The implementation of the IPPC-directive in the permitting system (Flanders/Belgium)

Istanbul - National Forum
21-22 October 2009

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• The Flemish Region within Belgium
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• Benefits of an integrated approach
Belgium: in the heart of Europe
Belgium: a federal state with 3 Regions

Map indicating the Flemish Region, Walloon Region, and Brussels Capital Region within Belgium.
The 3 Regions of Belgium

<table>
<thead>
<tr>
<th>FLEMISH REGION</th>
<th>BRUSSELS-CAPITAL REGION</th>
<th>WALLOON REGION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northern</td>
<td>Central</td>
<td>Southern</td>
</tr>
<tr>
<td>6 M inhabitants</td>
<td>1 M</td>
<td>3 M</td>
</tr>
<tr>
<td>Dutch (= Flemish)</td>
<td>Dutch &amp; French</td>
<td>French ( &amp; German)</td>
</tr>
</tbody>
</table>

Environment is a **regional** responsibility
Each region has its own legislation and permitting system
The Environmental Licences Division

• part of the Environment, Nature and Energy Department (LNE)

• vision:

  The Environmental Licences Division is responsible for the prevention and reduction of pollution by (industrial) activities

• we do this by:
  ▪ giving opinions on environmental licence applications
  ▪ updating permit conditions based on BAT
  ▪ drawing up, updating and evaluating environmental standards
The Environmental Licences Division

Environmental Licences Division

Legal & Technical Support to the Licence Policy
Environmental Licence Policy
Best Available Techniques and Accreditations

provincial external office
provincial external office
provincial external office
provincial external office
provincial external office

Environmental Licences Division: 125 staff members (85 highly skilled advisors)
Permitting system in Flanders

Before 1991:

- system of ‘single media permits’
  - no integrated approach, fragmentated permit conditions
- environmental licences & inspectorate division = together

History:

- 1946 ARAB (protection of workman)
- 1959 natural resources
- 1971 waste water
- 1974 toxic waste
- 1981 waste products
- 1984 groundwater

Note: different duration of permits (10 years, 30 years, no limitation)
PM: Permitting system in Flanders

Since 1991: VLAREM

- **integrated environmental legislation**
  
  (air, water, soil, waste, raw materials, external safety,...)
  
  - integrated approach: permit granted by one authority

Principles:

- no exploitation without permit
- one integrated permit for one plant, granted by one authority
- all conditions together
- duration: max. 20 years
- separate environmental licences division & inspectorate division
Permitting system in Flanders

same general principles as IPPC:

- **Integrated**
  - take into account the whole environmental performance of the plant
  - permit procedure coordinated if more authorities involved

- **Pollution Prevention**
  - use all appropriate pollution-prevention measures (BAT/BREF)
  - prevent all large-scale pollution
  - prevent, recycle or dispose of waste in the least polluting way possible
  - ensure accident prevention and damage limitation
  - added since 96 (IPPC): efficient energy use

- **Pollution Control**
  - limiting emissions (end-of-pipe)
  - emission monitoring
  - added since 96 (IPPC): return sites to their original state when the activity is over
Permitting system in Flanders

Based on a classification list of establishments considering nuisance, environmental impact and risk: 3 categories

- **Class 3**: plants with minor risk, nuisance and environmental impact potential
  - ca. 180.000 installations in Flanders
  - e.g. small garage, carpenter, storage < 20.000 l fuel oil, …

- **Class 2**: plants with medium risk, nuisance and environmental impact potential
  - ca. 70.000 installations in Flanders
  - e.g. big garage, transformer > 1.000 kVA, printing office 200-1.000 kW (in a industrial area), …
Permitting system in Flanders

- **Class 1**: Plants with high risk, nuisance and environmental impact potential
  - ca. 24,000 installations in Flanders
  - e.g. landfill, > 500,000 l fuel oil, > 1,000 pigs, > 200 cattle, …
  - incl. IPPC, Seveso & Environmental Impact Assessment Directives

  number of IPPC-installations: ca. 1,200 in Flanders
  - ca. 500 intensive rearing
  - ca. 70 energy-industry
  - ca. 130 ferrous metals
  - ca. 170 chemical industry
  - ca. 120 waste treatment
  - ca. 25 mineral industry
  - ca. 185 other activities

- number of Seveso-plants in Flanders: ca. 280
  - ca. 140 lower threshold
  - ca. 140 upper threshold
### Permitting system in Flanders

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Class 3</th>
<th>Class 2</th>
<th>Class 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notification</td>
<td>permit</td>
<td>permit</td>
<td></td>
</tr>
<tr>
<td>Competent Authority</td>
<td>City (Mayor)</td>
<td>City (Mayor)</td>
<td>Province</td>
</tr>
<tr>
<td>Conditions</td>
<td>General binding rules (GBR) + particular conditions</td>
<td>GBR + particular conditions</td>
<td>GBR + particular conditions</td>
</tr>
<tr>
<td>Time-schedule</td>
<td>+ 1 day</td>
<td>3 (+ 1) months</td>
<td>4 (+ 2) months</td>
</tr>
<tr>
<td>Appeal</td>
<td>None</td>
<td>Province</td>
<td>Flemish Minister (Environment)</td>
</tr>
</tbody>
</table>
Permitting procedure: class 1

Submit application at the province

Checked for completeness and admissibility

Bench of Mayor and Aldermen (opinion)
Different administrations (opinion in 60 days)

Mayor (public consultation)

Provincial Environmental Permitting Committer (PMVC): single opinion formulated

Provincial Council:
Delivers/refuses permit (possibility to delay deadline with 60 days)

Whole procedure takes up to 4 months (if decision to delay deadline: up to 6 months)
Permitting procedure: class 1

permit application:

- Now: 7 or 10 paper copies / Near future: digital
- Includes a lot of administrative and technical data
- Environmental Impact Assessment (if applicable)
- Safety Report (if applicable)
- for IPPC: description of
  - installation and activities
  - materials and energy used/generated
  - sources of emissions
  - conditions of the site
  - nature and quantities of emissions into each medium + identification of significant effects on the environment
  - technology and techniques for preventing (reducing) emissions
  - measures for the prevention and recovery of waste
  - further measures planned
  - emission-monitoring plan
+ non-technical summary
Permitting procedure: class 1

public participation:

- Application available for inspection during 30 days
- Announcement is made on the location during 30 days
- Written announcement to all neighbours (owners/users) within 100 m of the location
- Internal safety committee from neighbour companies
- Labour inspection, public ways, waterways
- Publication in at least 2 daily or weekly journals
- For EIA- and Seveso-plants: information meeting

In case of possible negative effects across the borders of region or country: other region or country is informed

→ All spoken and written objections are listed and taken into account
Permitting procedure: class 1

opinions:

- Environmental Licences Division – all aspects
- City (Bench of Mayor and Aldermen) – all aspects
- RO – location (spatial planning)
- VMM - water and air emissions
- OVAM – waste management
- ALBON - natural resources
- VEA – energy management
- ToVo – public health aspects
- Air and Climate Division - greenhouse gases

- 60 days
- No opinion in time = favourable opinion
Permitting procedure: class 1

Provincial Environmental Licence Committee (PMVC)

- Members: all opinion giving entities + experts
- explanation of all opinions
- explanation of all remarks/objections that are made during the public investigation
- the operator is invited to be heard (if he wants to)
- others (e.g. public) can be invited

an integrated, coordinated and motivated opinion is made for the Provincial Council
Permitting procedure: class 1

Provincial Council

- political authority that delivers or refuses permit
- each permit has permit conditions
Permitting procedure: class 1 - appeal

Submit appeal to the Minister

Checked for completeness and admissibility

Different administrations (opinion in 30 days)

Regional Environmental Permitting Committee (GMVC)
single opinion formulated

Minister:
delivers/refuses permit (possibility to delay deadline with 30 days)
Permitting procedure: changes

What about changes by operators to installations?

• Change in operation
  without or with minor increase of risk, nuisance
  and environmental impact
  → notification (& update permit conditions)

• Change in operation with a substantial increase of risk, nuisance and environmental impact:
  → new permit (procedure as given before)
Important note:

Relation environmental permit – construction permit:

- environmental permit is not valid without construction permit
- construction permit is not valid without environmental permit

The procedures of the environmental permit and the construction permit are maximum geared to each other.
Permit conditions: principles

- Permit conditions ensure an integrated approach and an equivalent high level of environmental protection as a whole:
  - use of general binding rules (VLAREM II)
  - include emission limit values (ELV) to prevent/reduce emissions
  - ELV and equivalent parameters and technical conditions are based on BAT/BREF
  - contain a suitable emission monitoring plan, specifying measurement methodology and frequency
  - contain measures relating to conditions other than normal operating conditions
  - contain provisions on the minimisation of long-distance or transboundary pollution
  - additionally specific permit conditions, stricter than those achievable by the use of the BAT/BREF, taking into account local factors: nuisance, environmental quality standards (EQS)
1) **Periodically** reconsider and update of permit conditions

In any event when:

- pollution is of such significance that ELVs need to be revised
- changes in BAT/BREF make it possible to reduce emissions without excessive costs
- operational safety requires other techniques
- new provisions/legislation

2) → A long-range plan is made to ensure that all IPPC-permits are reconsidered and updated (if needed) at least every 5 years
Benefits of an integrated (IPPC) approach

- a coordinated analysis of the potential environmental impacts, nuisance and risk
- the possibility to define optimal conditions taking into account all the environmental impacts: air, water, waste, energy consumption, …
- one permit with coherence of the conditions
- regulation is more effective with one permit/one competent authority
- administrative simplification for the operator and the enforcers:
  - all requirements are set in one document
  - one administrative contact point (permitting procedure, periodical inspection)
  - easy dialogue between operator and the competent authority
Thank you for your attention

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