



EurEau Position Paper on the draft Industrial Emission Directive Revision

Summary

The draft revised Industrial Emission Directive (IED) contains important measures for controlling pollutants at source, including the following:

- ~ **mandatory environmental management systems**
- ~ **listing hazardous chemicals and developing a substitution plan**
- ~ **the indirect inclusion of Substances of Very High Concern (SVHC) and Priority Substances as defined by Directive 2000/60/EC (the Water Framework Directive/WFD)**
- ~ **the inclusion of ECHA in the development of BAT reference documents**
- ~ **the consideration of the adverse impacts of industrial discharges on health (drinking water intake) and the environment**
- ~ **consideration of the municipal collection systems and urban waste water treatment plants (UWWTP) for industrial plants connected to a municipal sewer network**
- ~ **the broadening of the IED's scope.**

However, further improvement is needed with regards to the flow of information to drinking water operators in order to facilitate the risk-based approach introduced by Directive 2020/2184 (the Drinking Water Directive/DWD), and to UWWTP operators so as to better protect municipal sewage sludge quality and the aquatic environment in line with the WFD, and to foster the circular economy.

1. Introduction

EurEau is the European Federation of Water Services representing public and private operators from 30 countries. Both drinking water and waste water operators are affected by the revision of the Directive 2010/75/EU (Industrial Emission Directive/IED), as they are engaged in the protection of water resources, their infrastructure and workers. Furthermore, EurEau members are keen to exploit their full circular economy potential.



The proposed text meets most of the water service providers' expectations by correcting some drawbacks of the current directive regarding the protection of water bodies.

EurEau supports the general philosophy, aligned with the zero-pollution ambition, to control industrial pollution at the source. The current proposal allows for a better inventory of hazardous chemicals through mandatory environmental management systems (EMS). These systems support risk prevention and the search for less hazardous alternatives. These measures should help water operators in their risk analyses, especially the risk-based approach made mandatory through the Drinking Water Directive. On the waste water side, it will allow for a better control of waste water quality. The higher this quality, the better the quality of the receiving water body and the more possible it is to recycle water and recover materials from the waste water. The new IED therefore has the potential to improve the water sector's contribution to the objectives of the European circular economy action plan. Numerous background documents are available on our website and illustrate this correlation. We can also provide these documents upon request¹.

We welcome the provisions regarding the improved protection of the waste water infrastructure, of workers and of the quality of water and sewage sludge by reinforcing the conditions for indirect release of pollutants into waters, as proposed in Article 15. However, the current text only suggests to consider the effect **of** the treatment of the external waste water treatment plant (WWTP) on the industrial discharge whereas in addition, the effect of the industrial discharge **on** the external WWTP should always be considered if we really want to achieve both the protection of water resources and the objective of a circular economy. **No one wants another GenX scandal in Europe!**

As a prerequisite, drinking water and waste water operators should be involved in the delivery process of the permits in their catchment area as they are the only ones able to assess the effect of industrial discharges on external WWTP and drinking water resources.

Given their intrinsic properties and the difficulties to remove them in external WWTP, persistent, mobile and toxic (PMT) substances and very persistent, very mobile (vPvM) substances should never be authorised for release into the urban sewer network.

Finally, the extension of the IED scope to cattle and the reduction of the size of farms covered for pig and poultry will improve the control of the most polluting farming installations. Rearing farms are a big source of pollution especially for nutrients released both to surface water and groundwater.

Apart from the above points, EurEau wishes to highlight other provisions that need improvement:

~ With a view to facilitating risk analyses, the information on chemicals use must be

¹ [EurEau \(2022\) Briefing note on sludge and the circular economy: the impact of PFAS](#)
[EurEau \(2021\) Briefing note on sludge management](#)
[EurEau \(2021\) Briefing note on PFAS and drinking water](#)
[EurEau \(2021\) Position paper on industrial waste water discharges into sewers](#)
[EurEau \(2021\) Position paper on enabling the circular potential of sewage sludge](#)
[EurEau \(2021\) EurEau recommendations on the Zero Pollution Action Plan](#)
[EurEau \(2019\) The holistic-approach to addressing micropollutants - 2019 update of source control.](#)



extended to include by-products/degradation products formed on-site, and it must be easily accessible to drinking water and waste water operators and other external parties.

- ~ The IED relies exclusively on the compliance checks and accident/incident information and remediation by the industrial operator. We are convinced that most of industrial operators act responsibly, but this trust should be reinforced in the regulation by introducing mandatory controls by competent authorities.

The following chapter contains detailed comments on the proposed text.

2. Detailed comments

Article 1

It is crucial to add the protection of human health to the subject matter, in line with the EU's zero pollution ambition. EurEau supports the European Commission's proposal on this point.

European Commission proposed text:

- (1) 'It also lays down rules designed to prevent or, where that is not practicable, to reduce emissions into air, water and land and to prevent the generation of waste, in order to achieve a high level of protection of **human health and the environment taken as a whole.**'*

Article 2

Duplication with Directive 91/271/EC (Urban Waste Water Treatment Directive/UWWTD) must be avoided. Municipal WWTP covered by the UWWTD may receive sludge from rural WWTP and/or biodegradable waste from the food industry to treat it to produce renewable biogas. Some operators additionally have incinerators on their WWTP and may also receive third party materials for incineration. The scope of the revised IED must be coherent with the expected revised UWWTD to the extent that citizens can be confident of the equivalent protection of the environment and operators are not burdened by duplication of regulatory regimes. Until we can see the two texts side by side, it is impossible to be precise in the requirements for amendments to the draft legal text.

We are looking for:

- ~ "Anaerobic digestion of all sewage sludge, originating from one or multiple urban WWTPs [or organic waste co-digested with sludge at urban WWTPs], to be covered by the UWWTD only. Bundling all requirements in one legal text would streamline compliance efforts and costs and, hence, encourage more investment in circular options."²
- ~ Nothing in the IED and the UWWTD draft legal texts should inhibit co-digestion or co-incineration. Current pressure on energy production must push Europe to

² EurEau (2021) Position paper on enabling the circular potential of sewage sludge.



rationalise investment in this field.

We look forward to work with both rapporteurs on this very specific point.

Article 3

Indent (3) adds installations listed in Annex Ia to the activities covered. Annex Ia refers to "Rearing of cattle, pigs or poultry in installations of 150 livestock units". 150 LSU means 150 cows, 10,000 poultries, 500 pigs and 300 sows. With this, cattle is included in the scope and the threshold for pigs (2,000 currently), sows (750 currently) and poultry (40,000 currently) is decreased.

EurEau strongly supports the addition of rearing cattle and the decrease in size of other rearing categories as an important step for the protection of drinking water resources through control-at-source measures. Effluents and practices from smaller farms need to be controlled as their impact on the environment is substantial.

Indent (12): BATs will need to contain "the environmental performance levels associated with the best available techniques, the minimum content of an environmental management system including benchmarks associated with the best available techniques," on top of the information already provided today.

It is very important that the performance levels are included so water service providers can establish the effect of these techniques on the environment in normal operating conditions. It is equally important to add the environmental management system (EMS) so that guidance is given to industrial operators to deal with the requirements, especially the chemicals management (see below in the text).

Indent (13a) inserted: definition of the environmental performance levels referring to the normal operation conditions.

EurEau supports the definition of 'environmental performances levels' under normal operating conditions.

Indent (17): According to Directive 2020/2184 (the Drinking Water Directive/DWD) (Art. 8), Member States must ensure that risk assessment and risk management of the catchment areas for abstraction points of water intended for human consumption are carried out. The risk assessment should include the identification of hazards and hazardous events in the catchment areas for abstraction points and an assessment of the risk they could pose to the quality of water intended for human consumption.

Likewise, waste water service providers must be involved when IED operators release waste water in urban sewers. In order to ensure policy coherence, water service providers should be integrated in the decision making on granting or updating a permit or permit conditions.

Proposed addition:

- Indent (17): the public concerned' means the public affected or likely to be affected by, or having an interest in, the taking of a decision on the granting or the updating



*of a permit or of permit conditions; for the purposes of this definition, **water service providers**, non-governmental organisations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest;*

New indent proposals: For the purpose of a proper understanding of the new Article 15, EurEau proposes two additional definitions in order to clearly identify industrial WWTP (IUWWTP) and urban WWTP (UWWTP):

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

Article 5

This article defines the obligation for Member States to make the information about the permits granted available via the Internet, free of charge for registered people, accompanied by a summary.

EurEau supports the proposed measures that bring transparency and free online access to permits. The new paragraph (4) in Article 5 is therefore very important. The proposed summary is a concise way of providing information related to the protection of water resources, assets, workers and promoting the circular economy of the water sector.

We suggest specifying the reporting units and the obligation to set up a central registration in the European Pollutant Release and Transfer Register. The overall integration, alignment, reporting and compliance checks of EU legislation will improve when both permits and the permit conditions, as well as the emissions, are registered in the same environment. For the emissions, it is important to restrict both the concentration and the daily, monthly and annual amounts. Incidentally, a higher concentration of emissions might be acceptable, but overall (daily, monthly, annual) the emissions should be as low as possible. We therefore suggest the following adjustment:

Indent (4): In Article 5, the following paragraph (4) is added:

*'4. Member States shall ensure that permits granted pursuant to this Article are made available on the Internet, free of charge and without restricting access to registered users. In addition, a summary of each permit shall be made available to the public under the same conditions, **within the framework of the European Pollutant Release and Transfer Register**. That summary shall include at least the following:*

- (a) an overview of the main permit conditions;*
- (b) the emission limit values **in both concentrations (mg/l) and daily, monthly and yearly totals (kg/yr)**, and environmental performance limits values;*
- (c) any derogations granted in accordance with Article 15(4);*



(d) the applicable BAT conclusions;

(e) the provisions for reconsideration and updating of the permit.

The Commission shall adopt an implementing act to establish the format to be used for the summary referred to in the second subparagraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).'

Article 5 should stipulate the involvement of drinking water and waste water operators in the permitting process so that they can assess the consequences of direct or indirect industrial discharges into water and take appropriate actions. The following paragraph should be added:

New paragraph 5: When an industrial installation discharges waste water directly or indirectly into surface water, drinking water and waste water operators shall be consulted prior to the delivery of the permit on the potential consequences of emissions on their infrastructures and the protection of human health and the environment. The authorities shall take this information into account when defining the permit conditions."

Article 7 – Incident and accident

EurEau supports the new wording of this article including on the information flow between Member States affected by incidents or accidents caused by emissions from industrial installations. The provisions, especially the corrective actions, should also be extended to all affected Member States.

Furthermore, the following paragraph should be added in order to allow water services to take appropriate actions in the event of an incident or accident.

"In the event of pollution affecting drinking water resources, including transboundary, or waste water infrastructures in the case of indirect discharge, the competent authority shall inform the drinking water and/or waste water operators affected of the measures taken to prevent and/or correct damage to human health and the environment."

Article 8 – Non-compliance

EurEau supports this article but insists on the need for authorities to provide the necessary capacity in terms of qualified personnel and to conduct unplanned compliance checks.

Furthermore, as for Article 7, EurEau suggests that the following paragraph be added in order to allow water services to take appropriate action in the event of non-compliance.

"In the event of a breach of compliance affecting drinking water resources, including transboundary, or waste water infrastructures in the case of indirect discharge, the competent authority shall inform the drinking water and/or waste water operators affected of the measures taken to prevent and/or correct damage to human health and the environment."



Article 11 – General principles governing the basic obligations of the operator

EurEau supports the three principles added to this article. They will support the optimised use of water resources and protect their quality, thus, contributing to maintaining the quality and quantity of drinking water resources. Furthermore, they will protect waste water infrastructure against the discharge of harmful substances and, hence, protect the water and sewage sludge quality to facilitate water reuse and resource recovery.

Article 13 – BAT reference documents and exchange of information

EurEau supports the inclusion of ECHA in the exchange of information for the development and revision of the BAT reference documents. It will ensure that the latest updates on the chemical legislation or on-going restriction processes are considered in the process. ECHA should ensure sufficient human resources to fulfil this task.

EurEau expects that the confidentiality agreement to be signed with the European Commission will increase operators' confidence to share all the necessary information, especially on certain hazardous chemicals in the BAT process development. It will reinforce the efficiency of this tool. For BAT reference documents on emissions to water, **water service providers should be included in the exchange of information.**

Article 14 – Permit conditions

EurEau supports the consultation of the different authorities in charge of ensuring compliance with the EU environmental legislation, including with environmental quality standards, prior to the delivery of a permit. This should ensure harmonisation of requirements across sectors for a better protection of the environment.

We also endorse the approach not to restrict the consideration of substances to the substances listed in the E-PRTR but to consider any potential polluting substance potentially emitted from the installation.

We support the addition of the environmental performance limit values (indent aa) in the permit and the related conditions for assessing compliance (indent h) so that the expected performance of the installation is clearly identifiable and monitored.

We consider as crucial the addition of surface water to soil and groundwater as media to be protected when considering the measures to be put in place in the permit. This will improve the protection of water resources. The permitting procedure should grant special attention to the effect of industrial discharges on downstream intakes of drinking water facilities. We propose that **when calculated, concentrations exceed either the threshold values for drinking water or the precautionary concentration limit of 0.1 µg/l, the operators of the drinking water facility should be contacted and involved in the further process of the permitting procedure**³.

³ Example from the Netherlands: "Algemene beoordelingsmethodiek (ABM)", and "Emissie-immissietoets" (General assessment Method and emission assessment).



Article 14a – Environmental Management System

EurEau strongly supports the proposed provisions on Environmental Management Systems (EMS) as a key tool for the implementation of control at source measures.

EurEau wishes to emphasise that the chemical inventory of hazardous substances is a good starting point. However, the industrial process may transform these chemicals into other substances, which are potentially also hazardous. Transformation products and by-products resulting from the industrial process must be included in the inventory as they are often the ones discharged into sewers or receiving water bodies. Alternatively, they may be subject to effect-based monitoring. The measures to achieve the environmental objectives should also address these substances.

With regards to the protection of water resources, the following measures should be included:

- ~ *Optimisation of the resource use and water reuse.*
- ~ *Prevention and reduction of the risks associated to the use of hazardous substances **including their transformation products and by-products.***
- ~ *A chemical inventory of hazardous substances present in the installation **including their transformation products and by-products**, a risk assessment of the impact of the substances on human health and the environment and an analysis of the possibilities to find safer alternatives.*
- ~ *Measures taken to achieve the environmental objectives and avoid risks for human health and the environment, including corrective and preventive measures.*

The EMS should be made available on the internet, free of charge and without restricting access to registered users.

Article 15 – Emission limit values, environmental performance limit values, equivalent parameters and technical measures

EurEau supports the addition of environmental performance limit values to evaluate the performance of the selected technical solution to limit the emissions to water bodies.

As a basic principle, EurEau supports the approach that substances that have not explicitly been mentioned in the permit, are not permitted. "If not permitted, do not emit it". This rule already applies in Germany and the Netherlands. To ensure a level playing field in the EU, it should be integrated in the IED. It is based on EU primary law, Art. 191(2) TFEU, which requires rectifying environmental damage at the source of the pollution, the ban on deterioration of water quality laid down in Directive 2000/60/EC (the Water Framework Directive), Art. 4(1), and pursuing the Zero Pollution ambition according to the General Union Environment Action Programme to 2030 (DECISION (EU) 2022/591, Art. 2(2)).

EurEau also supports the stricter conditions for the indirect release into sewers. These additions are very important to protect the urban waste water infrastructure integrity, the health of workers, the functioning of the UWWTP, the quality of the water and sludge to properly reuse resources and, finally, the receiving water downstream the UWWTP.



However, the proposal is only referring to **the possibility** ('may') to take the effect of the external WWTP into account. As outlined above, two types of WWTP must be distinguished: the industrial WWTP that can be external and the UWWTP. The former will be specifically designed to remove a specific type of pollution linked to the industrial discharge into water. The latter is designed for another purpose, namely compliance with the requirements of the Urban Waste Water Treatment Directive. Consequently, they may not be able to remove all types of pollutants. Therefore, the collection system and the UWWTP must be protected. The effect of the industrial discharge **on** the UWWTP **must always** be considered in case of indirect discharge. The release of inappropriate effluents in the sewer may jeopardise the protection of the asset, the workers, the circular economy objectives and the protection of water resources. However, we recognise that the effect of the IWWTP or the UWWTP if agreed with the operator may be considered in the perspective of determining the emission limit values of the installation concerned as mentioned in the original text.

Very importantly, the indirect release of PMT or vPvM substances should never be authorised as their removal by UWWTP is extremely challenging.

We therefore suggest the following amendment for Article 15:

'1. The emission limit values for polluting substances shall apply at the point where the emissions leave the installation, and any dilution prior to that point shall be disregarded when determining those values.

*With regard to indirect releases of polluting substances into water, **in the first instance the effect on a waste water treatment plant (urban or industrial) outside the installation shall be taken into account when determining the emission limit values of the installation concerned according to the polluter pays principle. On a second step, the effect of a waste water treatment plant (urban or industrial) outside the installation may be taken into account when determining the emission limit values of the installation concerned. Both action shall be done provided that the operator ensures that all of the following requirements are fulfilled:***

*(a) the released polluting substances do not impede the operation of the waste water treatment plant **nor the capacity or potential to recover resources from the waste water treatment stream in line with Directive 86/278 (The Sewage Sludge Directive) and Regulation 2020/741 (The Water Reuse Regulation).***

(b) the released polluting substances do not harm the health of the staff working in collecting systems and waste water treatment plants.

*(c) the **industrial** waste water treatment plant is designed and equipped to abate the released polluting substances **or the urban waste water treatment plant operator agrees to receive and treat the additional load coming from the installation on the basis of the information provided by the installation operator.***

(d) the overall load of the concerned polluting substances eventually released into the water is not increased compared to the situation where the emissions from the installation



concerned remained compliant with emission limit values set for direct releases in accordance with paragraph (3) of this Article, without prejudice to stricter measures required pursuant to Article 18.

(e) the extra cost of treating the released polluting substances at the waste water treatment plant shall be covered by the industrial installation operator.

(f) the released polluting substances do not contain substances classified as persistent, mobile and toxic or very persistent and very mobile.

(g) based on Art. 191(2) TFEU, polluting substances that are not considered in the permit procedure but still released to water are considered to be not permitted and a justified reason for authorities to restrict operations and discharges.

Article 15a – Compliance assessment

EurEau regrets that the Commission draft does not foresee spontaneous compliance checks by the authorities nor an obligation for them to assess the compliance report provided by the operator. Recent examples of water resources contamination with PFAS show that no blank cheque should be handed to industrial operators.

Article 18 – Environmental quality standards

EurEau welcomes the addition of this article as it allows for the strict control of industrial emissions beyond the BATs capacities. However, the control is focused on the receiving environment. IED installations connected to an external UWWTP should also monitor the emissions into sewers and assume the cost for the monitoring of these substances.

Proposed text for the second paragraph:

*Where stricter conditions have been included in the permit in accordance with the first paragraph, regular monitoring of the concentration **and loads** of relevant pollutants ~~in the receiving environment~~ **at the discharge point (direct or indirect)** resulting from operations of the installations concerned shall be required from the operator, and the results of such monitoring shall be transmitted to the competent authority **and the downstream drinking water and/or WWTP operators, where relevant**. Where monitoring and measurement methods for the concerned pollutants, **including cocktail effects**, are set out in other relevant Union legislation, such methods shall be used for the purpose of the monitoring referred to in this paragraph.*

NEW Article 18a – Protection of drinking water resources

The protection of drinking water resources must be a key goal of the IED. The DWD requires drinking water producers to analyse relevant risks in the catchment area. To fulfil this task, access to data on industrial emissions to the aquatic environment is crucial.

Therefore, IED operators whose emissions may affect a drinking water source should be required to assess these risks at their own cost. The results of this assessment should be



shared with the drinking water operator and the authority in charge of the risk assessment according to Article 8 of the DWD. If the assessment finds that the quality of the raw water is negatively affected, the IED operator should be obliged to take appropriate measures to eliminate this risk.

Proposed text

"When an industrial installation discharges waste water directly or indirectly into surface water, affecting drinking water source, a risk assessment on the effect of the discharges on the drinking water source should be conducted.

The results of this assessment should be shared with the drinking water operator and the authority in charge of the risk assessment according to Article 8 of the Directive 2020/2184.

If the assessment finds that the quality of the raw water is negatively affected, the operator should take appropriate measures to eliminate this risk."

Article 21 (5)

EurEau supports the proposed replacement of Article 21(5), point (c) that is meant to update the permit and permit conditions regularly and when necessary. As described in the Recital (20), permit conditions should be regularly reviewed and, where necessary, updated by the competent authority to ensure compliance with relevant legislation. Such review or update should also take place where it is necessary for the installation to comply with an environmental quality standard, including in the case of a new or revised environmental quality standard or where the status of the receiving environment requires a revision of the permit in order to achieve compliance with plans and programmes set under Union legislation, such as the river basin management plans (RBMP) under Directive 2000/60/EC. The term 'regularly' should be clarified. EurEau recommends a mandatory revision at least every seven years to be aligned with the RBMP cycle.

Proposed text

*'(c) where it is necessary to comply with an environmental quality standard referred to in Article 18, including in the case of a new or revised quality standard or where the status of the receiving environment requires a revision of the permit in order to achieve compliance with plans and programmes set under Union legislation. **A mandatory revision should be carried out at least every seven years.***



Article 27d – Transformation towards a clean, circular and climate neutral industry

EurEau endorses the continuous improvement promoted by this article in order to better protect water resources in the long term and support the transformation of water and waste water services towards full sustainability.

Article 70a – Scope for special provisions for rearing poultry, pigs and cattle

The enlargement of the IED scope by adding rearing cattle and decreasing the size of other rearing categories is a positive step forward. This will help to control emissions from these installations that put substantial pressure on water resources, especially groundwater. Covering these farms will also encourage farmers to become more resource-efficient, especially with regard to water abstraction.

Annex I – point 5.3 - Disposal of non-hazardous wastes

UWWTP are not industrial entities as they do not produce any goods and their core activity is to remove pollution from urban waste water. These activities are and must remain covered by the UWWTD. Hence, they should not be included in the IED scope, as confirmed by the exclusions kept in the revised Annex.

However, the term “activities covered by the UWWTD” leaves space for interpretation and needs to be clarified. In practice, UWWTPs treat waste water and produce sewage sludge. The latter can be further processed through anaerobic digestion to produce biogas and digestate, which can be used as fertiliser in agriculture. In certain Member States, UWWTPs processing their own sewage sludge through anaerobic digestion on their site are not covered by the IED. However, if the sewage sludge is mixed with sewage sludge coming from another UWWTP, the anaerobic digester is covered by the IED to operate. Two digesters working the same way with similar input are therefore covered by two different directives. For example, in France, about 25% of sewage sludge is treated in UWWTPs for which the anaerobic digesters are covered by IED (about 20 UWWTPs) which leaves 75% of sludge treated in facilities covered by the UWWTD.

It would be clearer to consider anaerobic digestion of all sewage sludge, originating from one or multiple UWWTPs, to be covered by the UWWTD only. Bundling all requirements in one legal text would streamline compliance efforts and costs.

As already mentioned in the section looked at Article 2, it is currently difficult to make concrete proposal for amendment as the revised UWWTD has not been published yet. We therefore are looking forward to work with rapporteurs on both legislation to find an approach that will ensure citizen confidence in equivalent protection of the environment and avoid the burden of regulatory regimes duplication for operators.



3. Conclusion

Overall, we find the Commission's proposal goes in a very positive direction and we look forward to working with the EU institutions to make the IED an effective and robust force in protecting the environment, human health, water resources and water services' workers.



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.



EurEau

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.

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