



# EurEau Position Paper on the draft Industrial Emission Portal Regulation

## Summary

**EurEau supports major parts of the proposed Regulation, but calls for more clarity regarding 'off-site transfer' management. Easy access to data is paramount to facilitate the risk management of waste water operators.**

**Waste water treatment plants (WWTP) larger than 100,000 PE are covered by the Regulation as it was for the E-PRTR and the list of pollutants did not change. Some provisions are added regarding diffuse pollution, which is positive, but more details are needed in order for the Regulation to be correctly applied.**

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## 1. Introduction

The Industrial Emission Portal Regulation (IEPR) aims to simplify and fill the gap between the scope of both the European Pollutant Release and Transfer Register (EPR-TR) and the 2010/75/EU Directive (the Industrial Emission Directive (IED)). The IEPR includes more industries and develops a tool that facilitates the access to information for stakeholders and the public in general. EurEau supports this objective and proposes some comments in order to improve the accessibility of data and their use for the protection of human health and the environment.

## 2. Comments

### Article 2 - Definitions

EurEau supports the finer granularity introduced in the IEPR by the consideration of waste water installations instead of facilities. This will bring more detailed information on the pollutants released and more capacity to identify the origin of the pollution for the protection of both water resources and waste water infrastructures and their workers.

The system of 'off-site transfer' management, especially regarding the treatment of waste water emissions, needs clarification. It would be better to identify two types of waste water treatment plants: urban, covered by the Directive 91/271/EEC (the Urban Waste Water Treatment Directive/UWWTD), and industrial covered by the IED.



We would therefore recommend the addition of the following definitions:

- ~ "Urban Waste Water Treatment Plant" means a waste water treatment plant covered by the Directive 91/271/EEC
- ~ "Industrial Waste Water Treatment Plant" means a waste water treatment plant covered by the Directive 2010/75/EU.

This would result in two types of 'off-site transfers' depending on the type of waste water treatment plant (WWTP) they affect.

This distinction is important, especially considering that most of the time, urban WWTP (UWWTP) are designed to comply with the UWWTD requirements and not with extra chemical pollution discharged into sewers, while industrial WWTP (IWWTP) deal with specific requirements according to the pollution they are designed to remove. Therefore, IWWTP need to be considered as industrial installations (as covered by IED) with specific reporting. UWWTP (water authorities and operators) need to be informed, involved in the permitting of installations practicing off-site transfer to an UWWTP in order to report appropriate parameters and bring clarity on the expected performance. This is a prerequisite to ensuring traceability and the quality of resources that can be recovered from both types of WWTPs.

### Article 3 – Content of the portal

EurEau supports the content of the portal and especially the extension of "existing publicly accessible registers, databases or websites, established at Member State or Union level, that provide access to the reporting requirements set out in Union legislation on climate change, air, water and land protection, and on waste management". The centralisation of information in one, easily accessible platform will enable water operators to quickly identify risks related to the protection of water resources and the quality of recovered materials from waste water treatment.

The IEP Regulation will only regulate a subset of all data that must be reported by UWWTP as the UWWTD also requests data on emissions and other information. For example, emission data from UWWTP of less than 2,000 pe, temperature data on cold waste water, size data on the densely populated area and the treatment plant, etc. It is essential to ensure coordination between the reporting requirements of the IEPR and the revised UWWTD so the reporting burden for operators will be manageable.

### Article 4 – Design and structure of the portal

Paragraph 2 - related to public access to the data - is highly relevant. To be efficient, the tool needs to limit the burden of accessing the information by users but also by authorities, so they can easily upload the relevant data.



## Article 5 – Reporting by operators to competent authorities

EurEau supports the reporting of any pollutant specified in Annex II in waste water as specified in indent 1(c). However, we insist that not only the discharge needs to be reported but also the efficiency of the treatment if it is treated in an industrial WWTP (covered by Annex I.5 of the IED).

EurEau agrees that the monitoring of substances can be done by different methodologies but recalls that priority should be given to measurement. However, calculation and estimation are preferable to no data at all. Furthermore, the methodologies should also be reported as mentioned in indent 4, so that the quality of the data can be assessed.

However, we believe that the possibility that Member States may decide to quantify themselves on the basis of generic data, deliberate releases for very large pig and cattle, poultry and aquaculture farms could lead to an underestimation of actual pollution and an impossibility of assessing possible releases of pharmaceutical substances into the natural environment or sewerage networks. We are proposing to lower the thresholds for this exemption to smaller farms (indent 10).

EurEau believes also that the proposal should avoid double reporting and that UWWTP covered by the UWWTD should not report on parameters already covered elsewhere.

The article should request reporting on the following:

- ~ the Directive 2020/2184 (the Drinking Water Directive/DWD) requires drinking water producers to analyse risks on the catchment area that threaten the quality of the raw water. In order to complete the task, the drinking water operator must be able to have access to the relevant information about emissions that may involve risks. Therefore, IED installations that may affect a drinking water source should be required to investigate how their emissions affect the raw water quality used by the Drinking Water producer. Information must be shared with the drinking water producer and the competent authority according to Article 8 of the DWD. In the case of an identified risk, the permit should require extra strict purification requirements for the IED installation prior to discharge. According to the polluter pays principle in Articles 192 and 191 of the EU Treaty on the Functioning of the Union, which the Commission refers to in its proposal for a new IED, the data should be provided by the IED installation operator and at its own cost.
- ~ data must be requested every calendar year and the collection of data must start at least 18 months before the first reporting year.
- ~ the reporting requirements may not be extended thereafter for at least five calendar years.
- ~ data required by the reporting of other EU legislation shall not be requested in addition under this regulation to avoid double reporting efforts.



Specific comments on 5.1 a to e:

**(a) releases to air, water and land of any pollutant specified in Annex II for which the applicable threshold value specified in Annex II is exceeded;**

A revised UWWTD may regulate emissions of greenhouse gases such as e.g. methane and N<sub>2</sub>O. Double reporting should be avoided for UWWTP.

**(b) off-site transfers of hazardous waste exceeding 2 tonnes per year or of non-hazardous waste exceeding 2,000 tonnes per year, for any operations of recovery or disposal [...]**

EurEau understands that the requirement includes sludge from UWWTP, which treatment plants can store outside the property on which the treatment plant is located for the purpose of temporarily storing the sludge before using on land.

The reporting of tons of sludge is not relevant as such. To be used, it needs to include more information according to the final destination of the sewage sludge. Therefore we suggest to regulate data related to sewage sludge management under the revised UWWTD, and Directive 86/278/EEC (the Sewage Sludge Directive/SSD). The SSD already regulates the spread of sludge and data must be reported separately. Double reporting should be avoided.

**(c) off-site transfers of any pollutant specified in Annex II in waste water destined for waste water treatment for which the threshold value specified in Annex II, column 1b, is exceeded;**

EurEau supports the reporting requirements for off-site transfers of pollutants as it may serve control at source and risk management related to quality of sewage sludge, waste water and storm water. The evaluation of the UWWTD identified a lack of information on industrial indirect discharge into municipal sewers.

**(d) use of water, energy and raw materials;**

EurEau understands that water can refer to e.g. flushing water for cleaning sewer tunnels and raw materials may refer to chemicals for purification and sludge treatment. It is unclear whether energy can refer to both produced and purchased energy or only purchased energy. It seems that a revised UWWTD will also regulate energy use. Double reporting should be avoided.

**(e) information allowing contextualisation of the data reported under points (a) to (d), including production volume, number of employees, number of operating hours, and information on accidents that have led to releases;**



EurEau understands that this article will become almost limitless through the concept of contextualising. Data on what is included can be anything, which can be difficult or expensive to find out, supplement or redo. What contextualises is changing needs that can look different every year. Each time the needs change, the operators must bring in new data that they do not need themselves or they must supplement or redo their own data to make it reportable.

Changing reporting requirements reduces the quality and is much more expensive and more difficult to meet than reporting requirements that persist over time. The European Commission should issue a guidance to identify the parameters most needed under contextualisation to limit and control the burden related the reporting of this data set.

## Article 7 – Pollutants from diffuse sources

EurEau supports the possibility for Member States to add supplementary data from diffuse sources “where such data exist and has already been reported by Member States”. However we want to highlight that a definition of “diffuse sources” is missing and the scope of the related activities is not identified in the text. We therefore support also indent 3 empowering the Commission to adopt delegate acts to supplement this information.

## Article 14 and 15 – Amendments to the annexes

EurEau supports Article 14 empowering the Commission to amend annexes through delegated acts. It is crucial to bring flexibility to the reporting process over time and to ensure the protection of water resources.

However, when considering additional substances to be reported under the IED, it must be required in Article 14 or 15 that the European Commission carefully investigates the need and the costs for producing additional data from UWWTP and businesses. The cost should encompass the production of the data, the quality assurance, the administrative needs (provide, administer, correct wrong data, etc.) for the IED but also from other legislations to avoid double counterproductive data reporting.

We believe that the costs identified should therefore accompany the delegated act when submitted to the EU Parliament and the Council of Ministers in accordance the proposed Article 15.6.

## 3. Conclusion

EurEau is very supportive of the effort to bring more transparency regarding industrial emissions and the IEPR is a necessary tool to do so. We support the regulation, the details it will provide on industrial emissions to water at a finer granularity and the extension of the tool to other set of data gathered by authorities. However, we expect that this regulation is aligned with the future UWWTD to avoid any double regulation for water operators.



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## About EurEau

EurEau is the voice of Europe's water sector. We represent drinking water and waste water operators from 30 countries in Europe, from both the private and the public sectors.

Our members are 35 national associations of water services. At EurEau, we bring national water professionals together to agree European water sector positions regarding the management of water quality, resource efficiency and access to water for Europe's citizens and businesses. The EurEau secretariat is based in Brussels.



**EurEau**

With a direct employment of around 476,000 people, the European water sector makes a significant contribution to the European economy.