

Reaching BAT: Flanders' path of discharge quality standards

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1. At the core of the system: a presumption

- “§ 1. *The operator should, acting with due diligence, always use the best available techniques to protect man and environment, and this with regard to as well the selection of the treatment methods for emissions as the selection of measures of pollution reduction at the source (...). This obligation also holds for modifications to classified installations (...)*”
- “§ 2. Respect of the conditions provided by this Executive Order and/or by the environmental permit, *is considered as compliance* with the obligation under § 1.”
 - How true?



2. Operating conditions: three layers, from general to tailored for the plant

- General operating conditions – Executive Order
 - All regulated polluting activities
- Sectoral operating conditions – Executive Order
 - Specific polluting activities, e.g. all intensive rearing of poultry, all intensive rearing of pigs, all installations for the incineration of municipal waste, other activities of waste management, ...
- Individual operating conditions – in the permit
 - The ultimate tool in permitting policy

3. To BAT-level: two steps

- Input from the operator:
BAT in the application
 - Has to show in his application that the proposed (new installations – new permit) or applied (existing installation – permit renewal) are in conformity with the BAT-requirement
- Input from the decision makers: BAT at last?
 - The permitting authority decides
 - Can, if deemed necessary, impose BAT-based conditions in the permit



4. Individual operating conditions:

- Can
 - Complete the general and sectoral operating conditions
 - Amend them, imposing stricter requirements
 - Sometimes: amend them, imposing less strict requirements
- Need motivation
- Specific hypothesis: to maintain or reach environmental quality standards