



Relate

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The journal of developments in social services, policy and legislation in Ireland

Water and water quality in Ireland

Over the last 30 years, the use and protection of water resources has increasingly come to the attention of legislators both in Ireland and in Europe. As a result, there is now a large body of legislation aimed at protecting and maintaining the quality of water in Ireland. There is also a large number of organisations with responsibility for ensuring that: clean water supplies are delivered efficiently and effectively; wastewater is carried away and appropriately treated; and our rivers, lakes and coastal waters meet high environmental standards.

EU legislation

Much of the current Irish legislation related to water issues originates from the EU. The main aim of EU water policy is to ensure that a sufficient quantity of good-quality water is available for people's needs and for the environment.

Water Framework Directive (WFD)

The Water Framework Directive (Directive 2000/60/EC) is the most important piece of legislation in this area. It covers lakes, rivers, groundwaters and coastal waters. Its main objective is to protect and enhance freshwater resources, with the aim of achieving 'good status' of all waters within the EU. Achieving good status involves meeting certain standards for the ecology, chemistry and quantity of waters. In general, 'good status' means that water shows only a slight change from what would normally be expected under undisturbed conditions (such as in an area with a low human impact).

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Under the WFD, each member state is required to prepare River Basin Management Plans (RBMPs) and a programme of measures for river basin districts. A river basin is an area of land drained by a river and its tributaries. These river basins can be grouped together to form a river basin district. An RBMP is a detailed account of how the objectives set for the river basin will be reached. It covers the ecological status, quantitative status, chemical status and protected area objectives. Both RBMPs and a programme of measures must be prepared once every six years and submitted to the EU. The Government is currently preparing the third-cycle River Basin Management Plan 2022 – 2027 for Ireland which is due to be published in December 2021. Members of the public are encouraged to participate in RBMPs by making written submissions and comments when they are being developed. The timetable and work programme of the third-cycle RBMP is published on bit.ly/2ngxZKk.

The WFD also requires member states to establish water monitoring programmes. This Directive is complemented by two other directives which specify further quality standards which must be met: the Groundwater Directive (Directive 2006/118/EC) and the Environmental Quality Standards Directive (Directive 2008/105/EC). The WFD is linked to a number of other EU directives. These include:

- Directives relating to the protection of biodiversity (Birds and Habitats directives)
- Directives related to specific uses of waters (drinking water, bathing waters and urban wastewater)
- Directives concerned with activities undertaken in the environment (Industrial Emissions and Environmental Impact Assessment directives)

The EU is currently assessing the WFD to see if changes could improve its effectiveness. As part of this review, the performance of each member state will be evaluated, particularly in the use of RBMPs and programmes of measures.

Quality of water within the EU

The European Environment Agency's report, *European waters: Assessment of status and pressures 2018* provides detailed information on the status of Europe's water bodies, as reported by member states under the WFD.

Groundwater: The report shows that 74% of the EU's groundwater bodies have achieved good chemical status (that is, hazardous chemicals are prevented entry and only limited amounts of other chemicals such as nitrates are allowed). It also shows that 89% have achieved good quantitative status (that is, the level of groundwater maintains relatively constant over the long term so that there is no negative effect on local ecosystems). Agriculture is the main cause of groundwater's failure to achieve good

chemical status, as it leads to diffuse pollution from nitrates and pesticides.

Surface waters: The situation is less encouraging for rivers, lakes and coastal waters. Only 38% are in good chemical status and just 40% are in good ecological status. One of the primary reasons for the lower results for surface waters is the presence of mercury and similar substances. Mercury is one of the most common water pollutants in the EU with common sources including mining and industrial activities.

Ireland was late in complying with its most recent reporting obligations, therefore it is not included in the results above.

Floods Directive

The Floods Directive (Directive 2007/60/EC) requires member states to adopt a risk-management approach when dealing with the threat of significant floods. Member states must:

- Make a preliminary flood risk assessment for each river basin. This must set out the factual situation, and the likelihood of future floods with a forecast of their estimated consequences. If no significant flood risk exists, member states have no further obligation.
- Create draft flood risk maps and then Flood Risk Management Plans (FRMPs), if there is a potential significant flood risk. These must include the objectives of the plans and the measures necessary to meet them.

In attempting to reduce the risk and impact of flood damage, the Floods Directive particularly seeks to reduce the associated negative consequences for human health, the environment, cultural heritage and economic activity. This Directive is currently under review.

Drinking Water Directive

The Drinking Water Directive (Directive 98/83/EC) on the quality of water intended for human consumption is the main EU legislation setting out the standards for drinking water. Water intended for human consumption includes water intended for drinking, cooking, food preparation and other domestic purposes. Under the Directive, the water supplied must be 'wholesome and clean'. Water is wholesome and clean when it is free from micro-organisms, parasites and substances which may, in certain numbers or concentrations, constitute a potential danger to human health. This Directive is currently under review.

Bathing Water Directive

The Bathing Water Directive (Directive 2006/7/EC) concerning the quality of bathing water is the current

EU legislation governing the standards for bathing water. Bathing waters are surface waters that can be used for bathing, such as rivers, lakes and coastal waters (but not swimming pools and spas). This Directive establishes a new classification system for the quality of bathing water based on four standards: poor, sufficient, good and excellent. Waters that fail to meet the minimum standard of sufficient quality will be subject to bathing restrictions. It requires member states to monitor and assess the bathing water for at least two types of (faecal) bacteria. In addition, member states must inform the public about bathing water quality and beach management, through bathing water profiles.

Every year, the European Commission and the European Environment Agency publish a report on the quality of bathing water in each member state. In 2018, 95.4% of EU bathing sites met the minimum 'sufficient' quality requirement and 85.1% of bathing water sites met the most stringent 'excellent' quality standards. In Ireland in 2018, 94.5% of bathing sites met the minimum 'sufficient' quality requirement and 73% met the most stringent 'excellent' quality standard.

Proposed EU legislation on water reuse

The European Commission has adopted a proposal for a regulation which seeks to contribute to alleviating water scarcity across the EU, in the context of adapting to climate change. It will focus on increasing the amount of water that is reused, particularly for agricultural irrigation (where relevant and cost-effective) while ensuring a high level of public health and environmental protection. The regulation includes minimum requirements for the quality of reclaimed water as well as other mandatory risk-management tasks. Member states will also be required to publish information online about their water reuse practices. The proposed regulation will have to be adopted by both the European Parliament and the European Council.

Irish legislation

The main Irish primary legislation on water quality and pollution comprises:

- Local Government (Water Pollution) Acts 1977 to 2007
- Environmental Protection Agency Acts 1992 to 2011
- Waste Management Acts 1996 to 2011

The WFD has been transposed into Irish law through a number of EU regulations.

Irish bodies responsible for the provision and regulation of water services

Irish Water

Irish Water (Uisce Éireann) is the national utility responsible for public water and wastewater services in Ireland. It is tasked with operating, improving and investing in water and wastewater systems to provide safe, reliable and high-quality services to customers. Established under the Water Services Act 2013, Irish Water is currently a subsidiary of Eirvia (formerly known as Bord Gáis Éireann). Previously, local authorities had responsibility for the supply of water as 'water services authorities'. Most of their functions were transferred to Irish Water under the Water Services (No 2) Act 2013. However, local authorities still have responsibility for some matters like domestic wastewater systems.

Irish Water is currently implementing a seven-year business plan, entitled *Transforming Water Services in Ireland to 2021*.

Environmental Protection Agency

The Environmental Protection Agency (EPA) acts as the environmental regulator of water in Ireland. Its functions include:

- Monitoring and reporting on the quality of rivers, lakes, coastal and ground waters
- Measuring and reporting on water levels and river flows
- Coordinating and providing oversight of many technical aspects of the WFD
- Monitoring bathing water quality
- Supervising the quality of drinking water supplied by Irish Water to its customers
- Enforcing urban wastewater licences in plants managed by Irish Water
- Licensing wastewater discharges

Commission for the Regulation of Utilities

The Commission for the Regulation of Utilities (CRU) is the independent regulator of public water and wastewater services. It has responsibility for ensuring that water services are delivered in a safe, secure and sustainable way and that Irish Water operates in an economical and efficient manner.

Under the Water Services Act 2013, the CRU's functions include:

- Fixing charges for the provision of water services
- Specifying minimum standards of service
- Protecting the interests of people receiving water services

The CRU provides a dispute resolution service to any customer of Irish Water with an unresolved complaint. A complaint form is available at cru.ie.

The Minister for Housing, Planning and Local Government can issue directions of a general policy nature to the CRU, and the CRU is required to comply. The CRU and the EPA are required to co-operate and there is a memorandum of understanding between the two bodies to allow both to efficiently carry out their respective statutory duties.

The Water Forum (An Fóram Uisce)

An Fóram Uisce is an independent, statutory body established in June 2018 to provide a platform for public engagement on the roll-out of the River Basin Management Plans (RBMPs) and all matters relating to water as an environmental, social and economic resource.

It consists of 28 members who represent organisations and sectors with an interest in water issues. These include the environmental sector, the rural and agriculture sectors, consumers (including customers of Irish Water), the rural water sector, river trusts, angling and water sports, the business sector, trade unions, the community and voluntary sector, fisheries and aquaculture, forestry, education, social housing and tourism.

An Fóram Uisce has an advisory role to the:

- Minister for Housing, Planning and Local Government, in relation to government water policy
- Commission for Regulation of Utilities (CRU), in relation to the performance of Irish Water
- Water Policy Advisory Committee, in relation to River Basin Management Plans

An Fóram Uisce is also required to make recommendations to Irish Water in relation to the performance of its functions. The functions of An Fóram Uisce were previously carried out by the Public Water Forum and the National Rural Water Services Committee.

Water Advisory Body

The Water Advisory Body is another statutory body established under the Water Services Act 2017. Its functions include:

- Advising the Minister for Housing, Planning and Local Government on measures needed to improve the transparency and accountability of Irish Water
- Reporting quarterly to an Oireachtas committee on Irish Water's implementation of its business plan

Office of Public Works

The Office of Public Works (OPW) is the national authority with responsibility for the implementation of the Floods Directive in Ireland.

Drinking water in Ireland

Drinking water in Ireland comes either from a public source or a private source. Irish Water manages the public supplies of water. These supplies are covered by the Drinking Water Regulations and regulated by the Environmental Protection Agency (EPA). The Health Services Executive (HSE) provides advice to Irish Water if there is a failure to meet a water quality standard or where there is a public health risk.

As in the EU Drinking Water Directive, the Irish Drinking Water Regulations require that suppliers of drinking water ensure that the water supplied is wholesome and clean. The detailed technical requirements are set out in the Regulations.

Public water supplies

Irish Water monitors drinking water quality for public supplies. It prepares annual monitoring programmes to ensure that a specific number of samples are taken at planned times throughout the year and at planned locations in the distribution network. These samples are taken from taps in homes and businesses. The EPA audits Irish Water's monitoring programmes to ensure that the monitoring is satisfactory.

The samples are tested for:

- Microbiological substances (such as E. coli)
- Chemical and radioactive substances
- The look, taste and smell of the water

Overall compliance for Irish public water supplies

Category	2014	2015	2016	2017
Microbiological compliance	99.90%	99.92%	99.94%	99.88%
Chemical compliance	99.44%	99.39%	99.47%	99.55%
Look, taste and smell compliance	99.25%	99.05%	98.82%	98.91%

(Source: *Drinking Water Report for Public Supplies 2017*, EPA)

Risks to health

Where there is a potential risk to health from a public supply, Irish Water may issue a Boil Water Notice and/or place a Restriction Notice on a supply. Irish Water must notify people affected as soon as possible. The notice will remain in place until the risk is removed. In some instances, a precautionary notice may be issued. This is where Irish Water is concerned that a problem in the supply might cause a water quality failure, which could then affect people's health.

Irish Water must notify the EPA when a water quality failure is discovered. The EPA then oversees Irish Water's investigation and implementation of a solution or its remedial action in response to a failure.

Private water supplies

Private water supplies are supplies that are not provided by Irish Water. They are mostly in rural areas and provide drinking water to people who are not connected to the public water mains. The water source for most private supplies is a spring or a well.

Private supplies include:

- Private group water schemes
- Wells that provide water to public buildings and businesses in rural areas that do not have a public mains supply
- Wells that people have drilled for their own homes

The supplier and the local authorities have legal responsibilities under the Drinking Water Regulations. Local authorities have the leading role in regulating private supplies, although some small private supplies fall outside the Drinking Water Regulations and consequently, outside the remit of local authorities.

The Department of Housing, Planning and Local Government has an important role in policy making and funding. The HSE provides advice to local authorities if the water quality standard is thought to pose a risk to the health of people using a private water supply. The EPA has limited responsibility for private supplies. However, it audits the monitoring carried out by local authorities and reports every year on water quality in private water supplies. It also supports the private water supply sector by providing guidance to local authorities on investigating water quality failures and publishing advice on the treatment of drinking water.

Domestic water charges

Previous domestic water charges were suspended. However, Irish Water currently plans to introduce charges for excess water use by domestic customers.

Excess use charge

In 2017, legislation was introduced which sets a household water allowance and provides for charging customers who use above a certain threshold. This charge is known as the 'excess use charge'. It encourages households to conserve water and, where possible, identify and fix leaks in their water supply. Excess use charges are intended to promote conservation and personal responsibility for water use and help Ireland meet the requirements of the Water Framework Directive. The excess use charge is also known as the Household Water Conservation Charge. The household water allowance is 213,000 litres per year.

When will the excess use charges start?

Irish Water will begin writing to some customers towards the end of 2019. The Call to Action letter will give notice that you may be using an excessive amount of water and provide information on how to conserve water and deal with leaks. This advance notice is intended to give you time to repair leaks and reduce your household's water usage before you become liable for charges. The start date has not yet been set for the excess use charge, but this should be clarified by the end of 2019. However, it has been established that the first bills can only be issued after 1 January 2021. You can read more on the Household Water Conservation Charge on water.ie.

Who is an Irish Water customer?

You are a customer of Irish Water if your property receives water from a public water main and/or uses a public sewer for wastewater removal. The excess use charge will be per service. This means that if you use public water and wastewater services, you can be charged excess use charges for both.

The table overleaf shows who is considered to be a customer of Irish Water and which systems will be subject to excess use charges.

Water supplier	Wastewater	Customer of Irish Water?
Public mains	Public sewer	Yes
Public mains	Own treatment (septic tank or wastewater treatment system)	Yes (for a single service)
Group water scheme	Public sewer	Yes (for a single service)
Group water scheme	Own treatment	No
Private well	Public sewer	Yes (for a single service)
Private well	Own treatment	No

If your water comes from a private supply and you have a private wastewater treatment system (such as a septic tank), you are not regarded as a customer of Irish Water and will not be liable to pay excess use charges.

Who must pay the charges?

The person who actually gets the water supply and/or wastewater services from Irish Water must pay any charges. This means that the occupier of the property is liable for the excess use charge. If you own a property, you are presumed to be the occupier, unless you prove otherwise.

In a rental property, the tenant is the occupier and therefore responsible for charges. Property owners have to provide information to Irish Water on the occupier/s of a property within 20 days of the start of a tenancy.

What is considered excess use?

The average amount of water used by a household in Ireland is 125,000 litres per year. An excess charges threshold of 213,000 litres per year has now been set. This is 1.7 times the average amount. In general, homes with water usage above this threshold amount will be regarded as having excessive water use. Homes with more than four residents have an additional allowance amount of 25,000 litres per year above the threshold amount, for each extra person living there.

How is water use measured and charged?

Your water meter measures the amount of water supplied to your home. The amount of wastewater discharged is

assumed to be the same as the amount of water drawn from the mains supply. Metered households will be able to view their consumption by logging onto their Irish Water online account. Irish Water will charge €1.85 per m³ (1,000 litres) for usage over the relevant threshold. The charge will be capped at €250 a year for water and €250 a year for wastewater services. The maximum charge for excess water use will therefore be €500 a year.

If your property does not have a meter and is suspected of excess use, Irish Water may seek to install a meter or may calculate your usage using alternative technology. If excess use is detected, unmetered customers will be charged at the cap (€500 a year) unless a meter is installed.

If you are considered to be exceeding your threshold over any 12-month period, you will receive a notice from Irish Water:

- Identifying the 12-month period concerned
- Stating that excess use charges will apply if the threshold amount continues to be exceeded over a six-month period, which begins on the day of the notice

You can request an exemption if there has been an increase in the number of residents at the property (called an additional occupancy allowance). You can also get an exemption if a resident has a medical need which increases your water use (called a medical need exemption).

The supply of water by Irish Water and by local authorities is currently exempt from VAT, although it is charged at 13.5% on other utilities, such as electricity and gas.

Metering

A water meter is a device that measures the amount of water supplied to your property. Approximately one million domestic customers have had meters installed by Irish Water and the majority of non-domestic customers are also metered.

Meters for people's homes are placed in a meter box, which is located underground on public land. These meters feature Automated Meter Reading (AMR) technology. This means that the meter can be read by Irish Water on a drive-by (or walk-by) basis and customers do not need to be present. A customer can view their own usage through their Irish Water online account.

The current metering programme has been completed. However, if a new meter needs to be installed or replaced, the work may disrupt water supply to the property for a few hours. Property owners do not need to be present during meter installation.

Fixing leaks

Homeowners are legally responsible for water pipes and systems inside their dwelling and between the dwelling and the property boundary.

However, under the First Fix Free Scheme, Irish Water will contact you by post if your water meter indicates that there may be a leak on your external supply pipe. If you are eligible for the scheme, Irish Water will offer you a free investigation on this pipe and free repair of identified leaks. Generally, this will involve fully replacing the pipe from the meter to a point as close to the property as possible.

The First Fix Free Scheme is available to domestic customers who are registered with Irish Water and have:

- A water meter installed
- A confirmed leak on the external supply pipe
- A working and accessible inside stop valve

Group water schemes – domestic households

Many households that are not connected to a public water supply are served by group water schemes. These schemes are formed by two or more households coming together to provide their own common water supply. The group elects trustees to act on behalf of its members in all dealings with the local authority.

Group water schemes can get water supplies from the public mains (Public Group Water Schemes) or from private sources such as wells, springs or lakes (Private Group Water Schemes).

Group schemes are generally fitted with a water meter so that the amount of water they use can be monitored. Each household in the scheme gets a domestic allowance. If they use more than this, the group scheme as a whole is charged, as the meter monitors the water use of the whole scheme. The meter is checked on a quarterly basis and the allowances for domestic users are deducted. The remainder is charged at a set rate per cubic metre. This rate varies from one scheme to another.

Group scheme members are also entitled to a subsidy from the local authority to cover the operational costs of the scheme. The subsidy for a private group scheme is higher than for a public one, to reflect the increased costs associated with a private water supply (such as filtration and disinfection costs).

Commercial water charges

All commercial organisations and non-domestic customers must pay water charges if water is being supplied for their use. Non-domestic customers might include hospitals, schools and clubs.

Irish Water customers

There are two types of Irish Water accounts for commercial water charges: metered and unmetered. Rates were traditionally set by each local authority and these rates, which differed from one local authority to another, were continued by Irish Water from 2014. As a result, businesses with similar water use in different locations might pay different charges.

Metered accounts

A metered account involves a meter being fitted to monitor commercial water use. Commercial metered accounts are subject to a quarterly standing charge for the meter itself. A domestic allowance is available where the water supply is used jointly for commercial and domestic use. The domestic allowance can vary between local authorities.

Unmetered accounts

Unmetered accounts are subject to a flat-rate charge payable to Irish Water. The rate is calculated by estimating how much water (and wastewater) a business uses. The volume of water and wastewater will differ, depending on the type of business and the number of employees.

Changes to charging for commercial Irish Water customers in 2020

New charges for commercial customers will come into effect from 1 May 2020, approved by the CRU. Irish Water will inform all its business customers in advance of the new charging regime. It is proposed that customers with increases of between €250 and €750 as a result of the new system will move to the new charges over a three-year period. Where a customer faces an annual bill increase of €750 or more, a 10% cap will apply to their annual bill over the three years. Full details of the new charges are available on water.ie/for-business/billing-explained/charges/.

A domestic allowance will continue to be available where the water supply is used jointly for domestic and commercial use. The domestic allowance will be the same as for domestic customers. This is 213,000 litres per household with an additional 25,000 litres for every resident, where more than four people live in the property.

The Citizens Information Board provides independent information, advice and advocacy on public and social services through citizensinformation.ie, the Citizens Information Phone Service and the network of Citizens Information Services. It is responsible for the Money Advice and Budgeting Service and provides advocacy services for people with disabilities.

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Irish Water has included a new Business Tariff Calculator on its website, water.ie for businesses to calculate how the charges will affect their business.

Group scheme members

Businesses in public group water schemes will continue be charged according to the current system for now. Their water use is monitored and the local authority charges them the set commercial rate. Commercial water users who are members of a private scheme can either have a meter installed to monitor their water use or they can agree a fixed rate with other group members.

Domestic wastewater treatment systems

People who use domestic waste water treatment systems, such as septic tanks, must operate and maintain the systems correctly including emptying and desludging as necessary. Their obligations are set out in the Water Services (Amendment) Act 2012 and in the Water Services Acts 2007 and 2012 (Domestic Waste Water Treatment Systems) Regulations 2012. Owners of premises which are connected to a domestic wastewater treatment system must register with the local authority and ensure that the system does not pose a risk to human health or the environment.

The local authorities are responsible for carrying out investigations to ensure the owner is complying with their obligations. If your waste water treatment system is found not to be working satisfactorily, you will get an advisory notice from the local authority requiring you to improve the maintenance of your system or to upgrade or fix it. Failure to properly maintain a waste water system is a criminal offence.

Bottled water

Bottled water is covered by the European Union (Natural mineral waters, spring waters and other waters in bottles or containers) Regulation, 2016. This legislation defines three types of water that can be bottled:

- Natural mineral water
- Spring water
- Other waters

Natural mineral waters are waters derived from an underground natural mineral water spring, which has been assessed and recognised by the National Standards Authority of Ireland (NSAI). Natural mineral waters are bottled at source, must contain certain quantities of minerals and other constituent elements (such as magnesium, fluoride, calcium and iron) and can only undergo very limited processing.

Spring waters are waters which are bottled at source in their natural state. Again, only limited processing can be carried out on spring waters. Unlike natural mineral waters, spring waters do not have to be officially recognised by the NSAI.

Other waters are bottled waters which are not natural water or spring water, but yet are still wholesome, clean and safe to consume. Other waters are often subjected to additional treatment before bottling or come from multiple sources which make them ineligible to be considered natural mineral water or spring water. Spring waters and other waters must also comply with European drinking water regulations.

All bottled waters must meet certain criteria in terms of chemical and microbiological content. Monitoring of bottled water and any enforcement action against manufacturers is primarily the responsibility of the Food Safety Authority of Ireland. Further information is available on fsai.ie.

Citizens Information

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