

Sustainable Water Network (SWAN)

- Response to Public Consultation -

National Inspection Plan for Domestic Waste Water Treatment Systems 2022-2026



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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), 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 local since 2004, responding to water-related public consultations and representing the environmental sector on the Irish Water Stakeholder Forum, the National Water Forum and other water policy-related fora. SWAN has been committed to participation in progress towards regulation and control of Domestic Wastewater Treatment Systems (DWWTSs) from the outset, including making the following formal submissions, in addition to bilateral engagement with the EPA:

1. November 2011: *'Consultation regarding the introduction of a system of inspection and monitoring of septic tanks and other on-site wastewater treatment systems'*;
2. March 2012: Public Consultation on *'Proposed Content of Regulations for Operation and Maintenance of Domestic Waste Water Treatment Systems'*;
3. October 2012: Public Consultation on the Proposed National Inspection Plan for Domestic Waste Water Treatment Systems.
4. March 2015: Public Consultation on the National Inspection Plan for Domestic Wastewater Treatment Systems 2015-2017.
5. January 2018: Public Consultation on the National Inspection Plan for Domestic Wastewater Treatments Systems 2018-2021

It is not clear that the content of any of these submissions has been reflected in the ongoing development of the NIP.

2. Introduction

SWAN's welcomes the opportunity to comment on the draft National Inspection Plan (NIP) 2021-2026 for domestic waste water treatment systems (DWWTS).

In terms of procedure/ process, SWAN would like to seek confirmation that the final output of the consultation exercise will be a revised 2022-2026 NIP, based on stakeholder input and the timeline for that. We would also value clarification on the degree to which it is intended that the proposed NIP 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 over its lifetime, as SWAN believes that it should.

3. DWWTS as a pressure on the water environment

While pressures from DWWTS are relatively low at a national level, it is important to emphasise that DWWTS can pose a significant risk locally, especially to vulnerable high status waterbodies. The draft River Basin Management Plan (RBMP) reports that DWWTS are a significant pressure in 188 waterbodies, up 12% (23) on the previous cycle.

4. Inspection regime

SWAN continues to support in principle a risk based methodology for selecting sites for inspection and the enhanced integration of this process with the WFD Characterisation results. However:

- This must not result in a resource-constrained regime that only inspects the very highest risk sites
- SWAN holds by the position it has held since the begin of the NIP process that insufficient evidence has been presented to support the adequacy of 1000 inspections nationwide and we do not support the proposal in the draft NIP to maintain this number of inspections. This represents only approximately 0.2% of all the domestic treatment systems in the country and we believe that economic considerations have led to a system which may be excessively pared-down in terms of temporal and spatial frequency.
- The Review of the National Inspection Plan 2018-2021¹ states “Overall, the minimum of 1,000 inspections per annum remains consistent with the relative risk from DWWTS on a national scale and the number of inspections carried out by authorities in relation to other risks to water”. While SWAN acknowledges that DWWTS are not the most significant pressure at national level, it is important to remember that the legal context for the NIP, in addition to the WFD, is the judgment (C-188/08) against Ireland under the Waste Framework Directive 1975/442/EC regarding the regulation and control of pollution domestic waste water. This requires that domestic waste water involving septic tanks or other individual waste water treatment must be recovered or disposed of without endangering human health or the environment. It does not permit continued pollution from a proportion of DWWTS. The WFD requires that all waters achieve good status by 2021 (or 2027, with the application of exemptions). Therefore to comply with this, the NIP should include measures that will ensure that all DWWTS currently posing a risk to the water environment be detected and fixed. The NIP as presented falls short of this.
- Given that levels of non-compliance indicates that there has been no change in home owner behaviour, it seems clear that the NIP has not been successful in achieving behaviour change and minimising risk from DWWTS.

In particular, SWAN recommends that ideally inspections in Zone 1 (i.e. dwellings that within 100m of water bodies identified as being at risk from DWWTS) should be increased from 400 to 6,000 to inspect ALL such dwellings. However as a minimum this should be 1000.

5. Remediation and enforcement:

It is of extreme concern that over half of the systems inspected in 2020 failed, with 23% a risk to human health and the environment. It is even more concerning that 24% of systems that failed between 2013 and 2020 have not been fixed. SWAN believes that this is unacceptable and enforcement action must be stepped up to address this ongoing risk to the water environment and human health, taking into consideration cases of genuine financial hardship.

SWAN also recommends that clarity is provided on the proportion of the failed sites, which have not yet been remediated, (i.e. Advisory Notices still open) which are in sites that are unsuitable for septic tanks and may need more complex technical or integrated solutions.

6. Engagement:

SWAN is concerned to read in the review of the NIP that “Engagement is not specifically required under the legislation” and that inspectors have reported a lack of resources for engagement. Given the low number of inspections engagement and awareness-raising is critical and SWAN recommends that LAWPro coordinate such a programme.

7. 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, nor is such resourcing reflected in the proposed NIP

8. Policy coherence and planning

SWAN does not believe that issues of planning should fall outside the scope of the NIP. The NIP is the primary measure cited in the draft RBMP to address pollution from DWWTS and as such it cannot ignore the critical importance of integration with forward planning, and planning controls (and enforcement thereof). These are intrinsically linked and are in line with the integrated catchment management approach necessary to implement the WFD successfully

