
DRAFT STATUTORY INSTRUMENTS

2007 No.

The Environmental Permitting
(England and Wales) Regulations 2007

PART 6

Powers and functions of the regulator and the appropriate authority

Power of the regulator to prevent or remedy pollution

57.—(1) If the regulator considers that the operation of a regulated facility under an environmental permit involves a risk of serious pollution, it may arrange for steps to be taken to remove that risk.

(2) If the commission of an offence under regulation 38(1)(a), (b) or (c) causes pollution, the regulator may arrange for steps to be taken to remedy the effects of that pollution.

(3) If the regulator intends to arrange for steps to be taken under paragraph (2), it must notify the operator of the steps not less than 5 working days before they are taken.

(4) If the regulator arranges for steps to be taken under this regulation, it may recover the cost of taking those steps from the operator.

(5) But costs are not recoverable under paragraph (4)—

- (a) if the steps referred to in paragraph (1) are taken and the operator shows that there was no risk of serious pollution; or
- (b) to the extent that the operator shows that the costs were unnecessarily incurred by the regulator.