



# Submission to the Environmental Protection Agency on the Public Consultation on the Draft National Inspection Plan for Domestic Waste Water Treatment Systems 2022-2026

October 2021

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## 1. Introduction to An Fóram Uisce | The Water Forum

An Fóram Uisce | The Water Forum was established in June 2018 in accordance with the provisions of Part 5 of the Water Services Act 2017. The Water Forum is the national statutory body representative of stakeholders with an interest in the quality of Ireland's water bodies. The Water Forum consists of 26 members including representatives from a wide range of organisations with direct connections to issues relating to water quality and public water consumers. Approximately 50 different organisations were involved in the nomination of members. The role of the Forum is that of a strong independent stakeholder body contributing to water policy, which supports public and stakeholder engagement on all matters relevant to water.

The Water Forum, hereafter the Forum, welcomes the opportunity to respond to the National Inspection Plan (NIP) for Domestic Waste Water Treatment Systems (DWWTS) 2022-2026. The Forum recognises the scope of the work undertaken by the Environmental Protection Agency (EPA) in completing the review of the National Inspection Plan for DWWTS 2018-2021<sup>1</sup>, along with the development of the draft National Inspection Plan for 2022-2026.

## 2. Inspections

The Forum welcomes the risk-based methodology used in the draft NIP for the characterisation of risk and particularly welcome the 'right-measure-right-place' approach with targeted inspections based on scientific evidence of local conditions.

The report on the Review of the National Inspection Plan 2018-2021<sup>1</sup> states "*Overall, the minimum of 1,000 inspections per annum remains consistent with the relative risk from DWWTS on a national scale and the number of inspections carried out by authorities in relation to other risks to water*". While the Forum acknowledge that DWWTS are not the largest threat to water quality in Ireland, the National Inspection Plan should still aim to reduce the risk that DWWTS pose on the environment and human health, to the lowest level of risk possible. Therefore, the Forum recommends that additional inspections are still required, especially in the vicinity of water bodies that have been identified as being at risk from DWWTS. It is not sufficient to say inspection numbers are in line with those carried out on other risks, which may similarly not be sufficient to address Ireland's deteriorating water quality trends.

In relation to inspections in Zone 1 (i.e. dwellings that are within 100m of water bodies that have been identified as being at risk from DWWTS), while 400 inspections are only 0.2% of the 500,000 DWWTS in Ireland, the Forum recognise that 400 **targeted** inspections is equivalent to 7% coverage for inspections of DWWTS in Zone 1, which would be equivalent to 35% of the 6000 dwellings in Zone 1 over the whole NIP cycle (2022-2026). The Forum recommends that there should be further increases in the number of targeted inspections in Zone 1; increasing from 400 to 1000 annual targeted inspections, which would increase the inspection coverage to 83% over the next NIP cycle (2022-2026). This increase of 600 inspections in Zone 1 has the potential to drastically reduce the pressures DWWTS have on waterbodies across Ireland. The Forum understands that the additional number of inspections would not be evenly spread throughout the country as it will depend on the number of dwellings in Zone 1 in each county, however additional resources required by local authorities for DWWTS inspections should be relative to the additional number of inspections in each county.

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<sup>1</sup> EPA, 2021. Review of the National Inspection Plan for Domestic Waste Water Treatment Systems 2018-2021. [OEE---Review-of-2018-2021-NIP-for-public-consultation.pdf\(epa.ie\)](http://OEE---Review-of-2018-2021-NIP-for-public-consultation.pdf(epa.ie))

The Forum welcomes the proposed targeted inspections in relation to drinking water in the draft NIP and acknowledge the need to focus on household wells, which the EPA have reported as the lowest quality drinking water source in Ireland. The Forum also welcome the targeted approach to inspections in Zone 2, targeting areas which have higher groundwater susceptibility to the percolation of wastewater. The Forum is concerned that the proposed 400 inspections per year in Zone 2, is only equivalent to 8% inspection coverage in this Zone over the entire NIP. If there are not sufficient resources to increase the number of inspections in Zone 2, the Forum recommends that the EPA should lead a targeted Education and Awareness Campaign for the 160,000 dwellings that have a household well and DWWTS co-located on the same site. An effective awareness campaign, outlining the potential impacts to drinking water quality and associated health risks to the homeowners and their families, should be sufficient to encourage homeowners to correctly maintain their DWWTS. In addition to this, the grant scheme to allow for upgrade or repair of DWWTS, should be increased to allow homeowners in Zone 2 to be eligible. Furthermore, homeowners should also be encouraged to have their drinking water tested on a regular basis to indicate where DWWTS might be impacting the local water quality.

The selection of DWWTS for inspections should be in the context of a water catchment assessment to provide the scientific context and understanding needed for effective inspections and compliance assurance. The Forum recommends that all local authority DWWTS inspectors should complete Catchment Management Science Training, similar to that being taken by LAWPRO in Priority Areas for Action, so that the selection process of DWWTS for inspection is in the context of water catchment assessment. This is in line with the draft River Basin Management Plan (Page 69) which states that "*The Local Authority Environmental Services National Training Group (LAESNTG) will provide training for catchment assessment and Integrated Catchment Management for the staff of local authorities and all implementing bodies*". Furthermore, inspections of DWWTS should be made in the context of county level implementation plans, as proposed in the draft River Basin Management Plan.

While the Forum agree with the need to prioritise inspections of DWWTS which are close to surface waters, in clusters and older DWWTS, the selection of DWWTS for inspections should further prioritise those in critical source areas of a delineated drinking water catchment, a designated bathing water area or a protected area, such as a shellfish growing area.

**Recommendation 1:** Increase the number of targeted inspections in Zone 1 from 400 to 1000 inspections to reduce the risk posed by DWWTS on at-risk water bodies.

**Recommendation 2:** The EPA should lead a targeted Education and Awareness Campaign for the 160,000 dwellings that have a household well and DWWTS co-located on the same site, outlining the health risks of poorly maintained DWWTS.

**Recommendation 3:** All local authority DWWTS inspectors should complete Catchment Management Science Training so that the selection process of DWWTS for inspection is in the context of water catchment assessment.

**Recommendation 4:** The selection of DWWTS for inspection in Zone 1, 2 and 3 should further prioritise those in critical source areas of a delineated drinking water catchment, a catchment with high status sites, a designated bathing water or protected areas.

### 3. Enforcement

The Forum expressed their concern over the lack of consistency in enforcement across the current NIP, at the briefing with the EPA in March 2021. While the need to address the inconsistency in enforcement is acknowledged in the draft NIP, the Forum believes the measures to address this issue are lacking. In the report of the Review of the NIP for DWWTS 2018-2021, it was highlighted that the EPA have “*increasingly highlighted inconsistent enforcement of advisory notices*” and recommended that the new draft NIP should “*reinforce the requirement for inspection and enforcement*”.

The Forum recommends that the NIP should include an action for the EPA to carry out increased audits of local authorities to ensure consistency in following the enforcement model, including taking prosecutions where warranted. Furthermore, the EPA should provide refresher training to LA Inspectors on the enforcement model.

**Recommendation 5:** The NIP should include an action for the EPA to carry out increased audits of local authorities to ensure consistency in following through with enforcement, along with refresher training to local authority Inspectors on the enforcement model.

### 4. Grants for DWWTS

The Forum is concerned that the draft NIP has stated that grant schemes are “outside the scope of the national inspection plan”. The report on the Review of the NIP 2018-2021 states “*Grant accessibility and sufficiency has been frequently raised in workshops and the initial stakeholder meetings as a barrier to closing advisory notices involving significant works*”. Therefore, it is not sufficient to declare that this is outside the scope of the NIP, as it is clearly an obstacle for the successful implementation of the plan.

As per the draft RBMP, grants are available to help householders to upgrade and repair DWWTS that are:

1. Advised as inadequate by the local authority as part of the National Inspection Plan;
2. Situated in a Prioritised Area for Action, and identified by LAWPRO as a potential pressure on water quality; or
3. Are situated in a High Status Objective Catchment Area.

One of the actions in the draft RBMP is the “*DHLGH will continue to monitor the uptake of the new grant schemes to ensure adequate numbers of people are availing of this measure*”. The Forum recommends that an action is added to the National Inspection Plan for on-going communication between the EPA and the DHLGH, to ensure the grant scheme is optimal and effective at reducing the risk of DWWTS to water bodies, and also to secure funding to expand the grant scheme to increase the criteria for grant applications. The Forum recommends that the grant scheme is increased to allow the outcomes of increased inspections in Zone 1, whereby all dwellings in Zone 1 should be able to avail of the grant to upgrade or repair their DWWTS. This is particularly necessary where DWWTS are located in unsuitable soils and may need specific technical requirements to adequately treat wastewater before entering the local soil. These targeted measures should help to reduce the risk of DWWTS in these at-risk water bodies, therefore supporting measures to achieve high or good status of water bodies under the WFD.

Grants should also be made available to dwellings in Zone 2, which have a well and a DWWTS co-located on the same site, and are in areas which have higher groundwater susceptibility to percolation of wastewater (i.e. 25,000 homes). This would allow homeowners to upgrade or repair their DWWTS and reduce the risk of contamination to their household well.

**Recommendation 6:** Grant schemes should be considered within the scope of the NIP; an action should be added to the NIP for on-going communication between the EPA and the DHLGH, to ensure the grant scheme is optimal and effective at reducing the risk of DWWTS to water bodies

**Recommendation 7:** The grant scheme should be expanded to increase the scope to allow grant applications for DWWTS in Zone 1 and Zone 2.

## 5. Engagement

The Forum is concerned with the statement in the Review of the NIP 2018-2021, “*Engagement is not specifically required under the legislation*”, as it is an essential component of the National Inspection Plan. Where the number of inspections is limited as they currently are, the success of the plan at reducing the risk of DWWTS, will rely on effective education and awareness delivered to homeowners with a DWWTS.

The review of the National Inspection Plan 2018-2021 indicated that “*Inspectors have reported a lack of resources for engagement and the level of reported activity varies significantly across water service authorities.*” The Forum agrees that there should be specific engagement requirements for each water service authority and agrees that there should be a national group to set and co-ordinate these activities to ensure consistency across local authorities. The Forum recommends that that this group should consist of representatives from the EPA, LAWPRO and the Septic Tank Inspectors Network. The Forum recommends that the DWWTS inspectors should not be solely responsible for these engagement activities, which should instead be shared with environmental awareness officers of local authorities.

The Forum recommends that an action is added to the NIP to ensure the group responsible for setting “*specific engagement requirements for each water service authorities on a pro-rata basis*” has regular engagement with the NFGWS and LAWPRO to determine the most effective engagement measures for the plan.

As mentioned above, the Forum recommends that there is a targeted engagement initiative with the 160,000 homeowners who have DWWTS co-located on the same site as a household well, to highlight the risks a poorly maintained DWWTS has on human health.

In relation to the materials used in engagement measures within the NIP, the Forum recommends that there should be emphasis on domestic water conservation as a means to reduce the volumes of waste produced, along with measures to reduce levels of nutrients and bacteria percolating into the soil such as nature-based solutions, water-less or composting toilets.

**Recommendation 8:** The group to set engagement criteria for local authorities should consist of representatives from the EPA, LAWPRO and the Septic Tank Inspectors Network, and suggest that engagement activities are also considered for local authority environmental awareness officers.

**Recommendation 9:** The above group should have regular engagement with the NFGWS and LAWPRO to determine the most effective community engagement measures for the plan.

**Recommendation 10:** Measures to reduce the volumes and risk of domestic wastewater should be included in the engagement material, including domestic water conservation, composting/waterless toilets and nature-based solutions.

## 6. Policy Coherence and Governance

Ireland's River Basin Management Plan (RBMP) is a requirement of the EU Water Framework Directive and outlines the measures required to achieve the protection, improvement, and sustainable use of the water environment. The draft RBMP states that DWWTS are highlighted as a pressure in 12% of at-risk water bodies, especially in areas of low soil permeability, and the number of waterbodies impacted by DWWTS has increased by 23 since the second cycle RBMP. The draft RBMP proposes four actions in relation to addressing the pressure of DWWTS on water quality, one of those being the review of the NIP 2022-2026, indicative that the NIP is seen as a key tool in reducing the impacts of DWWTS on waterbodies. The Forum therefore recommends that a section is added in the NIP outlining how it will cohere and integrate with national policies that influence the threat of DWWTS on water quality in Ireland.

The draft National Inspection Plan (Page 6) states that;

*"There are several other regulatory interventions related to DWWTS including: grant schemes; interventions in priority areas and high-status catchments under the national river basin management plan; planning control; building control; and construction products control and related standards. These are outside the scope of the national inspection plan."*

The Forum is concerned with this statement as it is not indicative of a holistic, integrated approach within Government to address Ireland's environmental crises and deteriorating water quality trends. In 2020, the Water Forum adopted the Framework for Integrated Land and Landscape Management (FILLM)<sup>2</sup>, as the overarching framework for not only catchment management, but also environmental management, [Framework for Integrated Land and Landscape Management](#). The FILLM encourages multidisciplinary and multi-organisational approaches, as well as environmental policy coherence, policy integration and policy implementation. The Forum is of the view that the National Inspection Plan for DWWTS would similarly benefit from an integrated catchment approach to reduce the impacts of DWWTS on water quality and meet water quality objectives.

As discussed earlier in the submission, grant schemes availability for the upgrade of DWWTS has been identified *"as a barrier to closing advisory notices involving significant works"*, therefore it is directly relevant to the National Inspection Plan and should be incorporated into the draft.

Furthermore, planning and building control also have a direct influence on the risk posed by DWWTS to local water bodies, where planning processes must ensure that planning is not permitted in areas that have unsuitable soil for DWWTS, while planning and building control must ensure that a suitable DWWTS is used in any new buildings. The Forum is concerned about the lack of follow up procedures in relation to new buildings and recommends that there are follow-up inspections by local authority staff to ensure the correct DWWTS was used and that it was installed correctly. At the very least homeowners should have to submit a photo of the newly installed DWWTS, along with proof of purchase to ensure that the proposed DWWTS was actually used in the final build. While these actions are not solely expected of local authority DWWTS Inspectors, the NIP should outline how the EPA will engage with the planning sections of local authorities in order to prevent increases in risks that DWWTS pose on water bodies.

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<sup>2</sup> The Water Forum, A Framework for Integrated Land and Landscape Management; [TWF-FILLM-Report-Feb21-v9WEB.pdf \(thewaterforum.ie\)](#)

The Forum is concerned with the level of flexibility given to local authorities in the draft NIP, where “*Increased number of inspections may be carried out under the national inspection plan where resources are available*”. In the report of the Review of the National Inspection Plan for DWWTS 2018-2021, Recommendation 3 states that “*It is recommended that Government review the resourcing of the national inspection plan in the broader context of national priorities*”. As part of the policy coherence section recommended above, the Forum recommends that an action is added to the draft NIP to facilitate ongoing communication between the EPA, local authorities and the DHLGH, to ensure sufficient resources are allocated for the successful implementation of the National Inspection Plan.

**Recommendation 11:** A policy coherence section should be added in the NIP outlining how the plan will support, cohere and integrate with national policies that influence the threat of DWWTS on water quality in Ireland, including the RBMP, and planning and building regulations.

**Recommendation 12:** Planning and building control should be considered within the scope of the NIP as they influence the impact DWWTS have on water quality; there should be follow-up inspections to ensure planning permission conditions have been applied (e.g. the type/location of DWWTS).

**Recommendation 13:** An action should be added to the draft NIP to facilitate ongoing communication between the EPA, local authorities and the DHLGH, to ensure sufficient resources are allocated for the successful implementation of the NIP.

## 7. Summary of Recommendations

**Recommendation 1:** Increase the number of targeted inspections in Zone 1 from 400 to 1000 inspections to reduce the risk posed by DWWTS on at-risk water bodies.

**Recommendation 2:** The EPA should lead a targeted Education and Awareness Campaign for the 160,000 dwellings that have a household well and DWWTS co-located on the same site (Zone 2), outlining the health risks of poorly maintained DWWTS.

**Recommendation 3:** All local authority DWWTS inspectors should complete Catchment Management Science Training so that the selection process of DWWTS for inspection is in the context of water catchment assessment.

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**Recommendation 13:** An action should be added to the draft NIP to facilitate ongoing communication between the EPA, local authorities and the DHLGH, to ensure sufficient resources are allocated for the successful implementation of the NIP.