

**OPINION OF THE FORUM FOR THE EXCHANGE OF INFORMATION PURSUANT TO ARTICLE
13 OF THE DIRECTIVE 2010/75/EU ON INDUSTRIAL EMISSIONS (IED ARTICLE 13
FORUM)**

concerning the Draft Best Available Techniques (BAT) Reference document for
*Surface treatment using organic solvents including preservation of wood and
wood products with chemicals*

Meeting of 14 October 2019

1. BACKGROUND

Article 13(1) of Directive 2010/75/EU on industrial emissions¹ (the Directive) requires the Commission to organise an exchange of information between Member States, the industries concerned, non-governmental organisations promoting environmental protection and the Commission.

Article 13(3) of the Directive requires the Commission to establish and regularly convene a forum composed of representatives of Member States, the industries concerned and non-governmental organisations promoting environmental protection and to obtain the opinion of the forum on the practical arrangements for the exchange of information foreseen under that Article. In accordance with Article 13(3) of the Directive, the guidance referred to in points (c) and (d) of the second subparagraph of that Article shall take account of the opinion of the forum and shall be adopted in accordance with the regulatory procedure referred to in Article 75(2).

Commission Decision 2011/C 146/03² established the forum for the exchange of information pursuant to Article 13 of the Directive (the forum). In accordance with Article 3 of this Decision, the forum may be consulted on any matter relating to Article 13 of the Directive or on any matter relating to BAT as defined in Article 3(10) of the Directive.

2. OPINION OF THE FORUM

In accordance with Article 13(3) of the Directive, the forum hereby gives its opinion on the draft Best Available Techniques (BAT) reference document for *Surface treatment*

¹ OJ L 334, 17.12.2010, p. 17–119, Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control), Text with EEA relevance,

² OJ C 146, 17.5.2011, Commission Decision of 16 May 2011 establishing a forum for the exchange of information pursuant to Article 13 of the Directive 2010/75/EU on industrial emissions

using organic solvents including preservation of wood and wood products with chemicals as presented at the meeting of the forum of 14 October 2019³.

- (1) The forum welcomes the draft Best Available Techniques (BAT) reference document for *Surface treatment using organic solvents including preservation of wood and wood products with chemicals* as presented by the Commission.
- (2) The forum acknowledges the discussions held at its meeting of 14 October 2019 and agrees that the changes to the draft Best Available Techniques (BAT) reference document for *Surface treatment using organic solvents including preservation of wood and wood products with chemicals*, as proposed in Annex A, should be included in the final document.
- (3) The forum reaffirms the comments in Annex B as representing the views of certain members of the forum but, on which, no consensus exists within the forum to include them in the final document.

Brussels, 18 November 2019

Annex A: Comments on the draft Best Available Techniques (BAT) reference document for *Surface treatment using organic solvents including preservation of wood and wood products with chemicals* that are consensual within the forum.

Annex B: Comments on the draft Best Available Techniques (BAT) reference document for *Surface treatment using organic solvents including preservation of wood and wood products with chemicals* that represent the view of certain members of the forum.

³ https://circabc.europa.eu/ui/group/06f33a94-9829-4eee-b187-21bb783a0fbf/library/942ce805-b94f-44d4-9b34-3d23caff1ab2?p=1&n=10&sort=modified_DESC

ANNEX A: COMMENTS ON THE DRAFT BEST AVAILABLE TECHNIQUES (BAT) REFERENCE DOCUMENT FOR SURFACE TREATMENT USING ORGANIC SOLVENTS INCLUDING PRESERVATION OF WOOD AND WOOD PRODUCTS WITH CHEMICALS THAT ARE CONSENSUAL WITHIN THE FORUM

Comment no.	Chapter					Page	Comment description	Proposal for modification	Rationale
	8	3	2	1					
1	8	3	2	1		267	<i>"The main reported techniques for the limitation of fugitive emissions of VOCs are: ..."</i> Some of the listed techniques do not limit the fugitive emissions, but do limit the total emissions.	Change to <i>"The main reported techniques for the limitation of fugitive and total emissions of VOCs are:"</i> .	Missed comment made at the Final TWG Meeting.
2	9	3	1	3		286	Misunderstanding in questionnaire, field 3,2 Energy consumption, plant 142.	Delete the text.	Question for field 3,2 was understood as what would the consequences be if low-solvent or water based enamels would be used. Hence the comment only references to a what-if scenario. There is no usage of low-content or water based enamels in fine- and ultra fine enamelling across the industry.
3	9	4	1			292	Sentence has been added without any request, as far as we can see.	Modify the sentence as follows: In the coating of winding wires, a technique similar to flooding may be applied (see Section 17.7.3.5).	Technically wrong. There is no need or justification to connect the enamelling of wires with enamelling dies or felts with flooding, a different technique. Technical and other implications may arise from this statement, which cannot be judged fully. The sentence leads a wrong way, it connects the specific enamelling of wires with flooding processes of totally different pieces. It is also only one way of enamelling of winding wires, all felt applications should then be

							materials.	materials": "(see BAT 6)"		
11	18	1	1				821	It is more logical to first describe the "Selection of raw materials" (current 18.1.1.4), and after that the "Storage and handling of raw materials" (current 18.1.1.3).	Swap 18.1.1.3 for 18.1.1.4.	Logical order
12	18	1	1	9	2		829	In Footnote 2, at the end of the second line "monitoring may be replaced by calculation" should read "measurement may be replaced by calculation".	Replace "monitoring" by "measurement".	Clarification
13	18	1	1	11	1		834	BAT 15 d. Under "Description" the acronym "CHP" is used, but it is missing in the table of ACRONYMS on page 815.	Add the definition "CHP" in the Table of ACRONYMS on page 815. Use the definition from Glossary VII. Acronyms (page 1008): "Combined heat and power (cogeneration)".	Clarification
14	18	1	1	11	1		834	BAT 15 Topic "III. Treatment of solvents in off-gases without solvent or energy recovery" should be shifted to the next page.	Shift topic to BAT 15 h.+i. on page 835.	Editorial
15	18	1	1	11	1		834	BAT 15 d. Under "Applicability" the acronym "IED" is used, but it is missing in the table of ACRONYMS on page 815.	Add the definition "IED" in the Table of ACRONYMS on page 815. Use the definition from Glossary VII. Acronyms (page 1009): "Industrial Emission Directive (2010/75/EU)".	Clarification
16	18	1	1	14			841	BAT 21 c. Under "Techniques" there is a word missing after "...for example, screens, sieves	Write "... for example by using screens, sieves".	Editorial

							...".		
17	18	1	1	15		844	BAT 22 d. Different letter size in "may include".	Use the same letter size for "may include".	Editorial
18	18	1	2	1		845	Table 18.7 There is a double dash in footnote 1 in "BAT--AEL".	Write: "... BAT-AEL ...".	Editorial
19	18	1	7			851	Table 18.16 There needs to be a space between number and footnote number.	Write: "< 1-3 (1)".	Editorial
20	18	1	10			853	Table 18.24 There needs to be a space between "gasesfrom".	Write: "... in waste gases from ...".	Editorial
21	18	2	10			865	BAT 46 a In the first sentence of the Description there needs to be a space between "i.e.treatment".	Write: "... i.e. treatment ...".	Editorial
22	20					895	The following point was added at request of one MS during the Final Meeting, and should reflect the request for having clear criteria for when extraction and treatment are considered BAT: "related to the enclosure of STS activities: collect information under which conditions it is BAT to enclose STS activities and treat off-gases".	Change to "related to extraction and treatment of off-gases: collect information under which conditions it is BAT to enclose STS activities or to extract and treat off-gases".	Missed comment made at the Final TWG Meeting.
23	20					895	Table 20.2, entry referring to Table 18.14 ECCA dissenting view on fugitive emissions. The ECCA view is misrepresented in the sense that the ECCA view expressed is that the upper BAT-	In Table 20.2 in the row referring to the ECCA's split view on BAT-AEL Table 18.14 to amend the split view description to refer that: "Increase the upper end of the	We believe that the split views should be true to what was expressed by the organisation raising them. This is confirmed by the headers used in the table ("View expressed by"). ECCA did not propose to mention as alternative in the last column of this split view table a value of 6.4%

							AEL should not be reduced below 8%. This value has been redacted and is now appearing as 6.4%	BAT-AEL range for fugitive VOC emissions for coil coating to 8% of solvent input.	but a value of 8%. Note: if the present comment would lead to removing this split view from the BREF document, we would prefer to keep the split view as it is in the FD.
24	21	5	1	2		933	Figure 21.3: incorrect mass flows numbers.	Replace Fig. 21.3 (see "STS-BREF-FD_fig 21-3.pdf).	Correction of errors in the existing figure: 1) mass flow numbers, 2) balance equation 3) missing arrow to I2 4) regrouping O6, O7 and O8 to "transfer".
25					Glossary	1011	Definition of 'Biocidal Product(s)' needs to be adjusted.	Replace 'Directive 98/8/EC' by 'Regulation (EU) 528/2012' in the definition of 'Biocidal Product(s)'. In section 'VIII' of the Glossary, the definition of 'Biocidal Product(s)' refers incorrectly to Directive 98/8/EC. The correct reference should be the 'Biocidal Products Regulation', i.e. Regulation (EU) 528/2012.	

ANNEX B: COMMENTS ON THE DRAFT BEST AVAILABLE TECHNIQUES (BAT) REFERENCE DOCUMENT FOR SURFACE TREATMENT USING ORGANIC SOLVENTS INCLUDING PRERSERVATION OF WOOD AND WOOD PRODUCTS WITH CHEMICALS THAT REPRESENT THE VIEW OF CERTAIN MEMBERS OF THE FORUM

Comment no.	Comment from	Chapter				Page	Comment description	Proposal for modification	Rationale	
1	EEB	18				814	Definition of "valid hourly/half-hourly average". A "valid" measurement should also exclude emission levels obtained under other OTNOC conditions that do not directly relate to the monitor.	Complement / add: "and the emission measurement does not relate to other OTNOC situations":	Emissions obtained under OTNOC are disregarded by the competent authorities for compliance assessment as considered "non valid".	
2	EEB	18				818	General objection to referring to "indicative" BAT-AE(P)Ls. The levels are derived on checked and validated data.	Remove the term "indicative".	The levels are derived on checked and validated data. There is no reference to "indicative" BAT in the BAT guidance, this term is just undermining the legal value of the BAT-AE(P)Ls derived.	
3	ACEA	18	1	1	9	2	829	In the view of Industry the proposed TVOC monitoring for all stacks - also unabated stacks without a corresponding BAT-AEL – is creating inconsistencies with the IED; is not in line with the rules defining BREF revisions; and will increase costs substantially without any additional environmental benefit.	Industry proposes to remove in BAT 11 the associated BAT 14 and leave only BAT 15 which lists the abatement BATs, or to restrict in the text the TVOC monitoring to “after abatement”.	Additional increased and continuous monitoring does not lead to any additional nor reliable information beyond the results already obtained by Solvent Mass Balance. As such, the cost occurred by the additional monitoring would be disproportionate.

4	ESVOC	18	1	1	9	2	829	In the view of Industry the proposed TVOC monitoring for all stacks - also unabated stacks without a corresponding BAT-AEL – is creating inconsistencies with the IED; is not in line with the rules defining BREF revisions; and will increase costs substantially without any additional environmental benefit.	Industry proposes to remove in BAT 11 the associated BAT 14 and leave only BAT 15 which lists the abatement BATs, or to restrict in the text the TVOC monitoring to “after abatement”.	Additional increased and continuous monitoring does not lead to any additional nor reliable information beyond the results already obtained by Solvent Mass Balance. As such, the cost occurred by the additional monitoring would be disproportionate.
5	France	18	1	1	9	2	829	BAT 11: The new wording with the addition of "any stack" creates a possibility of misunderstanding. In order to clarify the requirements of BAT 11, FR suggests a new wording: "any stack of an installation with a total TVOC load > 10kgC/h".	The TVOC load must account for the total TVOC load of the plant, not only the load of the stack. If the TVOC load of the installation is above 10kg/h, every stack must be continuously monitored. This is how the previous draft was understood. The new wording is misleading. FR is worried about the possible interpretation that the monitoring is required only for the stack with a TVOC load above 10kg/h.	
6	EEB	18					829	Definition of "any stack" may be needed to clarify how the monitoring requirements (thresholds) should apply.	Option a) Add a definition of "Stack" as follows: "Chimney through which the flue gas of an installation or the combination of flue gases from several installations connected to this chimney are discharged to or could be technically discharged to" or option b) to clarify in BAT 11 (see	The reference to "any stack" means that waste gas flows from several sources (installations) are added (aggregated) for the purpose of assessing the thresholds set in the footnotes for TVOC (g C/h loads). Clarity is needed to prevent uneven implementation of the threshold applications and to prevent incentive to partition the emission

									comment no 4).	sources in order to fall below the "stack" thresholds. See similar approach LCP BREF IED aggregation rule.
7	EEB	18	1	1	9	2	829	Clarify the meaning of "any stack".	See option a in comment #6 and/or add in footnotes 2 and 7 the following text "In the case of a <u>combined</u> TVOC load from <u>any off-gas source</u> ..."	see rationale comment #6. The bold addition makes clear that where several C loaded off gas streams from different sources exist, they should be aggregated for considering the "relevance" threshold and justifying the increased monitoring frequency
8	Portugal	18	1	2	1		845	BAT AEL for existing passenger cars paintshop: the upper value of 30 g/m ² could be placed at 35 g/m ² , as in the previous BREF, for existing solvent based paintshops.	Increase the upper end of the BAT-AEL range for the coating of passenger cars in existing plant from 30 to 35g/m ²	As previous BREF indicates in the executive summary "It is important to note that major step improvements will require techniques with significant capital costs. It may be more cost effective and environmentally beneficial to wait for step changes than to make smaller short-term improvements that will not achieve the same improvement, depending on the time scale". Most of the existing paint shop have been transformed to implement BAT, but due to long pay back period (up to 40 years) it remains some solvent based paint shops in activity. An upper limit at 30 g/m ² would impose to put in place expensive post treatment equipments, with high energy costs and CO ₂ emissions, (around 5 M€ investment per plant, and exploitation cost of around 2 M€ for energy and parts costs per year per shop, generating an increase of CO ₂ emission of around 20% to reduce VOC

										emission of 5g). Replacing existing solvent based paint shop to implement BAT imposes in most of the cases to rebuilt the whole paint shop, and needs a huge investment cost, and generates heavy production disturbances during the works. planification of such operation cannot be done on short term, or anticipated.
9	United Kingdom	18	1	2	1		845	Table 18.7: Increase the upper value of the BAT-AEL range for total emissions of VOCs from the coating of passenger cars in new plant.	Increase from 15 g/m ² to 25 g/m ² .	The rationale is set out in the split view statement previously submitted by Simon Holbrook on 21st January 2019 (appended to this email). This issue has not been addressed in the final draft.
10	United Kingdom	18	1	2	1		845	Table 18.7: Increase the upper value of the BAT-AEL range for total emissions of VOCs from the coating of passenger cars in existing plant.	Increase from 30 g/m ² to 35 g/m ² .	The rationale is set out in the split view statement previously submitted by Simon Holbrook on 21st January 2019 (appended to this email). This issue has not been addressed in the final draft.
11	ACEA	18	1	3			846	Missing BAT number	It should be BAT 25	
12	ECCA	18	1	6			850	Table 18.14 shows the BAT-AEL for fugitive emissions from coil coating lines as <1-3%. In view of the JRC Document "JRC Reference Report on Monitoring Emissions to Air and Water from IED Installations (2018)" that rightfully pointed out that Mass Balance evaluations are most suitably used to evaluate terms when emissions are of	Either keep the original upper BAT-AEL value, or include as a footnote to the Table: "The BAT-AEL is indicative as uncertainties affecting the data it has been derived from do not allow to assess the actual performance outside a [0-10%] fugitive emission range (relative to the input solvents)."	The TWG has derived the new limit value from the absolute values of data it has collected without taking into account the very large uncertainty on these data values caused by an inappropriate application of a mass balance tool beyond its useability potential. There is therefore no credible justification for the diminution of the upper value of the BAT-AEL range.

							the same order of magnitude as inputs or outputs, we must highlight to the Forum that in the present case, fugitive emissions are much smaller than the main inputs and outputs, and are actually of the same order of magnitude as some of the uncertainties affecting those individual input or output terms of the solvent mass balance. This means that the fugitive emission values calculated through the solvent mass balance tool, cannot be a mean to justify the lowered BAT-AEL range.		
13	EEB	20				894	We also proposed some alternative text on the applicability restriction	Amend "na ' to “Amend the applicability restriction as follows: Cr(VI) may still be used under certain conditions allowed by the REACH authorisation procedure. Where the sunset date exceeds the implementation deadline of BAT 4, the operator shall submit an Article 15(4) derogation with a full cost/benefit assessment detailing the uses, the alternatives considered and timescale of action as to prevention options to avoid any exposure to workers or indirect /direct environmental emissions”	The EEB did not exactly suggest to reinstate the BAT 4 of the revised D1 version of BAT 4 because we suggested some amended applicability text.

14	EEB	20				895	<p>We also proposed some alternative text on the BAT statement as the applicability restriction of BAT 67, now BAT 51. The cross reference of BAT 35 has changed in the meantime to BAT 32. BAT 32 is welcome, except the applicability statement that should be more restrictive</p>	<p>Complement the current text of the split view statement as follows: Amend the chapeau of the BAT Statement of BAT51 to: "In order to reduce emissions of organic compounds and odour to air from wood and wood products preservation using creosote, or to prevent or reduce possible negative environmental and human health impacts from those chemicals, BAT is to substitute those chemicals by water based carriers as per [BAT32], or where this is not technically feasible, to use low-volatility impregnating oils, with less hazardous properties"</p> <ul style="list-style-type: none"> • Amend Applicability "The use of creosote Grade C may be applicable only for existing railway sleepers, provided they are authorised under the Biocidal Product Regulation and they do not contain any active substance subject to exclusion criteria" 	<p>The EEB considers that the BAT statement and applicability statement is also very important, in addition to the alternative BAT-AEL level rightly reported by the EIPPCB</p>
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