The contents of this Bulletin are Mandatory. The Bulletin advises that there is a mandatory requirement to obtain a Trade Effluent Consent for each outfall, within the meaning of the Water Industry Act 1991, from the appropriate Licensing Authority.

This Technical Bulletin is to advise of the publication and distribution of the Environmental Act 1995 (Commencement No16) Order 2000. No340 (C.8)

MANDATORY

SUBJECT CONTACT POINT:
Specialist Services - Water & Drainage
Sutton Coldfield Mil extn 2146
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DEFENCE ESTATES
MINISTRY OF DEFENCE

November 2000
Trade Effluent Discharge Consents for MoD Sites in England & Wales

Issue of Statutory Instrument No 340(C.8) Environmental Protection
The Environment Act 1995
(Commencement No 16) Order 2000.
No 340 (C.8)

INTRODUCTION

1. This Technical Bulletin is to advise Top Level Budget Holders, Chief Executives, Commanding Officers, Directors, Heads of Establishments, Property Managers and other Managers with responsibilities for environmental matters, or arrangement of discharge consents, of the publication and distribution of The Environment Act 1995 (Commencement No. 16) Order 2000. The Technical Bulletin has implications for all MOD sites, in England & Wales, as there is a mandatory requirement to hold a Trade Effluent Discharge Consent from the local Sewerage Undertaker for each outfall to a public sewer which discharges trade effluent, within the meaning of the Water Industry Act 1991, from 1 December 2000.

2. The planned distribution for this Technical Bulletin is Property Managers (PROMs) and Establishment Works Consultants (EWCS). Others requiring a copy should contact the Subject Contact Point stated on the front cover of this Technical Bulletin.

3. For MOD Establishments occupied by United States Visiting Forces (USVF), the responsibilities of Property Managers, EWC and WSM are jointly held by USVF and DE(USF). At site level this jointly managed organisation is to take appropriate action to implement the contents of this Technical Bulletin in England and Wales.

4. This Technical Bulletin is being distributed (controlled free issue) to MOD recipients, with responsibilities as stated above.

DEFINITION OF TRADE EFFLUENT

5. i. "Trade effluent" as defined in the Water Industry Act 1991, means:-

(a) any liquid, either with or without particles of matter in suspension in the liquid, which is wholly or partly produced in the course of any trade or industry carried on at trade premises; and.

(b) in relation to any trade premises, means any such liquid which so produced in the course of any trade or industry carried on at those premises, but does not include domestic sewage;

ii. "Trade premises" means any premises used or intended to be used for carrying on any trade or industry. Any land or premises used or intended for use (in whole or in part and whether or not for profit):-

(a) for agricultural or horticultural purposes or for the purposes of fish farming: or

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for scientific research or experiment,

shall be deemed to be premises used for carrying on a trade or industry; and the references to a trade or industry shall include references to agriculture, horticulture, fish farming and scientific research or experiment.

6. Water discharged from washdowns in premises, which house vehicles, whether those premises cater for repair and overhaul of the vehicles or merely for cleaning, washing and minor adjustments, is regarded as trade effluent, but only if the premises in question are used for trade or industry.

7. It is an offence for occupiers of trade premises to discharge any trade effluents into a public sewer without an authorisation from the Sewerage Undertaker.

GENERAL REQUIREMENTS OF DISCHARGE CONSENT

8. Some general requirements are given below:

- An application to discharge shall include details of the effluent, quantity to be discharged in any one-day, and the highest rate at which it is proposed to discharge.

- The Sewerage Undertaker must refer all applications covering Special Category Effluent to the Environment Agency who will decide if the discharge should be prohibited or permitted subject to conditions.

- In granting an application, the Sewerage Undertaker may impose conditions covering the rate, quantity and composition of effluent and the sewer into which it may be discharged, and the time or times of day.

- Conditions may also relate to provision and maintenance of inspection chambers and meters and of other apparatus for testing the effluent, record keeping and payments to the Sewerage Undertaker.

- There is a right of appeal to the Director General of Water Services where an application is refused; has not been considered within two months; or conditions are considered unreasonable.

- In the case of Special Category Effluents, appeals should be directed to the Secretary of State.

- A Sewerage Undertaker may vary conditions attached to a consent; again there is a right of appeal to the Director General of Water Services.

- Where a process regulated under Part 1 of the Environmental Protection Act 1990 proposes to discharge trade effluent into a sewer, it also requires a consent from the Sewerage Undertaker.

- The site name and address should be given in full, without the use of MoD abbreviations and will not include the postal code and civilian telephone number, but not the name of the unit occupying the site.

- The application should be made by the Commanding Officer or Head of Establishment, or equivalent. The title of the post should be used and not the name of the individual concerned. The application may be signed on behalf of the MoD.
SENSITIVE DISCHARGES

9. Where an establishment identifies a discharge, or discharges, which could present security implications if details of the location, process or effluent constituents are known, then there is mechanism available for exemption from the Trade Effluent Register. Information held by the Sewerage Undertakers will be made available to the general public, unless an exemption is made. Exemptions will only be given where a strong case is made. All such cases should be referred to DE SpS - Water & Drainage, for advice at the earliest opportunity.

TECHNICAL ASSISTANCE

10. Further information and advice should be sought from the EWC in the first instance, or if required, advice is available from DE SpS - Water & Drainage on all aspects of this Technical Bulletin and with the resolution of problems related to applications and disputes.

Bulletin authorised by:

S WAINWRIGHT
Hd SpS Water & Drainage