

# Sustainable Water Network (SWAN)

- Response to Public Consultation -

*National Inspection Plan for Domestic Wastewater  
Treatment Systems:*

*A Review of the Period 1<sup>st</sup> July 2013-30<sup>th</sup> June 2014  
& Proposals for 2015-2017*



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# 1. INTRODUCTION TO SWAN

The Sustainable Water Network (SWAN) is an umbrella network of 26 of Ireland's leading environmental NGOs, national and regional, working together to protect and enhance Ireland's aquatic resources through coordinated participation in the implementation of the Water Framework Directive (WFD), the Marine Strategy Framework Directive (MSFD) and other water-related policy and legislation. SWAN member groups are listed in Appendix I. SWAN has been actively engaged in Water Framework Directive (WFD) and other water policy implementation at both national and River Basin District (RBD) level since 2004, responding to water-related public consultations and representing the environmental sector on WFD River Basin District (RBD) Advisory Councils, the South Eastern RBD Management Group, The Irish Water Stakeholder Forum and other water policy-related fora. SWAN has been committed to participation in progress towards regulation and control of Domestic Wastewater Treatment Systems (DWWTs) from the outset, including making the following formal submissions:

- November 2011: *'Consultation regarding the introduction of a system of inspection and monitoring of septic tanks and other on-site wastewater treatment systems'*;
- March 2012: Public Consultation on *'Proposed Content of Regulations for Operation and Maintenance of Domestic Waste Water Treatment Systems'*;
- October 2012: Public Consultation on the Proposed National Inspection Plan for Domestic Waste Water Treatment Systems.

## 2. OVERARCHING COMMENTS

SWAN's welcomes the opportunity to comment on the review of the 2013-2014 National Inspection Plan (NIP) for domestic waste water treatment systems (DWWTs) and on the proposed NIP for 2015-2017. The consultation document is an interesting and welcome snapshot of the findings coming back from local authority inspections over the first year of the Plan. The *'Key Insights & Data'* format on the first page is very clear, although there are some vital additional insights that we will propose should be added. The Sludge Management Options Infographic on pg. 23 is also effective. SWAN would like to commend the work of the small EPA team that has developed and overseen the delivery of the 2013-2014 NIP with extremely limited resources and would like to acknowledge and thank them for their continued engagement with SWAN both independently and through the Environmental Law Implementation Group (ELIG) process.

SWAN agrees with the principle of a scientifically-robust, risk-based approach to inspections, complemented by citizen engagement initiatives. However, we believe that a lack of assessment of, or metrics for, the 2013-2014 Plan; a lack of substantial active engagement initiatives and a deficit of detail on the enhanced *'communication strategy'* for the 2015-2017 programme means that the consultation document does not provide sufficient information in order to assess the efficacy of the proposed Plan in either meeting the requirements of the judgment (C-188/08) against Ireland under the Waste Framework Directive 1975/442/EC or of the Water Framework Directive. Therefore it is premature to base a further (mostly unchanged) three-year Plan on the very preliminary findings presented from the first year of the Plan.

### 2.1 Assessing the 2013-2014 National Inspection Plan (NIP): aims, objectives & metrics

SWAN believes that the first year of the Plan should be assessed before a decision for the next three years is made. In order to assess the efficacy of the first full year of the NIP, certain information is needed. In the first instance the implementation and results from the first year should be compared against the Plan's aims and

objectives. However, since these are not set out in the consultation document, a full assessment is difficult. Presumably the overarching objective to the NIP - although this is not set out in the consultation document or the original Plan - is to decrease to an insignificant level the number of DWWTSs posing a threat to human health and the environment and in so doing to ensure compliance with both the Water Framework Directive and judgment (C-188/08) against Ireland under the Waste Framework Directive 1975/442/EC. It is unclear from the information presented in the consultation document whether the NIP has made progress in achieving this since 21% of inspected sites were still in breach 6 months after the close of the 12 month period of the Plan.

Secondly, in order to make even a partial assessment of the effectiveness of the first year of the NIP, some metrics are needed. For example, levels of awareness amongst homeowners regarding threats from faulty DWWTSs - measured against a baseline; levels of compliance of DWWTSs nationally outside of the NIP and some metric of behaviour change. In the consultation meeting SWAN/ELIG attended with the EPA it was agreed that the quantity of sludge removed by registered operators could be a good metric. SWAN would refine this to say that it would be very a useful metric as part of a wider suite of indicators. However, it was clarified by the EPA that this data is not yet available. Regarding engagement strategies, the consultation document itself acknowledges that it is *'too early to assess their effectiveness'*. SWAN submits that until key assessment metrics are developed, then it is not possible to assess the efficacy of the Plan effectively and the document as presented is a preliminary snapshot only.

## 2.2 Key messages, which should be emphasised

From the first page and throughout, the report presents an overly positive picture, emphasising the level of compliance, in addition to the non-compliant systems most easily addressed, for which Advisory Notices have been closed. As a reader, it is therefore a challenge to elucidate the key issues and management implications from the findings. For example as it stands, it is necessary for the reader to do mathematical calculations to assess how many faulty systems remain non-compliant. Figure 10 presents findings quite clearly, but it lacks accompanying interpretation and some of the *'measures associated with Advisory Notices'* are terms to which we have not been introduced so that it is not clear which of the *'reasons for failure'* categories the measures are related to. Likewise Table A7 indicates which measures are still open but because each Advisory Notice many contain more than one measure it is difficult to utilise the table in assessing the findings or understanding the root cause for the problematic sites. It is highly recommended that the authors shift the emphasis of the report to highlight the key findings in terms of challenges and management issues from the first 12 months of the inspection Plan, including those enumerated below.

1. *How many systems are still non-compliant, including as a percentage i.e. those that failed minus those for whom advisory notices have been closed?*

By SWAN's calculation, of the 476 that failed, 272 were closed at time of writing, meaning that **204 (21%) of inspected systems are still non-compliant** more than 6 months after the end of the NIP period. This figure should be stated clearly and prominently in the final review and included in the *'Key Insights and Data'* graphic on page i.

2. *What is the cause of these more persistent non-compliant sites (21%) and for the delay in addressing them?*

For example, what percentage of these was due to lack of de-sludging, operation and maintenance and how many were due to more challenging issues related to unsuitable soil conditions?

3. *What are the key findings and management implications from the answers to questions 1. & 2. above and how has this informed the second NIP?*

Based on the figures provided in paragraph 3 section 5.2, SWAN calculates that **127 of 178 sites (71%) with unauthorised discharges to surface waters/inadequate subsoil thickness remain non-compliant**. It would

appear from SWAN's own reading and from consultation conversations with the EPA, that one of the main challenges for managing DWWTs impacts lies in this category. If this is indeed the case then this should be articulated clearly.

The other main issues, though not clearly set out, would appear to SWAN to be the following, although we would welcome correction in the final Review document:

- the sites in areas of the country 'where there is *'inadequate percolation' for some or all of the year due to poorly permeable soil, subsoil and/or bedrock [which] is relatively large – 39%.<sup>1</sup>*;
  - the lack of sludge capacity;
  - the 39% of post-2000 secondary treatment systems that are failing;
  - the fact that 55% of *'the advisory notices relating to de-sludging/operation and maintenance'* remain open more than 6 months after the period of the Plan, despite this issue being reported as the most simple and straightforward to address. Is there an issue of householder poverty preventing payment for the de-sludging?
  - The fact that *'Almost half of the closed advisory notices relate to sites where the treatment system was considered to pose a risk to human health or the environment.'*
4. *For the more challenging sites found non-compliant, with unsuitable soil conditions and discharges to surface water, how many have not been resolved and what is the timeline for doing so?*

The infographic in Figure 1 illustrates the key figures and issues that we believe the final review document should clearly present.

### **2.3 Wider strategic context: Sludge management**

The wider strategic context for the NIP is only touched on, in particular in relation to the issue of national capacity to treat sludge. It would be extremely useful for decision-makers and the public if the 50% volume deficit in current urban wastewater treatment (UWWT) infrastructure to treat sludge from DWWTs was emphasised and the serious attendant sludge management issue identified. This should include reference to the consideration of 'connection to municipal systems' for certain clusters, as recommended in the WFD 2008 Programmes of Measures Study on Unsewered Wastewater Treatment Systems<sup>2</sup>. Furthermore there should be a commitment and recommendation that the EPA and DECLG liaise closely with Irish Water on this matter, as such an integrated and strategic approach is crucial to finding a solution.

### **2.4 Presentation of data**

The use of percentages when presenting data would make them more readily understandable. (This could be in brackets after the actual number). Examples of this include in Table 2; the two tables on page 13; Table 3 (at least the totals) and the numbers in the text of section 5.2.

### **2.5 Supporting Information**

More information on what an inspection actually involves (in an Appendix) and also the content of an Advisory Notice would be extremely useful and informative and SWAN recommends the inclusion of these as Appendices. It would also serve to assuage the fears of stakeholders who fear inspections will be either too onerous or not onerous enough.

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<sup>1</sup> Daly, D., Byrne, C., Keegan, M. & Meehan, R. (2012) A Risk Based Methodology to Assist in the Regulation of Domestic Waste Water Treatment Systems' Paper for EPA International Symposium On Domestic Wastewater Treatment & Disposal Systems, Dublin.

<sup>2</sup> [Western RBD / ESBI, WYG \(2008\) Programme of Measures: Unsewered Wastewater Treatment Systems. National Study. Final Report](#)

## 2.6 Water Framework Directive (WFD) objectives & impacts of DWWTs on water quality & status

It is SWAN's position that in the context of WFD objectives, it is most unfortunate that there is an emphasis from page one of the document on how '*relatively low*' the overall risk from DWWTs is nationally. Whilst that may be so at a national level, DWWTs have been identified as a significant threat to meeting the environmental objectives set by the Water Framework Directive (WFD) in the first River Basin Management Plans. For example in the Shannon international River Basin District, 42 rivers have been assessed as being at risk of failing to achieve the required standards due to unsuitable hydrogeological conditions and the associated high density and location of unsewered properties in these areas.<sup>3</sup> In addition to the RBM Plans, there are numerous EPA publications and papers identifying DWWTs as a significant water management issue. For example:

- the EPA State of the Environment Report 2012 identified '*...tackl[ing] diffuse pollution (pollution from agricultural activities and septic tanks)*' as one of the '*three main challenges for water quality management*' and further identifies '*onsite waste water treatment plants*' as one of the pressures for which '*Special protection measures are needed to protect and restore high-status waterbodies of all types....susceptible to degradation*';
- The EPA 2013 Integrated Water Quality Assessment 2013 for the Western River Basin District (WRBD) identified '*emissions from domestic waste water treatment systems*' as a '*key pressure*' in the WRBD (in addition to agriculture, aquaculture & discharges from municipal waste water works);
- In a study commissioned by the EPA, Gill et al. (2005)<sup>4</sup>, stated that '*the prevention of groundwater contamination from on-site domestic sewage effluent is of critical importance*';
- According to Daly et al (2012)<sup>5</sup> '*the risk arising from MRP and microbial pathogens [from DWWTs] is very high in approximately 18% of the country*'.

Furthermore, in the UK, Jordan et al (2012)<sup>6</sup> report that '*P discharges from these sources [DWWTs] may have a significant impact on downstream water quality*' and '*when the total number of STS is used in source apportionment calculations, the apparent P input to the drainage system from agricultural sources may be reduced by up to 20%*.' and '*This provides an important insight into where mitigation measures should be focused*.' Whilst this research is from the UK, it is interesting in the context of the contention in the consultation document that the risk from DWWTs is '*relatively low in comparison to agricultural activities....*' and it sounds a note of warning regarding underestimating the impact of DWWTs versus agriculture on water quality. In the absence of the load apportionment data that the WFD Characterisation exercise will generate, SWAN believes it is unwise to underestimate the relative contribution of DWWTs to water quality impacts.

Finally, in the context of the WFD and significant water management issues, the unit of measurement is the catchment or sub-catchment and there is insufficient evidence in this review that DWWTs are not presenting a significant threat in particular catchments, either because they are particularly sensitive (e.g. catchments of High Status Water Bodies); due to cumulative impacts or in catchments within '*The area of the country [39%] where there is inadequate percolation for some or all of the year due to poorly permeable soil, subsoil and/or*

<sup>3</sup> Shannon International River Basin Management Plan 2009 – 2015. Limerick County Council, July 2010  
<http://www.shannonrbd.com/pdf/sea/ShIRBD%20RBMP%20Dec2010.pdf>

<sup>4</sup> Gill, L., Ó Súilleabháin, C., Johnston, P. & Misstear, B. (2005). An Investigation into the Performance of Subsoils and Stratified Sand Filters for the Treatment of Waste Water from On-Site Systems (2001-MS-15-M1). Synthesis Report. Prepared for EPA by the Environmental Engineering Group, TCD, Dublin.

<sup>5</sup> Daly, D., Byrne, C., Keegan, M. & Meehan, R. (2012) A Risk Based Methodology to Assist in the Regulation of Domestic Waste Water Treatment Systems' Paper for EPA International Symposium On Domestic Wastewater Treatment & Disposal Systems, Dublin.

<sup>6</sup> Jordan, P., May, L., & Withers P. (2012). 'Impact of on-site sewage treatment systems on river water quality in UK catchments'. Paper for EPA International Symposium on Domestic Wastewater Treatment & Disposal Systems, Dublin.

bedrock'. According to Daly et al. (2012, footnote 5) 'These areas present a significant challenge in terms of ensuring that discharges from DWWTSs are adequately treated such that they do not pose a risk to human health and the environment.'

SWAN believes that in light of the above and the precautionary principle, it is a risky strategy to continue with a potentially inadequate inspection regime for the next three years on that basis of an overarching assumption of relatively low risk.

## **2.7 Reiteration of SWAN position regarding numbers of inspections**

Notwithstanding the argument put forward in the draft report, and based on the above case regarding impacts on water status, in addition to our position that the public engagement strategy comprises, in the main, basic awareness-raising measures (see Section 3), SWAN remains of the view that sufficient evidence has not been presented to support the adequacy of 1000 inspections. We believe that the NIP constitutes a resource- rather than science-driven regime and that economic considerations have led to system which may be excessively pared-down in terms of the temporal and spatial frequency of inspections.

## **2.8 Resources**

SWAN believes that the NIP will only be successful if the necessary substantial resources are made available to the EPA and local authorities to ensure:

- adequate temporal and spatial frequency of inspections;
- a meaningful long-term citizen engagement strategy and
- a well-funded grant-aided remediation programme to fix systems which are posing a risk to human health and the environment.

SWAN fully supports the provision of such funding to ensure the delivery of an effective national programme to address the risks posed by DWWTS to human health and the environment. We do not believe that this is currently being provided.

## **2.9 Status and final output from this consultation**

SWAN seeks clarification on the final output at the end of this consultation period. Whilst the primary document referred to as part of our response was the consultation document itself, it was necessary to refer back to the National Inspection Plan 2013, since the main proposal in Chapter 6 is that '*The proposed Plan essentially will be a continuation of the existing Plan...*' This was then somewhat confusing as each document covers different material. At the November meeting with the EPA, SWAN recommended and requested that the proposed draft 2015-2017 NIP be presented in its entirety, along with the review in a separate document. This is because cross-referencing documents is onerous and off-putting even for those of us who do so regularly in our professional capacity. We welcome the fact that '*Preparation of National Inspection Plan 2015-2017*' is listed as a key milestone in Table 1. and hold by the recommendation that, for the sake of consolidation and clarity, the output of this consultation should be an amended Review and Assessment of the 2013-2014 Plan and a separate, second 2015 NIP.

Secondly, SWAN seeks clarification on the degree to which it is intended that the proposed 2015-2017 Plan will be revised in light of ongoing inspection findings and WFD characterisation work. It is unclear the extent to which the proposed Plan as presented is mutable and if it is to be updated and reviewed, the input - if any - the public will have.

## 3. SPECIFIC COMMENTS

### 3.1 Engagement Strategy (Chapter 2)

The aim of the NIP, as set out in that document is to *'protect water and human health by using a two-strand approach of locally delivered education and awareness strategies with a risk-based inspection process.'* In early discussions with the EPA, this dual approach to ensuring homeowner compliance was emphasised. The argument presented by the EPA at the time was that the low number of inspections was adequate because it would be complemented by a parallel strand engagement strategy. At approx. 0.2% (1000 out of ~500,000) the inspection rate is indeed low: It is approximately one fifth the rate (1%) of agricultural cross compliance inspections for SMRs & GAEC<sup>7</sup>. It is in this context that we make the following observations and recommendations.

A well-resourced citizen engagement initiative led by suitably qualified professionals has a vital role to play in a longer term strategy and SWAN fulsomely welcomes the EPA's move in this direction. SWAN fully supports all the public awareness and other initiatives put forward in the discussion document and compliments the EPA especially on the 'Eco-eye' coverage and the innovative multimedia and other material on the EPA website.

However, whilst the activities outlined in the draft NIP are entitled '*Engagement*' strategies, SWAN would argue that most of those described such as leaflets and website information comprise basic communication and awareness-raising. Of the 12 strategies outlined in Figure 3, only three (25%) involve real two-way engagement with the public: stakeholder meetings, school visits and pre-inspection visits. And in order to assess the efficacy of these, more detail would be required in terms of, for example, number of stakeholder meetings, attendance levels & meeting outputs.

Since the EPA is basing the success of the Plan on a 'two-strand' approach, with one strand being public engagement, then it is important for us to clarify that we do not believe that what is being described is for the most part active public engagement. This therefore questions the assumption upon which the success of the dual-strand Plan relies.

Discussion on the key elements of successful public participation / engagement is beyond the scope of this submission, but these are well rehearsed in the literature and have been set out by SWAN in various submissions<sup>8</sup>. In summary they should include:

- early engagement, that is well-planned & designed and has been well publicised in advance;
- appropriate mechanisms, structures & processes, that *genuinely* facilitates the participation of those affected (stakeholders), and enables them to influence the outcome(s);
- adequate resources to conduct effective public participation, and to enable stakeholders to fully realise the potential of each engagement opportunity;
- evaluation of operation and outcomes, to inform improvements in how engagement continues;
- specially qualified & trained professionals.

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<sup>7</sup> Figure provided my Minister Coveney on the floor of the Oireachtas in 2012. SWAN understands this is the most up-to-date figure in the public domain. <http://debates.oireachtas.ie/dail/2012/02/09/00018.asp>

<sup>8</sup> Sustainable Water Network (SWAN), 2012. SWAN Recommendations for Public Participation Mechanisms in the Department of Environment Community & Local Government (DECLG) 4-Tier Water Governance Proposal. Submission to DECLG and

Sustainable Water Network (2012) Getting it Right ✓ or Getting it Right ✓ Ticking boxes vs. delivering genuine public participation in water management in Ireland. Presentation to The joint meeting of the Task Force on Public Participation in Decision-making of the Aarhus Convention & the Meeting of the Parties to the Protocol on Water & Health on 'Public Participation in Environmental Decision Making: Focus on Water and Health', June 2012

In Section 6.5 it is stated that *'the EPA will work with local authorities to develop a communications strategy'*. We welcome the fact that this will be based on research from UCD, but since this will be a vital element of the dual-strand National Inspection Plan, it is not possible to give a full response regarding the proposed 2015-2017 Plan without having information about what this communications strategy will entail.

Thirdly, in terms of assessing the efficacy of engagement action to date, it is important to point out that the *'Engagement Findings'* presented in Section 2.3 are not findings based on the first year of the NIP but are rather baseline figures, dated from the beginning of the Plan. Therefore, apart from anecdotal feedback from inspectors that *'home owners are not well aware of how to operate and maintain their systems'* there are no assessment findings presented on the engagement element of the NIP 2013-2014. Indeed Section 5.1 (*Implementation to date*) acknowledges with regard to engagement activities that *'it is too early to assess their effectiveness'*. Section 4.1 of the consultation document explains that the *'Communicating Risk Based Enforcement'* project will *'...investigate the appropriate metrics in order to determine the effectiveness of the engagement strategies'* but it is unclear when these will be available and whether they will be used to assess and alter the Plan between now and the end of the proposed 2015-2017 Plan.

On a separate note, as we said in our last submission, SWAN has found that an effective way to get the message to local communities, in addition to the use of local print and radio media, is to work with local community groups – Community Councils, and community fora. Cooperation with Strategic Policy Committees (SPCs) in each Local Authority is also important. The Environment Pillar has representatives on SPCs on all Local Authorities and may be able to facilitate a cooperative approach with these bodies. The new Public Participation Networks (PPNs) will also now be important fora for engaging with stakeholders.

## **3.2 Inspection Strategy (Chapter 3)**

### **3.2.1 Numbers of Inspections**

SWAN strongly retains its position that the draft NIP does not provide the necessary evidence to justify the maintaining of just 1000 annual inspections (~0.2%) for the coming 3 years of the Plan. The rationale for this has been articulated in sections 2.1, 2.6, 2.7 & 3.1.

### **3.2.2 Risk-based methodology & site selection**

SWAN welcomes the risk based methodology using the S-P-R model. A scientifically robust risk-based inspection system is an extremely positive development and to be warmly welcomed. Of the three steps in the NIP site selection process, the first step whereby the EPA provides risk-based zone maps to the local authorities is clear and objective. However SWAN is concerned about responsibility for the next two steps, namely selection of *'priority areas for inspection with each zone'* and selection of *'sites for inspection with the priority areas'* lying with local authorities for reasons explained in the next section.

### **3.2.3 Local Authority implementation**

The inclusion of local authority discretion regarding *'local priorities'* in the decision-making process, if not strictly defined and overseen, introduces a level of potentially problematic subjectivity into the site selection process. In response to the first NIP consultation, SWAN stated that *"... unless there is an extremely high level of technical training, proscriptive guidance and constant oversight and regular auditing on the part of the EPA, this approach will not result in a national inspection plan with a sufficiently and consistently robust standard*

*across the country. It needs to be recognised that this exceptionally high level of supervision by the EPA of the local authorities will be very resource intensive and must be budgeted for accordingly. "*

SWAN stands by this position and strongly recommends that each Local Authority's inspection plan is approved and signed off by the EPA. If this is not feasible, then as a minimum, there should be random audits of these, before implementation, to ensure rigorous application of site selection criteria.

SWAN is extremely supportive of the collaborative working with Local Authorities proposed by the EPA via a DWWTs Enforcement Working Group of the NIECE network and it is to be welcomed that the EPA has developed guidance for the selection of sites for local authorities. However, oversight and enforcement of Local Authorities inspection activities is still necessary due to their inconsistent inspection record. The consultation document highlights the fact that *'15 local authorities did not fully adhere to the risk based allocations'* and in previous fora it has been acknowledged by the EPA that the inspection record of local authorities is inconsistent, that this is not confined to DWWTs and that the EPA has some 'reservations' in this regard.

The need for EPA approval of local authority site selection is made all the more necessary given the potential conflict of interest and very real threat of litigation, where authorities responsible for issuing inappropriate planning permissions are now responsible for inspecting sites which may be non-functioning due to issues directly related to a poor planning decision made by that same authority.

Following the consultation meeting with the EPA, SWAN still does not fully understand the role of the Statutory Performance Audit and so does not have full understanding of the degree to which this ensures application of correct site selection. It would be important to include in the final documents information on this e.g. how many DWWTs inspections will be audited under the system. Notwithstanding this more overarching inspection audit, we still believe that dedicated ongoing scrutiny of the local authority site section and approval by the EPA is necessary to ensure correct implementation.

### **3.2.4 Remediation & enforcement: closing of Advisory Notices, measures & verification inspections**

SWAN welcomes the acknowledgement under *'Follow-up actions'* in Chapter 3 that *'Closing out advisory notices is an important aspect of the implementation of the Plan.'* Whilst this might seem obvious, this specific reference is a welcome refinement of the first NIP which did not include it. We would propose refining this to emphasise that in fact remediating faulty sites so that they no longer cause a threat to human health and the environment is the most important step. While the difference may appear subtle, we believe it is an important distinction given that theoretically a closed Advisory Notice does not necessarily equate to a compliant DWWTs.

SWAN warmly welcomes the fact that *'Advisory notices issued to householders by the local authority inspectors contain advice on the measures to be taken to remedy the problems identified during an inspection.'* The lack of such advice was a key concern regarding the first NIP which stated clearly that *'The Advisory Notice will not specify the exact remedial works to be undertaken.'* However more information is needed. The measures being taken by homeowners to bring their systems into compliance and method by which this is checked by the local authority are key to assessing the Plan and should be captured and presented clearly. Such an *'action tracking system'* was recommended by the WRBD PoMs study.<sup>9</sup> SWAN is unclear as to whether such data is now being captured by the Domestic Wastewater Application (DWWA). If it is not, then the DWWA system should be refined in order to do so as a matter of priority.

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<sup>9</sup> [Western RBD / ESBI, WYG \(2008\) Programme of Measures: Unsewered Wastewater Treatment Systems. National Study. Final Report](#)

### 3.2.5 Seasonality

The risk from, and likelihood of, detecting faulty DWWTSs varies depending on weather, soil moisture and other conditions. The review explains that *'ponding generally occurs in the winter months and so may not be detected during inspections in the dry summer months.'* It is not clear how the EPA is controlling for this variability and ensuring that the validity of the inspections is not being compromised by such seasonal effects. This should be clarified in the final Review document.

## 3.3 Assessment of Findings (Chapter 5)

This section is in SWAN's view the most important in the document and it is regrettable that it again inappropriately emphasises the low risk posed by DWWTSs as a key message. Furthermore it states that *'it is too early to assess'* the effectiveness of engagement activities. It also continues the theme of presenting the findings in a positive light. For example it states that 51 of 178 of the sites where *'unauthorised discharges to surface waters/inadequate subsoil thickness'* was the issue were compliant. It does not stress that consequently 71% - almost three quarters - were still non-compliant 6 months after the end of the Plan period. It goes on to say that *'Local Authorities will need to make sure that follow-up actions are taken in respect to these failures'*. However, what is not clearly stated, although it is well known, is that many of these sites pose particular technical challenges and that it may not be immediately evident to Local Authorities what these *'follow-up actions'* should be and which *'remedial works .... identified through the STRIVE research project (2010-W-LS-3)'* will apply. This section then closes with report that 79% of inspected treatment systems are now compliant, whereas the key figure in terms of informing the next NIP should be the fact that 21% are still non-compliant more than 6 months after the end of the inspection period.

SWAN submits that this section should comprise a balanced assessment of the Plan and the *'Condition of treatment systems in Ireland'*, including the Plan's strengths, weaknesses, and threats (and opportunities) and including an outline of the data needed, but not yet available, for an assessment e.g. effectiveness of current engagement strategies; metrics for behaviour change such as amount of sludge removed; data from inspections outside the NIP (due to complaints) and information on wider compliance levels.

It should also clearly set out the salient findings in terms of key issues and challenges as we set out in Section 2.2 and Figure 1. At a minimum it should address the following questions in an analysis of the first year:

- What are the strengths of the NIP?
- What are the weaknesses & threats?
- What & where are the most challenging issues arising?
- What are the key management implications of these?
- How are these informing the next NIP?
- What are the data gaps impeding a full assessment?

### 3.3.1 Recommendations

SWAN agrees with the following recommendations as set out in section 5.3:

- The continued use of the risk-based selection (but not the inspection rate);
- All measures in relation to private wells;
- The planned integration of the Plan into the WFD characterisation and river basin planning system.

SWAN disagrees with the following recommendations:

- The frequency of inspections;
- The 3-year period proposed for the next Plan;

SWAN has queries/issues or requires clarification on the following recommendations:

- The recommendation regarding enforcement, by its vagueness, highlights the weakness in the legislation. In the absence of permitted administrative sanctions, it is up to local authorities to come up with 'steps' to make homeowners carry out remedial work before recourse to court;
- Water Quality: SWAN appreciates the argument here for exploring the option of licensing and treating discharge for challenging sites. However, we have potential concerns regarding a 'simplified consent process' approved by local authorities, given their inconsistent track record on Section 4 licensing.

### 3.4 Proposals for 2015-2017 Plan (Chapter 6)

Since 'the proposed Plan is essentially a continuation of the existing Plan taking into account the findings of the review...' SWAN's response to this has been articulated in all preceding sections and is summarised in section 4 below. Two additional items are worth noting:

- SWAN welcomes the inclusion of catchments of shellfish protected areas in the risk assessment;
- We welcome the recommendation that 'Local authorities should maintain a register of all complaints and other inspections such as water pollution incident investigations that relate to domestic wastewater treatment systems'. However the action related to this: 'The EPA will work with the CCMA to investigate possibilities for the development of a data management system to capture this data' (SWAN's underlining) is far too circumspect. The tracking and recording of non-NIP DWWTs inspections and their outcomes is key to gaining an understanding of overall compliance. It is surprising that this is not already done as a matter of course and we certainly recommend the deletion of the words 'investigate possibilities' so that the proposal is for definite action on the development of such a data management system.

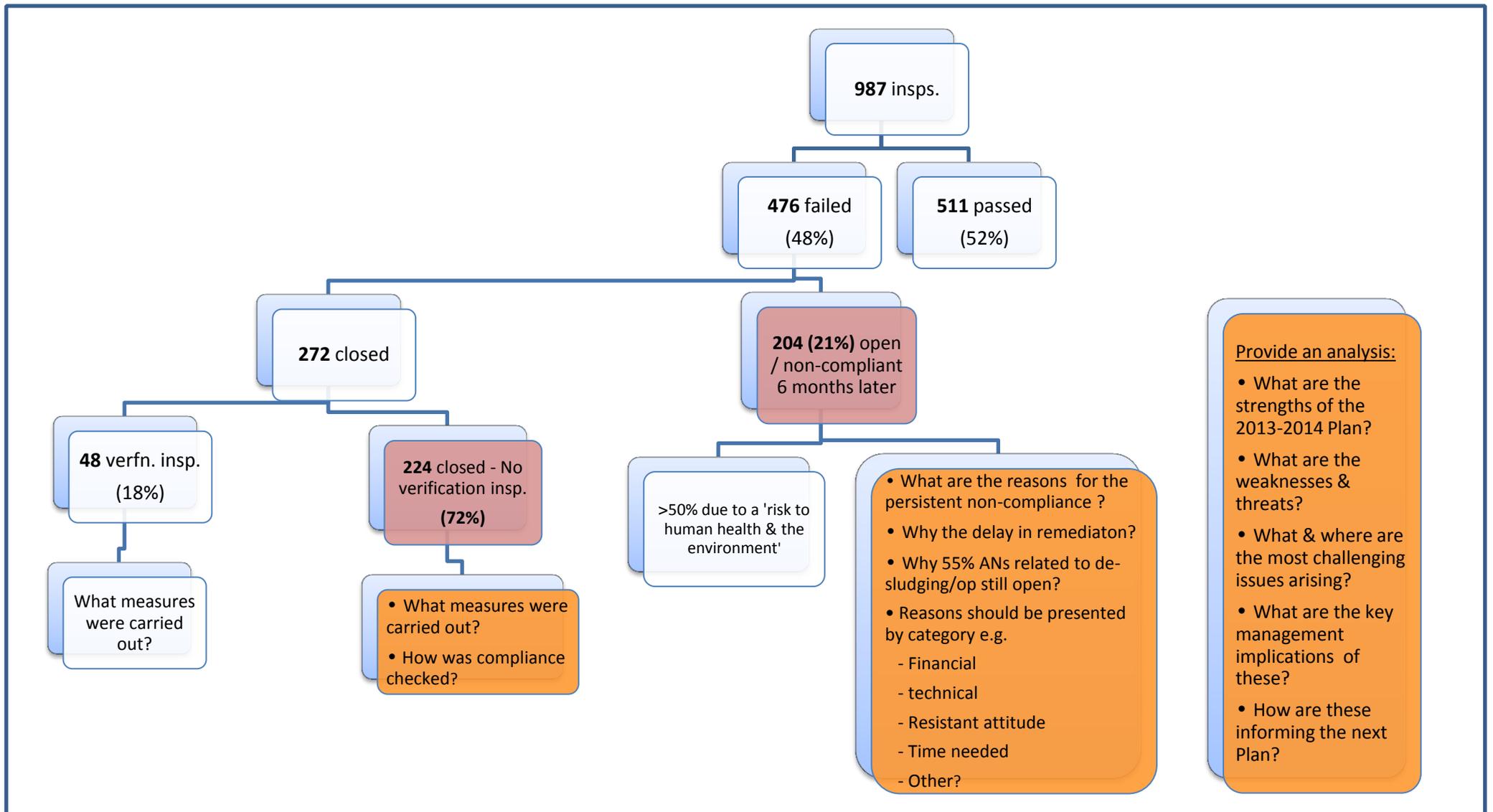
## 4 SUMMARY

Rather than re-stating one-by-one in a shortened form all the foregoing arguments, this section condenses SWAN's response to the review of the 2013-2014 Plan and the proposals for the 2015-2017 Plan and presents it in step-wise manner. We would caution readers however to refer to the submission in its entirety for our comprehensive response.

1. Based on the evidence & information presented, SWAN's position is that the level of inspection i.e. 1000 (~0.2%) is insufficient to effectively detect and deter against faulty DWWTs (See Section 2.7);
2. This is especially the case given that, with the two-strand approach, these inspections were to be complemented and supported by a public engagement strategy. However, activities outlined are primarily not engagement but rather communications and will not deliver the same results in terms of behaviour change (Section 3.1);
3. In relation to the inspections, SWAN believes that the EPA should approve local authority priority area selection and site selection in advance. If this isn't feasible then, as a minimum, they should be subject to prior audit. The rationale for this is set out in Section 3.2.3;

4. The emphasis throughout the document on presenting the first year of the Plan in a positive light obscures the key findings. In particular it should be highlighted that:
  1. **204 sites (21%) were still non-compliant** 6 months after the end of the Plan period;
  2. 127 of 178 sites (71%) with unauthorised discharges to surface waters/inadequate subsoil thickness remained non-compliant 6 months later. Many of these are in sites with challenging soil conditions;
5. There is insufficient information on remediation. The following questions should be answered:
  1. Of the 204 failed sites (21%) for which Advisory Notices are still open, what is the issue, and what is the timeline for closing?
  2. Of the failed sites which have now had their Advisory Notices closed:
    - What were the issues?
    - How was remediation checked in the 224 (72%) sites that were not subject to verification inspections?
    - What measures secured the close of the Advisory Notice?
6. SWAN submits that the consultation document as presented falls far short of an assessment of the first year of the Plan but rather presents a synthesis of local authority implementation reporting data garnered via the DWWA. A summary of the rationale for this contention is as follows:
  - a) There is a lack of baseline data or aims and objectives against which to judge the Plan's performance;
  - b) There are no metrics, other than inspection results;
  - c) There is a lack of data, including
    - no assessment of the engagement strategy nor any information on the new '*communications strategy*'
    - No metrics for behaviour change or for wider compliance through, for example, DWWTs inspections carried out outside of the NIP on foot of complaints
    - on wider DWWTS compliance (outside the NIP)
7. In light of all the above, it is SWAN's contention that there is clearly inadequate information on which to base a further three year plan and that it would be premature to do so.
8. Therefore we recommend that:
  1. A one year 2015 National Inspection Plan be developed, along with a revised Review document, refined on foot of the consultation process;
  2. An assessment, including using metrics on behaviour change, engagement strategies, wider DWWTs compliance and remediation impediments and measures be conducted on this;
  3. A 2-year National Inspection Plan for 2016-2017 be developed based on this or if sufficient data is still not available, then a one year Plan for 2016 be developed, followed by an assessment & consultation and a further Plan for 2017.

**Figure 1. Flow-chart illustrating SWAN recommendation for clear presentation of most salient findings from, and implications of, the 2013-2014 National Inspection Plan.**



## **APPENDICES**

## Appendix I

### SWAN Member Organisations

<b>SWAN National Groups</b>		<b>SWAN Regional &amp; Local Groups</b>	
1.	An Taisce	16.	Carra Mask Corrib Water Protection Group
2.	Bat Conservation Ireland		
3.	Birdwatch Ireland	17.	Cavan Leitrim Environmental Awareness Network
4.	Coastwatch Europe Network		
5.	Coomhola Salmon Trust Ltd.	18.	Celebrate Water
6.	Eco-UNESCO	19.	Cork Environmental Forum
7.	Friends of the Earth	20.	Longford Environmental Alliance
8.	Friends of the Irish Environment		
9.	Irish Doctor's Environmental Association	21.	Macroom District Environmental Group
10.	Irish Peatland Conservation Council	22.	Save Our Lough Derg
11.	Irish Seal Sanctuary	23.	Save Our Lough Ree
12.	Irish Water and Fish Preservation Society	24.	Save The Swilly
13.	Irish Whale and Dolphin Group		
14.	Irish Wildlife Trust	25.	Shannon Whale & Dolphin Foundation
15.	Voice Of Irish Concern for the Environment (VOICE)	26.	Slaney River Trust

### **SWAN Board of Directors:**

Mark Boyden, Chair	Coomhola Salmon Trust
Mindy O'Brien, Company Secretary	Voice of Irish Concern for the Environment (VOICE)
Geoff Cooper, Director	Irish Water and Fish Preservation Society
Karin Dubsky, Director	Coastwatch Europe
David Healy, Director	Friends of the Irish Environment
David Lee, Director	Cork Environmental Forum
Elaine Nevin, Director	ecoUNESCO
Joachim Schaefer, Director	Cavan Leitrim Environmental Awareness Network