

Consultation on the transposition of the industrial emissions Directive in England and Wales

March 2012



Llywodraeth Cymru
Welsh Government



defra
Department for Environment
Food and Rural Affairs

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Contents

Scope of the consultation.....	6
Basic Information.....	6
Introduction.....	8
Directive Chapter I – ‘Common Provisions’	10
14. Permits for operators of parts of an installation.....	11
15. Incidents and accidents	12
16. Energy efficiency requirements upon installations in the EU-ETS	12
Directive Chapter II – installations subject to IPPC	13
17. Preamble.....	13
18. Emission limit values.....	13
19. General binding rules.....	14
20. Baseline reports and site closure.....	14
21. Emerging techniques	15
22. Waste management activities.....	16
23. Preservation of wood and wood products	17
Directive Chapter IV – waste incineration	17
24. Preamble.....	17
25. Regulator for non-hazardous waste co-incineration activities.....	18
26. Removal of BAT requirements from incineration and co-incineration installations not subject to IPPC	18
27. PCB and PAH monitoring.....	19
Directive Chapter V – activities using solvents.....	19
28. Preamble.....	19
29. Registration option for solvent activities	20

30. Removal of BAT requirement from solvent activities	21
Directive Chapter VII - transitional arrangements	22
31. Timetable for permit applications	22
Activities not subject to the industrial emissions Directive	23
32. “Legacy” activities	23
33. Mobile plant	24
Consultation questions	25
APPENDIX A - Other points to note about the Directive	28
A1. Activities newly subject to IPPC – the “2015 installations”	28
A2. IPPC “general principle” on waste prevention	29
A3. Wastes not excluded from subjection to the Directive.....	29
A4. Site closure	31
A5. Chemical industry – production on an ‘industrial scale’	31
A6. Disposal or recovery of non-hazardous waste – exclusion of activities covered by the urban waste water treatment Directive.....	31
A7. Installations producing foodstuffs with both animal and vegetable ingredients 32	
A8. Definition of poultry.....	32
A9. Waste incineration provisions.....	33
A10. Large combustion plants – transitional national plan	33
A11. Large combustion plants – limited life time derogation.....	33
A12. Large combustion plants – aggregation rules	33
A13. Transitional arrangements.....	34
A14. Review of the Regulations.....	35
APPENDIX B – registration system for solvent activities	36
APPENDIX C – legacy activities – “moribund and superfluous”	39
APPENDIX D – legacy activities – environmentally justified.....	43

APPENDIX E – legacy activities – “remove from Part A”46

Scope of the consultation

Topic of this consultation:	Transposition of the industrial emissions Directive (2010/75/EU) through amendment of the Environmental Permitting (England and Wales) Regulations 2010
Scope of this consultation:	Several specific points about the Directive, notably how to use derogations and flexibilities which it makes available. Also the application of Directive requirements to activities which are not specified in the Directive but which appear in the current Regulations.
Geographical scope:	England and Wales. (The administrations in Scotland and Northern Ireland are making separate arrangements for transposition. Separate arrangements are being made by the Department of Energy and Climate Change in respect of UK offshore installations)
Impact Assessment:	A draft impact assessment accompanies this consultation paper: views on it are sought.

Basic Information

To:	Operators of industrial installations which are subject to the Directive, and anyone with an interest in how those installations are regulated.
Body/bodies responsible for the consultation:	Department for Environment, Food and Rural Affairs and the Welsh Government
Duration:	12 March to 6 June 2012

Enquiries:	David Demain – 020 7238 1687 - Control.Pollution@defra.gsi.gov.uk
How to respond:	By post to Defra, Area 5F Ergon House, 17 Smith Square, London SW1P 3JR. By E-mail to Control.Pollution@defra.gsi.gov.uk .
Additional ways to become involved:	As this is a largely technical issue with largely specialist interests, this is a written exercise, although we shall be happy to respond to any questions you may have about it.
After the consultation:	When this consultation ends, we intend to put a copy of the responses, subject to any for which confidentiality is justified, in the Defra library at Ergon House, London. The responses will help us draft the amending Regulations for which we shall seek Parliamentary approval in the autumn of 2012. The responses will also help us finalise the impact assessment and the draft guidance.

Introduction

1. The industrial emissions Directive¹ is a Recast² of seven existing Directives: those concerning integrated pollution prevention and control (2008/1/EC³), large combustion plants (2001/80/EC), waste incineration (2000/76/EC), solvent emissions (1999/13/EC) and three concerning waste from the titanium dioxide industry⁴. Material from those Directives is to be found in Chapters II to VI respectively of the industrial emissions Directive. All those Directives – the “component Directives” - are currently transposed in England and Wales through the Environmental Permitting (England and Wales) Regulations 2010 (SI 2010. No. 675)⁵ – usually abbreviated in this consultation paper as “EPR”. In this paper and its accompanying material, the industrial emissions Directive is generally referred to simply as “the Directive”.
2. As much of the material in the recast Directive remains substantively unchanged from the component Directives, we consider that the EPR provide the most appropriate vehicle through which to transpose the industrial emissions Directive. Draft amending Regulations have therefore been drawn up and **the primary purpose of this consultation paper is to seek your views on particular points** which have arisen in doing so.
3. Please note that the Welsh Government is consulting⁶ on proposals to create a single environment body for Wales. The body will exercise a range of functions currently conferred on the Environment Agency, the Countryside Council for Wales and the Forestry Commission. These amendments to the EPR are proposed in the expectation that the new body will take over the Environment Agency's statutory duties in relation to the industrial emissions Directive at a future date.
4. **Please note that this consultation refers only to England and Wales.** The administrations in Scotland and Northern Ireland will be transposing the Directive separately. If you have interests there, please watch out for separate

¹ A short summary of the industrial emissions Directive, containing a link to the Directive itself, is at http://europa.eu/legislation_summaries/environment/air_pollution/ev0027_en.htm .

² The Recast was made under Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts (2002/C 77/01). This states that ‘recasting shall consist in the adoption of a new legal act which incorporates in a single text both the substantive amendments which it makes to an earlier act and the unchanged provisions of that act. The new legal act replaces and repeals the earlier act’.

³ Directive 2008/1/EC is a codified version of the original IPPC Directive, 96/61/EC.

⁴ Directives 78/176/EEC, 82/883/EEC and 92/112/EEC.

⁵ At <http://www.legislation.gov.uk/ukxi/2010/675/contents/made> .

⁶ See <http://wales.gov.uk/consultations/environmentandcountryside/singlebody/?lang=en> . The consultation period ends on 2 May 2012.

consultations. Please note also that the Directive applies to offshore installations. The Department of Energy and Climate Change will be consulting separately on UK transposition arrangements in respect of the limited range of Directive activities which are carried out at offshore oil or gas installations.

5. Although specific questions are put to you below, **please consider the draft amending Regulations as a whole and comment on any perceived deficiencies or uncertainties.** Please note that there are three main components to the draft amending Regulations:
 - amendments to the main body of the EPR – these are relatively few in number and arise from various features of the Directive;
 - amendments to Schedule 1 – these make quite extensive changes, in particular to Part 2 of the Schedule which describes the activities subject to integrated pollution prevention and control (“IPPC” hereinafter) – these are listed under Part A(1) and Part A(2). Some of these amendments are driven by changes to the coverage of the IPPC Directive, but more are driven by the consideration of “legacy” activities – that is to say, activity descriptions which are not to be found in Annex I of the industrial emissions Directive – see section 32 of this paper; and
 - amendments in respect of Schedules 7, 13, 14, 15 and 17 – all of these are needed to transpose Chapters II – VI of the industrial emissions Directive, just as the current versions of those Schedules transpose the component Directives, largely through reference to the various Articles of the industrial emissions Directive with which the regulator must ensure compliance. This “referential” system in effect transposes the exact words of the Articles.
6. The draft amending Regulations also contain a replacement Schedule 8 which concerns the regulation of emissions to air from activities described under Part B of Part 2 of Schedule 1. This system of regulation is unaffected by the industrial emissions Directive⁷, but the current Schedule 8 refers to Articles in the IPPC Directive which will be repealed by the industrial emissions Directive from 7 January 2014. It is therefore proposed to replace Schedule 8 as part of this set of amendments, in a way which preserves unchanged the provisions of the current Schedule 8. **Do you have any concerns about the proposed replacement Schedule 8?**
7. Other points to note about the effect of the draft amending Regulations are set out in Appendix A to this consultation paper.
8. In order to help your consideration of the draft amending Regulations, we have provided “marked up” versions of the main regulations and of Schedule 1 which accompany this consultation paper. Please note that the “base” material in these

⁷ Although the solvent emission activities covered by the Directive are currently listed as Part B in Section 7 of Part 2 of Schedule 1 to the EPR, the draft amending Regulations remove them to a separate listing in the proposed Schedule 14.

versions is that which would be in existence if the amending Regulations⁸ first proposed in late 2010 enter force from April 2012. The small amount of material which is dependent on that entry into force is clearly identified. However, the changes made by the proposed amending Regulations will in any case be unaffected.

9. For further background to the industrial emissions Directive, **you should read the draft impact assessment which accompanies this consultation paper.** To aid the preparation of the final impact assessment which will accompany the finalised amending Regulations, **you are particularly invited to respond to the questions which are contained in that draft** and which, for convenience, are listed in Section 34 of this consultation paper.
10. Also accompanying this consultation paper is draft guidance from Defra and the Welsh Government in respect of Part A installations. This builds on the current Part A guidance in the series of EPR guidance documents⁹. The draft guidance is included with this consultation because the changes made by the industrial emissions Directive are most extensive in relation to Part A activities. Draft revised guidance in respect of large combustion plants also accompanies this consultation, as an aid to understanding the changes made by the Directive. This draft guidance may aid your understanding of the context of the amending Regulations and of how particular provisions of them are proposed to be implemented. **We shall be grateful for comments on the form and content of that draft guidance.**
11. The current EPR guidance on waste incineration is much less affected by the industrial emissions Directive and arrangements will be made within the next few months for the necessary amendments. Revision of the current EPR guidance on activities using solvents will depend upon the outcome of this consultation (see sections 28 to 30 of this consultation paper) and so a draft of that revision will be proposed late in 2012 when the final form of the amending Regulations is known.
12. The remaining sections of this paper set out the particular points upon which Defra and Welsh Government would be particularly grateful to receive comments. The sections are ordered according to the Directive Article number to which they refer, with sections thereafter dealing with a few issues which are not immediately connected with the Directive.

Directive Chapter I – ‘Common Provisions’

13. Please note that Articles 1 to 9 of the Directive apply to the Directive as a whole. Sections 14 and 15 of this consultation paper highlight particular points amongst those Articles, but respondents – particularly those with installations not subject

⁸ See <http://archive.defra.gov.uk/corporate/consult/env-permitting-regs/>

⁹ EPR guidance is available through <http://archive.defra.gov.uk/environment/policy/permits/guidance.htm> .

to the IPPC provisions in the Directive's Chapter II - should examine Chapter I as a whole in some detail.

14. ***Permits for operators of parts of an installation***

14.1. Article 4(3) provides the option for a single permit to cover 'several parts of an installation operated by different operators', provided that the permit specifies the responsibilities of each operator.

14.2. Under the current EPR, a permit can only be granted to a person who is in control of the operation of the installation, or a part of the installation. So where there:

- is a sole operator of an entire installation, one permit is issued to that operator;
- are joint operators of an entire installation (*ie* more than one person operating in partnership or in some other form of joint enterprise), one permit for the entire installation is issued to the "person" of the joint operators as defined in the partnership or joint enterprise agreement; or where there
- are sole operators of different parts of an installation (for example, one person operates the main activity, another a directly associated activity forming part of the installation), a permit is issued to each of the sole operators in respect of the activity or activities they operate.

14.3. Thus the EPR already allow for the possibility of more than one operator of an installation. However, the EPR do not provide for a single permit to be issued to operators who are not acting in partnership or other form of joint enterprise. A permit covering the activities of more than one distinct operator would still need to make the responsibilities of each operator within the installation completely clear, so that appropriate conditions could be included and, in the event of non-compliance, enforcement action could be taken in the same way as would be the case if the permit covered only a single operator. Only in that way could environmental protection be satisfactorily provided. A permit covering different operators would be highly complex in terms both of its content and the processes needed in making and determining the application.

14.4. Defra and the Welsh Government are therefore currently not minded to amend the EPR so as to accommodate the option contained in Article 4(3) of the Directive. **Are you content with that? If not, can you demonstrate from a real example that allowing a permit to cover several parts of an installation operated by different operators will reduce overall regulatory burden whilst maintaining the environmental protection required by the Directive?**

15. *Incidents and accidents*

- 15.1. Article 7(c) requires the competent authority, in the event of any incident or accident significantly affecting the environment, to require 'the operator to take any appropriate complementary measures that the competent authority considers necessary to limit the environmental consequences and to prevent further possible incidents or accidents'. This Article applies to all activities covered by the industrial emissions Directive, not only those which are subject to IPPC.
- 15.2. Regulation 36 of the EPR already provides regulators with the power to serve an enforcement notice which can specify steps to be taken if an operator 'has contravened, is contravening, or is likely to contravene' a permit condition. Those steps may be directed towards limiting environmental consequences and the prevention of further incidents or accidents.
- 15.3. However, it is conceivable that an incident or accident significantly affecting the environment may arise in circumstances where there is no breach or likely breach of a permit condition. Regulation 15 of the draft amending Regulations therefore empowers the regulator to issue enforcement notices in those circumstances. **Do you agree with this approach. If not, why not?**

16. *Energy efficiency requirements upon installations in the EU-ETS*

- 16.1. Article 9(2) continues the provision in the IPPC Directive that energy efficiency requirements need not be applied in the case of installations which are also subject to the EU emissions trading system (EU-ETS). However, paragraph 5(2)(a) of Schedule 7 to the EPR currently instructs the regulator to ignore that provision, with the effect that energy efficiency requirements are applied to such installations, albeit in a less specific manner than employed in relation to other installations. The Environment Agency's current approach is set out in its draft Horizontal Guidance Note IPPC H2 on *Energy Efficiency*¹⁰.
- 16.2. The proposed Schedule 7 is drafted in such a way that regulators must exercise their relevant functions so as to comply with Article 9(2), meaning that, from the time that the proposed Schedule comes into force, they will be able exercise discretion on the application of energy efficiency requirements to EU-ETS installations. Before that time we shall develop guidance for the regulators on how to exercise that discretion. **Are you content with the proposed way of transposing Article 9(2)? What guidance do you consider Ministers should issue?**

¹⁰ At <http://www.environment-agency.gov.uk/static/documents/Business/interimenergy.pdf> .

- 16.3. It should be noted that Article 9(2) applies not only to Chapter II (IPPC) requirements but also to Chapters III, IV, V and VI. The relevant Schedules therefore contain the same provision, although its relevance may be limited.

Directive Chapter II – installations subject to IPPC

17. *Preamble*

- 17.1. Chapter II of the Directive contains requirements which apply to the conduct of any of the industrial activities listed in the Directive's Annex I. They are largely very similar to those in the current IPPC Directive, but some clarify or extend those existing requirements. We propose to transpose them mainly through the proposed Schedule 7 of the draft amending Regulations which, like the current Schedule 7, requires the regulator to exercise its functions so as to ensure compliance with specified Articles of the Directive.
- 17.2. Please note that the existing Schedule 7 will remain in force until 7 January 2014 so as to maintain the transposition of the current IPPC Directive to the date where it is repealed by the industrial emissions Directive. This is particularly relevant to existing installations subject to IPPC which, under Article 82(1) of the industrial emissions Directive, are not subject to Chapter II until that date. The replacement Schedule 7 will enter force from 7 January 2013 and be immediately applicable to any new installations. It will become applicable to existing IPPC installations from 7 January 2014, and to any existing installations in respect of the activities newly subject to IPPC listed in Article 82(2) (listed in paragraph A1.1 of Appendix A to this consultation paper) from 7 July 2015.

18. *Emission limit values*

- 18.1. Article 15(3) requires the competent authority to set emission limit values that ensure that, under normal operating conditions, emissions do not exceed the emission levels associated with the best available techniques (BAT) as laid down in the decisions on BAT conclusions. Article 15(4) enables the competent authority, in specific cases, to set less strict emission limit values, but only where an assessment shows that the achievement of emission levels associated with the best available techniques as described in BAT conclusions would lead to disproportionately higher costs compared to the environmental benefits due to (a) the geographical location or the local environmental conditions of the installation concerned; or (b) the technical characteristics of the installation concerned. Article 24(1)(c) applies public participation requirements to the exercise of the derogation provided by Article 15(4) and the reasons for the derogation have to be documented in an annex to the permit.
- 18.2. We propose to transpose the requirements of Article 15(3) and (4) through the proposed Schedule 7 which requires the regulator to exercise its functions so as to ensure compliance with them. To aid the regulator,

paragraphs 4.26 to 4.38 of the draft Part A guidance accompanying this consultation paper addresses these requirements. **Is that guidance clear and sufficient?** Note also that Annex A of the draft Impact Assessment accompanying this consultation paper provides further background.

- 18.3. Please note that Article 24(1)(c), requiring public participation in respect of the proposed application of Article 15(4), will be transposed through the requirement in the proposed Schedule 7 for the regulator to exercise its functions so as to meet the requirements of the whole of Article 24 and hence Annex IV of the Directive.

19. ***General binding rules***

- 19.1. Taken together, Articles 3(8), Article 6 (unchanged) and Article 17 allow Member States to set “general binding rules” (GBRs). Defra and the Welsh Government consider that Chapter 4 of the EPR on “standard rules” already provides a framework which is consistent with these GBR provisions. It should be noted that Article 17(1) maintains the requirement of Article 9(8) of the IPPC Directive by requiring Member States to ‘ensure [through the use of GBRs] an integrated approach and a high level of environmental protection equivalent to that achievable with individual permit conditions’. **Do you consider that, in particular sectors, further use of this approach could be made?**

20. ***Baseline reports and site closure***

- 20.1. Article 3(1)(f) of the IPPC Directive requires that installations are operated in such a way that ‘the necessary measures are taken upon definitive cessation of activities to avoid any pollution risk and return the site of operation to a satisfactory state’. The Environment Agency accordingly already requires a ‘site condition report’, on the basis that, without it, there would be no means of assessing whether the site of operation has been returned to a satisfactory state in compliance with that requirement of the current IPPC Directive. Article 11(h) of the industrial emissions Directive maintains that requirement and so in principle no change is brought about by the latter. However, that Article refers to ‘satisfactory state’ defined in accordance with Article 22.
- 20.2. Much of Article 22 reflects the already-established practice of the Environment Agency and local authorities. Article 22(2) explicitly requires the preparation of a “baseline report”, as defined in Article 3(19), but only where ‘the activity at the installation involves the use, production or release of relevant hazardous substances and having regard to the possibility of soil and groundwater contamination at the site of the installation’. That means that a baseline report will not necessarily be required for every installation subject to the IPPC requirements in Chapter II: even if ‘relevant hazardous

substances' are involved, the regulator has to take a view on whether they could actually cause contamination.

20.3. The site condition report, dating from the time the IPPC permit was first applied for, should generally remain valid even when the permit is subsequently updated. There should therefore be no need for submission of a completely new baseline report when an existing permit is updated for the first time after 7 January 2013. But it must be noted that Article 22(2) requires the baseline report to contain the information necessary to enable a quantified comparison to be made between the state of the site at cessation of activity and the baseline state. Regulators will need to check this when permits receive their first review under the requirements of Article 21. **Do you currently envisage it being necessary to strengthen existing site condition reports? If so, in what way or ways, and at what cost?** Operators should in any case bear in mind that it is in their interests to have a report which contains detail sufficient to minimise the risk of their being held responsible for contamination which in fact predated their permitted activity.

20.4. Guidance already exists from the Environment Agency¹¹ and in respect of local authorities¹² on site condition reports. It should be noted that the European Commission is obliged by Article 22(2) to establish guidance on baseline reports, but by the end of February 2012 no material had been produced. The regulators' guidance may need to be further revised in the light of the Commission's guidance.

21. *Emerging techniques*

21.1. Article 3(14) defines "emerging techniques" as 'a novel technique for an industrial activity that, if commercially developed, could provide either a higher general level of protection of the environment or at least the same level of protection of the environment and higher cost savings than existing best available techniques'. Article 27(1) requires Member States, where appropriate, to encourage the development and application of emerging techniques.

21.2. The proposed Schedule 7 would require regulators, where appropriate, to exercise their functions so as to encourage the application of emerging techniques, in particular for those identified in BAT reference documents. We consider that regulators can do this primarily through their dealings with operators who seek either new or varied permits for an activity in which an emerging technique is to be employed: regulators will note that Articles 14(5) and (6) provide the basis for their permitting decisions in such situations. **Do you have views on how regulators can encourage the development and application of emerging techniques?** The development and application of

¹¹ Guidance on site condition reports is at http://www.environment-agency.gov.uk/static/documents/Business/h5_scr_guidance_2099540.pdf .

¹² Guidance on site assessment is the Guidance Manual at <http://www.defra.gov.uk/publications/files/env-permitting-general-guidance-a.pdf>

emerging techniques is in line with the Coalition Government's wish to promote green industries¹³. Note also that Article 27(2) requires the European Commission to 'establish guidance to assist Member States' in that regard, but that no draft of such guidance had been issued by the Commission by the end of February 2012.

22. Waste management activities

- 22.1. Point 5.3(b) of the Directive's Annex I extends the coverage of non-hazardous waste management activities by IPPC to include specified recovery activities. Point 5.1 of that Annex specifies hazardous waste management activities by direct description rather than by reference to Annex II of what is now Directive 2008/98/EC on waste. These descriptions are in the proposed replacement Section 5.3 of Part 2 of EPR Schedule 1.
- 22.2. The Directive's definition of "waste" in Article 3(37) uses that in Article 3(1) of Directive 2008/98/EC on waste: "waste' means any substance or object which the holder discards or intends or is required to discard'. Please note that there is no reference to Article 2 of Directive 2008/98/EC which excludes certain specified wastes from the scope of that Directive: technical units treating any material which is waste according to Article 3(1) of 2008/98/EC are subject to IPPC if their capacity exceeds the relevant threshold, even if the material is covered by the waste Directive's exclusions. The wastes concerned are listed in paragraph A3.1 of Appendix A to this consultation paper.
- 22.3. The IPPC Directive contains a provision¹⁴ which has been interpreted in England and Wales as meaning that IPPC does not apply to any waste operation exempted from the permitting requirement of what is now Directive 2008/98/EC – that is to say, any waste operation registered as exempt under the provisions of regulations 4 and 5 and Schedules 2 and 3 of the EPR. That provision has not been included in the industrial emissions Directive, with the consequence that IPPC must be applied to installations conducting a waste management activity with a capacity above the relevant threshold of IPPC even if the unit is registered as an exempt waste operation. To clarify the situation, regulation 49 of the draft amending Regulations would amend EPR Schedule 3 to remove the waste exemption if the activity is one described in Chapter 5 of Part 2 of Schedule 1 to the EPR. It is expected that activities described in the exemptions listed below are most likely to be affected.

¹³ See, for example, https://online.businesslink.gov.uk/Horizontal_Services_files/Enabling_the_transition_to_a_Green_Economy_Main_D.pdf

¹⁴ At the head of Section 5 of Annex I of the IPPC Directive, listing waste treatment activities subject to the Directive: 'Without prejudice to Article 11 of Directive 2006/12/EC or Article 3 of Council Directive 91/689/EEC of 12 December 1991 on hazardous waste'.

Code	Description
T4	Preparatory treatments (baling, sorting, shredding etc.)
T9	Recovery of scrap metal
T11	Repair or refurbishment of waste electrical and electronic equipment
T12	Manual treatment of waste
T14	Crushing and emptying waste vehicle oil filters
T20	Treatment of waste at a water treatment works
T21	Recovery of waste at a water treatment works
T23	Aerobic composting and associated prior treatment
T24	Anaerobic digestion at premises used for agriculture and burning of resultant biogas
T25	Anaerobic digestion at premises not used for agriculture and burning of resultant biogas
S2	Storage of waste in a secure place

22.4. In view of what is described in paragraphs 22.1 ff, and also in the draft Impact Assessment, **do you have any uncertainties about which waste management activities are now subject to IPPC requirements? If so, how would you like them remedied?**

23. *Preservation of wood and wood products*

23.1. Point 6.10 of Annex I to the Directive adds wood preservation to the list of activities subject to IPPC. The draft amending Regulations which this consultation accompanies assign this activity to Part A(2) on the grounds that some 40 installations are already regulated by local authorities because they conduct a “timber activity” as described under Part B of Section 6.6 of EPR Schedule 1. **Do you agree with the assignment of the wood preservation activity as described in the Directive to local authorities?**

Directive Chapter IV – waste incineration

24. *Preamble*

24.1. With the small exception noted in Appendix A (paragraph A9) to this consultation paper, Chapter IV and Annex VI of the industrial emissions Directive maintain without generally significant change the requirements of the waste incineration Directive. The proposed replacement Schedule 13 to the EPR will transpose those requirements, largely through reference to the relevant Articles.

24.2. Note that, as under the current waste incineration Directive, the Chapter IV requirements apply to all waste incineration and co-incineration activities other than those specifically excluded by Article 42(2). There is no lower capacity threshold. Note also that the Chapter IV requirements are self-contained: they do not bring in any IPPC requirements from Chapter II. But activities above the relevant threshold in point 5.2 of Annex I of the industrial emissions Directive are additionally subject to IPPC and that may possibly drive more stringent permit conditions.

25. *Regulator for non-hazardous waste co-incineration activities*

25.1. The proposed replacement Schedule 13 simplifies the current prescription of regulator for waste incineration and co-incineration activities by making the relevant local authority the regulator for all such activities – irrespective of whether hazardous or non-hazardous waste is involved – which are below the relevant threshold¹⁵ for the IPPC requirements in Chapter II of the Directive, with the Environment Agency the regulator for all such activities above the threshold. **Do you have any comments about this assignment of regulator?** We are aware that some 10 plants may thus qualify for transfer to local authority regulation and we expect that to be addressed administratively by the regulators in discussion with the operators concerned.

26. *Removal of BAT requirements from incineration and co-incineration installations not subject to IPPC*

26.1. Activities subject to the current waste incineration Directive are all currently assigned to Part A in Part 2 of Schedule 1 to the EPR, thus subjecting them to IPPC even if the installation's capacity is below the IPPC threshold. There are some 10 installations in that position. However, the amended Part 2 of Schedule 1 will apply only to installations above the relevant thresholds¹⁶ in Annex I of the industrial emissions Directive. The proposed Schedule 13 requires the regulator to apply only the requirements of Chapter IV and Annex VI of the industrial emissions Directive (which are almost entirely unchanged from the corresponding material in the current waste incineration Directive) to installations with capacities below the IPPC

¹⁵ The IPPC capacity thresholds for incineration/co-incineration activities are 3 tonnes per hour for non-hazardous waste and 10 tonnes per day for hazardous waste.

¹⁶ See footnote 15.

thresholds. **Do you agree with this proposal? What environmental consequences and compliance cost savings may arise?**

27. PCB and PAH monitoring

- 27.1. Paragraph 2.1(c) of Part 6 of Annex VI of the Directive maintains the requirement of Article 11(2)(c) of the waste incineration Directive in respect of monitoring for heavy metals and furans. However, in transposing the waste incineration Directive, the words “dioxin-like polychlorinated biphenyls and poly-cyclic aromatic hydrocarbons” were added to this requirement and that remains the position under the current Schedule 13 to the EPR.
- 27.2. For all except the very small waste incineration or waste co-incineration plants not subject to IPPC requirements, it is in any case for the Environment Agency (as proposed sole regulator of such plants) to take a view on what pollutants are likely to be emitted in significant quantities and to set permit and monitoring conditions accordingly. In order to remove the possibility of environmentally unjustified monitoring requirements, particularly from installations with an already demonstrably sustained low emissions of these substances, the proposed Schedule 13 therefore contains no explicit requirement in respect of monitoring for dioxin-like polychlorinated biphenyls and poly-cyclic aromatic hydrocarbons. **Do you agree with this proposal? If not, why not?**

Directive Chapter V – activities using solvents

28. Preamble

- 28.1. Chapter V and Annex VII of the Directive maintain without significant change the requirements of the current “solvent emissions” Directive. The proposed replacement Schedule 14 to the EPR will transpose those requirements, largely through reference to the relevant Articles.
- 28.2. Please note that the Chapter V requirements are self-contained: they do not bring in any IPPC requirements from Chapter II. But where activities using solvents – even if they lie below the solvent consumption thresholds in Part 2 of Annex VII - are also covered by an activity description in Annex I of the industrial emissions Directive, the resulting IPPC requirements may possibly drive more stringent permit conditions.
- 28.3. So as better to reflect the self-contained nature of the Chapter requirements, the listing of activities, consumption thresholds and emission limit values are copied from the industrial emissions Directive into the proposed Schedule 14, thus removing them from their current designation as “Part B” activities within Part 2 of Schedule 1. This also facilitates the proposed removal of BAT and other requirements which currently apply to them additionally (see section 30).

29. Registration option for solvent activities

- 29.1. Article 4(1) of the Directive maintains an option available in the solvent emissions Directive by stating that ‘by way of derogation from the first subparagraph, Member States may set a procedure for the registration of installations covered only by Chapter V’. That Chapter contains the provisions of the current solvent emissions Directive virtually unchanged.
- 29.2. Solvent activities currently need a permit from the regulator, which in nearly all cases is the relevant local authority. Annual permit subsistence charges range from £76 pa for a dry cleaning installation assessed as “low risk” to £1,672 pa for a “high risk” standard installation.
- 29.3. We need to consider whether it would be any less onerous for operators and regulators if the current permitting system for solvent activities were to be replaced by a registration system, and what the implications would be for checking compliance. Part 3 of Schedule 14 of the draft amending Regulations sets out provisions for the registration system. With a few exceptions, it would be available in respect of all installations at which solvent use is the only activity carried on – that is to say, it would not be available where any activity listed in Part 2 of Schedule 1 is also carried on. Appendix B to this consultation paper explains how this would work in detail,
- 29.4. We propose that the operator of a new activity using solvents would merely have to notify the local authority regulator of their name and address and basic information about the type of activity to be registered. There would be no application process. There might be a small registration fee to cover administrative costs. We envisage that, for new registrations, regulators may decide subsequently to visit the installation to verify the registration information and to collect information hitherto provided in a permit application. For existing operators, the registration system as proposed would deem their permits to be registrations unless the operator notified the regulator of a wish to remain permitted rather than registered.
- 29.5. Through the amendments made to EPR Schedule 2 by the draft amending Regulations, registered solvent activities would become “exempt facilities” meaning that they would need an environmental permit. The proposed paragraph 3A of that Schedule would establish, mainly by reference to the proposed Schedule 14, that exempt solvent emission activities must meet the requirements set out in Chapter V of the Directive. Failure to comply with any of those requirements would mean that the activity could no longer be regarded as exempt, and would thus become an unpermitted regulated facility. Continued operation would therefore amount to the regulation 38(1) offence of operating a regulated facility without a permit. We consider that, as now, the regulator would undertake a risk-based level of supervision and inspection of registered activities on a continuing basis, although regulators will bear in mind that, like the solvent emissions Directive, Chapter V of the Directive does not contain any explicit requirements regarding inspections.

- 29.6. With these considerations in mind, it is not clear whether the introduction of a registration system would enable, in either the short or longer term, any savings to be made in regulators' costs and so allow annual charges to be lower than those under the current permitting system. For the registration of new installations, it is possible that charges might be somewhat higher in the first year to reflect the possible need for verification of registration details, although operators would clearly be spared the costs associated with a permit application. And a registration system would reduce the possibility of costs arising from the need for permit variation if the nature of the operation changed substantially.
- 29.7. If introduced, all qualifying existing permits would be deemed, through a provision which would be inserted in the finalised amending Regulations, to be registrations from 1 April 2014 unless the permit holder notifies the regulator of a wish to retain the permit. There would be powers for local authorities to charge for new registrations and to make annual charges to cover the costs of checking compliance.
- 29.8. **Do you consider that the introduction of a registration system for solvent activities would be worthwhile in the short and longer term? Can you suggest any alternative form of registration?**
- 29.9. Please note that the activity descriptions in Part B of Sections 6.4 (coating activities etc.) and 6.5 (Manufacture of dyestuffs, printing ink and coating materials) of Part 2 of EPR Schedule 1 are expressed in terms of solvent usage. There is no direct linkage between these and the solvent activities listed in the industrial emissions Directive but, if a registration system is introduced, we could extend it to those Part B activities.

30. *Removal of BAT requirement from solvent activities*

- 30.1. Solvent activities are currently regulated as a "Part B" activity, meaning that they are subject to BAT-based requirements in respect of any emissions to air which are likely to be significant, whether or not they are of volatile organic compounds (VOCs). This goes beyond what is required by the current solvent emissions Directive and also by Chapter V of the industrial emissions Directive: the use of BAT is mentioned only in relation to item 19 of the table in Part 2 of Annex VII of the Directive and in the context of the derogations provided by Article 59(2) and (3) of the Directive.
- 30.2. Initial indications from operators and regulators are that, in general, the BAT requirement does not add much or anything by way of compliance costs which would not in any case be necessary to meet the relevant solvent emission limit values. For the some 3,460 dry cleaning installations, plainly likely to have no other significant emissions to air than VOCs, the BAT requirement adds nothing. Amongst some 2,400 other installations, the BAT requirement is assessed to cost some £550,000 pa. Further details are in Annex C of the draft impact assessment which accompanies this consultation paper. The removal of the BAT requirement could result in

businesses taking less care in controlling emissions of some pollutants (mainly particulate matter, oxides of nitrogen, and carbon monoxide) other than solvents from the installations in question.

- 30.3. The proposed draft amending regulations would therefore remove BAT requirements from installations carrying out nothing but solvent activities. **Do you agree with this proposal? What are your views on the environmental consequences and compliance cost savings which may arise?**

Directive Chapter VII - transitional arrangements

31. *Timetable for permit applications*

- 31.1. Operators of installations carrying out activities newly subject to IPPC need to be operating in compliance with a permit by 7 July 2015. Those activities are tabulated in Appendix A to this consultation paper (section A1) and installations carrying them out are referred to as “2015 installations”.
- 31.2. Whilst it is unlikely that any single local authority will receive more than a single figure number of applications, the Environment Agency may have to deal with some 500 applications and so we have to consider what can be done to avoid the Agency becoming overwhelmed by last minute applications. But we are reluctant to impose a statutory timetable for submission of applications (as was done when IPPC was first introduced over the years 2000 to 2007).
- 31.3. If a “2015 installation” has not received a permit by that date, then its continued operation would constitute an offence under regulation 38(1) of the EPR. But the amending Regulations would insert into regulation 40 a defence in any proceedings under that regulation that a duly made application for a permit was submitted to the regulator by 24 November 2014. In that way, there would be some incentive (if any should be needed) upon the regulator to determine all permit applications received by 24 November 2014, because it would be unlikely to succeed in carrying through enforcement action against “2015 installation” operators for operation without a permit after 7 July 2015 until it had done so. Similarly, there would be some incentive for operators to apply by 24 November 2014. But please note that, even with this incentive, operators should make every effort to make permit applications considerably before November 2014. **Have you any comments upon this proposed means of incentivising permit applications in respect of new IPPC activities? Can you suggest any non-regulatory means by which the flow of permit applications to the Environment Agency can be spread?**
- 31.4. Operators should note that new or varied permits granted in respect of “2015 installations” will be brought into effect only from 7 July 2015 (or thereafter), even though the majority of applications will have been determined before that date. Similarly, the expectation is that permit charges will commence only from that date, although that and any other permit

charging provision in respect of such activities will be the subject of separate consultation on the permit charging schemes operated by the Environment Agency and by local authorities.

Activities not subject to the industrial emissions Directive

32. “Legacy” activities

- 32.1. Part 2 of Schedule 1 to the EPR lists industrial activities, with those in Part A subject to IPPC whilst those in Part B are subject only to controls upon emissions to air. As well as covering all the activities specified in Annex I of the Directive, Part A also includes 62 activity descriptions which have no foundation in EU requirements. They originate from the system of integrated pollution control which was set up under the Environmental Protection Act 1990 (and which was influential upon the making of the IPPC Directive in 1996). For the purposes of this consultation they are referred to as “**legacy activities**”
- 32.2. An assessment of these legacy activities has been carried out. In summary, four categories have been identified:
- 32.2.1. There are 15 instances of “moribund” descriptions” meaning that no extant Part A permits contain them and that it is considered very unlikely that any instances of these activities un-associated with other Directive Annex I activities will arise in future. These descriptions are tabulated in Appendix C.
- 32.2.2. There are 27 instances of descriptions which are superfluous because they are in fact covered by Directive Annex I activities for which a permit is needed in any case. These descriptions are separately tabulated in Appendix C.
- 32.2.3. In 13 cases, involving 137 permits, the activities are not covered in Directive Annex I, but there are considered to be sound environmental protection reasons for **maintaining** Part A regulation. These descriptions, together with a short justification for retention, are listed in Appendix D. The justifications for retention are informed by the Environment Agency, drawing upon its regulatory experience and concerns about the risks which might arise if Part A regulation ceased. It is of course not possible to quantify what would happen if that regulation were removed.
- 32.2.4. There may be a case for **removal** of controls under EPR Schedule 1 Part A from seven activity descriptions, currently accounting for 25 permits. These descriptions, together with a short commentary, are listed in Appendix E.
- 32.3. The draft amending Regulations therefore contain amendments which would remove the descriptions tabulated in Appendix C, and which would

adjust the descriptions tabulated in Appendix E . > **Do you consider that any of the descriptions proposed for deletion or adjustment should in fact be retained? If so, please provide reasons.** Please note that, if consultation responses support deletions of activity descriptions which are included in extant “Part A” permits, it will be for the regulator to determine, in consultation with the operators concerned on an individual basis, whether permits need to be varied or revoked by the same regulator or transferred between regulators (as could happen if the installation continues to operate a Part B activity). It would be for the regulator and operator to agree a reasonable period of time, necessarily starting from the date that the amended Schedule 1 enters force, in which to make necessary changes to permits.

32.4. Please note that the Climate Change Agreement (CCA) scheme¹⁷ relies upon the current Part A activity descriptions for defining the industry sectors for which CCAs are available. There are 40 sectors whose eligibility for Climate Change Agreements (CCAs) is based on such processes. Our analysis suggests that, on this basis, the proposals to delete descriptions set out above would result in one sector (slag grinders – described in Section 3.1 A(2) (a) and (b)) no longer remaining eligible for a CCA and associated climate change levy discount. Additionally, there may be a number of facilities holding CCAs in a small number of sectors which may be at risk of losing eligibility. If these facilities do not also undertake another Part A activity, they would not be able to hold a Climate Change Agreement in the future.

32.5. The draft amending Regulations are such that the descriptions tabulated in Appendix D would be retained within Part A regulation. > **Do you agree that the retention of the “legacy” descriptions tabulated in Appendix D is justified? Have you any evidence which either supports or refutes the need for retention?**

33. Mobile plant

33.1. The EPR currently require the application of IPPC to any mobile plant carrying out Part A activities. But the industrial emissions Directive applies only to installations which, by the definition in its Article 3(3), are stationary. The draft amending Regulations therefore contain amendments which would remove mobile plant from IPPC. In practice, instances of mobile plant “Part A” permits are numbered in single figures. > >**Do you agree with the proposal to end IPPC requirements for mobile plant?**

¹⁷ See <http://www.decc.gov.uk/en/content/cms/emissions/ccas/ccas.aspx>

34. Consultation questions

- 34.1. Listed below are all the specific questions raised in this consultation paper and in the accompanying draft impact assessment. We would be grateful for responses to any or all of the questions, preferably supported by evidence drawn from practical experience. We would also be grateful to receive any more general questions or comments on the proposed transposition arrangements.
- 34.2. Please consider the draft amending Regulations as a whole and comment on any perceived deficiencies or uncertainties. (See paragraph 5.)
- 34.3. Do you have any concerns about the proposed replacement Schedule 8? (See paragraph 6.)
- 34.4. We shall be grateful for comments on the form and content of the draft guidance which accompanies this consultation. (See paragraph 10.)
- 34.5. Are you content with the proposal not to transpose the option for a single permit to cover several parts of an installation operated by different operators? If not, can you demonstrate from a real example that allowing a permit to cover several parts of an installation operated by different operators will reduce overall regulatory burden whilst maintaining the environmental protection required by the Directive? (See paragraph 14.4.)
- 34.6. Do you agree with our proposed transposition of Article 7(c) concerning incidents and accidents? If not, why not? (See paragraph 15.3.)
- 34.7. Are you content with the proposed way of transposing the Article 9(2) option not to apply energy efficiency requirements to EU-ETS installations? What guidance on that issue do you consider Ministers should issue? (See paragraph 16.2.)
- 34.8. Is the “Part A” guidance concerning Articles 15(3) and(4) (setting emission limit values where there are BAT conclusions and derogation from that requirement) clear and sufficient? (See paragraph 18.2.)
- 34.9. Do you consider that, in particular sectors, further use of standard rules could be made? (See paragraph 19.1.)
- 34.10. Do you currently envisage it being necessary to strengthen existing site condition reports? If so, in what way or ways, and at what cost? (See paragraph 20.3.)
- 34.11. Do you have views on how regulators can encourage the development and application of emerging techniques? (See paragraph 21.2.)
- 34.12. Do you have any uncertainties about which waste management activities are now subject to IPPC requirements? If so, how would you like them remedied? (See paragraph 22.4.)

- 34.13. Do you agree with the assignment of the wood preservation activity as described in the Directive to local authorities? (See paragraph 23.1.)
- 34.14. Do you have any comments about the assignment of local authorities as regulators for all waste incineration and co-incineration activities which are below the capacity thresholds in Annex I of the Directive? (See paragraph 25.1.)
- 34.15. Do you agree with the proposal to remove BAT requirements from incineration and co-incineration installations not subject to IPPC? What environmental consequences and compliance cost savings may arise? (See paragraph 26.1.)
- 34.16. Do you agree with the proposal to remove obligatory PCB and PAH monitoring from WI? If not, why not? (See paragraph 27.2.)
- 34.17. Do you consider that the introduction of a registration system for solvent activities would be worthwhile in the short and longer term? Can you suggest any alternative form of registration? (See paragraph 29.8.)
- 34.18. Do you agree with the proposal to remove BAT requirements from solvent activities? In What are your views on the environmental consequences and compliance cost savings which may arise? (See paragraph 30.3.)
- 34.19. Have you any comments upon the proposed means of incentivising permit applications in respect of “2015 installations”? Can you suggest any non-regulatory means by which the flow of permit applications to the Environment Agency can be spread? See paragraph 31.3.)
- 34.20. Do you consider that any of the “legacy” activity descriptions proposed in Appendices C and E for deletion or adjustment should in fact be retained? If so, please provide reasons. (See paragraph 32.3.)
- 34.21. Do you agree that the retention of the “legacy” descriptions tabulated in Appendix D is justified? Have you any evidence which either supports or refutes the need for retention? (See paragraph 32.5.)
- 34.22. Do you agree with the proposal to end IPPC requirements for mobile plant? (See paragraph 33.1.)
- 34.23. You are invited to respond to the questions which are contained in the draft impact assessment which accompanies this consultation. For convenience these are:
- 34.23.1. Please present any information you may have in respect of the impact of the inclusion of more waste management activities in IPPC on the delivery of waste policy (draft IA paragraph 17, and see also section 22 of this paper).
- 34.23.2. Please comment on the assessment of the impact upon the industry sector(s) in which you are interested of the substantive changes

discussed in the draft impact assessment, and of any other changes which you consider potentially significant. In all cases, quantified information on costs and information, quantified if possible, on benefits would be particularly welcome (draft IA paragraph 20).

34.23.3. Please submit any quantified information on impacts you may have already identified as arising from the recent adoption¹⁸ of BAT Conclusions for the glass and the iron & steel sectors (draft IA paragraph 21).

34.23.4. Please consider in detail the impact of the components added in Option 2 described in paragraph 39 of the draft impact assessment. Quantified information on changes in costs to operators changes which would result from the proposals within this option would be particularly welcome (draft IA paragraph 40).

¹⁸ BAT conclusions for these sectors were adopted at a meeting on 21 November 2011 and are expected to be published by the European Commission in the early spring of 2012.

APPENDIX A - Other points to note about the Directive

A1. *Activities newly subject to IPPC – the “2015 installations”*

A1.1. As noted in paragraph 17.2, Article 82(2) lists, by reference to the Directive’s Annex I, activities which need to be permitted only from 7 July 2015 if they are carried out at installations which were in operation before 7 January 2013. Such installations are referred to here as the “2015 installations”. The activity descriptions concerned would be, in Part 2 of Schedule 1 to the EPR as proposed to be amended, as follows:

Directive Annex I point:	EPR Part 2 of Schedule 1 (as amended), Section:	Affecting installations carrying out:
1.4(b)	1.2 Part A(1) (d)	gasification insofar as fuels other than coal are concerned
4.1-4.6	4.1 – 4.4 and 4.6	chemical production but only insofar as any biological processing activities are not already permitted.
5.1	5.3 Part A(1) (a)(i)-(iv) and (xi)	only recovery operations involving one or more of the following treatments of hazardous waste: biological treatment; physico-chemical treatment; blending or mixing or repackaging prior to submission to any of the other activities listed in Section 5.3 Part A(1)(a) or in Part A(1) of Section 5.1; or surface impoundment.
5.2	5.1	waste incineration or co-incineration above the relevant thresholds if not already permitted.
5.3(a)(iii) to (v)	5.4 Part A(1) (a)(iii) to (v)	only one or more of the following disposal activities for non-hazardous waste: pre-treatment waste for incineration or co-incineration; treatment of slags and ashes; and treatment in shredders of metal waste.
5.3(b)	5.4 Part A(1) (b)	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: biological treatment; pre-treatment of waste for incineration or co-incineration; treatment of slags and ashes; or treatment in shredders of metal waste.
5.5	5.5 Part A(1) (a)-	temporary storage of hazardous waste with capacity above 50 tonnes (excluding on the site where the waste is generated).

Directive Annex I point:	EPR Part 2 of Schedule 1 (as amended), Section:	Affecting installations carrying out:
5.6	5.5 Part A(1) (b)	underground storage of hazardous waste with a total capacity exceeding 50 tonnes.
6.1(c)	6.1 Part A(2) (a)	manufacturing board if not already permitted.
6.4(b)	6.8 Part A(1)(d)(iii)	food production from mixed animal and vegetable materials if not already permitted.
6.10	6.6 Part A(2)(a)	wood preservation.
6.11	5.6 Part A(1) (a)	independently operated treatment of waste water not covered by Directive 91/271/EEC and discharged by an installation carrying out any other Part A(1) or A(2) activity.

A1.2. Note that, for several of the activities tabulated above, some installations may already have IPPC permits as a result of interpretations already in place within England and Wales, or because the installations concerned are already carrying out other Part A activities.

A2. IPPC “general principle” on waste prevention

A2.1. Article 11(e) modifies the IPPC Directive’s general principle concerning waste from IPPC installations so as to align with Directive 2008/98/EC. Whereas they previously had to be operated such that

‘where waste is produced, it is recovered or, where that is technically and economically impossible, it is disposed of while avoiding or reducing any impact on the environment’,

under the industrial emissions Directive, installations must be operated such that

‘where waste is generated, it is, in order of priority and in accordance with Directive 2008/98/EC, prepared for re use, recycled, recovered or, where that is technically and economically impossible, it is disposed of while avoiding or reducing any impact on the environment’.

A3. Wastes not excluded from subsection to the Directive

A3.1. As described in paragraph 22.1 of this document, wastes excluded from the scope of the waste Directive (2008/98/EC) by its Article 2 are not

excluded from the relevant requirements of the industrial emissions Directive. Those requirements are in Chapter II – through the inclusion of waste management activities in Annex I – and in Chapter IV on waste incineration and co-incineration. The wastes concerned are:

- In all cases:
 - (a) gaseous effluents emitted into the atmosphere;
 - (b) land (in situ) including unexcavated contaminated soil and buildings permanently connected with land;
 - (c) uncontaminated soil and other naturally occurring material excavated in the course of construction activities where it is certain that the material will be used for the purposes of construction in its natural state on the site from which it was excavated;
 - (d) radioactive waste;
 - (e) decommissioned explosives; and
 - (f) faecal matter, if not covered by paragraph (b), straw and other natural non-hazardous agricultural or forestry material used in farming, forestry or for the production of energy from such biomass through processes or methods which do not harm the environment or endanger human health.
- To the extent that they are covered by other EU legislation:
 - (a) waste waters;
 - (b) animal by-products including processed products covered by Regulation (EC) No 1069/2009, except those which are destined for incineration, landfilling or use in a biogas or composting plant;
 - (c) carcasses of animals that have died other than by being slaughtered, including animals killed to eradicate epizootic diseases, and that are disposed of in accordance with Regulation(EC) No 1069/2009; and
 - (d) waste resulting from prospecting, extraction, treatment and storage of mineral resources and the working of quarries covered by Directive 2006/21/EC on the management of waste from extractive industries.
- Without prejudice to obligations under other relevant Community legislation, sediments relocated inside surface waters for the purpose of managing waters and waterways or of preventing floods or mitigating the effects of floods and droughts or land reclamation if it is proved that the sediments are non-hazardous.

A4. Site closure

A4.1. Article 22(3) requires the operator to remediate contamination identified as such by reference to the baseline report, although no deadline for remediation is given. Article 22(4) applies where the operator has not been required to produce a baseline report (for example, because the activity was deemed not to involve relevant hazardous substances) and similarly requires remediation to deal with contamination resulting from the permitted activities.

A4.2. These Article 22(3) and (4) requirements are already embodied in current regulatory practice in England and Wales. Regulation 25(2) of the EPR states that ‘by application to the regulator, an operator may surrender an environmental permit, or that part of a permit, to which this regulation applies’. Paragraph 14 of Schedule 5 applies in respect of the application and states that ‘the regulator must accept an application for the surrender of an environmental permit in whole or in part under regulation 25(2) if it is satisfied that the necessary measures have been taken (a) to avoid a pollution risk resulting from the operation of the regulated facility; and (b) to return the site of the regulated facility to a satisfactory state, having regard to the state of the site before the facility was put into operation’. So the permit remains in force – and with it the enforceable obligation to comply with all its conditions and to pay annual subsistence charges – until the regulator is satisfied that any necessary remediation is complete. We therefore consider that the current provisions in regulation 25 and Schedule 5 of the EPR effectively transpose Article 22.

A5. Chemical industry – production on an ‘industrial scale’

A5.1. Chapter 4 of Part 2 of Schedule 1 to the EPR currently has an interpretation that “‘producing” means producing in a chemical plant by chemical processing for commercial purposes substances or groups of substances listed [in Chapter 4]’. The draft Regulations omit this in favour of direct copy out of the corresponding interpretation at the head of Point 4 in Annex I of the Directive: ‘production means the production on an industrial scale by chemical or biological processing of substances or groups of substances listed [in Point 4].’ Existing guidance¹⁹ from the European Commission on the interpretation of “production on an industrial scale” remains relevant.

A6. Disposal or recovery of non-hazardous waste – exclusion of activities covered by the urban waste water treatment Directive

A6.1. Point 5.3(a) and (b) of Annex I of the industrial emissions Directive each exclude activities covered by the urban waste water treatment

¹⁹ At http://ec.europa.eu/environment/air/pollutants/stationary/ippc/general_guidance.htm#5

Directive²⁰. Our view is that this excludes all activities conducted at sewage works for the treatment of 'domestic waste water or the mixture of domestic waste water with industrial waste water and/or run-off rain water²¹' and 'residual sludge, whether treated or untreated, from urban waste water treatment plants²²' so long as they are dedicated to that treatment. Anaerobic digestion plants used for sludge treatment will therefore be covered by the exclusion, unless those plants also treat other waste material not derived from the sewage treatment process. However, the European Commission may express a view on this issue.

A7. *Installations producing foodstuffs with both animal and vegetable ingredients*

A7.1. Point 6.4(b) of Annex I clarifies how the threshold for such installations must be determined. What is prescribed is very similar to the approach the Environment Agency already takes. The draft impact assessment addresses the consequences.

A8. *Definition of poultry*

A8.1. Under Article 3(23) of the industrial emissions Directive, "poultry" is defined, by reference to other EU legislation²³, as 'fowl, turkeys, guinea fowl, ducks, geese, quails, pigeons, pheasants and partridges reared or kept in captivity for breeding, the production of meat or eggs for consumption, or re-stocking supplies of game'. The inclusion of that definition plainly has no consequences for the current application of IPPC to the rearing of chicken laying hens and broilers, turkeys, ducks or Guinea fowls, where there are more than 40,000 places in a technical unit. But it is necessary to consider whether the game birds mentioned in this definition are subject to IPPC through point 6.6(a) of Annex I of the industrial emissions Directive.

A8.2. Initial investigations indicate that in most instances of the rearing of game, a combination of an exceptionally short season (typically some seven weeks in late spring/early summer), stocking densities that are significantly lower than any covered by animal welfare recommendations, and limited access to housing which is in nearly all cases only temporary in nature, make it unlikely that any significant environmental pollution would result. Defra and the Welsh Government therefore take the view that only

²⁰ 91/271/EEC .

²¹ The definition of "urban waste water" in Article 2(1) of the urban waste water treatment Directive.

²² The definition of "sludge" in Article 2(10) of the urban waste water treatment Directive.

²³ Point 1 of Article 2 of Council Directive 90/539/EEC.

those game bird farms which are similar in nature (in terms of length of rearing season, stocking density, and nature of housing) to poultry farms already regulated by the Environment Agency as Part A installations, may become subject to the industrial emissions Directive. Defra and the Welsh Government understand that very few game bird farms are of such similar nature.

A9. *Waste incineration provisions*

A9.1. Article 42(1) removes the waste incineration provisions from gasification and pyrolysis plants ‘if the gases resulting from this thermal treatment of waste are purified to such an extent that they are no longer a waste prior to their incineration and they can cause emissions no higher than those resulting from the burning of natural gas’. It should be noted that such plants may still be subject to the IPPC requirements in Chapter II of the industrial emissions Directive if the activity they carry out falls within Annex I – for example, point 1.1 (combustion with a rated thermal input of 50 MW or more), 1.4(b) (gasification in an installation with a rated thermal input of 20 MW or more) or points 5.1(a) or 5.3(a)(ii) (physico-chemical treatment of waste).

A10. *Large combustion plants – transitional national plan*

A10.1. The establishment of a transitional national plan for the United Kingdom is being taken forward separately by Defra²⁴, in consultation with the devolved administrations in Wales, Northern Ireland and Scotland.

A11. *Large combustion plants – limited life time derogation*

A11.1. Operators of existing large combustion plants which qualify for the derogation provided by Article 33 are reminded that they have until 1 January 2014 to provide a written declaration to the Environment Agency of their intention to take it.

A12. *Large combustion plants – aggregation rules*

A12.1. Article 29(3) changes the aggregation rules so that plants with a rated thermal input below 15 MW shall not be considered when calculating the total rated thermal input of a candidate large combustion plant. However, it should be noted that such plants will still need to be taken into account by the

²⁴ A letter to operators participating in the current National Emission Reduction Plan and to representatives of other large combustion plant interests was sent by Defra on 28 December 2011. This is available at <http://www.defra.gov.uk/environment/quality/industrial/eu-international/lcpd/> under the heading “Recent developments”.

regulator when determining the aggregate rated thermal input to establish whether a combustion plant has a rated thermal input of 50 MW or more and so subject to the IPPC requirements of Chapter II of the Directive, in accordance with the first introductory sentence to Annex I.

A13. Transitional arrangements

- A13.1. Much of the material in the industrial emissions Directive is substantively unchanged from that in the component Directives. Nevertheless, Article 80 of the Directive lists an array of Articles and parts of Annexes which, for various reasons, have to be transposed (or confirmed as already transposed) by Member States. The transposition deadline is 7 January 2013 and the transposed material has to be applied from the same date. The draft amending Regulations, taken with the relevant unchanged material in the EPR, are considered to achieve that.
- A13.2. The Directive recognises the need for a period of transition for installations already in existence²⁵ at 7 January 2013. Under Article 82(1), existing installations carrying out any of the activities listed in Annex I of the IPPC Directive – that is to say, those (other than “legacy” activities) described in Part A of Part 2 of EPR Schedule 1 – have until 7 January 2014 to meet any new requirements arising from the transposition.
- A13.3. Defra and the Welsh Government, advised by the Environment Agency, consider that few, if any, changes to current permits and regulatory practice will be needed within that transition period. The periodic reconsideration of permits which will be required under Article 21 of the industrial emissions Directive will in any case provide a means of identifying the need for and making any adjustments. If the regulator identifies any particular cases which need more urgent attention, the existing EPR provisions in respect of permit variation will be sufficient to deal with them.
- A13.4. A consequence of the transitional arrangements for existing IPPC installations is that the current EPR Schedule 7, with its references to Articles of the IPPC Directive – will need to remain in force until 7 January 2014 to cover the transitional period. But a replacement is needed from 7 January 2013 to achieve transposition and to cover installations which are new after that date. For that reason, the draft amending Regulations propose a new Schedule 7 which, under regulation 2 of the draft amending Regulations, would come into force from 7 January 2013 for new installations and from a year later for existing installations.
- A13.5. Article 82(2) of the Directive deals with the additional activities which it has placed under IPPC through inclusion in Annex I of the Directive. These are tabulated in paragraph A1 of this Appendix, Installations which were in

²⁵ That is to say, already in operation by 7 January 2013 or for which a permit application has been made by that date, provided the installation is put into operation within a year of that date.

operation before 7 January 2013²⁶ - referred to in this consultation paper and the draft amending Regulations as “2015 installations” - have until 7 July 2015 to be operating in accordance with a permit for which the operator will need to apply according to the procedure in the current EPR. Section 31 above seeks views on ways of incentivising the making of applications sufficient early to avoid the Environment Agency becoming overwhelmed in the run-up to that date.

A13.6. Article 82(3) provides that the requirements of Chapter III apply to existing large combustion plants only from 1 January 2016. For that reason, the current EPR Schedule 15 will remain in force until that date, when it is replaced by the proposed Schedule 15A (which will have been in force from 7 January 2013 for new plants). However, it should be noted that all those plants are also subject to IPPC under the provisions of Chapter II and that any changed IPPC requirements will therefore need to be met from 7 January 2014.

A13.7. Article 82(4) applies Chapter III from 7 January 2013 to any large combustion plant not in operation or the subject of a permit application by that date – hence the proposed Schedule 15A will apply from that date. It should be noted that Chapter II requirements will apply also.

A14. *Review of the Regulations*

A14.1. A guiding principle of the Government’s approach to transposition of EU Directives is that there should be a statutory duty for ministerial review of the transposition every five years.

A14.2. Subject to the will of Parliament, amendments to the EPR are likely to take effect in April 2012 which will insert requirements within the EPR for the EPR as a whole (i) to be reviewed and a report published by 6 April 2017, and (ii) for review reports thereafter to be published at intervals not exceeding five years. Through being done by amendment of the EPR, the transposition of the industrial emissions Directive will thus be subject to those requirements.

²⁶ Note that there is no provision in Article 82(2) for installations for which a permit has been applied for before that date.

APPENDIX B – registration system for solvent activities

B1. The registration option would:

- be available only for installations at which nothing other than a solvent activity (currently specified in Section 7 of Part 2 of Schedule 1 of EPR but proposed to be moved to the replacement Schedule 14) is carried out;
- not be available to any operator which considers itself likely to make use of either of the derogations set out in Article 59(2) and Article 59(3) of the industrial emissions Directive;
- not be available in the specific case of an operator carrying out vegetable oil extraction or refining activities on individual batches of seeds and vegetable matter other than those specifically listed in item 19 of Part 2 of Annex VII of the industrial emissions Directive (because the regulator has to set emission limit values on the basis of BAT);
- compel the operator to notify the regulator (the local authority in all cases) of an intention to operate an installation at which a solvent activity is to be carried out, with the notification containing:
 - the name, address and post code of the installation where the solvent activity is to be carried out;
 - the name, address and post code of the operator if different from that of the installation itself;
 - the details of which of the solvent activities (as listed in Table 1 of the replacement Schedule 14) are to be carried out there;
 - a statement of which of the alternative means of complying with its obligations (see paragraph B5) the operator will use.

B2. The local authority would be given, by amendment of EPR Schedule 2, the duty to maintain a publicly-available register of all the registered solvent activities for which it is the regulator. The existing provisions of Schedule 2 in respect of the register would apply .

B3. A registered operator would be required to comply with Article 7(a) and (b) of the Directive in respect of incidents and accidents. The regulator would be empowered to serve a notice upon a registered operator to secure compliance with Article 7(c). The operator would have the right of appeal if aggrieved by the notice. Failure to comply with the notice would constitute an offence and attract the enforcement provisions of regulation 36.

- B4. The operator would be obliged to meet Article 58 requirements for the replacement of certain particularly hazardous classes of solvent. .
- B5. Under Article 59, a registered operator of a solvent activity would be obliged either:
- to ensure that the emission of volatile organic compounds from installations does not exceed the emission limit values in waste gases and the fugitive emission limit values, or the total emission limit values, and other requirements laid down in Parts 2 and 3 of Annex VII of the Directive; or
 - to comply with the requirements of the reduction scheme set out in Part 5 of Annex VII provided that an equivalent emission reduction is achieved compared to that achieved through the application of the emission limit values referred to in point (a).
- B6. A registered operator of a solvent activity would also be obliged:
- to take all appropriate precautions to minimise emissions of volatile organic compounds during start-up and shut-down operations; and
 - as relevant, to comply with the requirements of Article 59(5) and Article 59(6).
- B7. A registered operator of a solvent activity would be obliged either to:
- measure its emissions in accordance with Part 6 of Annex VII of the Directive; or
 - to supply the competent authority, on request, with data enabling the competent authority to verify compliance with either of the following:
 - emission limit values in waste gases, fugitive emission limit values and total emission limit values; or
 - the requirements of the reduction scheme under Part 5 of Annex VII.
- B8. The data supplied by the registered operator for compliance verification may include a solvent management plan prepared in accordance with Part 7 of Annex VII. An information notice provision would enable the regulator to require a plan if one is not provided by the operator.
- B9. An operator of a registered solvent activity would be obliged to report to the regulator any substantial change to the installation, where “substantial change” is defined as set out in Article 63(1) of the Directive.

- B10. Failure to meet the obligations upon the operator of a registered solvent activity would become an offence through regulation 38(1), with the provisions as regards penalties and defences in regulations 39 and 40 thus applying.
- B11. Each registration would remain in place until the operator notifies the regulator that it is no longer required, or until revoked by the regulator. The regulator would have the power to require a permit application from any operator which does not comply with its obligations under registration.
- B12. Existing permits for installations carrying out only a solvent activity would be regarded as registrations with effect from 1 April 2014, with permit conditions not required under the proposed amended EPR Schedule 14 not applicable from that date, unless the operator informs the regulator by that date of a wish to retain permitted, rather than registered, status.
- B13. EPR regulation 65 would be amended to provide local authorities with the power to prescribe fees payable for (i) the registration of a solvent activity, and (ii) the subsistence of a registration. The actual prescription of fees for the former and, if required, the latter, would be the subject of a separate consultation. An annual subsistence charge is likely to be required in order to cover reasonable costs of local authorities in checking compliance with registration conditions and in handling annual emission reports from registered operators, and may therefore be very similar to those currently applied to permits covering only solvent activities. However, the scope for reduction would be kept under review.

APPENDIX C – legacy activities – “moribund and superfluous”

The activity descriptions tabulated here are proposed to be removed from Part A in the amended Part 2 of Schedule 1 to the EPR because the activities are (i) not practiced and are considered unlikely to be (“moribund”), or (ii) in practice covered by other Part A activity descriptions (“superfluous”).

EPR Sch. 1, Part 2, Section...	“Moribund” activities - short description (The section heading under which the activity is listed is quoted in <i>italics</i>)
	[15 activity descriptions]
1.2 A(1) (e)	<i>Gasification, liquefaction and Refining</i> - producing gas from oil or other carbonaceous material.
1.2 A(1) (h)(iii)	<i>Gasification, liquefaction and Refining</i> - loading/storage/treatment etc of crude shale oil.
1.2 A(1) (h)(v)	<i>Gasification, liquefaction and Refining</i> - loading/storage/treatment etc of emulsified hydrocarbons intended for use as a fuel.
1.2 A(1) (i)	<i>Gasification, liquefaction and Refining</i> - further refining or conversion.
2.2 A(1) (g)	<i>Non-Ferrous Metals</i> - mining zinc or tin-bearing ores where the activity may result in the release into water of cadmium or any compound of cadmium in a concentration which is greater than the background concentration.
3.2 A(1) (c)	<i>Activities Involving Asbestos</i> - destroying a railway vehicle by burning.
4.1 A(1) (f)(i)	<i>Organic Chemicals</i> - recovering carbon disulphide.
4.2 A(1) (g)(i)	<i>Organic Chemicals</i> – recovering etc. sulphuric acid.
4.2 A(1) (g)(ii)	<i>Organic Chemicals</i> – recovering etc. nitric acid.
4.2 A(1) (i)	<i>Inorganic Chemicals</i> - recovering ammonia.

EPR Sch. 1, Part 2, Section...	“Moribund” activities - short description (The section heading under which the activity is listed is quoted in <i>italics</i>)
4.2 A(1) (j)	<i>Inorganic Chemicals</i> - extracting any magnesium compound from sea water.
4.5 A(1) (b)	<i>Pharmaceutical Production</i> - formulating if there may be releases of specified substances to water.
5.1 A(1) (d)	<i>Incineration and Co-incineration of Waste</i> – incineration of hazardous waste in a plant that is not an incinerator.
5.1 A(1) (e)	<i>Incineration and Co-incineration of Waste</i> – incineration of non-hazardous waste in a plant that is not an incinerator.
6.3 A(1) (a)(ii)	<i>Tar and Bitumen Activities</i> – manufacture of electrodes or carbon-based refractory materials.

EPR Sch. 1, Part 2, Section...	“Superfluous” activities - short description (The section heading under which the activity is listed is quoted in <i>italics</i>)
	[27 activity descriptions]
1.1 A(1) (b)(i)	<i>Combustion activities</i> – burning waste oil.
1.1 A(1) (b)(ii)	<i>Combustion activities</i> – burning recovered oil.
1.1 A(1) (b)(iii)	<i>Combustion activities</i> – burning fuel manufactured from or comprising waste.
1.2 A(1) (b)	<i>Gasification, liquefaction and Refining</i> - reforming natural gas.
1.2 A(1) (f)	<i>Gasification, liquefaction and Refining</i> - purifying or refining products.
1.2 A(1) (h)(iv)	<i>Gasification, liquefaction and Refining</i> - handling etc. any gas or condensate associated with crude oil etc..

EPR Sch. 1, Part 2, Section...	“Superfluous” activities - short description (The section heading under which the activity is listed is quoted in <i>italics</i>)
1.2 A(1) (k)	<i>Gasification, liquefaction and Refining</i> - odorising gas where related to a Part A activity.
2.2 A(1) (c)	<i>Non-Ferrous Metals</i> – refining any non-ferrous metal, other than copper.
2.2 A(1) (d)	<i>Non-Ferrous Metals</i> – melting etc. lead.
2.2 A(1) (e)	<i>Non-Ferrous Metals</i> – recovering gallium <i>et al.</i> .
2.2 A(1) (h)	<i>Non-Ferrous Metals</i> - use of beryllium or selenium.
2.2 A(1) (i)	<i>Non-Ferrous Metals</i> –pelletising etc. any non-ferrous metal ore.
3.1 A(1) (b)(ii)	<i>Production of Cement And Lime</i> - producing lime with input >5,000 tonnes in 12 months.
4.1 A(1) (b)	<i>Organic Chemicals</i> - producing any other organic compounds not described in paragraph (a).
4.1 A(1) (c)	<i>Organic Chemicals</i> - polymerising etc. unsaturated hydrocarbons.
4.1 A(1) (d)	<i>Organic Chemicals</i> – use of toluene di-isocyanate.
4.1 A(1) (f)(ii)	<i>Organic Chemicals</i> - recovering pyridines.
4.1 A(1) (g)	<i>Organic Chemicals</i> - recovering or purifying acrylic acids.
4.2 A(1) (c)	<i>Inorganic Chemicals</i> - using hydrogen cyanide or hydrogen sulphide.
4.2 A(1) (g)(iii)	<i>Inorganic Chemicals</i> - purifying phosphoric acid.
4.3 A(1) (b)	<i>Chemical Fertiliser Production</i> - converting into granules.
4.7 A(1) a)	<i>Manufacturing Activities Involving Carbon Disulphide Or Ammonia</i> – use of carbon disulphide.
5.4 A(1) (b)	<i>Recovery Of Waste</i> ; cleaning/regenerating carbon <i>et al.</i> .
5.5 A(1) (a)	<i>The Production of Fuel From Waste</i> - making solid fuel from waste by using heat.

EPR Sch. 1, Part 2, Section...	“Superfluous” activities - short description (The section heading under which the activity is listed is quoted in <i>italics</i>)
6.1 A(1) (c)	<i>Paper, Pulp And Board Manufacturing Activities</i> - making paper with possible release of scheduled substances to water.
6.4 A(1) (c)	<i>Coating Activities, Printing and Textile Treatments</i> – treating textiles with possible release of scheduled substances to water.
6.8 A(1) (f)	<i>The Treatment of Animal and Vegetable Matter and Food Industries</i> - processing, storing or drying.

APPENDIX D – legacy activities – environmentally justified

The activity descriptions tabulated here are proposed to be retained in the amended Part 2 of Schedule 1 to the EPR.

EPR Sch. 1, Part 2, Section...	Environmentally justified activities (The section heading under which the activity is listed is quoted in <i>italics</i> . Justification for retention is given in <i>bold italics</i> after each description.)
	[13 activity descriptions]
1.2 A(1) (h)(i)	<p><i>Gasification, Liquefaction and Refining Activities</i> – loading, unloading, handling or storage, or the physical, chemical or thermal treatment of crude oil.</p> <p><i>37 permits – significant releases of methane, non-methane volatile organic compounds and other organic compounds to air, and of toluene and benzene to water. Obvious potential for environmental damage if not regulated.</i></p>
1.2 A(1) (h)(ii)	<p><i>Gasification, Liquefaction and Refining Activities</i> – loading, unloading, handling or storage, or the physical, chemical or thermal treatment of stabilised crude petroleum.</p> <p><i>2 permits – activity very similar to that involving crude oil</i></p>
1.2 A(1) (j)	<p><i>Gasification, Liquefaction and Refining Activities</i> – pyrolysis, carbonisation, distillation, liquefaction, gasification, partial oxidation or other heat treatment of coal, oil or other carbonaceous material.</p> <p><i>8 permits – potentially polluting in view both of the raw material and the intensive treatment applied to it.</i></p>
2.1 A(1) (d)	<p><i>Ferrous Metals</i> – loading, unloading or otherwise handling or storing more than 500,000 tonnes in any 12-month period of iron ore.</p> <p><i>3 permits – the activity has given rise to considerable local concern.</i></p>

EPR Sch. 1, Part 2, Section...	<p>Environmentally justified activities</p> <p>(The section heading under which the activity is listed is quoted in <i>italics</i>. Justification for retention is given in <i>bold italics</i> after each description.)</p>
2.2 A(1) (f)	<p><i>Non-Ferrous Metals</i> – producing, melting or recovering cadmium or mercury or any alloy containing more than 0.05% of either metal or of both in aggregate.</p> <p><i>7 permits – significant releases of cadmium to air. There is no other suitable environmental control upon these activities which use very notorious pollutants.</i></p>
3.2 A(1) (b)	<p><i>Activities Involving Asbestos</i> – stripping asbestos from railway vehicles</p> <p><i>2 permits – no other suitable means of environmental regulation in respect of this highly notorious pollutant.</i></p>
4.2 A(1) (b)	<p><i>Inorganic Chemicals</i> – activity (other than water treatment and other specified activities) likely to release halogens (chlorine <i>et al.</i>), interhalogens or hydrogen halides to air.</p> <p><i>20 permits – chlorine and the other halogens are notoriously toxic and they and the compounds covered are potentially damaging to all three media if released.</i></p>
4.2 A(1) (d)	<p><i>Inorganic Chemicals</i> – use of any compound of a range of metallic elements (including arsenic and lead) where the activity may result in releases of the elements or their compounds to air or to water.</p> <p><i>24 permits – significant releases to both air and water. The elements covered and their compounds are toxic.</i></p>
4.2 A(1) (f)	<p><i>Inorganic Chemicals</i> – use of mercury or cadmium or any compound thereof which may result in releases to air.</p> <p><i>18 permits – significant releases of cadmium to water and the need to maintain regulation of activities involving these very notorious substances justify retention of IPPC.</i></p>

<p>EPR Sch. 1, Part 2, Section...</p>	<p>Environmentally justified activities</p> <p>(The section heading under which the activity is listed is quoted in <i>italics</i>. Justification for retention is given in <i>bold italics</i> after each description.)</p>
<p>4.2 A(1) (h)</p>	<p><i>Inorganic Chemicals</i> – any activity, other than combustion or incineration of carbonaceous material, which is likely to result in the release to air of any acid-forming oxide of nitrogen.</p> <p><i>9 permits – potentially significant releases of nitrogen oxides to air are controlled under present arrangements.</i></p>
<p>4.7 A(1) (b)</p>	<p><i>Manufacturing Activities Involving Carbon Disulphide or Ammonia</i> – any activity for the manufacture of a chemical which may result in the release of ammonia into the air other than a refrigeration activity.</p> <p><i>5 permits – potentially significant releases of ammonia to air controlled under present arrangements.</i></p>
<p>5.1 A(1) (f)</p>	<p><i>Incineration and Co-incineration of Waste</i> - incineration of any gaseous compound containing halogens in a plant which is not an incineration plant or co-incineration plant.</p> <p><i>No current permits, but needed to cover the possibility that the activity might arise from removal of CFCs and similar compounds from refrigeration and air conditioning plant – particularly since the requirements concerning waste incineration of Chapter IV of the Directive do not apply to gaseous waste.</i></p>
<p>6.3 A(1) (a)(i)</p>	<p><i>Tar and Bitumen Activities</i> – distilling tar or bitumen in connection with any process of manufacture.</p> <p><i>2 permits – highly significant releases of naphthalene to air: no other suitable means of environmental regulation.</i></p>

APPENDIX E – legacy activities – “remove from Part A”

The activity descriptions tabulated here are proposed to be removed from Part A in the amended Part 2 of Schedule 1 to the EPR and hence from IPPC.

EPR Sch. 1, Part 2, Section...	Activities to be removed - short description (The section heading under which the activity is listed is quoted in <i>italics</i>)
	[Seven activity descriptions]
3.1 A(2) (a) and (b)	<p><i>Production of Cement and Lime</i> – grinding cement clinker or metallurgical slag.</p> <p>8 permits – the activity descriptions are proposed for insertion in Part B of Section 3.1.</p>
3.3 A(1)(a)	<p><i>Manufacturing Glass and Glass Fibre</i> – manufacturing glass fibre in an installation with a capacity of 20 tonnes/day or less.</p> <p>5 permits – the installations concerned operate below the threshold in the Directive and would fall from regulation unless carrying out an activity described elsewhere in Part 2 of EPR Schedule 1.</p>
3.3 A(1)(b)	<p><i>Manufacturing Glass and Glass Fibre</i> – manufacturing glass frit or enamel frit and its use in any activity where that activity is related to its manufacture and the aggregate quantity of such substances is likely to be 100 tonnes or more in any 12-month period.</p> <p>4 permits – this activity is already listed under Part B of Section 3.3 without the capacity threshold.</p>
3.4 A(1)(b)	<p><i>Production of Other Mineral Fibres</i> – producing any fibre from any mineral.</p> <p>1 permit – installation with minimal impact.</p>
4.1 A(1) (e)	<p><i>Organic Chemicals</i> – flame bonding of polyurethane foams or polyurethane elastomers.</p> <p>3 permits – activity similar to that described in 4.1 B (b) which will be amended to cover this.</p>

EPR Sch. 1, Part 2, Section...	Activities to be removed - short description (The section heading under which the activity is listed is quoted in <i>italics</i>)
4.4 A(1) (b)	<i>Plant Health Products and Biocides</i> - formulating products if this may result in the release to water of specified substances. 1 permit - regulation solely as water discharge activities (under Schedule 21 of the EPR) is considered sufficient.
6.4 A(1) (a)	<i>Coating Activities, Printing and Textile Treatments</i> – applying or removing organo-tin compounds. 3 permits – organo-tin compounds no longer used.