



Environment
Agency

Part2A and Pollution of controlled waters

Forthcoming technical guidance

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9th July 2013

Protection of controlled waters

- ➔ Protection of controlled waters covered in a number of legislative regimes
- ➔ WFD – No deterioration and improving quality
- ➔ GWDD – prevent or limit requirements
- ➔ EPR – permitted and unpermitted discharges
- ➔ Planning – standards required.

Other considerations

- ➔ Presumption against determination where remedial options clearly not technically feasible or clearly disproportionately costly
- ➔ Not CL if within normal levels i.e wide spread in that area; Need site data and comparison with other sites in the area or regional / national datasets.
- ➔ Possible elevations for other reasons but this would require technical expertise, Local EA officers can support with this.

Always SPOCW

- ➔ Pollution equivalent to environmental damage in SW or GW
- ➔ Deterioration of water abstracted, or intended for abstraction for drinking
- ➔ Breach of EQS either directly or via groundwater
- ➔ Significant and sustained upward trend in concentration

SPOCW by weight of evidence

⇒ Consideration of possible significant risk at a risk based compliance point

- Should be site specific, substance specific
- Should follow para 4.39 of the statutory guidance
- Must comply with broad objectives in section 1 of the statutory guide
- Must consider WFD environmental objectives

SPOSPOCW

Category 1 – Strong and compelling case for SPOSPOCW and robust science based evidence that SPOCW would occur if no action taken.

Category 2 – Insufficient evidence for Cat 1 but positive evidence and expert opinion could be SPOSPOCWs, particularly if possibility of serious risk or serious irreversible harmful effects

SPOSPOCW

Category 3 – Does not meet tests for Cat 1 or 2, unlikely to require regulatory and Part 2A intervention.

Category 4 – There is little or no risk of SPOCW

- ➔ *insufficient evidence of impact on receptors,*
- ➔ *relevant substances are already present i.e. Continued entry but at normal levels,*
- ➔ *entry has cease,*
- ➔ *not likely further entry will take place*

CSM and controlled waters – things to consider

- ➔ Importance of the aquifer
- ➔ Proximity to potable supplies, SPZ
- ➔ Vulnerability of groundwater
- ➔ Continuity between groundwater and surface water
- ➔ Presence of bathing waters
- ➔ Recreational use
- ➔ Ecological protective status of SW
- ➔ Up gradient data

Where SPOCW is occurring or there is a SPOSPOCW Category 1 or 2...

Consult your local EA officer and provide them with a copy of the relevant assessment report and relevant supporting material

Special Sites

➔ Sites affecting controlled waters under Reg 3

➔ 3a: Drinking Water Protected Areas or Source Protection Zones

➔ 3b: Failure or risk of failure at a statutory monitoring point

➔ 3c: SPOCW due to substances included in Schedule 1

➔ Current or former land use, occupation or ownership