

April 2017

Norfolk
Local
Authority

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pollution prevention & control newsletter

Welcome Back!

After a short break your Norfolk Local Authority pollution prevention and control newsletter has returned. We aim to bring you an annual newsletter to keep you up to date with any changes in the area of pollution prevention and control.

Environmental Permitting (England and Wales) Regulations 2016

The Environmental Permitting (England and Wales) Regulations 2016 Statutory Instrument 2016/1154 came into force on **1 January 2017**. They consolidate and replace the 2010 Regulations which had been amended fifteen times. The Regulations set out an environmental permitting and compliance regime that applies to various activities and industries and they retranspose fifteen European Directives into UK law. The new Regulations will make it easier for both operators and regulators to assess the legislation.

If your permit is issued under the 2010 Regulations this will be updated next time your regulator comes to review or vary your permit—your permit is still valid.



Borough Council of
King's Lynn &
West Norfolk



Fees and Charges 2017/2018



On 15 March 2017 Defra launched a consultation on proposed amendments to the current fees and charges scheme. In 2016 Defra reviewed the current fees and charges and decided that an increase in fees and charges is required to ensure that regulatory costs are fully recovered by local authorities.

Details of the proposals can be found via the following link: <https://consult.defra.gov.uk/industrial-pollution-control/local-authority-env-reg-fees-charges>

Why do I need a risk assessment?



Good question, so here is a brief explanation of why you need to have one.

We, as regulators, want all operators to perform to the

best they can to protect the environment. We need to focus on the activities and operators that have the greatest potential for pollution and to do this we need a **standard tool** that is used by all regulators across the country.

The risk assessment method is intended for use by local authorities in determining the relative level of risk associated with activities regulated under the Local Air Pollution Prevention and Control regimes. The method assigns a level of proposed regulatory effort to individual processes (**high, medium or low**) according to their relative risks.

The method relates to effort expended in regulating processes once they have been permitted (i.e. what is covered by the subsistence element of the LAPPC fees and charges). The method is divided into **2 parts**, Environmental Impact Appraisal and Operator Performance Appraisal.

Environmental Impact Appraisal

1. Inherent Environmental Impact Potential of Process (3 categories set by Defra)
2. Progress with Upgrading (e.g. new abatement plant needed)

3. Sensitivity and Proximity of Receptors (to avoid risks to vulnerable people or habitats)
4. Other Targets (if there are air quality issues in the vicinity that could be made worse)

Operator Performance Appraisal

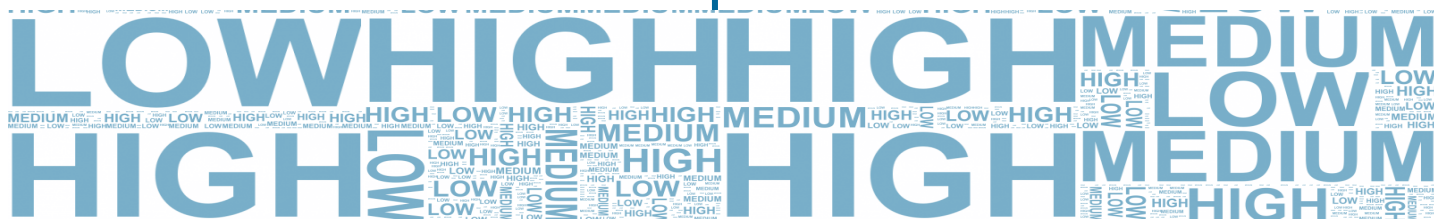
5. Compliance Assessment (has the operator been doing what has been asked of them)
6. Monitoring, Maintenance and Records (all monitoring done and paperwork sent)
7. Management, Training and Responsibility (How well managed the activity is)

All standard Part B activities are assessed on both the Environmental Impact Appraisal and the Operator Performance Appraisal parts.

Reduced fee activities and mobile plant are only assessed on the Operator Performance Appraisal part as they are activities that have less potential impact on air quality and do not differ significantly between companies, provided they meet the conditions in the Permit.

We use the risk assessment to check that all necessary elements are met. If not, the score will be higher and will increase the annual fee and inspection frequency. We will work with operators to help reduce their score and get back to the lower fee and inspection frequency.

The full document on this is available at: <https://www.gov.uk/government/publications/local-authority-integrated-pollution-prevention-and-control-risk-method>





The Medium Combustion Plant Directive has to be transposed into UK law by December 2017.

Medium Combustion Plant Directive (MCPD)

Medium Combustion Plants and generators are a significant source of air pollution and many are not currently regulated in the UK.

The MCPD is a new Directive which introduces cost effective emission controls on new plants from December 2018 and existing plants in 2025 and 2030, depending on size. It regulates emissions of SO₂,

NO_x and dust into the air with the aim of reducing those emissions and the risks to human health and the environment they may cause. It also lays down rules to monitor emissions of carbon monoxide (CO).

The Directive must be transposed into UK law by December 2017. It will apply to all operators and owners of combustion plant

rated between 1 MW and 50 MW thermal input.

Defra are currently reviewing responses to the consultation on their draft plans to implement this Directive.

Once Defra has finalised their implementation plant regulators will be in touch with any operators it may affect.

SO₂ CO NO_x PM

Small Waste Oil Burners

As from 6 March 2016, all operators of small waste oil burners will have had to either change over to burning a non-waste fuel, and hence will have had their environmental permit revoked, or will have continued burning waste oil and will have been issued with a substantially more expensive and more onerous Schedule 13 permit. This has come about as a result of legislative changes and waste oil being defined under the EU Industrial Emissions Directive as a "waste product". Consequently, small waste oil burners were re-classified as Small Waste Incineration Plant (SWIPs) regulated under Schedule 13 of the Environmental Permitting (England and Wales) Regulations 2016.

Operators of SWOB's that now fuel their burner with a non-waste product, such as heating oil, LPG or the like will have to have their waste oil removed from site by a licensed waste carrier. The paperwork associated with this must be kept on site for a minimum of 2 years and made available for inspection by the relevant Authority as these documents will act as proof that waste oil arising from the premises is being removed from site, typically for recycling, and no longer used to fuel the waste oil burner. The operator has a duty of care to ensure the waste carrier holds a valid licence issued by the Environment Agency and under no circumstances must allow waste oil to be removed from site by a carrier that does not hold an appropriate licence. The inspecting authority may either be the Local Authority or the Environment Agency.

Continuing to burn waste oil without having a new permit issued under Schedule 13 is an offence.

If you have a small waste oil burner and you are unsure of the legislation or require advice on the matter, please contact the your Local Authority.

Waste Treatment Exemptions

Some waste treatment activities only pose a low risk to the environment or human health. These activities may be exempt from the requirement for an environmental permit but may need to be **registered as a waste exemption** (formerly a waste management licence).

Depending upon the type of activity, the activity has to be registered with either the **Local Authority, Environment Agency or Defra** and is then subject to a lighter touch regulation requiring those who carry them out to comply with certain rules so as not to cause harm to the environment.

The registration of a waste exemption is free of charge. Each registration lasts **3 years**. Registering an exemption does not remove the need to apply for other permits or permissions such as planning permission or a water discharge permit etc.

Below are four waste treatment exemptions that need to be registered and are referred to as **T3, T5, T7 & T22** activities.

T3 activities are the treatment of waste metals for the purposes of removing grease, oil and any non-metallic contaminant by heating in an appliance. To qualify as a T3 exempt waste operation the activity must meet **all** of the following criteria:

- The total quantity of waste stored at any one time must not exceed 10 tonnes;
- The waste must be stored in a secure location with sealed drainage;
- The appliance (or aggregate of all appliances used together) must be less than 0.2 megawatts net rated thermal input;

The activity must not be used for the removal of plastic and rubber from scrap cable or any asbestos contaminant.

Registering Authority – Local Authority.

T5 activities include the following;

- screening of soil on a demolition site to remove wood and rubble before sending the soil to a construction site to be reused;
- blending soil and compost that has been produced under an exemption on a construction site to produce better soil for landscaping on that site;
- crushing waste (except bricks, tiles and concrete) before screening or blending. (Gov.uk website lists the types of waste this includes)

Activities which are **NOT** covered by the T5 exemption;

- grading waste concrete after it has been crushed to produce a certain type of aggregate;
- importing waste, treating it and then exporting it somewhere else (this applies even if the treated aggregate would meet the Quality Protocol standard and will no longer be considered waste);
- treating waste where the main purpose is to dispose of it to landfill or incinerate it;
- crushing of waste tiles, bricks or concrete;
- treating hazardous waste

Registering Authority – Environment Agency.

T7 activities involve the treatment by crushing, grinding or reducing in size of concrete, bricks, tiles and ceramics or mixtures of these materials (other than those containing dangerous substances).

T7 activities typically involve the use of small-scale/micro crushers and can include some mobile plant. It is an exempt activity only if it satisfies **all** of the following conditions:

- No more than 20 tonnes of waste are treated over any period of one hour;

Waste Treatment Exemptions Continued

- No more than 200 tonnes of waste are stored at any one time;
- The waste is stored in a secure place (i.e. non accessible to the general public and from where waste cannot escape) prior to processing;
- The treatment is carried out at the place where the waste was produced or at the location where the processed material is to be used;

Any release of substances into air is trivial, i.e. will not cause pollution or will only cause insignificant pollution.

Registering Authority – Local Authority

T22 activities are the treatment of animal by-product waste at a collection centre.

Registering Authority – DEFRA.

It is an offence to carry out any of the above activities without an appropriate environmental permit or registered exemption. If you believe you may need to register a waste exemption activity, contact the registering authority for further information.

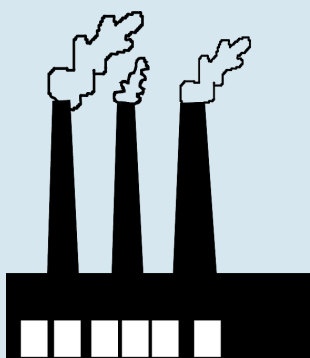
Once registered, the registering authority has the right to visit your site to ensure your activity is being conducted in accordance with the requirements of the exemption.

So, why does all this matter?

You may well ask yourself **why** do I need an Environmental Permit? What is the point for small to medium size businesses? Well, we all have a part to play in making sure that pollution levels do not impact on human health. It is the everyday pollutants such as fine dust particles, nitrogen compounds and carbon monoxides that are most likely to cause us problems. Long term exposure to elevated levels of these pollutants can cause both **respiratory** and **inflammatory** conditions. The most vulnerable are children and those with existing health conditions.

History has taught us not to ignore the effects of air pollution. The great smog of London 1952 resulted in the release of over 3,000 tonnes of particulates and carbon dioxide into the atmosphere. Visibility was so poor in some areas it is claimed that some pedestrians could not see their feet. It is estimated that 4,000 people died as a direct result of the pollution and this resulted in the drafting of the Clean Air 1956. This required both residents and factories to burn only smokeless fuels.

These days air quality in the UK is **much improved**. We have health based standards that we strive not to exceed through both the planning system and environmental permitting regime. We realise as local authorities that initially compliance with emission limits has incurred considerable cost to some businesses without any real perceivable benefit. However, the benefit to the public is real. Organic solvents for instance react with sunlight to form ground level ozone. This is known to cause respiratory problems and a heightened sensitivity to allergens. Quite often weather conditions cause emissions to go to ground rather than being dispersed. So the message is to all businesses with an environmental permit is this...



the steps you take to control emissions do make a difference to the lives of everyone.

