**Domestic Waste Water Treatment Systems – Q/A June 2013.**

**What are the main elements of the Water Services (Amendment) Act 2012 and associated regulations?**

The main elements of the legislation are as follows:

* Owners of premises utilising septic tanks and other on-site waste water treatment systems are required to register their system on a register to be maintained by the local authorities.
* Households are required to pay a modest registration fee in order to meet the costs to the water services authorities of managing the register and the risk-based inspections to be carried out. A reduced registration fee of €5 applied for those who registered on or before 28 September 2012. The fee is now €50.
* Following initial registration, which must have been effected by 1 February 2013, households will not be required to re-register their system for five years – there will be no fee for re-registration.
* Owners of premises connected to domestic waste water treatment systems must operate and maintain their systems so as to ensure that those systems do not create a risk to human health or the environment.
* A national risk-based inspection plan was published by the EPA in February 2013. The local authorities will be responsible for carrying out inspections in their functional areas.
* Subject to meeting prescribed criteria, such as holding appropriate professional or technical qualifications, inspectors will be appointed by the EPA.
* Where a treatment system fails an inspection, the owner will be directed to carry out remediation works.

**Why do we need a register ?**

Prior to the registers being established under the Water Services (Amendment) Act 2012, there was no comprehensive record of on-site wastewater treatment systems in Ireland and, unfortunately, no way to compile one without introducing a formal registration process. The Planning and Development Act 1963 came into force in October 1964 so ownership details regarding properties constructed before 1964 are not held. Records of developments carried out since 1964 are held by the planning authorities but many properties constructed since then have been sold, sometimes more than once, and the planning records do not contain details of changes of ownership. Also, although applicants for planning permission are now required to provide certain information in respect of their proposed wastewater treatment system, the legal requirement for this relates to developments commenced after 31 March 2007 so there were huge gaps.

The question of using the census information as a basis for the register was raised by quite a few people during the passage of the legislation through the Oireachtas. However, the Statistics Act of 1993 provides for the confidentiality of all data collected by the Central Statistics Office, including census data. The information collected can be used for statistical purposes only and no details that might relate to an identifiable person or business can be divulged to any other government department or body. Registration under the new legislation was therefore necessary so that up-to-date ownership and location details of all domestic waste water treatment systems can be recorded.

**Why is re-registration after five years required ?**

The initial registration has been kept as simple as possible with only basic information being requested. Its primary purpose is to establish a register detailing the ownership and location of on-site waste water treatment systems in Ireland. It is expected that as a result of the introduction of inspections and public information campaigns regarding domestic waste water treatment systems, householders’ knowledge of their treatment systems will increase. This will allow for more detailed information to be requested as part of re-registration, e.g. what type of system is present (septic tank or packaged treatment system), how old it is, when it was most recently de-sludged etc. This information will facilitate more focused targeting of risk-based inspections by the EPA and the water services authorities.

**How can people register?**

People can register online at [www.protectourwater.ie](http://www.protectourwater.ie)

Registration forms are available online; from City/County Councils; Libraries; Citizen Information Centres or Lo Call 1890 800 800  or 00353-1-2224000.

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| **Telephone:** | 1890 800 800 or 00353-1-5242274 |

**How much does it cost to register?**

The registration fee is €50. The legislation provides that householders must have registered their on-site systems by 1 February 2013. However, registration remains open and those who did not register by the due date should do so as quickly as possible. There are no late payment fees.

**Payment**

**Online -** [www.protectourwater.ie](http://www.protectourwater.ie/) - by credit card/debit card.

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| **By Post**: Payment can be made by cheque, postal order or bank draft and made payable to “Protect Our Water". Send your form with payment to: **Protect Our Water, P.O Box 12204, Dublin 7**. **E-Mail:** |  |

**What actions have been taken to ensure that householders are aware of their responsibilities?**

Determined efforts have been made to bring the legal requirement to register all domestic wastewater treatment systems to the attention of the public. The launch of the registration programme in late June 2012 was accompanied by a public awareness campaign, with information regarding how to register and the fees payable being broadcast by local radio stations nationwide. Advertisements were also placed in local and regional newspapers. Information regarding how to register was also published on a number of websites, including those of the Department, the Environmental Protection Agency and the local authorities.

During the period from late August to mid-September 2012, the radio and newspaper campaign was re-run. The local authorities also distributed an information booklet to homes in un-sewered areas, advising householders of the legal requirement to register by 1st February 2013, along with details of how to register and the reduced registration fee available until September 28th 2012. The leaflet also included some practical advice on the operation and maintenance of septic tanks.

A major campaign, again involving local radio and newspapers, and augmented by advertisements in national newspapers, was rolled-out in the run up to 1st Feb 2013.

A further information campaign regarding the operation and maintenance of domestic waste water treatment systems and the inspections to be carried out by the water services authorities will be rolled out over the coming weeks.

**How many people have registered ?**

Up to 24 June 2013, 445,893 registration applications (on-line and written) have been received by the LGMA’s central bureau. This equates to almost 90% of the 497,281 on-site systems in Ireland (per Census 2011).

**Will the Minister re-introduce the reduced registration fee of €5?**

No. The legislation specifies that the reduced fee applies to applications for registration made up to and including 28th September 2012. In the light of the public information campaigns rolled-out to familiarise owners of domestic waste water treatment systems with their responsibilities and the registration and payment options available to them, the Minister considers that the three months during which the reduced fee applied afforded ample time for people to take advantage of the reduced registration fee.

**Will the Minister extend the date for registration ?**

No. Registration facilities have been in place since June 2012, with registration required by 1 February 2013. The Minister considers that ample time has been afforded for people to comply with the legal requirement to register and the vast majority (approx. 88%) have done so. The date prescribed in the legislation will not be extended. However, registration remains open and persons who are liable to register should do so as soon as possible.

**Are there any exemptions from registration and fee?**

No – all owners of domestic waste water treatment systems must register and pay the registration fee.

**What will happen if a householder refuses to register?**

The legislation provides that water services authorities can request householders to produce evidence of registration. It is an offence under the 2012 Act for a householder not to register and the penalty, on conviction, is a fine of up to €5,000. The authorities will be responsible for implementing compliance programs to identify those who have not registered their on-site systems despite being liable to do so. It should also be noted that :

* Householders who did not comply with the legal requirement to register by 1 Feb 2013 will not be eligible for grant aid should their treatment system fail an inspection and require remediation or upgrading, and
* Non-registered systems will be more likely to be inspected.

**What standards are required of septic tanks and other treatment systems?**

The basic standard to be met by all domestic waste water treatment systems is that they should not create a risk to public health or the environment. Draft standards to augment this were drawn up by the Department in consultation with the EPA and were issued for public consultation in March 2012. 165 submissions were received and were taken into consideration in the regulations which the Minister made in June 2012. The regulations set out performance standards, including requirements regarding the maintenance and de-sludging of on-site systems. The regulatory requirements are considered to be reasonable and consistent with what owners should be doing as a matter of course to ensure that their systems are working properly.

**Will householders with older systems have to meet modern standards?**

Irrespective of the age of type of system in place, if there is no evidence of risk to human health or the environment, no action will be necessary. There is no question of applying new standards, for example those of the EPA’s 2009 Code of Practice, to older on-site systems. Where an inspection reveals a problem, issues such as existing site size, hydrological and geological conditions etc. will inform selection of the most appropriate, pragmatic and cost-effective remediation works. There is no question of any householder being directed to acquire additional land to facilitate remediation work.

**What about rain-water and surface water run-off?**

The Regulations require owners to ensure that rain or surface-water run-offs should not be allowed enter the treatment system because to allow such waters into the system would simply over-whelm the treatment system.

**What about grey-water?**

It is quite common in older properties to have some grey-water discharged separately from the house to a soakaway. This situation is acceptable as long as there is no risk to human health or the environment. In such cases, the owners’ responsibilities regarding protection of human health and the environment still apply and both the tank and the soakaway, and indeed the drain through which the grey-water is discharged, must be operated and maintained correctly.

**How will the inspection system work?**

The EPA is the supervisory body for the purposes of the legislation and is responsible for the National Inspection Plan which will be managed and implemented by the local authorities. The EPA, in conjunction with Trinity College Dublin held a 2-day 'International Symposium on Domestic Wastewater Treatment and Disposal Systems' on 10-11 September 2012 and the sharing of ideas, research and knowledge facilitated by this event has made an important contribution in informing the approach to be taken for the inspection of domestic waste-water treatment and disposal systems in Ireland. On 11th October 2012, the EPA issued a draft inspection plan for public consultation.

The National Inspection Plan was published by the EPA on 19 February 2013. The Plan has been drawn up to best international standards and will underpin the risk-based inspection of septic tanks and other on-site treatment systems. The inspection system is consistent with the necessity to ensure compliance with the provisions of the EU Waste Directive and the European Court of Justice ruling against Ireland in October 2009 and also has regard to the European Parliament and Council’s recommendations of 4th April 2001 regarding the minimum criteria for environmental inspections in the Member States (2001/331/EC).

In parallel with the development of the National Inspection Plan, the EPA has also completed the development of an IT system which will be used by the water services authorities. The system will capture all information relating to inspections and will ensure a consistent approach to inspections nationally. It will enable individual water services authorities to track the progress in completing inspections against the Plan’s requirements and it will also enable the EPA to monitor the progress by all authorities. The EPA is currently providing workshops to local authority personnel who will be using the IT system.

**How will inspections be carried out ?**

The EPA’s National Inspection Plan forms the basis for the inspection system. All areas of the country will be liable to inspection, with priority being given to areas where water quality (particularly drinking water) is most at risk from pollution by on-site waste water treatment systems. The Plan contains details of risk criteria used and the minimum number of inspections (per county) to be carried out in its first year of implementation. There will be a minimum of 1,000 inspections nationwide in the twelve months to July 2014,with the county numbers varying from 12 (Carlow) to 99 (Cork).

Inspections will be objective, evidence-based and aimed at identifying systems which are a risk to public health or the environment. Irrespective of the age of type of system in place, if there is no evidence of risk to human health or the environment, no action will be necessary. Selection of treatment systems for inspection will be carried out by the water services authorities using the EPA’s IT system (which utilises WebGIS information). Householders will not be able to request inspections of their own systems, nor will inspections under the 2012 legislation be carried out based on third party complaints.

Owners of systems selected for inspection will be notified at least 10 working days in advance of an inspection being carried out. Inspections will be carried out by suitably qualified local authority personnel. There are no plans to involve the private sector in inspections. Householders should not allow any person to enter their property to examine their treatment system unless they have received prior notification in writing from their local authority that their system is to be inspected. Any person claiming to be from a local authority should be asked for official identification.

**When will inspections commence?**

Inspections will commence in July 2013. The Local Authority Services National Training Group has overseen the development of a training course for inspectors. A pilot course was delivered to selected local authority personnel on 6/7 February. The formal training course was the reviewed in the light of feedback received from those who attended the pilot course and is currently being rolled out to local authority staff who meet the necessary eligibility criteria regarding professional or technical qualifications and indemnity insurance cover. To date, courses have been provided to approx. 120 people in LASNTG training centres in Ballincollig, Roscrea, Castlebar, Ballycoolin and Stranorlar.

**Will planning permission or Environmental Impact Assessments be required for remediation work ?**

Planning permission will not be required. The Department has drafted a Statutory Instrument to amend the exempted development provisions of planning legislation so that planning permission will not be required where improvements to on-site waste-water treatment and disposal systems arise as a result of inspections carried out under the 2012 Act. The Department of Arts, Heritage and the Gaeltacht has assisted with the process so as to ensure that the exemptions provided will take account of the requirements of relevant EU Directives in relation to habitats required by Section 4(4)(a) and (b) of the Planning and Development Acts 2000-2010. The regulations regarding the exemption are expected to be signed by the Minister this week. The question of an EIA does not arise in the light of the limited scale of the works involved and the purpose of those works being for the improvement of the environment.

**How much will it cost to fix a defective septic tank?**

The extent and cost of the remediation that will be required will depend on the condition of the individual system and the extent of the risk to public health and the environment. The remedial action required on foot of an inspection of a septic tank under the new system will, in many cases, only involve householders having to de-sludge their tanks more frequently. In other cases, householders may be required to carry out repairs to improve the performance of malfunctioning septic tanks.

**What were the average remedial costs in Cavan?**

The inspection system introduced by Cavan County Council, based on bye-laws adopted in 2004, revealed an initial failure rate of approximately 25% of on-site systems, with remediation costs averaging €2,500. However, the enactment of the bye-laws and the related public information campaigns rolled-out by Cavan County Council, have increased householders’ awareness of the necessity to operate and maintain their systems correctly and the failure rate has, over the intervening years, decreased to approximately 15%.

**Can I connect to the public sewer ?**

Section 42 of the Water Services Act 2007 already enables a water services authority to require that a premises within its functional area is connected to a public sewer network which is available within a reasonable distance. The exercise of the power is subject to the authority being of the opinion that the premises constitutes a risk to human health or the environment and that the premises is capable of being served by a service connection of a reasonable length to a water or waste water works.

Where inspections under the new legislation identify risks to human health or the environment, the possibility of connection to any nearby public sewer will of course feature when considering the remediation works required.

**Will there be a register of contractors for remediation works ?**

Where a domestic wastewater treatment system is found to be a risk to human health or the environment and remediation works are required, the selection of a competent contractor to carry out the works required will be a matter for the householder concerned. Due the wide variety of remediation works which could arise, and the number of trades and professions which could be involved, there are no plans to establish a registration system for contractors involved in remediation works.

**What about de-sludging ?**

Householders must engage a contractor who holds a waste collection permit issued by a local authority or the National Waste Collection Permit Office (NWCPO), which has been administered by Offaly County Council on a shared service basis for the local authorities since 1 February 2012. The NWCPO or the local authorities will provide a list of permitted contractors in the area. Householders should obtain a receipt from the permitted contractor each time their tank is de-sludged.

The only exception to using a permitted contractor is where an the owner of a domestic waste water treatment system de-sludges that system and uses its contents in agriculture, subject to compliance with all relevant national legislative requirements. It should be noted that this exception only applies where the owner’s own treatment system is involved. A permit is required in order to de-sludge a neighbour’s septic tank. Even if carried out with no fee involved, this practice is regarded as being in the course of a business on the basis that farm machinery is used and the sludge is spread on land in order to improve productivity.

**What is the position regarding sludge ?**

In general, sewage sludge from domestic waste water treatment systems should be brought to approved municipal waste water treatment plants. Plant details are available from the water services authorities. Contractors should contact their preferred treatment plant beforehand to confirm the plant’s capacity to take delivery.

A working group comprising representatives from the water services authorities, the Environmental Protection Agency and the Department has been formed to consider the issue of sewage sludge from domestic waste water treatment systems. The group is expected to make recommendations regarding the management, collection and disposal of sludge and the possible development of a national approach to dealing with such sludge.

**What protection is there for owners engaging contractors ?**

This is provided for under legislation such as the Consumer Protection Act 2007 and Sale of Goods and Services Act 1980, which are the responsibility of the Department of Jobs Enterprise and Innovation and the National Consumer Agency which operates under the aegis of that Department. Any person having servicing or remediation works carried out to their on-site systems, whether as a result of an inspection or otherwise, should satisfy themselves that any contractor engaged is fully competent to carry out the work involved.

**Does the Minister intend introducing financial assistance for low-income households?**

On 17 Dec 2012, the Minister announced that a grant scheme would be put in place for those whose systems require remediation or upgrading. It is important to note that (a) the scheme will not be a universal one – it will apply only to works arising from an inspection and issue of an advisory notice under the Water Services (Amendment) Act 2012, and (b) only householders who have complied with the obligation to register their systems by 1 Feb 2013 will be eligible to apply for grant aid. The details announced by the Minister are as follows :

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| **Household Income** | **% Costs available** | **Maximum Grant** |
| Up to €50,000 | 80% | €4,000 |
| €50,001– €75,000 | 50% | €2,500 |

Full details of the scheme will be set down in regulations which are expected to be signed by the Minister this week.

**What are the potential environmental impacts of pollution from septic tanks ?**

In its Water Quality 2007-2009 Report, the EPA noted the presence of microbial contamination arising from the entry of faecal matter to Ireland’s waters and stated that one of the main sources of microbial pathogens was on-site waste water treatment systems, including septic tanks. The report highlighted vulnerable nature of groundwater in some parts of the country. Groundwater is a source of drinking water for many people. A report on the National Source Protection Pilot Project, carried out on behalf of the National Rural Water Services Committee by Dundalk Institute of Technology’s Centre for Freshwater Studies, also highlights the negative impact of failing on-site wastewater treatment systems on surface and sub-surface waters.

The HSE’s 2010 report regarding private well water quality in counties Sligo and Leitrim, which revealed a rate of 76% non-compliance with standards required under the 2007 Drinking Water Regulations. E. Coli was one of the parameters most commonly exceeded and its presence, resulting from faecal contamination, is a serious risk to public health. The HSE’s report states that on-site wastewater treatment plants are seen as a major contributor to groundwater pollution and that legislation in this area and a properly resourced programme of inspection and control is welcomed.

No one better understands the risks posed by failing on-site systems to water quality than those living with, or in close proximity to, such systems. Many rural people are members of group water schemes or are supplied from their own well. The majority are aware that poorly operated or maintained on-site systems could be causing a serious risk to the health of their owners and neighbours.

**What are the legal provisions for the prevention of pollution from septic tanks and other systems ?**

Section 3 of the Local Government (Water Pollution) Act, 1977 prohibits a person from causing or permitting any polluting matter to enter waters, subject to certain exceptions (e.g. authorised/licensed discharges). Local authorities have all appropriate powers of inspection, investigation and enforcement under the Local Government (Water Pollution) Acts 1977 and 1990 to protect water quality, including powers to serve notice on a person requiring that person to take specified measures to prevent or control water pollution.

Section 70 of the Water Services Act 2007 places a duty of care on the owner of a premises to ensure that the waste water treatment system serving the premises is kept so as not to cause a risk to human health or the environment or create a nuisance through odours. Section 22 of the Act confers extensive powers of inspection, investigation and enforcement on water services authorities to protect water quality. The duty of care provisions have been augmented by the Water Services (Amendment) Act 2012 and associated regulations.

**What is being done about Local Authority treatment plants being bigger polluters ?**

EPA water quality reports confirm that local authority waste water treatment facilities have been the cause of serious pollution incidents. However, under the Waste Water Discharge (Authorisation) Regulations 2007 (S.I. No. 684 of 2007), all discharges to the aquatic environment from sewerage systems owned, managed and operated by local authorities require a waste water discharge licence or certificate of authorisation from the EPA. The authorities are required to apply to the Agency for a licence or certificate of authorisation by set dates depending on the population equivalent of the area served by the sewer network. The authorisation process provides for the Agency to place stringent conditions on the operation of such discharges to ensure that potential effects on the receiving water bodies are strictly limited and controlled. In overall terms the aim is to achieve good surface water and ground water status in addition to complying with standards and objectives established for associated protected areas by 2015 at the latest.

**What is the position regarding the ECJ ruling and fines?**

In July 2011 the European Commission decided to apply to the Court to have fines imposed on Ireland for failing to comply with the original ECJ ruling in this case. The Commission sought a lump-sum penalty of €4 million and daily fines of €26,000. On 19 Dec 2012, the Court ruled that Ireland should pay a lump-sum penalty of €2 million and daily fines of €12,000 for continued non-compliance. The EU Commission has confirmed that publication of the National Inspection Plan on 19th February 2013 was the final measure required to ensure full compliance with the Court’s ruling. The case is now closed. However, the EU Commission continues to monitor implementation of the legislation.