Introduction
This is a general briefing for field officers on the implications the Industrial Emission Directive (IED) is likely to bring to future permitting. It is intended to support pre-application discussions with applicants in the expectation that those discussions will be more informed and applications will contain relevant information when submitted. It also provides an update on the planned changes to effective permits should that pre-application discussion relate to variations.

Background
IED is being implemented because of European Commission (EC) concerns that certain existing directives are poorly and inconsistently implemented, as well as failing to deliver the expected environmental benefits. It is important as it will:

- Replace seven existing Directives that we currently implement through the Environmental Permitting Regulations (EPR).
- Extend the scope of activities, requiring some facilities currently regulated as exempt or as waste activities to apply as installations, demonstrating BAT as they do, ultimately creating more EPR installations.
- Impose new requirements on the installations we regulate and strengthen existing IPPC principles.
- See the deregulation of some activities, resulting in regulatory responsibility for some installations being transferred to Local Authorities, some requiring single media permits, for example for discharges to controlled waters, and others ceasing to be regulated completely.

Timescales
IED will be implemented as an amendment to the existing Environmental Permitting Regulations. Defra and Welsh Government have consulted on proposed changes. Revisions to EPR will be laid before Parliament in October 2012. IED is implemented over several years commencing from 7 January 2013 as follows:

- 7 January 2013 - IED applies to all new installations from this date onwards. All applications for new facilities submitted beyond this date will have to demonstrate IED compliance as they are assessed by NPS.
- 7 January 2014 - IED applies to existing installations (not Large Combustion Plants (LCPs)). This includes new facilities that were permitted prior to January 2013 but become operational after this date.
- 7 July 2015 - IED applies to existing installations operating newly prescribed activities (for example, some composting & AD facilities, some MBT & RDF production facilities).
• 1 January 2016 - **LCPs must meet the specific requirements** set out in Chapter III and Annex V of the IED.

**Changes to Installation activities**

Proposed amendments to the activity schedule references in EPR introduced by IED include the following significant elements:

- Some activities, that were not described in the IPPC Directive, but were nevertheless regulated in the UK under Integrated Pollution Control, will move to be regulated as Part A(2) or Part B processes regulated by Local Authorities. Some will require a different type of environmental permit, for example for a discharge to controlled waters, and a few will cease to be regulated completely. DEFRA and Welsh Government have however chosen to continue to include some such activities in the regulations which although not described in IPPC or in IED will remain in EPR based on environmental risk.

- Removal of section 1.1 A(1)(b) previously used for regulating the burning of many types of waste. Landfill gas engines will now generally be regulated as DAA's to the landfill. Plantscombusting bio-gas are likely to become waste activities. Plantscombusting solid or liquid wastes are likely to be regulated under section 5.1 dependant on throughput. Smaller facilities will be regulated by Local Authorities, including those WID only falling within below the EA 3t/hr threshold but above the LA 1 t/hr threshold.

- Section 5.3 is re-written to refer to the disposal or recovery of hazardous waste, being more specific about the types of activities treated as installations where the capacity exceeds 10 tonnes per day, now including the blending, mixing or repackaging prior to other 5.3 activities.

- Section 5.4 is re-written to refer to the disposal or recovery of non-hazardous waste (or a mix of disposal & recovery) and now identifies the pre-treatment of waste for incineration or co-incineration; the treatment of slags and ashes; & the treatment in shredders of metal waste including waste electrical and electronic equipment and end-of-life vehicles and their components that were not included previously. Larger biological treatment sites including MBT, AD and composting are also capture by this section.

The complete list of changes is wider in scope than can be presented in this briefing note. Until the revised regulations are published, the complete list of proposed changes to the Schedule 1 of the Regulations is available on the DEFRA [consultation](#) website. In delivering pre-application advice, you are advised to refer to this complete list.

**Implementation process**

There are various work streams being delivered by the Environment Agency to implement the changes IED introduces to business processes. This includes

**Guidance & permitting process** –This encompasses updates to generic, sector specific, compliance and enforcement guidance. Key pieces of revised document & guidance are being prepared:

- Existing BAT guidance for the historic installation activities remains relevant until the new BREF notes & BAT Conclusions documents are published and implemented through sector reviews.
• Revisions to the application pack, including forms and guidance notes are in progress due for release in December. These revised forms will be needed for all applications submitted after 6th January 2013.

• RGN 2 & RGN 4 are being revised to incorporate changes IED introduces to our approach to the definition of facilities and to baseline assessment requirements. These should also be available in the near future.

• BAT guidance for some of the activities new to installations can be interpreted from existing IPPC Waste Treatment and Storage technical guidance. Other new guidance is being developed to define best available techniques for issues such as Bio-waste Treatment which should be available for public consultation during October 2012. Annex 1 below indicates planned arrangements for delivering interim BAT.

• H5 - site condition report guidance is being updated. IED requires that all applications contain, as a minimum, a description of the condition of the site of the installation. Where applicable, a “baseline report” also needs to be submitted, being a report containing information on the state of soil and groundwater contamination by relevant hazardous substances.

• Changes to the OPRA scheme induced by IED are being finalised. Changes which impact on charges have been included in the current charging consultation.

• We are developing standard rules to simplify the permitting process (and reduce costs) for a number of activities including composting, anaerobic digestion and treatment of waste ashes and slags. These have been consulted upon and will be published in November.

Changes to legacy activities - there are a range of actions that need to be taken related to our existing installation permits:

• Where the changes to regulations affect the activity schedule references in current installation permits we will be varying the permits to reflect those changes. The permits involved have already been identified, data has been gathered from field teams on the changes required. This work is being planned & resourced and will be completed over coming months.

• The permits for those facilities that cease to be regulated are likely to be dissolved by the revisions to the Environmental Permitting Regulations.

• Changes to the charging structure for all these sites, including refunds for reduced subsistence fees for the January to March period are currently being assessed.

• Permits that change to be controlled by the Local Authority are likely to be migrated in March for implementation in the new financial year.

IED relevant applications - all applications for new activities submitted to P&SC after 7th January 2013 will be determined against the revised activity schedule references and must demonstrate compliance with IED requirements. This includes use of revised forms, assessment of activities new to installations against BAT standards and baseline assessments of site condition in accordance with the revised H5 site condition report guidance for all new facilities.
Once we have made a decision on these new applications we are obliged to make copies of the permits & decision documents available over the internet. Until an electronic public register (ePR) is available a temporary solution is being provided where documents will be visible on our website.

It is likely that additional data gathering will be required at the point of determination to satisfy requirements that the Commission have already alluded to.

**Existing operations** - there are a reasonable number of sites already operating those activities that are new to the activity schedule references such as composting & AD facilities, some MBT & RDF production facilities. These facilities will continue to be controlled as exemptions / waste activities until July 2015 when they will need to go through a re-permitting process to validate BAT etc. Plans are currently being developed for this re-permitting process. The revision to EPR will introduce 3 windows for the submission of applications as part of this process to assist in the smoothing of such application work for NPS. Each window will be 3 month long. The regulations will define which activity should be submitted in which window for the operator to have a defence should his permit not be issued prior to 7th July 2015. Further guidance, training and support of this re-permitting process will be provided nearer to the time.

**Implications for sector groups**

Sector Leads will have an important role in communicating the impact of IED to their sectors, in feeding into the EA consultation process on sector specific issues and steering the IED Programme on what guidance, tools and or issues need to be available and when.

There are 14 sector groups. Each has a Sector Intervention Plan setting out their five year strategy for the sector as well as their intervention activities for the present year. Implications and impacts of IED will be different for each sector and will occur over different timescales. IED impacts will need to be reflected in both the five year strategies and the intervention plans as appropriate.

**Further information**

Our website and the DEFRA and Welsh Government websites provide further information on IED. Customers with any specific questions about our IED role or its impact upon them should speak to their usual Environment Agency Area or Sector lead or should contact our Customer Contact Centre (enquiries@environment-agency.gov.uk).
### Annex 1 – Interim BAT plan

<table>
<thead>
<tr>
<th>Revised EPR Section</th>
<th>Activity</th>
<th>Interim BAT measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1</td>
<td>Disposal or recovery of waste in waste incineration plants or in waste co-incineration plants.</td>
<td>Covered by existing guidance.</td>
</tr>
<tr>
<td>5.2</td>
<td>Landfills, as defined in point (g) of Article 2 of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste[1], receiving more than 10 tonnes of waste per day or with a total capacity exceeding 25 000 tonnes, excluding landfills of inert waste.</td>
<td>Covered by existing guidance</td>
</tr>
<tr>
<td>5.3</td>
<td>Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving one or more of the following activities:</td>
<td>Largely covered by existing BREF. New recovery activities will generally be subject to same BAT requirements as for disposal.</td>
</tr>
<tr>
<td>5.4 (a)</td>
<td>Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day involving one or more of the following activities, and excluding activities covered by Council Directive 91/271/EEC of 21 May 1991 concerning urban wastewater treatment.</td>
<td>Covered by existing guidance.</td>
</tr>
<tr>
<td>5.4 (b)</td>
<td>Recovery, or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75 tonnes per day involving one or more of the following activities, and excluding activities covered by Directive 91/271/EEC.</td>
<td></td>
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<tr>
<td>(i)</td>
<td>Biological treatment.</td>
<td>We are producing reports on technical standards for composting, AD, and MBT/MHT activities. This will be developed into technical guidance which will be used as the basis for interim BAT.</td>
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<td>(ii)</td>
<td>Pre-treatment of waste for incineration or co-incineration.</td>
<td>MBT/MHT guidance will cover substantial part of this. May need to assess other pre-treatments where output from MRFs is being sent for incineration.</td>
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<td>(iii)</td>
<td>Treatment of slags and ashes.</td>
<td>Best practice guide for IBA will be adapted for broader range of ashes. Slags to be accommodated by including specific section on size reduction.</td>
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<td>(iv)</td>
<td>Treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.</td>
<td>BMRA will share its work on shredder operation standards. If appropriate we will develop this into interim BAT guidance. Need to ensure bulky WEEE and similar is accounted for.</td>
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<tr>
<td>5.6(a)</td>
<td>Temporary storage of hazardous waste not covered under point 5.4 pending any of the activities listed in points 5.1, 5.2, 5.4 and 5.6 with a total capacity exceeding 50 tonnes, excluding temporary storage, pending collection, on the site where the waste is generated.</td>
<td>Covered by S5.06</td>
</tr>
<tr>
<td>5.6 (b)</td>
<td>Underground storage of hazardous waste with a total capacity exceeding 50 tonnes.</td>
<td>Bespoke solution required</td>
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