

Petitioner submission of 5 December 2023

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

There are 2 issues raised by this petition – the continued legal use of domestic outfall pipes for raw sewage directly into the sea, and the issue of non-repair of broken domestic outfall pipes that deposit raw sewage onto beaches.

For the long-term issue at the point of house sale, a query raised by the committee at the first hearing, there are 3 opportunities for the issue of outfall pipes to the sea to be addressed: home report; legal process during the sale; and SEPA's certificates of authority at point of sale.

1. From a recent home report for a house sale in Kames (the petitioner's local area) the surveyor wrote, "We have been informed that the drainage is private by means of direct outflow to the river (sic). The maintenance liability, rights of access and SEPA consents should be confirmed."

Petitioner's observation: The Home Report Surveyor system believes the responsibility lies with SEPA.

2. From the Law Society response: "... on the occasions experienced by some Committee members where the waste from a house drained into the sea, consent was granted by SEPA. This was granted on the basis that all reasonable endeavours should be used to secure a connection to a public sewer when one becomes available."

Petitioner's Observation: The Law Society believes the responsibility lies with SEPA and the hope for reasonable endeavours by the homeowner.

3. From SEPA's response: 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.

Petitioner's Observation: SEPA pass responsibility to the homeowner, with the clear intention of not policing the outcomes.

In relation to the issue of broken pipes depositing raw sewage on the beach:

From SEPA's response: 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 focused 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.

Petitioner's comment: The SEPA area manager for Argyll (who kindly wrote the SEPA response) has stated to the petitioner that Kames is a complex issue and any campaigns would not be started there because of this complexity. So any compliance work that may be done by SEPA will be selective and will not help all areas.

From SEPA's response: Letters sent to households that have had complaints about their discharge state that "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."

Petitioner's comment: No mention is given for owners of raw sewage discharges as per this petition. The 'could leave you at risk...' section is typical of the non-dated, non-specific method that SEPA uses to hope that homeowners are responsible beings. SEPA staff have stated to the petitioner that they are fearful of using any court action available to them because of unknown costs that could be incurred. SEPA staff have stated to the petitioner that they do not have the funds or manpower to monitor the certificates they issue at point of sale for transitions to processed systems, or the agreements made by any homeowners to repair any broken pipes.

Petitioner's Plea to the Committee

In relation to the outfall pipes legally discharging into the sea, please could you consider creating a new law that legally imposes timescales

on changing to a private processing system or connection to the mains, perhaps initiated immediately on the sale of the property or with a time frame when there is continued same ownership. There then needs to be a checking process bestowed upon an authority, perhaps to the Environmental Warden of the Local Council who has responsibility for Dog fouling issues. SEPA staff have stated that they could not monitor any system without added funds.

In relation to the broken pipes issue, please could you consider creating a new law, perhaps similar to the Dog Fouling (Scotland) Act 2003, whereby someone (SEPA or Local Council) has the authority to issue fixed penalty notices to offending owners of broken pipes. The process is then straightforward for the issuing authority as per the Dog Fouling (Scotland) Act 2003.

Without these proposed legally binding procedures and timeframes being in place nothing will change, raw human excrement will continue to be spewed onto beaches and into shallow waters, and we will all have wasted our time by not acting to stop it. Please make change happen.