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**An Taisce wish to make the following submission as part of the Consultation on the Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses**

The current situation with domestic wastewater treatment systems (DWWTS) in Ireland is far from ideal. In 2017, 43% of the 195 groundwater monitoring sites had a sample contaminated with one or more E. coli, indicating contamination of groundwater by faecal matter. This is particularly worrying given that many private water supplies abstract from groundwater with limited or no treatment.

In addition, under the National Inspection Plan, of 1110 septic tanks inspected in 2016, 49% failed, due to lack of desludging, and operation and maintenance issues. According to 2011 census statistics, over 80% of households in rural areas (accounting for one third of Ireland's population) treat and dispose of wastewater effluent onsite (CSO, 2012) There are an estimated 500,000 septic tanks in Ireland, and if the trend found in 2016 is accurate, that means roughly a quarter of a million septic tanks are potentially malfunctioning. Public health and water quality are threatened when domestic wastewater treatment systems fail to operate satisfactorily. As such, it is imperative that DWWTS are carefully designed, installed and maintained. In this regard, An Taisce welcomes this updated Code of Practice (CoP), which benefits greatly from recent research on the topic. However, there are some issues outstanding, which we will outline below.

**1. Need for Rigorous Septic Tank Enforcement**

While the CoP is comprehensive, An Taisce would observe that without enforcement the improvements in the updated CoP are somewhat irrelevant. As outlined in the CoP:

*'It is vital that DWWTSs are installed and operated correctly to ensure the protection of both human health and the environment.'*

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And

*'The need for design of DWWTSs specific to the local conditions; the **need for follow through by the developer/occupier** – i.e. installation, commissioning and maintenance as per design and attendant recommendations and conditions – otherwise breaches of various legislative codes may occur.'* [An Taisce emphasis]

Given the statistics from the 2016 inspections, there can be no doubt that breaches of legislative codes are occurring in hundreds of thousands of septic tanks. To rely on the occupier to follow through on the necessary maintenance is a folly.

Under the EU Waste Framework Directive (75/442/EEC) 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. In October 2009, the EU Court of Justice (ECJ) ruled that Ireland had not adopted adequate measures to comply with this requirement. In its ruling, the Court recognised:

*'the existence, throughout Ireland, of serious shortcomings which are capable of adversely affecting the environment and which it considers are linked to deficiencies, such as incorrect construction, unsuitable siting, insufficient capacities, maintenance and inspection and the inactivity of the competent administrative authorities.'*

The Water Services (Amendment) Act, which came into operation on 26 June 2012, was a result of this ruling, and requires the EPA to prepare a national inspection plan for DWWTS. One strand of this is public engagement. Given the large proportion of septic tank failures in 2017, it would be fair to say that this strand appears to be failing, leaving Ireland once again at risk of ECJ action.

To further highlight the lack of engagement, An Taisce have received anecdotal reports that many homeowners are so disengaged with the process that they remain unaware of the very location of their septic tanks. Given that only homeowners who have been inspected can avail of the grants to remediate their septic tanks, it fails to provide an economic incentive for homeowners to proactively engage with the process, particularly with the low numbers of inspections, with approximately 0.002% of septic tanks inspected per year. Thus, the CoP, while thorough, will continue to be ineffective for addressing Ireland's ongoing septic tank problem, without concomitant and rigorous enforcement.

## **2. Variances for Existing Systems, Sensitive Areas and New Technologies**

It is outlined in Section 1.3 that for remediation of existing DWWTS:

*'Existing DWWTSs may not meet the performance requirements as set out in this CoP. If existing DWWTSs are being upgraded, variances to the requirements set out within this CoP may be considered for existing sites by the local authority **where the authority is satisfied that the proposed upgrade will protect human health and the environment'*** [An Taisce emphasis]

For sensitive areas:

*'In sensitive areas... high status river catchments...pearl mussel catchments, local authorities may apply and require standards higher than those specified within this CoP.'*

An Taisce would question the logic of this. In the first instance, there are approximately 500,000 septic tanks in Ireland. If we fail to hold these to the same high standards called for in the CoP then it is allowing hundreds of thousands of septic tanks to continue to operate sub-par. Given that the CoP is designed to guide the installation and maintenance of DWWTs *'to ensure the protection of both human health and the environment'*, it would follow that to fail to implement the standards set out in the CoP is to give licence to DWWTs which may give rise to water pollution.

Further to that, for sensitive areas the CoP suggests that the local authorities may require higher standards than those specified with the CoP. An Taisce would strongly argue that to leave the protection of these sensitive areas to the ad hoc implementation of higher standards by LAs is putting these areas at extreme risk. This would leave it up to each LA to firstly identify these sensitive areas, and secondly to determine what the higher standards would be. There is often little ecological expertise in LAs, and An Taisce submit that to suggest that adequate protection could be afforded through a system such as this is short sighted. Further to that, all sensitive areas should be treated equally throughout Ireland, without bias, and as such the CoP should set standards which are required for these areas, and should provide detailed guidance on identifying where these areas are. The higher standards should be clearly stipulated and binding for any DWWTs in a sensitive area.

### **3. Regard to other policies**

In section 2.2 of the CoP it is outlined that:

*'Assessment of site suitability under this CoP **should have regard to** policies contained in the development plans as referred to above and any other relevant parallel documents such as county-scale groundwater protection schemes (GWPSs) prepared by the Geological Survey Ireland (GSI) and river basin management plans.'*  
[An Taisce emphasis]

An Taisce would note that assessment of site suitability must be considered in light of the binding legal obligations under the Water Framework Directive, and other relevant Directives, and to 'have regard to' fails to highlight the legally binding nature of this requirement.

#### 4. Cumulative Impact

In Section 6.2 it is outlined that:

*'The cumulative loading from on-site DWWTSs should also be considered, particularly in areas of high-density one-off housing. Guidance on dilution calculations is included in Appendix F'*

However, on examination of Appendix F An Taisce find no indication of a cumulative calculation. The calculations provided do not take any other DWWTS in the vicinity into account, and the discharge for the individual DWWTS alone is calculated. Given the high density of one off housing in certain areas, how are Local and Planning Authorities to take account of multiple discharges within a given area? There should be thresholds applied, and the CoP should provide a means to calculate the discharge and dilution capacity at reach or catchment scale. Individual discharge calculations are not sufficient and An Taisce submit that the CoP provides no means for assessing cumulative impact.

#### 5. Secondary and Tertiary Waste Treatment Systems

This CoP introduces measures which can be used within areas of low percolation values, between T90-120. In the past these sites would have failed, but the introduction of new technological systems will potentially allow for development of these sites. In Table 6.4 it is outlined that sites between T90-120 are only suitable for:

*'a secondary treatment system discharging via a tertiary drip dispersal system'*

And it must be noted that in regard to drip dispersal systems, it is outlined in Section 10.1.1 that:

*'Drip dispersal systems for waste water dispersal are manufactured by a few companies worldwide and **careful reference** to the manufacturers' specification and installation guidelines must be noted when designing such systems.'* [An Taisce emphasis]

And section 9 outlines that:

*'Secondary packaged waste water treatment systems ....require regular monitoring and maintenance'*

Based on these sections, and on previous research, An Taisce is of the opinion that these systems, when properly implemented, may provide a solution for low percolation sites. However, we would strongly highlight the requirement for these systems to be installed and maintained by specialists. Given the lack of maintenance for basic straightforward septic tanks outlined above, which, it should be noted, require relatively little maintenance, An Taisce would have very little confidence that these more complicated systems would be adequately installed or maintained. Before licencing of such systems, there needs to proof that there are specialist installers and maintenance staff available locally to support these systems. The CoP

should not promote these without the strictest of conditions and oversight, and a guarantee of high levels of specialist installation and maintenance. These systems should not be viewed as a panacea for previously problematic sites, and to present them as such poses a potentially serious pollution threat.

Further to that, the CoP references the use of Peat Filters in Section 8.2.1. An Taisce submit that to present these as an option in the CoP furthers the perception that it is normal to harvest and utilise peat. Given the global biodiversity crisis and our growing carbon emissions, we believe it is irresponsible of the EPA to present this as a viable option.

## 6. Selection of suitable DWWTS

In section 6.6 the choice of a suitable DWWTS for a holiday home is discussed. We would note that the wording used is:

*'In the case of selecting a system for a holiday home, **consideration should be given** to a system that can adequately deal with periods of inactivity, i.e. when the house is unoccupied for a prolonged period. Passive systems, which require the minimum amount of maintenance, are preferred. **It is recommended** that biodegradable cleaning agents be considered for use in holiday homes [An Taisce emphasis]*

We would highlight the language is in no way binding. If holiday homes require a system which can deal with inactivity then this should be clearly stipulated in the CoP. In addition, the need for the use of biodegradable cleaning agents should also be clearly stipulated, and clearly communicated to the DWWTS users.

An Taisce would request that you take these concerns in to account

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A handwritten signature in black ink, appearing to read 'Elaine McGoff', written in a cursive style.

Elaine McGoff, PhD

Natural Environment Officer, An Taisce- The National Trust for Ireland.