

## Industrial Emissions Directive (2010/75/EU) FAQs

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### 1. **What is the Industrial Emissions Directive?**

In November 2005 the European Commission launched a review of European legislation on industrial emissions to:

- ensure clearer environmental benefits;
- remove ambiguities;
- promote cost-effectiveness;
- encourage technological innovation.

The review led to the commission proposing, a new directive on Industrial Emissions (IED). This proposal, which was accompanied by an impact assessment, involved the merging of seven existing directives including:

- the Large Combustion Plant Directive (LCPD);
- the Integrated Pollution Prevention and Control Directive (IPPCD);
- the Waste Incineration Directive (WID);
- the Solvent Emissions Directive (SED);
- the three existing directives on titanium dioxide on (i) disposal (78/176/EEC), (ii) monitoring and surveillance (82/883/EEC) and (iii) programs for the reduction of pollution (92/112/EEC).

## **2. What is the consultation about?**

The consultation is about how the Scottish Government intends to transpose the new directive into Scottish law, and it is also about plans for implementation of the changes in practice. Although many of the requirements of the new directive remain substantially unchanged from the current directives it is replacing, there are some new parameters which will result in some new businesses falling within its scope for the first time. The Scottish Government is proposing to amend the Pollution Prevention and Control (Scotland) Regulations, and the draft regulations are being consulted upon now.

The consultation provides an opportunity for businesses and interested stakeholders to comment on how the proposed regulations might work in practice, including effects upon both business and the environment. Views are also welcome on how the directive could be implemented more effectively.

Responses should be sent to the Scottish Government as instructed in the consultation document.

## **3. What are the environmental benefits?**

The Pollution Prevention and Control (PPC) Regulations control many industrial activities that may pollute our environment. The fundamental philosophy behind the regulations is that environmental issues should be addressed in an integrated way in order to achieve the highest level of environmental protection. By considering an installation's overall environmental impact (i.e. emissions to air, water and land, energy efficiency, consumption of raw materials, waste minimisation and recovery, noise, odour and ground contamination issues), we avoid simply transferring a pollution problem to another medium with a different regulatory regime.

Operators of installations where the highest risk industrial activities are undertaken are required to have a permit under Part A of the regulations. A Part A Permit represents the highest level of control under the PPC Regulations.

The Scottish Government is currently consulting on draft new PPC regulations which will implement the Industrial Emissions Directive (IED)<sup>1</sup>. Implementation will impose some new requirements on installations that we currently regulate as Part As, extend the scope of certain activities and will also include some new activities within IPPC controls in the following sectors:

- food and drink;
- waste management;
- wood preservation and panelling.

## **4. What are the aims of the Pollution Prevention and Control Regulations?**

The regulations aim to:

- prevent or reduce emissions from installations;
- place the onus on operators to take responsibility for finding solutions to potential environmental problems;
- consider environmental quality standards (EQSs);

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<sup>1</sup> NB the draft new PPC Regulations also consolidate the changes made by amendments since the original PPC Regulations 2000. This consolidation process will mean changes to the numbering of regulations throughout, but will make it easier to use the new regulations effectively.

- promote techniques that reduce the amount of waste produced and pollutants released overall, whether solid, liquid or gaseous;
- move the control of pollution from industrial sources away from end-of-pipe solutions and towards developing clean technologies;
- ensure energy efficiency and consumption of raw materials (including water) are appropriately managed;
- ensure operators take into account the risk of accidents affecting the environment, and plan accordingly;
- ensure that, upon closure of an installation, the environment is returned to a satisfactory state;
- streamline and strengthen the regulatory system, clarifying the roles and responsibilities of the regulator and the regulated;
- increase public confidence by providing a regulatory system that is accessible and understandable, clear in operation and in the results of its application;
- provide a means to support fulfilment of certain international and EC obligations relating to environmental protection;
- provide a flexible framework capable of responding both to changing pollution prevention and control techniques, and to new knowledge on the effects of pollutants.

## **5. What is SEPA's role?**

We are Scotland's environmental regulator, and one of the sets of regulations we administer is the Pollution Prevention and Control (Scotland) Regulations.

We have to judge whether or not an application meets the requirements of the law. If it does, we will issue a permit setting out what the applicant/operator may and may not do, and setting out minimum standards of performance. If the application meets the legal requirements, we are legally obliged to issue a permit.

In considering an application, we consider the views of both statutory consultees and for some applications there are two distinct opportunities for members of the public to make comment on the application or the draft permit (as per the Public Participation Directive). These views are taken into account by us in determining the application.

Once a permit has been granted we monitor and inspect the business to ensure compliance with the permit conditions and that the environment is being protected.

This role is fundamentally unchanged by the transposition and implementation of the IED by means of new PPC Regulations.

## **6. Will it apply to me?**

This consultation on the draft new Pollution Prevention and Control (Scotland) Regulations may apply to you if you, for example:

- currently hold or are applying for Part A Pollution Prevention and Control permit;
- dispose of more than 50 tonnes non-hazardous waste;
- recover or dispose of more than 75 tonnes of waste;
- carry out gasification/liquefaction of more than 20 MW fuel (not coal);
- temporarily store more than 50 tonnes of hazardous waste;
- preserve more than 75 m<sup>3</sup>/day of wood;
- manufacture more than 600 m<sup>3</sup>/day of wood panels;
- food and drink productions exceeding specified threshold;

- store hazardous waste underground.

Please note that the amendments will also apply to a few existing Part B Permit holders who we will contact directly.

## **7. What does it mean for the waste sector?**

IED changes the scope of which waste activities require to be permitted as a Part A installation. These new activities include:

- an amended list of hazardous waste recovery activities;
- a requirement to regulate the disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day;
- activities involving recovery, or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75 tonnes per day (biological, physico-chemical treatment, pre-treatment prior to incineration, treatment of slags and ashes, and metal shredding only). Where the only waste treatment activity is anaerobic digestion, the capacity threshold for this activity shall be 100 tonnes per day;
- temporary storage of hazardous waste with a total capacity exceeding 50 tonnes; excluding temporary storage, pending collection, on the site where the waste is generated.

We anticipate that these changes will predominantly relate to Mechanical Biological Treatment (MBT) plant, large composting and anaerobic digestion operations, along with some sites storing and recovering waste electronic and electrical equipment (WEEE) and hazardous waste. Existing operations undertaking any of these activities will need to apply to SEPA for a PPC Part A Permit. This permitting activity will need to be completed by July 2015 however any applications for activities listed above which are received after 7 January 2013 will need to fully comply with the requirements of IED, prior to commencement of operations.

## **8. What does it mean for the food and drink sector?**

The Industrial Emissions Directive (IED) introduces some subtle changes to the way some food and drink manufacturing activities are considered, and this may lead to some activities/installations requiring a Pollution Prevention Control (PPC) permit for the first time.

### **Plant capacity for vegetable processing**

Under the IPPC directive, the capacity of installations that treat and process 'vegetable raw material' under section 6.4 (b) (for example; brewers, millers, bakers, vegetable processors) is determined by taking account of production throughput ('average value on a quarterly basis'). However the IED has removed this qualifying phrase which means that in the future capacity will be determined on the basis of the maximum theoretical capacity of an installation (subject to any legal and technical constraints). This is consistent with the way capacity is determined for IPPC installations in other sectors such as the meat industry and chemical processors. It means that some vegetable processors who previously fell below the threshold may now be caught and require a PPC permit which will need to be in place by 7 July 2015.

### **Seasonal vegetable processing**

Alongside the changes above, the IED introduces an allowance for larger throughputs of vegetable raw materials on a seasonal basis of up to 600 tonnes per day for a period of no more than 90 days in any year.

### **Mixed animal and vegetable processing**

The other main change relates to the calculation of capacity for animal, vegetable and mixed animal/vegetable raw materials processing. Here a new category for mixed processing is set out with a sliding scale for the determination of capacity.

Under the existing IPPC Directive, we consider mixed installations by reference to the '10% rule'. This pragmatic approach effectively meant that installations that use less than 10% of animal raw material (i.e. the pea and ham soup manufacturer scenario) were only considered for regulation when their average production exceeded 300 tonnes per day. The introduction of the sliding scale for mixed production in the range 75 – 300 tpd is likely to bring some manufacturers into permitting for the first time. For example, a soup manufacturer that uses 5% animal raw material will be subject to the requirements of IED if it has a finished product production capacity of 187.5 tpd.

Operators who manufacture food by treating and processing both animal and vegetable raw materials should determine their position on the sliding scale in section 6.4 (b) (iii) of the IED. Where their finished production capacity is above the relevant threshold they will need to obtain a permit from SEPA which must be in place by 7th July 2015.

The activity descriptions for other food & drink manufacturing activities i.e. the operation of slaughterhouses and milk processing operations have not changed.

If operators are in any doubt in relation to their position they should contact: [ied@sepa.org.uk](mailto:ied@sepa.org.uk)

### **9. What does this mean for the agricultural sector?**

The definition of poultry in IED has been expanded and confirmed as including game birds. We have carefully considered what constitutes intensive rearing under the Directive, it is currently considered that only those game bird farms which are similar in nature (in terms of length of rearing season, stocking density, and nature of housing) to poultry farms already regulated by us as Part A installations, may become subject to IED. We anticipate that very few, if any, game bird rearing installations are likely to be affected and require a permit

### **10. When will it apply to me?**

The transposition into UK law will be from 7 January 2013. Certain provisions of the directive will follow the implementation dates below:

- Implementation from 7 January 2013 in respect of any new installation after that date.
- Implementation by 7 January 2014 in respect of installations already holding a PPC Permit before 7 January 2013 (except large combustion plants).
- Implementation by 7 July 2015 in respect of industrial activities not subject to the previously Integrated Pollution Prevention and Control Directive.
- Implementation from 1 January 2016 in respect of large combustion plants already in existence before 7 January 2013.

If you are an existing PPC permit holder then your permit will be automatically amended although a small number of permits may also require to be varied individually. Your local SEPA officer will be in touch if your permit needs to be varied. We will issue further guidance in early 2013.

If your business is considered as an industrial activity that is already operational however is new to the directive, then you are required to have a permit which will need to be compliant by 7 July 2015. The consultation included a permit application timetable.

If you are proposing to operate an industrial activity listed in the new directive for the first time after 7 January 2013 then you will need to apply for a new permit. Note, you cannot operate any new activity unless you have a permit.

The Practical Guide is currently being revised.

#### **11. I already have a PPC permit do I need to re submit an application for a new PPC permit?**

Your existing PPC permit will be automatically updated. A small number of permits may be required to be varied though this is likely to be limited to waste incineration and combustion plant. Your local SEPA officer will be in touch if your permit will need to be varied. We will issue further guidance in early 2013.

We won't need to review all existing installation permits straight away. We'll do it as the sector specific Best Available Techniques (BAT) conclusions are published for the main activity of the installation. When the BAT conclusions for the main activity of the installation are published it will trigger a need for review of the permits to which they relate. This review will also take into consideration any relevant ancillary BAT conclusions which may have been published during the interim period. The permit conditions may need to be updated to ensure compliance – this must be done within four years of the publication of the BAT conclusions.

If you are regulated under chapter 3 of IED your permit will need to be varied to reflect the compliance option you have chosen for your Installation and where appropriate any new ELV's.

It is possible that developments in BAT since a previous permit review could lead to the need to adopt new technologies or improve abatement to meet stricter emission limits, with the consequent need for industry to invest to ensure compliance.

#### **12. I think my business will now need a permit, what should I do?**

As this is the consultation phase we advise that you take this opportunity to feedback your comments on the draft regulations by the deadline specified.

In addition we have set up a contact email address at: [ied@sepa.org.uk](mailto:ied@sepa.org.uk) if you wish to seek further clarification and advice.

#### **13. How much will it cost me?**

- New activities – costs have not been finalised. Current permit costs are available on our website as a guide.
- Existing PPC permit holders – no charge to comply with new regulations.
- Business as usual variations - relevant costs will be incurred.

Current guidance on charges is available on the [charging scheme pages](#) of our website.

**14. When will I get my permit?**

If you are an existing permit holder your permit will not need to be reissued but it will be reviewed at some point over the period of a few years and you will have to comply with the new European BREFs. We will be in touch with individual permit holders to let them know the implications about this. If you are a new activity your permit will be issued as soon as possible in line with permit determination timescales. The permit will be enforced from the relevant deadline, for example from 7 July 2015 for new activities.

**15. When do I have to submit my application?**

If your business is considered to be a new activity and you are required to be permitted from 7 January 2015 then a permit application should be submitted in line with the application timetable proposed in the consultation.

**16. How long will it take for SEPA to issue my permit?**

If you are an 'existing' PPC permit holder then your permit will be automatically amended and any additional conditions will have to be included. Your local SEPA officer will be in touch if this is not the case.

If your business is considered a new activity and you are required to be compliant by 7 July 2015 then the permit application should be submitted in line with the application timetable proposed in the consultation. It is anticipated that an application will be determined in line with current determination timescales.

The Practical Guide is being revised.

**17. What is a BREF and what does it mean?**

BAT reference documents (BREFs) are designed to demonstrate best available techniques (BAT) for each sector covered by Integrated Pollution Prevention and Control (IPPC) throughout Europe.

The new regulations place greater emphasis on the BREF documents including the requirement for the installation to be compliant within four years of any BREF and the resulting BAT conclusions being published.

Our website contains [further information](#).

**18. Does a derogation still apply?**

Derogations from BAT are permitted under IED, as they were under IPPC. The arguments supporting such derogations will need to be annexed to the permit, will be published on the internet along with the permit, and, as before, are open for examination in due course by the Commission.

**19. Baseline Site Condition Reporting**

Baseline site condition reporting is the report required to characterise the condition of the land before a permitted activity commences and then, subsequently, to enable a quantified comparison of the site when the activity ceases. We will be reviewing current site condition reports to see whether they contain all of the information required under IED. Where not, we will, over a period of time, need to seek the missing information from operators.

## **20. What guidance does SEPA produce?**

Our PPC [webpages](http://www.sepa.org.uk/ppc) ([www.sepa.org.uk/ppc](http://www.sepa.org.uk/ppc)) include guidance, The current guidance documents will be updated to reflect the final regulations.

We also have a specific IED email address: [ied@sepa.org.uk](mailto:ied@sepa.org.uk) to manage and respond to queries.

Your local office can also be contacted if you are an existing PPC permit holder.

## **21. Does SEPA consult local communities?**

Public consultation is required for all new permit applications. This enables the public to raise local or wider issues or concerns that we might not be aware of.

The regulations require us to maintain a public register. We aim to put the applications for permits on the public register (less any information excluded on grounds of national security or commercial confidentiality) before it is advertised by the applicant.

The PPC regulations were amended in 2006 to meet the requirements of the Public Participation Directive (PPD). The PPD requires additional public consultation on the draft determination of applications for new or substantially changed installations, or where there is to be a change to an emission limit value due to significant pollution. This additional consultation is not generally required for variation determinations where no substantial change is involved. The IED extends the requirement for public consultation and access including where operator applies for derogation from BAT conclusions.

Further details on the circumstances in which PPD applies, the consultation timescales and our obligations are available on our [website](#).

## **22. In this economic climate why are you putting more financial burdens on businesses?**

We have a duty to recover our costs for managing environmental regulations from permit holders. Fees and charges are set to achieve only cost recovery and all our charging schemes are subject to public consultation and approval by Scottish Ministers.

Overall, during this difficult five year period 2008-2013, our charges have increased by only 6.4%, well below the UK Retail Price Index (RPI) increases of 17.7%, and water abstraction charges have not increased during this same period instead they have been frozen for the past two years.

## **23. Where can I find more information?**

Over the course of implementation, existing guidance documents for the component directives under the IED will be developed and/or updated.

- [The Industrial Emissions Directive](#)
- [SEPA's Pollution Prevention and Control webpage](#).

## **24. For further information or guidance contact:**

Email: [ied@sepa.org.uk](mailto:ied@sepa.org.uk)

Website: [www.sepa.org.uk/ppc](http://www.sepa.org.uk/ppc)