

James,

Please see our responses to the questions you asked in your email of the 21/5/12.

Our answers to these questions reflect the current regulatory framework within England.

By way of background to your questions, I'd like to explain how the legislation contained governing small sewage discharges works.

Firstly it creates an offence for operating (discharging) a small sewerage discharge without an environmental permit.

It then provides two exemptions from this permit requirement for small sewage discharges, stating that if the discharger operates within the terms of the exemption s/he does not need to get a permit. The first one¹ allows small sewage discharges of up to 5m³ per day to surface waters and the second one² allows small sewage discharges of up to 2m³ per day to ground. These exemptions contain a number of conditions that the person making the discharge has to comply with. Failure to comply with any of the conditions means that the discharger is no longer exempt and requires a permit for the discharge to remain legal.

The conditions of these exemptions can be seen in Annex 1 and 2 of this response. Where I say that an exemption is applicable, my answer assumes that the discharger is complying with all the requirements of the relevant exemption. Our published guidance on small sewage discharges can be seen on the following link:

[Guidance for the registration of small sewage effluent discharges](#)

At this page you'll be able to view our:

- Summary Guidance;
- Frequently Asked Questions document; and in the "further reading " section,
- fuller guidance document on the registration of small sewage effluents:

A critical condition of both these exemptions is:

- a) that all works and equipment used for the treatment of sewage effluent and its discharge comply with the requirements specified in guidance issued by the appropriate authority in relation to—
 - (i) design and manufacturing standards,

¹ Paragraph 2 of Part 2 of Schedule 3 of the Environmental Permitting (England and Wales) Regulations 2010.

² Paragraph 3 of Part 2 of Schedule 3 of the Environmental Permitting (England and Wales) Regulations 2010.

- (ii) construction, installation and operation specifications, and
- (iii) siting and installation.

On occasion, it is the guidance referred to in the above condition that either allows the exemption or rules it out. When answering your questions I will try and make it clear when it is this guidance that makes an exemption applicable or not.

In answering your questions, I have answered them separately, so that each question has a complete reply. On occasion this make the answers appear repetitive but I wanted to ensure that each reply stood on its own.

Additionally, in answering these questions I have taken the following assumptions:

- The discharges in question are 5m³ per day or less;
- Where you use the term sewage treatment plant, you specifically mean a package sewage treatment plant rather than a septic tank with an infiltration system; and,
- You are only concerned with the regulatory position with England. The answers do not relate to the situation within Wales.

Where appropriate I have split my answers according to:

- Whether the discharge is 2m³ per day or less or 5m³ per day or less;
- Whether the discharge takes place within a sensitive area, or a buffer zone to such an area (please note that these sensitive areas and their buffer zones are different for discharges to surface water and discharges to ground);
- Whether the discharge is 'new' or 'existing'
 - Existing discharges: If the discharge was already being made before 6 April 2010 it is an **existing discharge**
 - New discharges: A **new discharge** is one that was started after the 6 April 2010. If an existing system is upgraded or replaced and the discharge goes to a different place, then this would be classed as a new discharge.

Throughout the questions I have made reference to Regulatory Position Statement 116. This can be seen at the following link:

[Regulatory Position 116](#)

Also please note that the Government is currently considering the regulatory system within England, so the regulatory position may change, and as a result the answers to your questions may also change.

1 At present is there a requirement to apply for a Permit or Permit Exemption when replacing an old septic tank with a new septic tank?

The following answers are based upon the following assumptions;

- the septic tank is being replaced and there is no modification to the infiltration system or the point of discharge (and there has been no such modification since 6 April 2010); and,
- that the discharge goes to an infiltration system (to ground) rather than a watercourse.

Where the discharge is 2m³ per day or less and not in a sensitive area.

The legislation requires that this discharge should be registered, assuming the operator of the septic tank can comply with all the requirements of the exemption. If the operator cannot meet these requirements then s/he cannot claim to be exempt and will require a permit to continue the discharge.

However we have taken a position (Regulatory Position Statement 116) that we do not intend to enforce this registration requirement during the current review. However this stance is subject to certain conditions that are listed within Regulatory Position Statement 116. However, this Regulatory Position statement does not prevent anyone from registering if they wish to do so.

Where the discharge to ground is greater than 2m³ per day.

There is no exemption covering this activity. As such a permit is required to avoid committing an offence and Regulatory Position Statement 116 suspending registration has no effect, as there is no registration to suspend.

Whether we issue a permit in these circumstances will be dependent on the actual situation and a risk assessment.

Discharges within sensitive areas

Notwithstanding the answers above, given that this is an existing system, the current regulatory framework requires the discharge (to ground via an infiltration system) is to have a permit where it is within a groundwater Source Protection Zone 1 or within 50 metres of a point at which water is abstracted from underground strata

2 At present is there a requirement to apply for a Permit or Permit Exemption when installing a new septic tank?

The following answers are based upon the following assumptions:

- that you are installing a new septic tank and an infiltration system; and,
- that the discharge goes to an infiltration system (to ground) rather than a watercourse.

Where the discharge is 2m³ per day or less and not in a sensitive area.

The legislation requires that this discharge should be registered, assuming the operator of the septic tank can comply with all the requirements of the exemption. If the operator cannot meet these requirements then s/he cannot claim to be exempt and will require a permit to continue the discharge.

However we have taken a position (Regulatory Position Statement 116) that we do not intend to enforce this registration requirement during the current review. However this stance is subject to certain conditions that are listed within Regulatory Position Statement 116. Additionally, please note that this Regulatory Position Statement does not prevent anyone from registering if they wish to do so.

Where the discharge is greater than 2m³ per day.

There is no exemption covering this activity. As such a permit is required to avoid committing an offence and Regulatory Position Statement 116 suspending registration has no effect, as there is no registration to suspend.

Whether we issue a permit in these circumstances will be dependent on the actual situation and a risk assessment.

Discharges within sensitive areas

Notwithstanding the above answers, as this discharge will have been put in place since 6 April 2010, a permit is required if it discharges is within the following buffer zones for the following sites shown below:

| | |
|---------------------------------------|-----------------------------------|
| Source Protection Zone 1 | Within a Source Protection Zone 1 |
| Well or borehole used to supply water | within 50 metres |
| Protected Species | within 50 metres |
| Special Areas of Conservation | within 50 metres |
| Special Protection Areas | within 50 metres |
| Ramsar Sites | within 50 metres |
| Sites of Special Scientific Interest | within 50 metres |
| National Nature Reserves | within 50 metres |
| Local Nature Reserves | within 50 metres |
| Local Wildlife Sites | within 50 metres |
| Ancient Woodland | not within boundary of the site |

New discharges within a groundwater Source Protection Zone 1

Our current position is that we have a presumption against permitting new discharges within a groundwater Source Protection Zone 1. This means that we will decline to permit such new discharges to ground within Source Protection Zone 1s, and as a result, the discharger will commit an offence if he continues to discharge to ground in these circumstances

3 At present is there a requirement to apply for a Permit or Permit Exemption when installing a new sewage treatment plant discharging to ground?

The following answers are based upon the following assumptions:

- the treatment system is a package sewage treatment plant; and,
- that it discharges to ground through an infiltration system.

Where the discharge is 2m³ per day or less and not in a sensitive area.

The legislation requires that this discharge should be registered, assuming the operator of the package sewage treatment plant can comply with all the requirements of the exemption. If the operator cannot meet these requirements then s/he cannot claim to be exempt and will require a permit to continue the discharge.

However we have taken a position (Regulatory Position Statement 116) that we do not intend to enforce this registration requirement during the current review. However this stance is subject to certain conditions that are listed within Regulatory Position Statement 116. Additionally, please note that this Regulatory Position Statement does not prevent anyone from registering if they wish to do so.

Where the discharge is greater than 2m³ per day.

There is no exemption covering this activity. As such a permit is required to avoid committing an offence and Regulatory Position Statement 116 suspending registration has no effect, as there is no registration to suspend.

Discharges within sensitive areas

Notwithstanding the above answers, as this is as this discharge will have been put in place since 6 April 2010, a permit is required if it discharges within the following buffer zones for the following sites shown below:

| | |
|---------------------------------------|-----------------------------------|
| Source Protection Zone 1 | Within a Source Protection Zone 1 |
| Well or borehole used to supply water | within 50 metres |
| Protected Species | within 50 metres |
| Special Areas of Conservation | within 50 metres |
| Special Protection Areas | within 50 metres |
| Ramsar Sites | within 50 metres |
| Sites of Special Scientific Interest | within 50 metres |
| National Nature Reserves | within 50 metres |
| Local Nature Reserves | within 50 metres |
| Local Wildlife Sites | within 50 metres |
| Ancient Woodland | not within boundary of the site |

New discharges within a groundwater Source Protection Zone 1

Our current position is that we have a presumption against permitting new discharges within a groundwater Source Protection Zone 1. This means that we will decline to permit such new discharges to ground within Source Protection Zone 1s and as a result, the discharger will commit an offence if he continues to discharge to ground in these circumstances

Please remember that a permit is always required for discharges to ground that are greater than 2m³ per day

4. At present is there a requirement to apply for a Permit or Permit Exemption when installing a new sewage treatment plant discharging to watercourse?

The following answers are based upon the following assumption:

- that the treatment system is a package sewage treatment plant.

All discharges of 5 m³ per day or less and not in a sensitive area

The legislation requires that this discharge should be registered, assuming the operator of the package sewage treatment plant can comply with all the requirements of the exemption. If the operator cannot meet these requirements then s/he cannot claim to be exempt and will require a permit to continue the discharge.

However we have taken a position (Regulatory Position Statement 116) that we do not intend to enforce this registration requirement during the current review. However this stance is subject to certain conditions that are listed within Regulatory Position Statement 116. Additionally, please note that this Regulatory Position Statement does not prevent anyone from registering if they wish to do so.

Discharges within sensitive areas

Notwithstanding the above answer, as this is as this discharge will have been put in place since 6 April 2010, a permit is required if it discharges within the following buffer zones for the following sites:

| | |
|--------------------------------------|---------------------------------|
| Protected Species | within 500 metres |
| Special Areas of Conservation | within 500 metres |
| Special Protection Areas | within 500 metres |
| Ramsar Sites | within 500 metres |
| Sites of Special Scientific Interest | within 500 metres |
| National Nature Reserves | within 200 metres |
| Local Nature Reserves | within 200 metres |
| Local Wildlife Sites | within 50 metres |
| | |
| Ancient Monuments | not within boundary of the site |
| Shellfish waters | within 50 metres |
| Bathing waters | within 50 metres |

5 Do existing septic tanks and sewage treatment plants need to be registered?

The following answers are based upon the following assumptions:

- the septic tank/sewage treatment plant was/were put in place before 6 April 2010;
- the septic tanks discharge to ground via an infiltration system;
- the sewage treatment plant discharges to a watercourse; and,
- the sewage treatment plant is a package sewage treatment plant.

This answer is split into two, the first part relating to septic tanks and the second part relating to package sewage treatment plants.

Part 1

Septic tanks discharging to ground through an infiltration system

Where the discharge is 2m³ per day or less and not in a sensitive area.

The legislation requires that this discharge should be registered, assuming the operator of the septic tank can comply with all the requirements of the exemption. If the operator cannot meet these requirements then s/he cannot claim to be exempt and will require a permit to continue the discharge.

However we have taken a position (Regulatory Position Statement 116) that we do not intend to enforce this registration requirement during the current review. However this stance is subject to certain conditions that are listed within Regulatory Position Statement 116. Additionally, please note that this Regulatory Position Statement does not prevent anyone from registering if they wish to do so.

Where the discharge is greater than 2m³ per day.

There is no exemption covering this activity. As such a permit is required to avoid committing an offence and Regulatory Position Statement 116 suspending registration has no effect, as there is no registration to suspend.

Discharges within sensitive areas

Notwithstanding the answers above, given that this is an **existing** system, the current regulatory framework requires the discharge to have a permit where it is within a groundwater Source Protection Zone 1 or within 50 metres of a point at which water is abstracted from underground strata.

Part 2

Package sewage treatment plant discharging to watercourse

All discharges of 5 m³ per day or less

The legislation requires that this discharge should be registered, assuming the operator of the package sewage treatment plant can comply with all the requirements of the exemption. If the operator cannot meet these requirements then s/he cannot claim to be exempt and will require a permit to continue the discharge.

However we have taken a position (Regulatory Position Statement 116) that we do not intend to enforce this registration requirement during the current review. However this stance is subject to certain conditions that are listed within Regulatory Position Statement 116. Additionally, please note that this Regulatory Position Statement does not prevent anyone from registering if they wish to do so.

6 If there is no requirement to obtain a Permit or Permit exemption what legislation is there to stop new septic tanks discharging to watercourses?

I believe the basic premise of your question to be incorrect as I consider that a permit is required for this activity.

If you look at the conditions of the exemption in Annex 2 you can see that it specifies that a discharge to inland freshwaters, e.g. a watercourse, can only come from a sewage treatment plant. As such there is no exemption covering the scenario outlined in your question.

As such a permit is required to avoid committing an offence and Regulatory Position Statement 116 suspending registration has no effect, as there is no registration to suspend.

Our Frequently Asked Questions on the registration of small sewage discharges October 2011 states:

“Can I register if my discharge to surface water is straight from a septic tank? No. You will either need to apply for an environmental permit or install better treatment for the sewage. Better treatment could include installing a package sewage treatment plant.

A septic tank discharging direct to a surface water is in breach of the Environmental Permitting (England and Wales) Regulations 2010. (EPR).

EPR specifies that to discharge into surface water a sewage treatment plant is required.”

7 If there is no requirement to obtain a Permit or Permit exemption what legislation is there to stop new sewage treatment plants discharging to dry ditches?

I believe the basic premise of your question to be incorrect as I consider that a permit is required for this activity.

The following answer is based upon the following assumptions:

- the sewage treatment plant is a package sewage treatment plant; and,
- the ditch is not blocked and would allow water to flow.

Before moving to a complete answer we must consider whether this is a discharge to ground or surface water. Where the ditch is capable of allowing water to flow then it is considered to be an inland freshwater as definition of "inland freshwaters" includes ditches that are dry and so, at first sight it appears that the exemption would allow such a discharge.

However condition 2 (a) of this exemption states:

- a) that all works and equipment used for the treatment of sewage effluent and its discharge comply with the requirements specified in guidance issued by the appropriate authority in relation to—
 - (i) design and manufacturing standards,
 - (ii) construction, installation and operation specifications, and
 - (iii) siting and installation.

This means that the siting, and installation of the discharge must be in accordance with the relevant guidance for the exemption to be applicable.

Our guidance on the "Registration of small sewage effluent discharges (Version 1.0 July 2011)" states:

For discharges to surface waters:

New discharges only

The discharge must only be made to a watercourse that normally contains water throughout the year. The discharge cannot be to an enclosed lake or pond

Treated sewage effluent requires some dilution and dispersion when discharged to surface water in order to prevent stagnation and pollution. For this reason, it is not possible to register a new discharge to a ditch or watercourse that does not contain water throughout the year in normal circumstances. We would regard normal circumstances to be anything other than a drought or abnormally prolonged period of dry weather. Discharges to watercourses that seasonally dry up cannot be registered.

Based upon the legislation and this guidance there is no exemption covering this activity. As such a permit is required to avoid committing an offence and Regulatory Position Statement 116 suspending registration has no effect, as there is no registration to suspend

Whether we issue a permit in these circumstances will be dependent on the actual situation and a risk assessment.

8 What is the Environment Agency's position on existing septic tanks / sewage treatment plants discharging into dry ditches?

The following answer is based upon the following assumptions:

- the sewage treatment plant is a package sewage treatment plant;
- the ditch is not blocked and would allow water to flow; and,
- where there is a discharge from a septic tank there is no infiltration field before the discharge goes into the dry ditch.

This answer is split into two, the first part relating to septic tanks and the second part relating to package sewage treatment plants.

Before moving to a complete answer we must consider whether this is a discharge to ground or surface water. Where the ditch is capable of allowing water to flow then it is considered to be an inland freshwater as definition of "inland freshwaters" includes ditches that are dry and so, at first sight it appears that the exemption would allow such a discharge.

However condition 2 (a) of this exemption states:

- a) that all works and equipment used for the treatment of sewage effluent and its discharge comply with the requirements specified in guidance issued by the appropriate authority in relation to—
 - (i) design and manufacturing standards,
 - (ii) construction, installation and operation specifications, and
 - (iii) siting and installation.

This means that the siting and installation of the discharge must be in accordance with the relevant guidance for the exemption to be applicable.

Part 1

Package sewage treatment plants

Our Guidance for the registration of small sewage effluent discharges (Version 1.0 July 2011) explains the situation for **existing** discharges:

3.2.3.1 Existing discharges to surface waters

An existing small sewage effluent discharge may be registered as discharging to surface water if it is a lake or pond, or is subject to seasonal drying, provided that the sewage treatment system is working satisfactorily and does not cause pollution.

Based upon this guidance an exemption can be registered for this discharge to a dry ditch as long as the treatment system is working satisfactorily and the discharge is not causing pollution.

Part 2

Septic Tanks.

If one looks at the exemption covering discharges to surface water it specifically restricts it to those discharges arising from sewage treatment plant. Therefore we do not consider that this exemption covers a discharge to a surface water, including dry ditches.

Additionally our “Frequently Asked Questions” on the registration of small sewage discharges October 2011 states:

“Can I register if my discharge to surface water is straight from a septic tank? No. You will either need to apply for an environmental permit or install better treatment for the sewage. Better treatment could include installing a package sewage treatment plant.

A septic tank discharging direct to a surface water is in breach of the Environmental Permitting (England and Wales) Regulations 2010. (EPR).

EPR specifies that to discharge into surface water a sewage treatment plant is required.”

The legislation and our guidance make it clear that there is no exemption covering this activity. As such a permit is required to avoid committing an offence and Regulatory Position Statement 116 suspending registration has no effect, as there is no registration to suspend.

Whether we issue a permit in these circumstances will be dependent on the actual situation and a risk assessment.

9 What is the Environment Agency's position on existing septic tanks discharging into watercourses?

The following answer is based upon the following assumption:

- there is no additional treatment afforded by a package sewage treatment plant

If one looks at the exemption covering discharges to surface water it specifically restricts it to those discharges arising from sewage treatment plant. Therefore we do not consider that this exemption covers a discharge from septic tanks to a surface water.

Additionally our "Frequently Asked Questions" on the registration of small sewage discharges October 2011 states:

"Can I register if my discharge to surface water is straight from a septic tank? No. You will either need to apply for an environmental permit or install better treatment for the sewage. Better treatment could include installing a package sewage treatment plant.

A septic tank discharging direct to a surface water is in breach of the Environmental Permitting (England and Wales) Regulations 2010. (EPR).

EPR specifies that to discharge into surface water a sewage treatment plant is required."

The legislation and our guidance make it clear that there is no exemption covering this activity. As such a permit is required to avoid committing an offence and Regulatory Position Statement 116 suspending registration has no effect, as there is no registration to suspend.

Whether we issue a permit in these circumstances will be dependent on the actual situation and a risk assessment.

10 Is there a requirement to obtain a Permit or Permit Exemption when discharging to ground for a site located in a groundwater source protection zone 1, 2 or 3?

The following answers are based upon the following assumptions:

- That the discharge from either the septic tank or package sewage treatment plant, or combination of a septic tank and package sewage treatment plant with the discharge via an infiltration system

The answers vary depending on whether the discharge was being made before 6 April 2010 or has been put in place since that date or substantially altered.

Discharges being made before 6 April 2010 (existing systems)

Where the discharge is 2m³ per day or less and not in a sensitive area

The legislation requires that this discharge should be registered, assuming the operator of the septic tank/package sewage treatment plant can comply with all the requirements of the exemption. If the operator cannot meet these requirements then s/he cannot claim to be exempt and will require a permit to continue the discharge.

However we have taken a position (Regulatory Position Statement 116) that we do not intend to enforce this registration requirement during the current review. However this stance is subject to certain conditions that are listed within Regulatory Position Statement 116. Additionally, please note that this Regulatory Position Statement does not prevent anyone from registering if they wish to do so.

Where the discharge is greater than 2m³ per day.

There is no exemption covering this activity. As such a permit is required to avoid committing an offence and Regulatory Position Statement 116 suspending registration has no effect, as there is no registration to suspend.

Whether we issue a permit in these circumstances will be dependent on the actual situation and a risk assessment.

Existing Discharges within a groundwater Source Protection Zone 1

Notwithstanding the answers above, given that this is an existing system, the current regulatory framework requires the discharge to have a permit where it is within a groundwater Source Protection Zone 1 or within 50 metres of a point at which water is abstracted from underground strata. Please see [Regulation of existing small domestic sewage discharges in Source Protection Zone 1 during the current review period in England](#)

Discharges substantially altered or put in place since 6 April 2010

Where the discharge is 2m³ per day or less and not in a sensitive area.

The legislation requires that this discharge should be registered, assuming the operator of the septic tank/package sewage treatment plant can comply with all the requirements of the exemption. If the operator cannot meet these requirements then s/he cannot claim to be exempt and will require a permit to continue the discharge.

However we have taken a position (Regulatory Position Statement 116) that we do not intend to enforce this registration requirement during the current review. However this stance is subject to certain conditions that are listed within Regulatory Position Statement 116. Additionally, please note that this Regulatory Position Statement does not prevent anyone from registering if they wish to do so

Where the discharge is greater than 2m³ per day.

There is no exemption covering this activity. As such a permit is required to avoid committing an offence and Regulatory Position Statement 116 suspending registration has no effect, as there is no registration to suspend.

Whether we issue a permit in these circumstances will be dependent on the actual situation and a risk assessment.

Discharges within sensitive areas

Notwithstanding the above answers, as this is as this discharge will have been put in place since 6 April 2010, a permit is required if it discharges within the following buffer zones for the following sites shown below:

| | |
|---------------------------------------|-----------------------------------|
| Source Protection Zone 1 | Within a Source Protection Zone 1 |
| Well or borehole used to supply water | within 50 metres |
| Protected Species | within 50 metres |
| Special Areas of Conservation | within 50 metres |
| Special Protection Areas | within 50 metres |
| Ramsar Sites | within 50 metres |
| Sites of Special Scientific Interest | within 50 metres |
| National Nature Reserves | within 50 metres |
| Local Nature Reserves | within 50 metres |
| Local Wildlife Sites | within 50 metres |
| Ancient Woodland | not within boundary of the site |
| Ancient Monuments | not within boundary of the site |

New discharges within a groundwater Source Protection Zone 1

Our current position is that we have a presumption against permitting new discharges within a groundwater Source Protection Zone 1. This means that we will decline to permit such new discharges to ground within source protection zone 1s and as a result, the discharger will commit an offence if he continues to discharge to ground in these circumstances.

I note your question related to SPZ1, 2 and 3. I have mentioned the above sites as it is possible that those sites could overlap with SPZ2 and 3 areas.

Annex 1

Small discharges of sewage effluent

2.—(1) For the purpose of paragraph 4(a)(i) of Schedule 2, the description is the discharge from a sewage treatment plant of 5 cubic metres per day or less of sewage effluent into inland freshwaters, coastal waters or relevant territorial waters.

- (2) For the purpose of paragraph 4(a)(ii) of that Schedule, the conditions in relation to a water discharge activity described in sub-paragraph (1) are—
- (a) that all works and equipment used for the treatment of sewage effluent and its discharge comply with the requirements specified in guidance issued by the appropriate authority in relation to—
 - (i) design and manufacturing standards,
 - (ii) construction, installation and operation specifications, and
 - (iii) siting and installation;
 - (b) that the discharge cannot reasonably, at the time it is first made, be made to the foul sewer;
 - (c) that the discharge does not contain trade effluent;
 - (d) that all works and equipment used for the treatment of sewage effluent and its discharge are maintained in accordance with the manufacturer's specification;
 - (e) that records of maintenance work are kept by the person who is the occupier of the land on which the discharge is made ("the occupier") for at least 5 years after the work is carried out;
 - (f) that the occupier must notify the exemption registration authority if an exempt water discharge activity ceases to be in operation;
 - (g) that the occupier must ensure that all works and equipment used for the treatment of sewage effluent and its discharge are appropriately decommissioned when the exempt facility ceases to be in operation so that there is no risk of pollutants entering inland freshwaters or coastal waters;
 - (h) that, before an occupier ceases to be in occupation of land on which an exempt water discharge activity is carried on, the occupier must give to the person who will next be in occupation of the land a written notice—

- (i) stating that an exempt water discharge activity is being carried on on the land;
- (ii) containing a description of the exempt facility;
- (iii) stating the conditions that must be satisfied in relation to the exempt facility; and
- (iv) accompanied by any records of maintenance mentioned in paragraph (e).

Annex 2

Small discharges of sewage effluent

3.—(1) For the purpose of paragraph 5(a)(i) of Schedule 2, the description is a discharge from a septic tank or sewage treatment plant of 2 cubic metres per day or less of sewage effluent that results in the input of pollutants to groundwater.

- (2) For the purpose of paragraph 5(a)(ii) of that Schedule, the conditions in relation to a groundwater activity of that description are—
- (a) that all works and equipment used for the treatment of sewage effluent and its discharge comply with the requirements specified in guidance issued by the appropriate authority in relation to—
 - (i) design and manufacturing standards,
 - (ii) construction, installation and operation specifications, and
 - (iii) siting and installation of infiltration systems;
 - (b) that the discharge cannot reasonably, at the time it is first made, be made to the foul sewer;
 - (c) that the discharge does not contain trade effluent;
 - (d) that the discharge does not result in an input of pollutants to groundwater—
 - (i) within 50 metres of a point at which water is abstracted from underground strata, or
 - (ii) within a zone defined by a 50-day travel time for groundwater to reach a groundwater abstraction point that is used to supply water for domestic or food production purposes;
 - (e) that all works and equipment used for the treatment of sewage effluent and its discharge are maintained in accordance with the manufacturer's specification;
 - (f) that records of maintenance work are kept by the person who is the occupier of the land on which the discharge is made ("the occupier") for at least 5 years after the work is carried out;
 - (g) that the occupier must notify the exemption registration authority if an exempt groundwater activity ceases to be in operation;
 - (h) that the occupier must ensure that all works and equipment for the treatment of sewage effluent and its discharge are appropriately decommissioned when the exempt facility ceases to be in operation so that there is no risk of pollutants entering groundwater;

- (i) that before an occupier ceases to be in occupation of land on which an exempt groundwater activity is carried on, the occupier must give to the person who will next be in occupation of the land a written notice—
 - (i) stating that an exempt groundwater activity is being carried on on the land;
 - (ii) containing a description of the exempt facility;
 - (iii) stating the conditions that must be satisfied in relation to the exempt facility; and
 - (iv) accompanied by any records of maintenance mentioned in paragraph (f).