



STATUTORY INSTRUMENTS.

**S.I. No. 65 of 2026**

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EUROPEAN UNION (WATER POLICY) (SMALL WASTEWATER  
DISCHARGE REGISTER) REGULATIONS 2026

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I, JAMES BROWNE, Minister for Housing, Local Government and Heritage, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Article 11(3)(g) of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000<sup>1</sup>, hereby make the following regulations:

**Citation**

1. These Regulations may be cited as the European Union (Water Policy) (Small Wastewater Discharge Register) Regulations 2026.

**Definitions**

2. In these Regulations -

“Agency” means Environmental Protection Agency;

“authorised person” means a person appointed under Regulation 12 as an authorised person;

“collection system” means a system of conduits which collects and conducts urban waste water;

“discharge” means a small wastewater discharge to which these Regulations apply from a point source discharge of wastewater to surface water from a wastewater works;

“domestic wastewater” means wastewater from residential settlements, services and institutions which originates predominantly from the human metabolism or from household activities, or from both;

“environmental pollution” means, in relation to wastewater discharges, the direct or indirect introduction, as a result of human activity, of wastewater discharges, substances (including any explosive, liquid or gas) or polluting matter (including any poisonous or noxious matter) into water which may endanger human health or harm the aquatic environment, and in particular:

- (a) create a risk to waters, sediment, plants or animals,
- (b) deleteriously interfere with the quality of aquatic ecosystems or terrestrial ecosystems directly depending on aquatic ecosystems including by-
  - (i) rendering those or any other water poisonous or injurious to fish, shellfish, spawning grounds or the food of any fish, or

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<sup>1</sup> OJ No. L 327, 22.12.2000, p. 1 – 73

- (ii) impairing the usefulness of the bed and soil of any waters as spawning grounds or impairing their capacity to produce the food of fish or shellfish,
- (c) impair or interfere with amenities and other legitimate uses of the water, or
- (d) result in the water failing to meet any environmental quality standards under general binding rules;

“general binding rules” means the binding requirements that set the minimum standards or conditions that apply to discharges referred to in these Regulations as set out in the Schedule;

“grid coordinates” means Easting and Northing coordinate values provided in Irish Transverse Mercator (ITM);

“groundwater” means all water which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil;

“housing development” means the construction of new residential units which requires planning permission;

“incident” means an event that does not comply with a general binding rule;

“Minister” means Minister for Housing, Local Government and Heritage;

“planning permission” means permission for a development under the Planning and Development Act 2024 (No. 34 of 2024);

“pollution” means the direct or indirect introduction, as a result of human activity, of substances or heat into the air, water or land which may be harmful to human health or the quality of aquatic ecosystems or terrestrial ecosystems directly depending on aquatic ecosystems, which result in damage to material property, or which impair or interfere with amenities and other legitimate uses of the environment;

“population equivalent” is a measurement of organic biodegradable load and a population equivalent of one (1 p.e.) means the organic biodegradable load having a five-day biochemical oxygen demand (BOD5) of 60g of oxygen per day; the load being calculated on the basis of the maximum average weekly load entering the waste water works during the year, excluding unusual situations such as those due to heavy rain;

“Register” means Small Wastewater Discharge Register established under Regulation 4;

“Regulations of 2007” means Waste Water Discharge (Authorisation) Regulations 2007 (S. I. No. 684 of 2007);

“surface water” means inland waters (except groundwater), transitional waters and coastal water;

“wastewater” means domestic wastewater or the mixture of domestic waste water with industrial wastewater;

“wastewater works” means sewers and their accessories (or any part thereof) and all other associated structural devices, including wastewater treatment plants,

which are owned by, vested in, controlled or used by Uisce Éireann for the collection, storage, treatment or discharge of wastewater;

“water” includes surface water and groundwater.

### **Application**

3. (1) These Regulations apply to small wastewater discharges to surface water from wastewater works with a population equivalent of less than or equal to 150.

(2) The requirement under these Regulations to register a discharge on the Register applies to all discharges to surface water where two or more domestic dwellings are connected to a collection system and the discharge is associated with a housing development with a population equivalent of less than or equal to 150.

(3) These Regulations do not apply to discharges authorised under the Regulations of 2007 or to discharges previously authorised under section 4 of the Local Government (Water Pollution) Act 1977 (No. 1 of 1977).

### **Small Wastewater Discharge Register**

4. (1) The Agency shall establish and maintain a register (“the Small Wastewater Discharge Register”) of proposed discharges to be made by Uisce Éireann to surface water from wastewater works with a population equivalent of less than or equal to 150.

(2) The Register shall be maintained in such form, including electronic form, as the Agency may decide and shall contain details of discharges entered on the Register in accordance with Regulation 7 and such other information as may be determined, from time to time, by the Agency.

(3) The Agency shall publish by electronic means, details of the discharges registered on the Register.

(4) The Agency shall provide a copy of an entry in the Register, or an extract from an entry, to any person on request for such fee (if any) to cover administrative costs as the Agency may decide.

(5) The Agency shall give prior notice to Uisce Éireann of the establishment of the Register and the obligations of Uisce Éireann under these Regulations.

(6) The Agency shall publish on its website notice of the establishment of the Register and its purpose.

### **Registration *criteria***

5. (1) The Agency, after consultation with the Minister, shall publish *criteria* to be satisfied by Uisce Éireann in respect of the registration of a proposed discharge.

(2) Registration *criteria* shall address *inter alia*:

- (a) the minimum flow required in the receiving surface waterbody to assimilate a discharge, along with the estimation methodology to be used in its determination;
- (b) how to estimate what population equivalent is associated with a housing development;
- (c) the need to conduct and record an assessment of the feasibility of connecting to the public sewer; and
- (d) the requirement for planning permission to have been granted relating to a discharge the subject of a request under Regulation 7(1) as a condition for registration of the discharge under Regulation 7(1).

(3) Only proposed discharges that comply with registration *criteria* to the Agency's satisfaction shall be entered on the Register.

(4) Registration *criteria* shall be published by the Agency not later than two months after the making of these Regulations.

(5) In this Regulation and Regulation 7 "registration *criteria*" means *criteria* made under paragraph (1).

#### **Submission of information to Agency**

6. The Agency may serve on Uisce Éireann a notice requiring that Uisce Éireann furnish to the Agency, within a period or at times specified in the notice and in the form specified, any information which the Agency reasonably considers necessary for the purpose of maintaining the Register.

#### **Registration of proposed discharges**

7. (1) Where Uisce Éireann proposes to commence a discharge, it shall, by electronic means or in any other manner permitted by the Agency, inform the Agency of its proposal and request that the discharge be entered on the Register, and shall—

- (a) specify the address and location of the waterworks, including the grid coordinates, at which the discharge will take place, and the proposed day and time of the discharge,
- (b) provide evidence confirming the suitability of the discharge in accordance with *criteria* under Regulation 5 published by the Agency,
- (c) provide a copy of the grant of planning permission relating to the proposed discharge, and
- (d) include any other information relating to the discharge requested by the Agency.

(2) On receipt of being informed in accordance with paragraph (1) of a proposed discharge and a request for its registration, the Agency, if satisfied that registration *criteria* in respect of the proposed discharge, have been complied with, shall—

- (a) enter the proposed discharge on the Register, and
- (b) issue to Uisce Éireann a registration number in respect of its registration, which shall be proof of registration of the discharge.

(3) Uisce Éireann shall not make a discharge unless it is entered on the Register.

(4) This Regulation applies to discharges proposed to be made when the Register is established.

(5) Where Uisce Éireann—

- (a) fails to inform the Agency of a discharge in accordance with paragraph (1),
- (b) makes a discharge which is not entered on the Register, or
- (c) gives false or misleading information regarding a proposed discharge,

it commits an offence.

### **Amendment of Register**

8. (1) If Uisce Éireann becomes aware that any particular contained in the Register in relation to a discharge entered on it is incorrect or has ceased to be correct, Uisce Éireann shall notify the Agency and provide the Agency with updated information in relation to the discharge in the form prescribed by the Agency.

(2) The Agency shall, if it becomes aware that any particular in the Register is incorrect or has ceased to be correct, make such alteration to the Register as it considers necessary and shall notify any person it considers appropriate of such alteration.

(3) Where Uisce Éireann fails to comply with paragraph (1) it commits an offence.

### **Sharing of information on Register**

9. The Agency may share details of discharges entered on the Register, with the exception of personal details, with such other body established under statute or Minister of the Government, as it considers necessary for the performance of its functions.

### **Cessation of discharge**

10. Uisce Éireann shall notify the Agency of the cessation or discontinuance of a discharge entered on the Register within a month of the cessation or discontinuation. The Register shall be amended accordingly by the Agency.

### **General binding rules**

11. (1) The general binding rules in relation to small wastewater discharges are set out in the Schedule.

(2) The general binding rules shall be applied by the Agency.

(3) Uisce Éireann shall comply with the general binding rules.

(4) Where Uisce Éireann fails to comply with a general binding rule it commits an offence.

(5) The Agency may serve on Uisce Éireann a notice requiring that Uisce Éireann furnish to the Agency, within a period or at times specified in the notice and in the form specified, any information which the Agency reasonably considers necessary for the purpose of assessing compliance by it with the general binding rules.

### **Authorised persons**

12. (1) The Agency may appoint in writing one or more persons, as it considers appropriate, to be an authorised person or authorised persons for the purposes of ensuring compliance with these Regulations.

(2) A person appointed as an authorised person under Regulation 40 of the Regulations of 2007 is deemed to be an authorised person for the purposes of these Regulations.

(3) Every authorised person appointed under this Regulation shall be furnished with a warrant of his or her appointment and, if requested by any person thereby affected, produce such warrant of appointment to that person for inspection.

(4) For the purposes of the Agency's functions under these Regulations with regard to the Register and the application of general binding rules, an authorised person may, at all reasonable times, enter any wastewater works, or other premises that the Agency reasonably considers may contain information pertaining to a discharge from those works, and may bring onto those premises such other persons or equipment and may carry out such activities specified in paragraph (5) as that authorised person may consider necessary.

(5) The activities referred to in paragraph (4) are—

- (a) the carrying out of inspections,
- (b) the seizure and retention of anything believed to be evidence,
- (c) requiring the production of, inspection and taking copies of, records and documents or extracts therefrom, including records held in electronic form, or taking away, if considered necessary for the purposes of inspection or examination, any records or documents,
- (d) the taking of photographs and making of tape, electrical, video or other recordings,
- (e) the conducting of tests and taking of samples, and

- (f) requiring information from any person employed on the premises.
- (6) A person who—
  - (a) refuses to allow an authorised person on to a premises, or refuses to allow an authorised person to bring any other person or equipment with him or her on to a premises or to carry out any activity in the exercise of his or her powers under this Regulation,
  - (b) obstructs or impedes an authorised person in the exercise of his or her powers or functions,
  - (c) gives to an authorised person information which, to the knowledge of the person giving it, is false or misleading in a material respect, or
  - (d) fails or refuses to comply with a direction or requirement of an authorised person,

commits an offence.

### **Penalties, summary proceedings, etc.**

13. (1) A person who commits an offence under these Regulations is liable, on summary conviction, to a class A fine.

(2) A prosecution for an offence under these Regulations may be brought summarily by the Agency.

(3) Where a court imposes a fine under these Regulations it shall, on the application of the Agency, provide by order for the payment of the amount of the fine to the Agency.

(4) Where Uisce Éireann is convicted of an offence under these Regulations, the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order Uisce Éireann to pay the Agency the costs and expenses, measured by the court, incurred by the Agency in relation to the detection and prosecution of the offence, including costs and expenses incurred in the taking of samples, the carrying out of tests, examinations or analyses and in respect of the remuneration and other expenses of any directors, employees, consultants and advisers engaged by the Agency.

### **Compliance direction**

14. (1) Where the Agency considers that Uisce Éireann is not complying with these Regulations or any general binding rules, it may by notice direct Uisce Éireann to comply in accordance with the direction (“compliance direction”) and within any time frame set out in it. Uisce Éireann may make representations to the Agency relating to the direction within 14 days of its service. The Agency shall consider any representations made and may by notice to Uisce Éireann withdraw or confirm (with or without amendment) the direction.

(2) Where a compliance direction is not complied with by Uisce Éireann, the Agency may make an application to the judge of the Circuit Court in whose Circuit the matter relating to the direction occurred to compel compliance and

the judge may make such order as he or she sees fit. The decision of the judge is final save on a point of law which lies with the High Court.

(3) A decision of the Agency under this Regulation stands suspended during the period allowed for making representations under paragraph (1) and, where representations are so made, until the decision is confirmed.

(4) Where Uisce Éireann fails, without reasonable excuse, to comply with a compliance direction it commits an offence.

### **Service of notices, notifications and directions**

15. Notices, notifications and directions made by the Agency to Uisce Éireann shall be in writing and given to or served on Uisce Éireann —

- (a) by delivering the notice, notification or direction personally or sending it by post in a prepaid registered letter to the principal offices of Uisce Éireann,
- (b) in a manner agreed between the Agency and Uisce Éireann, or
- (c) by electronic means to Uisce Éireann, where receipt of the document is generated electronically by the receiving electronic device.

**Schedule**  
**General Binding Rules**

***Limitations on Size, Capacity and Discharge***

1. Wastewater arising from a housing development must receive secondary treatment in a wastewater works prior to discharge.
2. The population equivalent (p.e.) served by the wastewater works must not exceed 150. The p.e. must be determined in accordance with the methodology specified in the registration *criteria* published by the Agency.
3. The volume of treated wastewater discharged must not exceed 22.5 cubic metres per day, calculated as a daily average.
4. Rainwater, surface water and runoff from paved areas must not enter the wastewater works.
5. Only domestic wastewater shall be collected, conveyed and treated by the wastewater works. The discharge of non-domestic related trade effluent or industrial wastewater is prohibited.
6. Wastewater arising from the housing development must be connected to a public sewer should it becomes feasible to do so. In the event of connecting the housing development to the public sewer, the wastewater discharge and elements of the wastewater works, as required, must be decommissioned to the satisfaction of the Agency.

***Operation and Maintenance***

7. Desludging
  - 7.1. Where used as part of the wastewater works, septic tanks must be desludged regularly and sludge disposed of or recovered appropriately.
  - 7.2. Records of de-sludging, including dates, tonnage and destination must be maintained for a period of 7 years.
8. Uisce Éireann must establish and undertake an operation and maintenance programme for the wastewater works and ensure that all equipment and all elements of the treatment process are maintained in good working order and do not pose any health and safety or environmental risk.

***Incident Reporting, complaints and notifications***

9. Uisce Éireann must report incidents to the Agency as soon as practicable and must take corrective and preventative actions to resolve incidents and avoid their recurrence.
10. Uisce Éireann must record and investigate all complaints received in relation to the wastewater works and take appropriate action to resolve the complaint.

11. Material alteration or cessation of a discharge must be notified to the Agency.
12. In the event of the cessation of the wastewater treatment process and associated discharge, Uisce Éireann must decommission, render safe or remove for recovery or disposal any soil, subsoil, buildings, plant or equipment, or any waste, materials or substances contained therein or thereon, that may result in environmental pollution.
13. The wastewater works must be operated and maintained to avoid causing nuisance.

#### ***Treatment Performance Standards***

14. The collection system, treatment works, and discharge of treated wastewater shall not cause environmental pollution.
15. The wastewater works shall be designed, operated and maintained so as to achieve at least secondary treatment standards prior to discharge as follows:

<b>Parameter</b>	<b>Concentration (after secondary treatment)</b>
cBOD	25 mg/l O <sub>2</sub>
COD	125 mg/l O <sub>2</sub>
Total Suspended Solids	35 mg/l

16. The discharge of gross solids and litter is prohibited.
17. There shall be no discharge of priority substances (within the meaning of the European Communities Environmental Objectives (Surface Waters) Regulations (S. I. No. 272 of 2009)).

#### ***Discharge monitoring and ambient monitoring***

18. Uisce Éireann must inspect and sample the treated effluent discharge twice a year and analyse it for the parameters set out in Rule 15.
19. Records of monitoring, sampling and analysis must be retained for a period of 7 years by Uisce Éireann.
20. The discharge point must be easily accessible and have a dedicated sampling point.
21. Ambient monitoring.
  - 21.1. Uisce Éireann must carry out a small stream risk score assessment or other suitable ecological assessment at a suitable location upstream and downstream of the discharge point once every 3 years.
  - 21.2. The ecological assessments must be carried out by a suitably competent person using a recognised methodology appropriate to the assessment of ecological impacts in surface waters.

- 21.3. The results of such assessments must be recorded and retained indefinitely by Uisce Éireann and made available to the Agency upon request.



GIVEN under my Official Seal,  
24 February, 2026.

JAMES BROWNE,  
Minister for Housing, Local Government and Heritage.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations—

- give effect to Article 11(3)(g) of Directive 2000/60/EC in respect of providing for a register of wastewater discharges subject to general binding rules;
- provide for the establishment of a register of small wastewater discharges with a population equivalent of less than or equal to 150, to be established and maintained by the Environmental Protection Agency;
- provide for obligations of Uisce Éireann in respect of registering wastewater discharges.
- provide for the application of general binding rules by the EPA and enforcement.

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