

Northern Ireland Environment Agency
Regulation & Enforcement Division



Department of
**Agriculture, Environment
and Rural Affairs**

An Roinn

**Talmhaíochta, Comhshaoil
agus Gnóthaí Tuaithe**

Department o'

**Fairmin, Environment
an' Kintra Matthers**

www.daera-ni.gov.uk

Our reference: DAERA/26-196

[REDACTED]
[REDACTED]

Water Regulation
Northern Ireland Environment Agency
17 Antrim Road
Tonagh
Co. Antrim
BT28 3AL
Email: IndustrialConsents@daera-ni.gov.uk

24th April 2026

Dear [REDACTED]

Environmental Information Regulations 2004

With regard to your request for information received by the Department on 3rd March 2026 and follow up email of the 23rd March clarifying specific request which sought the following information:

- *Five questions regarding the legality and regulatory oversight of certain interceptor discharge practices.*

I can advise that the Department has completed its search and can confirm that it holds the information you requested, however The Department has decided not to disclose all the information as it considers Regulations 12(5)(e) to be engaged. In these instances, the Department is legislatively required to consider the public interest in disclosure. An associated Public Interest Test has been conducted and is attached for your information at Annex A.

The information which can be disclosed is detailed below.

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1. Direct Discharge to Open Waterways

Under the Water (NI) Order 1999 para 7 (1) (a), it is an offence to discharge or deposit poisonous, noxious or polluting matter so that it enters a waterway or water contained in underground strata. Para 7A, provides that a person shall not be guilty of such an offence, if the discharge is undertaken in accordance with a consent given by the Department.

2. Disposal of Interceptor Contents

If you produce, import or arrange for waste to be disposed of, you have a legal responsibility to make sure it's stored, transported, kept, treated and/or disposed of without harming the environment.

Under the Duty of Care legislation (<https://www.daera-ni.gov.uk/publications/waste-management-duty-care-code-practice>) you have a legal duty to make sure any waste you produce does not escape from your control. Waste must be transferred to an authorised, registered or exempt waste carrier or appropriately authorised waste site. It must be accompanied by a full description of the waste and a Waste Transfer Note and be disposed of lawfully.

Hazardous Waste (such as Interceptor Waste) is required to be disposed of in accordance with the Hazardous Waste Regulations (NI) 2005 to a suitably authorised Facility for its treatment or disposal.

If the waste has not moved off-site, the action as described would not trigger enforcement action under the Hazardous Waste Regs(NI) 2005, however would be subject to other Environmental Legislation.

3. Regulatory Oversight & Monitoring

Regular sampling and monitoring of compliance against consent parameters is undertaken to ensure consent to discharge standards are being met. Where there are failures of compliance, suitable enforcement action would be taken in line with the DAERA Enforcement policy (<https://www.daera-ni.gov.uk/publications/daera-enforcement-policy>)

4. Enforcement Position

It is an offence under the Water (Northern Ireland) Order 1999 to discharge any effluent (including site drainage liable to contamination) into a waterway (or water contained in underground stratum) without the consent of the Department of Agriculture, Environment and Rural Affairs for Northern Ireland, the penalty for which

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on summary conviction is imprisonment for a term not exceeding three months, or a fine not exceeding £20,000, or both.

5. Discharge Affecting Lough Neagh

Please see Annex A public interest test attached.

Additional questions

Please see Annex A public interest test attached.

If you require any clarification, believe that any part of your request has been overlooked, misunderstood or misinterpreted, please contact me in the first instance to see if it is a matter that can be resolved.

If you are unhappy with the manner in which your request for information has been handled or the decision to release/withhold information, you have the right to request a formal review by the Department.

If you wish to do so, please contact The Review Section either by e-mailing daera.informationmanager@daera-ni.gov.uk or by post at The Department of Agriculture, Environment and Rural Affairs, Data Protection & Information Management Branch, Floor 2, Jubilee House, 111 Ballykelly Road, Ballykelly, Limavady BT49 9HP, within two months from the date of this letter.

If after such an internal review you are still unhappy with the response, you have the right to appeal to the Information Commissioner at Wycliffe House, Water Lane, Wilmslow, CHESHIRE, SK9 5AF, who will undertake an independent review of the Department's decision.

Yours sincerely,

Water Regulation Unit

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