

20 April 2017

Trust in water

Bioresources market information guidance

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About this document

This draft Direction relates to information for bioresources ('Bioresources market information guidance'). It sets out the proposed information we will require companies to publish or provide to us for the purpose of supporting the development and monitoring the operation of a market in bioresources services.

The final bioresources market information guidance (or 'guidance') will be issued under Condition M1 (Information Remedies) of the conditions of the appointments ('licences') of each of the 10 largest water and sewerage companies¹ in England and Wales (see Table 1 of the Consultation document).

Condition M1 is a new requirement for water companies to publish or make available information specified by Ofwat in relation to water resources and bioresources. It also provides that the detail of the information which companies will be required to provide or publish, will be set out in guidance that will only be issued or revised after consultation with the companies concerned.

¹ For the purpose of this document, a reference to a water company, incumbent company or company, means a company holding an appointment as a water and/or sewerage undertaker under the Water Industry Act 1991.

Document Version

Version	Description of changes	Date
1.0	Draft first version for consultation	DD Month YYYY

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1. Introduction

In 2015-16 we carried out analysis and consulted on a regulatory approach designed to promote market development in bioresources (also known as sludge) activities. This identified opportunities to broaden the range of those involved in bioresources services, to optimise transport, treatment, recycling and disposal outside traditional company boundaries – through bioresources trading or third party service provision for example. The opportunities are not only about providing services at lower cost, but also about making the best use of resources, improving resilience and finding new innovative ways of doing things. Markets can inform, enable and incentivise efficiencies and innovation for the benefit of customers, the environment and wider society.

Our analysis of the market indicated that it is challenging and costly for incumbents and potential entrants, both other water and sewerage companies (WaSCs) and firms in wider waste markets, to identify profitable trades or optimisation opportunities. At present there is no readily available supply-side information on where bioresources are produced, their quality or quantity. Our analysis revealed that market information is key to supporting bioresources markets through promoting and encouraging efficient entry, as well as monitoring progress and development of those markets.

In May 2016, we published [Water 2020: Our regulatory approach for water and wastewater in England and Wales](#). We said the benefits of providing information to help identify opportunities to supply services in the treatment, transport, recycling and disposal of bioresources are relevant for the company whose area is wholly or mainly in Wales, as it may have cross border opportunities with a number of companies wholly or mainly in England which should lead to more efficient operations and lower costs to customers. Further, there are Welsh Other Organic Waste (OOW) facilities that may be able to offer bioresources treatment services to companies wholly or mainly in Wales. This policy decision was enabled by new Condition M1 of the conditions of appointment of the 17 largest water companies.

1.1 Purpose and Scope

The key objectives of this guidance are as follows:

- to provide standardised and defined information to enable potential market participants to identify opportunities to supply services in the treatment, transport, recycling and disposal of bioresources;

- to ensure information is comparable and reliable for use by market participants; and
- to enable us to monitor the bioresources markets to see how effectively they develop.

The scope of the information requirements covered by this guidance document is limited to:

- that which is reasonable and appropriate to support the development and monitor the operation of markets in bioresources activities; and
- that we reasonably consider would not be contrary to the interests of national security or seriously and prejudicially affect the interests of any person (as set out in Condition M1).

The information requirements are limited to the regulated activities of the 10 largest water and sewerage companies in England and Wales. It includes:

- the publication of information about sludge production and sludge treatment facilities
- the publication of information on contracts that have been agreed with third parties to provide bioresources services
- the information we expect companies to provide to us on market activity.

2. Assurance requirements

The assurance that companies apply to their market information needs to be appropriate and proportionate to data that will be used either:

- to identify opportunities to supply services in the treatment, transportation and disposal of bioresources and promote contract negotiation discussions between parties; and/or
- for Ofwat to assess market development.

We want water companies to publish information that stakeholders can have trust and confidence in, easily understand and navigate.

Ultimate responsibility for assurance lies with companies' boards. Companies need to appropriately assure their data to give stakeholders trust and confidence in what they publish, including this market information. We expect companies to provide information on the assurance processes they have used to ensure that information is accurate and complete when they publish it, or provide it to us, in accordance with this guidance.

We will include market information in our company monitoring framework (CMF) process. We expect companies to include this information in their Risks, Strengths and Weakness exercises when developing their audit plans. If we find companies' published market information is unreliable or inaccurate we will consider this alongside the quality of other information that companies provide to decide which category a company's assurance processes should fall into, through our CMF annual assessment.

3. Market information: Bioresources locations and successful contract market information for publication

3.1 Publication of information

3.1.1 Timing and frequency

Companies are free to update their published information as frequently as they deem necessary, in order to reflect current market status as closely as possible. However, we would expect published data to be updated at least annually.

The annual publication should be made by 5pm on 31 July each year to cover information from the previous financial year (1 April to 31 March).

The information should be clearly available on the company's website. Each company must provide Ofwat with a link to where its data is published.

3.1.2 Information must be easily accessible

The information about sludge production and sludge treatment facilities and information on contracts that have been agreed by third parties to provide bioresources services should be published in the template provided, which is a searchable spreadsheet format. It should not be converted to text or published as a pdf file type.

The data cover sheet, called "contact information" must contain up to date contact information to help market participants to contact a company to explore commercial opportunities. The information required is:

- water and sewerage company name
- financial year the data relates to
- date the spreadsheet was published
- contact details for a relevant individual wanting to discuss commercial opportunities arising from this information
- brief description of geographical boundary of data included
- brief description of level of data assurance
- a summary of significant changes between the most recently previously published version of the information and the current version.

3.2 Sludge production (wastewater treatment works)

This table sets out the data for wastewater treatment works which are where raw sludge is produced. Each wastewater treatment works serving the equivalent of a population of 2000 and more should be filled in on a new row in the spreadsheet. Some of the information is mandatory for all table columns, and other information is optional. Table 1 shows which columns are mandatory and which are optional, and explains what is required in each of the table cells.

Table 1: Wastewater treatment works (WwTW) information

Data requirement	Mandatory	Optional	Definition	Units	Rationale
WwTW site name	Y		Name of the wastewater treatment works, and if not otherwise clear, the town it serves		
WwTW location grid ref latitude	Y		Identifying location to at least 5 digits		
WwTW location grid ref longitude	Y		Identifying location to at least 5 digits		
Volume of raw sludge produced per year	Y		Average amount of sludge produced per year, measured in tonnes of dry solids. Please note this is dry tonnes and not wet tonnes	Tonnes dry solids per year	To indicate the size of the market opportunity the site represents.
Estimated or Measured volume of sludge		Y	“Estimated” or “measured” to indicate whether the volume is estimated or measured		Indication of accuracy of and confidence in volume data.
Average Dry Solids of sludge	Y		Measure of the thickness for loading purposes. Defined as the percentage by weight of a	%	To indicate thickness for loading purposes.

produced by works %			sample that remains after drying at around 105 DegC		
Estimated or Measured %dry solids sludge		Y	“Estimated” or “measured” to indicate whether the dry solids percentage is estimated or measured		Indication of accuracy of and confidence in dry solids data.
Typical volatile solids content		Y	The annual average volatile solids content of the sludge, expressed as the percentage of the wet sample.	%	To indicate quality of the sludge
WwTW classification		Y	See the table of classifications below		To indicate quality of the sludge
Inlet screened <= 6mm		Y	Yes or no to indicate whether sewage is screened at the inlet to remove rags		To indicate quality of the sludge
De-gritting at inlet works		Y	Yes or no to indicate whether sewage has grit removed at the inlet		To indicate quality of the sludge
Sludge screened		Y	Yes or no to indicate if the sludge has been screened in addition to or instead of a preliminary wastewater treatment screening process		To indicate quality of the sludge
Further information (unusual sludge constituents, planning constraints, freshness etc.)		Y			
Is site co-located with a Sludge Treatment Centre (STC)?		Y	Yes or no to indicate whether the wastewater treatment works is co-located with a sludge treatment centre.		Sludge produced on a site with a sludge treatment centre may not be so readily accessible for transport to another site.

Operating hours of the site		Y		Days of the week and 24 Hour clock	To know when site is accessible to third parties
What is the maximum size (capacity) of tanker that can enter the works?		Y		m ³	To understand constraints on access to site
What is the minimum requirement for tanker sludge collection frequency?		Y		Minimum in days between tanker visits	To understand constraints on access to site
Other		Y			
Is site covered by transport contract?	Y		If there is an active contract covering transport of sludge from this site, enter contract reference in the cell, otherwise enter "no".		To allow market participants to understand if contracts are in place for some services
Is site covered by treatment contract?	Y		If there is an active contract covering treatment of sludge from this site, enter contract reference in the cell, otherwise enter "no".		To allow market participants to understand if contracts are in place for some services
Is site covered by any other sludge contract?	Y		If there is an active contract covering any other bioresources service from this site, enter contract reference in the cell, otherwise enter "no".		To allow market participants to understand if contracts are in place for some services

Table 2: WwTW classification

WwTW classification	
P	Primary settlement only
CSAS	Crude sewage activated sludge (ie no primary sludge is generated)
SB	Secondary Biological filtration - trickling filters, RBCs etc. Sludge produced will be a mixture of primary and secondary sludge.
SAS	Secondary Activated sludge. Sludge produced will be a mixture of primary and secondary sludge
Cphos	Phosphorus removal via chemical dosing
Bphos	Phosphorus removal through biological nutrient removal
Please note that sites may have more than one code, for example "SB Cphos" would be a secondary filtration site with chemical phosphorus removal	

3.3 Small wastewater treatment works

This table sets out the data for WwTWs serving a population of less than 2000. Each WwTW should be filled in on a new row in the spreadsheet. Some of the information is mandatory for all table columns, and other information is optional. Each of the columns of the spreadsheet are to be filled in as given in Table 3 below.

Table 3: Small WwTWs

Data requirement	Man-datory	Optio-nal	Definition	Units	Rationale
WwTW site name	Y		Name of the wastewater treatment works, and if not otherwise clear the town it serves		
WwTW location grid ref latitude	Y		Identifying location to at least 5 digits		
WwTW location grid ref longitude	Y		Identifying location to at least 5 digits		
Volume of raw sludge produced per year	Y		An indication of the volume of sludge produced in dry tonnes of solids per year. Please note this is dry tonnes and not wet tonnes. All sites of this size are likely to produce <70 tonnes per year and this is the default data entry for this column unless the wastewater company is able to provide a more accurate volume.	Tonnes dry solids per year	To indicate the size of the market opportunity the site represents.
WwTW classification		Y	See the table of classifications in table 2.		To indicate quality of the sludge
Is site covered by transport contract?	Y		If there is an active contract covering transport of sludge from this site, enter contract reference in the cell, otherwise enter "no".		To allow market participants to understand if contracts are in place for some services
Is site covered by treatment contract?	Y		If there is an active contract covering treatment of sludge from this site, enter contract reference in the cell, otherwise enter "no".		To allow market participants to understand if contracts are in place for some services

Is site covered by any other sludge contract?	Y		If there is an active contract covering any other bioresources service from this site, enter contract reference in the cell, otherwise enter "no".		To allow market participants to understand if contracts are in place for some services
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Please note that any WwTW that is desludged by intermittently tankering the contents to the start of another larger sewage treatment works should not be included in this list. The sludge removed in this way should be accounted for in the sludge produced at the receiving sewage treatment works.

3.4 Information on sludge treatment and sludge handling centres

This table sets out the data for sludge treatment and sludge handling centres. Each centre should be filled in on a new row in the spreadsheet. Some of the information is mandatory for all table columns, and other information is optional. Each of the columns of the spreadsheet are to be filled in as given in Table 4 below.

Table 4: Sludge treatment centres (STC)

Data requirement	Mandatory	Optional	Definition	Units	Rationale
Sludge Treatment Centre (STC) name	Y		The name of the site (and the town it relates to)		
STC location (grid ref latitude)	Y		Identifying Location to at least 5 digits		
STC location (grid ref longitude)	Y		Identifying Location to at least 5 digits		

End product volume per year	Y		Average amount of treated sludge produced, expressed in tonnes of dry solids per year. Please note this is dry tonnes and not wet tonnes.	Tonnes dry solids per year	To indicate the size of the market opportunity the site's product represents.
Estimated or Measured volume of treated sludge produced		Y	To give an indication of accuracy of and confidence in volume data		Indication of accuracy of and confidence in volume data.
Product Dry Solids %	Y		Measure of the thickness for loading purposes. Defined as the percentage by weight of a sample that remains after drying at around 105 DegC	%	
Estimated or Measured product DS%		Y	To give an indication of accuracy of and confidence in dry solids data		
Sludge screened at STC		Y	Yes to indicate that there is a sludge screening process at the site.		To give an indication of sludge product quality
Usual operating hours of the site		Y		Days of week and hours per day	To know when site is accessible
Acceptance criteria for input material		Y	If there are specific acceptance criteria for material brought on to site, e.g. must be digested		To understand what material can be taken to the site
Type of site		Y	Thickening centre, Dewatering centre, Treatment centre, Incinerator.		To understand what activities are carried out on the site
Dry solids range accepted in to site %	Y		Expressed as % Dry solids		To understand what material can be taken to the site
Can site receive sludge not de-gritted?		Y	Yes/No answer		To understand what material can be taken to the site
Can site receive sludge from sites without screening?		Y	Yes/No answer		To understand what material can be taken to the site

Is site producing untreated sludge?		Y	Yes or no answer. Yes if the site operated a dewatering process only		To give an indication of sludge product quality
Is site producing conventionally treated sludge?		Y	Yes or no answer. Definition of conventional as per safe sludge matrix. Conventionally treated sludge has been subjected to defined treatment processes and standards that ensure at least 99% of pathogens have been destroyed.		To give an indication of sludge product quality
Is site producing enhanced treated sludge?		Y	Yes or no answer. Definition of enhanced as per safe sludge matrix. Enhanced treatment is a term used to describe processes which are capable of virtually eliminating any pathogens which may be present in the original sludge. Enhanced treated sludge will be free from Salmonella and will have been treated so as to ensure that 99.9999% pathogens have been destroyed (a 6 log reduction).		To give an indication of sludge product quality
Is the site compliant and certified under the Biosolids Assurance scheme?		Y	The Biosolids Assurance Scheme combines legislative and non-legislative requirements and best practice. It is audited and certified by an independent body - NSF Certification.		To give an indication of sludge product quality
Further information		Y	Further information (planning constraints, operational defects that could impact on product quality etc.)		
Is site covered by recycling contract?	Y		If there is an active contract covering recycling of sludge from this site, enter contract reference in the cell, otherwise enter "no".		To allow market participants to understand if contracts are in place for some services

Is site covered by disposal contract?	Y		If there is an active contract covering disposal of sludge from this site, enter contract reference in the cell, otherwise enter "no".		To allow market participants to understand if contracts are in place for some services
Is site covered by any other sludge contract?	Y		If there is an active contract covering any other bioresources service from this site, enter contract reference in the cell, otherwise enter "no".		To allow market participants to understand if contracts are in place for some services

3.5 Successful contracts

The overall purpose for this information is to provide basic information to market participants on live and future contracts that have been agreed in the market. This information is intended to allow market participants to gain an understanding of what services market participants are currently offering, enabling them to identify gaps in service provision and explore new and innovative solutions.

We have set out the data requirements in table 5. This template should be populated for all contracts that are agreed from 30 April 2017. Whilst there is no requirement on companies to publish information on contracts agreed prior to this date, we would encourage companies to provide details of all active contracts. Some of the information is mandatory for all table rows, and other information is optional.

Table 5: Data requirements on contract information

Data requirement	Man-datory	Optio-nal	Definition	Units	Rationale
Contract reference	Y		This unique reference should cross refer to the WwWT and STC tabs so readers can see the		To help readers understand which contracts apply to which sites

			sites that the contract applies to. This reference should also be the same as that used in other public documentation such as OJEU information.		
Contract title	Y		A brief description of services contracted.		
Description of service	Y		To indicate scope of service contracted: transport, treatment, recycling, disposal, a combination of these or another service.		To help market participants understand if there are remaining opportunities beyond the scope of the contract.
Scale of contracted activity	Y		Volumes contracted. This should be given in units that are appropriate to the service reported. It should also be given in a suitable range to allow market participants to understand the scale of the activity.	Tonnes dry solids per year, m3 per month or any other appropriate units.	To help market participants understand the scale of contracts already let.
Contract start date	Y		Month and year the contract started	MM/YYYY	To help market participants understand the timing of contracts already let.
Contract end date	Y		Month and year the contract is due to complete.	MM/YYYY	To help market participants understand the timing of contracts already let.
Terms of Contract	Y		This should include any terms of the contract that give market participants an indication when they may be able to compete to provide the contracted services, including duration, extensions and break clauses, but not price.		To help market participants understand the timing of contracts already let.
Other		Y	This may include description of the services in more detail, for example geographical area covered.		

4. Market activity information to be provided to Ofwat

The overall purpose of companies providing this information to Ofwat is to allow us to monitor the development of the market. This will help us to identify whether the market is functioning well and what further actions we may need to take to support the development of the market.

It is important to have a well-functioning market as it should allow for greater innovation over time. This should provide benefits in terms of quality of service and efficiency savings, leading to lower costs to customers.

A well-functioning market should be one that enables third-parties to have fair access to the market the ability to compete to provide services. It would result in incumbent companies choosing suppliers based on services that offer 'best value' for money.

4.1 Providing information to us

Companies must provide us with this information on an annual basis at the same time as the Annual Performance Review. We will not publish information from individual companies but we may publish some industry wide statistics on the overall market activity and market share information as part of an industry wide market review. Any information we do publish will be aggregated or put into ranges.

4.1.1 Format, timing and frequency

Incumbent companies should complete the market activity spreadsheet (attached in appendix 1) in electronic format and provide an accompanying narrative. When completing the table no changes should be made to the format. This will enable us to upload it to our database. This information must be submitted to Ofwat in electronic form annually by 5pm on 31 July each year.

4.2 Market activity

We set out in Table 6 below the data that companies must report to us on market activity. We also require companies to provide a narrative to support the information in Table 6. All the information in the table and narrative is mandatory unless stated otherwise.

We do not expect companies to report all enquires made in relation to services within the bioresources market. Reporting all enquiries could create undue regulatory burden on companies and is likely to obscure the picture of how the market is actually developing. Rather, we expect companies to record and report information when a formal offer has been made to provide services. This includes offers made through a formal tendering process as well as those through more informal channels. We consider an offer to be made when at least an expression of interest (a first stage informal offer of services) had been made. The expression of interest is likely to include details of what services the entrant would be willing to provide as well as some commercial and technical information. This is likely to be the stage prior to the formal contractual discussions.

Table 6: Data requirements on market activity

Data requirement	Item Reference	Units	Definition
Summary of Market Activity			
Total number of live contracts held with a third party at end of the financial year	see below ²	Nr	<p>The number of current contracts held with third parties to provide a bioresources service (treatment, transport, recycling) at the end of the financial year.</p> <p>Where a contract covers more than one service (transport, treatment and/or recycling) companies should record this as a single contract.</p>
Total amount paid on contracts		£m	<p>The total amount paid to third parties on bioresources service contracts during the financial year.</p> <p>This is for all contracts. It includes any amount of money paid out on contracts that ended during the year.</p>
Number of different suppliers		Nr	The number of different suppliers with contracts held with the company to provide a bioresources service. A company's own bioresources business should not be counted as a supplier.
Number of contracts ended during the year		Nr	The number of contracts that have either been terminated in the year or have come to the end of the contract. Where a contract

² The item references are deliberately left blank for this draft proposal and will be completed once the final version of the table is set out following feedback from this consultation.

			has been terminated the company should provide details in an accompanying commentary for the reason for its termination.
Number of contracts renewed during the year		Nr	The number of contracts renewed during the financial year to provide a bioresources service.
Number of new contracts that have been agreed during the year		Nr	The number of new contracts that have been agreed during the financial year to provide a bioresources service.
Formal tender process			
Number of formal tenders you issued during the year		Nr	The number of formal tenders issued during the financial year asking for bids by a third party to provide bioresources services.
Total number of bids received on all your tenders		Nr	Total number of bids received for all formal tenders issued during the year. For instance if a company received 6 bids for one project, the company should count all six bids.
Number of tenders awarded during the year		Nr	Number of contracts awarded during the year through the formal tendering process. The company should provide an explanation where the number of tenders awarded is different from the number of formal tenders issued during the financial year. For example differences may occur where the financial tender was issued the financial year before the contract was awarded, or where no bids were received for a tender.
Informal bidding process			
Number of offers made by a third party outside the formal tender process		Nr	<p>The number of offers or bids received by the company outside of any formal tendering process.</p> <p>We expect that an offer of services would include some financial and contractual detail, similar to what might be provided through an 'Expression of Interest' in a tendering process.</p> <p>We do not expect a company to count every speculative contact made either in writing or by phone.</p>
The number of successful offers		Nr	The number of offers or bids that have resulted in a contract being agreed during the financial year.
Treatment of sludge (Market share)			
Total volume of sludge produced in performance of the company's functions as a sewerage undertaker		ttds/year	Total volume of sludge produced by the network plus function. This figure should be given as thousand tonnes of dry solids in the financial year.

Volume of sludge treated in-house		ttds/year	Thousand tonnes of dry solids treated in-house by your own bioresources business in the financial year.
Volume of sludge treated by a third party		ttds/year	Thousand tonnes of dry solids treated by a third party under contract in the financial year.
Number of contracts to provide sludge treatment		Nr	The number of current contracts held with third parties to provide sludge treatment.
Number of suppliers with contracts for sludge treatment		Nr	The number of different third-party suppliers that hold contracts to treat sludge as at the end of the financial year. The company should not include its own bioresources business as a supplier.
Sludge transported (Market Share)			
Total volume of sludge transported by road		ttds/year	Total thousand tonnes dry solids of sludge transported by road. This includes sludge transported from the network plus function to the sludge treatment centre (STC) as well as sludge from the (STC) to either a disposal site or for recycling to land.
Volume of sludge transported by road in-house by your own bioresources service		ttds/year	Thousand tonnes of dry solids transported by your own bioresources business in the financial year.
Volume of sludge transported by road by a third party		ttds/year	Thousand tonnes of dry solids transported by a third party in the financial year.
Number of contracts to provide sludge transport services		Nr	The number of current contracts held with third parties to provide sludge transportation.
Number of suppliers with contracts for sludge transportation		Nr	The number of different third-party suppliers that hold contracts to transport sludge as at the end of the financial year. The company should not include its own bioresources business as a supplier.
Sludge recycled or disposed (Market Share)			
Total volume of sludge recycled or disposed		ttds/year	Total thousand tonnes dry solids of sludge that is either disposed of or taken to land for recycling. This figure is reported in thousand tonnes dry solids for the financial year.
Volume of sludge recycled or disposed in house by your own bioresources service		ttds/year	Thousand tonnes of dry solids disposed or recycled by your own bioresources business in the financial year.
Volume of sludge recycled by a third party		ttds/year	Thousand tonnes of dry solids disposed or recycled by a third-party in the financial year.
Number of contracts to provide sludge recycling or disposal services		Nr	The number of current contracts held with third parties to provide sludge recycling or disposal services.
Number of suppliers with contracts for sludge recycling or disposal		Nr	The number of different third-party suppliers that hold contracts to dispose of or recycle sludge at the end of the financial year. The

			company should not include its own bioresources business as a supplier.
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4.2.1 Narrative disclosure on market activity

Companies are required to submit a narrative alongside table 6. This narrative is important. It will help us understand in more detail how the market is developing, what factors are driving the market and any issues that may be hindering the development of the market. This is a chance for companies to alert us to any concerns.

The narrative should cover the following areas:

- **Assurance:** Each company must provide a summary on what assurance it has undertaken to ensure that its information is accurate and complete, and highlight any issues identified as part of this process.
- **Bidding activity:** Each company must provide details of the main success criteria that it has used to assess bids from third parties. It should also summarise its reasons not to award a contract to a third party, particularly where the service continues to be provided by its own bioresources business.
- **Market share:** Alongside the market share information detailed in table 6, companies should provide information on how the market share has changed over the year and how it is likely to change over the next reporting period.
- **Risks, issues and barriers:** Highlighting any risks, issues or barriers the company has identified that could hinder the market developing or could cause other unintended consequences.
- **Engagement activities/initiatives:** any engagement activities or initiatives a company has taken to stimulate interest from third parties who could provide bioresources services to them.

We would also welcome any further information that companies consider would be useful in us understanding the effectiveness of the market in bioresources.

Data templates

Below are the links to draft template spreadsheets for:

1. [Bioresources locations and successful contract market information for publication](#)
2. [Bioresources market activity information to provide to Ofwat](#)