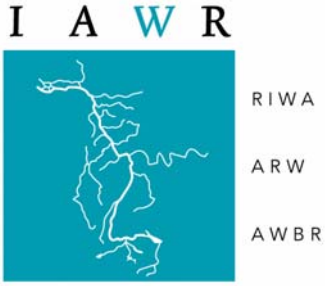
Internationale Arbeitsgemeinschaft der Wasserwerke im Rheineinzugsgebiet



Cologne, 12 October 2005

Position Statement of the International Association of Waterworks in the Rhine catchment area concerning the

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on environmental quality standards and pollution control in the field of water policy and amending Directive 2000/60/EC (list of priority substances)

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The proposals and evaluations of the IAWR are based on the IAWR Rhine Memorandum 2003, on the recommendations and expertise of the ARW (Arbeitsgemeinschaft der Rheinwasserwerke), the AWBR (Arbeitsgemeinschaft der Wasserwerke Bodensee-Rhein) and the RIWA (Association of River Water Companies), with due regard given to the standpoints of the BGW (Bundesverband der Gas- und Wasserwirtschaft e. V.), the AWWR (Arbeitsgemeinschaft der Wasserwerke an der Ruhr) and the DVGW (Deutsche Vereinigung des Gas- und Wasserfaches).

The **Key Points** of this position are:

- The IAWR welcomes the initiative of the European Commission, in respect of the water policy for the substances on the list of priority substances, to have the measures still to be taken to establish emission restrictions and the quality objectives to be set for waterways both pertain to all EU countries.
- The IAWR largely supports the proposals of the EU Commission, but thinks it is necessary, from the perspective of the supply of drinking water based on the IAWR Rhine Memorandum of 2003, to formulate stricter requirements for a number of substances.
- The IAWR thinks that the quality objectives should pertain to maximum values.
- Furthermore, the IAWR finds it necessary to expand the current list of the Commission with the addition of a number of substances.

The EU Commission should present proposals for restricting and/or for the immediate or phased ending of releases, including an attached timetable. In accordance with Article 16, section 7, the Commission is also meant to present proposals for quality standards governing the concentration of priority substances in surface water, sediments and biota. With the proposal of the Commission, as the requirement in the WFD states, a Healthy Chemical Balance must be achieved by the year 2015.

The proposed guidelines do not meet this requirement. On the contrary, they fall far short of the targets set in the Water Framework Directive (WFD).

In contrast to the intention of Articles 10 (combined estimate) and 16 of the WFD, no proposals at all are made for the restriction of releases (emission restrictions) for the substances on the list of priority substances.

Based on Article 174 of the EC Treaty and the considerations made under point 11 of the WFD, the common environmental policy should "be based on the principles of precaution and prevention, on the principle of tackling damage to the environment directly at the source preferably, and on the principle that the polluter bears the cost". In the proposal of the Commission, conversely, quality targets are proposed for these substances in waterways which lower the bar to such an extent that the principle of precaution is pruned back to an absurd degree. After all, current measurements taken in waterways of the Community, e.g. the Rhine, render values for these substances that lie by a factor of 10 to 100 lower than the proposed quality targets of the Commission.

It should also be realised that the effectiveness of the ban on allowing current conditions to worsen, which has been in effect up to now, has not in any way been demonstrated. Moreover, such ostensibly acceptable burdens, eco-toxicologically speaking, say nothing at all about the "good ecological" quality required by the WFD. In an assessment such as this, not only should the toxicological load limits of only 5 biota be considered, but also the condition used as a reference point, i.e. the baseline condition which has not been influenced by humans in any way – just as is done with respect to the water structure. And in this baseline condition, such unnaturally high loads for the investigated priority substances are generally not found.

More especially, the proposed maximum concentrations are much too high in view of the use of surface water as a source for drinking water.

In Article 7 of the WFD, special protection is emphasised with the use of drinking water in mind. There too, one can find waterworks endeavouring to reduce the use of technology for production where possible. In order to co-ordinate the directives well, utmost attention must be given to the targets recorded in the EC drinking water directive when establishing the quality targets for surface water.

The IAWR thinks it is essential for the protective designation of "drinking water supply" to be extended to all bodies of water - including those that are not yet designated as such a supply or are not yet used as such. It has, unfortunately, not at any time been said that the survival of currently available drinking water supplies is also actually guaranteed; instead, due to the pressure of competing use, once again water supply locations are seemingly having to be relinquished. We are forced to resort to finding new locations and sources of drinking water, which are simply not available without the protection of all bodies of water which should already be in place;

The targets of the EC drinking water directive should be achievable through a more natural method of purification, through soil filtration, bank filtration, slow sand filtration or dune filtration.

This objective, which is also expressly formulated as such and advocated by the ICPR, the International Commission for the Protection of the Rhine to which the EU belongs, will nonetheless be impossible to achieve with the currently proposed quality targets. In this context it must also be said that quality targets for hygienic microbiological parameters are still unfortunately lacking.

As the European model for the formulation of quality targets with a view to achieving the sustainable use of drinking water, we would again like to refer expressly to the international agreement of the ICPR (International Commission for the Protection of the Rhine) for the catchment area of the river Rhine, for which the negotiations between the member states involved - in which the European Commission also explicitly took part - have been successful.

In view of the toxicity over the long term or potential genotoxic effects, we must not only realise that the proposed maximum concentrations are much too high, but that they also do not square with the level of protection that is currently established in the EG-RL 75/440/EG or with the standstill principle, which has also been expressly included in Article 7, section 3, of the Water Framework Directive.

Experiences with substances that are known to be harmful, such as DDT or TBT (org. tin compounds), show that the tests currently available to us are not useful for predicting what the genotoxic effects and endocrine (hormonal) effects will be in the middle to long term.

Against this background, the IAWR is asking the EU Commission, when formulating the quality objectives for the list of priority substances, to bear in mind the state of science and research. A consistent application of the precautionary principles from the EC agreement would, in respect of these substances, mean that any unnecessary exposure of people and aquatic biotic communities to them should be avoided.

In the list of priority substances, the group of harmful priority substances is highlighted. There are requirements attached to them, such as so-called phasing-out.

The proposed, relatively meagre quality targets for these harmful priority substances can therefore not be defended.

Based on the WFD, the releases of these substances into bodies of water should be brought to an end within 20 years. In this context, it is clear that a narrower interpretation of Article 16 of the WFD, which only takes the quality targets into account without setting requirements for emissions at the same time, falls short of the mark. The only correct chemical balance for harmful priority substances is the one whose maximum level for these substances is zero. For practical reasons, this could for now be defined by an analytical detection limit with sufficient sensitivity.

In this context it is remarkable that, in the formulation of the limits, little consideration is given to other types of use for water bodies, e.g. for irrigation or for swimming or fishing. For these uses, too, the proposed quality targets should be checked in order to be certain that these substances are not ingested by humans in unacceptable concentrations via the food chain.

The proposal of the EU Commission to implement the quality targets for bodies of water in two phases, incorporating annual averages and maximum acceptable

concentrations, is no guarantee for the good ecological quality also striven for in the Water Framework Directive. Yearly averages are, at the very most, acceptable as a basis for monitoring. The IAWR therefore proposes only working with maximum acceptable concentrations. At least 13 measurements should be taken each year.

Against this background, the IAWR adheres to quality targets for bodies of water that, in a sustainable manner, take into account the problems connected with the use of this water as drinking water, the toxicity over the long term, the genotoxicity, the endocrine effects and the planned phasing-out for harmful priority substances.

Based on the Rhine Memorandum of 2003 concerning the quality standards, the IAWR presents the following proposals:

IAWR Proposal 1:
Quality standards for priority substances in surface waters
(MAC: Maximum acceptable concentration in micrograms per Litre (µg/l):

Part 1)

1)	Alachlor	0.1
2)	Anthracene:	according to proposal of Commission **as MAC ***
3)	Atrazine	0.1
4)	Benzene	according to proposal of Commission **as MAC ***
5)	Pentabromodiphenylether	according to proposal of Commission **as MAC ***
6)	Cadmium and compounds	according to proposal of Commission **as MAC ***
7)	C10-C13 Chloroalkanes	0.1
8)	Chlorfenvinphos	0.1
9)	Chlorpyriphos	according to proposal of Commission **as MAC ***
10)	1.2-Dichlorethane	0.1
11)	Dichlormethane	0.1
12)	Diethylhexylphthalate	0.1
13)	Diuron	0.1
14)	Endosulfan	according to proposal of Commission **as MAC ***
15)	Fluoranthene	according to proposal of Commission **as MAC ***
16)	Hexachlorobenzene	according to proposal of Commission **as MAC ***
17)	Hexachlorobutadiene	according to proposal of Commission **as MAC ***
18)	Hexachlorocyclohexane	according to proposal of Commission **as MAC ***

19)	Isoproturon	0.1
20)	Lead and compounds	according to proposal of Commission **as MAC ***
21)	Mercury and compounds	according to proposal of Commission **as MAC ***
22)	Naphthalin	0.1
23)	Nickel and compounds	according to proposal of Commission **as MAC ***
24)	Nonylphenol	0.1
25)	Octylphenol	according to proposal of Commission **as MAC ***
26)	Pentachlorobenzene	according to proposal of Commission **as MAC ***
27)	Pentachlorophenol	0.1
28)	PAH	according to proposal of Commission **as MAC ***
	Benzo(a)pyrene ff	according to proposal of Commission **as MAC ***
29)	Simazine	0.1
30)	TBT Compounds	according to proposal of Commission **as MAC ***
31)	Trichlorobenzenes	0.1
32)	Trichlormethane	0.1
33)	Trifluralin	according to proposal of Commission **as MAC ***

Part 2:

1)	DDT total	according to proposal of Commission **as MAC ***
	para-para DDT	according to proposal of Commission **as MAC ***
2 - 5)	Aldrin/Dieldrin/Endrin/Isodrin	according to proposal of Commission **as MAC ***
6)	Tetrachlorocarbon	0.1
7-8)	Tetrachloro-/Trichloroethylene	0.1

*** : MAC: Maximum acceptable concentration in micrograms per Litre (µg/l)**

IAWR proposal 2:

Addition of at least the following substances to the list of priority substances

Argumentation:

As early as the late 1990s, it was obvious for everyone involved in the discussion on the list of priority substances that the first list of 32 priority substances from 2001 could not be more than a first step. Against this background, the EU Commission advocated the drafting of so-called candidate lists as early as 1998 and 1999 at the

hearings of experts. The Framework Directive also prescribes that the list should be adapted to the latest findings every five years. This means that even more substances should be placed on the list of substances to be tested in order to expand the list of priority substances if preferred. The IAWR can only agree with this standpoint.

The IAWR calls on the EU Commission to ascertain whether or not the following 17 substances should be placed on the list of priority substances. The proposals are based on the more than 20 years of experience that the German water companies have gained in supervising surface water in large rivers such as the Rhine, the Main, the Danube and the Elbe:

- **Trialkylphosphates**: Tris (2-chloroethyl)phosfate, Tris (2-chloropropyl)phosphate
- **Alkylamines**: Diethylamine/Dimethylamine
- **Complex compounds**: EDTA/DTPA
- **Arylsulfonates**: 1.5-naphtalindisulfonate
- **Pesticides**: Glyphosate/AMPA, Mecoprop, Bentazon
- **Medicines**: Carbamazepin, Diclofenac
- **Endocrine active substances:** Bisphenol A
- **X-ray contrast fluids**: Amidotrizoate, Iopamidol
- **Benzine additives**: MTBE, ETBE

IAWR proposal 3:
Further develop selection procedure for priority substances

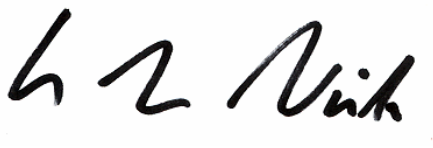
Argumentation:
The IAWR advocates further development of the COMMPS procedure for the inclusion of substances on the list of priority substances. In particular, this concerns the following 3 points:

- There should be a guarantee that the monitoring of possible problematic

substances should be implemented in all EU member states in order to exclude the possibility that, for certain relevant substances, no regulation is put in place due to the lack of measurement data.

- In order to determine the extent to which the various substances have an impact on the drinking water, greater value should be attached to the factors of ***persistence*** and ***exposure***, seen in the light of ***toxicity***. This should also be seen against the background of the fact that some bodies of water contain substances that are generally very soluble in water and, at the same time, are very persistent, substances to which humans and aquatic life communities are exposed on a large scale and that would otherwise fall outside the assessment criteria (e.g. complexing agents). This ranking corresponds with the procedure currently being discussed in the context of the consultation of the REACH processes.

- In the view of the IAWR, in order to reduce the concentrations of the active ingredients of medicines and X-ray contrast fluids found in bodies of water, for their acceptance consideration should be given to the harmful effects of these substances on the water. The same pertains to pesticides and veterinary products. With respect to the processing of the waste water from hospitals and X-ray clinics, specific measures would be also be very sensible (emission control).



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