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INFORMATION

From: To:	General Secretariat of the Council Working Party on the Environment
N° Cion doc.:	ST 14223/22 + ADD 1
Subject:	Urban Wastewater Treatment Directive: Non-paper on the revision of Directive 91/271/EEC

Delegations will find attached, for information, a non-paper from CY, EL, HU, LT, MT, PL, RO, SK and SI on the revision of the Directive 91/271/EEC.

Non-paper of Cyprus, Greece, Hungary, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia Regarding the Revision of the Directive 91/271/EEC

The revision of the Directive 91/271/EEC includes various new ambitious obligations as follows:

a) The obligation to set up urban wastewater collecting systems and secondary treatment is extended to all agglomerations with 1.000 p.e. or more (by 2030) in comparison to the 2000 p.e. in the existing Directive.

b) By 2035, all urban wastewater treatment plants of 100.000 p.e. and above are subject to tertiary treatment (Nitrogen and Phosphorus removal). Furthermore, by 2040 all urban wastewater treatment plants between 10.000 and 100.000 p.e., in areas sensitive to eutrophication, are subject to tertiary treatment (Nitrogen and Phosphorus removal).

c) Obligation to set up quaternary treatment of micro-pollutants for plants above 100.000 p.e., by 2035. Furthermore, obligation to set up quaternary treatment for plants between 10.000 and 100.000 p.e., located in areas where the concentration or accumulation of micro-pollutants represents a risk to human health or the environment by 2040.

d) Member States should implement, by 2040, integrated urban wastewater management plans, including management of storm water overflow or urban runoff, for agglomerations above 10.000 p.e. based on specific conditions.

e) Obligation to reach energy neutrality for large urban wastewater treatment plants by 2040.

All the aforementioned new obligations are linked to **tight timetables for implementation**.

It is obvious that, all of the aforementioned obligations are associated with enormous financial costs (capital, operational and administration expenses). The current unstable economic environment with high inflation rates creates an even more challenging occasion, which should be seriously considered, as it may lead the attempt to implement all new obligations, to failure.

The obligation to set up urban wastewater collecting systems and secondary treatment to all agglomerations with 1.000 p.e. or more, is very challenging for many Member States. Such a big commitment with increased financial and administrative costs shall be linked to a well determined significant environmental benefit. We propose the amendment of this obligation, so that Member States will have to construct a wastewater treatment plant only for agglomerations where it is established within the scope of the Water Framework Directive that urban wastewater causes significant pressure on water bodies. As an example, we mention that in Cyprus, in the context of the implementation of the Water Framework Directive, wastewater treatment plants have been built in agglomerations with equivalent population of less than 1000, after documenting the need for their construction.

Another important issue is the horizontal obligation for the reduction of phosphorous and nitrogen without sufficient justification. In order to promote the circular economy, tertiary treatment requirements shall not apply to reclaimed water that is exclusively designed for reuse in agricultural irrigation, thereby reducing the need to add nitrogen and phosphorus to irrigation water. Therefore, we propose to waive this horizontal obligation in cases where reclaimed water is reused for irrigation and is not discharged into surface water bodies. For these cases reduction of phosphorous and nitrogen is unnecessary, since the presence of nutrients helps to reduce the use of chemical fertilizers and is considered beneficial both for environmental and financial reasons. It is noted that use of reclaimed water in agriculture shall be applied according to a code of good agricultural practice and based on their needs. In all other wastewater treatment plants, it is suggested to implement phosphorous and nitrogen reduction only in cases where it is determined from a Risk Assessment and a cost / benefit analysis that a substantial environmental benefit will result from the phosphorous and nitrogen reduction.

Additionally, we recommend to amend the horizontal obligation for quaternary treatment of micro-pollutants. The amendment should provide for the obligation to monitor the effluents for micropollutants and **setting emission limits**. This requirement will determine if and where quaternary treatment is necessary and proceed accordingly with the appropriate treatment.

In line with the above suggestions, we also propose to implement integrated urban wastewater management plans, including management of storm water overflow or urban runoff, only in cases of agglomerations where a significant environmental benefit is demonstrated. Significant environmental benefit shall emerge through a Risk Assessment and identification of pressures according to article 5 of Water Framework Directive, which shall always be linked to a cost / benefit analysis.

Regarding energy neutrality, the use of the term “energy neutrality” it cannot be found in the relevant energy sector Directives and should be removed. Furthermore, the timetable set is tight and we proposed that this is extended.

The construction of infrastructure for the production of biogas is not viable when applied to small plants, therefore we recommend that this provision shall be applied only to large plants that process a load in excess of 100,000 p.e. It is noted that, in many cases existing plants are projects that have been built in recent years and in which no additional space has been foreseen to allow for the installation of renewable energy sources. Member States will therefore face practical difficulties in implementing this provision. Instead, we suggest that the Directive requires energy efficiency or neutrality in the future urban wastewater treatment plants since energy neutrality is unrealistic in most of the existing plans.

The introduction of Extended Producer Responsibility, can be constructive in as far as we can ensure that the various complexities of implementing it at point of source remains environmentally and economically sound. This is feasible only if we can ascertain that the economic costs of better wastewater management do not translate into additional unnecessary financial and social burden for consumers, especially when referring to essential public goods, as is the case for medicines.

The implementation timeline of all the above new obligations is extremely tight and unrealistic. Sufficient time is required to ensure the successful implementation of the directive. Especially in cases of Member States that are still working and using their resources in order to achieve compliance with the requirements of the existing Directive. Deadlines shall be extended for all Member States; with special care given to Member States, that they still working for compliance with the requirements of the existing Directive, otherwise their failure to achieve compliance is certain.

Concluding, we strongly believe that new obligations should be imposed after verifying that there will be significant benefit to the environment from their implementation. The need for the implementation of any of the new obligations can be verified through a Risk Assessment, implementation of article 5 of Water Framework Directive, a cost-benefit analysis, and/or through targeted monitoring of effluent and receiving water bodies. We should be careful not to burden the national budget with unnecessary investments and costs, especially in this period of economic crisis, without justifying that these investments will provide significant benefits to the environment.
