

INTEGRATED POLLUTION PREVENTION and CONTROL (IPPC)

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1.0 Requirement for IPPC

The [Environmental Protection Agency](#) (EPA) is the authority responsible for licensing certain large scale activities in the industrial and agricultural sector. This process has been in effect since 1994 and the licences were originally known as Integrated Pollution Control (IPC) licences. Since then the [Protection of the Environment Act, 2003](#) gave effect to [Directive 96/61/EC](#) concerning Integrated Pollution Prevention and Control (IPPC) and this is now the required licensing process. The aim of an IPPC licence is to prevent or reduce emissions to air, water and land, to reduce waste, and use energy and resources efficiently. Hence, the IPPC process covers all emissions from the activity along with its environmental management. An IPPC licence must be obtained prior to commencement of an activity and certain categories of industry are subject to thresholds. If an activity is operating below a threshold and it is expected that the threshold will be exceeded then it will be necessary to obtain an IPPC licence prior to exceeding the threshold.

The EPA is responsible for monitoring emissions and dealing with any infringements on licences. All emissions must be within set limits which must not be contravened. Offences under the Environmental Protection Agency Act can result in court action by the EPA. The court can impose fines and prison sentences and the EPA can revoke a licence. The IPPC licensing process is based on the Best Available Techniques (BAT) principle. In order for an industry to determine what constitutes BAT a series of sector specific guidance documents have been developed. These are referred to as BAT reference documents or BREFs and provide guidance in terms of complying with an IPPC licence.

1.1 Effluent discharge to Sewer

Where an activity is required to obtain a licence but has an effluent discharge to a local authority sewer, section 97 of the EPA Act requires the EPA to “obtain the consent of the sanitary authority in which the sewer is vested or by which it is controlled”. In addition the EPA must include any conditions that the sanitary authority “considers appropriate”. The EPA cannot issue a licence unless the sanitary authority is satisfied with the arrangements for effluent discharge to sewer.

1.2 Change of Operations

Where a change to a scheduled activity is being considered which could affect environmental emissions, the EPA must be notified of that proposed change. The EPA will then decide whether the change is likely to be significant enough to warrant an application for an IPPC licence (or an IPPC licence review in the case of an existing licence holder).



1.3 Main Obligations

The person who carries on an activity:

- must be aware of the need to apply for an IPPC licence. This involves referring to:
 - (a) [Environmental Protection Agency Act, 1992](#)
 - (b) Protection of the Environment Act, 2003
 - (c) Environmental Protection Agency (Licensing) Regulations 1994 to 2004
 - (d) Other various Statutory Instruments

and seek appropriate guidance on the interpretation of the above.

- should consult with the EPA before commencing preparation of the IPPC licence application. This should minimise delays and ensure all relevant information will be submitted.
- must notify in writing the relevant Local Planning Authority and any other 'prescribed persons' (section 85 (1), EPA Act 1992) of the intention to apply for an IPPC licence.
- must publish a notice in a local newspaper within a period of two weeks before an IPPC licence application is made. A site notice must also be erected before lodging the application.
- must submit copies of the Environmental Impact Statement (EIS) to the EPA where a development "comprising or for the purposes of the activity is required to be accompanied by an environmental impact statement" (article 12 of S.I. 85 of 1994), as part of the licence application. The EIS should be produced in accordance with the EPA's "[Guidelines on the Information to be contained in Environmental Impact Statement](#)" which is available on the EPA website.
- shall not effect any "alteration or reconstruction" which would "materially change or increase emissions", (article 92 of EPA Act 1992) and must "give notice in writing to the Agency" if proposing such changes.

1.4 Content of an IPPC Licence Application

The mandatory contents of a licence application are set out in the relevant Statutory Instruments. Some of the particulars include:

- a listing of the raw and auxiliary materials, other substances and the energy used in or generated by the installation.



- a description of the installation and its activities.
- the nature and quantities of foreseeable emissions from the installation into each medium as well as an identification of the significant effects of the emissions on the environment.
- a description of existing and proposed monitoring procedures for all emissions.
- an explanation of how all emissions to the environment will be controlled in particular through application of the Best Available Techniques (BAT).
- the appropriate fee must accompany the application.
- identify whether the activity is an establishment to which the [EC \(Control of Major Accident Hazards involving Dangerous Substances\) Regulations \(S.I. No. 74 of 2006\)](#) applies. This can be clarified through contacting the [Health and Safety Authority](#).
- a description of measures to protect the environment after the activity ceases operation along with the measures necessary to return the site of operation to a satisfactory state.

The [IPPC licence Application Form](#) and [Application Guidance Notes](#) are available from the EPA.

1.5 Processing of an Application

The IPPC process is summarised in Figure 1. Having considered the application, the EPA will issue a 'Final Determination' to

- (a) the applicant/licensee
- (b) the relevant public bodies specified in the regulations,
- (c) any person who made a written submission or valid objection

The 'Final Determination' will indicate what decision the EPA proposes to make and, where it is proposed to grant a licence, the "conditions, if any, to be attached and the reasons therefor and where a copy of the proposed licence may be obtained". Any

person can apply to the High Court within eight weeks of a decision to refuse or grant a licence and seek a judicial review of the validity of the decision.

The timescale for the overall process might be:

- (i) *For a 'Proposed Determination'*: A maximum of eight weeks if no additional information is required by the EPA. (If additional information is required the



notification may be delayed until two months after this information has been supplied).

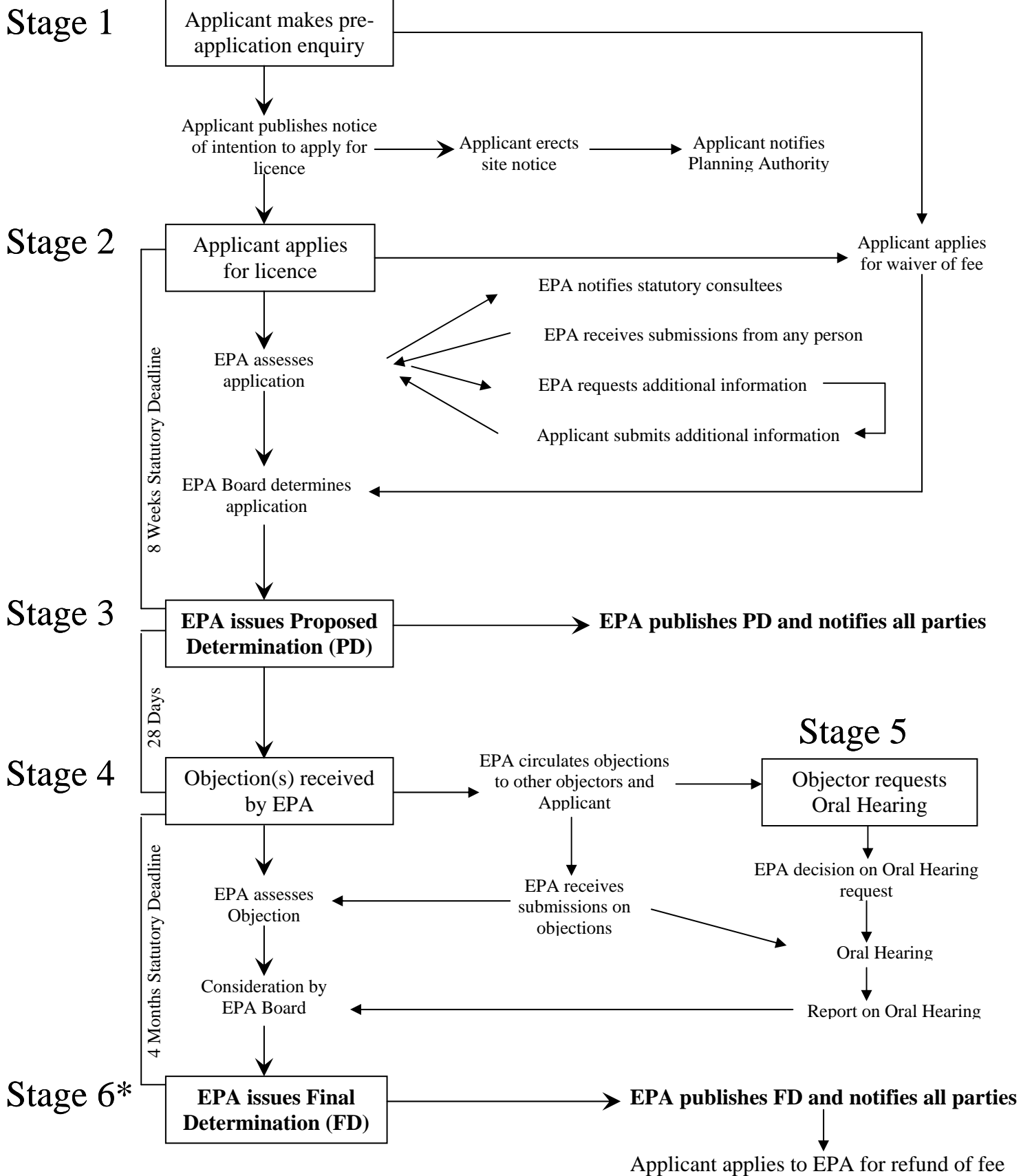
- (ii) *For an Objection:*
- (a) A period of twenty-eight days is allowed after the date of the ‘Proposed Determination’ for third parties to lodge an objection. The objection is made to the EPA.
 - (b) A period of one month is allowed for “each other party to the objection” to “make submissions in writing to the Agency” (article 30 of [S.I. 85 of 1994](#)).
 - (c) An objection should normally be considered by the EPA within four months of expiry of the periods mentioned in (a) and (b) above, but it has the right to specify a longer time duration in exceptional cases.

In summary, most applications should be processed within three to seven months.

1.6 Licence Review

The EPA may notify an existing licence holder of its intention to carry out a review of the licence provided that the licence has been in force for at least three years. However, a licence can be reviewed at any time with the consent of (or on the application of) the licence holder or if important new information comes to light (e.g. the characteristics or potential impacts of a substance are shown to be greater than originally envisaged). The procedures in this situation are generally the same as for a first-time application, except that it is the Agency and not the licence holder, which must publish the newspaper notice and notify the relevant planning authority and any other prescribed persons.

Summary of IPPC Licensing Process (Figure 1)



*Any Judicial Review proceedings by Applicant or third Party must be instituted within 8 weeks of the date of the Final determination
 Source: <http://www.epa.ie/downloads/advice/process/ippcfchart.pdf>



2.0 Additional Information

The Environmental Protection Agency

The Department of the Environment, Heritage and Local Government

The Health and Safety Authority

3.0 Disclaimer

This guidance note should not be considered as a legal document nor does it purport to provide legal advice on Integrated Pollution Prevention Control licensing. In many situations it may be necessary to seek expert advice and assistance.