



EUROPEAN COMMISSION
DG Environment, Maritime Affairs and Fisheries
Mr CALLEJA CRESPO Daniel, Director-General
Ms WILLEMS Aneta, Directorate C, Head of Unit C4
CC: Mr HELBIG Juergen, Directorate B, Unit B2, Senior Expert - Chemicals

EUROPEAN COMMISSION
DG Health and Food Safety
Ms BUCHER Anne, Director-General

CC: Mr ROUDIER Serge, Head of the EUROPEAN IPPC BUREAU

Brussels, 1 April 2019

Considerations regarding the revised draft Best Available Techniques Reference Document for Waste Incineration under the Industrial Emissions Directive

Dear Mr CALLEJA CRESPO, Dear Ms WILLEMS,
Dear Ms BUCHER,

We are writing to you to express our concerns about potential regulatory loopholes that could result in poor implementation of the Best Available Techniques (BAT) conclusions of the revised draft Best Available Techniques Reference Document on Waste Incineration (WI BREF) – hereafter WI BAT-C – if their current wording is not appropriately amended and clarified.

The Industrial Emissions Directive (IED) is the main EU instrument for regulating pollutant emissions from industrial installations. It aims “to achieve a high level of protection of human health and the environment” by ensuring better application of BAT, as described in the BREFs¹. On 27 February 2019 the Commission presented the members of the IED Article 13 Forum with the Final Draft (FD)² of the revised WI BREF to obtain its opinion.

The undersigned stakeholders, representatives of Environmental NGOs and industry concerned, would call on your services to improve BAT 8 with regard to monitoring requirements for Persistent Organic Pollutants (POPs) so to improve policy coherence with the EU POP Regulation as detailed in the Annex to this letter.

¹ Industrial Emissions Directive - Summary of Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control), European Commission Website:
(<http://ec.europa.eu/environment/industry/stationary/ied/legislation.htm>)

² http://eippcb.jrc.ec.europa.eu/reference/BREF/WI/WI_BREF_FD_Black_Watermark.pdf



We trust that you will carefully consider this issue and the European Commission will be amending the final draft BAT-C of the WI BREF accordingly ahead of the vote of the IED article 75 Committee.

Yours sincerely,

Jeremy Wates
EEB, Secretary General

Nicolas Humez
Hazardous Waste Europe,
Chairman

Joan Marc Simon
Zero Waste Europe,
Executive Director

If you need additional information, please contact:

Aliki Kriekouki, EEB, email: aliki.kriekouki@eeb.org, phone number: +32 2 790 88 19

Nicolas Humez, HWE, email: n.humez@hazardouswasteurope.eu, phone number: +33 6 09 44 05 54

Annex

Monitoring of Persistent Organic Pollutants (POPs) in the output streams of waste (co-) incineration installations

The current wording of BAT 8, as included in the Final Draft should be amended as follows (see text in **bold highlight**):

*BAT 8. For the incineration of **hazardous** waste containing POPs, BAT is to determine the POP content in the output streams (e.g. slags and bottom ashes, flue-gas, waste water) after the commissioning of the incineration plant and after each change that may significantly affect the POP content in the output streams. [...]*

Applicability

Only applicable for plants that:

- *incinerate **hazardous** waste with POP levels prior to incineration exceeding the concentration limits defined in Annex IV to Regulation (EC) No 850/2004 and amendments;-and*
- *do not meet the process description specifications of Chapter IV.G.2 point (g) of the UNEP technical guidelines UNEP/CHW.13/6/Add.1/Rev.1.*

Rationale:

The aim of this BAT is to ensure that POPs are effectively destroyed during the combustion process and thus not released to the environment through the output streams of the installation. POPs are chemical substances that persist in the environment, bioaccumulate through the food web, and pose a risk of causing adverse effects to human health and the environment.

The EU is party to the CLRTAP Convention on POPs³ and the global Stockholm Convention on POPs⁴. Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants (POP Regulation)⁵ aims at the effective implementation of these international agreements. This BAT has the potential to serve as an important reference for the sound implementation of the waste-related provisions of the POP Regulation (Article 7 and Annexes IV, V).

In general, the POP concentration limit for whether a specific waste is covered by the POP Regulation is lower than the concentration limit for whether it is classified as hazardous waste. This is confirmed by the recently published Commission notice on technical guidance on the classification of waste

³ https://www.unece.org/env/lrtap/pops_h1.html

⁴ <http://www.pops.int/Home/tabid/2121/Default.aspx>

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32004R0850&from=EN>

(2018/C 124/01)⁶: *Waste which falls under the obligations of Article 7 of the POP Regulation because it contains POPs in concentrations which exceed the low POP content limit value is not necessarily a hazardous waste. (...). Note that all obligations for producers or holders of waste stemming from POP Regulation have to be fulfilled independently whether the classification of waste in line with the List of Waste leads to the waste to be considered as hazardous or not.* Because of this, limiting the POPs monitoring requirement to hazardous waste – following another classification system- leads to some POP-containing waste streams being excluded from BAT 8.

⁶ [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52018XC0409\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52018XC0409(01)&from=EN)