

## 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 1<sup>st</sup> 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**

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[www.britishwater.co.uk](http://www.britishwater.co.uk)

[www.opsi.gov.uk/si/si2010/uksi\\_20100676\\_en\\_1](http://www.opsi.gov.uk/si/si2010/uksi_20100676_en_1)

[www.defra.gov.uk/environment/policy/permits/guidance.htm](http://www.defra.gov.uk/environment/policy/permits/guidance.htm)

[www.environment-agency.gov.uk/business/topics/permitting/115492.aspx](http://www.environment-agency.gov.uk/business/topics/permitting/115492.aspx)

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