

**Department for Environment, Food and Rural Affairs
October 2006**

REGULATORY IMPACT ASSESSMENT

**AMENDMENTS TO THE POLLUTION PREVENTION CONTROL
REGULATIONS**

Risk and Annual Review

1. Title of proposal

Proposal to make minor amendments to the Pollution Prevention Control (England and Wales) Regulations 2000 (the "PPC Regulations"). The S.I. will be known as the Pollution Prevention Control (England and Wales) (Amendment) Regulations 2007.

2. Purpose and intended effect

Objective

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 Licensing¹ (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 2002².

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.

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

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

2. Background

2.1 Landfill Gas Engines

- 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 which 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.

3. Rationale for government intervention

As described in paragraphs 2.1 above.

4. Consultation

4.1 Landfill Gas Engines

As already noted in paragraph 2.1 the amendment concerns a minor technical issue that has only recently been brought to our attention by the industry as the PPC regime is only beginning to affect these plants in 2006 as a result of the transitional arrangements as set out in the PPC Regulations.

5. Options

5.1 Landfill Gas Engines

The alternative would be for these engines to remain caught by Section 1.1 of Schedule 1 to the PPC Regulations. This is unnecessary because it is not required by the IPPC Directive, and has no benefit in terms of environmental protection. The amendment clarifies a minor

technical issue in the Regulations that is supported by both the Regulator and the industry.

To “do nothing” will only maintain the unnecessary duplicatory effect so that such sites would be regulated under both the WML and the PPC regimes.

6. Costs and benefits

The proposal can be justified on the basis that:

1. There will otherwise be a duplication of permitting regimes. Unless this amendment is made to the PPC Regulations some sites which already have a WML will require a separate PPC permit to operate such small landfill gas engines on closed landfill sites. The cost of making such an application is considered to be about £5 000.
2. We have been informed that unless this situation is addressed then some operators may choose not to introduce such gas engines to make good use of the waste gases so as not to incur the administrative burden and extra expense of applying for a PPC permit.

Taking these small gas engines out of the PPC regime is likely to result in some fairly minor increased cost to the Environment Agency (the “Agency”) as the regulator of such sites as existing WMLs for such closed landfill sites will need to be reviewed. The Agency will be unable to recover these costs from the Operator. However, these costs are not considered by the Agency to be significant.