnaire are presented in chapter 5.

2.4 The author reviewed the information gathered from the supplementary questionnaire and subsequently interviewed the senior staff who completed the questionnaire.

2.5 A detailed discussion of the data gathered in the light of all the information available is presented in chapter 6.

2.6 A draft EMS for Irish local authorities was prepared to aid compliance with statutory environmental functions. This is presented in chapter 7.

Chapter Three

Literature review

3.1 Existing roles and responsibilities of local authorities in Ireland.

Local authorities in Ireland are responsible for a wide range of activities. They are the providers of services and the regulators of activities with environmental pollution potential.

Local authorities are responsible for in excess of 500 environmental protection functions. There are approximately 100 items of legislation where these functions are contained. The following are just an example of the legislation, which governs local authorities responsibilities,

- The Environmental Protection Agency Act, 1992;
- Waste Management Act, 1996;
- Water Pollution Act, 1977 and 1990;
- Air Pollution Act, 1987;
- Litter Pollution Act, 1997;
- Wildlife Act, 1976 and
- Planning Acts.

Regulations include:

- Access to Information on the Environment Regulation, 1998;
- EC (Quality of Water Intended for Human Consumption) Regulations, 1988;
- EC (Quality of Bathing Waters) Regulations, 1992-1996;
- EC (Quality of Salmonid Waters) Regulations, 1988;
- EC (Quality of Shellfish Waters) Regulations, 1994;
- EC (Waste) Regulations, 1979;
- EC (Toxic and Dangerous Waste) Regulations, 1982;
- EC (Use of Sewage Sludge in Agriculture) Regulations, 1991;
- EC (Waste Oils) Regulations, 1992;

- The Environmental Protection Agency Act, 1992 (Urban Wastewater Treatment) Regulations, 1994;
- EC (Natural Habitats) Regulations, 1997;
- Environmental Protection Agency (Licensing) Regulations, 1994-1996;
- Waste Management (Licensing) Regulations, 1997-1998;
- Waste Management (Planning) Regulations, 1997.

Local authorities are also required to have regard to various handbooks, manuals, recommendations, plans and policy instruments e.g. European Communities (Quality of Water intended for Human Consumption) Regulation, 1988 – A Handbook on Implementation for Sanitary Authorities.

It is widely recognised that local authorities are major players in the local economy and they are the level of government closest to the citizen, with an important influence on the environmental behaviour of the general public.

Therefore local government has an important contribution to make in the implementation of the principles of sustainable development.

3.2 Additional (wider) roles proposed for local authorities in the context of LA21.

The World Commission on Environment and Development defined sustainability as “development which meets the needs of the present without compromising the ability of future generations to meet their own needs”.

Sustainable development is widely recognised as the means by which a balance between growth, lifestyle and the environment can be achieved. Therefore it is important to integrate environmental protection requirements with policies and into the way we live and behave. This can be achieved at local level through Local Agenda 21 (LA21). In 1992 a United Nations Conference on the Environment and Development was held in Rio de Janeiro. One of the principle points of the Rio de Janeiro declaration was in order to achieve sustainable development, environmental protection should constitute an integral part of the development process and not be considered in isolation from it.

At this conference, Ireland committed to the concept of sustainability by signing the LA21 agreement. In 1995, the Department of the Environment and Local

Government published a document on LA21 ‘Local Authorities and Sustainable Development-Guidelines on Local Agenda 21’. These were issued to all local authorities to raise awareness and intensify action in support of sustainable development at local level in Ireland.

It outlines the following areas where the concept of sustainable development can be implemented in local authorities by:

- ♦ Adopting an environmental charter or mission statement
- ♦ Adopting a voluntary EMS
- ♦ Pursuing green housekeeping
- ♦ Staff training
- ♦ Budgeting
- ♦ Proper land use/development policies
- ♦ Urban development
- ♦ Provision of services
- ♦ Transport policing and traffic management
- ♦ Housing

(Department of the Environment and Local Government).

Those working in local authorities often see LA21 as an additional burden. It is often given its home within the environment section or perhaps as the environmental conscience of a local authority.

LA21 has a much broader scope than this (as can be seen from the above list). It should be integrated into a whole community and used for the development of a more sustainable community.

Local authorities were given the role of developing a more sustainable community by creating partnerships and sharing information and expertise with local committees and organisations.

Local authorities can address this task through the implementation of an EMS, which would be a co-ordinated way of implementing many of the recommendations of LA21.

The European Commission has identified key points, which are similar in an EMS and LA21. These are as follows:

- ♦ Facilitation of specific objectives and targets relating to significant environmental effects.

- ♦ Putting in place a management practice to achieve these objectives and targets.
- ♦ Facilitation of public reporting of the authorities performance against those objectives and targets.
- ♦ Provision of an independent process of validation and performance (O’Riordan, S., 1999).

3.3 The role of the Environmental Protection Agency

The Environmental Protection Agency (EPA) Act came into effect in 1992. In 1993 the EPA was established with the purpose of protecting Ireland’s natural environment. Its own mission statement is “To promote and implement the highest practicable standards of environmental protection and management which embrace the principles of sustainable and balanced development” (Sheerin, J., 1997). The EPA’s role in the protection of the environment is set out in the EPA Act. The EPA is required under Section 56 of the EPA Act to provide information and advice or make recommendations as is required to provide general support and assistance to local authorities.

Section 63 of the EPA Act requires the agency to exercise general supervision over the environmental protection performance in respect of statutory functions of local authorities. The EPA’s other functions include monitoring and dissemination of information in relation to the quality status of the environment.

The EPA is also required to prepare national reports on the implementation of EU Directives and Regulations. The information required for these reports resides for the most part with the local authorities. It is therefore important that the local authorities provide the necessary information to the EPA. The EPA also has to verify information provided by the local authorities. The agency is required to form an opinion on whether a local authority has performed its statutory environmental protection functions. If the EPA feels that the local authority is performing its function in an unsatisfactory manner it can:

- Issue advice and recommendations
- Provide such assistance or support as the EPA considers necessary

- Direct the local authority to carry out or arrange such action as the EPA considers necessary to rectify the problem.

The EPA and the local authorities have distinct roles. The EPA is the regulator of integrated pollution control (IPC) licensed activities while the local authorities are the providers of services and the regulators of other activities with environmental pollution potential, such as activities licensed under the Air Pollution Act or the Water Pollution Act.

If environmental improvements are to be achieved and sustained, then the local authorities and the EPA should work together.

Local authorities can demonstrate that they are meeting their statutory environmental protection functions by:

- Producing satisfactory sector reports showing compliance with the relevant EU Directives and/or National Regulations
- Producing compliance monitoring returns for licensed activities
- Demonstrating compliance with established guidelines or codes of practice
- Producing reports on investigations and actions taken

All these points can be addressed within a structured EMS.

3.4 What are Environmental Management Systems?

An EMS is the part of the overall management system that includes organisational structure, planning activities, responsibilities, practices, procedures, processes and resources for developing, implementing, achieving, reviewing and maintaining the environmental policy (ISO 14004, 1996).

Since the 1970's, the amount of environmental legislation has increased considerably and society started to express a preference for environmental awareness as a corporate characteristic. The aim is to act proactively and take action in advance of legislation.

Many organisations have undertaken environmental 'reviews or audits' to assess their environmental performance. However, on their own, reviews and audits cannot provide an organisation with the assurance that its performance not only meets, but also will continue to meet legislative and policy requirements. To be effective, they

need to be conducted within a structured EMS, which addresses significant environmental impacts.

In general, an EMS should achieve the following principles:

- ◆ Establish an appropriate environmental policy including a commitment to prevention of pollution.
- ◆ Determine the legislative requirements and environmental aspects associated with the organisations activities and services.
- ◆ Develop management and employee commitment to the protection of the environment with clear assignment of accountability and responsibility.
- ◆ Encourage environmental planning throughout the full range of the organisation's activities.
- ◆ Establish a disciplined management process for achieving targeted performance levels.
- ◆ Provide appropriate and sufficient resources, including training, to achieve targeted performance levels on an on-going basis.
- ◆ Establish and maintain an emergency preparedness and response programme.
- ◆ Establish a system of operational control and maintenance of the programme to ensure continuing high levels of system performance.
- ◆ Evaluate environmental performance against the policy, objectives and targets and seek improvement where appropriate.
- ◆ Establish a management process to review and audit the EMS to identify opportunities for improvement of the system and resulting environmental performance (Johnson, G., 1997).

3.5 Standards available.

When the concept of producing technical standards that would define management systems first arose in the 1970s, the aim was to publish a document that would record all the landmark activities and functions that made for a successful system. At the time of publication in 1979, British Standard BS 5750 was the world's first national standard on quality management systems or indeed any type of management system. (Sheldon, C. & Yoxon, M., 1999).

This standard was used as a template and forerunner for the international standard ISO 9000, still in use today. Management systems only came into widespread use after 1987 with the advent of ISO 9000. By 1997 when ISO 9000 celebrated its 10th anniversary, about 1700 organisations in Ireland had installed Quality Management Systems (Hussey, J., 1998).

However, a further development occurred in the format of an environmental equivalent of ISO 9000.

“In 1991, the Strategic Advisory Group on Environment (SAGE) was established by the International Organisation for Standardisation (ISO) and part of their work was to make recommendations regarding international standards for the environment” (Johnson, G., 1997). This group (SAGE) spent nearly two years studying BS7750 and other national EMSs to determine the need for an international standard. The result of the study was the beginning of the development of ISO 14001.

In 1993, the EU launched the “Eco Management and Audit Scheme” (EMAS). It establishes a voluntary management scheme based on harmonised lines and principles throughout the European Union.

In 1995, the European Commission decided to encourage the up-take of EMAS.

EMAS and ISO14001

By 1996 in Ireland there was considerable confusion due to a number of EMS standards in use, there was BS 7750, IS 310, ISO 14001 and EMAS and all of these had adherents. This was resolved however as a result of decisions by the CEN (European Standards Body) and the EU to recognise ISO 14001 as a European Standard (EN ISO 14001) and soon afterwards Ireland recognised it as an Irish Standard (IS EN ISO 14001) and withdrew IS 310. The UK withdrew BS 7750 after similar action.

This left only ISO 14001 and EMAS. In April 1997 the EU Commission recognised ISO 14001 as an acceptable basis for the environmental management system element of EMAS. This decision allows an organisation to establish a common environmental management system for ISO 14001 and EMAS provided it observes the Commission guidelines on this (Hussey, J., 1998).

The ISO 14000 series of standards and guidelines were developed by the International Standards Organisation in 1996.

ISO 14001 is the only certifiable standard in the ISO 14000 series of standards, the remainder being supportive guidelines. ISO 14001 requires an environmental policy to be in existence within the organisation, fully supported by senior management and outlining the policies of the organisation to staff and to the public.

The policy needs to clarify compliance with environmental legislation that may effect the organisation and stress a commitment to continuous improvement.

Policy has been emphasised as this provides the direction for the remainder of the management system.

EMAS has been open for participation by companies since April 1995. The overall objective of EMAS is to promote continuous improvement of industrial activities by committing sites to evaluate and improve their environmental performance and provide relevant information to the public.

The scheme does not in any way remove an organisation's responsibility to fulfil all its legal obligations.

Participation in the EMAS is site based and open to organisations operating industrial activities. However Member States have the opportunity to extend the scheme's provisions on an experimental basis to other sectors e.g. UK local authorities. The European Commission has proposed that the revised EMAS is extended so that it can be applied to any organisation which has an impact on the environment (this would include local authorities).

The new EMAS regulations came into force in early 2001, and this is open to the service industry and to local authorities. The Member States will therefore be in a position to officially register local authorities in the future (EMAS Helpdesk 2001).

The uptake and success of EMAS is heavily dependent on whether the scheme is able to deliver the potential benefits without entailing extensive human or financial resources.

The overall objectives of the environmental management systems are the same. It should be emphasised that ISO14001 and EMAS are not in competition, they have different centres of emphasis with EMAS going beyond the requirements of

ISO14001 in the areas of environmental performance, improvements, provision for legal compliance and environmental performance reporting.

There are some differences however between ISO14001 and EMAS.

- ISO14001 is an International standard while EMAS is European only.
- ISO14001 will allow a programme to work towards compliance while EMAS requires full compliance with all legislation.
- ISO14001 incorporates all sites of an organisation whereas EMAS is site specific.
- EMAS requires the publication of an environmental statement and registration with the National EMAS Competent Body (which in Ireland is the National Accreditation Board).
- ISO 14001 only requires the environmental policy to be publicly available.

3.6 Use of EMSs by local authorities in Europe and in Ireland.

EMSs provide a structured framework for managing and improving the local authorities own performance and integrating sustainable development aims into the local authorities policies and actions.

EMAS and ISO 14001 were developed as a direct result of the need for improved environmental performance and management.

The EMAS regulation is aimed at the industrial sector. However it did contain provisions for inclusion of other sectors on a pilot or experimental basis (Article 14). In the UK the Local Government Management Board (LGMB) and the Department of the Environment (now the Department of Environment, Transport and the Regions, DETR) and the Scottish Office invoked Article 14 to initiate a project to adapt the EMAS regulations for use in Local Government.

The adapted regulations were piloted in seven local authorities with a further 17 providing a reference group to examine and comment on draft guidance.

The outcome of this project was the publication of an adapted regulation for the implementation of EMAS in Local Government (LA EMAS). This was developed into a UK circular (Circular 2/95) which formally set out the requirements of LA EMAS (EMAS Help-Desk Guidance Note).

The UK LA EMAS has developed an EMAS registration scheme for that sector on an experimental basis. However there are no official EMAS site registrations applying to local authorities.

Norway has extended EMAS to operation of fish hatcheries and fish farms and to hotels and restaurants. In Sweden, Germany and Austria, EMAS is operating a wide range of sectors on an experimental basis such as the public sector, agriculture, forestry and the service sector. In Finland, EMAS has been applied on an experimental basis to all organisations that can be certified according to ISO 14001. In Spain, EMAS is being implemented on an experimental basis for the tourism sector (EMAS Help-desk).

LA EMAS was different to EMAS in three main ways:

1. The EMAS regulation permits industrial organisations to register as individual sites whereas LA EMAS refers to operational units within the local authority that can register.
2. Any local authority can register the whole local authority, or operational unit by operational unit. If the latter approach is taken, the local authority has to commit all units to be registered for EMAS by a certain date.
3. Less emphasis is given to the “direct effect” of the local authority and it is recognised that more impacts occur as a result of the services that a local authority provides.

3.6.1 Advantages/disadvantages of EMSs.

A number of case studies were carried out in the UK local authorities. These case studies noted the costs/benefits of the implementation of an EMS.

Costs are immediate at the initial stages of an EMS, however the benefits can be long lasting.

A lot of the costs of implementing an EMS were spent on necessary training and extra resources.

The following were found to be some of the benefits of implementing LA EMAS:

- ◆ Much can be achieved without necessarily increasing spending in the long run by bringing the environment clearly into the forefront of the decision making process.
- ◆ Being able to demonstrate the local authorities commitment to local organisations and individuals means that strong partnership based on trust and respect can be developed to tackle LA 21 and other environmental issues.
- ◆ The most important reason for implementing EMAS is that it can be demonstrated that local government is working to improve the environment.
- ◆ It was also noted that there was poor documentation of work practices prior to EMAS, this situation has now changed.
- ◆ The implementation of EMAS has also strengthened the cross communication between departments.

Local authorities in the UK have always regarded accountability and openness as a prerequisite when dealing with public issues; EMAS and the necessity to publish a verified statement of performance has reinforced these prerequisites.

Within the UK, a large number of local authorities have begun working with LA EMAS and ISO14001.

LA EMAS in the UK has been so successful that a partnership of organisations has together initiated a project piloting the application of LA EMAS throughout Europe backed by EC LIFE environment funding.

The aims of the Euro-EMAS project are to demonstrate the pan European applicability of EMAS for local authorities, established in the UK as a conceptual framework for managing and improving local environmental performance (Euro EMAS Web Site).

3.6.2 Situation in Ireland with EMSs.

In Ireland as of yet, EMAS or ISO 14001 has not been implemented by local authorities. Enterprise Ireland has set up support for small to medium sized enterprises (SMEs) towards the implementation of an EMS.

Under this initiative, suitable applicants have received grant support towards the cost of engaging independent consultants to install, in full or in part, a certified EMS.

This initiative is open to SMEs engaged in manufacturing and companies that are indigenous Irish industries. An SME is defined by the EU as an independent company or as a company that is part of an independent group of companies employing less than 250 people and either sales of £31.5m p.a. or a net worth of £21.2m.

In today's world, organisations need to be able to demonstrate environmental excellence to have a competitive advantage in winning and maintaining customers.

Some organisations consider achieving ISO 14001 standard as too great a step. Alternative approaches are available, one system is the phased implementation of EMS (PI EMS). This allows companies to achieve full certification to ISO 14001 in five increments or levels.

Grant support to the applicant is available from Enterprise Ireland based on available funds and merits of the application. It is necessary for the participant to achieve level 3 or higher of an incremental EMS scheme leading to ISO 14001 or to EMAS. A grant of up to 50%, subject to a maximum of £10,000 will be available to successful industrial applicants towards the cost of hiring consultants in the installation of an EMS (Kelly, D., 2000).

Chapter Four

EPA Management System

4.1 Background to the development of the system.

The EPA has a statutory role in relation to assessing the performance of statutory environmental protection functions of local authorities. In 1995, the EPA produced a document entitled “ The performance of statutory environmental protection functions by local authorities”. The strategy set out in the document was discussed with the County and City Managers Association, the County and City Engineers Association and the Department of the Environment.

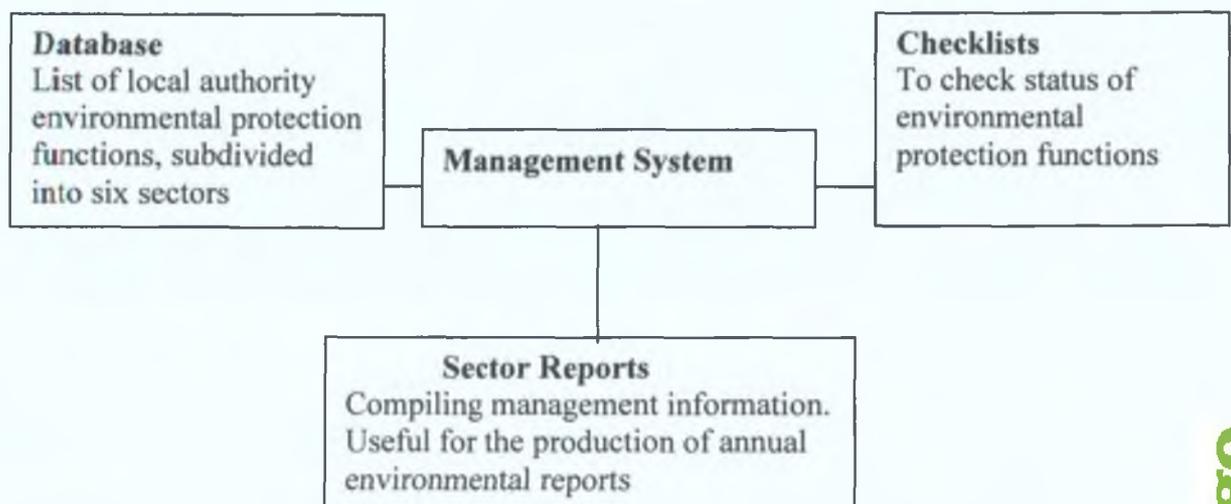
It was then decided to adopt this management plan and a contract to develop the system was awarded to E.G. Pettit and Co. in 1998.

Their objective then was to establish a reliable, efficient and cost effective system to assess the performance of statutory environmental protection functions by each authority for each sector. This would enable the EPA to measure the statutory performance of local authorities without placing a disproportional burden on them.

In 1998, E.G. Pettit and Co. commenced development of the management system to assist local authorities to discharge their environmental protection functions (E.G. Pettit and Co.; Personal communication).

4.2 Description of the EPA Management System

Figure.1: Main elements of the EPA Management System



The management system divides the environmental protection responsibilities into six sectors:

- ◆ Water Quality
- ◆ Wastewater
- ◆ Waste
- ◆ Noise
- ◆ Air
- ◆ Planning (Environmental)

These six sectors are further subdivided according to local authority functions, e.g. the water quality sector is divided into five sections as follows:

- ◆ Organisational Matters
- ◆ Registers
- ◆ Planning
- ◆ Enforcement Powers
- ◆ General

At an EPA conference on local authorities environmental statutory performance, the Minister for the Environment Mr. Noel Dempsey stated that the system would “Provide good quality management information for local authority environmental protection activity, will rationalise reporting and provide a consolidated overview of the very extensive enforcement activity undertaken by local authorities”.

It was also added “that this management system could be used, as a building block towards implementation of an overall environmental management system like EMAS or ISO 14001” (LAN Vol. 18 No. 5, 2000).

The management system should allow local authorities to track implementation of their environmental functions.

The system is also capable of being audited both by local authority personnel (for internal review purposes) and by the agency to implement its statutory role.

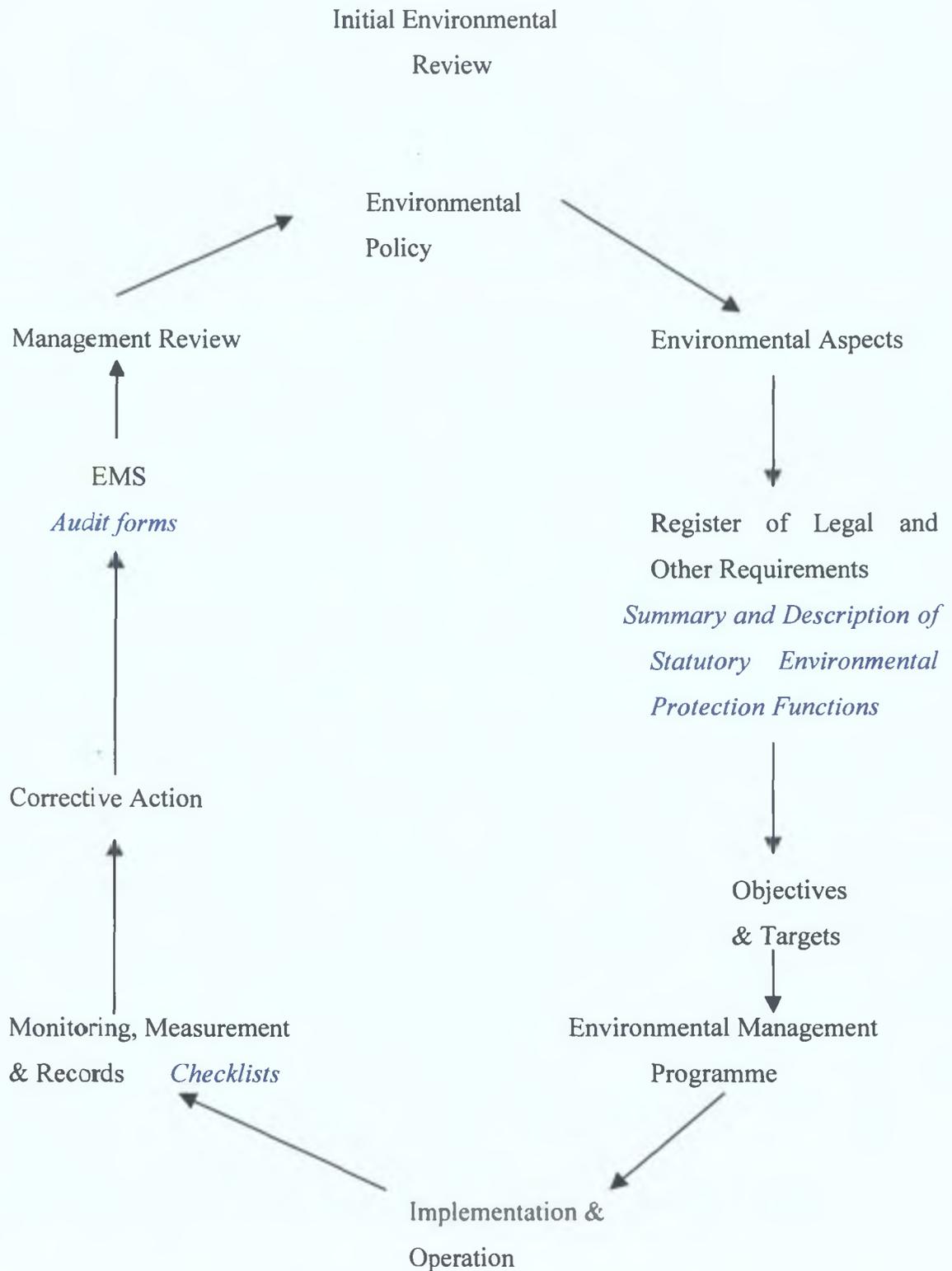
The system provides a database of the statutory functions of local authorities related to environmental protection.

The status of these functions are checked by a system of checklist questions which have been incorporated within the system; these provide a mechanism for ensuring required functions are being undertaken and fulfilled. The checklists comprise pertinent questions relating to local authorities.

Local authorities are required under the EPA Act to submit data to the agency on drinking water, urban wastewater and landfills so that the agency can prepare national reports. The EPA management system provides summary sector reports, which the EPA can use to prepare these national reports. The summary sector report can also be used to provide information to local authority management on the services provided and they can be used for the production of annual environmental reports.

The management system provides the basic framework on which a full EMS that meets the requirements of the European EMAS Regulation or the International Standard ISO 14001 can be built (EPA Final Report).

Figure 2: Environmental Management System (EMAS or ISO 14001) & the EPAs Local Authority Management System.



This management system can help local authorities demonstrate that they are meeting their statutory environmental protection functions by:

- ◆ Producing reports on the sector being considered showing compliance with the relevant EU Directives or National Regulations
- ◆ Producing compliance monitoring returns for licensed activities (activities licensed by local authorities)
- ◆ Demonstrating compliance with established guidelines or codes of practice
- ◆ Drawing up reports on investigations carried out and actions taken
- ◆ The actual operation and maintenance of a management system.

4.3 Piloting the EPA Management System.

Three County Councils are involved in implementing the EPA management system on a pilot basis. These are:

Cavan County Council,
Galway County Council,
Cork (South) County Council.

The pilot programme was carried out over an eighteen-month period. The management system was implemented for each sector and it was audited progressively.

This involved reviewing the responsibility structure within the organisations and assigning responsibilities to individuals.

Existing procedures and records were identified and the checklist questions were completed for each sector.

The responsibilities that were not being addressed were identified using the checklist questions. Achieving conformance to statutory environmental functions was a matter for each local authority concerned and was outside the scope of the EPA management system.

All three local authorities experienced some difficulty at the initial stages and progress was slow. However, after some training, progress greatly improved.

4.3.1 Results from the survey carried out on the three piloting local authorities

Three local authorities were involved in implementing the EPA management system on a pilot basis. The author contacted all three local authorities by telephone to discuss their experience of the EPA management system. The following were the comments obtained:

All three local authorities stated that they had implemented the first phase of the management system, this was the paper-based version and they were awaiting the digitised version. They also stated that to manage and co-ordinate the project properly, it would require a person at Senior Executive Engineer level or equivalent.

In one of the local authorities the following was stated:

The management system was not found to be user friendly. Questions were not performance related, and they found it difficult to get feed back from other members of staff, and for the system to run properly, it required the co-operation of a large number of staff in the organisation. It was the opinion of this local authority that the management system was not taken seriously, as it was not legally binding. This is an interesting comment because the EPA management system as a whole is about the statutory performance of local authorities, these statutory functions are by nature legally binding. If the local authority that made this comment felt that the EPA system was not being taken seriously, then one would wonder how seriously was that local authority taking it's statutory obligations.

In the second local authority similar comments were made with the addition of the following:

The management system showed up the lack of written procedures.

To implement the management system, the existing local authority structure would require additional resources, it would require people to be more accountable and it would require a long-term commitment from management.

A training session on how to use the system was required, as the system was quite difficult to understand. The management system was found to assist the local authority in ascertaining which legal responsibilities were not being fulfilled.

Document control was not covered in the management system.

This local authority was afraid that the answers to the checklist questions would affect the EPA's opinion of the local authority, so they felt that it might be safer if the local authority was economical with the truth when they were answering the questions. This would have to be addressed under the auditing mechanism in the EPA management system. Being economical with the truth will not be an advantage to the local authority if it is highlighted at the auditing stage. The management system highlighted that the enforcement of legislation by the local authority was not adequate.

The third local authority also made similar comments as above with the addition of the following:

The management system highlighted legislation, which was not even being considered let alone being enforced.

It was the opinion of this local authority that, for the system to work properly, a huge overhaul of the computer system was needed, which would have financial implications.

There was again a fear that if the answer to the checklist question was non-compliant, could this have a negative effect on the local authority. This could change the way checklist questions are answered.

A quality system was in place in this local authority and they thought that this quality system would take precedence over the EPA management system. It has to be said that the EPA is not seeking that their management system should take the place of any system that is in place in the local authorities. If a local authority has a quality system in place it would not be difficult for them to implement the EPA management system.

4.4 Summary of the EPA Final Report

Feed-back regarding experience of the system was required to evaluate it, so a questionnaire was circulated by the EPA to the three participating local authorities. The questionnaire addressed eight key areas as follows:

- ◆ Concept
 - ◆ Structure
 - ◆ Checklists
 - ◆ Audit Protocol
 - ◆ Sector Reports
 - ◆ Digitised Version
 - ◆ Training
 - ◆ Implementation of the system
- (EPA Final Report).

A summary of the responses received were as follows:

- Concept

The database of statutory obligations was identified as one of the main benefits of the system and it was considered as a useful tool for the introduction of new staff to their responsibilities and functions.

Generally the system was seen as a step forward in the management of local authorities responsibilities.

- Structure

The structure basically consists of the following:

Sectoral groups: These were found to be more or less appropriate, however some movement of responsibilities was suggested and have been made (e.g. moving water supplies to water quality).

Grouping of Responsibilities: The responses received were varied. Some thought that grouping the responsibilities according to local authority functions would be more appropriate. Some thought functions should be grouped according to statutory functions rather than local authority functions.

Summary Description: The summary descriptions gave details of the statutory obligations. These descriptions were found to be very useful and the detailed

descriptions were useful where a person using the system was not familiar with a particular responsibility.

Paper-based Version:

The local authorities found the paper-based version clear and easy to follow.

- **Checklists:**

It was found that the checklists highlighted the requirements for local authorities to become more familiar with their statutory environmental obligations. One local authority felt that many of the checklist questions were “information gathering” rather than for assessment of performance.

- **Audit Protocol:**

The checklist questions were also found to be a useful auditing tool.

- **Sector reports:**

Some concern was expressed as to how the agency would present the findings of these reports.

- **Digitised Version:**

One local authority found the digitised version difficult initially. Changes have been made to the system in the interim to facilitate the operation of the system.

- **Training:**

For proper implementation of the system, a general training session for all personnel is required and individual workshops on each sector would be required (EPA Final Report).

By the end of 2002, the EPA anticipates that the system will be in place in all local authorities (LAN. Vol.18 No.5, 2000).

4.5 Limitations of the EPA Management System.

The management system could be classified in name only as a management system as it did not provide the basic structure that is required for a management system, nevertheless the EPA management system can be integrated with most other systems.

During the implementation of the management system, it was found that it could be better used as an information gathering exercise for the EPA rather than taking an objective view at how local authorities are performing in relation to their statutory obligations.

It was found that both sets of questions were only scratching at the surface in relation to what local authorities are required to do under their statutory obligations.

The checklist questions could quickly highlight items that were not being carried out, but it did not seem to have the scope to reveal how well some items were being dealt with.

An example of this is where it is the local authority's policy to co-operate with different sectors of the community (e.g. farmers) to abate pollution. If a farmer causes pollution and is unaware of it, the farmer will be advised verbally or by a warning letter to solve the problem and prevent it happening again. If the farmer does not rectify the problem then the local authority will issue a Section 12 Notice under the Water Pollution Act, 1977 and 1990 stating what is required of the farmer and if this is not adhered to, the farmer will be liable for prosecution. The number of warning letters or verbal warnings would outweigh the number of Section 12 Notices issued, but the management system does not reflect this. If it did, the author felt that this would be a better reflection of the extent of the implementation of the Act or the Regulation involved.

The section of the checklist questions which deals with enforcement powers, (Summary Proceedings) could have been better organised to reflect more accurately the amount of work involved in preparing for prosecutions rather than the number of prosecutions taken to court. The number taken to court is determined between senior management of the local authority and the County Solicitor, and in a lot of cases, the number of prosecutions taken is less than the number prepared.

However, this scenario begs the question how willing is the local authority to take prosecutions. It is the policy of the local authority in which this research was carried out, not to take prosecution unless it is a last resort, and the problem cannot be resolved any other way. Perhaps this is a wrong approach, if on occasion a

prosecution was successfully taken, it could deter other possible offenders from causing the same offence.

4.6 Benefits of the EPA management system

The management system did have positive points as well.

It should be seen as a positive initiative for local authorities as it provides a legal register of all their statutory obligations, and if a local authority were to compile such a register it would be a huge undertaking.

The management system could be used as a tool towards the implementation of an EMS in a local authority. It would fit into a number of areas, the environmental review area, the auditing area, and the reporting area of an EMS.

The EPA could be using this system as a way of helping local authorities to set up a form of information management within the organisation. This is a positive initiative as information management is necessary in all organisations for them to run properly and particularly within the local authority structure because of the nature of the organisation i.e. a large number of sections which can all impact upon each other. The EPA management system also highlights to the local authority where they are non-compliant with legislation, which is helpful because action can then be taken to rectify the problem.

The local authorities piloting the system were worried that it may also be used to introduce the concept of league tables within the local authorities. Take for example if a local authority is repeatedly returning non-compliances to the EPA, and if it was not taking any corrective action it could soon find itself at the bottom of the league table. This could have negative or positive results. If a County Manager becomes aware that a very low number of Section 12 Notices are being issued because the local authority has a policy of co-operation rather than prosecution, it may be decided to do away with the policy of co-operation and start issuing Section 12 Notices no matter what the circumstances. This could have repercussions for the farming community.

This change of policy may not be necessary if the local authority had a proper system of record keeping and documentation, as it will then have information available to support its policy of co-operation (e.g. warning letters or reports on follow-up investigations). It should be sufficient if the local authority could present this information to the EPA to validate the local authorities approach.

On the positive side, league tables would encourage management of the local authorities to become committed to environmental management as County Managers would not like to find their local authority at the bottom of the league table.

League tables could also be used to help in bench-marking and they could be used as performance indicators, which are high on all local authorities agendas today due to the Programme for Prosperity and Fairness (PPF), where final payment of the agreed wage increase is related to performance indicators.

Chapter Five

Survey carried out by Author

5.1 Introduction to survey.

The replies to the EPA management system were reviewed in terms of performance of statutory obligations, and after reviewing the answers, it was found that the system did not provide adequate information to assess the true performance of the local authority in which this research was carried out. This gap of information was addressed by carrying out a survey.

The survey took the following format:

A review of all the legislation relevant to the wastewater sector was undertaken so that the full objectives of the research could be fulfilled.

A supplementary questionnaire was developed from this review and it was sent to the relevant Senior Executive Engineer and the Senior Staff Officer in the environment section and sanitary services section of the local authority.

Three out of the four people who were requested to complete the questionnaire did so, one reply is still outstanding. The questionnaire posed very relevant questions in relation to how local authorities were performing their statutory obligations and more in-depth information was obtained.

The staff members were also asked during an interview with the author for their opinions on how they thought the local authority was performing in relation to its statutory obligations.

The supplementary questionnaire and the replies are presented in the following pages:

5.2 Supplementary questionnaire

The Environmental Protection Agency Act, 1992.

Question 1.

Q Does the local authority have regard to information, advice, and/or recommendations that are made by the EPA, and if so, who takes responsibility for this?

If requested by the EPA, could the local authority provide a report on the performance of its statutory functions? Who would do it?

A. Yes, the local authority does have regard to information, advice and recommendations made by the EPA. However it does depend on what is involved, as there may be financial concerns.

If requested, the local authority would provide a report on its statutory performance, but it was felt that there were not enough resources at present to provide such a report. There was also a lack of awareness of this responsibility.

It was thought that the Senior Executive Engineer (SEE) or the Senior Staff Officer (S.S.O) would put together such a report.

Question 2.

Q. If quality objectives in relation to any environmental medium are published by the EPA, is there a person available to review them, and are they aware of this?

A. The staff who answered this question were not aware of any such publications. However, it was thought that the SEE in either sanitary or environment section would review any such publications. However, the question of resources was again highlighted.

Question 3.

- Q. If consultation with the agency is required prior to carrying out certain functions, the agency views have to be regarded. Who does this?
- A. The administrative and technical head in the environment and sanitary services section.

Question 4.

- Q. Where the agency proposes to grant an IPC licence which involves a discharge of any trade effluent or other matter to a sewer, it shall obtain the consent of the sanitary authority. Who deals with this? Is an investigation carried out to see if consent is feasible?
- A. The SEE in sanitary deals with this. It would be discussed with the licence applicant and with consultants. If it were an old licence, a review of its history would be carried out. However for a new licence, new investigations would have to be carried out. Licence limits would be recommended to the EPA.

Question 5.

- Q. When an applicant for an IPC licence is being transferred to the EPA, the local authority shall supply the EPA with all the documents within a specified period of time (i.e. one month from the commencement of Section 82 or fourteen days from the date of a request from the agency for any document or information). Who is responsible for this statutory obligation?
- A. From the answers obtained, there seemed to be confusion as to who was responsible. Both administrative and technical staff thought they were responsible. There was a lack of awareness of the time limit involved.

Question 6.

- Q. Local authorities are required to have regard to criteria and procedures published by the EPA in relation to management, maintenance, supervision,

operation or use of all or specified classes of plant, sewers or drainage pipes for the treatment of drinking water or for the treatment or disposal of any sewage or other effluent to any waters. Who is responsible for this?

- A. Technical staff were not aware of any publications and the administrative staff thought that the Co. Engineer or the SEE in sanitary should be responsible.

Question 7.

Q. A local authority has to ensure that effluent quality complies with any regulations regarding collection and treatment of sewage effluent. Is the local authority providing adequate systems? If not, how many of the plants are inadequate, what is being done about this, and what does the local authority need to perform its statutory function in this regard?

- A. Adequate treatment systems are not being provided. Plans have been prepared by consultants for the up-grading of the largest plant in the county, and a preliminary review of five smaller plants is going to be carried out. However, if all plants are to be brought up to the standards within a reasonable length of time, a significant financial input will be required in both engineering, manpower and capital terms.

Local Government (Sanitary Services) Act, 1964.

Question 8.

Q. What is an Authorised Officer allowed to do under the Local Government Sanitary Services Act, 1962. How many people are officially authorised under this Act?

- A. No replies were obtained.

Question 9.

- Q.** Is the Council aware that it should serve a notice on the owner of a premises requiring the execution within a specified period, of specified works for the purpose of securing the service of a premises by the public sewerage system? Who implements this and how well is it enforced?
- A.** There was a lack of awareness towards this responsibility and it was thought a notice would only be served on a complaint response basis.

Question 10.

- Q.** Is there a procedure in place for prosecution if an offence occurs where a person obstructs or interferes with the exercise of an authorised person of a power conferred to them by section 10 of this Act?
- A.** There is no procedure in place, however if an incident occurs it would be referred to the County Solicitor for advice. Legal action would be a last resort.

S.I. No. 271 of 1992. Local Government (Water Pollution) Regulations, 1992.

Question 11.

- Q.** Is monitoring carried out to determine compliance with conditions attached to a licence to discharge trade effluent or sewage effluent containing a harmful substance to an aquifer, and to determine the effects of a discharge on water in an aquifer? Does the local authority have an aquifer protection plan?
- A.** Some replies to this stated that they were not aware if any aquifer protection plans were prepared for the county and they were also unsure if they had been any plans adopted by the Council.
- However, another reply stated that there were two aquifer protection plans for the county and there were no licensed discharges to aquifers.

Question 12.

- Q.** Are there any discharges allowed to aquifers and if there are, did the local authority request results of prior investigation?
- A.** It was thought that no discharges were allowed to aquifers and if discharges were allowed, the local authority would request results of prior investigations.

Question 13.

- Q.** Did the local authority take into account these prior investigations?
Did the local authority change the required quality standard as prescribed in these regulations?
Are conditions attached to any sewage or trade effluent licence containing a harmful substance to an aquifer?
- A.** There were no answers available for these questions.

**S.I. No. 117 of 1997. Local Government (Water Pollution) Act, 1977.
Commencement Order**

Question 14.

- Q.** Are all the discharges of trade and sewage effluent being monitored and is information collected in relation to these? Is it possible that there are more discharges that the local authority is not aware of?
- A.** All the discharges that the local authority is aware of are monitored on a regular basis. However there may be discharges that the local authority is not aware of. It is felt that there is no procedure in place for co-ordinating information between departments in the local authority. If there was a procedure in place, it could be used to set up a database of all the businesses in the county which are likely to have a discharge and an assessment could be made of these businesses and perhaps the 'Polluter Pays Principle' could be brought into play.

However, it was also felt that adequate resources were not available in the local authority to do this.

Question 15.

Q. Has any research been funded by the local authority into water pollution?

A. Nobody was aware of funding being made towards research.

Question 16.

Q. How many Section 12 Notices are issued and who recommends them?

A. It is felt that Section 12 Notices are only issued in response to complaints from the public and that these Notices are not followed up on all occasions due to the lack of resources. There was one Section 12 Notice issued during the reporting period.

Question 17.

Q. How many Section 14 Notices are issued and is this in response to complaints?

A. This is dependent on the public alerting the local authority. It is felt that the public are not being encouraged to be vigilant and to co-operate with the local authority. There is a need for public information meetings. There was no Section 14 Notice issued during the reporting period.

Question 18.

Q. How many officers are officially authorised under the Water Pollution Act and are there Manager's Orders to prove this? Would the local authority prosecute if an authorised person were obstructed in his/her duties?

A. Yes, there is a Manager's Order with a list of authorised people, however it is

not up to date and it does need to be reviewed.

If an authorised officer were obstructed in his/her line of work, this would be referred to the County Solicitor for advice on what action should be taken. It was thought that legal action would be a last resort.

S.I. No. 419 of 1994, Environmental Protection Agency Act, 1992 (Urban Wastewater Treatment) Regulations, 1994.

Question 19.

Q. Where it can be expected that the receiving water will be significantly affected from a sewage treatment plant discharge, monitoring is required.

Is this being carried out, and if not, should the local authority be doing it?

A. There was a lack of awareness towards this responsibility. Monitoring is not being carried out on all the receiving waters.

Question 20.

Q. Are there adequate collection and treatment systems provided under the Urban Wastewater Treatment Regulation? Are plans for agglomerations with a population equivalent between 2000 and 15,000 being developed; these have to be provided by 31 Dec. 2005?

Has a population survey been carried out?

A. There are systems provided however they are not adequate for today's needs. Plans for up-dating all plants with this population equivalent are being drawn up by consultants. A population survey has been carried out.

Question 21.

Q. A sanitary authority shall ensure that by 31 Dec. 2005 that urban wastewater entering a collecting system shall before discharge be subjected to appropriate treatment in the following case.

(a) In respect of discharges to freshwaters with a population equivalent of less than 2000?

A. There was a lack of awareness towards this statutory obligation from the technical staff. However, the administrative staff were aware of this statutory obligation.

Preliminary reports are being prepared for a number of plants.

Question 22.

Q. A point of discharge from an urban waste water treatment plant shall be so chosen as to minimise the adverse effects on the receiving environment. Is this being taken into account when the plants are being designed?

A. It is presumed that it would be one the criteria when the plants are being designed.

Question 23.

Q. Plants should be designed, constructed, operated and maintained to ensure sufficient performance and to allow representative samples to be taken?

A. This statutory function is not being carried out. The area engineers need to be made aware of this. However, it is felt that the area engineers are very busy with planning applications and adequate resources are not available.

Question 24.

Q. If a discharge from a treatment plant does not satisfy the requirements of the second schedule or more stringent requirements as required by the relevant community directives, what is done about this, and are there any action plans?

A. The reaction to a non-compliance is very slow due to the lack of resources. There are no action plans drawn up.

Question 25.

Q. With respect to the discharges of industrial effluents, are the requirements of the fourth schedule met and is there a review of the licence concerned at regular intervals?

A. The requirements of the fourth schedule are met, but the licences are not reviewed at regular intervals.

S.I. No. 296 of 1977, Local Government Water Pollution Act, 1977, Commencement (No.2) Order, 1977.

Question 26.

Q. Has the register of discharges of trade effluent been reviewed recently?

A. No.

Question 27.

Q. Has the register of discharges to sewer been reviewed recently?

A. No.

Question 28.

Q. Are these registers in the form specified in the second schedule of these regulations?

A. There was a lack of awareness as to what was specified in the second schedule.

Question 29.

Q. Are these registers available for inspection at all reasonable times to any person?

A. No.

Question 30.

Q. Has a fee been decided for a copy of any licence and where does the payment go?

A. No fee had been set.

Question 31.

Q. Is there a procedure in place for dealing with applications to discharge to waters or sewers?

A. There is no procedure in place for dealing with applications. It was felt that one would have to review an old file to establish the procedure.

Question 32.

Q. When granting a licence, is the water quality management plan (WQMP) taken into account and is this written into the procedure?

A. It is presumed that the WQMP is taken into account.

Question 33.

Q. Has consideration been given to the quality of the receiving water before granting a licence? Is this written into the procedure?

- A. It is presumed that consideration is given to the quality of receiving water. It is not documented.

Question 34.

Q. Are relevant conditions attached to licences?

A. Yes.

Question 35.

Q. Is there any procedure in place for reviewing licences after they have been in place for 3 years?

A. No. The local authority financial auditors highlighted the absence of such a procedure. It was felt that a procedure was necessary so that new staff could familiarise themselves with it.

Question 36.

Q. Is there a procedure in place for dealing with applications to discharge to sewers?

A. No written procedure is in place.

Question 37.

Q. Does the local authority enforce Section 16 Notices of the Water Pollution Act 1977, (i.e. serve a notice on a person discharging to a sewer without a licence or discharging polluting matter to a storm water drain requiring mitigation of any effects)?

A. Yes, if it is deemed the only alternative.

Question 38.

- Q.** Does the local authority take steps to prevent a discharge or to mitigate or remedy the effects of a discharge? If the person does not comply with the Section 16 Notice issued, does the local authority recover the costs as a simple contract debt in a court?
- A.** If a significant discharge is taking place, it is likely that the local authority would take preventive measures, if possible.

Question 39.

- Q** Why are there no prosecutions carried out by the local authority for notices issued under Section 4, 6, 12, 14, 16 and Section 19 of the Water Pollution Act?
- A.** There is a lack of resources to implement all the provisions of the Act.

S.I. No. 108 of 1978. Local Government (Water Pollution) Regulations, 1978.

Question 40.

- Q.** Is the documentation relating to the review of a licence to discharge trade or sewage effluent available for public inspection?
- A.** Yes, it would be made available.

Question 41.

- Q.** Is the applicant and the public given notice of the local authority intention to review a licence?
- A.** An applicant would be given notice however the public are not given notice.

Question 42.

- Q.** Will the local authority complete the review even if they are not given the required information within 3 months?
- A.** Yes, however the licence would be restrictive in a manner to safeguard the environment

Question 43.

- Q.** Is notice given on completion of a review?
- A.** Yes, but the public are not informed on completion of a review.

Question 44.

- Q.** Is there a procedure in place for appeals?
- A.** There is no procedure in place for appeals.

Question 45.

- Q.** Does the local authority provide the appeals board with the required information?
- A.** Yes.

Question 46.

- Q.** Is the documentation in relation to an appeal made available for public inspection?
- A.** Yes.

Question 47.

Q. Does the Local Authority notify the holder of the licence in relation to direction from An Bord Pleanála about the licence?

A. Yes.

S.I. No. 94 of 1997. European Communities (Natural Habitats) Regulations, 1997.

Question 48.

Q. When assessing an application for a water pollution licence for an operation or activity that may adversely affect a European Site, a planning authority shall ensure a full assessment is conducted such as an Environmental Impact Statement (EIS).

Did the local authority receive any applications?

Are there any European Sites in the county?

Are personnel in the environment section familiar with what a European Site is?

A. The replies indicated that there was a lack of awareness as to what a European Site is.

Question 49.

Q. If any EISs were received, who assessed them to ascertain that it will not adversely affect the integrity of the European Site concerned and how did they do this?

A. No answers were available.

Question 50.

Q. Notwithstanding a negative assessment with no alternative solutions, a local authority may decide to grant a licence for imperative reasons of overriding public interest. Is the local authority aware of these reasons of overriding public interest?

A. No answers were available.

Question 51.

Q. Is the local authority aware that if the opinion of the Commission in regard to reasons of over-riding public interest is required, it should be communicated via the Minister and no decision to grant the licence should be made until a reply is received from the Commission.

A. No answers were available.

Local Government Water Pollution (Amendment) Act, 1990

Question 52.

Q. Who declares by order that a combined drain shall become a sewer?

- Is the Local Authority aware that 30 days notice of this intention should be given to the owner of the drain and the occupier of each premises from which the trade effluent or sewage is being discharged to the drain?
- 30 days must be allowed for the aforementioned to make representations. The local authority must consider these representations before making any decisions about making the order.

A. The County Manager on recommendation from the County Engineer declares that a combined drain should become a sewer. However, nobody was aware of the time-frame for the notice.

Question 53.

Q. A local authority may serve a Section 10 Notice on a person who is causing or permitting polluting matter, or trade or sewage effluent to enter waters, which does not have a licence under Section 3 or 4 of the Water Pollution Act, or a licence in accordance with Section 171 of the 1959 Fisheries Act, to cease the entry of the discharge or to mitigate or remedy the effects of any such discharge within a specified period.

Is this being enforced, if so, how well is it being enforced?

A. This is not being enforced properly.

Question 54.

Q. Section 23 of this Act allows the local authority to serve a notice on a person who:

- is abstracting water from waters in its functional area
- is discharging to any such waters
- has custody of any polluting matter
- is likely to permit pollution matter to enter water

to submit to the local authority in writing within a period (not being less than 14 days) giving details of the aforementioned practices.

Are there any Section 23 Notices issued? Is this being enforced?

A. This is not being enforced due to a lack of resources.

Question 55.

Q. Where a person does not comply with a court order, the local authority can take steps to mitigate or remedy the effects of the entry of a discharge concerned; would the local authority do this if necessary, and has it happened before?

- A. The local authority has not carried out such action in the past. However, it is felt that if it were necessary, it would happen.

Question 56.

Q. Have the cost of these steps been recovered?

- A. There were no answers available to this question.

Question 57.

Q. Has the local authority taken steps to prevent pollution or remedy a discharge if a person does not comply with Section 10 or 12 Notices? Has the local authority taken steps to prevent, remove, mitigate, remedy or dispose of pollution, as it thinks fit? Have the costs been recouped?

- A. No, this is not being enforced due to the lack of resources.

Question 58.

Q. The local authority may make bye-laws prohibiting a certain activity for the purpose of preventing or eliminating the entry of polluting matter into waters. Has the local authority made any bye-laws?
Has any survey been carried out to see if bye-laws are necessary?

- A. No bye-laws have been made, however it is felt that they are necessary, as it is a strong agricultural area.

Question 59.

Q. If An Bord Pleanála gives directions regarding an appeal of a licence to discharge trade or sewage effluent, does the local authority comply with the directions and who is responsible for this?

- A. Yes, the local authority does comply with the direction and the senior technical person in sanitary or environment section is responsible for this.

Public Health (Ireland) Act, 1878

Question 60.

- Q. The sanitary authority may deal with any land held by the local authority for the purpose of receiving, storing, disinfecting or otherwise disposing of sewage without creating a nuisance.

Has the sanitary authority a register of all the land that is being used for spreading of sewage sludge and if so, is it aware of what farming activity is carried out on these lands?

Does this include septic tank effluent?

- A. There is no register available.

Question 61.

- Q. A notice may be given (under Section 59) to a person to whom any accumulation of manure, dung, soil or filth or other offensive or noxious matter belongs, or to the occupier of the premises whereon it exists, to remove the same. Is the sanitary authority enforcing this or is it just enforced in response to a complaint?

- A. Public Health nuisances are dealt with under section 110 of the Public Health Act.

Question 62.

- Q. A sanitary authority may serve a notice under Section 110 on a person causing a nuisance. Who is responsible for enforcing this and is this enforced properly?

- A. The environment section with the assistance of the Environmental Health Officers in the Health Board enforces this. These notices are not always followed up.

Question 63.

- Q. If under Section 59, the notice is not complied with within 24 hours, the local authority may dispose of, or sell the matter referred to in the notice. Is there a procedure in place to deal with this?

- A. No.

Question 64.

- Q. A sanitary authority may apply to a court to summon the sanitary authority of an adjoining district regarding a foul or offensive watercourse or ditch. Is the local authority aware that this can occur? Has any sanitary authority ever been summoned to court? Is this enforced properly?

- A. Nobody was aware of this.

Question 65.

- Q. How many complaints have been made before a justice, of nuisance arising from offensive trade?

- A. No answers were available.

Question 66.

- Q. A sanitary authority may cause proceedings to be taken against a person to enforce the abatement of any nuisance. Is this on a complaint basis only? Who deals with these complaints?

A. The Health Board deals with this on a complaint basis only.

Question 67.

Q. If the offence takes place in another district, but causes a problem in this local authority area, the local authority may take proceedings. Are staff aware of this?

A. Nobody was aware of this.

Local Government (Water Pollution) (Amendment) Act, 1990 as amended by the Waste Management Act, 1996.

Question 68.

Q. Did the local authority receive any Nutrient Management Plans (NMP)?
Did the local authority approve any NMPs during the reporting period?
Did the local authority request any NMPs to be carried out? Who is responsible for requesting a NMP?

A. No NMPs were received or requested. It was thought that the SEE Environment was responsible for NMPs.

Question 69.

Q. Is the local authority aware that it only has two months from the date of receipt to make a decision on the plan or else it is deemed approved? Is there a procedure in place for dealing with and reviewing NMPs? Who is responsible?

A. There is no procedure in place.

Question 70.

Q. Who deals with a request for variations of a NMP?

A. No replies were available.

Question 71.

Q. If the local authority refuses an NMP, it may request by service of a notice in writing on the person who furnished the plan, to furnish another plan. Who deals with these notices?

A. Senior technical person in environment.

Question 72.

Q. Have any notices under Section 21 been served, requiring a person to furnish a NMP in relation to an activity that involves the application to land or to growing crops, or the injection into land, of any silage effluent, animal slurry, manure, fertiliser, or other polluting matter? Who is responsible for this?

A. There is nobody dealing with NMPs.

Question 73.

Q. Who enforces Section 26 of this Act where a person contravenes a provision of the Regulation for the prevention or limitation of water pollution?

A. No replies were available.

Chapter Six

Discussion of all information obtained during this research

On review of additional information provided by the questionnaire and the interviews with the local authority staff, a number of items were highlighted, these were as follows:

1. There was a lack of a defined responsibility structure in the organisation.
2. There was a lack of awareness of statutory obligations.
3. There was a lack of resources, staff turnover was also a problem and staff did not have time to become familiar with the legislation.
4. There were a lack of written procedures necessary to implement the legislation.

1. Lack of a defined responsibility structure:

There is a distinct lack of understanding as to who is responsible for carrying out certain statutory obligations. In the replies obtained, it was shown that both the administration staff and the technical staff thought they were responsible for certain tasks and also, it was not clear even within the technical side or the administration side who was responsible for the different tasks.

This can pose problems for different reasons. If people are not aware who is responsible, the statutory obligation may fall between two stools as one-side thinks the other is dealing with it. On the other hand, it could be seen as a misuse of resources if both the technical and the administrative staff feel they are responsible for the same statutory obligations and both sides could be working independently to achieve the same result. This indicates that a defined structure of responsibility needs to be drawn up. The structure of local authorities is changing at the moment and perhaps when the new structure is operational it will look at the area of a defined responsibility structure. When a person is employed by a local authority, their duties are not defined; the contract normally states that the individual will carry out duties assigned to them by the County Manager. This is very vague and perhaps it would be better if this situation was tightened up and individuals were given defined duties when appointed.

2. Lack of awareness of statutory obligations:

Both the technical and the administration staff highlighted the lack of awareness to a large number of provisions of the Acts and Regulations. The staff who completed this questionnaire felt they were not alone in this knowledge deficit of legislation. If one were unaware of all the necessary provisions under the relevant legislation, it would be impossible to make a proper and informed decision on any aspect of the legislation. It was the opinion of the staff which were interviewed that they do not understand the legislation as it is published. This lack of awareness could be due to the fact that there is no legal register with all the necessary legislation in an understandable format available for staff to make themselves familiar with. The level of awareness could be increased by the implementation of an awareness and training programme.

The implementation of pollution control legislation should form the core of the environment section of a local authority, however because of the lack of resources, waste management and litter control seem to take the lime light as these areas are more visible and tend to command more attention to the detriment of the equally important pollution matters. Waste management is very high on the political agenda at the moment and this may be a reason why it is getting so much attention. Waste management legislation is still relatively new and perhaps this is another reason why it is getting more attention than the pollution control legislation. Political attention would not be slow in changing if a serious fish kill occurred and the local authority was found not to be performing it's statutory obligation in relation to pollution control.

3. Lack of resources

There is a large turnover of staff within local authorities, even within each section, so this does not allow staff to specialise in any one area.

The lack of resources also makes it very difficult for the existing complement of staff to be aware of, and to implement all the statutory obligations required of the local authority.

It was the opinion of one of people interviewed that because of the upsurge of planning applications that a lot of the engineering resources are taken up with planning. Planning issues are high on the priority list because dead lines have to be met, which means that work for the sanitary services section is left on the long finger.

There was a restriction on recruitment of permanent staff by the Department of Environment (DOE), which also posed difficulties for local authorities. This situation has been relaxed slightly, but local authorities are still obliged to keep control on the number of permanent staff employed with the council. The reasons for the DOE imposing this situation is not entirely clear, perhaps it is because local authorities have not put their case forward to the DOE, that they are inadequately resourced.

Local authorities can appoint temporary staff, however there is a problem with temporary staff because if an opportunity of a permanent position arises in another area they will take it, which increases the rate of staff turnover in the local authority structure. In the local authority in which this research was carried out there is a large number of temporary staff. An accusation could be put to the DOE as to how they expect local authorities to implement the continually increasing list of legislation without them being awarded additional resources. Huge financial expenditure is necessary if all the legislative requirements are to be complied with. For example, a large number of sewage treatment plants have not been up-graded since their initial installation, and now they are not functioning properly. In the majority of cases they were designed to treat sewage for a much lower population equivalent than what is present today. None of the sewage treatment plants in the local authority involved in this research have nutrient removal systems, and if they had it would be a great asset for the implementation of the Nitrate and Phosphorus Regulations.

It is very difficult for the public to have confidence in the local authority with regard to controlling pollution when the local authorities themselves cause pollution.

It was apparent that staff in the local authority did not have the necessary time to make themselves familiar with all the provisions of the relevant legislation.

One of the staff surveyed thought that the splitting of responsibilities for pollution control between the local authority and the EPA was detrimental in so far as there is a tendency for the local authority to leave areas to the EPA, and for the EPA to expect an inadequately resourced local authority to undertake the detailed implementation of the legislation.

At present, in the local authority in which this research was carried out, the administration of the pollution legislation is in two sections; environment and sanitary services section. It would be more beneficial if it was confined to one section,

because resources are also divided between the two sections to accommodate this situation. This leaves both sections weak in relation to resources and sometimes work can be overlooked because of this. One way of improving the existing situation is to prioritise the work that needs attention by addressing the work, which is deemed the most important first.

4. Lack of procedures

This survey also brought to light a distinct lack of procedures, written or otherwise. If a local authority is going to implement its statutory obligations properly, it will be necessary to develop procedures for critical aspects relating to the local authority. If such written instructions were available, it would assist staff (particularly new staff) in providing a better service to the public, and better service provision is very high on the agenda of all local authorities with the onset of BLG (Better Local Government). Also, it has been highlighted that there is a knowledge deficiency and a distinct lack of a responsibility structure. Written procedures may make this situation easier to deal with.

A number of areas were highlighted where there was a great need for written procedures.

These were as follows:

- (1) Procedure for the licensing of discharges to waters and to sewers
- (2) Procedure for the review of existing discharge licences to both water and to sewers
- (3) Procedure for the review of the license register for both discharge licences to sewers and to waters
- (4) Procedure to set up a register of the sewage treatment plants in the county and a register of all the land which takes sewage sludge for disposal
- (5) Procedure for implementation of nutrient management planning in the county.

It is necessary to ascertain what stage the local authority is at now and what would it require to get it to the stage where it would be in full compliance with the relevant legislation.

It is necessary now to perform an analysis on the information, which was gathered during this research to prioritise the work that needs to be carried out.

One would have to assume that the local authority would be given adequate financial and manpower resources.

The analysis of the current situation in relation to compliance by this local authority with the relevant legislation suggests the following set of priorities:

1st. The compilation of a legal register which would contain every item of legislation which is relevant to each sector in a local authority. The EPA management system could be used for this purpose. This register would have to be maintained and updated on a regular basis so that new legislation would be included and new requirements of staff would need to be highlighted.

It would be necessary that all relevant members of staff would make themselves familiar with this register on a on-going basis and there should be a requirement for staff to sign off that they fully understand the contents, or perhaps that they may need some advice. This advice should be available from the person who compiled the register, i.e. EPA Web Site.

It is the author's opinion that this is top of the priority list because as mentioned earlier, if there is a deficit of knowledge of the provisions under the relevant legislation, it would be impossible to make a proper and informed decision on any aspect of the legislation.

2nd. A defined responsibility structure indicating the level of responsibility that each individual has should be drawn up. There has to be a commitment from the top level of management down to the very bottom for this to work. Staff need to be made aware of what level of responsibility lies with them and where the book stops. Organisational charts with the different levels of responsibility and sub-headings to include what each individual member of staff is accountable for would be a great start and it would also do away with the excuse "I did not know that was my responsibility". At this stage, everybody should be aware of what their level of responsibility is and what they are accountable for. Documentation control and information management is also a vital part of any organisation and in the local authority structure this area has not been developed to a great extent. This will have to be addressed, as it is an essential part of good management.

3rd. The next task on the priority list, particularly in relation to the wastewater sector, would be the installation of adequate systems for treatment and disposal of

sewage throughout the county. Some people could be of the opinion that this should be number one on the priority list, however it is important to have good foundations set up before the real work begins. This undertaking has huge financial and manpower requirements, however it is very important that it is addressed. Local authorities today are under scrutiny (e.g. the investigations being carried out on all local authorities re: planning misconduct) and it is important that they are open and transparent in all their actions. It is important that local authorities are not responsible for causing pollution as they have the power to prosecute other members of the community who cause pollution. So, to increase public confidence in the local authority, it is essential for them to get their own house in order before pointing the finger at any body else.

Of course, local authorities are legally obliged to provide adequate treatment systems under the EPA Act 1992 (Urban Wastewater Treatment) Regulations, 1994. The Fisheries Board can also prosecute local authorities under the Fisheries Act, 1959 for causing pollution from sewage treatment plants (STPs).

The 31st of December 2005 is the deadline by which the local authorities are obliged to have adequate sewage treatment systems in place. Local authorities may aspire to this, however from the information revealed in this research it would seem an unreasonable length of time considering the amount of work that has to be completed in the local authority in question. This situation is probably similar in other local authorities. It is an unreasonable length of time because during the 1980's and most of the 1990's there was very little financial assistance available to local authorities. The local authorities did very little forward planning at this time and then suddenly the economy started to change and a lot of development started to take place. The situation has now caught up with local authorities and they are not able to cope. There is a large time-frame between planning the up-grading of an STP and actually getting the STP up-graded. This is because it takes a long time to develop plans, and have them approved by the DOE. Contracts have to be tendered and contractors have to be appointed and then the work has to be carried out. It also has to be recognised that all the local authorities in the country are in the same situation, which will inevitably reduce the availability of contractors.

One way of solving the financial problem is to apply the "Polluter Pays Principle" which is to bring in water and sewerage charges. The government would have to legislate for this and considering there is a general election coming up in 2002, I do

not think that the government would have the courage to implement such legislation if they want to be re-elected next year.

4th. Another aspect that needs to be dealt with is the disposal of industrial wastewater to sewers. These discharges are licensed under Section 16 of the Local Government (Water Pollution) Acts, 1977 and 1990 or Section 85 of the EPA Act, 1992. However during this research, it was found that the register of discharge licences to sewers had not been reviewed in a very long time, and it is quite possible that there are discharges into the sewerage systems that are not licensed.

This is an important issue, as it is essential for a local authority that the characteristics of wastewater entering a sewage treatment plant does not affect the performance of the plant. If local authorities are not aware of the discharges into the treatment systems, they cannot be sure that the performance of the treatment plant will not be affected. It is also important that the costs incurred by local authorities in treating industrial wastewater are recouped under the “Polluter Pays Principle” which *inter-alia*, encourages industry to reduce the load entering the sewerage systems which would relieve some of the burden on sewage treatment plants which are already overloaded due to the booming economy.

It is essential that the local authority review their licensed discharges to sewers for a number of reasons:

- (1) Conditions may need to be changed on a discharge licence to ensure that the discharge is safe to enter the sewer system.
- (2) There are more than likely discharges, which the local authority should be licensing for example, hospitals, prisons, colleges, hotels, car washes, etc. No thought has gone into whether these premises should be licensed and there is no procedure in place for dealing with this.

It would be easier for local authorities to operate their treatment plants if they were aware of the likely influent.

5th. Another aspect of the proper operation of sewage treatment plants has to be the disposal of one of the end products, sewage sludge.

At the moment in the county where this research took place, a lot of sewage sludge from STPs and from septic tanks is disposed to agricultural land. There is no register

of the land or the landowners or the amount of land that is being used for this purpose. The compilation of such a register is essential and it should also contain the names and locations of the different STPs and the amount of sludge produced in each. In this way it would be possible to track the disposal route of the sludge and to ensure that it is disposed of in accordance with the Use of Sewage Sludge in Agriculture Regulations, 1991. It would also be necessary for the preparation of Nutrient Management Plans (NMPs) for the lands used for the disposal of this sludge.

6th. Next on the priority list of work which requires attention in the local authority in question is the whole area of water pollution control. This includes both monitoring and enforcement. At the moment in this local authority, the EPA are contracted to monitor the major rivers in the county on a regular basis, but the frequency is not in line with the level that complies with the regulations. This monitoring does not include some of the tributaries and the smaller streams that receive point source discharges from sewage treatment plants. This is a non-compliance under the Urban Wastewater Treatment Regulations, 1994, where the local authority is obliged to monitor the receiving waters of sewage treatment plant discharges where it is thought that the receiving water will be significantly affected. Due to the poor performance of a lot of the STPs, it would be fair to say that the receiving waters are being significantly affected. However there is no monitoring programme in place to monitor this situation. Although the EPA do a certain amount of monitoring, this is not adequate and there is also a significant time period between the EPA doing the monitoring and the local authority receiving the results. This means that the local authority cannot react to “hot spots” of pollution when they are actually occurring.

The EPA results may also highlight other areas where there may be serious pollution occurring due to farm activity etc, however, once again, the time lapse in receiving the results renders this situation nearly impossible to rectify because of the nature of the discharges (e.g. farmer releasing slurry).

If the local authority staff were carrying out the monitoring, they would have on-the-spot opportunities to assess where the pollution was emanating from and perhaps approach the offender. It is also important that the farming community is aware that the local authorities are active in enforcing their powers. Physical presence is a great deterrent. Another way of approaching this problem is to enhance the reporting structure between the EPA and the local authority. If criteria were set down that the

EPA would report all results to the local authority within two weeks of taking samples and if it comes to the EPA's attention that there is serious pollution occurring at a particular sampling point, they would contact the local authority immediately with the details.

The local authority can then react immediately to these situations. This could take the form of farm surveys, because at the moment the local authority works on a reactive basis by responding to complaints rather than a proactive basis. This brings us on into the area of the enforcement of Section 12 Notices under the Local Government (Water Pollution) Acts, 1977 and 1990. At the moment, these notices are issued following investigations, which are carried out after the local authority receives a complaint. If there were more resources available, these notices could be issued after farm surveys which would be a proactive approach. It is essential that follow-up procedures are carried out to assess if the work requested in the Section 12 Notices has been complied with. If the necessary work is not carried out, preparatory work for taking it a stage further to prosecution could be instigated. At the moment there are not enough resources available to do this. It should be noted that the local authority in question is committed to a co-operative approach and will only exercise its enforcement powers where other measures have not been successful.

At the moment, the local authority is not requesting the preparation of NMPs by farmers when the local authority is issuing Section 12 Notices under the Local Government Water Pollution Acts, 1997 and 1990.

The request for NMPs could benefit the local authority a great deal towards the statutory implementation of the Local Government (Water Pollution) Act, 1977 (Water Quality Standards for Phosphorous) Regulations, 1998. These regulations specify quality standards for the country's rivers and lakes that must be achieved by 31st December 2007. NMPs would also help to mitigate the impact of non-point sources of pollution.

As of now, the local authority where this research was undertaken does not have a procedure in place for dealing with NMPs. Sanctions have been strengthened so that local authorities can now make their own bye-laws and mandatory nutrient management planning where it is deemed necessary to safeguard and maintain the quality of watercourses. These powers should compliment the powers available under Section 12 of the Water Pollution Act, 1977 and 1990, however, the powers may be

there for the taking but no additional resources have been provided to implement them.

If resources were available however, the introduction of bye-laws would help to target specific problems in specific geographical areas. The county where this research was carried out is mainly an agricultural area and the watercourses could be in great danger of being contaminated by agricultural activities. If bye-laws were introduced, this would alleviate some of the threats. It is not difficult for a local authority to draw up bye-laws, but it would prove highly taxing, both financially and on manpower resources to ensure that the bye-laws are being enforced properly. Enforcement of any such bye-laws would be out of the question at the moment in this local authority. If resources were made available they should certainly be enforced.

Nutrient management planning is recognised as a key tool in curtailing nutrient losses from agriculture. It involves a planned approach to the control and safe use of nutrients from all sources on the farm. Crop nutrient application levels are brought into line with crop requirements so that losses to the environment are minimised. In the county in question, there are areas in which soil phosphorous levels are adequate and in some cases perhaps more than adequate. If phosphorous is applied to these lands there is a potential for phosphate entrapment in run-off, which presents a risk to the water quality in that area.

If farmers are requested to submit NMPs, it will not only help to prevent phosphorus run-off as mentioned above, but it will also benefit the farmers due to the saving of money (up to £20 per acre) by ensuring the application of the correct amount and type of chemical fertiliser onto their land.

The necessity to reduce phosphorus in waters and the benefits of having a NMP prepared needs to be highlighted to the farming community. This could take the form of the development of an educational programme that would include the stakeholders i.e. Irish Farmers Association, Teagasc, Farm Development Services, etc.

7th. The next point that needs to be addressed is the existence of European Sites. During this research, not one of the people who completed the questionnaire knew what a European Site was, so any questions relating to this were not answered. There is an onus on a local authority to request an EIS when assessing an application for a water pollution licence if it is thought that the operation or activity in question may adversely affect a European Site. How can this statutory obligation be implemented

when nobody is aware of what a European Site is? All European Sites in the county should be listed.

Chapter Seven

Draft EMS appropriate for Local Authorities

7.1 Introduction

Local authorities have a wide range of statutory obligations with which they have to comply with. During this research it was highlighted that the local authority in question was performing poorly in relation to its statutory obligations and the situation is probably similar throughout the country. This may have been acceptable in the past but not any more, information is now freely available in the public domain due to the enactment of the Freedom of Information Act in 1998. Local authorities are coming under pressure to be transparent and accountable for their actions, which is why the non-compliant structure of the moment cannot be sustained.

No local authority will want to justify non-compliances because of the threat of legal proceedings or worse still, the withdrawal of funding or the closures of activities.

The installation of an EMS into a local authority could overcome these problems. However, it has to be recognised that there may be difficulties experienced when trying to implement an EMS in a local authority due to the fact that most local authorities have no previous experience in dealing with management systems. An EMS demands commitment and co-operation from all employees. This could be difficult to obtain in the local authority structure due to the fact that local authority activities are spread throughout their jurisdiction, which makes the activities difficult to monitor and control. Local authorities also have the difficulty that they impact on the environment in many indirect ways. For example a local authority is obliged to prevent pollution emanating from farms, but because of the level of farm activity this is very difficult to enforce.

The following is an example of what is required for a draft EMS, which would be appropriate for implementation in a local authority.

7.2 EMS format

An EMS should contain the following:

Figure 3: Main elements of an EMS.



Each of these items should contain the following basic components.

7.3 Environmental Policy:

This is a statement by the organisation of its intention and principles in relation to its overall environmental performance. It should include commitment and leadership from top management. In a local authority this would mean that the County Manager and the Elected Members would have to be committed to the process of environmental management if it is to succeed. However it will be necessary first to make the Elected Members and management aware of what is involved in an EMS

and the benefits that can be obtained by implementing an EMS, so that they will be fully supportive of the undertaking.

It should include a commitment to continual improvement and prevention of pollution.

A commitment to comply with relevant environmental legislation and regulations.

Provide a framework for setting and reviewing environmental objectives and targets.

At the moment the local authority structure is changing and Directors of Services are being appointed at a grade cognate to the County Engineer grade. These Directors will support strategic policy committees (SPCs) who will assist the council in the formulation and development of policy. There will be a number of these SPCs covering all the sections in the local authority. These committees should provide better opportunities for reviewing the development of a suitable environmental policy and the setting of suitable objectives and targets.

7.4 Environmental Review:

An environmental review should identify the organisation's legislative and regulatory requirements. In this research, the EPA management system was used for this purpose.

The review should also perform a SWOT analysis, which are the strengths and weaknesses of the organisation and the opportunities and threats to the organisation.

It should identify significant environmental aspects and it should examine all existing environmental management practices and procedures.

This review of information establishes the context in which the objectives and targets can be defined.

7.5 Objectives and Targets:

It is imperative that the objectives and targets reference legislative and regulatory obligations and that they are consistent with the corporate environmental policy and continual improvement. Objectives and targets should be realistic and not over ambitious. At all times, objectives and targets should be quantifiable and specify a time scale for the improvement to be achieved. Information on how well the objectives and targets are being implemented should be documented on an on-going basis so that this information will be available at the audit and review stage of the

EMS. This way it will be possible to assess if the objectives and targets are being met.

Objectives and targets should be periodically reviewed and revised, and should take into consideration the views of interested parties. The new local authority structure is not yet implemented but it is thought that when operational the SPCs will be in the best position to set relevant objectives and targets for the sections they are representing.

Examples of objectives and targets that would be required by the wastewater sector of a local authority have been highlighted during this research and they are as follows:

Objective 1.

To develop awareness of the level of responsibility of each individual within the wastewater section of the local authority.

Target:

To develop a defined organisational structure in the wastewater section of the local authority within a period of nine months.

Project summary:

- 1(a) A survey will be carried out to review the existing organisational structure in the wastewater section.
- 1(b) The organisational structure will be developed so that each individual will be given defined responsibilities.
- 1(c) An organisational chart will be developed, stating the level of responsibility that each individual has. This chart will be displayed in a prominent location in the wastewater section of the local authority.
- 1(d) Develop a procedure to review all relevant legislation, EPA guidelines and reports regularly, so that additional or new responsibilities can be allocated to staff.

Objective 2.

To develop a training programme to train members of staff and Councillors on what is required to implement an EMS successfully.

Target: To set up a training programme to aid the implementation of an EMS within a period of six months.

Project summary:

- 2(a) The training needs will be addressed by looking at the requirements of an EMS and looking at the staff and the work carried out in the normal functioning of the wastewater section of the local authority.
- 2(b) A timetable for the training programme will be drawn up.
- 2(c) Senior management and Councillors will be trained first on the purpose of an EMS. Special emphasis will be placed on the responsibilities and the level of commitment required from senior management. The aspect of auditing should also be addressed at this session.
- 2(d) The remainder of the staff in the wastewater section will be trained on EMSs and on what will be required of them to implement an EMS successfully. Areas that should be addressed at this session are specific technical training and legal obligations.

Objective 3.

To achieve compliance with Section 4 of the Urban Wastewater Regulations, 1994

Target: To ensure that all STP effluent being discharged to watercourses are at the standards stated in the Urban Wastewater Treatment Regulation within a period of seven years.

Project summary.

- 3(a) A survey of the level of treatment being achieved by the STPs in the county will be carried out.
- 3(b) Problems with the STPs will be identified starting with the plants that are having the greatest polluting impact on the environment
- 3(c) A programme of work will be drawn up and carried out, so that the STPs will provide the level of treatment required.
- 3(d) Contractors will be employed to carry out the necessary work.

- 3(e) A review of the treatment plants will be carried out after the work has been completed, to assess the results of the work.
- 3(f) Monitoring will be carried out to assess the performance of the STPs against the standards required.

Objective 4.

To achieve compliance with S.I. No. 183 of 1991. European Communities (Use of Sewage Sludge in Agriculture) Regulations, 1991.

Target: To ensure that all sludge is disposed of in an appropriate way within a period of one year.

Project summary:

- 4(a) Develop a register of all the STPs in the county. The information in this register should contain details of location, type of plant, quantity of sludge produced at the plant, disposal route of sludge etc.
- 4(b) Review this information and assess the existing disposal routes of sludge and ascertain if these disposal routes are in compliance with the regulations.
- 4(c) Develop a plan to rectify the problem of non-compliance and activate this plan to achieve compliance.

Objective 5.

To achieve compliance with S.I. No. 108 of 1978 Local Government (Water Pollution) Regulation, 1978. This is to ensure that the discharge licences to sewers are reviewed in accordance with the aforementioned regulations.

Target: To obtain full compliance with this objective within one year.

Project summary:

- 5(a) The register of licences to sewers will be reviewed to assess how many licences are in operation and when they were last reviewed.

- 5(b) Licences which have not been reviewed within the last three years will be reviewed in accordance with the procedure for licence review.
- 5(c) Copies of the reviewed licences will be placed in the register of discharge licences to sewers

There are many other objectives and targets which need to be developed in the wastewater section of the local authority, however it is not within the scope of this research to develop these.

7.6 Environmental Management Programme.

The purpose of an environmental management programme is to ensure that the environmental objectives and targets are achieved.

An environmental management programme should address resources, responsibilities, schedules for training, procedures, documentation, data collection, reporting and auditing.

It is **not** within the scope of this research to develop an actual environmental management programme.

However it is important to prioritise the elements of a programme which would need attention in a local authority structure.

This research has shown that there is a lack of awareness throughout the organisation, so to raise awareness, especially among senior management, would be extremely important if a local authority were aiming to be compliant with the legislation.

It is also important that the Elected Members are made aware of how important it is for a local authority to be compliant with the legislation, because it would be difficult for a local authority to justify the expenditure on an EMS if the Elected Members are not aware of the necessity for an EMS.

Elements of an environmental management programme:

1. Resources:

It will be necessary for the local authority to look at the need for additional resources and to provide the additional resources if required, so that the programme can be delivered.

2. Responsibilities:

This research also showed that the level of responsibility assigned to individuals was not clear as both the technical and administrative sections were claiming ownership to some items. However, if information was available in the public domain about non-compliances, this situation could change rapidly as it is likely that no-one will want to be responsible for a non-compliant operation.

To establish and maintain an EMS and to ensure that the environmental policy and objectives are achieved, the local authority must develop an effective organisational structure. Duties and responsibilities must be clearly defined for all employees. All employees should be aware of all environmental legislation relevant to their role. It is necessary to appoint a management representative to ensure effective co-ordination of all environmental activities within the EMS.

3. Team work:

Teamwork is an essential part of a programme. In the local authority structure, the idea of teamwork is not prevalent. A lot of local authorities are divided in two, that is the administrative side and the engineering/technical side. This structure does not lend itself very well to environmental management or teamwork. It is important that the organisation works as one because an environmental management programme requires co-operation from every section in the local authority if it is going to work properly. It is not normal practice for members of all the different sections in the local authority to get together and discuss issues. In the new local authority structure the SPCs should provide the framework for discussion of different issues.

4. Training:

It will be essential that adequate training is provided in the local authority for the running of an environmental management programme. Training should ensure that all employees, whose work can have a significant impact on the environment, undertake the appropriate level of training. Training should also help to raise awareness. It would be necessary to include the Elected Members in the training sessions, as it would help them understand what is involved in an EMS.

5. Procedures:

For this research, a number of procedures have been drafted. (Copies of these procedures are presented in Appendix 3).

6. Documentation:

Operational processes and procedures should be defined and appropriately documented and updated as necessary.

The existence of EMS documentation supports employee awareness of what is required to achieve the organisation's environmental objectives and enables the evaluation of the system and environmental performance.

7. Data collection:

The organisation must establish a system for monitoring and measuring its actual performance vis-à-vis its environmental objectives and targets. This includes evaluation of compliance with relevant environmental legislation and regulations. The results should be analysed to identify activities requiring corrective action. An example of this could be the collection of data under the Urban Wastewater Treatment Regulation (i.e. monitoring results from the STPs should be checked against the standards laid down in the Urban Wastewater Treatment Regulations).

8. Reporting:

This includes establishing processes to report internally and where required externally on environmental activities of the organisation. Provision of appropriate information to the organisation's employees and other interested parties serves to motivate employees and encourage public understanding and acceptance of the organisation's efforts to improve its environmental performance.

This could help local authorities redeem themselves in the public eye and improve their public image. It could also improve the internal situation in local authorities. At the moment, reports are often let sit for weeks or longer before they are dealt with, which means the information may not get to the right place at the right time.

9. Auditing:

An audit of the EMS should be carried out periodically to determine whether the system is working properly and if it is being implemented and maintained.

The frequency of audits should be guided by the nature of the organisation and also the results of previous audits should be considered in determining frequency.

In this research, the focus is on the wastewater sector of a local authority, which has a high potential to pollute. When setting the frequency of auditing, this should be taken into consideration. The persons carrying out the audit should be able to do so objectively and impartially and they should have proper training.

10. Non-conformance and corrective and preventive action.

An EMS requires a system to identify non-conformances and track corrective and preventive actions. Most organisations experience environmental non-conformances, especially during the early stages of EMS implementation. (e.g. where a discharge from an STP is above the standards laid down in the Urban Wastewater Regulations or where the frequency of monitoring of a STP is not at the recommended level).

It is important to identify the causes of the non-compliance (perhaps the STP had a shock load that killed the organisms in the aeration basin, which lead to a bad effluent quality).

An action plan should be drawn up to correct the non-compliances and initiate preventative action to prevent a recurrence.

It is important that there is a systematic follow-up to ensure the preventative actions are effective.

7.7 Management Review:

The management review should provide a periodic opportunity for the senior management of the local authority to assess the continuing suitability, relevance and effective of the EMS policy and objectives in the light of changing circumstances, the organisation commitment to continual improvement and to initiate any necessary changes.

The review should consider any recommendations that have been made in environmental audits and reports.

7.8 Environmental Statement

The preparation of the environmental statement is the chief feature, which distinguishes the EMAS Regulation from ISO 14001. The environmental statement is formulated to be read and understood by the general public and because of this, it

must be written in a concise and comprehensible form. An Accredited Environmental Verifier must validate it. A full environmental statement is required for each audit cycle. For local authorities, an environmental statement will be necessary because of the EPA requirements and the availability of information in the public domain in relation to local authorities statutory performance. However the environmental statement for local authorities is not compulsory unless they decide to implement EMAS (Bouchier, K. & Higgins, G. & Walsh, G., 1998).

Chapter 8

Conclusion

It can be concluded from this research that compliance with statutory obligations within this local authority leaves considerable room for improvement. However this lack of compliance is not unique to this local authority.

Failure to achieve compliance with statutory obligations has arisen because of the following:

Lack of awareness of statutory obligations.

Lack of resources.

Poorly defined structure of responsibility and accountability within this local authority.

Little or no public accountability until the enactment of the Freedom of Information Act, 1998.

The gravity of the task facing this local authority should not be underestimated. The lack of awareness can be addressed through the implementation of the EPA management system. The system provides a comprehensive library of statutory environmental protection responsibilities, which will enable staff to become familiar with the statutory obligations of a local authority. It was found also to provide a tool for meeting statutory obligations through a series of checklist questions which highlighted if a local authority was in compliance or not.

The system provided a way of producing sectoral reports which can be submitted to the EPA to aid the production of annual reports which the EPA are obliged to prepare. These sectoral reports will standardise the system of reporting to the EPA across all local authorities. The EPA management system establishes part of the basic framework for an EMS.

If an EMS were implemented, it would be a big step towards ensuring compliance with statutory requirements. However, if adequate resources are not available it will not be possible to implement an EMS. To provide adequate resources demands

financial commitment and this is not always available in the local authority structure. One way of providing additional finance is to adopt the 'Polluter Pays Principle.' This could be undertaken by introducing domestic water and sewerage charges. This could be difficult, as there would be a lot of opposition to these charges from the public. Another way of addressing the resource problem is to prioritise the workload. This may involve changing the focus of the work carried out by individuals.

This change in responsibilities can be incorporated into the development of a defined responsibility structure. In the new local authority structure, the Strategic Policy Committees should provide the opportunity for the development of a suitable responsibility structure for the wastewater section. It is necessary to have a proper structure in place if the local authority wants to achieve its environmental policy and its objectives and targets.

To ensure that this structure is put in place awareness training will have to be provided for all grades of staff and for the Elected Members. In addition, there is also a need for on-going commitment from all the staff and the Elected Members to ensure that the environmental policy is achieved.

Implementation of an EMS would provide the local authority with the opportunity to publish an environmental statement, which would show the public that the local authority is committed to environmental improvement.

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Appendix 1

Appendix 1

The following is a copy of the paper-based version of the EPA management system, which was used in this research. The replies that were obtained are also included.

Abbreviations used in appendix one:

Co. Eng. = County Engineer, SEE = Senior Executive Engineer, E/T = Environmental Technician, SSO = Senior Staff Officer, EHO = Environmental Health Officer, SS = Sanitary Services section, ENV = Environment Section, HB = Health Board. Co Sec = County Secretary, Co Mngr = County Manager.

Summary of Responsibilities of Wastewater Sector

<i>Checklist Ref.</i>	<i>CODE</i>	<i>RESPONSIBILITY/POWER</i>	<i>Individual Responsible</i>	<i>Comments</i>
	WW1	ORGANISATIONAL MATTERS		
	WW1(a)	Environmental Protection Agency		
<i>N/A</i>	WW1(a)(i)	Have regard to any information, advice, recommendations from the EPA (EPA Act, 1992)	SEE in Env. and S/S	
<i>Q1</i>	WW1(a)(ii)	If requested by the EPA, provide a report on performance of its statutory functions (EPA Act, 1992)	SEE / Co. Eng.	
<i>N/A</i>	WW1(a)(iii)	Take into account any quality objectives in relation to any environmental medium, published by the Agency (EPA Act, 1992)	SEE in Env.	
<i>N/A</i>	WW1(a)(iv)	If consultation with the Agency is required prior to carrying out certain functions, regard shall be made to the views of the Agency (EPA Act, 1992)	SEE in Env. and S/S	
	WW1(b)	Authorised Persons		
<i>Q8</i>	WW1(b)(i)	The Manager shall appoint authorised officers (Local Government (Sanitary Services) Act, 1962)	Co. Sec.	
	WW1(c)	Monitoring & Inspections		

<i>Checklist Ref.</i>	<i>CODE</i>	<i>RESPONSIBILITY/POWER</i>	<i>Individual Responsible</i>	<i>Comments</i>
<i>Q1, Q2</i>	<i>WW1(c)(i)</i>	Carry out or arrange for monitoring to determine compliance with conditions attached to a licence to discharge trade effluent or sewage effluent containing a harmful substance to an aquifer and to determine the effects of a discharge on water in an aquifer (S.I. No. 271 of 1992).	<i>SEE and E/T in Env.</i>	
<i>Q1, Q2</i>	<i>WW1(c)(ii)</i>	Shall carry out or cause to be carried out or arrange for monitoring of waters and discharges of trade effluents and sewage effluents and other matters to waters or sewers or collect or cause to be collected information necessary (Local Government (Water Pollution) Act, 1977, S.I. No. 117 of 1977)	<i>SEE and E/T in Env.</i>	
<i>Q1, Q2</i>	<i>WW1(c)(iii)</i>	Carry out or arrange for compliance monitoring regarding effluent discharges from industrial plants handling more than 100 kg of raw asbestos per year (S.I. No. 31 of 1990)	<i>SEE and E/T in Env.</i>	
<i>N/A</i>	<i>WW1(c)(iv)</i>	As an authorised person may enter premises or vessels for the purposes of these regulations (Local Government (Water Pollution) Act, 1977, S.I. No. 117 of 1977)	<i>SEE and E/T in Env.</i>	
<i>N/A</i>	<i>WW1(c)(v)</i>	Make inspections of their district to identify nuisances which should be abated (Public Health (Ireland) Act, 1878)	<i>EHO in the H.B.</i>	
<i>N/A</i>	<i>WW1(c)(vi)</i>	Authorised Officers may inspect premises for the purposes of this Act (Local Government (Sanitary Services) Act, 1962)	<i>EHO in the H.B.</i>	

<i>Checklist Ref.</i>	<i>CODE</i>	<i>RESPONSIBILITY/POWER</i>	<i>Individual Responsible</i>	<i>Comments</i>
<i>Q3, Q4</i>	<i>WW1(c)(vii)</i>	Carry out or cause to carry out monitoring of discharges from urban waste water treatment plants (S.I. No. 419 of 1994)	<i>SEE and E/T in S/S</i>	
<i>Q5</i>	<i>WW1(c)(viii)</i>	Transmit results of monitoring of discharges from urban waste water treatment plants to the EPA, as required (S.I. No. 419 of 1994)	<i>E/T</i>	
<i>Q6, Q7</i>	<i>WW1(c)(ix)</i>	Sanitary authorities shall monitor effluent to waters from plant, sewers and drainage pipes which they control (EPA Act, 1992).	<i>SEE and E/T in S/S</i>	
	<i>WW2</i>	REGISTERS		
	<i>WW2(a)</i>	Register of Licences		
<i>Q9, Q10, Q11</i>	<i>WW2(a)(i)</i>	Establish a register of all licences to discharge trade effluent or sewage effluent granted (Local Government (Water Pollution) Act, 1977, S.I. No. 296 of 1977)	<i>SSO in S/S</i>	
<i>Q9, Q10, Q11</i>	<i>WW2(a)(ii)</i>	Establish a register of all licences to discharge to sewer granted (Local Government (Water Pollution) Act, 1977, S.I. No. 296 of 1977)	<i>SSO</i>	
<i>N/A</i>	<i>WW2(a)(iii)</i>	Register of Licences shall be in the form and contain particulars specified in the Second Schedule of these Regulations (S.I. 108 of 1978)	<i>SSO</i>	
<i>N/A</i>	<i>WW2(a)(iv)</i>	Charge of fee for entry in the Register of Licences (S.I. No. 271 of 1992)	<i>SSO</i>	

<i>Checklist Ref.</i>	<i>CODE</i>	<i>RESPONSIBILITY/POWER</i>	<i>Individual Responsible</i>	<i>Comments</i>
	WW2(b)	Inspection of Registers		
<i>N/A</i>	<i>WW2(b)(i)</i>	Each register shall be open for inspection by any person (Local Government (Water Pollution) Act, 1977, S.I. No. 296 of 1977)	<i>SSO</i>	
<i>N/A</i>	<i>WW2(b)(ii)</i>	Copies of entries should be provided on payment of a fee (Local Government (Water Pollution) Act, 1977, S.I. No. 296 of 1977)	<i>SSO</i>	
	WW3	LICENSING		
	WW3(a)	Licenses to Discharge Trade or Sewage Effluent		
<i>Q17</i>	<i>WW3(a)(i)</i>	May grant a licence to discharge trade effluent or sewage effluent (Local Government (Water Pollution) Act, 1977, S.I. No. 296 of 1977)	<i>SEE in Env.</i>	
<i>Q17</i>	<i>WW3(a)(ii)</i>	May grant or refuse a licence to discharge trade effluent or sewage effluent (Local Government (Water Pollution) Act, 1977, S.I. No. 296 of 1977)	<i>SEE in Env.</i>	
<i>N/A</i>	<i>WW3(a)(iii)</i>	May require an applicant for a licence to discharge trade or sewage effluent to publish further notice (S.I. 108 of 1978)	<i>SEE, SSO in Env.</i>	
<i>N/A</i>	<i>WW3(a)(iv)</i>	May require an applicant for a licence to discharge trade or sewage effluent to furnish further information (S.I. 108 of 1978)	<i>SEE, SSO in Env.</i>	
<i>N/A</i>	<i>WW3(a)(v)</i>	May grant or refuse a licence to discharge trade or sewage effluent notwithstanding that the information requested has not been furnished (S.I. 108 of 1978)	<i>SEE in Env.</i>	

<i>Checklist Ref.</i>	<i>CODE</i>	<i>RESPONSIBILITY/POWER</i>	<i>Individual Responsible</i>	<i>Comments</i>
<i>Q19</i>	<i>WW3(a)(vi)</i>	Local authority may carry out investigations for a licence to discharge trade or sewage effluent (S.I. 108 of 1978)	<i>SEE in Env.</i>	
<i>N/A</i>	<i>WW3(a)(vii)</i>	Application for a licence to discharge trade or sewage effluent should be available for public inspection (S.I. 108 of 1978)	<i>SSO in Env. or in S/S</i>	
<i>N/A</i>	<i>WW3(a)(viii)</i>	Have regard to the Water Quality Management Plan when considering granting a licence discharge trade effluent or sewage effluent (Local Government (Water Pollution) Act, 1977, S.I. No. 296 of 1977)	<i>SEE in Env.</i>	
<i>Q20</i>	<i>WW3(a)(ix)</i>	Shall not grant licence to discharge trade effluent or sewage effluent if discharge would result in waters not complying with any relevant standard (Local Government (Water Pollution) Act, 1977, S.I. No. 296 of 1977)	<i>SEE in Env.</i>	
<i>N/A</i>	<i>WW3(a)(x)</i>	May attach conditions it thinks appropriate to a licence to discharge trade effluent or sewage effluent (Local Government (Water Pollution) Act, 1977, S.I. No. 296 of 1977)	<i>SEE in Env.</i>	
<i>N/A</i>	<i>WW3(a)(xi)</i>	Determine an application for a licence to discharge trade or sewage effluent within two months (S.I. 108 of 1978)	<i>SEE in Env. or in S/S</i>	
<i>N/A</i>	<i>WW3(a)(xii)</i>	Licence to discharge trade or sewage effluent shall be in the form specified in the Second Schedule (S.I. 108 of 1978)	<i>SEE in Env. SSO in S/S</i>	

<i>Checklist Ref.</i>	<i>CODE</i>	<i>RESPONSIBILITY/POWER</i>	<i>Individual Responsible</i>	<i>Comments</i>
<i>N/A</i>	<i>WW3(a)(xiii)</i>	Give notice of grant or refusal of a licence to discharge trade or sewage effluent (S.I. 108 of 1978)	<i>SSO in Env.</i>	
<i>N/A</i>	<i>WW3(a)(xiv)</i>	Where regulations are made regarding specific classes of effluent or specific waters the local authority shall grant or refuse a licence to discharge trade effluent or sewage effluent as soon as may be after the regulations are made (Local Government (Water Pollution) Act, 1977, S.I. No. 296 of 1977)	<i>SEE, SSO in Env.</i>	
<i>Q18</i>	<i>WW3(a)(xv)</i>	Review a licence to discharge trade effluent or sewage effluent at intervals of not less than 3 years (Local Government (Water Pollution) Act, 1977, S.I. No. 296 of 1977)	<i>SEE, SSO in Env.</i>	
<i>N/A</i>	<i>WW3(a)(xvi)</i>	Give notice to licence applicant and general public when intending to review a licence to discharge trade or sewage effluent (S.I. 108 of 1978)	<i>SSO</i>	
<i>N/A</i>	<i>WW3(a)(xvii)</i>	Documentation relating to a review of a licence to discharge trade or sewage effluent should be available for public inspection (S.I. 108 of 1978)	<i>SSO</i>	
<i>N/A</i>	<i>WW3(a)(xviii)</i>	May complete a review of a licence to discharge trade or sewage effluent where a person has not submitted further information requested by the Local Authority within 3 months (S.I. 108 of 1978)	<i>SEE in Env.</i>	
<i>N/A</i>	<i>WW3(a)(xix)</i>	Give notice on completion of a review of a licence to discharge trade or sewage effluent (S.I. 108 of 1978)	<i>SSO in Env.</i>	

<i>Checklist Ref.</i>	<i>CODE</i>	<i>RESPONSIBILITY/POWER</i>	<i>Individual Responsible</i>	<i>Comments</i>
	WW3(b)	Licences to Discharge to Sewers		
Q17	WW3(b)(i)	May refuse a licence to discharge to sewer (Local Government (Water Pollution) Act, 1977, S.I. No. 296 of 1977)	SEE in S/S	
Q17	WW3(b)(ii)	May grant a licence to discharge to sewer subject to conditions (Local Government (Water Pollution) Act, 1977, S.I. No. 296 of 1977)	SEE in S/S	
N/A	WW3(b)(iii)	When considering granting a licence to discharge to sewer, have regard to objectives contained in any relevant Water Quality Management Plan (Local Government (Water Pollution) Act, 1977, S.I. No. 296 of 1977)	SEE in S/S	
N/A	WW3(b)(iv)	Shall not grant a licence to discharge to sewer if the discharge of a trade effluent would not comply with the relevant standards (Local Government (Water Pollution) Act, 1977, S.I. No. 296 of 1977)	SEE in S/S	
Q19	WW3(b)(v)	Sanitary authority may carry out investigations for a licence to discharge to sewers (S.I. 108 of 1978)	SEE in S/S	
N/A	WW3(b)(vi)	May grant or refuse a licence to discharge to sewer notwithstanding that the information requested has not been furnished (S.I. 108 of 1978)	SEE in S/S	
N/A	WW3(b)(vii)	Licence to discharge to sewer shall be in the form specified in the Second Schedule (S.I. 108 of 1978)	SEE, SSO in S/S	

<i>Checklist Ref.</i>	<i>CODE</i>	<i>RESPONSIBILITY/POWER</i>	<i>Individual Responsible</i>	<i>Comments</i>
<i>N/A</i>	<i>WW3(b)(viii)</i>	Determine an application for a licence to discharge to sewers within two months (S.I. 108 of 1978)	<i>SEE, SSO in S/S</i>	
<i>N/A</i>	<i>WW3(b)(ix)</i>	Give notice of grant or refusal of a licence to discharge to sewer (S.I. 108 of 1978)	<i>SSO in S/S</i>	
<i>N/A</i>	<i>WW3(b)(x)</i>	Where regulations are made regarding specific classes of effluent or specific waters the local authority shall grant or refuse a licence to discharge to sewer as soon as may be after the regulations are made (Local Government (Water Pollution) Act, 1977, S.I. No. 296 of 1977)	<i>SEE, SSO in S/S</i>	
<i>Q18</i>	<i>WW3(b)(xi)</i>	May review a licence to discharge to sewer at any time but at intervals of not less than three years (Local Government (Water Pollution) Act, 1977, S.I. No. 296 of 1977)	<i>SSO, SEE in S/S</i>	
<i>N/A</i>	<i>WW3(b)(xii)</i>	Give notice of intention to review a licence to discharge to sewer (S.I. 108 of 1978)	<i>SSO in S/S</i>	
<i>N/A</i>	<i>WW3(b)(xiii)</i>	May complete a review of a licence to discharge to sewer where a person has not submitted further information requested by the Local Authority within 3 months (S.I. 108 of 1978)	<i>SEE</i>	
<i>N/A</i>	<i>WW3(b)(xiv)</i>	Give notice on completion of a review of a licence to discharge to sewer (S.I. 108 of 1978)	<i>SSO</i>	
	<i>WW3(c)</i>	Licences to Discharge to an Aquifer		
<i>Q17</i>	<i>WW3(c)(i)</i>	A licence application in respect of sewage effluent or trade effluent containing a harmful substance which is discharged to an aquifer should be accompanied by results of a prior investigation unless the local authority is satisfied that the harmful substance is present in so small a quantity as to obviate deterioration in the quality of the water (S.I. No. 271 of 1992)	<i>SEE in Env.</i>	

<i>Checklist Ref.</i>	<i>CODE</i>	<i>RESPONSIBILITY/POWER</i>	<i>Individual Responsible</i>	<i>Comments</i>
<i>N/A</i>	<i>WW3(c)(ii)</i>	Take into account prior investigations when granting or refusing a licence to discharge sewage effluent or trade effluent containing a harmful substance to an aquifer (S.I. No. 271 of 1992)	<i>SEE in Env.</i>	
<i>N/A</i>	<i>WW3(c)(iii)</i>	May specify conditions in a licence to discharge sewage effluent or trade effluent containing a harmful substance to an aquifer requiring a standard different to the quality standard prescribed in these Regulations (S.I. No. 271 of 1992)	<i>SEE in Env.</i>	
<i>Q17</i>	<i>WW3(c)(iv)</i>	May attach conditions to a licence to discharge sewage effluent or trade effluent containing a harmful substance to an aquifer (S.I. No. 271 of 1992)	<i>SEE in Env.</i>	
<i>Q18</i>	<i>WW3(c)(v)</i>	Review licences to discharge sewage effluent or trade effluent containing a harmful substance to an aquifer at intervals of not more than 4 years (S.I. No. 271 of 1992)	<i>SEE, SSO in Env.</i>	
	<i>WW3(d)</i>	Licences to Discharge EDC, TRI, PER and TCB Discharges		
<i>Q17</i>	<i>WW3(d)(i)</i>	In granting a licence regarding EDC, TRI, PER and TCB discharges ensure best technical means are used (S.I. No. 245 of 1994)	<i>SEE in Env.</i>	
<i>Q18</i>	<i>WW3(d)(ii)</i>	Review licences regarding EDC, TRI, PER and TCB discharges at least every 4 years (S.I. No. 245 of 1994)	<i>SEE/SSO</i>	
<i>Q20</i>	<i>WW3(d)(iii)</i>	Ensure the granting of a licence regarding EDC, TRI, PER and TCB discharges will not result in an increase in the pollution (S.I. No. 245 of 1994)	<i>SEE in Env. and S/S</i>	

<i>Checklist Ref.</i>	<i>CODE</i>	<i>RESPONSIBILITY/POWER</i>	<i>Individual Responsible</i>	<i>Comments</i>
	WW3(e)	Licences to Discharge Carbon Tetrachloride, DDT and Pentachlorophenol Discharges		
<i>Q17</i>	<i>WW3(e)(i)</i>	In granting a licence regarding Carbon Tetrachloride, DDT and Pentachlorophenol discharges ensure best technical means are used (S.I. No. 43 of 1994)	<i>SEE in Env. and S/S</i>	
<i>Q18</i>	<i>WW3(e)(ii)</i>	Review licences regarding Carbon Tetrachloride, DDT and Pentachlorophenol discharges at least every 4 years (S.I. No. 43 of 1994)	<i>SEE in Env. and S/S</i>	
<i>Q20</i>	<i>WW3(e)(iii)</i>	Ensure as far as possible in the granting of a licence regarding Carbon Tetrachloride, DDT and Pentachlorophenol discharges will not result in an increase in the pollution by these substances of other environmental media (in particular soil and air) (S.I. No. 43 of 1994)	<i>SEE in Env. and S/S</i>	
	WW3(f)	Licences to Discharge Aldrin, Dieldrin, Isodrin, HCB, HCBd and CHCl₃ Discharges		
<i>Q17</i>	<i>WW3(f)(i)</i>	In granting a licence regarding Aldrin, Dieldrin, Isodrin, HCB, HCBd and CHCl ₃ discharges ensure best technical means are used (S.I. 348 of 1993)	<i>SEE in Env.</i>	
<i>Q18</i>	<i>WW3(f)(ii)</i>	Review licences regarding Aldrin, Dieldrin, Isodrin, HCB, HCBd and CHCl ₃ discharges at least every 4 years (S.I. 348 of 1993)	<i>SEE in S/S</i>	
<i>Q20</i>	<i>WW3(f)(iii)</i>	Ensure as far as possible in the granting of a licence regarding Aldrin, Dieldrin, Isodrin, HCB, HCBd and CHCl ₃ discharges will not result in an increase in the pollution by these substances of other environmental media (in particular soil and air) (S.I. 348 of 1993)	<i>SEE in Env. and S/S</i>	
	WW3(g)	Licences to Discharge Trade Effluent where Cadmium is Used, Produced or Present		

<i>Checklist Ref.</i>	<i>CODE</i>	<i>RESPONSIBILITY/POWER</i>	<i>Individual Responsible</i>	<i>Comments</i>
<i>Q17</i>	<i>WW3(g)(i)</i>	In granting a licence to discharge trade effluent to waters from a plant where cadmium is used, produced or present the authority must ensure that best technical means are used (S.I. No. 294 of 1985)	<i>SEE in Env.</i>	
<i>Q17</i>	<i>WW3(g)(ii)</i>	In granting a licence to discharge trade effluent to sewers from a plant where cadmium is used, produced or present the authority must ensure that best technical means are used (S.I. No. 294 of 1985)	<i>SEE in S/S</i>	
<i>Q18</i>	<i>WW3(g)(iii)</i>	Review licence in respect of the discharge to sewers of trade effluent arising from a plant where cadmium is used, produced or present, at least every 4 years	<i>SEE in S/S</i>	
<i>Q20</i>	<i>WW3(g)(iv)</i>	Review licence in respect of the discharge to waters of trade effluent arising from a plant where cadmium is used, produced or present, at least every 4 years	<i>SEE in Env.</i>	
	WW3(h)	Licences to Discharge from Industrial Plants Handling more than 100 kg of Raw Asbestos Per Year		
<i>Q17</i>	<i>WW3(h)(i)</i>	In granting to industrial plants handling more than 100 kg of raw asbestos per year, a licence to discharge to waters or sewer the authority shall ensure best available technology is used (S.I. No. 31 of 1990)	<i>SEE in Env. and S/S</i>	
<i>N/A</i>	<i>WW3(h)(ii)</i>	In the case of industrial plant manufacturing asbestos cement the authority shall ensure that all aqueous effluent is recycled where economically feasible (S.I. No. 31 of 1990)	<i>SEE in Env. and S/S</i>	

<i>Checklist Ref.</i>	<i>CODE</i>	<i>RESPONSIBILITY/POWER</i>	<i>Individual Responsible</i>	<i>Comments</i>
<i>N/A</i>	<i>WW3(h)(iii)</i>	In the case of industrial plant manufacturing asbestos cement where it is not economically feasible to recycle all aqueous effluent the authority shall ensure that specific conditions are attached to a licence to discharge to waters or sewers (S.I. No. 31 of 1990)	<i>SEE in Env. and S/S</i>	
<i>N/A</i>	<i>WW3(h)(iv)</i>	In the case of industrial plant manufacturing asbestos paper or board, if the effluent is produced during routine cleaning or maintenance the authority may grant a licence to discharge specifying a limit not exceeding 30 grams of suspended matter per m ³ of water (S.I. No. 31 of 1990)	<i>SEE in Env. and S/S</i>	
<i>Q18</i>	<i>WW3(h)(v)</i>	Review licences granted in respect of effluent discharges from industrial plants handling more than 100 kg of raw asbestos per year, to ensure the provisions of these regulations are being complied with (S.I. No. 31 of 1990)	<i>SEE in Env. and S/S</i>	
	<i>WW3(I)</i>	Appeal of Discharge Licences		
<i>N/A</i>	<i>WW3(I)(i)</i>	May make an appeal to the Board (S.I. No. 271 of 1992)	<i>SEE, SSO</i>	
<i>N/A</i>	<i>WW3(I)(ii)</i>	Where an appeal is made regarding a licence to discharge trade effluent or sewage effluent, the local authority or sanitary authority shall provide the Board with information as required (S.I. 108 of 1978)	<i>SEE, SSO in Env. and S/S</i>	
<i>N/A</i>	<i>WW3(I)(iii)</i>	For the purposes of an appeal the local authority or sanitary authority shall submit information as required to the Board within 14 days (S.I. No. 271 of 1992)	<i>SEE, SSO in Env. and S/S</i>	

<i>Checklist Ref.</i>	<i>CODE</i>	<i>RESPONSIBILITY/POWER</i>	<i>Individual Responsible</i>	<i>Comments</i>
<i>N/A</i>	<i>WW3(I)(iv)</i>	Documentation received in relation to an appeal of a licence to discharge trade effluent or sewage effluent, should be made available for public inspection (S.I. 108 of 1978)	<i>SSO</i>	
<i>N/A</i>	<i>WW3(I)(v)</i>	Comply with an directions from An Bord Pleanala regarding an appeal of a licence to discharge trade effluent or sewage effluent (Local Government (Water Pollution) Act, 1977,as amended by Local Government (Water Pollution) (Amendment) Act, 1990)	<i>SEE SSO</i>	
<i>N/A</i>	<i>WW3(I)(vi)</i>	When complying with directions of the Board in relation to a licence the local authority or sanitary authority shall notify the holder of the licence (S.I. 108 of 1978)	<i>SSO</i>	
<i>N/A</i>	<i>WW3(I)(vii)</i>	Notify holder of a licence to discharge trade or sewage effluent or to discharge to sewer of compliance with directions from the Board (S.I. No. 271 of 1992)	<i>SSO</i>	
<i>N/A</i>	<i>WW3(I)(viii)</i>	May recover compensation as a simple contract of debt in any court (S.I. No. 271 of 1992)	<i>SSO</i>	
	<i>WW3(j)</i>	IPC Licensing		
<i>N/A</i>	<i>WW3(j)(i)</i>	May consent to a discharge to a sewer from an IPC licensable activity subject to appropriate conditions (EPA Act, 1992)	<i>SEE in S/S</i>	
	<i>WW3(j)(ii)</i>	May request the EPA to review an IPC licence or revised IPC licence (EPA Act, 1992)	<i>SEE in S/S and Env.</i>	

<i>Checklist Ref.</i>	<i>CODE</i>	<i>RESPONSIBILITY/POWER</i>	<i>Individual Responsible</i>	<i>Comments</i>
	WW3(j)(iii)	When an application for an IPC licence is being transferred to the EPA, the Local Authority shall supply the EPA with all documents within a specified period of time (EPA Act, 1992)	SEE SSO	
	WW3(k)	European Sites & Water Pollution Licensing		
	WW3(k)(i)	When assessing an application for a water pollution licence, for an operation or activity that may adversely affect a European site, a planning authority shall ensure a full assessment is conducted, such as an EIS (S.I. No. 94 of 1997)	SEE in S/S and Env.	
	WW3(k)(ii)	The local authority shall grant the licence a water pollution licence, only after having ascertained that it will not adversely affect the integrity of the European site concerned (S.I. No. 94 of 1997)	SEE in S/S and Env.	
	WW3(k)(iii)	A local authority may, notwithstanding a negative assessment and where they are satisfied there are no alternative solutions, decide to grant a licence i.e. a water pollution licence, for imperative reasons of overriding public interest (S.I. No. 94 of 1997)	SEE in Env.	
	WW3(k)(iv)	Where the local authority seek the opinion of the Commission in regard to reasons of overriding public interest, it shall be communicated via the Minister and no decision regarding the grant the licence i.e. a water pollution licence, made until a reply is received (S.I. No. 94 of 1997)	SSO	

<i>Checklist Ref.</i>	<i>CODE</i>	<i>RESPONSIBILITY/POWER</i>	<i>Individual Responsible</i>	<i>Comments</i>
	WW4	WASTEWATER TREATMENT		
<i>Q22</i>	<i>WW4(i)</i>	Provide a collection system for urban waste water, as specified (S.I. No. 419 of 1994)	<i>SEE in S/S</i>	
<i>Q23</i>	<i>WW4(ii)</i>	Provide treatment plants for secondary treatment or more stringent treatment, as specified (S.I. No. 419 of 1994)	<i>SEE in S/S</i>	
<i>N/A</i>	<i>WW4(iii)</i>	The point of discharge of urban waste water should be so chosen as to minimise the adverse effects on the receiving waters (S.I. No. 419 of 1994)	<i>SEE in S/S</i>	
<i>N/A</i>	<i>WW4(iv)</i>	Ensure treatment plants are designed, constructed, operated and maintained to ensure sufficient performance, to allow representative samples to be taken (S.I. No. 419 of 1994)	<i>SEE in S/S</i>	
<i>N/A</i>	<i>WW4(v)</i>	Have regard to criteria and procedures published by the EPA in relation to the management, maintenance, supervision, operation or use of all or specified classes of plant, sewers or drainage pipes for the treatment of drinking water or for the treatment or disposal of any sewage or other effluent to any waters (EPA Act, 1992).	<i>SEE in S/S</i>	
<i>Q3, 4</i>	<i>WW4(vi)</i>	Ensure discharge from a treatment plant satisfies the requirements of the Second Schedule or more stringent requirements as required by relevant Community Directives (S.I. No. 419 of 1994)	<i>SEE in S/S</i>	
<i>Q3, 4</i>	<i>WW4(vii)</i>	Ensure effluent complies with any regulations regarding collection and treatment of sewage effluent (EPA Act, 1992).	<i>SEE in S/S</i>	

<i>Checklist Ref.</i>	<i>CODE</i>	<i>RESPONSIBILITY/POWER</i>	<i>Individual Responsible</i>	<i>Comments</i>
<i>N/A</i>	<i>WW4(viii)</i>	Ensure requirements of fourth schedule are met with respect to the discharge of industrial waste water and review, revise licences concerned at regular intervals (S.I. No. 419 of 1994)	<i>SEE in S/S</i>	
<i>N/A</i>	<i>WW4(ix)</i>	Where additional sensitive areas are identified by the Minister the requirements regarding the provision of collection systems and treatment plant must be met not later than 7 years (S.I. No. 419 of 1994)	<i>SEE in S/S</i>	
	WW5	SEWAGE		
<i>N/A</i>	<i>WW5(i)</i>	May declare by order that a combined drain shall become a sewer for the purposes of the 1977 Act (Local Government (Water Pollution) (Amendment) Act, 1990)	<i>Co. Eng.</i> <i>SEE in S/S</i>	
<i>N/A</i>	<i>WW5(ii)</i>	Must not use any sewer, drain or outfall for conveying sewage or filthy water to any waterbody such as would affect the water quality (Public Health (Ireland) Act, 1878)	<i>SEE in S/S</i>	
<i>N/A</i>	<i>WW5(iii)</i>	May construct works for the purpose of reviewing, storing, disinfecting or otherwise disposing of sewage (Public Health (Ireland) Act, 1878)	<i>SEE in S/S</i>	
<i>Q25</i>	<i>WW5(iv)</i>	May deal with any land held by the authority for the purpose of reviewing, storing, disinfecting or otherwise disposing of sewage without creating a nuisance (Public Health (Ireland) Act, 1878)	<i>Co. Eng.</i>	
<i>Q26</i>	<i>WW5(v)</i>	May provide facilities for the reception and disposal of sewage from vessels and charge for such facilities (Local Government (Water Pollution) Act, 1977, S.I. No. 117 of 1977)	<i>Co. Eng.</i>	

<i>Checklist Ref.</i>	<i>CODE</i>	<i>RESPONSIBILITY/POWER</i>	<i>Individual Responsible</i>	<i>Comments</i>
	WW6	NUTRIENT MANAGEMENT PLANNING		
<i>Q27</i>	<i>WW6(i)</i>	May refuse or approve or modify a Nutrient Management Plan (Local Government (Water Pollution) (Amendment) Act, 1990 as amended by the Waste Management Act 1996)	<i>SEE in Env.</i>	
<i>N/A</i>	<i>WW6(ii)</i>	If the Local Authority do not give a decision within 2 months of the receipt of a Nutrient Management Plan, they shall be deemed to have approved the plan (Local Government (Water Pollution) (Amendment) Act, 1990 as amended by the Waste Management Act 1996)	<i>SEE, SSO in Env.</i>	
<i>N/A</i>	<i>WW6(iii)</i>	May give consent for variations to be made to a Nutrient Management Plan (Local Government (Water Pollution) (Amendment) Act, 1990 as amended by the Waste Management Act 1996)	<i>SEE in Env.</i>	
	WW7	RESEARCH		
<i>N/A</i>	<i>WW7(i)</i>	May fund research into water pollution (Local Government (Water Pollution) Act, 1977, S.I. No. 117 of 1977)	<i>Co. Sec. Co. Mngr.</i>	
	WW8	ENFORCEMENT POWERS		
	<i>WW8(a)</i>	Power to Require Measures to be Taken		

<i>Checklist Ref.</i>	<i>CODE</i>	<i>RESPONSIBILITY/POWER</i>	<i>Individual Responsible</i>	<i>Comments</i>
<i>Q28, Q29, Q30</i>	<i>WW8(a)(i)</i>	May serve notice (Section 10) requiring cessation of the discharge, mitigation and remediation (Local Government (Water Pollution) Act, 1977 as amended by the Local Government (Water Pollution) (Amendment) Act 1990)	<i>SEE, SSO in Env. and S/S.</i>	
<i>Q31, Q32, Q33</i>	<i>WW8(a)(ii)</i>	May serve a notice (Section 12) requiring measures to be taken to prevent pollution (Local Government (Water Pollution) Act, 1977, S.I. No. 117 of 1977)	<i>SEE, SSO in Env. and S/S</i>	
<i>Q34, Q35, Q36</i>	<i>WW8(a)(iii)</i>	May serve a notice (Section 16) on a person discharging to a sewer without a licence or discharging polluting matter to a storm water drain requiring mitigation of any effects (Local Government (Water Pollution) Act, 1977, S.I. No. 296 of 1977)	<i>SEE, SSO in S/S.</i>	
<i>Q37, Q38, Q39</i>	<i>WW8(a)(iv)</i>	May serve a notice (Section 23) requiring information in relation to the abstraction of water or the discharge or control of polluting matter (Local Government (Water Pollution) Act, 1977 as amended by the Local Government (Water Pollution) (Amendment) Act 1990)	<i>SEE, SSO in Env. and S/S</i>	
<i>Q40, Q41, Q42</i>	<i>WW8(a)(v)</i>	May serve a notice (Section 21) requiring a person to furnish a nutrient management plan in relation to an activity that involves the application to land or to growing crops, or the injection into land, of any silage effluent, animal slurry, manure, fertiliser, pesticide or other polluting matter (Local Government (Water Pollution) (Amendment) Act, 1990 as amended by the Waste Management Act 1996)	<i>SEE, SSO in Env.</i>	

<i>Checklist Ref.</i>	<i>CODE</i>	<i>RESPONSIBILITY/POWER</i>	<i>Individual Responsible</i>	<i>Comments</i>
<i>Q40, Q41, Q42</i>	<i>WW8(a)(vi)</i>	Where a local authority refuses a Nutrient Management Plan, it may serve a notice (section 21) requiring another plan to be furnished (Local Government (Water Pollution) (Amendment) Act, 1990 as amended by the Waste Management Act 1996)	<i>SEE, SSO in Env.</i>	
<i>Q43, 44, 45</i>	<i>WW8(a)(vii)</i>	May give notice (Section 59) to a person to remove any accumulation of manure, dung, soil or filth or other offensive or noxious matter (Public Health (Ireland) Act, 1878)	<i>SSO in Env.</i>	
<i>Q46, 47, 48</i>	<i>WW8(a)(viii)</i>	Serve notice (Section 110) on person causing a nuisance (Public Health (Ireland) Act, 1878)	<i>SSO in Env. EHO in HB.</i>	
<i>Q49, 50, 51</i>	<i>WW8(a)(ix)</i>	May serve a notice (Section 8) on the owner of a premises requiring the execution within a specified period of specified works for the purpose of securing the service of a premises by the public sewerage system (Local Government (Sanitary Services) Act, 1962)	<i>SEE, SSO in S/S</i>	
<i>Q49, 50, 51</i>	<i>WW8(a)(x)</i>	May serve a notice (Section 8) on the owner of a premises requiring the execution within a specified period of specified works for the purpose of securing the service of the premises by the public water supply system (Local Government (Sanitary Services) Act, 1962)	<i>SEE, SSO in Env.</i>	
	<i>WW8(b)</i>	Power to Take Measures		

<i>Checklist Ref.</i>	<i>CODE</i>	<i>RESPONSIBILITY/POWER</i>	<i>Individual Responsible</i>	<i>Comments</i>
<i>Q52</i>	<i>WW8(b)(i)</i>	May take steps to secure compliance with quality standards for water in an aquifer in respect of a harmful substance (S.I. No. 271 of 1992)	<i>SEE in S/S</i>	
<i>N/A</i>	<i>WW8(b)(ii)</i>	Charges for the discharge of effluent can be recovered as a simple contract of debt in a court of competent jurisdiction (Local Government (Water Pollution) Act, 1977, S.I. No. 296 of 1977)	<i>SSO</i>	
<i>Q53</i>	<i>WW8(b)(iii)</i>	Where a person does not comply with a court order, the local authority can take steps to mitigate or remedy the effects of the entry of a discharge concerned (Local Government (Water Pollution) Act, 1977 as amended by the Local Government (Water Pollution) (Amendment) Act 1990)	<i>SEE, SSO in S/S and Env.</i>	
<i>N/A</i>	<i>WW8(b)(iv)</i>	The cost of steps taken by the Local Authority to mitigate or remedy the effects of the entry of a discharge concerned may be recovered as a simple contract of debt in any court of competent jurisdiction (Local Government (Water Pollution) Act, 1977 as amended by the Local Government (Water Pollution) (Amendment) Act 1990)	<i>SSO in S/S and Env.</i>	
<i>Q30</i>	<i>WW8(b)(v)</i>	Take steps to terminate the discharge and remedy the effects to the discharge, where a person does not comply with a Section 10 notice (Local Government (Water Pollution) Act, 1977 as amended by the Local Government (Water Pollution) (Amendment) Act 1990)	<i>SEE, SSO in S/S and Env.</i>	

<i>Checklist Ref.</i>	<i>CODE</i>	<i>RESPONSIBILITY/POWER</i>	<i>Individual Responsible</i>	<i>Comments</i>
<i>Q33</i>	<i>WW8(b)(vi)</i>	Where a person does not comply with a Section 12 notice, the local authority may take steps to prevent polluting matter entering waters (Local Government (Water Pollution) Act, 1977 as amended by the Local Government (Water Pollution) (Amendment) Act 1990	<i>SEE, SSO in S/S and Env.</i>	
<i>Q35</i>	<i>WW8(b)(vii)</i>	May take steps to prevent, remove, mitigate, remedy or dispose of pollution as it thinks fit (Local Government (Water Pollution) Act, 1977 as amended by the Local Government (Water Pollution) (Amendment) Act 1990)	<i>SEE in S/S and SSO in S/S and Env.</i>	
<i>N/A</i>	<i>WW8(b)(viii)</i>	May recover the cost of steps taken to prevent, remove, mitigate, remedy or dispose of pollution as a simple contract debt in any court of competent jurisdiction (Local Government (Water Pollution) Act, 1977 as amended by the Local Government (Water Pollution) (Amendment) Act 1990)	<i>SSO in S/S and Env.</i>	
<i>Q36</i>	<i>WW8(b)(ix)</i>	Where a person does not comply with a section 16 notice the authority may take steps to prevent discharge, or to mitigate or remedy the effects of a discharge and may recover the cost of such steps from the person as a simple contract debt in a court of competent jurisdiction (Local Government (Water Pollution) Act, 1977, S.I. No. 296 of 1977)	<i>SEE, SSO in S/S and Env.</i>	
<i>Q55</i>	<i>WW8(b)(x)</i>	Take steps to ensure that sewage effluent and the waters to which the effluent is discharged comply with relevant standards (Local Government (Water Pollution) Act, 1977, S.I. No. 117 of 1977)	<i>SEE in S/S and Env.</i>	

<i>Checklist Ref.</i>	<i>CODE</i>	<i>RESPONSIBILITY/POWER</i>	<i>Individual Responsible</i>	<i>Comments</i>
<i>Q56</i>	<i>WW8(b)(xi)</i>	For the purpose of preventing or eliminating the entry of polluting matter into waters, a Local Authority may make a byelaw prohibiting a certain activity (Local Government (Water Pollution) (Amendment) Act, 1990)	<i>SEE in S/S and Env.</i>	
<i>N/A</i>	<i>WW8(b)(xii)</i>	May enforce payment of a fine for an offence under the Local Government (Water Pollution) (Amendment) Act, 1990	<i>SSO</i>	
<i>Q45</i>	<i>WW8(b)(xiii)</i>	If a notice under Section 59 to a person to remove any accumulation of manure, dung, soil or filth or other offensive or noxious matter is not complied with within 24 hours the authority may dispose of or sell the matter referred to in the notice (Public Health (Ireland) Act, 1878)	<i>SSO</i>	
	<i>WW8(c)</i>	Application to Courts		
<i>Q57</i>	<i>WW8(c)(i)</i>	May apply to the court to make an order directing a person to terminate a discharge, remedy the effects of a discharge, or pay cost of mitigation (Local Government (Water Pollution) Act, 1977 as amended by the Local Government (Water Pollution) (Amendment) Act 1990)	<i>SEE SSO</i>	
<i>Q58</i>	<i>WW8(c)(ii)</i>	May apply to a court to summon the sanitary authority of an adjoining district regarding a foul or offensive watercourse or ditch (Public Health (Ireland) Act, 1878)	<i>SEE SSO</i>	
<i>Q59</i>	<i>WW8(c)(iii)</i>	May apply to a court for an order to remedy a situation where drinking water is polluted (Public Health (Ireland) Act, 1878)	<i>SEE, SSO in S/S</i>	

<i>Checklist Ref.</i>	<i>CODE</i>	<i>RESPONSIBILITY/POWER</i>	<i>Individual Responsible</i>	<i>Comments</i>
<i>Q60</i>	<i>WW8(c)(iv)</i>	Complain to justice of nuisance arising from offensive trade (Public Health (Ireland) Act, 1878)	<i>SSO in Env.</i>	
	<i>WW8(d)</i>	Summary Proceedings		
<i>Q60, 61</i>	<i>WW8(d)(i)</i>	Where a person causes or permits any polluting matter to enter waters, the local authority may prosecute for the offence (Local Government (Water Pollution) Act, 1977, S.I. No. 296 of 1977)	<i>SEE, SSO in S/S and Env.</i>	
<i>Q62, 63</i>	<i>WW8(d)(ii)</i>	May prosecute for an offence under this section (4) where a person is discharging, causing or permitting the discharge of any trade or sewage effluent without a licence (Local Government (Water Pollution) Act, 1977, S.I. No. 296 of 1977)	<i>SEE, SSO in S/S and Env.</i>	
<i>Q64, 65</i>	<i>WW8(d)(iii)</i>	Can prosecute for an offence under this section (6) where an applicant makes a false statement (Local Government (Water Pollution) Act, 1977, S.I. No. 296 of 1977)	<i>SEE, SSO in S/S and Env.</i>	
<i>Q66, 67</i>	<i>WW8(d)(iv)</i>	May prosecute for an offence under Section 12 where a person does not comply with a section 12 notice (Local Government (Water Pollution) Act, 1977 as amended by the Local Government (Water Pollution) (Amendment) Act 1990)	<i>SEE, SSO in S/S and Env.</i>	
<i>Q68, 69</i>	<i>WW8(d)(v)</i>	May prosecute for an offence under Section 14 where a person does not inform the authority of an accidental discharge (Local Government (Water Pollution) Act, 1977, S.I. No. 117 of 1977)	<i>SEE, SSO in Env.</i>	

<i>Checklist Ref.</i>	<i>CODE</i>	<i>RESPONSIBILITY/POWER</i>	<i>Individual Responsible</i>	<i>Comments</i>
<i>Q70, 71</i>	<i>WW8(d)(vi)</i>	May prosecute for an offence under this section (16) where a person discharges to a sewer without a licence, or where a person discharges polluting matter to a storm water drain (Local Government (Water Pollution) Act, 1977, S.I. No. 296 of 1977)	<i>SEE, SSO in S/S</i>	
<i>Q72, 73</i>	<i>WW8(d)(vii)</i>	May prosecute for an offence under section 19 where an applicant for a licence to discharge to sewer makes a false statement (Local Government (Water Pollution) Act, 1977, S.I. No. 296 of 1977)	<i>SEE, SSO in S/S</i>	
<i>Q74, 75</i>	<i>WW8(d)(viii)</i>	May prosecute for an offence under Section 26 where a person contravenes a provision of the regulations under this section (Local Government (Water Pollution) Act, 1977 as amended by Waste Management Act, 1996)	<i>SEE, SSO in Env.</i>	
<i>Q76, 77</i>	<i>WW8(d)(ix)</i>	May prosecute for an offence under Section 27 where a person contravenes a provision of the regulations under this section (Local Government (Water Pollution) Act, 1977, S.I. No. 117 of 1977)	<i>SEE SSO</i>	
<i>Q78, 79</i>	<i>WW8(d)(x)</i>	May prosecute for an offence under Section 28 where a person obstructs an authorised person in the performance of his duties Local Government (Water Pollution) Act, 1977, S.I. No. 117 of 1977)	<i>SEE, SSO in Env.</i>	
<i>N/A</i>	<i>WW8(d)(xi)</i>	May prosecute for an offence under the Act of 1977 whether or not the offence occurred in the authorities functional area (Local Government (Water Pollution) Act, 1977, S.I. No. 117.	<i>SEE SSO</i>	

<i>Checklist Ref.</i>	<i>CODE</i>	<i>RESPONSIBILITY/POWER</i>	<i>Individual Responsible</i>	<i>Comments</i>
<i>Q80, 81</i>	<i>WW8(d)(xii)</i>	May bring proceeding for an offence under this section (section 21) where a person fails to comply with a Section 21 notice (requiring a person to furnish a Nutrient Management Plan) (Local Government (Water Pollution) (Amendment) Act, 1990 as amended by the Waste Management Act 1996)	<i>SEE, SSO in Env.</i>	
<i>N/A</i>	<i>WW8(d)(xiii)</i>	The local authority or sanitary authority may prosecute offences under sections 6, 12, 14, 19, 23 and 27 and prosecute summary offences under sections 3, 4, 16 and 21 of the Local Government (Water Pollution) Act, 1977 (Local Government (Water Pollution) (Amendment) Act, 1990)	<i>SEE, SSO</i>	
<i>Q82, 83</i>	<i>WW8(d)(xiv)</i>	May take proceedings for the purposes of protecting any watercourse from pollution arising from sewage (Public Health (Ireland) Act, 1878)	<i>Co. Mngr.</i>	
<i>Q82, 83</i>	<i>WW8(d)(xv)</i>	Cause proceedings to be taken against a person to enforce the abatement of any nuisance (Public Health (Ireland) Act, 1878)	<i>SSO in Env.</i>	
<i>Q82, 83</i>	<i>WW8(d)(xvi)</i>	Cause proceedings to be taken against a person to where cause of nuisances arises without district (Public Health (Ireland) Act, 1878)	<i>SSO, SEE in Env.</i>	

<i>Checklist Ref.</i>	<i>CODE</i>	<i>RESPONSIBILITY/POWER</i>	<i>Individual Responsible</i>	<i>Comments</i>
<i>Q84, 85</i>	<i>WW8(d)(xvii)</i>	May prosecute for an offence where a person obstructs or interferes with the exercise by an authorised person of a power conferred by this section (10) (Local Government (Sanitary Services) Act, 1962)	<i>SSO, SEE in Env.</i>	

Wastewater checklist questions.

Reporting Period

1/10/1999 _____ *To* 1/10/2000

Responsibility /Power	Responsibility Ref.	PLEASE CHECK	Yes/No/ Number	File Ref.	Date	Comments/ Scope of Corrective Actions	Audit Comments *NC / D/ C / OK / N/A
WW1 ORGANISATIONAL MATTERS							
WW1(a) Environmental Protection Agency	WW1(a)(ii)	Q1. Where requested by the EPA, have reports on statutory functions in relation to environmental protection been submitted?				Reports have not been requested.	
WW1(b) Authorised Persons	WW1(b)(i)	Q2. How many staff have been authorised under the Local Government (Sanitary Services) Act?	No answer				
WW1(c) Monitoring and Inspections	WW1(a)(i), (ii), (iii)	Q3. Are records of monitoring carried out to determine compliance with discharge licences, available for inspection and audit?	Yes				
	WW1(a)(vii) WW5(vi), (vii)	Q4. Are records of monitoring of discharges from urban wastewater treatment plants, available for inspection and audit?	Yes				
	WW1(a)(vii) WW5(vi), (vii)	Q5. How many times during the reporting period have the discharges from urban wastewater treatment plants been out of compliance with relevant standards?	No answer				
	WW1(a)(viii)	Q6. Have results of monitoring of discharges from urban waste water treatment plants been submitted to the EPA, as required	Yes				

	WW1(a)(ix)	Q7. Are records of monitoring of effluent to waters from plant, sewers and drainage pipes available for inspection and audit?	Yes				
WW2 REGISTERS							
WW2(a) Register of Licences	WW2(a)(i), (ii)	Q8. Has the Register of Licences to discharge to waters and sewers been established?	Yes				
	WW2(a)(i), (ii)	Q9. Is the Register of Licences to discharge to waters and sewers being maintained?	No				
WW3 LICENSING							
WW3(a) Licenses to Discharge Trade or Sewage Effluent	WW3(a)(i),(ii) (b)(i),(ii),(c)(i), (iv),(d)(i), (f)(i),(g)(i),(ii), h(i)	Q10. How many licences issued relate to any of the following? Discharge trade or sewage effluent to waters Discharge to sewer Discharge to an aquifer EDC, TRI, PER and TCB Discharges Carbon Tetrachloride, DDT, Pentachlorophenol Discharges Aldrin, Dieldrin, Isodrin, HCB, HCBd and CHCL ₃ Discharges Discharge trade effluent where Cadmium is present	3 5				

		Discharge from industrial plants handling more than 100kg of raw asbestos per year					
	WW3(a)(xv), (b)(xi),(c)(v), d(ii), e(i),(ii), (f)(ii), (g)(iii), (h)(v)	Q11. How many of these licences have been reviewed during the reporting period?	None				
	WW3(a)(vi), (b)(v)	Q12. How many investigations have been carried out in relation to these licences?	None				
WW3(k) Water Pollution Licensing & European Sites	WW3(k)(i)	Q13. Were all applications for a licence under the Water Pollution Act that may adversely effect a European Site accompanied by an EIS?	N/A				
WW4 WASTEWATER TREATMENT							
	WW4(i)	Q15. Has the authority provided adequate collection systems for urban wastewater?	Yes				
	WW4(ii)	Q16. Has the authority provided adequate urban wastewater treatment plants?	No				
WW5 SEWAGE							
	WW5(v)	Q17. Does the local authority provide facilities for the reception and disposal of sewage from vessels?	N/A				
WW6 NUTRIENT MANAGEMENT PLANNING							

	WW6(i)	Q18. During the reporting period, how many Nutrient Management Plans has the local authority approved?	None				
	WW6(i)	Q19. During the reporting period, how many Nutrient Management Plans has the local authority refused?	None				
	WW6(i)	Q20. During the reporting period, how many Nutrient Management Plans has the local authority modified?	None				
WW8 ENFORCEMENT POWERS							
WW8(a) Power to Require Measures to be Taken	WW8(a)(i)	Q21. During the reporting period, how many notices have been served under Section 10 of the Local Government (Water Pollution Act) 1977 requiring termination, mitigation of a discharge	None				
	WW8(a)(i)	Q22. How many Section 10 notices have been complied with?	None				
	WW8(a)(ii)	Q23 During the reporting period, how many notices have been served under Section 12 of the Local Government (Water Pollution Act), 1977 to prevent or control pollution of waters.	1				
	WW8(a)(ii)	Q24. How many Section 12 notices have been complied with?	1				

	WW8(a)(iii)	Q25. During the reporting period, how many notices have been served by the sanitary authority under Section 16 of the Local Government (Water Pollution Act), 1977 where a person discharges to a sewer without a licence or discharges polluting matter to a storm water drain.	None				
	WW8(a)(iii)	Q26. How many Section 16 notices have been complied with?	None				
	WW8(a)(iv)	Q27. During the reporting period, how many notices have been served under Section 23 of the Local Government (Water Pollution Act), 1977 requesting information in relation to certain practices, e.g. water abstraction, discharges, polluting matter, etc.	None				
	WW8(a)(iv)	Q28. How many Section 23 notices have been complied with?	None				
	WW8(a)(v), (vi)	Q29. During the reporting period, how many notices have been served under Section 21 of the Local Government (Water Pollution) (Amendment) Act), 1990 requiring the preparation of a Nutrient Management Plan.	None				
	WW8(a)(v), (vi)	Q30. How many Section 21 notices have been complied with?	None				

	WW8(a)(viii)	Q31. During the reporting period, how many notices have been served under Section 110 of the Public Health (Ireland) Act, 1878 on person causing a nuisance	3				
	WW8(a)(viii)	Q32. How many Section 110 notices have been complied with?	2				
	WW8(a)(ix), (x)	Q33. During the reporting period, how many notices have been served under Section 8 of the Local Government (Sanitary Services) Act, 1962 regarding execution of works to connect to the public sewerage system	None				
	WW8(a)(ix), (x)	Q34. How many Section 8 notices have been complied with?	None				
WW10(b) Power to Take Measures	WW8(b)(i)	Q35 Have adequate steps been taken to secure compliance with quality standards for water in an aquifer in respect of a harmful substance?	No answer				
	WW8(b)(iii)	Q36 Have steps been taken to mitigate or remedy the effects of the entry of a discharge?	No				
	WW8(b)(vi)	Q37 Have steps been taken to prevent, remove, mitigate, remedy or dispose of pollution?	No				
	WW8(b)(ix)	Q38 Have steps been taken to ensure that sewage effluent and the waters to which the effluent is discharged comply with					

		relevant standards? (To be omitted – very general question)					
	WW8(b)(x)	Q39. How many bye-laws have been made prohibiting certain activities for the purpose of preventing or eliminating the entry of polluting matter into waters?	None				
WW8(c) Application to Courts	WW8(c)(i)	Q40. How many applications have been made to the court to make an order to terminate or remedy the effects of a discharge?	None				
	WW8(c)(iii)	Q41. How many applications have been made to the court for an order to remedy a situation where drinking water is polluted	None				
	WW8(c)(iv)	Q42. How many complaints have been made before a justice of nuisance arising from offensive trade?	None				
WW8(d) Summary Proceedings	WW8(d)(i)	Q43. How many prosecutions for an offence under Section 3 of the Local Government (Water Pollution Act), 1977 have been made where a person causes or permits any polluting matter to enter waters.	None				
	WW8(d)(i)	Q44. How many convictions have been made under Section 3 of the Local Government (Water Pollution Act), 1977	None				

	WW8(d)(ii)	Q45. How many prosecutions for an offence under Section 4 of the Local Government (Water Pollution Act), 1977 have been made where a person discharges trade effluent or sewage effluent without a licence	None				
	WW8(d)(ii)	Q46. How many convictions have been made under Section 4 of the Local Government (Water Pollution Act), 1977	None				
	WW8(d)(iii)	Q47. How many prosecutions for an offence under Section 6 of the Local Government (Water Pollution Act), 1977 have been made where an applicant for a licence make a false statement	None				
	WW8(d)(iii)	Q48. How many convictions have been made under Section 6 of the Local Government (Water Pollution Act), 1977	None				
	WW8(d)(iv)	Q49. How many prosecutions for an offence under Section 12 of the Local Government (Water Pollution Act), 1977 have been made where a person does not comply with a Section 12 notice.	None				
	WW8(d)(iv)	Q50. How many convictions have been made under Section 12 of the Local Government (Water Pollution Act)	None				

	WW8(d)(v)	Q51. How many prosecutions for an offence under Section 14 of the Local Government (Water Pollution Act), 1977 have been made where a person does not notify the local authority of an accidental discharge, spillage or deposit of polluting matter	None				
	WW8(d)(v)	Q52. How many convictions have been made under Section 14 of the Local Government (Water Pollution Act),1977	None				
	WW8(d)(vi)	Q53. How many prosecutions for an offence under Section 16 of the Local Government (Water Pollution Act), 1977 have been made where a person discharges polluting matter without a licence or to a storm water drain	None				
	WW8(d)(vi)	Q54. How many convictions have been made under Section 16 of the Local Government (Water Pollution Act), 1977	None				
	WW8(d)(vii)	Q55. How many prosecutions for an offence under section 19 of the Local Government (Water Pollution Act), 1977 have been made where an applicant for a licence makes a false statement	None				

	WW8(d)(vii)	Q56. How many convictions have been made under Section 19 of the Local Government (Water Pollution Act), 1977	None				
	WW8(d)(viii)	Q57. How many prosecutions for an offence under Section 26A of the Local Government (Water Pollution Act), 1977 have been made where a person contravenes the regulations for the prevention or limitation of water pollution	None				
	WW8(d)(viii)	Q58. How many convictions have been made under Section 26A of the Local Government (Water Pollution Act), 1977	None				
	WW8(d)(ix)	Q59. How many prosecutions for an offence under Section 27 of the Local Government (Water Pollution Act), 1977 have been made where a person does not comply with the regulations	None				
	WW8(d)(ix)	Q60. How many convictions have been made under Section 27 of the Local Government (Water Pollution Act), 1977	None				

	WW8(d)(x)	Q61. How many prosecutions for an offence under Section 28 of the Local Government (Water Pollution Act), 1977 have been made where a person obstruct an authorised person in the performance of his duties	None				
	WW8(d)(x)	Q62. How many convictions have been made under Section 28 of the Local Government (Water Pollution Act), 1977	None				
	WW8(d)(xii)	Q63. How many prosecutions for an offence under Section 21A of the Local Government (Water Pollution) (Amendment) Act, 1990 have been made where a person does not comply with a Section 21A notice.	None				
	WW8(d)(xii)	Q64. How many convictions have been made under Section 21A of the Local Government (Water Pollution Act), 1977	None				
	WW8(d)(xiv), (xv), (xvi)	Q65. How many prosecutions for an offence under the Public Health (Ireland) Act, 1878 have been made?	1				
	WW8(d)(xiv), (xv), (xvi)	Q66. How many convictions have been made under the Public Health (Ireland) Act, 1878	None				

	WW8(d) (xvii)	Q67. How many prosecutions have been made for an offence under the Local Government (Sanitary Services) Act, 1962	None				
	WW8(d) (xvii)	Q68. How many convictions have been made under the Local Government (Sanitary Services) Act, 1962	None				

**Note NC= Non Conformance, D = Discrepancy, C = Comment, OK = Compliant, NA = Not Applicable*

Appendix 2

Appendix 2

The following is a list of the legislation that was reviewed during the development of the Author's questionnaire.

- (1) The Environmental Protection Agency Act, 1992.
- (2) Local Government (Sanitary Services) Act, 1964.
- (3) S.I. No. 271 of 1992. Local Government (Water Pollution) Regulations, 1992.
- (4) S.I. No. 117 of 1977. Local Government (Water Pollution) Act, 1977 Commencement.
- (5) S.I. No. 419 of 1994. Environmental Protection Agency Act, 1992 (Urban Wastewater Treatment) Regulations, 1994.
- (6) S.I. No. 296 of 1977. Local Government (Water Pollution) Act, 1977, (Commencement) (No. 2) Order, 1977.
- (7) S.I. No. 108 of 1978. Local Government (Waste Pollution) Regulations, 1978.
- (8) S.I. No. 94 of 1997. European Communities (National Habitat) Regulations, 1977.
- (9) Local Government (Water Pollution) Amendment Act, 1990.
- (10) Public Health Act, 1878.
- (11) Local Government (Water Pollution) (Amendment) Act, 1990 as amended by the Waste Management Act, 1996.

Appendix 3

Appendix 3

Procedure for the development of a register of sewage treatment plants and the disposal methods of sewage sludge in the county.

Purpose: To achieve compliance with S.I. No.183 of 1991. European Communities (Use of Sewage Sludge in Agriculture) Regulations, 1991.

Sewage treatment plant register

Plant location:

Area office:

Caretaker:

Engineer:

Population equivalent served:

Population equivalent it was designed to serve:

Type of plant:

Screening:

Organic loading:

Flow:

BOD:

Nutrient removal: yes/no

Procedure for the development of a register of sewage treatment plants and the disposal methods of sewage sludge in the county (continued).

Location of outfall:

Grid Ref:

Name of watercourse discharged to:

Is this watercourse sampled regularly? Yes/No

Sludge facilities

Screening: Yes/No

Type of screening:

Primary sludge

Volume of sludge produced (M^3 /year):

Solids content % before and after treatment:

Total dry solids produced:

Sludge removal method:

Sludge disposal method:

Secondary sludge

Sludge treatment system:

Volume of sludge produced (m^3 /year):

Procedure for the development of a register of sewage treatment plants and the disposal methods of sewage sludge in the county (continued).

Sludge removal system:

Solids content % before and after treatment:

Total dry solids produced:

Sludge characteristics:

Metal and nutrient analysis available Yes/No, if Yes enclose copy.
(frequency of analysis/year)

Sludge storage facilities:

Location:

Capacity:

Name of skip removal contractor:

Method of beneficial use and/or disposal

Used in agriculture

Name of disposal contractor:

Type of transport contained used:

Capacity of transport container:

Procedure for the development of a register of sewage treatment plants and the disposal methods of sewage sludge in the county (continued).

Name of landowner:

Form of agreement (tick as appropriate):

Legal contract

Written agreement

Verbal agreement

Volume of sludge taken per annum: (m³)

Storage capacity for sludge on farm:

Method of spreading:

Spreading rate:

Land type:

Period suitable for spreading:

Area of available land bank:

Crop type grown on land:

Tillage

Pasture

Other

Has soil analysis been carried out: Yes

No

(If yes please enclose copy of results)

Procedure for the development of a register of sewage treatment plants and the disposal methods of sewage sludge in the county (continued).

Nutrient management plan for land available Yes
No

(If yes please enclose copy.)

Prepared by:

Disposal of sludge to landfill

Name of landfill site:

Volume of sludge disposed to landfill site (m³, TDS):

Sludge characteristics:

Metal and nutrient analysis: Yes/No, (if Yes enclose copy)

Minimum solids content accepted:

How is sludge stored:

Lagoon
Stockpiled
Other

Sludge use at landfill site:

Leachate treatment facility at landfill: Yes/No

Type:

Discharge point:

Grid Ref:

Procedure for the development of a register of sewage treatment plants and the disposal methods of sewage sludge in the county (continued).

Watercourse discharged to:

Other disposal options. If used, give details

Disposal type:

Sludge from septic tanks

Name of sludge disposal contractors in the county for septic tanks:

Type of disposal container:

Capacity:

Name of landowner where septic tank sludge is disposed:

Volume of sludge taken per year:

Method of spreading:

Area of land used (ha):

Land type:

Crop type grown on land:

Tillage

Pasture

Other

Period of spreading:

Nutrient management plan available for land: Yes/No

Procedure for the review of a licence to discharge to sewers.

Purpose:

To ensure that the discharge licences to sewers are reviewed in accordance with the Local Government (Water Pollution) Regulations, 1978.

Relevant Regulations: S.I. No. 108 of 1978. Local Government (Water Pollution) Regulations, 1978.

Person with overall responsibility:

Senior Executive Engineer, (SEE) Sanitary Services

Review Procedure

A notice is sent to the licence holder advising that a review is to be undertaken in accordance with the Regulations.

This notice should include the following:

- (A) Reference number of the licence
- (B) Reason for the review if it is less than three years since the licence was first issued or since the last review
- (C) Representations in relation to the review may be made in writing to the sanitary authority within one month of the date of the notice.

After one month has elapsed since the issue of the notice, the designated officer of the local authority should review all information pertaining to the licence being reviewed.

Further notice

If additional information is required, the designated officer may request it from the licence holder. Where a person fails or refuses to comply with this request within three months, the sanitary authority may complete the review regardless.

When the designated officer has carried out a full assessment of all available information, he/she can submit a proposed reviewed licence for approval by the SEE in sanitary.

If the SEE agrees with the revised licence, he/she will recommend that a Manager's Order should be prepared.

It should contain the following:

- (1) Name and address of the applicant
- (2) Conditions attached to the licence
- (3) A statement that an appeal may be made to an Bord Pleanála and that any such appeal must be accompanied by a deposit of £10 and shall specify :
 - Whether any condition of the licence which is the subject of the review has been deleted
 - Whether and in what way any condition of the licence which is the subject of the review has been amended
 - If any new conditions are attached to the licence.

An appeal may be made within a time frame of one month beginning on the date of the local authority decision on the review.

If no appeals are made, the revised licence becomes effective after a one-month period after the decision on the review.

A copy of the revised licence shall be placed in the register of discharge licences to sewers and it should be kept in the sanitary services section of County Hall.

The old licence should be marked "superseded".

Procedure for dealing with licence application for effluent discharges to waters

Purpose: Section 4(1) of the Local Government Water Pollution Act of 1977 makes it an offence for any person to discharge, or cause, or permit the discharge of any trade effluent or sewage effluent to any waters except under and in accordance with a licence granted under this section.

Relevant Regulations S.I. No. 108 of 1978, Local Government (Water Pollution) Regulations, 1978.

Exempted discharges:

1. Domestic sewage not exceeding 5m³/day which is discharged from a septic tank or other disposal unit by means of a percolation area, soakage pit or other method.
2. Trade effluent discharged by a sanitary authority in the course of the performance of its powers and duties, other than from a sewer (e.g. road works)

Application procedure

Applicants should be advised that prior to making an application that they should publish a notice of their intention to apply for a licence in a newspaper circulating in the functional area of the local authority.

This notice should contain the following heading “Discharge of effluent to waters”.

It should contain:

- 1) The name of the applicant and the name of the local authority to which the application is being made
- 2) Give a general description of the effluent
- 3) In the case of trade effluent, state the nature of the trade or industry
- 4) State the name and location of the premises from which the effluent is being discharged
- 5) Indicate the waters to which the effluent is being discharged.

Further notice.

Where a period of more than two weeks has elapsed between the publication in a newspaper of a notice in accordance with article 5 (1) and the making of the relevant application, or it appears to the local authority that any such notice does not comply with the provisions of article 5 or, because of its contents or for any other reason, is misleading or inadequate for the information of the public, the local authority may require the applicant to publish such further notice in such terms as it may specify and to submit to it, such evidence as it may specify in relation to compliance with any such requirement.

Application for licence:

A licence application shall be accompanied by a copy of the newspaper in which there has been published a notice of intention to apply for a licence

- such plans, in duplicate, and such other particulars as are necessary to describe the premises, the drainage system, and any works, apparatus or plant from which the effluent is to be discharged and to identify the waters to which the discharge is to be made and the point of discharge
- particulars of the nature, composition, anticipated temperature, volume and rate of discharge and the proposed method of any treatment of the effluent and the period or periods during which the effluent is to be discharged and
- in the case of a trade effluent, a general description of the process or activity giving rise to the discharge.
- Application fee of £300

A licence application for an existing discharge shall be accompanied by a statement that it is such a discharge.

An applicant for a licence other than a licence for an existing discharge may be required to furnish other particulars the local authority deems necessary; for example the quality, volume, flow rate of discharge or the likely effects that the discharge may have on the receiving water.

Where an applicant fails or refuses to comply with any requirement of a local authority in relation to the furnishing of results of any investigations within three months of such a requirement, the local authority may carry out or arrange to have carried out such investigations and may require the applicant to defray or contribute towards the cost of any such investigations.

Consideration has to be given before granting a licence to the objectives contained in any relevant plan (Water Quality Management Plan).

The licence application has to be checked for validity within two weeks of the council receiving the application. If valid, the applicant should be informed and they should be informed of a date that a decision is due on the licence application.

If the application is invalid, the applicant should be informed in writing and additional information may be requested and the applicant is given four weeks to submit the same.

The local authority shall make available for public inspection all documentation in relation to the licence during normal office hours from the time of receipt of the relevant documents until the licence application or any appeal thereto is determined.

The local authority may grant a licence subject to such conditions as it thinks appropriate and specifies in the licence.

These conditions may relate to:

1. The nature, composition, temperature, volume, rate, method of treatment and location of a discharge, the period during which a discharge may be made or may not be made, the effect of a discharge on receiving waters and the design and construction of outlets for a discharge.
2. The provision and maintenance of meters, gauges, other apparatus, manholes and inspection chambers.
3. The taking and analysis of samples, the keeping of records and furnishing of information to the local authority.

4. The prevention of a discharge in the event of breakdown in plant.
5. Require defrayment of, or contribution towards the cost incurred by the local authority in monitoring a discharge.
6. Specify a date not later than which any conditions shall be complied with, and require the payment to the local authority which granted the licence of a charge or charges prescribed under or calculated in accordance with the method prescribed under Section 6(2)(e) (*Local Government (Water Pollution) Act, 1977, S.I .No. 296 of 1977*)

The local authority shall determine the application within a period of two months beginning on the day of receipt of the application, or the day on which all requirements are complied with, whichever is the later.

Notice of grant or refusal of licence.

- As soon as may be after the grant or refusal of a licence, the local authority shall
 - in the case of the grant of a licence, transmit the licence to the applicant,
 - in the case of the refusal of a licence, give notice of such refusal to the applicant
 - in the case of the grant or refusal of a licence, give notice of such grant or refusal to any other person who submitted representations or objections in writing to the local authority in relation to the licence application and inform such person and the applicant that an appeal under Section 8 may be made to An Bord Pleanála by any person within the period of one month beginning on the date of the grant or refusal of the licence, and that any such appeal must be accompanied by a deposit of £10, and
 - in the case of the grant of a licence, publish notice of such grant in a newspaper circulating in the functional area of the local authority.

Review of a licence

A local authority may review a licence at intervals of not less than 3 years from the date of issue of the licence or the last review of the licence or at any time with the consent of person making, causing or permitting the discharge.

Notwithstanding any other provisions of this Act or any condition in a licence under Section 4, any licence may be reviewed at any time by the local authority that granted it if:

- the local authority has reasonable grounds for believing that the discharge authorised by the licence is or is likely to render the waters concerned unfit for use for domestic, commercial, industrial, fishery (including fish-farming), agricultural or recreational uses
- there has been a material change in the nature or volume of the discharge
- there has been a material change in relation to the waters to which the discharge is made
- further information has become available since the date of the granting of the licence relating to polluting matter present in the discharge concerned or in relation to the effects of such matter or
- the licensee applies to the local authority concerned to review the licence (*Local Government (Water Pollution) Act, 1977 as amended by the Local Government (Water Pollution) (Amendment) Act, 1990*).

Where a local authority intends to review a licence it shall;

- 1) give notice of such intention to the person making, causing or permitting the discharge to which the licence relates and
- 2) publish notice of such intention in a newspaper circulating in the functional area of the local authority.

The notice shall specify:

- 1) the reference number relating to the licence in the register
- 2) the reasons for the review if the period is less than three years since the date of grant of the licence or the last review of the licence, and
- 3) that representations relating to the review may be made in writing to the local authority within one month of the date of the notice.

The local authority may also give notice requiring the person making, causing or permitting the discharge to which the licence relates to submit such plans or other particulars as it consider necessary for the purpose of the review.

A local authority shall make available for public inspection during normal office hours at the offices of the local authority, from the time of receipt of the relevant documents until the review or any appeal relating thereto is determined, any plans and other particulars submitted to the local authority in connection with the review.

Where a person fails or refuses to comply with any requirement of a local authority within 3 months, the local authority may complete the review.

On completion of a review of a licence, the local authority shall give notice of its decision to the person making, causing, or permitting the discharge to which the licence relates and to any person who submitted representations in writing to the local authority.

A notice by a local authority under sub article (1) shall include a statement that an appeal under Section 8 of the Water Pollution Regulations, 1978, may be made to An Bord Pleannala by any person within the period prescribed and that such appeal must be accompanied by the specified fee and shall specify:

- 1) whether any condition of the licence (to discharge trade effluent or sewage effluent) the subject of the review has been deleted
- 2) whether, and in what way, any condition of the licence has been amended
- 3) any conditions or additional conditions which have been attached to the licence
- 4) in the event of the revocation of the licence, the reasons for such revocation, and the date of the decision of the local authority.

Procedure for Nutrient Management Planning

Purpose: Protecting water quality, which will benefit all users.

Relevant Regulation: S.I. No. 258 of 1998. Local Government (Water Pollution) Act, 1977 Water Quality Standards for Phosphorus Regulations, 1998.

Local authority requirements:

- (1) Obtain the existing biological quality rating for the rivers and lakes in the catchment area. This can be obtained by finding out the composition of macroinvertebrate communities/faunal groups present and their general sensitivity to organic pollution as described in the first schedule.
- (2) Obtain a register of all the STPs and industry which are discharging into the watercourses.
- (3) Compare the quality of the rivers and lakes with the quality standards specified in Part 1 of the third schedule.

If these standards provide for a higher standard than the existing biological quality rating for any part of a river or lake, water quality shall be improved so as to meet the relevant specified standards.

These requirements have to be complied with by the 31st of December 2007.

This compliance requirement may be extended for a period not exceeding six years if and only if the following circumstances are thought to be occurring:

- (a) Water quality is severely affected by human activity making compliance with the quality standards within the period specified, impractical or entailing excessive costs
 - (b) At least the best available technology not entailing excessive cost (BATNEEC) is being used to treat any direct discharge or emission affecting the quality of the relevant part of the river or lake
 - (c) The local authority is taking steps to combat pollution as required under the Water Pollution Act, 1977.
- (4) For the local authority to comply with these regulations, it will be necessary to pin-point high pollution areas and assess what may be the reason for this.

All sewage treatment plants which are not discharging at the quality standards recommended in the EC Urban Wastewater Treatment Regulations, 1994 will have to be assessed and remedial work will have to be carried out to achieve discharges at the recommended standards.

All land on which sewage sludge from STPs is being spread will have to be registered with the local authority. NMPs for this land will have to be drawn up. An example of what needs to be addressed in a NMP is as follows:

- (a) The nutrient content of the soil and what is acceptable for nutrient application, this will also depend on what type of crop is grown on the land
- (b) Animal housing facilities should be assessed and compared to what is required
- (c) Waste storage and management should also be reviewed. The storage of chemicals, sheep dip and oil should be assessed
- (d) Spreading times

Slurry spreading should not take place between 1st October and 15th January and all winter slurry should be spread before the 31st August

Spreading should only take place when weather and land conditions permit

- (e) The application rate of waste onto land
 - (f) Land spreading precautions. Waste should only be spread in appropriate weather conditions and with appropriate spreading machinery. Distances from water sources should be observed
 - (g) Non-farming waste, if used, should be integrated into a detailed NMP.
- Sewage sludge should be spread in accordance with S.I. No. 183 of 1991.

All industrial discharges shall be monitored by the local authority or by the EPA depending on the licensing authority and breaches of the standards prescribed in the licence will have to be assessed and necessary proceedings will have to take place to ensure that these breaches will not occur again.

Farm surveys will have to be carried out to identify:

- (1) Pollution control facilities on the farms, and to determine whether these facilities are adequate. If these are not adequate, Section 12 Notices will have to be issued to ensure that the statutory requirements to avoid pollution can be met. The local authority, when issuing a Section 12 Notice should require the preparation of a

Nutrient Management Plan (consultation with the Environmental Protection Agency should be sought prior to this requirement).

Information meetings should be arranged so that the different sectors of the community can be made aware of what good nutrient management practices are and the benefits of these practices.

Some of these benefits are as follows:

- (1) Maintain the correct balance of nutrient (lime, N, P, K and S) in the soil and so optimise grass and crop growth
- (2) Save money by ensuring application of the correct amount and type of chemical fertiliser on farms
- (3) Minimise nutrient losses through leaching, run off or losses to the air
- (4) Prevent the rise in phosphate and nitrate levels in waters
- (5) Protection of wells, rivers and streams.

NMP requirements:

Map of the farm to identify the current land use and areas of the farm in which nutrient application is restricted.

A baseline survey of the soil fertility of the farm shall be carried out. The farmer and planner should establish representative sampling areas. These areas may be identified and selected on the basis of such characteristics as soil type, previous cropping and fertilising history.

Peat and mineral soils must never be mixed in a soil sample (peat samples are those that are 10 cm or greater in depth and with an average of 30% organic matter).

Soil samples must be analysed by a competent agency.

Soil samples should not be taken for 3 months after the date of application of organic and/or chemical fertilisers.