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

Revision of the Mineral Oil and Gas Refineries BREF

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IED: the new legal framework for industrial emissions in the EU

- IPPC Directive 2008/1/EC
- Large Combustion Plants (LCP) Directive 2001/80/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

Industrial Emissions Directive (IED) 2010/75/EU
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

BAT based permit conditions

Sectoral « minimum » requirements incl. emission limit values
From IPPC to IED

✔ BAT remains central concept, but is reinforced under IED

- definition of BAT = unchanged
- "Sevilla process" of information exchange - largely unchanged
- adoption of BAT conclusions by Commission = **new procedure**
  - after Committee vote
  - taking into account opinion of stakeholder forum on BREF
- clearer / stricter requirements to apply BAT via permit

⇒ enhanced BAT implementation
⇒ better environmental outcome + level playing field
**Best**
most effective in achieving a high general level of protection of the environment as a whole

**Available**
developed on a scale to be implemented in the relevant industrial sector, under economically and technically viable conditions, advantages balanced against costs

**Techniques**
the technology used *and* the way the installation is designed, built, maintained, operated and decommissioned
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"Sevilla Process"

Commission (IPPC Bureau)

Guidance Cion Decision 2012/119/EU

MS experts

NGO experts

Industry experts

DATA on techniques, emissions, …

draft BAT reference document (BREF) with BAT conclusions
Developing BREF/BAT conclusions

1. Kick-off meeting
2. Draft(s) submitted for comments
3. TWG Final meeting
4. Final draft
5. Committee vote
6. Forum opinion

max. 3 years

BREF

Cion Decision

BAT conclusions
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Adopting BAT Conclusions

- Kick-off meeting
- Draft(s) submitted for comments
- TWG Final meeting
- Final draft
- Forum opinion
- Committee vote
From IPPC to IED

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BAT conclusions are the reference for setting permit conditions.

Permits shall contain emission limit values (ELVs) ensuring that, under normal operating conditions, emissions do not exceed BAT emission levels (BAT AELs).

Derogation from BAT AELs is only allowed in specific and justified cases where costs would disproportionally exceed environmental benefits.
BAT conclusions and permitting (2)

• For new installations:
  BAT conclusions to be used as reference when issuing permit

• For existing installations:
  Within four years of publication in OJEU of decisions on BAT conclusions relating to the main activity of an installation:
  (a) all permit conditions to be reconsidered and, if necessary, updated
  (b) installation complies with those permit conditions.
From IPPC to IED

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Revision of the Refineries BREF

- Start September 2008 (IPPC Directive)
  - to revise first BREF (2003): update BAT and resolve "split views" (many)
  - data gathering 2010-2012

- Revision continued/completed under IED
  - needs to be "fit for purpose" ➔ IED-type BAT conclusions

- Final meeting of technical working group: 11-15 March 2013
  - constructive discussions, focus on key processes and environmental issues
  - consensus on many BAT conclusions incl. BAT emission levels
    - .... despite certain data gaps ...
    - limited number of dissenting views - "bubble approach"
Bubble approach used in many MS as a management tool to reduce overall air emissions in the oil refining sector, especially for SO₂

Based on setting emission limit values covering multiple units: legally possible provided the IED provisions related to BAT, including Article 15, are met

Site level management of air emissions incl. appropriate associated monitoring: may be tool to further improve environmental performance of refinery installation

No consensus within TWG on whether the 'bubble approach’ can be qualified as a (best available) technique

Proposal: no reference to bubble approach in BAT conclusions

Dissenting view expressed by 11 MS and Concawe
REF BREF – bubble approach: way ahead

- Links between bubble approach’ and IED implementation need further legal consideration

- Commission services will consider the most appropriate way to take into account the outcome of the TWG meeting and to continue the work on this issue over the next months
REF BREF revision: remaining steps

✔ IED Art. 13 Forum: expert group - MS, industry, NGOs, Commission

✔ IED Art 75 Committee: MS only (chaired by Commission)

✔ Commission Implementing Decision with BAT conclusions
  • published in OJEU in all EU languages

✔ Cion publishes full BREF on website of IPPC Bureau
In brief ...

- Transition from IPPC to IED: smooth, with some learning phase
- Sevilla process is functioning
  - challenges related to transition are being tackled
- Adoption process is delivering
  - 4 BAT conclusions adopted/published (IS, GLS, TAN, CLM)
- Challenges
  - stick to time table (guidance) → 8 year review cycle
  - ensure environmental relevance (meaningful BAT levels)
  - use scarce resources efficiently: focus on key issues
  - data gathering!