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14 September 2015

Consultation on Amendments to the Environmental Permitting Guidance on Waste Incineration

Dear consultee

I am writing to seek your views on whether the proposed changes to Defra guidance on the application of the Environmental Permitting Regulations to Waste Incineration activities are clear.

On 16 July 2015 the Parliamentary Under Secretary of State for Environment and Rural Affairs, Rory Stewart, announced that as part of the commitment to cleaner air the Government would amend the current Environmental Permitting Guidance – the Waste Incineration Directive guidance to state clearly that all waste incineration plants and waste co-incineration plants burning waste oils in England fall under the scope of Chapter IV the Industrial Emissions Directive (IED). The change affects small, basic appliances such as Small Waste Oil Burners (SWOBs). This amendment will reduce emissions of air pollutants from the use of waste oil as a fuel by requiring all operators of SWOBs burning waste oils to meet the requirements of the Industrial Emission Directive or, alternatively, to choose to burn other non-waste fuels such as gas or fuel oils.

The IED requires that all waste incineration and co-incineration plants meet requirements on their emissions, monitoring and reporting. Existing guidance in England and Wales advises that some devices, such as SWOBs, are typically simple and lack the technical attributes which would make them subject to WID requirements. The guidance explained that regulators should assess whether the unit was subject to the WID on a case-by-case basis.

This guidance will be amended to advise that these units are within scope of Chapter IV of the IED, and therefore their continued use of waste oils as a fuel will require the relevant permit under Schedule 13A of the EPR.

In reaching the decision to amend the guidance the UK Government has taken account of various views and perspectives. The UK Government also recognises that there is now an established waste oil recycling industry which offers an opportunity to further reduce air emissions, with potential benefits to human health and the environment.

The announcement advised that the Department for Environment, Food and Rural Affairs (Defra) would undertake a consultation on the amended guidance for England and Wales



and provide information about measures available to help industry with the transition. This consultation is being conducted jointly with the Welsh Government. In addition, as a result of the UK Government's Red Tape Challenge all guidance issued by the Defra is being reviewed using smarter guidance principles¹ to make it clearer for businesses and others to understand and comply with their obligations. The current Environmental Permitting Guidance – the Waste Incineration Directive document is being considered as part of this wider review. Changes will therefore be made to update the guidance to comply with the smarter guidance principles and to update any references to the WID to refer to the IED. Further, references to any other legislation which is applicable to burning of waste will also be updated. We are consulting here only on the changes being made that relate to SWOBs.

We intend to publish the amended guidance in December 2015 with the amendments taking effect from April 2016. We are therefore seeking your views on whether the proposed changes to the guidance are clear that the use of waste oil in a SWOB will be subject to the requirements of Chapter IV of the IED. We are also seeking any evidence you can provide to support the impact assessment which has been undertaken on this change. We are not consulting on whether or not to make the changes to the guidance in relation to SWOBs. The changes to the guidance will apply to England and Wales. Guidance in Scotland and Northern Ireland already advises that SWOBs are within the scope of the IED.

Consultation Criteria

This consultation is in line with the Consultations Principles found at:

<http://www.cabinetoffice.gov.uk/resource-library/consultation-principles-guidance>

Responses

You can respond in one of three ways:

1. Online, by completing a questionnaire at:

<https://consult.defra.gov.uk/atmosphere-local-environment-team/waste-incineration-guidance>

2. Email, by sending comments to: Control.Pollution@defra.gsi.gov.uk

3. Post, by sending comments to:

Industrial Pollution Team, Department for Environment, Food and Rural Affairs, Area 2C, Nobel House, 17 Smith Square, London, SW1P 3JR

Our preferred method is online because it is the fastest and most cost-effective way for us to collate and analyse responses.

¹ Smarter Guidance Review - <http://guidanceanddata.defra.gov.uk/smarter-guidance/>



Please note that, unless you specifically request for it to be treated confidentially, your response may be made publically available.

The closing date for the consultation is 26 October 2015 (6 weeks).

Yours faithfully



Nicola Leeds
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Department for Environment, Food and Rural Affairs

control.pollution@defra.gsi.gov.uk

