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Email: Regulator @ dwqr.org.uk

Our Ref: B3000827  
Your Ref:  
Date: 18 June 2009

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Dear Mr Ackroyd

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

Following ongoing water quality failures in Penwhirn Water Supply Zone for the total trihalomethane (THM) and iron parameters, I wrote to you on 3 June attaching a copy of the enforcement notice that I proposed to serve. I acknowledge Scottish Water's response of 17 June to this proposed enforcement notice and confirm that I have taken the company's comments into account in producing the final version of the enforcement notice (attached).

I have given careful consideration to Geoff Aitkenhead's comments regarding the programme of work to be undertaken in the Penwhirn distribution system to achieve compliance with the iron parameter. In arriving at the completion date of 13 October 2011 I had taken account of the date of May 2012 as originally proposed by Scottish Water and removed the period of apparent inactivity by Scottish Water between the completion of the design work in October 2009 and the commencement of work on site in April 2010.

Given the severity of the water quality issues in this area and their duration, I do not consider it acceptable for Scottish Water to delay the site work until the start of the Q&S3B investment period, however financially convenient this might be for the company. Although design work on the scheme is not yet complete, I note that the solution is likely to include a significant element of flushing and scouring techniques as well as rehabilitation. Consequently I consider that it should not be too financially onerous for the company to begin some of the work as soon as possible after the completion of the design phase.

I acknowledge Scottish Water's concerns over unforeseen problems and delays that may be encountered, given the scale of the work to be undertaken. I am willing to make some concession on the date originally proposed for the iron parameter, and have therefore extended this to 30 November 2011.

I confirm that I am willing to accept a detailed report setting out the required work on or before the date proposed by Scottish Water of 30 September 2009, provided that this report also explicitly sets out the extent of the site work that will be undertaken prior to April 2010.

If you have any queries regarding the attached enforcement notice please direct contact Matthew Bower (0131 244 0743).

Yours sincerely

Colin McLaren  
Drinking Water Quality Regulator for Scotland

## **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 1 January 2007 to 31 March 2009, 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 Penwhirn water supply zone supplied by Penwhirn Water Treatment Works by failing to ensure that the concentration of total trihalomethanes (THM) and iron are below the maximum permitted under the Regulations:

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 the measures to be taken to monitor and minimise THM formation at Penwhirn WTW and subsequently in distribution, until such time as a permanent solution is implemented, without jeopardising compliance for other water quality parameters. Monitoring in distribution shall take place in the supply zone at a frequency of not less than one sample per month until such time as compliance is achieved. These measures should be discussed and agreed with the local Consultant in Public Health Medicine and the local authority Environmental Health Officer;
- ii) by 30 September 2010, to complete work at Penwhirn Water Treatment Works and/or in the distribution system to ensure compliance with the THM standard;
- iii) by 30 September 2009, to submit a report to the Regulator setting out a programme of maintenance work to be undertaken on the Penwhirn distribution system, to minimise the impact of iron in the distribution system on consumers. This report shall clearly indicate the work to be undertaken on site prior to 01 April 2010. Monitoring for iron in distribution shall take place in the supply zone at a frequency of not less than two samples per month. This programme shall be ongoing until such time as Scottish Water completes the work specified in iv);
- iv) by 30 November 2011, to have completed work in the distribution system in this supply zone to ensure compliance with the iron standard;

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



DRINKING WATER QUALITY REGULATOR FOR SCOTLAND

Date: 18 June 2009