

Regulation of Northern Ireland Water

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Scope of Presentation

- Water Utility Regulation within NIEA
- Background to Water Reform
- Implementation of Water Reform
- Legislative Background
- Principles of Regulation
- How regulation applies to different types of discharges
- Catchment specific issues

NIEA - WMU

- Business
- Water Resources
- River Basin Planning
- Operations
- Industrial & Agricultural
- Freshwater
- Water Chemistry
- **Water Utility Regulation**
- Marine Monitoring & Assessment

Background to Water Reform

- 2002 Govt. announced that water and sewerage services would be self-financing
- Extensive Consultation
- Water and sewerage services should be provided by a government owned company
- All households should pay a direct charge for water and sewerage services received
- Affordability tariff
 - Housing benefit
 - Rate rebate

Implementation of Water Reform

- Transfer of responsibility for water and sewerage services to NIW on 1 April 2007
- Commercial basis
- Regulation of economic and service delivery matters
 - NIAUR
- Environmental Regulation
 - NIEA
- Consumer Council
 - Statutory consumer representative for water and sewerage services in Northern Ireland

Water Reform - NIWL Regulation

- Bring NIWL within a normal regulatory regime
 - All discharges to have Water Order Consents
 - Removal of “Crown Immunity”
 - Exposed to full enforcement policy on breach of consent condition or the making of an illegal discharge

Water (NI) Order 1999

- Person commits an offence if he discharges or deposits any poisonous, noxious or polluting matter so that it enters a waterway
- Person commits an offence if he discharges any trade or sewage effluent into a waterway, from land through a pipe or into the sea
- Person who contravenes the conditions of any consent shall be guilty of an offence

Exceptions

- Person not guilty if:-
 - Discharge made in emergency in order to avoid danger to life or health
 - Reasonable steps taken to minimise extent of discharge and its polluting effects
 - Particulars of the discharge are furnished to the Dept. as soon as reasonably practical after it occurs
 - Complying with consent

Enforcement and Prosecution Policy

- Principles governing enforcement
 - Consistent
 - Impartial between industrial sectors, race, religion etc.
 - Proportionate
 - Proportionate to the risks posed to the environment and to the seriousness of the breach of the law.
 - Transparent
 - Discussions followed by written confirmation of enforcement action and the rights of appeal

Methods of Enforcement

- Warning letters
- Enforcement and Prohibition Notices
- Prosecution

Notices

- Article 8 Prevention Notices
 - Offence likely to occur through use of land, waterway or vessel
- Article 12 Enforcement Notices
 - Consent holders
- Article 15 Pollution Emergencies
 - Prohibit deposit or discharge
- Article 17 Anti Pollution Works Notices
 - Carry out work to prevent pollution

Principles for Regulation of NIW

- NIW no longer has “crown immunity
- NIW is subject to NIEA’s Enforcement and Prosecution Policy – including prosecution where appropriate
- NIW has inherited assets that have suffered from significant under-investment
- It will take a number of years to bring the infrastructure up to the required standard
- There is information on the deficiencies
- This information can be used to drive improvements

The Principles acknowledge

- Legacy of under-investment
- Level of funding available

And that this is best resolved by:

- The use of enforcement powers to set binding timescales for improvement tied to the NIW Capital Works Programme
- By concentrating on the works of highest priority, regulation is targeted where it can be most effective

Types of Discharge

- Waste Water Treatment Works Effluent
- Intermittent Discharges from the Sewerage System
- Waste Water from Water Treatment Works
- Waste from Reservoir Cleaning / Mains Flushing

WWTW Discharges

WWTWs > 250 p.e.

- No issues of underinvestment
 - Normal consents
- Underinvestment is an issue
 - Time banded consent
 - Enforcement Notice if interim standard not met

WWTWs < 250 p.e.

- Issued with descriptive consents
- If impact is significant consider numeric consents
- All works will be inspected
- Prioritisation process during year 1
- £5m will be available for small works each year

Intermittent Discharges

- Sewer systems consented as configured at present
- Programme of Study
 - Drainage Area Studies
 - Statement of Need
 - Drainage Area Plans
 - Formal Agreement
- Implementation (Construction)
 - Build within 4 years or the plan is reviewed.

Discharges made without Consent

Discharges from previously unknown intermittent discharges (or small WWTWs) will not be subject to enforcement action for lack of a discharge consent provided the details of the discharge are notified (or application is made) to NIEA within 28 days of discovery.

If pollution is caused and remedial action is not taken immediately then enforcement action will result

Water Treatment Works Discharges

- Standards set for environmental needs
- Where the works needs upgraded consent standards consent standards have been set at a level based on past performance, having regard to the receiving waterway
- If standards are not met then enforcement action will result

Erne Melvin Catchment

Satisfactory Works

Enniskillen

Irvinestown

Belcoo

Lisbellaw

Ballinamallard

Derrygonnelly

Lisnaskea

Brookeborough

Rosslea

Newtownbutler

Fivemiletown

Ederney

Tempo

Kesh

Tamlaght

Belleek

Castlearchdale

Garrison

Ballycassidy

Erne Melvin Catchment

Unsatisfactory Works

Bellanaleck

Derrylin

Our aim is to protect, conserve
and promote our natural and built
environment for the benefit of
present and future generations.

