



European Union Network for the Implementation
and Enforcement of Environmental Law



STRATEGIES FOR VERIFICATION OF SELF-MONITORING AND REPORTING ON AIR EMISSIONS WORKSHOP

Good practices and bottlenecks Experience from Alentejo

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- ▶ The Alentejo presents cases of pollution by odors especially related to the industrial activity of the mills dedicated to the activity of extracting oil from olive pomace.
- ▶ The Alqueva reservoir created conditions for the competitiveness of agriculture and transformed the olive growing sector from traditional to intensive and super intensive.
- ▶ The complaints happen regardless of the existence of regulations for the diffuse emission of pollutants and the implementation, in some cases, of corrective techniques that impact the odor.
- ▶ There is no specific legislation on "odors" in Portugal, mainly because the reliable measurement of odor levels is very complex.

- ▶ In contrast to other air pollutants, odors can be difficult to detect as they are usually present in the air in very low concentrations.
- ▶ There is a set of variables that influence the ability to smell odors:
 - ▶ The distance at which the emitting source is located in relation to population agglomerates;
 - ▶ The existence of physical obstacles that counteract its dispersion;
 - ▶ The typical atmospheric conditions of the place and those that occur punctually, among others reasons.
- ▶ For this reason, studies on the dispersion of atmospheric pollutants must be carried out in order to guarantee the necessary compatibility of that industrial activity with the best interests of the population.



Administrative infraction process - 2019



- ▶ An industry dedicated to the activity of extracting oil from olive pomace, with seasonal activity, starting in mid-September or October and ending in mid-February or April of the following year, depending on the campaign.
- ▶ The defendant proceeded, through a company hired for the purpose, to monitor the gaseous effluents from the boiler in December 2018.
- ▶ In the fixed source, in relation to the pollutant “Particles”, the legally established ELV was 150mg/m³ and the monitoring report indicated 171±11mg/m³, exceeding the legally permitted values.
- ▶ The defendant subsequently proceeded to clean the boiler and took the appropriate measures in order to regularize the levels of concentration issued.
- ▶ In the next measurement, the pollutant “Particles” already respected the established ELV.

- ▶ The defendant was charged with the practice of the environmental offense provided for in article 29, paragraph 2, subparagraph d) of Decree-Law No. 39/2018, of 11 June;
- ▶ Punished under the terms of article 22, No. 3, subparagraph b) of Law No. 50/2006, of 29 August, in the wording of Law No. 89/2009, of 31 August, and Law No. 114/2015, of 28 August, with a fine of €12 000 to €72,000 in case of negligence and €36 000 to €216 000 if committed with intent;
- ▶ And the additional sanctions provided for in article 30 of the aforementioned law may also be applied , for infringement of the provisions of articles 18, no. 2 and 21, no. 3 of Decree-Law no. 39/2018, of 11 June, in conjunction with table 10 of part 2 of the Annex III of Decree-Law No. 39/2018, of June 11.



Complaints - common elements



- ▶ The complaints presented at CCDRA are not limited to the populations that live near the mills.
- ▶ Often, complaints from neighboring municipalities also arise, which demonstrates that these emissions with odors can "travel" many kilometers and affect a large number of populations.
- ▶ It also happens that some of these complaints arise from municipalities that are also the licensing entities, which suggests some lack of knowledge of the law.
- ▶ Most of the mills are type 3 industries (according to Decree-Law No. 73/2015, of 11 May) with a procedure of "mere prior communication" in the competent Municipal Chambers and the CCDRA is not consulted in the process of licensing.

- ▶ Recurrently, the results of the atmospheric emission self-control reports are within the legal limits:
 - ▶ the concentration values of the pollutants Particles, NO_x and VOC are lower than the respective Emission Limit Values (ELV) provided for in Table 12 of Ordinance No. 190-B/2018, of 2 July;
 - ▶ in the values of the observed mass flow rates, when compared with the values set out in Table 1 of part 1 of Annex II of the aforementioned Decree-Law No. 39/2018, it is verified:
 - ▶ - Particles and NO_x pollutants lie between the respective mean and maximum mass thresholds;
 - ▶ - the CO pollutant lies between the respective minimum and average mass thresholds;
 - ▶ - the pollutant VOC is below the respective minimum mass threshold established.
- ▶ When measured within localities, the average daily concentration of PM₁₀ was never higher than the daily limit value established by law.

- ▶ The exponential increase in the area of olive groves has increased odor emissions and populations are more informed about their rights and more organized in how to protect them, and at the same time, ready to defend their quality of life and the air they breathe.
- ▶ In the future, cleaner solutions will have to be found for the oil extraction industry, which respect the rights of the populations, and which are at the same time economically viable.
- ▶ In the meantime, specific regulations for odors are awaited while the awareness of the intervening parties and the successive inspections of the mills are carried out.

Thank You!

