Commission Implementing Decision (EU) 2019/2010 of 12 November 2019 establishing the best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for waste incineration (notified under document C(2019) 7987) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2019/2010

of 12 November 2019

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)[(1)], and in particular Article 13(5) thereof,

Whereas:

(1) Best available techniques (BAT) conclusions are the reference for setting permit conditions for installations covered by Chapter II of Directive 2010/75/EU and competent authorities should set emission limit values which ensure that, under normal operating conditions, emissions do not exceed the emission levels associated with the best available techniques as laid down in the BAT conclusions.

(2) The forum composed of representatives of Member States, the industries concerned and non-governmental organisations promoting environmental protection, established by Commission Decision of 16 May 2011[(2)], provided the Commission on 27 February 2019 with its opinion on the proposed content of the BAT reference document for waste incineration. That opinion is publicly available.

(3) The BAT conclusions set out in the Annex to this Decision are the key element of that BAT reference document.

(4) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 75(1) of Directive 2010/75/EU,

HAS ADOPTED THIS DECISION:

Article 1

The best available techniques (BAT) conclusions for waste incineration, as set out in the Annex, are adopted.

***Changes to legislation:** Commission Implementing Decision (EU) 2019/2010 is up to date with all changes known to be in force on or before 28 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 November 2019.

For the Commission

Karmenu VELLA

Member of the Commission

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ANNEX

BEST AVAILABLE TECHNIQUES (BAT) CONCLUSIONS FOR WASTE INCINERATION

SCOPE

These BAT conclusions concern the following activities specified in Annex I to Directive 2010/75/EU:

5.2. Disposal or recovery of waste in waste incineration plants:

(a) for non-hazardous waste with a capacity exceeding 3 tonnes per hour;

(b) for hazardous waste with a capacity exceeding 10 tonnes per day.

5.2. Disposal or recovery of waste in waste co-incineration plants:

(a) for non-hazardous waste with a capacity exceeding 3 tonnes per hour;

(b) for hazardous waste with a capacity exceeding 10 tonnes per day;

whose main purpose is not the production of material products and where at least one of the following conditions is fulfilled:

— only waste, other than waste defined in Article 3(31)(b) of Directive 2010/75/EU, is combusted;

— more than 40 % of the resulting heat release comes from hazardous waste;

— mixed municipal waste is combusted.

5.3. (a) Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day involving the treatment of slags and/or bottom ashes from the incineration of waste.

5.3. (b) Recovery, or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75 tonnes per day involving the treatment of slags and/or bottom ashes from the incineration of waste.

5.1. Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving the treatment of slags and/or bottom ashes from the incineration of waste.

These BAT conclusions do not address the following:

— Pre-treatment of waste prior to incineration. This may be covered by the BAT conclusions for Waste Treatment (WT).

— Treatment of incineration fly ashes and other residues resulting from flue-gas cleaning (FGC). This may be covered by the BAT conclusions for Waste Treatment (WT).

— Incineration or co-incineration of exclusively gaseous waste, other than that resulting from the thermal treatment of waste.

— Treatment of waste in plants covered by Article 42(2) of Directive 2010/75/EU.

Other BAT conclusions and reference documents which could be relevant for the activities covered by these BAT conclusions are the following:

— Waste Treatment (WT);

— Economics and Cross-Media Effects (ECM);

— Emissions from Storage (EFS);

— Energy Efficiency (ENE);

— Industrial Cooling Systems (ICS);

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— Monitoring of Emissions to Air and Water from IED Installations (ROM);
— Large Combustion Plants (LCP);
— Common Waste Water and Waste Gas Treatment/Management Systems in the Chemical Sector (CWW).

DEFINITIONS

For the purposes of these BAT conclusions, the following general definitions apply:

Term	Definition
General terms	
Boiler efficiency	Ratio between the energy produced at the boiler output (e.g. steam, hot water) and the waste's and auxiliary fuel's energy input to the furnace (as lower heating values).
Bottom ash treatment plant	Plant treating slags and/or bottom ashes from the incineration of waste in order to separate and recover the valuable fraction and to allow the beneficial use of the remaining fraction. This does not include the sole separation of coarse metals at the incineration plant.
Clinical waste	Infectious or otherwise hazardous waste arising from healthcare institutions (e.g. hospitals).
Channelled emissions	Emissions of pollutants into the environment through any kind of duct, pipe, stack, chimney, funnel, flue, etc.
Continuous measurement	Measurement using an automated measuring system permanently installed on site.
Diffuse emissions	Non-channelled emissions (e.g. of dust, volatile compounds, odour) into the environment, which can result from 'area' sources (e.g. tankers) or 'point' sources (e.g. pipe flanges).
Existing plant	A plant that is not a new plant.
Fly ashes	Particles from the combustion chamber or formed within the flue-gas stream that are transported in the flue-gas.
Hazardous waste	Hazardous waste as defined in Article 3(2) of Directive 2008/98/EC of the European Parliament and of the Council[a].
Incineration of waste	The combustion of waste, either alone or in combination with fuels, in an incineration plant.

a Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

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Incineration plant	Either a waste incineration plant as defined in Article 3(40) of Directive 2010/75/EU or a waste co-incineration plant as defined in Article 3(41) of Directive 2010/75/EU, covered by the scope of these BAT conclusions.
Major plant upgrade	A major change in the design or technology of a plant with major adjustments or replacements of the process and/or abatement technique(s) and associated equipment.
Municipal solid waste	Solid waste from households (mixed or separately collected) as well as solid waste from other sources that is comparable to household waste in nature and composition.
New plant	A plant first permitted following the publication of these BAT conclusions or a complete replacement of a plant following the publication of these BAT conclusions.
Other non-hazardous waste	Non-hazardous waste that is neither municipal solid waste nor sewage sludge.
Part of an incineration plant	For the purposes of determining the gross electrical efficiency or the gross energy efficiency of an incineration plant, a part of it may refer for example to: — an incineration line and its steam system in isolation; — a part of the steam system, connected to one or more boilers, routed to a condensing turbine; — the rest of the same steam system that is used for a different purpose, e.g. the steam is directly exported.
Periodic measurement	Measurement at specified time intervals using manual or automated methods.
Residues	Any liquid or solid waste which is generated by an incineration plant or by a bottom ash treatment plant.
Sensitive receptor	Area which needs special protection, such as: — residential areas; — areas where human activities are carried out (e.g. neighbouring workplaces, schools, daycare centres, recreational areas, hospitals or nursing homes).
Sewage sludge	Residual sludge from the storage, handling and treatment of domestic, urban or industrial

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