# Major non-compliance: waste-water treatment works (public and private)

**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 events. | * 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).   Note: the suspected solids limit of 100 mg/l for primary treated sewage effluent falls into this category. |
| 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 (usually Appendix 1 in authorisation).  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).   Note: the suspended solids limit of 100 mg/l is effectively an upper tier limit for secondary/tertiary treated sewage effluent discharges. |
| 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 points for final effluent or spills from combined sewer overflows, settled storm sewage overflows or emergency overflows: location and design | Discharge points not as specified in authorisation (e.g. different waterbody)  and/or  Diffuser(s) or outfall location not achieving acceptable dispersion as assessed by visual assessment and/or investigative monitoring. | * Site inspection - NGR check. * SEPA investigative monitoring data. |
| Provision of screens for discharges from combined sewer overflows, settled storm overflows or emergency overflows | Screens required by authorisation are:   * Not installed OR * Maceration or comminution is used to achieve screening standards. | * Site inspection. * Environmental events guidance.   Note: If the screen is present but not operating, it should be assessed under Table 4 (management of site). |
| Dry Weather Flow (DWF) limits | Exceeds the authorised limit for 3 consecutive years.  OR problems with flow data (more than 108 days data missing in a 365-day period). | Assess annual data return using document CAS-G-004 ‘Flow recording and reporting at sewage treatment works and on the sewer network’ for guidance on actions required by operator.  Assessment of a compliance recovery plan submitted by operator. |
| Overflow settings for combined sewer overflow and settled storm sewage overflows | Overflows operating:   * In the absence of rainfall or snowmelt and/or * Before the authorised pass forward flow has been exceeded. | * Annual data returns (maximum pass forward flow data). * Site inspection. * Records review. * Operator incident report (e.g. EPI notification).   Note: in the absence of rainfall means 5 days without significant rainfall in the catchment*.* |
| Overflow settings for emergency overflows | Overflow operating, not due to:   * Power failure or * Rising main failure or * Blockage of downstream sewer. | * Site inspection. * Operator incident report (e.g. EPI notification). |
| Provision of sewage storage facility (storm tanks and/or pumping stations) where required by the authorisation | Sewage storage facilities (storm tanks and pumping stations):   * Are not installed or not of the size required by the authorisation or * Are full of gassing, septic material (not being emptied in a timely fashion) or * Contain levels of grit that reduce the capacity for functional storm sewage storage to less than 75% of the authorisation requirement. | * Site inspection. |
| Sewage treatment system (where specified in authorisation) | Treatment system specified in authorisation is not installed. | * Site inspection. * Environmental event investigation.   Note; mostly relevant to private sewage treatment systems. |

**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 an incident report requested by SEPA within 14 days of the incident (or an agreed date) or the report does not comply with the information requirements specified in the authorisation. | * Operator notification received within timescale – by phone call or email. * Operator incident report (e.g. EPI notification).   “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 records, reports or data | * Failure to make a data return (including nil returns) and/or records or reports required by the authorisation, that are of adequate quality within 30 days of the required submission date. | Annual data return assessments including (where required by the authorisation):   * Dry weather flow figure. * Overflow spill data. * Mean daily flow figure. * Maximum rate of flow of sewage which passes overflow weirs.   Other reports required by the authorisation including:   * Increase or introduction of List I or II substances and/or hazardous substances in the influent sewage stream.   Note: Adequate quality means containing the necessary information to enable the assessment of compliance with authorisation conditions.  Note: If the data return contains a figure for a parameter that is likely to be incorrect (e.g. the dry weather flow figure if more than108 days of influent flow data are missing), this will be recorded as major non-compliance under maintenance of measuring equipment condition.  Notification of malfunction of measuring or monitoring equipment will be assessed under notification of incidents. |
| Requirement to carry out monitoring and submit routine monitoring data (only refers to those operators subject to the Operator Self Monitoring (OSM) scheme) | Failure to undertake sampling in accordance with agreed survey schedule OR  Significant deviation from requirements set out in MACS-WAT-01 ‘Sampling and Chemical Testing of Water’ OR  Significant deviation from requirements set out in MACS-WAT-02 ‘Sample and Data Management’. | * Assess OSM data provided by operator. * UWWTD discharge determinands where ANY result shortfall for BOD, COD, Total P or Total N. * All CAR discharge determinands where >10% shortfall in results received.   Excluding:   * ‘influent samples’ which are optional. * ‘weather’ (as defined in UWWTD). * Observations and/or investigative samples. |
| Provision of flow monitoring, event recording equipment, telemetry, autosamplers | Items required by authorisation (AND by WAT-SG-13) not installed:   * Monitoring equipment (e.g. flow meters, event recorders) or facilities OR * Telemetry OR * Final effluent autosamplers. | * Site inspection. * Assessment of operator data.   Note: failure to provide inlet autosampler deemed ‘Non-compliance’, not ‘Major non-compliance’. |
| Provision of suitable sampling locations | Sampling location required by authorisation not provided or failing to provide a representative sample. | * Site inspection. |
| Requirement to keep records | 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. | * Site inspection. * Desk-based inspection. * Incident investigation. |

**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. |
| Conditions covering management of site, activity infrastructure | Plant/infrastructure:   * 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). | * Site inspection. * Communications with operator. * Operator notifications (EPIs). * 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 (e.g. biological treatment stage, final settlement stage, screens on combined sewer overflows, settled storm sewage overflows and emergency overflows, storm tank return systems, disinfection treatment). They will be a significant part of the treatment system and/or close to the end of the treatment chain. |
| Operation and calibration of measuring and monitoring equipment (flow meters, event recorders, autosamplers, telemetry etc) | Installed equipment (if required by authorisation AND WAT-SG-13) not working as required (or accurately) 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 (EPIs).   Calibration of flow meters, use guidance document on calibration of monitoring and measuring equipment as a guide (CAS-G-002). |

**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.   Examples: oil spill or sludge spill from a WWTW. | * 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. |

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