

INTEGRATED POLLUTION CONTROL (IPC)

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1.0 Requirement for IPC

Integrated Pollution Control (IPC) was introduced by the EPA Act 1992 for certain ‘activities’, which are listed in the First Schedule of the Act. This legislation anticipated Directive 96/61/EC concerning integrated pollution prevention and control (IPPC). Where differences exist between the IPPC Directive and the EPA Act, appropriate amendments to existing Regulations are made to ensure compliance with the Directive. The EPA is the agency responsible for the issue of IPC licences.

As the name implies, the IPC licence takes an overall approach to the control of emissions. It covers air, water, waste and noise mediums and also requires the use of BATNEEC (best available technology not entailing excessive costs) for their protection. BATNEEC is to be achieved through waste avoidance and waste minimisation to the greatest practicable extent. The EPA has published a series of draft BATNEEC guidance notes to describe what is required. Any existing licences or permits issued under the Air Pollution Act 1987, the Water Pollution Act 1977, the Fisheries (Consolidation) Act 1959, the European Communities (Toxic and Dangerous Waste) Regulations 1982 or the European Communities (Waste) Regulations 1979 are superseded by the IPC licence.

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2.0 Effluent discharge to sewer

Where an activity is required to obtain an IPC 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 an IPC licence unless the sanitary authority is satisfied with the arrangements for effluent discharge to sewer.

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3.0 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 IPC licence (or an IPC licence review in the case of an existing licence holder).

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4.0 Main obligations

The person who carries on an activity:

(i) must be aware of the need to apply for an IPC licence. This involves referring to:

- (a) EPA Act 1992
- (b) the various Statutory Instruments
- (c) Directive 96/61/EC

and seeking appropriate guidance on the interpretation of the above.

(ii) should consult with the EPA prior to commencement of preparation of the IPC licence application.

(iii) must notify the relevant planning authority and any other ‘prescribed persons’ (section 85 (1), EPA Act 1992) of the intention to apply for an IPC licence.

(iv) must publish a newspaper notice within a period of two weeks before an IPC licence application is made and erect a site notice before lodging the application.

(v) must submit 15 copies of the 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.

(vi) shall not effect any “alteration or reconstruction” which would “materially change or increase emissions” of an (existing) activity until an IPC licence “has been granted” (article 92 of EPA Act 1992) and must “give notice in writing to the Agency” if proposing such changes.

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5.0 Content of an IPC 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 all raw materials, products, fuels and other substances produced or used on-site
- a description of all processes and operating procedures
- an explanation of how all emissions to the environment will be controlled, with particular reference to BATNEEC as specified by the EPA

- a description of existing and proposed monitoring procedures for all emissions
- the particulars of emergency response provisions and the status of the activity with respect to the ‘Seveso’ directive (82/501/EEC) and its amendments
- a description of measures to protect the environment after the activity ceases operation

The Application Form for an IPC licence and Guidance Notes on its completion are available from the EPA. The appropriate fee must accompany the application.

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6.0 Processing of an application

The IPC process is summarised in **Figure 1**. Having considered the application, the EPA will issue a ‘Notification’ to

- the relevant planning authority,
- the applicant,
- any person who made a written submission.

The ‘Notification’ 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” (article 27 of S.I. 85 of 1994). A list of proposed determinations is made available and is published in an appropriate newspaper. Any party can then make an objection.

The timescale for the overall process might be:

- For a ‘Notification’*: A maximum of two months 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).
- For an Objection*:
 - A period of twenty-one days is allowed after the date of the ‘Notification’ for third parties to lodge an objection. (28 days are allowed for the applicant.) The objection is made to the EPA.
 - 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).
 - 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.

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7.0 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.

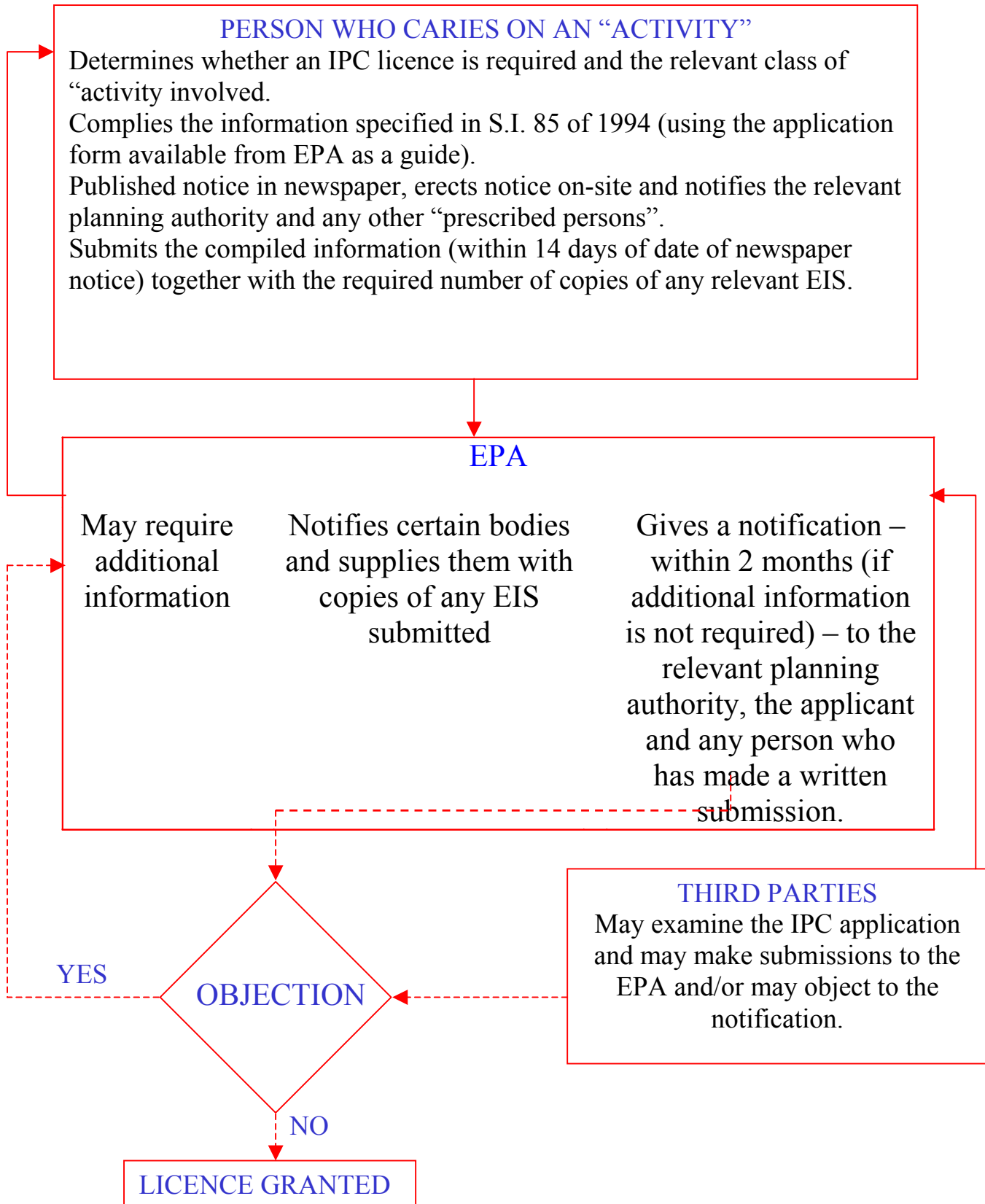
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8.0 IPPC Directive

The IPPC Directive expands both the categories of activities regulated and also the aspects controlled. In particular, it addresses concerns such as energy and other resource conservation and waste minimisation. Conditions relating to such aspects are now being inserted into IPC licences by the EPA.

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FIGURE 1. THE IPC PROCESS



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