

Mr. Seamus Neely
County Manager
Donegal County Council
Lifford
Co. Donegal

31 August 2011

**Re: DW2009/96 Action Programme for the Ballyshannon Public Water Supply
(0600PUB1105)**

Dear Mr. Neely,

The EPA acknowledges receipt of the amended action programme for the Ballyshannon Public Water Supply (PWS) dated 23rd May 2011 and subsequent amended action programme dated 7th July 2011 submitted by Donegal County Council in response to the Direction issued by the EPA on the 24th March 2011 under Regulation 10(4)(c) of the *European Communities (Drinking Water)(No.2) Regulations, 2007*.

The EPA advise that an Action Programme prepared under Regulation 10(4)(c) must be implemented within 2 years of the date of approval by the supervisory authority and therefore the timeframes as submitted in the Action Programme cannot be approved by the EPA without amendment. In accordance with Regulation 10(6) “*a supervisory authority may amend an action programme submitted to it under paragraph (4)(c), before approving it and the action programme thus amended and approved shall be regarded as the action programme for the purposes of these Regulations*”.

In accordance with Regulation 10(4) and 10(6), the EPA accepts the proposed Action Programme dated the 7th July 2011, subject to the following amendment:

The necessary upgrades to the infrastructure of the Ballyshannon PWS, as detailed in your amended action programme dated 7th July 2011, shall be constructed and commissioned by the **31st of August 2013**. The required treatment of water sources shall ensure compliance with the trihalomethanes parametric value as set out in the *European Communities (Drinking Water)(No.2) Regulations, 2007*.

The EPA approves the action programme dated 7th July 2009 and subsequent timeframes for completion, as amended by the Agency, which shall be regarded as the Action Programme for the purposes complying with the Direction issued by the EPA on 24th March 2011 under the *European Communities (Drinking Water) (No. 2) Regulations, 2007 (S.I. No. 278 of 2007)*. Donegal County Council is directed to ensure that the Action Programme for the improvement of the quality of the water in the Ballyshannon Public Water Supply (PWS) is

implemented so as to ensure compliance with the trihalomethanes parametric value as soon as practicable but no later than the 31st of August 2013.

Donegal County Council shall submit a progress report to the Agency via email to drinkingwater@epa.ie no later than the 31st December 2011 outlining progress in the achievement of the objectives of the Action Programme and thereafter progress reports should be submitted to the Agency by the 30th June 2012, 31st December 2012, 30th June 2013 and 6th September 2013.

Failure to comply with the implementation of the Action Programme prepared in accordance with Regulation 10(4) of S.I. No. 278 of 2007 is an offence under Regulation 10(12)(a) and may result in prosecution by the EPA and/or further enforcement action by the Agency against Donegal County Council in accordance with Regulation 22 of S.I. No. 278 of 2007.

The person dealing with this file is Derval Devaney to whom all correspondence and queries in relation to the matter should be addressed.

Yours sincerely,

Mr. Gerard O'Leary
Programme Manager
National Enforcement
Office of Environmental Enforcement