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Key decisions on bathing waters, sewage and sludge treatment

New standards for sewage and sludge treatment and the first designations of inland bathing waters were announced by the Government in July in response to a parliamentary report on sewage treatment standards. The timing was dictated by EC legislation, the water industry price review and pressure on sludge disposal to farmland by major retailers. The measures represent a significant tightening of standards which will increase water companies' investment bills by up to £1.44 billion.

The House of Commons Environment Committee published the results of its inquiry into sewage treatment and disposal in February (ENDS Report 277, p 31 ►). Its key recommendations were demanding: tertiary treatment of all sewage discharges, pasteurisation of all sewage sludge spread on farmland, and improvement of all combined sewer overflows (CSOs) to ensure that they discharged only once in 20 years. All were to be in place by 2002 - with no increase in water prices to boot.

The water industry was deeply unhappy with the recommendations, arguing that the costs would be "enormous and inevitably involve price increases to the customer."

The report was timed to influence negotiations on the periodic review which will agree water industry investments and prices for 2000-2004. It strengthened the hand of the Environment Agency by reinforcing its calls for higher standards, and dismissed water regulator Ofwat's calls for cuts in water prices in 2000. The Government squeezed out its response before the end of the parliamentary session in July. ¹The Government says that the recommendations for tertiary treatment of sewage discharges would be extremely costly. Nutrient stripping at all major sewage works in England and Wales was costed at £13 billion, while ultra-violet treatment would add another £2-3 billion.

However, the Department of the Environment, Transport and the Regions (DETR) used the response as an opportunity to announce overdue decisions on the implementation of EC Directives and other matters which will affect the water industry's investment plans in 2000-4.

- **Less sensitive areas:** The 1991 EC Directive on urban wastewater treatment requires secondary treatment at all coastal sewage discharges of over 15,000 population equivalent by 31 December 2000. Derogations are permitted for less sensitive areas (LSAs) if "comprehensive studies" show that primary treatment alone would have no adverse impact on the environment.

In 1994, the previous Government designated much of the coast as LSAs, or 'high natural dispersion areas' as they are dubbed by the DETR. Ofwat assumed that water

companies would take advantage of the derogations when it set price limits for the 1995-99 period.

Lower standards of sewage treatment have since proved unpopular with the public and local authorities, and the new Government has taken a much less permissive approach.

Last October, the

Environment Agency refused LSA status for Northumbrian Water's Hendon discharge. The following month, Scottish Environment Minister Lord Sewel announced that four more major LSA derogations would not go ahead (ENDS Reports 273, p 12 and 274, p 7).

The Government has now announced the rejection of a further tranche of LSA derogations for discharges at Brighton, Swalecliffe, Hastings, Eastbourne, Newhaven and Littlehampton on the south coast, and at Seaton Carew, Langbaugh and Horden in Northumbria. Anglian Water discharges at Clacton and Caister will also be required to have secondary treatment.

Southern Water will be particularly relieved at the decision at Brighton where it made a public undertaking to provide secondary treatment. If LSA status had been confirmed, the company would have had to pay the £20 million bill out of its own pocket (ENDS Report 276, pp 9-10). Following the decision, Ofwat will have to allow the investment to be funded by customers.

The DETR has also accepted Agency recommendations that some 19 areas should lose LSA status altogether. It is not clear how many discharges will be affected, but six areas include discharges whose comprehensive studies have already been rejected. Another six are areas reclassified as estuarine rather than coastal waters following a judicial review in 1996 (ENDS Report 253, pp 46-47). In two further cases, discharges have been redirected to other areas.

The Government is encouraging water companies to make "rapid progress" in installing secondary treatment at the works which are not covered by derogations. However, it hints that meeting the original deadline may not be possible. The EC Directive allows up to seven years for discharges to former LSAs to comply - a device which could be used to delay at least some of the investment required until 2005. Decisions will be made during the periodic review negotiations, and the opportunity to delay the potential impact on water bills is unlikely to be overlooked.

With the exception of Aberdeen, no LSA derogations have so far been confirmed. But there remain 20-30 candidate LSAs in England and Wales, and others in Scotland, whose status has yet to be decided.

The Government is not yet prepared to follow the Committee's recommendation that LSAs be abandoned completely. The cost in England and Wales is estimated by the DETR at about £440-470 million - based on company estimates likely to be reduced during the periodic review process. The DETR says that it "wishes to consider very carefully whether...a precautionary approach should dictate that secondary treatment should always be required".

- **Eutrophication sensitive areas:** The wastewater treatment Directive requires the removal of nutrients from discharges to waters sensitive to eutrophication. The Government initially designated 33 sensitive areas in England and Wales and earmarked 29 for further monitoring.

The Directive requires four-yearly reviews of designations. Seven months late, the Government has included the results in its response - designating 47 new areas and extending three existing ones.

Sixteen of the new designations are in Anglian region and 12 in Severn Trent. The extensive river Thames sensitive area is also to be enlarged. Estuaries and coastal waters have been designated for the first time, including the Tawe estuary behind the Swansea barrage, the Truro, Tresillian and Taw estuaries in the south-west, and Langstone and Chichester Harbours on the south coast.

The number of sewage works affected by the designations is not yet clear. However, the cost of the extra treatment is estimated by the DETR at up to £700 million. This figure, too, is based on water company estimates likely to be reduced during the periodic review negotiations.

- **Sludge to land:** The Committee recommended that all sewage sludge spread on land should be

subject to stabilisation and pasteurisation. A Royal Commission on Environmental Pollution report in 1996 came to a similar conclusion. The Government responded by commissioning research into the scientific basis of existing controls on sludge use in agriculture.

On the basis of the report, the Government says it "does not believe that the case has been made for requiring stabilisation and pasteurisation on public health grounds." However, its hand has been forced by retailers who control agricultural practices through their contracts with farmers and growers. Although negotiations have yet to conclude, supermarkets such as Sainsbury's appear to have succeeded in dictating a much more precautionary approach (ENDS Report 281, p 17▶).

Acknowledging public concern, the DETR promises to phase out the use of untreated sludge and also accepts the need for "further precautionary changes". It promises changes to the existing regulations and a soil protection strategy which will "enshrine the sustainable use of soil".

The cost of improved sludge treatment to the water industry is estimated at £270 million in capital expenditure and £14 million in annual operating costs. The industry believes the measures can be put in place by the end of 2001 at the earliest.

- **Inland bathing waters:** The 1976 EC Directive on bathing water quality requires Member States to designate waters where bathing is permitted or practised by a "large number of bathers". Due to a miserly interpretation of the phrase, the UK initially designated only 27 waters. Pressure from the European Commission forced it to increase designations to 362 in 1987, and others have been added since. However, all these are coastal waters and the UK has remained exceptional in failing to designate any inland freshwater sites.

The Government has responded to pressure from the Committee - and probably from the Commission as well - to designate inland waters. According to the DETR, the designations "will deliver ultra-violet treatment at relevant sewage treatment works". However, there appear to be no works discharging in the vicinity of the nine designated sites (see table) and officials admitted that the likely costs of the measure were "very low".

Inland bathing waters designated from beginning of the 1998 season

Cotswold Water Park Lake
Frensham Great Pond, Surrey
Hampstead Heath, London:
Mixed, Men's and Women's Ponds
Serpentine, Hyde Park, London
Lake Windermere, Cumbria:
Fellfoot, Millerground and Lakeside

Further information

- 1 Cm 4023, Select Committee on the Environment, Memorandum of inquiry by Environment Sub-Committee: Sewage treatment and disposal, Government response, from The Stationery Office, £4.30.