

**IMPEL**  
**Conference in**  
**Florence**

Regulation and WFD  
implementation  
- The next steps -



**ARPAT**  
Agenzia regionale  
per la protezione ambientale  
della Toscana

# ***SWETE Project***

## ***Overview and Regulatory Issues***

*Conference Florence 5<sup>th</sup> - 6<sup>th</sup> October 2016*

*Introduction - Paul Hickey*

*Presentation - Martin Griffiths*

*Final - 2 October 2016*



**Regione Toscana**





## IMPEL SWETE PROJECT

### SWETE

- Safeguarding the water environment throughout Europe

### AIM

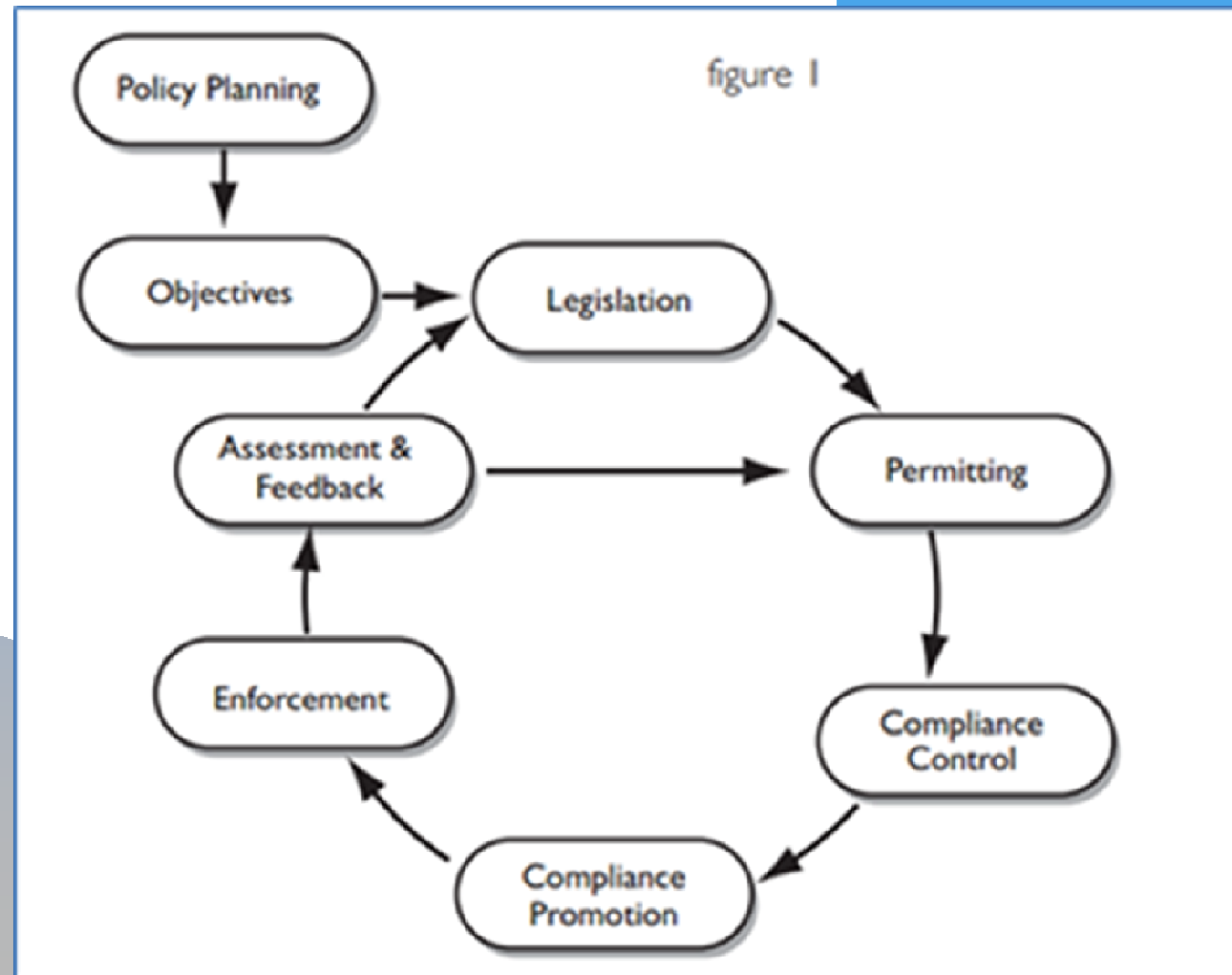
- To assess and develop best practice in the use of regulation to achieve Water Framework Directive objectives
- Commissioned by
  - IMPEL Water and Land Expert Group – Autumn 2015

## IMPEL SWETE PROJECT

- **Phase 1 - Initial View and Questionnaire and Report - Delivered**
  - Questionnaire
  - Findings and feedback
  - Report and findings
  - September to December 2015
- **Phase 2 – Communicate findings and develop ideas for potential Website – Delivered and in Progress Today**
  - Engage IMPEL partners through workshop
  - Specify Regulatory Good Practice Website
  - Get initial demonstration prototype ideas
  - Take findings to conference in Florence
- **Phase 3 - Develop and commission future best practice with IMPEL MS partners - To be determined**
  - Specify and agree Phase 3

## INTRODUCE IMPEL REGULATORY CYCLE

- Ensure all are familiar with this key IMPEL cycle
- Utilised as a logical framework for the SWETE project



## IMPEL SWETE PROJECT - Phase 1

- Initial View, Questionnaire and Report
- Questionnaire AIMS
- To stimulate debate within the Water and Land group of IMPEL Members:
  - about the current state of play regarding point source discharge planning and regulation,
  - identify examples of good or best practice,
  - locate clear gaps, and
  - asses how to increase competence and implement training needs
- Through this build networks and collaboration across the Water and Land Group

## IMPEL SWETE PROJECT - Phase 1

- Questionnaire

- Sent out in late October 2015
- Responses by End November 2015
- Targeted largely at point source discharge control
- Largely short answers - “Yes / Don’t Know/ No” format
- Space for narrative as required
- Used Internet – ‘Survey Monkey’ software
- Responses uploaded onto Excel spreadsheets

*Please note, responses to the questionnaire will be held confidentially within the IMPEL project and will not be attributed to individuals.*

*Please answer the questions as a nominated Member State (MS) expert, using your personal knowledge.*

**Safeguarding the Water Environment throughout Europe Project – (SWETE)**

**Please answer the questions quickly and to the best of your knowledge – We aim to get a high level view**

**Questions are deliberately simplistic to allow yes/no responses - with some duplication to increase confidence**

**Answer Yes/No/ Don't Know where possible**

**Comment boxes have been included. Please use these to add other relevant information**

**When completed please return electronically to**

**SWETE Project Manager**

**Barrie Howe at [barrie.howe@environment-agency.gov.uk](mailto:barrie.howe@environment-agency.gov.uk)**

**Please Complete the Questionnaire and return by Monday 9 November 2015**

**Name**

**XXX**

**Country/Region**

**Country No 6**

**Role e.g. National/local/policy/field officer**

**National officer**

# IMPEL SWETE PROJECT - Phase 1

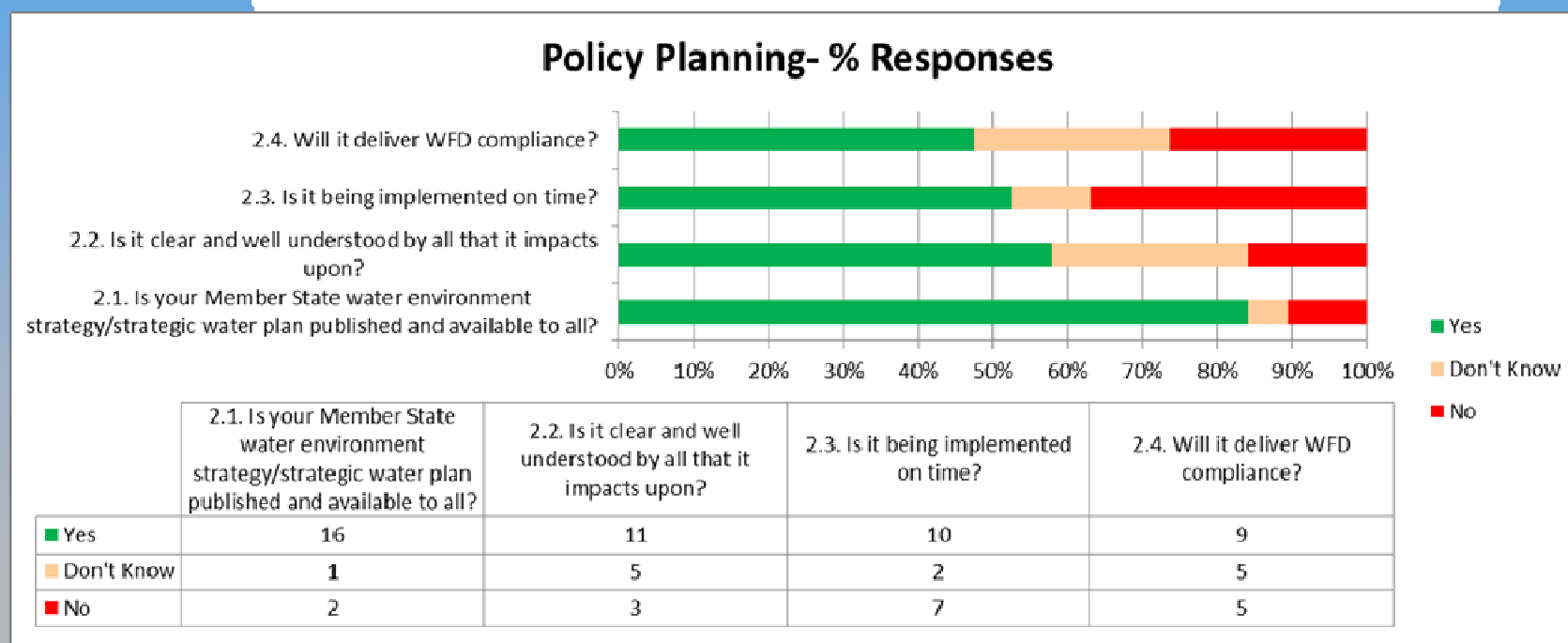
19 responses from 14 Member States

- Austria 2
- Bulgaria 1
- Cyprus 1
- Czech Republic 1
- Germany 3
- Ireland 1
- Italy 1
- Latvia 1
- Poland 1
- Portugal 2
- Romania 1
- Slovenia 1
- Sweden 1
- United Kingdom 3 (England 1, Northern Ireland 1, Wales 1)

- To ensure anonymity countries given random number identifier
- Clear understating of the limitations of the data – box below

## IMPEL SWETE PROJECT - Phase 1

- Graphic Representation of Questionnaire Information – Question 2

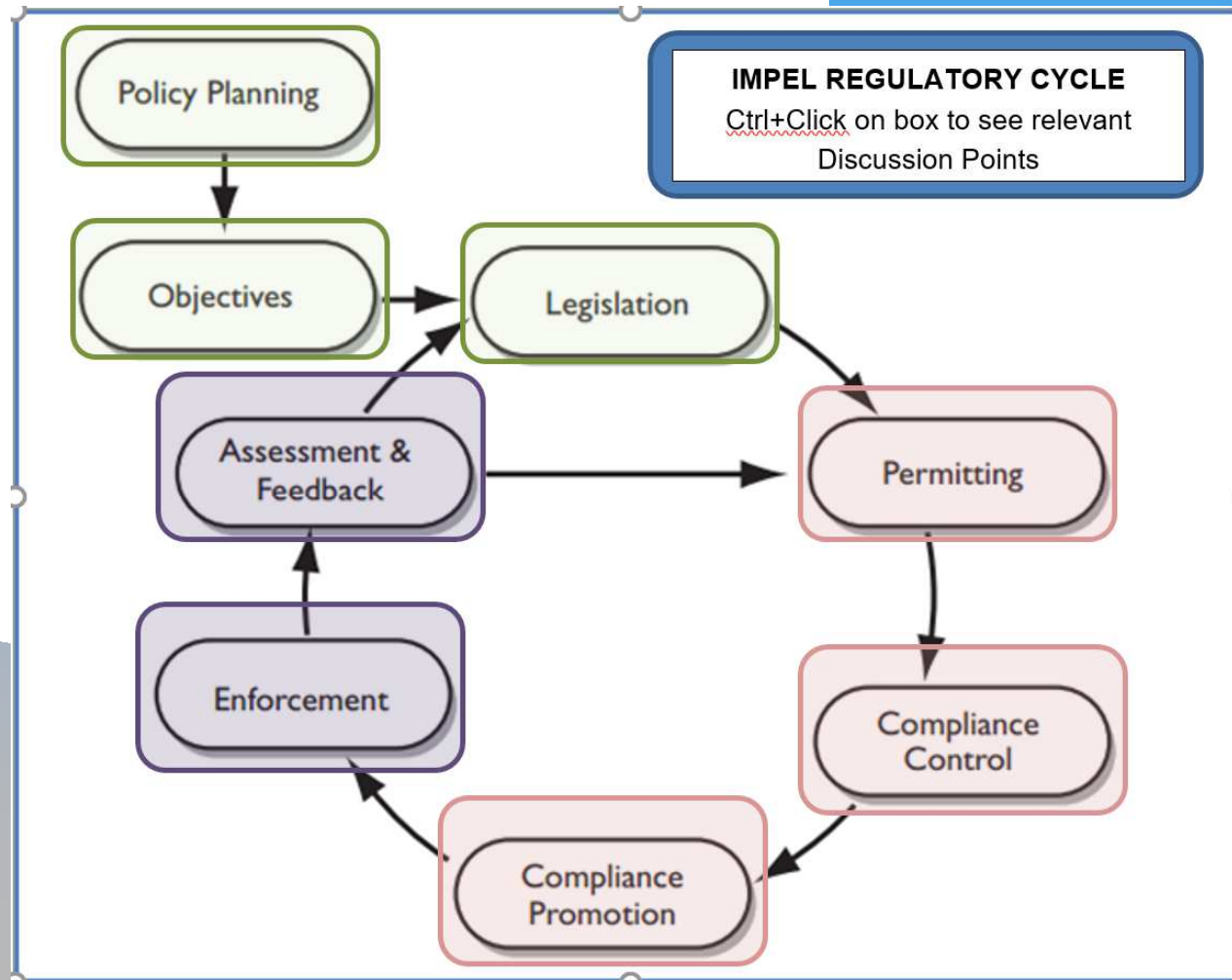


- In addition narrative summary information was collected



## IMPEL SWETE PROJECT - Phase 1

- Findings – used interactive figure to summarise



# Planning, Objectives & Legislation

## IMPEL SWETE PROJECT - Phase 1

- **Planning and strategic elements of the WFD are generally in place and to a high standard**
- **WFD planners may not have sufficient expertise in the regulation and permitting** phases leading to a lack of certainty in achieving outcomes.
- **Implementers may not understand the planning phase** or the resulting plans that they are given to implement.
- **We should aim for a general level of competence** and understanding for all the players involved

## Planning, Objectives & Legislation

### IMPEL SWETE PROJECT - Phase 1

- IMPEL regulatory cycle is a good model on which to focus.
- For point source discharges most respondents believe that the legislation is in place and is adequate to deliver the WFD.
- The legislation is generally understood, but is not always used to full effect.
- Strengthening enforcement capability could add significant additional focus and certainty to the implementation of the WFD in some MS.

# Permitting

## IMPEL SWETE PROJECT - Phase 1

- **Permits for point sources are generally in place.**
- **Permits for intermittent discharges are not always in place** with around 30% of respondents believing them to be not permitted.
- There are **significant variations on the setting of numeric limits in permits** which could be reason for the WFD objective not being met.

# Permitting

## IMPEL SWETE PROJECT - Phase 1

- **Other issues relating to permit limits include:**

- Many municipal STW may be set to UWWTD standards but may not be sufficiently protective of the receiving water.
- Need more attention to metals and accumulative substances, linked to bio-availability
- Some note the options for seasonal permit standards, which are rarely taken up.
- There is potential for optimisation of pollution loads within catchments and between treatment works. This approach is facilitated by the WFD, but is rarely taken up. It is an area of good practice that could be developed.

- **Permit review was an issue raised by respondents.**

- There should be a permit review period – or at least a review period based on environmental risk and input.

### IMPEL SWETE PROJECT - Phase 1

- **Lack of monitoring of effluents and the receiving environment**, may be a primary issue here.
  - A number of respondents commented on this.
  - There may be a lack of data from the receiving environment and the discharges.
  - This would prevent accurate and evidence based modelling and setting or revision of permit conditions.
  - Need for development of best practice, and discussion on the optimisation of monitoring and modelling for effective decision making.
- **Impacts of intermittent discharges** may be responsible for high ammonia levels and microbiological contamination of bathing waters.
- **Permit compliance control is mostly positive but there was significant doubt over its effectiveness from some respondents.** Most utilised operator self-monitoring.

### IMPEL SWETE PROJECT - Phase 1

- **The following points were raised:**

- Some were concerned about the validity of results reported
- Quality assurance methodologies were not fully utilised to validate and increase the confidence in self-monitoring and reporting.
- Environmental Management Systems were rarely thought to be utilised effectively.
- There was uncertainty about the level of confidence in compliance assessment. This could disadvantage dischargers.
- Less than 50% thought that automated compliance assessment methods were used properly.
- Few used real time monitoring methods.
- Optimisation of water quality could be improved.
  - The WFD seeks to find the best combination of measures to achieve outcomes. There is significant scope to explore this through modelling and source apportionment methods.

## Enforcement & Review

### IMPEL SWETE PROJECT - Phase 1

- **In terms of enforcement most responses were positive.**
  - Clearly institutional differences are important here and there is often a split between planning, permitting and enforcement authorities which emphasises this gap.
  - Discussions could include developing an optimum regulatory structure or pathway with linkages and feedback loops to accommodate a number of institutional arrangements.
  - Issues of regulatory independence and potential conflicts of interest may also be aligned with this.
- **The optimal use of all the 'tools in a regulatory toolbox' is important.**
  - There are a range of options to be used individually or in combination to gain optimal outcomes.
  - This will help to optimise the enforcement role, including the use of criminal and civil penalties to drive improvement.



## Enforcement & Review

### IMPEL SWETE PROJECT - Phase 1

- The assessment and feedback loop is an essential part of the 'check & review' elements of the regulatory cycle.
  - Most respondents thought that this needed attention.
  - Without this ongoing failures may not be detected. Systemic failure of WFD delivery could occur unless this improves. Also regulatory improvement will not occur.
- There were some concerns that fines were generally set too low, so that the polluter did not pay for the polluting impact of a discharge.
- Very little was mentioned about the commercial value of a permit for the successful running of a business, or of environmental (ecosystem) valuation.
- These are areas of considerable importance for enforcement and review, and should be addressed in developing good regulatory practice.

## IMPEL SWETE PROJECT - Phase 1

- 1. **Diffuse pollution** was explored in one question.
- There was general agreement that this was an area for future development and the effective application of regulatory options, in its widest sense.
- There were a number of diverse action plans, but few 'hard tools'.
- This is clearly an area for future work, possible in Phase X or in a separate, but aligned IMPEL project.

## IMPEL SWETE PROJECT - Phase 1

From the text responses the following issues are highlighted:

- a) Lack of resources, reductions of staff and capability, and diminishing resources due to changing priorities and recession pressures.
- b) Lack of data for efficient decision making – noted above.
- c) Lack of information on receiving water capacity
- d) Conflicts of interest in permit setting and enforcement.
- e) Succession planning has also been identified as a key issue.

All could be addressed by competency building, efficient regulatory mechanisms and best practice exchange.

**Consider Public Engagement opportunities across the whole cycle**

## IMPEL SWETE PROJECT - Phase 1

### **Future permitting issues identified**

- a. Chemicals, micro-pollutants and novel substances – need new capabilities and methods.
- b. Water reuse impacts on WFD outcomes.
- b. Climate change issues.
- c. Polluter pays issues and full cost of water service.
- d. Better Regulation opportunities and sharing knowledge of best practice and current thinking on this.

These are a number of important pointers to the need for improved regulatory practice to improve the implementation of the WFD and to better secure the outcomes in the most effective way

## IN CONCLUSION AND POINTS FOR DISCUSSION

- Validate the need and direction of future work in this area
- Develop ideas for potential solutions and co-working
- Encourage engagement of IMPEL partners
- Specification of future Phases of SWETE Project
  - If agreed, specification of WFD Regulatory Good Practice Website
  - Development and population of Website
  - Knowledge Transfer and Training Needs
  - Other opportunities
- Conference to endorse way forward

**Ultimately - Optimise Outcomes from WFD Implementation**