DRAFT Temporary discharge to surface water of surface water runoff from construction sites located on previously undeveloped and uncontaminated land

Exemption Conditions

a. The water discharge activity shall not exceed 36 consecutive months or the completion of the temporary construction work, whichever is shorter

b. The discharge shall consist solely of surface water runoff from the site and rainwater that has collect in the bottom of temporary excavations.

c. Prior to commencing the discharge, the operator shall prepare and implement a Pollution Prevention Plan setting out the measures that will be taken to manage surface water runoff and prevent the effluent from becoming contaminated. The plan shall be developed by a suitably qualified and competent person and be based on current guidance and industry best practice. The plan shall be kept on site and retained in either electronic or hard-copy format for a minimum of two years following cessation of the discharge. It must be made available to the Environment Agency for inspection upon request.

d. Surface waters included in this exemption are inland freshwaters, coastal waters or relevant territorial waters (as defined in section 104 of the Water Resources Act 1991)

e. The site area shall not exceed 4 hectares.

f. The site shall not include any area of more than 1 hectare or any length of more than 500 metres on ground with a slope in excess of 10 degrees

g. The site shall not be located on:

- previously developed or brownfield land
- land that has been used for minerals extraction, waste disposal by landfill or any other waste activity regardless of its lawfulness
- land where soil or groundwater contamination is known or suspected or land where remediation of soil or groundwater has been, or will be, undertaken
- land where made ground is present or where imported materials will be deposited, for example to raise site levels
- land determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

h. Discharges shall not be made from:

- areas where vehicles, plant and equipment are refuelled,
- vehicle loading or unloading bays where potentially environmentally harmful matter is handled,
- oil and chemical storage handling and delivery areas,
- wheel washes or vehicle washdown areas
- excavations in which machinery is operating

i. Discharged effluent shall not exceed a limit of 40mg/l of suspended solids (measured after drying at 105°C)

j. The pH of the discharge shall not be less than 6 or greater than 9

k. A safe and accessible dedicated effluent monitoring point shall be provided

l. Chemical dosing agents, flocculants or coagulants shall not be used in the effluent. However, settlement to meet the emission limit for suspended solids in condition (i) is permitted.

m. Discharges shall not contain concrete wash water even if it has been treated.

n. The discharge shall not be made at a flow rate that is more than 10% of dry weather flow (Q95 low flow) of the receiving surface water

o. The discharge shall not be made into surface waters within 500 metres upstream from the nearest boundary of a water-based:

i. Biological site of special scientific interest (SSSI),

ii. special area of conservation (SAC),

iii. special protection area (SPA),

iv. Ramsar site,

v. site in the process of becoming a SAC, SPA or Ramsar site (‘potential SPA’, ‘possible SAC’, ‘candidate SAC’, ‘site of community importance’ or a ‘proposed Ramsar site’),

vi. marine conservation zone,

vii. Freshwater pearl mussel population

viii. Designated bathing water

ix. Protected shellfish water

x. conservation site, such as a water-based local or a national nature reserve,

xi. Water-based local wildlife site

xii. Chalk River

p. The discharge shall not cause pollution of the environment or harm to human health

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q. The discharge shall have no significant adverse visible effect on the receiving water, the bed of the watercourse or any plants or animals within the watercourse.

r. Activities shall not result in the destabilisation of the banks or bed of the receiving surface water.

s. Inspections shall be carried out daily during discharge of surface water at the discharge point of the effluent and in the watercourse to assess impact on receiving surface waters. A record of the inspection shall be made and retained for inspection by the Environment Agency for a minimum of two years following cessation of the discharge.

t. You shall notify the Environment Agency immediately on becoming aware of an exceedance, equipment failure, or actual or anticipated pollution incidents.

u. Discharges shall not cause downstream flooding from surface water.

v. The activities shall not be carried out within 8 metres of a flood defence structure, remote defence, sea defence, or river control structure.

End of exemption

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