

The registration of small sewage discharges in England

The Government is reviewing the registration of 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 scheme¹ 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 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 is 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 are currently working with the Environment Agency to check whether this approach is the most appropriate and whether there might be opportunities for further simplification. This will inform a consultation by the Department for Environment, Food and Rural Affairs (Defra) on policy options, details of which will be announced in the next few weeks.

This statement sets out how we will regulate this activity in England while this review is being undertaken. Following the review, 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 review 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.

¹ The details of the registration scheme including the legislative requirements and criteria for registration can be found on our [web site](#) and in our main guidance report ([Guidance on the registration of small sewage effluent discharges July, 2011](#))

Position for Wales

The Welsh Government is not undertaking a similar 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 1 January 2012.

Environment Agency Position

We are keen to work with Government to ensure that small sewage discharges are regulated in the most appropriate way. Whilst the review is ongoing 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 1². This is approximately equivalent to 9 people occupying a single property;
- The 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 (for example, a small school, residential home, etc);
- The sewage is only domestic³;
- The sewage system is maintained in accordance with the manufacturer's instructions⁴ and you keep a record of all maintenance. In the case of septic tanks this includes regular emptying; and
- The 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 31 December 2012.

Version 1.0

² 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.

³ **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.

⁴ Where manufacturer's instructions are not available please refer to the [British Water Codes of Practice and Technical guides](#)