The Industrial Emissions Directive (IED) 2010/75/EU

Filip François
European Commission, DG Environment
Industrial Emissions Unit
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The legal framework concerning industrial emissions in the European Union

IPPC Directive 2008/1/EC
Large Combustion Plants (LCP) Directive 2001/80/EC
Waste Incineration Directive 2000/14/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

Adoption process
• Review of IPPC Directive: 2006-07
• Commission Proposal (IPPC Recast): 21 December 2007
• Co-decision procedure: 2008-2010
• Adoption of IED 2010/75/EU: 24 November 2010
  • Publication in OJ: 17 December 2010
  • Entry into force: 6 January 2011

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

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 ...

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
What are the essential 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

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.
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
  - 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

Sectoral requirements for combustion plants

Sectoral “minimum” requirements for combustion plants (Chapter III – Annex V)

- Will replace current provisions of LCP Directive
- Status as EU-wide “minimum” requirements confirmed
- Stricter emission limits for SO2, NOx and dust
- Aligned with BAT levels (upper end of range) from the LCP BREF (2006)
- From Jan 2013 on for new plants
- From 1 Jan 2016 on for existing plants
- Clarification that “plant” = “common stack”
- “De minimis” rule (15 MW)

Flexibilities in relation to combustion plants

- Transitional flexibilities
  - TNP option for some plants until 30 June 2020
  - Out possible if < 17,500 operating hours 1/1/2016 - 31/12/2023 (NOT for LCPD Art 4/4 plants)
  - Small isolated systems: 31/12/2019
  - Some district heating plants: 31/12/2022
  - Permit conditions as applicable on 31/12/2015 under IPPC/LCP Dir need to be maintained during these periods
- Other flexibilities
  - Peak load plants (< 1500 h/y)
  - Plants firing solid indigenous fuels: SO2 ELV may be replaced by min. desulphurisation rates
  - Specific regime for oil shale

Transitional National Plan (TNP) option

- Existing plants: ELVs apply from 1 January 2016 but MS may choose to apply TNP until 30 June 2020 covering a selection of plants permitted before Nov 2002
- Annual ceilings with linear decrease: LCP ➔ IED limit values

<table>
<thead>
<tr>
<th>Year</th>
<th>SO2</th>
<th>NOx</th>
<th>Dust</th>
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<tr>
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IED ELVs
IED: LCP issues to be further developed

- Implementing rules TNP
  - Decision to be adopted soon after positive vote by Art. 75 Committee on 21 November 2011
- Determination of start-up/shut-down periods
  - Decision to be adopted soon
- Art 30(9) review need to develop/revise ELV [end 2013]
  - LCPs within refineries
  - plants firing gases other than natural gas
  - diesel engines
  - recovery boilers, chemical industry
  - BREFs will provide relevant information on BAT

Some other important provisions

IED – Cessation of activities (Art. 22)

- Baseline report
  - Required where relevant hazardous substances are used or produced
  - Contains information on the state of soil and groundwater contamination by hazardous substances
  - Criteria for content to be established in COM guidance
- Site closure / remediation
  - Once activity stops operating: operator assesses the state of soil and groundwater contamination and compares with baseline report
  - Where significant pollution: operator shall take necessary measures so as to return the site to the "baseline" state
  - Where significant risk to human health and the environment: operator shall take necessary actions aimed at the removal, control, containment or reduction of relevant hazardous substances, so that the site ceases to pose significant risk

IED - Environmental inspections (Art. 23)

- environmental inspection plan at national, regional or local level covering all installations
- CA shall regularly draw up programmes for routine environmental inspections, incl. frequency of site visits
  - Frequency: determined on the basis of risk appraisal of installations, but minimum yearly (highest risk) to 3 yearly (lowest risk)
  - Criteria: potential/actual impacts, compliance track, EMAS, ...
  - If inspection has identified important case of non-compliance: additional site visit within 6 months
- Non-routine environmental inspections
  - Serious environmental complaints, serious environmental accidents, incidents and occurrences of non-compliance, and before granting/reconsidering/updating permit
  - Following each site visit: report to be notified to operator concerned within 2 months and made publicly available within 4 months of site visit

IED – Access to information (Art. 24)

- The competent authority shall make available to the public via the Internet the following information:
  - the content of the decision, including a copy of the permit and any subsequent updates
  - the reasons on which the decision is based;
  - where a derogation is granted in accordance with Article 15(4), the specific reasons for that derogation based on the criteria laid down in that paragraph and the conditions imposed

IED Timeline

- Entry into force of IED
- Member States fully transpose the IED. The Directive applies to all new installations from this date onwards.
- Existing LCPs 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 LCPs must meet the requirements set out in Chapter III and Annex V
For more information...

**DG ENV industrial emissions website**

**European IPPC Bureau (BREFs)**