

Guidance Note to Irish Water on update to EPA Procedures - 25/08/2015

This guidance note provides an overview of a number of amendments to EPA procedures as well as highlighting a number of specific aspects of the procedures. This document details how Irish Water should interact on EDEN with regard to incidents and licensee returns. The updates came into effect on 01/04/2015 and were discussed with Irish Water representatives in a workshop on 01/05/2015. The relevant procedures which have been updated / amended are;

- Incidents Procedure
- Licensee Returns Procedure

Incidents Procedure

If a particular issue is recurring/ongoing/continuous the issue should be notified once as an incident (through EDEN) and this incident notification should be updated until such time as the issue is resolved. The EPA will be aware that the issue is recurring/ongoing/continuous on receipt of the incident notification where Irish Water has selected 'recurring' (under Incident Details) and selected the 'Likelihood of Reoccurrence' as high, medium or low (under Additional Incident Details). It is expected that the 'Likelihood of Reoccurrence' will typically be high or medium for recurring incidents.

Open Incidents can be updated by Irish Water in 7 areas i.e.

- Impact on the environment
- Ongoing
- Finish date and time
- Emission Parameter Results
- Corrective and preventative actions
- Document upload
- Notes

In general, the 'Notes' section will be used by Irish Water to provide updated information on recurring/ongoing/continuous issues. The Emission Parameter Results section should be used to add details of additional monitoring results. Incidents must be updated as soon as new/additional information becomes available to Irish Water e.g. on receipt of further non-compliant monitoring results, commencement of improvement works etc.

The EPA acknowledges that in a small number of cases corrective / preventative action(s) may not be known at the time of reporting. In these cases Irish Water shall submit details of when the long term corrective / preventative action details will be uploaded to the incident notification as a corrective / preventative action. Such interim corrective / preventive action(s) will remain open until Irish Water provides adequate detail on the long term solution. Typically this delay in reporting corrective /preventative actions should not exceed 1 week. The EPA considers that such delays in reporting

actions should mainly apply to preventative actions to prevent future incidents rather than corrective actions to stop ongoing impact for the incident being reported.

An incident will be closed when the EPA is satisfied that the Likely Cause has been addressed (through Corrective and Preventative Actions).

If a minor incident is received with clear corrective / preventative actions identified and timelines included the EPA may close the incident on receipt of the initial incident notification. In the unlikely event that the incident reoccurs and the previously identified corrective / preventative actions have not been implemented as detailed in the initial incident notification or have not been successful the EPA will consider, on a case by case basis, what enforcement actions are necessary to ensure that the appropriate corrective / preventative actions are completed.

If an incident notification is received without adequate detail on corrective / preventative actions and/or timeframes for completion identified in the report, the incident will remain open until it has been updated to include the corrective action / preventative and in some cases until the action(s) have been completed.

If the corrective /preventative action has not been completed after a number of weeks (typically 8 weeks) and the environmental impact remains ongoing, a Compliance Investigation will be considered by the EPA.

Interim measures to minimise impact while awaiting the long term corrective / preventative actions should also be considered and detailed as corrective / preventative actions. These should consider procedural corrective /preventative actions as well.

Where Irish Water proposes a Process Optimisation visit (or measures from) as a corrective action the incident notification must provide details of the relevant Process Optimisation visit measures including timeframes for implementation.

Please note that if an issue occurs which has a new/different;

- Incident Category,
- Incident Nature,
- Likely Cause,
- ELV parameter(s)
- Impact on the Environment,
- or at a different Emission Point

this is a new incident and should be notified as such i.e. do not update a previously notified recurring incident in this case.

Irish Water should note that ELV exceedances for multiple parameters (at a single location/emission point and with the same cause) can be reported in a single incident notification (where relevant). Typically multiple locations/emission points require multiple incident notifications.

Licensee Returns Procedure

If a Licensee Return (of type 'Request for Approval') is with the EPA for consideration and the EPA has issued a 'Request for Information' that Irish Water has not responded to or progressed within a reasonable timeframe, then the EPA would typically close the Return (status 'Rejected').

If communication is submitted under a Licensee Return where it should have been submitted under another module (i.e. response to a Compliance Investigation Action, as an incident notification, in response to an incident update request, in response to a Request for Information on a complaint), the EPA will reject the Return and Irish Water will be required to resubmit the information as appropriate.