



Quarterly Report No. 4 of 2021

4

WAB



Water Advisory Body

DECEMBER 2021

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Foreword



Paul McGowan
Chairperson

Welcome to the fourth Quarterly Report of 2021 by the Water Advisory Body (the WAB).

In this report we highlight changes to four of our Performance Indicators. We use these Performance Indicators to monitor how well Irish Water is performing. We also review reports produced by the Environmental Protection Agency and the Commission for Regulation of Utilities.

The WAB notes with concern that at the end of Quarter 3 2021, the Remedial Action List contained 55 water supplies, which is an increase of two supplies since our last report on 16 November 2021. These 55 supplies serve 455,097 consumers, which represents an increase of 11,282 consumers from Quarter 2 2021.

We also note in this report that Irish Water expects to exceed its 2021 target for replacement of lead connections. While the WAB welcomes this, we note that it is highly unlikely that Irish Water will be able to meet its targets to replace all lead services by 2026.

Compliance with the microbiological standards in drinking water remains high. The indicator covers the year 2020, where three public water supplies showed samples which failed to meet the standards for E. coli. One of these failures was deemed to be a localised issue with one property and a customer advisory letter issued to that property, while issues with sampling technique or locations were suspected in the remainder.

There was another increase in the number of people on a boil water notice at the end of Quarter 3 2021. We share the continuing concern at the trends for long term boil water notices as highlighted by the Environmental Protection Agency.

The WAB welcomes the introduction of the Non-Domestic Tariff Framework (NDTF) for Irish Water's non-domestic customers, which went live on 1 October 2021. It introduces harmonised water charges for businesses across the country. It provides clear, transparent, cost-reflective and equitable charging arrangements for every business regardless of location. This is a welcome and key development for Irish Water.

Finally, the WAB notes a significant compliance investigation by the Commissioner for Regulation of Utilities into Irish Water's handling of issues arising at Bailieborough Public Water Supply Scheme. Regrettably, the findings highlight some significant failings in Irish Water's customer protection service.

A handwritten signature in black ink, appearing to read 'Paul McGowan'. The signature is fluid and cursive, with a prominent loop at the end.

Paul McGowan
Chairperson of the Water Advisory Body

Executive Summary

This is the eighth quarterly report published by the WAB, and the fourth report of 2021.

The WAB was established on 1 June 2018. The purpose of the WAB is to advise the Minister on measures needed to improve the transparency and accountability of Irish Water and to report on a quarterly basis to an Oireachtas Committee on the performance by Irish Water in the implementation of its Strategic Funding Plan.

A set of performance indicators has been selected to represent the activity of Irish Water in relation to the performance of its functions. Data in respect of these indicators is collated and published as part of the Quarterly Reports of the WAB in order to provide objective information on Irish Water's performance. This information is relevant to Irish Water itself, to track its own performance over time, but also to further inform both the Minister for Housing, Local Government and Heritage and the Oireachtas on the performance of Irish Water.

A detailed explanation of each key performance indicator is available in Appendix 1.

The information published within this report is accurate as of 15 November 2021.

The following findings from the report are of note, with specific reference to the four Key Performance Indicators that have been updated since the last report

Remedial Action List (Water)

At the end of Quarter 3 2021 the Remedial Action List contained 55 water supplies, which is an increase of two supplies since the end of Quarter 2. Two supplies were removed while four new supplies were added. The increase in the population served by supplies on the Remedial Action List from Quarter 2 2021 to Quarter 3 2021 was 11,282 consumers. The number of supplies on the Remedial Action List has increased for a third quarter.

The WAB notes the removal of the two supplies from the Remedial Action List since its last quarterly report, however, the WAB also notes the Environmental Protection Agency's concern that the progress made during 2020 continues to be reversed during 2021. It further notes that there are now 55 supplies on the Remedial Action List serving 455,097 consumers being served by the most "at risk" supplies.

Future WAB reports will monitor the progress of Irish Water in identifying dates by which supplies on the Remedial Action List will be addressed. The meeting of targets set by Irish Water to remediate those water supplies will be monitored through quarterly updates of the Remedial Action List. The WAB will also monitor the number of new drinking water supplies that are put on the list in any quarter. The WAB expects that Covid-19 restrictions will continue to have some impact on the dates for supplies on the Remedial Action List. It will continue to monitor Irish Water's progress to assess and address these delays in subsequent reports.

Lead service connections replaced

During Quarter 3 2021, Irish Water replaced 1,120 lead service connections. The WAB notes that Irish Water is on track to exceed its target for 2021 with regard to replacement of lead connections. At the end of Quarter 3 2021, Irish Water had replaced 2,724 connections. Irish Water's target for the entire five-year term of Revenue Control Period 3 (2020-2024) is to replace 13,231 lead connections. The WAB also notes the concerns expressed by the Environmental Protection Agency in its report "Drinking Water Quality in Public Supplies 2019"¹ where it highlighted that by the end of 2019, 17% of public side lead connections had been replaced. Irish Water's target to replace an additional 7% of remaining public side lead connections up to the end of 2024 means it is highly unlikely that Irish Water will be able to meet the targets of replacing all lead services by 2026 set in its' "Lead in Drinking Water Mitigation Plan"². Under normal circumstances the WAB expects to see the continued replacement of lead services until the completion date of 2026.

Overall compliance with microbiological indicators for drinking water

The WAB notes that compliance with the microbiological standards is high and has remained over 99% in the period 2014 – 2020. During 2020, three public water supplies showed samples which failed to meet the standards for E. coli. One of these failures was deemed to be a localised issue with one property and a customer advisory letter issued to that property; issues with sampling technique or locations were suspected in the remainder. Future WAB reports will monitor the success of Irish Water in decreasing the number of public water supplies that do not comply with the E. coli standard.

Boil Water Notices

At the end of Quarter 3 2021, 7,029 people were on boil water notices which is an increase in the population on boil water notices at the end of the previous quarter (1,344 people). The WAB notes the increase with concern .

During Quarter 3, 2021 the WAB notes that boil water notices had also been issued for Ardfinnan (11,542 consumers) and three supplies served by the Carlow North Regional (Rathvilly) Public Water Supply (combined total of 33,765 consumers). Furthermore, during Quarter 3 2021 due to the late reporting of incidents at Ballymore Eustace and Gorey water treatment plants, there was no opportunity to issue boil water notices to approximately 877,000 consumers served by both supplies. At the end of Quarter 3 2021, 11 of the 14 boil water notices (serving 2,152 people) were in place for more than 30 days. This means that the solution to fix the problem with the plant could not be addressed quickly and requires significant investment by Irish Water.

The WAB notes with continuing concern the trends for long term boil water notices highlighted by the Environmental Protection Agency and will continue to monitor Irish Water's progress in this area in order to ensure boil water notices remain in place for as short a period of time as possible.

1 <https://www.epa.ie/publications/compliance--enforcement/drinking-water/annual-drinking-water-reports/drinking-water-quality-in-public-supplies-2020-.php>

2 <https://www.water.ie/docs/Lead-in-Drinking-Water-Mitigation-Plan.pdf>

Other Developments

Commission for Regulation of Utilities' compliance investigation on Irish Water's handling of issues arising at Bailieborough Public Water Supply Scheme.

On 10 November 2021, the Commission for Regulation of Utilities published an information paper regarding a significant compliance investigation conducted in relation to Irish Water's handling of issues arising at the Bailieborough Public Water Supply Scheme in County Cavan between October and December 2019.

Overall, the findings of this investigation highlight some significant failings by Irish Water in the level of customer service provided. The WAB will expect to see the recommendations for action acted upon so that such failings are avoided in the future. Also of concern is the finding that Irish Water's process failings led to a delay in the identification and remediation of the water quality problem at Bailieborough in a timely manner.

The Commission for Regulation of Utilities' investigation focused on Irish Water's compliance with requirements to provide a simple and efficient complaints process, as well as timely and accurate communications to customers served by Bailieborough Public Water Supply. Nine findings of non-compliance were identified under eight headings. These included Categorisation of customer contacts as complaints the escalation of clusters of complaints, and the communication of flushing events.

The Commission for Regulation of Utilities requested remedial actions to address the issues raised in the investigation. Irish Water has provided details to the Commission for Regulation of Utilities on how it is addressing these issues, including a progress report on how it is implementing the required actions. Continued engagement between Irish Water and the Commission for Regulation of Utilities is required to clarify some aspects of the proposed actions, ascertain timelines for completion and provide documentation to show how certain remedial actions have been taken. The WAB welcomes the fact that the Commission for Regulation of Utilities will continue to monitor Irish Water's compliance with all requirements of its approved Codes of Practice, and that future investigations will be conducted should issues arise. The Commission for Regulation of Utilities will also continue to carry out spot checks and audits with the aim of strengthening customer protection.

Non-Domestic Tariff Framework

The new Non-Domestic Tariff Framework for Irish Water's non-domestic customers went live on 1 October 2021. It was originally due to go live on 1 May 2020 but was deferred to 1 May 2021 and again to 1 October 2021 due to the uncertainty for businesses during the Covid-19 pandemic.

The framework introduces harmonised water charges for businesses across the country. It provides clear, transparent, cost-reflective and equitable charging arrangements for every business regardless of location. Previously there were over 500 different tariffs for water services, with non-domestic customers in different local authority areas paying different charges. There had been no change to these water charges since 2014 and in many cases this period is even longer.

Part 1

Introduction

The Water Advisory Body (the WAB) is established under statute. The WAB consists of five members:



Paul McGowan
Chairperson



Martin Sisk



Miriam McDonald



Dónal Purcell



Michelle Minihan

Improving the transparency and accountability of Irish Water

Our overall function is to advise the Minister on the measures needed to improve the transparency and accountability of Irish Water for the purpose of increasing the confidence of members of the public in Irish Water. The WAB's functions are set out in the Water Services Act 2017.

Irish Water's Strategic Funding Plan is a public document and available on Irish Water's website www.water.ie.

This report sets out the WAB's view on how Irish Water is performing against its own Strategic Funding Plan. Each report is prepared for the Oireachtas and is published on the WAB's website - www.wateradvisorybody.ie.

Performance Indicators in this Report

The WAB has chosen a set of performance indicators to provide a broad view of Irish Water's performance, that are a useful reflector of performance that can be used to monitor Irish Water's performance. The WAB will keep these performance indicators under review to make sure that they remain relevant and continue to be good measures of performance. In the accompanying appendix, we explain each indicator and why it is important.

There are some areas of interest to the WAB where data are not available. These include cost reduction and efficiency improvements, procurement, remuneration and staffing policies of Irish Water. They also include Irish Water's performance in terms of responsiveness to the needs of communities and enterprises.

The absence of data requires the WAB to take a different approach to measuring performance in these areas. A few examples are set out below:

Irish Water procurement, remuneration and staffing policies

In relation to procurement, remuneration and staffing policies Irish Water commissioned an independent audit on procurement, reporting directly to the WAB.

The "Review of Irish Waters procurement and contract policies and procedures to ensure compliance against PD02 and PD03" covered procurement policies and procedures and was published in Quarter 2 of 2021. The full report can be found at <https://wateradvisorybody.ie/wp-content/uploads/2021/07/Review-of-Irish-Waters-procurement-policies-and-procedures.pdf>

Irish Water's Responsiveness to the Needs of Communities and Enterprises

The WAB is currently investigating Irish Water's performance in this area. WAB has commissioned local surveys to determine views of Irish Water customers in relation to communications from and contact with the Irish Water. These local surveys will seek to establish the views of customers on communication and contact by Irish Water in terms of clarity, timeliness, efficiency, professionalism, ease of next steps, contact and overall experience. The WAB hopes to publish and comment on the findings of these surveys in Q1 2022.

Part 2

Key Performance Indicators

The WAB has selected eleven performance indicators, each measuring the performance of Irish Water under a different heading.

These headings are:

- ▶ infrastructure delivery and leakage reductions (6 indicators);
- ▶ improvements in water quality (3 indicators); and
- ▶ the responsiveness of Irish Water to the needs of communities and enterprise (2 indicators).

This report displays each of the eleven performance indicators. A commentary is provided only on those performance indicators which have been updated in this Quarterly Report. Where available, the targets that Irish Water is working to in relation to each indicator are also set out.

For each indicator, the Appendix to this report includes a brief explanation of the indicator and the reason why the indicator is important.

The WAB will continue to refine indicators to ensure they remain a useful measure of the performance of Irish Water.

2.1 Infrastructure Delivery and Leakage Reductions Indicators

This metric is not updated in this report. This metric was last updated in the Water Advisory Body Quarterly Report No.2 of 2020.

2.1.1 Performance Indicator 1 - Leakage

Figure 1

Annual Average Daily Water Demand (millions of litres or Megalitres of water per day)



2.1.2 Performance Indicator 2 - First Fix Scheme

This metric has not been updated in this report. It was last updated in the Water Advisory Body Quarterly Report No.3 of 2021.

Figure 2

Combined total of Irish Water and Customer Leak Repairs completed each Quarter



Figure 3

Combined total Savings in Megalitres/day of Irish Water and Customer Leak Repairs completed each quarter



2.1.3 Performance Indicator 3 - Remedial Action List (Water)

This Performance Metric has been updated in this report and is based on information valid up to the end of Quarter 3 2021.

Figure 4

The population served by drinking water supplies included on the Remedial Action List from Quarter 1 2018 to end Quarter 3 2021



Figure 4 shows the number of supplies on the Remedial Action List increased by two at the end of Quarter 3 2021, with the population served by these supplies standing at 455,097.

Under normal circumstances, the WAB would expect a continual reduction in the number of supplies on the Remedial Action List.

Commentary

At the end of Quarter 3 2021 the Remedial Action List contained 55 water supplies, which is an increase of two supplies since the end of Quarter 2. The most recent supplies removed from the Remedial Action List (Quarter 3 2021) were Clare Island and Glengariff. Supplies added to the Remedial Action List included:

- ▶ Louisburgh (Co. Mayo),
- ▶ Callan (Co. Kilkenny),
- ▶ Ballymahon (Co. Longford), and
- ▶ Batterstown (Co. Meath).

The increase in the population served by supplies on the Remedial Action List from Quarter 2 2021 to Quarter 3 2021 was 11,282 consumers. The number of supplies on the Remedial Action List has increased for a third quarter. The WAB notes the concerns of the Environmental Protection Agency by this development.

One supply already on the Remedial Action List had additional categories added to it (Longford Central Co. Longford) for persistent trihalomethane exceedances.

The WAB notes the concern of the Environmental Protection Agency in relation to the re-addition of the Longford Central and Ballymahon Public Water Supply for persistent trihalomethane exceedance to the Remedial Action List. The Longford Central supply was removed from the Remedial Action List in Quarter 1 2020 following remedial upgrade works to address the trihalomethane exceedances. Irish Water must ensure that where supplies are removed from the Remedial Action List, that there is ongoing vigilance and oversight in the operation of water treatment plants so that those supplies remain in compliance. Progress on these supplies continues to be tracked and reported to the European Commission as part of the Trihalomethane Infringement Proceedings against Ireland.

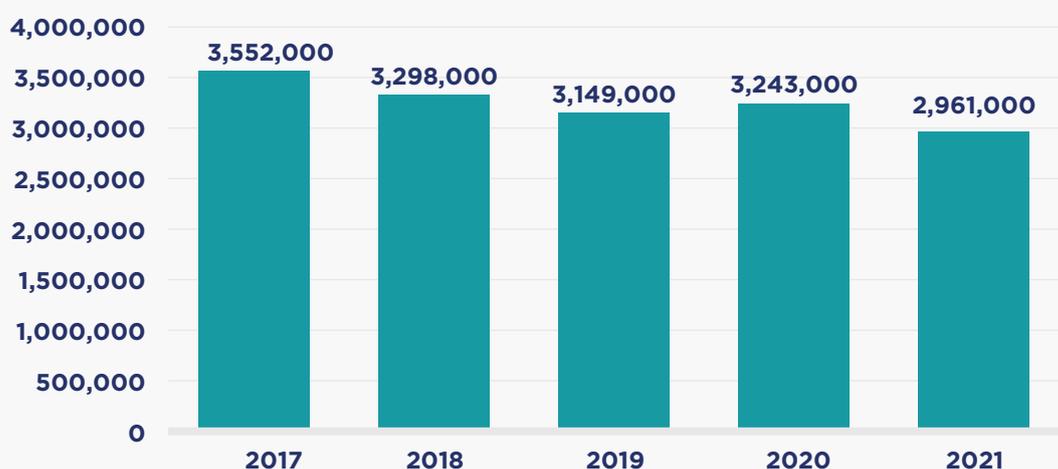
The WAB notes the removal of two supplies from the Remedial Action List since its last quarterly report, however, the WAB also notes the Environmental Protection Agency’s concern that the progress made during 2020 continues to be reversed during 2021, and that there are now 55 supplies on the Remedial Action List serving 455,097 consumers. This represents an increase of 11,282 consumers being served by the most “at risk” supplies. There were seven supplies on the Remedial Action List at the end of Quarter 3 2021 for which Irish Water has not submitted a completion date.

Future WAB reports will monitor the progress of Irish Water in identifying dates by which supplies on the Remedial Action List will be addressed. The meeting of targets set by Irish Water to remediate those water supplies will be monitored through the quarterly updates of the Remedial Action List. The WAB will also monitor the number of new drinking water supplies that are added to the list in any quarter. The WAB expects that Covid-19 restrictions will continue to have some impact on the dates for supplies on the Remedial Action List and will continue to monitor Irish Water’s progress to assess and address these delays in subsequent reports.

2.1.4 Performance Indicator 4 - Priority Urban Area List (Wastewater)

This metric has not been updated in this report. It was last updated in the Water Advisory Body Quarterly Report No.2 of 2021.

Figure 5
Population equivalent served by priority areas



2.1.5 Performance Indicator 5 - Lead service connections replaced

This Performance Metric has been updated in this report and is based on information valid up to the end of Quarter 3 2021.

Figure 6

Total lead connections replaced (cumulative)



Figure 6 shows the cumulative number of lead connections replaced by Irish Water to date, with detailed replacement figures given for the last twelve quarters. This data is compiled by the Environmental Protection Agency on a quarterly basis.

Commentary

Irish Water has an annual target for replacements which, again this year, was significantly and substantially reduced from the 2019 target. The target for 2021 is 1,500 replacements, with a target of 13,231 for the entirety of Revenue Control period 3³. During Quarter 3 2021, Irish Water replaced 1,120 lead service connections.

Figure 6 above shows that the rate of progress of lead connection replacements up to end of Quarter 3 2021. This demonstrates that progress has slowed significantly when compared to the progress made during since 2019 and has plateaued over the last seven quarters. Replacement of lead connections recommenced in Quarter 3 2020 following restrictions imposed due to Covid-19. A stimulus package from Government during 2020 allowed some additional funding to be allocated towards lead connection replacements towards the end of 2020.

Irish Water has continued to encounter difficulties in accessing shared and backyard service replacements, as some homeowners have refused to sign the necessary consent forms for works to be carried out on private property. Irish Water continues to engage with these homeowners to get these consent forms signed.

³ <https://www.cru.ie/wp-content/uploads/2019/07/CRU19148-Irish-Water-Revenue-Control-3-Decision-Paper.pdf>

Irish Water’s target of 1,500 replacements during 2021 is lower because it planned to concentrate efforts on back yard services, which can be more complex and more expensive to replace. However, at the end of Quarter 3 2021, Irish Water had replaced 2,724 connections which was ahead of the target for 2021, mainly due to more public side connections being replaced. Irish Water has assigned additional budget for lead replacements for the remainder of 2021.

The WAB notes that Irish Water is on track to exceed its target for 2021 with regard to replacement of lead connections. Irish Water’s target for the entire 5-year term of Revenue Control period 3 (2020-2024) is to replace 13,231 lead connections. The WAB also notes the concerns expressed by the Environmental Protection Agency in its report “Drinking Water Quality in Public Supplies 2020”⁴ where it highlighted that by the end of 2019, 17% of public side lead connections had been replaced. Irish Water’s target to replace an additional 7% of remaining public side lead connections up to the end of 2024 means it is highly unlikely that Irish Water will be able meet the target to replace all lead services by 2026 set in its “Lead in Drinking Water Mitigation Plan” .

Under normal circumstances the WAB expects to see the continued replacement of lead services until the completion date of 2026.

2.1.6 Performance Indicator 6 - Mains replacement rate (for water mains)

This metric has not been updated in this report. This metric was last updated in the Water Advisory Body Quarterly Report No.2 of 2020.

Figure 7

Mains replacement rate 2014 - 2019



4 <https://www.epa.ie/publications/compliance--enforcement/drinking-water/annual-drinking-water-reports/drinking-water-quality-in-public-supplies-2020-.php>

2.2 Improvements in Water Quality, including the elimination of Boil water notices

2.2.1 Performance Indicator 7 - Overall compliance with microbiological indicators for drinking water

This Performance Metric has been updated in this report and is based on information valid up to the end of Quarter 3 2021.

Figure 8

Percentage of Samples complying with the E.coli Standard



Commentary

In general, the WAB notes that compliance with the microbiological standards is high as illustrated in Figure 8, which shows that compliance has remained over 99% in the period 2014 – 2020. The Environmental Protection Agency produces an annual report, which gives an overview of the quality of drinking water in public water supplies. The reports are based on the assessment of monitoring results reported to the Environmental Protection Agency.

During 2020, three public water supplies showed samples which failed to meet the standards for E. coli. One of these failures was deemed to be a localised issue with one property and a customer advisory letter issued to that property, while issues with sampling technique or locations were suspected in the remainder. Further information is available in the Environmental Protection Agency’s “Drinking Water Quality in Public Supplies 2020”⁵ report.

Future WAB reports will monitor the success of Irish Water in decreasing the number of public water supplies that do not comply with the E. coli standard.

5 <https://www.epa.ie/pubs/reports/water/drinking/drinkingwaterqualityinpublicsupplies2019.html>

2.2.2 Performance Indicator 8 - Boil Water Notices

This Performance Metric has been updated in this report and is based on information valid up to the end of Quarter 3 2021.

Figure 9

Boil water notices at the end of each quarter

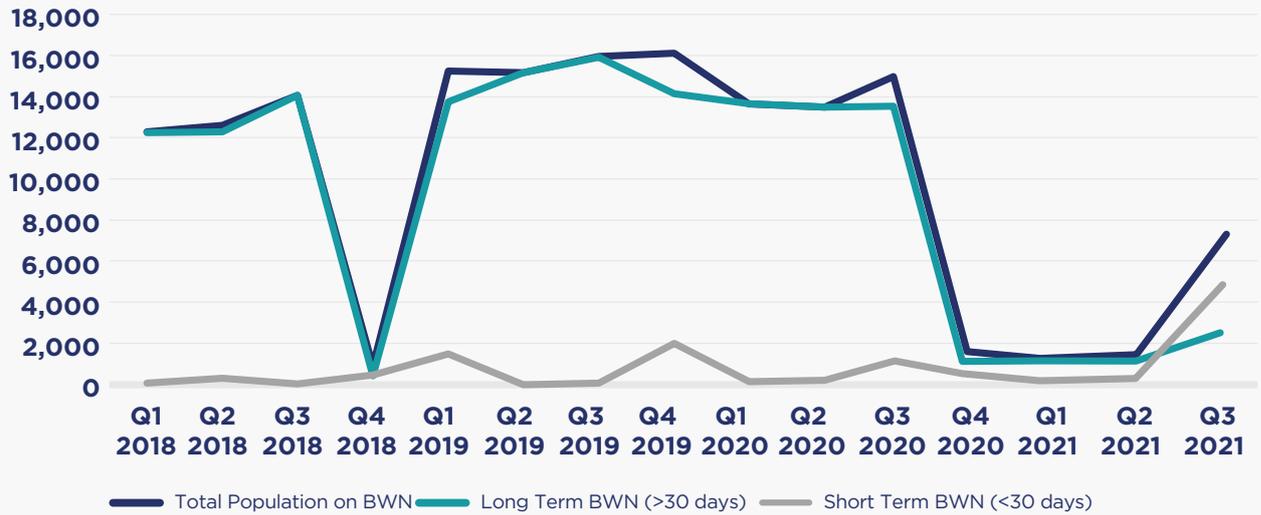


Figure 9 shows the total population on boil water notices at the end of Quarter 3 2021. The graph also shows how long those boil water notices have been in place by showing the population on boil water notices for less than 30 days and the population on boil water notices for more than 30 days.

Commentary

Under normal circumstances the WAB expects that no consumer should be on a long-term boil water notice. Boil water notices should be kept at low levels and for as short a period as possible.

At the end of Quarter 3 2021, 7,029 people were on boil water notices which is an increase on the population on boil water notices at the end of the previous quarter (1,344 people). The WAB notes with concern the increase in the number of people on a boil water notice at the end of Quarter 3 2021.

During Quarter 3, 2021 the WAB notes that boil water notices had also been issued for the following supplies: Ardfinnan (11,542 consumers) and three supplies served by the Carlow North Regional (Rathvilly) Public Water Supply (combined total of 33,765 consumers). Furthermore, during Quarter 3 2021 due to the late reporting of incidents at Ballymore Eustace and Gorey water treatment plants, there was no opportunity to issue boil water notices to approximately 877,000 consumers served by both supplies. The WAB will continue to monitor the number of people affected by short term boil water notices, particularly in instances where notices are placed on the same supply on more than one occasion.

At the end of Quarter 3 2021, 11 of the 14 boil water notices (serving 2,152 people) were in place for more than 30 days. This means that the solution to fix the problem with the plant could not be addressed quickly and requires significant investment by Irish Water. The WAB notes with continuing concern the trends for long term boil water notices highlighted by the Environmental Protection Agency and will continue to monitor Irish Water's progress in this area ensuring that boil water notices remain in place for as short a period of time as possible.

When Irish Water took charge of water supplies in 2014 it set a target to eliminate all boil water notices that were in place at that time. This target was achieved.

2.2.3 Performance Indicator 9 - Compliance of Urban Waste Water Treatment (UWWT); Plants with Environmental Protection Agency discharge licences

This metric has not been updated in this report. This metric was last updated in the Water Advisory Body Quarterly Report No.2 of 2021.

Figure 10

Percentage of Population served by compliant Urban Waste Water Treatment plants (by population equivalent)⁷

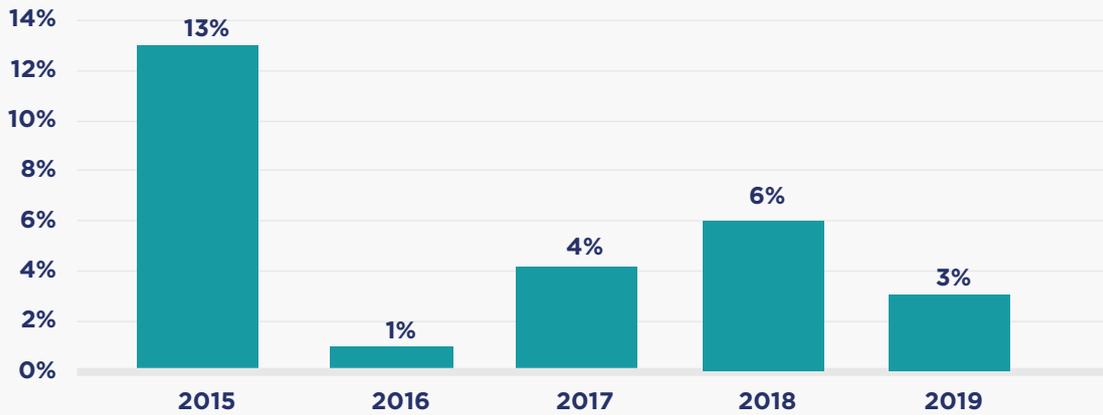


2.3 Responsiveness to the needs of Communities and Enterprise

2.3.1 Performance Indicator 10 - Ease of Contact

This metric has not been updated in this report. This metric was last updated in the Water Advisory Body Quarterly Report No.3 of 2020.

Figure 11
Call Abandonment Rate



The Speed of telephone response by Irish Water is measured by two separate telephone service factors. The first metric, Telephone Service Factor 1 (TSF 1) measures the percentage of calls that enter a queue to speak to an agent which are answered within 20 seconds.

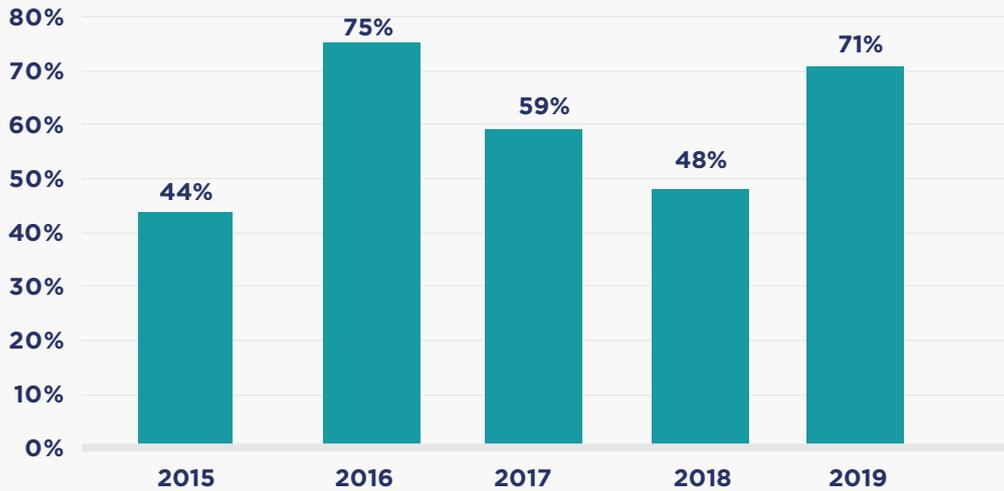
Figure 12
Telephone Service Factor 1: Calls answered by Agent within 20 seconds



The second metric, Telephone Service Factor 2 (TSF 2), measures the number of calls that are dealt with through the Interactive Voice Recognition system as well as the number of calls when placed in a queue to speak to an agent (after going through the Interactive Voice Recognition system) answered by an agent within 20 seconds.

Figure 13

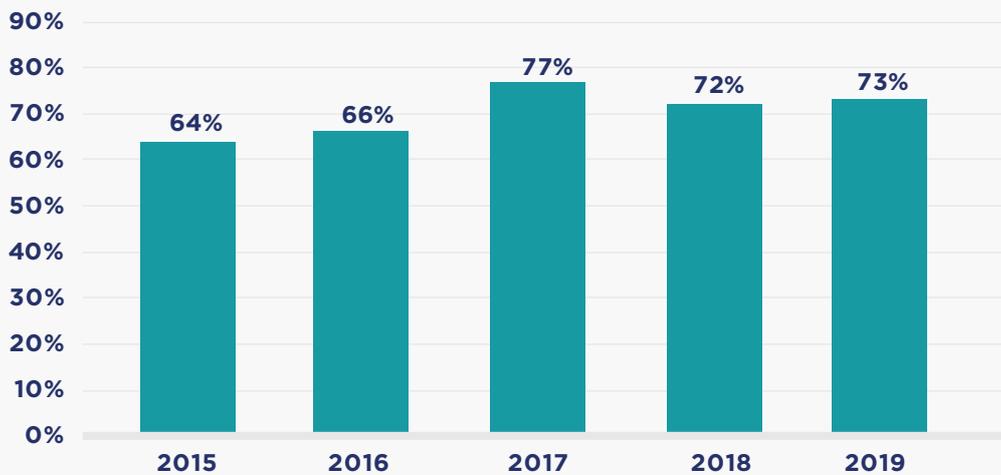
Telephone Service Factor 2: Calls dealt with through Interactive Voice Recognition & calls answered by Agent within 20 seconds



The Customer Satisfaction metric measures customer satisfaction levels of their experience dealing with Irish Water through phone contact. A survey is conducted by an independent research company, where customers rate their satisfaction level on a ten-point scale.

Figure 14

Customer Satisfaction Scores

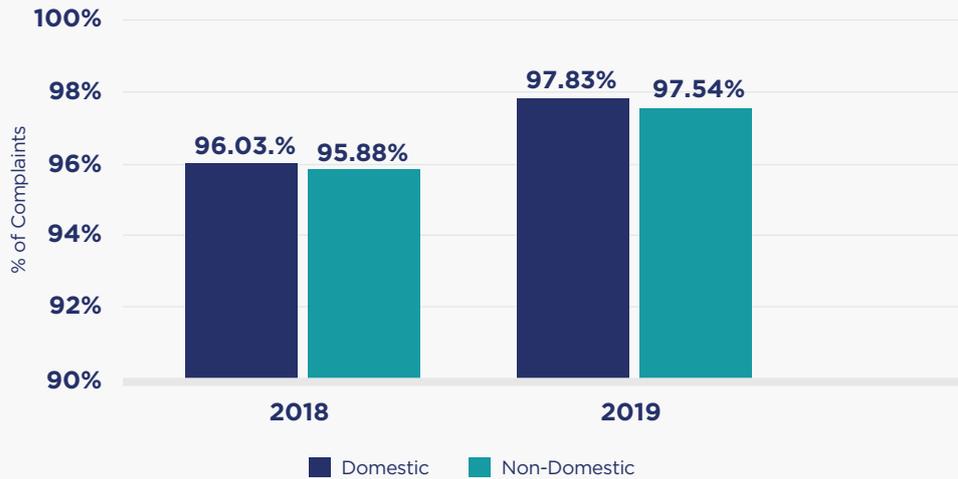


2.3.2 Performance Indicator 11 - Irish Water Customer Complaints management

This metric has not been updated in this report. This metric was last updated in the Water Advisory Body Quarterly Report No.3 of 2020.

Figure 15

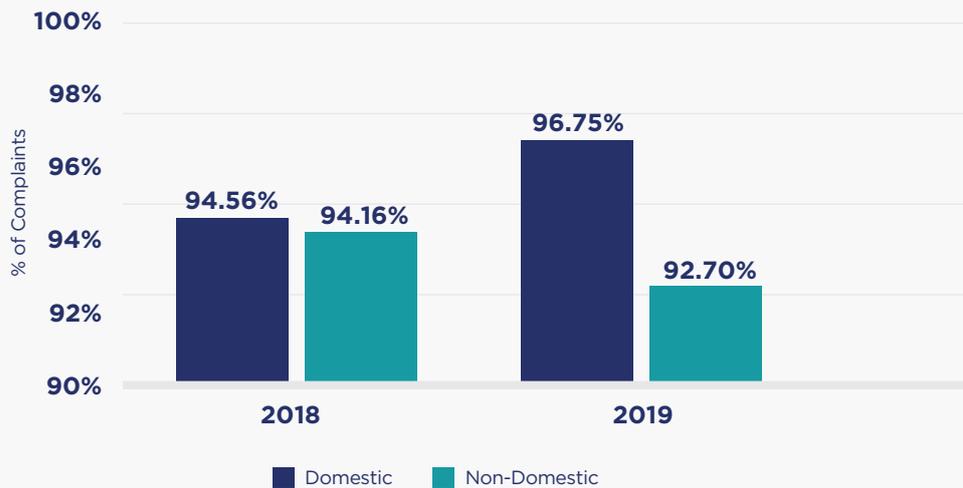
Response to Complaints within 5 working days



Note that for complaints responded to within five days, data in 2018 is provided by Irish Water from Quarter 2 - Quarter 4 only.

Figure 16

Response to Complaints (with Final Decision) within 2 months



Part 3

Key Events

3.1 Commission for Regulation of Utilities' compliance investigation on Irish Water's handling of issues arising at Bailieborough Public Water Supply Scheme.

On 10 November 2021, the Commission for Regulation of Utilities published an information paper regarding a compliance investigation conducted in relation to Irish Water's handling of issues arising at the Bailieborough Public Water Supply Scheme in County Cavan between October and December 2019.

The Commission for Regulation of Utilities' investigation followed an Environmental Protection Agency audit of Bailieborough Water Treatment Plant on 12 December 2019. The Environmental Protection Agency audit found repeated manganese failures since 9 October 2019, and serious deficiencies regarding management and control at the plant. Following the audit, Bailieborough Public Water Supply was added to the Environmental Protection Agency's Remedial Action List for public water supplies. Between the 13 December 2019 and 23 December 2019, a 'Do Not Consume' notice was placed on the supply, impacting 7,785 customers.

The Commission for Regulation of Utilities' investigation focused on Irish Water's compliance with requirements to provide a simple and efficient complaints process, as well as timely and accurate communications to customers served by Bailieborough Public Water Supply. Nine findings of non-compliance were identified.

In relation to complaints handling, the Commission for Regulation of Utilities found that Irish Water failed to correctly categorise customer contacts as complaints. For example, a customer wrote to Irish Water describing that the water was brown, and they could not drink it or shower. The customer stated that no notice had been provided, wrote that it was a human right to have clean water and that they would appreciate a follow up email with any findings. This was considered as a 'contact' rather than a 'complaint', despite fulfilling the approved definition of a complaint. In addition, the Commission for Regulation of Utilities found that Irish Water did not recognise and escalate the large number of complaints received. Irish Water failed to provide evidence to demonstrate the ability of the call centre to recognise a cluster of complaints/contacts and escalate the issue across the organisation. These failings contributed to a delay in identifying and remedying the matter in a timely manner.

The Commission for Regulation of Utilities also found that Irish Water did not inform customers about how to escalate a complaint when required. For example, it was found that when one customer, who contacted Irish Water nine times by email, asked how to escalate a query, they received no response. The Commission for Regulation of Utilities also found that Irish Water did not ensure in all cases that the customer was aware that their complaint had been closed and that no further action would be taken.

With regard to communications, a breakdown in internal communications was found to have contributed to a delay in the issuance of the 'Do Not Consume' notice and, with it, the provision of accurate and timely information to customers. While Irish Water visited the plant on 2 December 2019, the findings of the visit were not communicated to the Health Service Executive and the Environmental Protection Agency until 6 December 2019, which contributed to a delay in the assessment of the public health risk.

Five flushing events took place during the period in question and in two cases, flushing lasted two weeks or more. The Commission for Regulation of Utilities found that the level of communication provided to customers in relation to these events was inadequate. Limited updates were provided to customers, while customer communications were often only provided following the commencement of flushing. Additionally, the location of areas affected by flushing was unclear.

The Commission for Regulation of Utilities made a further finding relating to the application of rebates to bill-paying (non-domestic) customers during the period of the 'Do Not Consume' notice. Customers impacted by such a notice are required to be discounted or refunded for water supplied to them throughout the duration of the notice. In this case, customers were only refunded when the issue was highlighted during the investigation. This was found to be a wider issue affecting 32 out of 113 'water unfit for human consumption' events between November 2018 and Q1 2021. A combined total of €11,497 has been refunded to impacted customers following the identification of this issue.

On 19 August 2021, the Commission for Regulation of Utilities contacted Irish Water to communicate its findings and request remedial actions to address the issues raised in the investigation. Since then, Irish Water has provided details to the Commission for Regulation of Utilities on how it is addressing these issues. On 12 November 2021, Irish Water provided a progress report to the Commission for Regulation of Utilities to provide an update on how it is implementing the required actions. Continued engagement between Irish Water and the Commission for Regulation of Utilities is required to clarify some aspects of the proposed actions, ascertain timelines for completion and provide documentation to show how certain remedial actions have been taken. Going forward, the Commission for Regulation of Utilities will continue to monitor Irish Water's compliance with all requirements of its approved Codes of Practice. Future investigations will be conducted when issues arise, and the Commission for Regulation of Utilities will carry out spot checks and audits with the aim of strengthening customer protection.

Under legislation, the Commission for Regulation of Utilities has certain legislative powers to protect the interests of Irish Water customers and ensure that customers are provided with the quality of services provided for in approved Codes of Practice. In accordance with Section 32(1) of the Water Services (No. 2) Act 2013, Irish Water must prepare and submit Codes of Practice to the Commission for Regulation of Utilities for approval. These are published on Irish Water's website and are based on the Customer Handbooks prepared by the Commission for Regulation of Utilities.

The Handbooks provide guidelines to Irish Water in terms of required levels of customer service and customer protection measures to be implemented in their business operations. Under section 32(5) of the Act, the Commission for Regulation of Utilities may direct Irish Water to comply with an approved code of practice or a provision of a code of practice.

The Commission for Regulation of Utilities' enforcement powers in respect of energy licence holders, including electricity and gas suppliers and network companies, are more comprehensive. The Electricity Regulation Act 1999 empowers the Commission for Regulation of Utilities to issue a direction or notice to a licensee where it considers that the licensee may be contravening or may be likely to contravene a condition or requirement, apply to the High Court for an order to ensure compliance with a direction and ultimately revoke a licence where the Commission for Regulation of Utilities determines it appropriate. In addition, the Energy Act 2016 grants the Commission for Regulation of Utilities power to impose administrative sanctions on licensees, which include financial penalties. The Commission for Regulation of Utilities is currently developing the administrative sanctions framework; however, this enforcement power does not apply to Irish Water.

For further information, the findings of the investigation are outlined below:

Complaint Handling Code of Practice	
Requirement	Finding
<i>"A complaint is defined as "the expression (through various channels, letter, email, phone call, physical claim) of a customer's dissatisfaction and his/her explicit expectation for a response or resolution"."</i>	<p>1. Categorisation of customer contacts as complaints</p> <p>Irish Water did not appropriately categorise all contacts expressing dissatisfaction and an expectation for a response or resolution as complaints. This had implications for how contacts were handled and resolved, and for comparative customer service metrics. Of 96 'contacts' received, the majority should have been categorised as 'complaints'.</p>
<i>"Efficient complaints process - We will formally record complaints and try to resolve them as soon as possible."</i>	<p>2. Escalation of cluster of complaints</p> <p>Irish Water did not recognise and escalate the cluster of complaints relating to discoloured water impacting customers served by Bailieborough Public Water Supply between October and December 2019. This failure contributed to the considerable delay in resolving the issue driving customer complaints.</p>

<p><i>“Simple complaints process - We will provide you, or a person you name to act on your behalf, with an easy process to make a complaint.”</i></p> <p><i>“Clear way to escalate your complaint - We will make it clear how you can escalate your complaint further if you are not satisfied with the outcome of your complaint.”</i></p>	<p>3. Enabling escalation of complaints</p> <p>Irish Water did not inform customers about how to escalate a complaint when required. It is important that when a customer remains dissatisfied at the end of the first stage of the complaint process, they are informed of how they can escalate their complaint to a more senior level. Of 47 contacts categorised as complaints, zero were escalated. One customer contacted Irish Water nine times, including to ask how to escalate their complaint, but the complaint was not escalated.</p>
<p><i>“Simple complaints process - We will provide you, or a person you name to act on your behalf, with an easy process to make a complaint.”</i></p> <p><i>“Clear way to escalate your complaint - We will make it clear how you can escalate your complaint further if you are not satisfied with the outcome of your complaint.”</i></p>	<p>4. Enabling escalation of complaints</p> <p>Training material provided to customer service advisors may lead to serious complaints relating to water quality not being appropriately categorised. The categorisation of complaints impacts how complaints are handled and escalated.</p>
<p><i>“Response within 5 working days - We will respond to your complaint within 5 working days with a resolution or an outline plan on how we will resolve the issue, under normal conditions.”</i></p> <p><i>“We will issue a final decision to your complaint within 2 months from when you registered your complaint, and provide reasons for our decision.”</i></p>	<p>5. Closing of complaints</p> <p>Irish Water did not ensure in all cases that the customer was aware that their complaint had been closed and that no further action would be taken.</p>

Communications Code of Practice

Requirement	Finding
<p><i>“Timeliness - The information will be provided in a timely manner so as to minimise inconvenience to our customers.”</i></p> <p><i>“Adequacy - All information we provide will be detailed and clear so that customers will feel fully informed on all water related matters affecting them.”</i></p>	<p>6. Provision of information to customers</p> <p>There was a breakdown in internal communications following Irish Water’s visit to the Bailieborough Water Treatment Plant, which contributed to an 11-day gap between the visit and the issuance of a ‘Do Not Consume’ notice, and the corresponding interval before customers were provided with accurate communications.</p>
<p><i>“Timeliness - The information will be provided in a timely manner so as to minimise inconvenience to our customers.”</i></p> <p><i>“Adequacy - All information we provide will be detailed and clear so that customers will feel fully informed on all water related matters affecting them.”</i></p>	<p>7. Communication of flushing events</p> <p>Irish Water did not provide sufficient updates to customers affected by flushing events, considering the volume and duration of these events.</p>
<p><i>“Adequacy - All information we provide will be detailed and clear so that customers will feel fully informed on all water related matters affecting them.”</i></p>	<p>8. Detailed communication of affected areas</p> <p>Communications provided by Irish Water in relation to the location of flushing events were not sufficiently detailed and clear and may have caused confusion for customers</p>

Billing Code of Practice

Requirement	Finding
<p><i>“We guarantee to apply the applicable discount/rebate to your bill in relation to notices that declare water unfit for human consumption in line with the Commission for Regulation of Utilities decision on Irish Water’s Water Charges Plan.”</i></p>	<p>9. Application of rebates due to impacted non-domestic customers</p> <p>Irish Water failed to apply the applicable discount/rebate to 232 non-domestic customers impacted by the Bailieborough ‘Do Not Consume’ notice.</p>

3.2 Non-Domestic Tariff Framework

The new Non-Domestic Tariff Framework for Irish Water's non-domestic customers went live on 1 October 2021. It was originally due to go live on 1 May 2020 but was deferred to 1 May 2021 and again to 1 October 2021 due to the uncertainty for businesses during the Covid-19 pandemic.

The framework introduces harmonised water charges for businesses across the country. It provides clear, transparent, cost-reflective and equitable charging arrangements for every business regardless of location. Previously there were over 500 different tariffs for water services, with non-domestic customers in different Local Authority areas paying different charges. There had been no change to these water charges since 2014 and in many cases longer.

The majority of non-domestic customers will see either a decrease or an increase of less than €250 per annum in their annual bill (based on constant water use). For customers who will face larger increases in their annual bill, a 3-year transition period will apply. Customers that face an increase of €250 per annum or more will be transitioned to their new tariffs in equal steps over three years. Customers that face an increase of €750 per annum or more will have a 10% cap applied to their annual bill increase in any one year (based on constant water use).

3.4 Major Projects

The WAB currently monitors two major Irish Water projects which are critical to overall water management.

Vartry Regional Water Supply Scheme

Aim: To provide a new treatment plant, upgrades to the Vartry reservoir and replacement of the Vartry tunnel to help to ensure a safe and sustainable water supply in north Wicklow and South Dublin.

Update: Irish Water is currently commissioning the Vartry Water Treatment Plant. The new plant has been introduced into supply since November 2021 and the EPA has conducted an audit of the new plant on 10th December 2021.

Part 4

WAB's Commentary on Key Performance Indicators and Conclusions

Below we summarise the WAB's comments on each metric which has been updated in this report.

Number	Indicator	WAB Commentary
Performance Indicator 3	Remedial Action List (Water)	<p>At the end of Quarter 3 2021 the Remedial Action List contained 55 water supplies, which is an increase of two supplies since the end of Quarter 2. Two supplies were removed while four supplies were added. The increase in the population served by supplies on the Remedial Action List from Quarter 2 2021 to Quarter 3 2021 was 11,282 consumers. The number of supplies on the Remedial Action List has increased for a third quarter.</p> <p>The WAB notes the removal of the two supplies from the Remedial Action List since its last quarterly report, however, the WAB also notes the Environmental Protection Agency's concern that the progress made during 2020 continues to be reversed during 2021. It further notes that there are now 55 supplies on the Remedial Action List serving 455,097 consumers being served by the most "at risk" supplies. Future WAB reports will monitor the progress of Irish Water in identifying dates by which supplies on the Remedial Action List will be addressed. The meeting of targets set to remediate those water supplies will be monitored through the quarterly updates of the Remedial Action List. The WAB will also monitor the number of new drinking water supplies that are put on the list in any quarter. The WAB expects that Covid-19 restrictions will continue to have some impact on the dates for supplies on the Remedial Action List and will continue to monitor Irish Water's progress to assess and address these delays in subsequent reports.</p>

Number	Indicator	WAB Commentary
Performance Indicator 5	Lead service connections replaced	During Quarter 3 2021, Irish Water replaced 1,120 lead service connections. The WAB notes that Irish Water is on track to exceed its target for 2021 with regard to replacement of lead connections. At the end of Quarter 3 2021, Irish Water had replaced 2,724 connections. Irish Water's target for the entire 5-year term of Revenue Control Period 3 (2020-2024) is to replace 13,231 lead connections. The WAB also notes the concerns expressed by the Environmental Protection Agency in its report "Drinking Water Quality in Public Supplies 2020" ⁷ where it highlighted that by the end of 2019, 17% of public side lead connections had been replaced. Irish Water's target to replace an additional 7% of remaining public side lead connections up to the end of 2024 means it is highly unlikely that Irish Water will be able meet the target to replace all lead services by 2026 set in its' "Lead in Drinking Water Mitigation Plan" ⁸ . Under normal circumstances the WAB expects to see the continued replacement of lead services until the completion date of 2026.
Performance Indicator 7	Overall compliance with microbiological indicators for drinking water	The WAB notes that compliance with the microbiological standards is high and has remained over 99% in the period 2014 - 2020. During 2020, three public water supplies showed samples which failed to meet the standards for E. coli. One of these failures was deemed to be a localised issue with one property and a customer advisory letter issued to that property, while issues with sampling technique or locations were suspected in the remainder. Future WAB reports will monitor the success of Irish Water in decreasing the number of public water supplies that do not comply with the E. coli standard.

7 <https://www.epa.ie/publications/compliance--enforcement/drinking-water/annual-drinking-water-reports/drinking-water-quality-in-public-supplies-2020-.php>

8 <https://www.water.ie/docs/Lead-in-Drinking-Water-Mitigation-Plan.pdf>

Number	Indicator	WAB Commentary
Performance Indicator 8	Boil Water Notices	<p>At the end of Quarter 3 2021, 7,029 people were on boil water notices which is an increase on the population on boil water notices at the end of the previous quarter (1,344 people). The WAB notes with concern the increase in the number of people on a boil water notice at the end of Quarter 3 2021.</p> <p>During Quarter 3, 2021 the WAB notes that boil water notices had also been issued for Ardfinnan (11,542 consumers) and three supplies served by the Carlow North Regional (Rathvilly) Public Water Supply (combined total of 33,765 consumers). Furthermore, during Quarter 3 2021 due to the late reporting of incidents at Ballymore Eustace and Gorey water treatment plants, there was no opportunity to issue boil water notices to approximately 877,000 consumers served by both supplies. At the end of Quarter 3 2021, 11 of the 14 boil water notices (serving 2,152 people) were in place for more than 30 days. This means that the solution to fix the problem with the plant could not be addressed quickly and requires significant investment by Irish Water.</p> <p>The WAB notes with continuing concern the trends for long term boil water notices highlighted by the Environmental Protection Agency and will continue to monitor Irish Water's progress in this area in order to ensure that boil water notices remain in place for as short a period of time as possible.</p>

In this report four out of 11 metrics have been updated since WAB published its last report (WAB Quarterly Report No.3 of 2021).

It continues to be the WAB's view that the management and improvement of the drinking and waste water infrastructure and network requires significant and sustained action, across a range of areas.

It remains the WAB's view that increasing public confidence in Irish Water is dependent on visible action in areas such as waste water treatment, water quality, and leakage.

Glossary of Terms

Agglomeration – an agglomeration is an urban settlement (village, town or city area) which is connected through a pipe network to a wastewater treatment plant.

Chlorination – Water chlorination is the process of adding chlorine or chlorine compounds such as sodium hypochlorite to water. In particular, chlorination is used to prevent the spread of waterborne diseases.

Cryptosporidium – A disease-causing protozoon widely found in surface water sources.

E.Coli – Coliforms, specifically *Escherichia coli* (E. coli), are the universal indicator microorganisms of faecal contamination of water. These bacteria, which are of definite faecal origin (human and animal), are excreted in vast numbers and their presence in a water supply is proof that faecal contamination has occurred and is a definite indication that pathogens may be present.

Pathogen – Microorganisms that can cause disease in humans, other organisms or animals and plants. They may be bacteria, viruses, or protozoa and are found in sewage, in runoff from animals, farms or rural areas populated with domestic and/or wild animals, and in water.

Population Equivalent – in waste-water treatment the population equivalent is a reference that describes the specific load of a wastewater treatment plant.

Remuneration – Reward for employment in the form of pay, salary, or wage, including allowances, benefits (such as company car, medical plan, pension plan), bonuses, cash incentives, and monetary value of the noncash incentives.

Trihalomethanes – Trihalomethanes are a group of four chemicals formed, along with other disinfection by-products, when chlorine or other disinfectants used to control microbial contaminants in drinking water react with naturally occurring organic and inorganic matter in water.

Trunk Mains – Trunk water supply pipelines deliver bulk water from one part of the system to another, often aided by pumping. As such, trunk mains are larger in diameter than reticulation mains, are not networked and have fluctuating pressures.

Turbidity – Turbidity is a measure of the degree to which the water loses its transparency due to the presence of suspended particulates. The more total suspended solids in the water, the murkier it seems and the higher the turbidity. Turbidity is considered as a good measure of the quality of water.

2020 Water Indicators

Rivers

Changes in biological quality of rivers surveyed in 2019 and 2020

345

improved in biological quality

230

declined in biological quality



Rivers

89%

of sites have satisfactory BOD values

Lakes

Lake biological quality

56%

are in good or high quality

Lake Total Phosphorus

30%

of lakes have unsatisfactory total phosphorus concentrations

Rivers

Nutrient Trends 2013-2020

Nitrogen

47%

of sites have unsatisfactory nitrate concentrations

38%

of sites have increasing nitrate concentrations

24%

of sites have increasing phosphate concentrations

29%

of sites have unsatisfactory phosphate concentrations

Phosphorus

Groundwater

24%

of sites have high nitrate concentrations (greater than 25mg/l NO₃)

Estuarine and Coastal

Riverine inputs of nitrogen and phosphorus increasing since 2012-2014

26%

increase in loads of Nitrogen

35%

increase in loads of Phosphorus

