

Department of Environment, Food and Rural Affairs

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Industrial emissions Directive – key points to note

The Directive is a Recast of seven existing Directives: those concerning integrated pollution prevention and control (“IPPC”) (2008/1/EC), large combustion plants (2001/80/EC), waste incineration (2000/76/EC), solvent emissions (1999/13/EC) and three concerning waste from the titanium dioxide industry. These are referred to as “component Directives” in this document.

Chapter I of the industrial emissions applies to all the installations which the Directive covers. It contains definitions, requirements in respect of permitting, and also requirements in the event of incidents and accidents at installations.

Chapter II applies to installations carrying out any of the activities listed in **Annex I**. Most of those activities are already covered by IPPC, but there are some new activities – these are tabulated in Appendix 1 to this document. For reasons stated below, these can be referred to as “2015 activities” and installations at which only one or more them is carried out can be referred to as “2015 installations”.

Other changes in the Directive have the effect of bringing into Chapter II certain waste management activities which currently do not require an IPPC permit because (i) they treat only waste which the waste Directive (2008/98/EC) excludes from its coverage, or (ii) because they are covered by a waste exemption under the Environmental Permitting (England and Wales) Regulations 2010.

Chapter II maintains the current IPPC requirements, but clarifies and strengthens some of them, as noted below.

- There is more detail about how emission limit values (ELVs) have to be set, particularly where there are BAT-associated emission levels (BAT-AELs) in BAT Conclusions which have been formally adopted and published by the European Commission¹.
- Permits have to be reconsidered and if necessary updated within four years of the publication of BAT Conclusions.
- There is more detail about how need for restoration of the site after an installation has closed has to be identified and met, in particular through reference to a “baseline” report on site condition.

¹ BAT Conclusions are expected to be adopted eventually for all the industry sectors (currently 29) for which there is a BAT reference document (BREF). But this process of adoption is likely to extend over several years: by February 2012 only two sets of BAT Conclusions had been adopted and work was in progress on a third.

- There are explicit requirements for environmental inspections of installations, such that every installation has to be inspected at least triennially, and annually if assessed as posing high environmental risks.
- The development and application of emerging techniques for dealing with pollution have to be encouraged.

Chapter II applies from different dates as explained below.

- Any installation with an IPPC permit which was in operation before 7 January 2013 becomes subject to Chapter II from 7 January 2014.
- Any installation which has applied for an IPPC permit before 7 January 2013 and is put into operation before 7 January 2014 becomes subject to Chapter II from 7 January 2014.
- Any installation which carries out only one or more of the “2015 activities” becomes subject to Chapter II from 7 July 2015 (hence the “2015” label). But such installations will need to apply for a permit well before that date.
- Similarly, any installation which already has an IPPC permit but which also carries out one or more of the “2015 activities” will need to have its permit varied accordingly by 7 July 2015.

Chapter III applies to large combustion plants (LCPs) in the same way as the current large combustion plants Directive (2001/80/EC) does. As now, it must be noted that all LCPs by definition are also subject to the requirements of Chapter II. Chapter III prescribes only the minimum requirements in respect of emission limit values (ELVs) which the regulator must set in permits.

Chapter III and the associated Annex V contain largely distinct requirements for “existing” and “new” LCPs. “Existing” LCPs are those in operation before 7 January 2013 or for which a permit application has been made before that date and which is brought into operation by 7th January 2014’. “New” combustion plant is simply any which is not an existing combustion plant.

New combustion plants become subject to Chapter III from 7 January 2013. Existing LCPs do not become subject to any of the requirements in Chapter III until 1 January 2016. Until that date, they remain subject to the relevant requirements of the existing large combustion plants Directive. But operators who may wish to place qualifying plants in the Transitional National Plan which can run from 1 January 2016 to 30 June 2020 need already to be considering that option. Similarly, operators who may wish to use the “limited life” derogation have until 1 January 2014 to provide the

necessary written declaration to the regulator.

Chapter IV and the associated Annex VI apply to any installation in which waste is incinerated or co-incinerated, irrespective of the installation's capacity to treat waste in those ways. Like the current waste incineration Directive (2000/76/EC), whose requirements remain almost unchanged, Chapter IV and Annex VI prescribe ELVs and other operating and monitoring conditions which must be met by all the installations they cover. They do not themselves require consideration of BAT. But installations which are above the treatment capacity thresholds² set in Annex I for waste incineration and co-incineration will also be subject to Chapter II requirements. Save for some very specific provisions, Chapter IV applies to all the installations it covers from 7 January 2013.

Chapter V and the associated Annex VII maintain virtually unchanged the requirements of the current "solvent emissions" Directive (1999/13/EC). Those set ELVs and other conditions in respect of a wide range of industrial activities in which volatile organic solvents are used. They do not require consideration of BAT other than in very specific and limited circumstances. In some cases, the activities may be conducted within installations to which Chapter II also applies. Save for some very specific provisions, Chapter IV applies to all the installations it covers from 7 January 2013.

Chapter VI and the associated Annex VIII apply only to installations producing titanium dioxide³. Carrying out chemical production, these installations are by definition also subject to the requirements of Chapter II.

Chapter VII of the industrial emission Directive provides for various reporting requirements which each Member State has to meet. These are similar to the requirements of the component Directives and so, as now, the necessary information will generally be assembled by the regulators according to need, drawing in turn on information provided by operators in compliance with the Directive's requirements. The detail of what reports on the implementation of the Directive have to cover has to be agreed by Member States through a Committee procedure.

² The thresholds are capacities of 3 tonnes per hour for non-hazardous waste and 10 tonnes per day for hazardous waste.

³ Of which in February 2012 there were two in the United Kingdom, both in England.

Chapter VIII enables amendments to be made, by a Committee procedure, to specified parts of the Directive's Annexes in order to adapt them to scientific and technical progress. Parts of Annexes in which ELVs are set are not included: changes in those and all other respects can only be made through negotiation of a formal legislative proposal.

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Appendix: the “2015 activities”

- Gasification of fuels other than coal.
- Chemical production by biological processing.
- Disposal or recovery of hazardous waste using biological treatment, physico-chemical treatment, surface impoundment, or blending, mixing or repackaging prior to other treatments.
- Disposal of non-hazardous waste in an installation with treatment capacity exceeding 50 tonnes per day involving: pre-treatment waste for incineration or co-incineration; treatment of slags and ashes; or treatment in shredders of metal waste.
- Recovery or a mix of recovery and disposal of non-hazardous waste with a capacity exceeding 75 tonnes per day (or 100 tonnes per day if the only waste treatment activity is anaerobic digestion) involving one or more of the following activities and excluding activities covered by Directive 91/271/EEC (the “urban waste water treatment” Directive): biological treatment; pre-treatment of waste for incineration or co-incineration; treatment of slags and ashes; or treatment in shredders of metal waste.
- Temporary storage of hazardous waste with capacity above 50 tonnes (excluding on the site where the waste is generated)
- Underground storage of hazardous waste with a total capacity exceeding 50 tonnes.
- Food production from mixed animal and vegetable materials if above the newly-defined⁴ production capacities.
- Preservation of wood and wood products with chemicals with a production capacity exceeding 75m³ per day other than exclusively treating against sapstain.
- Independently operated treatment of waste water not covered by Directive 91/271/EEC and discharged by an installation carrying out another activity listed in the Directive’s Annex I.

⁴ In point 6.4(b)(iii) of Annex I to the Directive.