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# Proposed amendment of the Pollution Prevention and Control (England and Wales) Regulations 2000 (the “PPC Regulations”)

Consultation document

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**PROPOSED AMENDMENT OF THE POLLUTION PREVENTION AND CONTROL (ENGLAND and WALES) REGULATIONS 2000 (the “PPC Regulations”)**

**This consultation paper needs to be read in conjunction with the draft Amendment Regulations which are appended to it.**

**1. Amendment to the PPC Regulations relating to certain types of small Landfill Gas Engines.**

**1.1 Proposed Amendment**

To amend the PPC Regulations to remove from the list of activities, installations and mobile plant to which the Regulations apply, some landfill gas engines of between 3 – 50MW (aggregated capacity), which are used to convert landfill gas produced by the biological degradation of waste in a landfill.

The amendment will apply to gas engines that are situated on landfills that are not subject to the requirement for a PPC permit, but which continue to be regulated under the Waste Management Licensing<sup>1</sup> (WML) regime. This will include landfills that are closed and landfills where closure procedures have been initiated in accordance with Schedule 4 and Regulation 15 of the Landfill Regulations 2002<sup>2</sup>.

The gas engines to which the amendment applies will continue to be regulated under the WML regime and operators will not be required to apply for a separate PPC permit for the activity. This degree of regulation is believed to be appropriate and proportionate.

Where operators have made applications (which have yet to be determined) for a landfill gas engine under Section 1.1 of the PPC Regulations mutual arrangements will be made for these to be processed under the WML regime.

The Regulator will remain the Environment Agency.

The amendment will not apply to landfill gas engines:

- a) situated on active landfill sites which have a PPC permit. These are not affected and will remain under PPC;
- b) situated on closed landfill sites that have a PPC permit;

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<sup>1</sup> Waste Management Licensing Regulations 1994 (S.I. 1994 / 1056)

<sup>2</sup> Landfill (England and Wales) Regulations 2002 (S.I. 2002/1559)

- c) >50MW. These are included in the IPPC Directive<sup>3</sup> and therefore cannot be removed from the PPC Regulations;
- d) <3MW. These are below the threshold limit and are not included in the PPC Regulations.

## **1.2 Background**

- a) In their current form, the PPC Regulations provide that landfill gas engines of between 3 – 50MW (aggregated capacity) operating on landfill sites require a PPC permit. However This is not a requirement of the IPPC Directive. The IPPC Directive only applies to combustion installations with a rated thermal input exceeding 50MW.
- b) It has recently been brought to Defra's attention by the industry that where landfill gas engines are situated on landfills that are not subject to the requirement for a PPC permit, but which continue to be regulated under the WML regime, operators are required under the PPC Regulations to apply for a separate PPC permit for the landfill gas engine. This includes closed landfills and landfills where closure procedures have been initiated.
- c) The Government considers that these landfill gas engines can be adequately regulated by the WML regime.
- d) This proposal is supported by both the Regulator and the affected industry.

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<sup>3</sup> Directive 1996/61/EC on Integrated Pollution and Prevention and Control.