



Commission Implementing Decision (CID) (2016/902)

Of 30 May 2016

establishing the best available techniques (BAT) conclusions under Directive 2010/75/EU of the European Parliament and of the Council for common waste water and waste gas treatment/management systems in the chemical sector.

FREQUENTLY ASKED QUESTIONS

Question

1. At what point from the BAT-AEL range will the EPA set an ELV?

Response:

In setting emission limit values (ELVs), under normal operating conditions, the EPA ensures that emissions do not exceed the BAT-AELs. In selecting the most appropriate, the EPA shall consider the applicant/ licensee proposal comprising of:

- a. a reasoned proposed emission limit value (from BAT-AEL range),
- b. supporting evidence. The evidence may include compliance monitoring data, manufacturer specifications etc., and
- c. Abatement efficiency.

Where the applicant/licensee provides a robust submission, the proposed ELV will be adopted as the ELV.

Across Europe there are general binding rules in certain Member States which have been applied to other sectors to date, in those cases the number used by the various environment agencies is the higher number of the BAT-AEL range listed. Licensing will recommend to the Board of the Agency, where appropriate, providing the points above are fulfilled, that the EPA allow the higher BAT-AEL limit. The EPA may add conditions to ensure CID footnotes requirements e.g. certain removal efficiencies are required on-site.

NOTE: In the updated Industrial Emissions Directive it is proposed that the lowest possible achievable BAT-AEL is applied. This policy is therefore likely to change in the future once the CIDs are reviewed.

Question:

2. Will the EPA apply the latitude provided in the footnotes and conditions of application attached to BAT-AEL?

Response:

BAT-AELs often have conditions of application or footnotes that give rise to exceptions under certain criteria. For example, the upper end of the BAT-AEL is extended where certain criteria are satisfied. Similarly, to the foregoing, the EPA will consider any reasoned proposed emission limit values that are based on such conditions or footnotes where it is clearly proved, with *evidence*, that the criteria of the conditions/footnotes are met, unless there are overriding environmental concerns, e.g. breaches of EQS. It should be noted that in such circumstances a licence may include an ELV and additional requirements based on these conditions or footnotes.

Please note such ELVs are not derogations from BAT.

Question:

3. Do concentration limits apply exclusively when mass thresholds are exceeded?

Response:

The EPA will set ELVs based on the emission characterisation provided by the applicant/licensee and having regard to BAT and environmental quality standards. If the applicant/licensee is licensed to emit above the mass thresholds of the CID, then the BAT-AELs will be applied.

Often, an applicant/licensee aims to achieve BAT-AELs even where they don't exceed the mass threshold as they don't wish to have their activity limited to below mass thresholds levels.

Alternatively, if an applicant/licensee wishes to have a higher concentration limit than the BAT-AEL stipulates because they operate sub the mass flow threshold, then the EPA will consider setting such an ELV but will also set a mass flow limit based on the BAT threshold.

Question:

4. Will COD or TOC be specified in a licence?

Response:

The EPA promotes a move away from COD to TOC. In the case of new installations or significant upgrades, the Agency will expect to see TOC being proposed by the applicant/licensee. In all other cases, the Agency will maintain the COD parameter until the licensee proposes to replace it with TOC.

Question:

5. How will compliance be assessed for yearly averages?

Response:

The EPA will specify in a licence how to calculate the yearly average concentration in line with the General Considerations of the Common Wastewater BAT Conclusion. The BAT-AEL refers to a flow weighted 365 day rolling average of a 24-hour composite sample. The EPA may specify in a licence daily average BAT-AELs as well as yearly average BAT-AELs to ensure the correct operation of abatement and for the protection of the environment.

In relation to note 1 in BAT 4, it will be important to maintain an appropriate frequency of monitoring for parameters with yearly average BAT-AELs to demonstrate compliance with a statistical significance.

Please note that the flow weighted yearly average concentration of a parameter is calculated using the equation referred to under section *Emission levels associated with BAT* of the 2016/902/EU CID.

Question:

6. How would the BAT-AEL yearly average result be interpreted in relation to the typical licence condition 4 requirements for composite and grab samples i.e. no individual result exceeding X times the ELV and X of Y consecutive composite results shall not exceed ELV?

Response:

The BAT-AEL refers to a flow weighted 365 day rolling average of a 24-hour composite sample, and may be in addition to existing limits, as outlined above. It will not have a tolerance i.e. the value must not be exceeded.

Question:

7. Does the Agency intend to continue to apply mass emissions limits and on what basis will they be included?

Response:

The EPA will continue to set mass emission limits where it considers it appropriate. Circumstances that may require the setting of mass emission limits include the following:

- requirements of environmental quality standards,
- assimilative capacities,
- Irish Water requirements, where appropriate, and
- scenarios considered in dispersion models by the applicant.

Question:

8. What requirements, level of detail (e.g. how many previous years of data) will be needed to demonstrate which BAT- AEL applies for each parameter?

Response:

The EPA has reviewed 7 years of data (2010-2016 inclusive), in its initial assessment of the chemical sector. This allows a high level of confidence in the data. Applicants/licensees would be expected to submit a review of at least 3 years of the most recent monitoring data, where available, when submitting their review/licence application.

Question:

9. When compiling annualised total emissions using data <LOQ (e.g. copper), will the EPA accept the use of half the LOQ or the LOQ value itself for evaluation of whether BAT-AEL applies?

Response:

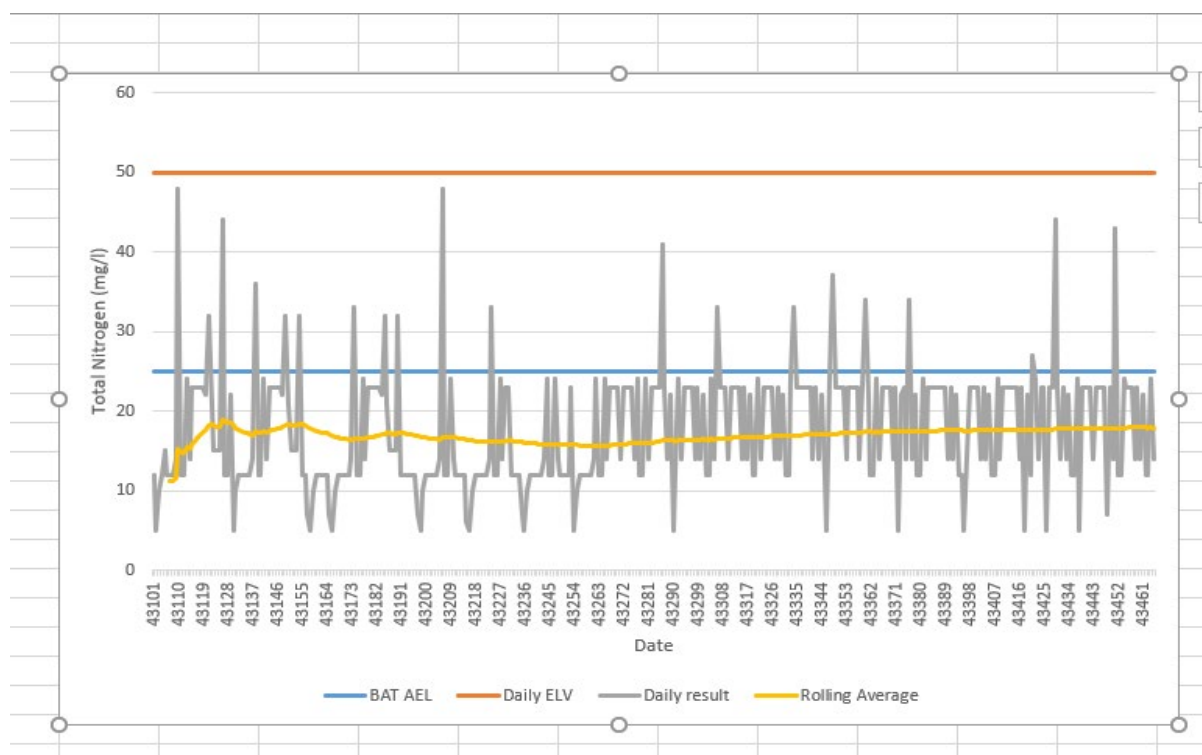
Yes, this is accepted elsewhere in reporting to the EPA e.g. PRTR.

Question:

10. When a site is demonstrating, in its review application, that it can comply with the BAT-AEL yearly average, if it's current daily ELV is above this value, is there a convenient way to demonstrate this to the Agency?

Response:

The licensee should use three years of data, where possible, to demonstrate that their existing daily ELV remains acceptable and allows them to meet the BAT-AEL yearly average while retaining flexibility around their daily limit. A graphical presentation of the data should be provided as outlined in the table below:



Question:

11. In relation to independently operated and municipal waste water treatment plants referenced in BAT 12, how will “main pollutant load” be defined for the purposes of these BAT Conclusions e.g. will this be defined by COD/flow contribution or will main pollutant load be assessed by individual parameter including metals, Total N, Total P etc.?

Response:

Organic load (BOD/COD) will be the criterion. It is not currently considered that there are any such combined treatment installations in Ireland.

Question:

- 12.** The CID specifies a monthly monitoring frequency for some parameters e.g. metals, adsorbable organically bound halogens (AOX). Footnote 1 accompanying the table states that "Monitoring frequencies may be adapted if the data series clearly demonstrate a sufficient stability". Where a site does not any of the compounds listed, is it possible to exclude these metals from the monitoring schedule on this basis?

Response:

The EPA will not impose limits for parameters not discharged by the installation; however, the application must be accompanied by data to sufficiently demonstrate this (e.g. ≥ 3 monitoring events which must cover all processes conducted on-site, this is site specific and should be discussed with your licensing inspector). For contract manufacturing installations, it may not be possible to demonstrate that the parameters will never be required; therefore, BAT-AELs may be imposed.

Question:

- 13.** An installation is discharging to sewer with further treatment in a municipal waste water treatment plant, what action is required?

Response:

The scope of the Common Wastewater BAT Conclusions applies to all installations involved in the production of organic and inorganic chemicals. The treatment and handling of the waste water on-site will be examined. Limits imposed at the point of discharge from the installation can take account of the effects of the downstream municipal wastewater treatment plant. The combined effects of on-site and off-site treatment must achieve a level of protection equivalent to BAT-AEL. This is what is understood by the phrase 'equivalent protection of the environment as a whole is guaranteed'.

For the purposes of clarity, please note that where there is no further treatment provided off-site for waste water discharged to sewer, ELVs will be based on BAT-AEL.

Question:

- 14.** What is the position for a site discharging to a wastewater treatment plant (WWTP) whom has had extensive consultation and agreement from Irish Water and who wish for that licence limits to remain the same?

Response:

As per the response to Question 8 above, the site will need to demonstrate equivalence if they wish licence limits to remain the same.

Key terminology

BAT -AEL refers to BAT associated emission levels. BAT No. 12 Table 1 sets out BAT-AELs for 11 parameters which are ranges expressed as yearly averages regarding emissions to waters. BAT-AELs refer to flow weighted yearly averages of 24-hour flow proportional composite samples.

Emission limit Values (ELVs) are set in licences and are more typically a single value assigned to a parameter and expressed as daily concentration, mass flow and/ or yearly average concentration. The purpose of each ELV is either for the meeting environmental quality standard, BAT or the protection of the environment. In Ireland, many BAT related ELVs are expressed for shorter averaging periods than those set in a CID and are for the purposes of protecting the environment and enforceability. Yearly average ELVs are typically used to ensure compliance against BAT as set out in a CID.