

Circulation:

To each local authority – Director of Services, Planning

**Re: Industrial Emissions Directive 2010/75/EU
European Union (Industrial Emissions) Regulations 2013**

The Industrial Emissions Directive (IED) was published in November 2010 and was transposed into Irish law in April 2013. A number of regulations were made to effect this transposition including:

- European Union (Industrial Emissions) Regulations 2013, which introduced amendments to the EPA Acts and Waste Management Acts; and
- Environmental Protection Agency (Industrial Emissions) (Licensing) Regulations 2013, which introduce the new mechanism for licensing activities that come under the Directive.

One of the principal changes is the amendment of the First Schedule to the EPA Acts to incorporate the activities listed in Annex I of the Directive. Annex I contains a list of activities subject to authorisation under the Directive. The First Schedule of the EPA Acts (1992 – 2013) is reproduced at this link:

<http://www.epa.ie/pubs/advice/process/firstscheduletotheepaact1992asamended.html>.

Note that the IED activities are shown in blue.

Newly prescribed IED activities are those which were not previously licensable by the Agency and include activities in various sectors including:

1. The production of, organic/ inorganic chemicals, of phosphorus-based, nitrogen-based or potassium-based fertilisers, of plant health products and of biocides, of pharmaceutical products including intermediates, of explosives, provided that the activity concerns production by biological processing.
2. The gasification and liquefaction of fuels other than coal, with a rated thermal input of 20MW or more.
3. An activity specified in paragraph 7.8 (food and drink sector) that did not previously require a licence.
4. The waste activities listed in paragraph 11, some of which are currently regulated by local authorities.
5. There may also be some newly prescribed activities in the preservation of wood (paragraph 8.3) and wood products sector and in the production of wood-based panels (paragraph 8.7);
6. associated with the production of cement clinker (paragraph 10.2), lime (paragraph 10.3) and magnesium oxide (paragraph 10.4) in kilns; and
7. associated with independently operated waste water treatment installations.

All IED activities are to be regulated by the Agency. Any IED activities currently regulated by local authorities, for example some waste activities and some activities which previously did not require authorisation, for example some activities in the food and drink sector, will need an Industrial Emissions Licence by **7 July 2015**. It is not adequate for the operator to have applied for a licence by that date. The entire process – assessment of application, EIA and Appropriate Assessment (if needed), proposed decision, objection phase, oral hearing (if held) – must be completed by 7 July 2015.

The onus is wholly on the operator of an installation to ensure they apply to the Agency in good time for an Industrial Emissions Licence. The Agency will prioritise any such applications to ensure they are processed in a timely manner. It is however essential that all relevant permit holders are informed of their new obligations as soon as possible. The Agency and the Department of the Environment, Community and Local Government will engage in general awareness-raising exercises regarding the IED. However the assistance of local authorities is required in identifying and informing those operators who are carrying on activities now covered by the IED and so listed in the new First Schedule to the EPA Acts. IED activities not appropriately licensed by 7th July 2015 will not be allowed to operate after that date.

The Agency has published guidance and information on the IED at <http://www.epa.ie/licensing/industrialemissionslicensing/> and queries can be directed to Industrial_Emissions_Licensing_Queries@epa.ie.

The Agency recently held a webinar (a live web broadcast) for the information of those operators who may be carrying out activities which are newly prescribed by the Industrial Emissions Directive. That webinar (along with other previously run by the Agency) was recorded and can still be accessed on the EPA channel of the service providers website. Registration is free at: <https://www.brighttalk.com/webcast/9897/103577>.

Your assistance in this matter is appreciated.

Yours faithfully



Inspector
Environmental Licensing Programme