COUNCIL DIRECTIVE

of 21 June 1989

on procedures for harmonizing the programmes for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry

(89/428/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas Council Directive 78/176/EEC of 20 February 1978 on waste from the titanium dioxide industry (4), as last amended by Directive 83/29/EEC (5), and in particular Article 9 thereof, requires the Member States to draw up programmes for the progressive reduction and eventual elimination of pollution caused by waste from industrial establishments in existence on 20 February 1978;

Whereas these programmes set general targets for the reduction of pollution caused by liquid, solid and gaseous wastes to be achieved by 1 July 1987; whereas these programmes were to be submitted to the Commission so that it could present suitable proposals to the Council for their harmonization with regard to the reduction and eventual elimination of this pollution and the improvement of the conditions of competition in the titanium dioxide industry;

Whereas, in order to protect the aquatic environment, dumping of waste and discharges of certain wastes, in particular of solid and strong acid wastes, should be prohibited and discharges of other wastes, in particular of weak acid and neutralized wastes, should be progressively reduced;

Whereas existing industrial establishments should employ the appropriate systems for treating the wastes in order to meet the requisite targets by the set dates;

Whereas installation of those systems can give rise to major technico-economic difficulties; whereas Member States should therefore be able to defer application of the various provisions, on condition that a programme of effective reduction of pollution is drawn up and submitted to the Commission; whereas where Member States experience particular difficulties with regard to programmes for the elimination of discharges, the Commission should be able to extend the relevant time limits;

Whereas, in respect of discharges of certain wastes, Member States should be able to make use of quality objectives in such a way that the results are equivalent in all respects to those obtained through limit values; whereas such equivalence should be demonstrated in a programme to be presented to the Commission;

Whereas, without prejudice to the obligations placed on Member States by Council Directive 80/779/EEC of 15 July 1980 on air quality limit values and guide values for sulphur dioxide and suspended particulates (6), as last amended by Directive 89/427/EEC (7), and Council Directive 84/360/EEC of 28 June 1984 on the combating of air pollution from industrial plants (8), it is expedient to protect the quality of the air by fixing appropriate emission standards in respect of gaseous discharges from the titanium dioxide industry;

Whereas, in order to verify the effective application of the measures, Member States should undertake monitoring in relation to the actual production of each establishment;

Whereas all waste from the titanium dioxide industry should be avoided or re-used where technically and economically feasible and whereas such waste should be re-used or disposed of without endangering human health or the environment,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive lays down, as required by Article 9 (3) of Directive 78/176/EEC, procedures for harmonizing the programmes for the reduction and eventual elimination of pollution from existing industrial establishments and is intended to improve the conditions of competition in the titanium dioxide industry.

(1) OJ No C 138, 26. 5. 1983, p. 5, and OJ No C 167, 27. 6. 1984, p. 9.
(2) OJ No C 127, 14. 5. 1984, p. 29, and OJ No C 158, 26. 6. 1989.
(3) OJ No C 358, 31. 12. 1983, p. 40.
(4) OJ No L 54, 25. 2. 1978, p. 19.
(5) OJ No L 32, 3. 2. 1983, p. 28.
(6) OJ No L 229, 30. 8. 1980, p. 30.
(7) See page 53 of this Official Journal.
(8) OJ No L 188, 16. 7. 1984, p. 20.

Article 2

1. For the purpose of this Directive :

(a) where the sulphate process is used :

— 'solid waste' shall mean :

— insoluble ore residues not broken down by sulphuric acid during the manufacturing process,

— copperas, i.e. crystalline ferrous sulphate ($FeSO_4.7H_2O$),

— 'strong acid waste' shall mean :

the mother liquors arising from the filtration phase following hydrolysis of the titanyl sulphate solution. If these mother liquors are associated with weak acid wastes which overall contain more than 0,5 % free sulphuric acid and various heavy metals (1), the liquors and waste taken together shall be considered strong acid waste,

— 'treatment waste' shall mean :

filtration salts, sludges and liquid waste arising from the treatment (concentration or neutralization) of strong acid waste and containing various heavy metals, but not including neutralized and filtered or decanted waste containing only traces of heavy metals and which, before any dilution, has a pH value above 5,5,

— 'weak acid waste' shall mean :

wash waters, cooling waters, condensates and other sludges and liquid wastes, other than those included in the above definitions, containing 0,5 % or less free sulphuric acid,

— 'neutralized waste' shall mean :

any liquid which has a pH value over 5,5, contains only traces of heavy metals, and is obtained directly by filtration or decantation from strong or weak acid waste after its treatment to reduce its acidity and its heavy metals' content,

— 'dust' shall mean :

all kinds of dust from production plants and in particular ore and pigment dust;

— 'SO_x' shall mean :

gaseous sulphur dioxide trioxide released in the various stages of the manufacturing and internal waste treatment processes, including acid droplets ;

(b) where the chloride process is used :

— 'solid waste' shall mean :

— insoluble ore residues not broken down by the chlorine during the manufacturing process,

— metal chlorides and metal hydroxides (filtration substances) arising in solid form from the manufacture of titanium tetrachloride,

— coke residues arising from the manufacture of titanium tetrachloride,

— 'strong acid waste' shall mean :

waste containing more than 0,5 % free hydrochloric acid and various heavy metals (1),

— 'treatment waste' shall mean :

filtration salts, sludges and liquid waste arising from the treatment (concentration or neutralization) of strong acid waste and containing various heavy metals, but not including neutralized and filtered or decanted waste containing only traces of heavy metals and which, before any dilution, has a pH value over 5,5,

— 'weak acid waste' shall mean :

wash waters, cooling waters, condensated and other sludges and liquid wastes, other than those included in the above definitions, containing 0,5 % or less free hydrochloric acid,

— 'neutralized waste' shall mean :

any liquid which a pH value over 5,5, contains only traces of heavy metals, and is obtained directly by filtration or decantation from strong or weak acid waste after its treatment to reduce its acidity and its heavy metals content ;

— 'dust' shall mean :

all kinds of dust from production plants and in particular ore, pigment and coke dust,

— 'chlorine' shall mean :

gaseous chlorine released in the various stages of the manufacturing process ;

(c) where the sulphate process or the chlorine process is used :

— 'dumping' shall mean :

any deliberate disposal into inland surface waters, internal coastal waters, territorial waters or the high seas of substances and materials by or from ships or aircraft (2), of any type whatsoever, and from fixed and floating platforms.

2. The terms defined in Directive 78/176/EEC shall have the same meaning in this Directive.

(1) Strong acid waste which has been diluted until it contains 0,5 % or less free sulphuric acid shall also be covered by this definition.

(2) 'Ships and aircraft' shall mean sea-going vessels and airborne craft of any type whatsoever. This expression shall include air-cushion craft, floating craft, whether self-propelled or not and fixed or floating platforms.