

Industrial Emissions Directive

- “A number of substantial changes are to be made to on waste from the titanium dioxide industry.**
- on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations.**
 - on the incineration of waste.**
 - on the limitation of emissions of certain pollutants into the air from large combustion plants**
 - concerning integrated pollution prevention and control**
 - In the interests of clarity, those Directives should be recast.”**

Industrial Emissions Directive

- **Inspection requirements**
- Each environmental inspection plan shall include the following:
 - (a) a general assessment of relevant significant environmental issues;
 - (b) the geographical area covered by the inspection plan;
 - (c) a register of the installations covered by the plan;
 - (d) procedures for drawing up programmes for routine environmental inspections pursuant to paragraph 4;
 - (e) procedures for non-routine environmental inspections pursuant to paragraph 5;
 - (f) where necessary, provisions on the cooperation between different inspection authorities.

- **Based on the inspection plans, the competent authority shall regularly draw up programmes for routine environmental inspections, including the frequency of site visits for different types of installations.**
- **The period between two site visits shall be based on a systematic appraisal of the environmental risks of the installations concerned and shall not exceed 1 year for installations posing the highest risks and 3 years for installations posing the lowest risks.**

- **If an inspection has identified an important case of non-compliance with the permit conditions, an additional site visit shall be carried out within 6 months of that inspection.**

- **The systematic appraisal of the environmental risks shall be based on at least the following criteria:**
- - **(a) the potential and actual impacts of the installations concerned on human health and the environment taking into account the levels and types of emissions, the sensitivity of the local environment and the risk of accidents;**
 - **(b) the record of compliance with permit conditions;**
 - **(c) the participation of the operator in the Union eco-management and audit scheme (EMAS), pursuant to Regulation (EC) No 1221/2009(1)**

- **Non-routine environmental inspections shall be carried out to investigate serious environmental complaints, serious environmental accidents, incidents and occurrences of non-compliance as soon as possible and, where appropriate, before the granting, reconsideration or update of a permit.**

- **Following each site visit, the competent authority shall prepare a report describing the relevant findings regarding compliance of the installation with the permit conditions and conclusions on whether any further action is necessary.**
- **The report shall be notified to the operator concerned within 2 months of the site visit taking place.**
- **The report shall be made publicly available by the competent authority in accordance with Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information(2) OJ L 41, 14.2.2003, p. 26. within 4 months of the site visit taking place.**

- **Without prejudice to Article 8(2), the competent authority shall ensure that the operator takes all the necessary actions identified in the report within a reasonable period.**

- **Within 4 years of publication of decisions on BAT conclusions in accordance with Article 13(5) relating to the main activity of an installation, the competent authority shall ensure that:**
 - **(a) all the permit conditions for the installation concerned are reconsidered and, if necessary, updated to ensure compliance with this Directive, in particular, with Article 15(3) and (4), where applicable;**
 - **(b) the installation complies with those permit conditions.**
- **The reconsideration shall take into account all the new or updated BAT conclusions applicable to the installation and adopted in accordance with Article 13(5) since the permit was granted or last reconsidered.**

Possible new installations?

- **The Commission shall, by 31 December 2012, review the need to control emissions from:**
 - **(a) the combustion of fuels in installations with a total rated thermal input below 50 MW;**
 - **(b) the intensive rearing of cattle; and**
 - **(c) the spreading of manure.**

Possible additional process?

- **The spreading of manure contributes significantly to emissions of pollutants into air and water.**
- **With a view to meeting the objectives set out in the Thematic Strategy on Air Pollution and Union law on water protection, it is necessary for the Commission to review the need to establish the most suitable controls of these emissions through the application of best available techniques.**

Possible additional process?

- **The intensive rearing of poultry and cattle contributes significantly to emissions of pollutants into air and water.**
- **With a view to meeting the objectives set out in the Thematic Strategy on Air Pollution and in Union law on water protection, it is necessary for the Commission to review the need to establish differentiated capacity thresholds for different poultry species in order to define the scope of this Directive and to review the need to establish the most suitable controls on emissions from cattle rearing installations.**

Waste conditions for exempt waste activities at Part B installations. (Ch 40 of manual and Appendix XXIII)

- The Environmental Permitting (England) (Transitional – Exercise of Agency Functions at Part B installations) Direction 2010.
- This swaps the regulator from the EA to LA's for “exempt waste activities” undertaken at a Part B installation.
- There are a few of these and the LA's will need to include waste management conditions in new or varied permits.
- It also applies to A2 but not mentioned in the manual as it is assumed that waste activities will have already been covered in the A2 permit.

Reason for the change

- Alteration to reg 5 in the 2010 regulations
- such that you can't have an "exempt waste operation" carried on at an installation.
- Therefore all exempt waste operations that were (or will be) undertaken at an installation are no longer covered by the exemption in Schedule (3) so they need to be controlled by the installation permit where DAA's.
- (also T3 and T7 exempt waste activities are now registered by the local authority.)
 - Note some subtle changes to Sch (3) in the draft 2011 regs.

What do LA's need to do?

- Any new, or permits that are varied for installations with a directly associated waste activity (DAwA) should have any necessary conditions added to them to control the DAwA.
- Vary all permits for installations with DAwA by 1 October 2013.
- Tell the EA when any varied permits containing former waste exemptions are issued (to avoid double regulation).

- The activities table in the permit should detail the requirements of the DAwa so if the activity exceeds the thresholds for exemption then it would need to be registered and receive a waste management licence.
- (See the “specific conditions” within the exemption sections.)
- (and check any exclusions)
- Also the operator would be operating outside of his permit conditions.

Categories of installations with directly associated (waste) activities (DAA's)

U4 burning waste as a fuel in a small appliance

- *Waste types*
- Plant tissue waste only
- Untreated wood only
- Vegetable waste unsuitable for consumption or processing
- Waste bark and cork
- Untreated sawdust and wood shavings
- Waste bark and wood
- Fibre rejects (fibrous vegetable waste from virgin pulp preparation or paper pulp production) only
- Untreated wooden packaging only

Criteria

- (3) For the purposes of this paragraph, the “specific conditions” are that—
 - (a) the total quantity of waste burned over any period of 1 hour is less than 50kg;
 - (b) the total quantity of waste stored at any one time does not exceed 10 tonnes; and
 - (c) the waste is stored in a secure place.

- (4) The requirements in this sub-paragraph are that—
 - (a) the appliance has a net rated thermal input of less than 0.4 megawatts; and
 - (b) where it is used together with other appliances (whether or not it is operated simultaneously with such other appliances), the aggregate net rated thermal input of all the appliances is less than 0.4 megawatts.

Use of waste derived biodiesel as fuel (U5)

- 5.—(1) The use of biodiesel derived from relevant waste as a fuel in a portable generator if the requirements in sub-paragraph (4) are met or in a motor vehicle and the storage of such biodiesel—
 - (a) in or on a motor vehicle or in such a portable generator; or
 - (b) at a place that is owned or occupied by the owner or user of the biodiesel.
- Should not be undertaken at a Part B unless the portable generator is a DAA? But will change with the 2011 amendments.

U8 use of waste for a specified purpose (especially use of waste paint as paint)

- Paints (excluding specialist and industrial paints, wood preservatives, aerosol and spray paints, inks, adhesives and resins) Use as paint (max storage allowed 1,000 litres)
- Again not likely in Part B's due to exclusions.

U9 use of waste to manufacture finished goods (eg waste ceramics, glass, gypsum, and metals)

- 9.—(1) The use of relevant waste to manufacture finished goods.
- (2) The table specifying relevant waste for the purposes of this paragraph and the quantity limits referred to in sub-paragraph (3)(a) is set out below.
- *Codes Waste types Quantity limit (at any one time)*
- Ash only 500 tonnes
- Ceramics 100 tonnes
- Glass 5,000 tonnes
- Gypsum only 500 tonnes
- **Lion faeces only 5 tonnes**
- Metals 500 tonnes
- Paper and cardboard 15,000 tonnes
- Plastics 500 tonnes
- Rubber only 30 tonnes
- **Sheep, rabbit or deer faeces only 100 tonnes**
- Textiles 1,000 tonnes
- Wood, bark, cork, sawdust, shavings, cuttings, particle board 100 tonnes

T1 cleaning, washing, spraying or coating relevant waste.

- Composite packaging
- Glass
- Paper and cardboard packaging
- Plastic
- Textile packaging

T3 treatment of waste metals and metal alloys by heating for the purposes of removing grease etc

- (3) For the purposes of this paragraph, the specific conditions are that—
 - (a) the total quantity of waste stored or treated at any one time does not exceed 10 tonnes; and
 - (b) the waste is stored in a secure location with sealed drainage.

- (4) The requirements in this sub-paragraph are that—
 - (a) the appliance has a net rated thermal input of less than 0.2 megawatts; and
 - (b) where it is used together with other appliances (whether or not it is operated simultaneously with such other appliances), the aggregate net rated thermal input of all the appliances is less than 0.2 megawatts.

- (5) The processes that are excluded processes for the purposes of sub-paragraph (1) are—
 - (a) the removal by heat of plastic or rubber covering from scrap cable or any asbestos contaminant;
 - (b) a process that is an activity listed in Section 2.1 (other than paragraph (d) of Part B) of Part 2 of Schedule 1 involving the heating of iron, steel or ferrous alloy; and
 - (c) a process that is an activity described in Part A(1) or A(2) of Section 2.2 of Part 2 of Schedule 1 involving the heating of any non-ferrous metal or non-ferrous metal alloy.
 - (Note 0.2 mw is the threshold for Part B within Sch 1)

T5 screening and blending waste (eg waste gravel, crushed rocks, shellfish shells, waste bark and wood, concrete, bricks, tiles and ceramics, etc)

- 5.—(1) The treatment of relevant waste by screening and blending it for the purposes of producing an aggregate or soil and associated prior treatment.
- *Codes Waste types*
- Waste gravel and crushed rocks
- Waste sand and clays
- Shellfish shells from which the soft tissue or flesh has been removed only
- Waste bark and cork
- Waste bark and wood
- Bottom ash, slag and boiler dust
- Bottom ash, slag and boiler dust from co-incineration
- Concrete
- Bricks
- Tiles and ceramics
- Mixtures of concrete, bricks, tiles and ceramics

T5 screening and blending waste (eg waste gravel, crushed rocks, shellfish shells, waste bark and wood, concrete, bricks, tiles and ceramics, etc) Cont.

- Wood
- Bituminous mixtures
- Soil and stones
- Dredging spoil
- Track ballast other than those mentioned in
- Compost produced pursuant to a treatment described in paragraphs T23 or T26 only
- Glass
- Aggregates only
- Gypsum recovered from construction materials only
- Solid wastes from soil remediation
- Sludges from soil remediation
- Soil and stones

T6 treatment of waste wood and waste plant matter by chipping, shredding, cutting or pulverising

- Treatment of waste wood and waste plant matter by chipping, shredding, cutting or pulverising (T6)
- 6.—(1) The treatment of relevant waste by chipping, shredding, cutting or pulverising it.
- (2) The table specifying relevant waste for the purposes of this paragraph is set out below.
 - Plant tissue waste
 - Wood
 - Untreated wooden packaging only
- (3) For the purposes of this paragraph, the specific conditions are that—
 - (a) the total quantity of waste treated or stored over any 7-day period does not exceed 500 tonnes; and
 - (b) no waste is stored for longer than 3 months after treatment.

T7 treatment of waste bricks, tiles and concrete by crushing, grinding or reducing in size.

- 7.—(1) The treatment of relevant waste by crushing, grinding or reducing it in size but not including any treatment activity covered by paragraph (c) in Part B of Section 3.5 of Part 2 of Schedule 1.
- (2) The table specifying relevant waste for the purposes of this paragraph is set out below.
 - Concrete
 - Bricks
 - Tiles and ceramics
 - Mixtures of concrete, bricks, tiles and ceramics
 -
- (3) For the purposes of this paragraph, the specific conditions are that—
 - (a) the total quantity of waste treated over any period of 1 hour does not exceed 20 tonnes;
 - (b) the total quantity of waste stored at any one time does not exceed 200 tonnes;
 - (c) the waste is stored in a secure place prior to treatment;
 - (d) the treatment is carried on—
 - (i) at the place of production, or
 - (ii) at the place where the treated waste is to be used; and
 - (e) the operation does not result in the release into the air of a substance listed in paragraph 6(3) of Part 1 of Schedule 1 except in a quantity which is so trivial that it is incapable of causing pollution or its capacity to cause pollution is insignificant.

T9 recovery of scrap metal

- 9.—(1) The recovery of scrap metal consisting of relevant waste by—
 - (a) sorting, grading, shearing by manual feed, baling or crushing it; or
 - (b) cutting it with hand-held equipment.
- (2) The table specifying relevant waste for the purposes of this paragraph is set out below.
- Waste metal, Metallic packaging, Ferrous metal, Non ferrous metal, Copper, bronze, brass, Aluminium, Lead, Zinc, Iron and steel, Tin, Mixed metals, Cables, Metals.
- (3) For the purposes of this paragraph, the specific conditions are that—
 - (a) the total quantity of waste treated or stored at any one time does not exceed 1,000 tonnes;
 - (b) within the limit in paragraph (a), the total quantity of any cables stored or treated does not exceed 50 tonnes;
 - (c) no waste is stored for longer than 24 months;
 - (d) the recovery is carried on at a location with sealed drainage; and
 - (e) the height of any pile or stack of waste does not exceed 5 metres.

Sorting mixed waste (T10)

- 10.—(1) The sorting of one type of relevant waste from one or more other types of relevant waste.
- (2) The table specifying relevant waste for the purposes of this paragraph is set out below.
 - Paper and cardboard
 - Plastics
 - Metals
 - Composite packaging
 - Mixed packaging
 - Glass
 - Textiles and clothing only
- (3) For the purposes of this paragraph, the specific conditions are that—
 - (a) the total quantity of waste stored at any one time does not exceed 10 tonnes;
 - (b) the total quantity of waste treated over any 7-day period does not exceed 10 tonnes; and
 - (c) the waste is stored in a secure place.

T12 manual treatment of waste (wooden pallets)

- 12.—(1) The manual treatment of relevant waste by a relevant treatment operation.
- Stone, bricks, wood only, Sorting, repairing, or refurbishing.
- Wooden pallets only Sorting, repairing or refurbishing 100 tonnes A

- Wooden pallets only Sorting and dismantling 100 tonnes B

- (3) For the purposes of this paragraph, the specific conditions are that—
 - (a) the total quantity of waste treated or stored at any one time does not exceed the limit specified in the fourth column of the table in sub-paragraph (2);
 - (b) subject to additional specific condition B in sub-paragraph (c), where it applies, no waste is stored for longer than 2 years; and
 - (c) the operation complies with such of the following additional specific conditions as is
 - specified in the fifth column of the table—
 - A the operation is for the purposes of reusing the waste,
 - B no waste is stored for longer than 12 months,
 - C treatment and storage are carried on indoors.

Recent Appeal decision

- **A2 foundry installation**
- **3 conditions appealed**
- **First issue was settled by prior agreement .**
 - **Emission limits for Chlorine**
- **Gaseous chlorides (as hydrogen chloride) 5 mg/m³**
 - From SG 4

- **Following notification of the appeal Cannock Chase District Council queried the 5mg/m³ emission limit within SG4 with the Local Authority Unit (LAU) of the Environment Agency.**
- **This was undertaken as the guidance in SG4 was unclear and not in accordance with either the Environment Agency's guidance S2.03 or the European Bref document.**
- **The following e-mail was forwarded to Norman Donnelly at the LAU**
- **Subject: SG4**
- **Norman, As per telephone conversation. Page 8**
 - **Table 3, Row 6 Chloride and Fluoride limits**
 - **Not clear if 5mg/m³ each or combined?**
 - **Also the limits are different to the BREF and to EA's EPR 2.03**
 - **Can you comment please on this and the reasoning behind it?**
- **Thanks**

Martin,

Finally able to answer your enquiry - apologies over the time delay but I've been out of the office.

The table is in my opinion wrong. The values for HF & HCL are separate and should read as per the values in the Bref and S2.03.

The monitoring used for each of these compounds is separate and different and should not have been rolled into one.

Best advice is follow the guidance given in S2.03 -

http://www.sepa.org.uk/air/pollution_prevention__control/uk_technical_guidance/idoc.ashx?docid=40b55f0d-2f1e-433c-a00b-4f0c3c00733d&version=-1

Yours Aye Norman

Revisions needed to SG4

- **Gaseous chlorides (as hydrogen chloride) mg/m³**
- **10 mg/m³**

- **Gaseous fluorides (as hydrogen fluoride) mg/m³**
- **5mg/m³**

- **Provisions as to fluxing operations removed also.**

Condition specifying fuel type

- 4.22 Gas should be used as a primary fuel on the rotary furnaces, the swarf dryer and holding furnaces.
- 4.23 Gas oil to BS 2869 Classes A1, A2 or D shall be available for standby use only when the gas supply is interrupted. Sulphur content of gas oil used in the process shall not exceed 0.1% by weight. Recovered oil shall not be used in the process. Prior notification (out of hours notification 0800 807060 (pollution)) shall be given to the regulator before operations on gas oil commence.

Operators argument

- **Has previously had an emission limit set for SO₂ under oil operation and although the previous permit limited operation to interrupted gas supply operation on oil only, this was not what the EA allowed.**

Inspectors determination

- **“ In no doubt that the implications of any change now to allow the possibility of oil firing on a regular basis would need to be assessed”**
- **“I am mindful that DEFRA Guidance Note AQ1(07) confirms that operators will usually be required to apply for a variation– whether or not the change of fuel would constitute a substantial change”**
- **Appeal dismissed.**

Noise condition appealed against

Table K Noise Emission Levels		
Location	Day (07:00 to 23:00)	Night (23:00 to 07:00)
At any residential location by day (free-field). At any residential façade at night. (Or any surrogate point with appropriate distance corrections.)	50dB $L_{Aeq,T}$ (or 3dB above background without any tonal component.) which ever is the greater.	45dB $L_{Aeq,T}$ 60dB L_{Amax} (or 3dB above background without any tonal component.) which ever is the greater.

(In applying Table K BS 4142 1997 methodology shall be employed for all measurements).

Appellants issues

- **The appellant objected to limits being imposed and wanted just what was there before, a requirement to have a noise management plan and work to it.**

Inspectors comments

- **I am satisfied that it is appropriate to seek to deal with the impact of noise by permit conditions.**
- **Any NMP would be additional to controls by conditions.**

Changes to the guidance

- **Horizontal Guidance Note IPPC H3 (part 1)**
- **(Now withdrawn)**

- **“Additionally, the LA_{max} measured with the fast time weighting should not normally exceed 60dB at the façade of any bedrooms to prevent sleep disturbance.”**

Inspectors comments

- **“The information before me in relation to both background noise levels and to operational noise levels varied and in the main, was only collected over very limited periods. Clearly there are problems in setting specific limits in a condition without good evidential information as to the noise environment”**

Inspectors comments

- **“A condition would be required to ensure that the rating level of noise emitted from the site, did not exceed the background levels by more than 5dB**
- **(The 5dB figure is taken from BS4142:1997)”**
- **“If reference to Lmax events were to be included measured events would need to be attended.”**
- **“I am not convinced that it would be reasonable to impose a limit on Lmax”**

Conclusions

- **1. its fine to place a noise level condition into a permit.**
- **2. BS4142:1997 is the weapon of choice for level related conditions.**
- **3. The Lmax figure of 60dB recommended in the now withdrawn document H3 has fallen out of favour.**

What does DEFRA want to remind you of!

- **23.3. The fees and charges collected must be used by each authority for the administration and enforcement of the LA-IPPC and LAPPC regimes.**
- **Financial shortfall cannot therefore be a justification for an authority failing to fully exercise its functions if it has failed to devote its charging income to funding this regulatory service.**
- **Authorities should keep separate accounts of income and expenditure – a system known as cost accounting.**
- **Authorities are required to include a copy of the accounts on the public register (Schedule 24, paragraph 1(2)(c) to the EP Regulations) – see Chapter 29.**

Defra reminder!

- **Local authorities are under a duty to ensure Part B and A2 installations do not operate without a permit, to determine applications, and to assess compliance with permit conditions.**
- **Authorities must give effect to the Regulations so that those subject to regulation are able to carry on their activities in accordance with the law, the environment is protected from those activities and the United Kingdom complies with its obligations under EU law.**
- **Indeed as part of the state, local authorities are under a duty to give effect to European legislation as a matter of EU law.**