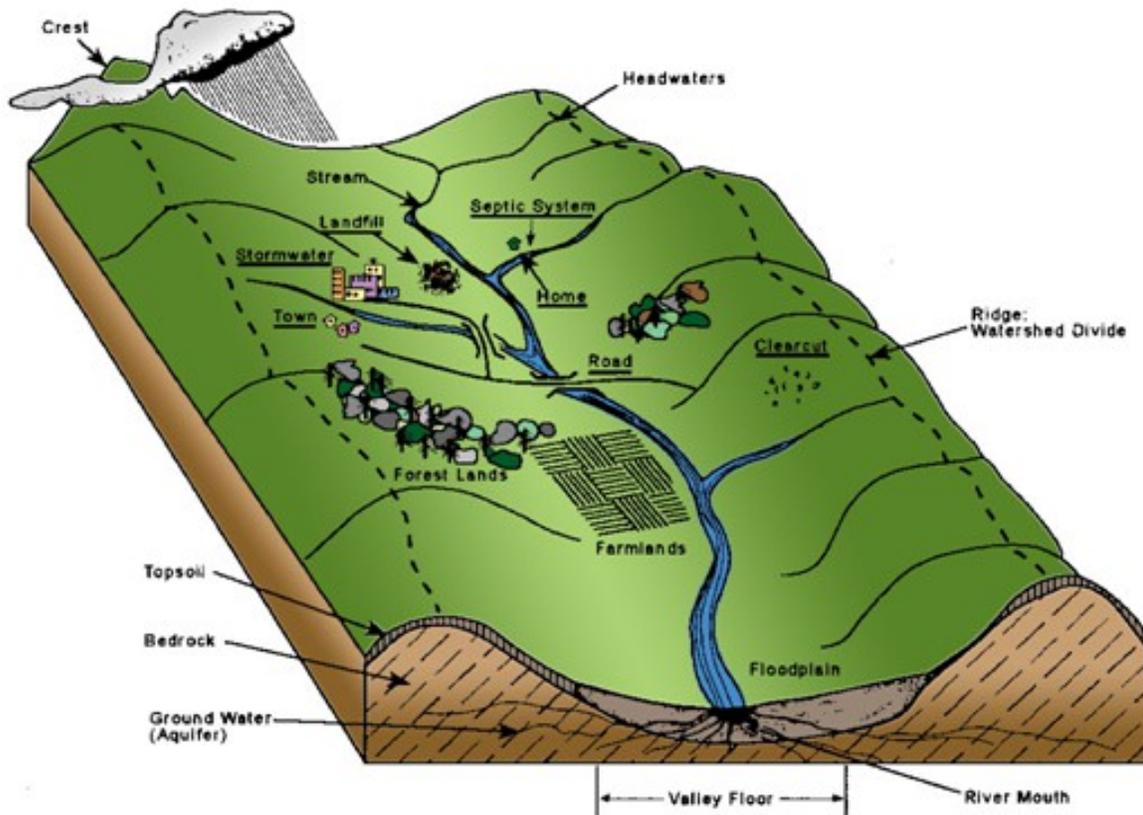




Environmental Pillar

WORKING FOR A SUSTAINABLE FUTURE



**Environmental Pillar response to the
*EPA discussion document on a
proposal for a national inspection
plan for domestic waste water
treatment systems***



Environmental Pillar
OF SOCIAL PARTNERSHIP

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Introduction

The Environmental Pillar welcomes the opportunity to respond to the EPA consultation call *National Inspection Plan for Domestic Wastewater Treatment Systems discussion document*.

The initial problem for our members is that, whilst it is possible to comment on the document, it is not possible to use this document to comment on the plan. The document is lacking in detail and would seem to fall between two stools. On the one hand it doesn't have the necessary information to fully inform the general public as to the importance of the plan, its benefits to all, and its necessity. On the other hand it doesn't give sufficient detail for the critical analysis of the national inspection plan. As this document is likely to be the precursor of other documents and public information resources, it is important that it is comprehensive, well-structured and accessible. In its present form it falls short on the first two of these.

If it is intended solely to outline the proposed plan for the general public, then it requires at the outset a much clearer and more emphatic exposition of the scale and the nature of the risks caused by water pollution to human health and the environment. It should also include the history of neglect that has led Ireland to the situation where the taxpayer will be facing a large lump sum and daily fines because we have failed to obey the EU Directives that we helped write.

If it is intended to be the opportunity for meaningful engagement with the plan itself, then the document should have included much more detail, as outlined below.

It is unfortunate that the educational groundwork was not done a long time ago so that the public don't see this as just another imposition by government. That said, the engagement of as many civil society bodies, together with the state agencies will be a necessity if the necessary buy-in to the final plan is to be achieved.

Based on the plan as presented, and accepting that there are some positive elements to the plan as proposed; The Environmental Pillar does not consider that the approach outlined in this discussion document addresses the obligations of Art 4 and 8 of the directive – the fundamental issue in the ECJ's judgement in c-188/08. Considering the scale of this plan, its development should include a Strategic Environmental Assessment.

Comments

The initial comments are given in the context of the sections of the discussion document, with additional comments at the end of the submission.

Reasons for a National Inspection Plan

This section should highlight in some detail, or refer to detail that is appended, in relation to:

- The potentially serious implications for human health, and mortality
- The negative impact on;
 - habitats and protected species, such as Salmon, Freshwater Pearl Mussel, and Otter
 - important eco-systems and associated eco-system services
- The negative impact on tourism, fisheries and local economies and Ireland's supposed image as a "clean and green" country

The legal requirements on owners of septic tanks as outlined on the website should be included in this document.

The section should also outline the 2009 judgement of the European Court of Justice which found that:

".. by failing to adopt, save in County Cavan, all the laws, regulations and administrative provisions necessary to comply with Articles 4 and 8 of Council Directive 75/442/EEC of 15 July 1975 on waste, as amended by Council Directive 91/156/EEC of 18 March 1991, as regards domestic waste waters disposed of in the countryside through septic tanks and other individual waste water treatment systems, Ireland has failed to fulfil its obligations under that directive."

It should also outline the history behind this judgement and the fact that Ireland has had to rely on pressure from the European Commission to finally start acting to protect its citizens and the environment from the pollution from septic tanks.

In outlining the reasons for the plan this section should also try and respond to the genuine concerns of the public. In this context it should be noted that there is genuine fear in rural communities that households already stretched financially will be faced with substantial bills for retrofitting or replacement. There is a need in the plan to address these fears by offering grant aid, which will be revenue-neutral and long-term low interest loans where appropriate.

Domestic waste water treatment system use in Ireland

The information here is too general and fails to mention that surveys have indicated that between 80-90% of current Domestic Waste Water Treatment Systems (DWWTS) are not functioning properly. This includes the hundreds of thousands of houses built in the last 15 years that were not connected to sewers. Many of these were sited in areas where soil cover is inadequate and used treatment systems which do not meet current standards - only 10 of the 40 or so systems offered for sale in Ireland have passed the updated EU standard EN 123166.

A register of EU certified On-site Waste Water Treatment Systems is required, to provide certainty for the home-owner. In the event that situations arise in the future, where it can be shown that the EPA 2009 Code of Practice was not properly applied then the local authority should bear the full cost of remediation.

Risks posed by wastewater to human health and the environment

The expanded text from this section should be included in the section on the reasons for the plan. The effect on downstream estuarine and marine environments and eco-systems needs to be included and emphasised.

Inspection Plan – general principles

The incorporation of a twin track approach using citizen engagement strategies as well as the more traditional inspection strategies is welcomed in principle, but far more detail is needed in order for the Pillar to make a more useful commentary.

The EPA have produced excellent guidelines on the siting and considerations for DWWTS for single houses – however it is our understanding that these guidelines will not inform the proposed assessments/inspections to be undertaken. Instead what appears to be proposed is a one-off, visual- only inspection. This is unacceptable and will not serve to identify and facilitate a remedy for problematic systems. Nor will it satisfy the requirements of the ECJ's judgement which is specific in relation to both Articles 4 and 8 of Council Directive 75/442/EEC of 15 July 1975 on waste, as amended by Council Directive 91/156/EEC of 18 March 1991.

Owners of DWWTS should be encouraged to visually inspect their systems after high rainfall events, as well as the six-monthly inspections recommended.

A provision for sporadic, random or spot -checks which extend beyond a mere visual inspection even – might serve to deter and/or address certain less scrupulous DWWTS owners who might be otherwise tempted to undertake some superficial and cosmetic alterations to the system during the 10 day warning period in the lead up to the inspection.

This EPA document must also be more persuasive if it is to create a widely held understanding and ownership of the need to address the issue of pollution from DWWTSs. Emphasis should be put on the public good and the personalised risks involved.

The absence of any information on the level of training to be provided to those local authority personnel carrying out inspections is a concern, as the DWWTS were approved by the same local authorities. EPA oversight of the inspection regimes is also not even outlined. A national register of suitably qualified inspectors must be established if the scheme is to have any credibility.

A risk-based approach

There is an unacceptable absence of detail in the discussion document on how Risk Based Approach criteria will be used to determine collectively to:

- determine the actual areas at risk, or
- the extent or thresholds which trigger or determine that an appraised risk will figure or be excluded or de-prioritised in this risk based approach

There is also an absence of detail on how or by whom all of that will be decided, or what review or consultation will be provided on same. A public debate is needed on both of these aspects, and this is not possible with the information provided here. Public confidence in the effectiveness and fairness of this approach requires a transparent and inclusive approach.

The Source–Pathway–Receptor Model for risk assessment must also include consideration of the following:

- Age and type of systems employed
- Record of pollution concerns/issues
- Protected Habitats and Species
- Downstream Freshwater, Estuarine, and Marine Environments
- Flood risk areas
- Rainfall – increased rainfall and flood event scenarios
- Population variability associated with holiday occupancy

Additional Comments

1. No timelines and objectives are presented in this outline plan, and no indication is given of the size and the availability of the resources that will be needed to implement it. Without these essential building blocks this plan is just a document and no judgement can be made of its efficacy. In particular there is no clarity about how local authorities are to find the resources to fulfil their additional duties under this plan.
2. Ireland's response to the 2009 judgement of the European Court of Justice will require both the introduction of legislation, administrative and enforcement provisions and structures and processes. This plan then should be subjected to Strategic Environmental Assessment under Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment.
3. In this context the economic and employment opportunities need to be examined, as do the costs and opportunity costs caused by non-compliance.
4. The value to agricultural communities of nutrient recycling and local energy production through anaerobic digestion should also be included in the equation.
5. The government will need to review the sustainable rural Housing Guidelines in response to current development trends and the new EPA Code of Practice.
6. This plan does not cover how to handle the situation where remediation is not possible. This is likely to be a common occurrence and provision must be made for this eventuality prior to the inception of any plan.



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Whilst this document was developed through the processes of the Environmental Pillar it does not necessarily represent the policies of all its members.

Environmental Pillar members: An Taisce, Bat Conservation Ireland, BirdWatch Ireland, CELT - Centre for Ecological Living and Training, CoastWatch, Coomhola Salmon Trust, Crann, ECO UNESCO, Feasta, Forest Friends, Friends of the Earth, Global Action Plan Ireland, Gluaiseacht, Hedge Laying Association of Ireland, Irish Doctors Environment Association, Irish Natural Forestry Foundation, Irish Peatland Conservation Council, Irish Seal Sanctuary, Irish Seed Saver Association, Irish Whale and Dolphin Group, Irish Wildlife Trust, The Organic Centre, Sonairte, Sustainable Ireland Cooperative, VOICE, Zero Waste Alliance Ireland.