

## Consultation on reform of the regulatory system to control small sewage discharges from septic tanks and small sewage treatment plants in England

[Online consultation](#)

Consultation closes on 10 June 2014

### Supporting Document 2: Additional Information

#### **What are small sewage discharges?**

In rural areas and other parts of the country where there is no public sewer, householders and other property owners usually treat their sewage using septic tanks or small sewage treatment plants. The treated effluent is then discharged either to ground through use of a soakaway, or into a river or stream. Discharges are measured by volume. If the discharge is up to 2m<sup>3</sup> to ground or 5m<sup>3</sup> per day to water, this is known under environmental legislation as a small sewage discharge (SSD). For larger discharges, different rules apply.

The risk of pollution from small sewage discharges is usually low provided the septic tanks or small sewage treatment plants are properly maintained and regularly emptied, this is called 'desludging'. However, if they are not properly maintained or are incorrectly installed they can pollute water, cause odour and pose a threat to health if they contaminate drinking water supplies.

#### **What are the main changes which we are proposing?**

- The requirement for septic tank and small sewage treatment plants to be registered is proposed to be removed. Property owners will no longer need to register but will continue to be responsible for meeting standard requirements (to be known as general binding rules) for ensuring their waste water systems are in good order and are well maintained to prevent pollution.
- Most septic tank or small sewage treatment plant owners will no longer have to keep maintenance records, though we would still encourage people to do so as this may be useful for other reasons.
- Focusing permitting on the most sensitive areas where a higher level of protection is needed by reducing the number of designated sensitive areas (e.g. removing areas around ancient monuments) where permits are currently routinely required.

Permits will still be required in groundwater Source Protection Zone 1s (SPZ1s) and, for new small sewage discharges (ie systems installed after 6 April 2010) in or near to

designated sensitive areas and in areas that protect drinking water supplies. The Environment Agency can advise if this applies to you.

### **How are we going to tell people about the changes if they are made?**

- The Environment Agency will carry out communications activities so that people are aware of the changes and what they need to do.
- The communications will be aimed at rural communities and organisations such as installers, maintenance companies, trade bodies, environmental organisations and local authorities.
- The communications will emphasise good practice when it comes to choosing, installing and maintaining a septic tank or small sewage treatment plant.

### **How will the Environment Agency make sure that people comply with the legal requirements?**

- The Environment Agency will help provide information to property owners on how to maintain their septic tanks and small sewage treatment plants so they do not cause pollution to the environment and drinking water supplies. Keeping the equipment in good order and making sure new equipment is installed properly are the most important actions people need to take to comply with the rules and protect their local environment.
- The Environment Agency will normally only contact individual property owners if they are in a particularly sensitive area and may need a permit, or if there is evidence of pollution from small sewage discharges in the vicinity.
- If a property owner needs a permit or if a problem is found, the Environment Agency will give advice and guidance and help people to take the necessary steps to comply.
- The Environment Agency will give people sufficient time to comply and only take enforcement action if absolutely necessary where advice and guidance has failed.

### **What is happening at the moment?**

- The current regulatory framework was introduced in 2010 and set up a two-part system to regulate small sewage discharges. In *designated sensitive areas*, where discharges could impact either drinking water quality or other important environmental areas, the owners of septic tanks and small sewage treatment plants must obtain a permit to discharge. In less sensitive areas (most of the country),

property owners have been required to register and comply with a set of conditions in order to be exempt from the need for a permit.

- The registration scheme has been suspended since 2011. The Environment Agency will not take enforcement action against property owners who meet the requirements but have not registered yet, unless their discharge has caused or is likely to cause pollution. The Environment Agency's [Regulatory Position Statement](#) gives further information.
- In sensitive areas where permits are necessary, the Environment Agency will be taking a targeted approach to raising awareness of property owners to the need for a permit.
- Where small sewage discharges are found to be causing pollution, the Environment Agency will assess the situation and determine what enforcement action may be needed. [Supporting Document 1: The Environment Agency's approach to enforcement for small sewage discharges](#) gives further information.

### **What are general binding rules?**

General binding rules is a term given to legally binding rules in regulations that provide for minimum standards or conditions that apply to the general population. In this case they would apply to anyone who owns a septic tank or small sewage treatment plant which makes a small sewage discharge in England.

### **How will I know whether I just need to follow general binding rules or if I will have to apply for a permit?**

Under the new proposals everyone who has a septic tank or small sewage treatment plant will be expected to follow the general binding rules as a minimum. In or near designated sensitive areas where a higher level of protection is needed, small sewage discharges will continue to require permits as necessary (See Sections 5 and 6 in the consultation document).

Owners of septic tanks or small sewage treatment plants who are unsure about whether they need a permit can contact the Environment Agency's National Customer Contact Centre on 03708 506 506 who will be able to advise them.

The Environment Agency will carry out communication activities so that people are aware of the changes and what they need to do. We recognise that if these proposals go forward some property owners may remain unaware of the need for a permit, and that it will take time for everyone who needs a permit to apply for one.

## **When will a permit be required?**

Permit requirements are different depending on whether the small sewage discharge is classed as “new” or “existing”. New small sewage discharges are those that were installed on or after 6 April 2010. Existing small sewage discharges are those installed before this date.

A permit will be required for all new small sewage discharges in or in close proximity to designated habitats sites, and both new and existing small sewage discharges located in a groundwater source protection zone 1 (SPZ1). All other existing discharges will be automatically covered by general binding rules (Annex 3 of the consultation document gives further information).

The designated habitats sites which will continue to trigger permit requirements for small sewage discharges are:

- European sites
- Ramsar sites
- Sites of Special Scientific Interest (SSSIs) designated for biological, or geological and biological reasons
- Designated bathing waters
- Shellfish Protected Waters

If in the next few months you are going to be applying for a permit and live in a sensitive area which is proposed to be removed from the designated sensitive areas list (see section 6 of the consultation document), you are advised to contact the Environment Agency’s National Customer Contact Centre on 03708 506 506 to discuss your application.

## **How can I check if I am in a designated sensitive area?**

Designated sensitive areas include groundwater source protection zones 1 and other types of protected areas. You can check if you are in a groundwater source protection zone 1 (SPZ1) by looking at the “What’s in Your Backyard” webpage on [www.gov.uk](http://www.gov.uk) or by calling the Environment Agency’s National Customer Contact Centre on 03708 506 506.

## **Will a lot of people have to apply for a permit when the new regulations come in?**

No, the vast majority of people will need to ensure that they follow the general binding rules and will not require a permit. However if you are in doubt about whether you need a permit please contact the Environment Agency’s National Customer Contact Centre on 03708 506 506 who can check for you.

## **How much does a permit cost?**

The current permit application charge for a small sewage discharge is £125. This charge may be subject to review in future. (No charges will apply to the general binding rules.)

## **What are SPZ1s and why do I need a permit for my SSD if I am located in one?**

Groundwater provides a third of the drinking water in England. The areas nearest to where drinking water (either public or private water supply) is abstracted from groundwater are known as source protection zones (SPZ1s).

Anything that gets into the groundwater in a SPZ1 may get into the drinking water. A permit will be needed in SPZ1s to ensure that small sewage discharges in SPZ1 are properly looked after and are not causing pollution in these highly sensitive areas.

The minimum size for an SPZ1 for a drinking water supply is a 50m radius from the abstraction point. Some SPZ1s are larger than others due to the geology of the area and the way in which the groundwater flows. For example, the South Downs and some parts of the Cotswolds have very large SPZ1s due to porous rocks such as chalk and limestone. No matter how large an SPZ1 is, any small sewage discharge discharging to ground within it will still require a permit.

For more information please see Environment Agency's [Groundwater Protection Principles and Practice](#)

## **Will I have to make any improvements to my septic tank or small sewage treatment plant in order to meet the required standards?**

We anticipate that a small number of people may have to make improvements to their plants if they are posing a risk to the environment or causing pollution. However, for the vast majority of property owners, complying with the requirements will simply mean they need to have their septic tank or package treatment plant regularly emptied and maintained.

## **How do I find out what I need to do to maintain my septic tank or small sewage treatment plant?**

You should firstly check the guidance on small sewage discharges on the gov.uk webpage. Guidance on looking after your septic tank or sewage treatment plant is also available on the [British Water website](#) and your local maintenance company should also be able to advise.

## **How can I check that my septic tank or package treatment plant will meet the necessary requirements and standards?**

You should firstly check the guidance on small sewage discharges on the gov.uk webpage. Guidance is also available on the [British Water website](#). If you are still unsure we recommend that you contact an installation company who should be able to advise you.

**Is there any financial help available for people who need to make improvements to their septic tanks or package treatment plants?**

Unfortunately there is currently no financial help available for improvements, unless they are designed to make a property more resilient to flooding following a flood, in which case a grant may be available. However, where the Environment Agency identifies that improvements are required they will negotiate a reasonable timescale for the improvements to be made, taking into account how serious the risk is and whether the discharge is causing pollution.

**I am renting a property which has a small sewage discharge – who will be responsible for complying with the GBRs or applying for a permit if one is required?**

Under the current registration system it is the “occupier” of the property connected to the small sewage discharge who is responsible for registering but it is the “operator” of the discharge who is responsible for applying for a permit if one is required. This has led to ambiguity in the interpretation of who is responsible where the occupier is a tenant.

We propose to clarify this by just using one term “operator” in future and defining this as the owner of the property or the legal occupier if responsibility is transferred through a rental or leasehold agreement.

**What happens if a property with a septic tank or small sewage treatment plant is sold?**

Currently the owner of the property is required to provide the new owner with written notice giving details of the discharge, a description of the waste water system, the conditions that must be satisfied, and that records of maintenance are passed on. In future owners will still need to provide details of the discharge and a description of their system to a new owner. Keeping records will no longer be mandatory but we would suggest that this information is still passed on if available, as this will help the new owner.

**My septic tank is very old do I have to replace it?**

As long as a waste water system is functioning well, meeting the needs of the household or business and not causing pollution there will be no need to change it.

**What about if I want to upgrade my septic tank or install a new one - will there be any standards that the new equipment will need to meet?**

Yes, before installing a new or upgraded treatment plant you should check with your local authority’s Building Control department that the plant will meet [Building Regulations](#). You will also need to ensure equipment meets the British Standards at the time of the installation. The Environment Agency can provide guidance about the standards required for septic tanks and small sewage treatment plants.

### **Are offences and penalties changing?**

No, the proposals do not alter offences and penalties, which continue as stated in the Environmental Permitting Regulations. If a small sewage discharge is not compliant with the standard requirements (general binding rules) or permitting conditions if appropriate then the Environment Agency will usually firstly try to provide advice and guidance to help resolve the issue. In a small number of cases where this is not successful further enforcement action may be taken.

### **The registration system was intended to provide location information for small sewage discharges. How will the Environment Agency know where discharges are now?**

The Environment Agency has duties to monitor water resources and the environment to prevent and control pollution. The registration system was originally intended to provide location information to assist with monitoring. The Environment Agency will obtain information on the location of SSDs by other means such as data from water companies and information provided by sewage treatment plant installation and maintenance companies.