



## **Report on the implementation of Directive 1999/13/EC on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations in Ireland**

**For the reporting period: 1 January 2003 – 31 December 2004**

**In accordance with the questionnaire for Member States contained in  
Commission Decision 2002/529/EC**

**Report date: September 2005**

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## **Report on the implementation of Directive 1999/13/EC on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations in Ireland**

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## **NOTE ON REPORT FORMAT**

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This report is divided into two sections:

Section 1 Executive Summary. Provides an overview of activities carried out for the implementation of Directive 1999/13/EC in Ireland for the reporting period in question.

Section 2 Questionnaire. Contains answers to the Commission's questionnaire as set out in Commission Decision 2002/529/EC.

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## WEBSITE LINKS

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### A LIST OF THE LINKS PROVIDED IN THIS DOCUMENT

EPA website on Directive1999/13/EC	<a href="http://www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/">www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/</a>
National Protocol for the Accredited Inspection Contractor (AIC) Scheme	<a href="http://www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/PDFsforsolvents/FileUpload,5920,en.pdf">www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/PDFsforsolvents/FileUpload,5920,en.pdf</a>
Plain guide to the AIC Scheme	<a href="http://www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/PDFsforsolvents/FileUpload,3410,en.pdf">www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/PDFsforsolvents/FileUpload,3410,en.pdf</a>
Best Practice Guidelines for Dry Cleaning	<a href="http://www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/PDFsforsolvents/FileUpload,6268,en.pdf">www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/PDFsforsolvents/FileUpload,6268,en.pdf</a>
Best Practice Guidelines for Vehicle Coating and Refinishing	<a href="http://www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/PDFsforsolvents/FileUpload,6269,en.pdf">www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/PDFsforsolvents/FileUpload,6269,en.pdf</a>
Best Practice Guidelines for Surface Cleaning	<a href="http://www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/PDFsforsolvents/FileUpload,6108,en.pdf">www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/PDFsforsolvents/FileUpload,6108,en.pdf</a>
EPA Report on a pilot inspection programme	<a href="http://www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/PDFsforsolvents/FileUpload,3392,en.pdf">www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/PDFsforsolvents/FileUpload,3392,en.pdf</a>
Irish National Accreditation Board Website on the AIC Scheme	<a href="http://www.inab.ie/news/2004-volatile.html">www.inab.ie/news/2004-volatile.html</a>
BAT Guidance Note on Best Available Techniques for Solvent Use in Coating, Cleaning and Degreasing	<a href="http://www.epa.ie/Licensing/BATConsultation/BATConsultationDocuments/FileUpload,6186,en.pdf">www.epa.ie/Licensing/BATConsultation/BATConsultationDocuments/FileUpload,6186,en.pdf</a>
Department of the Environment, Heritage and Local Government website on Directive1999/13/EC	<a href="http://www.environ.ie/DOEI/DOEIPol.nsf/wvNavView/Air+Quality?OpenDocument&amp;Lang=#I10">www.environ.ie/DOEI/DOEIPol.nsf/wvNavView/Air+Quality?OpenDocument&amp;Lang=#I10</a>
Department of the Environment, Heritage and Local Government's Environment Bulletin	<a href="http://www.environ.ie/DOEI/DOEIPub.nsf/wvNavView/RegularPublications?OpenDocument&amp;Lang=en">www.environ.ie/DOEI/DOEIPub.nsf/wvNavView/RegularPublications?OpenDocument&amp;Lang=en</a>
Commission website on Directive1999/13/EC	<a href="http://europa.eu.int/comm/environment/air/solvents/guidance_en.htm">europa.eu.int/comm/environment/air/solvents/guidance_en.htm</a>
EPA database of IPPC licensable installations	<a href="http://www.epa.ie/Licensing/IPPCLicensing/SearchforanIPPCLicence/">www.epa.ie/Licensing/IPPCLicensing/SearchforanIPPCLicence/</a>

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## SECTION 1 EXECUTIVE SUMMARY

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### 1 INTRODUCTION

Council Directive 1999/13/EC on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations has been drawn up to address the harmful effects of organic solvents on human health and the environment.

All Member States are required to report to the Commission every three years on the implementation of Directive 1999/13/EC as set out in Article 11(1). The Commission has prepared a questionnaire for such reporting purposes which is set out in Commission Decision 2002/529/EC. Section 2 to this report contains Ireland's response to this questionnaire. This section of the report provides an overview of the activities Ireland has carried out in the implementation of the Directive.

This first report on the implementation of the Directive covers the period 1<sup>st</sup> January 2003 to 31<sup>st</sup> December 2004 as required by Commission Decision 2002/529/EC.

### 2 NUMBER OF IRISH INSTALLATIONS WHICH FALL UNDER DIRECTIVE 1999/13/EC

The following summary data shows an estimate of the numbers of existing installations which fall under Directive 1999/13/EC in Ireland. More detail is given in the answer given to question no. 2 in the questionnaire section of this report.

Activity (solvent consumption threshold in tonnes/year)		No. of existing installations on 31 Dec 2004:		
		IPPC	Non-IPPC <sup>1</sup>	Total
1	Heatset web offset printing (> 15)	3	0	3
2	Publication rotogravure (> 25)	0	0	0
3	Other rotogravure, flexography, rotary screen printing, laminating or varnishing units (> 15) rotary screen printing on textile/cardboard (> 30)	7	0	7
4	Surface cleaning using compounds specified in Articles 5(6) and (8) (>1)	1	0	1
5	Other surface cleaning (> 2)	7	700	707
6	Vehicle coating (< 15) and vehicle refinishing	0	300	300
7	Coil coating (> 25)	0	0	0
8	Other coating, including metal, plastic, textile, fabric, film and paper coating (> 5)	23	100	123
9	Winding wire coating (> 5)	0	20	20
10	Coating of wooden surfaces (> 15)	4	0	4
11	Dry cleaning	0	812	812

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<sup>1</sup> Please note, these are preliminary figures only for non-IPPC installations. With the exception of dry cleaning, final numbers are likely to be significantly less than the total number of non-IPPC installations indicated.

12	Wood impregnation (> 25)	2	70 <sup>2</sup>	72
13	Coating of leather (> 10)	0	0	0
14	Footwear manufacture (> 5)	0	10	10
15	Wood and plastic lamination (> 5)	2	300	302
16	Adhesive coating (> 5)	4	60	64
17	Manufacture of coating preparations, varnishes, inks and adhesives (> 100)	16	10 <sup>3</sup>	26
18	Rubber conversion (> 15)	1	20	21
19	Vegetable oil and animal fat extraction and vegetable oil refining activities (> 10)	0	5	5
20	Manufacturing of pharmaceutical products (> 50)	8	35	43

### **3 AN OVERVIEW OF IRELAND'S ACTIVITIES IN THE IMPLEMENTATION OF DIRECTIVE 1999/13/EC**

Ireland has carried out the following in the implementation of Directive 1999/13/EC:

- Full transposition of the Directive into Irish law.
- Development of a unique scheme, the Accredited Inspection Contractor (AIC) scheme, to implement the requirements of the Directive for installations not covered by the IPPC Directive.
- The development of Application Guidance Standard for this Scheme by Irish National Accreditation Board (INAB).
- The preparation of a National Protocol for AIC Inspections carried out under this scheme.
- The preparation of a plain guide for installations under the AIC scheme.
- The preparation Best Practice Guidelines for some of the sectors under the legislation which are new to environmental controls – namely dry cleaners and vehicle refinishers.
- Consideration of overlapping solvents legislation in the vehicle refinishing sector.
- A pilot inspection programme to test the National Protocol and the Best Practice Guidelines.
- The launch of the AIC Scheme into operation.
- Seminars for dry cleaners and vehicle refinishers on the Regulations, the Best Practice Guidelines, and the outcome of the pilot inspection programme.

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<sup>2</sup> Note these are preliminary figures for potential installations under this activity from the ongoing project described in section 3.12 of the Executive Summary. It is anticipated that the number of non-IPPC installations under the activity wood impregnation that will actually exceed the solvent consumption threshold of 25 tonnes/year will in fact be zero.

<sup>3</sup> Note these are preliminary figures for potential installations under this activity from the ongoing project described in section 3.12 of the Executive Summary. It is anticipated that the number of non-IPPC installations under the activity manufacture of coating preparations, varnishes, inks and adhesives that will actually exceed the solvent consumption threshold of 100 tonnes/year will in fact be zero.

- Issue of two circular letters to the competent authorities under the AIC system by the Department of Environment, Heritage and local Government (DEHLG) on the 2002 Regulations.
- A project is currently underway to identify all non-IPPC installations which come under the Directive and to provide databases to the competent authorities.
- Implementation of the requirements of the Directive for all relevant new and substantially changed IPPC installations.
- A review of all existing IPPC licences is currently underway to determine what changes, if any, are needed to bring existing relevant IPPC licences into line with the requirements of the 2002 Regulations.
- Excel spreadsheets for solvent management plans have been prepared for dry cleaning and vehicle refinishing.
- The Directive's requirements have been incorporated into BAT documents that have been prepared for relevant IPPC activities.

Each of the above is described in more detail in the following sections.

### **3.1 TRANSPOSITION OF DIRECTIVE 1999/13/EC INTO LAW**

The Directive has been fully transposed into Irish law through the Emissions of Volatile Organic Compounds from Organic Solvents Regulations 2002 (S.I. No. 543 of 2002). These Regulations were published on 28<sup>th</sup> November 2002 and entered into force on the 30<sup>th</sup> November 2002.

As a result of Ireland's later implementation date, the definition of an "existing installation" in the Irish Regulations differs from the Directive. According to the Directive, an "existing installation" means

"an installation in operation or, in accordance with legislation existing before the date on which this Directive is brought into effect, an installation which is authorised or registered or, in the view of the competent authority, the subject of a full request for authorisation, provided that the installation is put into operation no later than one year after the date on which this Directive is brought into effect".

The Directive was required to be brought into effect no later than 1 April 2001. Hence an existing installation in accordance with the Directive is one in operation on 1 April 2001, or one that has applied for authorisation before 1 April 2001 and is put into operation before 1 April 2002.

According to the Irish Regulations, an "existing installation" means "an installation in operation on or before 30 June 2003", while a "new installation" means an installation which is put into operation on or after 1 July 2003.

This difference between the two definitions means that there may be installations which would be classed as an existing installation under the Irish Regulations and a new installation under the Directive.

An assessment of IPPC licensed sites shows only **10** installations which fall under the Regulations were licensed in the time period between 1 April 2001 and 30 June 2003. Of these installations:

- **1** installation was an installation which was being licensed for the first time and which was in operation on 1 April 2001. While the Regulations were yet to be made, the requirements of the Directive were taken into account in any case by the EPA. The licence included the requirements of the Directive to be met by 2007 as per an existing activity. The same would have occurred if the date for an existing activity had been as per the Directive.

- **6** installations were installations which were already in operation on 1 April 2001, and in certain cases already held IPPC licences, but which had applied and received licences/revised licences as a result of a substantial change. Of these, **3** of the issued licences included the requirements of the Directive, and treated the substantially changed part of the installation as a new installation, and required the existing part of the installation to meet requirements by 2007. In fact some of the ELVs set in these licences are more strict than the Directive. **2** of the issued licences did not have a fugitive limit value included. This will be amended as part of the project outlined in section 3.12. The remaining **1** licence did not implement the requirements, but these were subsequently incorporated in a further expansion licensed in 2004. This results in one part of the facility being classed as existing under the Irish Regulations and new under the Directive. For this site, reported emissions to air are less than 1% of solvent input, so the installation is well within the requirements of the Directive regardless.
- **3** installations were not in operation on 1 April 2001. Of these, **2** of the issued licences included the requirements of the Directive, and treated the installation as a new installation. This is in keeping with the definition of a new installation under the Directive. Although the licence granted for the remaining **1** new installation during the time period did contain the Directive waste gas ELVs with immediate effect and did have a condition with regard to the identification and reduction fugitive emissions, it did not have a fugitive limit value set. This will be amended as part of the project outlined in section 3.12. In any case reported emissions to air (waste gas and fugitive) for this company are currently only 12% of solvent input. They would be required to meet a fugitive limit value of 20% of solvent input.

No information is currently available as to the numbers of non-IPPC installations that may have been put into operation, or substantially changed, during the time period 1 April 2001 to 30 June 2003.

Overall conclusion: the later implementation date has had minimal impact from the point of view of IPPC licensing since EPA licensing inspectors went ahead and implemented the Directive's requirements anyway in the majority of cases. The effect of the later implementation date on non-IPPC activities cannot be commented upon at this stage. This is being established and will be prioritised for enforcement monitoring.

### **3.2 THE ACCREDITED INSPECTION CONTRACTOR (AIC) SCHEME**

Ireland has developed a unique scheme, the Accredited Inspection Contractor (AIC) system, to implement the requirements of the Directive for installations not covered by the IPPC Directive. The premise of the AIC system ensures implementation of the polluter pays principle while reducing the administrative burden on local authorities.

Under the AIC scheme, installations that do not fall under the scope of the IPPC Directive must be registered and operate in accordance with a certificate of compliance issued annually by the competent authority. The competent authority for such installations is the county council or city council in whose functional area an installation is located.

A certificate of compliance will be issued by the competent authority on the basis of an annual inspection and report by an Accredited Inspection Contractor (AIC) confirming that the installation is in compliance with the Regulations. An AIC in turn requires accreditation from the Irish National Accreditation Board (INAB) to ISO 17020<sup>4</sup> (EN 45004) for the conduct of inspections to the Emissions of Volatile Organic Compounds from Organic Solvents Regulations 2002 (S.I. No. 543 of 2002).

The Irish National Accreditation Board (INAB) in cooperation with the EPA and the

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<sup>4</sup> ISO 17020 (EN 45004): general criteria for the operation of various types of bodies performing inspection.

Department of Environment, Heritage and Local Government (DEHLG) has established a national accreditation programme for prospective Accredited Inspection Contractors under the Emissions of Volatile Organic Compounds from Organic Solvents Regulations 2002.

### **3.3 INAB ISO 17020 APPLICATION GUIDANCE STANDARD FOR AIC INSPECTIONS**

The Irish National Accreditation Board (INAB) is in the process of finalising the *Application Guidance Standard on the application of ISO 17020:1998 by an Accredited Inspection Contractor (AIC) when conducting Inspections for the Emissions of Volatile Organic Compounds from Organic Solvents*.

ISO 17020 is a general standard for accreditation of any type of inspection body. Each application of ISO 17020 requires separate guidance to be prepared on the interpretation of ISO 17020 for that particular application and setting specific requirements. AICs are assessed against this Application Guidance Standard by INAB when applying for accreditation as an AIC.

### **3.4 PREPARATION OF A NATIONAL PROTOCOL FOR AIC INSPECTIONS**

A *National Protocol for the Implementation of a Reporting Mechanism in line with the requirements of S.I. 543 of 2002* has been prepared. This protocol sets out the procedure to be used by all AICs for assessing installations against all of the requirements of the Regulations. The Protocol also contains a standard report template which records how an installation performs relative to the Directive's requirements as determined by AIC inspections.

The INAB's *Application Guidance Standard on the application of ISO 17020:1998 by an Accredited Inspection Contractor (AIC) when conducting Inspections for the Emissions of Volatile Organic Compounds from Organic Solvents* explicitly requires AICs to use this protocol during inspections of installations.

The Protocol is downloadable at

[www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/PDFforsolvents/FileUpload\\_5920,en.pdf](http://www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/PDFforsolvents/FileUpload_5920,en.pdf)

### **3.5 PREPARATION OF A PLAIN GUIDE TO THE AIC SCHEME**

A plain guide for installations under the AIC scheme has been prepared. This outlines what any installation under the AIC scheme has to do to meet the Regulations.

The plain guide is downloadable at

[www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/PDFforsolvents/FileUpload\\_3410,en.pdf](http://www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/PDFforsolvents/FileUpload_3410,en.pdf)

### **3.6 PREPARATION OF BEST PRACTICE GUIDELINES**

A series of Best Practice Guidelines for some of the activities under the Directive have been prepared on behalf of the EPA. Best Practice Guidelines have been produced for dry cleaning, vehicle coating and refinishing, surface cleaning using specified risk phrases solvents and other surface cleaning. Best Practice Guidelines set out the requirements under the Regulations in relation to the sector, including solvent management plans tailored for the particular sector, as well as providing information on best practices to prevent, reduce, treat and dispose of wastes and emissions from such activities.

The Best Practice Guidelines are downloadable as follows

Dry Cleaning	<a href="http://www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/PDFsforsolvents/FileUpload,6268,en.pdf">www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/PDFsforsolvents/FileUpload,6268,en.pdf</a>
Vehicle Coating and Refinishing	<a href="http://www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/PDFsforsolvents/FileUpload,6269,en.pdf">www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/PDFsforsolvents/FileUpload,6269,en.pdf</a>
Surface Cleaning	<a href="http://www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/PDFsforsolvents/FileUpload,6108,en.pdf">www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/PDFsforsolvents/FileUpload,6108,en.pdf</a>

### **3.7 OVERLAPPING SOLVENTS LEGISLATION IN THE VEHICLE REFINISHING SECTOR**

In relation to the vehicle refinishing sector the scope of Directive 1999/13/EC (on the limitation of emissions of VOCs due to the use of organic solvents in certain activities and installations) was amended by Directive 2004/42/EC of 21 April 2004 on the limitation of emissions of VOCs due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products. This amending Directive imposes VOC content limit values for certain paints, varnishes and vehicle refinishing products placed on the market in the first instance during 2007/8. The amending Directive provides for Member State discretion regarding the maintenance or introduction of national measures to control emissions from vehicle refinishing activities removed from the scope of Directive 1999/13/EC. This is under consideration in the context of the transposition of Directive 2004/42/EC into Irish law which is currently underway. The Best Practice Guidelines for the vehicle coating and refinishing sector will have to reflect the approach being taken in the transposition.

### **3.8 A PROGRAMME OF PILOT AIC INSPECTIONS**

A pilot inspection programme was carried out in March and April 2004 in a number of installations in the dry cleaning and vehicle refinishing sectors. The objective of the programme was twofold:

- to trial the National Protocol for AIC Inspections and the Best Practice Guidelines in an audit situation.
- to highlight areas for development in the sectors in order for them to prepare for compliance with the Directive's requirements.

An overall summary report was prepared on the pilot inspection programme which is downloadable from

<http://www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/PDFsforsolvents/FileUpload,3392,en.pdf>

### **3.9 AIC SCHEME PUT INTO OPERATION**

Following the pilot programme earlier in 2004 this scheme is now in operation. Prospective AICs must apply to the INAB for accreditation to ISO 17020 (EN 45004) as an accredited inspection body. To date, one organisation has submitted an application for accreditation to ISO 17020 (EN 45004). While awaiting the first accreditation to ISO 17020(EN 45004), inspections can be conducted by one of the organisations that participated in the pilot scheme in 2004.

The accreditation process for prospective AICs will include the INAB witnessing audits conducted by the applicant AIC inspectors at scheduled installations and assessing their competence. The performance of the applicant AIC during this audit activity, together with extensive documentation assessments, will provide the necessary information INAB needs to decide if accreditation should be awarded. Periodically, INAB will reassess the AIC to ensure ongoing accreditation is merited.

More information is available at [www.inab.ie/news/2004-volatile.html](http://www.inab.ie/news/2004-volatile.html)

### **3.10 DEHLG CIRCULAR LETTERS ON THE SOLVENTS REGULATIONS**

The Department of Environment, Heritage and local Government (DEHLG) has issued two circular letters to all county councils and city councils in relation to the Emissions of Volatile Organic Compounds from Organic Solvents Regulations 2002 (S.I. No. 543 of 2002). The first was issued in January 2003 and the second in October 2004. The first letter set out the obligations of county councils and city councils as competent authorities for installations which come under the Regulations but do not fall under the IPPC system. The second letter set out the interim arrangements in relation to AICs while awaiting the first accreditation of an AIC to ISO 17020 (EN 45004) and also acted as a reminder of competent authority obligations under the Regulations.

These two circular letters are available on

[www.environ.ie/DOEI/DOEIPol.nsf/wvNavView/Air+Quality?OpenDocument&Lang=#I10](http://www.environ.ie/DOEI/DOEIPol.nsf/wvNavView/Air+Quality?OpenDocument&Lang=#I10)

### **3.11 SEMINARS ON THE SOLVENTS REGULATIONS**

Two seminars on the solvents Regulations were held which were aimed at existing installations which come under the AIC system. One was held in June 2003 which outlined the obligations under the solvents Regulations and presented the Best Practice Guides. The second was held in June 2004 which outlined the outcomes from the pilot inspection programme. Both seminars were focused on the activities of dry cleaning and vehicle refinishing.

### **3.12 PROJECT TO IDENTIFY ALL NON-IPPC INSTALLATIONS WHICH COME UNDER THE DIRECTIVE**

A project is currently underway to identify and contact all non-IPPC installations which come under the Directive. This project is scheduled to be completed in the Autumn of 2005. The output from this project will be a database of activities which possibly come under the Directive. This database will be provided to each of the competent authorities at the end of the project and published at [www.epa.ie](http://www.epa.ie)

A significant benefit of this project is awareness raising, both within the competent authorities and within the installations that will come under the Directive. It will also help to specify the market for potential AICs needs.

### **3.13 A REVIEW OF ALL EXISTING IPPC LICENCES AGAINST THE REQUIREMENTS OF THE SOLVENTS REGULATIONS**

A review of all existing IPPC licences is currently underway to determine what changes, if any, are needed to bring existing relevant IPPC licences into line with the requirements of the 2002 Regulations. This project is identifying all IPPC licences which fall under the Regulations. Licences are then being assessed to ensure all the requirements of the Directive are included. The output from the project will be list of all the IPPC licences which fall under the Regulations and their classes of activity and a series of recommendations for amendments to be made, if any, to individual IPPC licences.

In addition to this, the project is also establishing an on-line reporting system for City Councils and County Councils as competent authorities to submit information to the EPA for the purposes of preparing future questionnaire reports for the Commission.

### **3.14 EXCEL SPREADSHEETS FOR SOLVENT MANAGEMENT PLANS**

Excel spreadsheets for the compilation of solvent management plans have been published by the EPA for the sectors dry cleaning and vehicle coating & refinishing. These spreadsheets will assist such SMEs in keeping records for their AIC inspection and will perform the solvent management plan calculations needed. They can be purchased as CD-ROMs with the printed guidance documents or downloaded from [www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/](http://www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/)

### **3.15 IMPLEMENTATION OF DIRECTIVE REQUIREMENTS INTO BAT FOR RELEVANT IPPC ACTIVITIES**

For IPPC installations, the EPA has prepared a *BAT Guidance Note on Best Available Techniques for Solvent Use in Coating, Cleaning and Degreasing* which has taken the waste gas emission limit values directly from Directive 1999/13/EC for each of the relevant activities, including provisions for emission limit values for VOCs with specified risk phrases above stated mass flow emissions (as per Articles 5(7) and 5(8) to the Directive), and emission limit values for existing facilities using existing equipment (as per Article 5(11) to the Directive).

A copy of the BAT Guidance Note is available at

[www.epa.ie/Licensing/BATConsultation/BATConsultationDocuments/FileUpload\\_6186.en.pdf](http://www.epa.ie/Licensing/BATConsultation/BATConsultationDocuments/FileUpload_6186.en.pdf)

Similarly, further BAT Guidance Notes are to be prepared which will give regard to the requirements of Directive 1999/13/EC, such as the *BAT Guidance Note for Organic Chemicals Classes 5.6, 5.8, 5.10, 5.15 and 5.16 of First Schedule of EPA Act 1992 & 2003* which will include provisions for pharmaceutical manufacturing, and the *BAT Guidance Note for Organic Chemicals excluding Classes 5.6, 5.8, 5.10, 5.15 and 5.16 of First Schedule of EPA Act 1992 & 2003* which will include provisions for manufacture of coating preparations, varnishes, inks and adhesives.

### **3.16 EPA WEBSITE ON DIRECTIVE 1999/13/EC**

The EPA's website has a page dealing with Directive 1999/13/EC. This website provides a brief overview of the implementation of the Directive in Ireland, has a range of downloadable documents, including much of the above mentioned material, and also contains some relevant contact points and links.

[www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/](http://www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/)

### **3.17 DEPARTMENT OF THE ENVIRONMENT, HERITAGE AND LOCAL GOVERNMENT'S WEBSITE ON DIRECTIVE 1999/13/EC**

The Department of the Environment, Heritage and Local Government's website has a section dealing with Directive 1999/13/EC. This contains a number of relevant downloadable documents including a copy of the Regulations implementing the Directive in Ireland.

[www.environ.ie/DOEI/DOEIPol.nsf/wvNavView/Air+Quality?OpenDocument&Lang=#I10](http://www.environ.ie/DOEI/DOEIPol.nsf/wvNavView/Air+Quality?OpenDocument&Lang=#I10)

### **3.18 ARTICLES IN DEPARTMENT OF THE ENVIRONMENT, HERITAGE AND LOCAL GOVERNMENT'S ENVIRONMENT BULLETIN**

The Department of the Environment, Heritage and Local Government issues a regular publication, the Environment Bulletin. Articles on Directive 1999/13/EC and its implementing Irish Regulations have been included over the last number of years

(Environment Bulletin No 42 May 1999 and No. 55 February 2003). The legislative section of this publication has also tracked the development and adoption of Directive 1999/13/EC, as well as its amending Directive 2004/42/EC, over the years. The Environment Bulletin is available for downloading at

[www.environ.ie/DOEI/DOEIPub.nsf/wvNavView/RegularPublications?OpenDocument&Lang=en](http://www.environ.ie/DOEI/DOEIPub.nsf/wvNavView/RegularPublications?OpenDocument&Lang=en)

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## SECTION 2: QUESTIONNAIRE

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This section details Ireland's responses to the questions contained in the Commission's questionnaire on implementation of Directive 1999/13/EC as set out in Commission Decision 2002/529/EC.

The questions from Decision 2002/529/EC are repeated in italics and the response given.

### **QUESTION 1    GENERAL DESCRIPTION**

*What are the main features of national legislation that are necessary to set up an authorisation or registration system to ensure compliance with the requirements of the Directive? Please, detail changes in national legislation during the reporting period, concerning Directive 1999/13/EC.*

The Emissions of Volatile Organic Compounds from Organic Solvents Regulations 2002 (Statutory Instrument No. 543 of 2002) fully transpose Directive 1999/13/EC into Irish law. These Regulations were published on 28<sup>th</sup> November 2002 and entered into force on the 30<sup>th</sup> November 2002.

The main features of this national legislation in relation to the Directive are set out as follows.

#### **For installations which fall under both Directive 1999/13/EC and the IPPC Directive 1996/61/EC**

The Environmental Protection Agency (EPA) is the competent authority for installations which fall under both Directive 1999/13/EC and the IPPC Directive 1996/61/EC.

A project is currently being undertaken on behalf of the EPA to review of all existing IPPC licences to determine what changes, if any, are needed to bring existing relevant IPPC licences into line with the requirements of the 2002 Regulations. In addition to this the EPA itself is also currently undertaking a review of all existing IPPC licences against the requirements of the IPPC Directive 1996/61/EC.

Under the Protection of the Environment Act 2003 (No. 27 of 2003), the EPA has been granted an additional power to amend licences after reviews, rather than requiring the grant of a full new licence. The EPA will use this facility to amend as required the existing IPPC licences to implement the requirements of the Directive before the due date of 31<sup>st</sup> October 2007 for existing installations. The operators of such existing installations will then be obliged to meet any additional requirements of the 2002 Regulations through these licence amendments.

For new or substantially changed installations, the EPA already takes the requirements of the 2002 Regulations into account when determining an IPPC licence (for more detail see the answer to question 3).

#### **For all other installations which fall under Directive 1999/13/EC**

The local authority (county council or city council) in whose functional area an installation is located is the competent authority for installations which fall under Directive 1999/13/EC but not under the IPPC Directive 1996/61/EC.

Articles 22 through to 29 of the Emissions of Volatile Organic Compounds from Organic Solvents Regulations 2002 (S.I. No. 543 of 2002) implement into Irish law the authorisation system to be used for non-IPPC installations. This system is the Accredited Inspection Contractor (AIC) system.

Under the AIC system an installation must register with their local authority and annually obtaining a certificate of compliance. Obtaining the certificate of compliance involves annual submission to the local authority of a report by an Accredited Inspection

Contractor (AIC). This AIC report demonstrates whether an installation is in compliance with the solvents Regulations or not. The AIC prepares this report based on an inspection of the installation. An AIC in turn requires accreditation from the Irish National Accreditation Board (INAB) to ISO 17020<sup>5</sup> (EN 45004) for the conduct of inspections to the Emissions of Volatile Organic Compounds from Organic Solvents Regulations 2002 (S.I. No. 543 of 2002). The inspection and report by an AIC is at cost to the operator of the installation (in line with the polluter pays principle). The AIC must be selected from a panel of such contractors established by the Irish National Accreditation Board (INAB).

Once a certificate of compliance is obtained, the installation must operate in accordance with it including any conditions attached to it. Once an installation comes under the Regulations it is not allowed to continue operation without a Certificate of Compliance.

## **Changes in national legislation during the reporting period**

There were no changes to national legislation required during the reporting period of 1 January 2003 to 31 December 2004 since all necessary legislative changes to implement the Directive were already made with the publication of the Emissions of Volatile Organic Compounds from Organic Solvents Regulations 2002 (S.I. No. 543 of 2002).

## **QUESTION 2 COVERAGE OF INSTALLATIONS**

*For each of the twenty sections of Annex II A, please estimate how many installations fall into the categories set out below (Member States with a different sector classification in their national legislation may use it in terms of answering this question):*

- *all existing installations, encompassed by Article 2(2) of the Directive, at the end of the reporting period;*
- *all installations which were registered or authorised by the competent authority during the reporting period;*
- *of the installations referred to in the previous indent, how many were authorised or registered pursuant to Article 4(4) of the Directive? (optional);*
- *how many of these installations are also covered by the IPPC Directive? (optional).*

Table 1 summarises the information required for this question. As set out in the introduction to the Questionnaire (Annex to Commission Decision 2002/529/EC), for reports covering periods preceding the dates set up in Article 4 of Directive 1999/13/EC, information regarding existing installations will be based on the best available estimations for those periods. This report precedes these dates (31<sup>st</sup> October 2005 and 31<sup>st</sup> October 2007). Hence data in relation to existing installations are best available estimates.

In relation to installations authorised under the IPPC system during the period:

- **4** relevant installations have been authorised as new or substantially changed installations during the period.
- **3** relevant installations have been authorised during the period, but are classed as existing activities since they were in operation on 30 June 2003.
- **6** relevant installations applied for licences during the period but were not yet authorised by 31<sup>st</sup> December 2004.

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<sup>5</sup> ISO 17020 (EN 45004): general criteria for the operation of various types of bodies performing inspection.

There are two projects currently being undertaken on behalf of the EPA; one is identifying non-IPPC installations which come under the Directive, while the other is identifying IPPC installations which come under the Directive. These two projects will improve the estimates given in the following table. Both are scheduled to be completed in the Autumn of 2005.

Accuracy of the numbers of existing non-IPPC installations: It should be noted that the numbers reported in Table 1 for existing non-IPPC installations are preliminary numbers only. This project is ongoing and is currently in the verification stage. The consultants carrying out this project on behalf of the EPA, URS Ireland Ltd., indicate that the numbers of companies who actually exceed the solvent consumption thresholds for each of the activities in Table 1, and hence come under the Regulations, are likely to be significantly less than the total number of non-IPPC installations indicated. The exception to this is dry cleaning, for which the estimate shown is fairly robust.

Estimates of the number of installations in Ireland under each of the 20 Sections of Annex II A to Directive 1999/13/EC							
Activity (solvent consumption threshold in tonnes/year)		No. of existing installations on 31 Dec 2004 <sup>6</sup> :			No. of installations:		
		IPPC installations	Non-IPPC installations <sup>7</sup>	Total	registered/ authorised in the reporting period <sup>8</sup>	registered/ authorised as a result of a substantial change <sup>9</sup>	also covered by the IPPC Directive
1	Heatset web offset printing (> 15)	3	0	3	2	1	2
2	Publication rotogravure (> 25)	0	0	0	0	0	0
3	Other rotogravure, flexography, rotary screen printing, laminating or varnishing units (> 15) rotary screen printing on textile/cardboard (> 30)	7	0	7	2	1	2
4	Surface cleaning using compounds specified in Articles 5(6) and (8) (>1)	1	0	1	0	0	0
5	Other surface cleaning (> 2)	7	700	707	2	1	2
6	Vehicle coating (< 15) and vehicle refinishing	0	300	300	0	0	0
7	Coil coating (> 25)	0	0	0	0	0	0
8	Other coating, including metal, plastic, textile, fabric, film and paper coating (> 5)	23	100	123	7	1	7

<sup>6</sup> As encompassed by Article 2(2) which sets out the definition of an existing installation. As a result of Ireland's later implementation date, the definition of an "existing installation" in the Irish Regulations differs from the Directive. See section 3.1 of the Executive Summary.

<sup>7</sup> Please note, these are preliminary figures only for non-IPPC installations. With the exception of dry cleaning, final numbers are likely to be significantly less than the total number of non-IPPC installations indicated.

<sup>8</sup> No. of installations registered or authorised by the competent authorities during the reporting period.

<sup>9</sup> No. of installations registered or authorised pursuant to Article 4(4) during the reporting period. Article 4(4) is where an installation undergoes a substantial change.

Activity (solvent consumption threshold in tonnes/year)		No. of <u>existing</u> installations on 31 Dec 2004:			No. of installations:		
		<u>also</u> covered by the IPPC Directive	<u>not</u> covered by the IPPC Directive	Total	registered/ authorised in the reporting period	registered/ authorised as a result of a substantial change	also covered by the IPPC Directive
9	Winding wire coating (> 5)	0	20	20	0	0	0
10	Coating of wooden surfaces (> 15)	4	0	4	0	0	0
11	Dry cleaning	0	812	812	1	0	1
12	Wood impregnation (> 25)	2	70 <sup>10</sup>	72	0	0	0
13	Coating of leather (> 10)	0	0	0	0	0	0
14	Footwear manufacture (> 5)	0	10	10	0	0	0
15	Wood and plastic lamination (> 5)	2	300	302	1	1	1
16	Adhesive coating (> 5)	4	60	64	0	0	0
17	Manufacture of coating preparations, varnishes, inks and adhesives (> 100)	16	10 <sup>11</sup>	26	2	2	2
18	Rubber conversion (> 15)	1	20	21	0	0	0
19	Vegetable oil and animal fat extraction and vegetable oil refining activities (> 10)	0	5	5	0	0	0
20	Manufacturing of pharmaceutical products (> 50)	8	35	43	2	1	2

<sup>10</sup> Note these are preliminary figures for potential installations under this activity from the ongoing project described in section 3.12 of the Executive Summary. It is anticipated that the number of non-IPPC installations under the activity wood impregnation that will actually exceed the solvent consumption threshold of 25 tonnes/year will in fact be zero.

<sup>11</sup> Note these are preliminary figures for potential installations under this activity from the ongoing project described in section 3.12 of the Executive Summary. It is anticipated that the number of non-IPPC installations under the activity manufacture of coating preparations, varnishes, inks and adhesives that will actually exceed the solvent consumption threshold of 100 tonnes/year will in fact be zero.

### QUESTION 3 BASIC OPERATOR OBLIGATIONS

*What administrative provisions in general terms have been put into place to allow the competent authorities to ensure that installations operate in accordance with the general principles set out in Article 5?*

All of the general principles set out in Article 5 to the Directive have been incorporated into the Emissions of Volatile Organic Compounds from Organic Solvents Regulations 2002 (S.I. No. 543 of 2002) as set out in Articles 7, 8, 9, 10, 11, 12, 13, 14, and 15 to the Regulations.

For non-IPPC installations which come under the Accredited Inspection Contractor (AIC) system, the EPA commissioned the preparation of a *National Protocol for the Implementation of a Reporting Mechanism in line with the requirements of S.I. 543 of 2002*. This protocol prescribes a procedure for assessing installations against all of the general principles set out in Article 5 to the Directive. The Protocol also contains a standard report template which records how an installation performs relative to the Directive's requirements as determined by AIC inspections. The Irish National Accreditation Board's (INAB) *Application Guidance Standard on the application of ISO 17020:1998 by an Accredited Inspection Contractor (AIC) when conducting Inspections for the Emissions of Volatile Organic Compounds from Organic Solvents* explicitly requires AICs to use this protocol during inspections of installations. AICs are assessed against this Application Guidance Standard when applying for accreditation as an AIC to INAB.

A series of Best Practice Guidelines for some of the activities under the Directive have been prepared on behalf of the EPA including dry cleaning, vehicle coating and refinishing, surface cleaning using specified risk phrases solvents, and other surface cleaning. A plain guide for installations under the AIC scheme has also been prepared.

For IPPC installations, the EPA has prepared a *BAT Guidance Note on Best Available Techniques for Solvent Use in Coating, Cleaning and Degreasing* which has taken the waste gas emission limit values directly from Directive 1999/13/EC for each of the relevant activities, including provisions for emission limit values for VOCs with specified risk phrases above stated mass flow emissions (as per Articles 5(7) and 5(8) to the Directive), and emission limit values for existing facilities using existing equipment (as per Article 5(11) to the Directive). The activities covered by this BAT Guidance Note are activities nos. 4, 5, 6, 7, 8, 9, 10, 13, 16 of Annex II A to the Directive above the IPPC threshold.

Similarly, further BAT Guidance Notes are to be prepared which will give regard to the requirements of Directive 1999/13/EC, such as the *BAT Guidance Note for Organic Chemicals Classes 5.6, 5.8, 5.10, 5.15 and 5.16 of First Schedule of EPA Act 1992 & 2003* which will include provisions for pharmaceutical manufacturing, and the *BAT Guidance Note for Organic Chemicals excluding Classes 5.6, 5.8, 5.10, 5.15 and 5.16 of First Schedule of EPA Act 1992 & 2003* which will include provisions for manufacture of coating preparations, varnishes, inks and adhesives.

For installations which fall under the IPPC Directive, any new/substantially changed installation must apply for an IPPC licence/revised IPPC licence. Section *E.1.A. Details of all point emissions to atmosphere* of the IPPC Application Form requires the operator to assess all emissions to atmosphere against the BAT guidance limit. For emissions outside the BAT guidance limit, a planned programme of improvement towards meeting upgraded standards is required. Section *E.1.B. Fugitive and Potential emissions* of the IPPC Application Form requires the operator to specify the relevant category of activity under Directive 1999/13/EC and to specify how the requirements in relation to fugitive emissions will be met.

For existing installations which also fall under the IPPC Directive, a project is currently underway on behalf of the EPA to review all such licensed facilities in order to identify all licensees which come under the scope of the solvents Regulations and to assess if current licences fulfil requirements. This project is scheduled to finish in the Autumn of 2005. This will allow the EPA to modify licences where necessary to implement the requirements of the Directive before the implementation date of 31<sup>st</sup> October 2007 for existing installations.

### **Examples of Measures Taken to ensure compliance with the Directive**

One site, which is classed as an existing installation since it was in operation on 30 June 2003, was however only licensed within the reporting period on 14<sup>th</sup> August 2003 (having applied on 13 February 2001). This site falls under the activity no. 8 other coating. An extract from the site's IPPC licence (figure 1) shows that the requirement to meet fugitive emission values has been incorporated into the IPPC licence (and is in fact more stringent than the Directive's requirements).

**Figure 1: Example of fugitive emission values contained in an IPPC licence for an existing installation**

<p>5.11 Fugitive emissions to air of volatile organic compounds shall be reduced to meet the following limits no later than 1<sup>st</sup> October 2007:</p> <ul style="list-style-type: none"> <li>(i) 20% of total solvent input where solvent consumption is greater than 25 tonnes per year</li> <li>(ii) 25% of total solvent input where solvent consumption is less than 25 tonnes per year</li> </ul>
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The following extract (figure 2) is from another IPPC licence for a site involved in the manufacture of pharmaceutical products which underwent a substantial change. This extract shows how the substantially changed part of the site has been treated as a new installation, while the existing part is treated as an existing installation in accordance with Article 4(4) to the Directive.

**Figure 2: Example of fugitive emission values contained in an IPPC licence for an existing installation which has undergone a substantial change**

<p>5.11 Reduction in total solvent emissions to air:</p> <p>5.11.1 Total emissions to air of volatile organic compounds shall be reduced to meet the following limits:</p> <ul style="list-style-type: none"> <li>(i) Newbridge III process building 3B: no more than 5% of the total solvent input from the date of commencement of the activity in this building.</li> <li>(ii) All other existing process buildings: no more than 15% of total solvent input no later than 1<sup>st</sup> October 2007.</li> </ul>
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## **QUESTION 4 EXISTING INSTALLATIONS**

*How many existing installations are authorised or registered as using the reduction scheme of Annex IIB, according to Article 4(3)?*

No activities have sought the use of the reduction scheme within the reporting period of 1 January 2003 to 31 December 2004. Hence for the reporting period there were zero

existing installations authorised or registered as using the reduction scheme of Annex IIB.

However, existing installations that are planning to use the reduction scheme have until 31<sup>st</sup> October 2005 to notify this to the competent authorities and to register with them.

It is anticipated a large number of the existing installations which fall under activity no. 6 vehicle refinishing will utilise the reduction scheme (without prejudice to the transposition of Directive 2004/42/EC - see section 3.7 in the Executive Summary). However this is outside the reporting period and there are no details on the numbers of such installations to date.

## **QUESTION 5 ALL INSTALLATIONS**

*5.1 Following Article 5(3a), Member States shall report to the Commission on the derogation concerning the application of fugitive emission limit values.*

- *Has there been any derogation? Yes/No*

No, there have been no derogations granted in the reporting period from the application of fugitive emission limit values as per Article 5(3a).

Note, while this question relates to "all installations", existing installations do not yet come under the Directive for the reporting period in question. Hence this response is solely in relation to new and substantially changed installations.

- *In these cases, how is it demonstrated that for the individual installation concerned this value was not technically and economically feasible?*
- *How is it taken into account that significant risks to human health or the environment are not to be expected?*

The above two questions are not applicable since no derogations have been granted in the reporting period.

However, in general terms, for non-IPPC installations, the National Protocol for the Implementation of a Reporting Mechanism in line with the requirements of S.I. 543 of 2002 includes a requirement where an operator of an installation seeks a derogation from the application of a fugitive emission limit value to prepare a report from a competent independent consultant which sets out the reasons why an exemption should be granted. This report must demonstrate to the satisfaction of the AIC inspector that the fugitive emission value is not technically and economically feasible, that the installation provides no significant risk to human health or the environment, and that the best available technique is being used at the installation. The Protocol requires the AIC inspector to recommend to the local authority whether this exemption be granted or not.

Similarly where an IPPC applicant seeks a derogation from the application of a fugitive emission limit value, the EPA licensing process follows a similar line of enquiry.

*5.2 Following Article 5(3b), activities which cannot be operated under contained conditions may be exempted from the controls of Annex II A, when this possibility is explicitly mentioned in that Annex.*

- *How many operators have used this possibility and for how many installations?*

Three operators have used this possibility, however only two of these installations applied for a derogation within the reporting period. Two of these IPPC installations were granted such derogations for two installations under other coating which are existing installations. These two licences were granted in 2005 which is after the reporting period in question. The IPPC licences for both sites still contain waste gas emission limit values,

albeit at levels which are less strict than the Directive. The application from the third installation is currently under consideration. However this is outside the reporting period, and in any case is still ongoing with a conclusion yet to be reached.

- *How is it demonstrated that the reduction scheme of Annex II B is not technically and economically feasible?*

As part of the licence review process sites were required to demonstrate in the application documentation that the reduction scheme of Annex II B is not technically and economically feasible. This was then assessed by the EPA as part of the licensing process.

- *How does the operator demonstrate for the respective installations that the best available technique is being used?*

As part of the licence review process sites were required to demonstrate in the application documentation that BAT was being used. This was then assessed by the EPA as part of the licensing process.

In general terms, for non-IPPC installations, the National Protocol for the Implementation of a Reporting Mechanism in line with the requirements of S.I. 543 of 2002 includes a requirement where an operator of an installation seeks a derogation for activities which cannot be operated under contained conditions to prepare a report from a competent independent consultant which sets out the reasons why an exemption should be granted. This report must demonstrate to the satisfaction of the AIC inspector that the requirements of the emission limit values (ELVs) in Annex II A and the reduction scheme in Annex II B to the Directive are not technically and economically feasible, and that the best available technique is being used at the installation. The Protocol requires the AIC inspector to recommend to the local authority whether this exemption be granted or not.

## **QUESTION 6 NATIONAL PLANS**

- 6.1 *Has the Member State decided to define and implement a National Plan according to Article 6 (see commission Decision 2001/541/EC of 6 September 2000 on criteria for assessing national plans according to Article 6 of Council Directive 1999/13/EC)?*

Ireland has not implemented a National Plan according to Article 6, but has instead implemented the Directive by requiring individual installations to be registered and authorised and to meet the various requirements of the Directive as set out in the Emissions of Volatile Organic Compounds from Organic Solvents Regulations 2002 (S.I. No. 543 of 2002). Therefore, this question is not applicable.

- 6.2 *How many installations have been included under the national plan? What is the emission reduction target, which the plan will deliver? What is the current overall emission for the installations covered by the plan? How does this compare with any interim reduction target falling within this reporting period?*

Ireland has not implemented a National Plan according to Article 6, but has instead implemented the Directive by requiring individual installations to be registered and authorised and to meet the various requirements of the Directive as set out in the Emissions of Volatile Organic Compounds from Organic Solvents Regulations 2002 (S.I. No. 543 of 2002). Therefore, this question is not applicable.

## QUESTION 7 SUBSTITUTION

*Following the provision of guidance by the Commission according to Article 7(1), to what extent has this been taken into account for the authorisation and formulation of general binding rules (see Article 7(2))?*

Articles 23(1) and 20(1)(b) of the Emissions of Volatile Organic Compounds from Organic Solvents Regulations 2002 (S.I. No. 543 of 2002) explicitly refer to guidance from the Commission according to Article 7(1). These articles require operators to show how they have taken into account any such guidance and require Accredited Inspection Contractors and the EPA to take account of such guidance in the discharge of their respective functions.

The National Protocol for the Implementation of a Reporting Mechanism in line with the requirements of S.I. 543 of 2002 requires the operator to refer to measures recommended by the European Commission in relation to solvent substitution.

The Commission has established a website where a series of guidelines, case studies and tools from various member states are downloadable and links to relevant websites are provided ([europa.eu.int/comm/environment/air/solvents/guidance\\_en.htm](http://europa.eu.int/comm/environment/air/solvents/guidance_en.htm)).

An extract from a substantially changed site's IPPC licence (figure 3) shows that the requirement for substitution of solvents with the risk phrases specified in the Directive is being incorporated into IPPC licences.

**Figure 3: Example of a requirement for substitution of solvents contained in an IPPC licence for an existing installation which has undergone a substantial change**

5.10	The licensee shall implement a programme, taking into account guidance in Directive 1999/13/EC, to replace 2-Methoxyethanol by a less harmful substance within the shortest possible time. The above substance has the risk phrases R60 and R61.
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## QUESTION 8 MONITORING

N.B. the requirements of the Directive are only applicable to new or substantially changed installations for the reporting period of this questionnaire.

8.1 *In relation to Article 8(1), in the case where a Member State has introduced an annual reporting obligation for the operator to supply the competent authority with data for the purposes of verifying compliance with the Directive, please state how many operators have not supplied the competent authority with the necessary data and for how many installations?*

Ireland has implemented an annual reporting obligation for all installations.

Existing installations do not yet come under the Directive for the reporting period in question. Hence this response is solely in relation to new and substantially changed installations.

For non-IPPC installations which come under the Accredited Inspection Contractor (AIC) system annual reporting is through the submission of the AIC inspection and report to the competent authority. For installations which come under the IPPC system, reporting is through the submission of the licensee's Annual Environmental Report (AER).

There has been one installation authorised under the AIC system within the reporting period. This installation submitted an AIC report to the local authority in question in

accordance with the AIC scheme. The date for submission of the next annual AIC report has not yet been reached.

Under the IPPC system:

- **5** relevant installations have been authorised as new or substantially changed installations during the period. All **5** of the new or substantially changed installations have submitted AERs for the appropriate years.
- **3** relevant installations have been authorised during the period, but are classed as existing activities since they were in operation on 30 June 2003. Hence the annual reporting obligation is not yet relevant to these activities. In any case they are required to submit AERs.
- **6** relevant installations applied for licences during the period but were not yet authorised by 31<sup>st</sup> December 2004. Hence the annual reporting obligation is not yet relevant to these activities.

*What measures are taken by the competent authority to ensure that this information is supplied within the shortest possible time?*

This question is not applicable to the reporting period as all relevant installations have reported as required.

In general terms, installations which come under the AIC system cannot continue operation without the annual submission of an AIC report as set out in Article 5(1) of the Emissions of Volatile Organic Compounds from Organic Solvents Regulations 2002 (S.I. No. 543 of 2002).

For installations which come under IPPC, all licensees are required to submit their AER by the 31<sup>st</sup> March for the previous calendar year. The EPA's Office of Environmental Enforcement acts to ensure licences as issued are complied with to the greatest possible extent.

8.2 *In relation to Article 8(1), in the case where a Member State has introduced an 'on request' reporting obligation for the operator to supply the competent authority with data for the purposes of verifying compliance with the Directive, please state how many operators have supplied the competent authority with the necessary data and for how many installations?*

This question is not applicable since Ireland has implemented an annual reporting obligation on all installations rather than an 'on request' reporting obligation as outlined in the response to question 8.1.

8.3 *Without prejudice to Article 8(4) and in relation to Article 8(3), what is the number of installations with a non-continuous measurement frequency of more than one year?*

None of the new or substantially changed installations that have been authorised in the reporting period have a non-continuous measurement frequency of more than one year for emissions where end of pipe abatement is needed to comply with the Directive. In all cases measurement is either continuous or periodic at frequencies ranging from quarterly measurement to biannual measurement.

## QUESTION 9 NON-COMPLIANCE

N.B. the requirements of the Directive are only applicable to new or substantially changed installations for the reporting period of this questionnaire.

*In relation to Article 10:*

- *How many operators have been found breaching the requirements of this Directive?*

For all **5** new or substantially changed installations that have been authorised in the reporting period, one of them has been found to be breaching the requirements of its licence in relation to emissions of VOCs to air in the reporting period. The installation was successfully prosecuted in June 2004 for licence breaches. This installation is an existing installation which was issued with a revised licence during the reporting period. This revised licence was in relation to the installation of abatement equipment and the amalgamation of several emissions points into one point source with a new emission to sewer. This was considered a substantial change under IPPC and hence a substantial change under Directive 1999/13/EC. Another non-compliance in relation to TOC exceedance has since occurred at the installation, but this is outside the reporting period (occurred in September 2005) and is currently being pursued using the usual procedures (these are described in the next sub-question).

Another installation which has applied for a revised licence after the reporting period (i.e. in 2005), and so has registered for a substantial change (but not within the time period of this report), was found to be breaching the requirements of its licence in relation to emissions to air during the reporting period. Breaches were in relation to exceedance in flow emissions, a number of shut-down events, and a continuous VOC monitor not working properly. Measures taken in this case were as follows: a copy of the relevant site inspection report and Notification of Non-compliance was issued to the installation. Subsequent correspondence from the installation indicated non-compliance had been rectified. This was verified on a subsequent site inspection by the EPA enforcement inspector for the installation.

- *What measures are taken, in order to restore compliance 'within the shortest possible time' pursuant to Article 10(a)?*

In general terms, where it is found by the EPA that an IPPC installation is breaching any of the requirements of its IPPC licence, including the requirements of this Directive, the EPA puts into effect a process starting with Notifications of Non-compliance issued by letter. Notifications of Non-compliance require the operator to respond with proposed corrective and preventive actions within a specified time period. In the event that an operator does not respond appropriately, the EPA's Office of Environmental Enforcement has recourse to prosecute the installation through the courts, and if necessary obtain a High Court Injunction.

Where the operator of an IPPC installation discovers a breach of the requirements of its IPPC licence, including the requirements of this Directive, the operator is obliged through a specific condition, which is in every IPPC licence, to notify the EPA by both telephone, and either facsimile or electronic mail, to the appropriate EPA Office of Environmental Enforcement, as soon as practicable after the occurrence. The licensee is required to submit an incident record to the EPA "as soon as practicable following incident notification" which must include all corrective actions taken to restore compliance and avoid recurrence. Such notifications are placed on the public file.

An example of the measures taken are described in the previous sub-question in relation to an existing installation found to be breaching the requirements of its licence.

In general terms, where an operator of an installation that comes under the AIC system is aware that requirements are being breached, or an AIC becomes aware of this, Article 27 of the Emissions of Volatile Organic Compounds from Organic Solvents Regulations 2002 (S.I. No. 543 of 2002) requires the operator/AIC to inform the competent authority. Article 27 also requires the operator to take all necessary measures to ensure compliance is restored within the shortest possible time.

The INAB's *Application Guidance Standard on the application of ISO 17020:1998 by an Accredited Inspection Contractor (AIC) when conducting Inspections for the Emissions of Volatile Organic Compounds from Organic Solvents* explicitly requires AICs to inform the Competent Authority where the AIC becomes aware that a requirement of the Regulations has been, or is being, breached by an operator as per Article 27 of the Regulations.

- *How many times have the competent authorities suspended or withdrawn the authorisation in case of non-compliance pursuant to Article 10(b)?*

In the reporting period, the competent authorities have not required the suspension or withdrawal of authorisation pursuant to Article 10(b) for any of the installations that are under the Directive (the requirements of the Directive are only applicable to new or substantially changed installations for the reporting period of this questionnaire). The EPA's Office of Environmental Enforcement has the power to obtain High Court Injunctions against operators of installations. No such High Court Injunctions were sought in the reporting period.

## **QUESTION 10 COMPLIANCE WITH EMISSION LIMIT VALUES**

N.B. the requirements of the Directive are only applicable to new or substantially changed installations for the reporting period of this questionnaire.

- *10.1 Describe briefly practices to ensure compliance with the emission limit values in waste gases, fugitive emission values and total emission values.*

For installations which come under the IPPC system, practices to ensure compliance with the emission limit values in waste gases and the fugitive emission values include:

- Licence conditions requiring periodic monitoring of emissions in waste gases by licensees. Regular reporting of such monitoring to the EPA. Notification of non-compliances with the emission limit values in waste gases as soon as practicable after the occurrence.
- Licence conditions for calculating fugitive emission values in accordance with the 2002 Regulations. Annual submission of an Annual Environmental Report (AER) to the EPA including a report on fugitive emissions to air.
- Periodic spot monitoring of emissions in waste gases by the EPA Office of Environmental Enforcement.
- Inspections and audits of installations by the EPA Office of Environmental Enforcement.

For installations which come under the AIC system, practices to ensure compliance with the emission limit values in waste gases, fugitive emission values and total emission values include:

- The requirement to obtain a Certificate of compliance on an annual basis from the competent authority with the annual submission and approval of a compliant AIC report.
- The requirement to prepare an annual solvent management plan as set out in the *National Protocol for the Implementation of a Reporting Mechanism in line with*

the requirements of S.I. 543 of 2002 and the various Best Practice Guidelines for the different sectoral activities, including the calculations to be used for fugitive emissions and total emissions in accordance with the 2002 Regulations. Electronic Excel spreadsheets for the compilation of solvent management plans have been published by the EPA for the sectors dry cleaning and vehicle coating & refinishing.

- Where meeting an emission limit values in waste gases, the requirement for an operator to carry out monitoring of the emission in accordance with the requirements of the *National Protocol for the Implementation of a Reporting Mechanism in line with the requirements of S.I. 543 of 2002*.
- The obligation on operators and AICs to report any breach of the requirements of the Regulations to the competent authority.
- The ability for a competent authority to contract an AIC to inspect and report on the applicability of the Regulations to an installation as set out in Article 23(2) to the 2002 Regulations.

*Please inform about examples of measures to ensure compliance applied during the period.*

Two conditions from an IPPC licence which was granted during the reporting period are shown in the following figure. These two conditions set out the requirements to meet and report on fugitive emission values.

**Figure 4: An example of measures to ensure compliance applied during the period: fugitive emission values contained in an IPPC licence**

5.11 The licensee shall prepare a programme, to the satisfaction of the Agency, for the monitoring of fugitive emissions to air. The programme shall be submitted to the Agency for agreement, within six months of the date of grant of this licence and shall be fully implemented within three months of the date of such approval or such other time as the Agency may allow. A full report on fugitive emissions to air shall be included annually in the AER.

A schedule from an IPPC licence granted during the reporting period setting out the requirements for monitoring emissions in waste gases is shown in figure 5.

**Figure 5: An example of measures to ensure compliance applied during the period: requirement for monitoring emissions in waste gases in an IPPC licence**

<b>Schedule 1 (iii) Monitoring of Emissions to Atmosphere</b>		
Emission Point Reference No.:	A2-1	
Parameter	Monitoring Frequency	Analysis Method/Technique
Total Organics (as C)	Quarterly	GC/FID

For all **5** new or substantially changed installations that have been authorised in the reporting period, the following measures to ensure compliance have been carried out for these sites within the reporting period of 1st January 2003 to 31st December 2004:

- a total of 10 site inspections by EPA enforcement inspectors.
- a total of 2 site audits by EPA enforcement inspectors.
- a total of 2 on-site EPA air emission monitoring visits.

10.2 *What are, in general terms, the most common practices concerning regular on-site inspections by competent authorities? In case those are not carried out, how do competent authorities verify the information provided by the operator?*

In the case of installations which come under the IPPC system, on-site inspections and audits are periodically carried out by the EPA's Office of Environmental Enforcement. In addition, periodic monitoring of waste gas emissions is also carried out by the EPA. The most common practices involve:

- Emission monitoring visits, where monitoring of waste gas emissions takes place. Such visits are usually unannounced. A report on the emission monitoring results is sent to the installation. Any non-compliances recorded are required to be addressed by the installation.
- Inspections/audits of the whole installation or in relation to one specific aspect of the licence. Such inspections/audits can be either planned or unannounced. Inspections/audits typically consist of an opening meeting, a site tour, documentation review, interview of personnel, and a close out meeting. A report on the inspection/audit is sent to the installation detailing any non-compliances or observations.

In the case of installations which come under the AIC system, the competent authority does not carry out regular inspections. Instead this function is performed annually by the Accredited Inspection Contractor (AIC). The procedure for carrying out site inspections is specified in the *National Protocol for the Implementation of a Reporting Mechanism in line with the requirements of S.I. 543 of 2002*. The INAB's *Application Guidance Standard on the application of ISO 17020:1998 by an Accredited Inspection Contractor (AIC) when conducting Inspections for the Emissions of Volatile Organic Compounds from Organic Solvents* explicitly requires AICs to use this protocol during inspections of installations. The most common practices during on-site inspections by AICs involve a site tour, documentation review (including solvent management plan documentation, back-up documentation, procedures, purchasing/procurement records, waste records, etc.), employee interviews, and where relevant measurement of emissions in waste gases (if meeting ELVs for waste gases and monitoring has not already been carried).

The AIC's accreditation from INAB to ISO 17020 (EN 45004) for the conduct of inspections to the Emissions of Volatile Organic Compounds from Organic Solvents Regulations 2002 (S.I. No. 543 of 2002) provides assurance to the competent authorities of the veracity of the information provided through the AIC Report.

## **QUESTION 11 REDUCTION SCHEME**

11.1 *What is the procedure to ensure that the reduction scheme proposed by the operator, corresponds as closely as possible to the emissions, which would have resulted if the emission limit values set out in Annex II of the Directive had been applied?*

For installations which choose to use the reduction scheme, but opt to use a reduction scheme proposed by themselves rather than the reduction scheme specified in Annex IIB to the Directive and repeated in Schedule 3 to the 2002 Regulations, the following

measures have been taken to ensure emissions corresponds as closely as possible to the emissions which would have resulted if the emission limit values:

- The *National Protocol for the Implementation of a Reporting Mechanism in line with the requirements of S.I. 543 of 2002* has a section for dealing with such reduction schemes where the AIC inspector must sign off as being satisfied that the reduction scheme proposed is suited to demonstrate compliance with the solvents Directive.
- In the relevant Best Practice Guidelines that have been developed for example, the Best Practice Guidelines for Vehicle Coating & Refinishing, it is stated that an operator is allowed use any alternative reduction scheme to the one outlined in Annex IIB if it is more suited to the installation, but an equivalent emission reduction must be achieved and demonstrated. The Guidelines also require approval of the Local Authority for using an alternative reduction scheme. (without prejudice to Directive 2004/42/EC - see section 3.6 in the Executive Summary).

*Please provide information about your experience with the application of the Reduction Scheme.*

It is anticipated a large number of the existing installations which fall under activity no. 6 vehicle refinishing will utilise the reduction scheme to meet the requirements of Directive 1999/13/EC (without prejudice to Directive 2004/42/EC - see section 3.6 in the Executive Summary). As part of the series of pilot audits carried out in 2004, it was found that vehicle refinishing activities would be unlikely to be able meet ELVs in waste gases in the absence of any VOC abatement equipment. However, with the introduction of some lower VOC coatings and with improved management practices, it would be possible for such activities to meet the requirements of the reduction scheme.

To date no IPPC installations have sought the use of the reduction scheme.

*11.2 If you have used the reduction scheme proposed by Annex II B(2), please answer the following questions:*

*11.2.1 Which procedures and practices are in place to calculate the annual reference emission?*

The National Protocol for the Implementation of a Reporting Mechanism in line with the requirements of S.I. 543 of 2002 sets out the general calculation procedure for the reduction scheme. The Best Practice Guidelines for Vehicle Coating & Refinishing also set out the calculation procedure for the reduction scheme for this activity (without prejudice to Directive 2004/42/EC - see section 3.6 in the Executive Summary). In both cases these include how to calculate the annual reference emission.

*11.2.2 Which procedures and practices are in place to calculate the emission target?*

The *National Protocol for the Implementation of a Reporting Mechanism in line with the requirements of S.I. 543 of 2002* sets out the general calculation procedure for the reduction scheme. The Best Practice Guidelines for Vehicle Coating & Refinishing also set out the calculation procedure for the reduction scheme for this activity (without prejudice to Directive 2004/42/EC - see section 3.6 in the Executive Summary). In both cases these include how to calculate the target emission.

*11.2.3 Which procedures are in place to ensure that compliance with the target emission is achieved?*

*Answer may be brief and summary in form.*

The AIC report template and procedure in the *National Protocol for the Implementation of a Reporting Mechanism in line with the requirements of S.I. 543 of 2002* calculates the target emission and then compares the target emission with actual emissions. The AIC report template then records either compliance or non-compliance. The AIC also assesses the emission reduction plan for the installation and provides an opinion as to

whether this emission reduction plan will maintain/achieve compliance with the target emission.

An AIC records in the AIC report any major non-compliances (reason(s) for the installation being non-compliant), minor non-compliances (less serious issues which in time could become major non-compliances – inspection passed), and observations (areas for improvement by the operator with a view to avoiding minor non-compliances in the future).

The requirement to obtain a Certificate of compliance on an annual basis with the annual submission of an AIC report will help ensure that compliance with the target emission is achieved.

## **QUESTION 12 SOLVENT MANAGEMENT PLAN**

*According to Article 9, how is compliance by the operator demonstrated (solvent management plan or equivalent)?*

For installations which come under the AIC system:

- Compliance with emission limit values in waste gases is demonstrated through monitoring carried out on behalf of the operator by either a competent consulting company, by an AIC, or by an AIC's sub-contractor. These results must be interpreted in accordance with Articles 9(3) and 9(4) to the Directive as set out in the *National Protocol for the Implementation of a Reporting Mechanism in line with the requirements of S.I. 543 of 2002*.
- Compliance with fugitive emission values, compliance with total emission values, or compliance with a reduction scheme, is demonstrated by the operator through the preparation of a solvent management plan. The *National Protocol for the Implementation of a Reporting Mechanism in line with the requirements of S.I. 543 of 2002* sets out how to compile a solvent management plan in general terms and reflects Annex III to the Directive. The various Best Practice Guidelines tailor the solvent management plan to the type of activity concerned.

For installations which come under the IPPC system:

- Compliance with emission limit values in waste gases is demonstrated through monitoring as set out in the conditions to the IPPC licence. IPPC licences also have a condition for interpretation of monitoring results that reflect Articles 9(3) and 9(4) to the Directive. Reports on monitoring are required at frequencies specified in the IPPC licence. A summary report on monitoring is included in the installation's Annual Environmental Report (AER).
- A condition in relevant IPPC licences requires fugitive emissions to be calculated in accordance with Schedule 6 to the 2002 Regulations. Schedule 6 to the 2002 Regulations is the solvent management plan as per Annex III to the Directive. Compliance with fugitive emission values must be demonstrated annually through a full report on fugitive emissions included annually in the installation's AER.

## **QUESTION 13 PUBLIC ACCESS TO INFORMATION**

*Which practices, in general terms, are in place to ensure the application of Article 12 on public access to information?*

For installations under the AIC system:

Article 29 to the 2002 Emissions of Volatile Organic Compounds from Organic Solvents Regulations 2002 (S.I. No. 543 of 2002) requires competent authorities to maintain a register for public information which records every report submitted by an Accredited

Inspection Contractor (AIC), every Certificate of compliance, and every notification of non-compliance.

A project is currently being undertaken on behalf of the EPA which is identifying existing installations which will come under the Accredited Inspection Contractor (AIC) scheme. It is envisaged that the output from this project can be used by each city council or county council as a starting base for the Register required under Article 29 to the 2002 Regulations. The resulting database will also be published at [www.epa.ie](http://www.epa.ie)

For installations under the IPPC system:

All applications for IPPC licences are available for public viewing at the EPA's headquarters. All applications for IPPC licences or for revised IPPC licences (such as that caused by a substantial change) are required under the Environmental Protection Agency (Licensing) Regulations 1994 – 2004 (S.I. No. 85 of 1994, S.I. No. 240 of 1996 and S.I. No. 816 of 2004) to be made available for a period of time to the public to enable it to comment on them before the EPA reaches a decision. Any person may make a written submission to the EPA in respect of an application for an IPPC licence. The appropriate period for receipt of objections is currently within 21 days for third parties and within 28 days for applicants of the notification of the proposed determination.

Proposed Determinations (draft licences) and issued IPPC licences are all downloadable from the EPA website ([www.epa.ie/Licensing/IPPC/Licensing/SearchforanIPPCLicence/](http://www.epa.ie/Licensing/IPPC/Licensing/SearchforanIPPCLicence/)).

The results of emissions monitoring by both the operator of the installation and by the EPA are available for public viewing in the enforcement files maintained at the four Offices of Environmental Enforcement. The website details the licences held by each office. The EPA has established a public information viewing procedure, which is available on its website.

In terms of the general binding rules being available to members of the public, the Department of Environment, Heritage and local Government (DEHLG) has a downloadable copy of the 2002 Regulations on its website. The EPA also maintains a page about the solvents Regulations on its website which has downloadable documents such as a plain guide to the Regulations, the various Best Practice Guidelines, Excel spreadsheets for the compilation of solvent management plans, and the *National Protocol for the Implementation of a Reporting Mechanism in line with the requirements of S.I. 543 of 2002* ([www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/](http://www.epa.ie/TechnicalGuidanceandAdvice/SolventRegulations/)).

Both the *National Protocol for the Implementation of a Reporting Mechanism in line with the requirements of S.I. 543 of 2002* and the application form for IPPC licences require any information considered to be confidential in nature to be indicated clearly.

## **QUESTION 14 RELATIONSHIP WITH OTHER COMMUNITY INSTRUMENTS**

*How do Member States view the effectiveness of the Directive, inter alia, in comparison with other Community environmental instruments?*

It is anticipated that implementation of Directive 1999/13/EC should result in a reduction in VOC emissions which is important both for the environment and for human health. Directive 1999/13/EC is considered to be a crucial instrument for Ireland to meet its requirements under the National Emission Ceilings Directive 2001/81/EC.

Ireland has a very proactive record in terms of implementation of the related IPPC Directive 1996/61/EC. In fact, a large number of IPPC installations were licensed before the final adoption of the Directive. One aspect of the Irish IPPC legislation which goes further than the Directive is in relation to the requirement for sites which manufacture or use of coating materials in processes with a capacity to make or use at least 10 tonnes per year of organic solvents to hold an IPPC licence. This is a much lower threshold than under the IPPC Directive. Hence there are a good number of existing installations which fall under Directive 1999/13/EC that are already IPPC licensed. Hence a significant

amount of work in getting these installations to meet the requirements of the solvents Directive has already been taken.

The detailed and prescriptive obligations and reporting requirements of Directive 1999/13/EC should encourage prevention. It is expected that, where possible, installations will seek to move away from the use of organic solvents, or reduce solvent consumption to levels below the thresholds in order to avoid coming under the remit of the Directive. Such activity has been occurring in some existing Irish installations which would otherwise come under the Directive.

Directive 1999/13/EC is significantly more prescriptive than many other environmental instruments such as the IPPC Directive. However, this should ensure a uniformity of application across all Member States. Conversely, interpretation of the precise activity definitions can in some instances prove difficult.

The level of complexity of the Directive will pose an initial challenge for SMEs, particularly as some of the activities covered by the Directive encompass sectors which have never previously been subject to environmental authorisation. The provision of assistance, through for example Best Practice guidelines and Excel spreadsheets for solvent management plans, as has been done in Ireland, should help in this respect.

The diversity of the sectors involved will also take time to be fully appreciated by both industry and regulators alike. Similarly it will take time for all relevant installations to be identified and brought in under the system, particularly in the case of non-IPPC installations.

The flexibility of approach, either through emission limit values or the reduction scheme is a useful and practical aspect of the Directive particularly in relation to the encouragement of preventive approaches over end of pipe measures.