

EA-Anglian BOX 10

# Integrated Pollution Control and Radioactive Substances in the Anglian Region



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## Integrated Pollution Control and Radioactive Substances in the Anglian Region

The Environment Agency has brought the main pollution control functions together into a single body. Its creation is a major and positive step, merging regulation of industrial processes under Integrated Pollution Control (IPC) and regulation of Radioactive Substances (RAS) (both previously conducted by Her Majesty's Inspectorate of Pollution), water quality functions (of the former National Rivers Authority) and waste regulation (ex Waste Regulation Authorities). This leaflet describes the main principles behind IPC and RAS regulation.



# Integrated



Major chemical installations are highly complex and need detailed assessment to prevent or minimise their emissions

### INTEGRATED POLLUTION CONTROL

Since 1991, major industrial processes in the UK have been regulated under a system known as Integrated Pollution Control. The Environment Agency issues a single authorisation covering releases to air, water and land.

The environment is not divided up neatly into compartments of land, air and water. These media constitute an integrated whole and in many cases a choice can be made as to whether to direct a discharge to land, air or water or to a combination of them. The Royal Commission on Environmental Pollution recognised this in their Fifth Report in 1976. They developed the concept of 'best practicable environmental option', (BPEO), recommending that each industrial process should be looked at as a whole and that the pattern of discharges should be selected to ensure the best overall outcome for the environment. This might, for instance, involve an increase in emissions to air to avoid a much more damaging discharge to water, or *vice versa*.

### The System of Integrated Pollution Control

The system of Integrated Pollution Control was established under the Environmental Protection Act 1990 and is administered by the Environment Agency in England and Wales. Its main features are :-

- all the most seriously polluting processes, including those with significant emissions to air, those which discharge specified dangerous substances to water or which generate significant quantities of 'special wastes', are prescribed for IPC;
- the operator of any such process needs prior authorisation from the Environment Agency.

# Pollution Control

Major mineral processes such as cement works are regulated under IPC.



Inspection of process control systems at gas treatment facility

## Authorisations

In granting and reviewing the authorisation, the Environment Agency:-

- enforces any existing release limits or environmental quality standards;
- requires the application of 'best available techniques not entailing excessive cost' (BATNEEC) firstly to prevent or, if prevention is not possible, to minimise the most polluting substances at source and to ensure that any residual releases are rendered harmless to the environment;
- considers different disposal options to establish what is best for the environment as a whole;
- consults other bodies responsible for environmental protection;
- requires operators to pay for their authorisation as part of the "polluter pays" principle;
- ensures that details of the application, authorisation, information on compliance and any enforcement action taken are held in registers to which the public has free access.



Public access to information

- it requires co-operation and collaboration between industry and the regulator.

## IPC Process Categories

The processes under IPC are categorised into:

- Fuel production, combustion (including power generation) and associated processes, e.g. oil refineries, power stations.
- Metal production and processing, e.g. steelworks.
- Mineral Industries, e.g. cement kilns.
- Chemical industry.
- Waste disposal and recycling, e.g. incineration.
- Other industries, e.g. paper and pulp.

## Approach to Pollution Control

This approach to pollution control has some very important features:-

- it is essentially precautionary in character because it requires the minimisation of pollution at source;
- it operates through control of the technology of the whole process, and as the technology improves (or as the perception of risk changes), so the standards must improve; and



Inspector observing recovered sulphur at an oil refinery.

## MANAGEMENT AND CONTACTS:

The Environment Agency delivers a service to its customers, with the emphasis on authority and accountability at the most local level possible. It aims to be cost-effective and efficient and to offer the best service and value for money.

Head Office is responsible for overall policy and relationships with national bodies including Government.

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For general enquiries please call your local Environment Agency office. If you are unsure who to contact, or which is your local office, please call our general enquiry line.

**ENVIRONMENT AGENCY  
GENERAL ENQUIRY LINE  
0645 333 111**

The 24-hour emergency hotline number for reporting all environmental incidents relating to air, land and water.

**ENVIRONMENT AGENCY  
EMERGENCY HOTLINE  
0800 80 70 60**



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# Process Industry Regulation

## Integrated Pollution Control [IPC]

The Environment Agency is the statutory authority in England and Wales for the regulation of the largest and most complex industrial processes. This duty involves permitting, enforcing, inspecting and monitoring under the Environmental Protection Act 1990 [EPA90] Part I.

### Assessing Environmental Harm

The Agency ensures that pollution, particularly from industrial sources, is prevented or that it does not reach unacceptable levels, as required under national legislation. In addition, it enforces anti-pollution aspects of various items of European Union legislation and international environmental treaties. This involves:

- gathering and appraising data and information
- undertaking assessments based on the data
- assessing environmental harm, using informed judgement, and acting on this assessment.

The Agency regulates substance emissions from industry in England and Wales, utilising the concept of **Integrated Pollution Control [IPC]**. EPA90 requires those who wish to operate one of the listed processes, to apply for an **authorisation** from the Environment Agency.

The Agency must ensure that the commitments made in the application and the conditions placed in the authorisation satisfy the objectives of the Act, which include:-

- **Best available techniques not entailing excessive cost [BATNEEC]** should be used to prevent the release into any environmental medium of substances prescribed for that medium, and to ensure that prescribed and other substances which are necessarily released do not cause harm.
- The BATNEEC principle is to be used to ensure that the **best practicable environmental option [BPEO]** is adopted. BPEO is selected to ensure that the effect of the releases to air land and water are minimised in the context of their effect on the environment as a whole.

The determination of what constitutes the BATNEEC and the BPEO in each case is complex and site specific.

In addition to the characteristics of the individual process cited in the application for authorisation, the Environment Agency assesses the potential combined effects of several authorised processes in the same vicinity. In Anglian Region such studies have been undertaken in the Thames and Humber Estuaries.

Following authorisation, the Agency undertakes **inspection** and **assessment** to ensure that the authorisation conditions are being complied with. Inspections are also carried out when reports of pollution incidents are received. If an inspector discovers a breach of authorisation conditions, an Enforcement Notice may be served under the EPA90. Where there is an imminent risk that the environment may be seriously polluted, a Prohibition Notice is served. In serious cases, the operator may be prosecuted.



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## Process Information to Enable Assessment

The applicant must present to the Environment Agency:

- a full description of the process and the equipment used in which the significant releases of all substances to the environmental media are identified and quantified
- justification to show that the means to prevent, minimise or render releases harmless comprise the BATNEEC
- an indication of how the process will be managed and controlled, including staff and their qualifications
- a description of the means used to measure the releases which will necessarily occur, to demonstrate how the release limits specified in the authorisation are met
- an assessment of the effect of the releases on the local environment and demonstrate that the BPEO has been used.

### '...The public should have a right to information held by pollution control authorities'

[Government White Paper, 'This Common Inheritance', 1991].

Applications must be placed on public registers and advertised so that the public may have the opportunity to comment. There is also a requirement for the Environment Agency to consult formally with:

English Nature [EN] and Countryside Council for Wales [CCW]  
Health and Safety Executive [HSE]  
Ministry of Agriculture, Fisheries and Food [MAFF]  
Sewerage Undertakers  
District Council.

All responses received from consultees are considered when authorisations are drafted, and may result in additional conditions being placed in the authorisation.

## Monitoring

The Authorisation requires the operator to monitor releases and report the results:

- as an element of regulatory control
- to provide information to the public.

The Agency also commissions independent monitoring to ensure that operators' results are valid:

- routine monitoring
- ad-hoc or reactive monitoring
- site surveys and investigations.

## 'Tools' for Assessment

The Environment Agency provides its Inspectors with readily available 'tools' for assessment, such as computer modelling of dispersion from chimneys, technical guidance documents and advice from other Inspectors in industry sector groups.

Technical Guidance Notes [TGNs] are issued as a guide to inspectors in their assessment of an application for, or variation of, an authorisation under the EPA90. They describe current practices, focusing on process-specific matters. Guidance is given on the achievable levels of releases for new processes applying the best combination of techniques to limit environmental impact. They indicate what is achievable and should not be confused with limits in authorisations which are based on BATNEEC considerations and take account of:

- The plant's technical characteristics
- its rate of utilisation and remaining life
- the nature and volume of polluting emissions from it
- the desirability of not entailing excessive costs for the plant concerned, having regard in particular to the economic situation of undertakings belonging to the category in question.

Technical Guidance Notes [TGNs] and Best Available Technology [BAT] Review Reports are available from the Stationery Office.

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# Integrated Pollution Prevention and Control [IPPC]

The IPPC Directive 96/61/EC came into force in October 1996, with a three year deadline for incorporation into legislation of each Member State. Its primary purpose is to prevent or reduce emissions to the air, water and land from potentially polluting industrial installations, "so as to achieve a high level of protection for the environment as a whole". IPPC regulates major industrial installations and is similar to the Integrated Pollution Control [IPC] regime which has been operated by the Environment Agency and Scottish Environmental Protection Agency [SEPA] since 1991. IPPC extends the activities to be covered to include smaller industrial processes, landfill sites, major food processing plants, slaughter houses, renderers and large scale intensive livestock units. Some of these are currently regulated in the UK by Local Authorities under LAPC [Local Air Pollution Control] whilst others are regulated by Environment Agency/SEPA under Waste Regulations.

## Categories of Installations Covered

The Directive refers to integrated control and prevention of pollution from "installations", namely stationary technical units where one or more of the following categories of activities, subject to certain capacity thresholds, are carried out:-

- Energy industries - e.g. power stations, oil and gas refineries
- Production and processing of metals - ferrous and non-ferrous
- Mineral industry - e.g. cement works, glass works
- Chemical industry - organic, inorganic, pharmaceuticals
- Waste management - landfill sites, incinerators
- Other activities - paper/board, tanneries, slaughter houses, food/milk processing\*, animal carcasses disposal, intensive pig/poultry units\*, organic solvents users.

\* These installations are currently outside the scope of the Environmental Protection Act 1990 [EPA90] which specifies the IPC and LAPC processes. There are several installations of these types in the Environment Agency Anglian Region which will be affected by the Directive. The Region contains a sizeable food and drink sector, notably the sugar industry. There are several intensive livestock rearing units of poultry and pigs.

## General requirements for operators

Installations shall be operated so as to achieve integrated prevention and control of pollution through measures to prevent, or where that is not practicable, reduce emissions to air, land and water, based on the following general principles:-

- prevent pollution by using Best Available Techniques [BAT]
- minimise waste
- conserve energy<sup>+</sup>
- prevent accidents and limit their environmental consequences<sup>+</sup>
- clean-up of site when activities cease<sup>+</sup>.

<sup>+</sup> These requirements are additional to current IPC requirements.



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## Best Available Techniques

Best available techniques should be used in taking all appropriate preventative measures against pollution. 'Available' means those developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and benefits, in the context of the overall aims of the Directive.

## Permits

IPPC will use a system of permitting. These permits will specify:

- plant operating conditions
- emission limit values for certain substances to air
- land and water
- annual reporting of releases.

Operators must submit a detailed application to the enforcing authority which must issue or refuse a permit within six months. Permits will be reviewed on a periodic basis.

Emission limit values will be based on BAT, taking into account technical characteristics of the installation, geographical location and local environmental conditions. If necessary, permits shall include measures for the management of waste generated by the installation and for protection of soil and ground water. Also, the permit conditions shall contain provisions on the minimisation of long distance or transboundary pollution and ensure a high level of protection for the environment as a whole. The requirements for public consultation and access to environmental information will remain similar to those of IPC processes regulated under EPA90.

## Implementation

The Department of Environment, Transport and the Regions [DETR] is responsible for implementation of the Directive by proposing the required changes to UK legislation. The manner of implementation will be decided following consultation with other government departments [e.g. DTI and MAFF], the Environment Agency, Local Authorities, industry and non-governmental organisations. The DETR will designate the enforcing authorities that will be responsible for issuing permits, carrying out inspections and enforcement actions.

## Timetable

|           |   |
|-----------|---|
| Oct. 1996 | Directive enters into force in the EC.  |
| Oct. 1999 | Directive will be brought into effect in the UK, through the adoption of legislation and/or regulations designed to implement it. New and substantially changed existing installations will require IPPC permits. |
| Oct. 2002 | Annual reporting of industrial releases to the European Commission commences. The Commission will use these data to publish an inventory of emissions and their sources, every three years.                       |
| Oct. 2007 | All existing installations will require IPPC permits.   |

It is expected that operators currently holding Integrated Pollution Control [IPC] authorisations will not be required to maintain both IPC authorisation[s] and IPPC permit[s]. Such operators will be required, if within the scope of IPPC, to apply for an IPPC permit to replace their IPC authorisation[s], in accordance with this timetable.

Information correct at October 1997.

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# Radioactive Substances Regulation

The Environment Agency is the principal regulator in England and Wales under the Radioactive Substances Act 1993 [RSA93]. This Act is concerned with the keeping, use and disposal of radioactive substances and in particular, the regulation of radioactive waste. This duty involves assessing, authorising, inspecting and enforcing under the relevant legislation.

## Assessing the Hazards

Radioactive substances are present in the environment as a result both of natural processes and of man's technological developments. The Environment Agency's objective is to regulate the controlled and cautious use of radioactive substances so as to protect the environment. The Agency's role is to combine an understanding of the hazards and their associated consequences with a detailed knowledge of how they can be eliminated or controlled and managed and to apply this expertise to each situation which it regulates.

## Permissions

The RSA93 requires persons whose activities involve radioactive substances to apply for permission, which takes the form of:

- a certificate of authorisation for the accumulation and disposal of radioactive waste, e.g. from hospitals, research organisations; and/or,
- a certificate of registration for keeping and using radioactive materials, e.g. industrial process flow measurement equipment, density gauges.

The Agency assesses proposals to keep and use radioactive substances and to accumulate and dispose of radioactive waste. If, having assessed the proposals, the Agency is satisfied that the applicant will comply with the requirements of RSA93, it may issue the appropriate permission. These permissions incorporate limits on the types and quantities of radioactive materials and numerous conditions to protect the environment. The Agency also carries out assessments of the potential combined effects where several radioactive disposals may occur in the same vicinity e.g. in the Cambridge area.

Nuclear licensed sites, such as power stations and fuel processing plants also require permissions, through different arrangements of licensing under the Nuclear Installations Act 1965.



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## Regulation of the Nuclear Industry

In England and Wales, the disposal of radioactive wastes from licensed nuclear sites, which include nuclear power stations and sites where fuel fabrication or reprocessing takes place, is regulated by the Agency. The Agency works closely with Her Majesty's Nuclear Installations Inspectorate [HMNI], which is primarily responsible for safety issues, to ensure that the regulatory activities at these sites are consistent, coordinated and comprehensive.

Nuclear power stations in the Environment Agency Anglian Region include Sizewell A & B and Bradwell.

The Agency reviews the RSA93 authorisations for all Nuclear Licensed Sites regularly. Where such reviews suggest that it would be appropriate to revise limits or conditions, draft revised Certificates of Authorisation, supported by explanatory memoranda, are made widely available as part of extensive consultations with the public. Comments received from this consultation are taken into account in finalising the Certificates of Authorisation.

## Radiological Protection Principles

In carrying out assessments of operators' proposals to dispose of radioactive wastes to the environment, the Agency applies HM Government's policy on radiological protection principles:

- All practices giving rise to radioactive waste must be justified, in terms of their overall benefit.
- Radiation exposure of individuals and the collective dose of the population arising from radioactive wastes shall be reduced to levels which are as low as reasonably achievable, economic and social factors being taken into account.
- The exposure of individuals from all sources, excluding natural background radiation and medical procedures, should be below specified dose limits.

In many cases, extensive information is needed to justify proposals to generate and release given quantities of waste by particular routes. In such cases, which will include almost all developments at Nuclear Licensed Sites, comprehensive details of equipment, control techniques and management arrangements will need to be given.

## Waste Disposal Records and Environmental Monitoring

The Environment Agency requires the operator to keep detailed records of waste disposals. Some operators, particularly licensed nuclear sites, are required to conduct environmental monitoring surveys for radioactivity. The Agency also commissions independent monitoring to ensure that operators results are valid.

## Compliance and Enforcement

The Agency assesses an operator's compliance with the terms and conditions of a permission by a combination of on-site inspection of the operator's premises and by scrutiny of records and other documents supplied by the operator in compliance with the requirements of the permission. Breaches of some conditions, which of themselves are only of minor concern, are often rectified by discussion during inspections. Failure by an operator to comply with the terms and conditions of a permission may result in the serving by the Agency of an Enforcement Notice or prosecution or both. In cases where there is an imminent risk of serious pollution of the environment, the Agency will serve a Prohibition Notice.

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Propylene splitters, methyl butyl ether (MTBE) units, hydrofluoric acid unit.



Inspector taking sampled measurements at adhesives plant.



Emissions abatement by electrostatic precipitation at a municipal waste incinerator.



Monitoring for radioactive contamination at a research laboratory.

### Local Authority Air Pollution Control

A separate regime for controlling emissions to air alone, known as Local Authority Air Pollution Control (LAAPC), from generally less polluting processes, was also introduced under the Environmental Protection Act 1990. For such processes, local authorities (district and borough councils, and in some cases, port health authorities) are the enforcing authorities.

### CONTROL OF RADIOACTIVE SUBSTANCES

Radioactive substances are used extensively in industry, hospitals and laboratories as well as universities. Control of these substances is achieved through the mechanisms provided by the Radioactive Substances Act 1993 and, in respect of nuclear installations only, the Nuclear Installations Act 1965.

### Major Installations

Radioactive discharges from major sites in England and Wales, such as nuclear power stations (which also require a nuclear site licence under the Nuclear Installations Act 1965), are authorised by the Environment Agency. Sites licensed under the Nuclear Installations Act are also subject to regulatory control by the Nuclear Installations Inspectorate (NII) of the Health and Safety Executive.

There are three nuclear power stations in the Anglian Region. One of these is the country's only pressurised water reactor and is the most powerful single reactor in the country.

The Radioactive Substances (RAS) control system operates within a policy framework which requires that there is compliance with the following stringent requirements:

- that disposals of radioactive waste are controlled so that no member of the public receives radiation doses in excess of the limits recommended by the International Commission on Radiological Protection and endorsed in the UK by the National Radiological Protection Board;
- that the best practicable means are taken to ensure that radiation doses from the disposal of radioactive waste are as far below those limits as reasonably achievable.

### Registration and Authorisation

The Radioactive Substances Act 1993 requires that the keeping or use of radioactive substances must be registered. It also requires that the accumulation or disposal of radioactive waste must be authorised. There are about 900 registrations and authorisations in Anglian Region at present, the majority being to control the operations of small scale users. They cover radiographers, some industrial applications of radioactive materials, research establishments, hospitals and others.

A system of charges allows the cost of these regulatory activities to be recouped.



Combine Harvester: many use a closed radioactive source for crop flow measurement.



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# Pollution Prevention and Control



## Pollution Prevention and Control in the Environment Agency

The Environment Agency has a very important role to play, in co-operation with other organisations. It provides expert advice to Government by dealing with Parliamentary Questions, briefing DOE Ministers and correspondence from Members of Parliament. The Agency initiates and undertakes research and development, the results of which it disseminates widely. This informs much of the regulatory work of IPC/RAS and also acts as a basis for the advice that the Agency gives to Government. Technical advice and guidance are also provided to industry e.g. via Chief Inspector's Guidance Notes. The IPC function of the Agency liaises with local authorities, which have air pollution control responsibilities for certain smaller industries, especially regarding air quality. This co-operation is likely to increase as local authorities' responsibilities are extended by the Environment Act 1995, for the UK Air Quality Management Strategy (AQMS).

### FUTURE DEVELOPMENT

The Integrated Pollution Prevention Control (IPPC) European Union Directive (96/61/EC), came into force in October 1996.

IPPC is similar to IPC, but extends the activities covered to include smaller industrial processes, slaughter houses, major food processing plants, renderers and large scale intensive livestock rearing. Any new activity which starts up after October 1999, will require an IPPC permit. Existing activities will require permits by October 2007.

The formation of the Pollution Prevention Control (PPC) function of the Agency brings together control of major industrial processes, water quality and waste regulation. This affords the opportunity to further develop the integrated approach to environmental protection, building on the concept of Best Practicable Environmental Option and further promotes the role of the Agency as Guardians of the Environment.

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