

# Rechtsfragen zur neuen UWWTP

Erste Überlegungen (die Liste wird sicherlich noch länger)

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# Umsetzung in deutsches Recht

- Art 23
  - Binnen 36 Monate Durchführungsprogramm für Art 3-8 und Schaffen der EPR-Stelle
  - Binnen 30 Monate Umsetzung in Deutsches Recht
  - Wenn Abl. in 10/24 heisst das 3/27
- WHG
- AbwV, Anhang 1
- IfSG wegen gesundheitlich relevanter Parameter
- Landesrecht: ABK
- Techn. Regelwerk
- ...

# Artt. 9, 10 EPR



Die Mitgliedstaaten befreien die Hersteller von ihrer erweiterten Herstellerverantwortung gemäß Absatz 1, wenn diese nachweisen können:

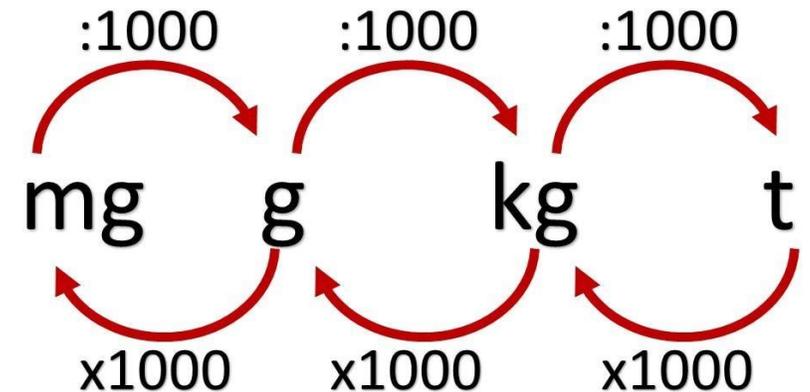
- die Menge der von ihnen in der Union in Verkehr gebrachten Stoffe, die in den Produkten enthalten sind, unter einer Tonne pro Jahr liegt oder
- die Stoffe in Produkten, die sie in Verkehr bringen, im Abwasser rasch biologisch abbaubar sind oder am Ende ihrer Lebensdauer keine Mikroschadstoffe im Abwasser hinterlassen.

2. Member States shall exonerate producers from their extended producer responsibility under paragraph 1 where the producers can demonstrate any of the following:

- the quantity of the **substances contained in the products** they place on the **Union** market is below **1 tonne** per year;
- the **substance in** products they place on the market **are rapidly biodegradable in wastewaters** or do not generate micro-pollutants in wastewaters at the end of their life.

Substances!

- Substance = Wirkstoff
- Wer ist dann noch zahlungspflichtig?
- 25 mg → ./, 1 Tonne = 4 Mio. Tabletten (EU-weit)



# Artt. 9, 10 EPR

- EPR Gesellschaften
- Wie soll diese funktionieren?
  - Vorbild Abfall?
  - Ansprüche der KA Betreiber für Kosten 4. `R´stufe?
  - Rechtsform der Gesellschaft?
- Evtl. Fachgespräch mit Dr. Frank Petersen, MinR A.D. früher Referatsleiter Abfall im BMU (hat sich bereit erklärt)



# Energieneutralität

- Art. 11
  - Schrittweise Erhöhung des Anteils der verwendeten erneuerbaren Energien in kommunalen Kläranlagen:
    - 20% bis 31.12.2030
    - 40% bis 31.12.2035
    - 70% bis 31.12.2040
    - 100% bis 31.12.2045
    - Bundesweit
- Also bundesweite Liste aller KA und dann Auswahl wer anfängt?
  - Wer entscheidet?

# Art 15 (3a)

Member States shall take all necessary measures to adapt their urban wastewater collection and treatment infrastructures to address increased loads of domestic wastewater, including the construction of new infrastructures where necessary. By doing so, Member States shall be considered to comply with the environmental objectives set out in Article 4 of Directive 2000/60/EC if all the following conditions are met:

- (a) the **construction or expansion** of an urban wastewater treatment plant to treat increased loads or otherwise untreated loads of domestic wastewater is subject to **prior authorisation in accordance with this Directive**;
- (b) the benefits of the urban wastewater treatment plant in point (a) cannot for reasons of **technical feasibility** or disproportionate cost be achieved by other means, including the consideration of alternative points of discharge of urban wastewater into, that would contribute to achieve the environmental objectives in Article 4 of Directive 2000/60/EC;
- (c) all **technically feasible mitigating measures** are taken to minimize the negative impacts of the urban wastewater treatment plant on the affected water bodies and are **set out in the authorisations** referred to in Articles 14 and 15 of this directive; those measures shall include, where so is required more stringent treatment requirements than those applied prior to the increase of domestic wastewater load, aiming to meet the requirements of the directives referred to in Part B, point 6, of Annex I of this Directive;
- (d) **all technically feasible mitigating measures are implemented** to minimize the negative impact of other activities causing similar pressures in the same water bodies.

If failure to prevent deterioration or failure to achieve the objectives in Article 4 of Directive 2000/60/EC in a body of surface water **is the result of an authorisation** in point (a), these authorisations in point (a) shall be specifically set out and the abovementioned conditions **explained in the River Basin Management Plans required under Article 13 of Directive 2000/60/EC**.

## Art 15 (3a)

- Was bedeutet die Bestimmung für kommunale KA in D?  
(Ziel der Bestimmung ist es, KA erweitern zu können, wenn die angeschlossene Stadt wächst)
  - Prior authorization in accordance with this directive?
    - Erlaubnis vorhanden?
    - Was ist wenn UQN nicht erreicht wird?
    - Was ist wenn 4. R´stufe wegen > 150.000 EW notwendig oder weil keine Verdünnung
  - explained in the River Basin Management Plans
    - Also 4. und 5. BWP notwendig
  - feasible mitigating measures
    - Wie wird D damit wohl umgehen

# Article 5 , Annex

- **Recital 7**

As a result of precipitation such as rain, snow or meltwater, storm water overflows and urban runoff, represent a sizeable remaining source of pollution discharged into the Environment . In these [wastewater mangament] plans, measures should be set out that aim at limiting the pollution from storm water overflows to no more than 2% of the annual collected urban wastewater load calculated in dry weather flow conditions calculated on the basis of the pollutants in Table 1 and 2 in Annex I.

- **Article 5 (2)**

At the latest six months after the next update of the River Basin Management Plan made pursuant to Article 13(7) of Directive 2000/60/EC following the adoption of this Directive or by 22 June 2028, Member States shall establish a list of agglomerations of between 10 000 p.e. and 100 000 p.e. where, considering historic data, modelling and state-of-the-art climate projections, including seasonal variations, as well as the pressures and the assessment of impacts undertaken under the River Basin Management Plan, one or more of the following conditions apply:

(a) storm water overflow █ poses a risk to the environment or human health;

(b) storm water overflow represents more than 2% of the annual collected urban wastewater load of the parameters referred to in Table 1 and, where relevant, Tabl2 of Annex I, calculated in dry weather flow ; .....

- **Annex Annex V CONTENT OF THE INTEGRATED URBAN WASTEWATER MANAGEMENT PLANS**

- .. An analysis of the initial situation of the drainage area of the concerned agglomeration, including at least the following:

- ... **Objectives** for the reduction of pollution from storm water overflows █ , including the following:

- (a) an **indicative non-binding objective** that storm water overflow █ represents a small percentage that cannot be more than 2% of the annual collected urban wastewater load calculated in dry weather conditions.

# Article 5 , Annex

- Ist das 2%-Ziel bindend oder nicht?
  - Regelung ist widersprüchlich in Anhang V (non-binding) und „objective“

# Umsetzung der EPR

- Hersteller von Produkten gem. Anhang III übernehmen EPR
  - Humanarzneimittel gem. Richtlinie 2001/83/EG
  - Kosmetische Mittel, ge. Verordnung 1223/2009
- Hersteller tragen mindestens 80 % der 4. R´stufe, insbes.
  - Investitionen
  - Betriebskosten und
  - Überwachung
- MS befreien die Hersteller wenn ... die **in der Union** in Verkehr gebrachten **Stoffe**, unter einer Tonne pro Jahr liegt

Wirkstoff!