



# Environmental Permitting Regulations Operational Risk Appraisal (Opra for EPR) version 3.91

April 2017



**We are the Environment Agency. We protect and improve the environment and make it a better place for people and wildlife.**

**We operate at the place where environmental change has its greatest effect on people's lives. We reduce the risks to people and properties from flooding, make sure there is enough water for people and wildlife, protect and improve air, land and water quality, and apply the environmental standards within which industry can operate.**

**Acting to reduce climate change and helping people and wildlife adapt to its consequences are at the heart of all that we do.**

**We cannot do this alone. We work closely with a wide range of partners including government, business, local authorities, other agencies, civil society groups and the communities we serve.**

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# Introduction

To make sure that we look after the environment we need to be able to put more of our effort into the higher-risk activities and poor performers. Operational risk appraisal (Opra) is a way of assessing risk that helps us do this. We use it to:

- **help us plan how to use our resources;**
- **report on how the activities we regulate are performing; and**
- **work out charges.**

The activities covered by this document are installations, waste operations, mining waste operations, non-nuclear RSR (Radioactive Substance Regulation), groundwater activities and mobile plant. The types of activity are defined in the Environmental Permitting (England and Wales) Regulations 2016.

## How to use this document

This document gives you an overview of our Opra scheme from April 2016.

It replaces the Environmental Permitting Regulations Operational Risk Appraisal Scheme (Opra for EPR), version 3.9, published in April 2014.

You should use this document to understand how Opra works and to find which documents you need to help you apply for a permit, variation (change to your permit), transfer (to another operator), surrender (giving up part or all of your permit) or landfill closure. You should read the 'Environmental Permitting Charging Scheme and Guidance 2014' for information about different permit levels, known as tiers, that apply to your activities, and for charging details, including any advertising fees that may apply.

## Related documents

Together the following documents all relate to our Opra scheme and the links to charges. The document you are currently reading is highlighted in bold. There may be other documents in the list that will help you find the type of permit you need and to work out your Opra banded profile (see page 3) and related charges.

- **Environmental Permitting Regulations Operations Risk Appraisal Scheme (Opra for EPR) version 3.91**
  - Annex A Opra scheme for installations
    - How to complete an Opra spreadsheet for installations
  - Annex B Opra scheme for waste facilities
    - How to complete an Opra spreadsheet for waste facilities
  - Annex C Opra scheme for mining waste operations
    - How to complete an Opra spreadsheet for mining waste operations
  - Annex D Opra for permits with fixed charges
- Environmental Permitting Charging Scheme and Guidance 2014

All these documents are available by calling our general enquiry line on 03708 506 506.

# About Opra

Opra gives us a consistent way to assess the environmental risk of running your activity. Our approach to authorising activities under the Environmental Permitting Regulations has three tiers.

**Tier 1** – These are registrations for the simplest activities. We don't decide if you can carry out the activity or not. But you must tell us when you do these activities and you may have to pay a registration charge. The Opra-banded profile scoring system doesn't apply to registrations.

**Tier 2** – These are for activities where we make a decision whether or not to grant the permit. We use risk-based bands to work out which activities come into tier 2. These types of permit are shown in the EP charging scheme and guidance 2014'.

Tier-2 activities have fixed charges when you apply for a permit, vary one, transfer a permit or surrender one. We may use the 'compliance rating attribute' of Opra (described on page 5) to adjust the yearly subsistence charges for a permit after it's been issued depending on how well you meet the rules, known as 'conditions', in your permit. You can find more information in 'Annex D Opra for permits with fixed charges'.

**Tier 3** – These are for the most complicated activities we regulate. These permits take account of specific local issues and the activities carried out on site. Permit conditions can be non-standard and are written specifically for each activity. Tier-3 permits use the full Opra assessment based on five points, known as attributes, described below. We give each attribute one or more lettered bands. These bands give you what we call an Opra-banded profile.

A permit can cover more than one activity. An individual permit can cover activities in more than one tier.

You can find details of how to use Opra in the annex specific to your activities.

- Annex A – Opra scheme for installations
- Annex B – Opra scheme for waste facilities
- Annex C – Opra scheme for mining waste operations
- Annex D – Opra for permits with fixed charges

We've written spreadsheets and guides to the spreadsheets to help you work out your Opra-banded profile as you provide information and answer relevant questions. You can get a copy by calling our general enquiry line on 03708 506 506. The spreadsheets are for:

- installations;
- waste facilities; and
- mining waste operations.

For sites with activities in more than one of the annexes mentioned above, you should see the section below about group activities (page 7) and use this document and the relevant annexes.

# Tier-3 Opra attributes explained

We've written some questions linked to the five attributes. Your answers to these questions will provide an environmental risk assessment for your activities. This will then convert to your Opra-banded profile.

The information and answers for each attribute will give you a band rating from A to E, or A to F for compliance rating. An 'A' rating means you need less 'regulatory effort' from us, while 'E' or 'F' means you need more regulatory effort because of the increased environmental risk of your activities and to help you keep to the conditions in your permit. Regulatory effort means the work we do during the permitting stage and to assess how well you meet these conditions. This can include visits to your site to give advice or to assess how you are doing, checking information against your permit or auditing your management system.

The five 'attributes' are shown below.

**1) Complexity** – the type of activities covered by your permit. This attribute looks at:

- what you do and what hazardous materials you have at your site;
- what you release or could release into the environment; and
- the work we need to do to make sure you are keeping to the rules of your permit and to keep public confidence.

**2) Emissions and inputs** – the amounts you are allowed to put into and release from an activity. This attribute looks at:

- releases to air;
- releases to water;
- releases to land;
- waste coming onto site; and
- waste being transferred off site.

**3) Location** – the state of the environment around your site. This attribute looks at:

- how far your site is from where people live, work and play;
- how far your site is from areas that have been given special legal protection, for example Sites of Special Scientific Interest;
- what surface and ground waters are near to you and if your site could be flooded;
- the potential for a direct release to water and what you have in place to stop it; and
- whether your site is in an area your local council is targeting to improve air quality.

**4) Operator performance** – your management systems and enforcement history. This attribute has two parts:

- the management systems and procedures you use to help you keep to the conditions of your permit; and

- recent formal enforcement action taken at your site by regulatory organisations.

**5) Compliance rating** – how well you keep to the conditions of your permit. Using our compliance classification scheme (CCS), this attribute looks at:

- whether you have kept to the conditions of your permit;
- what could have happened to the environment if you failed to keep to the conditions of your permit; and
- work we need to do to deal with you if you failed to keep to the conditions of your permit.

We work out the compliance rating using the total CCS points for each calendar year, January to December. The compliance rating adjusts the yearly subsistence charge for most tier-2 and -3 permits. You can find details of the adjustments for each band in the 'EP Charging Scheme and Guidance 2014'.

This document is out of date and was withdrawn on 1 March 2019.

# Working out your tier-3 Opra-banded profile

You only need to produce an Opra-banded profile if you have a tier-3 permit. The easiest way to complete the profile is to use the relevant spreadsheet. You can ask for a copy by calling our general enquiry line on 03708 506 506, fill it in and return it to us.

You can also get guides on filling in the Opra spreadsheets for installations, waste facilities and mining waste operations.

## Tier-3 Opra and permit application

To find out more about the different types of permit for installations, waste facilities and mining waste operations, call our general enquiry line on 03708 506 and ask for information on 'Do you require an Environmental Permit?' to help you decide which type of permit you need.

To apply for a permit or to vary (change the details of) or surrender (give up) a permit, you should:

- check the type of permit you need to apply for;
- ask us for advice if you would like help before you apply;
- use the relevant Opra-scheme annexes and spreadsheet for your type of activity to help you work out your Opra-banded profile;
- fill in an application form for your permit;
- check the charge relevant to your application in the EP Charging Scheme and Guidance; and
- send your application form, any technical documents listed for your type of application and your payment to us at the address on the application form.

When we consider your application, we will review the information you send and the assessment of your environmental risk. We'll speak to you about any mistakes or missing information before we confirm what your Opra banded profile is. We'll let you know your Opra-banded profile and your yearly subsistence charges once we've given you your permit.

## Updating your tier-3 Opra-banded profile

We'll normally review your Opra-banded profile once a year. We also review it when:

- you transfer your permit (fully or partially) to a new operator;
- we vary your permit; or
- we accept an application to give up part of (partially surrender) your permit.

## Groups of activities

For some installations and waste facilities, there may be more than one activity covered by a single permit. For example, an organic chemical manufacturer might have a number of installations at one site which are all covered by one permit. In these cases, we have introduced the terms 'installation group' and 'waste facility group'.

These are described as follows.

- Installation group – the installation or installations on the application or permit.
- Waste facility group – the waste facility or facilities on the application or permit.

There are no mining waste operation groups.

You may be able to apply for a permit which includes, for example, an installation group, a waste facility group and a mining waste operation. In this case, you need to work out a separate Opra banded profile for the installation group, the waste facility group and the mining waste operation.

We have included information to help you work out an Opra banded profile for an installation group or waste facility group in the annexes to this scheme.

## Combined tier-2 and tier-3 activity permits

You can find the charges for permit applications or variations where the activities covered by the permit include both tier-2 and tier-3 activities in the EP Charging Scheme and Guidance 2014.

## If you are unhappy with your Tier-3 Opra banded profile

If you think your Opra-banded profile is wrong, contact your local Environment Agency officer. You can ask us to change your Opra banded profile at any time, and we will change it if it's wrong. We will not change the profile to cover temporary changes to your operational practices.

If you can't sort out a profile issue with your local officer, you can discuss the matter with the officer's line manager or the area environment manager.

If you still can't sort the issue out, you can take your complaint through our official complaints and commendations procedure. To learn about our customer charter and how to make a complaint, phone our general enquiry line on 08708 506 506 (Monday to Friday, 8am to 6pm) and ask for the Customer Contact Team.

If you're still unhappy after using the complaints and commendations procedure, you can take your complaint to the Ombudsman. For advice on how to complain to the Parliamentary Ombudsman, phone their helpline on 0345 015 4033.

## Links to the EP Charging Scheme

If you want to find out how Opra affects the charges you pay, read the EP charging scheme and guidance 2014 available by calling our general enquiry line (details on page 6). This will also describe the various types or tiers of permit you may have.

For tier-3 permits, we use the first four attributes of your Opra-banded profile to work out application, variation, surrender and closure charges. We work out your subsistence charge using all five attributes of your Opra-banded profile.

This document is out of date and was withdrawn on 1 March 2019.

### More information

All the Opra documents are available by calling our general enquiry line on 03708 506 506.

If you have any questions or comments on Opra, or suggestions about how we could improve either the scheme or any of the supporting documents, please email us at [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).

phone us on 03708 506 506 or write to us at:

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