

# Industrial Emissions Directive – where next?

## SAGTA Workshop, March 2017

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*The business of sustainability*



# Brexit crystal ball

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- Industrial Emissions Directive;
- (and also Environmental Liability Directive?)
- But these are just two of many. Defra quote:
  - 111 Regulations;
  - 256 Directives; and
  - 136 Decisions;



- .....in place by 2010 which affect environment.
- Is change a threat or opportunity for industry?

# Things that must happen

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- Great Repeal Bill;
- Then, changes to specific areas of legislation:
  - 65% of legislation that we will need to bring into UK law (make independent of EU frameworks?) may need only technical changes;
  - 35% of legislation will need more detailed and substantial work;
- Not clear where priorities might lie;
- How high a priority is environment?
- And how does this look from a trade standpoint, because trade drives many aspects of how we deal with Brexit.

# Some over-riding thoughts

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- Environmental policy needs long term stability;
- Environment doesn't respect national boundaries;
- Air quality, species conservation, climate change are Europe-wide examples;
- 29,000 early deaths per year in UK due to PM<sub>2.5</sub> in air;
- 50% of these particles originate in UK, rest from Europe;
- But, we send more to Europe than they send to us, as prevailing winds from west;
- So IED and our control of industrial emissions is important for France/Benelux countries as much as it is for UK;
- Fair trade requires equivalent standards of environmental protection

# So where does IED fit in?

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For sites with the potential for significant environmental emissions from processes/ activities carried out and/or quantities of dangerous goods/chemicals stored and handled on-site, we typically consider:

- Industrial Emissions:
  - Environmental Permitting (EP) in England and Wales,
- Control of Major Accident Hazards (COMAH)
- Planning Hazardous Substances Consent
- ....and Environmental Liability Directive (ELD) can be used to punish if we don't control our emissions to water and land.

# Applicable regulations

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- Key EU Directives:
  - EC Directive 2010/75/EU on industrial emissions (IED)
  - EC Directive 2012/18/EU known as the Seveso III Directive
- National Legislation (Great Britain):
  - Control of Major Accident Hazards Regulations 2015 (COMAH)
- National Legislation (England and Wales):
  - Environmental Permitting (England and Wales) Regulations 2010 as amended
  - Planning (Hazardous Substances) Act 1990 and associated legislation such as the Planning (Hazardous Substances) Regulations 2015 (separate ones for England and Wales)

# Evolution of integrated permitting

- At European level: Integrated Pollution Prevention Control (IPPC) and IED
- Environmental Permitting (EP) in England and Wales
- Pollution Prevention and Control (PPC) in Scotland and NI

	EU	E & W	S & NI
<b>1990</b>	-	EPA 1990 introduced Integrated Pollution Control (IPC) and Local Air Pollution Control (LAPC)	
<b>1999</b>	IPPC Directive	-	
<b>2000</b>	-	Pollution Prevention and Control (PPC) Regulations superseded IPC	
<b>2007</b>	-	EPR replaces PPC	-
<b>2010</b>	IED Directive	-	
<b>2012/13</b>	-	EPR amended	PPC regulations reissued

# What does a permit cover?

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- A Part A/Part A1 permit contains broad range of conditions relating to range of potential environmental impacts; is regulated by the EA, NRW, SEPA or Industrial Pollution and Radiochemical Inspectorate (IPRI) of NIEA.
- Considerations in the permit include:
  - emissions to air, land and water
  - energy efficiency
  - waste reduction
  - raw materials consumption
  - noise, vibration and heat
  - accident prevention
  - the condition of the site



# What are the main requirements?

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## What are the main requirements of the permit?

- Operating parameters
- Monitoring parameters and monitoring regime
- Reporting requirements (including frequency)
- Emission Limit Values
- Incident reporting
- Site Improvement Plan (improvements identified at the time of application to achieve BAT)
- Requirements to implement waste, water and energy minimisation/efficiency measures
- Requirement to produce:
  - Site Protection and Monitoring Plan (SPMP) (E & W) or Site Condition Report (S&NI)
  - Site Closure Report
- Permit Surrender and variation requirements

# Monitoring and site closure

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The requirements for monitoring and site closure may be of most interest to SAGTA

- IED has required baseline setting;
- Also soil monitoring every 10 years and water monitoring every 5 years;
- Setting a baseline protects both operator and regulator;
- Soil monitoring makes no sense to an informed observer;
- Groundwater monitoring is eminently sensible;
- Closure: EA must be satisfied that necessary measures have been taken
  - to avoid any pollution risk resulting from the operation of the regulated facility
  - to return the site of the regulated facility to a satisfactory state, having regard to the state of the site before the facility was put into operation
- This process has uncertainties but seems reasonable;

So why would we abandon EPR and its ground and groundwater protection stance?

# What would we change on EPR?

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BREXIT presents opportunity to change legislation for the **better**;

**Better** may not look the same for everyone, and could look **worse** for some;

**Better** should be the chance to remove unworkable or technically flawed elements of the legislation;

Must take care not to lower the level of environmental protection such that it is perceived that we have given ourselves an unfair trade advantage;

Red tape challenge – UK PPC and EPR came before the EU Directives – and we clearly recognised we needed them. Why would we throw them away?

# Environmental Liability Directive

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Brought into UK law by Environmental Damage (Prevention and Remediation) Regulations (2009);

Very patchy take up across Europe (from 0 to 500+ sites per country over first 5 years) – UK has about 20 sites;

Variations in take up of permit and best practice defences, and mandatory financial provision;

In UK, mainly focussed on smaller incidents such as domestic heating oil spills and damage to rivers;

EU REFIT evaluation in 2016 proposed very little by way of change over next 5 years, just increased monitoring and registers.

A candidate for the Brexit red tape bin?

# Any questions?

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