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European Forum of Northern Sweden's views on the European Commission's proposal for a revised Urban Wastewater Treatment Directive

European Forum of Northern Sweden (EFNS) is a network for politicians at the local and regional levels from Norrbotten, Västerbotten, Jämtland Härjedalen and Västernorrland. EFNS is a meeting place and knowledge arena where EU policies are analysed and discussed in respects where it affects northern Sweden. EFNS monitors European issues to influence EU legislation, EU strategies and action programmes, and the EU budget. The purpose of EFNS is to safeguard the interests of northern Sweden both in the European arena and in relation to national level issues with a clear European perspective.

EFNS welcomes the revision of the Urban Wastewater Treatment Directive. The revision of the nearly 30-year-old directive is necessary to address the societal challenges of today and of the coming decades. In this connection, EFNS would like to share its standpoints as follows:

- EFNS wants to see technology-neutral and target-based regulatory systems
- Local adaptations are needed for biological treatment and discharge requirements
- The Weser ruling halts economic growth – an exception is needed in the Wastewater Treatment Directive
- In northern Sweden the environmental benefits of the nitrogen removal requirement are disproportionate to their associated costs
- Pharmaceutical treatment according to the “polluter pays” principle is a sound suggestion

EFNS wants to see technology-neutral and target-based regulatory systems

The natural conditions in northern Sweden entail, amongst other things, many large rivers with high water flows and very good water quality. The watercourses flow into the Bothnian Sea and the Gulf of Bothnia which, unlike many sea basins, are not nitrogen sensitive. Both the cold climate and the sparse population create specific conditions. In the proposal for a revised wastewater treatment directive, the EFNS finds a lack of consideration for these types of preconditions. Moreover, directives that stipulate the use of a certain technology for many years to come risk standing in the way of future innovative solutions.

EFNS welcomes strong frameworks that ensure a healthier natural environment. However, regulatory frameworks should be target-based, risk-based, technology-neutral and flexible enough to adapt to the different preconditions prevailing within the EU in terms of e.g. climate, natural conditions and population structure.

EFNS questions whether the European Commission's proposal for a wastewater treatment directive is in fact compatible with Article 191 of the EU Treaty on the Functioning of the Union, which states



that the Union's environmental policy should aim for a high level of protection, taking into account the diversity of conditions prevailing in the different regions of the Union.

Local adaptations are needed for biological treatment and discharge requirements

The 1991 Wastewater Treatment Directive exempts the biological treatment requirement for high altitude areas (over 1,500 meters above sea level), characterized by cold climate. The new proposal, however, lacks this exception altogether.

Most treatment plants in Sweden's northern parts discharge wastewater to large rivers in Norrland that are nutrient-poor and exhibit high water flow, low water temperatures and a naturally high oxygen content. Water quality is not affected by small discharges of biodegradable substances and the type of water treatment required by the proposal would not entail any measurable changes to the aquatic environment.

EFNS emphasizes that it is unreasonable for treatment plants in northern Sweden to be subjected to an equally strict regulatory framework as would stand in other parts of Europe, where wastewater does carry a large environmental impact.

Based on the regulatory framework in the EU Water Framework Directive and the Swedish application of mentioned directive in the Water Management Regulation, EFNS deems that local authorities should have the mandate to assess the discharge conditions of the sewage installations on a case-by-case basis, taking into account the sensitivity and status of the recipient, amongst other things. Overall assessments should also be made from a river basin perspective to further highlight the impact of wastewater discharge.

The Weser ruling halts economic growth – an exception is needed in the Wastewater Treatment Directive

Under the EU Water Framework Directive, measures that impair water quality in lakes and rivers are not allowed. The so-called Weser case, settled at the Court of Justice of the European Union, lays down that principle. Even with treatment plants using the best available techniques, a new wastewater treatment plant or extension often means that emissions will slightly increase. This implies that growing Swedish municipalities that need to build new wastewater treatment plants or expand existing ones could not be granted the permit to proceed with that process. In practice, this entails a growth ban on Swedish municipalities. Today's legislation also does not allow the recipient's sensitivity or other local conditions to be taken into account.

Northern Sweden is undergoing a huge transition from a fossil-based to a fossil-free industry. Business development and investments are now taking place in the multibillion Swedish krona (SEK) range, which require both a large influx of labor and a sharp increase in housing construction. The two northernmost counties, Norrbotten County and Västerbotten County, are expected to grow their population with 100,000 inhabitants by 2035. This also creates the need to expand the capacity of municipal wastewater treatment plants.

EFNS thus wants to see better coherence between the Wastewater Treatment Directive and the EU Water Framework Directive, where population growth in Swedish municipalities is not stunted. The exception is missing in the proposal despite the fact that the European Parliament, in its resolution



9.12.2020 (2020/2613(RSP) (https://www.europarl.europa.eu/doceo/document/B-9-2020-0401_EN.html) paragraph 27 on the future water policy, called on the European Commission to evaluate the interaction between the Wastewater Treatment Directive and the Water Framework Directive, and to propose legislative amendments if necessary. We understand that the European Commission has identified and appreciates the fact that there are coherence problems since a draft version for the new Wastewater Treatment Directive, which was leaked a week prior to the Commission's presented proposal on 26 October, did in fact include said exemption proposal. Therefore, EFNS finds it particularly serious that such exemption is missing in the current proposal.

In northern Sweden the environmental benefits of the nitrogen removal requirement are disproportionate to their associated costs

The proposed updated Wastewater Treatment Directive demands very high levels of nitrogen removal at treatment plants serving at least 10,000 PE (population equivalent) which discharge the purified water to a sensitive recipient. The strict requirements are set at 6 mg total nitrogen per litre of water, which exceeds the level that any treatment plant can manage today. All the basins in the Baltic Sea, including the Gulf of Bothnia and the Bothnian Sea, are considered sensitive recipients. This implies that all wastewater treatment plants treating over 10,000 PE in northern Sweden need to invest in nitrogen removal.

EFNS poses that the requirement for nitrogen removal for waters reaching the Gulf of Bothnia and the Bothnian Sea lacks scientific basis. The Gulf of Bothnia and the Bothnian Sea are not assessed as nitrogen-sensitive marine areas by Swedish environmental authorities.

The requirement for nitrogen removal will lead to very high municipal costs and carry a substantial price for citizens, without achieving any real environmental benefits. At the same time, there are very strong and real investment needs for e.g. the renewal of collecting systems. The new proposal would also hit rural municipalities much harder economically in comparison to large cities.

Introducing nitrogen removal also means increased energy consumption and thus increased greenhouse gas emissions.

Unreasonable demands of this kind not only affect Swedish municipalities and citizens negatively. Moreover, they run the risk of undermining trust in environmental policy, the European Commission, and the EU cooperation as such.

Pharmaceutical treatment according to the "polluter pays" principle is a sound suggestion

The European Commission proposes in the revised Wastewater Treatment Directive that treatment plants treating over 100,000 PE should have pharmaceutical treatment and that this requirement also applies to treatment plants serving at least 10,000 PE if the recipient is sensitive.

EFNS supports this proposal. As pharmaceuticals and chemicals are a genuine threat to water quality in lakes, rivers, and seas - even in northern Sweden - the requirement for increased treatment is reasonable. Treatment from chemicals and pharmaceuticals will also entail costs but these costs are proportionate to the ensuing environmental benefits.



EFNS is also very much in favour of the proposal that companies putting pharmaceuticals and cosmetics containing persistent substances on the market should pay for the wastewater treatment. It is reasonable that primarily polluters pay for the purification of their effluents at the molecular level. Additionally, the proposed funding model can speed up the development of pharmaceuticals and cosmetics that are more easily degraded and rendered harmless.

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