# Major non-compliance: point source discharges (excluding sewage)

**Table 1: Major impact of the authorised activity**

| **Authorisation condition** | **Major non-compliance** | **How will SEPA assess / supporting guidance** |
| --- | --- | --- |
| Any authorisation condition | Non-compliance causes or has potential to cause:   * Category 1 or 2 environmental event. * Breach of water standard. * Significant and sustained adverse trend for groundwater. | * Environmental events guidance. * Relevant water standards:   + Evidence of Water Framework Directive (WFD) classification downgrade.   + Failure to comply with an Environmental Quality Standard (EQS) or relevant groundwater standard. * Groundwater monitoring / investigation shows or modelling demonstrates significant and sustained adverse trend.   Catch-all condition breach, including CAR environmental harm condition. |
| Descriptive conditions  No significant:   * Iridescence / sheen. * Discolouration. * Deposition of solids. * Increased foaming, or * Microbiological growth   in receiving waters | Non-compliance causes or has potential to cause Category 1 or 2 environmental event. | * Site inspection. * Evidence collected during site inspection. * Environmental events guidance. |
| Single-tier numeric limits set to achieve environmental standards | More than twice the limit specified in authorisation.  Exceptions:   * pH: limit exceeded by more than 1 unit. * Temperature: exceeded by more than 5oC.   Any breach of single tier bacterial limit. | Assess against authorisation limit using:   * SEPA monitoring data. * Operator self-monitoring. * [Regulatory Method (WAT-RM-40)](https://www.sepa.org.uk/media/152818/wat-rm-40.pdf). |
| Two-tier numeric limits set to achieve environmental   standards (set according to a specified statistical distribution) | * Any breach of upper-tier limit. * Number of planned samples exceeding lower tier limit is greater than the maximum number of permitted exceedances specified in the look up table.   Exception:  A breach of the upper tier UWWTD limit where sample compliance is achieved by meeting the minimum percentage reduction of influent load. | Assess against authorisation conditions and permitted exceedances look up table:   * SEPA monitoring data. * Operator self-monitoring. * [Regulatory Method (WAT-RM-40)](https://www.sepa.org.uk/media/152818/wat-rm-40.pdf). |
| Annual numerical limits | Any breach of the limit specified in the authorisation. | Assess against limit in authorisation e.g.   * Annual mean limits for iron or aluminium in samples taken over a 12-month rolling period. * UWWTD annual mean limits for phosphorus or nitrogen (in composite samples taken over a calendar year), taking into account, where appropriate, percentage reduction in influent loading.   Using:   * SEPA monitoring data. * Operator monitoring data. * [Regulatory Method (WAT-RM-40)](https://www.sepa.org.uk/media/152818/wat-rm-40.pdf). |

**Table 2: Scope of site**

| **Authorisation condition** | **Major non-compliance** | **How will SEPA assess / supporting guidance** |
| --- | --- | --- |
| Discharge locations specified in the authorisation | Discharge points not as specified in authorisation.  AND/OR  Diffuser(s) or outfall location not achieving acceptable dispersion. | * Site inspection - NGR check. * SEPA investigative monitoring data. |
| Storm overflow or emergency overflow settings | Failure to meet any conditions relating to storm overflows or emergency overflows as specified in the authorisation. | * Data returns. * Site inspection. * Records review. * Operator incident report. |
| Screens | Screens required by authorisation are:   * Not installed OR * Maceration of comminution is used to achieve screening standards. | * Site inspection. * Environmental events guidance.   Note: If a screen is present but not operating, it should be assessed under Table 4 (management of site). |
| Treatment system as specified in the authorisation | Treatment system specified in authorisation is not provided. | * Site inspection. * Environmental event investigation.   Note: If the treatment plant (e.g. waste water treatment plant, settlement lagoons, oil interceptor, reed beds) is present but not operating, has frequent breakdowns, not operating as designed, not as per authorisation condition or not operating during critical period, it should be assessed under Table 4 (management of site). |
| Use of chemicals | Use of chemicals specified in the permit:   * Using specified chemicals or medicines at concentrations greater than specified in the authorisation or not administered as specified in the authorisation. | * Site inspection. * Data returns. * Environmental events guidance.   Note: Use of chemicals not specified in authorisation is assessed under Table 5: unauthorised activities. |

**Table 3: Understanding of authorised activities**

| **Authorisation condition** | **Major non-compliance** | **How will SEPA assess / supporting guidance** |
| --- | --- | --- |
| Requirement to report incidents (either in operation of plant or environmental events) | Unless specified otherwise in the authorisation, failure to notify SEPA within 24 hours of an event that has caused or could cause an adverse impact upon the environment, human health and wellbeing.  Failure to provide incident report requested by SEPA within 14 days (or agreed date). | * Operator notification received within timescale – by phone call or email. * Operator incident report submitted in accordance with authorisation conditions.   “incident” means any of the following situations: accidents; malfunction, breakdown, or failure of plant or techniques; or any event such as *force majeure* or emergency actions, which results or is likely to result, in a breach of any condition of the authorisation. |
| Requirement to submit data (records, reports, data) | Failure to make a data return (including nil returns) of adequate quality within 30 days of the required submission date. | * Annual data return assessments (where required by the authorisation). * Other reports required by the authorisation including: * Increase or introduction of List I or II substances and/or hazardous substances. * Notifications of use of medicines at fish hatcheries as specified in the authorisation. * Data returns.   Adequate quality means containing the necessary information to enable the assessment of compliance with authorisation conditions. |
| Requirement to keep records i.e. maintenance records or other records specified in the authorisation | Failure to provide upon request information required by the authorisation.  Information submitted is not true and accurate.  Records are not kept for the minimum duration specified in the authorisation. | Maintenance records or other records required by authorisation condition (such as flow records operator required to hold) are not available during inspection or when requested. |
| Management plans or other plans as specified in authorisation | No plans available. | Management plans or other plans specified in authorisation such as: effluent sampling plan; permitted substances working plan, sludge handling method statement not available upon request. |
| Provision of suitable sampling locations | Sampling location required by authorisation not provided or failing to provide a representative sample. | Site inspection. |

**Table 4: Overall management of authorised activities**

| **Authorisation condition** | **Major non-compliance** | **How will SEPA assess / supporting guidance** |
| --- | --- | --- |
| Compliance with authorisation conditions | Multiple non-compliance (same or different conditions) which cumulatively equate to major non-compliance. | Having regard to condition-specific guidance where this exists and/or environmental events guidance and events records.   * Greater than or equal to 4 category 3 events within a 365-day period which have been caused by a breach of the same condition. * Unless otherwise stated within the site authorisation, multiple non-compliance breaches may be considered collectively as major non-compliance depending on the particular circumstances. SEPA's assessment will be subject to additional governance checks to ensure national consistency in decision-making. |
| Operation and calibration of measuring and monitoring equipment required by authorisation (flow meters, event records, autosamplers, telemetry) | Monitoring equipment not present or not calibrated in line with manufacturers guidance for extended periods of time, for example.   * Breakdowns of inlet flow meter(s) exceed 108 days in 12 months. * Breakdowns of event recorders and flow meters at overflows exceed 30 days in 12 months. * No calibration checks of flow meters and/or event recorders performed in accordance with authorisation requirements. * Required telemetry is not operating.   Final effluent autosamplers are not operating according to the authorisation conditions e.g. not at correct temperature. | * Assessment of data returns. * Site inspection. * SEPA request for data/calibration records. * Incident notifications.   Calibration of flow meters, use guidance document on calibration of monitoring and measuring equipment as a guide (CAS-G-002). |
| Conditions covering management of site, activity infrastructure, equipment | Plant/infrastructure required by condition in the authorisation:   * Frequent breakdown of critical plant with minor unauthorised releases;   OR   * Infrequent or frequent breakdown of any plant (critical\* and non-critical) which leads to, or may lead to, a significant breach of numeric limits (verified by investigative not routine sampling). | * Assessment of data returns. * Site inspection. * Notification of incidents. * SEPA investigative monitoring data.   “critical plant” is defined as those parts of a treatment system that have a significant and immediate role in ensuring discharge effluent quality standards and whose failure is difficult to mitigate without there being a significant effect on effluent quality.  Note: this will cover infrastructure required by condition in the authorisation for example treatment plants, settlement lagoons, oil interceptors, screens, disinfection, alarms (not an exhaustive list*).* |

**Table 5: Wider legal environmental requirements and financial non-compliance**

EPAS is designed to provide a more accurate picture of legal environmental compliance. Under EPAS we will therefore assess compliance of the following situations as it is important a performance record reflects this.

| **Contravention** | **Major non-compliance** | **How will SEPA assess / supporting guidance** |
| --- | --- | --- |
| Undertaking a regulated activity without authorisation | Undertaking a regulated activity without authorisation, for example:   * Use of chlorination to achieve disinfection, contrary to authorisation condition. * Chemical dosing to achieve discharge standards. | Site inspection. |
| Environmental event at an authorised site that is **unrelated to the authorised activity** | Causes a:   * Category 1 or 2 environmental event. * Breach of water or air quality standard. * Significant and sustained adverse trend for groundwater.   Example: oil spill. | * Environmental events guidance. * Evidence of Water Framework Directive (WFD) classification downgrade. * Groundwater monitoring / investigation shows or modelling demonstrates significant and sustained adverse trend. |
| Non-payment of annual charges | Major non-compliance = escalation to debt collection or if debt goes into next financial year.  Non-compliance = more than 90 days late. | * Monthly debtors report. |

<Report date here (month, year)>

For information on accessing this document in an alternative format or language, please contact SEPA by [email](mailto:epas@sepa.org.uk) or telephone 0300 099 6699.

If you are a user of British Sign Language (BSL), the [Contact Scotland BSL](mailto:contactscotland-bsl.org) service gives you access to an online interpreter, enabling you to communicate with us using sign language.