

Industrial Emissions Directive - Information sheet #1

Identifying sites for permitting as installations

This information sheet supports the process of identifying 'newly prescribed' activities. It covers those activities that are to be permitted as installations for the first time. It follows the implementation of the Industrial Emissions Directive (IED) by the amendment¹ of the Environmental Permitting Regulations 2010 (EPR). The information sheet outlines the criteria for being a 'newly prescribed' activity and describes the process that operators should follow if they decide to have their newly prescribed activities permitted as installations. This is a summary of the issues. Operators should not base significant financial decisions on this overview. Where an operator is uncertain of the issues they should seek advice on this complex matter either from an Environment Agency (EA) Area Compliance Officer or independent professional consultants.

What are 'Newly Prescribed' Activities?

EPR identifies installations by reference to a list of activity descriptions in Part 2 to Schedule 1 of the Regulations. The implementation of IED into EPR changed these activity descriptions. The amended regulations give some of the activities new to this list a 'grace period' from needing a permit as an installation until 7th July 2015. 'Newly prescribed activities' are those activities within the scope of this 'grace period' as defined by Regulation 12(6). This information sheet covers the process of permitting these newly prescribed activities as installations.

The following activities are identified as 'newly prescribed activities'. They need to have been in operation on the 7th January 2013 and have not been permitted as an installation before that date. Some of these activities will be new to permitting. Many will have been permitted as waste activities already, perhaps previously subject to waste management licences. Some may have been permitted as waste activities with other installation activities in a multi-regime permit. Others may have been operating under an exemption. The newly prescribed activities are:

- paragraph (d) of section 1.2 in relation to the gasification or liquefaction of fuels other than coal;
- chapter 4 in relation to the biological processing of chemicals;
- section 5.3 in relation to the recovery of hazardous waste in an installation with a capacity over 10 tonnes per day by biological (R3) or physico-chemical treatment (R3, R5-R8), blending, mixing or repackaging, or surface impoundment;
- paragraph (a) of section 5.4 in relation to the disposal of non-hazardous waste in an installation with a capacity over 50 tonnes per day by biological (D8) or physico-chemical treatment (D9), pre-treatment for incineration or co-incineration (D8 or D9), treatment of slags and ashes (D9) or treatment in shredders of metal waste (D9). This daily capacity threshold is increased to 100 tonnes per day if the only waste treatment activity is anaerobic digestion;
- paragraph (b) of section 5.4 in relation to the recovery or a mix of recovery and disposal of non-hazardous waste in an installation with a capacity over 75 tonnes per day by biological treatment (R3), pre-treatment for incineration or co-incineration (R3, R5), treatment of slags and ashes (R4, R5) or treatment in shredders of metal waste (R4). This daily capacity threshold is increased to 100 tonnes per day if the only waste treatment activity is anaerobic digestion;
- section 5.6 in relation to the temporary or underground storage of hazardous waste with a capacity over 50 tonnes (R13, D15);
- section 5.7 in relation to independently operated treatment of waste water;
- section 6.6 in relation to the preservation of wood and wood based products with chemicals;
- paragraph (d) of section 6.8 in relation to the treatment and processing of animal and vegetable raw materials for food and feed

Any new activities not in operation before 7th January 2013 can't benefit from this 'grace period'. They need to be permitted as installations before they operate. Permitting of those facilities should follow the [conventional permit application process](#). Activities that were installations before that date should have a relevant permit already.

¹ IED was implemented into the Environmental Permitting regulations 2010 by The Environmental Permitting (England and Wales) (Amendment) Regulations 2013 SI 2013 No. 390

This information sheet covers general issues around permitting these activities as installations such as the [types of permits](#) that can be applied for; the [timing of applications](#); the [meaning of some of the words](#) used in activity descriptions; the implications to existing operators if they [do not wish to be permitted as installations](#); [what applications need to include](#); how to decide what [type of application](#) to submit; the [costs](#) associated with applications; and [future regulation](#) as installations. This information sheet is accompanied by a series of sector based questionnaires for operators to complete. The questionnaires help guide operators through the decision process of identifying their activities, whether they need to move to installation permits or how they limit their operations to work below installation thresholds.

Throughout this process, the principle contact for support in the preparation of applications and understanding the implications of regulatory changes will be Environment Agency officers local to the facility. In many cases operators may already know who this contact is, perhaps through regular contact in relation to existing permits. If it is unclear who this contact is, operators should contact the EA either by [email](#) or telephone the National Customer Contact Centre on 03708 506 506 who will identify the relevant person.

What type of permit do I need?

All 'newly prescribed' waste activities need to be permitted as new installation activities. There are two types of permit the operator could apply for. The following comments describe the implications of the various pathways an operator could choose:

Standard rules permits for installations:

- The EA has created several sets of standard rules for facilities where the operation of an activity within the limits identified manages any risk to the environment.
- If the activity meets requirements set out in a particular set of rules, operators have the option of applying for that standard rules permit, if their activity is eligible for such a permit. These permits contain a set of fixed rules for common activities. Applying for a standard permit saves you time and money - they have fixed charges. However, before deciding to apply operators need to be aware of some important implications; these permits, for example cannot be varied; changing operations away from the rule set means operators will have to apply to change their permit to a bespoke permit instead.
- The standard rules permits currently available include the following. More may be added before July 2015:
 - *SR2009No2* Low impact Part A installation
 - *SR2009No3* Low impact Part A installation for the production of biodiesel
 - *SR2012 No4* Composting in closed systems – capacity more than 75 tonnes per day
 - *SR2012No8* Composting in open systems - capacity more than 75 tonnes per day
 - *SR2012 No9* On-farm anaerobic digestion facility using farm wastes only, including use of the resultant biogas – capacity over 100 tonnes of waste per day
 - *SR2012 No11* Anaerobic digestion facility including use of the resultant biogas – capacity over 100 tonnes of waste per day and /or over 10 tonnes of animal carcasses and animal wastes per day
 - *SR2012 No13* Treatment of Incinerator Bottom Ash (IBA) - capacity more than 75 tonnes per day

Standard rules permits can be added to existing waste activity or installation permits. Operators can choose to move from one standard rule set to another.

Bespoke permits for installations:

- If the activity doesn't meet the requirements for a standard rule set then operators will need to apply to have their new installation activity included in a bespoke permit. Bespoke permits are created to address the particular needs of each facility. They are created from a set of standard template conditions so, whilst some of the conditions will be consistent for all bespoke permits, there will be aspects of each bespoke permit that are unique to each facility. The application process for the 'newly prescribed' waste activity may take one of the following routes, dependant on whether and how the facility is permitted at the moment:
 - *new bespoke permit application*: if the facility where the activity takes place isn't currently permitted under EPR then this will be the only option.
 - *vary existing installation permit*: some facilities have one permit that covers both waste and installation activities on the same site – multi regime permits. Some of those waste activities may be 'newly

prescribed' waste activities and an option is to vary the permit to include those activities as a new installation activity.

- *vary existing waste operations permit*: this is the likely route for many of the facilities where 'newly prescribed' waste activities are taking place. The application will be a normal variation to a waste operations permit to have the 'newly prescribed' waste activities shown in the permit as a new installation activity. There may be other waste activities covered in that existing operations permit that are not 'newly prescribed' waste installation activities. If these operations are not part of the new installation this variation will create a multi regime permit

It is important to recognise the operator's responsibility where there are multiple permits for the same facility, particularly if those permits cover the same area of land. A key objective of the permitting process is to demonstrate that risks have been identified and managed to protect the environment. Where there are multiple permits in close proximity to each other it is the operator's responsibility to ensure the risk and emissions from each permit can be clearly identified, managed and differentiated between and within the various permits. This is particularly difficult when permit areas abut or overlay each other.

Where there are currently several permits covering a single facility, perhaps different areas of the same facility, the operator may wish to use this as an opportunity to *consolidate* those permits into one. There are positive benefits to this outcome in terms of ensuring all risks associated with multiple activities are covered in a single permit, avoiding confusion and ensuring clarity of responsibility. This is likely to require variation applications for all the permits at facility.

The costs associated with these different application types is set out in our [Charging Scheme](#)². Whilst the costs of new bespoke permits are determined by a fixed formula, the costs associated with applications to vary permits are dependent on the amount of work involved, ensuring the cost to operators is proportionate to the amount of assessment needed in the determination. This is explained further below

When do I need to apply?

Operators can move their activities into installation permits at any time between now and the **7th July 2015**. If their activities have the capacity to operate above a relevant threshold after that date, they will be operating illegally if they are not permitted as an installation.

The amended EPR provide operators with a defence to not holding an installation permit after this date. That defence requires the operator to have submitted a duly made application for the activity by one of three dates, dependant on the activity they undertake. These are known as Defence Windows, each period or window containing different activities. The windows have been created to ensure sufficient time is available for the EA to determine the applications and ensure all Directive requirements are delivered on time. The defence windows are explained in the adjacent box.

What are the defence windows? :

If duly made applications are submitted by the following dates then the operator will have a defence for not holding an Installation permit on 7th July 2015 for their 'newly prescribed activity'

30th September 2014 for:

- Section 1.2 d) in relation to the gasification or liquefaction of fuels other than coal;
- Chapter 4 in relation to the biological processing of chemicals;
- Section 5.4 b) in relation to the recovery or a mix of recovery and disposal of non-hazardous waste

31st December 2014 for:

- Section 5.3 in relation to the recovery of hazardous waste
- Section 5.4 a) in relation to the disposal of non-hazardous waste
- Section 6.6 in relation to the preservation of wood and wood based products with chemicals;

31st March 2015 for

- Section 5.6 in relation to the temporary or underground storage of hazardous waste;
- Section 5.7 in relation to independently operated treatment of waste water;
- Section 6.8 d) in relation to the treatment and processing of animal and vegetable raw materials for food and feed

² Environmental Permitting Charging Scheme & Guidance (Effective from April 2013 version 3)

If a particular facility has a range of activities taking place that appear in more than one window they should apply for the whole facility at the earliest date.

It is important to note that a duly made application for a permit needs to be submitted by the relevant date. Area Compliance Officers will provide support in explaining what is required for an application to be agreed 'duly made', what needs to be included in the application and the relevant application charge.

Interpretation issues

Existing Regulatory Guidance³ will help operators understand the meaning of regulated facility (including Schedule 1 to EPR) and with defining an installation. This should be the first point of call for reference when seeking confirmation whether particular activities are within the meaning of the 'newly prescribed' activities. These guidance notes are regularly updated as needs for specific clarification arise. Pending further updates of these documents, text boxes in the following section provide further clarification on the meaning of some words and expressions.

Manual dismantling of End of Life Vehicles (ELVs) and WEE

Although ELVs are hazardous waste, the usual processes of manually depolluting and dismantling are not considered to be physico-chemical treatment under IED so these activities do not fall under section 5.3. In these circumstances, manual includes the removal of components or dismantling by hand, the use of hand held tools including power tools or the use of equipment utilising a suction or flushing process to remove fluids.

It follows that the storage of ELVs pending such a process does not fall under section 5.6 even if greater than 50 tonnes are being stored. As a result, ELV dismantling operations will not normally be installations and will be able to continue to operate under a waste permit.

A similar principle applies to the manual depollution and dismantling of large vehicles (e.g. aircraft and ships) and WEEE (e.g. repairing and refurbishing appliances). In all these cases consideration must be given to the quantities of other hazardous wastes stored on site (e.g. batteries, oils and other removed hazardous components) before confirming there is no section 5.6 activity.

Mechanical treatment of hazardous WEEE is a physico-chemical process and so is a listed activity if the capacity is greater than 10 tonnes/day.

Similarly, the breaking up of an aircraft or ship using mechanical means will be a listed activity under section 5.3 unless all hazardous materials and components have been removed by manual means first.

Aggregating capacities across different activities

Paragraph 4 of Part 1 of Schedule 1 to EPR requires the capacities of separate activities falling within the same activity description, where they are carried out at the same installation, to be aggregated or added together to see if those activities together have a capacity above a threshold.

For waste treatment and storage facilities this aggregation takes place across the activities within a particular section or sub section. For example all activities with section 5.4 a) (i.e. non-haz waste biological treatment, physico-chemical treatment, pre-treatment for incineration or co-incineration, treatment of slags and ashes, treatment in shredders of metal waste all for the purpose of disposal) should be aggregated together to assess if the combined capacity is over 50 tonnes. The same applies to all the activities within 5.3 a), 5.4 b) and 5.6 a).

For example a facility processing non-haz waste for recovery with a windrow system at 50 tonnes per day and a small AD facility at 80 tonnes per day wouldn't individually be above the threshold in their own right but aggregated they would be. Their application should be for a permit showing them as an installation with a single activity albeit comprising two elements of a particular schedule sub grouping.

³ Regulatory Guidance Series, No. [RGN 2](#) Understanding the meaning of regulated facility Version 3.0 together with [Appendices 1 and 2](#) which provide Interpretation of Schedule 1 to the Regulations and help in defining the scope of the installation

Mix of recovery & disposal

Waste management facilities are likely to undertake a number of recovery and disposal operations on the same site. The 'primary purpose' of each operation must be determined on a case by case basis, not the perceived purpose of the waste management facility as a whole.

The implementation of IED has not significantly changed the approach to defining installations as presented in RGN 2. Prior to the implementation of IED, if the intention of a waste management operation had been to dispose of more than 50 tonnes per day of non-hazardous waste by biological treatment then that activity would have been an installation activity under what was section 5.3 A(1) c) (i) (now 5.4 A(1) a) (i)) of Schedule 1. If the intention at that time had been to recover the same waste then the same process, the same throughput, the same activity would have been permitted as a waste activity and not have been defined as an installation. All the implementation of IED has done is to consider those recovery operations, if they are above 75 tonnes per day (100 tonnes for AD facilities), to now be installation activities. If those waste activities were operational on the 7th January 2013 they fall within the description of a newly prescribed activity.

Identifying operations by reference to the activities in Annex I and Annex II of the Waste Framework Directive may help direct you to the relevant activity reference for your newly prescribed activity although these descriptions are indicative and not intended to be exhaustive.

Operations undertaken which may lead to resource recovery, recycling reclamation, direct re-use or alternative use, are generally recovery operations.

An individual waste management operation cannot be both a recovery and disposal operation.

A recovery operation can result in a major proportion of residues being consigned to a disposal operation e.g. silver recovery from photographic wastes where the intention is to recover the silver even though that is a small proportion of the incoming waste stream.

Where the intent for an outgoing waste stream may sometimes be disposal, then the whole treatment process creating that waste stream is deemed to be a disposal activity, even though a proportion of the outgoing waste may be recovered. For example, a modern MBT may be treating household waste and, for now, because they are unsure whether the treated product has a recovery route, wish to dispose of the treated product, perhaps in landfill, then that MBT will be treating waste for the purpose of disposal until they have confidence that their intention is to recover all the waste.

What's the best way to establish the D & R code activities that are carried out?

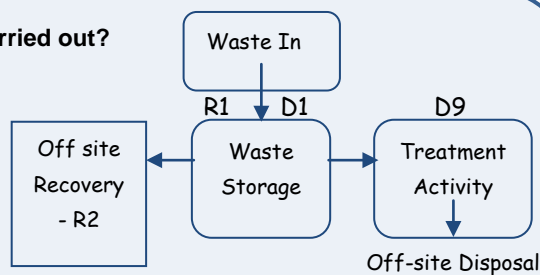
It is recommended that the operator prepare a schematic of the activities at their site, especially for more complex facilities. Working through the exercise of establishing an operational flow diagram and assigning D and R codes and capacities makes completing the questionnaires much easier

For each activity, the first step is to establish what happens to the different waste streams following treatment or storage. Where all waste from the activity in question goes off site for disposal then the on-site treatment process producing this waste is clearly a disposal activity and should be given a code from the list of Disposal Operations.

The converse is true where the waste goes off site for recovery, in which case a Recovery Operation code is used to describe the treatment or storage.

Where an activity takes place that produces waste for disposal **and** recovery, then the operator should consider the primary purpose of the activity in its normal operation. Whether the activity is a recovery or disposal operation will depend on the facts in each case. It does not depend on the proportion of waste produced for disposal or the proportion produced for recovery. For instance, reclamation of silver produces more waste for disposal than for recovery but it is considered to be a recovery operation. Where the planned operation is undertaken for both recovery and disposal e.g. depending on market conditions, the operation will be permitted as a disposal facility and require an installation permit (subject to exceeding daily threshold quantities, etc).

There is a considerable amount of EU case law relating to this matter accessible at www.europa.eu.int



Pre-treatment of waste for incineration or co-incineration

RGN 2 already provides a description of physico-chemical treatment processes, confirming that the simple handling of waste in a way which does not change the composition of the waste, such as compaction or other re-packing of dry waste (e.g. cardboard) to reduce free space would not normally be considered to be physico-chemical treatment. The same consideration will be taken in the defining pre-treatment of waste for incineration or co-incineration.

Activities that *actively prepare waste for incineration or co-incineration* above the threshold limits will be within the definition of a scheduled activity (5.4 A(1) a) (iii) for disposal with a 50 tonne per day threshold & 5.4 A(1) b) (ii) for recovery with a 75 tonne per day threshold). These activities may include drying, shredding, granulation, pelletising etc, perhaps to meet a specification, so long as, in each case, the activity is undertaken specifically to prepare the substance for being burned.

Shredding a mixed waste stream to facilitate sorting & separation / removal of recyclables will not be an installation activity because this shredding enables recovery of recyclables & is not actively preparing waste for incineration. Non-recyclables at the end of this type of process may then simply be bailed to aid transportation with no further treatment, size reduction etc.

If the non-recyclables were shredded again after the removal of recyclables, perhaps to a smaller size to meet acceptance criteria at an incinerator, then that second shredding process would be an installation activity once above threshold.

There is also the question of the difference between the two scheduled activities mentioned above - 5.4 A(1) a) (iii) for the purpose of disposal with a 50 t/d threshold & 5.4 A(1) b) (ii) for the purpose of recovery with a 75 t/d threshold

Notwithstanding the information provided above on the 'mix of recovery and disposal' our view is that 'pre-treatment for recovery' is a relevant description if the combustion facility receiving the treated waste is a recovery facility i.e. it demonstrates it meets the R1 Energy Recovery formula. Pre-treatment for the purpose of disposal should be applied to any

Establish storage & treatment capacity

Guidance on establishing capacity of a process is provided in RGN 2, particularly section 2 in Annex 1. This confirms reference to capacity in terms of a rate (whether total capacity or daily tonnage) should be taken to mean the maximum rate at which the installation can operate. Operators should consider potential capacity of their processes, not necessarily limited to the quantity currently processed, and think about that capacity in terms of "physical" capacity and "legal" capacity.

Thresholds above which processes are defined as 'installations' are set at 10 tonnes per day for hazardous waste treatment and 50 tonnes in total for hazardous waste storage. For non-hazardous waste treatment the threshold is at 50 tonnes per day for disposal activities and 75 tonnes per day for recovery activities. If the only activity is anaerobic digestion of non-hazardous waste then the threshold is relaxed to 100 tonnes per day.

Physical capacity may be defined by a pinch point or mechanical limitation somewhere in the process, perhaps a macerator, pump, shredder or other mechanical equipment that can only handle a certain throughput and so limits or defines throughput through the whole process. It may be that the area of the site is so restricted that the operator can't accept more than 20 tonnes per day for example. Operators seeking to demonstrate that their activities remain under IED thresholds may choose to define or create such a physical limitation on their process. Alternatively, for a treatment processes which takes more than a day to complete, RGN 2 confirms the daily rate should be taken as the total amount of material handled divided by the number of days or parts of days over which treatment takes place. Thus for an in-vessel composting (IVC) process which holds 450 tonnes of waste in each tunnel, in which there are 3 sets of 2 tunnels or barriers, and individual tunnel needs 7 days processing, the physical capacity is $(450t \times 6 \text{ tunnels}) \div (7 \text{ days} \times 2 \text{ barriers}) = 193 \text{ tonnes per day}$.

Whatever the physical capacity, the legal capacity may be smaller. It may for example be defined by constraints within the permit or the planning permission. Whilst a shredder may be able to process 5 tonnes of waste per hour and could in theory operate for 24 hours, planning conditions may limit operational hours to 9 hours per day giving a "legal" capacity of 45 tonnes per day. However it is important to recognise that if the permit only prescribes monthly or annual tonnages then the site could technically accept the entire amount in one day.

If physical capacity is greater than the above thresholds and there are currently no legal capacity limits, then that activity would now be defined as an installation activity. The operator however may want to avoid crossing the capacity threshold to be an installation. They may wish to remaining a waste operation, and not use their 'excess' capacity. They will therefore need to include legal limits in their management plans & systems or in their permit as a condition.

Any physical or legal constraint preventing an operator from utilising its 'excess' capacity must be effective and beyond the control of the operator to turn on and off. Those facilities that choose not to be permitted as installation will continue to be regulated as waste activity operations under their effective permits. We will be able to detect if the operator has breached its self-imposed limit, or removed it from its management system. It remains entirely the operator's responsibility to have the correct type of permit for the activities they operate. Anyone operating without the correct type of permit will be operating illegally and will be subject to the EA's Enforcement and Prosecution Policy.

What would applications need to include?

Each operator wishing to include newly prescribed installation activities in their permit will need to submit an application to include a new installation activity in their permit. That application will need to be advertised by the EA and determined in accordance with IED requirements. The application may take the form of a new standard rules permit, a new bespoke permit application or the variation of an existing bespoke permit as discussed in the section on types of permit needed [above](#).

Whilst all applications must be to include a new installation activity in their permit, the relevant charge for the applications will be dependent on the degree of technical assessment required in determination. Variations may be administrative in nature where no technical assessment is necessary or minor technical / normal / substantial in nature dependant on the amount of technical assessment required.

It is particularly important for operators to ensure the correct level of information is included in these applications – sufficient information for their application to be duly made. The defence windows discussed [above](#) confirm that 'duly made' applications need to be submitted by the relevant date for the operator to have a defence against not holding an installation permit on the 7th July 2015.

Each application must be on the relevant forms, contain necessary supporting information and evidence to demonstrate that the proposed activities will not cause harm to the environment or human health and be accompanied by the relevant fee to that application type. Guidance on making applications is available on our [website](#).

The preparation of applications is a complex matter. We suggest operators seek pre-application advice from their Environment Agency (EA) Area Compliance Officer who will be able to confirm likely impacts, Opra profiles and other aspect of the application.

It is normal practice for anyone adding new activities to permits to consider whether their activities will have an impact on sites of nature and heritage conservation and protected or priority species and habitats close to their operations (Special Areas of Conservation, Sites of Special Scientific Interest, local wildlife sites etc). However, it is recognised that the potential impact of currently permitted waste activities migrating to installation permits as newly prescribed activities may have been assessed when those facilities were permitted. That assessment will not therefore need to be revisited as part of this process.

For activities new to permitting, new activities that are being proposed as part of this permitting work or activities that were permitted prior to the introduction of EPR in 2007 an impact assessment on conservation sites will need to be submitted with the application. A conservation pre-application screening service is available, which will identify all relevant sites of nature and heritage conservation, and/or protected and priority species and habitats. This service can be accessed through the following link <http://www.environment-agency.gov.uk/137784.aspx>

Degree of assessment required

Page 2 of this information sheet explains the types of permit the operator could apply for to have their newly prescribed activities permitted as installations. The content of the application is discussed above. This section explains how the degree of assessment the EA will apply to those applications affects the costs to the operators of submitting the applications. Definitive guidance on this issue is contained in our Charging Scheme ⁴ so the text provided below is not intended to be exhaustive of all the potential start points a facility may have in permitting terms. Site specific guidance and support should always be sought from your local Area Compliance Officer.

Thorough technical assessment : new permit charges

Some of the newly prescribed activities may not have previously been permitted – perhaps because they were an exempt activity that didn't require a permit or the activity itself was not described previously as a scheduled activity. The options for permitting these activities is to either apply for a new standard rules permit, their own new bespoke permit or incorporate them into an existing permit via a variation (which is covered below).

⁴ Environmental Permitting Charging Scheme & Guidance (Effective from April 2013 version 3)

The availability of and reasoning for standard rules permits is discussed [above](#). To be eligible for a standard rules permits the activity must meet the requirements of those permits. *Details of these requirements and how to make an application are available on our [website](#) and are confirmed within the standard rules. Applications for the installation based standard rules cost £1,900 (Table 20 of Charging Scheme guidance). Relevant subsistence fees depend on the particular standard rules. Details are provided in our Charging Scheme. The relevant fee for operators moving from an existing waste activity standard rule set to a new installation standard rule set is the new application fee for that installation standard rules permit.*

Applications for a bespoke permit must be accompanied by the information together with the application charge based on the installation Opra score (derived from Opra weighting factors) multiplied by relevant Opra multiplier which is currently £201 (Table 24 of Charging Scheme). Operators can seek advice from their local officer on the calculation of this Opra score

We recognise that operators may choose to apply for a new bespoke installation permit for an existing activity, now that the newly prescribed activity is defined as an installation i.e. create a separate permit for that activity. We would discourage this approach. Where newly prescribed activities are on existing permitted facilities we would rather the existing permit is varied to incorporate the newly prescribed installation activity.

If the operator chooses to pursue the new permit option it will be the operator's responsibility to ensure the pollution risk from activities at the same facility can be clearly identified, managed and differentiated between and within the various permits controlling activities at the facility. They will also need to be able to demonstrate that they are aware of the condition of the land the new permit is covering and can manage and control the pollution risk so that, on surrender, the land can be returned to the same condition.

No technical assessment: administrative charges

Administrative variations are, as their title suggests, administrative in nature and don't require any technical assessment or consultation. Administrative variations are free of charge. The Environment Agency will decide whether particular applications are administrative only. If an application does need technical assessment or consultation they will not be administrative in nature and will either be a minor technical variation, a normal variation or a substantial variation.

Examples of administrative variations for this newly prescribed permitting work include recently permitted bespoke waste activities which demonstrated appropriate measures were being used when permitted. 'Appropriate measures' describes standards which are sufficiently close to BAT standards. These facilities would have been permitted as waste operations since EPR was introduced in 2007 and the technical standard they were assessed against has not changed since that permitted date. Whilst these applications would seek inclusion of a new installation activity into the permit, there is no technical assessment required so their determination would be administrative in nature and free of charge to the operator

Operators wishing to submit an administrative variation to have their newly prescribed activity included in their permit as a new installation activity should discuss this option with their local area contact to confirm that, in their opinion, the facility meets the above requirements.

Minor elements of technical assessment: minor technical change charges

Minor technical changes are a type of application defined in the Charging Scheme that will involve some technical input by us but considerably less than for a normal variation. A fixed charge of £1,280 is provided for these applications (provided the tier 2 or 3 variation charge isn't less). Table 14 of the Scheme confirms applications adding an emission point for which we do not have to carry out a technical assessment; introducing non-complex standard conditions developed nationally for a sector; or increasing storage capacities are examples of applications for which a minor technical change is relevant.

It is difficult to predict all the scenarios and level of technical assessment that applications to add a new installation activity for newly prescribed activities may need. If an operator believes the technical assessment for their application will need considerably less technical input than a normal variation (by reference to the examples provided in the Charging Scheme) they should seek agreement to this approach with their local area officer before submitting their application.

General technical assessment: normal variation charges

The majority of applications we are expecting from the waste industry will be to have an activity already permitted as a waste operation included in the permit as a new installation activity. Where an administrative variation is not relevant, we expect the level of technical assessment for most applications will be along the lines of that provided for in the charge for normal variations. It will not be relevant where a new activity is being permitted for the first time.

The Charging Scheme provides two groupings for waste activities reflecting the lower & higher risks the activities might present. These are identified as tier 2 activities (standard rules waste facilities / fixed condition licences & some bespoke waste facilities) and tier 3 activities (all other bespoke waste facilities).

It is recognised that a significant proportion of facilities currently operating newly prescribed activities will be tier 3 bespoke waste activity permits but some may be tier 2 activities. All the newly prescribed activities are tier 3 installation activities.

The Charging Scheme confirms (page 33) that where the variation is of an existing tier 2 waste facility to a installation tier 3 facility the relevant charge is the new Opra profile for the installation multiplied by the installation variation multiplier of £56. Where the variation is of an existing tier 3 waste facility to a different tier 3 facility (i.e. installation) then the relevant charge is the existing waste Opra profile multiplied by the relevant charge multiplier of £136.

Those operators of tier 2 and 3 waste facilities with newly prescribed activity will therefore have to submit applications for a new installation activity to be added to their permit accompanied by a normal variation charge. The application will have to contain the information discussed on page 7 to the timescales discussed on page 3.

Some of the newly prescribed activities may currently be permitted as waste activities within a permit that also already contains installation activities – a multi-regime permit. These should currently attract subsistence invoices for both the installation activity and the waste activity. The above criteria should therefore still apply as that facility should have two Opra scores – one for the waste activity and one for the installation activities. The variation should be based on the existing waste Opra profile multiplied by the relevant charge multiplier of £136.

New activities to existing installation permits: substantial variation charges

This section is relevant where the newly prescribed activity has not been permitted before (i.e. not a permitted waste operation or an exempt waste activity) and the operator wishes to add that activity to an existing installation permit. It is likely that the addition of this activity to the permit will have a significant negative effect on the environment to the effect previously assessed. The Charging Scheme confirms that where there are significant negative effects on the environment then a substantial variation charge will provide the relevant level of charge for the assessment of a newly prescribed activity as a new installation activity.

If an operator wants to make a substantial variation to a permit that incurs tier 3 Opra based charges, the applicable charge is the existing Opra charging score multiplied by the charge multiplier listed in the relevant table in the permit regime sections - £110

Consolidating two or more permits

The operator may already have more than one permit for each facility. For example, when IPPC was implemented around 10 years ago, the activities regulated as installations for the first time were permitted in new separate IPPC permits as, at that time, we were not able to issue permits that contained both installation and waste activities. The older non-IPPC activities at each facility remain regulated under what was the old waste management licences.

As both these permit types are now regulated under the same EPR regime, we have an opportunity to consolidate these permits into a single EPR permit covering the whole facility. Consolidation of permits should prevent confusion as to which permit regulates which activity, help clarify how perhaps different yet similar activities at the same facility (perhaps some above & some below threshold) should be regulated, and also reduce costs to the operator.

If the operator wishes to consolidate permits at their facilities they should discuss this with their local officer contact. If there are particular regulatory concerns, perhaps a history of poor compliance or multiple incidents that could be

better regulated by a consolidated permit than the local Agency officer may insist on the consolidation of permits as part of the duly making test for the newly prescribed activities.

When we consolidate the permits we create one permit of modern conditions to replace the former permits. If the permits being consolidated are not modern permits we will map the existing conditions across to modern ones. If operators ask us to consolidate permits, then they are agreeing to have a modern permit.

Charges for consolidation are dependent on the type & number of permits, as defined by the Charging Scheme. That means that each permit within the consolidation package attracts the appropriate variation charge for the change proposed. The text above discusses the form of applications associated with the permitting of the newly prescribed activities as installations. If consolidation is also being sought or delivered, those permits being altered purely to allow consolidation to occur (perhaps not affected by the newly prescribed activity changes) will attract a minor technical variation charge (or if appropriate no charge if it is an administrative only variation).

Future regulation as installations.

A key element of any decision an operator makes to operate a newly prescribed activity and move to an installation permit will be to understand what this may mean to their operations. What will operating as an installation look like? This section describes what this means in general terms. Advice previously given about contacting local EA Officers and seeking independent advice on this complex matter remains relevant and important to this element of their decision.

General regulatory approach: For those newly prescribed activities that are currently permitted as waste activities there is little difference in our general approach to regulating the facility once it becomes an installation. [‘How to comply with your environmental permit’](#) remains the key reference document for all operators. This guidance explains the conditions or rules of environmental permits. It describes the standards and measures operators must use to control the most common risks of pollution from their activity and how to comply with the conditions of their permit. This is an important reference document for any newly prescribed activity, whether currently permitted as a waste activity or new to permitting.

A key element in the application process is for the operator to confirm which technical standards they intend to use. These technical standards include by default ‘How to Comply’. Operation to those technical standards is in turn a key element of the permit. Compliance with this guidance document is therefore a key element of the regulation of all installations

Subsistence costs: The Charging Scheme discussed above describes the mechanisms the EA uses to recover the costs associated with monitoring compliance with permit conditions and taking any necessary action to deliver compliance. For standard rules permits this is a fixed charge dependant on the particular rules set. For bespoke permits this is based on the Opra score, derived from Opra weighting factors, multiplied by relevant Opra multiplier, adjusted for compliance. These subsistence charges are typically (but not always) higher than the charges operators of waste activities may be used to. We would recommend operators seek pre-application advice to establish and agree the Opra charge relevant for the proposed installation

Technical standards This information sheet describes [above](#) the standards we assess against when determining installation applications. This includes the need for operators to provide evidence that their production / treatment / storage operations are in compliance with the Best Available Technique (BAT) for their sector.

A key element of the implementation of IED in EU member states is a more formal, frequent and rigorous programme of reviewing and updating the EU wide BAT reference documents. This programme includes a requirement for member states to review existing facilities against a revised BAT reference document and ensure compliance with any revised standards within 4 years of those standards being published.

For example, the EU wide review of waste treatment technical standards has recently started and is programmed for completion in 2016. If the review is completed in this timescale, we will have until 2020 to review all relevant permits and demonstrate compliance with that revised standard.

To deliver this requirement installation operators will be asked to confirm how they intend to demonstrate compliance with these revised standards. Permits may be updated as part of this review if changes are necessary to implement any improved standards, update emission limits etc.

Similarities will remain between BAT standards and the appropriate measures benchmark we use for Waste Activities. The EA may also therefore choose to review waste activity permits (singularly or by sector) against any upgraded appropriate measures benchmark if the need exists to deliver environmental protection or to improve human health. The formal review programme of BAT under IED provides a great deal more certainty that permits will be frequently reviewed for those waste facilities regulated as installations.