

Interaction between EU water directives and the Industrial Emissions Directive

Guidance for Water Managers

Introduction

The control of pollution from industrial sources is important in meeting the objectives of water bodies and, specifically, the objectives set in EU water directives. Industrial pollution emissions are regulated by the Industrial Emissions Directive. Therefore, there are potential interactions between these directives in their respective implementation. These interactions have been explored by IMPEL in the following two studies:

- Linking the Water Framework Directive and IPPC Directive, Phase 1, 2010. <http://impel.eu/wp-content/uploads/2012/02/WFD-IPPC-final-report-phase-1-GA-101118-6.pdf>
- Linking the Water Framework Directive and IPPC Directive, Phase 2, 2011. <http://impel.eu/projects/linking-the-implementation-of-the-water-framework-directive-to-the-implementation-of-the-ippc-directive-phase-2/>

A figure from the first of these reports is provided on the following page. It summarises some of the key interactions between water and industrial pollution control directives. The purpose of this figure is to illustrate the complexity of interaction and, therefore, the need for collaboration between competent authorities responsible for the implementation of these directives.

A critical conclusion from the IMPEL work that competent authorities for both EU water directives and IED identified was that there needs to be effective and timely exchange of information between these competent authorities. This is essential to ensure they effectively perform their functions as competent authorities. However, as there is a large amount of data and other information generated in implementing these directives, it is important for competent authorities to share necessary information and to share it at the right time for decision making. This guidance aims to help in this process.

This guidance

This guidance is written for those authorities responsible for implementing EU water directives – here called ‘water managers’ (WMs). The guidance is in the form of a checklist, indicating particular actions that could be taken by WMs to improve their interaction with IED competent authorities (IED CAs) and so help deliver implementation of EU water directives.

The checklist is structured around the cycle of river basin planning:

- Understanding significant water pressures
- Establishing and implementing measures
- Monitoring

Within each of these headings, the checklist includes a series of actions WMs may take to aid in their work. This may include information they could request from IED competent authorities or information they could supply. Alongside each action is a brief explanation of why that action should be undertaken. The checklist also contains three columns headed ‘once’, ‘periodic’ and ‘ongoing’. Here WMs can indicate or comment on whether an action is a one-off activity, whether it is periodic or intermittent or whether it is an ongoing continuous activity.

Note: this checklist is written for generic water management and IED competent authorities. Where appropriate, please amend by adding specific institutional names, dates, etc.

Note also that the checklist is written for a generalised interaction between competent authorities responsible for these directives and, therefore, it is recommended to add or delete elements which are not appropriate for your situation.

Information action	Explanation	Action to be taken		
		Once	Periodic	Ongoing
Understanding significant water pressures				
WM to inform the IED CA of the range of potential activities arising from IED installations that might affect water status/EQS.	IED CA might focus on pollutant substances, but installation could emit heat, use water, etc., as well as diffuse emissions, all of which should be subject to BAT determination and informed by possible impacts on water objectives.			
WM to seek information from IED CA on location of installations, permit conditions, monitoring results, etc.	All such data are important in understanding current and possible future significant water pressures. In particular operators may collect useful data and undertake analysis which is particular useful for WMs. Where IPPC/IED permits have already been issued these provide useful information for WMs to help determine significant water pressures.			
WM to seek information from IED CA on the spatial distribution of IED installations in a catchment.	The spatial element of the impacts of IED installations is addressed in river basin planning and WMs have to bring together this spatial element to consider relative issues and pressures, including comparisons with non-IED pressures.			
WM to identify where multiple IED installations discharge to single water body and communicate with IED on how to address this.	Where there are multiple discharges these may combine to produce impacts on water directive objectives, but how this is to be address needs to be determined with IED CA, such as options for action compared to BAT for the different installations, etc., where it is necessary to go 'beyond BAT'.			
WM to provide information to the IED CA of issues concerning pollutant objectives set at river basin level.	While the EQSD (and mixing zones) are a focus of interaction with IED, MS may set objectives for other pollutants in water bodies and if these exist, these need to be communicated to the IED CA.			
WM to inform the IED CA of the nature of GES and EQSs in relation to meeting water objectives (WFD, EQSD and GWD), including issues not related to EQSD.	IED permits need to ensure EU EQSs are not compromised by activities of IED installations, but requirements of water directives can be complex, so this requires interpretation – potentially at water body level.			
WM to determine mixing zones in co-operation with the IED CA.	Determining mixing zones under the EQSD requires expertise of WMs. This must be accurate as their calculation affects permit determination and if this is wrong it could result in future compliance issues.			

Information action	Explanation	Action to be taken		
WM to inform the IED CA of the timetables in water directives required to meet objectives.	Installations may be given time to upgrade performance to meet BAT and this needs to reflect timetables for meeting water objectives.			
WM to discuss with IED CA on where operators should consider options to prevent or limit inputs of pollution to groundwater.	If IED installations (including through diffuse pollution through the soil at the IED site) contribute to inputs of pollutants addressed by the GWD these need to be addressed.			
Establishing and implementing measures				
WM to obtain information on IED installation performance from IED CA where relevant to considering potential measures.	In establishing PoMs it is important to understand future performance of IED installations to determine if future application of BAT will address pressures identified.			
WM to discuss possible additional measures for IED installations with IED CA.	If the WMs determine that additional action should be taken by an IED installation as part of a PoM, this should be discussed with the IED CA (e.g. whether the measure is appropriate as an IED permit condition, whether it goes 'beyond BAT', etc.).			
WM to discuss with IED CA, where appropriate, use of disproportionate cost arguments where affecting IED installations.	WFD requires that use of disproportionate cost under WFD cannot be used to reduce any obligations arising from IED.			
WM to ask IED CA for information on inspection regime.	Inspection under IED requires consideration of the environmental impact of the installation. WMs can provide information to support this as well as ensure concerns of installation performance are addressed by the inspection authority. However, it is important for the IED CA to ensure WMs are aware of inspection activities so that this interaction can happen.			
Monitoring				
WM to seek information from IED CA information on monitoring being undertaken (now or in future) by IED installations.	Such information may be useful in contributing to monitoring programmes within RBMPs for WFD, EQSD, GWD.			
WM to supply the IED CA with appropriate monitoring data to inform permitting, inspection	Water monitoring data may provide information on the release of pollutants, use of water, etc., by IED installations			

Information action	Explanation	Action to be taken		
and permit review.	and of the impacts of those installations which may be important in permitting and inspection. Note that WM may need to work with IED CA to help understand the type of data which would be useful.			
WM to work with IED CA to determine whether monitoring should specifically analyse the relative importance (impacts) of several IED installations discharging to the same water body.	Where the relative importance of discharges from several IED installations to the same water body is not fully understood, monitoring programmes under the WFD may be necessary to determine this.			

Interaction between EU water directives and the Industrial Emissions Directive

Guidance for Competent Authorities for the Industrial Emissions Directive (IED)

Introduction

The control of pollution from industrial sources is important in meeting the objectives of water bodies and, specifically, the objectives set in EU water directives. Industrial pollution emissions are regulated by the Industrial Emissions Directive. Therefore, there are potential interactions between these directives in their respective implementation. These interactions have been explored by IMPEL in the following two studies:

- Linking the Water Framework Directive and IPPC Directive, Phase 1, 2010. <http://impel.eu/wp-content/uploads/2012/02/WFD-IPPC-final-report-phase-1-GA-101118-6.pdf>
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A critical conclusion from the IMPEL work that competent authorities for both EU water directives and IED identified was that there needs to be effective and timely exchange of information between these competent authorities. This is essential to ensure they effectively perform their functions as competent authorities. However, as there is a large amount of data and other information generated in implementing these directives, it is important for competent authorities to share necessary information and to share it at the right time for decision making. This guidance aims to help in this process.

This guidance

This guidance is written for those authorities responsible for implementing the IED – here called ‘IED CAs’. Note that in several Member States permitting and inspection functions are undertaken by separate authorities and there are many examples of distribution of competence across different levels of governance. Here we do not distinguish these divisions, but refer simply to IED CAs.

The guidance is in the form of a checklist, indicating particular actions that could be taken by IED CAs to improve their interaction with water managers (WMs) and so help deliver implementation of the IED. The checklist is structured around the regulatory cycle of the IED:

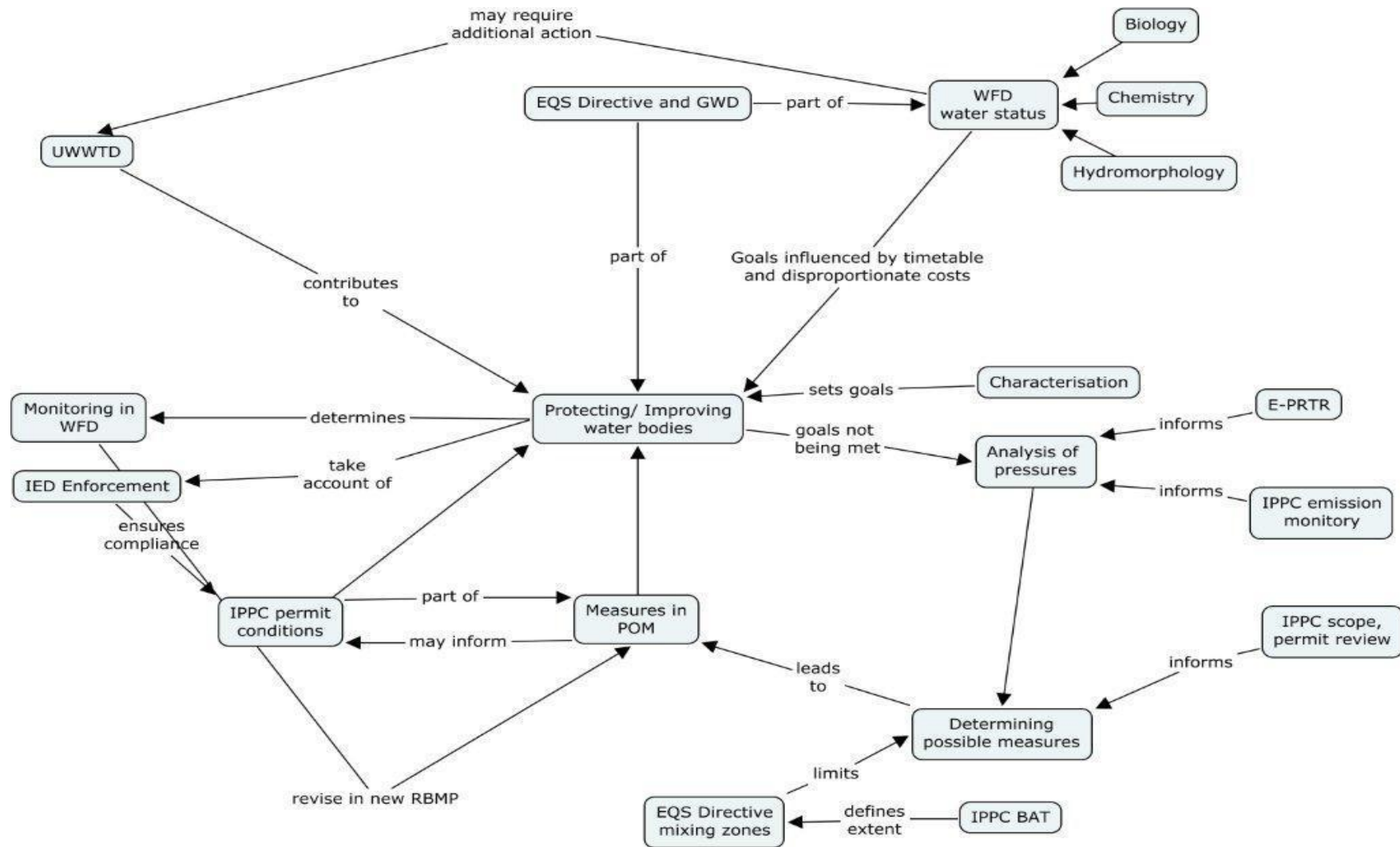
- Permitting
- Monitoring
- Inspection planning
- Inspection
- Permit review

Within each of these headings, the checklist includes a series of actions IED CAs may take to aid in their work. This may include information they could request from WMs or information they could supply. Alongside each action is a brief explanation of why that action should be undertaken. The checklist also contains three columns headed ‘once’, ‘periodic’ and ‘ongoing’. Here IED CAs can indicate or comment on whether an action is a one-off activity, whether it is periodic or intermittent or whether it is an ongoing continuous activity.

Note: this checklist is written for generic water management and IED competent authorities. Where appropriate, please amend by adding specific institutional names, dates, etc.

Note also that the checklist is written for a generalised interaction between competent authorities responsible for these directives and, therefore, it is recommended to add or delete elements which are not appropriate for your situation.

Figure: an illustration of the complexity of interaction between EU law relating to industrial pollution control and water management



Information action	Explanation	Action to be taken		
		Once	Periodic	Ongoing
Permitting				
IED CA to discuss scope of potential impact of installation to determine what should be included in permit application/determination.	IED allows some flexibility in the 'boundary' of an installation, so discussion with WM can ensure relevant directly associated activities impact on water can be included in BAT determination and setting permit obligations.			
IED CA to discuss with WMs possible generic or specific issues relating to operation or monitoring that should be included in guidance to operators applying for permits.	Water management issues should be recognised at an early stage in permit applications, rather than introduced late on as detailed applications become discussed with WMs.			
IED CA to inform WMs of the timetables for permit determination.	This allows for WMs to supply relevant information/raise issues, etc. on time and allow for the permit determination process to proceed smoothly, reducing administrative burdens.			
IED CA to discuss with WMs the obligations of water directives and where these could be impacted by an IED installation and so address these in permit determinations.	Water directive obligations are complex and may need interpretation by WMs.			
IED CA to seek expertise of WMs in understanding pollutant dispersion/behaviour in water where this may affect permit determination.	Where impacts of pollutants (substances and heat) depend on how they spread, etc., in water bodies, WMs are likely to have the expertise to understand, model and interpret this.			
IED CA to discuss with WM situations where several IED installations discharge to a single water body.	Where there are multiple discharges these may combine to produce impacts on water directive objectives, but this needs to be determined with WMs. WMs need to understand potential timetabling issues with the different installations, options for action compared to BAT for the different installations, etc., and where it is necessary to go 'beyond BAT'.			
IED CA to inform WMs of the results of permit determinations.	WMs need to understand current and future pressures on water bodies and this includes limits to discharges, etc., from installations.			
Monitoring				
IED CA to seek views of WMs on appropriate monitoring conditions to set in permit conditions.	Where appropriate monitoring by operators may contribute to surveillance or investigative monitoring under the WFD or enhance development of inventories of emissions under EQSD,			

Information action	Explanation	Action to be taken		
	but this needs to be communicated to IED CA.			
IED CA to seek relevant information from WFD/EQSD monitoring from WMs.	IED CAs tend to rely on operator self-monitoring, but WFD/EQSD monitoring could identify unexpected pollutant concentrations, etc., to trigger investigation by IED CA.			
IED CA to provide WMs with data arising from operator monitoring under IED and inform WMs of its format, frequency and availability.	Monitoring data arising under IED may provide useful information for WMs and they should be fully informed as to its nature and availability.			
Inspection planning				
In developing inspection plans, IED CAs to liaise with WMs on key risks to water bodies that should be taken account of in risk-based planning.	Inspection plans prioritise inspection activity and may take a risk-based approach. A key aspect of risk is the sensitivity of the receiving environment and WMs can interpret the sensitivities of water bodies and receptors in them and risks from different types and quantities of pollutants on those receptors.			
Inspection				
IED CA to seek information from WMs on pollutant, etc., issues for water bodies relevant to installation to help assess permit compliance and environmental impacts of installation.	Water monitoring will identify if there are potential issues with an installation, either from non-compliance with a permit not necessarily identified by operator self-monitoring or impacts arising despite compliance with a permit (both required to be considered under IED).			
IED CA to inform WMs of the results of inspections, including any measures to be taken.	Such information may be important in understanding that issues affecting water bodies are being addressed.			
Permit review				
IED CA to seek information from WMs on whether they are issues concerning compliance with water directives potentially arising from the activity of an installation.	As with a permit determination, understanding the impacts on water directive objectives is important. Note that objectives may change as directives are amended, so issues relating to an installation may change. Furthermore, results of WFD monitoring may change the understanding of the objectives and/or the relationship between pressures and objectives.			
IED CA to seek views from WMs on whether monitoring obligations in permits should be changed.	As with determination of monitoring obligations in the initial permit, views of WMs may have changed on the appropriateness of specific monitoring activities by IED			

Information action	Explanation	Action to be taken		
	operators.			