

19 September 2006

Circular Letter: WSP 4/06

To each sanitary authority

Licensing of Local Authority Discharges

Dear Manager,

I am directed by the Minister for the Environment, Heritage and Local Government to refer to Council Directive of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community (76/464/EEC).

Under Article 7 of the Directive, Member States are required to establish pollution reduction programmes which must include prior authorisation by the competent authority in the relevant Member State in relation to all discharges to waters which are liable to contain any of the substances referred to in List II of the Annex to the Directive. The pollution reduction programmes must also include emission standards to be laid down for all authorisations based on quality objectives which must be fixed for waters. In addition, the programmes must include deadlines for programme implementation.

The European Court of Justice, in a judgement given by it in June 2005 found that, in failing to take all the measures to ensure a correct transposition and application of the Directive, Ireland has failed to comply with its obligations under Article 7 of the Directive.

In its judgement, the Court ruled that in regard to the failure to make certain local authority discharges such as drainage discharges and storm water overflows subject to authorisation, Ireland has failed to fulfil its obligations in this regard.

In response to the judgement insofar as it relates to local authority discharges, Ireland has indicated to the Commission that it proposes to provide for a licensing system for such discharges. However, the Commission has indicated to the Department that the terms of the Directive in relation to local authority discharges are not limited to waste water treatment plant discharges or storm water overflows. The Commission has indicated that it will require all local authority discharges which are liable to contain List II substances to be subject to the prior authorisation, or licensing, system.

To enable the Department to establish the nature and scale of the discharges which are likely to come within the scope of Article 7 of the Directive, other than waste water treatment discharges and storm water overflows, you are requested to carry out a scoping exercise to identify the additional categories of local authority discharges which will have to be considered for licensing. In addition, an inventory of local authority plants and facilities where discharges

liable to contain List II substances occur should be prepared. In this regard, the full range of local authority activities giving rise to discharges to waters across the various functional areas of the authority within its administrative area should be examined to ascertain the categories of plant and facility likely to contain List II substances.

It is envisaged that the licensing of all local authority discharges under the proposed arrangements will be carried out by the Environmental Protection Agency which will be designated as the competent authority for the purposes of this aspect of the Directive.

It would be appreciated if you would arrange to have put in place the necessary procedures to identify the required information outlined above in each authority for which you are manager.

Details of the results of this scoping exercise should be entered in the attached form and should be sent by post to Mr Paul McNally, Water Services Policy Section, Department of the Environment, Heritage and Local Government, Floor 2, Block 1, Irish Life Centre, Lower Abbey Street, Dublin 1 or by email to paul.mcnally@environ.ie. by **Friday 17 November 2006 at the latest.**

Mise le meas

Joe Harrington
Principal Officer
Water Services Policy Section

To - Each County and City Manager and Director of Services (Water Services)
and Director of Environmental Services
Copy to – CCMA GCCC, AMAI, EPA, Ombudsman's Office and Regional Authorities.

Details of activities giving rise to discharges to waters which have been identified as being liable to contain a List II substance

Name of Local Authority: _____

Category of Discharge (Indicate activity giving rise to the discharge).	Details of plant/ facility and location where this category of discharge occurs.	Indicate any other relevant details relating to the discharge.

Signed: _____

Date : _____

