

BEST AVAILABLE TECHNIQUES ACCORDING TO IED DIRECTIVE

BOYKO MALINOV
DIRECTOR "PREVENTIVE ACTIVITIES"
MINISTRY OF ENVIRONMENT AND WATER
BULGARIA

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BAT FORMULATION AND IMPLEMENTATION(1) (STRENGTHENING THE SEVILLA PROCESS)

- ⌘ **SECTORAL BAT DOCUMENTS – BREFs and BAT CONCLUSIONS;**
- ⌘ **COMMISSION HAS THE LEADING ROLE;**
- ⌘ **FORUM – CONSULTATIVE BODY. COMPRISED OF MS REPRESENTATIVES, INDUSTRY, NGOs. GIVES OPINION ON BREFs- COMISSION MAKES IT PUBLICLY AVAILABLE;**
- ⌘ **ARTICLE 75 IED COMMITTEE – DELIBERATES ON BAT CONCLUSIONS;**
- ⌘ **COMMISSION ADOPTS A DECISION ON BAT CONCLUSIONS;**
- ⌘ **BAT CONCLUSIONS ARE TRANSLATED INTO THE UNION LANGUAGES;**
- ⌘ **BREFs ARE PUBLICLY AVAILABLE;**

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GUIDANCE DOCUMENT FOR THE EXCHANGE OF INFORMATION

OBJECTIVE:

- ❖ COLLECTION OF DATA;
- ❖ DRAWING UP OF BREFS;
- ❖ QUALITY ASSURANCE;

CONTENTS:

- ❖ GENERAL PROCEDURE;
- ❖ BREF CONTENTS AND SCOPE;
- ❖ BAT CONCLUSIONS;
- ❖ ORGANISATION OF THE INFORMATION EXCHANGE;
- ❖ DATA COLLECTION AND SUBMISSION;
- ❖ QUALITY ASSURANCE- READ CAREFULLY AND FIGURE HOW TO USE THE GUIDANCE!;
- ❖ GLOSSARY OF TERMS AND ABBREVIATIONS;

DOCUMENTS DEVELOPED BY THE EU COMMISSION AND THOSE DEVELOPED BY BULGARIA

✦ BAT REFERENCE DOCUMENTS:

- DEVELOPED ACCORDING TO THE IPPC DIRECTIVE – AVAILABLE;
- DEVELOPED ACCORDING TO THE IED DIRECTIVE- NEW

✦ “BAT CONCLUSIONS” IN THE BREF’s;

✦ “BAT CONCLUSIONS”, ADOPTED IN A “COMMITOLOGY PROCEDURE”;

✦ BG BAT GUIDELINES– AVAILABLE ON THE MOEW WEB PAGE, PREVENTIVE ACTIVITIES, INTEGRATED PERMITS, GUIDELINES

✦ **IMPORTANT: THE BREF’s AND THE BAT CONCLUSIONS ARE DEVELOPED BASED ON INFORMATION ABOUT THE PERFORMANCE OF ACTUAL INSTALLATIONS, INCLUDING THOSE WITH INTEGRATED PERMITS AND THEIR MONITORING READINGS. THEREFORE THE INVOLVMENT OF THE OPERATORS IN THE PROCESS IS CRUCIAL.**

BAT FOR A SPECIFIC INSTALLATION

NEW “GREEN FIELD” INSTALLATIONS/CHANGES IN EXISTING INSTALLATIONS

POTENTIAL CASES:

- ⌘ **FULL** COMPLIANCE TO THE RELEVANT “BAT CONCLUSIONS”;
- ⌘ PARTIAL OR FULL DEVIATION FROM THE RELEVANT “BAT CONCLUSIONS”;
- ⌘ ABSCENCE OF **RELEVANT** “BAT CONCLUSIONS”;
- ⌘ IMPLEMENTATION OF A “EMERGING TECHNIQUES”

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BAT FOR A SPECIFIC INSTALLATION

EXISTING INSTALLATIONS – NEW ACTIVITIES IN ANNEX I OF THE DIRECTIVE

- ⌘ DEPENDS ON THE CURRENT:
- ⌘ AVAILABILITY OF AND COMPLIANCE TO THE “NEW” BAT CONCLUSIONS;
- ⌘ COMPLIANCE TO THE BAT CONCEPT ACCORDING TO THE IPPC DIRECTIVE;
- ⌘ COMPLIANCE TO THE NATIONAL ENVIRONMENTAL LEGISLATION;
- ⌘ IN CASE OF AN INCOMPLIANCE – CHANGES SHOULD BE PLANED, THE BAT OPTIONS ARE IDENTICAL TO THE CHANGES IN EXISTING IPPC INSTALLATIONS
- ⌘ **IMPORTANT: MOST CHALLENGING IS THE FIRST PERMIT GRANTING PROCEDURE, SINCE THE DIRECTIVE PRESENTS MANY OPTIONS FOR COMPLIANCE DEPENDING ON THE PARTICULAR CASE. THE EXTENT OF THE IMPLEMENTATION OF THE IPPC DIRECTIVE AND THE GRADUAL ADOPTION OF NEW BAT CONCLUSIONS CONTRIBUTE TO THE DIVERSITY OF POSSIBLE SOLLUTIONS.**

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FULL COMPLIANCE TO THE RELEVANT “BAT CONCLUSIONS” (SLIDE 5)

- ⌘ REGARDLESS OF WHETHER THOSE ARE IPPC OR IED ADOPTED BAT CONCLUSIONS – SEE ART.13.7. **THE ONLY DIFFERENCE IS TOWARDS THE IMPLEMENTATION OF ART.15.3**
- ⌘ IN CASE THERE ARE ADOPTED IED “BAT CONCLUSIONS”– THEY SHOULD BE THE REFERENCE ACCORDING TO ART.14.3.
- ⌘ THE CONDITIONS IN THE PERMIT SHOULD NOT CONTRADICT TO THE BAT CONCLUSIONS

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PARTIAL OR FULL DEVIATION FROM RELEVANT “BAT CONCLUSIONS”, art.14.5

IT IS ACCEPTABLE UNDER FEW BASIC RULES:

- ⌘ THE TECHNIQUE IS DETERMINED, PAYING SPECIAL ATTENTION TO THE CRITERIA, LISTED IN ANNEX III;
- ⌘ IF THERE ARE NOT BAT AELs IN THE RELEVANT “BAT CONCLUSIONS”, THE **CHOSEN OTHER** BAT ENSURES THE SAME LEVEL OF PROTECTION AS THE “BAT CONCLUSIONS”;
- ⌘ ARTICLE 15 REQUIREMENTS ARE MET;

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ABSENCE OF RELEVANT “BAT CONCLUSIONS”

IT IS ACCETABLE UNDER FEW BASIC RULES:

- ✦ TO BE COMPLIANT TO THE ANNEX III CRITERIA– THE MEMBER STATE SHOULD MAKE CLEAR FOR THE OPERATORS AND FOR THE COMPETENT AUTHORITY HOW THAT WORKS;
- ✦ IT SHOULD BE THE OPERATOR WHO PRESENTS EVIDENCE FOR NON-APPLICABILITY OF THE AVAILABLE “BAT CONCLUSIONS” – THERE ARE NO LEGAL RULES HOW TO DO THAT (IF THE PROCESS IS NOT DESCRIBED OR NOT ALL IMPACTS ARE CONSIDERED). WHAT ARE THE PROCESS BOUNDARIES? – THE WHOLE PRODUCTION OR ONE STEP, WHAT WOULD BE SUFFICIENT TO SAY THAT THE IMPACT HAS BEEN TAKEN INTO ACCOUNT?

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IMPLEMENTATION OF EMERGING TECHNIQUES

- ✦ IT IS ACCEPTABLE IN 9 MONTHS PERIOD;
- ✦ THE OPERATOR SHOULD SUBMIT TO THE COMPETENT AUTHORITY ALL TECHNIQUE PARAMETERS, NEEDED TO DRAFT THE PERMIT CONDITIONS. THE QUALITY OF THE ENVIRONMENT HAS TO BE GUARANTEED;

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EXPERIENCE ON THE ASSESSMENT OF THE BREFs QUALITY ASSURANCE

- ❖ 2.3.7 GUIDANCE – TECHNIQUES TO CONSIDER IN THE BAT DETERMINATION;
- ❖ TECHNIQUES ARE NOT CHECKED AGAINST BAT CRITERIA (ANNEX III)
- ❖ AVAILABLE INFORMATION FOR EACH OF THE DESCRIBED TECHNIQUES:
 - USE OF ENERGY;
 - USE OF WATER;
 - EMISSIONS;
 - INTERACTIONS;
 - BENEFITS;
 - DOWN SIDES;
- ❖ CHECK-LIST DEVELOPED IN BULGARIA;

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EXPERIENCE ON THE ASSESSMENT OF THE BREFs QUALITY ASSURANCE- PART II

- ❖ CONSIDERATIONS:
- ❖ GROUNDS FOR THE MISSING INFORMATION;
- ❖ COMPARISON BETWEEN THE TECHNIQUES, DESCRIBED IN 2.3.7 AND BAT CONCLUSIONS SECTION;
- ❖ HOW THE COMPLIANCE WITH THE BAT CRITERIA IS SECURED?
- ❖ CAN THE INDIVIDUAL BATs WORK TOGETHER IF THEY COME FROM DIFFERENT INSTALLATIONS AND NOONE IMPLEMENTED THEM AS A PACKAGE? HOW CAN WE BE SURE THAT THE COMBINATION OF SEPARATE BESTS WILL NOT BECOME A COMBINED WORST (MARY SHELLEY'S FRANKENSTEIN???)

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SOME EXPERIENCES WITH THE POINT 6.4ii ANNEX I IMPLEMENTATION

- # IS THE PRODUCTION CAPACITY GREATER THAN 300/600 PER DAY?
ONE PROCESS/TREATMENT – TWO PRODUCTS, ONE OF THEM IS END OF WASTE PRODUCT, NO ADDITIONAL ENVIRONMENTAL IMPACT.
BREWRIES MAY HAVE SIDE PRODUCTS FROM BARLEY – FODDER;
- # WHERE IS THE END OF THE “VEGETABLE RAW MATERIAL”?
FLOUR, PASTA, BREAD.....

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GUIDELINES AND ADVICE ON THE BAT ARE MUCH APPRECIATED BY THE COMPETENT AUTHORITIES AND THE OPERATORS. THERE IS NO UNIVERSAL APPROACH AT SPECIFIC INSTALLATION LEVEL. MEMBER STATES NEED TO BE VIGILANT ABOUT THE DEVELOPMENTS AT EU LEVEL AND ABOUT THE DIFFICULTIES OR OUTDATES IN THEIR OWN COMPREHENSION OF THE BAT CONCEPT

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