

# SEPA submission of 13 October 2023

## PE1988/E: Review the process for disposal of household raw sewage

Following on from SEPA's initial submission to the Committee of 28 June 2023 (by email), I can now provide a fuller response as follows:

SEPA has now completed its review of the approach to the regulation of private sewage discharges and has published a service level statement on its website:

[Small-scale sewage service level statement | Scottish Environment Protection Agency \(SEPA\)](#)

This statement describes the challenges that SEPA faces in taking action to deal with unsatisfactory discharges from private systems, and then goes on to describe the level of service that complainants can expect from now on.

The key point to note is that in the majority of cases SEPA will now restrict its response to providing advice and guidance, placing the onus firmly on owners and operators to ensure that treatment systems meet the required standards and are maintained in good working order.

In order to maintain a deterrent effect, SEPA will restrict compliance and enforcement activity to specific campaigns targeted on known problem areas or issues. This means that the limited resources we have are focussed on achieving notable outcomes.

Given that this is a new approach and the service level statement has only recently been published, it should be noted that SEPA has not yet taken any decisions on where and when to run compliance campaigns, but options are now being considered.

To provide further information to the Committee, I've also attached blank copies of letter templates to illustrate the type of standard communications that will now go out to owners of systems and complainants in response to the receipt of a complaint.

I hope that this latest submission serves to describe to the Committee the consideration that SEPA has given to this issue and the course of action that it now intends to follow.

# Small-scale private sewage letter for complainants

Dear **Insert Salutation**

**The Water Environment (Controlled Activities) (Scotland)  
Regulations 2011 (As Amended)  
Complaint About Sewage Discharge**

Thank you for notifying SEPA about the sewage discharge at XYZ.

Please find, attached, SEPA's Service Level for complaints about small scale sewage.

SEPA is limiting its response to complaints about private sewage to providing standard advice and guidance.

It is the homeowner's responsibility for ensuring their treatment system is maintained and repaired in good working order and does not cause pollution or nuisance. We have provided advice and guidance to the owner of the system so they can take steps themselves to rectify the problem and ensure it is operated, maintained, and repaired in good working order.

SEPA will continue to use intelligence from data gathered from public complaints to target campaign work about private sewage.

Please be aware, SEPA will not respond to repeat complaints about the same location.

Yours **Insert Closure (sincerely/faithfully)**

**Insert Author's Name**  
**Insert Author's Post Title**

**Insert Enc (if appropriate)**

**Insert cc: (if appropriate)**

## Small-scale private sewage letter for households

Dear **Insert Salutation**

### **THE WATER ENVIRONMENT (CONTROLLED ACTIVITIES) (SCOTLAND) REGULATIONS 2011 (AS AMENDED)**

#### **COMPLAINT ABOUT THE SEWAGE DISCHARGE FROM YOUR PROPERTY**

SEPA has been notified that there is likely to be a potential nuisance/pollution problem associated with your sewage discharge.

Owners and operators of septic tanks or small private sewage treatment systems are wholly responsible for ensuring that their treatment systems are authorised by SEPA, maintained in good working order and do not cause pollution or nuisance to their neighbours. Failure to act could leave you at risk of a monetary penalty of up to £600. Not having an authorisation and/or causing harm or nuisance because your treatment system is not in good working order could lead to issues being identified in a Home Report and cause delays in selling.

You should take steps to identify whether your system is in good working order and that the pipework and outfall connecting to the treatment system are in a good state of repair. Links to advice & guidance about how you can identify problems and how you can rectify them, are provided below. Where you, or a contractor acting on your behalf, find deficiencies you (Cont./) should take action to rectify these as soon as possible. Please note any issues regarding wayleave, rights of servitude etc., that affect access to your system are a civil matter for you to resolve.

You should also ensure that your discharge is authorised by SEPA and that you are complying with the conditions of your authorisation, as these are legal requirements. Links to SEPA's website about how to get authorised, are provided below.

Should you wish to discuss what steps you can take to rectify problems with your treatment system, and how to get authorised, please contact your local SEPA office.

Yours **Insert Closure (sincerely/faithfully)**

Insert Author's Name  
Insert Author's Post Title

### **Advice and Guidance**

How to check if your sewage discharge is registered with SEPA, and how to apply to register your sewage discharge:

Advice and guidance on maintenance of septic tanks is available in the 'Septic Tank Guide' on SEPA's Website and for small package wastewater treatment systems a 'Guide for Users' can be downloaded from the British Water website:

<https://www.sepa.org.uk/regulations/water/septic-tanks-and-private-sewage-treatment-systems/>

Links to the Law Society of Scotland regarding buying and selling property in Scotland:

<https://www.lawscot.org.uk/for-the-public/what-a-solicitor-can-do-for-you/buying-and-selling-a-property/>