Current regulation of existing small domestic sewage discharges in source protection zone 1 in England

In August 2011 we announced that the registration scheme for England was being reviewed by the Government. This review is now complete and will inform a consultation by the Department for Environment, Food and Rural Affairs (Defra) on policy options, details of which will be announced in 2013. Pending the outcome of this consultation, we will not require the registration of small domestic sewage discharges in England - although householders can still register if they wish. This review does not affect the need to apply for a permit for sewage discharges made to ground within a groundwater source protection zone 1 (SPZ1). This is because discharges to ground in SPZ1 can most easily affect public and private drinking water supplies so we need to ensure controls are in place to protect them.

This position statement replaces our previous position statement dated September 2011 and applies to small domestic sewage discharges to ground of 2 cubic metres per day or less that still need to apply for an environmental permit because they are located within a groundwater SPZ1.

This position statement sets out:

- what an SPZ1 is and how to find out if you are within one;
- what the difference is between a new and existing discharge; and
- how we will deal with the permit application.

Annex 1 sets out where and when the need to obtain a permit was originally introduced.

What is a source protection zone 1?

We recognise three groundwater source protection zones (SPZs) for wells, springs or boreholes that are used to supply water for domestic or food production purposes. SPZ1 is the innermost of these zones representing the area around the supply source that is most vulnerable to pollution. We apply the same approach to private water supplies but as we do not hold these records, the SPZ1 is based on a default radius of 50 metres. You should therefore also check that there are no private wells, springs, or boreholes that are used to supply drinking water within 50 metres of the discharge. More information on SPZs can be found by using our groundwater interactive maps on our website. If you do not have internet access please call our customer service line 03708 506 506.
**What are existing and new discharges?**

An **existing discharge** is one that was being made before 6 April 2010. If the treatment system has been or is intended to be upgraded or replaced but the discharge is still made to the same location and within the specified volume for registration (2 cubic metres per day or less), then we still consider this to be an existing discharge.

A **new discharge** is one that was started after the 6 April 2010.

**How will we deal with discharges in SPZ1?**

- An environmental permit is required for existing discharges within an SPZ1. A discharge that is not eligible for registration involves more of our time as we have to look at each individual application and assess whether or not the discharge can be permitted. For small sewage discharges to ground there is a reduced one-off application fee of £125 with no further annual subsistence charges.

- If there is no evidence of pollution associated with the discharge from an existing single sewage treatment system then we will normally grant a permit. It is important that the treatment system is looked after and appropriately maintained to ensure that it does not cause pollution. You can get further advice on this from our guidance\(^1\) and the relevant British Water Codes of Practice\(^2\).

- If we discover an unpermitted discharge in SPZ1 and there is evidence of pollution or a significant risk of pollution, we will work with the owner to address the issue on a site specific basis.

- An environmental permit is also required for all new small sewage discharges within an SPZ1. When we receive an application we will carry out an assessment of the likely impact of the discharge and will only grant a permit if we are satisfied that it will not cause pollution. If you have plans to make a new discharge in an SPZ1 you should contact us as early as possible to discuss whether or not we are likely to grant a permit.

**What happens once the discharge is permitted?**

We have a network of monitoring points that we use to monitor the quality of our surface and groundwater and can identify where the cumulative impact of groups of septic tanks is having a detrimental effect. We can also prioritise visits within SPZ1s to check whether the permit is being complied with and that the system has been maintained properly and is not causing pollution. If we find that pollution of groundwater or surface water is being caused or is likely to be caused then we would discuss that with the permit holder, which may result in the permit being reviewed.

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1. **Guidance on the registration of small sewage effluent discharges** (Environment Agency, 2011)

2. **British Water Codes of Practice.**

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**National Office Groundwater and Contaminated Land Team and Operations Technical Services (Geoscience Team)**

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**customer service line**
03708 506 506

**incident hotline**
0800 80 70 60

**floodline**
0845 988 1188

www.environment-agency.gov.uk
Annex 1

Requirement for a permit for small sewage discharges in SPZ1

Under the Water Resources Act (1991) and the former Groundwater Regulations (1998; 2009) there was always a requirement to have a 'consent to discharge' or permit for a small sewage effluent discharge in a SPZ1. The former 'de minimis' exclusion under the 1998 Groundwater Regulations did not apply to small sewage effluent discharges within a SPZ1.

In April 2010, the Environmental Permitting (England and Wales) Regulations (EPR) introduced an exemption that allowed certain small sewage effluent discharges to be exempt from the requirement for an environmental permit. However this exemption never applied to discharges within an SPZ1 and as householders have registered with us we are finding a small percentage that should have already had a permit because they are in a SPZ1. They are now inadvertently making a small domestic sewage discharge without an environmental permit and we are currently looking at the options to try to identify those discharges so that the affected householders can be contacted and given advice.