

Groundwater protection and the revision of the Groundwater Directive.

December 2013

Summary position

- Water UK considers that the Groundwater Directive (GWD) is fit for purpose and does not require amendment;
- Existing European legislation (e.g. WFD, UWWTD, DWD) already provides sufficient regulatory mechanisms to protect drinking water and that efforts need to be focused on implementing the existing Directives rather than introducing further controls through the GWD that duplicate other directives;
- Water UK supports the overarching principle that pollutants should be tackled at source rather than end of pipe.

Background

The GWD, a daughter Directive of the WFD, came into force in 2006 (2006/118/EC) and sets to protect groundwater against pollution and deterioration. It sets quality standards for nitrates and pesticides (Annex I) and a framework for establishing threshold values (Annex II). The successful delivery of the ambitions of the GWD are intrinsically linked to other European instruments including the Pesticides Regulation, the Nitrates Directive and the potential Soils Directive.

In the UK the GWD is transposed via the Groundwater (England and Wales) Regulations (2009) and equivalents in Scotland and Northern Ireland.

The Fitness Check of EU Freshwater Policy (ref) recently noted that the Directive is still in the process of implementation and therefore it is too early to comment on its effectiveness or otherwise.

Article 10 of the GWD requires the European Commission to carry out a review of Annexes I and II every six years to ensure that they reflect the latest scientific and technical understanding. This has been the focus of a public consultation in September and October 2013. The aim of the consultation is to allow the Commission to collate relevant data to inform decisions on potential changes to legislation.

Water UK position

At the time of the implementation of the 2006 Directive Water UK commented that, whilst the protection of groundwater used for drinking water was essential and that raw water sources should not be permitted to deteriorate, there needs to be a balance achieved with full consideration given to discharge consents

allowing the disposal of treated wastewater to ground. Water UK noted that the successful implementation of the GWD would only be achievable with proper controls applied to pollutants at source and not the introduction of overly prescriptive standards.

Water UK considers that the UK regulations achieve this balance and that the outcomes of the periodic review of Annexes I and II of the GWD should be such that they continue to support this approach.

Water UK considers that a risk based approach should be taken to the protection of groundwater resources whereby risks are assessed and identified and appropriate, measured actions taken to mitigate the impacts on the environment and public health. This approach would provide for protection measures to be offered in the most sensitive areas whilst still allowing sustainable practices of disposing wastewater to take place safely.

Water UK supports the principle that substances that could cause potential risks to drinking water should be regulated. However these should be controlled at source rather than using end of pipe options. Existing directives and legislation such as CAP, Urban Wastewater Treatment Directives, WFD and DWD need to be integrated and enforced to provide this protection.

To that end, Water UK considers that introducing new standards into Annex I of the GWD is not the correct option. The parameters already established in the Annexes are adequate. However if there are to be new standards these should be developed according to the latest scientific, health and economic analysis available and avoid the indirect application of surrogate zero values.

Conclusion

Water UK's members are committed to delivering high quality drinking water that meets standards set within the Drinking Water Directive and with concept of providing wholesome water at all times. Part of this is good quality source waters, groundwater or surface water, and therefore the aims of the WFD and its daughter directives are key drivers.

Proper implementation of existing directives and the control of pollutants at source are central to delivering these. However a balanced approach to groundwater not used for human consumption, as demonstrated in UK groundwater regulations, needs to be protected to ensure that pragmatic and sustainable solutions are available for the discharge of treated wastewater to ground.