

Scottish Water Summary of Enforcement Procedure

Scottish Water (SW) is legally obliged to limit, monitor and control trade effluents disposed of to the sewer. This is necessary to safeguard the health and safety of our employees and the general public, and to protect the sewerage infrastructure, treatment processes and the environment. SW authorises trade effluent discharges by issuing discharge specific Consents and Authorisations.

Dischargers are responsible for complying with the conditions stipulated in the Consent at all times.

SW seeks to engage dischargers by offering advice and encouraging businesses to adopt best practice into normal working methods. However, it is important to note that it is a criminal offence to breach the limits stipulated in the Consent. When Consent limits are exceeded, SW recognises that it is more beneficial to seek to resolve the non-compliance than to proceed straight to prosecution. SW will endeavour to consistently undertake enforcement action using a phased approach, with warning letters, discussion and meetings to agree corrective action and timescales. However, in the cases of extremely serious non-compliance or pollution, SW may decide to proceed directly to prosecution.

There are 2 ways a discharger can be designated as Non-Compliant and the enforcement action taken will depend on the severity of non-compliance.

1. Routine monitoring shows that effluent has exceeded limits at the time of sampling.

For results between 20-100% in excess of the Consent limits (**Parameter Failure**), SW will issue a letter informing the customer of the non-compliance.

For results greater than 100% in excess of the Consent limit (**Serious Parameter Failure**), SW will issue a letter informing the customer of the non-compliance. SW will also require that the customer completes a Trader Action Plan (TAP) detailing the steps that will be taken to rectify the situation.

Formal action will be considered if three consecutive Serious Parameter Failures have occurred.

2. Regular assessment of compliance shows that effluent fails to meet required standard.

Currently, the required standard is that $\geq 85\%$ of all parameters tested and $\geq 75\%$ of any individual parameter must fall within stipulated limits. Any effluent that fails to meet this standard is **Non-Compliant**.

SW will issue a letter informing the customer if their effluent is **Non-Compliant**.

An effluent is deemed **Seriously Non-Compliant** if $< 60\%$ of all parameters tested and/or $< 25\%$ for any individual parameter falls outwith stipulated Consent limits.

SW will issue a letter informing the customer if their effluent is **Seriously Non-Compliant**. SW will also require that the customer completes a Trader Action Plan (TAP) detailing the steps that will be taken to rectify the situation.

Formal action, such as witnessed and/or tripartite sampling, a formal interview under caution and the submission of a report to the Procurator Fiscal, may also be taken if a discharge of non-compliant effluent has resulted in problems, poses a risk to the receiving sewerage network, waste water treatment works or pollutes the environment. This approach may also be necessary if a non-compliant trader refuses to take appropriate action to rectify the situation.

All communication will be copied to the discharger's Licensed Provider, as required by the Business Separation Operational Code.