



Drinking Water Quality Regulator
for Scotland

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Mr Geoff Aitkenhead
Scottish Water
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Your ref:
Our ref: B3605179
2 February 2010

Dear Geoff

**Enforcement Notice Served Under Section 10 Water Industry (Scotland) Act 2002
Loch Eck Water Supply Zone**

Thank you for your letter of 8 January 2010 and the accompanying reports demonstrating progress to secure compliance with the regulatory standard for manganese in Loch Eck Water Supply Zone. The terms of the enforcement notice required Scottish Water to confirm whether or not measures taken to reduce concentrations of manganese in the raw water abstracted from Loch Eck had been successful. I note that Scottish Water does not believe that manganese concentrations in the raw water can be controlled to a sufficient degree, and consequently I conclude that it will be necessary for Scottish Water to install an appropriate treatment process at the site, as required by section five of the enforcement notice.

The terms of the enforcement notice required that, should it not prove possible to reduce the concentration of manganese in the raw water, Scottish Water shall commence construction of an appropriate manganese removal process by 31 March 2009. I note that Scottish Water wishes to trial the "Spruce" filter process at the site until June 2010. Whilst I am of the opinion that such a trial should have been undertaken in time to enable compliance with the timescales set out in the enforcement notice, I accept that manganese concentrations at Loch Eck vary seasonally. Consequently I am minded to grant a relaxation, under section 14(1)(b) of the Water Industry (Scotland) Act 2002, of the deadline in item v) of the enforcement notice. This will enable trialling of the Spruce Filter to continue during the months when manganese concentrations have historically been higher. I attach a revised enforcement notice which now requires construction of a robust process for manganese removal to have commenced by 30 June 2010.

In the report, Scottish Water draws attention to the Water Industry Commission's exclusion of the Loch Eck scheme from the Final Determination until "such time as any investment is shown to be justified". Scottish Water's financial arrangements have no bearing on the terms of the enforcement notice, and consequently I do not consider that the Water Industry Commission's stance in any way removes the requirement on Scottish Water to commence construction of a treatment process. Section 12(5) of the Water Industry (Scotland) Act 2002, states that if Scottish Water should fail to comply in full with the terms of an enforcement notice by the required date, it is guilty of an offence.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Bower'.

Matthew Bower

On behalf of the Drinking Water Quality Regulator for Scotland

Revised Enforcement Notice Under Section 10 of the Water Industry Act 2002

The Drinking Water Quality Regulator for Scotland (“the Regulator”), in exercise of the powers conferred by section 10(1) of the Water Industry (Scotland) Act 2002 hereby gives notice that he believes that Scottish Water has in the period February 2007 to April 2008, contravened and is likely to continue to contravene, regulation 4(2)(c) of the Water Supply (Water Quality) (Scotland) Regulations 2001 (“the Regulations”) in relation to the provision of drinking water to the Loch Eck Water Supply Zone by failing to ensure that the concentration of manganese is below the maximum permitted under the Regulations.

The Regulator also believes that Scottish Water, despite being aware of the high concentrations of manganese and the impact this has on consumers, has failed to progress the necessary improvement work and rectify the contravention.

Therefore, Scottish Water is hereby required -

- i) within 28 days from the date on which this notice takes effect, to submit a report to the Regulator setting out a programme of maintenance work to be undertaken on the Loch Eck distribution system, to minimise the impact of manganese in the distribution system on consumers. This programme shall be ongoing until such time as Scottish Water can demonstrate to the Regulator that the water entering the distribution system from Loch Eck Water Treatment Works consistently meets the standard for manganese in the Regulations.
- ii) by 31 March 2009, to take appropriate measures to reduce the level of manganese in the raw water entering Loch Eck Water Treatment Works.
- iii) by 31 March 2009, to identify an appropriate manganese removal process for installation at Loch Eck Water Treatment Works and to commence the negotiations and design work necessary to allow the installation of that process to proceed.
- iv) by 31 December 2009, to confirm to the Regulator whether or not the measures taken to reduce the level of manganese in the raw water entering Loch Eck Water Treatment Works have been sufficient to ensure that water leaving the works consistently meets the standard for manganese in the Regulations, and to provide evidence in support of that decision..
- v) by 30 June 2010, if it has not been able to provide evidence to the Regulator confirming that the measures taken to reduce the level of manganese in the water leaving Loch Eck Water Treatment Works have been sufficient, to commence the installation of the appropriate identified manganese removal process at the works to a timetable to be agreed with the Regulator.

This notice takes effect 15 days after the date shown below.



DRINKING WATER QUALITY REGULATOR FOR SCOTLAND
Date: 02 February 2010