Industrial Emissions Directive 75/2010/EU
A short Introduction
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Overview of the IED

IED: main EU instrument regulating pollutant emissions from industrial installations (appr. 50,000 installations)

7 separate directives have been combined:

- 3 TiO$_2$ Directives (78/176/EEC; 82/883/EEC; 92/12/EEC)
Structure of IED

- Chapter I: common provisions
- Chapter II: provisions for Annex I activities
- Chapter III – VI: sectoral provisions ("minimum requirements" – “safety net”)
  - III – combustion plants
  - IV - waste incineration and waste co-incineration plants
  - V – installations and activities using organic solvents
  - VI – installations producing TiO₂
- Chapter VII: closing provisions
- Annexes:
  - Annex I: categories of activities
  - Annex II: list of polluting substances
  - Annex III: criteria for determining BAT
  - Annex IV: public participation
  - Annex V: technical provisions to combustion plants
  - Annex VI: technical provisions: waste incineration & waste co incineration plants
  - Annex VII: technical provisions to installations and activities using organic solvents
  - Annex VIII: technical provisions to installations producing TiO₂
Aim of IED (Art 1)

- lays down rules on integrated prevention and control of pollution arising from industrial activities
- It also lays down rules designed to prevent or, where that is not practicable, to reduce emissions into air, water and land and to prevent the generation of waste, in order to achieve a high level of protection of the environment taken as a whole
Pillars of IED

- integrated approach,
- use of best available techniques,
- Flexibility (geographical location, technical characteristics of the installation, limited lifetime derogation),
- Safety net for Large combustion plants and waste (co-)incineration plants,
- Environmental inspections,
- public participation
The project is funded by the European Union.
What is different to IPPC

- New categories of activities (Annex I), eg.
  - wood-based panels (OSB, particle board, fibre board) (6.1c)
  - production of magnesium oxide (3.1c)
  - Preservation of wood and wood products with chemicals (6.10)
  - Pre-treatment of waste for incineration or co-incineration (5.3 iii)

- Baseline Report on soil
- Environmental Inspection system
- Emission Limit Values based on BAT conclusions
- Stricter “Safety Net” for LCP and WIP
Permit / general binding rules

- **Obligation to hold a permit (Art 4)**
  - No installation or combustion plant, waste incineration plant or waste co-incineration plant is operated without a permit
  - Permit may cover two or more installations or parts of installations operated by the same operator on the same site
  - Permit may cover several parts of an installation operated by different operators, responsibilities have to be specified

- Where **general binding rules** are adopted, the permit may simply include a reference (Art 6)
Incidents and accidents (Art 7)

- operator informs competent authority immediately
- operator immediately takes measures to limit environmental consequences and prevent further incidents and accidents
- competent authority requires operator to take any appropriate complementary measure to limit environmental consequences and prevent further incidents and accidents
Non compliance (Art 8)

- MS shall take necessary measures to ensure that permit conditions are complied with

- In event of breach:
  - operator immediately informs competent authority
  - operator immediately takes necessary measures to ensure compliance
  - complementary measures required from competent authority

- Immediate danger:
  - operation shall be suspended
IED: Basic obligations of the operator (Art 11)

- Preventive measures against pollution
- Application of best available techniques (BAT)
- No significant pollution
- Prevention of generation of waste
- Where waste is generated (in accordance with 2008/98/EC):
  - Prepared for reuse
  - Recycling
  - recovering
  - disposing
- Efficiently use of energy
- Prevention of accidents, limitation of their consequences
- Cessation of activities
  - Avoid risk of pollution
  - Return site to satisfactory state (Art 22)
So how is the Member State & its regulatory bodies supposed to achieve all this?

- Through permitting (Application documents!)
- Through the revision of permits when things change
- Through the application of BAT
- By ensuring that permit conditions are obeyed
- By requiring the operator to monitor & report
- By exchanging information with other MS via the Commission.

Twinning Project MK 11 IB EN 01 R
Strengthening the administrative capacity on the central and local level for the transposition and implementation of the new Industrial Emission Directive 2010/75/EU
Emission limit values (Art 15)

Without prejudice to Art 18 (EQS), ELV shall be based on BAT, without prescribing the use of any technique or specific technology (Art 15/2)

Competent authority shall set ELV, that ensure that under normal operating conditions emissions do not exceed BAT-AELs in BAT conclusions (Art 15/3):

a) ELV = BAT-AEL: Same or shorter period of time and same reference conditions

b) Different ELV (value, period of time and reference conditions):
   ➔ Competent authority shall assess at least annually the results of emission monitoring in order to ensure that emissions under normal operating conditions have not exceeded BAT-AELs.
Emission limit values (Art 15/4)

Derogation from Art 15/3

- only where assessment shows that achievement of BAT-AELs would lead to disproportionately higher costs compared to environmental benefits due to:
  - Geographical location and local environmental conditions,
  - Technical characteristics of installation.

- competent authority shall document the reasons, result of assessment and justification in annex to permit conditions.

- „minimum“ ELV in Annexes shall not to be exceeded in any cases (LCP, WID, VOC, TiO₂) ➔ “Safety Net”
Monitoring requirements (Art 16)

- shall be based on conclusions on monitoring as described in BAT conclusions
- frequency of periodic monitoring shall be determined in permit or general binding rules
- periodic monitoring at least once every 5 years for groundwater and 10 years for soil, unless such monitoring is based on a systematic appraisal of the risk of contamination
Public participation

public has a right to participate in the decision-making process, and to be informed of its consequences, by having access

- to permit applications,
- Permits (new installations, substantial change, update of permit conditions)
- and the results of the monitoring of releases.
Changes to the installation

- The operator informs the competent authority of any planned change in the nature or functioning, or an extension of the installation which may have consequences for the environment.

- Member States shall take the necessary measures to ensure that no substantial change planned by the operator is made without a permit.
Environmental Inspection (Art 23)

Art 23 requires MS to:

- set up a system of environmental inspection of installations to address the full range of environmental impacts;
- requires that IPPC installations are covered by an inspection plan (and specifies what the plan should cover);
- sets time limits on reporting results of inspections to the operator and public following an inspection.
Contact & Information

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