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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on the Environment
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Subject:	Urban Wastewater Treatment Directive: WPE on 27 January 2023 - comments from delegations

Following the call for comments on the above set out with WK 614/2023, delegations will find attached comments from DK, EL and LV.

DENMARK

Comments and Questions to Article 7-9+13+18+21 in the Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL concerning urban wastewater treatment

Denmark has a general parliamentary scrutiny reservation. Denmark welcomes the high ambitions on monitoring, Risk Assessment and Tertiary treatment (Article 7, 18 & 21), we welcome the ambitions on Quaternary treatment but still have a lot of questions regarding cost and environmental effectiveness of that and EPR (article 8 & 9). Denmark will focus on ensuring that the proposals do not create unnecessary administrative burdens, especially for the countries that already meet the set targets.

Denmark has the following technical questions

Question Article 2

Subparagraph 12

- Does this include, I.e., MABR membranes?

Subparagraph 24

- A lot of pharmaceuticals and cosmetics will be imported into one member state and then reported to other European countries (EU and other). As the producer responsibility schemes are nationally based, some of this definition may need some additional remarks on the definition of “the market”. We anticipate that a producer will have to take part in a collective organization, the producer responsibility organization in each county, and finance according to the amount of product sold in each individual county. Is that clear with this short definition?

Questions Article 7

Subparagraph 3

- Does that only apply for agglomerations from 10.000 PE and upwards or ALL agglomerations regardless of size?

Subparagraph 5

- How does this part of the article fit together with the overall load of nitrogen and phosphorous to a water body that can be allowed to achieve good ecological status in the WFD? I.e. how does the commission include load from industry and especially diffuse load from agricultural land etc?

Questions Article 8

Subparagraph 2:

- Does this include changing or adding to the list of micropollutants tested for, according to Table 3 of Annex I?
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Questions Article 9

- Will there be a public authority to supervise that the rules laid down in article 9 are complied with? Among others, that the quantity of the product the producers place on the market is below 1 tonne per year, cf. Article 9, 2., a)?
- How do you calculate the one tonne, cf. Article 9, 2., a)? Do all products count or only the ones sold? And is it only products sold to customers? Is only the product itself included or also the packaging? What if the producer has products very similar to each other? Does the API have impact on the assessment?
- Do all manufacturers, importers and distributors of a certain product have extended producer responsibility, cf. Article 2, (18)? Or is it e.g. the marketing authorization holder (MAH) of the product who has the extended producer responsibility? Does the extended producer responsibility apply for every member state where the product has been placed on the market?
- How do you calculate the costs of each producer, cf. Article 9, 1.?
- Which producers have extended producer responsibility? All producers who place any of the products listed in Annex III on the market (if not exempt in Article 9, 2.) or only producers of certain substances, cf. Annex I, Table 3?
- How do you calculate the contribution of the producer as mentioned in Article 9, 5., (c)?
- What is meant by “professional basis”? A pharmacy may also be considered to place a product on the market, on a professional basis, though we assume they are generally not considered to fall under the producer-definition?
- It is unclear how the full cost for complying with requirements in Article 8 is shared between the different products in the two regulations mentioned in the annex based on the principle of proportionality in regulation.
- How will the directive handle a situation where a given product ceases to be put on the market? Will the former economic contribution from this product be covered by the single water utility or will it be shared by the other products still on the market?
- It seems like there is no identified space for influence from the producers taking part in the extended producer responsibility scheme or the producer responsibility organization on the size on the cost of the quaternary treatment installed. Is that intentionally?
- If there is no connection between the size of the cost of the quaternary treatment plant and the financing companies, how are effective and efficient investments secured? There seems to be a risk for over-investments in the quaternary treatment step if the cost is paid by someone else.

- What requirements can be put in place to secure a transparent split of the costs on a wastewater treatment plant between the general treatment plant and the part paid by the extended producer responsibility scheme? Both for CAPEX and OPEX this split can be difficult.

Question Article 13

- Who determines what is considered “normal local climate conditions”? Will that be for Member States to decide?

Question Article 18

- If a country find that the obligations regarding geographical boundaries in Article 5, 7 and 8 are covering the whole country and if the country have a mandatory risk assessment for all discharges of wastewater can it then regard the obligations under Article 18 to be fulfilled?
- The UWWTD recast generally operates with 5 years revision periods, other directives like WFD and drinking water directive uses 6 years periods. Is that intentionally?

Question Article 21

- The total collecting system leading to a WWTP may consist of several individual agglomerations in accordance with the definition specified in Article 2.
- Is it the intention that monitoring at agglomeration level, as exemplified in paragraph 2, takes place at “end-points” of individual agglomerations within the full collecting system of a WWTP, or can it be done at the inlet to the WWTP?
- Is the intention that data collected regarding GHG emissions and energy produced is to be used for the audits described in Article 11 (energy audits)
- Does this replace the requirements in the Proposal for a Regulation of the Industrial Emissions Portal? Proposal regulation industrial emissions portal (europa.eu)
- This part of the article states that all wastewater treatment plants above 10.000 p.e. shall monitor for greenhouse gases produces. Greenhouse gases is not defined in article 2. Which gasses are included? (N₂O, CH₄, CO₂ ..?).
- Will more details on measuring points, sensors etc. be elaborated on in a delegated act to guide member states and water utilities?

Question Annex 1 B

- Regarding Note 1: Who decides if there is a relationship between TOD/TOC and BOD₅? Is that up to the wastewater utility, or will it be up to the authorities to decide this?
- Will there be options for the use of other methods than the reference methods?

Question Annex 1 D

- It is mentioned: “Alternative methods to those referred to in points 2, 3 and 4 may be used provided that it can be demonstrated that equivalent results are obtained.” Does this include new on-line sensor-based, and digitalized measuring methods?
- Are methods other than molecular absorption spectrophotometry acceptable?
- Regarding note 1: Why must natural nitrogen retention not be taken into account?
- Why must sampling for micropollutants be 48-hour samples?

Question Annex 3

- The list of pollutants that are the focus of Quaternary treatment – Annex I, Table 3 – is considerably shorter than the list of products in this Annex 3. What is the connection between the two?

Proposal Revision of the UWWT Directive 91/271/EEC and related Annexes
Working Party on the Environment on 27 January 2023
Comments on Articles

In view of the 27.01.2023 Meeting of the Working Party for the Environment, we kindly share the preliminary comments and questions and proposal for amendments of the Hellenic Authorities on Articles that will be discussed and their related Annexes of the Proposal for revision of the Directive 91/271/EEC. The structure of topics follows the structure proposed by the Swedish Presidency.

Greece reserves the right to come back with more comments at a later stage of the process on these articles and on the entire file as well.

Article 7 Tertiary treatment

[7.1] Greece disagrees with the definition proposed for tertiary treatment.

The addition related to the tertiary treatment obligation for all discharges from urban sewage treatment plants treating a load of 100 000 p.e. and above, is a gradual compliance measure that may help, however Greece strongly disagrees with the proposed deadlines which realistically cannot be met. The deadline of 2030 for compliance is not feasible as Member States will need to identify the cases where projects are needed, plan the necessary projects, implement tender and other procedures and complete the projects.

The achievement of tertiary treatment, as defined in the Proposal, requires advanced treatment processes which are energy demanding and it is questionable how this obligation is in line with the energy neutrality targets set in Article 11.

It must be noted that the increased N and P requirements will result to very significant investments. Additionally, confusion arises on whether the scope refers to the size of the agglomeration or the size the urban wastewater treatment plants.

[7.2] Harmonisation of the reporting cycles between this Directive, the Directive 2000/60/EC is important in order to avoid double efforts and processes by the Member States. It is proposed that the process follows the 6-year RBMP reporting cycle and the list of sensitive areas is updated every 6 years .

[7.5] It is mentioned that a MS may decide that a plant should not be subject to the requirements of paragraphs 3 and 4. How should this be justified by a MS? Clarifications are needed. Also, the wording *“where it can be shown that the minimum percentage of reduction of the overall load entering all urban waste water treatment plants in that area”* is unclear and a specific clear definition of *“in that area”* is necessary.

Definitions Relevant to Article 7

Article 2 Definitions in the Proposal	Comment
(12) 'tertiary treatment' means treatment of urban wastewater by a process which removes nitrogen and phosphorus from the urban wastewaters;	Greece disagrees with the definition proposed. The level of 'tertiary treatment' must be related to the characteristics and sensitivity of the effluent recipient. Rephrase of the definition is deemed necessary to allow for removal of nitrogen and/or phosphorus from the urban wastewaters depending on the sensitivity of

	the recipient and the limiting nutrient of the receiving waters. This is consistent with the definition of eutrophication and the introductory paragraph of Table 2 of Annex 1 Part B. In our view the possibility to remove either N or P should be given, as there are cases of surface waters where N removal is only necessary.
(23) 'plastic biomedica' means a plastic support used for the development of the bacteria needed for the treatment of urban wastewaters	Is this definition necessary? It is mentioned only in the Annex.

Annex 1 Part D Sampling frequency

Greece disagrees with the proposed increased sampling frequency which will result a huge cost to the competent authorities and proposes to retain the sampling frequency of the existing Directive. The proposed increase of the number of samples required will lead to increase of operating cost as well as administrative burden which may not conclude to a corresponding benefit especially in cases of smaller plants. It is proposed that some flexibility is provided to Member States to decide on the monitoring frequency of some parameters based on the risk assessment.

Additionally, the reduction of threshold limit values for N and P will lead to the requirement of implementing new projects or upgrading the existing infrastructure.

Annex 1 Part B Table 2

The proposed excessively reduced effluent values for the nutrients are not justified. The achievement of these stricter standards will result in a significant increase in energy consumption and high operating costs and upgrade of the existing infrastructure. Any proposal of reducing the effluent concentrations, should be justified and taken into account the characteristics of the receiving waters and the estimated impact of treated wastewater discharge.

Annex 2

(4) The reference and link to Directive 2000/60/EC must explicitly refer to water bodies that fail in good ecological status or potential and those quality elements that have an impact on eutrophication. This paragraph must be rephrased.

Article 8 Quaternary treatment

According to the definition "quaternary treatment" refers to the removal from the urban wastewaters of a broad spectrum of micro-pollutants by a process, which is very unclear and undefined.

[8.1] Greece strongly disagrees with the proposed deadlines which cannot be met.

The due dates included in this paragraph are very difficult to meet. It is proposed that they are reconsidered as the construction of new projects and the upgrade of existing plants will be necessary.

The achievement of quaternary treatment requires advanced treatment processes which are energy demanding and thus it is questionable how this obligation is in line with the energy neutrality targets set in Article 11.

[8.2] Clarifications are needed on the criteria used to identify areas where the concentration or the accumulation of micro-pollutants represents a risk for human health or the environment.

What will be the components of the risk assessment? Which criteria will be used, and which parameters should be assessed? Risk assessment should be also in line with the risk assessment required under the Directive (EU) 2020/2184? Extensive reference in this paragraph is made to the Directive 2000/60/EC. As previously commented harmonisation with reporting cycles of the Directive 2000/60/EC is important in order to avoid double processes.

The due date of 2030 is difficult to meet, since the methodology or the contents of the risk assessment are not available at the moment.

[8.4] The extension in the scope of article 8 to agglomerations of more than 10 000 p.e. is not justified and is considered too strict. In addition, confusion arises on whether the scope refers to the size of the agglomeration or the size the urban wastewater treatment plants.

Definitions Relevant to Article 8

Article 2 Definitions in the Proposal	Comment
(13) 'quaternary treatment' means treatment of urban wastewater by a process which removes a broad spectrum of micro-pollutants from the urban wastewaters	In our view this definition is vague. What is meant by 'a broad spectrum of micro-pollutants'? Are micro-pollutants the only parameters included in this definition? When secondary treatment with disinfection and filtration with membranes is applied how is the treatment characterized?
(17) 'dilution ratio' means the ratio between the volume of annual flow of the receiving waters at the point of discharge and the annual volume of urban wastewater discharged from a treatment plant	How is this applied in lakes/ the sea? Data is not available for all receiving waters as not all of them are water bodies of Directive 2000/60/EC for which data are available. Will the competent local authorities need to submit this information?

Annex 1 Part D Sampling frequency

Greece disagrees with the proposed increased sampling frequency which will result a huge cost to the competent authorities and proposes to retain the sampling frequency of the existing Directive for the case of micropollutants as well.

Annex 1 Part D Table 3

It is proposed that a Member State should have the flexibility to exempt from monitoring some of the parameters listed in Table 3, in cases of plants where it can be justified that these parameters are not present in the wastewater.

Article 9 Extended producer responsibility

[9.1] How will the costs mentioned in this paragraph be calculated? Will this be implemented by the operators? How will these costs be allocated to each producer? How will the list of responsible producers be established? By which authority?

[9.2] Which authority will be responsible to exonerate producers from their extended producer responsibility? The operator of each plant or will this be implemented at a central level?

[9.4] How will 'the hazardousness of the products referred to in point (i) in the wastewaters at the end of their life' be assessed and by whom? What is meant by the end of life of the products?

Article 13 Local climatic conditions

Greece in general agrees with the consent of this article. It is really important that all special characteristics of a country or an area must be taken into account to ensure sufficient treatment. However, it is equally important that all such characteristics are reflected/incorporated on the designation of requirements and obligations set out for every member state.

Article 18 Risk assessment and management

[18.1] More time must be given to Member States to implement the risk assessment. Usually, 2 years is the due time given in order to incorporate the Directive into national law. Our view is that additional time is absolutely necessary.

[18.1] and [18.2] Clarifications are necessary regarding the methodology that should be applied here

[18.3] It is proposed that the review of the risks is carried out every 6 years, following the 6-year cycle of the Directive 2000/60/EC.

Article 21 Monitoring

21.1] When mentioning the destination of sludge and treated wastewater what exactly is it meant? Are the coordinates of the discharge point? What is meant by 'destination' in the cases of sludge and reused water? Clarifications are needed.

[21.2] How will the concentration and loads of pollutants from storm water overflows and urban runoff will be monitored? Clarifications are necessary.

[21.3] The monitoring, especially for smaller agglomerations, is proposed to be limited only to parameters that will result from the risk assessment and not all parameters listed in the relevant Annexes. It would be better to give Member States the flexibility to optimize monitoring for parameters that are important rather than applying rules horizontally.

As soon as clarifications and explanations will be provided future inputs for the recast Directive will be forwarded.

LATVIA

Comments on Proposal for a Directive of the European Parliament and of the Council concerning urban wastewater treatment

National position is still in the development stage, therefore Latvia applies scrutiny reservation on all articles of the proposal.

Written comments regarding the topics to be discussed on 27 January 2023

Article 7 Tertiary treatment

In Latvia, it is already required to ensure the treatment of nitrogen and phosphorus in all agglomerations where CE $\geq$ 10,000. We are very concerned about the new standards for nitrogen and phosphorus treatment and the proposed deadlines. Achieving the new standards will require the reconstruction of treatment plants, which will require additional investments and will inevitably and significantly increase tariffs.

Questions to the Commission:

- If we have only one wastewater treatment plant, the load of which exceeds 100,000 p.e., by which time should it meet the new treatment standards - by 31.12.2030. or 31.12.2035?
- Does paragraph 1 of Article 7 intentionally refer to wastewater treatment plants with a load of $\geq$ 100,000 p.e., but paragraph 2 - to agglomerations with a load of 10,000 - 100,000 p.e.? Or should it be the same in both paragraphs - either WWTPs or agglomerations?
- Does paragraph 7 of Article 7 intentionally miss a reference to the load of the wastewater treatment plant? The current wording of the text refers to the wastewater treatment plants that are situated in the sensitive area, which is identified after the revision of the list. Are WWTPs of any size really meant, even those, whose load does not exceed 10,000 p.e.?

Article 8 Quaternary treatment

We are very concerned about the costs of quaternary treatment. To ensure such treatment, it will be necessary to reconstruct/expand all WWTPs in Latvia, which will be subject to the requirements of this article. There is also concern that the deadlines are too short to achieve the 80% pollution reduction set for quaternary treatment. At the same time, we believe that the revision of the list of territories should be linked to the renewal cycle of the river basin management plans; likewise, the criterion of Article 8, Paragraph 2, Clause f) should be linked to the assessment included in the river basin management plans.

Questions to the Commission:

- The drinking water definition in the Drinking Water Directive 2184/2020 applies to water obtained from both surface and underground sources. Since in Latvia it is forbidden to discharge wastewater (and other polluting substances) underground, can we assume that in accordance with the criteria of paragraph 2 a) of Article 8 we may include in the risk assessment only surface water bodies from which drinking water is obtained?
- Does the criterion of Article 8, paragraph 2 c) mean that any lakes should be included in the list of areas affected by micropollutants, regardless of whether wastewater is discharged into them and the inflowing watercourses? If the answer is positive, then what is the Commission's justification for such a broad scope?
- What did the Commission mean by the territories mentioned in Article 8, paragraph 2 e)? Aquaculture companies in Latvia also use fish breeding pools or ponds, which are filled from groundwaters, where wastewater may not be discharged. Is the location of an aquaculture company within a certain territory automatically a reason to include its surroundings in the risk area? Shouldn't the risk be assessed only in the case if aquaculture uses water from water bodies into which wastewater is discharged?

Article 18 Risk assessment and management

In principle, we support the implementation of the risk assessment approach, but we believe that the risk assessment, as well as planning and review of the measures should be linked to the assessments made during the preparation of river basin management plans and that the measures should be included in the programs of measures of the river basin management plans.

Questions to the Commission:

- Shouldn't the reporting on risk assessment be linked to river basin management plans and not to the implementation program of this directive? There is already extensive reporting on river basin plans and the assessments and measures included therein.

Article 21 Monitoring

Questions to the Commission:

- Paragraphs 1 and 2 of Article 21 stipulate that monitoring should be carried out by the competent authorities of the Member States, and paragraph 3 – by the Member States. Is this a technical inaccuracy, or is it meant that the monitoring according to paragraph 3 can be carried out not only by the competent authorities of the Member States, but also by other entities, for example, by operators of wastewater treatment plants, who submit data to the responsible authorities?

- Do we understand correctly that the monitoring provided for in paragraph 1 and 2 should be performed by the competent public authorities in addition to the monitoring performed by the operators of wastewater treatment plants or rainwater collecting systems?
- If the answer to the previous question is "Yes", then how in the Commission's opinion, should the authorities of the Member States monitor the volumes of wastewater and sludge and the volume of energy produced/consumed? Usually, such information is obtained from the data gathered by the operator.
- Please, clarify what the Commission means by the monitoring of "urban runoff"? Is it intended to take samples in all sites, where water is discharged from separate stormwater collection systems into the environment?

Written comments regarding the topics discussed on 13 January 2023

Article 3 Collecting systems

We believe that the collection of all domestic wastewater required in paragraph 2 in agglomerations with 1000-2000 p.e. until 31 December 2030 is not realistically feasible, and we are concerned that it will cause significant additional costs for both municipalities and residents of small towns and villages.

Article 4 Individual systems

We are concerned about the availability and pricing of individual systems in our market that can ensure the tertiary treatment (nitrogen and phosphorus removal), especially according to the new standards for the treatment of these substances set in Table 2 of Annex 1.

We ask for an explanation from the Commission - does "public registry" mean that the information gathered in the registry is publicly available to everyone? In Latvia, such registers are often maintained by water companies and may also include their data meant for internal use. We support inspection of individual systems in principle, but we point out that it will lead to additional work and additional costs for the responsible institutions. We are also not in favour of additional reporting.

We would like to ask for the Commission explanation on the calculation of 2% of the total wastewater load. Currently, the Commission considers that the collection of up to 2% of the agglomeration's total pollution load in individual systems is acceptable, provided that the said 2% does not exceed 2000 p.e.. Do we understand correctly that this new proposal rejects this condition?

Article 5 Integrated urban wastewater management plans

Deadlines for the elaboration of integrated management plans for agglomerations are quite challenging, we would certainly be interested in their extension of the deadline. Deadline for the establishment of the list of agglomerations may be shorter than the period for the transposition of this proposal into national legislation. Paragraph 4 requires that integrated plans are submitted to the Commission on request. We would like to hear from the Commission that this will not be a request for an additional report. We have concerns about the sufficiency of the data available for situational analysis required by Annex 5, as well as about the costs that will be needed to achieve the indicative goals.

Article 6 Secondary treatment

We believe that it is not feasible to ensure secondary treatment for all domestic wastewater agglomerations with 1000-2000 p.e. until 31 December 2030. Concerns that the requirement will require substantial investments. The sampling frequency will increase significantly for wastewater treatment plants. From an environmental point of view, more often sampling has benefits, but the monitoring costs will also increase accordingly, especially for agglomerations > 50,000 p.e. We believe that it is necessary to find a balance between the benefits provided by additional information and costs.
