An overview of the industrial emissions Directive

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Gratefully acknowledged!
Recast of Directives on:

- Integrated pollution prevention and control
- Large combustion plants
- Waste incineration
- Solvent emissions
- Titanium dioxide (*3)
Recast, so.....

- A great deal remains unchanged!
- About improving the implementation of the component Directives.
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
IED
Key issues during negotiations (EP, Council)

- BAT / BREF / BAT conclusions – to be covered in more detail
- LCP emission limit values and flexibility
- “European Safety Net”
- Soil/groundwater
- Other issues
IED - Key Issue 1: BAT

- BAT info exchange → BREFs: Sevilla process (unchanged)
- Specific definitions of BAT, BREFs, BAT Conclusions and BAT-AELs entered into the text – these define the scope of the work in these areas
- **BAT conclusions:** part of BREFs to be adopted via comitology (implementing acts)
- BAT conclusions shall be the reference in setting permit conditions
- ELVs to ensure emissions do not exceed BAT AELs
- Monitoring / reporting provisions linked to compliance with permit conditions
IED - Key Issue 1: BAT

- derogations (art. 15(4)) – competent authorities may choose to apply flexibility by setting less strict emission limit values
  - only if costs are disproportionately higher than benefits due to local environment, geographical location or technical characteristics of the installation
  - environmental safeguards
    - no significant pollution
    - link to environmental quality standards
  - MS need to report on application of derogations
- Commission may clarify the criteria through guidance
**Work of the Commission**

- Ensuring MS transpose the Directive – see transposition checklist
- Ensuring MS implement the Directive
- Other actions such as:
  - Organise exchange of information under Articles 13 and 64
  - Develop guidance on baseline reports (Article 22)
  - Develop guidance for MS on encouraging development / application of emerging techniques (Article 27)
  - Propose revised emission limit values for certain categories of LCP (Article 30)
  - Undertake reviews for a number of issues e.g. spreading of manure
Work of Member States

- Ensuring transposition of the Directive into national law
- Ensuring implementation of the Directive
  - setting up of mechanisms for new provisions e.g. inspections
- Providing information to the public
- Considering whether optional elements of the Directive are to be implemented
  - e.g. transitional national plan, general binding rules, …
- Providing information to the Commission
- Playing an active role in the exchange of information under Article 13 and in particular provision of data
- Playing an active role in the Article 75 Committee
Work of operators

- Contribute to information exchange on BAT
- Develop and apply emerging techniques
- Assist development of EU and national guidance
- Meet information requirements
  - Pollutant Release and Transfer Register (PRTR)
  - large combustion plant inventory
- Comply with permits!
- Assist regulator with permit reviews
Role of the Article 13 Forum (1)

- Primary role is to help the Commission in the implementation of Article 13
- To be comprised of MS, Industry, NGOs and Commission
- Largely a continuation of the Information Exchange Forum
- Forum to 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 including the suitability of their content and format
Role of the Article 13 Forum (2)

Forum also has a key role to play in the development of BREFs themselves

- The forum shall provide its opinion on the proposed content of the BREFs
  - The opinion of the forum is to be made publicly available
  - The opinion of the forum is to be taken into account by the Commission when it proposes decisions on BAT conclusions to be adopted via the Article 75 Committee
Role of the Article 75 Committee (1)

- The role of the Committee is to assist the Commission.
- The Committee will operate (now) under EU Regulation 182/2011 and in particular the examination procedure referred to in Article.
- Committee voting is to be undertaken by Member States only.
Role of the Article 75 Committee (2)

Involved in the adoption process for a number of key provisions

- Adoption of certain guidance under Article 13(3)(c) and (d)
  - guidance on the collection of data
  - guidance on the drawing up of BREFs and on their quality assurance including the suitability of their content and format.

- Adoption of BAT conclusions under Article 13(4)

- Adoption of 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 Article 72
Delegated acts

- Articles 76-78 of IED lay out the mechanism for delegated acts to be applied in the case of IED
  - Exercise, revocation and objections
- Under IED delegated acts will be used for:
  - Article 48(5) setting of date for continuous monitoring of heavy metals, dioxins and furans for waste incinerators and co-incinerators
  - Adaptation of Annexes V to VII (except ELVs)
Entry into force of the Directive on industrial emissions (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. LCP do not yet need to meet the 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.

LCP must meet the requirements set out in Chapter III and Annex V.

Transitional National Plan provisions for LCP end.

Limited lifetime derogation provisions for LCP end.
Thank you for your attention.
Additional slides for info
IED - Key Issue 2: Large Combustion Plants (LCP)

- ELVs from COM Proposal have been maintained
- Increased **flexibility** was added for **existing plants**
  - 1 January 2016 kept as default implementation date
  - temporary flexibilities: transitional national plan, opt-outs, small isolated systems, district heating plants
  - derogations for peak plants (< 1500 h/y)
  - option to use desulphurisation rate instead of SO2 ELVs
  - refineries: status quo LCP Dir, but review clause (end 2013)

- review clause for diesel engines, recovery boilers, non-commercial gases (based on BAT) (end 2013)

- **new plants**: implementation from end 2012 instead of 2016
## IED - Key Issue 2: Large Combustion Plants (LCP) Flexibilities

<table>
<thead>
<tr>
<th>Article</th>
<th>Final text</th>
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<tbody>
<tr>
<td>Art. 31 Desulphurisation rate</td>
<td>Minimum rates of desulphurisation without limit in time but Commission to review limits by 31 December 2019</td>
</tr>
<tr>
<td>Art. 32 Transitional National Plan (TNP)</td>
<td>until 30 June 2020</td>
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<tr>
<td>Art. 33(1) 'opt out' (limited life time derogation)</td>
<td>period: 1 January 2016 to 31 December 2023 max. operating hours: 17 500</td>
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<tr>
<td>Art. 35(1) derogation for district heating plants</td>
<td>until 31 December 2022</td>
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IED - Key issue 3: “European Safety Net (ESN)”

- COM shall **assess the need to have ESN for an activity** as part of its 3-yearly implementation report
  
  ➔ for activities within scope of BAT Conclusions adopted during previous 3 year period
  
  ➔ based on **environmental impact** of activities and **level of application** of BAT in sector
  
  ➔ assessment shall consider **opinion of the Forum**
  
  ➔ accompanied by **legislative proposal** where appropriate, including EU wide minimum requirements where assessment identified such a need
IED - Key issue 4: Soil / groundwater

- New provisions for soil and groundwater in order to ensure integrated approach to pollution prevention and reduction

- **Baseline report** required where hazardous substances are to be used or produced

- Once the **activity stops** operating then the operator assesses the state of soil and groundwater contamination by hazardous substances against the baseline report

- Where the comparison indicates contamination then the operator must take **action**

- **Monitoring**: permit to include requirement for periodic monitoring for soil (every 10 years) and groundwater (every 5 years) (art. 16(2))
IED - Inspections (Art. 23)

- Environmental **inspection plans** covering all installations
- **Programmes** to be drawn up including the frequency of site visits
- Frequency to be determined on the basis of **risk appraisal**, considering at least:
  - Potential and actual impacts of installation on environment / human health
  - Record of compliance with permit conditions
  - Participation in EMAS
- **Minimum site visit frequency:**
  - highest risk: at least once every 12 months
  - lowest risk: at least every 36 months
  - Follow up site visit within 6 months in case of serious case of non-compliance
- **Reports** of inspections to be made publicly available
IED- Other important provisions

- Permit reconsideration: max. 4 years after BAT Conclusions
- General binding rules based on BAT
- Small number of new activities included
  - Gasification/liquefaction other than coal >= 20 MW
  - Waste disposal: pre-treatment for (co-)incineration, slags and ashes, shredders metal waste
  - Waste recovery: same as disposal plus biological treatment
  - Wood panels production
  - Wood preservation
- Commission reviews
  - end 2011: thresholds for poultry, simultaneous rearing of animals
  - end 2012: Combustion plants below 50 MW, intensive rearing cattle; spreading manure