

Briefing

Industrial Emissions Directive - Waste Sector

April 2014

Introduction

This briefing provides an update on the work we are doing to implement the Industrial Emissions Directive (IED). **It is aimed at operators of permitted waste operations and of installations.**

Background

The IED replaced seven existing EU Directives including the Integrated Pollution Prevention and Control Directive (IPPC). The IED was transposed in England by amendments to the Environmental Permitting (England and Wales) Regulations 2010 (the EPR 2010), which came into force on 27 February 2013.

The IED continues the IPPC practice of specifying a range of industrial processes and activities that require regulation as 'installations'. Some of the activities listed in Annex I to the IED have not previously required an installation permit. These are what we will refer to as newly prescribed activities.

Many of these newly prescribed activities have been regulated up to now under the EPR 2010 as waste operations. The basic difference between an installation permit and a waste operation permit is that an installation permit prescribes more exacting environmental standards and is subject to higher charges due to the potentially greater environmental impact and thus increased regulatory effort required of us.

What are newly prescribed activities?

The newly prescribed installation activities set out in the IED can involve hazardous and non hazardous waste; the latter including activities such as composting and metal shredding. Whether a particular site will need an installation permit depends on the exact type of activity(s), scale and the nature of any other activities carried out in combination. Further details can be found in our IED information note #1 available from your local Area office of the Environment Agency.

Timescales

The IED requires that, by 7 July 2015, all newly prescribed activities that were already being operated before the IED entered into effect must have an installation permit. This means that, although you can continue to operate lawfully under your existing permit until then, pre-application discussions, application preparation, submission and determination all need to take place before that date. **It is imperative, if you are to remain legal after 7 July 2015, that you submit your application to vary your permit at the earliest opportunity.**

Holders of existing waste operation permits might need to apply to vary their permit if they wish to continue to operate above the new IED capacity thresholds. Likewise some operators might need to do this to remain below the thresholds and keep out of IED.

Holders of existing installation permits might need to apply to vary their permit if they are carrying out a newly prescribed activity currently regulated as a directly associated activity.

Recognising that there will be a delay between an application being submitted and our being able to issue the revised permit, the Regulations transposing the IED provided a number of dates by which time operators need to have submitted 'duly made' applications; this means an application which we can begin to determine, with the correct fee. These dates are:

- 1st deadline - 30 Sept 2014 (for gasification of fuels other than coal, biological processing of chemicals, non-hazardous waste recovery, or a mix of recovery and disposal)

- 2nd deadline - 1 Jan 2015 (for hazardous waste recovery, non-hazardous waste disposal, wood preservation)
- 3rd deadline - 31 Mar 2015 (for hazardous waste storage, independent waste water treatment works)

Submission of a duly made application by the appropriate date provides a defence for any operator carrying out a newly listed activity after 7 July 2015 should the revised permit have not been issued by that date

What we are doing

Our front line staff have recently undertaken a screening exercise to review waste permits to establish which sites they consider to be caught by the new IED requirements. This screening exercise is now complete and suggests around 767 sites carry out newly prescribed IED activities with a further 1689 sites possibly affected. This means around ~9000 existing waste operations are not caught by IED.

In light of this outcome we have decided to change our planned approach, which incorporated a request for all waste operators to complete a full detailed questionnaire, so it is simpler and more targeted and easier for businesses. Our revised plan is that:

- We will not write to individual sites that were judged by our screening exercise as not brought into IED. General communications will raise awareness to these operators.
- We will soon write a single common letter to all operators we believe might be caught (either definitely or possibly) explaining the next steps to be taken - this is with one important exclusion detailed below.
- The letter will not include a full copy of the original planned questionnaire (which we previously circulated to Trade Associations for information only), just a few questions judged as important to us for resource planning. The full questionnaire will be made available to Areas, and operators can request it from them to aid understanding if necessary.
- With the letter we will include detailed guidance outlining more detail on the process, what are included as newly specified activities, the permitting options operators have, timing and costs.
- It is important to note that we will defer a decision on how to address pre-treatment for incineration activities. These are being excluded as there remains significant uncertainty about these sites – in or out of IED scope, and as they present around 50% of the total sites it's important we get it right and target our resources wisely. We will publicise developments on this in due course.

What we need

It is important that operators receiving our letter take time to read and understand what it means to their operation. Approach our Area offices for further information if needed then answer the questions provided with the letter and return them to your local Area office of the Environment Agency.

Further Information

We will provide further briefing and guidance at appropriate times in future. If you have any questions about our role or want further information about IED please refer to IED at our [website](#) or speak to your usual Environment Agency Area or Sector lead contact or contact us on the number below.

customer service line
03708 506 506

incident hotline
0800 80 70 60

floodline
0345 988 1188
0845 988 1188

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