

# Sustainable Water Network (SWAN)

## Response to the Public Consultation on Proposed Content of Regulations for Operation and Maintenance of Domestic Waste Water Treatment Systems



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# 1. Introduction to SWAN

The Sustainable Water Network (SWAN) is an umbrella network of 25 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) and other water-related 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 and other water policy-related fora. SWAN is also actively participating in the Catchment Flood Risk Management (CFRAMS) process and representing the environment sector at CFRAMS stakeholder meetings in all RBDs.

## 2. Overarching Comments

SWAN's welcomes the opportunity to comment on the proposed content of these Regulations for operation and maintenance of domestic waste water treatment systems. We also welcome the introduction of primary legislation in the form of the Water Services (Amendment) Act 2012 and the current regulations to control the discharges from on-site wastewater treatment systems (OSWWT systems). If implemented successfully, these will significantly contribute towards addressing a significant diffuse pressure on Ireland's aquatic resources, as identified during the Water Framework Directive (WFD) River Basin Management Planning process.

SWAN welcomes the provision in the Water Services Amendment 2012 Act and the proposed regulations to ensure that systems do *"...not constitute.... a risk to human health or the environment, and, in particular ... does not create a risk to water, air or soil, or to plants and animals"*.

### Water Framework Directive objectives

In relation to the legislative context governing the inspection and licensing system, septic tanks and other domestic waste water treatment systems have been identified as a significant threat to meeting the environmental objectives set by the Water Framework Directive. 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>1</sup>. It is imperative that meeting the objectives of the WFD is included as key criteria during the formulation of the National Inspection Plan and that a key criteria in the assessment of any system must be whether the system is compromising the status of associated surface or groundwater bodies (or indeed any waterbody). Therefore the National Inspection Plan should be designed with reference to the WFD 2008 Programmes of Measures Study on Unsewered Wastewater Treatment Systems<sup>2</sup>

### Threats posed by OSWWT systems to surface water

Whilst there are numerous references to groundwater in the consultation document and accompanying statement from the Minister, in a significant proportion of the country, OSWWT systems pose a much greater threat to surface waters than to groundwater and this fact should be borne in mind during the finalising of the Regulations and the drawing up of the National Inspection Plan.

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<sup>1</sup> <http://www.shannonrbd.com/pdf/sea/ShIRBD%20RBMP%20Dec2010.pdf>

<sup>2</sup> [http://www.wfdireland.ie/docs/23\\_UnseweredWasteWaterTreatmentSystems/Programme%20of%20Measures%20Unsewered%20Wastewater%20National%20Study\\_v2.pdf](http://www.wfdireland.ie/docs/23_UnseweredWasteWaterTreatmentSystems/Programme%20of%20Measures%20Unsewered%20Wastewater%20National%20Study_v2.pdf)

## Public Awareness Campaign

As we have seen in recent months, it will be a significant challenge to encourage owners of septic tanks and other on-site wastewater treatment systems to engage in a positive way with the new inspection and monitoring regime. It is vital that in advance of the initiation of an inspection regime, a public awareness campaign targeting the rural population be carried out explaining:

- How OSWWT systems are designed to work and why they often don't work if not sited or maintained correctly
- The positive value of their local surface waters and groundwaters to them, their community and to wildlife and the threats posed to themselves their community and the environment by systems which are not operative correctly
- The added value to their property of having a certified fully functional system

SWAN has found that the most 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. We propose that the Environmental Awareness Officers in the Local Authorities be appointed to lead local awareness campaigns. Local environmental NGOs are also effective partners. It is important that the tone and language of the campaign is not perceived as preaching or bureaucratic.

In a survey commissioned by SWAN on behalf of DEHLG (as it was) in 2009, it was found that the public are more likely to pay for water protection measures, if they first appreciate the value of their local water resources.

## Addressing the legacy issue of inappropriate planning

There are a significant number of unsewered properties in areas of 1) karst limestone and 2) heavy, saturated soils in particular, which are sited in areas which are totally unsuitable and for which planning permission should never have been granted. It will be a particular challenge to address the threats posed by these systems and a requirement to develop a programme to deal with these should be included in the Regulations.

## **3. Inspection Regime**

SWAN welcomes the requirement in the Act for an inspection regime and a requirement that any inspector “... *is the holder of a prescribed professional or technical qualification [and]...has satisfactorily completed a prescribed training course...*”. Furthermore we welcome the fact that the EPA will be responsible for drawing up a National Inspection Plan and for overseeing the delivery of this by water services authorities. SWAN believes that this is a very significant task which should not be underestimated and that the EPA must be provided with sufficient resources if they are to carry out this function successfully.

There is insufficient detail in the consultation document regarding the proposed inspection regime. In particular, the percentage of OSWWT systems to be inspected per year will be vital to the successful of the scheme in addressing the ECJ ruling and in meeting our WFD obligations. However, SWAN welcomes the statement from the Minister that the National Inspection Plan will be risk-based, which will optimise efficacy of the regime.

## Training for Inspectors

Inspections should only be carried out by accredited fully trained inspectors, who should be subject to audit. Accreditation should be through a specifically developed FETAC course, which should include a module on ecological impact assessment in addition to engineering and technical modules. A national training scheme modelled on the SEIA model for BER assessor accreditation is recommended. This would provide a national pool of trained independent assessors and would also contribute towards local employment.

## Remediation of non-compliant systems

There is insufficient detail in the consultation document regarding measures to be taken to remediate non-compliant systems and how these are going to be funded: *“...where a treatment system is found to be operating in a manner which contravenes the operation and maintenance regulations, practical and pragmatic solutions will be identified to bring the treatment system into compliance in the most efficient manner, having regard to the circumstances and to the level of the risk to human health and the environment.”*

It is important that an ability to pay assessment, with a grant scheme for households below a certain income, be part of the scheme. Many houses and associated systems were constructed in good faith with planning permission from Local Authorities. The unfairness of penalising homeowners for the gross misjudgement by Local Authorities in granting planning permission on inappropriate sites or with inadequate site assessments must be acknowledged and addressed under these Regulations.

Whilst an appeals process as set out in the Act is necessary, it is vital that non-compliant systems posing serious risks to public health and the environment be addressed immediately to avoid further pollution. Ability of householders to pay must not prevent this; in such cases SWAN recommends that the competent authority step in to take whatever measures necessary to halt pollution.

## Discharges

SWAN welcomes the re-iteration in the Regulations that direct discharges to surface waters are prohibited without a Section 4 license.

## Desludging

Whilst SWAN agrees that it is not possible to provide specific guidance on frequency of desludging in the Regulations, due to the site-specific nature of requirements, it is vital that guidance be developed and made readily available to householders. This should be provided in clear simple, user friendly language and part of inspectors' role (and training) should be to explain in simple language to home owners how to maintain and de-sludge their system.

It is vital that desludging is done by registered, accredited operators with an obligation to record the site of disposal and clear 'paper trail' maintained in a central database to avoid illegal disposal of sludge. SWAN is aware of incidences of illegal dumping of domestic sludge posing threats to waterbodies.

## Appendix I

### SWAN Member Organisations & Board Members

SWAN National Groups		SWAN Regional & Local Groups	
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.	Cork Environmental Forum
6.	Eco-UNESCO	19.	Longford Environmental Alliance
7.	Friends of the Earth	20.	Macroom District Environmental Group
8.	Friends of the Irish Environment		
9.	Irish Doctor's Environmental Association	21.	Save Our Lough Derg
10.	Irish Peatland Conservation Council	22.	Save Our Lough Ree
11.	Irish Seal Sanctuary	23.	Save The Swilly
12.	Irish Water and Fish Preservation Society	24.	Shannon Whale & Dolphin Foundation
13.	Irish Whale and Dolphin Group		
14.	Irish Wildlife Trust	25.	Slaney River Trust
15.	Voice Of Irish Concern for the Environment (VOICE)		

SWAN Board of Directors:	
Mark Boyden, Chair	Coomhola Salmon Trust
Eamonn Moore, Vice Chair	An Taisce
David Lee, Director	Cork Environmental Forum
Joanne Pender, Director	Irish Wildlife Trust
Joachim Schaefer, Director	Cavan Leitrim Environmental Awareness Network
Karin Dubsky, Director	Coastwatch Europe
Elaine Nevin, Director	ecoUNESCO