

## **E Enforcement Action and Undertakings to Improve Water Quality**

- **Enforcement action is initiated by the Inspectorate whenever a company breaches a standard or other enforceable regulatory duty, unless the breach is considered trivial or the company can show that it has taken suitable action to prevent the breach recurring.**
- **If there is likely to be a delay in completing the remedial work, then the company can give a legally binding undertaking to carry out an improvement programme of work within a time-scale agreed by the Inspectorate.**
- **During 2002 the Inspectorate considered enforcement action for 28 breaches of standards or other enforceable regulations.**
- **Water companies may also be required to carry out improvement programmes to meet new and revised standards, such as those in the new Water Supply (Water Quality) Regulations which come into force at the end of December 2003.**

### **Enforcement Action**

Consideration of enforcement action is the first step in a legal process that is used by the Inspectorate to make improvements to water quality following a breach of the enforceable part of the Regulations.

The Inspectorate generally considers a single breach of a standard or other enforceable regulatory duty to be trivial. When a standard is exceeded, account may be taken of the number of determinations carried out and the nature and extent of the breach before reaching a decision.

Enforcement action is considered in all cases where the breaches are not regarded as trivial, unless the company can satisfy the Inspectorate that it has already taken suitable action to prevent the breach recurring or the Inspectorate judges that the breach is unlikely to recur. Alternatively the company must give a legally binding undertaking to take appropriate steps to achieve compliance within an agreed time scale.

Where a company fails to demonstrate that effective action has been taken, or fails either to give or to honour an undertaking, implementation of the full enforcement procedure is considered. This involves making a provisional or final enforcement order against the company. So far very few enforcement orders have been necessary.

If circumstances outside the company's control mean that an undertaking is no longer appropriate, it can offer a new undertaking. All undertakings and enforcement orders are announced through advertisements in local newspapers and details are freely available to anyone.

During 2002 the Inspectorate considered enforcement action against nine companies for 28 breaches of standards or other enforceable regulatory duties. This resulted in seven companies submitting a total of 11 undertakings, with two companies making revisions to their existing distribution system undertakings. Also during 2002 four companies submitted a total of nine new undertakings to replace previous undertakings which were either no longer appropriate or had been delayed due to reasons beyond the company's control.

A number of companies reported breaches of the current standards for nitrite and polycyclic aromatic hydrocarbons. The new Water Supply (Water Quality) Regulations 2000 introduce revised standards for

both parameters, which come into force at the end of 2003. Enforcement action was not considered as there was no breach of the new standards.

## Improvement Programmes

There were 74 undertakings in place at the beginning of 2002, relating to 22 companies. Thirty one were due for completion during the year and 23 were completed on or ahead of schedule. Eight undertakings were replaced with new undertakings because of delays which were outside the company's control or because the undertaking was no longer appropriate. A number of other programmes had interim steps to be completed during 2002 and these were all completed on schedule.

Nineteen companies had long term programmes of work to carry out improvements to their distribution systems. These programmes cover parameters such as iron, aluminium, manganese and turbidity, which are affected by the condition of the mains. Three companies completed their programmes at the end of 2002, subject to satisfactory post renovation appraisal. More than 4,160 km of mains were renovated or replaced during 2002. The ongoing programmes of work require a further 24,254 km of mains to be renovated or replaced by 2010.

Five companies had six other undertakings associated with distribution parameters. Three of these undertakings were due for completion during 2002; two were completed on schedule and the third is the subject of a new undertaking.

Three companies also had undertakings to meet the current standard for lead, which were substantially completed during the year. These programmes are running in parallel with other programmes for plumbosolvency control measures to meet the new lead standards.

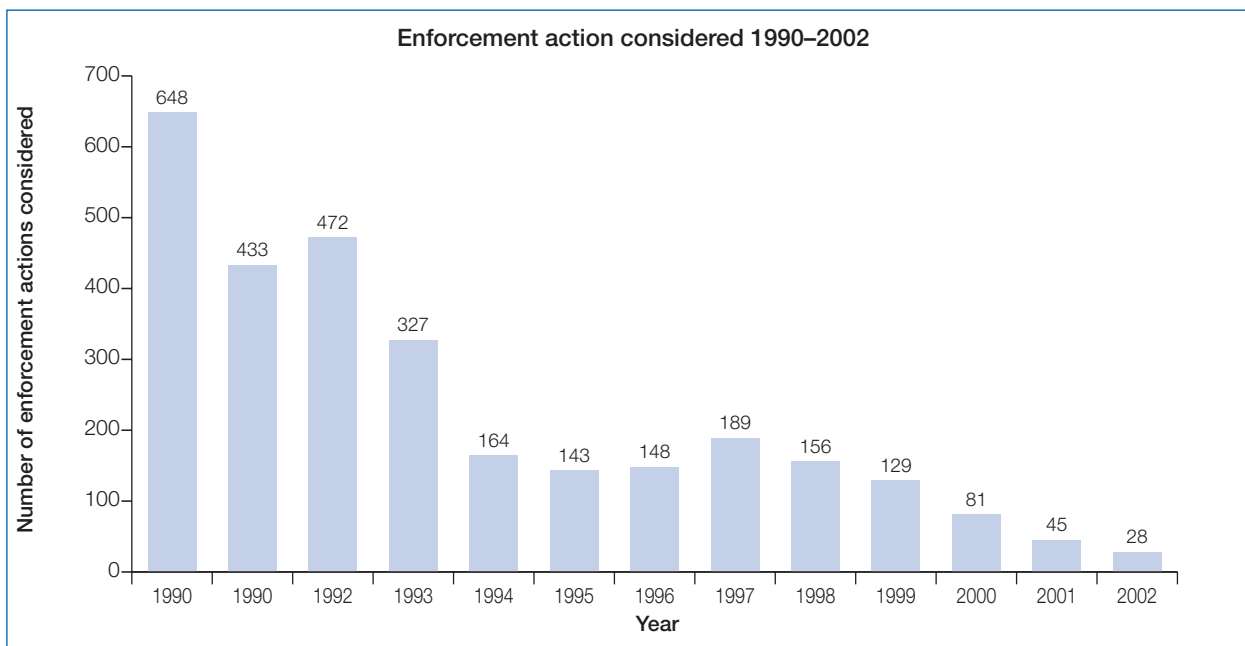
One company had 16 undertakings for *Cryptosporidium* removal schemes, associated with an incident that occurred in 1999. Six schemes were due for completion during 2002 and two of these schemes were completed ahead of schedule. The other four were delayed due to restrictions imposed by the Foot and Mouth Disease Outbreak; three were slightly delayed and were completed within the year and the fourth required a new undertaking to be submitted.

During 2002, nine undertakings were accepted from seven companies. Two related to deficiencies identified during the year, in one case during an incident. The rest related to earlier enforcement action.

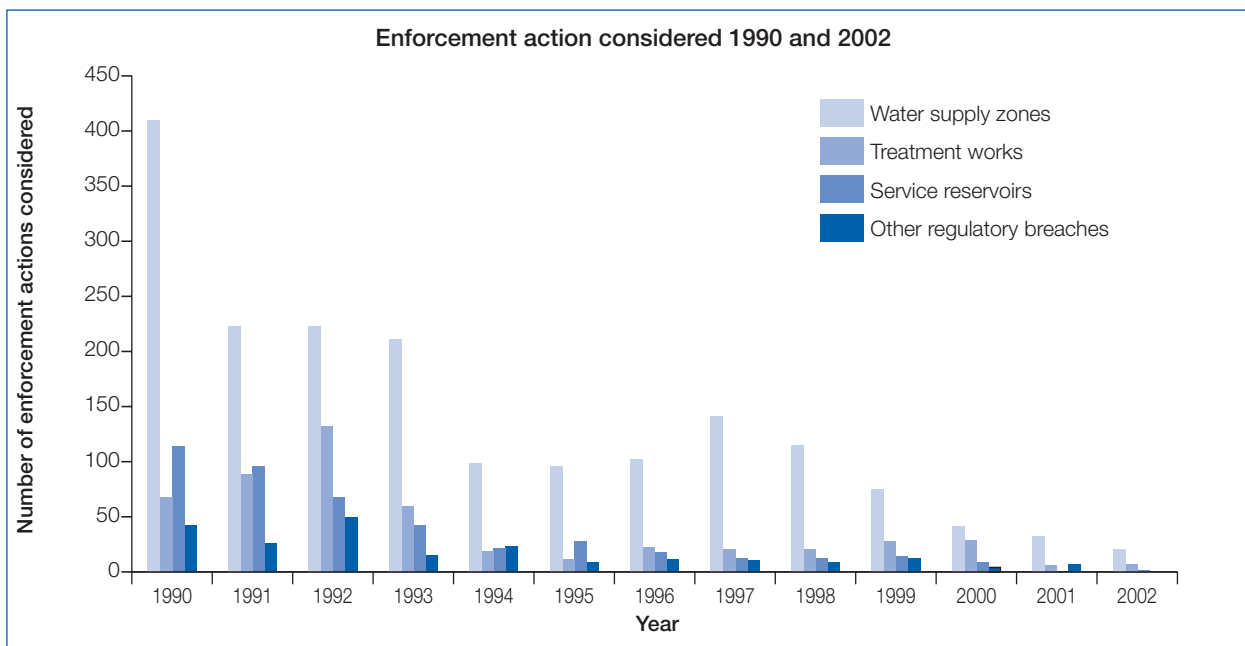
Progress with all programmes of work is monitored, audited and reported by the Inspectorate annually.

## Trends in Enforcement Action Taken

Since 1990 enforcement action has been considered on almost 3,000 occasions. The programmes of work carried out under the resultant undertakings have resulted in year on year improvements in water quality. See 'Overview of Water Quality in England and Wales' in Part 1 which shows the reduction in breaches of the standards. The chart below shows the total number of enforcement actions considered each year since 1990. The reduction over the years in the number of areas where enforcement action has had to be considered demonstrates the effectiveness of the process.



The second chart, below, differentiates between the main areas of enforcement.



During 2002 enforcement action was considered for the following regulatory breaches:

Regulation	Enforcement
Regulation 3(3)(c)	6 parameters in 15 water supply zones.
Regulation 3(3)(e)	Trihalomethanes in 1 water supply zone.
Regulation 3(7)	Microbiological parameters at 7 water treatment works and 1 service reservoir.