

Food, Drink and Milk Industries (FDM) BREF Webinar

WELCOME



Paul Wright
Technical Director – SLR Consulting

Paul Wright has over 9 year's continuous experience as an environmental Regulator with Natural Resources Wales and its predecessor bodies. For the last 6 years, prior to joining SLR in September, he held the role of Industry Regulation Team Leader for North and Mid Wales

WELCOME

Tom Bruce
Senior Advisor – Environment Agency

Tom Bruce is a Senior Advisor in the Environment and Business department of the Environment Agency and leads on Food and Drink. He was the UK Lead on the FDM BREF review.

SLR's involvement to date



Part of UK Shadow Technical Working Group, led by Tom Bruce



Supported Operators with Regulation 61 responses

A BRef review reminder

- ➔ Technical exchange of information to establish BAT.
- ➔ Reference point for setting permit conditions.
- ➔ Data driven, evidence led and consensual.



Hierarchy of BAT conclusions

- ➔ BAT- Associated Emission Levels (BAT-AELs)
 - ➔ mandatory unless derogated.
- ➔ BAT-AE(Performance)Ls (BAT-AEPLs)
 - ➔ Indicative environmental performance levels.
 - ➔ Operators must justify deviations from these benchmarks.
- ➔ Narrative (descriptive) BAT
 - ➔ neither prescriptive nor exhaustive.

FDM BATcs document structure

- ➔ Scope
- ➔ Definitions
- ➔ General considerations
- ➔ General BAT conclusions (BATs 1-15)
- ➔ Sector specific BAT conclusions (BATs 15-37)

What are the main changes?

The main change compared to the original 2006 BREF is that the new BAT standards are based on actual performance data provided by industry as part of an extensive data collection exercise.

It sets out sector specific BAT standards for emissions to air (BAT-AELs) and for energy and water consumption (BAT-AEPLs).

The final BREF update issued on 4 December 2019 introduces sector specific BAT for the following named sectors:

- Animal feed;
- Ethanol production;
- Grain milling; and
- Soft drinks & nectar/juices.

EMS Requirements

The updated BREF brings in the requirement for a detailed Environmental Management System requiring specific management plans:

- ➔ Monitoring
- ➔ Energy Efficiency
- ➔ Water consumption and Waste Water discharges
- ➔ Harmful Substances
- ➔ Resource Efficiency
- ➔ Emissions to Water
- ➔ Noise
- ➔ Odour

What happens next?

- There is a 4 year implementation period, i.e. deadline of 4 December 2023 for the UK Environmental Regulators to implement the revised BAT conclusions for existing installations.
- New build or replacement plant must be compliant immediately.
- May be certain differences in approach between Regulators, need to check.
- EA/NRW Permit review process will be:
 - Regulators will write to each Operator regarding the permit review;
 - Regulation 61 information notices will be sent to Operators containing a number of questions to require an assessment against the revised BAT standards. There will typically be a 3-month deadline to respond to these notices;
 - Guidance and assistance will be provided for Operators.
- Permit review will also include assessment against relevant associated legislation, i.e. other BREFs, Medium Combustion Plant Directive, Water Framework Directive, site condition baseline, climate change adaptation etc...
- Don't wait for the Reg 61 notice to arrive, start a gap analysis now!

Reg 61 notice response

- Review each aspect of your operation against the revised BAT standards.
- You will need data to substantiate your responses.
- Consider other relevant associated legislation.
- Consider if you can meet the new emission limit values
 - Immediately = no action required
 - Within the 4 year review period = capital expenditure, new procedures, staff training?
 - After the 4 year review period = apply for a derogation, see next slide.
- Typically 3 month deadline to respond to the notice.

Derogation

- Varied permit conditions will align to the BATc and the BAT associated emission limits (BAT-AELs), therefore you must demonstrate how you will meet these BAT – AELs.
- If you cannot comply with the BAT-AELs, you must conduct a cost benefit analysis to demonstrate why the cost of achieving BAT is disproportionately high compared to the environmental benefit.
- Justification must be:
 - Geographical or local environmental conditions at the site; and/or
 - Technical characteristics of the site.
- Making this kind of proposal is called ‘applying for a derogation.’

Derogation (continued)

- You will need to undertake a cost benefit analysis. A software tool is available to help with this.
- Absolutely no guarantee that the Regulator will accept a derogation request.
- Any derogation granted will be time bounded.
- The shorter the time period for a derogation, potentially the more likely the chance of success.

Please remember that the Derogation process is a robust and challenging one and derogations are not a foregone conclusion.

Summary

- All Food and Drink Sector permits require review to ensure compliance with the new Bref.
- Don't wait for the Regulator, start a gap analysis now.
- 4 December 2023 deadline. New or replacement plant must be compliant immediately.
- Derogations are the exception, not the rule and are challenging to achieve. Speak to your Regulator **now** if you think you need one.

Finally

Consultation to take place shortly on how future UK BAT standards will be established following our departure from the EU.

Thank you - questions

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