



16.12.2011

NOTICE TO MEMBERS

Subject: Petition 1266/2009 by H. H. Rogers (British), concerning the El Campello waste incinerator in Alicante

1. Summary of petition

The petitioner expresses concern at toxic emissions from the Campello incinerator, maintaining that Directive 2000/76/EC of 4 December 2000 on the incineration of waste is being infringed.

2. Admissibility

Declared admissible on 11 December 2009. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 19 February 2010.

The petitioner raises concerns about the operating conditions of a waste incineration plant in the proximity of Campello, in the region of Alicante, Spain.

Installations for the incineration of municipal waste with a capacity exceeding 3 tonnes per hour fall within the scope of Directive 2008/1/EC concerning integrated pollution prevention and control (hereinafter: the IPPC Directive)¹. Moreover, such installations have to comply with the provisions of Directive 2000/76/EC on the incineration of waste (hereinafter: the Waste Incineration Directive)².

¹ OJ L 24, 29.7.2008, p.8.

² OJ L 332, 28.12.2000, p. 91.

The IPPC Directive requires installations falling under its scope to operate in accordance with permits including emission limit values based on best available techniques (BAT), designed to prevent and, where that is not practicable, generally to reduce emissions and their impact on the environment as a whole. The prevention or reduction of emissions to air, water and soil should, therefore, be dealt with in the environmental permits issued in accordance with the IPPC Directive.

The Commission has adopted a number of BAT reference documents (BREFs) covering the activities that fall within the scope of the IPPC Directive, that are to be taken into account by the competent authorities when establishing BAT-based emission limit values, equivalent parameters or technical measures for such installations. A BREF on waste incineration was adopted in August 2006.

Moreover, the installation has to comply with the emission limit values and the monitoring requirements set by the Waste Incineration Directive.

Conclusion

The Commission will request information from the Spanish authorities to assess how the provisions of the IPPC and Waste Incineration Directives are implemented with regard to this specific installation.

4. Further Commission reply, received on 11 November 2010

As indicated in its previous communication, the Commission requested information from the Spanish authorities regarding the installation concerned. Questions were raised regarding the permitting status and the implementation of Directives 2008/1/EC, integrated pollution prevention and control (IPPC Directive)¹ and 2000/76/EC on the incineration of waste (WI)².

In their reply, the Spanish authorities informed the Commission as follows:

- The installation does fall under the scope of the IPPC Directive, although it is not a waste incineration plant but a landfill as defined in point 5.4. of Annex I of that directive;
- The installation has a biogas facility in which biogas is produced as a result of the treatment of organic waste. The biogas is consequently incinerated. This activity does not fall under the scope of the WI Directive since it does not cover the incineration of gaseous substances³;
- The facility has a wastewater treatment unit in which a small boiler provides heat. The fuel used is vegetable waste and thus this activity does not fall under the scope of the WI Directive⁴;
- The installation holds a valid IPPC permit issued on 19 July 2005 by the competent

¹ OJ L 24, 29.1.2008., p. 8.

² OJ L 332, 28.12.2000, p. 91.

³ Art. 3(1).

⁴ Art. 2(1)(a)(i)-(ii).

authority. This permit sets out the rules for the operation of the installation which are in compliance with the requirements of the IPPC Directive;

- The installation also falls under the scope of Regulation 166/2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC¹ and its emission data is submitted to this reporting scheme;

- The last inspection was carried out by the competent authority on 27 October 2009. Despite the lack of regulation on odour emissions both at national and EU level, in order to address the complaints of the nearby residents, the competent authority required the operator to take additional measures against these emissions.

On the basis of the above information, the Commission is unable to identify a breach of EU environmental law.

5. REV II Commission reply, received on 16 December 2011.

The Commission has examined the new information sent regarding this petition. This new information only deals with the issue of odour and does not contain any new elements.

The previous communication which was based on the exchange of information with the Spanish authorities regarding the issues raised in the petition, is still valid.

¹ OJ L 33, 4.2.2006.