

Scottish Government submission of 1 February 2024

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

Thank you for your letter from Citizen Participation and Public Petitions Committee dated 21 December 2023 regarding the Scottish Environment Protection Agency's regulation of private sewage discharges to ensure protection and improvement of the water environment.

The Scottish Government supports the Scottish Environment Protection Agency's (SEPA) published approach to environmental regulation, '[How We Regulate](#)'. SEPA regulates thousands of businesses across Scotland and receives over 8,000 incident-related reports each year. SEPA prioritises its environmental incident response activity to ensure it focuses on the areas which best protect the environment and communities. This means that it gives highest priority to incidents which cause the greatest impact, or involve significant non-compliance for activities it regulates. Reported incidents which are considered lower priority (incidents causing minor or no impact to the environment or less significant non-compliance) are allocated a lower resource priority as appropriate.

Some 8% of households in Scotland have private sewerage treatment arrangements. Owners and operators of septic tanks or small private sewage treatment systems are wholly responsible for ensuring that their treatment systems are maintained in good working order and do not cause pollution or nuisance to their neighbours.

SEPA receives over 200 reports a year related to private sewage discharges.

SEPA's experience is that in the vast majority of cases, any environmental impact associated with non-compliance with the conditions of an authorisation for a private sewage discharge, is likely to be very localised, small in scale and have a low to no impact on the water environment. As such, reports to SEPA relating to small-scale private sewage systems are considered lower priority.

SEPA's approach to the regulation of private sewage treatment systems is reflected in its published [small-scale sewage service level statement](#). In general, SEPA responds to incident reports with no or low impact on the water environment by providing householders with advice and guidance on maintaining private sewage treatment systems and the owners legal responsibilities. However, in the rare circumstances where there was evidence of a more serious environmental impact associated with a small-scale private sewage discharge, SEPA would take action in accordance with its enforcement policy.

SEPA maintains a deterrent by carrying out compliance campaigns to focus its regulatory effort to known problem locations or subject areas (e.g. unauthorised discharges, authorisations with upgrade conditions). These campaigns use enforcement tools, such as Fixed Monetary Penalties, to enforce timescales for improvement measures to be implemented, to change behaviours for those who persistently fail to comply, and where improvements are necessary to limit localised environmental harm or nuisance.

The Scottish Government's continuous policy development in the area of environmental protection and improvement currently has two open consultations related to this matter. The first consultation seeking views at [Environmental Authorisations \(Scotland\) Regulations 2018: proposed amendments - Scottish Government consultations - Citizen Space](#), closes on 31 March. The proposals are to incorporate SEPA's four main regulatory regimes, including the Water Environment (Controlled Activities) (Scotland) Regulations 2011 controlling private sewage treatment discharges, into an integrated environmental authorisation framework as part of Scottish Government and SEPA's joint Better Environmental Regulation Programme.

The Scottish Government's [Water, wastewater and drainage policy consultation - Citizen Space](#), open until 21 February, is also currently seeking views on the regulation of private wastewater treatment systems to protect the environment as part of the Scottish Government's proposed principles and considerations in developing policy for the future of the water industry in Scotland in response to the climate emergency.

Environmental Quality and Resilience Division