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## ENVIRONMENTAL PROTECTION AGENCY

### *European Communities (Drinking Water) (No. 2) Regulations 2007 (S.I. 278 of 2007)*

#### Direction under Regulation 10(4)(c)

#### PER REGISTERED POST

To: Mr. Seamus Neely  
County Manager  
Donegal County Council  
County House  
The Diamond  
Lifford  
Co Donegal

#### **EPA Reference Number PAE 2009/96**

The Environmental Protection Agency (EPA) refers to the written notification received by the Agency on the 14<sup>th</sup> of March 2011, by Donegal County Council of the failure to comply with the **Trihalomethanes** parametric values (as specified Table B (Chemical Parameters) of Part 1 of the Schedule of S.I. 278 of 2007), for drinking water in the **Ballyshannon Public Water Supply (0600PUB1105)**.

The Environmental Protection Agency pursuant to the powers conferred on it by Regulation 10(4)(c) of the *European Communities (Drinking Water)(No.2) Regulations 2007* (S.I. 278 of 2007) hereby directs Donegal County Council as the water services authority supplying water intended for human consumption in the Ballyshannon Public Water Supply to take the following measures:



1. Prepare an action programme to ensure compliance with the trihalomethanes parametric value and submit this programme to the EPA for approval within 60 days of the date of this Direction. The action programme shall include all actions planned by Donegal County Council to secure compliance with the Drinking Water Regulations. This programme shall include a detailed timetable and schedule for the completion of all planned actions. The preparation of the Action Programme shall have regard to Section 6 of the *European Communities (Drinking Water)(No.2) Regulations, 2007: A Handbook on the Implementation of the Regulations for Water Services Authorities for Public Water Supplies*.

Donegal County Council shall comply with these instructions and shall submit the Action Programme to the Environmental Protection Agency not later than 23<sup>rd</sup> May 2011. The Action Programme shall be e-mailed, in PDF format, to [drinkingwater@epa.ie](mailto:drinkingwater@epa.ie) and a signed copy of the Action Programme shall be sent by post to Drinking Water, Office of Environmental Enforcement, Environmental Protection Agency, PO Box 3000, Johnstown Castle Estate, Wexford.

Failure to comply with this direction is an offence under Regulation 10(12) of S.I. 278 of 2007 and may result in prosecution by the Agency and/or further enforcement action by the Agency.

Dated this 24 day of *March* 2011

Signed on behalf of the Agency:  
Present when seal of the Agency  
was affixed hereto:



A handwritten signature in black ink, which appears to read 'Gerard O'Leary', is written over a horizontal line.

**Mr Gerard O'Leary**  
**Programme Manager**  
**Office of Environmental Enforcement**

***European Communities (Drinking Water) (No. 2) Regulations 2007 (S.I. 278 of 2007)***

***Remedial action.***

10. (1) Each relevant sanitary authority shall ensure that any failure to meet the parametric values specified in Part 1 of the Schedule in its water supply, or in a water supply for which it is a supervisory authority, is immediately investigated by the relevant water supplier so as to identify the cause of such failure.

(2) For the purposes of paragraph (1), where a water supplier discovers a failure to meet the values specified in Part 1 of the Schedule in its water supply, that person shall notify the relevant supervisory authority for that supply in accordance with such guidelines as the Agency may issue for that purpose.

(3) A water supplier commits an offence if that person fails to notify the relevant supervisory authority in accordance with paragraph (2).

(4) Subject to Regulation 9 and paragraphs (5) and (8), where it is found, as a result of monitoring carried out for the purposes of these Regulations, that the quality of water intended for human consumption does not meet the parametric values specified in Part 1 of the Schedule, the supervisory authority shall, subject to any departures in force under these Regulations—

(a) ensure that the necessary remedial action is taken by the water supplier as soon as possible to restore the quality of the water, and may issue such directions as it considers appropriate for this purpose to the relevant water supplier;

(b) give priority to its enforcement action, having particular regard to the extent to which the relevant parametric value has been exceeded and to the potential danger to human health;

(c) unless indicated otherwise in guidelines under paragraph (8), within 14 days of receiving the monitoring results, direct a water supplier to prepare an action programme and to submit it for the approval of the supervisory authority within 60 days, and to implement such action programme for the improvement of the quality of the water so as to secure compliance with these Regulations as soon as possible and not later than—

- (i) 1 year from the date of approval by the supervisory authority of the action programme in relation to the water quality standards specified in Tables A and B in Part 1 of the Schedule in relation to matters that present a risk to human health, and
- (ii) 2 years from the date of approval by the supervisory authority of the action programme in relation to all the water quality standards specified in Table B in Part 1 of the Schedule, other than those referred to in clause (i).

(5) (a) In the event of non-compliance with the parametric values or with the specifications provided for in Table C in Part 1 of the Schedule, a supervisory authority shall consider whether or not such non-compliance poses a risk to human health.

(b) Where it is determined that such risk exists, the supervisory authority shall apply the provisions of paragraph 4(c), and the relevant water supplier shall take remedial action to restore the quality of the water within the timeframe specified in the programme.

(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.

(7) An action programme under this Regulation shall include such interim measures as may be appropriate, and shall have regard to the provisions of any strategic water supply plan made by a sanitary authority for the area in which the water supply is situate.

(8) The Agency may issue guidelines in relation to the nature and timing of remedial, enforcement or other relevant action under this Regulation in specified circumstances, depending on the extent and likely consequences of a noncompliance with parametric values specified in Part 1 of the Schedule, and a sanitary authority shall take such guidelines fully into account when fulfilling its obligations under paragraph (4).

(9) Where remedial action is taken in relation to a water supply, the water supplier shall ensure that consumers are informed of such action, save where the supervisory authority considers the non-compliance with the parametric value to be trivial in nature or extent.

(10) For the purposes of paragraph (1), each water supplier shall maintain a record of any incidence of failure to meet the parametric values specified in Part 1 of the Schedule, and such record shall include details of—

- (a) the date of the incident,
- (b) the extent and duration of the failure,
- (c) the cause of the failure, and
- (d) details of any complaint received arising from such failure.

(11) Records referred to in paragraph (10) shall be made available by a water supplier to a supervisory authority on request from the supervisory authority.

(12) A water supplier commits an offence if that person fails to—

- (a) comply with a direction under paragraph (4),
- (b) inform consumers in accordance with paragraph (9),
- (c) maintain records for the purposes of paragraph (10), or
- (d) make a record available to a supervisory authority on request under paragraph (11).

***Prosecutions and penalties.***

22. (1) A prosecution for a summary offence under these Regulations may be taken by the Agency or relevant sanitary authority, as appropriate.

(2) A person guilty of an offence under these Regulations is liable—

(a) on summary conviction, to a fine not exceeding €5,000, or imprisonment for a term not exceeding 3 months, or both, or

(b) on conviction on indictment, to a fine not exceeding €500,000, or imprisonment for a term not exceeding 3 years, or both.