

Sent via email

Rt Hon Philip Dunne MP
Chair
Environmental Audit Committee

Date: 01 September 2021

Dear Chair

Thank you again for the opportunity to appear before your committee to discuss river water quality on 23rd June. Please see below our responses to several issues raised during the session.

EA staff involved in water company regulation

The Environment Agency's regulation of the water industry covers a wide range of activities. This includes both direct site related regulation, and essential non-site based work which provides the environmental context and framework within which permitted discharges to the environment are regulated.

We have an estimated **555 full time equivalents** (FTE) of people involved in the regulation of water companies:

- 190 FTE: Front line regulatory effort. This includes: incident response, site inspections, analysis of storm overflow and wastewater treatment works performance data, audit of operator self-monitoring returns, checking water companies are delivering Pollution Incident Reduction Plans, and enforcement action.
- 94 FTE: Environmental planning for water companies. This includes: setting environmental objectives and developing improvement plans through the Periodic Review process, reporting the environmental performance of the Water Companies (EPA), and account management.
- 219 FTE: Monitoring. This includes collection and analysis of water samples, and ecology (invertebrate, macrophyte and fish) surveys, both downstream of permitted discharges, and in the wider water environment.
- 10 FTE: Environment and Business Support. This includes: development of policy and regulatory frameworks, guidance and development of training to help operational teams deliver water company regulation, technical support to operations on regulation and provision of expert witnesses for prosecution cases, and policy and communications support.
- 42 FTE: Customer support services. This includes billing, permit maintenance and customer contact

Storm overflows of concern

We are currently analysing the 2020 EDM data to identify storm overflows of concern - those that operate frequently and may be operating outside of permit requirements.

At present around 10% of overflows (approximately 1200) have been identified where we consider further investigation is required. We are requesting further information from the water

companies to compare rainfall data to overflow operation to determine whether they are compliant with their permit requirements. This work will continue throughout the year.

We are not sure how the 295 overflows referred to in the committee were identified based on the data we published. It is probable they would fall into our category of overflows requiring further investigation. We will be able to confirm this by cross referencing them with our own findings if the list can be provided.

Appropriate enforcement action will be taken in line with our Enforcement and Sanctions policy at those overflows which we find to be non-compliant with permit conditions. This includes for the storm overflows highlighted in the Panorama programme at Thames and Yorkshire Water wastewater treatment works. There are live investigations ongoing for the Thames Water works at Stanton Harcourt, Witney and Mogden into potential breaches at these sites. Enforcement action will be taken and remedial works are being planned to bring the works back within compliance where breaches are identified. The Yorkshire Water wastewater treatment works at Wetherby has been investigated. Problems with the storm overflow monitor were identified although the overflow itself was found to be operating correctly. Appropriate warnings have been given and the problem has since been rectified.

It is only because the Environment Agency has required the water companies to install this new and extensive monitoring at storm overflows that we have the evidence which we are using to protect the environment now and into the future.

Hand car washes inquiry

Since the Environmental Audit Committee (EAC) report of November 2018 the Environment Agency has undertaken the actions set out, which has included: the EA writing to the major supermarkets in March 2019 requesting that they ensure any hand car washes operating on their premises are not polluting; we provided pollution prevention advice for inclusion in Local Government Association guidance to local councils on 'Tackling labour abuse and modern slavery in the hand car wash sector'; and updated guidance on GOV.UK in relation to 'Pollution prevention for businesses'.

In addition the Environment Agency provided data to HMRC on the number and severity of water related incidents recorded against Hand Car Washes (October 2020), which included location details to enable HMRC to establish any trends in relation to these business. However, the number of incidents has remained relatively low, with a total of 39 incidents recorded over an 18 month period (January 2019 to July 2020). All of these were classed as either category 3 or 4 impacts (minor or minimal impact, and no recorded impact respectively).

In regards to specific enforcement action, the Environment Agency has taken action against one Hand Car Wash business since 2013, which was for the burning of commercial waste on site in 2021 where the EA issued advice/guidance to the operators.

The Environment Agency continues to prioritise its approach to tackle those industries and activities that have the greatest environmental impact. We respond to substantiated reports of environmental incidents and take appropriate action under our enforcement and sanctions policy dependent on the nature and severity of any offence.

Continuous water quality monitoring

The Environment Agency deploys 180 real-time continuous monitors to investigate and track down pollution sources impacting on the environment, particularly when this may occur 'out of hours'.

We will publish real time data from our continuous monitoring equipment except where it may be used for a prosecution or where there may be an ongoing legal case. We will aim to do this later this year and are looking at how we can do it in an informative way.

Although continuous monitors are useful for short-term investigations we currently think they have limited value for long term surveillance of the river network because of the small range of parameters they are able to measure. We will keep abreast of technological developments and decide whether these would be valuable for environmental management in the future.

The Storm Overflow Task Force is exploring the possibility of introducing continuous water quality monitoring downstream of storm overflows to better understand their impact on the water environment. The monitoring would be undertaken by the water companies and would focus on dissolved oxygen, ammonia and turbidity. This would help us target storm overflows for further investigation where they may be having a significant impact on river health. The monitoring would be introduced during PR24 with an initial priority focus on chalk streams.

Through the Green Recovery programme, Severn Trent Water plc are introducing continuous water quality monitors at 25 sites, installing two monitors per site, one upstream and one downstream from the storm overflow.

Yours sincerely

Sir James Bevan
Chief Executive