TRADE EFFLUENT ENFORCEMENT

Like all water companies, we have to meet a wide range of statutory and regulatory duties. When undertaking our water supply and wastewater activities, we are required to protect:

- the health & safety of the public and our employees
- our assets and in turn the environment
- water supplies and drinking water quality.

The Water Industry Act 1991 gives us certain regulatory powers which allow us to take enforcement action to help ensure these duties are met. This document explains how we do this in relation to trade effluent.

A CO-OPERATIVE APPROACH

Our Commercial Wastewater Advisers and Operations Scientists work closely with businesses that discharge wastewater to sewers. We aim to build good working relationships and as a result, improve understanding of each other’s activities. We provide information to help and encourage traders to build best practice into their working methods. By giving trade customers practical guidance, we can prevent problems from occurring or continuing and regulate trade effluent activities in a supportive manner. As a result, we rarely take formal enforcement action.

However, things can go wrong. Businesses might breach the conditions of their trade effluent consent, or be carrying out activities that aren’t covered by the consent. In extreme cases, illegal use of the sewerage system can occur. In these cases we look to traders to take preventative or remedial action. If we have to, we have the power to prosecute to ensure we continue to comply with public health and environmental legislation.

ENFORCEMENT PRINCIPLES

The underlying principles governing how we go about enforcement are:

- proportionality in how we apply the law and ensure compliance
- consistency in our approach
- transparency in how we operate
- targeting of enforcement action.

Proportionality
Action we take will be proportionate to the risks posed and the seriousness of any breach of permits. In the worst cases, breaches can seriously damage our assets and affect our activities. For example, illegal discharges can harm sewers or sewage treatment works, which in turn can endanger the public’s health or damage the environment.

Consistency
We aim to be consistent in our response to incidents, in our recommendations and how we use our powers. While we try to take a similar approach in similar circumstances to achieve similar ends, we recognise that each case will have specific issues. So, we take into account the impact, the attitude and actions of traders, and how often incidents and breaches have occurred. We also liaise with other enforcement bodies such as the Environment Agency.

Transparency
Trade effluent customers should understand how we take enforcement action, what is expected of them and what they can expect from us. We aim to be clear about the action we intend traders to take, why it is necessary and when it must be carried out. If urgent action is required, we write to explain the reasons as soon as practicable. We aim to clearly distinguish between best practice and strictly legal requirements. We will discuss with traders what is required to comply with the law before any formal enforcement action is taken.

Targeting
Our regulatory efforts are directed mainly towards the activities that can pose the most serious consequences for our sewerage and sewage treatment systems; the risks that are least controlled; and cases of deliberate pollution. We focus on those who are directly responsible for the risk and are best placed to control it. We tend to visit high hazard sites more frequently to ensure risks are being managed effectively. At the same time, we are attentive to relatively low hazard sites that are poorly managed as these can also pose significant risks to our assets and the environment.

ESCALATING ENFORCEMENT

Where problems with trade discharges have been identified, we use a stepped escalation process. This is designed to get action agreed, preventing any further breaches or failures at the earliest opportunity, with the least intervention from us. The diagram below is indicative of how this works:

Typically, the process starts with an initial site meeting with the trader’s regular contact manager and a follow-up formal letter. Then, if the problem recurs, or a more serious breach of consent is identified, we will arrange a formal site meeting with the trader’s senior management or directors. We will negotiate an action plan (with timescales) to be implemented by the trader, which aims to resolve all breaches and failures. If the action plan is not carried out, or is unsuccessful, we will then arrange a second formal site meeting with the trader’s senior management and notify them of our intention to take a formal sample. If the action plan is still not carried out, remains unsuccessful, or if formal samples fail the consent, we will notify the trader and consider the next steps. These may include prosecution, a caution, a formal warning, civil action for damages and / or an injunction. Recovery of costs that we have incurred is an option at any stage of enforcement.

While we will prosecute only when absolutely necessary, the most serious consent breaches could mean we start prosecution proceedings immediately.

LEVEL 1: INITIAL VISIT & FORMAL LETTER

LEVEL 2: 1st FORMAL MEETING, ACTION PLAN

LEVEL 3: 2nd FORMAL MEETING, FORMAL SAMPLES

LEVEL 4: REPORT TO WW DIRECTORS ON NEXT STEPS

For further information, please contact the Commercial Wastewater Adviser in your area.