



Preserving wood with chemicals (other than sapstain only) with a production capacity of > 75m³ per day

Supplementary Guidance and Information

February 2015



Scottish Environment Protection Agency

Pollution Prevention & Control (Scotland) Regulations 2012 (“the Regulations”)

Preserving wood with chemicals (other than sapstain only) with a production capacity of > 75m³ per day

Supplementary Guidance and Information

Issued: 9 February 2015

SEPA has received a number of queries regarding the Regulations and the impact these will have on the permitting of the activity of preserving wood with chemicals (other than sapstain only) with a production capacity of > 75m³ per day.

Technical and other guidance on making an application can be found on our website at http://www.sepa.org.uk/air/process_industry_regulation/pollution_prevention_control/guidance/sepa_guidance.aspx

This note provides some supplementary guidance and information for this sector.

SEPA is aware that the Sector Guidance Note SG11: Secretary of State’s Guidance for Wood Products Preservation with Chemicals dated September 2013 is still in draft form and has not been finalised or published. SEPA has published the Guidance Note in draft form on our website at

http://www.sepa.org.uk/air/process_industry_regulation/pollution_prevention_control/guidance/sepa_guidance.aspx

and will have regard to it (subject to any variations specified in this Supplementary Note) during the determination of any application for a permit and any assessment of BAT until relevant BAT conclusions are published by the European Commission.

1. Legal Requirement

The Regulations implement the requirements of the Industrial Emissions Directive. One of these requirements is that a timber treatment activity with a daily production capacity of greater than 75m³ must possess, and be operated in accordance with, a Part A permit.

A Part A permit must either be obtained before 7 July 2015 or you must stop the activity, otherwise you will be committing an offence. A permit can be granted only if you apply for one; SEPA cannot issue you a permit without receiving an application. You should note that to allow the grant of a permit, you must be able to demonstrate that you meet certain standards, and are able to comply with the conditions that might be included in the permit.

The Regulations allowed Operators of timber treatment activities who applied between 7 May 2014 and 7 August 2014 to carry on operating after 7 July 2015 even if they did not have a permit (i.e. SEPA had not finished the determination of the application). SEPA wrote in 2013 to operators of a wide range of newly-prescribed activities advising them of their respective application windows.

SEPA did not receive any applications from any operator of a timber treatment activity. If you currently operate a timber treatment activity you can carry on operating in accordance with any permit, licence or other permission you currently have until 7 July 2015.

You must apply for a permit if you want to carry on operating after 7 July 2015. The longer you wait to apply the more likely it is that SEPA will be unable to complete the determination before 7 July 2015. The statutory period for determining an application for a Part A permit is 5 months. This takes into account the various consultations that must be carried out as part of the process, but doesn't include an allowance for any time taken to gain further information. Poor applications that are not "duly made" will be returned resulting in delay and could potentially result in you having to close your operation after 7 July 2015 if you do not have a permit or risk committing an offence.

SEPA has been working with the Wood Protection Association (WPA) and Confederation of Forest Industries (ConFor) since 2012 to agree a process by which applications of sufficient quality can be made to SEPA to allow determination and grant of a permit by 7 July 2015.

2. Applications

Please make applications before Friday 27 February 2015.

Prepare your application in accordance with SEPA, sector or other guidance. If you need to discuss specific issues in preparing your application then contact VPTTIMBER@sepa.org.uk

The application fee will be £5000. The subsistence fee should a permit be issued will be based on the PPC Charging scheme, which specifies 3 Subsistence Units. This means that in Year 1 the subsistence fee (pro-rata from 7 July and based on the 2014 Charging scheme) will be $3 \times £733 \times 206/365 = £1241$.

3. Scope of the Installation

The scope of the installation must be determined in line with SEPA's Practical Guide: PPC2012 which may be found on SEPA's website at

http://www.sepa.org.uk/air/process_industry_regulation/pollution_prevention_control/guidance/sepa_guidance.aspx.

The installation boundary of a timber treatment activity carried on in one specific area of the site and where all timber treated is sent off site once dry may be restricted to the treatment area. In circumstances where the timber treatment activity is undertaken at more than one location on the site e.g. post-treatment and drying in different areas, the boundary may not be able to be restricted to timber treatment. In this case other activities may become part of the Part A installation.

This could result in two PPC permits (one Part A and one Part B) at timber installations already permitted under PPC Part B (e.g. sawmill) and where the scope of the timber treatment activity is restricted to one location as a stand-alone installation. The operator must comply with both permits and pay a subsistence fee for both permits.

4. Capacity

You must follow the guidance provided in the draft SG11 Note (paras 1.18 to 1.21) to determine your capacity for comparison against the 75m³/day threshold prescribed in the Regulations. Remember, ordinarily it is the potential capacity that is considered, not the actual production capacity. If you have calculated the capacity based on the shortest cycle time with the wood that has the quickest treatment as specified in the draft SG11 Note, and the figure is below 75m³/day threshold, you do not require a permit. If you wish to extend the capacity of your operation in a way that will result in you having a theoretical capacity that will exceed >75m³/day, then you must first apply for and receive a permit.

However, SEPA will consider the following legal constraints on capacity:

A planning consent restricting the operating hours of the timber treatment activity;

Any other legal constraint provided it exists prior to 7 July 2015 and is not related to the Pollution Prevention & Control (Scotland) Regulations 2012 (e.g. a Part B permit cannot be used to constrain capacity), and which directly limits the ability to operate the timber treatment activity.

Any legal constraint must be subject to statutory penalties and not only relate to a private contract

5. Site & Baseline Reports

Any application for a PPC Part A permit must contain a site report. Guidance on preparing a site report can be found in SEPA Site and Baseline Report Guidance IED TG02 which is located at

http://www.sepa.org.uk/air/process_industry_regulation/pollution_prevention_control/guidance/ied_tg02/ied_tg02_idoc.ashx?docid=d9256727-a14b-4f01-bdc7-d4ffb9b2c8bf&version=-1

The site report should cover the entire installation being applied for. This could be just the timber treatment area and not the entire site depending on the scope of the installation (see above).

Timber Treatment activities use hazardous substances. It may be necessary to undertake actual measurements of the quantities of potential hazardous substances (used in the process) in the underlying soil and groundwater. This requirement will be based on the initial findings of a site report assessment. At this time a baseline report (as defined in the Industrial Emission Directive) is not required. The operator will be required to commission and have a baseline report at the time of the formal permit review following the publication of the relevant BAT Conclusions document by the European Commission.

Permits for Timber Treatment activities will include a requirement to undertake regular soil and groundwater monitoring (a requirement of the Industrial Emissions Directive), subject to any site specific risk assessment. Given the nature of the substances used in Timber Treatment, any risk assessment will have to be robust and compelling to persuade SEPA that this monitoring requirement is not required.

6. BAT and Best Practice

SEPA will have regard to the published draft SG11(13) Guidance note http://www.sepa.org.uk/air/process_industry_regulation/pollution_prevention_control/guidance/sepa_guidance.aspx and would expect that operators achieve the BAT standards specified in that draft note by the dates within the Note's compliance table.¹ However, if it is evident that the timber treatment activity is operating to obviously substandard practices not meeting basic minimum standards to protect soil and groundwater that diverge from BAT, it is likely that SEPA will be unable to grant a permit.

7. What SEPA will be assessing

Before SEPA will assess an application it will check that it has been duly made. This means that the application is complete, and is accompanied by the correct fee. While SEPA can seek further information during the determination, if it is evident during this early check that information is missing, or will be required to complete the determination of the application, then it will likely be returned as not duly made.


Before SEPA can grant a permit it must:

Consider all responses made about the application within the allowed time period for the statutory and public consultations.

Determine the application to ensure that the requirements of the Regulations can be met, including:

- a) Have grounds for believing that the applicant will be the operator;
- b) Have grounds for believing that the operator will be able to comply with the conditions;
- c) Insert conditions to ensure that BAT is used so that all appropriate preventative measures are taken against pollution and that no significant pollution is caused;
- d) Insert conditions that waste generation is prevented or if produced dealt with in accordance with the Waste Framework Directive, energy is used efficiently; necessary measures are taken to prevent accidents and that on the plant closure the site is returned to satisfactory state; and
- e) Insert certain conditions that are specified in the Regulations (regulation 23 to 32 as necessary).

Should a permit be drafted then a further consultation with the public under the Public Participation Directive will be undertaken, and the permit can only be granted after consideration of any responses to that consultation. If SEPA is of the opinion that a) or b) cannot be met then it cannot grant a permit.

Detailed guidance on this can be found in [Part A practical guide: PPC 2012](#) 

END OF NOTE

¹ This may be subject to amendment depending on the outcome of the BAT Conclusions Document for this sector.