



As part of an ongoing Trade Effluent Non-Compliance case you may be invited to attend a formal meeting with Wessex Water's Trade Effluent Team. The following information will guide you through this important step of our enclosed Enforcement Policy and provide you with useful details on how to prepare for the formal meeting.

## **PURPOSE OF THE MEETING**

The purpose of the meeting will be to agree a formal **Action Plan**, based on your proposed solutions. The Action Plan will be your opportunity to bring your effluent back into compliance with the consent limits, while avoiding further escalation of the non-compliance case to the next phases of the enclosed Enforcement Policy. Your Sewerage Retailer will also be invited to the meeting.

The agreed document and deadlines will be issued by Wessex Water shortly after the meeting. An example of the format of the Action Plan can be found at page 3.

## **HOW TO PREPARE**

For the meeting to be productive and therefore result in an effective Action Plan, it will be essential that you prepare in advance, including timescales of any solution/s you might want to put forward.

We suggest that you consider undertaking the following steps:

- Conduct a comprehensive investigation on the cause of the non-compliance.
- Gather all the necessary data, for you to identify the best possible solutions to achieve full compliance and prevent future reoccurrence. This may include:
  - Sampling/testing of your final effluent and various effluent streams within your site;
  - Monitoring of any relevant parameters;
  - Mapping your drainage systems (dye testing, CCTV, etc).
- Should infrastructure changes be necessary, complete engineering assessment (e.g. effluent treatment upgrade, new treatment or monitoring equipment, etc.).
- Seeking professional assistance if further monitoring or infrastructure changes are required.

## **MEETING AGENDA**

The formal non-compliance meeting will follow the below structure:

1. You will be asked to present the results of your **investigation**.
2. You will put forward the **action/s** that you intend to undertake, with associated **deadlines**, to achieve full compliance with the limits of your Trade Effluent Consent. These are intended as solutions to both resolve the ongoing issue and prevent future reoccurrence.
3. We will discuss your proposed action/s and agree a specific **deadline**, by which the action plan will have to be completed.



## WHAT HAPPENS NEXT

Once the Action Plan is issued, you will have time to complete the agreed actions, within the deadline set out by the Action Plan. During this period, please send us regular updates on your progress.

**Please note that, during this period, any further breach will be considered for escalation in line with our enclosed Enforcement Policy. You will still be considered liable for any damage and/or environmental pollution occurring as a result of consent breaches.**

When the Action Plan deadline has expired, we will ask you to confirm in writing that all actions have been completed. Further actions will depend on the following:

1. The action plan is **successful**: the solution you have implemented is effective in achieving full compliance with the consent, within the agreed deadline.

In this case the Non-Compliance will be closed and routine sampling will continue as per normal.

2. The action plan is **unsuccessful**: you have not completed all the actions set out in the agreed Action plan and/or further breaches occur.

The case will be treated in line with our enclosed Enforcement Policy.

## APPENDIX 1 – ACTION PLAN EXAMPLE



<b>SUMMARY OF FORMAL MEETING AND AGREED FORMAL ACTION PLAN</b>	<b>Trader:</b> Example Ltd	<b>Date and Time:</b> Monday 1 <sup>st</sup> January 2020, 11:00am
	<b>Location:</b> Example Road, City BS1 1AA	
<b>SITE DETAILS:</b>	<b>Asset ID:</b> 12345	<b>SPID:</b> 111111111111
	<b>Retailer:</b> Retailer Name	<b>DIPD:</b> 99999999
<b>ATTENDEES:</b>	Name Surname (Company - Job Title), Name Surname (Company - Job Title)	
<b>NON-ATTENDING INVITEES:</b>	Name Surname (Company - Job Title)	
<b>ACTION PLAN</b>		
This document is issued in line with the enclosed Enforcement Policy. The Trader will be considered liable for any damage and/or environmental pollution occurred as a result of consent breaches.		
<b>DATE OF ISSUE:</b>	DD/MM/YYYY	If unable to fulfill any of the agreed action plan items, the Trader must notify Wessex Water, within 7 days of this document being issued.

#	ITEM	DEADLINE
1	Action 1	DD/MM/YYYY
2	Action 2	DD/MM/YYYY
3	Action 3	DD/MM/YYYY

<b>SUMMARY OF FORMAL MEETING</b>		

## SUMMARY OF TRADE EFFLUENT ENFORCEMENT POLICY

The full Trade Effluent Enforcement Policy can be found at this [link](#)

### ENFORCEMENT POWERS

Illegal discharges of trade effluent pose a potential threat to Wessex Water assets and operations, to the health and safety of both staff and the general public and may also cause harm to the environment. Wessex Water is a statutory water and sewerage undertaker and is under a duty to comply with its duties under the Water Industry Act 1991 (the Act) in relation to the collection, treatment and disposal of wastewater. The Act also gives Wessex Water extensive powers of enforcement including the ability to prosecute for the protection of its assets, the environment, the health and safety of its employees and the public, or the protection of drinking water supplies.

Wessex Water reserves the right to recover any cost incurred following a breach.

### PRINCIPLE OF ENFORCEMENT

Wessex Water has a policy of firm but fair enforcement. The underlying principles of this policy are:

- Proportionality and consistency in the application of the law and in securing compliance.
- Transparency about how Wessex Water operates.
- Accountability.

### ESCALATING ENFORCEMENT

Wessex Water has three stages for escalating enforcement. Where there is a breach by a trade effluent customer Wessex Water will apply this approach. Wessex Water reserves the right to commence prosecution proceedings at any stage in the event of a serious breach and/or where your discharge causes detrimental effect to our systems and/or the environment. Factors which may be taken into account in deciding whether it is appropriate to escalate are:

- Past compliance record.
- Existence of a good system for managing risk.
- Willingness to co-operate.
- Continuing breaches.
- Risk of damage to the environment.

#### Stage 1

When a trade effluent sample is found to exceed one or more consent limits a **non-compliance letter** is sent to the customer. This letter will include details of the sample results and non-compliance and will request that the customer **investigates and responds** within 10 business days setting out:

- Reason for non-compliance.
- Steps taken to resolve the issue.
- Proposed steps and timescales to prevent reoccurrence.

The letter will contain a warning that if the customer fails to take any action the matter will be referred to the Wessex Water Enforcement Panel. A warning will be recorded and may be referred to in subsequent enforcement proceedings. If Wessex Water considers that sufficient steps have been taken the matter will be closed.

#### Stage 2

Wessex Water will move to Stage 2 of the escalation process in the following cases:

- No adequate response is received to a non-compliance letter within the timescale given.
- Insufficient steps have been taken to resolve the non-compliance and prevent reoccurrence.
- Failure to undertake steps and timescales agreed in Stage 1.
- Repeat non-compliance.

Wessex Water may issue a **Formal Caution** and/or request a **Formal Action Plan** under Stage 2. A caution is the written acceptance by an offender that they have committed an offence and may only be used where a prosecution could be brought.

#### Stage 3

Wessex Water will move to Stage 3 of the escalation process in the following cases:

- In the event of a serious breach or repeat breaches, and/or where the discharge causes detrimental effect to our systems and/or the environment, Wessex Water may **prosecute** using its powers under the Act.
- Failure to complete agreed actions under Stage 2.

Any caution issued will be brought to the attention of the Court if the offender is convicted of a subsequent offence.