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## **SUBMISSION TO THE EPA ON**

## **THE NATIONAL INSPECTION PLAN 2018 - 2021**

For Domestic Waste Water Treatment Systems

JANUARY 2018



## **Introduction to An Fóram Uisce**

An Fóram Uisce (the Water Forum) was launched in April 2017. With the forthcoming commencement of Part 5 of the Water Services Act 2017, An Fóram will be the only statutory body representative of all stakeholders with an interest in the quality of Ireland's water bodies. An Fóram consists of 30 members including representatives from a wide range of organisations with direct connections to issues relating to water quality and also public water consumers. Approximately 50 different organisations were involved in the nomination of members.

In representing the various stakeholders, An Fóram has commenced engaging with the agencies and departments who have responsibilities under the Draft River Basin Management Plan (RBMP) for Ireland (2018 – 2021) as well as the wider water community. This will result in improved understandings and enable the emergence of a common policy platform on particular catchment management issues and on the overall area of water services-drinking water and waste water treatment.

## **National Inspection Plan 2018/2021 -Inspection proposals**

### ***Methodology***

An Fóram understands that this is the third National Inspection Plan for Domestic Waste Water Treatment Systems (DWWTS) and as such builds on the experience of its predecessors and also on information and data gathered during the drafting of the Draft RBMP.

An Fóram notes that the emerging data and information gathered on water quality during the preparation of the draft RBMP has been incorporated into the risk based methodology. It further notes that as a result of same, inspections will be targeted in areas which have increased potential risk to groundwater supplies from DWWTS. While this should assist in improving water quality in those areas, there is a concern that water-bodies that are designated as being 'at risk' and for which DWWTS have been identified as a significant pressure are designated a lower priority for DWWTS inspections than 'at risk' water-bodies in 'Areas for Action'. While noting the explanation for same in the Plan (page 21), An Fóram, wishes to express its concern with this methodology and prioritisation and would request that same be reviewed having regard to the need to detect DWWTS that pose a threat to the environment, regardless of the designation of the area in which they are situate.

### ***Inspection rates***

Section 7.1 of the Draft RBMP states that '*primary agricultural production and domestic waste water treatment systems are key sources of rural diffuse and point source pollution.....Domestic waste water treatment systems were also identified as a further significant pressure in a rural context, with 13% of at risk water bodies impacted by this pressure*'.

The Draft RBMP advises that, according to the CSO, there are 489,069 households served by private waste water treatment systems (i.e., septic tanks and treatment systems treating waste water from single houses) in Ireland.

The annual inspection programme provided for in the Inspection Plan consists of inspecting circa 1,000 systems – an inspection rate of approximately 0.2%. An Fóram considers that, having regard to the pollution treat posed by DWWTS, this inspection rate is too low and recommends that the overall inspection rates should be significantly increased as a matter of priority. Indeed the Draft RBMP (page 86) states that *'it must be ensured that ownership of actions rests in the right place, and that those responsible for implementation of actions have the knowledge, expertise, authority and resources necessary to implement the actions.'* Accordingly, while it is appreciated that the required increase in inspections and enforcement will impact on the volume of work to be carried out by the EPA and local authorities, it is considered that such additional resources as are necessary should be provided to support same.

### ***Failed inspections and follow up actions***

It is noted that of the 1,097 inspections that were carried out in 2015, 489 failed inspections and advisory notices were issued as a consequence of same. This represents a failure rate of 44% indicating a serious problem including the inadequate maintenance of systems. It is noted from the *EPA Fifth Implementation Plan Report (2016)* (page 9) that 294 of 544 Advisory Notices issued in 2016 were closed by September 2017 meaning that 46% of DWWTS inspected at that time were still non-compliant some 9 to 21 months after the inspection. It is of even more serious concern that *"473 advisory notices issued between 2013 -2016 are still open; 18 of which are open since 2013"* with *"451 advisory notices open beyond their proposed resolution date"*. This low level of compliance and enforcement is a cause of serious concern since it means that a significant proportion of inspected sites remain in breach and potentially posing a risk to the environment well after they have been detected. Clearly there is a need to ensure that enforcement action is taken within a reasonable time period.

Furthermore, An Fóram is concerned that the Plan be more specific in terms of quantifying and developing timelines for the detection and repair of malfunctioning of DWWTS currently posing a risk to the water environment and that specific goals in relation to addressing same by 2021 are clearly stated in the Plan. It would also be useful if further clarification is given in relation to the reasons for failure and that this information is used to formulate and direct appropriate interventions.

### ***Grants system***

An Fóram has some concerns with regard to the current grants system payable under the *Domestic Waste Water Treatment Systems (Financial Assistance) Regulations 2013 (S.I. No. 222 of 2013)*. It is understood that this scheme is available *'to assist owners of premises connected to domestic waste water treatment systems with the costs of repairs to, and upgrading or replacement of, such treatment systems, where the works arise directly from an inspection carried out under Part 4A of the Water Services Act 2007 (as inserted under the Water Services (Amendment) Act 2012, and the subsequent issue of an Advisory Notice by the local authority'*.

An Fóram has previously raised the operation of the grant as an issue in its submission on the Draft RBMP where it called for an immediate review of grant aid arrangements and recommended that resources be provided to extend access to the grant to those households where septic tanks have not yet been inspected but who wish to voluntarily improve their septic tanks (subject to compliance with the other requirements of the grant). An Fóram wishes to take this opportunity to re-iterate this recommendation which it considers to be of great importance in the context of the Draft RBMP.

### ***Innovation***

It is widely accepted that the world's known naturally occurring supply of phosphates will be depleted within the next 100 years. Phosphates are indispensable to food production. They are coincidentally a significant element in the contamination of fresh waters where nitrate and phosphate run off from agriculture and domestic sources continue to present ongoing challenges and threats to fresh water.

Phosphate recovery initiatives at source therefore can yield benefits in terms both of water protection and sustainable food production. Any such initiatives also have a rich spin off in terms of public education and engagement. An Fóram believes, therefore, that research into phosphate recovery systems at domestic level should be supported so that innovations that have an applicability at this level could be developed and rolled out.

Furthermore, there is a growing demand to further research innovative solutions to address legacy problems and which will be of benefit to individual householders and communities, similar to the principles applied by the Group Water Scheme Sector.

### ***Sludge disposal***

It is understood that while Irish Water is responsible for the management of sludge arising from its own plants, it does not have any statutory obligations in relation to dealing with sludge arising from DWWTS. It is further noted that in some regions, there is insufficient capacity in plants to accept sludge arising from DWWTS and this lack of capacity will become even more apparent if the requirements of proper maintenance regimes are fully implemented by householders. This issue is addressed in the EPA Strive Report, *Strive Report Series No.123, on the 'Management Options for the Collection, Treatment and Disposal of Sludge Derived from Domestic Wastewater Treatment Systems'* which identifies upgrades that are needed at existing wastewater treatment plants to provide for acceptance of sludge from individual septic tanks. The matter is further addressed in *'Irish Water's National Wastewater Sludge Management Plan'*. In that Plan, reference is made to those existing sludge reception facilities which are not generally adequately sized to cater for all the DWWTS's sludge generated in their surrounding region and states that upgrades will be required. Irish Water states that it *'will continue to accept DWWTS sludge at wastewater treatment plants where the acceptance of sludge is not having a negative impact on the operation of the plant and will review the capacity available for accepting DWWTS sludge if there is a significant increase in the demand for acceptance facilities.'*

It is of concern to An Fóram that this capacity issue is addressed in the short term so that any improvements in terms of increase maintenance regimes of DWWTS can be accommodated.

## National Inspection Plan 2018/2021 - Public Awareness and Engagement issues

### ***Impact of programme to date***

It is of significant concern to note in the draft document (page 6) that *“The results of the inspections to date [in 2016] indicate that there has been no change in home owner behaviour in relation to the operation and maintenance of DWWTS”*. In fact, according to the National Inspection Plan Implementation Report for 2016 (page 1) *“Failures rates of DWWTS were up, with 49% of sites failing inspection in 2016, compared with 45% in 2015”*).

This issue is of particular concern to An Fóram. Indeed, in its submission on the National Planning Framework - ‘Ireland 2040: Our Plan’, An Fóram made the following observation: *“An Fóram is mindful of the concerns and challenges associated with one-off housing in the open countryside in the context of the delivery of all services including water - notwithstanding the pioneering work of the group water sector in this regard over many years. It is also mindful of the need to weigh these considerations within the context of the social and economic needs of rural populations. This is a most challenging issue and needs to have specific attention in the Plan. While An Fóram considers that, on balance, the preferential focus for population growth is in rural towns and villages, there will always be some need to provide for limited development in the open countryside as a result of economic necessities. Where this arises, it is important that the developers carry the economic cost of the provision of infrastructure, including water and waste water services, associated with their developments and also the costs of ongoing compliance and independent certification of such compliance with the highest environmental standards with regard both to waste water treatment and water abstraction.”*

An Fóram notes the many engagement initiatives and activities undertaken by the DWWTS Engagement Working Group which was established to prepare a programme of citizen engagement activities. It is clear that there is a significant amount of information available for households but that the dissemination of that information continues to be a challenge. Furthermore, the impact of this awareness and education in terms of behavioural change (in this case, the proper maintenance of DWTSS) continues to present a challenge. This clearly indicates the necessity to engage in a significantly enhanced and expanded engagement programme, particularly with householders, led by experts in the field, to address this failing.

This is a recurring theme in relation to environmental issues which An Fóram has noted since its establishment. The traditional methods including the collection of data, the undertaking of scientific research, the development of guidance and policy and indeed the enactment of legislation are all necessary and indeed essential tools in relation to identifying the cause, effect and mitigation issues associated with any environmental concerns. However, the ultimate step in terms of creating public/stakeholder awareness which results in behavioural change continues to be a major challenge.

In this regard An Fóram is concerned that householders with domestic waste water systems become much more active in the monitoring and management of these systems. The failure rate of nearly 50% in septic tank inspections shows that an ‘out of sight out of mind’ demeanour in this area is the default position. An Fóram believes that a comprehensive framework of registration, inspection,

incentive and sanction is now necessary with regard to DWWTS and suggests that such a framework be developed within an overarching objective of addressing defective systems.

An Fóram also believes that the burden of proof regarding the effectiveness of such systems shifts to the householder – as an extension of the polluter pays principle. This may require each householder to satisfy the regulatory authority through a system of obligatory self reporting as to the effectiveness of the system.

This is a theme which An Fóram intends to address during the next year and will share with interested stakeholders in due course.

### ***Media campaign***

In relation to this Plan, An Fóram considers that it will be necessary to increase awareness through a targeted media campaign using all forms of social media and re-iterates the need to extend the grant aid scheme and continue to advertise same. In particular, attention should be highlighted in relation to the impact of malfunctioning DWWTS on nearby private wells etc.

### ***Community led projects***

Of particular interest is the *National Federation of Group Water Schemes 'Community led DWWTS education and de-sludging initiative'* which is exemplary in terms of how a community can work together to achieve simultaneous benefits for householders and the environment. An Fóram welcomes this initiative and awaits the final report and roll out of same on a national basis.

### ***LAWCO***

An Fóram notes the work undertaken to date by LAWCO in relation to community engagement and would recommend that further opportunities be taken under the auspices of LAWCO in relation to facilitating community education and awareness.

## **Conclusion**

An Fóram Uisce notes the provisions of the National Inspection Plan and understands the challenges associated with same. An Fóram considers that the environmental and operational issues associated with the management of DWWTS to be of concern, having regard to the impact on water-bodies and drinking water sources as a result of malfunctioning and poorly managed systems and re-iterates its recommendation that the inspection regime be extended to incorporate more households during the lifetime of the RBMP.

An Fóram hopes that its views will be of assistance in finalising the National Inspection Plan and that sufficient resources are provided in order to ensure the successful implementation of the Plan. An Fóram is available to assist in any way it can in relation to same.

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