



Mattie McGrath TD

# Information leaflet on proposed Septic Tanks and Associated Charges

Water Services (Amendment) Bill 2011

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# What does the Water Services ( Amendment) Bill 2011 mean for you?

## Registration

- The Water Services (Amendment) Bill 2011 proposes the establishment and implementation of a registration and inspection scheme for septic tanks and other domestic wastewater treatment systems (WWTS).
- It requires that each Water Services Authority establish and maintain a register of all Waste Water Treatment Systems in their Area.
- Owners of premises connected to a WWTS must apply to their local water services authority to have their WWTS registered.
- **The fee for registering shall not exceed €50 and re-registering is required every five years;**
- On receipt of applications to register, the water services authority will enter the details of the WWTS into the register system they have established and issue a certificate to confirm registration;
- Each water services authority shall publish the register it maintains and make it available to the public.
- An authorised person appointed (under Section 22 of the Water Services Act 2007) by the water services authority may request the production of a valid certificate of registration of a WWTS by the owner. If the owner does not produce a valid certificate of register he/she will have committed an offence.
- Under the registration scheme, owners of WWTS must ensure that their systems are registered and are properly maintained and operated.
- Owners have a duty-of-care to ensure that their WWTS does not cause harm to human health or to the environment, in particular, not to:
  - ☐ Create a risk to air, water, soil, plants or animals;
  - ☐ Cause a noise or odour nuisance; or
  - ☐ Cause pollution to the countryside especially designated areas
- **Non-compliance with the requirements of registration is an offence**

## Inspection

The Bill proposes that inspectors will inspect WWTS as requested by the EPA or the water services authorities.

Inspectors will then report their results back to the owners of the WWTS inspected and the local water services authority within 21 days.

**If the water services authority is notified by an inspector of a WWTS not working properly based on his/her inspection, they will issue an advisory notice to the owner to take action within a specified timeframe.** The advisory notice must include:

- the statement that the water services authority considers the WWTS does not comply with Regulations derived from this Bill or poses a risk to human health or the environment and give the reasons why;
- **Direction to the owner to undertake necessary remediation works within a specified timeframe;**  
and
- Information regarding the re-inspection procedure.

**Non-compliance with the conditions of an advisory notice is an offence.**

An **appeals mechanism** allows for owners who do not agree with the provisions of an advisory notice to apply for a re-inspection on **payment of a fee of up to €200.**

The authorised person who carries out the re-inspection will notify the owner as to whether the original advisory notice is confirmed, amended or cancelled. Where cancelled, the re-inspection fee is reimbursed.

**A person aggrieved** by an advisory notice from a re-inspection **may appeal to the District Court.**

**The owner of a WWTS** with an advisory notice against it **must rectify the matters** detailed in the advisory notice **within the timeframe specified** and notify the relevant water services authority once this is done. The water services authority may then conduct any further inspections to ensure that this has been done and once satisfied will notify the owners of such.

## Financial implications

- **Rural householders in particular will be affected by the Bill** as the majority of urban dwellers are already connected to the public sewerage network.
- The initial cost to householders to register will be €50.
- Inspection is free and the cost for de-sludging is approximately €200
- **However, if remediation works are required the costs may run into thousands of euros.**
- **There is no provision for these costs in the Bill and the onus will be on the owner of the system to carry out and pay for the works.**
- It is likely that the Bill, when enacted, will have a knock-on effect in the management of sludge due to the potential increase in de-sludging of WWTS. Under the Bill the Minister may make regulations regarding the “standards and procedures to apply in relation to emptying a domestic wastewater treatment system and the disposal of the wastewater and sludge derived therefrom”
- It is difficult to estimate the costs involved, particularly to householders, due to the lack of information regarding rates of failure of existing on-site systems and the degree of remediation work required. Wastewater treatment systems such as septic tanks are situated below ground and are not readily accessible.

## The Cavan Experience

The inspection system introduced by Cavan County Council, based on bye-laws enacted in that county in 2004, **revealed a failure rate of approximately 25% of on-site systems, with remediation costs averaging €2,500.** However, extreme cases, requiring major upgrades or even complete replacement of on-site systems may occur and households falling into this category will incur high

costs. For example, a new septic tank and percolation area could cost up to €4,000. More technically advanced packaged treatment systems can cost up to €12,000, with additional installation costs of €5,000

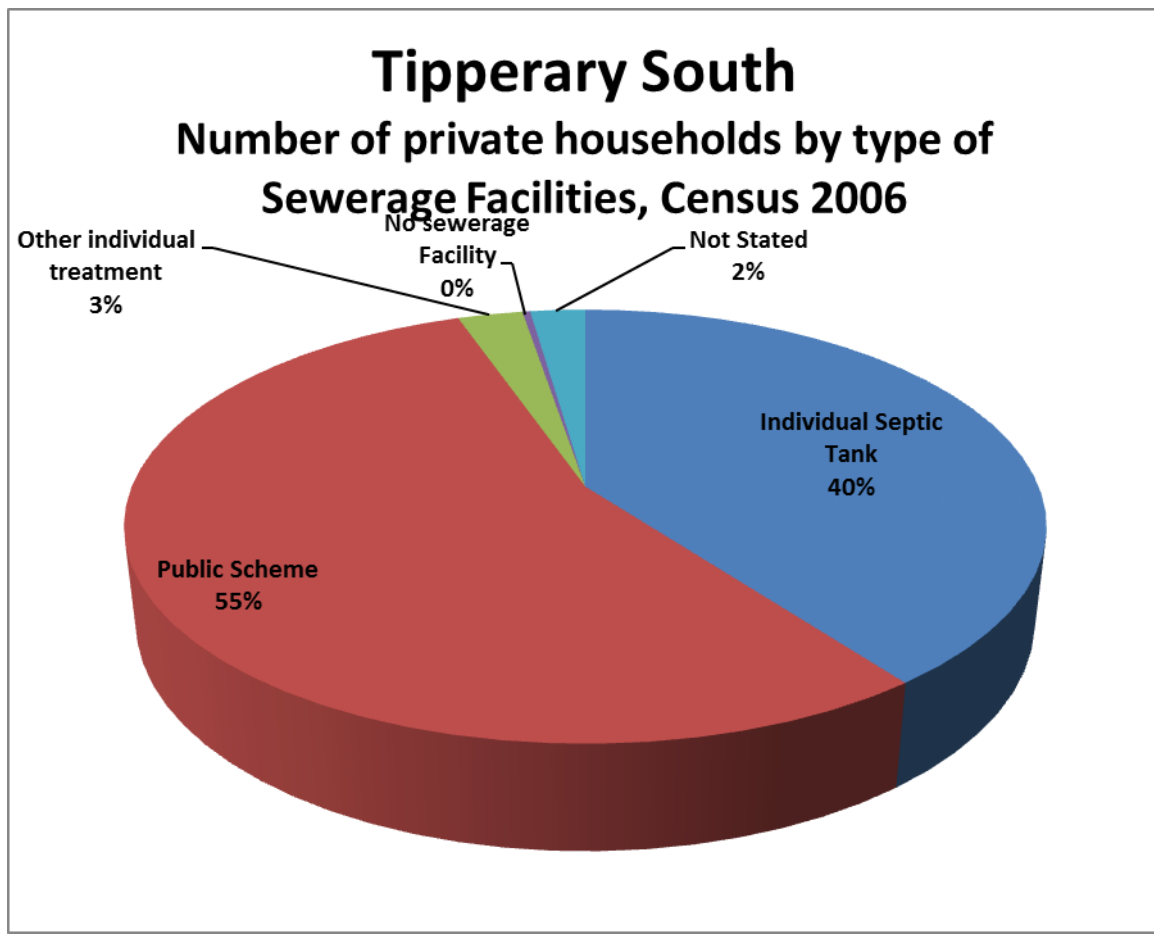
### Main Issues with this Bill

- The EU has not demanded the type of draconian legislation outlined in this Bill and other EU Countries comply with reasonable common sense arrangements.
- Local authorities who will enforce the new laws are themselves the greatest polluters of drinking water by pumping sewage into rivers, lakes and the sea- a large proportion of which receives no treatment whatsoever. (source EPA)
- If an inspector is of the opinion that a domestic water treatment system is likely to constitute a risk, then remedial works must be carried out. The term “likely to constitute a risk” is far too broad and if a householder is unsatisfied with an inspectors decision the cost of an appeal at €200 is hugely expensive and will be prohibitive for many people. Furthermore, the grounds for appealing the decision to the District Court are much too restrictive.
- There is no logic to the proposal in the Bill that there should be recurring registrations of septic tanks and I believe that this is a money racket as I do not see why a Septic Tank should need to be re-registered every five years.
- There is no mention throughout the bill of who pays the costs of all the inspections forced on homeowners. If these costs cannot be met from the registration fees, there is a strong possibility that either the registration fee could increase or households could be charged for inspections.
- The onus is on the owner to apply for registration by a certain date. Some people will not be aware of the Act while others may be away or abroad and Failure to register is an offence.
- The demand that householders will have to pay for any remedial works while urban sewage systems continue to be serviced by the Local Authority is unacceptable. What will happen if households cannot afford to replace or repair their systems? Many Householders will not be in a position to afford a new Waste Water Treatment System if deemed necessary and the very notion that they could be fined up to €5000 for non-compliance is appalling.
- We cannot introduce legislation that will treat our rural dwellers in a different manner to our urban dwellers as all citizens should be entitled to the same treatment from the State. Urban dwellers pay nothing for domestic sewage disposal. By contrast, rural dwellers pay the full costs of environmental reports, installation and maintenance of domestic waste water treatment plants.
- An entire industry of septic tank manufacturers, contractors, engineers etc., is financed from the pockets of rural people.
- I see this legislation as an attack on rural dwellers and I am calling on this Government to prove that they are not anti-rural by not permitting this bill to pass in its present form.
- Changes needed:-
  - No need for re-registration
  - Appeals Process needs to be changed and appeal fee significantly reduced.
  - Grants should be made available for Householders to cover the costs of required remediation works.

## Number of private households in the state by type of sewerage facilities, Census 2006

Sewerage	Public Scheme	Individual Septic Tank	Other Individual Treatment	Other Facility	No sewerage Facility	Not Stated	Total
Carlow - Kilkenny	23934	18090	1452	276	162	1253	45167
Cavan - Monaghan	14879	21463	2416	186	275	1068	40287
Clare	16988	16508	1192	292	252	1017	36249
Cork East	21763	12446	758	278	134	1087	36466
Cork North - Central	24380	5338	382	154	56	1183	31493
Cork North - West	11012	13758	688	190	176	588	26412
Cork South - Central	40167	3271	303	128	45	1573	45487
Cork South - West	9846	15150	603	314	202	569	26684
Donegal North - East	11387	12480	597	224	76	625	25389
Donegal South - West	7738	15704	459	143	87	473	24604
Dublin Central	37013	320	70	177	78	2694	40352
Dublin Mid - West	29470	959	90	58	17	1352	31946
Dublin North	35812	2385	647	119	22	1526	40511
Dublin North - Central	25800	99	12	38	18	967	26934
Dublin North - East	22063	201	29	26	6	777	23102
Dublin North - West	24340	147	14	53	24	1266	25844
Dublin South	38848	853	83	76	12	1130	41002
Dublin South - Central	45352	333	51	153	42	1708	47639
Dublin South - East	36560	339	68	152	71	2646	39836
Dublin South - West	29829	587	59	45	15	1358	31893
Dublin West	27237	939	180	106	13	1665	30140
Dun Laoghaire	38106	758	78	103	18	1267	40330
Galway East	9970	21779	669	201	185	929	33733
Galway West	26526	15071	840	320	73	1643	44473
Kerry North	12186	11145	447	68	117	690	24653
Kerry South	7761	13674	733	120	122	680	23090
Kildare North	26725	4946	966	139	19	989	33784
Kildare South	16548	7873	1255	181	50	887	26794
Laois - Offaly	23934	19463	934	152	146	1325	45954
Limerick East	33232	6374	362	219	79	1293	41559
Limerick West	7218	15336	801	122	171	526	24174
Longford - Westmeath	18688	15311	902	128	153	1214	36396
Louth	27244	8760	1239	119	58	1178	38598
Mayo	16996	23717	1157	176	197	975	43218
Meath East	16063	10078	1264	142	49	647	28243
Meath West	16377	9727	779	129	85	762	27859
Roscommon - South Leitrim	9288	16469	847	110	169	621	27504
Sligo - North Leitrim	11429	12009	696	117	171	591	25013
Tipperary North	11545	13419	418	100	124	601	26207
<b>Tipperary South</b>	<b>14413</b>	<b>10425</b>	<b>713</b>	<b>113</b>	<b>85</b>	<b>605</b>	<b>26354</b>
Waterford	26249	9573	740	212	105	1091	37970
Wexford	20809	19836	2914	516	124	897	45096
Wicklow	30514	10920	778	304	96	1245	43857
<b>State</b>	<b>956239</b>	<b>418033</b>	<b>29685</b>	<b>6979</b>	<b>4179</b>	<b>47181</b>	<b>1462296</b>

# How Many Households in South Tipperary will be affected by these charges?



Tipperary South	
Type of Facility	Number of Households
Individual Septic Tank	10425
Public Scheme	14413
Other Individual Treatment Facility	713
Other	113
No Sewerage Facility	85
Not Stated	605
Total	26354

- **43% of Households in South Tipperary have an individual Septic Tank or other Individual Treatment System. These Households will be subject to new charges and inspection regimes.**
- **55% are connected to the Public Mains, these households will be exempt from new charges and the State will continue to provide for their Sewerage Needs.**