



APPROACH STATEMENT

EWON's approach to wastewater overflows

EWON's role

The Energy & Water Ombudsman NSW (EWON) is the industry-based Ombudsman scheme which provides all NSW energy and some water customers with free, independent dispute resolution services.

We work towards achieving fair and reasonable complaint outcomes for all parties, provide leading customer service and influence energy and water public policy. We are not a consumer advocate, nor do we represent industry.

We achieve outcomes for complaints based on laws, codes and regulations, good industry practice and by considering

the individual circumstances of each complaint and parties to the complaint. This may include consideration of prior complaint outcomes, independent legal, technical, or regulatory advice, and where they exist, special customer circumstances.

Position and Approach Statements provide information to both customers and industry on how we consider specific complaint issues.

Wastewater overflows

A wastewater overflow is the escape of sewage from the wastewater system into the environment or onto private property. There are two main types of wastewater overflows:

1. A blockage, also called a dry weather overflow or choke, where if the blockage is extreme enough sewage backs up and overflows. Blockages are often caused by:
 - > tree roots invading pipes
 - > wipes, tissues, and other hygiene products flushed down the toilet
 - > fats, oils, and grease poured into the sink
 - > the deterioration of old pipes.
2. Wet weather overflow, where wet weather flow is more than the pipes capacity. Wastewater pipes are designed to handle extra flow during wet weather, but during extremely heavy rain this may not be enough. Extra water can enter the wastewater system through faulty pipes, around the lids of maintenance holes, or directly through stormwater pipes.

Water providers are only responsible for wastewater overflows that originate from the sewerage mains and not for blockages that occur within a customer's own private wastewater service.

Wastewater overflows can be distressing for customers. Wastewater contains harmful microorganisms, so it is important to avoid affected areas and keep children and pets away.

Overflows can cause a range of issues, including:

- > environmental damage, through harm to sensitive species of flora and fauna
- > damage to property, such as carpets or furniture
- > inconvenience, for example needing to stay at a hotel
- > health and safety risks, including illness.

EWON's approach

EWON's role is to review whether the water provider has acted fairly and reasonably. Customer contracts set out responsibilities for maintaining water and sewer lines. Customers are responsible for private sewer pipes and fittings up to the junction with the mains, while providers are responsible for repairs after that point.

Responsibility can be unclear when a blockage occurs at or near the inspection shaft or junction, or when tree roots causing a blockage come from a neighbour's property or the council's nature strip. In this situation, the customer can discuss this matter with their neighbour, or local council. If the matter cannot be resolved with the council, the complaint can be escalated to the NSW Ombudsman. If the dispute is with a neighbour, the customer may wish to seek independent legal advice.

Customers may make a claim to their provider for damage caused by an overflow. Whether the provider will pay a claim depends on whether the cause of the blockage originated in their system, and whether it appears more reasonable for the customer to claim on household insurance.

Wet weather overflows are handled differently from dry weather overflows. Claims for wet weather overflows are not usually paid, because they are caused by extreme weather and are beyond the provider's reasonable control. EWON will still review complaints, but if the overflow was due to conditions outside the provider's control, the outcome is unlikely to change.

When a customer presents a complaint about a wastewater overflow, EWON will investigate:

- > the cause of the overflow
- > the steps taken to resolve it
- > whether the provider acted fairly and reasonably.

EWON offers factsheets on other relevant topics, including:

- > [Sewer choke](#)
- > [Energy and water supply outages](#)
- > [Goodwill gestures](#)
- > [EWON's complaint process](#)
- > [Complaint agencies](#)