



**Drinking Water Quality
Regulator for Scotland**
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Our Ref:
Your Ref: B2361645
Date: 01 October 2008

Dear Mr Ackroyd

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

I notified you on 28 August that I intended to exercise my powers under Section 10 of the Water Industry (Scotland) Act 2002 and I issued to you a proposed enforcement notice in respect of the manganese failures in the Loch Eck Water Supply Zone. Subsequently, Scottish Water exercised its right to make representations in respect of the proposed notice, which I have duly taken account of in preparing the enforcement notice attached to this letter.

In preparing the enforcement notice, I have recognised Scottish Water's concerns that it may not be possible to design and construct a treatment process at Loch Eck to remove manganese within the timescale specified in the proposed notice and I have taken account of Scottish Water's desire to try and address the problem in the first instance by reducing manganese concentrations in the raw water entering the works.

I accept that, if successful, reducing manganese concentrations in the raw water is the most sustainable approach, however I am concerned that this may not offer the necessary degree of compliance with the Regulations. I have therefore required that Scottish Water commence work on the design of a manganese removal process for Loch Eck Water Treatment Works at the same time as taking forward measures to reduce manganese concentrations in the raw water. I have also required that Scottish Water commence the necessary negotiations and obtain the necessary permissions that will allow the installation of a manganese removal process at the works to go ahead. This work is to take place at the same time as the actions taken to improve the quality of the water entering the works are being evaluated. I consider this twin track approach is essential to minimise any further delay should the work to improve the quality of the raw water entering the treatment works fail to deliver the necessary improvements for customers.

There is significant customer concern about the discolouration of the public water supply due to manganese, so I urge Scottish Water to engage with the community and keep its customers informed about the steps it is taking to resolve the issue. As required by the 2002 Act, I will be arranging for the notice to be published to bring it to the attention of those affected.

Within 60 days from the date on which this notice takes effect, Scottish Water should submit a report to me detailing the progress it has made in complying with this enforcement notice; and every 3 months thereafter provide a written update on progress, together with a report on compliance with the manganese standard in the supply zone and the effect on customers of any non-compliance.

If you have any queries regarding this letter please 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 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 31 March 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 raw water entering 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.

A handwritten signature in black ink, appearing to read 'CM Eaven.', is written in a cursive style.

DRINKING WATER QUALITY REGULATOR FOR SCOTLAND

Date: 01 October 2008