

<p align="center">SCOTTISH ENVIRONMENT PROTECTION AGENCY Operational Quality Manual POLLUTION PREVENTION AND CONTROL (SCOTLAND) REGULATIONS 2012</p> <p align="center">Section 6.8 - Animal, Vegetable & Food Interpretational Guidance on Capacities & Definitions</p>	Guidance No: IED-TG-10
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	Originator: Liz Dundas
	Issued by: Ops National Industry Unit Authorised by: Iain Clenahan

IED-TG-10 - Interpretational Guidance for Section 6.8 – Animal & Vegetable Treatment and Food & Drink Industries

1 INTRODUCTION AND SCOPE

This note provides guidance on the interpretation of Section 6.8 of Schedule 1 to the 2012 PPC Regulations. It has been produced for SEPA officers to assist in determining whether an operator meets the criteria laid down in this section.

If SEPA considers that an operator does need a permit, and an operator refuses to apply for a permit, then the operator must be warned that continued operation may constitute an offence under Regulation 61(a) and SEPA would take enforcement action in line with its enforcement policy which could include a report to the Procurator Fiscal for a contravention of Regulation 11.

2 CAPACITIES

2.1 In essence, capacity is not the actual throughput of an installation, nor the theoretical throughput based on maximum utilisation of the plant (operating 24 hours a day, 7 days a week, 52 weeks of the year).

Consideration must be taken of 'bottlenecks' in the process such as:

- restricted hours of operation under planning controls;
- an effluent discharge consent limiting the quantity of effluent which may be discharged;
- down time for essential cleaning required as a result of food hygiene regulations;
- and constraints within the process itself.

But not bottlenecks that are the operator's choice such as not to use an available production line for commercial or other reasons.

Therefore **capacity is the real potential capacity** which is determined by the theoretical capacity and then taking account of any real limits on that capacity such as planned down time and other regulatory restraints.

This interpretation is based on advice from the European Commission on interpretation of the IPPC Directive and is still relevant to the Industrial Emissions Directive.

http://ec.europa.eu/environment/air/pollutants/stationary/ippc/pdf/capacity_guidance.pdf

2.2 Packaging (primary or secondary) should not be included in the weight of the finished products.

2.2 Automated v Manual Capacity

There is no reference in the PPC 2012 Regulations as to whether food & drink activities are carried out by machine or by hand and therefore this should have no effect on the interpretation of production capacity.

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2.3 Finished Product includes all materials that are to be used directly as food or which go on to be further processed prior to being used as food. In determining finished product production capacity it is important that a distinction is made between product and production residues (by-products) which may be controlled wastes. Materials that are considered to be waste should not be classified as finished product.

2.4 In 6.8 Part A (e), the phrase “average value on an annual basis” has been included to take account of the fluctuating milk output from cows along with the word “received” rather than capacity. This means that the average of the **actual daily received** volumes not the maximum potential capacity should be used to calculate the annual average received. Only days when milk is actually received should be considered.

2.5 In 6.8 Part A (d) (ii) the phrase “600 tonnes per day where the installation operates **for a period of no more than 90 consecutive days**” is used as a threshold for the treatment & processing of only raw vegetable materials. .

The inclusion of this phrase is to allow a higher threshold value for activities that only operate on a seasonal basis according to the harvesting of a particular vegetable, fruit, grain or fungi. An activity which only occurs over one quarter of the year can reasonably be regarded as seasonal activity hence the introduction of the higher threshold for plants operating for less than 90 consecutive days.

The 600 tonnes per day threshold only applies where the installation operates for one period of less than 90 consecutive days in a year.

If the plant goes on to operate for another period then the lower threshold value stated in 6.8 Part A d (ii) (aa) would apply.

Examples:

- A single period of operation of less than 90 days a year processing over 600 tonnes a day falls within (bb).
- A series of periods of operation, but for less than 90 days a year in total, processing over 300 tonnes a day falls under (aa).
- Sites that operate on and off, but for more than 90 days a year, processing over 300 tonnes a day, would fall under (aa) even if they never operate for a continuous period of 90 days.

This interpretation prevents an installation that operates all year round, but which never exceeds 90 day continuous operation, avoiding the 300 tonnes per day threshold.

It would be an unreasonable result that a plant operating at 599 tonnes per day, 5 days a week, all year, would not need a permit; whereas a plant operating at 301 tonnes for 91 consecutive days only, would require a permit.

The above interpretation also gives both provisions of subsection d(ii) more validity by removing the possibility of avoiding the 300 tonnes per day threshold by shutting down at least once every 90 days.

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3 DEFINITIONS

3.1 6.8 Part A (a)

“Tanning Hides and skins where the treatment capacity exceeds 12 tonnes of finished products per day”

Tanneries may manufacture a material called “wet blue” which is an intermediary in final leather production and contains a high level of moisture. SEPA’s determination is that the term “finished products” refers to the product which leaves the installation ***without discount for water content***.

3.2 6.8 Part A (b)

“Disposing of or recycling animal carcasses and animal waste at installations with a capacity exceeding 10 tonnes per day other than by incineration or co-incineration at installations falling within Section 5.1 of this Schedule.”

Fish processing by-products such as fish offal, off-cuts, etc. that is being processed for the purposes of human consumption and which are then further processed for the purposes of manufacturing either animal feed or further human consumption (e.g. fish oil, etc) are not considered to be “waste” and would therefore be covered by 6.8 (d)(i).

Rendering, etc. is considered to be a disposal activity as the material that is being produced is being disposed e.g. by incineration or to landfill. Production less than 75 tonnes per day is likely to fall under 6.8 Part B (a)(i) or (ii) if there is potential to release odour, dust, etc, unless it is an “exempt activity”.

Fat melting is classified as an activity under 6.8 (d)(i)

3.3 6.8 Part A (c)

“Slaughtering animals in slaughterhouses with a carcass production capacity greater than 50 tonnes per day.”

Carcass means the body of a dead animal. Where head and offal are removed at point of slaughter (e.g. for mammals and birds), such material is excluded from the production capacity calculation. However, where the head and offal has not been removed, this material would be included in the calculation.

It should not be concluded that a dead animal only qualifies as a carcass after removal of head and offal e.g. a dead fish with head and offal intact would still constitute a carcass for the purposes of this section.

Where a fish is killed and bled, the carcass would be taken to be the intact dead body of the fish minus any blood which has been removed. Where the facility further processes the body, the carcass would normally be considered to the dead body once eviscerated.

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Slaughtering

In many slaughterhouses animals are both killed and processed. The slaughtering activity is considered to have ended with the making of standard cuts for large animals or the production of a clean whole saleable carcass for poultry. Standard cuts are taken to mean carcasses, half carcasses or half carcasses cut into no more than three wholesale cuts or quarters.

Carcass production capacity limitations

One limitation placed upon the carcass production capacity of a slaughterhouse is chilling capacity. Premises licensed by the Food Standards Agency (FSA) must have adequate refrigerated rooms for the storage of meat as following slaughter operators are required to progressively chill the meat down to 7°C “without undue delay” i.e. within 36 hours for beef and within 18 hours for pork or lamb/mutton. The chilling capacity of any particular installation should therefore generally be calculated on a 36 hour throughput time.

Storage for periods in excess of 36 hours would generally be considered to be optional (for improved meat quality) and therefore would not constitute a legal limitation on the capacity of the plant. Staff should note that the 36 hours chilling should only be used as a guide and site specific operating procedure such as the transfer of meat offsite for chilling, distribution of meat for the halal trade (not subject to the same chilling requirements) or the capabilities of the chilling equipment should be taken into consideration on a site specific basis.

It has also been suggested that the Food Standards Agency act as a legal restriction on the operating hours of slaughterhouses. While it is true that the FSA must be on site before slaughtering can take place, advice received from the FSA indicates that the hours they spend on site are dictated by the operator and not the FSA. The FSA have advised SEPA that they are legally required to provide cover for the Slaughterhouse subject to 24 hours notification (beef). SEPA would not normally accept the agreed working hours between the FSA and the operator to be a legal limitation on slaughterhouse capacity.

3.4 6.8 Part A (d)

“Treatment and processing, other than exclusively packaging, of the following raw materials, whether previously processed or unprocessed, intended for the production of food or feed from-

- (i) *only animal raw materials (other than milk only) with a finished product production capacity of more than 75 tonnes per day;*
- (ii) *only vegetable raw materials with a finished product production capacity of more than-*
 - (aa) *300 tonnes per day, or*
 - (bb) *600 tonnes per day where the installation operates for a period of no more than 90 consecutive days in any year;*
- (iii) *animal and vegetable raw materials (other than milk only), both in combined and separate products, with a finished product production capacity in tonnes per day greater than-*
 - (aa) *75 if A is equal to 10 or more, or*
 - (bb) *300 – (22.5 x A) in any other case*

where ‘A’ is the portion of animal material in percent of weight of the finished product production capacity.

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Activities NOT included:

The following activities are excluded from the calculation of finished product production capacity as they do not result in a readily irreversible material change. Where these activities do form part of an installation, they will still be permitted as part of the stationary technical unit or as directly associated activities.

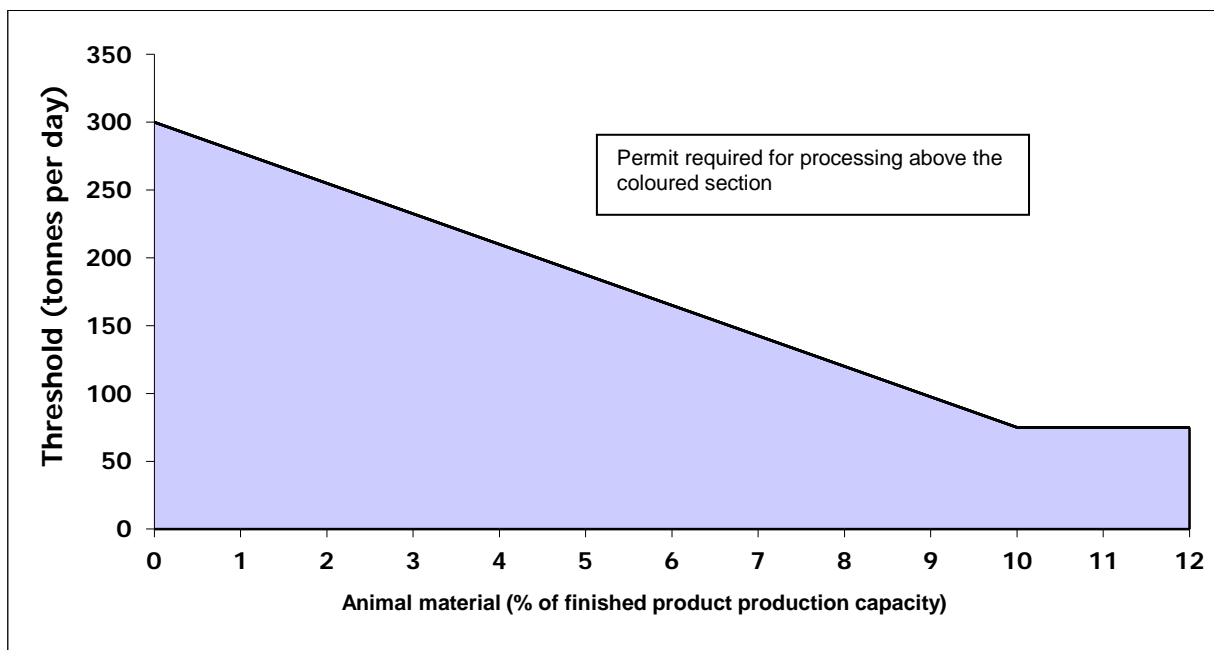
- **Chilling** where no other processing activity is undertaken
- **Freezing** including pelagic fish freezing
- **Drying, blending** e.g. grain drying where no other activity is carried out
- **Bottling of water** as water is neither vegetable nor animal raw material
- **Carbonisation** of soft drinks where this is the only activity carried out on site. Where sugar, fruit juice, etc. is added then this is clearly vegetable processing. Artificial additives may also be considered vegetable matter and each process should be considered individually.
- **Washing, grading** where no other processing activity is undertaken
- **Plant health products and pharmaceuticals:** Many of these are enzymes, and their production is covered by Section 4.4 and 4.5 respectively. Otherwise their production should not generally be included as a listed activity under 6.8 as they are not themselves food products.
- **Mineral Production (or purification):** The production of any mineral not derived from animal, vegetable or milk (e.g. table salt (sodium chloride), baking soda (sodium bicarbonate)) is excluded.

Activities which ARE included:

- **Treatment and processing** includes blanching, pasteurisation, fat melting or food milling.
- **Treating and processing materials FROM animal raw materials:** An argument was raised by an operator that the installation was not processing materials **from** animal raw materials as what he processed **was** the animal raw material (fish). SEPA's position is that from the wording in the Directive, it is clear that all activities which are part of the process of producing food products from animal raw materials are included.
- **Raw Materials** are any materials whether processed or not that are used as ingredients in the activity. Raw materials can include waste materials and accordingly a food product can be made from waste.
- **Food products** includes food intended for animals. Feed milling and pet-food manufacture are therefore covered within section 6.8(d)(i)
- **Animal raw materials** means anything from a living or dead animal that and includes minerals derived from animal sources, such as bone.
- **Milk products** as ingredients are classified as animal raw materials.
- **Milk** to which something has been added effectively constitutes a **milk product**. Such as whey, butter, cream, buttermilk, condensed milk, flavoured milk or cheese.
- **Milk** however is **not** viewed as an animal raw material for the purposes of section 6.8(d)(i).
- **Honey** is classed as an animal raw material
- **Vegetable raw material** includes fruits, grain and fungi.
- **Animal and vegetable products** (either combined or separately, e.g. in meat pies) on a sliding scale threshold between 300-75 tonnes per day for 0-10% animal material; and a set threshold of 75 tonnes per day if animal content is >10%.

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Graphical representation of the 'sliding scale' rule :



3.5 Section 6.8 Part A (e)

“Treating and processing milk: the quantity of milk received being more than 200 tonnes per day (average value on an annual basis)”

Any process treating and/or processing milk over the activity threshold (based on volume of milk **received**) will be a listed activity whether or not the end product is best described as milk. The activity description would also cover non-food production activities if they treat and process milk, and receive milk above the threshold.

For example, manufacturing milk chocolate or chocolate crumb (an intermediate product in the production of chocolate) will fall under this description if it receives more than 200 tonnes of milk per day.

Milk means whole milk, dried milk, skimmed milk, evaporated or unsweetened condensed milk. It should not however, be taken to mean whey, butter, cream, buttermilk, condensed milk, flavoured milk or cheese. Milk to which something has been added constitutes a **milk product**.

Where **dried, unsweetened condensed or evaporated milk** is used the weight should be calculated back to the raw “wet milk” equivalent state to assess whether the threshold is exceeded. Based on the relevant conversion factors, 200 tonnes of raw milk is equivalent to:

- 25 tonnes of full cream dried milk powder
- 20 tonnes of semi-skimmed dried milk powder
- 18 tonnes of skimmed dried milk powder

Milk solids is a loose term that requires qualification and is therefore best avoided. It is preferable to speak in terms of whole (or total) milk solids, skim milk solids, (both of which constitute milk) or whey solids (which constitutes a milk product).

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3.6 Part B 6.8 (a)

“Processing, storage or drying by heat of any part of a dead animal or of vegetable matter, unless it is an exempt activity, or an activity described in paragraph (d) of this Part, which may-

(i) result in the release into the air a substance referred to in paragraph 9 of Part 2 of this Schedule, or

(ii) give rise to an offensive smell noticeable outside the premises in which the activity is carried on.”

Exempt activity refers only to activities listed under Part B (a) which are described as exempt activities in the interpretation of Section 6.8.