Brussels, 5 November 2012

To:

Mrs Soledad Blanco, Director Sustainable Resources Management, Industry & Air, DG Environment

Mr. Gustaaf Borchardt, Director Water, Marine Environment & Chemicals, DG Environment

Subject: **Notification of an Italian draft legislation establishing end-of-waste criteria for Solid Recovered Fuel (SRF)**

Dear Directors,

We are writing to express our concerns with regard to the notification of the Italian draft legislation n°2012/480/I relating to the production and condition for use of solid recovered waste.As highlighted below in more detail, Italy is classifying solid recovered fuel (SRF) as non-waste in order to be able to incinerate or co-incinerate it outside of the EU regulatory framework for waste and industrial emissions (incineration and co-incineration), arguing that SRF that is prepared and classified/specified according to Italian standard UNI EN 15353:2012 standard "Solid Recovered Fuel" ceases to be classified as waste.

We strongly disagree with the end of waste criteria (EoW) proposed by Italy giving SRF a product/fuel status that does not take into account the negative environmental impacts as required by the Waste Framework Directive (WFD) Article 6.c.

In particular, we believe that the Italian EoW criteria for SRF are inadequate and may jeopardise the implementation of the EU regulatory framework for waste and industrial emissions due to:

- less strict emission controls for facilities potentially using SRF as a "product/fuel "compared to waste incineration and co-incineration, in particularly in relation to releases of heavy metals (such as mercury, cadmium, lead and chromium VI) and organic pollutants (such as chlorinated dibenzo-p-dioxins and dibenzofurans)
- no specific requirements and pollutant threshold for ashes and waste water if SRF is considered fuel for industrial combustion plants under Large Combustion Plant Directive
- no traceability for trans-boundary movements under the Waste Shipment Regulation even if the receiving countries might have set a waste status for SRF
- counter- incentive scheme for material recycling and recovery which is the main goal of the EoW status
- no reference to SRF as a product falling under the REACH regime

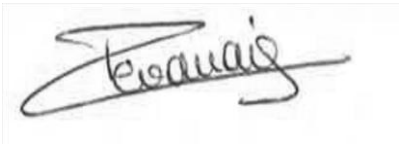
In refusing de facto to implement the necessary controls over the environmental impacts of solid recovered fuels and destination, this draft Italian legislation may cause further delays in gaining

acceptance of solid recovered fuel at European level and undermine the credibility of the European standard adopted to this end in 2012.

We call upon the Commission to oppose the adoption of the Italian legislation and to finalise the ongoing JRC study[1] on end-of-waste (EoW) criteria for SRF. This is the only way to enable the adoption of a common EU position on the issue. An analysis of the incompatibility of the Italian proposal with existing EU waste requirements is detailed in the annex of this letter.

Yours sincerely,

Jeremy Wates,
Secretary General
European Environmental Bureau - EEB



Laura Degallaix,
Secretary General
European Environmental Citizens' Organisation for Standardisation – ECOS

CC:

Mr. Julio Garcia Burgues, Head of Unit, Waste, DG Environment, European Commission
Mr. Thomas Verheye, Head of Unit, Industrial Emissions, Air Quality & Noise, DG Environment, European Commission
Mr. Björn HANSEN, Head of Unit, Chemicals, Biocides and Nanomaterials, DG Environment, European Commission

[1] Study on the suitability of the different waste derived fuels for end-of-waste status in accordance with Article 6 of the Waste Framework Directive [2012-10-29]

ANNEX

1. Characterisation and Classification of Solid Recovered Fuel (SRF)

According to Standard EN 15353:2012 "Solid Recovered Fuel", SRF is produced from non hazardous waste. The input waste can be production-specific waste, municipal solid waste, industrial waste, commercial waste, construction and demolition waste, sewage sludge etc. It is thus obvious that SRF i a heterogeneous group of fuels. A well defined system for classification and specification is therefore of great importance. SRF meeting the classification and specification requirements laid down in EN15359 is to be utilised for energy recovery in incineration or co-incineration plants, according to the Waste Incineration Directive (WID), predominantly in cement kilns, but also in installations of the pulp and paper industry, metal and chemical industries. If SRF ceases to be considered waste, its combustion in EU industrial installations will be mainly regulated by the Large Combustion Plant Directive (LCP) or the Integrated Pollution Prevention and Control Directive (IPPC), recasted under the Industrial Emissions Directive (IED). The emission values established by LCP are more than 4 to 8 times higher than set out in the IED for waste incineration and co-incineration.

2. End of Waste Criteria for of Solid Recovered Fuel (SRF)

The proposed Italian End-of-Waste criteria (EoW) are based on Classes 1 to 3 of Standard EN 15353:2012 "Solid Recovered Fuel" which set a too high content of mercury to grant environmental permits for combustion in any type of large combustion or cement plant. Classes 2 and 3 of the standard allow that 80% of the mercury (Hg) values achieve up to 0.06 and 0.16mg/MJ Hg although for efficient performances hard coal WBB boilers (wet bottom boiler pulverized coal, molten slag) should not receive waste with mercury higher than 0.034 mg/MJ and fluidized bed boilers (FBB) without activated carbon filters should not receive mercury higher than 0.028 mg/MJ. Furthermore the validation of the standard showed a high variation of mercury and cadmium in the waste fractions, requiring a high number of measurements on the same lot to achieve near the true mean value of mercury. There is a high uncertainty linked with the waste classification and specification due to this variability. No guarantee is given that waste classification and specification results give representative indications about the heavy metal content of SRF.

Finally the SRF standard is very weak on the number of measurements (the sampling lot size shall be one tenth of 12 months rolling period of production of the product to be classified):

- In large production sites, the lots for measurement are very big and an analysis will not be representative for the entire production.

And the value used to classify SRF must rely on 10 consecutive analyses as a minimum:

- 10 measurements is far too little to give a representative result in waste analysis as shown by Flamme[2], 2002, page 87. At least 50 measurements are needed to achieve results near the mean value of mercury.

Therefore SRF should be incinerated in plants under the waste regime. Dedicated waste incinerators are equipped with abatement technology specially made for varying heavy metal content. Waste co-incineration plants are controlled under the waste regime and therefore better ensure compliance with the limit values than plants without such control, only relying on SRF classification and specification by Standard EN 15353:2012

[2] http://d-nb.info/966236300/34 [2012-10-29]