

Department for Environment, Food and Rural Affairs and the Environment Agency

Consultation on reform of the regulatory system to control small sewage discharges from septic tanks and small sewage discharges

[Online consultation](#)

Consultation closes on 10 June 2014

## Supporting Document 1: The Environment Agency's enforcement approach for small sewage discharges

### **General approach to securing compliance with the Environmental Permitting Regulations**

The Environment Agency will seek to ensure compliance by offering advice and guidance on how to install and maintain septic tanks and small sewage treatment plants (also known as package treatment plants). Prevention is better than cure and the Environment Agency will engage with customers to encourage this approach.

If the Environment Agency finds a problem they will provide information to the operator (usually the legal owner of the property) to encourage them to adopt good practices and help protect the environment by preventing pollution. This may include things like explaining about general binding rules and how to follow them, including the need to de-sludge septic tanks when they become full.

In some cases the Environment Agency may identify that a small sewage discharge (SSD) operator requires a permit for their discharge. In this case they will offer advice and guidance to help the owner make an application and agree a timetable for doing so.

The Environment Agency anticipates that offering advice and guidance will be sufficient to ensure compliance in the majority of cases without the need for enforcement action. The Environment Agency does have powers to take enforcement action if necessary as outlined in the compliance diagram below, but this will only be where advice and guidance has failed. Past experience shows this is rarely necessary.

If pollution is being caused, or there is a significant risk of it being caused, the Environment Agency may require the operator to make upgrades to their treatment plant or even replace it completely. For example, if a septic tank is found to be discharging direct to a river (which is not allowed) the Environment Agency may agree a timetable with the owner for installing a soakaway or replacing the septic tank with a small sewage treatment plant. However, in most cases where problems are identified this is due to poor maintenance which is relatively straightforward to address through, for example, regular emptying.

## **Checking that SSDs are operating correctly**

Many SSD owners will be able to carry on operating and maintaining their plants in the same way as usual without the need for the Environment Agency checks.

The operator of an SSD is responsible for complying with the law through abiding by the standard conditions (also known as General Binding Rules) and if needed, applying for, and complying with a permit. There will be some instances when the Environment Agency may visit to check that the septic tank or small sewage treatment plant is operating correctly, such as:

- if a permit has been issued which contains improvement conditions;
- during the investigation of pollution in the vicinity; or
- as part of the Environment Agency's routine work.

SSD operators can seek further advice and guidance from the Environment Agency's National Customer Contact Centre 03708 506 506.

As our understanding and knowledge of the sources and effects of SSD pollution improves, the Environment Agency may require permits to be in place for some SSDs in certain areas outside of the designated sensitive areas, or for existing SSDs in or near to designated sensitive areas. Such an approach would be used where the environment was deteriorating due to those SSDs and where permitting could redress this and achieve an improvement. The Environment Agency will always look to help people meet the statutory minimum requirements (ie the general binding rules).

SSD operators will be able to check whether they are in a designated sensitive area by contacting the Environment Agency by email, phone or post. Under the proposals the SSD operator will remain responsible for identifying whether a permit is required and applying for one if necessary, but in certain areas which are very high risk or where there is evidence of problems due to SSD pollution, the Environment Agency may contact people to raise awareness of the need for permits.

If the Environment Agency identifies a SSD which requires a permit, their first course of action will always be to provide advice and guidance to help the operator make a permit application.

## Environment Agency's approach to compliance where it finds a problem

The diagram below shows the process that will be followed if the Environment Agency finds a problem. This is not an exhaustive list and in all cases the response will depend on the severity of the problem.

