# Major non-compliance: sewer network licences

**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 conditionsNo 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.Only applies to Combined Sewer Overflow discharges. | Condition 4.4.1* Site inspection.
* Environmental events guidance.
 |

**Table 2: Scope of site**

| **Authorisation condition**  | **Major non-compliance**  | **How will SEPA assess / supporting guidance** |
| --- | --- | --- |
| CSO/EO discharge points: location and design | Discharge points not as specified in authorisation (e.g. different waterbody)ANDHigh or moderate amenity receiving waters. | Condition 1.1.1(a) Table 1Only applies to CSO and EO discharges listed in Table 1 of the SNL (NGR check).Use Permit NGR Location amenity defined in WAT-RM-07 Sewer overflows. |
| Environmentally critical asset  | Environmentally critical asset does not have a Maintenance Schedule Task and/or Incident Response Procedure AND:* High or moderate amenity receiving waters.
 | Condition 2.1.3Maintenance Schedule Task & Incident Response Procedure required for all environmentally critical assets.Environmentally critical assets defined in WAT-RM-87 Compliance monitoring for sewer network licences (includes Screens, Pumps, Storage, Telemetry, Power etc). Location amenity defined in of WAT-RM-07 Sewer overflows. |
| GIS shapefile  | A change has been made to the drainage area and SEPA has not received an updated GIS layer within 6 months of that change being made AND * That change introduces a new CSO or EO, AND
* Receiving waters high or moderate amenity.
 | Condition 2.9. Location amenity defined in WAT-RM-07 Sewer Overflows.* CSO/EO is not on SEPA GIS and/or shapefile not received by SEPA.
 |
| Cleanup | No physical steps have been taken to remove sewage debris. (2.10.1) within:   * 2 weeks of a Category 1 or 2 incident.
* 4 weeks of a request being made by SEPA in response to a Category 3 incident.
 | Condition 2.10* Site inspection.
* Operator unable to provide evidence cleanup has been undertaken.
 |
| Registers | Asset not on appropriate register and: * Receiving waters high or moderate amenity.

OR* Significant\* quantity of information required by the register to populate appropriate tables is missing.

\*Operator is required to provide asset registers sufficient to populate the appropriate tables in the SNL. Should the asset register be unable to complete more than 75% of the relevant table, that is regarded as Significant. | Conditions 3.1 & 3.2Location Amenity defined in WAT-RM-07 Sewer Overflows. |
| Provision of screens for combined sewer overflow and emergency overflow discharges  | Screens required by licence are:* Not installed OR
* Maceration or comminution is used to achieve screening standards.
* Installed but not operating.

AND* Receiving waters high or moderate amenity.
 | Condition 4.6.1 & 5.4.1.Operator cannot demonstrate that a screen exists and/or is operating.Location amenity defined in WAT-RM-07 Sewer Overflows. |
| Overflow settings for combined sewer overflows  | Overflows operating:* In the absence of rainfall or snowmelt and/or
* Before the licensed pass forward flow has been exceeded

AND* Receiving waters high or moderate amenity.
 | Condition 4.1* Annual data returns (max pass forward flow data).
* Site inspection.
* Records review.
* Operator incident report (e.g. EPI notification).

In the absence of rainfall means 5 days without significant rainfall in the catchment.Location amenity defined in WAT-RM-07 Sewer Overflows. |
| Overflow settings for emergency overflows | Overflow operating, not due to: * Power failure or
* Rising main failure or
* Blockage of downstream sewer

AND* Receiving waters high or moderate amenity.
 | Condition 5.1* Site inspection.
* Operator incident report (e.g. EPI notification).

Location amenity defined in WAT-RM-07 Sewer Overflows. |
| Emergency overflows:* Response time.
* Standby power.
 | Where these conditions are not met, and:* Receiving waters high or moderate amenity
 | Conditions 5.9, 5.10 & Table 6*‘all reasonably practical measures*’ (5.9.2 & 5.9.3) - will be judged on a case-by-case basis. SEPA's assessment will be subject to additional governance checks to ensure national consistency in decision-making.Location amenity defined in sections 4.3.1 & 4.3.2 of WAT-RM-07. Incident report & site investigation. |
| Provision of online storage | Licenced storm storage: * Not installed, or
* Not being emptied automatically (4.5.2), or
* Functional storage is less than 75% of the licence requirement.

NB: ‘Compliant’ = more than 90% to allow for inevitable grit build up. ‘Non-compliant’ = less than 90-75%. | Condition 4.5 & Table 5Officer requests:* Details of storage from asset register and compares with licence requirement to confirm authorised storm capacity is being maintained.

Maintenance Schedule Task to check asset is planned for maintenance, and evidence that planned maintenance includes determining if functional capacity is being provided.  |

**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 technique.
* 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 submission of records or reports required by the authorisation 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. |
| Provision of flow monitoring or event recording equipment or telemetry | Items required by authorisation (AND by WAT-SG-13) not installed:* Monitoring equipment (e.g. flow meters, event recorders) or facilities OR
* Telemetry.
 | Conditions 2.5, 4.7.2, 4.8.2, 5.6* Site inspection.
* Assessment of operator data.
 |

**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-compliances 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.
 |

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

EPAS is designed to provide a more accurate picture of legal environmental compliance. We will therefore assess compliance of the following situations under EPAS 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 relevant regulated activity without authorisation, for example:* Discharge from the sewer (that is not a CSO or EO) e.g. sewer choke causing spill from a manhole which enters water environment.
* Engineering in a river associated with works on the sewer network.
* Discharge to the water environment from a dual manhole.
 | During inspections of authorised and unauthorised sites.For the purposes of this guidance the ‘authorised site’ is the entire sewer network. |
| Environmental event at an authorised site that is **unrelated to the authorised activity**  | Causes:* 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 which pollutes water environment. | * 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)>

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