

REFERENCE

2425458

RELEASE DATE

January 2025

SUBJECT

Wastewater Flow Compliance and Storm Overflows

REQUESTS & RESPONSES

1. *Is the inability to meet flow compliance at WWTW endemic across NI?*

NI Water openly addresses wastewater performance in our 2022/23 annual report. We acknowledged that our current compliance measurement doesn't fully cover flow compliance for treatment plants or sewer networks noting this as an incomplete view of environmental protection.

"We recognise the need to improve how we measure wastewater compliance. The current regulatory monitoring programme is based on preannounced rather than unannounced regulatory sampling at the treatment works and the reported wastewater compliance doesn't incorporate flow compliance for the wastewater treatment works or the sewer network. This provides an incomplete picture of environmental compliance and protection. A Wastewater Regulation Compliance Reform Group has been established with senior management representation from NI Water and NIEA. This working group will act as the interface between NIEA and NI Water on the delivery of wastewater regulation reform over PC21. It is recognised that the outcome of the proposed regulation change will result in new evidence, which will highlight non-compliance across our wastewater infrastructure".

Wastewater Regulation Reform

The Northern Ireland Environment Agency (NIEA) are required to lead the Reform process and determine the requirements for the key Regulatory elements. They are advancing initial plans to reform water regulations, including how wastewater compliance is assessed, as noted in the March 2024 Northern Ireland Audit Office Report. This is what is referred as the Wastewater Regulation Reform Programme. The reform programme looks at four key areas (unannounced sampling, monitoring priority substances, catchment-based

outcomes and introducing flow compliance) as explained further below. The overall aim is to bring environmental performance reporting in Northern Ireland into alignment with UK reporting requirements. It is recognised by NIEA that the outcome of the proposed change will result in new evidence, which will highlight potential noncompliance across the NI Water wastewater asset base. This is likely to generate significant investment needs in terms of capital projects going forwards.

You may know from media reports about our already very challenging situation due to longstanding underfunding. While we welcome environmentally beneficial reforms, our ability to deliver change is dependent on being able to access long term funding. For further context, please see our response to the [Programme for Government \(NIWPFGresponse2024.pdf\)](#) on our website. I believe we are aligned in wanting adequate investment to ensure a modern, efficient wastewater system that benefits public health, the environment, and the economy.

2. *What percentage of WWTW in Northern Ireland are unable to meet flow compliance?*

Flow Monitoring

Water Order Consent (WOC) standards are set by NIEA to control the discharge of wastewater. NIEA recognises that flow requirements within the WOCs need updating to align with UK standard. NIEA is leading the work that will provide us with clarity on the flow monitoring systems we must install to record the volume treated and the use of Event Duration Monitors to determine what is happening at the boundary of the works.

As flow is not part of NI Water's regulatory compliance regime at this time, we do not have sufficient information at present to make an accurate and full assessment of wastewater treatment works flow compliance (how many of NI Water's wastewater assets are currently compliant and how many would comply with the more stringent standards due to be implemented) as per NIEA's

draft Regulatory Operational Guidance on Assessing Flow Compliance at Wastewater Treatment Works under the Water Order (NI) 1999.

Regulation 12(4)(a) (Information not held) of the EIRs provides that a public authority may refuse to disclose information to the extent that it does not hold that information when an applicant's request is received. All exceptions under the Regulations are qualified and so, in deciding whether or not to disclose the requested information, NI Water must consider the public interest. However, this is not possible where the information is not held.

In order to undertake a full compliance assessment in accordance with NIEA's Draft Regulatory Operational Guidance, additional monitors are required to be installed on each of the storm overflow points (such as the storm tanks and boundary overflow point). These additional monitors, referred to as Event Duration Monitors (EDMs) are currently not in place at any of our Wastewater Treatment Works. The flow assessment involves demonstrating that the works is treating the required volume on occasions when the storm overflow is operational.

NI Water hold measured flow data (total daily volume) for treatment works where flow monitors exist. The verified total daily volume flow data is shared with NIEA on a monthly basis. We do not have instrumentation at all sites or the full range of instrumentation required to undertake the flow compliance assessment in line with the Draft Regulatory Operational Guidance indicated above. The Draft Regulatory Operational Guidance sets requirements for the assessment of both dry weather flow (DWF) and flow to full treatment at the time of the storm overflow operating (FFT). The latter requirement not only requires flow monitors, but also event duration monitors (EDMs) at storm overflows within the WwTWs.

At present NI Water does not have any EDMs installed at WwTWs. NI Water support a transition to monitoring and measuring flow compliance – in order to do this, we need to install monitors in the first instance and to understand the parameters NIEA will have to set for each asset. This work was being

progressed under the Water Reform Project during PC21 for implementation during the next Price Control period. However, much investment in WW assets has been paused as funding has not been allocated.

3. *Dry Spilling from CSO's and Emergency CSO's, what percentage of these storm overflows are dry spilling in Northern Ireland?*

NI Water does not keep an actual, measured record of the number of occasions, duration, or actual volumes of releases, including dry spills, into public waterways from its sewerage system.

As such, Regulation 12(4)(a) of the above legislation refers. Regulation 12(4)(a) (Information not held) provides that *"a public authority may refuse to disclose information to the extent that it does not hold that information when an applicant's request is received"*.

All exceptions under the EIR are qualified and so, in deciding whether to disclose the requested information, NI Water must consider the public interest. However, this is not possible where the information is not held. To monitor and record spills, including dry weather spills, Event Duration Monitors (EDMs) are being installed across NI Water's wastewater network over a multi-year investment programme. These measure the times when a spill is occurring and for how long. The first phase of our deployment, as agreed with the NI Environment Agency (NIEA), is focused on discharges to designated bathing and shellfish waters.

By the end of this PC21 Price Control period (ending spring 2027), we aim to have over 700 EDMs deployed with an investment of around £20m. In preparing to submit our business plan for the next Price Control covering the period 2027 to 2033, we will engage with NIEA, the Utility Regulator and the Department for Infrastructure (DfI) to make the funding case for EDM installation to give fuller coverage of our storm overflows.

To help explain more fully how our wastewater system operates, the challenges it faces due to a legacy of underfunding and what is now being addressed following the decision by the Utility Regulator to approve investment plans for the current price control, we have developed a document entitled "Northern Ireland's wastewater system".

4. *What is the effect of the SORPI with NIEA and the flow compliance breaches, dry spilling and WWTW breaches of UWWTD in terms of regulation?*

The Northern Ireland Environment Agency (NIEA) would be best placed to deal with this query.

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