IED and BREF Revision

Paper Week
Seminar: The BREF – Your permit to operate

Krystyna Panek-Gondek
ENV.C3 Industrial Emission, Air Quality and Noise Unit
14.11.2012
Outline of the presentation

- **IED: key features**

- **Role of BAT, BREF/BAT conclusions**

- **Pulp and Paper (PP) BREF revision: objectives and state of play**
The legal framework concerning industrial emissions in the European Union

- IPPC Directive 2008/1/EC
- Large Combustion Plants (LCP) Directive 2001/80/EC
- Directive on the limitation of emissions of VOC from solvents 1999/13/EC
- Directives related to the titanium dioxide industry 78/176, 82/883 and 92/112
- European Pollutant Release and Transfer Register (E-PRTR) Regulation 166/2006

Industrial Emissions Directive (IED) 2010/75/EU
IED: why?

- Merging of 7 existing Directives
- Strengthening of BAT and role of the BREFs
- Strengthened provisions on inspections, review of permit conditions and reporting on compliance
- Extended scope and provisions on soil & groundwater protection
- New minimum ELVs for LCP bringing them in line with BAT
Structure of IED

- **Ch. I: Common provisions**
- **Ch. II: Provisions for all activities listed in Annex I**
- **Ch. III: Special provisions for combustion plants [> 50 MW]**
- **Ch. IV: Special provisions for waste (co-)incineration plants**
- **Ch. V: Special provisions for installations and activities using organic solvents**
- **Ch. VI: Special provisions for installations producing TiO2**
- **Ch. VII: Committee, transitional and final provisions**
- **Annexes**

**Sectoral « minimum » requirements incl. emission limit values**

**BAT based permit conditions**
Scope of IED

Some 50,000 installations across EU
Annex I: mostly as IPPCD + a few additional activities
Large variety of industrial/agro-industrial activities

- Energy industries...
- Mineral industries...
- Metal industries...
- Chemical industries...
- Waste management...
- Intensive livestock...
What are the essential IED requirements?

- **Prevention of pollution and, if not feasible, reduction**
- **Permit** is required for operating the installation
- **Permit needs to contain permit conditions including emission limit values (ELVs)** for all relevant pollutants, which are to be based on the use of the **best available techniques (BAT)**
- **Access to information and public participation**
Setting permit conditions under IED

- **Art. 12: Permit application**
  - Non-exhaustive list of elements to be included

- **Art. 14: Permit conditions**
  - Shall at least include ELV, soil/groundwater, waste, monitoring, reporting, other than normal operating conditions, ...
  - **BAT** conclusions shall be the reference
  - Competent authority may set stricter permit conditions than those achievable by **BAT** and MS may set rules for this

- **Art. 15: Emission limit values** (or equivalent)
  - Shall be based on **BAT**, without prescribing the use of any technique or specific technology (Art. 15(2))
  - Shall ensure emissions do not exceed **BAT**-AEL (Art. 15(3)), except where justified derogation (Art. 15(4))

- **Art. 16: Monitoring**
  - Shall be based on **BAT** conclusions
9

Best
most effective in achieving a high general level of protection of the environment as a whole

Available
developed on a scale to be implemented in the relevant industrial sector, under economically and technically viable conditions, advantages balanced against costs

Techniques
the technology used and the way the installation is designed, built, maintained, operated and decommissioned
**BAT reference document (BREF)**

- Document resulting from the exchange of information under IED Art 13(1)
- A driver towards improved environmental performance across EU
- Limitations due to time constraints: priority for high level of accuracy over completeness
- Adopted by Commission under IPPC Dir
- Published by Commission (EIPPCB) under IED
- Publicly available on internet (EIPPCB website)
**BAT conclusions**

= part of BREF laying down conclusions on:

**BATs, their description, information to assess their applicability, emission levels associated with BAT, monitoring, consumption levels, and, where appropriate, relevant site remediation measures**
emission levels associated with the best available techniques (BAT AEL)

- range of emission levels obtained under normal operating conditions using a BAT or a combination of BATs, as described in ‘BAT conclusions’
- expressed as an average over a given period of time, under specified reference conditions
Process steps for elaborating BREF/BAT conclusions

- Technical work by stakeholders TWG (MS, Industry, env. NGOs experts) lead by European IPPC Bureau (JRC, Sevilla)

  ➔ draft BREF and BAT conclusions

- Opinion of IED Art 13 Forum on draft BREF

- Vote on BAT conclusions by IED Committee

- Adoption of Commission Implementing Decision establishing BAT conclusion (publication in OJ in all EU languages)

- Publication of full BREF on EIPPCB website
BAT information exchange
“Sevilla Process”

Installation level data
(techniques, emissions, ...)

MS experts

Guidance document

Industry experts

IPPC Bureau

NGO experts

BREF
with BAT conclusions
Technical work under TWG

- **BAT conclusions are established through an interactive process involving the following steps:**
  - Review current performance with respect to key relevant environmental issues
  - Identify techniques used to achieve best current performance
  - Examine economic and technical conditions under which the techniques are applicable
  - Check against criteria of Annex III if technique meets definition of BAT
IED Forum (art. 13)

- **Expert group** *(established by COM Decision)*
- **MS, Industry, NGOs and COM**
- Provide its **opinion on the practical arrangements for the exchange of information and in particular:**
  - a) the rules of procedure of the forum
  - b) the work programme for the exchange of information
  - c) guidance on the collection of data
  - d) guidance on the drawing up of BREFs and on their quality assurance incl. suitability of their content and format
- Provide its **opinion on the proposed content of BREFs**
  - Search for consensual solutions
  - Opinion is to be made publicly available
  - Opinion is to be taken into account by COM when proposing decisions on BAT conclusions to be adopted via Art. 75 Committee
IED Committee (art. 75)

- Comprised of MS representatives
- Operates under examination procedure set out in Regulation 182/2011

Involved in adoption of key documents:

- Certain guidance under Article 13(3)(c) and (d)
  - guidance on collection of data
  - guidance on the drawing up of BREFs and on their quality assurance incl. suitability of their content and format.
- BAT conclusions under Article 13(4)
- Implementing rules for LCP under Article 41
  - Determination of start-up and shut-down periods
  - Transitional National Plan rules
- Type, format, frequency of reporting by MS under Art. 72
IED strengthens role of BAT in permitting

**BAT conclusions** from BREF shall be the reference for setting all the permit conditions Art 14(3)

Permits must contain **emission limit values** (ELVs) set by the competent authority ensuring that emissions do not exceed BAT emission levels (BAT AELs) Art 15(3)

**Derogation** from BAT AELs is only allowed in **specific and justified** cases (costs >> benefits) Art 15(4)
Article 15(4) derogations

- Possible only in specific cases and if the costs are disproportionately higher than environmental benefits due to
  - the geographical location of the installation
  - local environmental conditions
  - the technical characteristics of the installation concerned.
- Member States need to make public information on application of derogations
- ELVs shall not exceed the ELVs set out in the Annexes, where applicable
- Environmental Quality Standards not to be jeopardised
- MS need to inform Commission as part of IED implementation report (Art. 72 IED)
Reconsidering / updating permit conditions (Art. 21)

- **Within four years** of *publication of decisions on BAT conclusions in accordance with Article 13(5) relating to the main activity of an installation*, the competent authority shall ensure that:

  (a) all the permit conditions for the installation concerned are reconsidered and, if necessary, updated to ensure compliance with this Directive;

  (b) the installation complies with those permit conditions.

- *The reconsideration shall take into account all the new or updated BAT conclusions applicable to the installation and adopted since the permit was granted or last reconsidered.*
Entry into force of IED

Member States fully transpose the IED. The Directive applies to all new installations from this date onwards.

All existing installations previously subject to IPPC, WI, SE and TiO2 Directives must meet the requirements of the IED. Existing LCP do not yet need to meet new ELVs (Ch. III, Annex V).

Existing installations operating newly prescribed activities (e.g. waste installations, wood based panels, wood preservation) must meet the requirements of the IED.

Existing LCP must meet the requirements set out in Chapter III and Annex V
11 BREFs are currently being worked upon

- Cement, Lime and Magnesium Oxide (CLM) \(\rightarrow\) conversion into BAT conclusions
- Tanning of Hides and Skins (TAN) BREF
- Common Waste Water and Waste Gas (CWW) BREF
- Production of Chlor-alkali (CAK) BREF
- Production of Pulp, Paper and Board (PP) BREF
- Refining of mineral oil and gas (REF) BREF
- Non-Ferrous Metals (NFM) BREF
- Intensive Rearing of Poultry and Pigs (IRPP) BREF
- Large Volume Organic Chemicals (LVOC) BREF
- Large Combustion Plants (LCP) BREF
- Wood Based Panels (WBP) BREF

1 BREF is on-hold
- Ferrous Metal Processing (FMP) BREF

Also: JRC Reference Report on Monitoring (ROM)
Current stage of BREF elaboration and review

**TWG kick-off meeting**

- Draft 1 (D1)
  - LCP, LVOC, WBP
- Draft 2 (D2)*
  - NFM, IRPP
  - CAK, CWW, REF, PP

**Final TWG meeting**

**Final draft**

- Forum opinion on BREF
- Adopt. of ‘BAT conclusions’ through Article 75 committee

*TAN, CLM

* Optional
BAT reference document (BREF) for Pulp and Paper Industry

- First version adopted by Commission in 2001
- Revision is ongoing: foreseen to be finalised in 2013
- Aim: update the document and elaborate revised BAT conclusions, including emission levels associated with BAT (BAT-AEL)

Remaining steps

- **EIPPCB is preparing final TWG meeting**
  - take note of all stakeholder concerns (1500 comments)
  - Background Paper to be issued beforehand
- **Final meeting of PP BREF TWG: early 2013**
  - strive for consensus on content and conclusions
- **Final draft following outcome of final TWG meeting**
- **BREF submitted to IED Article 13 Forum for its opinion (consensual/non-consensual views)**
- **BAT conclusions submitted to Art 75 Committee for formal opinion (via vote)**
- **Commission to adopt and publish Commission Implementing Decision on BAT conclusions**
For more information...

- **DG ENV industrial emissions website**

- **European IPPC Bureau (BREFs)**

- Contacts in DG ENV in case of further questions:
  Filip François ([filip.francois@ec.europa.eu](mailto:filip.francois@ec.europa.eu))
  Krystyna Panek-Gondek ([krystyna.panek-gondek@ec.europa.eu](mailto:krystyna.panek-gondek@ec.europa.eu))
THANK YOU FOR YOUR ATTENTION