EN1B: Define mechanisms for the approval of water abstraction rights and wastewater effluent discharge permits

REGULATORY FUNCTION: **ENVIRONMENT** | **EN1B**

OBJECTIVE EN1

Regulatory requirements for water abstraction and management of faecal sludge, effluent or wastewater are in place

ACTION CARD EN1B

DEFINE MECHANISMS FOR THE APPROVAL OF WATER ABSTRACTION RIGHTS AND WASTEWATER EFFLUENT DISCHARGE PERMITS

COST: High **FREQUENCY:** One time

TARGET GROUPS: Regulators, service operators, industrial and agricultural consumers, environmental authorities

DESCRIPTION

Environmental regulators establish water abstraction and discharge policies in collaboration with ministries of environment (or other responsible ministries), and in turn receive necessary regulatory guidance for actual implementation. In accordance, regulators define the rules for abstraction and discharge permit application and management, and relevant procedures, with the objective of establishing transparent national mechanisms for current and potential operators. Abstraction and discharge permit mechanisms must clearly stipulate standards and conditions, along with consequences resulting from non-compliance.

EXPECTED OUTCOMES

- Environmental norms in terms of water resources protection are adequately transposed into water and sanitation regulations.
- Service operators' contracts stipulate authorized abstraction limits and substance discharge limits.
- Transparently regulated processes of permit issuance allows all stakeholders equal access.

EXAMPLE 1: SOUTH AFRICA

In **South Africa**, the government's Water and Sanitation Department proposes a clear and transparent procedure for obtaining abstraction permits. Pre-positioning and validation are undertaken when license applications are received and is used to check if everything needed to process the license is available. Applicants are asked to provide missing information and may receive feedback before an application fee is paid (R 114.00 in 2007), so applicants can decide whether to continue. Initial assessment and grouping include a rapid assessment of possible impacts and benefits of the proposed water use. In some cases, a simple set of questions can be used, or applicants can use a screening tool to do their own pre-assessments. Then, a regional assessment is conducted in the local office where the application was submitted. A regional office gathers all the information required to decide on whether to approve the application and makes a recommendation to the national office. Applications are then evaluated by specialist groups at a national office, who also make recommendations on the application. Applications are then submitted to the Chief Director: Water Use for a decision on whether to approve the application, after considering all the relevant information. Once a decision has been made, regional offices are informed, and will inform applicants of the outcome. If approved, the regional offices issue the license and highlight any conditions that might be attached to that water use. The figure below shows this process.

EXAMPLE 2: IRELAND

In **Ireland**, the licensing and certification process follows a number of EU Directives by the imposition of restrictions or prohibitions on the discharge of dangerous substances, and thus preventing or reducing pollution by wastewater discharges.

All discharges to the aquatic environment from sewerage systems owned, managed and operated by water services authorities require a waste water discharge license or certificate of authorization from the Irish Environmental Protection Agency (EPA). Authorities are required to apply to the EPA for a license or certificate of authorization by set dates, depending on the population equivalent of the area served by the sewer network. The authorization process requires the EPA to place stringent conditions on the operation of such discharges, to ensure that potential effects on receiving water bodies are strictly limited and controlled. In overall terms, the aim is to achieve good surface water and ground water status in addition to complying with standards and objectives established for associated protected areas. Licensing and certification processes are open and transparent, and access to the application documentation is freely available on the EPA website.

Any person may make written submissions to the Environmental Protection Agency in relation to license applications, and thus participate in the processing of a particular application. The EPA welcomes and encourages such participation. The EPA must give due regard to all submissions received in its consideration of each license application. The EPA will take comments in account regarding any wastewater discharge application or certificate of authorization application into account.

EXAMPLE 3: ECUADOR:

In Ecuador, the Water Regulation and Monitoring Agency, ARCA, has established a technical regulation called 'Regulation of Water Use and Development Authorizations' (No. DIR-ARCA-RG-004-2016) that seeks to improve authorizations for all types of water use, including water distribution, through procedure validation, monitoring and standardization. In order to achieve this improvement with the new regulation, ARCA has created training videos, tutorials and virtual forums with the aim of explaining the relationship between ARCA and the Secretariat of Water, user obligations, applicable legal categories, and other matters.

Sources: (ARCA, s.f)

EXAMPLE 4: COLOMBIA

In Colombia, there are administrative procedures that allow public aqueduct utilities to access water use, called 'concessions for the use of water.' Decree No. 1076 of 2015 sets out an order of priorities for the granting of these concessions, the first of which is water use for human consumption, collectively or as a community, in urban or rural areas. Likewise, the regulation establishes that utility concessions may be granted for periods of up to fifty (50) years. With regard to dumping, the decree demands that public utilities, as water resource users, have the pertinent dumping permit or a Sanitation and Dumping Management Plan (PSMV).

LINKS

South Africa: http://www.dwa.gov.za/WAR/licenceprocess.aspx

Ireland: http://www.epa.ie/licensing/watwaste/wwda/

Ecuador: ARCA Tutorial

http://www.regulacionagua.gob.ec/regulacion-n004-autorizaciones-de-uso-y-aprovechamientos/

Colombia: Decree No. 1076 of 2015. (See Article 2.2.3.2.7.6. Order of Priorities)

https://funcionpublica.gov.co/eva/gestornormativo/norma.php?i=78153

INTERNAL CAPACITIES NEEDED AND THE ROLE OF PARTNERS

To establish mechanisms for the approval of abstraction rights and discharge permits, regulators require adequate technical capacity to understand the impacts and benefits of abstractions or discharges at different geographical scales. In addition, a range of administrative and procedural skills are required, and regulators' staff must be trained on setting, and make publicly available, standardized assessment procedures for approval or rejection of applications, based on common standardized questions. Development partners and environmental authorities may assist this process by providing technical assistance in setting the contexts of assessments and with capacity building workshops.