

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Directive amending Directive 94/67/EC on incineration of hazardous waste

(98/C 13/04)

(Text with EEA relevance)

COM(97) 604 final — 97/0314(SYN)

(Submitted by the Commission on 24 November 1997)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Community, and in particular Article 130s(1) thereof,

Having regard to the proposal from the Commission,

In cooperation with the European Parliament, acting in accordance with the procedure referred to in Article 189c,

Having regard to the opinion of the Economic and Social Committee,

Whereas Directive 94/67/EC⁽¹⁾ on incineration of hazardous waste lays down limit values for air emissions;

Whereas Article 8(3) of Directive 94/67/EC requires the Council to establish a set of specific emission limit values for the pollutants contained in the effluents from the cleaning of exhaust gases to be discharged after a separate treatment;

Whereas the emission limit values set in the present Directive are coherent with the non-transfer of pollution from air to water;

Whereas high-standard measurement techniques are required to monitor emissions to ensure compliance with the emission limit values for the pollutants,

Article 1

Directive 94/67/EC on the incineration of hazardous waste is hereby amended as follows:

1. Article 8 is replaced by the following:

‘Article 8

1. Any waste water discharged from an incineration plant shall be subject to a permit granted by the competent authorities.

2. Discharges to the aquatic environment of waste water resulting from the cleaning of exhaust gases shall be limited as far as possible.

3. Subject to a specific provision in the permit, the waste water from the cleaning of exhaust gases may be discharged after separate treatment on condition that:

(a) the requirements of relevant Community, national and local provisions are complied with in the form of emission limit values, and

(b) the mass concentration of the polluting substances, referred to in Annex IV, does not exceed the emission limit values laid down therein.

4. The emission limit values shall apply at the point where the polluting substances referred to in Annex IV are discharged from the incineration plant.

Where the waste water from the cleaning of exhaust gases is treated collectively with other on-site sources

⁽¹⁾ OJ L 365, 31.12.1994, p. 34.

of similar waste water the operator must take measurements as specified in paragraph 8:

- (a) on the waste water stream from the exhaust gas cleaning processes prior to its input into the collective waste water treatment plant;
- (b) on the other waste water stream(s) prior to their input into the collective waste water treatment plant;
- (c) at the point of final waste water discharge, after the treatment, from the incineration plant.

The operator must take appropriate mass balance calculations in order to determine the emission levels in the final waste water discharge that can be attributed to the waste water arising from the cleaning of exhaust gases in order to check compliance with the emission limit values set out in Annex IV.

5. The competent authorities must ensure that in no instance should dilution of waste waters occur by mixing different waste water streams or otherwise, except where such mixing is part of a process duly licensed under the waste management licensing Regulations.

6. The permit shall

- (a) establish emission limit values for organic or inorganic polluting substances in line with paragraph 2 and in order to meet requirements of paragraph 3(a);
- (b) set operational control parameters at least for pH, temperature, flow and turbidity;
- (c) set a maximum volume of waste water to be discharged to ensure that the mass of heavy metals, dioxins and furans in relation to the quantity of hazardous waste processed is less than that allowed to be discharged into air.

7. A monitoring procedure must be instituted to verify whether the discharge of the polluting substances referred to in paragraph 3, paragraph 6(a) and Annex IV complies with the emission limit values. This procedure must provide for sampling and analysis.

The emission limit values are complied with if:

- none of the daily average values exceeds any of the emission limit values set out in Annex IV for total suspended solids (polluting substance No 1), or for heavy metals, (polluting substances Nos 5 to 14), or in column B of Annex IV for mercury, cadmium and thallium, (polluting substances Nos 2, 3 and 4),
- none of the monthly average values exceeds any of the emission limit values set out in column A of Annex IV for mercury, cadmium and thallium (polluting substances Nos 2, 3 and 4),
- neither of the two annual measurements of dioxins and furans exceeds the emission limit value set out in Annex IV for polluting substance No 15.

8. The following measurements shall be carried out at the point of discharge:

- (a) continuous measurements of the parameters referred to in paragraph 6(b);
- (b) instantaneous daily measurements of total suspended solids;
- (c) daily measurements of a representative 24-hour sampling of the polluting substances referred to in paragraph 3 with Nos from 5 to 14 in Annex IV;
- (d) monthly measurement for mercury, cadmium and thallium;
- (e) at least two measurements per year of dioxins and furans; however, one measurement every two months shall be carried out for the first 12 months of operation.

9. The measurement techniques shall comply with the following requirements:

- (a) the measurements for the determination of concentrations of water polluting substances in the discharge are carried out representatively;
- (b) sampling and analysis of all polluting substances including dioxins and furans shall be carried out in accordance with Annex III(2);

- (c) the procedure to monitor dioxins and furans shall be authorized in accordance with Annex III(3).

10. Incineration plant sites, including associated storage areas for hazardous wastes, shall be designed and operated in such a way as to prevent the release of any polluting substances into soil and groundwater following the provisions of Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances⁽¹⁾. Moreover, storage capacity shall be provided for rainwater run-off from the incineration plant site or for contaminated water arising from spillages or fire-fighting operations.

This storage capacity shall be adequate to ensure that such waters can be tested and treated before discharge where necessary.

⁽¹⁾ OJ L 20, 26.1.1980, p. 43, Directive as last amended by Directive 91/692/EEC.

2. The Annex to this Directive is added as Annex IV.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before January 1998. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the texts of the provisions of domestic law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

Article 4

This Directive is addressed to the Member States.

ANNEX

'ANNEX IV

Emission limit values for discharges of waste water from the cleaning of exhaust gases

	Polluting substances	Emission limit values expressed in mass concentrations	
1	Total suspended solids as defined by Directive 91/271/EEC (1)	20 mg/l	
2	Mercury and its compounds, expressed as mercury (Hg)	A 0,01 mg/l	B 0,02 mg/l
3	Cadmium and its compounds, expressed as cadmium (Cd)	A 0,02 mg/l	B 0,05 mg/l
4	Thallium and its compounds, expressed as thallium (Tl)		
5	Antimony and its compounds, expressed as antimony (Sb)	5 mg/l	
6	Arsenic and its compounds, expressed as arsenic (As)		
7	Lead and its compounds, expressed as lead (Pb)		
8	Chromium and its compounds, expressed as chromium (Cr)		
9	Cobalt and its compounds, expressed as cobalt (Co)		
10	Copper and its compounds, expressed as copper (Cu)		
11	Manganese and its compounds, expressed as manganese (Mn)		
12	Nickel and its compounds, expressed as nickel (Ni)		
13	Vanadium and its compounds, expressed as vanadium (V)		
14	Tin and its compounds, expressed as tin (Sn)		
15	Dioxins and furans, defined as the sum of the individual dioxins and furans evaluated in accordance with Annex I	0,5 mg/l	

⁽¹⁾ OJ L 135, 30.5.1991, p. 40.