

# The Role Regulation in Protecting & Enhancing the Environment

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# Overview

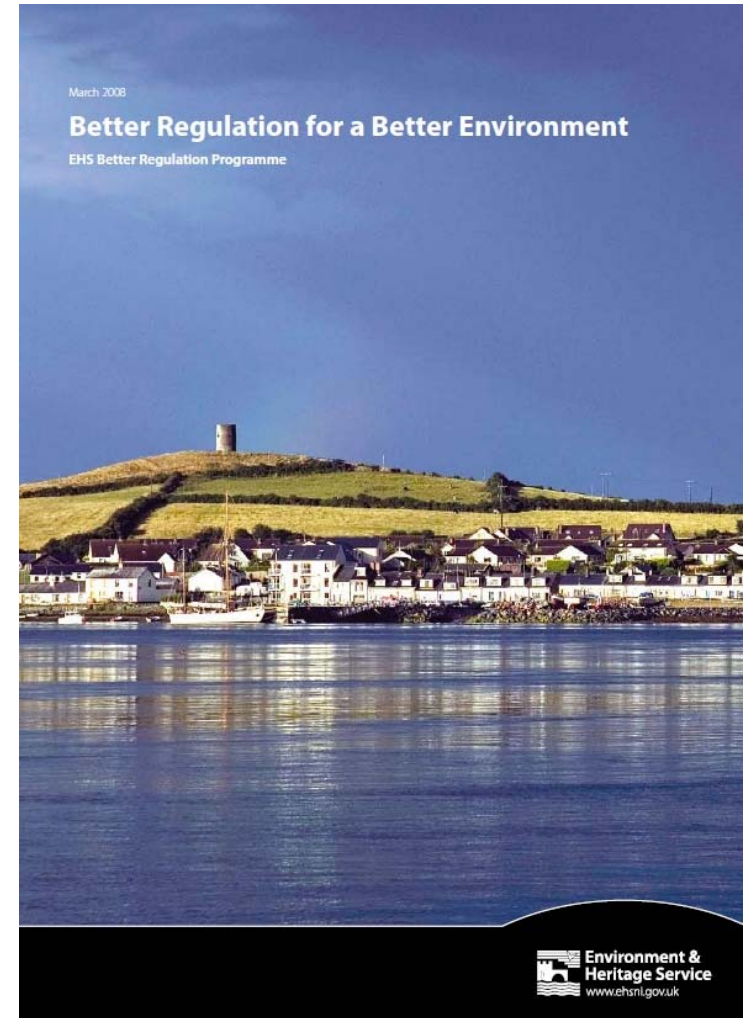
- Background
- NIEA - Water Regulation
- Consenting
- Compliance and enforcement
- Compliance assistance



# NIEA Better Regulation Programme

**NIEA is committed to delivering effective risk-based regulation, recognising that the most effective and efficient way to protect the environment is to target resources towards activities which pose the greatest risk and those areas/sites at greatest risk of damage.**

**[March 2008]**



## Principles of Better Regulation

EHS will adhere to the five guiding principles of Better Regulation, in informing the development of new regulations or amendments and in delivering existing regulations.

### Proportionate or Risk-based

Regulations and our actions must be appropriate to the risk they aim to address. Resources should be deployed in such a way that higher risk and poorly performing operations receive greatest attention and bespoke conditions and that robust enforcement action should be focused on activities causing, or likely to cause, greatest environmental harm. The need for consistency of approach must be balanced against the operator's performance record, management systems and local environmental conditions.

### Accountable

As regulators, we must be able to explain and justify our decisions. We must set and publish clear standards and criteria on which we base our actions.

### Consistent

Our regulated community needs to be assured that regulation will be applied in a predictable fashion across the board to provide stability and certainty. The same rules and standards must be constant and fairly applied.

### Transparent

Regulators should be open and ensure that their rules and systems are simple and user-friendly. Our policies and processes should be clearly explained and understood by all stakeholders.

### Targeted

Our regulatory activity should focus on the problem and on delivering the desired environmental outcomes. Regulatory processes should be periodically reviewed to check their effectiveness and to highlight improvements needed.





# Who are we

## Regulation

**Water Utility Consenting**  
Ros Stewart

PC process  
WSSO Consenting  
DAP  
Planning  
Asset Management  
Inspection Regimes  
Investment Planning  
Applications  
Urban Pollution Management  
Private Pumping Stations  
Data Management  
Marine related issues  
Policy/guidance support  
SIMCAT modelling  
Flow assessment  
AMAP- DAP

**Industrial/Domestic Consenting**  
Richard Coey

Applications for industrial and domestic sites  
Inspection regime  
Sampling programme  
Invoicing  
Income maximisation  
Data Management  
Policy/guidance support  
IC Fees and charges schemes  
Policy/guidance support  
Planning  
SIMCAT modelling

**Compliance/Enforcement**  
Maureen Green

Compliance all WO regulation  
Enforcement all regulation  
Data management  
Urban Waste Water Directive regulation & reporting  
Better Regulation lead  
Sludge to Land  
WU Fees and charges schemes  
Audits  
Policy/guidance support  
AMAP - OSPAR/Audit

**Abstraction Licensing**  
Peter Close

Applications  
Inspection regime  
Income maximisation  
Data Management  
Policy/guidance support  
AIL Fees and charges schemes  
Policy/guidance support  
Invoicing  
Planning  
regulation of NI Water's abstractions and impoundments'  
SUDS  
SIMCAT modelling

## Support

Invoicing all teams  
Process support all teams to include application handling.  
Business plan target updates  
Fees and charges

# **Key Role - Regulation of water discharges**

**Under the Water (Northern Ireland) Order 1999, the consent of the Department of Environment is required to discharge any trade or sewage effluent to any waterway, or any water contained in underground strata.**

**This includes effluent from any commercial, industrial or domestic premises.**

# How many consented sites are there?

**NIW – 1414 – WWTW, WTW,  
Networks,**

**Industrial - 3450**

**Domestic consents – 108,000**

# Consenting process overview

- **Consents conditions** - ensure that the “waste” can be absorbed by the receiving waterway without affecting the quality of the aquatic environment, or breaching national or European Commission (EC) standards.
- **Compliance** – sampling programme and site visits.
- **Registers of discharge consents** - results of compliance monitoring are also in the public domain.

# Setting consents

- ***Mass Balance*** – Monte Carlo
- ***Conditions*** - set on a consented discharge in order to protect the water quality in the receiving waterway. These will depend on the type of effluent being discharged.
- ***For example***, a consent relating to site drainage from an oil depot will have limits set on suspended solids and visible oil or grease.

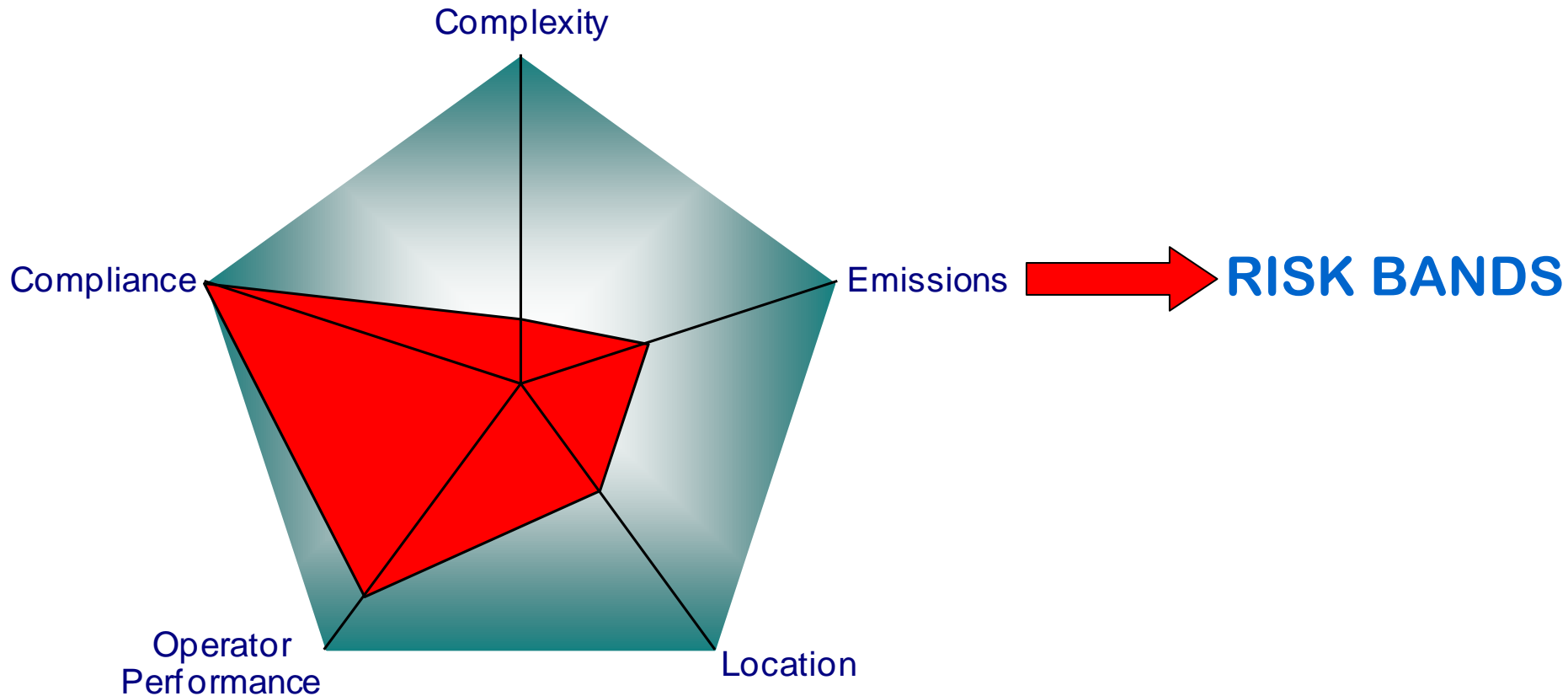
# Breach of Consent

- A consent breach can be in relation to a chemical discharge outside of the discharge consent conditions, or can be the illegal use or use of a site outside of the conditions of consent
- Contravention of any condition of a consent constitutes a breach and can result in prosecution.

# Monitoring

- **Inspections - Industrial Consents staff and Water Quality Inspectors monitor consented premises on a regular basis**
- **Sampling - Frequency of sampling depends on strength and volume of effluent being discharged.**
- **The Department can however enter a premises at any time, and may lift statutory samples should the circumstances warrant.**

# NIEA Risk Assessment Model



# The Sampling Programme

- Main method of assessing consent compliance
- Ensures all industries in each sector are monitored equally and fairly
- Ensures each discharger is sampled the required no of times per year
- Regular visits ensure problems at the discharge point can be detected – inspection programme for NIW assets.

# How often

- **Dependant on volume/strength (based on population equivalents) of discharge - 775 sampled 4 times and 65 sampled 12 times**
- **Discharges of  $<5\text{m}^3$  not normally sampled unless there is a significant risk of non-compliance – inspection programme**

# 4 possible outcomes

- **Compliant sample- no further action**
- **Warning letter- in case of failure of 1 or more parameters in a single sample**
- **Request for statutory sample- for gross or continued non- compliance**
- **Issue of pre-notice letter- to be followed up with issue of formal notice if necessary**

# Effective Enforcement

- “Inflexible or inefficient enforcement increases administrative burdens needlessly, and thereby reduces the benefits that regulations can bring”. *Hampton*



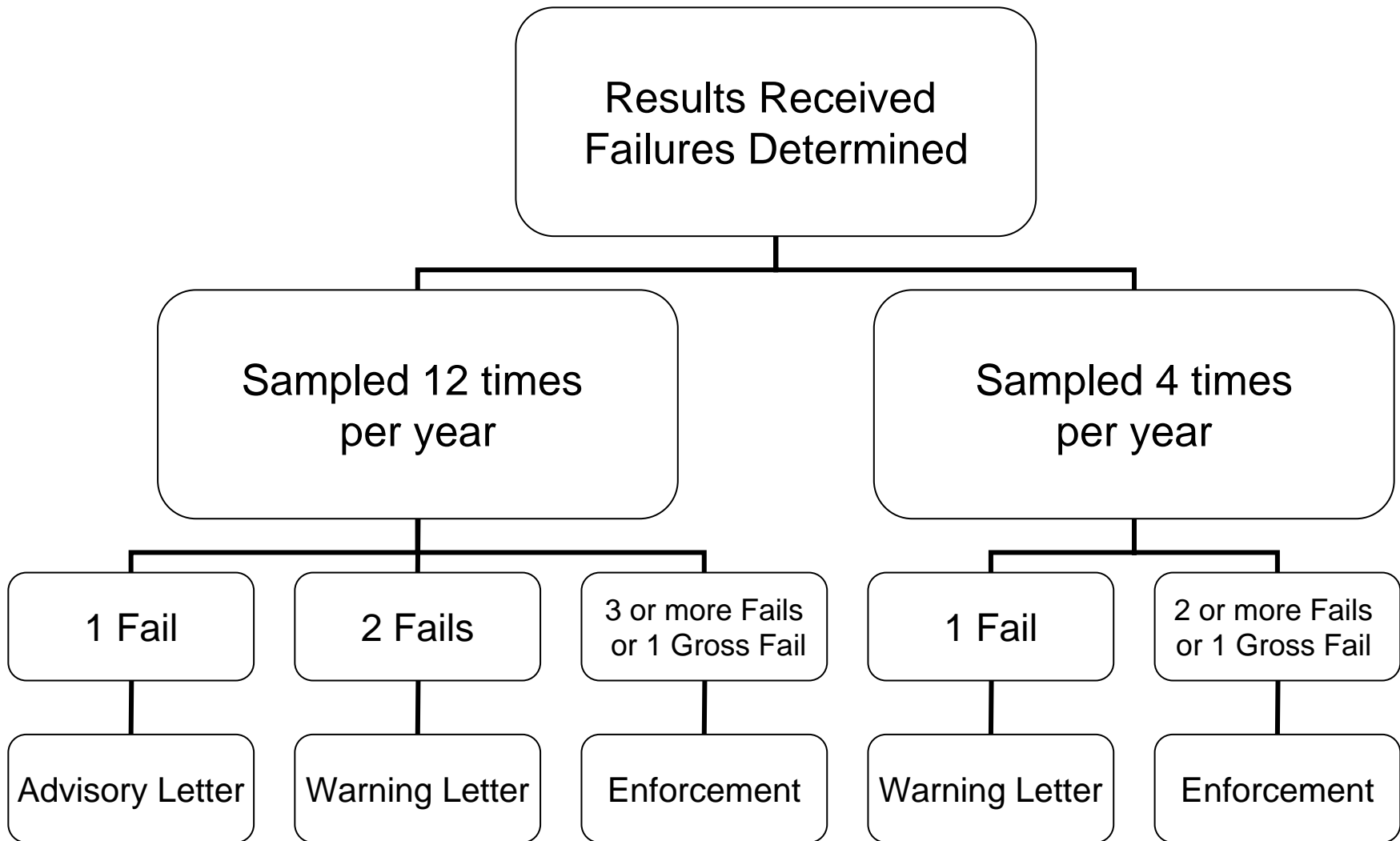
# The Trigger System

## How we enforce consent conditions

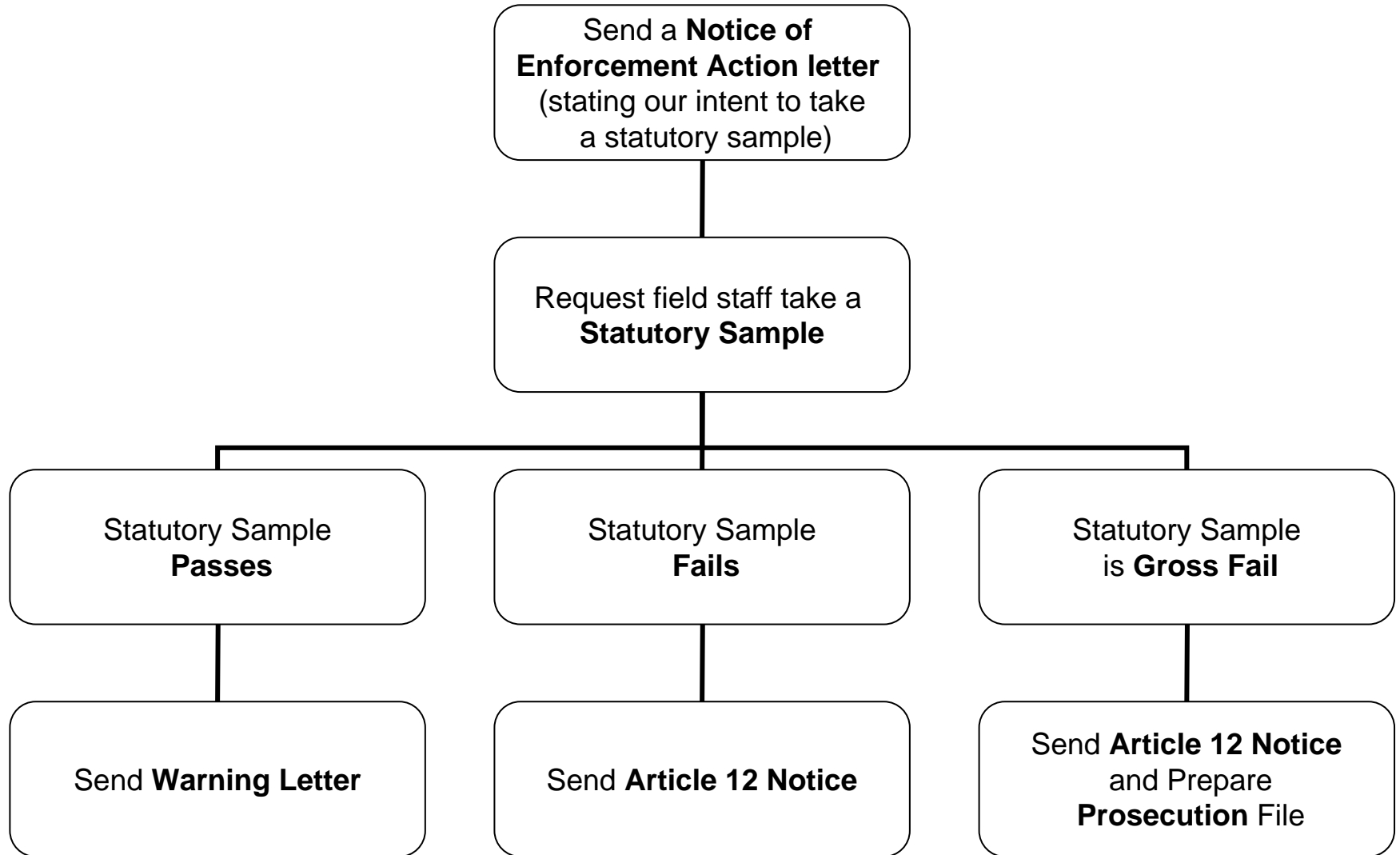
# Why use a trigger system?

- **Consistency** - consent holders are treated the same way if they fail the conditions of their consent.
- **Proportional** - that any enforcement action is proportional to the threat to the environment.

# The Trigger System



# Enforcement



# Compliance Figures..2011 so far

**Industrial Consents**

**771 out of 861 = 90%**

**Water Utility Regulation**

**229 out of 252 = 91%**

**Overall 90% Compliant**

# Enforcement Figures

Prosecutions - 18 NIW cases and 7 consented sites have been passed to PPS (1/11/09 to 30/10/2011)

## *NIW non compliance issues*

Year	Warning letters	Enforcement Notices
2009	40	3
2010	39	5
2011	39	3

## *Industrial non compliance issues*

Year	Warning letters	Enforcement Notices
2009	162	9
2010	160	40
2011	144	22

# Compliance Assistance

## NIEA Business Seminars Programme

Last updated: 16 March 2011

NIEA, in association with ARENA Network, are running a series of seminars for businesses, covering a range of regulation-specific and sector-specific issues.

The purpose of these seminars is to raise awareness of environmental regulations and the benefits of compliance and good practice to industry.



Picture of

Date	Topic	Venue
Thursday, 31 March 2011, 9.30am - 12.30pm	Biodiversity and Development Seminar	IKEA, Hollywood Exchange, Belfast
Wednesday 23rd February 2011, 9:30am - 1:00pm	Carbon Reduction Commitment (CRC) Seminar	Peatlands Park, Dungannon
Tuesday 22nd February 2011, 12:45pm - 4:00pm	Carbon Reduction Commitment (CRC) Seminar	BT Offices, Belfast
<b>2010</b>		
Tuesday 15th June 2010, 9:45am - 1:00pm	New Oil Storage Legislation Seminar	Peatlands Park, Dungannon
Monday 14th June 2010, 9:45am - 1:00pm	New Oil Storage Legislation Seminar	George Best Belfast City Airport
Tuesday 23rd March 2010, 09:30am - 1:00pm	Environmental Management Systems	Michelin, Ballymena

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ENVIRONMENT  
AGENCY

ENVIRONMENTAL ALLIANCE - WORKING

POLLUTION  
PREVENTION  
GUIDELINES

Agencies' series of pollution prevention  
Protection Agency



Our aim is to protect, conserve  
and promote our natural and built  
environment for the benefit of  
present and future generations.

