

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Guidance No: IED-TG-07
Operational Quality Manual POLLUTION PREVENTION AND CONTROL (SCOTLAND) REGULATIONS 2012 PPC Technical Guidance Note TG7 Guidance on Determining “Low Impact Installations” under the PPC Charging Scheme	Page no: 1 of 5
	Issue No 1
	Issue date: 1 May 2013
	Originator: Jacqui Lang
	Authorised by: Wendy Thornton

Table of Contents

1.	INTRODUCTION.....	1
2.	REQUIREMENTS FOR DETERMINING LOW IMPACT AND IMPLICATIONS OF DECISIONS.....	1
3.	DETERMINATION OF LOW IMPACT INSTALLATIONS.....	2

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Guidance No: IED-TG-07
Operational Quality Manual POLLUTION PREVENTION AND CONTROL (SCOTLAND) REGULATIONS 2012 PPC Technical Guidance Note TG7 Guidance on Determining “Low Impact Installations” under the PPC Charging Scheme	Page no: 2 of 5
	Issue No 1
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1. INTRODUCTION

- 1.1 This note provides guidance on the designation of “Low Impact Installations” (LII) for the purpose of the Pollution Prevention and Control (Scotland) Charging Scheme.
- 1.2 The decision whether a particular Part A installation is a LII or not is a matter of professional judgement. This guidance note provides criteria to assist SEPA officers and industry in the decision making process.

2. REQUIREMENTS FOR DETERMINING LOW IMPACT AND IMPLICATIONS OF DECISIONS

- 2.1 Schedule 1 & 2 to the Pollution Prevention and Control (Scotland) Regulations 2012 (as amended) (“the PPC Regulations”) defines the various activities that are to be regulated. Some of these definitions have a numerical threshold in terms of thermal input, production capacity, power input or holding capacity. On the other hand, many of the activities designated for Part A controls contain no such threshold and thus, however small the installation that contains them and however small their environmental impacts, they may not be operated without a PPC permit.
- 2.2 The environmental impact of a Part A LII is inherently low and therefore SEPA is likely to spend less time on determining an application for a permit and enforcing any permit that may subsequently be granted. Such LIIs have lower application and subsistence charges that would otherwise be applied to installations in the same sector. **Designation as an LII does not remove any obligation on an operator to provide all the information necessary for a Part A PPC Permit.** Similarly, SEPA must determine the application and grant or refuse a permit in accordance with the requirements of the PPC Regulations.
- 2.3 Operators who wish to take advantage of LII status must demonstrate that the installation in question can have only a low impact on the environment by providing SEPA with reasoned arguments. Agreement on behalf of SEPA will be made by the relevant Unit Manager or Operations Technical Support Manager or the Regional Head of Operations or Area Manager and the co-ordinating officer. Where SEPA agrees with these arguments, SEPA will write to the operator confirming LII status. A copy of the agreement must accompany the application for a permit.
- 2.4 Reference to the criteria in this guidance should mean that the identification and designation of a LII installation is a straightforward process. In many instances, a LII will be self-evident given the nature of the activities undertaken and the scale of operation.

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Operational Quality Manual POLLUTION PREVENTION AND CONTROL (SCOTLAND) REGULATIONS 2012 PPC Technical Guidance Note TG7 Guidance on Determining “Low Impact Installations” under the PPC Charging Scheme	Page no: 3 of 5
	Issue No 1
	Issue date: 1 May 2013
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	Authorised by: Wendy Thornton

2.5 Operators should be advised to submit their reasoned arguments in support of their claim for LII status as soon as possible before an application for a permit is made. **Where an operator fails to provide sufficient information to judge whether an installation is a LII or not, then the full application fee will be required with the application for the permit.** This is to prevent unnecessary work. However, this does not prevent the low impact installation subsistence fee being applied after the application for a permit has been determined.

2.6 LII status will be reviewed periodically and no less that the period specified within the Pollution Prevention and Control (Scotland) Regulations 2012 (as amended) for reviewing permits.

3. DETERMINATION OF LOW IMPACT INSTALLATIONS

3.1 What constitutes a low impact installation will be determined using the principles and guidance set out below. Judgement is still required when taking account of these criteria. For example:

- Criteria a) “Waste Water Disposal”, suggests discharges below about 20 m³ /day would be low impact, however if the discharge is particularly high in BOD / COD, toxins or has carcinogens this may not be the case.

3.2 The Operator must demonstrate to the satisfaction of SEPA that, such is the nature of the installation that the impacts on the environment will be low. This demonstration should be able to be made across all media and environmental receptors. However, this should not require a signification effort either on the part of the Operator or SEPA, it is does then this would indicate it is not a low impact installation.

a) **Waste Water Disposal:** The installation releasing more than about 20 cubic metres of water on any one day as waste water or effluent is unlikely to qualify as an LII. No account need be taken of the volume of water exported from the installation as product.

b) **Techniques to prevent and reduce waste arisings and emissions:** If an installation relies on abatement equipment or management techniques in order to protect the environment then this would indicate they are not low impact (and this should include aspects such as refrigeration which if not working would result in odours).

c) **Groundwater Regulations:** There must be no potential for discharges of List I or List II substances, as defined by the Groundwater Directive (as implemented by the Controlled Activities Regulations 2011), into the ground.

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Guidance No: IED-TG-07
Operational Quality Manual POLLUTION PREVENTION AND CONTROL (SCOTLAND) REGULATIONS 2012 PPC Technical Guidance Note TG7 Guidance on Determining “Low Impact Installations” under the PPC Charging Scheme	Page no: 4 of 5
	Issue No 1
	Issue date: 1 May 2013
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- d) **Waste Production:** The installation must not give rise to more than about 1 tonne of controlled waste per day (averaged over a year), with no more than about 20 tonnes in any one day of which no more than approximately 200 kilograms should be special waste (as defined in the Special Waste Regulations 1996 (as amended)).
- e) **Energy Consumption:** The installation must not have a net rated thermal input of more than 3MW. The case of LII status is unlikely to be accepted where the installed capacity of any combustion equipment used in the installation exceeds 3MW in total.
- f) **Accident Prevention:** The installation should be able to demonstrate that it is incapable of causing a significant accident to the environment. Aspects that need to be considered are the type and quantities of substances stored and their properties versus the local environment that may be particularly vulnerable. In particular categories of substances such as toxins, carcinogens, high BOD / COD, pesticides, etc should be considered.
- g) **Noise:** The corrected noise levels expressed as LAeq arising from processes should not exceed the residual noise level also expressed as LAeq by more than about 3dB at the installation boundary when operating.
- h) **Emissions of Polluting Substances:** There must be no release of any particular substance from the whole installation to the environment that would be classified as significant based on the most recent IPPC H1 guidance note. Examples of particular substances to consider are given in Table 1 (for different Environmental Assessment Level bands) and Table 2 (for different Environmental Quality Standard bands).
- i) **Odour:** An installation will not be considered as an LII if it gives rise to an offensive odour noticeable outside the premises where the installation is operated. This requires the exercise of judgement, taking account of any history of odour complaint from the installation and whether this class of activity is known by experience to give rise to odour.
- 3.3 The justification for having determined that an installation only has potential for low impact on the environment must be recorded as part of the determination process.

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	Issue No 1
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Categories	Subdivisions	Examples of Substances
Long Term Environmental Assessment Level (EAL)	EAL $\leq 0.1\mu\text{g}/\text{m}^3$	Beryllium, Cadmium, Mercury (PCBs, Dioxins and Furans)
	$0.1\mu\text{g}/\text{m}^3 < \text{EAL} \leq 1\mu\text{g}/\text{m}^3$	Arsenic, Benzo(a)pyrene, Benzene-1,2,4-tricarboxylic acid, 1,2-anhydride, Di-ethyl sulphate, Di-methyl sulphate, Isocyanates, Lead, Nickel, PAHs as benzo(a)pyrene, phosgene, selenium
	$1\mu\text{g}/\text{m}^3 < \text{EAL} \leq 10\mu\text{g}/\text{m}^3$	1,3-butadiene, 1-chloro-2,3-epoxypropane, Acrylonitrile, Aniline, Antimony, Benzyl chloride, Chromium, Formaldehyde, Fluorine, Hydrogen Fluoride, Maleic anhydride
	$10\mu\text{g}/\text{m}^3 < \text{EAL} \leq 100\mu\text{g}/\text{m}^3$	1,2-dichloroethane, 2-ethoxyethanol, Benzene, Carbon Disulphide, Chlorine, Chloroform, Cyanamide, Ethylene oxide, Nitrobenzene, propylene oxide

Table 1: Bands of Long Term EAL and Examples of Particular Substances to be considered.

Categories	Subdivisions	Examples of Substances
Environmental Quality Standard (EQS)	EQS $\leq 0.01\mu\text{g}/\text{l}$	Aldrin, Azinphos-methyl, Dieldrin, Endosulfan, Endrin, Fenitrothion, Isodrin Malathion, Omethoate, Triazophos
	$0.01\mu\text{g}/\text{l} < \text{EQS} \leq 0.1\mu\text{g}/\text{l}$	Chlorfenvinphos, DDT all isomers, Diazinon, Hexachlorobenzene, Hexachlorobutadiene, Hexachlorocyclohexanes, Mevinphos, Permethrin, Tributyltin compounds, Trifluralin, Triphenyltin compounds.
	$0.1\mu\text{g}/\text{l} < \text{EQS} \leq 1\mu\text{g}/\text{l}$	Copper, Demeton, Dimethoate, Mercury, Nonylphenols, Octylphenols, Trichlorobenzene all isomers
	$1\mu\text{g}/\text{l} < \text{EQS} \leq 10\mu\text{g}/\text{l}$	1,2-Dichloroethane, 2,4 D ester, Atrazin, Cadmium, Chloronitrotolu, Linuron, Napthalenem, Nonylphenol Ethoxylate, Pentachlorophenol Simazine, Trichloroethylene, Zinc
	$10\mu\text{g}/\text{l} < \text{EQS} \leq 100\mu\text{g}/\text{l}$	2,4 D Non-ester, 2-Chlorophenol, 4-Chloro-3-Methylphenol, Arsenic, Benzene, Biphenyl, Carbon Tetrachloride, Chloroform, Mecoprop, Nickel, Toluene, Xylenes

Table 2: Bands of EQS and Examples of Particular Substances to be considered.