

# **CARLOW COUNTY COUNCIL**

## **GUIDANCE NOTE FOR APPLICANT – DISCHARGE TO WATERS**

LOCAL GOVERNMENT (WATER POLLUTION) ACT, 1977  
LOCAL GOVERNMENT (WATER POLLUTION) (AMENDMENT) ACT, 1990

### **1. GENERAL**

Under the Local Government (Water Pollution) Act, 1977, a licence is required for the discharge of trade effluent or other matter (other than domestic sewage or storm water) to any waters (Section 4). It is an offence to make any such discharge except under and in accordance with a licence. The licensing system applies to all existing and new discharges as defined by the 1977 Act.

### **2. DOCUMENTS TO BE SUBMITTED**

**Applicants should note that the statutory two-month period for consideration of an application does not commence until the following documents and application fee have been received by Carlow County Council.**

**Three copies of each of the following documents to be submitted together with application fee of €380:**

- Completed application form.
- A site location map showing the site of the facility (scale 1/2500) outlined in red and any adjoining land in the same ownership outlined in blue.
- A detailed plan of the facility to a scale not less than 1/500 showing all waste storage points, incoming and outgoing discharge points, emission points, monitoring points, water courses, fencing, access points to site and any other relevant information.
- A drawing to an appropriate scale showing the locations of all relevant drainage systems, works, apparatus, plant or tanks from which effluent is to be discharged. It should also indicate the pipe to which the discharge is to be made and the point of discharge.
- A copy of the relevant page of the newspaper in which notice of the application has been published.
- Any particulars of the quality, volume and flow rate of receiving waters, the likely effects of the discharge on these waters and the results of any investigations undertaken in relation to these matters.

### **3. NEWSPAPER ADVERTISEMENT**

A newspaper advertisement is necessary in respect of any application to discharge to waters including a review of any licence to discharge to waters. The advertisement should be placed, by the applicant, in a newspaper which circulates widely in the area of the proposed discharge. The advertisement must be published within a period of **two weeks** prior to making of an application for a licence and should state the following:

- The Notice shall be headed “**Discharge of Effluent to Waters**”.
- Name of the applicant and the name of the Local Authority to which application is being made.
- Give a general description of the effluent.
- In the case of trade effluent, state the nature of the trade or industry.

- State the name and location of the premises from which the effluent is to be discharged.
- Indicate the waters to which the effluent is to be discharged.

#### 4. DEFINITIONS

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

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

**“Waters”** include:

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

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

#### 5. WHO NEEDS A LICENCE?

A licence is always required if wastewater is discharged to surface water. Many industrial processes do not generate ‘process wastewater’ or effluent but they may produce uncontaminated cooling water. This is regarded as wastewater since it is often hot and usually contains various treatment chemical additives and so a licence is required. The same applies to boiler blowdown and the discharge from any water treatment plant used to treat the boiler make-up water.

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

##### **Exemptions**

A licence **is not** required for domestic sewage not exceeding a volume of 5m<sup>3</sup> in any period of 24 hours that is discharged to an aquifer from a septic tank or other disposal unit by means of a percolation area, soakage pit or other method. A licence **is required** for discharge of domestic sewage from a septic tank where the discharge is direct to surface waters and, in all cases, where the discharge exceeds 5m<sup>3</sup> in 24 hours.

#### 6. DECISION OF CARLOW COUNTY COUNCIL

Carlow County Council will make a decision within two months once the application which includes all the proper information, submissions, etc. is submitted, whether to grant or refuse a licence or to grant one subject to conditions. Carlow County Council will notify the applicant and any person who submitted representations or objections regarding an application of their decision to grant or refuse a licence.

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

## **6. GRANTING A LICENCE**

Carlow County Council attaches conditions to a licence by which the licensee must comply with, these may:

- (a) Relate to:
  - i. The nature, composition, temperature, rate, volume, periods during which a discharge may or may not be made, the effect of the discharge on the receiving water and the design, construction and location of the discharge outlet;
  - ii. The provision and maintenance of flow meters, gauges, other apparatus, manholes and inspection chambers;
  - iii. The taking and analysis of samples, the keeping of records and the furnishing of information to the local authority;
  - iv. The prevention of a discharge in the event of a breakdown of the plant.
- (b) Require contribution towards the cost incurred by the local authority in monitoring & inspecting the discharge.
- (c) Specify a date not later than which any conditions shall be complied with

Carlow County Council may put in any other appropriate conditions to protect waters from pollution e.g. to bund tank and drum storage areas to protect groundwater and surface water, record keeping and reporting requirements, other relevant conditions depending on circumstances.

## **7. REVIEW OF LICENCE**

Carlow County Council can review a licence:

- (a) At intervals of not less than three years,
- (b) At any time, with the consent of the person causing the discharge,
- (c) At the official request of the licensee,
- (d) At any time when a local authority has reasonable grounds for believing the authorised discharge may be a threat to public health or will make the waters unfit for other uses,
- (e) Where a material change has taken place in the nature or volume of the discharge,
- (f) Where a material change has taken place in the conditions of the receiving water,
- (g) Where further information concerning the discharge has become available,
- (h) When new water quality objectives or emission standards for effluents are prescribed under the Act,
- (i) At intervals which may be specified by any Regulations introduced under the 1977 Act.

Where Carlow County Council intends to review a licence it:

- (a) Must give notice to the discharger of it's intention,
- (b) Must place a notice in a newspaper circulating in the functional area of the local authority that must state that written representations relating to the review may be made within one month. (This applies to reviews of licences to discharge to waters only.)

- (c) May require a discharger to submit plans or other particulars for the purpose of the review. (If these are not submitted within three months, the review may be completed without them).
- (d) Must make available any plans or particulars submitted by the discharger for public inspection at its offices until the review or any appeal is determined.

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

## **8. COMPLIANCE**

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

## **9. REGISTER**

Under the Act, each local authority shall keep a register of all licences granted by it for both discharge to waters and to sewers. The register is kept at the offices of Carlow County Council, County Buildings, Athy Road, Carlow and is open to inspection by any member of the public who may make a copy of any entry on payment of a nominal fee.

## **10. LEGAL**

**These notes are for guidance only and do not purport to be a legal interpretation of the (Water Pollution) Acts 1977 and 1990.**

The following is a list of the Acts and S.I.'s that are related to water pollution.

- S.I. No. 18/1996: Local Government (Water Pollution) Act, 1977
- S.I. No 108/1978: Local Government (Water Pollution) Regulations, 1978
- S.I. No. 270/1992: Local Government (Water Pollution)(Amendment) Act, 1990
- S.I. No. 271/1992: Local Government (Water Pollution) Regulations, 1992
- S.I. No. 184/1996: Local Government (Water Pollution)(Amendment) Regulations, 1996.
- S.I. No. 42/1999: Local Government (Water Pollution)(Amendment) Regulations, 1999.
- S.I. No. 573/2001: Local Government (Water Pollution)(Fees) Regulations, 2001
- S.I. No. 41/1999: Protection of Groundwater Regulations, 1999.
- S.I. No. 257/1998: Local Government (Water Pollution)(Nutrient Management Planning Consultation) Regulations, 1998.
- S.I. No. 258/1998: Local Government (Water Pollution) Act, 1977 (Water Quality Standards for Phosphorous) Regulations, 1998.
- S.I. No. 43/1994: Local Government (Water Pollution) Acts, 1977 and 1990 (Control of Carbon Tetrachloride, DDT and Pentachlorophenol Discharges) Regulations, 1994.
- S.I. No. 419/1994: Environmental Protection Agency Act (Urban Waste Water Treatment) Regulations, 1994.
- S.I. No. 245/1994: Local Government (Water Pollution) Acts, 1977 and 1990. (Control of EDC, TRI, PER and TCB Discharges) Regulations, 1994.
- S.I. No. 348/1993: Local Government (Water Pollution) Acts, 1977 and 1990 (Control of Aldrin, Dieldrin, Endrin, Isodrin, HCB, HCBd and CHC13 Discharges) Regulations, 1993.