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Summary of Responses to the Consultation on the Six Year Review of Process Guidance Notes

Consultation from 14 November 2008 to 6 February 2009

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Introduction

There are currently 82 Process Guidance (PG) notes which give guidance to local authority regulators on the conditions they must include in LAPPC permits. The notes are now due for a general review and the consultation was set up to seek the views of stakeholders on what the review should cover and how it should be conducted.

Twenty seven bodies have responded. The review is now being organised and these responses are being taken into account in a written set of principles underpinning it.

The Consultation included a set of twelve questions to focus responses on the issues which needed to be covered. Replies are summarised below. The full names of respondents whose names are abbreviated in the text can be found in Annex 2.

Q1. do you agree that it is appropriate to undertake a review of the PG notes, and do you agree the proposed timescale?

All respondents agreed that a review of the PG notes was desirable but there were some specific views expressed on timing:

Dudley MBC asked that the timescale for each review should be kept as short as possible to avoid a time of uncertainty for operators planning (or actually carrying out) improvements. This chimed with the views of **LACORS** at Q12 that LAs should not be expected to take account of emerging guidance in carrying out their LAPPC duties. **EIC** also asked for short timescales to minimise uncertainty and to “keep environmental purchases ongoing”. In contrast, **The Quarry Products Association (QPA)** ask that a substantial consultation period is allowed for each PG note.

There was some call for advance notice of the order and timing of the review of individual notes. **The Essex Environmental Study Group** ask for a prioritised list and **QPA** would like to know when each note will be issued for consultation. **The Metal Packaging Manufacturing Association (MPMA)** have proposed that the three notes they are particularly interested in (PG6/7, PG6/9 and PG6/15), being of 2004 vintage, are all candidates for early review although 6/7 and 6/15 should await the completion of the review of SG6.

The British Coatings Federation (BCF) whilst being in favour of the review questioned the wisdom of carrying it out in the current economic climate.

Defra response. In view of the current economic circumstances, the following paragraph is being added to the principles which will underpin the review:

This third review of these notes is being undertaken during difficult economic circumstances. As a result, the review of these guidance notes will pay particularly close regard to the business

impacts of any proposed measures, as well as looking for opportunities for simplification and lightening of burdens. It will also recognise both the need to continue to focus on safeguarding and improving the environment notwithstanding these circumstances, as well as the business opportunities that can accrue from doing so. In deciding the balance in the case of individual guidance notes, the timetabling of any new standards will be an important consideration.

The timetable for completing the programme of reviews, having regard to the comments received, will be published as soon as possible.

Q2. do you consider that there are any notes which do not need revising?

All but one respondents agreed that all PG notes (or those they had experience of) needed to be part of the review. **The Kaolin and Ball Clay Association** considered that PG3/17 was fit for purpose but would wish to be consulted if it was reviewed. **LACORS** noted that some notes (eg PG3/01) would need only minor changes to technical content and also noted that reduced fee activities have low environmental impact and there would probably be few developments in the techniques available to control emissions from those activities.

Defra response. It is intended to examine all published notes, but if such examination of any note reveals that there is little or nothing that warrants amending, the review will be appropriately circumscribed.

Q3. do you agree the purpose of the review as set out in paragraph 17?

All respondents agreed to the purposes of the review. **LACORS** and the **Federation of Burial and Cremation Authorities** both said that the economic viability of any changes made must be carefully considered. **LACORS**, in particular noted that In line with the Regulators' Compliance Code, councils "recognise that a key element of their activity will be to allow, or even encourage, economic progress and only to intervene when there is a clear case for protection". They also note, however, that "where a particular level of environmental regulation is clearly justified, compliance should remain a priority for operators and despite the difficult trading conditions, environmental protection should not be sidelined".

EIC asked that "to alleviate concerns that simplified permitting is not misinterpreted as reduced standards or enforcement, EIC urge Defra to reiterate to all parties that BAT requirements will not be reduced or made less effective, and that enforcement is no less of a priority."

Defra response. The legal context for the review is the cost-benefit balance which is enshrined in the concept of BAT. The purpose of simplified permitting is to reduce administrative costs not to alter standards.

Q4. what are your views on the questions posed in A-F above, and the proposals in C and F? Would you prefer the structure of the notes not to be changed or to be subject to only minimal change?

- A. remove the common elements of the introductory chapter, definitions and any other generic material and place it either in the General Guidance Manual or in a separate guide to the PG notes.**
- **would there be benefits from having slimmer individual documents?**
 - **would there be disadvantages from having to refer to an additional common document?**

Roughly two thirds of the respondents who addressed this question were in favour of retaining the common elements within the PG notes. The reasons were given most succinctly by **LACORS**: “Creating an additional resource to cross-reference the PG note with is likely to be more time-consuming for the regulator, more confusing for operators (particularly for small operators who currently rarely have cause to refer to the lengthy GGM)”. Some LA respondents, (Norfolk and Dudley) pointed out the inconvenience of carrying two documents (one of them possibly a bulky printed copy of the GGM) on site visits.

Others, including LA respondents from York, Suffolk and Essex, supported putting all general information in one document and removing it from individual PG notes. The feeling among those in favour of centralising some information was that it would help to clarify the PG notes. Some assumed that the general information would go into the current General Guidance Manual but it was also pointed out that this is already a rather large document and could be confusing to inexperienced users.

A separate document for generic material was supported by City of York, Essex Environmental Protection Study Group, Society of Motor Manufacturers and Traders, West Dorset DC, Metal Packaging Manufacturers Association, and Health Protection Agency. The idea was opposed by Printing Industry (PRISM and FESPA), Norfolk Environmental Protection Group, Federation of Burial and Cremation Authorities, Institute of Bereavement Services Management, Dudley MBC, British Coatings Federation, Kaolin and Ball Clay Association, Foundry Industry Environment Committee, LACORS, East London Cluster Group and Non-Ferrous Alliance. It was not clear which way British Furniture Manufacturers, Environmental Industries Commission and Quarry Products Association leaned.

Defra response. It is proposed to follow the majority view and keep the common elements in each note. Since the notes will, in future, be published as electronic documents, users can readily skip the common elements and, if they wish to print out a note, they need not print everything.

B. batch several PG notes together which deal with sectors in the same broad area: such as some or all of the notes relating to the metallurgical industry, or the notes for SED sectors.

- are there sufficient similarities between different sectors to get benefits from this and would it be simpler for users to have fewer, combined documents?
- or would larger documents be more difficult to negotiate than smaller, sector-specific documents?

There was little enthusiasm for batching of PG notes. It was felt that it could lead to further complexity. Users may feel the need to wade through irrelevant text in search of relevant points. Generally it was felt that different processes within general areas (eg SED, foundries) were distinct enough that they warranted separate PG notes. **LACORS** suggested that some further breakdown may be warranted (eg PG6/23 Coating of Metal and Plastic). Those in favour of batching (**Dudley MBC and the SMMT**) specified that the layout must clearly distinguish between industry sectors.

Defra response. The possibility of batching specific notes will not be ruled out altogether, but Defra accepts the predominant view that this is not generally desirable and will only do so for individual notes in close consultation with relevant stakeholders.

C. remove all references to the Environmental Protection Act and Pollution Prevention and Control Regulations.

- it is proposed to do this.

This was agreed by all but one respondent (**The Institute of Bereavement Services Management**) who saw no reason to do so. **LACORS** noted that EPA is still relevant to Part B processes where statutory nuisance needs to be used to tackle noise issues.

Defra response. It is correct that Part III of the Environmental Protection Act 1990 is still extant, but its provisions relating to statutory nuisance are not relevant to the PPC regime.

D. return to the briefer, simpler format of the PG notes which existed before the 2003-5 revisions.

- **how do the advantages of brevity compare with the additional detail, including process description, in the current series of PGs?**

Views on this were split but whereas those who prefer the current format tended to do so without reservation, those preferring a simpler format did so while recognising that other users may welcome more detail or asking for a briefer format while not losing clarity/detail. Several respondents pointed out the value of the process descriptions for regulators while some noted that they were unnecessary for operators.

Society of Motor Manufacturers and Traders (strongly) and Kaolin and Ball Clay Association and West Dorset DC (both with reservations) would be in favour of a reversion to simpler notes. Institute of Bereavement Services Management, Dudley MBC, British Coatings Federation, Foundry Industry Environment Committee, LACORS, Suffolk Environmental Protection Group, Health Protection Agency, and Non-Ferrous Alliance wanted to stay with something more like the current format, largely to retain the process descriptions.

Defra response. The majority view was to retain largely the existing format for the notes. It is proposed to keep open the possibility of limited adjustments to the existing structure, particularly having regard to the opportunities provided by electronic publishing.

E. remove elements of the existing notes which do not serve a useful or significant purpose.

- **are there any such parts?**

The principle was agreed. Suggestions for removal were:

- historical compliance elements of PG Notes, e.g. reference to emission limits prior to the publication date that have clearly passed, as could items no longer considered BAT (e.g. perc monitors in dry cleaners). **Essex Environmental Protection Study Group**
- the extract from the LAPCC regulations since access to these statutory instruments is now readily available from online sources. **Institute of Bereavement Service Managers**

Defra response. Historic elements of PG notes cannot be removed, because they represent the underlying standards which should already be complied with by existing installations, and which apply to any new installation. But where there is any redundant material, this will be removed.

F. publish all the guidance only on the Defra website and make on-line amendments rather than issuing additional guidance (AQ) notes. This is the same approach now used for the General Guidance Manual (see the list of revisions in the front of the Manual¹. All interested parties will be notified of any changes, in addition to any consultation before changes are made.

- it is proposed to do this.

All respondents agreed to this. Most also noted their concern that users must be advised of any changes to the notes.

Defra response. The notes will be published only in electronic format. Defra will continue with its approach to alert stakeholders of any changes to guidance.

Q5. do you agree that all the PG notes should be produced in a common format, although subject to limited variations as in the examples given above?

All respondents were in favour of a common format although a few pointed out that the nature of some notes might require some small variation.

LACORS suggested that any variation from the common format should be accompanied by an explanation.

Defra response. Defra agrees with the comments.

Q6. do you agree that the review as a whole should focus on particular cross-cutting issues, with generally a less extensive consideration of sector-specific developments?

Respondents agreed that cross-cutting issues were important but many felt that sector-specific developments would also require consideration and were, in many cases, as important as the cross-cutting issues.

Points taken from individual responses to question 6

Printing Industry (PRISM and FESPA) (PI): sector specific developments should not be ignored because some of the proposals could have a serious impact on the future of the printing industry which has made considerable progress in reducing VOC emissions and some of the proposals could work contrary to these improvements.

Essex Environmental Protection Study Group (EEP): sectors not generally caught by the cross-cutting issues should not be ignored otherwise the review

¹ <http://www.defra.gov.uk/environment/ppc/localauth/pubs/guidance/manuals.htm>

would not be thorough enough, particularly if the guidance intends to retain all of the elements promoted under Paragraph 17 of this consultation.

Norfolk Environmental Protection Group (NEPG): concentration on simplifying the individual PG notes is necessary to benefit the many users with a slight understanding of the sector.

Institute of Bereavement Services Management (IBSM): welcome the focus on cross-cutting issues. Costs of monitoring are a significant concern and would appreciate consideration of how costs can be reduced without prejudice to requirements of the regulator.

Dudley MBC (DC): still room for investigation of sector specific issues especially where similar sectors have differing requirements. The situation with the guidance notes 6/43a and 6/34b where the processes are identical and in many cases using the same coatings but pay different fees and have different requirements need to be looked at carefully.

British Coatings Federation (BCF): we are concerned that the concept of POCP, whilst it could be useful in future controls on emissions of VOCs, must be proven by sound science, agreed across Europe, before being incorporated into the notes. We are very concerned about any proposal that moves the UK away from the SED.

The Kaolin and Ball Clay Association (KBCA): unsure how the cross-cutting issues would be addressed. Either in the context of each specific PG note or by some broad brush method. Concerned that the latter may overlook sector specific issues. Also concerned how this will relate to “lighter touch permitting under BRR consultation.

The Society of Motor Manufacturers and Traders (SMMT): looking for thorough sector-specific review. Must avoid disadvantaging UK operators. Cross-cutting review must avoid duplication with other commitments. Ensure regulation is focussed on key issues of concern.

The Quarry Products Association (QPA): concerned that limits may be determined on the basis of EU Directives, given that some of those referred to in paragraph 26 of the consultation paper are, as yet, only in draft form. Finalising of relevant PG notes should be delayed until Directives finalised.

The Local Authorities Coordinators of Regulatory Services (LACORS): consideration of cross-cutting issues should not be at the expense of careful consideration of sector specific developments. Could be a good time to reconsider the scope of the regulated sectors as part of the Part B BRR. Also opportunity to consider whether introduction of an annual mass emission limit may be useful for small/micro businesses.

Health Protection Agency (HPA): sector-specific developments demonstrating better health protection should not be overlooked. Revised process guidance notes should contain suitable provisions to allow the

regulator to address/ monitor site specific issues which are of public health concern.

Defra response. Defra agrees that sector-specific developments should be ignored as indicated in paragraph 25b) of the consultation paper, but remains of the view that it will be a more efficient and effective means of carrying out this third review to focus on the identified cross-cutting issues. The concerns of the British Coatings Federation over the possible introduction of a POCP-based approach are noted, and if this is taken forward all relevant stakeholders will be closely consulted.

Q7. do you agree the list of cross-cutting issues in paragraph 26?

The list was agreed without reservation by nearly half the respondents. Others had general reservations which are listed below and **QPA, LACORS EIC** and **STA** had substantial comments on individual issues which are listed in the attached Annex to question 7.

BFM: Current problems monitoring CO as required by PQ1/12 not solved so do not want to introduce further monitoring until it is.

IBSM: Would like to consider future trends so that PG notes could give users an idea of the direction environmental legislation might be going to help predict expensive investment in abatement equipment.

DC: Do not agree with all cross-cutting issues raised. The question of monitoring is rightly listed as an issue to be visited. The value of monitoring both annual extractive sampling and continuous monitoring needs to be examined. For PM₁₀ and PM_{2.5}, need to consider accuracy of procedure and value of results compared to road traffic pollution. Need to know that tackling many of these pollutants from part B will produce significant results when compared with contribution of road vehicles.

SMMT: List of cross-cutting measures seems to be extending scope of Part B from emissions to air to other areas such as sustainable consumption and production, and duplicating other requirements such as the carbon assessments and energy reduction.

SEPG: Address questions of achievability and possibility of risk-based process to industry sectors.

MPMA: Retain proportionate view. Part B processors are only a relatively small contributor to these pollutants.

NFA: focus on cross-cutting issues is helpful where an operator is using multiple PG notes – should help to improve read-across from one note to another.

EIC believe that Defra should adopt a horizontal PG note equivalent to IPPC Guidance Note H4: Horizontal Guidance for Odour. The principles for determining odour and then deciding on compliancy targets are now well established and it is the same procedure across the board. However, our Members are concerned that because odour is set alongside distinct and discrete targets for VOC, HCL, SOx etc it can take a "second tier" position as its compliancy criteria are more difficult to understand.

Defra response. Whilst there was not unanimity about the selection of issues, Defra believes that the list in the consultation paper comprises a sound starting point for the review. Not all issues will necessarily be relevant in every case, and it will be open to stakeholders to raise particular concerns via the technical working groups. SMMT are correct that Part B regulation is limited to air emissions, as was stated in the consultation paper; the reference to sustainable consumption and production is intended so that non-statutory guidance of benefit to business might be included in the guidance. The Environment Agency's H4 guidance can be used by local authorities, but the aim of the process guidance notes is to address sector-specific odour issues rather than deal with them generically. Defra fully recognises the importance of regulating offensive odour.

Q8. do you agree that the reviews should be conducted in the same way as previous reviews?

This was agreed by all respondents except one who chose not to comment. However **Norfolk Environmental Pollution Group (NEPG)** asked that regulators be able to comment at the consultation stage of the first draft to ensure that a large number of regulators can have their views taken into account. **LACORS** made several suggestions for improvements. As with NEPG above, they sought better input from regulators and would continue to try to facilitate regulator membership of TWGs but recognised that the LAs were labouring under financial and time constraints which made participation difficult. They suggested use of teleconferencing and written comments on drafts rather than face to face meetings. They recognised the value of link groups but again pointed out the financial and time constraints which existed. Perhaps Defra/WAG could consider funding opportunities for these groups. They suggested that, at the final 8-week review stage the LAs identified as users in AQ 1(08) should be consulted to widen the consultation to as many LAs as possible.

EIC asked to be consulted ahead of individual PG note reviews on the following cost cutting issues: monitoring and control technology capability, and impact on emission limits. **FIEC** asked that all TWG members should be present at all meetings so that any proposed changes can be thrashed out there and then rather than taking proposals from a meeting with one member and putting them to other members. They found this to be a confusing and inefficient procedure.

Defra response. It is important to the success of the review that business and local authority stakeholders participate in the reviews. Defra welcomes Lacors' offer to help facilitate local authority membership of the technical working groups. Teleconferencing will be investigated as an option for working group meetings. Defra unfortunately cannot offer funding for link groups, but hopes that authorities recognise the efficiency and effectiveness benefits to them of cooperative working, and Defra will do what it can to help facilitate the establishment of these groups. Discussions have already been held with EIC over their input into the reviews. Defra cannot require all technical working group members to attend all meetings, although it is clearly desirable that any stakeholder who has joined a technical working group should participate in all the meetings where at all possible, or send a deputy.

Q9. do you consider that these arrangements will adequately capture the views of SMEs? If not, what additional arrangements do you suggest?

Concern here is over SMEs which are not members of trade bodies. A few ways of dealing with the problem were suggested:

- LAs should canvass SME opinion; (Essex Environmental Protection Study Group)
- A note or notes like the dry cleaners updates could be circulated to operators via LAs; (Norfolk Environmental Protection Group, LACORS)
- Where trade bodies include at least some SMEs then the general needs of SMEs should be taken into account; (British Furniture Manufacturers, Dudley MBC, Foundry Industry Environment Committee, Quarry Products Association, Metal Packaging Manufacturers Association)
- If trade bodies do not include SMEs then LAs could be offered the chance to recommend an operator to be involved in the review; (Dudley MBC)
- SMEs with a permit should automatically be advised of the review so they can ensure their views are taken into account. (Society of Motor Manufacturers and Traders, Suffolk Environmental Protection Group)

Responses were received from British Furniture Manufacturers, Printing Industry (PRISM and FESPA), Essex Environmental Protection Study Group, Norfolk Environmental Protection Group, Institute of Bereavement Services Management, Dudley MBC, British Coatings Federation, Kaolin and Ball Clay Assoc, Foundry Industry Environment Committee, Society of Motor Manufacturers and Traders, Quarry Products Association, City of York, LACORS, West Dorset DC, Suffolk Environmental Protection Group, Federation of Burial and Cremation Authorities, Metal Packaging Manufacturers Association and Health Protection Agency.

Defra response. It is hoped that all trade associations with SME members will reflect the views of those members when participating in the reviews. It is proposed additionally that technical working group members for each review will be asked to identify three SMEs for the sector under review. It is recognised that SMEs often do not have the time to engage extensively in this sort of exercise; they will be offered the opportunity to participate in the way that suits them best, whether by attending the working group meetings, receiving drafts of the guidance for written or telephone comment, etc.

Q10. would your organisation like to participate in the reviews? If so, in relation to which particular notes and can you please provide an up-to-date contact (name, email and phone)?

Sixteen respondents asked to contribute to some degree to the reviews.

Defra response. All these organisations have been noted for involvement.

Q11. do you agree the proposed mechanisms for sharing information with all interests during each review?

This was agreed except that **The Printing Industry** wanted to see early drafts to exclude errors and omissions at an early stage. **LACORS** noted that they had covered issues here at questions 8 to 10.

Defra response. It is proposed to adopt the approach set out in the consultation paper.

Q12. do you agree the status of the published and emerging guidance during the reviews?

Whilst generally agreed some concerns were raised. The **LACORS** response summarises these: “Councils have expressed mixed views on the proposed status of emerging revised guidance. It is recognised that keeping regulators and operators informed from an early stage about the likely direction of travel is a positive move and that this, alongside a published timescale for the review of each PG note, would help regulators when timetabling permit reviews to maximise public resources and minimise confusion for business, whilst remaining mindful of the priority to protect the environment and public health. However, reservations exist about allowing emerging guidance to have increasing status throughout the review process as this is likely to create confusion about exactly what the status of emerging guidance is at any one time. The extent to which this emerging guidance should/shouldn’t influence the way local authorities regulate in the interim would be open to interpretation and introducing the opportunity for the possible inconsistent application of BAT within LAPPC would be unhelpful to both regulators and operators. Just as there is no requirement for councils to

proactively plan in light of emerging legislation, local authorities should only be required to have regard to PG notes when undertaking their LAPPC duties once these have been published and supersede existing guidance.”

Defra response. The status of emerging guidance raises difficult issues. Defra believes that it would be wrong to totally ignore such guidance, especially when in its later stages of development, if only that prospective changes may suggest that regulators pause before including conditions based on the existing published note when they know the provisions could change. On the other hand, the existing published notes have been approved for publication by Ministers, and remain the statutory guidance until such time as they are formally superseded. Local authority officers who are uncertain how to handle a particular situation where there is relevant emerging guidance can contact Defra for advice through the normal contact arrangements.

ANNEX 1: detailed comments in response to Question 7 (All copied directly from responses to the consultation)

QPA:

- PM10 & PM2.5- due to the substantial costs involved with monitoring these emissions, careful consideration must be taken in determining measurement techniques (if needed at all). More research is still needed to confirm the source of PM2.5 and PM10 emissions and there are concerns that if a business is asked to monitor these emissions they may not be from his site. There is also no standard practice for measuring these emissions from our operations. A standard methodology should be agreed to prevent discrepancy between operations.
- National Emissions Ceiling Directive- as described above- the QPA consider that emissions limits should first be agreed on at a European level before the PG note limits are agreed.
- Climate change- The QPA question that are carbon emissions not already included and covered in the Carbon Reduction Commitment? If there are operations that are not included- how many?
- Monitoring- the QPA agree it is essential that monitoring techniques used are economically viable and suitable considering the risk of the activity to the environment.
- Sustainable Consumption and Production (SCP)- Clearly it is advantageous to be operating a business sustainably and avoidance of negative impacts on SCP is advantageous to both the operator and the environment.
- Air Quality Objectives- as the UK is having difficulties meeting the Air Quality Objectives this issue must be a key item on the list of cross- cutting issues. However with proposed limits and monitoring coming through from the NECD could the two not be joined?

QPA consider that the cross cutting issues would be better focused on the different issues such as PM10, PM2.5, Carbon, monitoring etc. Directives that may affect the monitoring and limits of these issues could then be explored without repeating each issue under each new Directive.

LACORS:

A number of comments/queries have been raised in light of the following cross-cutting issues:

PM2.5: At present no definitive standard is in place in England and Wales against which regulators can assess compliance and therefore they have no justifiable reason to require this type of monitoring, unless a local Air Quality Management Area has been declared. As a consequence local authorities don't currently have widespread experience in this difficult area of monitoring therefore, as well as considering the "technical feasibility and cost of monitoring for PM10 and PM2.5", we would ask Defra/WAG/LAU to consider the provision of training if requirements on PM2.5 are introduced into future guidance to meet EU objectives under the Air Quality Directive 2008 and

'exposure reduction' under the domestic Air Quality Strategy. At the first stage, however, we hope that the review will consider thoroughly whether LAPPC is the best place to tackle this type of emission and whether there is genuinely value to conducting this type of monitoring, in light of available technology to control these fine particles.

Climate change/CO2 emissions: We agree that it is appropriate to consider how LAPPC links up with issues of climate change/CO2 emissions. In relation to point (b), LACORS understand that consultants working on behalf of the Carbon Trust are currently looking to explore whether the LAPPC solvent sectors, particularly those covered by PG 6/23 Coating of Metal & Plastic, PG 6/16 Printing and PG 6/14 Film coating, could reduce CO2 emissions through using more energy efficient abatement technology whilst maintaining the current level of controls over air emissions. Defra/WAG/LAU may wish to explore this, and similar research, to ensure a sufficient evidence-base is available to feed into the reviews.

VOCs: It has been suggested that before changes are made to the PG notes on VOCs, Defra/WAG must ensure that there is a clear and widespread understanding amongst both operators and regulators about the issues around the photochemical ozone creation potential of VOCs.

Monitoring requirements: We agree that it is appropriate to consider new standards that have developed since the last review of PG notes was conducted. When reviewing monitoring standards it has been highlighted that consideration needs to be given to the fact that irregularities in chimney-stacks are extremely common. It may therefore be preferable to use a less stringent monitoring standard that is more applicable to a range of stacks and hence creates less variance in the monitoring data.

Simplified permitting: We agree that if the extension of simplified permitting is to be considered then it is appropriate to consider this on a sector-by-sector basis as part of the 6-year review of PG notes. This is subject to the reservations raised in LACORS' accompanying response to the Better Regulation Review consultation on simplified permitting. If extending this type of permit to new sectors it would be beneficial for the redrafted PG notes to make clear that these should still include site-specific considerations.

Overall it is felt that it is logical to take the opportunity to consider many of the cross-cutting environmental issues identified in paragraph 26 when reviewing the PG notes.

EIC:

EIC urge Defra to ensure that a review of concentration emission limits and the introduction of mass emission limits are considered as a cross cutting issue.

Concentration Emission Limits: There have been major developments and progress in abatement plant technology over the last 10 years and with PG

Notes defining BAT for new plant, it seems appropriate that this progress is reflected when defining emission level limits etc.

The cost of state of the art abatement has been driven down 15 -20% in real terms by competition and improved techniques. The process conditions in which standard particulate control equipment can be used has been extended to cover processes with elevated temperature, high humidity. EIC Members are currently preparing a separate schedule providing costs of abatement, how this changed historically, environmental costs of operating such equipment and the application performance of such abatement technology. We will submit this as soon as it is available.

Mass Emission Limits: Current emission limits are set in terms of concentration meaning that a large and small process which have a proportionate impact on air quality in terms of size (since this is driven by total mass) are regulated differently in terms of long term environmental outcomes.

EIC believe that a solution to this is to introduce mass emission limits in addition to concentration limits for the most significant processes when PG notes are reviewed.

This would also have the following benefits:

- Giving regulatory focus on the top 200 or so processes which emit the most pollutant
- Give visibility to the issue which directly contributes to ambient pollution levels
- Provide data of relevance for climate change purposes

We make the following comments on the cross cutting issues raised in paragraph 26

1) PM10 / PM2.5: In the majority of Part B processes where particulate is controlled by efficient bag filters, the emissions of PM-10 and PM-2.5 is directly related to the total particulate emissions. As such PM10/2.5 can be effectively reduced by focusing on reducing total particulate emissions. Regulatory tools for this include:

- Requirement to install more efficient arrestment plant (by enforcing emission limits and reduction of emission limits)
- Better operation of arrestment plant by effective monitoring and control (indicative performance monitoring and predictive emission monitoring)

In processes, where there is no bag filter it may be more difficult to control the proportion of total particulate which is PM10/2.5. However in the majority of such circumstances the particulate size is stable and not changing downstream of the stack (valid for non combustion processes) and there is value in using portable light scatter instruments to monitor the proportion of PM10 / 2.5 in total particulate. Such instruments have a purchase price of £3k and a test using one can be commissioned for £200 - £500 depending on other work being done on the stack. It should be noted that the sampling

standard for PM.10/2.5 is still in draft format and continuous fixed monitors for PM-10/2.5 measurement in the stack are in the advanced stage of product development and will be ready for widespread commercial use within 2 years.

2) Monitoring

2.1) Stack Sampling: New British Standards for sampling based on CEN standards are being introduced and it is strongly recommended that the Environment Agency's Method Implementation Documents which clarify issues when interpreting these standards and help avoid errors due to systematic error should be referenced when considering PG note updates.

There remains a concern that there is no sign post to the quality assurance of the team using the standard to take a sample to satisfy any Process Guidance Notes. Since this is a major source of error (100% is not unlikely) , it is requested that it is stated that any organisation performing stack sampling on processes operating within 50% of an emission limit, is UKAS accredited for stack monitoring to ensure sampling results are valid

On some stacks, there may be significant cost implications of implementing correct sampling due to Health and Safety best practice which requires the installation of new access platforms/scaffolding at correct locations). Sampling requirements in terms of quality and frequency should be altered in such cases on a case by case basis, but in all others sampling should be according to UKAS requirements.

2.2) CEMS

2.2.1) The approvals scheme MCERTS for CEMs, is now 10 years old and in it's 3rd revision. The use of MCERTS approved CEMS should very seriously be considered as BAT for any continuous monitoring for the following reasons:.

1. Instruments with MCERTS approvals have much higher Quality Assurance in terms of monitoring integrity than instruments without MCERTS approvals.
2. Prices for MCERTS approved instruments in real terms are less than the prices that unapproved instruments were 5 years ago when current monitoring guidelines were developed..
3. MCERTS version 3, has become increasingly more relevant to part B processes with the inclusion of performance standards for filter dust monitors and filter leak monitors.
4. There is no need to install different duct work for MCERTS or non MCERTS approved instruments

2.2.2) In addition there is a much better understanding of the value of predictive monitoring for abatement plant to help optimise filter media life and compressed air usage. This provides offsets for the cost of monitoring. EIC will provide a separate schedule of these cost savings for consideration ahead

of PG Note Review. Reference to predictive monitoring rather than indicative performance monitoring is suggested in the revision.

3) Air Quality and Impacts on Climate change

3.1) NO_x reduction: Current PG notes do not require N₂O to be measured continuously on cremators. Whilst reflecting that NO₂ is mainly an automotive issue, we wish to register that in Germany and the low countries there are plans to control and monitor N₂O much more tightly on cremators in future.

3.2) Total mass emissions from plant: As discussed in question 6, mass emission limits would relate plant emissions to their impact on Air Quality

Emission limits for Mass could be enforced by adding an emissions calculator to existing CEMS (estimated capital cost £4,000). In addition, flow monitors would need to be added to minority of processes where the stack velocity changes and therefore needs to be continuously measured to calculate mass. Costs of instruments are less than £5,000.

STA: We agree that monitoring issues should be considered across all guidance notes and believe the revised notes should address the following issues

- MCERTS approved CEMS are still not required in Part B processes, even though they increase the Quality and reliability of Monitoring with no price penalty on the user, compared to the price of instruments before MCERTS was introduced.
- Requirements to maintain CEMs and instruments for continuous monitoring should be explicitly expressed.
- Stack sampling should be performed by an accredited organisation (MCERTS or UKAS) to ensure there is accountability on the sampling plan and quality of results
- Requirements to take particulate samples to EN-13284-1, should be qualified with a statement of how many sample runs should be done
- The costs of meeting Health and Safety requirements at stack sampling locations are part of the monitoring costs. The guidance notes should reiterate that Health and Safety issues may not be compromised, but that monitoring requirements may be altered to consider the varying costs (BAT) on different plant.(based on historical stack access issues).
- Monitoring which promotes energy efficiency and reduces plant running costs should be promoted. For example Bagfilter management systems, now permit bag cleaning cycles to be optimised to reduce compressed costs and increase bag media life.
- There are a number of monitoring tools to assess PM-10/2.5 in a stack, and these add value to controlling the environmental impact of a plant in processes where PM size may change or it is a new source of emissions (for impact assessment). In processes which are well abated continuous indicative monitoring of arrestment plant performance provides a good way of ensuring PM-10/2.5 emissions are minimised by controlling total particulate.

- The adoption of monitoring to the new standard EN-14181 (which provides continuous measurements with defined uncertainty) would add value to cases and processes under strong environmental scrutiny (eg permissions for new Biomass plant)

Annex 2: Respondents

Agricultural Industries Council – No Comments
British Coatings Federation (BCF)
British Furniture Manufacturers (BFM)
Campaign for Clean Air in London (CCAL)
City of York (COY)
Dudley Metropolitan Borough Council (DC)
East London Cluster Group (ELC)
Environmental Industries Commission (EIC)
Essex Environmental Protection Study Group (EEP)
Federation of Burial and Cremation Authorities (FBCA)
Foundry Industry Environment Committee (FIEC)
Health and Safety Executive – No Comments
Health Protection Agency (HPA)
Institute of Bereavement Services Management (IBSM)
Kaolin and Ball Clay Association (KBCA)
Leeds City Council
Local Authorities Coordinators of Regulatory Services (LACORS)
Metal Packaging Manufacturers Association (MPMA)
Non-Ferrous Alliance (NFA)
Norfolk Environmental Protection Group (NEPG)
Printing Industry (PRISM and FESPA) (PI)
Quarry Products Association (QPA)
Society of Motor Manufacturers and Traders (SMMT)
Source Testing Association (STA)
South West Water – No Comments
Suffolk Environmental Protection Group (SEPG)
West Dorset DC (WDDC)