

## BAT CONCLUSIONS ON GLASS MANUFACTURING<sup>1</sup>. CPIV COMMENTS.

02/05/2011

### 1. IMPACT OF REVISING THE DIRECTIVE

When the revision of the BREF on Glass Manufacturing<sup>2</sup> was commenced in 2007 (Kick-off Meeting on Glass BREF review 16-18 January 2007), it was repeatedly stated by the Commission and confirmed in the latest Draft BREF on Glass Manufacturing (February 2011)<sup>3</sup> that this BREF was to be revised under the scope of the IPPC Directive (96/61/EC) and not under the scope of the IE Directive (2010/75/EU), which had not in fact been published at that time.

Based on this statement, the Glass Industry participated in the review of the BREF Glass Manufacturing taking into account the spirit of the IPPC Directive and having in mind the flexibility mechanism left to the member states for the implementation of the BAT AEL and in particular the appropriate timing of their implementation at installation level.

In this context, the conclusions of the revised Glass BREF did not include any specific measures regarding **existing plants**, but merely addressed new plants. One of the specificities of the Glass industry is that the glass furnaces are operated continuously, without any interruption, for several years (up to 15 years<sup>4</sup>). Major modifications to those installations can only be applied during a cold repair or during the rebuild of the furnaces<sup>5</sup>, ie when the furnaces are stopped and cooled down. This is expressly referred to in chapter 4 of the new Draft BREF on Glass Manufacturing in the description of the applicability of many BAT. However, this point has not been included in the BAT conclusions as currently drafted.

In the past, most member states used the flexibility provided by the IPPC Directive, explicitly recognising that in many cases the implementation of the BAT AEL and BAT would only be feasible during the cold repair or a rebuild of a furnace. Indeed, the IPPC

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<sup>1</sup> BAT conclusions for Glass Manufacturing Industry. Draft March 2011.

<sup>2</sup> Integrated Pollution Prevention and Control (IPPC). Reference Document on Best Available Techniques in the Glass Manufacturing Industry. December 2001.

<sup>3</sup> The first sentence of the Executive Summary of the Draft BREF on Glass Manufacturing dated February 2011 states: “The Best Available Techniques (BAT) Reference Document (BREF) entitled 'Reference Document on Best Available Techniques in the Glass Manufacturing Industry' reflects an information exchange carried out under Article 17(2) of Directive 2008/1/EC of the European Parliament and of the Council (IPPC Directive)”.

<sup>4</sup> At the time of drafting the 2001 BREF Glass, the lifetime of a glass furnace was generally up to 12 years (see for instance BREF on Glass, 2001, page vii) ; now the lifetime of a furnace might reach 20 years (see for instance Draft BREF Glass of Feb 2011 of page iii).

<sup>5</sup> See definition in section 4.1 of the new Draft BREF on Glass Manufacturing.

permits granted to the glass industry included a clause imposing the application of the BAT AEL at the time of the next cold repair or rebuild. However, now the IE Directive prescribes that the provisions of the BAT conclusions must be applied within four years<sup>6</sup> after the official adoption of the BAT conclusions. In the absence of the flexibility available under the IPPC Directive, this will mean the Glass Industry is obliged to apply the BAT AEL without taking into account the normal operation stoppage period for cold repair. In some cases this will mean it is impossible to apply the BATs as described in the BREF (for example, it is impossible to convert a furnace to a design leading to lower NOx formation level during the operation of the furnace, as the conversion can only be achieved via a complete remodelling and rebuild of the furnace).

Finally, it is questionable whether the IE Directive applies to the revised BREF Glass Manufacturing and the conclusions contained therein, as they were not completely adopted in accordance with the procedure for developing and adopting BAT Conclusions as provided in the IE Directive.

## 2. IMPACT OF REVISING THE BREF: changing the “levels”

Many furnaces are now equipped with Pollution Control Installations designed to comply with the BAT AEL indicated in the previous BREF<sup>2</sup>. Some of those installations may not be able to cope with the new BAT AEL and would need to be either retrofitted or replaced only a few years after start-up, and significantly before the end of their normal lifetime, leading to disproportionately higher costs compared to the environmental benefits. This would furthermore imply putting existing pollution control installations out of service for several months whilst the changes were implemented.

## 3. CONCLUSIONS AND RECOMMENDATIONS

For these reasons, as a transitional measure, as foreseen in Recital 22<sup>7</sup> of the IE Directive (2010/75/EU), the implementation of the BAT AEL stipulated in the new BREF Glass Manufacturing for **existing installations** should be imposed at the next cold repair or normal renewal date of the existing Pollution Control Installation.

We suggest adding the following paragraph under each first paragraph of a section of the BAT conclusions for the glass manufacturing industry (ie for section 1.1 under the

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<sup>6</sup> The BAT conclusions are expected to be adopted by comitology through the Article 75 Committee on 21 November 2011. According to Article 80 this "implementing" act will take the form of a regulation or a decision within three months: in this case 21 February 2012. As this type of regulation applies immediately to all member states, the end date of the four-year period will be 21 February 2016.

<sup>7</sup> Recital 22 of IED (2010/75/EU). In specific cases where permit reconsideration and updating identifies that a longer period than 4 years after the publication of a decision on BAT conclusions might be needed to introduce new best available techniques, competent authorities may set a longer time period in permit conditions where this is justified on the basis of the criteria laid down in this Directive.

paragraph "*Unless otherwise stated, the Bat conclusions presented in this section can be applied to all installations*"; for section 1.2 under the paragraph "*Unless otherwise stated, the Bat conclusions presented in this section can be applied to all container glass manufacturing installations, etc*):

*"Member State authorities may, for installations existing at the time of entry into force of these BAT conclusions, require that a BAT conclusion included in this section applies from the first rebuild of the furnace, the first cold repair, or the first renewal of the air pollution control equipment."*



## **BAT CONCLUSIONS on GLASS MANUFACTURING<sup>1</sup>.** **CPIV COMMENT ON THE DIFFERENCES BETWEEN BAT** **CONCLUSIONS AND THE CHAPTER 5 OF THE BREF**

02/05/2011

When the revision of the BREF on Glass Manufacturing<sup>2</sup> was commenced in 2007 (Kick-off Meeting on Glass BREF review 16-18 January 2007), it was repeatedly stated by the Commission and confirmed in the latest Draft BREF on Glass Manufacturing (February 2011)<sup>3</sup> that this BREF was to be revised under the scope of the IPPC Directive (96/61/EC) and not under the scope of the IE Directive (2010/75/EU), which had not in fact been published at that time.

In this context, the Chapter 5 of the final draft reflects perfectly the decisions of the final TWG and it is of prime importance not to lose these results. It appears that the BAT conclusions document does not reflect totally the technical content of the conclusions reached at the Seville TWG level. Some information contained in the Chapter 5 is now missing. For instance, some considerations in section 5.1 and 5.2, the mention of the split views or some important footnotes in the BAT-AELs tables have been removed altering the technical conclusions reached at the TWG level. References to the existing split views in the Glass BREF should also be added in the BAT Conclusions to fully inform the reader. A clear reference to the BREF should also be added in the introduction of the BAT Conclusions to allow every reader to be aware of the existence of the Glass BREF: *“The information provided in this document only provides a very brief summary of the information contained within the Glass BREF Note. A full consideration of all issues is necessary during the decision making process. For a full discussion of the techniques, the pros and cons of the techniques, and a consideration of cross media effects and economic factors please refer to the relevant sections of the Glass BREF”*

CPIV considers that the best way to keep in a transparent manner all the decisions taken at TWG level is to maintain the whole BREF as discussed under IPPC rules and in particular to maintain the whole Chapter 5. At the end two documents will be available: the totality of the BREF including the Chapter 5 and the BAT conclusions document which will be a standalone binding document. Any deviation between both documents must be justified.

If it is not possible to keep entirely Chapter 5 of the BREF, all the missing information (and especially sections 5.1 and 5.2) has to be moved to Chapter 4.

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