Proposal for modification
CEFIC
Whole document
Title of subsection not clear (and the same applies to chapter 3.5.1.4). All these techniques address emissions in flue gases from
3
A footnote should be added to the final treatment on site, stating: Other more production-specific emission
3
Scope
Sweden
Whole document
Table 1.2, "Recovery and abatement for inorganic compounds": The title of this subsection is not clear and causes confusion with the other subsection
Sweden
Scope
Comment from
Chapter No. / section No.
Unclear what "process-integrated techniques" could be referred to and described in the CWW BRef, as these are all covered by the 7 chemical BRefs.
Further review of those chapters has now been possible.
As stated in comment 1 in May 2014, unfortunately the UK was unable to provide detailed comments on Chapters 3, 5, and 6 in the time provided. Some of the issues in the scope of those chapters have already been identified by the TWG. The UK has thus only been able to provide some broad comments on the scope.
As currently written, the first paragraphs of the scope suggest the BRef may concern the chemical production activity, and it is not clear whether the BRef will cover both the chemical production activity and site-wide treatment systems (e.g., DAAs, or Sections 5.3(a)(i), or 5.3(b)(i), or 6.11 activities, with the source of the waste water or gas being Section 4 of the TWG).
Figure 1 of April 2014 appeared to recognise that in some circumstances it may be appropriate to discharge waste waters directly after recovery at source. However, the BRef does not appear to have been updated to include this concept.
Figure 1: The concerns with the wording of the scope appeared to the UK to be confirmed in the BRef interface diagram in Figure 1 (revised D2 of April 2014).
The whole document is an important source of information for permit writers and industry. However, the wording of the scope is not clear enough to enable a permit writer or industry to determine whether some plant activities associated with the chemical production process have been included in the BRef.

Proposals for modification

Table 1.2 also covers industrial waste waters (e.g., outfall treatment systems) are either DAAs, or Sections 5.3(a)(i) or (ii), 5.3(b)(i), or 6.11 activities, with the source of the waste water or gas being Section 4 of the TWG.
Abnormal treatment of waste water after recovery at source could be included in the term 'pretreatment'.

The whole document also covers the production of waste water in activities covered under 4 of Annex I to the Directive 2010/75/EU. Some plants for which data were collected for the setting of BAT-AELs for the CWW BRef are plants the UK believes are treating significant quantities of domestic waste water.
Any plant that treats either domestic waste water or a mixture of domestic waste water with industrial waste water, irrespective of the location of that plant or the proportion of domestic waste water, ought to be regulated under the requirements of the TWG. The TWG addresses the performance of such plants.
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Proposals for modification

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The UK suggests that the scope should be re-written to clarify this point.

The UK has already noted that the TWG has decided that they will carry out these updates after the final meeting. In consequence, the TWG did not know until April 2014 how the EIPPCB has assessed the UK's comments.

As stated in comment 1 in May 2014, unfortunately the UK was unable to provide detailed comments on Chapters 3, 5, and 6 in the time provided. Some of the issues in the scope of those chapters have already been identified by the TWG. The UK has thus only been able to provide some broad comments on the scope.

The scope lists section 4 and 6.11 activities. However, the treatment issues that the BRef addresses (waste water treatment plants, waste gas treatment, etc) are covered under 4 of Annex I to the Directive 2010/75/EU. Some plants for which data were collected for the setting of BAT-AELs for the CWW BRef are plants the UK believes are treating significant quantities of domestic waste water.
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Proposal for modification in Section 4 of the Relevant Industry 4.0 phase.

In Portugal to the EEB arises. The EEB objects to BAT 47 and 58 which are to be revised to the level of the “final treatment (off site with main pollutant load from other activities)” BAT 57.

### Chapter 3.4.3: Provisions for setting ELVs for indirect discharges

The wording “opportunity for repair of any leaks discovered” is technically incorrect

### Chapter 4.3.4: Provisions for setting ELVs for indirect discharges

The applicability wording is already restrictive in relation to which cases corrective measures should be taken with limited

### Chapter 4.3.5.3: Provisions for setting ELVs for direct discharges

The industrial organisation system should make an explicit reference to the basic principles in the solvent recovery (i.e., as part of a proper SMS).

### Chapter 4.4: Overview of BAT-AEL

Chapter 4.4.1: Definition of BAT-47

The majority of facilities which develops one or more chemical activities under IED have indirectly discharges. At least, or when necessary, a waste is to be managed as waste water. If not, the facility is not covered by the BAT-47

### Chapter 5.2: BREF review rules

We would hereby like to remind again that according to the BREF review rules: “evidence (i.e. solid technical and economic information) to support a technique as being BAT can come from one or more installations applying the technique simultaneously or sequentially in one or more MS or different regions in Europe. The information can include information from the EEB website on the exact amount of substances used and provide a justification that the substance is not emitted into the environment.”

### Chapter 6.1: BREF implementation

Add: “The basis for the BREF is the existing knowledge of the environmental and human health impacts of emission of the relevant substances.”

### Chapter 6.2: Verification and application of BAT-AEL

A) BAT is to monitor continuously any relevant substance listed in Annex V, in addition to any substance from Annex X to Directive 2006/60/EC.

### Chapter 6.3: Enforcement

A) “BAT is to assess and to minimise the release of hazardous substances by discharge of waste water effluents containing toxicant x which are present, tends to biodegradable and/or by using the whole claims assessment (WAA) technique – [Section 6.3.4.4]”

### Chapter 7.2: BAT implementation

A) “(vertical) states and may depend on the substance. The threshold may for instance be 1000 ppm or 10000 ppm when using the sniffing method.”

### Chapter 7.3: EEB’s remarks

A) “The EEB states that if the relevant priority substances (by substance) according to the EGG Committee (Proceeding Committee Directive 2013/30/EU) are still not covered, in particular with or without any threshold. "Relevant" means that this substance is toxic to its potential"/to the environment.

### Chapter 7.4: Nitrogen

A) “Information on exceedances of ELVs, not possible to implement Art 23 (5) of IED, less protection of the environment.

### Chapter 8.1: EEB’s remarks

A) “The BREF makes the following general statement when reviewing any regulation to the control of very high concern (SVHC) listed in the Chemicals of Very High Concern list (SVHC) or to be listed (Article 7a). This includes relevant provisions in certain cases.

### Chapter 8.2: EEB’s remarks

A) “In order for the BREF to serve for improved environmental protection for the environment as a whole (as demanded by the BREF where relevant) at a level the (EC) Environment ministers require under the relevant European environmental legislation, the BREF is to be used as a technical basis for the (future) BAT-AEL promising from BAT implementation (coherence principle) is concerned as BAT-AEL.

### Chapter 9.1: BREF implementation

A) “The BREF makes the following general statement when reviewing any regulation to the control of very high concern (SVHC) listed in the Chemicals of Very High Concern list (SVHC) or to be listed (Article 7a). This includes relevant provisions in certain cases.

### Chapter 9.2: EEB’s remarks

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### Chapter 9.6: EEB’s remarks

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Proposal for modification

**Comment description**

- **United Kingdom**: 
  - Article 11, Paragraph 3. 
  - 12. A reference to the Water Framework Directive 2000/60/EC should be made

  *Proposal for modification:*

  Propose to modify Article 11, Paragraph 3, to include a reference to the Water Framework Directive (WFD). This amendment is necessary to ensure that the provisions of the WFD are fully integrated into the permitting process for BATs. The reference to the WFD would allow for a consistent and harmonized approach to the protection of freshwater bodies across the EU, thereby enhancing the credibility and applicability of the BAT-AEL structure.

**Rationale**

The current approach for setting BAT-AELs does not fully comply with the requirements of the WFD, particularly in terms of ensuring the protection of freshwater bodies. The inclusion of WFD references would provide a stronger legal basis and support the overall objective of achieving a high level of protection of the environment taken as a whole.

- **Germany**: 
  - Article 3. 
  - BAT procedures for obtaining the BAT conclusion

  *Proposal for modification:*

  Propose to modify Article 3, to clarify the procedures for obtaining the BAT conclusion. The amendment would include provisions that ensure transparency and stakeholder involvement in the process, thereby enhancing the credibility and applicability of the BAT-AEL structure.

**Rationale**

The current process for obtaining the BAT conclusion does not adequately address transparency and stakeholder involvement, which are crucial for ensuring the acceptability and implementation of the BAT-AELs. The proposed modifications would improve the processes for obtaining the BAT conclusion, thereby increasing stakeholder confidence and support.

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<td>20</td>
<td>EEB</td>
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<td>EEB has submitted dissenting views on 17 January 2014 following the non-consideration of our written input to the Final TWG dated 10 December 2013. The dissenting views have not been appropriately recorded. The current BREF gives the wrong impression that E.NGO support the current BAT conclusions as they stand. EEB disagrees with the absence of BAT (A)EL to air, the absence of explicit mentioning of the Green Chemistry principles under BAT (A)EL of BAT. EEB also disagrees with the absence of continuous in situ monitoring and recording of BAT (A)EL, with the Maximum Allowable Concentration (MAC) values regarding priority listed substances listed in the Annex of Directive 96/61/EC and objected to the absence of BAT (A)EL to air, lead, mercury and cadmium. Further the EEB objected to the removal of BAT 27-38 of draft version 2 requiring pre-treatment techniques to prevent pollution from tributary waste water streams, the removal of BAT 57 to minimize the ecotoxic impact of waste water effluents by biomonitoring of the effluents and taking measures based on the biomonitoring results and the removal of BAT EL in the whole effluent approach.</td>
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