

Tuesday, 24 April 2018

## **EEB reaction to the CEWEP-ESWET-FEAD comments on EEB paper ‘A Wasted Opportunity? EU environmental standards for waste incineration plants under review’ (posted on BATIS on 20/04/2018)**

**The EEB is an evidence-based organization and a legitimate partner in the Seville process aiming to safeguard and strengthen the environmental standards adopted at EU level, reduce resource use and pollution, and protect EU citizens.**

We are closely monitoring all stages of the process and provide facts and analysis to the Commission on the benefits of high and ambitious environmental standards, acting as a counterweight to the over-represented industry lobby (113 industry v 9 environmental NGO representatives; counting in the ‘industry representation’ in EU member states delegations, the number of industry representatives is raised to 131, making them the largest group represented, outnumbering independent Member State delegates) and enabling policy makers to take informed and balanced decisions, taking into account civil society concerns.

**The current work within the Sevilla process is about reviewing the existing BREF 2006 on waste incineration.** This is why the EEB paper uses it as the starting point of comparison – legally binding or not<sup>1</sup>, this is the document under review and its validity is indisputable. The document, outlining the Best Available Techniques for the prevention/minimisation of the environmental impact of waste incineration (and their associated environmental performance and emission levels) applied in well-performing plants in Europe more than a decade ago, was drafted by the previous European Commission services, taking into account a plethora of data, techno-economical considerations and the expert judgment of a Technical Working Group (TWG) similar to the one working on this review.

**There has been technological progress in the sector since 2006** and this has to be reflected in the revised BREF (expected end 2019), with which the operators will have to comply with only as of 2024. And it should not be forgotten that the operators may even be granted derogations from the requirements of the revised BREF under the Industrial Emissions Directive (IED) article 15.4.

---

<sup>1</sup> The BREF 2006 was elaborated under the Integrated Pollution Prevention and Control (IPPC) Directive (Directive 2008/1/EC), predecessor of the IED. All BREFs that were elaborated under the IPPC Directive served as guidance documents for the industry and the competent authorities; one of the major positive changes brought by the IED is that the BREFs (BAT conclusions chapter) which are being established within its legal framework, will become legally binding requirements for the industrial sectors concerned

**The politically negotiated emission limit values included in IED Annex VI are outdated values** (dated back from 2000<sup>2</sup>), not in line with what can be achieved with the Best Available Techniques, and they definitely do not qualify as the right benchmark for comparison to assess the progress made and the ambition level of the proposal of the revised BREF.

**The truth is that the current proposal for a revised BREF fails to effectively tighten the more than ten-year-old environmental guidelines for waste incineration;** people in Europe expect that the revised standards ensure that the most effective, proven tried-and-tested techniques are used to protect the environment and their health.

On further points mentioned in the statement by the industrial associations:

1. *(...) a recent report by the European Environmental Bureau tries to portray the sector as a big polluter and a threat to the environment and human health:*

In the report it is stated that waste incineration is one of Europe's toxic activities; there is no mention that it is the most polluting activity or if it is 'big' or 'small' polluter. A sector responsible for emissions of health-harming substances including dioxins, heavy metals and particulate matter cannot avoid being refer to as a toxic activity.

2. *'(...) we are not mentioning the obvious mistakes in inconsistencies with the actual values reported in the questionnaires:*

The values reported from the recent data collection (most importantly regarding the emissions that can be achieved by the 10% of waste incineration reference lines achieving the lowest emissions, to give the 'outside' reader a perspective) are sourced from the Commission's official documents '01 Tables and Graphs of emissions to water' and '02 Tables and graphs of emissions to air – continuous monitoring' found on BATIS:

[http://eippcb.jrc.ec.europa.eu/batis/console/forumIndex.jsp?fuseAction=forum\\_showForum&forumID=123884](http://eippcb.jrc.ec.europa.eu/batis/console/forumIndex.jsp?fuseAction=forum_showForum&forumID=123884)

3. *(...) often monthly or even yearly averages of specific plants are used to suggest BATAELs on daily averages, which is scientifically like comparing apple with pears:*

Wherever an emission level refers to a monthly or a yearly average this is clearly stated in the text or in the footnotes. It is clear that the intention is not to compare emission levels linked to different averaging periods but to rightly report on emission limit values currently applied in EU member states for the reader's perspective – we do not aim at a direct comparison here, but it is evident that the daily averages of the plants have to be lower if such long-term average levels are to be achieved.

---

<sup>2</sup> EU Directive 2000/76/EC on the incineration of waste:  
<http://ec.europa.eu/environment/archives/air/stationary/wid/legislation.htm>

4. *'On top of that, many examples provided in the report are of plants that achieve very ambitious levels on one pollutant, thus forgetting once again about the extremely important integrated approach: one clear example is the plant in Hamburg, mentioned by the EEB to show how plants can operate below a certain value of NO<sub>x</sub>. Its FGC system has a very particular setup: it is equipped with an advanced SNCR and two fabric filters. Those characteristics, which allowed the plant to achieve ambitious levels in 2014, make it very energy intensive and costly':*

The integrated approach of the IED is well-recognised and promoted by the EEB. The high energy demand of the plant in question is due to the two fabric filters and not due to the advanced SNCR system used to reduce NO<sub>x</sub> emissions. However, it should not be forgotten that the primary aim of waste incineration plants is to safely treat the waste minimising environmental impacts, especially air and water pollution to the expense of communities living nearby these plants. The NGO community is more in favour of installations that prevent/minimise their harmful emissions even if this means an increase in their energy consumption or their costs.

5. *'The report also insists on the incorrect assumption that the requirements in the future BAT Conclusions have to be compared with the non-binding values from 2006 WI BREF. However, we all know that in order to provide a meaningful picture, one must compare the revised WI BREF requirements with the legally binding requirements of the IED and not with the 2006 WI BREF. In fact, the revised WI BREF BAT Conclusions chapter will be the legally binding basis for all future permits, while the 2006 WI BREF contained general information of performances associated with Best Available Techniques. The currently legally binding requirements for permits belong to the IED, Annex VI'*

As noted above, the current work within the Sevilla process is about producing a revised version of the existing 2006 BREF on waste incineration. This is why the EEB paper uses the 2006 WI BREF as the starting point for comparison.

6. *'When the EEB Report quotes the assessment of the EIPPCB on compliance with current legally binding values, they leave out the fact that the assessment was done based on theoretical calculations of the JRC e.g. on measurement uncertainty and averaging periods and not on the values actually reported by the plant operators to their competent authorities. In the words of the EIPPCB: "The estimation of compliance with any emission levels is purely indicative and should not be interpreted as legal compliance in the context of IED implementation":*

The EEB recognises this limitation and cites the Commission paper which the reader can use to obtain more information on the subject. The big picture here remains that instead of having a sample of well-performing installations representing the state-of-the-art of the sector, we are flooded by a big number (even though we cannot accurately report on the exact number) average performing plants merely complying with the outdated IED Annex VI emission limits or even breaching these limits.

7. *'Generally speaking, it is regrettable to see how one stakeholder is trying to create a culture of mistrust in how competent authorities control and industrial operators manage the Waste-to-Energy plants'*

This is a completely unfair statement; we merely report on current performance achieved by well-performing plants based on sound data and information. Furthermore, it is our duty as civil society representatives in this process to inform EU citizens on whether their governments are acting to their benefit or the benefits of domestic industry – bringing more transparency to this opaque process.