STUDY ON THE SUITABILITY OF THE DIFFERENT WASTE-DERIVED FUELS FOR END-OF-WASTE STATUS

Consultation response from Eurits: 28 October 2011

The consultation process limits comments to "technical" remarks; however, our feeling is that this unnecessarily limits the scope of comments that can be made on the general principles underlying the study.

Eurits welcomes the Commission's decision to consult on the suitability of waste-derived fuels; however, we have serious concerns that any end-of-waste process will reduce environmental protection.

The previous end-of-waste procedures and criteria have focused only on material recycling (ie particularly on the waste streams identified in the Waste Directive – paper, glass etc) where, in addition to the criteria developed for the end-of-waste process, there is an additional "quality" measure – in that the end user will also control the input of materials derived from waste as it will potentially impact the quality of the end product (and hence either the ability to sell it or the price that it can be sold for). In contrast, for energy recovery from waste fuels the equivalent "product" controls are the control of emissions (by the IED) and the control of the ashes (by the Landfill Directive); and our contention is that any declassification of waste as a fuel product removes those controls.

The greatest risk is that any end-of-waste process for waste fuels will lead to circumvention of emission limit values laid out in the Waste Incineration Directive (and now in the Industrial Emissions Directive). Once a waste is declassified, then the ELVs and BATs applicable to waste will no longer be applicable and lower standards will come into force: there is a strong financial incentive to avoid the emissions control and abatement techniques required by BAT. Additionally, a declassified waste fuel could be traded without any restrictions.

The only hazardous wastes that *might* be considered suitable are those which produce the same emissions when combusted as virgin fuels (notwithstanding that there are some very dirty virgin fuels such as petcoke, coal and oil). *Our experience is that a fuel product should not be produced from a hazardous waste.*

It should be noted that just because a waste is labelled as "non-hazardous" that does not mean that it will not contain hazardous components or contaminants that would be released if the waste were to be burned without the controls and abatement techniques of an incinerator. For example, plastics may contain brominated or phosphor-based flame retardants or cadmium.

Categorisation of the waste fuels

Some of the categories presented in the study represent – potentially – a very wide range of waste materials from a relatively uncontaminated "clean" waste solvent or waste oil to a heavily-contaminated waste oil with, for example, a high PCB content. Without sufficient knowledge and control of the input wastes it is very difficult for a waste treatment operator to be sure of the impact of declassifying a waste as a fuel. In our experience, potential fuels derived from hazardous waste will have some degree of contamination and will therefore

require further treatment before any consideration of whether the end-of-waste criteria could be met.

Chapter 1: Executive Summary

Figure 4 (page 48) is misleading on several issues. Principally, the flow-chart style of eliminating potential fuels seems flawed: the Waste Framework Directive stipulates that all of the four conditions laid out in Article 6 (1) must be met but it does *not* specify an order in which they should be applied. Any assessment of a waste material should cover all of the criteria because, over time, techniques may improve or the quality of the input waste may change: ie all the waste categories considered in the study should be assessed on each of the criteria (and not eliminated from further consideration if they fail to meet the first criterion applied).

Some of the examples used to illustrate compliance with the Art 6 (1) criteria should be improved. For example, the choice of "energy recovery from WDF incineration" in the figure is extremely misleading: if the material were declassified from waste status then it would not be undergoing energy recovery in an incinerator (because it would no longer be a waste) but, instead, undergoing thermal combustion in – potentially – any facility.

Chapter 9: considerations on environment and health impact

Chapter 9 goes some way to addressing some of the general concerns laid out above; however, it stops short of a full comparison of ELVs for incinerators and LCPs (see section 9.3). It would be useful for any detailed criteria of waste fuels to include an assessment as to whether the environmental and human health impacts of combustion in a non-WID compliant plant of a waste-derived fuel would be at least the same as or better than the requirements of the WID.

Chapter 9 also fails to mention that although the Waste Incineration Directive requirements (now part of the IED) only specify a limited number of pollutants that must be controlled, the consequence of controlling those pollutants using primary and secondary measures is that hundreds of other pollutants are also controlled and captured. For example, control and capture of mercury will capture other volatile metals or control of TOC will lead to the control and abatement of thousands of organic compounds.

Chapter 10: considerations on suitability for end-of-waste

The study comments that one of the criteria for end-of-waste decisions laid down by the Waste Directive is:

> "*d) The use of the substance or object will not lead to overall adverse environmental or human health impacts.*" (section 10.4).

Nevertheless, the study does not appear to make any detailed assessment of whether or not combustion without the controls of the WID would lead to adverse environmental or human health impacts.

Eurits, October 2011