

Septic Tanks / Drainage Systems - Licensing



The Environmental Permitting (England and Wales) Regulations 2010 No. 675 (EPR)

The EP Regulations, contained in a complex 211-page document, took effect on 6 April 2010 and consolidate regulations for the storage and disposal of all types of waste material including foul drainage from septic tanks. As a consequence, older septic tanks and sewage disposal schemes which may previously have escaped regulation are now controlled and must be formally registered with the Environment Agency by 1st January 2012. Failure to register becomes a criminal offence which may result in prosecution. Registration is a requirement even if exempted status is claimed and a permit is not required.

Existing licensed systems

Sewage treatment systems with '*consent to discharge*' issued by the Environment Agency are already registered and operators of such systems need take no further action except to comply with the terms of their licence.

Direct discharge into a water-course

Any discharge of effluent to a water-course (including a ditch) will require a **permit**, which could mean an expensive upgrade for older, unlicensed systems which fail to meet specific standards.

Exemption for small treatment systems

Small septic tank systems which discharge to ground-water through a drainage field, infiltration system, or soakaway, (i.e. not directly into a water-course) will mostly be exempt providing:

- **maximum volume of discharge:** no more than 2 cubic metres per day. The method for calculating the volume can be found under 'Flows and Loads - 3 Sizing Criteria' published on the British Water website*
- **pre-treatment** by a sewage treatment plant or septic tank
- **the location is outside an area designated at risk**, including amongst others, 'Areas of Special Scientific Interest' (ASSI); drinking water sources; close proximity to a stream, and possibly where the discharge occurs in the vicinity of other drainage systems.

Registration requirement

Registration is free of charge and straightforward but must include a location map (scale 1/2500) to identify the site. If exemption is accepted it will last for a period of three years, after which period it will need to be renewed.

Survey advice:

The new regulations are of particular consequence for all older unlicensed septic tanks and foul drainage disposal systems and the mandatory obligation of registration should be referred to in a survey report.

No assumption should be made that such a system is registered and the new owner of a property from 2012 is likely to assume liability for non-registration by the predecessors in title.

Surveyors are advised to take particular care when inspecting unlicensed systems close to water-courses where direct discharge may occur.

Useful References

*

www.britishwater.co.uk

www.opsi.gov.uk/si/si2010/uksi_20100676_en_1

www.defra.gov.uk/environment/policy/permits/guidance.htm

www.environment-agency.gov.uk/business/topics/permitting/115492.aspx

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