



The Water Framework Directive & Port Management / Operation Issues

13th December 2007

Significant Water Management Issues

- RBDs published booklets for each district summarising the potential significant water management issues relating to the WFD
 - ‘Water Matters’
- Each booklet discussed the following topics:
 - Wastewater and industrial discharges
 - Landfills, quarries, mines and contaminated lands
 - Agriculture
 - Wastewater from unsewered properties
 - Forestry
 - Usage and discharge of dangerous substances
 - Physical modifications
 - Abstractions
 - Local Issues

Port Operations of relevance to the WFD

- **Maintenance**
 - Dredging navigational fairways & berths
 - Safe shipping
 - Growth – larger vessels
 - Cleaning activities such as dry dock operations and potential release of anti-foulants
- **Operations**
 - Surface water run-off
 - Foul sewer operation
 - Ship discharges / ballast water exchange
 - Fuelling and bunkering
 - Handling, interim storage and disposal of non-hazardous and hazardous materials
 - Handling, interim storage and disposal of non-hazardous and hazardous wastes

Port Operations of relevance to the WFD

- **Legacy Issues**

- Historic land claim
- Historic contamination
 - Local:
 - type of fill for reclamation projects e.g. municipal waste
 - Poor historical practices
 - External:
 - Influxes from upstream
- Established communities of alien species
- DPC recognise that the WFD does not allow for review of consents
- Unclear at present if ports will be required to bear the costs for restoration/mitigation that may be required to achieve the WFD objectives. However,
- It is DPC's understanding that this will be covered by the *Environmental Liability Directive (2004/35/EC)*

Port Operations of relevance to the WFD

- **Future port operations**
 - Economic Growth:
 - Department of Transport Study 2006 (Fisher Associates):
 - National LoLo: available capacity effectively fully utilised by 2014
 - National RoRo: capacity likely to be reached by 2014
 - Dublin Port: 59% (62%) of LoLo and 76% (79%) of RoRo traffic handled in Dublin Port
 - Future Maintenance Dredging
 - Increased navigational activity (incl larger vessels)
 - Reclamation e.g. 21 Hectares
 - Repair/construction of shoreline reinforcement structures
 - Capital dredging

Water Framework Directive Objectives

Good Status (surface waters) =

Good Ecological Status (GES) + Good Chemical Status

Good Status (groundwaters) =

Good Quantitative Status + Good Chemical Status

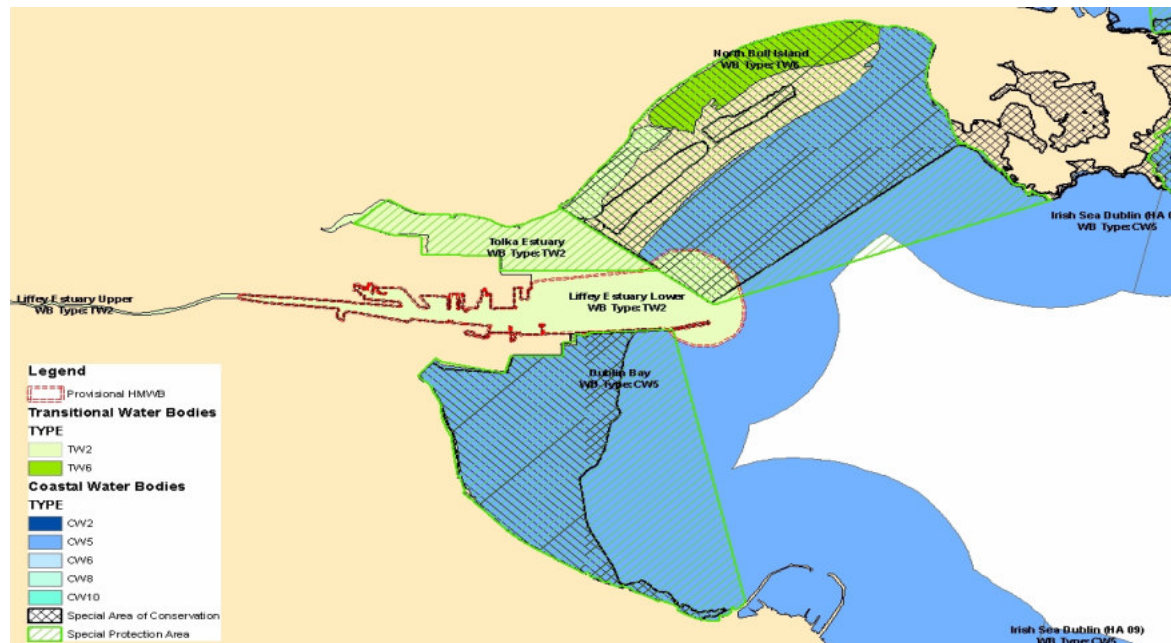
Heavily Modified Water Bodies (HMWB) =

Good Ecological Potential (GEP) + Good Chemical Status

Issues Currently Unresolved / Of Concern

- **Heavily Modified Water Body Designation & Objectives**

- Consistency in the designation of HMWBs and Good Ecological Potential (GEP) target setting (Article 4(3))
- Incorporation of ‘planned and funded’ modifications in the definition of GEP
- Variation of measures for operations/development crossing HMWB boundaries



Note: Designation Boundaries downloaded from NPWS website Dec 2007

Issues Currently Unresolved / Of Concern

- **New Modifications**
 - Article 4(7) applicable now?
- **River Basin Management Plans**
 - Article 4 (7)(b) of the WFD states that the reasons for modifications to the physical characteristics of a surface water body must be ‘specifically set out and explained’ in the RBMP. It is uncertain at present if this entails obligatory insertion of detailed plans for future port projects into the RBMP
- **Irish Regulatory Impact Assessment (2007)**
 - Potential impacts on the ports and navigation sector not fully considered
 - Full RIA now being drafted – date for public consultation?

Issues Currently Unresolved / Of Concern

- **Role of Sediment in the WFD**
 - “materials in suspension” included as a pollutant in WFD Annex VIII
 - Inventory of ‘losses’ of pollutants required
 - *Potential for Dredging & Disposal activities to be compliant with Daughter Directive for Environmental Quality Standards*
 - European Parliament have introduced the following exemption to the proposed Daughter Directive:
 - *“Priority substances and pollutants released from sediments as the result of shipping, dredging or natural phenomena shall not be regarded as losses”*
 - This followed concerns expressed by ESPO

Issues Currently Unresolved / Of Concern

- **Environmental Quality Standards (EQSs)**
 - Being defined at EU level
 - Resisted by ESPO: may result in unbalanced restrictions between ports potentially based on historic contamination
- **Transitional areas of exceedance**
 - Permitted for points of discharge only
 - ESPO and EuDA proposed amendment to EQS Daughter Directive that will allow Member States to delimit areas around pots, entrance channels, dredging and disposal facilities
 - Proposal not adopted by the European Parliament
 - *Potential for Dredging & Disposal activities to be compliant with Daughter Directive for Environmental Quality Standards*

Issues Currently Unresolved / Of Concern

- **Provisions of WFD Article 4 & achievement of EQSs**
 - Technical feasibility & disproportionate costs of measures now reference in proposed EQS Daughter Directive
 - This followed concerns expressed by ESPO
 - Currently no definition of ‘disproportionate costs’
- **Delay in full suite of WFD transitional & coastal monitoring**

Issues Currently Unresolved / Of Concern

- Considering the above points relating to the proposed Daughter Directive for EQSs it is our understanding that:
 - On entry into force the EQS Daughter Directive will allow for exemptions relating to the disturbance of sediments which may be caused by dredging / shipping.
 - It is understood that issues relating to the responsibility for the clean-up of historic contamination will be clarified by the Environmental Liability Directive

Initiatives Underway to Highlight & Resolve Concerns

- PIANC-led Navigation Task Group
 - Aim to address the implications of the WFD for ports, harbours, navigation and dredging
 - <http://www.pianc-aipcn.org/>
- SedNet
 - European network aimed at incorporating sediment issues and knowledge into European strategies
 - <http://www.sednet.org/>
- ESPO & EuDA position papers and proposals for amendments submitted to the European Parliament
 - http://www.espo.be/Active_Policy_Issues/Water_Framework_Directive.aspx
 - <http://www.european-dredging.info/in.html>

Preparation for WFD Implementation

- Important for Ports & Harbours to become involved and facilitated in the River Basin Planning process
- Important to recognise the contribution of ports in driving sustainable economic
 - Ports carry 99% by volume of the island's foreign trade
 - 42% GDP exported through Dublin Port