

Determining Capacity for PPC Section 5.3 and 5.4 Activities

This guidance is for operators of activities currently holding a waste management licence but may fall under sections 5.3 and 5.4 of Schedule 1 to the Pollution Prevention and Control (Scotland) Regulations 2012. These include open windrow composting facilities, the manufacture of refuse derived fuel (RDF), anaerobic digestion of waste, etc. It sets out how the thresholds in the Industrial Emissions Directive will apply and when a PPC permit may be required.

Background

The [Industrial Emissions Directive \(IED\)](#) aims to minimise pollution from various industrial activities throughout the European Union. Operators of industrial installations that are covered by the Directive are required to obtain an environmental permit from the authorities in EU countries. These permits provide operational measures to control emissions to the environment.

In Scotland the IED has been implemented by the [Pollution Prevention and Control \(Scotland\) Regulations 2012](#), which are otherwise known as ‘the PPC Regulations’.

The PPC Regulations came into force in Scotland on 7th January 2013 and applied to all new installations from that date. The IED introduced several new activities that will now require a PPC permit. These are referred to as “newly prescribed activities”. Such activities must have a PPC permit by 7th July 2015. This includes the biological treatment of waste and the pre-treatment of waste prior to incineration at sites with a capacity exceeding 75 tonnes per day. Note that the window for applications closed on 7th June. This means that any operator who makes an application after this date must stop operating if the permit is not issued by 7th July 2015.

Definition of Capacity

For the purposes of this guidance, “capacity” is the maximum amount of material that, in theory, could be accepted onto the site per day. It is not the total amount of waste on the site at any one time or the actual amount that has been accepted onto the site in the past. Also note that the limit is on daily capacity and cannot be averaged over a longer timescale.

Determining Capacity

The capacity of a site can be controlled in two ways:

- 1- physical restrictions such as the area available for carrying out the activity or the maximum throughput of a key piece of equipment
- 2- legal restrictions such as planning or licensing restrictions

Physical Restrictions on Capacity

The area available to carry out a particular activity may limit the amount of material that a site is able to handle. For example at open windrow composting sites the capacity of the facility can be calculated by reference to the maximum amount of material that could be accepted onto the site on any one day (based on the area of concrete pad and the size of the windrows) and the minimum retention time possible (the minimum number of days or parts of days over which treatment takes place). This gives the theoretical daily capacity of the plant. The time it takes to achieve the desirable treated standard may change throughout the year so any capacity calculations must be based on the shortest retention time of the process, i.e. the warm summer months.

Many processes have a rate limiting step which will limit the amount of material that it can process, for example there may be a piece of process equipment that has been designed and manufactured to handle a set tonnage of waste per hour.

Where the restriction is on the throughput of a plant, this is a physical restriction. Alternatively the operator could place physical restrictions on the area available to treat waste by using push walls or other physical

barriers. This could contain the treatment process to a section of the concrete pad to ensure that the relevant daily threshold was not breached.

Legal Restrictions on Capacity

Legal restrictions on capacity must be “external and pre-existing”. “External” means outwith the PPC regime and “pre-existing” means in place before the IED deadline, i.e. 7th July 2015. External restrictions can place limits on the amount of waste the site can receive or handle in a given time period. These may include planning restrictions on lorry movements which restrict the amount of material that can be brought onto the site.

There may be a condition in the Waste Management Licence which limits the input to less than 75 tonnes per day. (Note that an annual limit that restricts capacity to 27,375 tonnes per year or less is not sufficient as this would still allow more than 75 tonnes to be accepted on any day.)

What operators need to do

If there is a physical or legal constraint that limits the capacity to below the relevant threshold, i.e. of 10, 75 or 100 tonnes per day, then a PPC permit will not be required after 7th July 2015.

If the existing site has the physical capacity to accept greater than the relevant threshold of waste per day the site will require a PPC permit if it is to operate after the 7th July deadline. If the operator wishes to continue operating under the existing waste management licence it must have a legal restriction on capacity to below the relevant threshold. In order to have their Waste Management Licence varied in time for the 7th July deadline, operators that wish to have such a condition in their waste management licence should submit their modification application at the earliest opportunity, and in any case before 7th May 2015. Note that SEPA has a statutory minimum determination period of two months to issue a modification but this can take longer, depending on the site circumstances. Application forms for modifications to a waste management licence are available on the SEPA website¹. There is a fee for this application. Details of the fees and charges are available in the SEPA charging scheme available on the website².

If the process will require a PPC permit, application forms and information on fees is available on the SEPA website³. The application window has closed which means that if the activity does not have a permit by 7th July 2015, SEPA may take enforcement action. Operators are advised to submit an application as soon as possible in order that the permit can be issued by this date.

It is for operators to determine the maximum capacity in each case, to establish what regime, if any, they are subject to. Operators should satisfy themselves that they comply with the law, since any operation that exceeds the capacity on which a licence or permit has been based could constitute an offence.

This guidance applies only in Scotland. The terms of this guidance may be subject to periodical review and be changed or withdrawn in light of technological or scientific developments, regulatory or legislative changes, future government guidance or experience of its use. SEPA reserves its discretion to depart from the guidance outlined here and to take appropriate action to avoid any risk of pollution or harm to human health or the environment.

¹ http://www.sepa.org.uk/waste/waste_regulation/application_forms/waste_management_licence.aspx

² http://www.sepa.org.uk/about_us/charging_schemes/current_charging_schemes.aspx

³ http://www.sepa.org.uk/air/process_industry_regulation/pollution_prevention_control/new_permit_applicants.aspx