



21.5.2019

NOTICE TO MEMBERS

Subject: Petition 2191/2013 by Piero Bruni (Italian) on pollution of Lake Bolsena

1. Summary of petition

The petitioner draws attention to an alarming increase in pollution levels in Lake Bolsena caused by a deterioration in the state of the wastewater collection pipes around the lake and by the sewage treatment plant.

Local people are extremely concerned about the situation.

2. Admissibility

Declared admissible on 5 September 2014. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 28 February 2015

Following an earlier petition (no. 1185/2013) received from the same citizen and concerning the same issue, in July 2014 the Commission services have launched an investigation procedure.

In that context, the Commission services have requested clarifications from the Italian Authorities on the respect of provisions of Directive 91/271/EEC of the Council of 21 May 1991 concerning urban waste water treatment¹ as regards the agglomeration of Marta and on the respect of provisions of Directive 2000/60/EC establishing a framework for Community action in the field of water policy² in relation to the Lake of Bolsena.

The first replies provided by the Italian authorities indicate that the agglomeration of Marta, which includes the Municipalities of Bolsena, Montefiascone, Marta, Capodimonte, Gradoli,

¹ OJ L 135 of 30.05.1991 p. 40.

² OJ 327 of 22.12.2000, p. 1.

Grotte di Castro and San Lorenzo Nuovo might be in breach of article 4 of Directive 91/271/EEC. The Italian authorities have informed the Commission services that several works are about to start to improve both the sewerage system and the treatment plant.

In relation with Directive 2000/60/EC, the Italian authorities have informed the Commission that the Lake is in good status. With specific reference to the increasing trend in phosphorus concentrations (observed in 2013), the Italian authorities have informed the Commission that this is due both to agricultural sources and accidental spills of urban waste water.

Conclusion

As regards Directive 91/271/EEC, the Commission will carefully follow up the works that the Italian Authorities have announced, in the context of the on-going investigation.

As regards Directive 2000/60/EC with specific reference to the increasing trend in phosphorus concentrations, the Commission considers that the works to improve the sewerage system and the treatment plant will contribute to the reduction of phosphorus levels in water. As regards the contribution from agricultural sources, the Commission will ask for further clarifications on how the Italian Authorities intend to reduce and prevent this pollution, in the context of the on-going investigation procedure.

4. REV I Commission reply, received on 26 August 2015

The Commission observes that the competent authorities carried out an EIA pursuant to Directive 2011/92/EU¹, which also encompassed an assessment of the project implications for various nearby Natura 2000 sites – including SIC IT6010007/SPZ 6010055 "Lago di Bolsena" – in view of their conservation objectives pursuant to Directive 92/43/EC².

In particular, by Decree of 3 April 2015, the Italian Ministry of the Environment granted to the project the EIA authorization concluding that the project will have no significant effects on the conservation of the aforementioned sites. In addition, in order to avoid contamination of the groundwater, the aforementioned Decree prescribes that the competent authorities monitor the chemical status of the groundwater prior, during and after the execution of the project. This monitoring is aimed, in particular, at ensuring that the limit values for the substances listed under Directive 98/83/EC³ are not exceeded.

Conclusion

Considering all the foregoing, the Commission cannot identify any breach of EU environmental legislation as regards the pilot geothermal plant mentioned by the petitioner.

However, as already communicated to the European Parliament, in the framework of an ongoing investigation, the Commission will assess the measures taken by the Italian authorities to ensure that phosphorus and nitrates levels in the waters of the Bolsena Lake comply with the applicable EU environmental norms.

¹ Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (OJ L 26 of 28.1.2012, p. 1).

² Directive 92/43/EC on the conservation of natural habitats and of wild fauna and flora (OJ L 206 of 22.7.1992, p. 7).

³ Directive 98/83/EC on the quality of water intended for human consumption (OJ L 330 of 5.12.1998, p. 32).

5. REV II Commission reply, received on 31 March 2017

In its initial communication, the Commission observed that the competent authorities had carried out an Environmental Impact Assessment (EIA) pursuant to Directive 2011/92/EU¹, which also encompassed an assessment of the project implications for various nearby Natura 2000 sites - including SIC IT6010007/SPZ 6010055 "Lago di Bolsena" - in view of their conservation objectives pursuant to Directive 92/43/EC².

By Decree of 3 April 2015, the Italian Ministry of the Environment granted an EIA authorization to the project concluding that the project will have no significant effects on the conservation of the aforementioned sites. In addition, in order to avoid contamination of the groundwater, the aforementioned Decree prescribes that the competent authorities monitor the chemical status of the groundwater prior, during and after the execution of the project. This monitoring is aimed, in particular, at ensuring that the limit values for the substances listed under Directive 98/83/EC³ are not exceeded.

However, the Commission opened its own investigation with EU Pilot 6800/14 which triggered several exchanges with the Italian authorities. Having ascertained that the lake and its basin have been designated as a sensitive area under DGR 317/2003, the Commission invited the Italian authorities to upgrade the waste water treatment facility, which was not compliant with the relevant EU legislation. The Italian authorities committed to do so and to provide regular updates. According to the latest available information, the tender was launched on 30 December 2015 and the work should be concluded by May 2017.

Conclusion

The Commission will be monitoring the state of progress of this file until the waste water treatment facility is fully operational.

6. Commission reply (REV III), received on 30 August 2017

According to the available information, the body of water does not present significant risks of eutrophication and its status is good.

Member States report the official data to the Commission under Directive 2000/60/EC⁴ (the Water Framework Directive; hereinafter: "the WFD") and the reporting is made electronically on a platform called WISE (Water Information System for Europe) which is a partnership between the European Commission (DG Environment, Joint Research Centre and Eurostat) and the European Environment Agency.

The latest report from Italy was transmitted in March 2017. According to the official data reported, the lake of Bolsena is in good ecological status and good chemical status. No deterioration of its quality status under the WFD appears from the official data.

¹ Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, OJ L 26 of 28.1.2012, p. 1.

² Directive 92/43/EC on the conservation of natural habitats and of wild fauna and flora, OJ L 206 of 22.7.1992, p. 7.

³ Directive 98/83/EC on the quality of water intended for human consumption, OJ L 330 of 5.12.1998, p. 32.

⁴ OJ L 327, 22.12.2000

As indicated in the earlier Communications to the European Parliament, the Commission has investigated the issues raised by the petitioner by way of the "EU Pilot" 6800/14.

Having ascertained that the lake and its basin have been designated as a sensitive area, the Commission invited the Italian authorities to upgrade the waste water treatment facility, which was not fully compliant with the relevant EU legislation. The Italian authorities committed to doing so and to providing regular updates. When the updates were not sent or were unclear, the Commission has issued reminders. The tributary river mentioned by the petitioner ("Marta" river) has an average potential flow of 10 m³/s.

According to the initial reply of the Italian authorities, the tender for the waste water facility was launched on 30 December 2015 and the work should have been concluded by May 2017. However, due to specific requirements of domestic law, the tender had to be repeated twice.

The Commission has again invited the Italian authorities to update the roadmap and the Italian authorities replied on 2 August 2017. According to this latest available information, the winning bid was chosen and the construction work will start on 5 September 2017.

Conclusion

As indicated in the previous communication, the Commission will keep on monitoring the state of progress of this file until the waste water treatment facility is fully operational. The Commission will also take into account all the information provided by the petitioner and, where necessary, any evidence he may wish to bring in order to challenge the official data (latest report: March 2017), according to which the lake shows good ecological and chemical status.

7. Commission reply (REV IV), received on 7 March 2018

According to the information made available by the Member State concerned, the body of water did not present significant risks of eutrophication and its status was good. The latest report from Italy was transmitted in March 2017 and according to the official data reported, the lake of Bolsena was in good ecological status and good chemical status under the Water Framework Directive (WFD)¹.

However, by letters of 7 October 2017 and 26 January 2018, the petitioner provided the Commission services with new evidence according to which the actual status of the lake would move from "good" to "sufficient" in the course of the last year, due in particular to the increasing total phosphorus concentrations.

If confirmed, this may constitute a breach of the principle of non-deterioration of the water quality status of the Bolsena lake under Article 4 of the WFD. According to Article 4 paragraph 6, "temporary deterioration in the status of bodies of water shall not be in breach of the requirements of this Directive if this is the result of circumstances of natural cause or force majeure which are exceptional or could not reasonably have been foreseen, in particular

¹ Directive 2000/60/CE, OJ L 327, 22.12.2000.

extreme floods and prolonged droughts". However, this is acceptable only when certain conditions are met.

The Italian authorities seem to be aware of the problem, as indicated by the petitioner in his reference to a meeting held at the Prefettura di Viterbo to discuss the status of the lake and the causes of its degradation, which appear to depend on a number of factors including the malfunctioning of the sewage collection system. However, according to the petitioner, nothing is foreseen to reduce the contribution of phosphorus from agriculture, while this is identified as a main source of phosphorus, and the conservation measures adopted by the Lazio Region would not meet the EU criteria for Natura 2000 conservation measures. Moreover, the petitioner raises concerns about the possible designation of the area as suitable for geothermal exploitation, while its particular geological structure would allow the exchange of fluids between the surface aquifer (including the lake) and the deep geothermal aquifer with potential deterioration of the former.

As indicated in its earlier communications, the Commission has thoroughly investigated the initial petition by way of the EU Pilot. In that framework, the Commission urged the Italian authorities to upgrade the waste water treatment facility, which was not fully compliant with the relevant EU legislation. The Italian authorities committed to doing so and to providing regular updates. When the updates were not sent or were unclear, the Commission issued reminders. According to the new evidence submitted by the petitioner, however, additional measures would be required on top of those already communicated by the Italian Authorities.

Conclusion

As indicated in the previous communications, the Commission will keep on monitoring the state of progress of this file until the waste water treatment facility is fully operational. In the light of the new elements brought by the petitioner in his letters of 7 October 2017 and 26 January 2018, the Commission will also take into account the new evidence and reports as soon as available and, where necessary, raise the issue of deterioration of the water quality status of the Bolsena lake under Article 4 of the WFD with the Italian authorities.

8. Commission reply (REV V), received on 21 May 2019

The Commission has been following up the concerns raised by the petitioner by way of EU Pilot 6800/14. The issue was investigated and the main findings were that the wastewater treatment facility serving the area of the Bolsena Lake – in particular, the one serving its affluent river - was not fully compliant with the relevant EU legislation, namely Directive 2000/60/EU¹ on water policy.

Following some delay in the upgrading of the wastewater treatment facility due to specific requirements of domestic law, the Commission issued a number of reminders aimed at speeding up the process. As indicated in the communication of the Italian authorities of 2 August 2017, the construction of the facility was finally on track by then.

¹ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, OJ L 327, 22.12.2000, p. 1–73.

Further to the hearings that took place in the Committee on Petitions, however, the petitioner submitted new evidence and information concerning the ongoing deterioration of the status of the lake from “good” to “sufficient”, which would also be caused by agriculture, with the result of increasing phosphorus concentration in the lake. Such information was submitted by letters of 7 October 2017 and 26 January 2018.

As part of the horizontal approach taken to address nitrates pollution in all Member States, the Commission decided to start an infringement procedure against Italy for the breach of Council Directive 91/676/CE concerning the protection of waters against pollution caused by nitrates from agricultural sources¹. On 8 November 2018, a letter of formal notice was addressed to Italy as regards the designation of areas vulnerable to nitrates, their monitoring, and the adoption of additional measures of protection in areas affected by nitrates pollution. This infringement covers the Lazio region.

Conclusion

With respect to the above-mentioned observations, the Commission considers to have addressed the main sources of pollution of the Bolsena Lake, which are relevant under EU law, as identified by the petitioner. The Commission will continue to monitor the situation.

¹ Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources, OJ L 375, 31.12.1991, p. 1–8.