

National Inspection Plan for Domestic Waste Water Treatment Systems 2022–2026

Public Consultation Response Document

1. Introduction

The Environmental Protection Agency (EPA) published the *Draft National Inspection Plan for Domestic Waste Water Treatment Systems 2022–2026* for public consultation on 21 September 2021. Submissions were sought by 2 November 2021.

The draft plan was accompanied and informed by a *Review of the National Inspection Plan for Domestic Waste Water Treatment Systems 2018–2021* which was prepared following analysis of the operation of the 2018–2021 plan and focus group meetings with key stakeholders in early 2021.

The EPA received thirteen submissions, from:

- The Water Forum
- Sustainable Water Network (SWAN)
- Health Service Executive (HSE)
- Department of Housing, Local Government and Heritage (DHLGH)
- National Federation of Group Water Schemes (NFGWS)
- Wicklow County Council
- Wexford County Council
- Longford County Council
- Leitrim County Council
- Kerry County Council
- Cork County Council
- Clare County Council
- a member of the public

The submissions are summarised and addressed together under common headings in this report, which documents the key issues emerging and how they are addressed. While submissions have not been reproduced in their entirety and answered individually, every effort has been made to ensure they are appropriately represented and addressed. This is consistent with Government guidelines for public consultations.

The submissions were supportive of the plan overall, in particular the risk methodology, which was considered simpler and to be directing resources to the right areas, and the proposed engagement activities. The predominant areas of concern were inspection numbers, enforcement and resourcing.

The submissions were addressed as follows:

- The main change to the plan following the public consultation is an increase in inspection numbers from 1,000 to 1,200 per annum from 2023 onwards.
- There were several useful submissions in relation to engagement and other matters, which will be taken into account when implementing the plan.
- Many of the submissions sought clarifications which are provided in this report.

During the review and public consultation phases, issues arose in relation to resourcing inspections, enforcement and engagement and in relation to policy and legal interventions. Resourcing is a matter for the water services authorities and the DHLGH. Policy and legislation are also matters for the DHLGH.

2. Resourcing

Submissions:

There were several submissions in relation to resourcing, in the context of inspection numbers, enforcement and engagement. SWAN submitted that the plan will only be successful if substantial resources are made available for adequate inspections and engagement and it considered this was not currently the case or reflected in the plan.

The Water Forum, SWAN and Cork County Council submitted that inspection numbers should be increased and the HSE requested they be increased if possible (see Section 5 for further details). However, Cork County Council stated that this would require additional resources and Wicklow County Council submitted that its current numbers were too high based on the resources available.

SWAN called for enforcement action to be stepped up and Wexford County Council submitted that more resources are required for enforcement with increasing numbers of open advisory notices.

Cork County Council submitted that resources were needed for the proposed engagement activities.

The DHLGH submitted that it can review national inspection plan resourcing but that review would have to be based on a recommendation from the EPA that the current approach is

not adequate. The DHLGH submitted that the EPA has access to the national inspection plan data which should be interrogated and evaluated to support a recommendation on resourcing. DHLGH policy development and implementation will be guided by a critical evaluation of the current national inspection plan and a recommendation on its further development.

Response:

The preparation of the 2022–2026 plan included a series of focus group meetings with key stakeholders in early 2021 and a review of the 2018–2021 plan as required by law. The review was a comprehensive study which interrogated, evaluated and reported on the information and data available in relation to the operation of the 2018–2021 plan. It also had regard to and reported on data going back to the commencement of the inspection system in 2013 and it built on previous reviews of the national inspection plan and the annual implementation reports which are published each year by the EPA. This resulted in a separate review document entitled *Review of the National Inspection Plan for Domestic Waste Water Treatment Systems 2018–2021*. This made a series of recommendations which informed the draft 2022–2026 plan and was published in parallel with it to inform public consultation. Having considered the submissions and in finalising the 2022–2026 plan, there are a number of areas that need to be addressed in terms of resourcing:

- The 2022–2026 plan increases the minimum number of inspections required from 1,000 to 1,200 per annum from 2023 onwards (see Section 5).
- A number of water services authorities have reported insufficient resources for inspections, enforcement and engagement.

Adequate resources need to be applied to ensure the national inspection plan is implemented fully. Resourcing of activities under the national inspection plan is a matter for water services authorities and the DHLGH as the parent government department.

3. Scope

Submissions on matters outside the remit of the plan:

There were several submissions about interventions which, though related to domestic waste water treatment systems (DWWTS), are outside the remit of the plan:

- **Grants** (bringing grants schemes within the plan; communications between authorities; extending availability to other areas; removing registration by February 2013 as a qualifying criterion; increasing the amount; linking grants to conservation;

guidance on inspections for the priority area for action and high-status catchments grants).

- **Planning and building control** (bringing planning and building control within the plan; household water conservation measures; mandatory maintenance contracts; inspections by planning and building control authorities; photographic evidence of correct installation).
- **De-sludging facilities** (capacity; price; inspections of waste collectors).

There were a significant number of submissions in relation to grants. Several water services authorities submitted that the qualifying criterion that a DWWTs must have been registered by February 2013 is a barrier to closing many advisory notices and should be removed. Cork County Council submitted that the grant amount was insufficient in many cases.

Response:

The preparation of the national inspection plan is a statutory function. The remit of the plan is prescribed in legislation and relates to ‘*inspection and monitoring*’ of DWWTs under the Water Services Act and associated regulations. The scope of the national inspection plan and public consultation was set out in stakeholder meetings and consultation documents in accordance with Government guidelines on public consultations.

The submissions relate to important aspects of DWWTs regulation. Many were submitted by the stakeholders in previous reviews of the plan and were forwarded to the relevant government department at the time. The EPA will refer these submissions to the DHLGH, which has lead remit in these areas, and recommends that the submitters engage directly with the DHLGH. It is understood that the matters relating to grants have already been raised directly by water services authorities.

Submission on integration with policy and catchment approaches:

The Water Forum submitted that the national inspection plan is one of four actions proposed in Ireland’s River Basin Management Plan (RBMP) and is therefore key to reducing the impact of DWWTs on water bodies. The Forum submitted that a section be added to the plan outlining how it coheres with national policies. The Forum also submitted that the plan would benefit from an integrated catchment approach.

Response:

The national inspection plan was aligned with the RBMP in 2018 and that alignment has been reinforced in this plan, with priority given to areas where DWWTs are identified as a pressure on water bodies. This will support the other interventions in the RBMP in relation to DWWTs (grant schemes in priority areas for action and high-

status objective areas). Integration with the RBMP is set out in detail in the plan. The review also considered information available on private wells and prioritised this risk.

4. Review and revision process

Submission:

SWAN sought confirmation that the final output of the consultation will be a revised 2022–2026 national inspection plan, based on stakeholder input and the timeline for that.

SWAN sought clarification on whether the plan will be revised in light of ongoing inspection findings and Water Framework Directive characterisation work. SWAN submitted that the plan should be updated and reviewed over its lifetime. The DHLGH submitted that the final RBMP may include further supplementary measures to address compliance assurance activities for septic tanks and similar systems and the plan should allow for a mid-term adjustment to take account of the outcome of the plan-making process. The DHLGH submitted that similar provision should be made for the forthcoming review of the Urban Waste Water Directive.

The DHLGH submitted that the EPA is responsible for reviewing the national inspection plan. There is an implied responsibility of determining if the plan is fit for purpose. In the determination of fitness for purpose, the EPA should recommend action and seek DHLGH support for any such action. The DHLGH through its responsibility for national policy can make an updated policy based on a recommendation from the EPA.

Response:

The final output will be the 2022–2026 national inspection plan. The public consultation submissions are being considered in finalising the 2022–2026 plan as set out in this document. The plan will be published before the end of 2021 to allow water services authorities to prepare for inspections in 2022.

The legislation requires the plan to be reviewed *at least* every five years. It is therefore set for this period having regard also to the fact that this is the fourth iteration of the plan and the systems in place have matured. However, the plan may be reviewed before that if there is significant cause. This will be stated in the final 2022–2026 plan.

The latest Water Framework Directive characterisation was used in preparing the plan to prioritise areas where DWWTSs are identified as a pressure on water quality. This is built into the domestic waste water application (DWWA) computer system that water services

authorities use to select sites for inspection, and will be updated in the event of any changes.

The preparation of the 2022–2026 plan included a series of focus group meetings with key stakeholders in early 2021 and a review of the 2018–2021 plan as required by law. The review was a comprehensive study which interrogated, evaluated and reported on the information and data available in relation to the operation of the 2018–2021 plan. It also had regard to and reported on data going back to the commencement of the inspection system in 2013 and it built on previous reviews of the national inspection plan and the annual implementation reports which are published each year by the EPA. This resulted in a separate review document entitled *Review of the National Inspection Plan for Domestic Waste Water Treatment Systems 2018–2021*. This made a series of recommendations which informed the drafting of the 2022–2026 plan and was published in parallel with the draft plan to inform public consultation. The review highlighted where the system is functioning well and also areas where improvement is needed, in particular issues in relation to inspection numbers, enforcement of advisory notices and engagement.

5. Number of inspections

Submissions

Cork County Council, the Water Forum, SWAN, the HSE and NFGWS called for increased inspections and resourcing of same. The Water Forum acknowledged that DWWTs are not the largest threat to water quality in Ireland but submitted that the plan should still aim to reduce the risk to the lowest level possible. SWAN submitted that there was insufficient evidence to support the adequacy of 1,000 inspections, it does not support the proposal to maintain this number and the plan should include measures to detect and fix all DWWTs that are a risk.

The Water Forum submitted that it is not sufficient to say inspection numbers are in line with those carried out for other risks as these in turn may not be sufficient to address Ireland's deteriorating water quality trends. Cork County Council submitted that inspections in other areas are low due to lack of resources.

The points made for more inspections were that:

- inspections numbers are very low compared to the number of DWWTs;
 - there has been little or no behavioural change to minimise risk from DWWTs;
 - water quality in Ireland is at best being maintained and in many areas is declining;
 - the ECJ judgment (C-188/08) against Ireland in relation to regulation of DWWTs;
- and

- the Water Framework Directive requirement that all waters achieve good status by 2021 (or 2027 with exemption).

The Water Forum submitted that 400 inspections per annum in Zone 1 will achieve one-third coverage of the 6,000 dwellings in Zone 1 over the 2022–2026 plan and recommended an increase to 1,000 per annum in Zone 1. The Forum submitted that this would increase coverage to 83% and have the potential to drastically reduce the pressure of DWWTs on water bodies across Ireland. SWAN submitted that inspection in Zone 1 should ideally be increased to achieve full coverage during 2022–2026 but, failing that, to 1,000 per annum.

The Water Forum submitted that it is concerned that the proposed inspections in Zone 2 are only equivalent to 8% inspection coverage over the entire plan cycle and recommended, if inspections cannot be increased, an engagement action targeted at householders with co-located DWWTs and household wells.

The HSE stated that it would like to see more inspections if possible and these should be in Zones 1 and 2.

The DHLGH submitted that the review does not determine whether or not the current plan is fit for purpose with respect to the level of inspections undertaken or the effectiveness of the outcomes from those inspections, that a detailed critique should be included addressing strengths, weaknesses, opportunities and threats to facilitate the development of an improved 2022–2026 plan, and there must be some conclusion on effectiveness of the plan from the analysis of the current data. The DHLGH asked what are the implications of a 50% failure rate for the environment and the effectiveness of the plan, and what steps are needed to ensure that the plan is a worthwhile exercise with such a high failure rate.

The DHLGH also submitted that the draft inspection plan foresees a minimum requirement of 1,000 inspections and that it is important that it be emphasised in the final inspection plan that there is a requirement for local authorities to conduct further and additional investigative inspections where there is evidence that individual treatment systems, or clusters of systems, are causing particular water quality problems in an area. Cork County Council submitted that guidance should be provided on deciding whether to do additional inspections above the allocations in the plan.

The Water Forum submitted that it is concerned about the level of flexibility given to water services authorities, where 'Increased numbers of inspections may be carried out under the national inspection plan where resources are available'.

Clare County Council requested clarification on what water services authorities should do when householders come forward to state that their DWWTs is not functioning and whether a full inspection under the plan is required for the householder to qualify for a grant.

Response:

The minimum of 1,000 inspections per annum was set in the first national inspection plan and in later revisions, relative to the risk from DWWTS on a national scale and the number of inspections carried out by authorities in relation to other risks to water. Regard was also had to the fact that other resources are applied nationally to address risks from DWWTSs:

- additional inspections by water services authorities if there is evidence at a local level that DWWTSs are causing an issue in an area;
- inspections in response to complaints, verification inspections to check DWWTSs have been fixed or work carried out by the Local Authority Waters Programme (LAWPRO);
- additional DWWTS grant schemes commenced in 2020 for priority areas for action and high-status objective catchment.

A comprehensive review of the national inspection plan was undertaken and published in support of the review process as reported in more detail above. It was recognised in the review document that increased numbers of inspections would lead to improved identification and remediation of faulty DWWTSs, as has been argued for in the submissions which call for more inspections in high relative risk areas. Having considered the results of the public consultation and that

- DWWTSs are a risk to human health and the environment;
- approximately half of DWWTSs fail inspection year on year;
- domestic waste water is a pressure on 188 water bodies;
- the Water Framework Directive requires water bodies to be at least good status by 2027;
- even when prioritised into higher relative risk areas, the numbers of DWWTSs are high; and
- there is no evidence of significant behavioural change on the part of homeowners beyond the cohort inspected,

the final 2022–2026 plan increases the minimum number of inspections required from 1,000 to 1,200 per annum from 2023 onwards. These will be allocated to the higher risk areas.

The allocation of inspections in the national inspection plan has always been a minimum requirement, with provision that water services authorities conduct further inspections where there is evidence at a local level that DWWTSs are causing an issue in a particular area. This requirement will be maintained.

The statement that *'Increased numbers of inspections may be carried out under the national inspection plan where resources are available'* is over and above the requirements referred to above and facilitates some authorities who conduct additional inspections on their own initiative. This will be clarified in the plan.

The issue of providing for inspections on request came up in previous consultations on the national inspection plan and is not considered appropriate as it would be counterproductive to the risk assessment methodology. Site selection under the national inspection plan should be driven by risk and follow the methodology set out in the plan.

6. Risk methodology and allocation of inspections

Introduction:

The draft 2022–2026 plan built on the 2018–2021 plan and latest RBMP information. It provided for a minimum of 1,000 inspections per annum, allocated as follows:

- 400 inspections in areas with higher relative risk to surface waters (Zone 1). These are areas within 100m of water bodies where DWWTSs have been identified as a pressure on water quality under the RBMP. There are approximately 6,000 residential buildings in these areas.
- 400 inspections in areas with higher relative risk to household wells (Zone 2). These are targeted at areas reliant on DWWTS and private wells (i.e. public sewage and water supply areas excluded) where there is higher groundwater susceptibility to percolation of waste water pathogens into groundwater (1m or less of soil or nearby karst features over bedrock aquifers). There are an estimated 25,000 residential buildings in these areas.
- 200 inspections in areas of lower relative risk (Zone 3).

This ensures that all areas of the country are subject to inspection while prioritising areas of higher relative risk to human health and the environment.

Submissions:

The proposed risk method was widely welcomed, with submissions highlighting that it was simpler and directed inspections into the right areas. The Water Forum welcomed the focus on DWWTSs close to surface waters and areas with high groundwater vulnerability.

The DHLGH submitted that the absence of a Zone 3 description stands out as an omission and including it would complete the overall description and provide a scale on Zones 1 & 2 comparative to Zone 3.

Cork County Council and Longford County Council had some concerns and queries about the updating of mapping, availability of information and complexity of site selection.

Cork County Council queried whether 20% of inspections in low relative risk areas was too high and should be reduced to 10%. The HSE agreed with the distribution across the zones.

Kerry County Council raised a concern that many inspections will be required in small geographical areas and requested a review of the proposed risk zones to ensure that inspections are not unduly concentrated.

Clare County Council requested a description of how risk methodology was updated as the number of required annual inspections for County Clare has increased (from 39 to 77).

Wicklow County Council welcomed the simpler risk mapping but submitted that its allocation (44) has increased 100% since the plan commenced in 2013, inspections are very time-consuming (including site selection and provision of support and guidance on site solutions) and DWWTs inspections will predominate and lead to a reduction in other, more beneficial inspections. Wicklow County Council requested its allocation to be reduced to the 2018–2021 level (31) or the original level (21).

The Water Forum submitted that DWWTs in drinking water catchments, high status catchments, bathing water areas, protected areas and shellfish growing areas should be prioritised.

The NFGWS submitted that additional inspections be conducted in drinking water sources catchments (whether surface or groundwater) and/or in priority areas for action.

The HSE submitted that flood risk should be included as a risk factor.

Response:

The proposed risk methodology will operate like the current system, except there will be three zones instead of ten. These will be mapped in the DWWA that water services authorities use to select DWWTs for inspection, i.e. the DWWA will be updated with new maps. The DWWA contains the national Geodirectory of properties so water services authorities can select specific properties in the zones. Water services authorities should then, where information is available, refine their selection in accordance with the local site selection criteria as set out in the plan and discussed further in Section 7.

Zone 3 is defined in the plan as the area 'of lower relative risk'. These are areas outside of Zone 1 (higher relative risk to surface waters) and Zone 2 (higher relative risk to private wells). This will be clarified in the plan. The estimated number of residences with DWWTs in Zone 3 is approximately 529,000.

The decision to allocate some inspections to areas of lower relative risk is to ensure that all areas of the country are subject to inspection. The term 'relative' is deliberately used as the term 'low risk' can be misinterpreted as meaning 'no risk'. There are still risks in these areas and it is important that the plan provides for a reasonable number of inspections. The allocation of 200 inspections per annum is considered appropriate for the time being and can be reviewed later with some experience of the system.

In relation to the concern about concentrating inspections in small geographical areas, the most important principle of the risk method is to concentrate inspections in areas of highest risk. This has been refined further for 2022–2026 and the resultant focus has significant benefits. Inspections have been concentrated in areas where the risks are best characterised and highest relatively. Taking Zone 1 for example, this targets DWWTSs within 100m of water bodies where DWWTSs have been identified as a pressure. There are an estimated 6,000 properties in these areas so it will be possible to make substantial progress on this risk during this and following plans. It will also be possible to track progress and the impact of those inspections on the status of the water bodies in time. Spreading more inspections to lower risk areas would negate that advantage. Water services authorities may, and should if there is evidence of a problem at local level, conduct additional inspections under the national inspection plan.

In relation to inspection allocations, the risk method and reasoning behind them is described in detail in the plan. The allocation of inspections to water services authorities is weighted based on the estimated percentage of residential buildings in each risk zone in each water services authority area, so it is risk-based and on a pro-rata basis. There have been some changes in the risk zones for the 2018–2021 plan, which has resulted in more inspections for some authorities (and fewer for others). The final plan increases inspections to 1,200 from 2023, which results in increased allocations. The biggest per annum increases from the current plan to 2022 and then 2023 onwards will be for Cork (from 60 to 113 to 136) and Wexford (from 65 to 106 to 130). Cork County Council argued for more inspections in its submission on the draft plan (subject to resourcing). Wexford County Council raised no issues in its submission on the draft plan and has generally completed over 100 inspections per annum. The number for Clare will increase from 39 to 77 to 95 and for Wicklow from 31 to 44 to 55 per annum. This is driven by the need to increase numbers overall as detailed in Section 5 and the relative level of risk and numbers of DWWTSs in those countries based on the risk methodology. In overall terms, Clare and Wicklow have the third and sixth highest allocations out of the 30 water services authorities covered by the plan.

In relation to prioritising other risks, the review of the 2018–2021 plan and consultation with stakeholders identified two high relative risks, and resources are being concentrated on these areas in accordance with the principles of the risk method. This will bring

significant benefits in terms of progress on key risks to surface water and drinking water and the ability to track progress. There are 200 inspections per annum in low *relative* risk areas as discussed above, where water services authorities can target other risks and may complete more than allocated.

7. Local site selection by water services authorities

Submissions:

Longford County Council submitted that it doesn't have information on houses with private wells, it could not adhere to the risk zones and inspect clusters of houses at the same time due to low number of inspections, and it can't determine when houses were constructed.

Cork County Council submitted that the guidance on site selection criteria created by the Septic Tank Inspectors Network in 2016 should be updated.

The Water Forum welcomed the focus on clusters, older DWWTSs, proximity to national monitoring stations, proximity to downgradient wells, etc. The Forum submitted that the selection of DWWTSs should be in the context of water catchment assessment and county-level implementation plans and DWWTS inspectors should complete catchment management science training.

The HSE submitted that local assessment should take account of flooding risk.

Response:

Septic tank inspectors will initially use the Zone 1–3 mapping in the DWWA computer system to identify the risk zones in their area and potential properties for inspection. Local site selection is then applied to refine the selection. It is stated in the plan that this should be carried out 'where information is available'. For example, in Zone 1 the plan states that local site selection should further prioritise DWWTSs:

- closest to the surface waters;
- close to national monitoring stations;
- in clusters; and
- that are older.

Information on the first three will be evident from the DWWA and it may be possible to make some assessment on the age of properties from online maps. Some water services authorities visit areas before making the final selection, which would also assist.

In relation to clusters, the intention is not necessarily that all DWWTSs in an identified cluster will be inspected but that, all else being equal, it is better to inspect a DWWTS in a cluster than one that is stand-alone, as a DWWTS in a cluster could be impacting on neighbouring properties, potentially contributing to a cumulative load, and the inspection may prompt others in the cluster to maintain their DWWTSs.

The site selection guidance will be updated to give further details on the instructions in the plan.

In relation to using catchment assessment for site selection and additional training, the site selection method and DWWA computer system have taken RBMP and the associated characterisation work into account. The first stage of site selection is automated through DWWA and guidance is provided in the plan on local site selection. There will be a workshop for inspectors on the new plan. Septic tank inspectors are also legally mandated to have a relevant Level 8 qualification or equivalent and to undertake a bespoke two-day taring course provided by the Local Authority Services National Training Group.

Flood risk should be addressed when DWWTSs are initially installed a part of planning applications. Its inclusion in the national inspection plan may cause confusion, as this covers the operation of existing DWWTSs. It will be considered as part of the revision of the site selection guidance referred to above.

8. Enforcement of advisory notices

Submissions:

The Water Forum and SWAN expressed concern at the DWWTS failure rate, the failure to fix many DWWTSs and the lack of consistency in enforcement as reported in the review document. The Forum and SWAN submitted that there should be more actions to address the ongoing risk, taking into consideration cases of genuine financial hardship. Wexford County Council submitted that the numbers of files not closed are increasing year on year.

The DHLGH stressed the importance of local authorities closing out and fully resolving non-compliant systems detected by the inspections and submitted that this should include the application of penalties when appropriate and necessary. The DHLGH submitted that Ireland has a legal obligation under the Water Framework Directive to ensure that penalties are applied to breaches of our domestic legislation and these penalties need to be effective, proportionate and dissuasive.

The Water Forum submitted that that the plan should include an action for the EPA to carry out increased audits of local authorities and the EPA should provide training to inspectors on the enforcement model.

Wexford County Council submitted that follow-up of open cases requires more staff resources, which should be allocated to water services authorities.

SWAN recommends that clarity be provided on the proportion of the failed sites that have not yet been remediated which are unsuitable for septic tanks and may need more complex technical or integrated solutions.

Response:

The issues in relation to closure of advisory notices have been highlighted by the EPA in annual reports on the current plan and were set out in detail in the review of the 2018–2021 plan. The rates of closure of advisory notices varies across water services authority areas and the EPA has called on authorities to address this as a priority. EPA auditing found that significant progress was made in many cases when water services authorities applied the enforcement model diligently.

The review highlighted resourcing, policy and legal issues related to enforcement of advisory notices. Resourcing is a matter for the water services authorities and the DHLGH. Policy and legislation are also matters for the DHLGH.

In relation to EPA auditing, the plan sets out the EPA’s functions under the plan including its supervisory role. It also sets out the water services authorities’ responsibility to enforce advisory notices and to implement the enforcement model. The EPA is already engaged with all water services authorities with high levels of notices open. The EPA held a workshop for water services authorities on enforcement in 2019 and the associated information is available to the inspectors through the Septic Tank Inspectors Network webpage.

In relation to difficult failed sites, none have been reported to national level that are completely unsuitable for a DWWTS but there is some evidence and the point has been made that the ground conditions are more difficult in some water services authority areas and therefore the failures require more significant corrective works. In this regard, the new 2021 Code of Practice for Domestic Waste Water Treatment Systems introduced new options (drip dispersal and low-pressure pipe) for disposal of effluent in low permeability soils.

9. Engagement

The proposed national inspection plan 2022–2026 details the ongoing engagement activities by the water services authorities, the EPA and other stakeholders. It proposes that a group will be established to:

- set specific engagement requirements for water services authorities and collate materials to assist their work;
- undertake a targeted engagement initiative highlighting the risks to human health and the environment.

Submissions:

These new engagement measures were generally welcomed.

The DHLGH submitted that the review should consider inspection activities within the full framework of the compliance assurance activity, and that it is important that the review look at the range of factors, including inspection, that determine compliance and this perspective would allow a broad appreciation of compliance behaviour and, in turn, inform the design of the most effective inspection regime. The DHLGH welcomes a much stronger emphasis on the role and importance of engagement activities by local authorities. The DHLGH view is that inspections alone cannot resolve these problems at scale: a full system of engagement activities ought to be a core feature of the final plan and should include learning from the reviews and research conducted to date. The DHLGH submitted that this is not a matter that requires any additional legislative change or regulation. The DHLGH expects it will be a continuing feature of the compliance and enforcement system in the final plan as it has been in each of the preceding plans.

The following submissions were made in relation to the stakeholders who should be undertaking the engagement:

- Cork County Council submitted that local authority environmental awareness officers, DWWTS inspectors and LAWPRO Community Water Officers should be involved.
- The Water Forum submitted that the group to set engagement criteria for local authorities should consist of representatives from the EPA, DWWTS Inspectors Network and LAWPRO, with regular engagement with the NFGWS. The Forum submitted that engagement activities should also be considered for local authority environmental awareness officers.
- SWAN submitted that LAWPRO should coordinate engagement.

In relation to resourcing, SWAN was concerned to read in the review document that engagement is not specifically required under the legislation and that inspectors have reported a lack of resources for engagement. Cork County Council submitted that the proposed engagement measures are resource-intensive: some are achievable, but staff involved in inspections do not have the skills or resources to carry out others. Cork County

Council submitted that resourcing and training is required to carry out the suggested activities.

The following submissions were made on the focus of engagement measures:

- Wicklow County Council submitted that a standard national template for information, advertisements and radio be developed.
- Cork County Council queried whether there could be engagement with householders who have received planning in the high relative risk areas.
- Kerry County Council encouraged the development of an engagement template at national level for DWWTS improvement and maintenance.
- Wexford County Council submitted that DWWTS are non-intrusive and therefore limited in identifying DWWTSs contaminating wells. Advise owners to get well water tested on an annual basis.
- Wexford County Council submitted that many people do not understand how to maintain their DWWA and there should be a national programme to educate homeowners.
- The Water Forum submitted that the EPA should lead a targeted education and awareness campaign for the 160,000 dwellings that have a household well and DWWTS co-located on the same site.

The NFGWS submitted that leaflets have already been developed collaboratively and it seems unnecessary to redevelop them.

Response:

The 2022–2026 national inspection plan is the same as previous plans, engagement is given equal weighting, and this will be maintained. The plan proposes measures to formalise water services authority engagement activities generally and an additional targeted action focused on risks to human health or the environment. This has been welcomed generally.

The engagement activities for water services authorities are part of the national inspection plan since its commencement. The proposal is to agree the level of activity each water services authority will complete (on a pro-rata basis) to ensure consistency and to develop material to assist water services authorities based on existing good examples. It is also proposed to liaise with environmental/water officers in water services authorities and LAWPRO, who are already conducting water engagement activities including DWWTS-related ones.

Water services authorities have reported insufficient resources for engagement, and an explicit legal/policy direction in relation to the requirement for water services authorities to undertake engagement in relation to DWWTSs would support the plan. Resourcing is a

matter for the water services authorities and the DHLGH. Policy and legislation are also matters for DHLGH.

The proposed targeted engagement initiative highlighting the risks to human health and the environment is a new area of work and will require consideration for additional funding.

The submissions on the stakeholders who should be undertaking the engagement and the focus of engagement measures will be taken into account by the engagement group to be established. The setting of engagement requirements and development of materials to assist water services authorities will involve the DWWTS inspectors and it is agreed that environmental/water officers in water services authorities and LAWPRO are also key. The involvement of other stakeholders (such as the DHLGH, HSE, NFGWS and the Geological Survey of Ireland (GSI), which were involved previously) will depend on the scope of the proposed targeted engagement initiative.

In relation to existing leaflets, it was not the intention to redevelop these and they will remain available to water services authorities and other stakeholders. However, the proposed targeted engagement initiative highlighting the risks to human health and the environment may require the development of new targeted material, depending on its scope.