

British Aggregates Association

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Briefing Document

PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE PROTECTION OF GROUNDWATER AGAINST POLLUTION (COM(2003)550 - C5-0047/2003 – 2003/0210(COD))

Environment, Public Health and Food Safety Committee, 14th -16th March 2005

Ahead of discussions on this report and amendments (62 - 227) at your meeting next week we submit our main concerns about the proposed amendments to the proposal.

The British Aggregates Association (BAA) has over 70 members and represents the interests of over 50 privately-owned and independent quarry companies throughout the UK operating out of over 100 individual sites with some 10% of national output. We are members of UK umbrella Associations Confederation of British Industry (CBI) and the Construction products Association (CPA). We maintain strong links with other companies and Associations in both the UK and in the EU.

Our members operate quarries in areas where in many instances the background levels of naturally occurring mineralised elements in the local water are often higher than in other locations for obvious reasons. It is clearly impractical to expect groundwater in these areas to be materially different than this background and this will also be reflected in the quality of any naturally-occurring springs, streams and rivers in these areas.

This Directive is a daughter directive of the Water Framework Directive 2000/60/EC (WFD) which is the basic legislation for the protection of Europe's aquatic environment. We strongly believe that the Groundwater Directive should be consistent with the WFD and other relevant Directives (eg Nitrates Directive) to avoid a parallel, but different regime of control being introduced. We are very concerned that many of the proposed 227 amendments, if adopted, would effectively establish controls, which are stricter than the Framework Directive to which it is related.

We summarise below our concerns about the proposed amendments to key Articles and identify the amendments we would ask you in particular to reject as we believe they are not consistent with the above overarching principle. We also identify the amendments that we think merit particular support because, if adopted, they would result in an improvement to the Commission draft.



Article 1

The intention of the proposed Directive is to protect groundwater against pollution. This, therefore, implies that it is supposed to prevent a deterioration of the status of the groundwater body. This means that amendments 80 and 83 are unnecessary.

We ask you to reject Amendments 80 and 83

Article 2

We are concerned that the amendments seek to redefine the terms 'ground water quality standard' and 'threshold value'. We believe that these terms should be interpreted as in accordance with the Parent Directive and would ask you not to support those amendments, which seek to broaden their meaning.

We ask you to support Amendments 93 and 94 and to reject Amendments 90, 96, 97, 98, 99, 100, 103, and 104.

In addition, there is some concern as to what is groundwater. Does it include water from drainage pipes or other forms of irrigation etc? We believe that amendment 101 brings some clarity.

We ask you to support Amendments 101

Article 3

Article 3 addresses the criteria for assessing good groundwater chemical status and the proposed introduction of groundwater standards. We have grave concerns about those proposed amendments, which seek to introduce uniform standards across Europe because of the wide naturally occurring variations in the groundwater bodies.

Our preference would be for all standards to be set for individual water bodies at Member State level. However, we recognise that in the case of Nitrates and Pesticides standards have already been introduced in other Directives. We therefore do not object to the inclusion of Annex 1, so long as they are consistent with those Directives.

This Article also requires Member States to establish threshold values for the substances and ions listed in Annex 11 and sets out guidance for the establishment of these values. It lists ten substances or ions for which Member States are required to establish threshold values. We would ask you not to support those amendments which seek to make Annex 11 substances Europe wide standards and to support those amendments which seek to make Annex 11 the minimum list of substances for which Member States have *to consider* when setting threshold values for individual water bodies.

We also concerned at the inclusion of Chloride and Sulphates in the Annex II list. Chloride should not be classified as a pollutant as there are no human toxicological values for chloride for drinking water or other data showing eco-toxicological effects. Indeed, mineral waters may have very high chloride content. Similarly, sulphate has no toxic effect. In many Member states, there are natural sulphate deposits and the formation of sulphates in groundwater occurs naturally. Sulphate is also an important component of natural mineral water.

In conclusion therefore, we believe that standards and threshold values must be set at local level to be an effective tool in the prevention and control of groundwater pollution. This is because the natural levels of the substances such as those listed in Annex 11 vary so widely from one water body to another. In short, the protection of ground water by the introduction of common standards simply will not work.

We would ask you to support Amendments 107, 114, 115, 116, 117 and to reject Amendments 111 and 112.

Regarding Annex I, we would ask you to support Amendments 188 and 196 and to reject Amendments 185, 186, 187, 189, 190, 191, 192 and 197.

Regarding Annex II, we would ask you to support Amendment 198.

Article 4

This sets out how Member States should assess groundwater status and as drafted would result in a water body being condemned to poor status on the basis of only one sample result, which may or may not be significant. This is too prescriptive and it should be possible to achieve the objectives of the Directive without doing this. We believe that a two staged approach should be introduced where failures would initially be investigated to establish if they present a significant risk to the good status of the water body.

We therefore ask you to support Amendments 118, 119 and 127 and to reject numbers 138 and 139.

Regarding Annex 111 to which Article 4 relates we would ask you to support amendment 204, 205, 206, 207 and 208 and to reject Amendments 209, 210, 211, and 212.

Article 5

This sets out proposal for trend reversal of pollutants found in ground water bodies. We would like to draw to your attention two key points. Firstly, we would suggest that the trend must be environmentally significant and secondly we believe that a trigger point should be set for initiating the measures necessary to achieve trend reversal. We believe that this should be set at no more than 75% of the standard.

We therefore ask you to support Amendment 154 and to reject Amendment 146, and 151.

Regarding Annex 1V we would ask you to support Amendments 218 and 219 and to reject Amendments 222, 223, 226 and 227.

Article 6

Among our concerns is the problem of translation or use of certain words in different Member States. We are against any amendment, which deletes the word 'limit' and solely uses the word 'prevent'. In some languages there is only one word which covers both these words. Our problem is that prevent means prohibit. It would be impossible to prevent pollutants getting into the groundwater indirectly. For example, some pollutants may be carried there by precipitation. You cannot prevent it raining or the rain going into the ground. Therefore we would ask you not to support any amendment removing the use of 'limit'. We believe that the use of best environmental practice and the best available technology to limit or prevent indirect discharges should be encouraged.

We therefore ask you to support Amendment 153, 154, 155, 157, 174, 175, 176, 178, 179 and reject Amendment 152, 158, 159 and 173.

If you have any questions concerning our response please do not hesitate to contact me further.

Yours Sincerely

Peter Huxtable
MA(Cantab) CEng FIQ FIMMM
Secretary