

Response to reply from Grace Adisa Solanke, Defra Re; Compliance Committee Communication PRE/ACCC/C/2021/188 – Received today.

I hope you will have time to read my comments on the letter from DFRA.

What exactly do the terms 'certify' and 'commit' mean in reality?

Information supplied by the EA after the judgement was not what I had asked for – so what procedure should I have been advised to take next?

Although I was familiar with the process up to that point, the advice and responses then were totally confused and often incorrect, leading to the conclusion that there was no power of enforcement and I believe this letter confirms that. The bureaucratic system cannot deal with the reality of what and why something is requested nor does it have any way of scrutinising the results of a judgement, this works well when an appeal is refused, (as were my previous ten attempts over many years!) but then enforcement is apparently just another series of prolonged and complicated processes, (which were definitely not made clear to me.)

This particular case was only reflective of the whole procedure for obtaining information under the current EIRs, and I draw the committee's attention to the points I made about the whole process.

Although the AC are obviously more concerned about the effectiveness of the whole Information System, I want to relate this again to the specific request I made to the Environment Agency which concerns the validity of the current Discharge Consent for Whitburn because this is what is impacting upon our environment and which (I understood) was the concern of the AC.

The EA insist that Dry Weather Flow is not part of the Consent which they say is based on 129 litres per second, however it is a fact that 129l/s is calculated on a formula which IS based on 6 x DWF.

“Whitburn CSO (NZ4097 6141)

Population Served 7,000

Water usage 180l/h/d

Infiltration 30%

DWF = 7,000 x 0.18 x 1.3 = 1638m³/d (19l/s) Formula A 1638 + 1.36 x 7000 = 11158 m³/d (129l/s)”

The EA evades this fact at all costs, so I continued to try to obtain their confirmation that the Consent is being breached in the following way;

The EA and Defra supplied evidence to the EUCJ (Case No.C-301/10)

“71. The Whitburn part of the system operates in the following way”

- ***i) Urban waste water collected from the Whitburn area flows by gravity in the collecting system to the pumping stations (Whitburn Bents, Seaburn and Roker). All collected urban waste water up to 4.5 times the dry weather flow is pumped forward for treatment at Hendon waste water treatment works for full treatment and ultraviolet disinfection. Up to this volume the CSOs do not operate”***
- ***li) When the amount of collected urban waste water exceeds 4.5 times dry weather flow, the CSOs at the pumping stations operate”***
- ***lii) The excess waste water flows to the storm sewage interceptor tunnel to be stored (up to 7,000m³). When flows in the collecting system subside i.e. fall below 4.5 times dry weather flow, the stored waste water is returned to the main collecting system for pumping forward for secondary treatment and ultra violet disinfection at Hendon waste water treatment works”***

This states that the system operates at 4.5 x DWF not 6 x DWF. This would, and does, have a drastic effect upon the number of discharges which is exactly what we are seeing. It means that the Consent is being contravened, and as this is regulated by the EA we would expect the water company to be challenged, so my request was to ask where the Consent has been changed or renewed to accommodate this difference in flow. They reply that such a permit “does not exist” and that there is no consent which refers to 4.5 DWF and never has been” Obviously their evidence to the EU was incorrect and because of Brexit it now will be difficult for the EUCJ to follow up (although they have said that it will continue as the UK are still in breach..) The response to the ruling from the Tribunal has not supplied the explanation or any factual answer to me and the Tribunal is unable to enforce a response.

I want to explain that this is the reality of the situation here, and hope that the Committee will agree to further examine the efficacy of the Environment Information Regulations in Great Britain as part of the protection of our environment and as a mechanism for ordinary people to play a part.

Regards

Robert Latimer