The registration of small sewage discharges in England

The government is planning a consultation on the options for regulating small sewage discharges in England. Whilst this is happening, we will not require you to register provided you comply with the requirements set out in this note.

Background

When the Environmental Permitting Regulations (2010) were implemented in England, it was thought that a registration scheme for small sewage discharges, such as from septic tanks, was the least burdensome way of controlling such discharges.

There are some 300,000 septic tanks in England and Wales which treat the sewage from about a million people. If septic tanks are not properly maintained, or if there are clusters of them, they can cause pollution to groundwater, rivers, coastal waters and habitats.

Registration exempts the need for an environmental permit where the risk of pollution is low. Deadlines for registration were set out and for discharges to groundwater the registration deadline was 1 January 2012.

In July 2011 Richard Benyon MP, Minister for Natural Environment and Fisheries for England, following a discussion with Lord Chris Smith, Chairman of the Environment Agency, asked his officials to reflect on this approach. They asked the Environment Agency to carry out a review to check whether this approach was the most appropriate and whether there might be opportunities for further simplification. This review is now complete and will inform a consultation by the Department for Environment, Food and Rural Affairs (Defra) on policy options in 2013.

This statement replaces Version 1.0 (dated August 2011) and sets out how we will regulate this activity in England pending the outcome of the consultation. Following the consultation, if you operate a small sewage discharge and need to take action, we will give you plenty of notice and ensure there is adequate publicity advising what you need to do. Should the consultation conclude that the registration system needs to remain in place there is no intention to charge for registration.

In the meantime we will keep the existing system in place so that should you wish to register now (perhaps because you need the registration to enable a house sale) then you will be able to do so.

Position for Wales

The Welsh Government has not undertaken a review of the current approach and the existing registration system will remain in place. In Wales, operators of a system that discharges to groundwater will still be required to register by 30 June 2012.
Environment Agency position

We are keen to work with government to ensure that small sewage discharges are regulated in the most appropriate way. Pending the outcome of the consultation we will not pursue registration for a small sewage discharge in England where the:

- discharge is to ground and is of 2 cubic metres per day or less via a septic tank and infiltration system (soakaway) and is outside a source protection zone. This is approximately equivalent to 9 people occupying a single property;
- discharge is to surface water and is of 5 cubic metres per day or less via a package sewage treatment plant. This is approximately equivalent to 31 people occupying a single property;
- sewage is only domestic;
- sewage system is maintained in accordance with the manufacturer’s instructions and you keep a record of all maintenance. In the case of septic tanks this includes regular emptying; and;
- discharge does not cause pollution of surface water or groundwater.

Enforcement

While we are not requiring registration for small sewage discharges in England that meet the above criteria, we will not take enforcement action against septic tank owners unless a discharge has caused or is likely to cause pollution. For a more detailed explanation of this enforcement position, please refer to the enforcement and sanctions statement on our website.

This regulatory position will be reviewed by 30 June 2013.

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i The details of the registration scheme including the legislative requirements and criteria for registration can be found on our website and in our main guidance report (Guidance on the registration of small sewage effluent discharges July, 2011).

ii You can find out if you are in a source protection zone 1 by looking at our ‘What’s in your back yard’ webpage or calling our customer service line on 03708 506 506.

iii Domestic sewage means sewage effluent from residential properties and services that originates predominantly from the human metabolism and from household activities. Domestic sewage includes wastes arising from normal domestic activities wherever these are carried out. Therefore, sewage from for example, residential homes, restaurants, takeaways and nursing homes is domestic.

Determining whether a discharge contains trade effluent should not involve a detailed audit of the substances used by an applicant on a particular site. If the effluent is broadly of a domestic nature it is domestic sewage. If a significant proportion of the waste generated by a commercial enterprise is different from that found in a normal home then it becomes a mixture of domestic sewage and trade effluent which would not be classed as domestic sewage.

iv Where manufacturer’s instructions are not available please refer to the British Water codes of practice and technical guides.