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# Standard Rules Consultation No.12 Industrial Emissions Directive

**Standard rules for the Environmental Permitting Regulations**

**Spring 2015**

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Standard rules consultation No 10, 17/02/2014

## Summary

The Environmental Permitting (England and Wales) Regulations 2010 (“EP Regulations”) allow us to offer standard permits, to reduce the administrative burden on business while maintaining environmental standards. They are based on sets of standard rules that we can apply widely in England and Wales. The rules are developed using assessments of the environmental risk posed by the activity.

The rules take considerable time, resources and consultation to develop but once in place they make applying and determining the applications comparatively easy. This is because there is no need for a site-specific risk assessment.

This is the twelfth consultation on sets of standard rules, and it coincides with a similar consultation being run by the Environment Agency in England. As the Environmental Permitting Regulations apply in England and Wales, we will work with the Environment Agency to consider the consultation responses. It is our aspiration to have a consistent approach adopted across England and Wales.

The consultation is asking for opinions on a number of different rules sets which we propose changing to comply with new legislation, to reduce burden on industry and to improve environmental controls. The consultation has been broken down into seven smaller documents, each covering a specific area.

These following permits are being consulted on as they have been changed following amendments to the Environmental Permitting (England and Wales) Regulations 2010 as a result of the Industrial Emissions Directive (IED). We are proposing the revision of 12 existing standard rules.

We would like your views on the proposed amendments on the following standard rules:

1. SR2008 No24: Clinical Waste Transfer Station
2. SR2008 No25: Clinical Waste Transfer Station + treatment

3. SR2009 No 2: Low Impact Part A Installation
4. SR2009 No 3: Low Impact Part A Installation for the production of Biodiesel
5. SR2010 No12: Treatment of waste to produce soil
6. SR2012 No 3: Composting in closed systems
7. SR2012 No 4 Part A installation: Composting in closed systems
8. SR2012 No 7: Composting in open systems
9. SR2012 No 8 Part A installation: Composting in open systems
10. SR2012 No10: On-farm anaerobic digestion using farm wastes only
11. SR2012 No12: Anaerobic digestion facility including the use of resultant biogas
12. SR2012 No13 Part A installation: Treatment of incinerator bottom ash

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We will take account of the consultation responses and publish the new standard rules on our webpage, together with details of the application process.

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# 1 About this consultation

This is an explanatory document that provides an outline of the documents we are consulting on and an overview of the standard permitting process. It is designed to help you understand and comment on them.

## What we are consulting on

The EP Regulations allow us to revise standard rules to meet any legislative changes which have an impact on them. We are asking for your views on whether we have correctly identified the impacts of the IED for each listed activity and whether the revised sets of rules are appropriate to manage those requirements.

The consultation is about the proposed changes to the 12 listed standard rules sets to enable the continuance of these rules sets as waste activities.

## What this consultation means to you

We think that this consultation will be of particular interest to:

**Operators, trade associations, farmers and business:** this is your opportunity to ensure that the rules work for you and your industry but also provide the necessary protection to the environment and human health. We would like any suggestions you may have to extend the uptake of existing rules and for further sets of rules.

**Other regulators, the public, community groups and non-governmental organisations with an interest in environmental issues:** this is your opportunity to ensure that the rules work to provide the necessary protection to the environment and human health, whilst still being useful to industry.

## 2 Standard permits – how they work

### What is a standard permit?

**Standard permits** contain one condition, which refers to a fixed set (or sets) of standard rules that an operator must comply with. The standard rules define the activities that an operator can carry out and specify necessary restrictions on those activities, such as emission limits or the types of waste or raw materials that can be accepted at the site. Standard rules are published on Gov.UK, following public consultation. This is the twelfth such consultation, but it is the first since the formation of Natural Resources Wales

An operator who wishes to carry out a particular activity can look at the standard rules and, if they can comply with them, they may decide to apply for a standard permit. We are able to issue the permit more quickly and more cheaply because we have no decisions to make on site-specific permit conditions. An operator who cannot meet the requirements of the standard rules must apply for a **bespoke permit** and provide us with additional information. It takes us longer to issue a bespoke permit because we have to carry out a more detailed assessment of the application, decide whether it is necessary to include site-specific conditions and consult in accordance with our public participation statement.<sup>1</sup>

There is no right of appeal against the rules in a standard permit because applying for a standard permit is voluntary. If an operator wants to change the way the site operates so that it falls outside the scope of the standard rules or they feel that the standard permit no longer works for their particular operation, an application must be made to vary to a bespoke permit.

These activities generally have a higher potential impact on the environment or require more complex controls than operations for which standard rules can be used.

### Who is the Operator?

Standard Rules permits can only be granted where the regulated facility has one single legal person as the operator. The term 'Operator' is defined in regulation 7 of EPR as the person who has control over the operation of a regulated facility. If a regulated facility has not been put into operation, the person who will have control over it when it is in operation is the operator.

The central issue in deciding whether someone is the operator of a regulated facility is whether they are able to exercise control over its operation. They must demonstrably have the authority and ability to ensure that the Environmental Permit is complied with.

When assessing whether an operator (or proposed operator) has the authority and ability we consider the following and other factors.

Does the operator/proposed operator have the authority and ability to:

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<sup>1</sup> Working together: your role in our environmental permitting decision making.



- 1) manage site operations through having day-to-day control of plant operations, including the manner and rate of operation
- 2) ensure that permit conditions are effectively complied with
- 3) decide who holds key staff positions and have incompetent staff removed
- 4) make investment and/or other financial decisions affecting performance of the facility
- 5) ensure that regulated activities are suitably controlled in an emergency.

A site owner can continue to be the operator and hold the permit where it lets a contract for activities at a site provided they continue to take responsibility and exert sufficient supervision.

### What are standard rules?

When developing sets of **standard rules** we carry out a single assessment of risk for a commonly undertaken activity. This enables us to define the risk boundary within which the rules can be used. This boundary comprises a number of restrictions such as size, location and operational controls. The restrictions will be those necessary to enable a consistent set of rules to reduce the risk to an acceptable level. The rules would be the same for each operator carrying out that particular activity, irrespective of location. Rules and risk assessments are published in advance so that operators and the public know precisely what controls we will apply to a proposed activity.

In developing the risk boundary for each set of standard rules, we have to protect the environmental quality of some specific sensitive receptors. For example, standard rules sets may contain a rule which requires that the activity must not be carried out within a certain distance of specified types of nature conservation sites, such as European sites<sup>2</sup>.

The rules for some operations will not permit activities to be carried out within a specified distance of a watercourse or groundwater source protection zone. Operators will need to check that their operation fits within the rules before making an application. If there is a change in the local circumstances after the permit has been issued such that the operation no longer fits within the standard rules (for example a conservation site is designated within the prescribed screening distance), an operator may be required to upgrade the operation to maintain levels of protection or apply to change to a bespoke permit.

We have based most of the rules on the objectives that need to be achieved. They specify **what** we want operators to achieve, but do not tell them **how** to achieve it. That is their responsibility. This approach is not new and was used in previous regimes such as water quality discharge consents, waste management licensing, pollution prevention and control and radioactive substances regulation. Guidance on how to comply with the rules we have already published is provided in '**How to comply with your environmental permit**', which is available on the GOV.UK website.

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<sup>2</sup> Candidate or Special Area of Conservation (cSAC or SAC) and proposed or Special Protection Area (pSPA or SPA) in England and Wales). For the purposes of standard rules, a Ramsar site is considered as a European site.

## 3. Proposed sets of amended rules

The following rule sets have been amended as a result of the Industrial Emissions Directive which is being implemented through the Environmental Permitting (England and Wales) Regulations 2010.

### 3.1 Amendments to existing rule set SR2008No24 – Clinical waste and healthcare waste transfer station

The amended rules impose a 10 tonne per day limit on the treatment of hazardous wastes for recovery, and a maximum storage limit of 50 tonnes per day of hazardous waste whether for recovery or disposal.

There will be no change to the current costs for this permit.

### 3.2 Amendments to existing rule set SR2008No25 – Clinical waste and healthcare waste treatment and transfer station

The amended rules impose a 10 tonne per day limit on the treatment of hazardous wastes for recovery, and a maximum storage limit of 50 tonnes per day of hazardous waste whether for recovery or disposal. A limit for the treatment of non-hazardous wastes for recovery as a fuel has been added, along with an additional treatment code (R3) and associated standard pre-operational condition.

There will be no change to the current costs for this permit.

### 3.3 Amendments to existing rule set SR2009 No 2– Low Impact Part A Installations

The condition relating to notification has been updated to the new IED version which requires notifications to be made 'immediately'. A number of interpretations have also been updated. There have been no changes to the risk assessment.

There will be no change to the current costs for this permit.

### 3.4 Amendments to existing rule set SR2009 No 3 – Low Impact Part A Installations

The condition relating to notification has been updated to the new IED version which requires notifications to be made 'immediately'. A number of interpretations have also been updated. There have been no changes to the risk assessment.

There will be no change to the current costs for this permit.

### 3.5 Amendments to existing rule set SR2010No12 – Treatment of waste to produce soil, soil substitutes and aggregate

The amended rules impose a 75 tonnes per day limit on the treatment of slags and ashes. Some of the interpretations have been updated. There has been no change to the generic risk assessment.

There will be no change to the current costs for this permit.

### 3.6 Amendments to existing rule set SR2012No7 – Composting in closed systems, Waste operation

The title and introductory note have been amended to include the word 'treatment' in relation to capacity. The activities table has been changed to include a daily limit for treatment in line with the regulations. One waste type has been added to bring the permitted wastes in line with the composting quality protocol, and another amended from a 19 05 99 code to the more appropriate 16 10 02 code. A pest condition has been added. There has been a slight amendment to the odour condition to bring it into line with the new template conditions. Two new interpretations have been added, and three have been updated, and there has been a change to the title of the Generic Risk Assessment but no changes to the risk assessment itself.

There will be no change to the current costs for this permit.

### 3.7 Amendments to existing rule set SR2012No4 – Composting in closed systems, Part A installation

The title and introductory note have been amended to include the word 'treatment' in relation to capacity. The activities table has been changed to show the listed activity from the regulations, and the Directly Associated Activities. One new waste type has been added to bring the permitted wastes in line with the composting quality protocol, and another amended from 19 05 99 to 16 10 02 which is more appropriate. A pest condition has been added. There has been a slight amendment to the odour condition to bring it into line with the new template conditions. Two new interpretations have been added, and some have been amended. There has been a change to the title of the Generic Risk Assessment but no changes to the risk assessment itself.

There will be no change to the current costs for this permit.

### 3.8 Amendments to existing rule set SR2012No7 – Composting in open systems, Waste operation

The title and introductory note have been amended to include the word ‘treatment’ in relation to capacity, and a treatment limit added to the activities table. Two waste types have been added to bring the permitted wastes in line with the composting quality protocol, and a pest condition added. There has been a slight amendment to the odour condition to bring it into line with the new template conditions. One new interpretation has been added and some have been updated, and there has been a change to the title of the Generic Risk Assessment but no changes to the risk assessment itself.

There will be no change to the current costs for this permit.

### 3.9 Amendments to existing rule set SR2012No8 – Composting in open systems, Part A installation

The title and introductory note have been amended to include the word ‘treatment’ in relation to capacity. The activities table has been changed to show the listed activity from the regulations, and the Directly Associated Activities. Two waste types have been added to bring the permitted wastes in line with the composting quality protocol, and a pest condition added. There has been a slight amendment to the odour condition to bring it into line with the new template conditions. Two new interpretations have been added, with some being amended to reflect changes to regulations. There has been a change to the title of the Generic Risk Assessment but no changes to the risk assessment itself.

There will be no change to the current costs for this permit.

### 3.10 Amendments to existing rule set SR2012No10 – On farm anaerobic digestion facility using farm wastes only, including use of the resultant biogas, Waste operation

The title and introductory note have been amended to include the word ‘treatment’ in relation to capacity. The activities table has been changed to include a 100 tonne daily limit for treatment in line with the regulations. A pest condition has been added. There has been a slight amendment to the odour condition to bring it into line with the new template conditions. Two new interpretations have been added and some updated and some removed, and there has been a change to the title of the Generic Risk Assessment but no changes to the risk assessment itself.

There will be no change to the current costs for this permit.

### 3.11 Amendments to existing rule set SR2012No12 – Anaerobic Digestion with use of resultant biogas, Waste operation

The title and introductory note have been amended to include the word ‘treatment’ in relation to capacity. The activities table has been changed to include a daily limit for treatment in line

with the regulations. The waste code entry for glycerol has been amended to show that this is an absolute hazardous entry, and limits for the storage and treatment of hazardous waste have been added to the activity table. 19 05 99 has been removed and replaced with 16 10 02. Waste types 19 05 01, 19 05 02 and 19 05 03 have been removed as they are not suitable for a wet AD process which is what these rules allow. The codes 19 06 03, 19 06 04, 19 06 05, and 19 06 06 have been qualified to allow only wastes from treatment process that use the wastes listed in these standard rules only. A pest condition has been added. There has been a slight amendment to the odour condition to bring it into line with the new template conditions. Two new interpretations have been added, some removed and some have been updated, and there has been a change to the title of the Generic Risk Assessment but no changes to the risk assessment itself.

There will be no change to the current costs for this permit.

### 3.12 Amendments to existing rule set SR2012No13 – Treatment of Incinerator Bottom Ash (IBA) Part A installation

The amendments have made it clear that permit holders can treat more than 75 tonnes per day of permitted waste types and the activities table has been amended to show the listed activity and Directly Associated Activities. There is also an update to the odour condition and notification requirements, and some of the interpretations have been updated. There has been no change to the generic risk assessment.

There will be no change to the current costs for this permit.

# 4 Consultation questions

This consultation is your opportunity to contribute towards the proposed revisions to existing sets. They should be published in July 2015.

We would particularly welcome your feedback on the questions below:

**Q1. Do you agree with the proposed changes we have set out in this consultation?**

**Q2. Are there any barriers to complying with the standard rules?**

**Q3. Please tell us if you have any other views or comments on these proposed revisions that have not been covered by previous questions.**

# 5 Responding to this consultation

## 5.1 Important dates

This consultation will start on 30th April 2015 and will run until 30th July 2015

## 5.2 How to respond

You can view the consultation documents and questions online at [www.naturalresource.wales](http://www.naturalresource.wales). If you would like to ask for a printed version of the document to be posted to you, please contact our Customer Contact centre via email, telephone or post:

Email: [generalenquiries@naturalresourceswales.gov.uk](mailto:generalenquiries@naturalresourceswales.gov.uk)  
Phone: 0300 065 3000  
Mail: Natural Resources Wales, Ty Cambria  
Newport Road, Cardiff, CF24 0T

You can submit your response by email or letter. Please send your completed response form by 30th July 2015 to the address above.

## 5.3 What will the responses be used for?

We will use the responses from this consultation to inform proposals to Welsh Government. Natural Resources Wales staff dealing with this consultation will see all responses in full.

## 5.4 How we will use your information

Throughout the consultation we will make all comments (apart from personal information) publicly available on the Natural Resources Wales website. This includes comments received online, by email, post and by fax, unless you have specifically requested that your response be kept confidential. Only names of organisations that respond and not individuals will be published.

If you respond online or provide an email address, you will receive an acknowledgement of your response. After the consultation has closed a summary of the responses will be published on the Natural Resources Wales website by the end of March 2015. You will be contacted to let you know when this is available. You will also be notified of any forthcoming river basin consultations unless you request otherwise.

In accordance with the Freedom of Information Act 2000, we may be required to publish your response to this consultation, but will not include any personal information. If you have requested your response to be kept confidential, we may still be required to provide a summary of it

