

Our Ref: Chap.2IED
Your Ref:

If telephoning ask for:
Keir McAndrew

06 January 2014

To Whom It May Concern:

IMPLEMENTATION OF THE POLLUTION PREVENTION AND CONTROL (SCOTLAND) REGULATIONS 2012

SEPA is writing to you regarding certain changes that come into force **from 07 January 2014** for operators holding a Part A permit under the Pollution Prevention and Control (Scotland) Regulations 2000 as amended (PPC 2000). This letter follows up on previous communications sent to you on this matter in September 2012 and January 2013.

From 07 January 2014 operators holding a Part A permit under PPC 2000 will move to control under the Pollution Prevention and Control (Scotland) Regulations 2012 (PPC 2012). These changes result from the implementation of Directive 2010/75/EU on industrial emissions (the IED). As noted in SEPA's previous communications, the IED introduced a number of new provisions that did not exist under the previous regulatory regime. These new provisions have been transposed through the PPC 2012 Regulations. The PPC 2012 Regulations include new conditions which will be automatically included in your permit with no need for an application. These new conditions enter into force from 7 January 2014 the precise wording of which can be found in Part 3 of Schedule 10 to the PPC 2012 Regulations¹. It is advisable that you retain a copy of these new conditions alongside your existing permit so that staff are aware of the relevant changes. Operators of incineration or co-incineration plants may require to have new conditions inserted into the permit and, where this is required, SEPA will undertake this through a SEPA initiated variation. We will be in contact in due course to discuss this with you should a variation be required.

The new Regulations also place new duties on SEPA as the competent authority for implementing the legislation.

The main changes from 07 January 2014 are that:

- The PPC 2012 Regulations look different and have been substantially restructured and reworded in comparison with the PPC 2000 Regulations with the intention of removing ambiguities and inconsistencies. However, the powers and provisions largely remain the same as the PPC 2000 Regulations.
- Activity descriptions in Schedule 1 of the PPC 2012 Regulations have, in some cases, changed in comparison to the PPC 2000 Regulations. However, their intended meaning is largely the same. New activity descriptions have been introduced by the IED – for further information see SEPA's website (see link below). A few activity descriptions have been removed from PPC control altogether – operators of these activities have already been contacted to make them aware of this change.
- There are provisions to take account of the new emphasis within IED on the use of Best Available Technique (BAT) Reference Documents (BREFs) and BAT Conclusions in the permitting and permit review processes – see the section below on Permit reviews.
- SEPA has new powers to serve an enforcement notice in the event of an incident which poses an immediate danger to human health, threatens to create an immediate significant adverse effect upon the environment or involves some other risk of serious pollution even where there is no breach of a permit condition. In such circumstances operators must also immediately suspend operation.

¹ <http://www.legislation.gov.uk/ssi/2012/360/contents/made>

- Operators must notify SEPA immediately of any breach of a permit condition.
- Results of emissions monitoring and certain other information needed to assess compliance with the permit will have to be reported to SEPA at least annually.
- The IED provides for greater public participation and so more information will need to be placed on the internet including permits, variations to permits and inspection reports.
- There are certain provisions that will have a direct impact on operators undertaking solvent activities as described in Schedule 2 of the PPC 2012 Regulations. If the activity is now only described in Schedule 2 of the PPC 2012 Regulations there will no longer be a requirement to apply the Best Available Techniques (BAT). This will only apply to nine activities, as well as to dry cleaners, as most solvents activities are also described in Schedule 1 to the PPC 2012 Regulations.
- A duty is placed on SEPA to promote development and application of emerging techniques.
- There is no longer a provision for the permitting of Part A mobile plant. Although this was theoretically possible under the PPC 2000 Regulations, in reality no permits were issued for Part A mobile plant.
- Fit and proper person provisions for Specified Waste Management Activities are amended.
- As well as Site Reports there are now provisions for Baseline Reports relating to ground contamination. This may apply when a future permit review or substantial change takes place. SEPA's guidance on Site Reports will be made available in the coming weeks.
- Circumstances under which a Suspension Notice can be issued have been expanded.

Permit reviews

Under Paragraph 44 of the PPC 2012 Regulations your permit will be subject to full review following the publication of the BREF relevant to your main activity. SEPA must ensure that your permit requirements comply with the BAT conclusions in these documents within four years of these being published. Further details of the timetable are shown on the European IPPC Bureau's website – <http://eippcb.jrc.es/reference/>. If no BREF exists in relation to your activity a periodic review of your permit will take place and any new conditions will be based on a SEPA assessment using materials such as previous BREFs, any other relevant technical guidance and the general principles of BAT described in Schedule 3 of the PPC 2012 Regulations.

This letter offers only a summary of the main changes that will come into effect from 07 January 2014. For further and more detailed information please visit our website www.sepa.org.uk/ppc. Furthermore, you are directed to the PPC 2012 Regulations quoted above for the full text, interpretation and context of the points raised in this letter.

In order to improve communication with you as an operator in future you are asked to provide an operational e-mail address to ppc@sepa.org.uk with the e-mail title 'ppc contact details'. This address can also be used in relation to any questions you may have in relation to this letter or, alternatively, please contact your site inspector.

Yours sincerely



Janice Milne
Head of National Operations