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Waters Protection Ordinance (WPO)

of 28 October 1998 (Status as of 1 January 2021)

The Swiss Federal Council,

based on Articles 9, 14 paragraph 7, 16, 19 paragraph 1, 27 paragraph 2, 36a paragraph 2, 46 paragraph 2, 47 paragraph 1 and 57 paragraph 4 of the Waters Protection Act of 24 January 1991¹ (WPA),²

ordains:

Chapter 1 General Provisions

Art. 1 Purpose and principle

¹ This Ordinance shall facilitate the protection of surface and underground waters from harmful effects and enable their sustainable use.

² For this purpose, all measures taken under this Ordinance must take account of the ecological goals for waters (Annex 1).

Art. 2 Scope

¹ This Ordinance regulates:

- a. ecological goals for waters;
- b. requirements on water quality;
- c. disposal of waste water;
- d. disposal of sewage sludge;
- e. requirements for animal husbandry farms;
- f. protection of waters in terms of area planning;
- g. maintenance of appropriate residual flow;
- h.³ prevention and remediation of other harmful effects on waters;
- i. granting of federal contributions.

AS 1998 2863

¹ SR 814.20

² Amended by No I of the O of 4 May 2011, in force since 1 June 2011 (AS 2011 1955).

³ Amended by No I of the O of 4 May 2011, in force since 1 June 2011 (AS 2011 1955).

² The Ordinance applies to radioactive substances, insofar as such substances have biological effects resulting from their chemical characteristics. Insofar as these substances have biological effects resulting from radiation, the legislation on radiation protection and nuclear energy applies.

Chapter 2 Disposal of Waste Water

Section 1

Differentiation between Polluted and Non-Polluted Waste Water

Art. 3

¹ The authorities shall assess whether waste water entering a body of water by way of discharge or infiltration is considered to be polluted or non-polluted, taking account of:

- a. the type, the amount, the characteristics and the temporal occurrence of potential water pollutants substances in the waste water;
- b. the condition of the receiving waters.

² During infiltration of waste water, they shall also take account of whether:

- a. waste water can be polluted because of existing soil pollution or the unsaturated subsoil;
- b.⁴ waste water is sufficiently purified in the soil or in the unsaturated subsoil;
- c. guide values under the Ordinance of 1 July 1998⁵ on the Pollution of Soil (SoilPO) can be maintained in the long term, excepting infiltration into a plant intended for this purpose, or onto roads next to embankments or grass verges.

³ Precipitation water running off built-up or sealed surfaces is as a rule considered to be non-polluted waste water if it:

- a. originates from roof surfaces;
- b.⁶ originates from roads, paths and areas on which no substantial amounts of potential water pollutants are unloaded, processed and stored and if they are sufficiently purified by infiltration into the ground. In assessing whether amounts of substances are substantial, the risk of accidents must be taken into consideration;
- c.⁷ originates from track installations where there is a long-term guarantee that pesticides will not be used or if pesticides have been sufficiently retained and degraded by a biologically active layer of soil.

⁴ Amended by No I of the O of 4 May 2011, in force since 1 June 2011 (AS **2011** 1955).

⁵ SR **814.12**

⁶ Amended by No I of the O of 4 May 2011, in force since 1 June 2011 (AS **2011** 1955).

⁷ Amended by No I of the O of 4 May 2011, in force since 1 June 2011 (AS **2011** 1955).

Section 2 **Drainage Planning**

Art. 4 Regional drainage planning

¹ The cantons shall ensure that a regional drainage plan (RDP) is drawn up to guarantee appropriate waters protection in a limited, hydrologically-related area in which waters protection measures of the communes must be coordinated.

² The RDP determines in particular:

- a. the locations of waste water treatment plants and areas which are to be joined to them;
- b. which and to what extent surface waters are suitable for the discharge of waste water, particularly that arising from precipitation;
- c. the waste water treatment plants for which requirements in respect of discharge of waste water must be stricter or supplemented.

³ In drawing up the RDP, the authorities shall take account of spatial requirements of waters, flood protection and measures for waters protection other than waste water treatment.

⁴ The RDP is mandatory for planning and establishing of waters protection measures in communes.

⁵ It shall be accessible to the public.

Art. 5 Communal drainage planning

¹ The cantons shall ensure that general drainage plans (GDP) are drawn up which guarantee adequate waters protection in communes and effective drainage of housing areas.

² The GDP shall specify as a minimum:

- a. waste water treatment areas that must be served by public sewers;
- b. areas in which precipitation water running off built-up or sealed surfaces must be disposed of separately from other waste water;
- c. areas in which non-polluted waste water must be allowed to infiltrate;
- d. areas in which non-polluted waste water must be discharged into surface waters;
- e. measures by which non-polluted waste water with permanent flow must be kept away from waste water treatment plants;
- f. the locations where waste water treatment plants must be set up, and with which treatment system and with what capacity;
- g. areas in which systems other than waste water treatment plants must be used, and how, in these areas, waste water is to be disposed of.

³ The GDP shall be adjusted if necessary:

- a. to take account of developments in housing areas;
- b. if a RDP is drawn up or changed.

⁴ It shall be accessible to the public.

Section 3 Discharge of Polluted Waste Water

Art. 6 Discharge into waters

¹ The authorities shall authorise the discharge of polluted waste water into surface waters, drainage areas, underground rivers and streams if the requirements on discharge into waters according to Annex 3 are complied with.

² They shall set additional or stricter requirements, if:

- a. the waters concerned by the discharge of waste water do not fulfil water quality requirements according to Annex 2 or if this is necessary to comply with international agreements or decisions; and
- b. on the basis of investigation (Art. 47) it is certain that deficient water quality is largely due to discharge of waste water, and procedures necessary to comply are not disproportionate for the waste water treatment plant.

³ They may set additional or stricter requirements if the water quality according to Annex 2 is not sufficient for a specific use of the body of water concerned.

⁴ They may apply less stringent requirements if:

- a. by reducing the amounts of waste water discharged, fewer potential water pollutants are discharged even though the concentrations allowed are higher; or
- b. the environment as a whole is less impaired by the discharge of non-recyclable substances in industrial waste water than by another method of disposal; requirements on water quality according to Annex 2 and international agreements or decisions must be complied with.

Art. 7 Discharge into public sewers

¹ The authorities shall authorise discharge of waste water from industry according to Annex 3.2 or of other waste water according to Annex 3.3 into public sewers if the requirements of the relevant Annex are complied with.

² They shall set additional or stricter requirements if by discharge of waste water:

- a. operation of public sewers may be restricted or disrupted;
- b. in the case of waste water from the central waste water treatment plant, the requirements on discharge into a body of water are not met or may only be met by disproportionate measures, or could restrict or disrupt the operation of the plant in another way; or

- c.⁸ ...
- d. the operation of the plant in which sludge is incinerated may be restricted or disrupted.
- ³ They may apply less stringent requirements if:
- a. by reducing the amounts of waste water discharged, fewer potential water pollutants are discharged even though the concentrations allowed are higher; or
 - b. the environment as a whole will be less impaired by the discharge of non-recyclable substances in industrial waste water than by another disposal method, and in the case of waste water from the central waste water treatment plant, requirements on discharge into a body of water are met; or
 - c. this is appropriate for the operation of the waste water treatment plant.

Art. 8 Infiltration

¹ The infiltration of polluted waste water is prohibited.

² The authorities may authorise the infiltration of communal waste water or of other polluted waste water of comparable composition, if:

- a. the waste water has been treated and meets the requirements for discharge into waters;
- b. in the case of the groundwater concerned, water quality requirements according to Annex 2 are met after infiltration of the waste water;
- c. infiltration ensues at an installation intended for the purpose, the directives of the SoilPO⁹ are not exceeded even in the long term, or in the absence of directives soil fertility is also guaranteed in the long term; and
- d. requirements valid for waste water treatment plants which discharge waste water into a body of water are met (Arts. 13–17).

Art. 9 Waste water of specific origin

¹ Polluted waste water occurring outside public sewers for which neither discharge into waters, nor infiltration, nor use combined with farm manure (Art. 12 para. 4 WPA) is permitted must be collected in a cesspit which is regularly emptied with its contents being transferred to a central waste water treatment plant or facility for special treatment.

² Waste water from processing farm manure, hydroponics and other horticultural methods must be used in an environmentally compatible manner and reused agriculturally or horticulturally according to the state of the art.

⁸ Repealed by No I of the O of 4 Nov. 2015, with effect from 1 Jan. 2016 (AS 2015 4791).
⁹ SR 814.12