

“PROPOSAL for a NATIONAL INSPECTION PLAN for DOMESTIC WASTE WATER TREATMENT SYSTEMS” - EPA Discussion Document

What you said and how we’ve responded

As part of the development process for our National Inspection Plan for Domestic Waste Water Treatment Systems (hereafter referred to as the Plan), the EPA conducted a public consultation on a discussion document which set out the general principles that the EPA proposes to use in the National Inspection Plan. The EPA invited interested parties and individuals to submit comments for consideration.

We received 36 submissions. Outlined below are the main issues raised and an explanation as to how we have catered for them in the Plan where possible.

Detail of the Plan and consultation

Comment was made that there was insufficient detail on the Plan itself in the discussion document and further information was sought on a range of issues. It was requested that further background information on the need for the Plan and responsibilities for each party should be made clear and that further discussion should be held on the final Plan.

It has been claimed that the Plan, as it does not require inspection of all sites will breach EU laws, therefore all sites must be inspected within a specific time period.

Our response: It is important to note that the consultation was held on a discussion document and not on a draft Plan. The EPA has now published the National Inspection Plan, which sets out full details of the Plan and its proposed implementation, including details of what is involved in an inspection.

The EPA proposes to undertake a review of the Plan in 2014 notwithstanding the statutory requirement (under Section 70K (3) of the *Water Services (Amendment) Act 2012*) to review it at intervals of not less than five years. The primary purpose of the review will be to ensure that the strategies implemented are successful and effective in protecting human health and the environment, but will also provide an opportunity to incorporate other comments and findings. Please see Chapter 7 of the Plan for further information.

The Plan has been accepted by the EU Commission; however, its implementation will be under review.

Citizen engagement strategies

The proposal for citizen engagement strategies was broadly welcomed and suggestions for inclusion in the Plan were made.

Our response: The engagement strategies to be undertaken are outlined in Chapter 5 of the Plan. Suggestions made will be considered for incorporation into the actions to be taken.

Complaint based inspections

Comment was made that complaints regarding possible pollution from domestic waste water treatment systems should not be used as a basis for inspections under the Plan. Inspections carried out on foot of such complaints are more appropriately carried out under the provisions of the *Local Government (Water Pollution) Act 1977* (as amended) which does not require notice of the inspection to be given to the householder and contains provision for the issue of statutory notices for mitigation or remediation measures to be taken in the event of pollution.

Our response: The criteria for selection of sites for inspection are outlined in Chapter 6 of the Plan. The purpose of the Plan is the implementation of the requirements of Section 70K of the *Water Services (Amendment) Act 2012*. Complaint-based inspections are more appropriately carried out under the *Local Government (Water Pollution) Acts 1977-1990* and so do not form part of this Plan.

Remediation strategies

It was requested that further detail on remediation strategies be provided for stakeholders.

The standards to be achieved should be clearly identified and should not be unnecessarily onerous and should reflect the standards in place at the time of installation of the systems. Appropriate timeframes should be allowed for the remediation of sites.

Remediation works also should not be subject to Planning Permission.

Our response: A brief position document has been prepared which gives advice regarding remediation but will not be a recipe book for every site. The EPA is funding a research project under the STRIVE programme *2010-W-LS-3 Assessment of disposal options for treated wastewater from single houses in low permeability subsoil*, which is due to be completed in 2014. This will form the basis for any future guidance.

The standards were set in the legislation *Water Services Act 2007 and 2012 (Domestic Waste Water Treatment Systems) Regulations*, S.I. 223 of 2012. The remediation solution should be such that it embraces best practice. Remediation of existing DWWTS may have regard to the techniques, technologies and solutions set out in the *EPA Code of Practice: Wastewater Treatment Systems serving Single Houses (p.e. <10)* (EPA, 2009) but it is not bound by the full requirements of the code.

The DEHLG has clarified that works on foot of an Advisory Notice will generally be exempt from planning permission. Detailed advice should be sought from the local planning authority.

Strategic Environmental Assessment

Strategic Environmental Assessment screening should be undertaken.

Our response: The EPA has undertaken a review to ascertain if the National Inspection Plan falls within the scope of the Strategic Environmental Assessment (SEA) Directive (2001/42/EC). It is the view of the EPA that this Plan does not require an SEA to be carried out.

Sludge management

The management of sludge arising from domestic waste water treatment systems is an area of concern and should be strictly regulated.

Our response: For the householder, the EPA has guidance on www.epa.ie on how to manage sludge from domestic waste water treatment systems. This includes a list of *Frequently Asked Questions* and provides details on the legal requirements in relation to collection and disposal of sludge. Enforcement of such legislation falls within the remit of the Local Authorities. A NIECE (Network for Ireland's Environmental Compliance and Enforcement) Domestic Wastewater Sludge Working Group has been established to determine best practice for the management of domestic sludge. This group is due to report on this matter later this year.

Sampling of private wells

Water Service Authorities (WSA) should offer to sample private well water at a reduced rate in order to obtain information on the water quality of private wells for both the owner and the WSA.

Our response: The EPA has forwarded this suggestion to the City and County Managers Association and the Department of Environment, Community and Local Government for consideration.

Credentials of Inspectors

The competency of the proposed Inspectors was questioned and it was recommended by some that training be provided.

Also concerns were raised in relation to 'bogus inspectors' calling to rural homes.

Our response: The legislation specifies the minimum technical and professional qualifications for the Inspectors. In addition, they will have to complete a specified training course. This training course has been prepared by consultants on behalf of the Water Services National Training Group and will be rolled out prior to Inspectors being appointed.

The EPA is responsible for the appointment of inspectors and provisions are available to refuse appointment or to revoke appointment in certain circumstances as provided for in the legislation.

All inspectors will have to have photo identification and their certificate of appointment from the EPA when inspecting any site. All homeowners will be given at least 10 days' notice prior to any inspection. The publicity campaigns will make individuals aware of these requirements.

Financial Support

Many submissions indicated the need for a financial support system to be put in place to assist in the remediation of problem systems.

Our response: The Minister for the Environment, Community and Local Government (DECLG) announced a grant scheme to provide financial assistance to households whose septic tanks and other domestic waste water treatment systems, require remediation or upgrading following inspection under the *Water Services (Amendment) Act 2012*. More details are available from the [DECLG Grant information](#)

Registration

The emphasis on unregistered systems should be removed and those who have not registered should be given an opportunity to register. The need to re-register after 5 years should be removed.

Our response: The registration process has been outlined in the legislation and is outside the scope of the Plan. The registration rate is very high at approximately 90%. Enforcement of the registration requirement is a matter for the Water Services Authority, however; provisions are available for individuals to register at www.protectourwater.ie

Operation and Maintenance

Information on operation and management should be sought during the inspection process.

System suppliers should provide details of the operation and maintenance of systems to homeowners.

Our response: The inspections will look for evidence of proper operation and maintenance including copy of inspection reports.

The EPA recommends that all system suppliers provide operation and maintenance information to system owners.

Inspections

A number of suggestions were made on site selection and the extent of the inspections. Owners should be made aware of the extent of the inspection prior to inspection

Our response: A Steering Committee was established to develop the training course for inspectors. The committee worked closely with the consultants to develop an inspection check list as part of the training material. This check list is available on the EPA website prior to the commencement of inspections. The check list will be evaluated during the review of the Plan in 2014.

Un-sewered Housing

As a result of the adoption of the new legislation it has been recommended that the Sustainable Rural Housing Guidelines be reviewed

Our response: The review of the Sustainable Rural Housing Guidelines is a matter for the DECLG.

Resources

A number of submissions mentioned the need to have adequate resources to be made available to the EPA and the local authorities in order to implement the engagement strategies and the inspections as outlined in the Plan.

Our response: The EPA and the City and County Managers Association are working with the DECLG to ensure that adequate resources are made available to successfully implement the Plan.

Risk Assessment

The basis for the risk assessment methodology should be made known and should include sensitive habitats such as the Pearl Mussel.

Our Response: The risk assessment methodology has been published see link – [Wastewater :: Environmental Protection Agency, Ireland](#). It includes sensitive receptors such as the Pearl Mussel. The final risk maps are available on the EPA's map viewer - [EPA ENVision Map Viewer V2.1b](#)

Oversight of implementation

Concern was raised that the work of the Inspectors was not subject to any supervision.

Our response: The EPA is the supervisory authority in relation to the implementation of the Plan by the WSA and the legislation allows the EPA to issue directions to the WSA and inspectors in relation to the inspections. The EPA will carry out a review of the implementation after one year and make recommendations, if necessary.