

YW Wholesale Trade Effluent Code of Practice

Treated

19/06/2017

It's part of our
Blueprint for Yorkshire



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Introduction

Trade effluent is any liquid waste (effluent), other than surface water and domestic sewage that is discharged from premises being used for a business, trade or industrial process. This can be disposed of to the public sewer, provided that the prior consent of Yorkshire Water (YW) Wholesale is obtained.

YW Wholesale issues trade effluent consents which are legal documents authorising the discharge of trade effluent into the public sewer.

Certain trade effluent can adversely affect the sewerage system, the receiving waste water treatment works (WwTW), people and the environment. Conditions are therefore included in consents to provide effective control of trade effluent discharges to ensure that the above are protected.

Trade effluents impose a substantial treatment load on the WwTW they drain to via the sewerage system. Consequently, consents provide for the recovery of the costs of the treatment and disposal of the trade effluent from the discharger.

This Code of Practice explains in detail YW Wholesale trade effluent control and charging policy.

This Code of Practice will be compliant with the following:

- Wholesale-Retail Code Part G: Trade Effluent.

Any charges related to the services outlined in this document can be found on the YW Wholesale website (<https://www.yorkshirewater.com/business/services#ls2>).

Timescales

YW Wholesale will comply with the permitted timescales as set out in the Market Codes.

YW Wholesale shall use reasonable endeavours to meet these timescales, but there may be instances where this is not possible due to factors beyond our control.

Aim

The aims of the code of practice are:

- to ensure a consistent approach is followed within YW Wholesale operational area;
- to provide Retailers and Non-Household Customers with our guidelines that shall be complied with at all times;

Any breach of this Code of Practice may result in YW Wholesale taking enforcement action. The purpose of enforcement is to ensure that preventative or remedial action is taken to secure compliance with our Code of Practice, market codes and associated regulation.

Principles

To ensure the Code of Practice is enforced fairly, the following section contains our guidelines.

Trade Effluent Legislation

1. From 1st April 2017, charges introduced by the Government mean that all Non-Household Customers will be able to choose which Retailer they buy their waste and waste water services from.
2. The Water Industry Act 1991, which came into force on the 1st December 1991, consolidated within one act all previous legislation relating to the discharge of trade effluent to the public sewer.

The main sections of the Act concerning trade effluent are:

Section 106

- Right to drain domestic sewage and surface or storm water from trade premises to the public sewer but not trade effluent.

Section 111

- Restriction on the discharge of harmful materials to the public sewer.

Section 118 (1)

- Right to discharge trade effluent to the public sewer with consent.

Section 118 (5)

- Offence to discharge trade effluent without consent.

Section 119

- Application for trade effluent consent.

Section 120

- Application in respect of special category effluent to be referred to the Secretary of State.

Section 121

- Conditions which may be attached to consents including the payment of charges.

Section 121 (5)

- Offence to contravene the conditions of consent.

Section 122 / 123

- Rights of appeal to the Water Services Regulatory Authority in respect of applications for consent.

Section 124 / 125

- Power to vary conditions of consent by direction.

Section 126

- Right of appeal to the Water Services Regulatory Authority in respect of variations of consent.

Section 127

- Review by the Secretary of State of consents relating to special category effluent.

Section 129

- Agreements instead of consents.

Section 130

- Agreements in respect of special category effluent to be referred to the Secretary of State.

Section 131

- Review by the Secretary of State of agreements relating to special category effluent.

Section 132 / 133 / 134

- Determination of references and reviews relating to special category effluent.

Section 138

- Meaning of 'special category effluent'.

Section 139

- Secretary of State's power to extend the act to other effluents.

Section 141 (1)

- Definitions of 'trade effluent' and 'trade premises'.

Section 142 (2)

- Farms and scientific research establishments deemed to be trade premises.

Section 142 / 143 / 144

- Powers of undertakers to raise trade effluent charges.

Section 168

- Right of entry.

Section 171

- Right of entry for sewerage purposes.

Section 196

- Public register of trade effluent documents.
- The Trade Effluents (Prescribed Process and Substances) Regulations 1989 and The Trade Effluents (Prescribed Process and Substances) (Amendment) Regulations 1990. These regulations specify the industrial processes and the chemical substances which determine whether or not a particular trade effluent is special category effluent for the purposes of the Water Industry Act 1991.
- The discharge of special category effluent has to be referred by YW Wholesale to The Environment Agency, acting on behalf of the Secretary of State, for their approval.

Application for Consent

3. It is an offence to discharge trade effluent to the public sewer without consent. An application for consent to discharge trade effluent to the public sewer is by notice served on YW Wholesale by the owner or occupier of the premises.

4. To enable the application to be processed, it is essential that all chemicals which could be present in the trade effluent discharge at any time, are listed. Also an adequate plan must be provided showing the point of connection to the public sewer your appointed Retailer will be able to assist you with the completion of this section.
5. Your appointed Retailer will be able to advise you on the charges for application for a consent. Please contact your appointed Retailer for further advice on this.
6. YW Wholesale do not assist with the completion of the application anymore. This is done by the Retailer. Your appointed Retailer will help you apply for a consent to discharge and many Retailers will apply on your behalf. This is part of the retail market changes that come into force on April 1st 2017.

Note: Please contact your appointed Retailer for more information on how to apply. To find your appointed Retailer please check your bill or search for more information and a list of Retailers at the Open Water website www.open-water.org.uk or on the website of our regulator www.ofwat.gov.uk.

7. Applications involving special category effluent have to be referred to The Environment Agency by YW Wholesale. The Environment Agency then issue a Notice of Determination in respect of the referral, the terms and conditions of which have to be incorporated in the trade effluent consent document.

Consents

8. Following the submission of an application for trade effluent consent, YW Wholesale will either refuse to grant a consent or will issue a consent by your Retailer incorporating conditions to provide for effective control of the discharge and for the recovery of the costs of treatment and disposal of trade effluent.
9. Once a consent is issued, its terms and conditions cannot usually be varied for 2 years unless the discharger agrees to a variation. A consent is varied by the issuing of a legal document, known as a direction. If the discharger wishes to vary their agreement they should contact their Retailer.
10. There is a right of appeal to the Water Services Regulatory Authority against failure or refusal to grant consent or against any conditions imposed in the consent or in any subsequent direction amending the terms and conditions of a consent.
11. In certain cases it is necessary to enter into an agreement with a discharger e.g. where the trade effluent discharges to a WwTW via a private pipe. As with consents, conditions are written into agreements to provide control and recover charges.
12. Copies of consents, directions and agreements are kept by YW Wholesale for inspection by the general public on a register.
13. A consent holder must advise YW Wholesale immediately of any changes via their Retailer which could significantly alter the rate, quantity, nature or composition of the consented discharge. In an emergency YW Wholesale should be contacted direct on 0345 1242424.

14. Where a trade effluent discharge ceases. The customer should inform their Retailer who will then act on the customer's behalf in progressing the amendments to any documentation or changes to the charging process with us.

Consent Conditions

15. The aim of trade effluent control is to ensure that discharges either alone or in combination with other effluents or the contents of the sewer cannot harm:
 - a. the sewerage system;
 - b. the WwTW;
 - c. employees and the general public;
 - d. the environment.
16. To achieve this objective, conditions are written into consents to control trade effluent discharges on an individual basis.
17. Protection of Sewers Conditions are set to prevent:
 - a. corrosion of the sewer fabric;
 - b. overloading of sewers and possible flooding of properties;
 - c. blockage of sewers;
 - d. the formation of explosive, flammable and poisonous gases in sewers;
 - e. hazardous situations developing in sewers for employees involved in the maintenance of the sewerage system;
 - f. unacceptable discharges from storm water overflows on the sewerage system.
18. Protection of WwTW Conditions are set to ensure that:
 - a. the sewage arriving at the WwTW can be treated effectively and economically by the available plant;
 - b. damage does not occur to the structure of the works or to mechanical or electrical plant;
 - c. employees operating the works are not harmed;
 - d. biological treatment processes are not affected by toxic effluents;
 - e. the treated sewage effluents produced by the works are suitable for discharge to river.

Note: It is an offence to fail to comply with the terms and conditions of consent.

Regulators

19. Discharges from storm water overflows on the sewerage system, the disposal to river of the effluents produced by YW Wholesale at its WwTW, and the disposal of the sludges produced at WwTW are controlled by The Environment Agency.
20. Failure by YW Wholesale to comply with the terms and conditions imposed by regulators in respect of any discharge to river, air or to land, could result in legal action being taken against YW Wholesale.

21. Trade effluent consent conditions are therefore designed to ensure that YW Wholesale complies with its legal and environmental obligations.

Substances for Control

22. To comply with EU and UK legislation to protect the environment from the effects of dangerous substances and to ensure that sewers, WwTW, sewer workers and the public are fully protected, certain constituents and characteristics of trade effluent require control.

Examples of such are:

- **Metals** Mercury, Cadmium, Chromium and Nickel
- **Solvents** e.g. Chloroform, Toluene and 2-dichloroethan
- **Insecticides** e.g. Permethrin, HCH, Cyfluthrin and Diazinon
- **Herbicides** e.g. Atrazine, MCPA, 2,4-D
- **Fungicides** e.g. Pentachlorophenol and Tributyl tin
- **General** e.g. pH, Oil and Grease, COD, Sulphate, Ammonia, Solids and Inhibition

Note: **i)** the above list is not definitive and is dependent on the legislation, and the local circumstances surrounding a particular trade effluent discharge; **ii)** limits are normally set as maximum permitted concentrations; **iii)** in certain cases limits are applied on the load of particular substances which can be discharged in a given period (usually 24 hours); **iv)** it is the policy of YW Wholesale to control dangerous substances at source by requiring industry to remove them prior to discharge to sewer.

Inspection and Sampling

23. YW Wholesale staff inspect and sample each trade effluent discharge both for checking compliance with consent conditions and for determining volume and strength values for trade effluent wholesale charging purposes.
24. It is a legal requirement that a discharger provides a sample point, usually an inspection chamber or V notch weir, which is acceptable to YW Wholesale and is safe and readily accessible at all required times.
25. Regular spot samples are taken, visits are timed so as to mix randomness with regularity such that samples cover all seasonal and operational variations. Access to the designated sample point must at all times be safe and readily accessible by our sampling team. Failure to comply with this requirement is a breach of consent.
26. Where there is deemed to be a requirement for a composite sample to be obtained, the consent holder must provide and maintain the necessary sampling equipment. Safe and ready access to this must be given at all times.
27. Formal samples for possible legal action are taken in accordance with the statutory requirements. These can be composite samples or spot samples taken from the consented sample point and are admissible as evidence in court.
28. Samples taken are analysed in accordance with the methods of analyses used by an accredited laboratory.

29. Both the occupier of the premises and YW Wholesale have a duty under the Health and Safety at Work Act 1974 to ensure that the visiting officers can safely carry out their duties and they YW Wholesale employees will observe normal safety arrangements.

Flow Measurement

30. The consent conditions normally require flow measuring equipment to be provided. Installation and the maintenance of this is the responsibility of the discharger.
31. Assessment of flow by other means such as water meters, process meters or pumping rates may be considered in certain circumstances.
32. The flow to be measured will include water which has been used for washing down yards, working areas and storage areas, rainfall from contaminated areas, and rainfall which is sampled along with the trade effluent discharge.

Trade Effluent Charges

33. Charges are payable for the treatment and disposal of trade effluent received into the public sewer.
34. Charges are calculated in accordance with the terms and conditions of YW Wholesale Charges Scheme.
35. Other charges are calculated in accordance with the terms and conditions of YW Wholesale Charges Scheme.
36. The discharge of domestic sewage is covered by a separate sewage charge as detailed in the charging booklet.

Contact Details

37. If you need to get in touch regarding Trade Effluent please contact your appointed water retailer in the first instance or for general Trade Effluent advice telephone our customer contact centre on 0345 1 24 24 24.
38. Trade Effluent information can also be found on the Yorkshire Water website at www.yorkshirewater.com.
39. For Trade Effluent emergencies (such as uncontrolled trade effluent discharge or similar) please contact Yorkshire Water on 0345 1 24 24 24. We're open 24 hours a day for emergency calls.

References

- The Water Industry Act 1991;
- Wholesale-Retail Code Part G: Trade Effluent;
- YW Wholesale Anomalous Trade Effluent Sample Policy.

Review Date

40. This Code of Practice will be reviewed annually or when necessary as a result of changes in Market Codes or centrally issued guidance. Date of last review June 2017.

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