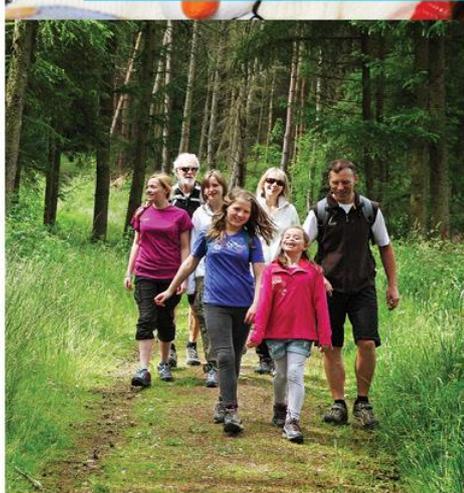


Yorkshire Water Services Limited

Enforcement Policy for Trade Effluent Consent Conditions

It's part of our
Blueprint for Yorkshire



Introduction

This policy sets out the principles that Yorkshire Water Services Limited (“YWS”) will adopt to promote effective and targeted regulation of trade effluent consents.

The principles underlying this policy and YWS’s approach are:

- Targeting of enforcement action;
- Consistency of approach;
- Proportionality;
- Transparency; and
- Accountability.

A breach of any trade effluent consent condition(s) is a criminal offence as provided by the Water Industry Act 1991 (“the Act”) and may result in YWS taking enforcement action.

YWS also reserves the right to take civil action in respect of the recovery of any damages/costs incurred as a result of any breach(es) of trade effluent consent condition(s).

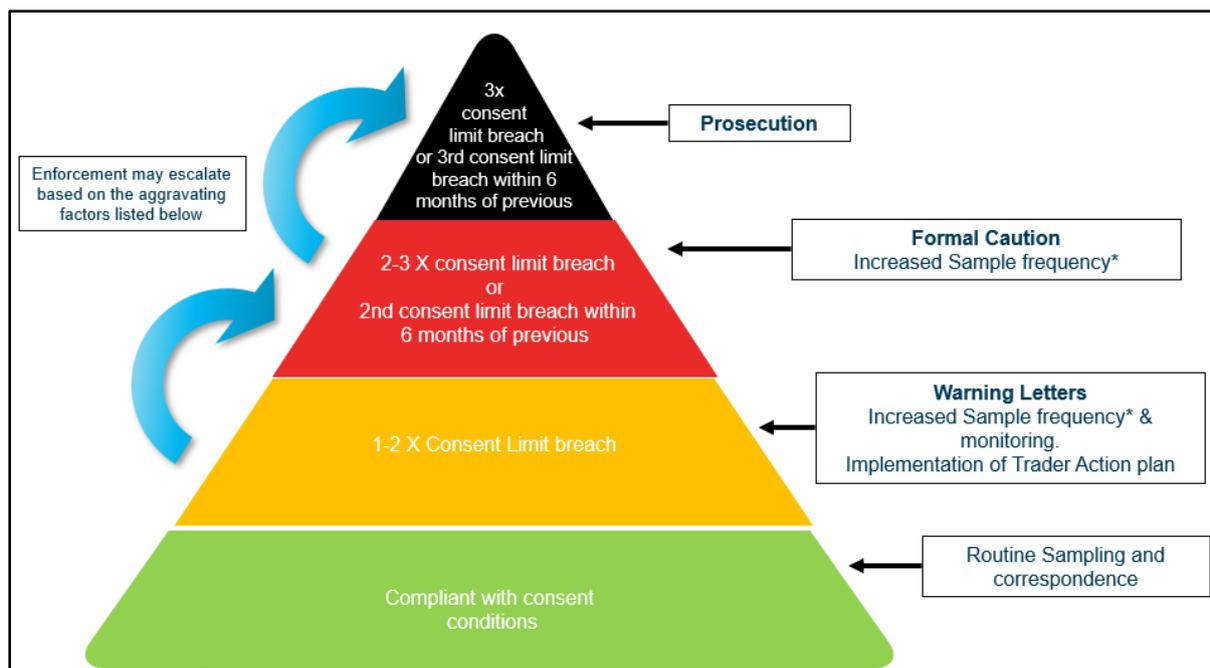
The Regulatory Framework

The regulatory framework relating to trade effluent is set out in the Act. Briefly, the Act (Chapter III, Trade Effluent) provides:

- Consent is required from a sewerage undertaker for any discharge of trade effluent to a public sewer (Section 118 (1)).
- If a trade effluent discharge is made to the public sewer without consent, the occupier of the premises is guilty of a criminal offence (Section 118 (5)).
- A sewerage undertaker has the power to impose conditions in a consent relating to the sewer into which a discharge may be made, including the quantity, rate and nature or composition of any trade effluent which may be discharged (Section 121).
- If a condition of consent imposed under the Act is contravened, the occupier of the premises is guilty of a criminal offence (Section 121 (5)).

Principles of Enforcement

The below is a guide to YWS’ enforcement escalation principles:



* This will be based on risk to YWS assets and consent condition breaches and will be at a frequency set by YWS.

YWS shall determine the categorisation of each exceedance and apply the appropriate enforcement action. The categorisation and appropriate enforcement action shall consider any relevant aggravating factor(s).

Aggravating factors – Probability and consequence (non-exhaustive lists)

“**Probability factors**” largely relate to the characteristics of a trader’s effluent, the nature of the pre-treatment technology installed and the trader’s historic/current management behaviour.

1. Poor trader compliance / behaviour history – *regular breaches over several months/years and or previous wilful/reckless breaches.*
2. Failures of previous trader action plans - *to rectify the identified issues.*
3. Poor trader systems and current attitudes - *including the non-existence of good system for managing risks, no evidence of relevant external accreditation and an unwillingness to cooperate.*
4. Impact on the receiving wastewater treatment works (“WwTW”) – *either to dilute/treat/remove the pollutant of concern or to resist poisoning of the WwTWs and/or the associated pass through of dangerous substances into receiving waters.*

“**Consequence**” factors relate to consequences for society, the environment and the economy and include:

1. Health and safety (“H&S”) consequences – *some consent breaches will pose particular H&S problems and possibly cause harm to YWS staff and/or the public.*

2. Environmental consequences – *by their very nature some trade effluents may contain toxic substances that have the ability to reduce the biological performance of receiving WwTWs and/or may simply be untreatable and will pass through the WwTWs into receiving waters and be subject to EA investigation.*
3. Regulatory and reputational consequences – *resulting from the failure of WwTWs to meet their own effluent discharge consents (for instance COD, suspended solids, ammonia, phosphorus) and sludge failing to comply with the associated guidelines for bioresource recycling to farmland.*
4. Recycling consequences - *preventing material quantities of sludge from being recycled to farmland thereby requiring a less environmentally suitable and/or more-costly sludge disposal routes.*
5. Economic consequences – *including physical damage to sewerage apparatus and increased operating cost associated with managing loads above the consent condition limits.*

Compliance with Administrative Consent Conditions

The breach of an administrative consent condition(s) is also a criminal offence under section 121 (5) of the Act.

Warning letters, formal cautions and prosecutions will be adopted to enforce compliance with “administrative” consent conditions. These conditions include, but are not limited to, those relating to the requirement for the provision of, and maintenance of, flow measurement and sampling equipment (to the published YW specification) and the provision of relevant trade effluent information. YWS reserves the right to request and audit all information relating to consent conditions.

Right of Access for trade effluent purposes

YWS has a statutory right of entry for trade effluent inspection and sampling under section 171 of the Act.

Targeted Monitoring

For the purpose of this enforcement policy we have sub-divided trade effluent monitoring into two separate response measures following a breach of consent:

1. **Investigative monitoring** to understand the nature of the consent breach(es).
2. **Enhanced trade effluent monitoring sampling** over and above routine sampling regime. This will be funded via non-primary fixed charges. *

*This will be based on risk to YWS assets and consent condition breaches and will be at a frequency set by YWS.

Damage Assessment and Cost Recovery

Recovery of associated damage costs (via non-standard charges) as well as all other associated expenses incurred, as a result of the breach of consent. For example, a trade effluent consent breach may create a wide range of short-term “additional expenses”, including, but not limited to:

- health and safety protection measures;
- additional operational expenditures such as sludge disposal route alterations;
- asset damage and associated asset repair;
- potential loss of income from interrupted energy production and/or loss of agricultural outlet for treated waste water products
- additional monitoring activities associated with investigating the source of the damaging breach (see above);
- designing an appropriate enforcement package of measures including undertaking associated risk assessments;
- formal sampling procedures to support potential prosecution (see above); and
- consent variations to limit further deleterious consent breaches.

These consequential “additional expenses” will be recovered from the non-compliant trader via the charges laid out in the YWS Wholesale Charges Scheme.

 [@yorkshirewater](#)
 [facebook.com/yorkshirewater](#)
[yorkshirewater.com](#)