

AQ01(09) Additional Guidance from Defra and the Welsh Assembly Government - March 2009

EXTENSION OF RISK BASED REGULATION TO REDUCED FEE ACTIVITIES, MOBILE PLANT AND GAS ODORISERS: AMENDMENTS TO SIX PROCESS GUIDANCE NOTES

Risk-based regulation is being introduced for the following sectors from 1 April 2009:

- small waste oil burners (PG1/1(04))
- gas odorisers (PG1/15(04))
- dry cleaners (PG1/14(04))
- vehicle refinishers (PG6/34b(06))
- petrol stations (PG1/14(06))
- mobile crushers (PG3/16(04)).

Because, in line with the associated guidance on inspection frequency, this will result in low-risk installations in these sectors being inspected once every 2 or 3 years, local authorities should monitor performance against key parameters through data sent by post or email to the authority. The following specimen conditions have therefore been added to some of the above PG notes in order to reinforce existing information requirements.

This note constitutes guidance under regulation 64(2) of the Environmental Permitting Regulations, to which authorities must have regard.

Small waste oil burners

Insert new condition 9.18 in section 9 of PG1/1(04) [outline permit]:

" 9.18 – A copy of the following shall be sent to the Council at the frequency given below:

Information to be sent to the Council	Frequency at which information should be sent*
the record for the previous 12 months referred to in condition 9.5	Once a year
evidence that each appliance has been serviced over the previous 12 months in accordance with condition 9.13	Once a year
a list of staff nominated and trained in accordance with condition 9.16	Once a year

*On date stipulated by local authority regulator"

Amend conditions 9.5 and 9.13 to specify 3 years, not 2.

Dry cleaners

Insert new condition (39) in Appendix 3 of PG1/46(04) [outline permit]:

“(39) A copy of the following shall be sent to the Council at the frequency given below:

Information to be sent to the Council	Frequency at which information should be sent*
(i) the monthly inventory sheets for the previous quarter or (ii) with the written agreement of the Council**	Once a quarter Once a year
the record of regular maintenance during the previous 12 months, referred to in condition 3, once a year on [date]	Once a year
a list of staff nominated and trained, in accordance with conditions (5) and (6)	Once a year

*On date stipulated by local authority regulator”

** it is expected that local authorities will specify quarterly submission of data initially unless they are satisfied from the inventory data already received that condition (1) is being consistently met and, having regard to operator competence, that it is likely to be met in future. Where quarterly submission is initially required, the operator may at any time ask the authority to vary the permit to specify annual submission, and such requests should be judged on the same criteria.”

Local authorities may want to suggest or require quarterly reports to take the following form:

Month	Weight cleaned <i>kg</i>	Solvent added <i>litres</i>	Solvent disposed <i>litres</i>	New solvent use <i>litres</i>	Consumption <i>kg/litre</i>
month 1					
month 2					
month 3					

Quarterly inventories will not demonstrate annual compliance as required by condition (1), but will show whether the operator is collecting the necessary data as required by condition (2), and may cumulatively indicate whether annual compliance is on track.

Vehicle refinishers

Amend conditions 3 [maintenance schedule], 17 [spray gun testing and sprayout], and 20 [solvent-contaminated wipes] in Appendix 3 of PG6/34b(06) [model permit] to add the following sentences at the end:

3. The operator shall inform the Council in writing of any significant changes to the schedule.

17. The operator shall inform the Council in writing of any significant changes to the written procedure.

20. The operator shall inform the Council in writing of any significant changes to the written procedure.

(In the above amendments, 'significance' should be assessed on the basis of whether the schedule or procedure is materially different in a way which may have implications for air pollution regulation. Thus the Council is unlikely to need to be informed of a change which simply repackages the schedule or procedure, or which brings it up to date, unless such changes could have impacts, such as by causing solvent-contaminated wastes to be handled in a significantly different way, or resulting in a reduction in training relevant to activities which can cause emissions.)

Amend condition 34 to read:

34. A record of staff training and instruction, comprising the name of the trainee and the subject-matter of the training, shall be maintained by the operator and sent to the Council on [date - once a year].

Mobile crushers

Amend the following paragraphs of PG1/16(04):

5.4 insert new arrow point:

▶ Where deposition gauges are required for long-duration operations, the operator should provide a summary of the monitoring results on [date - once a year].

6.17 amend the second arrow point to read:

▶ A record of such maintenance should be made available for inspection, and a summary of maintenance carried out in the previous 12 months should be sent on [date - once a year] by the operator or the hire company, whichever has responsibility for maintaining the plant.

All six sectors

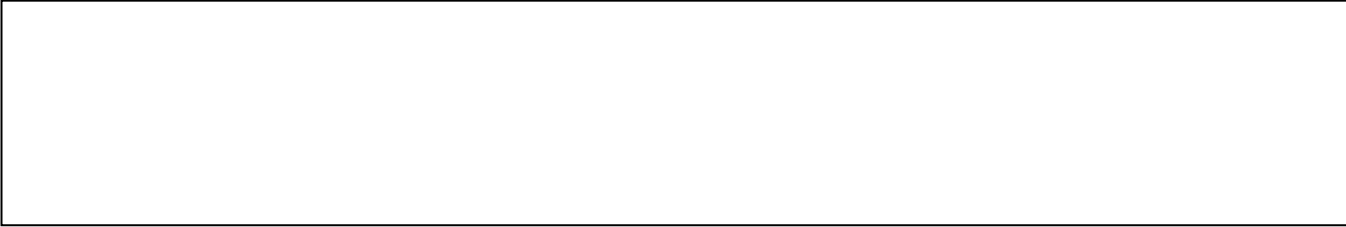
Local authorities are reminded of paragraphs 24.3-6 of the General Guidance Manual, which are replicated below for ease of reference. Reduced inspection frequency makes inclusion in permits of the proposed condition in 24.3 more important where it is not automatically included.

24.3 The EP Regulations do not include a variation notification procedure. For PPC permits transferring automatically to EP, the following condition is automatically included in the permit by virtue of EP regulation 69(6). Where EP permits are issued on or after 6 April 2008, authorities are strongly advised to include this condition themselves and must do so for LA-IPPC installations in order to give effect to Article 12(1) of the IPPC Directive:

“If the operator proposes to make a change in operation of the installation, he must, at least 14 days before making the change, notify the regulator in writing. The notification must contain a description of the proposed change in operation. It is not necessary to make such a notification if an application to vary this permit has been made and the application contains a description of the proposed change. In this condition ‘change in operation’ means a change in the nature or functioning, or an extension, of the installation, which may have consequences for the environment.”

24.4 In accordance with Schedules 7 and 8 of the EP Regulations, the IPPC Directive definition of ‘change in operation’ applies, namely: “a change in the nature or functioning, or an extension, of the installation which may have consequences for the environment”. A change in operation could entail either technical alterations or modifications in operational or management practices, including changes to raw materials or fuels used and to the installation throughput.

24.5 If there is no such condition included in their permit, operators should be aware that there are risks to them should they fail to notify the relevant local authority of a change. The risks are that the authority decides that the change means that the operator is either carrying on the activity beyond the extent authorised by the existing permit, or is doing so in contravention of an existing permit condition. Both are offences under EP regulation 38. On the positive side,



some changes could result in a lowering (as well as, potentially, raising) of an installation's risk rating. These could include alterations to management or training practices, or technical changes such as the use of less toxic chemicals.

24.6 Many changes will not have consequences for the environment and notification will be unnecessary; although there may be cases where it is nonetheless good practice for an operator to do so in order to keep the authority informed. It is also good practice to notify authorities of any administrative changes, such as the name or address of the operator (where the installation has not changed ownership), and authorities can simply amend the permit without going through any formal procedures.

Queries

If you have any queries about this note, please contact Defra or WAG: Please remember that contact details will change over time.

For the latest contacts information look at our additional guidance note on "Contacts Details - Local Authority Industrial Pollution Control Team" at the below address or email us on control.pollution@defra.gsi.gov.uk

www.defra.gov.uk/environment/ppc/localauth/pubs/guidance/notes/aqnotes/index.htm