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Erftverband ▪ Emschergenossenschaft ▪ Linksniederrheinische  
Entwässerungs-Genossenschaft ▪ Lippeverband ▪ Niersverband  
Wasserverband Eifel-Rur ▪ Ruhrverband ▪ Wupperverband



Arbeitsgemeinschaft der  
Wasserwirtschaftsverbände  
in Nordrhein-Westfalen

**agw Position Paper on the Consultation (ENVI  
Committee and the EU Parliament Plenary Ses-  
sion) regarding the proposal for a  
DIRECTIVE OF THE EUROPEAN PARLIAMENT  
AND OF THE COUNCIL amending Directives  
2000/60/EC and 2008/105  
as regards priority substances  
in the field of water policy  
COM(2011) 876 final, 31.01.2012**

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The Water Board Association (**agw**) in the German State of Northrhine Westfalia (NRW) comprises the regional water boards: Aggerverband, Bergisch-Rheinischer-Wasserverband, Emschergenossenschaft, Erftverband, LINEG, Lippeverband, Niersverband, Ruhrverband, Wasserverband Eifel-Rur and Wupperverband. We operate on the principle of 'open responsibility for public water management'. As members of the **agw**, we are responsible for water management in an area covering almost two thirds of the NRW region, in which we operate 310 water treatment plants to serve approximately 19 million inhabitants. We also manage 29 dams and a river network of 17,700 kilometers.

The **agw** welcomes the report by MP Seeber on the Directive Proposal from the European Parliament and Council regarding the amendment to the 2000/60/EG and 2008/105/EG addressing the issue of priority substances in the field of water policy [COM(2011) 876 final 31.01.2012]. In addition to the concepts and various amendments presented at the Stakeholder Hearings in Brussels on 24<sup>th</sup> April and 5<sup>th</sup> June, and further to our position paper from 6<sup>th</sup> June 2012, the **agw** hereby substantiate some of the comments and questions from the water management perspective. We recommend that Members take the following points into consideration during voting in the ENVI committee and plenary session.

1. Aquatic life reacts more sensitively than people to particular chemical substances. The European Parliament has to decide whether it is conducive to the objectives of the European peoples, to measure the purity of water based on the Commission proposal to respect the **full integrity** of aquatic life. Using such criteria as a guidance for establishing standards is only achievable by consciously abandoning standards in other fields, for e.g. medicine, water supply, energy. That such a task is necessary is illustrated by for e.g., the mercury values, or PAH values, which would effectively render an extensive elimination of coal fired power plants and road traffic. It is also important to acknowledge that these substances also exist in waterways as a result of natural processes.
2. In practice, the Directive should consistently enforce a 'polluter pays' principle rather than resorting to end-of-pipe solutions (i.e. treatment in municipal water treatment plants). The recitals should advise that increased requirements may only apply in exceptional cases concerning municipal wastewater treatment. This is in order to avoid creating a broad conviction throughout Member States that further extension of treatment plants is the only way to achieve the values stipulated by the regulations, although
  - a. Many substances such as pesticides, herbicides, mercury and PAHs do not enter waterways via wastewater

- treatment plants but via agricultural and atmospheric routes.
- b. Other substances which usually contaminate waterways via wastewater treatment plants are being more effectively and more economically disposed of by alternative means *before* they reach wastewater treatment facilities.
3. The Annex should only include substances with environmental quality norms for which there is a clear scientific prescription. Substances included in the draft which have high safety factors based on a lack of technical information should be placed on the Watchlist rather than in Annex II.
  4. The Watchlist should include substances for which there is presently no sufficient data basis on which to establish effective environmental quality norms. It makes sense to limit a substance's duration on the Watchlist to enable an assessment on which to determine whether a substance shall either move into Annex II or be removed from the lists altogether.
  5. Particular attention should be paid to a universal application of standards throughout the EU Member States. With this aim, it is necessary for the European Legislator to complete its homework regarding chemicals policy (REACH), medical application and usage of pesticides, as well as consumer information. The EU Commission should also reconsider its current position and lack of willingness to support Member States, in favor of supporting a Europe-wide consistency and implementation of this Directive.

## **Background Information for implementing the Directive in Member States**

The **agw** considers it expedient for the EU Commission, EU Council and EU Parliament to support the implementation of this Directive throughout the Member States from the outset, by assisting with the technical and legal aspects of execution. In our opinion, the following 4 points are central to this discussion.

We adopt the following positions regarding four points listed below:

### **1. There are no technical catch-all solutions for achieving the target values for the new priority substances listed in the Directive**

#### ***agw-Statement:***

At the hearing on 24th April in Brussels, the representative of the European Environmental Agency claimed that current waste water treatment processes (so-called waste water treatment stage 3) widely implemented in many Member States, for e.g. Austria, Netherlands and Germany,

would be adequate to comply with the new European Quality Standards (hereafter EQS) for water. Regardless of whether the newly listed priority substances enter the water system via urban wastewater treatment plants, this claim cannot be upheld according to the latest information. Scientific and technical experiments conducted in various waste water treatment plants throughout Germany showed that additional treatment measures, a fourth water treatment level, including processes such as filtration using activated carbon powder or ozone oxidation, are necessary to achieve the targets. The effectiveness of treatment processes varies depending on the substances being treated. In some cases even the combined effect of applying additional treatment processes proves inadequate to achieve targeted EQS values.

Furthermore, an additional, fourth level treatment process would impact waste water treatment costs considerably. To reference the literature, additional costs are estimated at €0.10 and €0.30 per cubic metre of treated water. The use of membrane technology, still to be developed for water treatment technology, involves estimated costs of up to €1.50 per cubic metre.

## **2. Emissions of priority substances listed in the Draft Directive are often heterogeneous, extremely complex and generally not easily suppressed, particularly not through use of simple, technical measures**

### ***agw-Statement***

Where most of the new substances listed in the Directive – mainly pesticides – are concerned, emissions are often a result of runoff from agricultural land or via infiltration of contaminated groundwater.

There are generally no technical solutions to limit emissions of substances infiltrating water via non-point sources. As a possible measure, in the first instance, there should be specific guidelines for handling these particular substances. It may in fact be necessary, to basically question the authorisation of such substances (see **agw** comments under point 3). It is astonishing that the issue of diffuse chemical emissions into water was not discussed at the stakeholder hearings.

The remaining substances can enter the sewage system or waste water treatment plants via selective routes and also non-point sources such as urban rainwater drainage systems, gullies and storm-water overflows. The technical and financial aspects of waste water treatment plants which are currently under debate and in development are discussed under point 1 of this paper. They provide no simple catch-all solution for achieving the new European Quality Standards.

### **3. Without additional initiatives and accompanying regulatory support from Brussels, it is difficult to ensure a uniform and successful implementation of the proposed Directive in all Member States**

#### *agw-Statement*

Within the context of the recent EU Commission report on the implementation of Urban Wastewater Directive in the EU Member States, it begs the question as to how the Commission proposes to ensure a uniform implementation of the draft Directive throughout all Member States. There are Member States which possess the relevant administrative and financial resources necessary to introduce measures. On the other hand, there are Member States which struggle to even comply with the existing regulations within the timeframe stipulated in the Directive 91/271/EEC.

In our opinion this is not primarily a matter of relying on limited or enhanced technical know-how, as some measures are largely ineffective against the diverse and non-point nature of emissions. Within the context of the polluter-pays-principle, which needs to be assured and enforced, there should be regulatory measures in place to ensure the European Quality Standards are met.

It is therefore not sensible or realistic to include a substance which has only recently been authorised under the most current EU pesticide authorisation guidelines on the list in the draft Directive. In this case the European Legislator in Brussels must complete its homework and ensure coherence of measures in Directives. This also concerns the issue of authorisation of medicines. It is important to examine whether and to what extent aspects such as environmental compatibility and water protection are impacted by the use of medicines and this should be considered when regulating and authorising the scope for application of drugs and medicines.

It is clear that the lion's share of solutions for dealing with acute situations concerning trace substances in water can only be achieved by a sustainable EU policy on chemicals, which also governs pesticide and medicine usage. It is with this background, that the concept delivered by the EU Commission's representative, proposing that implementation of the Directive should be determined within each respective Member State, is neither appropriate nor goal-orientated.

### **4. It is theoretically and practically difficult to achieve improvements in water for substances with a particularly low EQS**

### **agw-Statement**

In its position paper dated 27th March 2012, the **agw** criticised the poor data quality as a basis for establishing EQS for some listed substances. In cases where there is no adequate toxicology data on which to base realistic EQS targets, the assessment factors for some substances are so stringent that there is a derivation of particularly low EQS targets. The resulting EQS are so marginal that even introducing drinking water, in accordance with all requirements of the EU Drinking Water Directive, into water ways could increase the content of the particular substances to an extent which would contravene the prohibitions set out in the Water Framework Directive.

This absurd scenario merely reinforces our insistence for the Directive to only regulate substances for which adequate data is available. In principle, however, it is also relevant to point out how difficult and ludicrous the situation will inevitably become, when you convey to a population that acceptable drinking water can be sourced even where European Quality Standards are not being met.

We would finally like to indicate that the following criticisms from our position paper (27<sup>th</sup> March 2012) remain valid:

- the lack of usefulness of including natural or naturally occurring substances in the list of priority substances
- a derivation of European Quality Standards in spite of inadequate, contradictory data
- the concealment of inadequate ecotoxicological data behind stringent assessment factors
- no adequate analysis methods for detecting extremely low EQS concentrations in water
- no coherence between average permissible values and maximum allowable concentrations