



Statement of the European Water Association on the review of the Council Directive 86/278/EEC

The EWA welcomes the revision of the Council Directive 86/278/EEC. Our suggestions for improvement were primarily completed at the EWA workshop “Sewage Sludge Re-Use”, held in Brussels on 18th October, where participants from the following European countries attended: Austria, Denmark, France, Germany, Luxembourg, Norway, Portugal, Spain, Sweden, Switzerland, United Kingdom.

The suggestions of the EWA concern the following points:

1. Clear statement of support towards agricultural use of sludge.

The use on land is with few exceptions the most sustainable way of dealing with sludge, as it permits to substitute mineral fertilisers. The public opinion is nevertheless not untroubled about quality issues. A clear statement of the Directive supporting the use on land would thus facilitate the use of sludge on land in a considerable way.

2. The progressive upgrading of the limit values should be deleted.

As the Working Document itself states, consumers’ confidence is a crucial point for the recent and future development of agricultural use of sludge. Legislation can certainly not create such trust; however, it should definitely avoid creating uncertainty. The progressive upgrading of the limit values for heavy metals, as proposed in the Working Document, will most probably lead to a significant uncertainty of farmers about the real quality of sludge and about future hazards not yet known. Experiences from various European countries have shown that agricultural use of sludge declines or even stops when farmers and consumers do not have confidence in the yet existing quality of sludge.

The table fixing the medium and long-term targets for heavy metal contents in sludge should therefore be deleted. Instead of this, a requirement to minimise the concentration of these substances should be brought in.

In this context, the EWA also suggests to make clearer that the intended limit values are *quality* standards referring to the precautionary principle and that even a transgression of these values does not mean that the concerned sludge is toxic.

3. No closed list of treatment processes.

The EWA welcomes the intention of the European Commission to broaden the range of sludge application, as it has been done with the list regulating the sludge use on land.

It is sound to have different hygienic quality requirements for different forms of sludge use. However, it is not wise to list processes, as there is a considerable risk that this will hamper the technical development in sludge treatment. The Directive should define the characteristics of acceptable hygienic quality and then leave to the competent national authority to regulate which processes guarantee this quality.

Additionally, it should be reconsidered if the application of hygienised sludge can generally be allowed in silviculture, as there is a certain demand of fertilising in some European countries.

4. Concerning the organic compounds, there should only be limit values for AOX and PCB.

Limit values for DEHP, LAS and NPE are only used in Denmark at the moment. These parameters – as well as PAH – should be removed from the Directive, because the risk to human health has not been proved yet. Additionally, limit values for Dioxins and Furans should be deleted, as the experience shows that the sludge used in agriculture usually contains only very small and harmless amounts of these compounds. Their analysis should consequently be avoided, as it would severely increase costs without giving any useful additional guarantee of quality.

The Working Document provides the opportunity for the competent authority to order the analysis of additional parameters. This way could be chosen in case there seems to result some danger from Dioxins and Furanes.

The analyses of AOX (as an indicator parameter) and PCB (as a very dangerous substance) should be kept.

5. The sampling frequency should drastically be reduced.

The regulations concerning the sampling frequency should be simplified. The planned way of the competent authority being able to reduce the frequency on a case-by-case basis is too complicated and would only increase administration costs. It is preferable to choose a low number of analyses as the normal case (4 analyses for agronomic parameters, 4 for heavy metals, 1 for organic compounds). As soon as a threshold value (e.g. 75% of the limit value) is exceeded, the number of analyses would have to be increased. The number of samplings and the number of analyses have to correspond.

6. A voluntary quality assurance system.

The regulation of a quality assurance system for sludge is a good step towards an EU-wide and consistent quality control. It should however take into account the different systems of official control in the Member States. The approach should therefore be double-tracked: The quality assurance system should be obligatory for countries without official control (e.g. United Kingdom). In countries where such a control exists (e.g. Germany, Austria), however, a voluntary quality assurance system should be established with the possibility to partly replace the official control.

7. Doubtful soil limits

The listed limit values for concentrations of heavy metals in soils are mainly based on German experience. The EWA doubts the transferability of these limits to the other Member States.

Additional remark

To achieve sustainable sludge use it is important to realise that measures taken by municipalities and sewerage authorities are not enough. Even though this is not within the scope of this Directive, the EWA would like to stress that to reach this goal it is necessary to reduce the pollutants at the source by regulating the use of certain substances.