

EP

Environmental Permitting

Simplifying Regulation for Waste Management and Pollution Prevention and Control



Llywodraeth Cynulliad Cymru
Welsh Assembly Government



Department for Environment
Food and Rural Affairs

Environmental Permitting

Environmental permitting and compliance systems exist to protect the environment and human health.

A new system, **the Environmental Permitting (England and Wales) Regulations**, will come into force in April 2008.

This leaflet explains

- what the new system is
- who will be affected
- the changes it will bring
- what regulators are doing
- where to get further information

What is the new Environmental Permitting system?

Some industrial and waste management activities could harm the environment or human health unless they are strictly controlled. Where an operation falls within the Environmental Permitting (EP) system, the operator must either obtain a permit or register a waste exemption. Regulators supervise these activities in accordance with permit conditions or the terms of the exemption.

Many operators are already familiar with the systems of Pollution Prevention and Control (PPC) and Waste Management Licensing (WML). **The new EP system has streamlined and combined WML and PPC into creating a common approach** to permit applications, maintenance, surrender and enforcement.

The new EP system will:

- continue to protect the environment and human health
- continue to implement European legislation fully
- increase clarity and minimise the administrative burden on both the operators of facilities and the regulator
- encourage regulators to promote risk based, proportionate regulation as well as best practice in the operation of regulated facilities
- build on current methods of targeting the riskiest operations.

Which activities need an Environmental Permit?

The Environmental Permitting Regulations (EP Regulations) identify which activities need an environmental permit.

The following facilities need an environmental permit:

- **an installation** (meaning a facility carrying out any activity listed in Schedule 1 of the EP Regulations which cover the - energy industry, metals industry, minerals industry, chemical industry, waste management and other activities)

- **a waste operation** (meaning any disposal or recovery of waste which is not exempt under the EP Regulations), or

- **a mobile plant** carrying out one of the above

These are the same activities that were previously regulated under the PPC and WML regimes.





What does it mean for operators of waste management and PPC facilities?

Environmental Permitting reduces the amount of red-tape and allows you more flexibility in how you run your site.

It does not change the standards you are currently required to meet under WML and PPC.

For new operations

The operator of a new facility will need to obtain a permit, or a waste exemption, before they can lawfully operate.

For operators who currently have a WML or a PPC permit

All WML and PPC permits will **automatically** become Environmental Permits when the EP Regulations come into force. No fresh applications will be required from the holders of licences or PPC permits.

For operators who have outstanding WML and PPC permit applications

These will **automatically** become Environmental Permits if the application is granted.

For the waste sector the new EP system brings increased flexibility, allowing an operator to:

- transfer or surrender their permit partially or completely
- extend the licensed area of their site by variation
- more simply change the terms of their permit as activities change or new activities are started
- demonstrate competence through a Certificate of Technical Competence or other new schemes approved by Defra and the Welsh Assembly Government
- apply for a standard permit.
- consolidate numerous WML and PPC permits on the same site into one permit

Standard permits

Under the EP Regulations, standard permits will be available from the Environment Agency. A standard permit is a permit with only one condition, which refers to a fixed package of rules that a standard permit holder needs to meet. These rules are called **general binding rules (GBRs)**. If you consider your site fits within the rules, you may apply for a standard permit.

The GBR packages will be developed in consultation with businesses at the end of 2007.

Standard permits will be available for use in April 2008, initially for the main waste activities.





Standard permits will be:

- **lower cost** – standard permits will have a lower application fee than other permits. GBRs are “outcome-focussed”. That is, they set out the standards that your site needs to meet and then leave you to find the most efficient way to meet them.

- **easy** – you will be able to check the GBR packages on the Environment Agency website to see if your facility falls within the rules. They remove the need to have a pre-application meeting with the Environment Agency and radically reduce any paperwork you have to submit.

- **quick** – simpler guidance and online tools will make getting further information and actually applying for a permit much easier. The EP Regulations also reduce the amount of site specific statutory consultation which should streamline the determination process.



Take-up of standard permits is voluntary. GBRs will be available online so you will be clear about what you are signing up to before you apply. There is no right of appeal against fixed GBR rules.

The condition in a standard permit cannot be varied. However, if at any time you change the way your site operates so that it falls outside the GBRs, or you feel the standard permit no longer works for your operation, you can apply instead for a 'bespoke permit'. Bespoke permits have conditions that are set by the Environment Agency specifically for your facility.

For the PPC sector there will be very little change to the way you operate. The new EP system will look and feel much like the PPC system.

EP will, however, benefit those operators who have both PPC and WML permitted activities. If operators choose (and the Regulators agree) these permits can be combined into a single permit, so simplifying administration for you and the Regulator.

Implementing the new regime

Both regulators and business are keen to see the benefits of the new EP system realised as soon as possible.

The purpose of the new system is to streamline regulation. Government and regulators are determined to take this opportunity to make significant changes and improvements to the way regulation works.

The Environment Agency and local authorities will enforce the new system in England and Wales.

The Government is consulting on guidance to support the EP Regulations.

This explains in more detail the practical steps you may need to take during the lifecycle of your permit - from applying for a permit, varying or transferring it through to surrendering it when your operations cease.

The guidance also provides detail on the standards you need to meet when applying for and operating your facility.

Implementation for the **Environment Agency** will involve:

- a change in the way it deals with new permits and, more importantly, how it deals with existing permits
- producing supporting regulatory guidance
- developing (with industry) General Binding Rules for standard permits and associated guidance and consulting on them
- combining and simplifying the large amount of guidance, forms and other documents that currently exist for WML and PPC
- revising the IT systems to accommodate the changes
- making any necessary organisational changes with an emphasis on training staff in the new risk-based approach

- testing aspects of the new system with industry
- developing and consulting on charging proposals for a common system.

Implementation for the **Local Authorities** will involve:

- The General Guidance Manual will be changed to reflect the new system's legislative changes from PPC to EP. This will contain the core advice on the operation of EP as regulated by local authorities
- It is intended to take this opportunity to undertake the incorporation in the Manual of 'AQ' notes.

Where to get further information

The information in this leaflet was correct at publication. The situation however will develop as the new regulations are implemented and technical guidance is developed.

Further information is available:

- on the EPP website – www.defra.gov.uk/environment/epp
- in the EP guidance currently being developed (available on the EPP website)
- in the General Guidance Manual for LA regulated sites – www.defra.gov.uk/environment/ppc
- on the Environment Agency's website – www.environment-agency.gov.uk
- through your trade association, which should be actively involved in preparing for the new EP system.
- on the LACORS website – www.lacors.gov.uk
- in England & Wales by contacting the EPP team – epp@defra.gsi.gov.uk
- in Wales by emailing – Env-P&Q@wales.gsi.gov.uk



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