



Kilcatherine, Eyeries, County Cork
<http://www.friendsoftheirishenvironment.org>

*Jean-Francois Brakeland,
Compliance promotion, governance, and legal issues,
Directorate General for the Environment,
European Commission, 1049 Brussels,
Belgium, 12 December, 2011*

CHAP(2011)03474: Re: Nitrates Regulations: fertiliser spreading in Ireland during the closed period in October 2011

Dear Sirs;

We appreciate your registration of our concerns over the above and have updated, revised, corrected and expanded our complaint, including a bibliography of relevant recent studies.

Background

In response to a Parliamentary Question from Irish MEP Marian Harkin [E-9725/2010] seeking 'the spreading of nutrients when weather conditions are appropriate rather than insisting on the system of fixed periods currently in force' Mr Janez Potočnik, the Commissioner for Environment replied on 10 January, 2011:

"The contention that fertiliser spreading be permitted during times of occasional suitable weather during the closed period overlooks the fact that growth is either very limited or not taking place which would mean that the risk of leaching, particularly of nitrates into ground and surface water would be very high. Likewise, weather forecasting is not sufficiently precise as to ensure fertiliser would not be subject to run off and leaching in the event of poor weather following application, particularly when such conditions frequently occur during the established closed periods."

Notwithstanding this unequivocal statement Mr. Phil Hogan TD, Minister for the Environment, Community and Local Government, announced on 12 October, 2011 a derogation for the spreading slurry until the end of October 2011, providing an extension of two weeks from the 15 October deadline, as laid down in the Nitrates Regulations. Simon Coveney TD, Minister for Agriculture, Food and the Marine welcomed the announcement. Both Press Releases are attached.

We wish to make the following comments.

Friends of the Irish Environment is a non-profit company limited by guarantee registered in Ireland. It is a member of the European Environmental Bureau and the Irish Environmental Network.
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Drinking water in Ireland

Ireland has a high dependence on surface water for drinking water abstraction with almost 82% being derived from surface water sources (EPA, 2011). Moreover, due to the distinctive hydrogeology in many parts of the island many springs and groundwater sources are also significantly influenced by surface water, especially during heavy rainfall. We are concerned that an extension of the slurry-spreading period will further increase pressures on surface and groundwater water quality which is already under considerable stress due to leaking septic tanks and inadequately treated wastewater discharges. As well as being detrimental to the environment these are also associated with significant public health concerns, particularly in relation to the waterborne parasite *Cryptosporidium*, verotoxigenic *E. coli* (VTEC) and nitrate concentrations.

A Walsh Fellowship research project (Hooker, 2004 ; Hooker et al., 2004; Hooker et al., 2005) has investigated nitrate concentrations in the unsaturated zone below cereal crops, demonstrating nitrate concentrations which are highly variable both spatially and temporally but which often greatly exceed the 50 mg/l limit from the Nitrates and Drinking Water Directives.

In addition to the issue of nutrient leaching to which The Commissioner referred, we have recently been analysing water quality in Ireland 2002 – 2009 based on figures provided by the Environmental Protection Agency and are greatly concerned at the persistent and widespread exceedences of legal parametric values. We attach an *Irish Times* article covering our work to date published on Monday 7 November, 2011 entitled: '*Future Water Contamination Inevitable if Strict Policy Not Adopted to Protect Resource*'.

In fact, 1,153,732 consumers are now being supplied with drinking water from supplies which have been placed on the Remedial Action List because of persistent exceedences of the legal parameters for biological and chemical limits, although the authorities have failed to accord with Council Directive 98/83/EC and Irish S.I. No. 278, both of which require public notification of supplies requiring remediation.

Cryptosporidium

As highlighted in the last Report of the European Centre for Communicable Diseases,¹ Ireland has the highest rate of cryptosporidiosis in Europe and numerous studies carried out on the island, found that low levels of *Cryptosporidium* oocyst contamination were widespread in surface water bodies and associated shellfish (Chalmers *et al.*, 1997; Graczyk *et al.*, 2004; Lowery *et al.*, 2001a and b; Lucy *et al.* 2008 and 2010; Skerrett and Holland, 2000). As *Cryptosporidium* is highly resistant to conventional treatment methods and many drinking water treatment plants in Ireland (a majority of which are small, serving less than 5,000 people) lack the resources to provide adequate treatment and disinfection to inactivate the parasite, waterborne infection is likely to be an important source of cryptosporidiosis in Ireland.

¹ All tables and charts: Report of the European Centre for Communicable Diseases Annual epidemiological report on communicable diseases in Europe 2010.
http://ecdc.europa.eu/en/publications/publications/1011_SUR_Annual_Epidemiological_Report_on_Communicable_Diseases_in_Europe.pdf

Table 2.3.5. Number and notification rate of reported cases of cryptosporidiosis in the EU and EEA/EFTA, 2006–08

Country	Report type*	2008			2007		2006	
		Total cases	Confirmed cases	Notification rate per 100 000 population	Confirmed cases and notification rate		Confirmed cases and notification rate	
					Cases	Rate	Cases	Rate
Austria ⁽⁹⁾	C	16	13	0.2	9	0.11	14	0.17
Belgium	C	396	396	3.7	259	2.4	402	3.8
Bulgaria	C	0	0	0.00	0	0.00	4	< 0.1
Cyprus	C	0	0	0.00	0	0.00	0	0.00
Czech Republic	C	0	0	0.00	—	—	0	0.00
Denmark	—	—	—	—	—	—	—	—
Estonia	C	0	0	0.00	0	0.00	0	0.00
Finland	C	11	11	0.21	11	0.21	0	0.00
France	—	—	—	—	—	—	—	—
Germany	C	1 014	1 014	1.2	1 459	1.8	1 204	1.5
Greece	—	—	—	—	—	—	—	—
Hungary	C	10	10	0.10	6	0.06	0	0.00
Ireland	C	414	412	9.4	611	14	366	8.7
Italy	—	—	—	—	—	—	—	—
Latvia	C	0	0	0.00	0	0.00	0	0
Lithuania	C	0	0	0.00	0	0.00	0	0
Luxembourg	C	0	0	0.00	0	0.00	2	0.43
Malta	C	0	0	0.00	0	0.00	1	0.25
Netherlands	—	—	—	—	—	—	—	—
Poland	A	1	1	0.00	0	0.00	0	0.00
Portugal	—	—	—	—	—	—	—	—
Romania	C	0	0	0.00	—	—	—	—
Slovakia	C	0	0	0.00	0	0.00	0	0.00
Slovenia	C	6	6	0.30	1	0.00	9	0.45
Spain ⁽⁹⁾	C	75	75	—	136	—	262	—
Sweden	C	148	148	1.6	110	1.2	103	1.1
United Kingdom	C	4 941	4 941	8.1	3 653	6.0	4 428	7.3
EU total		7 032	7 027	2.44	6 255	2.42	6 795	2.49
Iceland	—	—	—	—	—	—	—	—
Liechtenstein	—	—	—	—	—	—	—	—
Norway	—	—	—	—	—	—	—	—
Total		7 032	7 027	2.44	6 255	2.42	6 795	2.49

The parasite cryptosporidium is not affected by chlorination which is the method of treatments used throughout Ireland. We attach a paper '*Cryptosporidium and E. coli 0157*' from The Geological Service of Ireland Groundwater Newsletter No. 32 of November, 1997 which indicates that the Irish authorities have been warned about this issue for 15 years.

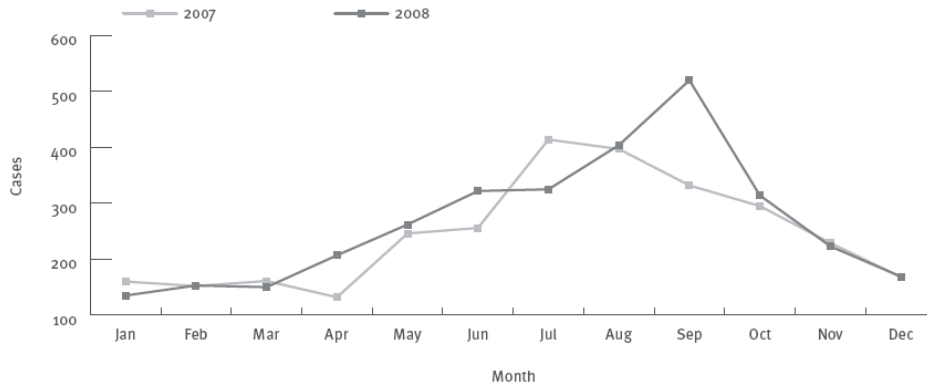
STEC/VETC

Ireland also recorded the highest confirmed case rate for a potentially fatal disease know as STEC/VTEC [Vero/shiga toxin-producing *Escherichia coli*] caused by infection with verocytotoxin, a strain [*E. coli 0157*] of the usually harmless bacterium *Escherichia coli* (*E. coli*). The main hosts for these strains are cattle. While transmission is primarily through undercooked meat and milk products, transmission can also occur from contaminated drinking water and by swallowing contaminated lake water while swimming.

In 2009, the average notification rate of VTEC across 30 European countries was 0.86 cases per 100,000 populations. Ireland had a notification rate of 5.33 cases per 100,000.

Ireland reported the highest increase in Notification rates in Europe from 2.7 cases per 100 000 in 2007 to 4.8 cases per 100 000 in 2008. According to the Health Protection Surveillance Centre one of the main routes of VTEC transmission in Ireland is exposure to water from untreated or poorly treated private wells (HPSC, 2010). Interestingly, cases typically peak during late summer, coincident with the slurry spreading period.

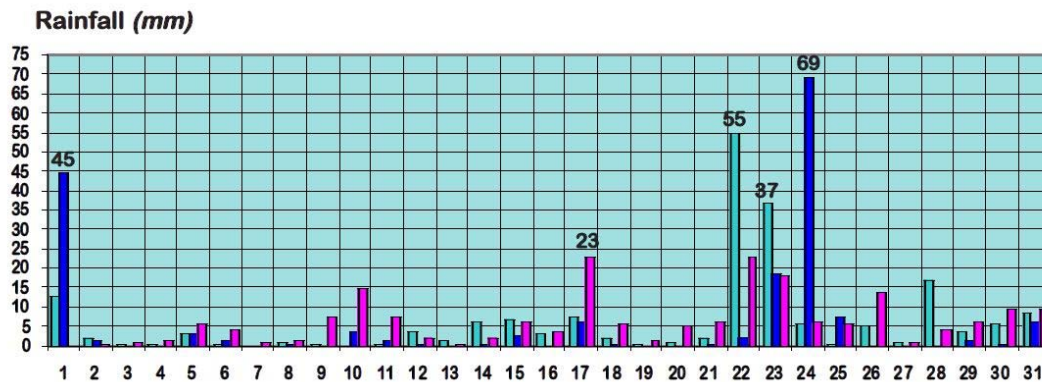
Figure 2.3.13. Seasonal distribution of cases of VTEC infection in the EU and EEA/EFTA, 2007–08



Weather

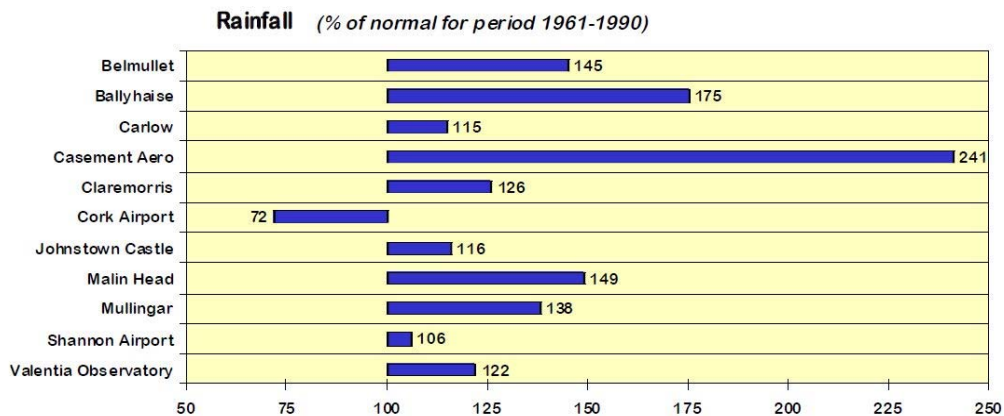
The prescience of the Commissioners comments about the imprecision of weather forecasting and the fact that adverse conditions 'frequently occur during the established closed periods' is made clear by the following two tables. Both are provided by the Irish Meteorological Service. The first shows that by far the greatest rainfall in October 2011 was in the second half of the month, *i.e.* the period of the extension made in spite of your stated position:

October 2011 Daily values at selected synoptic stations



The second shows the percentage difference from the monthly normal caused by the rainfalls recorded in the second half of the month.

October 2011 Percentage / Difference from 1961-90 monthly normals



A Metrological Office document detailing the 'one in sixty year event' that affected the North East of Ireland on 24 October, 2011 states:

"Although significant amounts affected many areas, the greater Dublin Area received by far the most rainfall. Our station at Casement Aerodrome set a new record of 82.2 mm for the greatest daily total for the month of October, since rainfall records began there in 1954. The majority of the rainfall occurred during the period from 2 pm to 8 pm on 24 October 2011 with approximately 60 mm falling in 4 hours at Casement Aerodrome. This 4-hour fall is approximately a 1 in 60 year event."

The intensity of the 'Monster Rainfall' experiences affecting soils that already have a negative soil moisture deficit combined with the slowing seasonal growth less able to absorb the nutrients meant that almost all of this material went into watercourses, rivers, and the sea with the adverse environmental and public health impacts.

This was particularly true because of high rainfall levels in September 2011 noted by the Minister in his Pres Release [Annex II]

"The high rainfall levels have meant that many farmers, mindful of the requirements of best practice in relation to spreading slurry, have struggled to complete their normal landspreading operations before the start of the prohibited period on 15 October.

The only long term solution that will permit increased beef and milk production while still ensuring the protection of the environment and human health is separation or anaerobic digestion, as is done elsewhere in Europe.

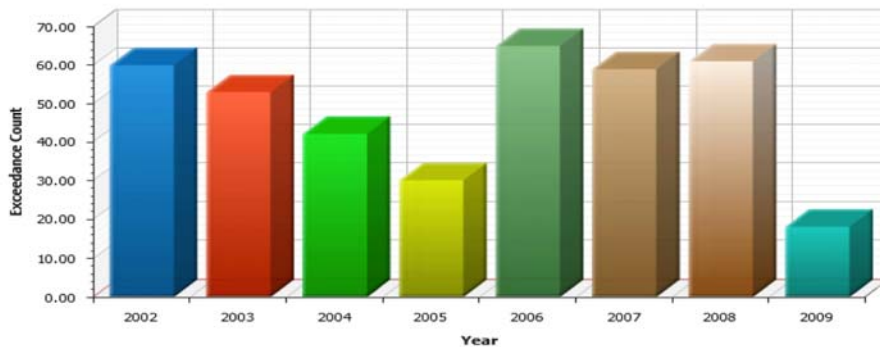
This will not come to Ireland if the farmers believe they can continue breaching environmental and health controls through unsustainable expansion to meet the targets in the current Government policy 'Food Harvest 2020'. This policy plans increasing exports by 42% compared to the base years 2007-09 (and incidentally increasing Ireland's greenhouse gas emissions by 4%, according to the Irish EPA). Agricultural exports increased by 13% in the first 5 months of 2011.

Nitrates

As the chart below shows, number of nitrate exceedences in treated drinking water declined until 2005 but then increased dramatically for the next three years. The decline in exceedences in 2009 was reversed again in 2010, with the EPA Quality of Drinking water in Ireland for 2010 reporting:

2.3.2 Nitrate Exceedences of the nitrate parametric value were reported in 19 supplies in 2010 (up from 16 in 2009). There was an increase in the number of public water supplies with elevated levels of nitrates. The population affected by nitrate exceedences also increased, 5,254 in 2009 to 23,153 in 2010 (Table 2-6). The large increase in the population affected was down to a once off exceedences in a supply serving approximately 20,000 people. All other samples taken from this supply were well below the parametric limit.

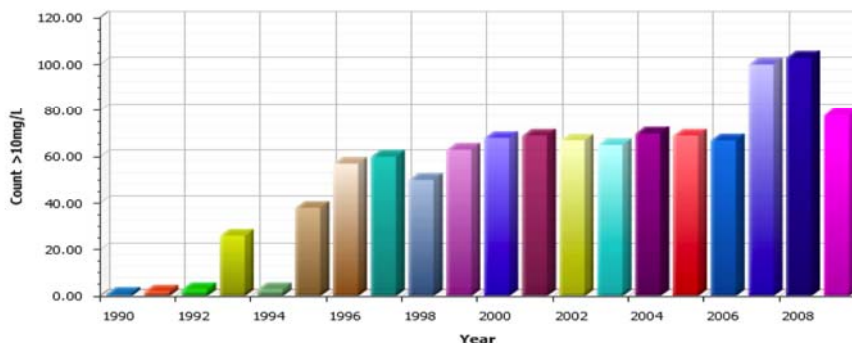
Saved Report = "Exceedances"
 Parameter Test failed = "NITRATE"
 Parameter Test failed
 Edit Chart



The chart below shows that nitrate levels in groundwater have been rising steadily (with the exception of 2009) since the 1990's. While the concentration of 10mg/l plotted in this graph does not signify an exceedances under the regulation it nevertheless indicates a worrying trend.

Report - GROUND WATER QUALITY

Go Reports 1. GROUNDWATER - NITRATES > 10mg/L



In these circumstances, every effort must be taken to control the presence of nitrates in drinking water.

Conclusion

Finally, we note that in the grant of a derogation for an increase in the levels of nitrogen which can be applied in Ireland, [Commission decision 22/X/2007] the final reasons for the derogation was given as the longer growing season and the questionable acceptance of the Irish plea that rainfall was evenly distributed throughout the year:

11) Irish climate, characterised by an annual rainfall evenly distributed throughout the year and a relatively narrow annual temperature range promote a long grass-growing season ranging from 330 days per year in the South west to 250 days per year in the north-east.

Section 12 goes on to state that that the technical and scientific information submitted by the Irish showed that the derogation was justified on the 'basis of objective criterion such as long growing seasons'.

The point we would make here is that the long growing season in Ireland has ALREADY been taken into account in allowing Ireland a higher level of nitrogen application and can not be rolled out again as an excuse for extending the period of slurry spreading.

In these circumstances, we would be most grateful if you raised this issue with the Irish authorities and

- **sought a commitment by the Irish Government not to again derogate from the terms of the Nitrates Regulations controls on slurry spreading**
- **reviewed the current buffer zones to determine if it offers the required protection of drinking water from contamination by slurry spreading given the saturated nature of the soils during the increasing periods of heavy rainfall**
- **recommended the release the location of water abstraction points**

In relation to the latter, we are seeking to determine if the requirements of the Nitrates Regulations and the Action Plans in relation to restrictions of slurry spreading are being adhered for water abstraction points but have been refused the location of these abstraction points by the Environmental Protection Agency on grounds of National Security. In these circumstances, it is difficult to see how such abstraction points can in practice be protected when their location is a not known to those whose activities impact on water quality or to the ENGOs who try to monitor these matters.

Yours, etc.,

Tony Lowes,
Director

References:

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Skerrett H.E. and Holland C.V., 2000. The occurrence of *Cryptosporidium* in environmental waters in the greater Dublin area. *Water Research* **34**, 3755-3760.

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Annex I:
Parliamentary questions
26 November 2010: E-9725/2010

Annex II:
Press Releases from Minister for Environment and Minister for Agriculture
announcing derogation for slurry spreading in October 2011

Annex III:
The Irish Times article covering our work on drinking water to date
published on Monday 7 November, 2011: '*Future Water Contamination
Inevitable if Strict Policy Not Adopted to Protect Resource*'.

Attached:

Annex IV:
'Lake Risk Assessment for *Cryptosporidium* and other Human Enteric
Pathogens in Lough Arrow, Counties Sligo and Roscommon'

Annex V:
'*Cryptosporidium* and *E. coli* 0157' from the Geological Service of Ireland
'Groundwater Newsletter No. 32' of November, 1997.

Annex I: Parliamentary questions
26 November 2010 E-9725/2010

Parliamentary questions

26 November 2010 E-9725/2010

Question for written answer
 to the Commission
 Rule 117
 Marian Harkin (ALDE)

Subject: Irish requirements under the Nitrates Directive [Answer\(s\)](#)

The existing system of calendar farming, as provided for by the Nitrates Directive (91/676/EEC) in Ireland, can result in adverse outcomes for water resources during periods of bad weather.

While it is essential that EU water resources are adequately protected under the requirements of the Nitrates Directive, why is it not possible to have a mechanism which can permit the spreading of nutrients when weather conditions are appropriate rather than insisting on the system of fixed periods currently in force?

Parliamentary questions 4 January 2011

Answer given by Mr Potočník on behalf of the Commission [E-9725/2010](#)

With respect to action programmes, the Nitrates directive requires that rules be established relating to periods when the land application of certain types of fertiliser is prohibited. The main reasons are that at certain times of the year there is little or no uptake of fertiliser by plants, that weather conditions generally are conducive to run off of applied fertilisers and or that land is saturated. The length of the closed period varies both within and between Member States reflecting general weather conditions, soil type, relief, land cover and crop type.

Ireland's approach is similar to that of other Member States. Ireland has established three different closed periods for different areas of the country and also prohibits fertiliser application during periods of snow, frost, heavy rain and land saturation outside these fixed periods.

The contention that fertiliser spreading be permitted during times of occasional suitable weather during the closed period overlooks the fact that growth is either very limited or not taking place which would mean that the risk of leaching, particularly of nitrates into ground and surface water would be very high. Likewise, weather forecasting is not sufficiently precise as to ensure fertiliser would not be subject to run off and leaching

in the event of poor weather following application, particularly when such conditions frequently occur during the established closed periods.

Annex II: Press Releases from Minister for Environment and Minister for Agriculture announcing derogation for slurry spreading in October 2011

Hogan announces extension to Period for Spreading of Slurry

12/10/11

Mr. Phil Hogan TD, Minister for the Environment, Community and Local Government, today (12/10/2011) announced that, farmers will be allowed as an exceptional measure to spread slurry until the end of October, 2011.

He made this decision following consultation with Simon Coveney, TD, Minister for Agriculture, Fisheries and Food and taking account of poor weather conditions in particular during the month of September.

Minister Hogan said that farmers have expressed concerns to him about their ability to meet the 15 October deadline for spreading slurry, as laid down in the Nitrates Regulations. In recognition of this, the Minister believes that the extension now being given is necessary, as the adverse weather conditions experienced in Ireland during September, in particular, have caused significant hardship for farmers and have made it extremely difficult to carry out regular farming activity. "The high rainfall levels have meant that many farmers, mindful of the requirements of best practice in relation to spreading slurry, have struggled to complete their normal landspreading operations before the start of the prohibited period on 15 October.

This two week extension will allow farmers an opportunity, weather and ground conditions permitting, to complete landspreading activities that for reasons outside of their control, have been curtailed during late August and throughout September owing to the exceptional weather conditions that we have experienced." The Minister stressed that his announcement represents an extension of time only. All landspreading activity is conditional on weather and ground conditions being suitable as set out in the Nitrates Regulations. Livestock manures or any fertilisers may not be landspread when, for example, land is waterlogged, flooded or likely to flood, frozen or if heavy rain is forecast within 48 hours. Buffer zones are specified for different kinds of water bodies and fertilisers may not be applied within those buffer zones. However, for the period of the extension farmers are advised to adhere to

wider buffer zones. In addition, the absolute prohibition on landspreading during the months of November and December remains.

Ends

<http://www.environ.ie/en/Environment/Water/WaterQuality/NitratesDirective/News/MainBody,28058,en.htm>

Minister Coveney Welcomes Extension to Period for Spreading of Slurry

Simon Coveney TD, Minister for Agriculture, Food and the Marine welcomes the announcement today by his colleague Mr. Phil Hogan, Minister for the Environment, Community and Local Government on granting an extension for the spreading of slurry to the 31 October.

Minister Coveney said that *"the weather conditions in September, with very high rainfall, made conditions for farming particularly difficult. The granting of the extension will alleviate the pressures on farmers"*.

Minister Coveney said he had worked closely with Minister Hogan on this issue and was very pleased that the extension now granted would be of benefit to farmers heading into the Autumn and Winter seasons. He said the efficient use of organic fertiliser was a hugely important and cost effective input in modern farming, the use of which had to be carefully handled and balanced with environmental demands.

Date Released: 12 October 2011

<http://www.agriculture.gov.ie/press/pressreleases/2011/october/title,58806,en.html>

Annex III: *The Irish Times* article covering our work on drinking water to date published on Monday 7 November, 2011: 'Future Water Contamination Inevitable if Strict Policy Not Adopted to Protect Resource'.

Further water contamination inevitable if strict policy not adopted to protect resources

With the rate of cryptosporidiosis higher in Ireland than in any other EU country, another Galway-type outbreak of 2007 is likely.

IRELAND'S WATER is not as clean as we would like to think. The rate of cryptosporidiosis here is four times the EU average and higher than any other member state, according to the European Centre for Disease Prevention and Control. "Another Galway-type outbreak is inevitable," warns Friends of the Irish Environment (FIE).

Hundreds of people became ill in 2007 before Galway city's water supply was shut down for five months due to contamination by the dangerous pathogen cryptosporidium as well as E.coli bacteria and localised lead pollution. Water had to be boiled for human consumption and many residents had to rely on tankers or bottled water.

Water expert Dr Frances Lucy, of Sligo Institute of Technology, agrees that we will see more of this. "For years, we have taken our waters for granted and, while attitudes are changing, unless we plan properly now for the coming decades, water crises such as the cryptosporidium epidemic in Galway in 2007, will become more frequent."

A 2009 study of Lough Arrow, in Co Westmeath, where two sewage treatment plants were so ineffective that they were serving as "factories" for the distribution of cryptosporidium spores, led Dr Lucy and her colleagues to warn that the use of the lough for drinking water and recreation "poses definite public health risks".

Ongoing studies of cryptosporidium in surface waters, involving the river Liffey and Lough Gill, in Co Sligo - due for completion next year - found the parasite in "almost every sample". The results were "worrying", and Dr Lucy advised that anyone who feels ill following water sports on rivers or lakes should contact a doctor.

Our drinking water contains "substances . . . that make people ill", an ESRI report warned in 2009.

"The water we drink should be safe. The cryptosporidiosis outbreak in Galway in 2007 reminded us that it sometimes is not. But bad water quality does not only cause acute health problems. It also causes chronic ailments, including cancer."

FIE has been doing its own research. With the help of retired computer engineer Malcolm Coxall, it built an Oracle database of water quality data held by the Environmental Protection Agency (EPA). It was Coxall,

incidentally, who made the Ballycroy, Co Mayo, water pollution complaint that led to a major EU ruling against Ireland in October 2009.

With the aid of its new database, FIE can analyse trends and changes in testing rates and water quality. "The data was a mess," according to Tony Lowes, the body's west Cork-based co-ordinator. "It took two people many, many days to standardise things like the names of water supplies (including names in Irish one year and English the next) and remove closed supplies. But it is up and running now."

Incredibly, given the relatively small size of the State, Ireland has no less than 952 large public water supply systems that provide treated drinking water to 88 per cent of the population while 1,500 small group water schemes supply a further 8 per cent and the remainder are probably getting their water from private wells.

FIE'S analysis of the agency's water quality data shows a 40 per cent reduction in testing for carcinogenic trihalomethanes (THMS) - a by-product of chlorination - over the last three years.

"We have since analysed the cryptosporidium situation and can show that they have virtually stopped testing for this parasite," according to Lowes.

"We have sought from all the local authorities . . . the location of their water abstraction points and drinking and wastewater treatment plants. The EPA refused the information on abstraction points on security grounds - and is still refusing us access to Eden, the new standardised database, telling us we have to wait for their report."

Every year, the agency collects and analyses more than 250,000 local authority monitoring results for drinking water supplies and publishes a report assessing their safety and security, which is generally good. It also maintains a "remedial action list" for supplies found to be not compliant with drinking water quality standards.

When remedial action needs to be taken, and the issue is not trivial, consumers must be notified - for example, if E.coli is detected. The EPA insists that this is the responsibility of local authorities. But FIE maintains that as the supervisory authority compiling the remedial action list, it's the agency's duty to ensure that the public is notified.

"Unless the public knows, people cannot protect themselves," Lowes says. "Examples include THM-laden water for pregnant women and cryptovulnerable water for the immune-suppressed. And, of course, if the public doesn't know, people will not bring pressure to bear to act and will dismiss environmental lobbyists as 'fringe lunatics'."

How many of the 1,153,732 people consuming water from supplies on the last remedial action list were aware of that, he asks. "This is a key issue because the [EU] Commission closed the water case against Ireland this year on the understanding that the public is being informed . . . when in

fact only three councils do so and 14 do not provide any data whatsoever."

Yet investment in drinking water treatment accounts for only a quarter of the funding provided annually under the water services investment programme. Capital allocations for this programme fell from €500 million in 2001 to €417 million in 2005 before slowly returning in 2010 to match the 2001 figure. This year, €435 million is being provided.

"Notwithstanding the level of investment, the EPA results show little significant improvement over the period 2004-2007 with public water supplies static at 98 per cent of the minimum standard, and private water scheme compliance improving by 2 per cent to 95 per cent," according to a 2009 report by the Comptroller and Auditor General.

"On review, it is clear that a key requirement . . . was for an adequately empowered independent entity or separate departmental arm to exercise supervision and enforcement and thereby to ensure that the benefits in water quality expected from the exchequer investment were not negated by any subsequent failure," the report said.

Ireland is obliged by the EU water framework directive - adopted more than a decade ago - to "get polluted waters clean again, and ensure clean waters are kept clean", as the commission said. This applies to surface waters, groundwater and drinking water and requires member states to achieve "good status" for all waters by 2015.

Septic tanks turned out to be the Achilles' heel of housing sprawl in the countryside. As the commission noted after Ireland lost its case, "poorly managed or controlled septic tanks may cause significant harm to the environment and human health, including through discharges containing bacteria such as E.coli and pathogens and parasites."

Following the 2009 European Court of Justice ruling and a subsequent formal notice by the commission, which was "not satisfied with the slow pace of progress in complying with EU requirements", Ireland faced the prospect of having to pay a lump sum penalty of €2.7 million and daily fines of €26,173 "for as long as the infringements persist".

Minister for the Environment Phil Hogan pledged that an inspection regime would be put in place for septic tanks - of which there are now 440,000 throughout the countryside - and hinted that householders would have to pay a fee for the privilege; this led deputy Fianna Fáil leader Éamon Ó Cuív to say he'd prefer to go to jail than pay it.

In September, Mr Hogan responded by announcing he would introduce a "risk-based approach" to the inspection of septic tanks. Although all householders with on-site sewage treatment facilities will have to register with local authorities, on payment of a €50 fee, inspections will be limited to environmentally sensitive areas.

The legislation published last week may not be enough to meet the terms

of the European Court's judgment, which appears to require that all septic tanks are not only registered but also inspected at periodic intervals. "The omission of a requirement to inspect septic tanks in new dwellings and those being sold is particularly irresponsible," FIE said.

The most recent EPA water quality report, published last February, found 30 per cent of Ireland's watercourses were not in "good" condition and that the most widespread cause of pollution was still nutrient enrichment resulting mainly from agricultural run-off and discharges from technologically backward town sewage plants.

Yet last November, then minister for agriculture Brendan Smith TD (FF) caved in to the farming lobby and - with the EU Commission's agreement - renewed Ireland's "derogation" from the nitrates directive, allowing intensive farmers to spread chemical fertilisers on land up to 2m (6½ft) away from watercourses.

Rather than just having river basin management plans, as the water framework directive demands, FIE believes the only sustainable solution would be to adopt a strict policy of protecting water resources. "If a valuable resource like water is at risk of contamination, then common sense demands that you protect the resource from the risk."

7 Nov 2011

The Irish Times

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