

Aspects regarding the IED implementation in Romania

Industrial Emission Seminar

Paris, October 2015

Transposition of the IED in Romania

- **The Law 278/2013 concerning industrial emissions.**
- **There are 1466 IED installations, out of which:**
 - 838 installations under annex 1 of IED
 - 41 LCP installations
 - 568 VOC installations
 - 19 incineration - co-incineration installations

Main institutions in charge with the implementation

- Ministry of Environment, Water and Forests (in charge with BAT process, strategies)
- National Environmental Agency and Local (county) Environmental Agencies (process of authorization and permitting)
- National Environmental Guard (control and inspection)

Aspects regarding the implementation

- **Art. 14 (3) IED** : ensuring that BAT Conclusions are considered as references for setting permit conditions
 - The conclusions on the best available techniques are the basis for integrated environmental permit conditions (art. 14.3 of Law 278/2013)
 - 2 Ministerial Orders (818/2003 and 36/2004) concerning the procedure of obtaining the integrated authorization stipulate that a comparison with the best available techniques is mandatory for the activities requiring an integrated environmental authorization

Aspects regarding the implementation

- Art. 14 (4) Competent authorities may set stricter permit conditions than those resulting from the use of BAT as described in BAT conclusions
 - Art. 18 of Law 278/2013 stipulates that where a standard of environmental quality requires more stringent conditions than those that can be achieved through the application of BAT, the competent authority requires additional measures without affecting other measures which apply to comply with environmental quality standards
 - Art. 57 of Law 104/ 2010 concerning air quality: In the areas where the limit values for ambient air quality is exceeded for one or more pollutants, authorities for environmental protection (based on environmental impact studies) shall establish restrictive limit values for emissions, stricter than the values set by specific legislation

Aspects regarding the implementation

- Art. 15 (4): assessment of the cost and benefits based on which the exemption is granted - what is considered to be "disproportionately high costs compared to the environmental benefits". Are there any limitations of extend or duration of derogation?
 - No guidelines have been developed for applying cost-benefit methodology in relation to environmental effects, but according to the Law 104/2011 on air quality, exemptions may be granted only respecting the endurance of environment, respecting air quality standards.

Aspects regarding the implementation

- Art. 16 (2) the frequency of the periodic monitoring of soil and groundwater
 - According to Romanian IE Law, integrated permit requires that the operator must monitor at least every 5 years the groundwater and, at least, once every 10 years, the soil (unless such monitoring is based on a systematic appraisal of risk of contamination, guidelines established by Ministerial Order 36/2004)

Aspects regarding the implementation

- Art. 22 (2) the possibility of contamination of soil and groundwater on the installation site
 - General Technical Guidelines (Ministerial Order 36/2004) which established the assessment phases and the factors which are taken into account to evaluate the contamination of soil and groundwater and data required to draw up the site report. Since 2004 Romania has established a framework for the content of site report.

Aspects regarding the implementation

- Art. 22 (3) How is decided if an installation has caused "significant pollution of soil or groundwater"
 - According to Gov. Decision 1408/2007 the scope of investigation is to delimitate the affected areas, to clarify the nature and intensity of pollution identified, the relationship of the pollutants with the structure of geological environment, migration paths and transport of pollutants and the assessment of geological risk. The normal values are established by standards (Ministerial Orders 756/1996 and 621/2014)

Aspects regarding the implementation

- Art. 23 – The requirements regarding inspections -"systematic evaluation" of the environmental risks in order to determine the frequencies of inspections
- Non-routine inspections
Scope is defined by accidental emissions, complaints, accidents etc.
- Routine inspections
Scope depends on the risk profile of installations
 - Criteria with highest risk will get most attention
 - Criteria with lowest risk will get least attention
- Inspection programs are based on an assessment method, that distinguish between impact and operator compliance (e-tool and data base); The frequency of inspections shall not exceed one year for installations with the highest risk (class A) and three years for installations of low risk (class D).

Aspects regarding the implementation

- Art. 23 (6) – Inspection reports, notifying the operator regarding findings, publicly availability of the reports
 - Inspection reports are prepared after each site visit. The holders of the controlled installations are informed about the inspection results in the closing meeting, by signing the findings. All documents are stored in an internal data base (Artemis). Periodically NEG deliver a summary of main findings of inspections performed at IED installations.

Open Discussions

- From some very simple questions
 - Annex 1- 5.4 Temporary storage of hazardous waste not covered under point 5.4 pending any of the activities listed in points 5.1, 5.2, 5.4 and 5.6 with a total capacity exceeding 50 tonnes, excluding temporary storage, pending collection, on the site where the waste is generated

If the storage operation takes place in what might be called the supply chain for “pre-treatment of waste”, then it is IED if is over threshold - because storage of waste is a waste recover or disposal operation and therefore treatment. Is a site collecting used auto batteries an IED site if exceeds 50 tones/day?
- ... On more strategic:
 - Do the authorities have enough staff prepared to perform inspections?
 - How other directives/regulations are linked or could give inputs to BAT/IED (Reach? Seveso?) in order to reduce the burdens on the operators, institutions?

Thank you for your attention!