



Commission for Regulation of Utilities
The Exchange
Belgard Square North
Tallaght

By email to pafreview@cru.ie

17th November 2020

Re: Irish Water Performance Assessment 2020 to 2024 – Consultation Paper

Dear CRU,

The EPA welcomes the opportunity to participate in the CRU’s consultation on the Irish Water Performance Assessment Framework 2020 to 2024. The EPA recognises the importance of the Performance Assessment Framework and recognises the value of amending certain metrics based on experience and in the context of performance assessment by regulators in other jurisdictions. In general, the environmental metrics and definitions are broadly aligned with the EPA approach to the regulation of drinking water and wastewater, and this is welcome. In this context, the EPA will continue to work with the CRU to ensure that there is consistency between EPA regulatory monitoring and the CRU’s performance assessment of Irish Water.

The EPA makes the following limited comments on the proposed framework and metrics:

Response to Complaints

The EPA received a number of complaints this year where complainants were dissatisfied with the response from Irish Water and the issue went unresolved for a period. From the EPA’s engagement with complainants, it appears that there is a risk that the number of complaints may be underestimated using the current definition of a complaint in the [Irish Water Customer Handbook](#) as *“the expression (through various possible channels, for example: letter, email, phone call, physical claim) of a customer’s dissatisfaction and their explicit expectation for a response or resolution”*. The EPA considers that if a customer expresses dissatisfaction about an environmental issue, such as odours from a waste water treatment plant or unpleasant taste from drinking water, it would be reasonable to consider this as a complaint. If the customer does not however also explicitly state that they want Irish Water to respond or resolve this matter, there is a risk Irish Water may not treat this as a complaint. The EPA suggests that the potential for misinterpretation could be addressed by assuming the customer wants a response or resolution unless they explicitly state they don’t, and/or specifically asking the customer if they are seeking a response or resolution.

Drinking Water Quality Targets

The EPA notes the proposed targets for drinking water quality (microbiological, *E.coli*, chemical, THM and lead compliance) in the performance assessment framework. The EPA must emphasise that there is a statutory requirement for Irish Water to achieve full compliance with the drinking water parametric values set out in the *European Union (Drinking Water) Regulations 2014, as amended*. While the proposed targets are an improvement from the current levels of compliance (e.g. 96.1 % THM compliance and 97.8% lead compliance reported in 2019) and represent progress, the proposed targets are below what is legally required and the Commission should take this into account when considering performance returns from Irish Water.

Boil Water Notices and Drinking Water Restriction Notices

The EPA welcomes the alignment with the EPA's metrics relating to notices (i.e. those in place greater than 30 days) and the target of no homes or businesses to be impacted by a boil water notice or drinking water restriction notice for greater than 30 days by the end of 2021.

Sludge Reuse and Disposal

The EPA notes the drinking water and wastewater sludge metric has been updated to reflect beneficial reuse as an alternative to sludge disposal, which is in line with action for a circular economy. In relation to drinking water sludge, the EPA also welcomes the inclusion of this metric which will assist in determining if sludge reuse and disposal routes comply with relevant waste and environmental legislation.

Incidents Relating to Wastewater Targets

The EPA notes the target of reducing the number of incidents each year but must highlight that it may be difficult to set a realistic figure for the annual reduction in the number of incidents. For example, some incidents may be outside of Irish Water's control, e.g. storms disrupting power supply can cause a significant increase in once off incidents. Please also note that since the consultation paper was published, the EPA has the 2019 information available and this may be of use to the Commission. In summary:

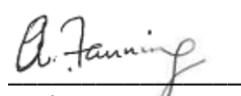
- 15% of the recurring incidents in 2019 and 45% of the one-off incidents were attributed to issues with the operation, management and maintenance of treatment plants.
- 70% of the recurring incidents in 2019 were caused by a lack of treatment infrastructure.

Compliance with the Emission Limit Values for Urban Wastewater Licences

The inclusion of the metrics relating to the percentage of licences that comply with the overall emission limit values for wastewater discharges, and the specific emission limit values for BOD, COD, Suspended Solids, Ortho Phosphate and Ammonia will provide additional valuable evidence of Irish Water's performance. The reports in relation to these metrics will be of interest to the EPA in relation both to its regulatory role and its role under the Water Policy Regulations.

I trust this information assists. Please don't hesitate to get in touch if you would like to discuss further.

Regards



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Office of Environmental Enforcement