Commission of European Communities, for and on behalf of the Government of Albania,

Ref.: EuropeAid/124909/C/SER/AL

Implementation of the National Plan for Approximation of Environmental Legislation in Albania

Environmental Permitting Guidelines

25 January 2010

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in consortium with

Agrotec spa

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Component C: Permitting & Enforcement

Acknowledgement:
The project team wishes to express its gratitude to all resource persons and experts from all institutions and stakeholders involved in the collection of data and information and to all persons and bodies that have supported the development of this Report. Special thanks are extended to the Ministry of Environment Forestry and Water Administration and its expert staff.

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List of Abbreviations

BAT	Best Available Technique
BREF	BAT Reference Documents
CSP	Compliance Schedule Plan
EFA	Environment and Forests Agency
ELV	Emission Limit Value
EQS	Environmental Quality Standard
EIA	Environmental Impact Assessment
EU	European Union
GBR	General Binding Rule
IPPC	Integrated Pollution Prevention and Control
LEP	Law on Environmental Permitting
LGA	Local Government Authority
MEFWA	Ministry of Environment Forests and Water Administration
NEI	National Environmental Inspectorate
NLC	National Licensing Centre
REA	Regional Environmental Agency
REI	Regional Environmental Inspectorate

Introduction

Environmental permitting is a key instrument for reducing certain related Economic activities environmental impacts, facilitating its compliance with environmental requirements and promoting technological innovation.

The goal of protecting the environment as a whole has led the EU to introduce integrated prevention and control of pollution arising from large industrial installations.

The purpose of the the European Union's Integrated Pollution Prevention and Control (IPPC) Directive (2008/1/EC) is indeed to prevent or reduce emissions and discharges (including waste) to air, water and land arising from industrial activities listed in Annex I of the Directive, so as to achieve a high level of protection of the environment overall.

The Directive requires that all industrial activities listed in Annex I of the Directive shall operate within conditions issued under an integrated permit.

Albania is now implementing the EU approach to industrial pollution reduction and control as the principal benchmark for the environmental permitting system.
The EU industrial pollution framework regulations and technical provisions are being approximated by use of Laws and Decrees of the Council of Ministers. A draft Law on Environmental Permitting (LEP) has been prepared by the Ministry of Environment Forestry and Water Administration and is now under discussion with line Ministries and stakeholders.

The purpose of these Environmental Permitting Guidelines for Albania is to provide Albanian Environment and Forestry Agency (EFA), Regional Environmental Agency and environmental permit applicants with a tool that would facilitate the transition to the new system under the LEP and help to improve the effectiveness and transparency of environmental regulation in the country.

The Guidelines describe the key elements of the environmental permitting system, including:

- The fundamentals of environmental permitting (Chapter 1)
- The permitting procedures under the draft new Law on Environmental Permitting (Chapter 2)
- Guidance on Class A and Class B permitting process (Chapter 3), including: Application Form (Chapters 4), and Permit Form (Chapter 5) for Class A and Class B permit
- Guidance on Class C permitting process (Chapter 6), including: Application Form (Chapters 7), and Permit Form (Chapter 8) for Class C permit

Definitions

Best Available Technique (BAT) is a concept introduced by the European Union's IPPC Directive and is defined as follows: *"Technique"* means both the technology and the way the installation is designed, built, maintained, operated and decommissioned. *"Available"* means techniques developed on a scale which allows them to be used in the relevant industrial sector, under economically and technically viable conditions. *"Best"* means most effective techniques for achieving a high level of protection of the environment as a whole.

BAT Reference Documents (**BREFs)** are guidance documents that contain detailed information on what may be considered **BAT** for a particular industry i.e. what may be technically and economically available to industry in order to improve their environmental performance. The BREF is not a legal document, but provides up-to-date guidance to the permitting authorities in their determination of **permit** conditions for IPPC **installations**. The European IPPC Bureau prepares BREFs for each category of industry listed in Annex I of the **IPPC Directive**.

Commercial confidentiality means a legal clause under the draft Law on Environmental Permitting that may be evoked by the applicant seeking to restrict public access to certain technology, production, administration, or financial information in the application, the revealing of which may prejudice his commercial interests to an unreasonable degree.

Combined approach to pollution prevention and control, as its name suggests, combines the approach taken on the basis of **environmental quality standards** and the approach taken on the basis of technology-based **emission standards**. The Combined Approach is implied in the **IPPC Directive** and is specifically referred to in the Water Framework Directive (2000/60/EC). Under this approach, a number of steps must be taken when setting the **emission limit values** (ELVs) in the **permit** conditions for a specific enterprise:

1. The BAT-based emission standards set up in legislation would be taken as the starting point in considering the permitted level of emissions/discharges from an individual installation.
2. Consideration must then be given to any advances in **BAT** since the legislation was written, which could result in more strict emission standards being imposed (In the EU these can be found in BAT Reference Documents **BREFs**, which are issued as guidance documents).
3. The "theoretical" ELVs must be calculated for the specific enterprise, taking into account the receiving environment, so that the environmental quality standards would not be exceeded
4. If the emission standards calculated in 2 do not result in the environmental quality standards being exceeded that these are the standards that should apply as the ELVs in the permit conditions for the enterprise. If the environmental quality standards were to be

exceeded, then the stricter "theoretical" emission standards calculated in 3 would become the ELVs for the permit conditions for the enterprise.

5. In some cases it may even be necessary to deny the permit for the new installation or its proposed expansion.

Environmental Impact Assessment (EIA) the EIA Directive (85/337/EEC, as amended by Directives 97/11/EC and 2003/35/EC) requires an EIA for specified projects which shall identify, describe and assess the direct and indirect effects of the proposed project on:

- Human beings, fauna and flora
- Soil, water, air, climate and the landscape
- Material assets and the cultural heritage
- The interaction between these factors.

Emission Limit Value (ELV) is a figure specifying the concentration or load of a pollutant allowed to be emitted or discharged to the environment from a specific installation in a given period of time or per unit of production.

Environmental Quality Standard (EQS) is a measure of the state of a specific environmental medium, in regard to a specific pollutant, representing an upper limit of acceptability designed to protect human health or the ecosystem.

General Binding Rule (GBR) is a set of standard minimum requirements stipulated in a document, covering operational aspects of an installation that regulators must take into account in setting permit conditions.

Integrated Permit is a permit to operate an installation, according to EU pertinent legislation, that considers all discharges/emissions to the environment as a whole, such that discharges to one environmental medium (air, water, soil) is not at the expense to another medium. In the LEP, the integrated permit is referred to as a Class A Environmental Permit.

Installation means a stationary technical unit where one or more activities are carried out on the same site and that could have a negative environmental impact. Several "technical units" on the same site should be considered as one installation if one of the activities is directly associated with the other or both units are served by the same activity (located on the same site). *Existing installation* is an installation that has been legally operating at the time that the new LEP comes into force. Other installations are considered to be *new installations*.

Operator means a natural or legal person who is the owner or the manager of the installation and has the authority and ability to ensure compliance with the permit. If two or more operators run different parts of an installation, they should obtain separate permits.

Permit register means a computerised application and permit tracking and logging system which contains texts of the application and the permit, with relevant amendments, and information about the permit's variation, transfer, and/or revocation. Permit register reference numbers are unique identifiers for each application. The permit register must be accessible to the public, preferably via a website.

Public notice means a public announcement published by the applicant in appropriate printed media, which identifies the operator and proposed activity, gives details of the permit register, and specifies the procedure for public consultation.

Relevant Authority the authority in charge of examining applications and granting or refusing permits. EFA for Class A and Class B Environmental Permits; Local Government for Class C Environmental Permit

Stakeholder agency means a government authority that has a responsibility or relevant interest in the environmental impacts of the installation to be permitted.

1 Theory and Framework

In recent years, the EU has rapidly developed environmental policy and legislation in order to harmonise the environmental requirements imposed on industry within the EU. Member States have largely brought their national environmental legislation and policies in line with the following EU requirements:

1. *All stationary sources of significant pollution are subject to an environmetal permit.* All stationary pollution sources with significant environmental impact must be required by law to obtain an environmental permit as a precondition to their operation.

2. *Differentiation of regulatory regimes for major and minor pollution sources.* Major pollution sources should be subject to integrated environmental permitting. Small and medium-sized sources should be subject to a simplified regulatory regime as these businesses pose a lower environmental risk.

3. *Appropriate Permitting Authority.* It is essential that national legislation define the administrative level conducting permitting of certain categories of facilities: national or regional level for large industrial installations subject to integrated permitting, and regional or municipal level for small and medium-sized installations.

4. *Public participation and access to information.* The public shall be given an opportunity to comment on permit applications before the relevant authority reaches its decision and have access to the permit-related information after the permit has been awarded.

5. *Extensive Stakeholder Involvement.* Permitting requires a transparent process for involving all institutional stakeholders. Stakeholder consultations should be part of both the development of the regulatory framework for permitting (procedures, rules and guidance) and the permit determination process itself. Permit registers and interagency electronic networks should be developed to facilitate such coordination.

6. *Close Interaction with Environmental Impact Assessment (EIA).* Both EIA and environmental permitting follow legally binding procedures of identifying and analysing significant environmental impacts and making decisions related to an economic activity. EIA and permitting should be applied so as to maximise their effectiveness and avoid overlap. This should be achieved through using EIA findings in preparing and evaluating permit applications and including EIA recommendations on mitigation measures in permit conditions.

7. *Outreach to the Regulated Community***.** Environmental authorities should make substantial effort to ensure that operators are aware of their obligations under the Law on Environmental Permitting. Nevertheless, it is the responsibility of operators to

know the law that applies to their activities and to understand whether they require a permit for operation of any installation. Ignorance of the law is no defence against legal enforcement action for operation without a relevant permit.

8. *Clear and Enforceable Permit Requirements.* A permit shall contain conditions that are unambiguous and enforceable. The key to simple, effective and consistent permitting is to base permit conditions on requirements and technical guidance that have been developed in cooperation with all stakeholders and are available to all, including the public.

This chapter presents how the EU fundamentals of environmental permitting are taken into account into Albanian industrial pollution sector legislation and introduces each of the main elements of these Guidelines.

1.1 Fundamentals of Environmental Permitting

1.1.1 Aims of permitting

The overall goal of environmental permitting is for relevantauthorities to define, in a transparent and accountable manner, legally binding requirements for individual sources of significant environmental impact in order to protect human health and the environment.

Permits establish limits for pollutant emissions into air and water (including discharges to sewer) and for generation and management of waste, together with any other environmental conditions that are specific to an individual installation.

If properly designed, permit conditions provide best solutions to protect the environment in an effective and cost-efficient way, ensuring that private and public interests are equally respected.

These conditions are commonly based on use of the concept of “Best Available Techniques” (BAT), which balances the benefits to the environment as a whole against the costs to the operator.
By way of this concept, integrated permitting attempts to prevent waste generation and emissions and, where that is not feasible, to reduce them to acceptable levels.

1.1.2 System of permitting

The system of permitting in relation to environment protection is established by the new draft Law on Environmental Permitting (the Law No. 10081, dated 23.02.2009 “On licenses, authorisations, and permits in the Republic of Albania” provides the basic principles of permitting which apply also to environmental permitting).

The main feature of the draft Law on Environmental Permitting is as follows:

- A system of three classes of environmental permitting is established. These three are distinguished from each other by the thresholds of industrial activity, production and capacity.
- Applicants for an environmental permit deal with one designated relevant authority.
- Permitting of industrial installations is issued on a case-by-case basis considering local conditions.

- Public participation and access to information: the public have an opportunity to comment on permit applications before the relevant authority reaches its decision and have access to the permit-related information after the permit has been awarded.
- The use of Best Available Techniques which, among other things, take into account the consumption of water and other raw materials and the efficient use of energy.
- The focus on pollution prevention and reduction rather than end-of-pipe control.
- The return of the site to a satisfactory condition when the installation is closed.

There is sufficient flexibility in the BAT definition to recognize the importance of economic and technical viability as well as difference of approach to new versus existing facilities.

The Environment and Forestry Agency has the freedom to publish their own BAT guidance for regulatory bodies and industry. However, in situations where several installations, even equipped with BAT, may combine to threaten a local environment, compliance with environmental quality standards (EQSs) becomes a primary consideration in setting individual emission limit values (ELVs).

In the draft new LEP, the BAT approach targets large and complex installations similarly to what in EU is described in the IPPC Directive as installations having “significant potential for pollution,” including transboundary pollution. At the same time, small and medium-sized enterprises are usually regulated through simpler permitting schemes.

1.1.3 Institutional aspects of permitting

The permitting system envisages a streamlined application process, and ensures transparency and coordination between stakeholder agencies, and public participation. The system of permitting sets three classes of permits namely Class A, Class B and Class C.

The applicant deals with one designated relevant authority: EFA for Class A and Class B Environmental Permits; Local Government Authority for Class C Environmental Permit.

Class A and B permits are issued by the Environment and Forestry Agency, which ensures the consistency and predictability of the permitting process.
EFA also ensures the coordination with all other administrative level at national and regional level and informs the National Licensing Centre when a permit is issued.

Permit registers and intra-agency or interagency electronic networks will be developed to facilitate such coordination.

The procedures for producing a permit depend upon the draft LEP.

1.1.4 Technical guidance for permitting

The setting of appropriate permit conditions depends on the availability of relevant technical guidance on what constitutes BAT. There is no simple calculation for identifying BAT in any specific case, and *informed judgement* by experienced regulators is a crucial element of the permitting process.

In the European Union, this issue is dealt with by way of BAT Reference Documents (BREFs), which contain sector-based information for the guidance of decision-makers. The information addresses technical and operational features associated with BAT for the sector, together with appropriate ELVs.

There are also BREFs that address cross-cutting themes such as monitoring systems and economic and cross-media issues under IPPC. BREFs are aimed at industrial operators, permit writers, policy makers, and members of the public.

BREFs are produced by way of a Europe-wide consultation process involving industry, EU Member State regulatory authorities, and relevant NGOs. BREFs are not prescriptive or exhaustive, nor do they take account of local conditions, so their application does not relieve the countries' permitting authorities from an obligation to make site-specific judgements.

Albania may decide to translate the EU BREFs into the national language and used them directly or adapted to country-specific conditions and include locally available techniques to constitute a set of *national BAT guidance documents*.

1.1.5 Combined Approach to Setting Emission Limit Values for Class A permit

Setting ELVs in integrated permits should be based on a combination of the environmental quality standards (EQS) approach and the technique based approach.
The EU uses a *combined approach* to setting ELVs as part of its integrated permitting system. The IPPC Directive requires that ELVs for large industrial installations be based on a combined assessment of environmental quality objectives and the current state of technology for reducing harmful releases. In using the combined approach, the permitting authority has to go through the following steps:

- Assess the BAT-based ELVs proposed by the operator in the permit application.
- Consider whether applicable ELVs are defined in the legislation, and if so, ELVs in the permit must at least comply with such fixed ELVs.
- Calculate the ELVs that would be required to ensure compliance with the respective EQSs.
- Set ELVs in the permit. If an EQS cannot be achieved even by the use of BAT at a particular installation, the regulator must either take measures to reduce discharges from other installations in the area (thereby ensuring compliance with the EQS) or refuse the permit in question.

The combined approach requires sound *management decisions* on the part of an environmental permitting authority, based upon careful case-by-case evaluation, to ensure that the ELVs that are ultimately included in an integrated permit satisfy both the BAT and EQS criteria, and comply with any applicable ELVs.

1.1.6 Interaction of permitting with environmental impact assessment

Both Environmental Impact Assessment (EIA) and environmental permitting follow legally binding procedures of identifying and analysing significant environmental impacts and making decisions related to an economic activity.
However, EIA is used not only for industrial installations (e.g., it covers infrastructure projects), applies at an earlier stage of project planning, and considers a wider range of alternatives and mitigation measures. To some extent therefore EIA needs to be completed as a prerequisite for an environmental permit being issued to a new installation.

A number of points should be highlighted regarding the linkages between environmental permitting and environmental assessment:

- There should be an EIA procedure for every new installation which falls under the Class A environmental permitting.
- The permitting requirements (including BAT guidance) should be taken into consideration at the EIA stage, where possible. This would help avoid the situation

where development consent is granted but a subsequent environmental permit is refused, or where the environmental permitting authority feels forced into granting a permit.

- The EIA findings (e.g., rates of waste generation, emissions, etc.) and conclusions and information collected and submitted during an EIA (even if it was done several years earlier) must be taken into account by the permitting authority. However, the decision to grant a permit and the conditions to be included in the permit must be based on current (and future) conditions - so that the further back in time the EIA, the less value it has.

2 The Permitting Procedures

The issuing of an environmental permit involves the following general stages:

- *Preparation and submission of application by the operator*, following standard guidance and/or form.
- *Initial check of application* to ensure that the application is valid, i.e., conforms to the legal requirements.
- *Consultation by the permitting authority of other relevant authorities and the public* in order to gather facts and opinions that would contribute to the assessment of the application.
- *Assessment of the application and determination of permit conditions*, using technical guidance and requirements of relevant legislation.
- *Issuance or refusal of a permit*, subject to administrative and judicial appeal.

2.1 Preparation and submission of application by the operator

Permits are generally granted to the "operator" of an "installation." "*Installation*" means any stationary technical unit where one or more activities are carried out, as well as any other directly associated activities which have a technical connection with the activities carried out on that site and which could have an effect on emissions and pollution. Several "technical units" on the same site should be considered as one installation if they carry out successive steps in one integrated industrial activity, one of the activities is directly associated with the other, or both units are served by the same directly associated activity (located on the same site).

It is the operator who is held liable in law in the event of any non-compliance with the terms and conditions of a permit granted to him. "*Operator*" means the natural or legal person who operates or controls the installation, and in whose name the permit or authorisation is granted.

In case there are two or more operators managing different parts of the installation, e.g., when some operations have been leased out to another natural or legal person, each operator must have a separate permit, even if the operations in question are technically related.

The operator is responsible for making a permit application that covers the full range of activities that are required to be permitted.

It is the responsibility of operators to know the law that applies to their business activities and to understand what class of permit they require for operation of any installation.

The type of permit required is set by type of activity, and/or the the threshold for industrial activity, production and capacity as shown in Annex I.

There is a three-tier system for permitting for installations and activities, namely:

- Class A Environmental Permit
- Class B Environmental Permit

- Class C Environmental Permit

These are distinguished from each other by the thresholds of industrial activity, production and capacity as shown in Annex I.

The table below provides some details of the permitting process and the institutional responsibility. The issuing authority is defined within the revised Law on Environment (date to be included upon enactment by the Parliament).

Table: Permitting process and institutional roles

Class Permit	Application goes to	Permit conditions written by	Permit issued by and timeline	Review of permit and timeline
A	Environment & Forestry Agency (EFA) which starts the permitting process	EFA write the permit conditions.	EFA. Permit issued within 9 months, which may be extended by an additional 4 months if both parties agree. If not processed in this time, then it must be regarded as a refusal. Applicant can appeal against this. Operator and National Licensing Centre are informed and provided with relevant permit copy as the case may be.	EFA reviews and updates Class A Environmental Permits. Seven (7) years
B	Environment & Forestry Agency (EFA) which starts the permitting process	EFA write the permit conditions.	EFA Permit issued within 6 months, which may be extended by an additional 2 months if both parties agree. If not processed in this time, then it must be regarded as a refusal. Applicant can appeal against this. Operator and National Licensing Centre are informed and provided with relevant permit copy as the case may be.	EFA reviews and updates Class B Environmental Permits. Seven (7) years
C	Local Government Authority for information and comment, and is then sent to the appropriate Regional Environmental Agency (REA) which starts the permitting process	REA write the permit conditions and send a copy to Local Government Authority	Local Government Authority. Permit issued in 1 month, and extended by an additional 1 month if both parties agree. If not processed in this time, then it must be regarded as a refusal. Applicant can appeal against this.	REA reviews and updates Class C Environmental Permits Five (5) years

There are two types of application forms:

1. Application Form for a Class A or Class B Environmental Permit

2. Application Form for a Class C Environmental Permit, which comprises a simple registration process

2.2 Receipt and initial check of application

The relevant authority should check permit applications as soon as they are received, in order to ensure that the application is duly made.

There is an administrative fee required for the consideration of the application, which may depend on the size of the installation (a smaller fee would be payable for a revision of an existing permit).

Fees

A scale of fees has yet to be established for the permitting process in Albania, but under the new draft Law on Environmental Permitting will comprise:

- a non-returnable application fee for an environmental permit,
- a fee for application for a change of permit conditions under a Class A or a Class B permit, and
- an annual fee payable every year by the operator of the industrial activity issued the environmental permit.

An application is duly made if it is complete in a legal sense. This means it is prepared making proper use of the standard Application Form, and that all of the necessary questions must be answered.
If the application is duly made, EFA (for Class A and Class B Environmental Permits); and REA for Class C Environmental Permit will start the technical check of the application.

The purpose of this initial check is to consider whether the information submitted meets the test of basic adequacy to be accepted as an “application.”
A basic principle is that the information submitted should provide at least a reasonable starting point for a determination in order to be considered valid.
Until an application is deemed valid, it is not legally an “application,” just a submission from an operator.

If the relevant authority thinks an application is not valid, it will be returned it to applicant together with an explanatory note.

A unique Permit Register Reference Number is issued for each application by the relevant authority for reference purposes, and recorded.
A copy of application and any further information that relates to it is put on Permit Register.

Register for permits

A permit register is an electronic, computerized system. The register tracks and logs permit applications, contains the text of the permit application, together with relevant amendments, information about any permit variation, transfer or revocation.
The completed Application Form must be scanned and the data stored in the permit register under the unique Permit Register Reference Number issued for each application by the receiving authority for reference purposes. The register for recording application entries, application number and permit conditions will be operated within the EFA. The permit register must be accessible to the public, preferably via a website.

2.3 Consultation with other authorities and the public

Following receipt of a valid application, the relevant authority shall, for Class A and Class B environmental permit, consult other stakeholders (the municipality or commune in whose area the installation is situated; the Regional Council; the National Environment Inspectorate; the River Basin District Authority in whose area the installation is situated), in order to gather facts and opinions that would contribute to the determination of the application.
According to draft LEP the relevantauthority are obliged, for Class A and Class B environmental permit, to make provision for public access to environmental information and for hearing and taking account of public views.

For the purpose of consulting the general public, for Class A and Class B permit, the interested municipality or commune will receive a copy of an application as it appear on the public register from the EFA, and shall immediately make the application available for viewing by any member of the public in the municipality offices or commune office; the applicant shall also publish a notice in at least one newspaper in the area of the installation and in one national newspaper. The notice shall be published in at least two consecutive issues of the newspapers.

2.4 Assessment of application and permit conditions

When the relevant authority is satisfied that all relevant information concerned with an application has been assembled, including the consultation responses from the general public and from other authorities, the application should be assessed and a determination of the permit conditions made. The regulatory effort invested and the nature of the permit conditions must be proportionate to the complexity of the installation and its environmental effects.
After assessing the application, the relevantauthority must either determine permit conditions, having regard to all the requirements of the relevant legislation and regulations, or decide to refuse the permit.

2.5 Consideration of National Security or Commercial Confidentiality

In dealing with some permit applications it may be necessary, before doing anything else, to ensure that the relevant authority does not reveal any information to third parties or does not include any information into the publicly accessible permit register, which shall be considered as state secret in compliance with the Law “On classified information as “State secret”” or is subject of protection from the legislation in force on the personal data, professional data or commercial data, shall not be made public and shall not be transferred from one authority to another authority as provided in this law with the exception when provided differently by the apposite legislation in force.
From a practical point of view, it should be considered quite rare for an operator to need to apply for confidentiality for any part of a permit application.

2.6 Issue of Permit or Notification of Refusal

Upon receipt of final consultation responses (for Classes A and B environmental permit), the relevant authority, if satisfied, should finalise the conditions of the permit and send it formally to the operator. The permit should state its effective date and validity period.
If the relevant authority is not satisfied after assessment of the application, it must refuse the permit and notify the operator to that effect, giving reasons for the refusal.

The operator has the right for appeal against decisions of the relevant authority. An appeal may be considered through written representations or through a hearing, at the discretion of the appeal authority as per the provisions of the new draft Administrative Procedures Code and Administrative Court that relates to the right of appeal.

2.7 Permit Variation or Surrender

The procedures for variation (revision) of a permit are broadly similar to those for its initial issue.
Permits must be revised at the operator's initiative if changes are envisioned to the regulated process or if there are changes to the operator's ownership or contact information. A permit revision may be initiated by the relevant authority if the applicable environmental quality objectives and/or standards have been modified.
The operator may surrender the permit voluntarily if he ceases the activity for commercial or other personal reasons, but has to do so through a formal application to the relevant authority.

2.8 Permit Revocation or Suspension

Revocation or temporary suspension of a permit is used only where exhaustive use of other enforcement tools has failed to protect the environment. Environmental Inspectors have powers to suspend or revoke a permit, in whole or in part, by serving a formal notice on the operator. The permit would then cease to authorise operation of the installation, or an activity within it, depending upon what is specified in the notice.

2.9 Application for an Environmental Permit

It is mandatory for any installation or activity with a production or receiving capacity, input or output above a certain threshold to be issued with an Environmental Permit by the appropriate government agency. There are two types of application forms:

- Application Form for a Class A or Class B Environmental Permit
- Application Form for a Class C Environmental Permit, which comprises a simple registration process

An application for an environmental permit will have to provide sufficient information for the relevant authority to write the permit according to the requirements.
The Application Form asks questions which must be completed by the applicant.
It is the responsibility of the applicant of an industrial installation to know the requirements of the legislation and have studied any permit application forms and associated instructions, as well as any relevant technical guidance, before preparing an application.

The information required in the Application Form includes the following:

Class A Environmental Permit Application Form

a) Identity of the Installation. Information is required for clear identification of the installation to be permitted, together with information about any other permits that exist for that installation.
b) Identity of the Operator. Information is required on the identity, contact details and legal status of the operator in order to establish clearly who is responsible for securing compliance with the permit and who is liable in case of enforcement action for any non-compliance.

c) Scope of Installation. A clear description is required of all the relevant activities and facilities comprising the installation to be permitted description of site.
d) Operational and Management Techniques. Application must demonstrate that the techniques to be employed at the installation to minimise the creation of waste and prevent emissions are BAT compliant. The techniques to be addressed might typically include the following:
    - Use of raw materials and water
    - Prevention and control of emissions and waste
    - Waste management
    - Energy use and efficiency
    - Emergency response plan
    - Monitoring systems
    - Decommissioning and remediation
    - Environmental management system
e) Proposed Emissions. Details must be provided on all the emissions resulting from operation of the installation and compliance with relevant sector-based BAT on which ELVs will be based must be demonstrated.
f) Impact of Emissions on the Environment. Information should be given on the results of assessment of any potentially significant environmental impacts of the above emissions. The purpose of this assessment is to demonstrate that the impacts will be acceptable, by way of compliance with relevant EQSs. Inability to demonstrate such acceptability may lead to a rejection of the application. Furthermore where an installation requires an Environmental Impact Assessment Report in accordance with the Law on Environmental Impact Assessment, the application shall also include any relevant information obtained or conclusions reached in relation to the installation from that Environmental Impact Assessment.
g) Non-technical summary written by applicant who can be used on public register. This should follow the structure of the application and be in sufficient detail and in such language as to allow members of the public to understand the proposal and to make a sensible response.

Class B Environmental Permit Application Form

- Details of the installation and operator
- Description of activity
- Operational and Management Techniques: the application must demonstrate that the techniques to be employed at the installation are based on state-of-the-art techniques for that category of installations ensuring a high level of environmental protection.
- Details of emissions and waste generation
- emission limit values based on state-of-the-art techniques
- Impact of emissions on the environment
- Monitoring
- Record keeping and reporting

Class C Environmental Permit Application Form

- Name and address of operator
- Location of activity
- Description of activity
- Nature and amount of any polluting release (wastewater discharge <20m^3 treated wastewater per day) (air emission - no toxic air pollutants, <100 tonnes per year non-toxic)
- Waste generation (no hazardous waste, waste <534 tonnes per year)
- Maximum rate at which energy is used (must not consume >1MW per day)
- Statement of any offensive odours (no offensive odour beyond boundary)
- Statement of any noise levels (noise must be <3dB at boundary)

- Safe storage of hazardous materials

2.10 Core Permit Conditions

The first basic requirement for effective environmental regulation is that no person should operate an installation except as authorised in a permit granted by the relevant authority. This permit must contain conditions that are clear and unambiguous and, most importantly, that are enforceable under the law.

The key to simple, effective and consistent permitting is to base permit conditions on standards and technical guidance that have been agreed by all relevant parties and that are available to all stakeholders, including the public.

Class A Environmental Permit

The Class A permit shall take into account the whole environmental performance of the installation or activity. The draft new Law on Environmental Permitting includes aspects of what has to be included. The conditions of the integrated permit shall provide best solutions for the environment overall.

Therefore, permit conditions must include:

- description of the installation and its activities, site, topography, and vicinity
- use of raw materials and chemicals, water and energy (the input)
- the source of emissions to air, water or land
- waste generation and the need for waste minimisation through recycling
- noise and vibration
- prevention of accidents, OHS
- conditions of the site (housekeeping)
- proposed technology and other techniques to prevent or reduce emissions
- self monitoring (monitoring the efficiency of the process equipment, the abatement equipment and the emissions)
- measures to be taken when the activity ceases, including remedial action.

The permit shall set emission limit values for pollutants, particularly those listed in the draft LEP Annex II, according to Best Available Techniques. The permit cannot prescribe the use of any technique or specific technology.

Any emission limit values and any other provisions shall be minimum values. These minimum values may be found in other legislation which transposes other EU legislation (especially those transposing the list of directives found in Annex II of the IPPC Directive). The permit conditions can never be less strict than these. Existing quality standards for local surface water and ambient air shall always be respected where these are stricter than under the Directive.

The draft Law sets out transitional periods for existing installations to comply with the full requirements of BAT and other requirements of the permit regime (see section 2.10 below).

The permit shall also include provisions for:

- regular inspection by environmental inspectors from the relevant authority (NEI / EFA) to the site, activity, staff and paperwork,
- regular reviews and updating of the permit held by the industrial activity to ensure compliance,

- obligation for the operator or person-in-charge to report all changes to the activity, and for the relevant authority to update the permit where there has been substantial changes,
- obligation for the operator or person-in-charge to immediately report situations of breach of permit conditions (non-compliance) to the relevant authority, and to immediately undertake actions to minimise or prevent any environmental impact,
- allowing public access to applications, permits and monitoring results,
- providing information to the EU Commission about the emission limit values fixed in the permits and the results of monitoring,

Class B Environmental Permit

Class B permits should, wherever possible, be consistent with business practices for a given category of installations. For example, monitoring and reporting requirements based on process data (energy, water, materials use, etc.) should be reasonably preferred over pollution measurements, as the latter are much more expensive. At the same time, permit conditions must be clear and enforceable, and the inspectorate must have powers to inspect against these.

The Class B environmental permit is somewhat similar to Class A environmental permit except that it is not based on BAT. The Class B environmental permit must ensure compliance with any minimum technical standards and with any environmental quality standards.

In the permitting system for Class B these criteria may be applied through the introduction of General Binding Rules (GBRs).

Class C Environmental Permit

The Class C permit is a simple registration procedure. It will specify conditions for emission limit values for pollutants particularly those listed in Annex 2 of the new Law on Environmental Permitting and, as necessary, protection measures for soil, groundwater, and appropriate waste management actions.

Table: Permit conditions for Class A, B and C Environmental Permits

CLASS A Environmental Permit

IPPC

Application contains all information from questions to go into permit:

- identity of the installation
- identify of the operator
- purpose of the installation
- description of site
- operational and management techniques must be BAT (sector-based or cross-based) or better
  - raw materials and water input
  - prevention and control of waste and emissions
  - waste management
  - energy use and efficiency
  - emergency preparedness
  - monitoring systems
  - decommissioning and remediation
  - environmental management systems
- details of emissions and compliance with relevant sector-based BAT on which ELVs will be based
- impact of emissions on the environment and will they comply with relevant EQSs
- non-technical summary written by applicant which can be used on public register

CLASS B Environmental Permit

General Binding Rules – industrial sector specific

Application contains all information from questions to go into permit:

- details of the installation and operator
- description of activity
- operational and management techniques to show they conform to GBR requirements
- details of emissions and waste generation
- statutory emission limit values based on state-of-the-art techniques
- impact of emissions on the environment
- monitoring
- record keeping and reporting

Individual site specific permit

Application contains all information from questions to go into permit:

- details of the installation and operator
- description of activity
- operational and management techniques to show they conform to best practice
- details of emissions and waste generation
- statutory emission limit values based on state-of-the-art techniques
- impact of emissions on the environment
- monitoring
- record keeping and reporting

CLASS C Environmental Permit

Extensive environmental regulation of industry not likely to achieve much benefit for the environment.

Simple application form registered with local authority proving low environmental impact.

Application form contains:

- name and address of operator
- location of activity
- description of activity
- nature and amount of any polluting release (wastewater discharge <20m^3 treated wastewater per day) (air emission - no toxic air pollutants, <100 tonnes per year non-toxic)
- waste generation (no hazardous waste, waste <534 tonnes per year)
- maximum rate at which energy is used (must not consume >1MW per day)
- statement of any offensive odours (no offensive odour beyond boundary)
- statement of any noise levels (noise must be <3dB at boundary)
- safe storage of hazardous materials

2.11 Transitional period

It is recognised that existing installations (that is to say those installations that are already operating at the date the draft LEP comes into force) will need a transitional period before they can comply with the full rigours of the new permitting regime. This would be especially true for Class A installations.

Many existing installations may be using old or obsolete equipment and techniques. For Class A environmental permits, the operators would have to update so as to comply with BAT.

A transitional period enables the operator to plan for the necessary changes (and to secure the necessary funds). In some situations, where the installation or its equipment is coming towards the end of its effective life, an operator may decide that it is not economically viable to upgrade, and he may close (or move) the installation.

By Article 52, existing Class A and Class B installations must comply with the draft new Law on Environmental Permitting no later than 8 years after the law comes into effect.

However, this does not mean that such an operator does not have to do anything for these 8 years. Within two years the operator of an existing Class A or Class B installation is required to provide EFA with a Compliance Schedule Plan (CSP). The CSP is intended to be the plan by which the operator will bring his installation into full compliance with the law within the 8 year period. The approved CSP will form part of the permit conditions for a Class A or Class B environmental permit.

By Article 53 all existing Class C installations must comply with the law no later than 2 years after the law comes into effect. No Compliance Schedule Plan is required for Class C industrial activities.

Form: Compliance Schedule Plan

COMPLIANCE SCHEDULE PLAN

Table 1. Activities for compliance with the Class A Environmental Permit or Class B Environmental Permit

	Activities	**Investments (EUR)**	**Start of activity (date)**	**End of activity (date)**	**Activity results**	**Method of control**

Activities:	Description of the activity/activities which shall be conducted in order to achieve compliance for the installations with the environmental legislation
Investments:	Investments for the activity
Start:	Date (month/year) for which the start of the activity has been planned
End:	Date (month/year) for which the termination of the activity or the launching into operation has been planned

Result from the activity:	The specific result shall be described (example: emission reduction)
Method of control:	Description of the way in which the performed activity can be controlled

Table 2. Deadlines for implementing the activities in Table 1 and annual investments

	Activities	Costs by years - EUR				
		Year	Year	Year	Year	Year

Year : Cost-benefit analysis by the operator providing the annual expenditure necessary for implementing each of the activities of Table 2

2.12 Review of permits

Class A and B environmental permits

Environmental permit conditions will be periodically reviewed by EFA within every 7 years. The purpose is to assess if any change is required in the permit conditions or any other matter requires updating. The review may require site visit to the industrial activity. All changes will be notified to and agreed with the operator before written into the existing environmental permit. The periodical review is specified in the new Law on Environmental Permitting.

Class C environmental permits

Environmental permit conditions will be periodically reviewed by LGA within every 5 years. The purpose is to assess if any change is required in the permit conditions or any other matter requires updating. The review may require site visit to the industrial activity. All changes will be notified to and agreed with the operator and Local Government before written into the existing environmental permit. The periodical review is specified in the new Law on Environmental Permitting.

3 Class A or Class B permitting process

3.1 Receipt and initial check of application

This procedure sets out the determination of whether an application is valid as a two-step process.

Firstly, the initial administrative check will look at whether the required questions in the application have been answered. This is principally a “yes/no” assessment.

If an application is identified as not duly made during the initial administrative check, it does not need to be subject to the initial technical check before being returned.

Secondly, the initial technical check by the relevant authority will look at the basic adequacy of the answers presented.
A basic principle is that the information submitted should provide at least a reasonable starting point for a determination in order to be considered valid, and accepted as an “application”.

3.1.1 Applications for environmental permit

Upon receiving an application EFA shall:

1) inform the applicant in writing of the safe receipt of the application, and
2) check the administrative aspects of the application.

Some circumstances should automatically lead to an application being considered invalid, including:

- the standard application form has not been used;
- the fee has not been attached or is insufficient;
- insufficient number of copies of the application have been submitted;
- all required questions where not answered;
- the application has not been signed.

If the administrative check indicates that the application is satisfactory from an administrative perspective, the relevant authority will start the technical screening of the application.

If the administrative check indicates that the application is not entirely satisfactory, EFA will reject it and inform the applicant.
Until an application is deemed valid, it is not legally an “application,” just a submission from an operator.

Initial technical check of application

On receipt of the application EFA shall review the application and record the decision on whether or not the application is valid.
Checking that an application is valid shall not involve any judgement about the merits of the operator's proposals. Although it might be evident from an application that a permit is unlikely to be granted, this shall not stop the application from being valid.

As long as the appropriate questions are answered in a reasonable manner, the application shall be accepted as valid. If there is doubt over the basic adequacy of the application, consideration should be given to whether the information submitted provides at least a reasonable starting point for consultation and determination.

In the following circumstances, an application should normally be considered invalid:
- the basic installation details (address, etc.) have not been provided or are obviously wrong;
- the basic operator details (name, address, etc.) are not provided or are obviously wrong;
- the installation has not been properly described (e.g., a site report is inadequate);
- the operator has not provided an important part of the submission;
- a non-technical summary has not been provided.

Application valid: The relevant authority shall put the application into the permit register and:
- Class A permit: EFA sends the applicant a standard letter acknowledging the validity of the application setting a determination date (which cannot normally exceed 9 months), and instructs the applicant to issue a public notice.
- Class B permit: EFA sends the applicant a standard letter acknowledging the validity of the application setting a determination date (which cannot normally exceed 6 months), and instructs the applicant to issue a public notice.

Processing of the application will proceed in accordance with the Consultation procedure, and the Assessment of Application procedure.

Application not valid: An application is invalid where:
- the standard application form has not been used as required;
- the entire application is inadequate;
- the operator has not responded to earlier letters indicating that further information is required to make the application valid;
- some of the attachments (e.g., the site report, BAT proposals, etc.) are inadequate;

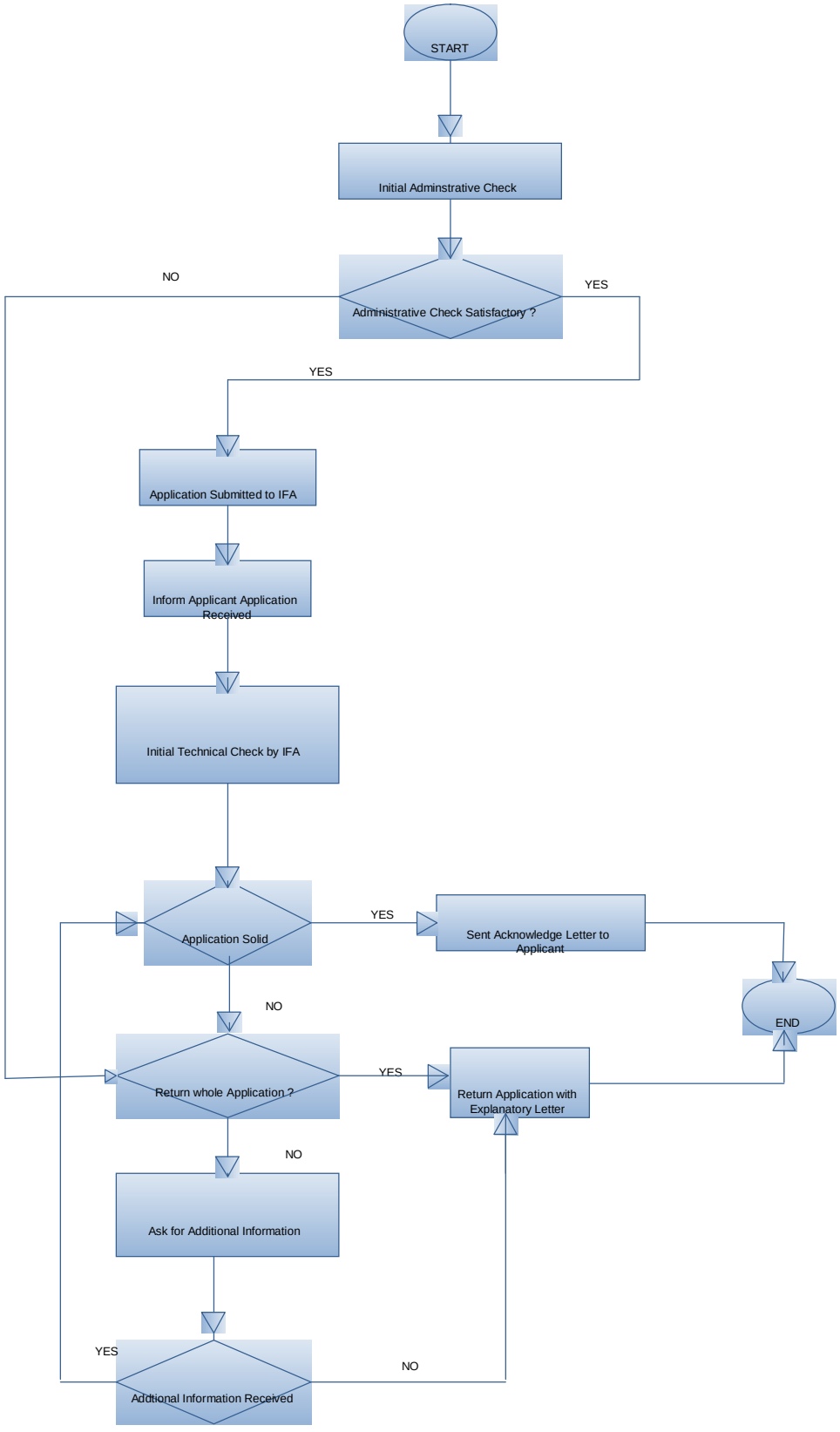
If the relevant authority thinks an application is not valid, it will be returned it to applicant together with a letter with an appropriate explanation.

In case the application is generally satisfactory but part of the application form has not been filled properly, the relevant authority may ask the operator of the additional requirements for the application to be valid while holding what has already been submitted.
If a reply to the request for further information is not received within the [15] days period, the relevant authority shall return any parts of the application not already sent back to the applicant, together with a standard letter stating that the application cannot be considered further.
Upon receipt of a reply to a request for further information, the relevant authority shall, within [5] days, confirm a decision on whether or not the application is now valid.

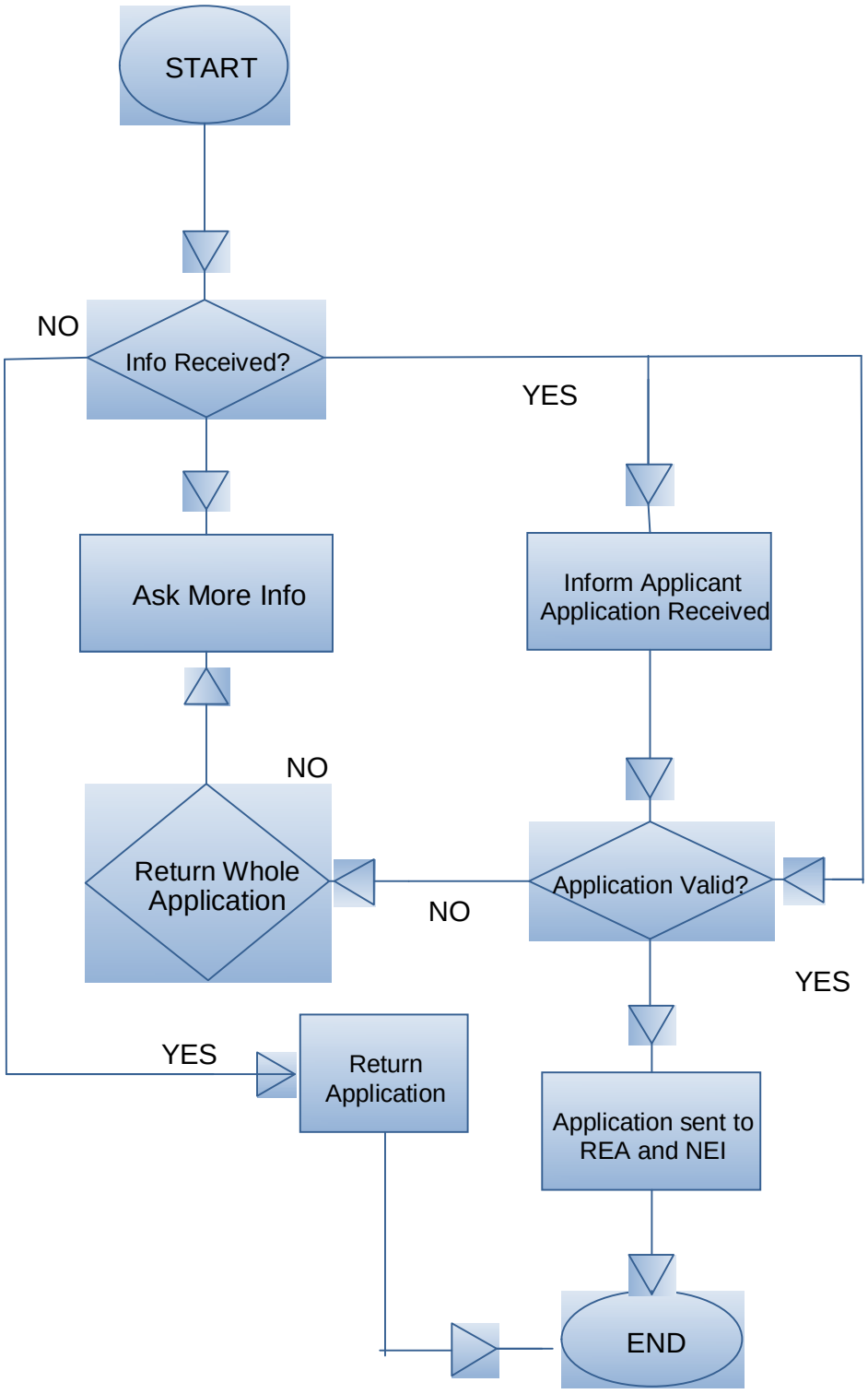
If a reply to a request for further information means that the application is now valid, the relevant authority shall enter into the permit register the date on which the application was deemed valid, and send an acknowledgement letter to the applicant.

If a reply to a request for further information is not sufficient for the application to be considered valid, the relevant authority return the whole application to applicant together with a letter with an appropriate explanation within [10] days.

RECEIPT AND INITIAL CHECK OF APPLICATION CLASS (A) AND (B) PERMIT



RECEIPT AND INITIAL CHECK OF APPLICATION CLASS C PERMIT



3.2 Consultation

The responsible authority should consult other stakeholder agencies in order to ensure that any permit granted in response to the application includes conditions relating to other authorities' responsibilities or interests and that it does not include conditions that would compromise or conflict with the requirements of other authorities. It also has to solicit and take into account views of the public.
The purpose of this stage of the procedure is to ensure that the responsible authority correctly carries out the process of consultation with stakeholder agencies and members of the public on a permit application.

Within [14] days of the date the application was deemed valid, the EFA shall forward the application for comment to the following stakeholder agencies/institutions:

1. the municipality or commune in whose area the installation is situated;
2. the District Council;
3. the National Environment Inspectorate;
4. the River Basin District Authority in whose area the installation is situated;
5. where the operation of the installation may involve the release of any substance into a sewer, the operator of that sewer system;
6. where the operation of the installation may involve an emission which may affect a Nature Protected Area, the authorities responsible for management of such area.

EFA should send copies of the application to the stakeholder agencies with a cover letter specifying the request of comments and instructing them that they have [45] days to provide them.

EFA should instruct the municipality or commune in whose area the installation is situated to make the application available for viewing by any member of the public in the municipality offices or commune offices during normal office hours.

Instruct the applicant to issue a public notice

EFA shall send to the applicant a standard acknowledgement letter for a valid application. This letter shall remind the applicant that he is required to advertise his application in one or more newspapers circulating in the locality in which the installation will be operated and in one national newspaper.
The public notice must be placed within [5] days of the receipt of the acknowledgement of a valid application. In addition, the letter shall require him to advise the EFA in writing when the public notice has been made and shall be accompanied by a copy of the notice. The public notice shall include:

- Applicant's details;
- Address of the installation;
- Description of activities to be carried out;
- Description of the effects of the emissions of the installation;
- Location where the public can examine the application; and
- The address and deadline for sending written comments to the EFA.

Issuance of public notice

Where a copy of the public notice has been received within the appropriate period, the EFA shall place a copy of it in the permit register. Where it appears, following enquiry, that the applicant has issued a public notice but has failed to supply a copy of it, the EFA shall send a reminder letter.
Where it appears, following enquiry, that the applicant has failed to issue a public notice within the required period, or the notice is not consistent with the requirements, EFA shall refuse the application.

Members of the public can consult the permit registers free of charge at the municipality or commune during office hours. In addition, members of the public who wish to obtain a copy of the relevant information contained in the register can do so upon the payment of a nominal charge to cover the costs of copying.
Any objections to or comments on the above permit application should be made in writing to the EFA at the address specified in the notice, within 30 days from the date of this public notice.

Form: Public Notice

PUBLIC NOTIFICATION OF AN APPLICATION MADE UNDER Law No_____, dated_____ on Environmental Permitting

For a CLASS _____ ENVIRONMENTAL PERMIT

Notice is hereby given that [Applicant's details] has applied to for a Class ____ Environmental Permit to operate an installation involving the [brief description of activities to be carried out].

The installation is located at [address of the installation].

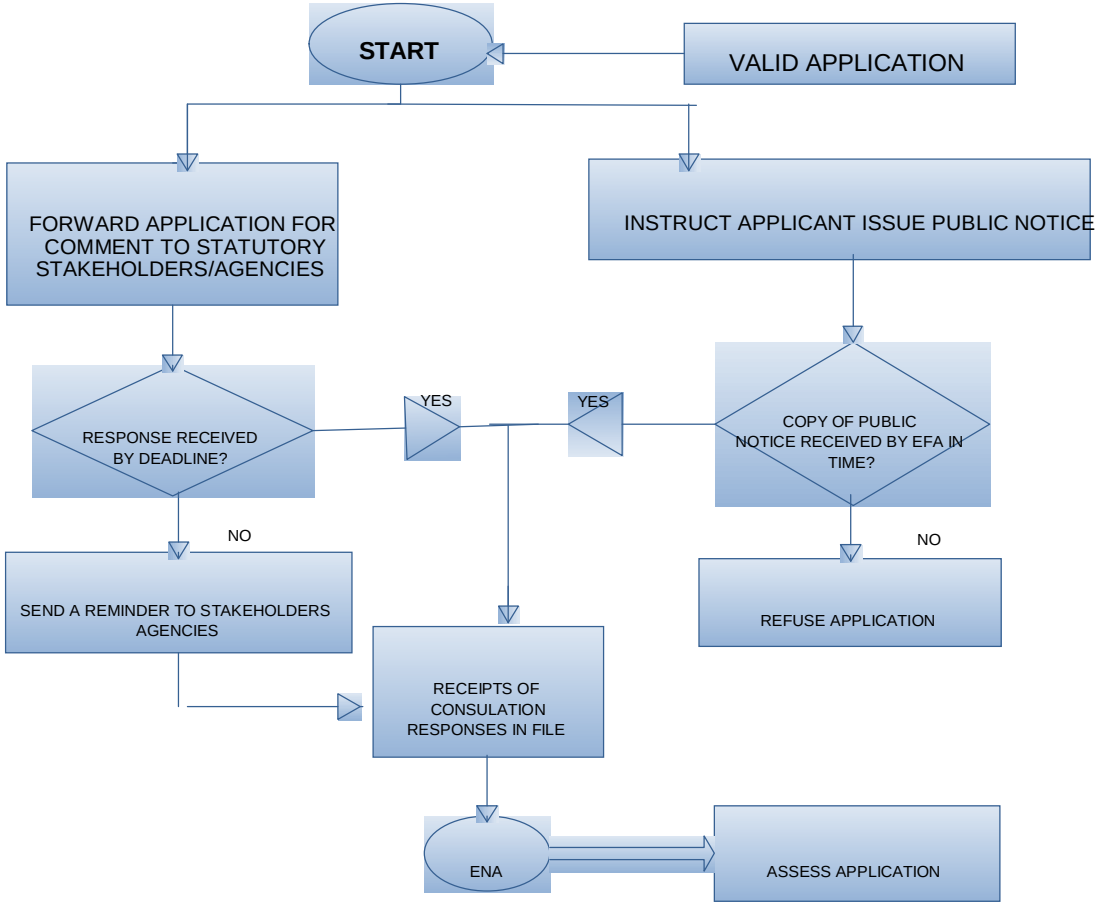
According to application the foreseeable significant effects of the installation on the environment are [brief description of the effects of the emissions of the installation].

Information relating to the above application for a permit to operate the [name of installation] is held in the permit register at the following location:
[Name and visiting address]
[Office hours]
Contact person: [name and contact information]

Members of the public can consult the permit registers free of charge at the above stated address during office hours. In addition, members of the public who wish to obtain a copy of the relevant information contained in the register can do so upon the payment of a nominal charge to cover the costs of copying.

Any objections to or comments on the above environmental permit application should be made in writing to the [name] at the address below, within 30 days from the date of this public notice.
[Name and postal address].

CONSULTATION (CLASSES A and B ENVIRONMENTAL PERMIT)



3.3 Assessment of application and determination of permit conditions

The purpose of this part of the procedure is to identify the actions necessary to determine a valid application.

Assessment of the need for further information
Having assessed the information in the application, EFA shall:

a) where the information is sufficient, prepare a draft permit
b) where the information is insufficient to allow completion of the determination, discuss the action in order to conclude whether to: 1) issue a further notice to supply additional information; or 2) refuse the application.

Insufficient information
Where the information remains insufficient to allow completion of the determination, EFA may decide to request in writing further information from the applicant. The request shall specify the reason or reasons for the request.

The applicant has 30 days to provide the information requested. However the applicant and the Environment and Forest Agency may, in writing, extend this 30 day period for such period as may be mutually agreed.

If the applicant fails to send the further information requested within the agreed period of time, EFA shall treat the application as being withdrawn and shall inform the applicant of this fact in writing.

Sufficient information
When EFA is satisfied with all relevant information concerning an application, it starts the technical judgement of the latter which brings either to determine permit conditions, or decide to refuse the permit.
The goal of this judgement is to determine to what extend the proposed techniques ensure or not the attainment and maintenance of an acceptable environmental quality, and prepare accordingly permit conditions proportionate to the complexity of the installation and its environmental effects.

Assessment of stakeholder agency consultation and of public responses
EFA shall assess any comment or response and conclude whether its dictates:

a) a refusal or the need for further information to inform the assessment;
b) any significant changes to the assessment, including the need for any specific permit conditions, and
c) where EFA judges that a written reply is required or the stakeholder agency specifically requests one, then it should draft a reply outlining the action taken in response to that agency's contribution;
d) where EFA judges that a written reply to a public representative is warranted, then should send a letter outlining the action taken in response to that objection or comment;

Assessment of EIA report
Where an installation requires an Environmental Impact Assessment Report in accordance with the Law on Environmental Impact Assessment, the application for a Class A

environmental permit shall also include any relevant information obtained or conclusions reached in relation to the installation from that Environmental Impact Assessment.

In granting or refusing an environmental permit and in determining the conditions to be specified in the environmental permit, EFA will consider the EIA report and the conditions of its approval.

3.3.1 Draft permit preparation

Having concluded that sufficient information is available, EFA, taking into account comments received from the consultation, shall:

1. insert clear, precise, and unambiguous limits and conditions into the standard permit;

2. draft a decision document, highlighting key issues as appropriate, referring to the application, its assessment, and consultation replies to justify permit conditions and any deviations from the standard permit format;

3. assess if the operator can comply with the draft permit conditions; and no later than [90] days after the application was deemed valid complete the draft permit;

Writing the Class A permit conditions

The Class A permit must contain conditions that are clear and unambiguous, and are enforceable under the relevant law.

The permitting authority may find that it is straight forward to reproduce the information provided by the applicant on the Application Form, with the conditions in the permit next to the information provided.

Introduction. The beginning of the permit should include information on how to contact and communicate with the permitting authority, the process for appeal, and variation or surrender of the permit, in order to help the applicant deal with various situations that might occur during the life of the permit. Details of any permits, licences, or authorizations complemented or superseded by the permit should be inserted at the beginning.

The installation and activities. The permit conditions should identify and describe all activities at the installation that are covered by the permit. The land area on which the permitted activities take place should be defined.

Operating conditions. Conditions for operation of the industrial activities must be based on BAT as described in relevant technical guidance, and take into account technical characteristics, geographical location, and local environmental conditions of the installation.

It is essential that the permitting process remain open and transparent. If it has been established that a particular technique is BAT within a certain sector, then EFA should normally impose the ELVs that correspond to the use of that technique in all permits for that sector.

Conditions for operation will cover:

- use of raw materials and water,
- prevention and control of emissions and waste,
- waste management,
- energy use and efficiency,
- emergency preparedness,
- monitoring systems,
- decommissioning and remediation.

Emission limit values. Conditions for ELVs for prescribed pollutants likely to be emitted from the installation need to address the following:

- emissions to air,
- discharges to surface water,
- discharges to the municipal sewer or to a wastewater treatment plant,
- discharges to the ground (unless they are banned under the relevant laws), and
- noise.

ELVs should be based on BAT using the benchmark ELV given in the relevant sector-based guidance, but taking into account the technical characteristics, geographical location and local environmental conditions of the installation.

Monitoring requirements. These requirements should cover all relevant aspects of the ELV. To this end it is good practice to take into account issues with regard to the following:

- pollutant or parameter being limited,
- location for sampling and measurements,
- timing requirements of sampling and measurements,
- feasibility of limits with regard to available measurement methods,
- general approach to the monitoring available for relevant needs,
- technical details of particular measurement methods,
- self-monitoring arrangements,
- operational conditions under which the monitoring is to be performed,
- compliance assessment procedures,
- reporting requirements,
- quality assurance and control requirements, and
- arrangements for the assessment and reporting of exceptional emissions.

Off-site conditions. The permit may contain conditions requiring the operator of the industrial activity to carry out works on land not part of the installation, and not necessarily owned by the operator. The works would be directly relevant to the operation of the installation. Permission would need to be given from the owner of the land before such works were carried out.

Improvement program. The operator of an existing industrial activity may argue that the technique in operation is not BAT because of the cost of an immediate move to BAT. If the permitting authority accepts the argument, it is appropriate to expect progress towards introduction of newer technology through an improvement program, and for this and a timeframe to be included in the permit conditions.

Records. This condition should specify what the operator of the installation must do to make and keep information and documents, and provide access for the relevant authority to the information and documents. Such information would include daily records of monitoring data, incidents, and instrument calibration and production capacity.

Reporting and notification. This condition should specify the reporting requirements for the installation, and the arrangements for notifying the relevant authority. These should be frequent enough to allow timely response to any violation of the permit conditions, and early notification of any administrative changes.

Fees and payments. If the operator of the installation is required to pay any charges for emissions, treatment or disposal or the use of resources, the requirements should be specified together with how payments will be enforced.

Validity, renewal and variation. The permit should specify the date of entry into force and the validity period. The permit should instruct the operator of the installation when to apply for a renewal or for revision, and how this should be done.

Writing the Class B permit conditions

The Class B permit will specify conditions for:

- emission limit values, as described under Article 28 of the new Law on Environmental Permitting, for pollutants particularly those listed in Annex 2 of the new Law on Environmental Permitting
- protection of the soil, where necessary,
- protection of groundwater, where necessary,
- appropriate waste management, where necessary,
- measures to be taken to prevent accidents and to limit their consequences,
- self-monitoring emissions and discharges, methodology, frequency, evaluation procedure, and ensuring these are provided to the EFA and NEI for compliance monitoring purposes,
- start-up of operations, leaks, malfunctions and momentary stoppages,
- steps to be taken before operation of the installation commences, and to be taken on cessation of operation and de-commissioning
- requiring the operator of the installation to regularly provide the REA and NEI with the results of emission monitoring,
- requiring the operator of the installation to immediately inform the REA and NEI of any incident or accident which could significantly affect the environment, and
- all other requirements which would be necessary to ensure compliance with the legislation.

Consultation on the draft permit

As a good regulatory practice EFA may decide to have a consultation on the draft permit to avoid factual errors and ensure that there are no surprises or misunderstanding when the operator receives the final permit (which may lead to an unnecessary appeal).

If EFA decides to have a consultation on the draft permit, it shall send a copy of the draft permit to the installation contact named in the application, as well as to stakeholder agencies, noting the expected reply period of [15] days, and when the applicant or a stakeholder agency replies, or at the end of the reply period, shall consider the possible comments, and make final amendments to the permit if necessary.

3.3.2 Permit issuance or refusal

Where the decision is that the application for the environmental permit is refused the EFA shall:

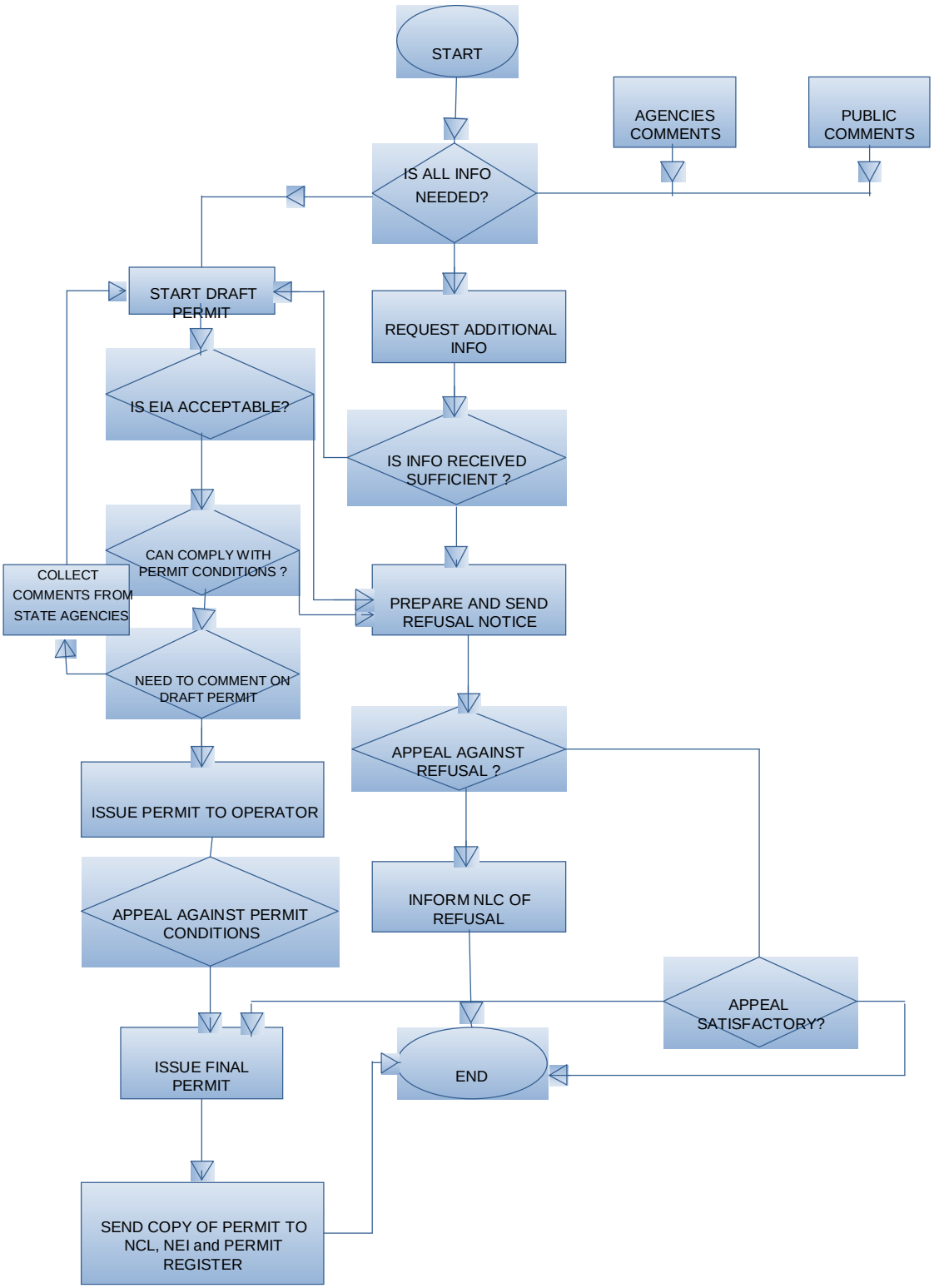
a) set out the reasons for so refusing the application. The criteria for refusal may include the following: 1) the information provided by the operator does not provide a reasonable basis to determine the permit conditions, 2) the operator's proposals cannot comply with specific regulations or standards, and 3) it is apparent that the operator cannot comply with the permit conditions due to his lack of the management systems or competence;
b) send a refusal notice to the applicant, noting the details and deadline for appeal, and specifying the reasons for which the application was refused;

c) copy the notice to the permit register and the stakeholder agencies;

Where the decision is that the environmental permit shall be granted EFA shall:

a) send to the National Licensing Centre a copy of the permit with a cover letter (noting the date of the appropriate appeal period, with details of the appeal procedure) to the operator,
b) put a copy into the permit register, and
c) send a copy to the National Environmental Inspectorate

ASSESSMENT OF CLASSES A and B APPLICATION AND DETERMINATION OF PERMIT CONDITIONS



4 Class A or Class B Application Form

This Form shall be used for an application to the Environment and Forestry Agency for a Class A or Class B environmental permit under the Law on Permitting No. […]. The applicant is strongly advised to read the *Instructions* to this Form.

The first page of the Application Form must contain what is required under the new Law on Licences, Authorisations and Permits in the Republic of Albania. The remainder of the Application Form deals with specific environmental and activity issues and asks questions which must be completed by the applicant.

The basic information should for the most part be supplied in the spaces given in the Application Form. In the case of questions required to be answered on the Application Form itself, continuation sheets should be used if extra space is needed and be clearly referenced to the respective sections of the Application Form. Any supporting documentation should be supplied as supplementary attachments, as specified. While some sections in the Application Form may not be relevant to the installation or activity concerned, the applicant should look carefully through all aspects of the form and provide the required information, in the greatest possible detail.

COMMERCIAL CONFIDENTIALITY

Information supplied in this application, including supporting information, will be put in the permit register open to the public. The applicant has a right to claim protection of information judged to be commercially confidential or subject to consideration against public disclosure. A claim for *commercial confidentiality* must show that the revealing of specified information or its inclusion in a public register would prejudice the operator's commercial interests to an unreasonable degree. The claim should be made in an attachment to the application, and the information proposed for protection should be submitted separately and appropriately marked "claimed confidential" in order to facilitate its exclusion from the public register.

NATIONAL SECURITY ISSUES

A claim for protection of information on the grounds of *national security* should be made separately and *no reference to it should be made in the main application*. Consult the relevant authority before submitting the application to determine who is authorised to receive such information in compliance with the legislation in force.

ENVIRONMENT AND FORESTRY AGENCY ALBANIA

APPLICATION FORM FOR CLASS A OR CLASS B ENVIRONMENTAL PERMIT

1. Authorised contact

1.1 Please provide details of the person we can phone or write to with questions about this application.

Full name

Position

Business address

Telephone	
Fax	
Email	

2 The applicant

Applicant Name

Applicant Address

Telephone	
Fax	
Email	

Legal status

Registration No

3 The site

3.1 Please provide the address of the site or sites at which the installation that is subject to the permit application will take place

3.2 Please attach a site plan and plan of the installation to this Application Form

3.3 Name the river basin district and nearest river to the installation

3.4 Has an environmental impact assessment been prepared in respect of this application?

☐ **Yes** – please attach a copy of the environmental statement

☐ No – please state why not.

Please tick one box only

4. Description of activity to which the application relates

4.1 Installation, its purpose, its main activities: what does the installation produce?
Please provide a brief written description of the activity to which the application relates

4.2 Production volume

Tonnes/year raw material processed

Tonnes/year product produced

Kilolitres/year water consumed

4.3 Operating Hours
Number of operating hours/year

5. Employment Conditions

Number of employees:

☐ Fulltime

☐ Part-time

6. Conditions of the site

Please provide a brief written description of the site on which the installation is built

Distance (metres) of nearest residence from installation

Distance (metres) of nearest surface water (river, lake, stream) from installation

7. Raw materials used in the activity

Please provide a brief written description of the raw materials used for the activities at the site

Are these materials on-site or brought into the installation?

How are these materials stored on-site?

8. Description of energy conditions

Energy used or generated: describe what provides energy for the activity?

9. Detail all emissions to air from the activity.

For each source of air emission please provide:

Source

Location

Volume of discharge per day

Rate of discharge per hour

Minimum discharge height above ground level

What the air emissions contain?

10. Describe how polluting substances of all emissions to air will be controlled or treated

Describe the techniques for air emission control: how will any polluting content of emissions be prevented or reduced?

Describe the type and efficiency of pollution abatement equipment in place

11. Detail all wastewater discharges from the activity.

For each wastewater discharge please provide:

Source

Location

Name of receiving water

Volume of discharge per day

Rate of discharge per hour

What the discharge contains

Any on-site treatment

Describe the source, type of liquid waste, volume of discharge per day, rate of discharge (m^3/hour)

12. Describe how any polluting content of all discharges to water will be controlled or treated

Describe techniques for wastewater discharge control and treatment

Describe the type and efficiency of pollution removal equipment in place

Describe the source, type of hazardous waste, active hazardous content, and volume (m^3/year)

13. Detail all wastes (liquid, solid and hazardous) generated from the activity

Describe the source, type of solid waste, and volume (m^3/year)

14. Describe how waste generation will be prevented or reduced

Describe the measures for any on-site treatment, reduction of solid waste generation, recovery of waste, disposal, and location of disposal sites

Describe the measures for any on-site treatment, reduction of liquid waste generation, on-site reuse and location of disposal site

Describe the measures for disposal, and location of disposal site for hazardous waste

15. On-going (or proposed) programme monitoring

Describe any monitoring programs for air emissions, wastewater discharges, waste generation, noise, and site inspection

16. Effects from emissions, discharges or waste generation from the activity

Describe any significant effects from emissions, discharges or waste generation, including environmental or public health impacts

17. Measures to control site run-off

Describe measures to control stormwater site run-off (Perimeter drains and location, Collection points and locations, Stormwater treatment or disposal, other)

18. Noise generated from all activities

Source

Location

Level of noise generation

Describe any measures for noise control and abatement

19. Emergency response plan

Is there an emergency response plan in case of accidents or incidents at the installation?

☐ **Yes** – please attach a copy of the emergency plan

☐ **No** – please state why not.

Please tick one box only

20. Main alternative options for activities, site location, emission and discharge control

Please describe any alternative development options for activities, site location, emission control by the applicant

21. Non-technical summary of all the above points

For official use only:

Registration Number of this Application Form

Name of EFA Officer completing this Section

Has the application fee been paid (only validated with government approved stamp)?

☐ **Yes**

☐ **No**

Please tick one box only

4.1 Instructions for the Application Form for a Class A or Class B Permit

Normally, operators should apply for a new permit for an installation when they have drawn up full designs, but before starting construction work (whether on a new installation or on changes to an existing one). Where installations are not particularly complex, the operator should usually be able to submit an application at the design stage containing all the information that a regulator needs to make a determination. This would include proposals for management of the installation and training of operational staff. If, in the course of construction or commissioning, after a permit has been granted, the operator wanted to make any changes, the permit conditions would have to be varied in the normal way by formal application or, if appropriate, by a change agreed in writing.

INSTRUCTIONS FOR APPLICANTS FOR AN ENVIRONMENTAL PERMIT CLASS A OR CLASS B

Ministry of Environment Forests and Water Administration, Government of Albania

The **Application Form for a Class A or Class B Environmental Permit** has 22 (twenty-two) questions which should all be answered. A non-technical summary must also be provided by the applicant. The Applicant must be familiar with the existing installation (or proposed development) and be able to provide accurate technical details about the activity, or be in a position to

get accurate answers from technical persons at the installation. It would be helpful if a plan of the site and installation is provided along with the completed Application Form, showing the location of features described in the answers.

- An Environmental Permit is issued for an activity, not for a person.
- All installations must possess a permit and operate in compliance with the legislation.
- It is a criminal act to deliberately falsify answers, and this can attract a severe fine and/or imprisonment.

1. Authorised contact details: name, postal address, telephone and email address.

2. Applicant's name, postal address, telephone and email address. The Applicant is the person completing the Application Form, and must be the owner or operator of the activity.

3. Site description. Name of premises, location and address. Attach a site plan and plan of the installation. Name the river basin district and nearest river to the installation.

4. Installation, its purpose, its main activities. For example, does it make butter, manufacture steel, or supply gravel. What does the installation produce?
What is the production volume of the activity in tonnes per year raw material processed, and/or tonnes per year product produced, and/or kilolitres per year water consumed?
What is the actual (or proposed) number of operating hours of the activity per year?

5. What is the present (or intended) number of employees at the installation employed as fulltime and/or part-time (casual) staff?

6. Describe the site on which the installation is built. For example, is it a steep, rocky hill or a flat, wet field? How close is the nearest residence from the installation, and how close is the nearest surface water (river, lake, stream) from the installation in metres or kilometres?

7. What raw materials are used in the activity to make the product? Are the raw materials brought in to the installation, or are they found on-site? For example, a mine extracts ore on-site, but a paper mill brings in wood chip from off-site.

8. Describe what provides energy for the activity and how this is achieved? For example, energy can be provided by a coal boiler, a wood or sawdust furnace, electricity or gas supply. Describe the manufacturer, age of the boiler or furnace, and efficiency?

9. Detail all emissions to air from the activity. For each, include the source/origin of the emission, the location of the point of release into air, the volume of release in cubic metres per day, the rate of release as continuous or number per hour, the minimum discharge height of the release point above ground level in metres, and what the air emission contains. For example, emissions might be black carbon particulates, yellow sulphur dioxide, and white carbon dioxide. Include details of any air emissions from the boiler or furnace used to provide energy for the activity. If none, write 'none'.

10. Describe how any polluting content of all emissions to air will be controlled or cleaned. Describe the type and efficiency of existing (or proposed) pollution control equipment for air emissions. If none, write 'none'.

11. Detail all wastewater discharges from the activity. For each, include the source/origin of the discharge, the location of the point of discharge into receiving water, the name of the receiving

water, the volume of discharge in cubic metres per day, the rate of discharge as continuous or number per hour, what the discharge contains, and any on-site treatment of the discharge. If none, write 'none'.

12. Describe how any polluting content of all discharges to water will be controlled or cleaned. Describe the type and efficiency of existing (or proposed) pollution control equipment for discharges to water. If none, write 'none'.

13. Detail all solid waste, liquid waste and hazardous waste generated from the activity. For each, describe source/origin, type of waste, any hazardous content, volume and/or rate generated. If none, write 'none'.

14. Describe how waste generation will be prevented or reduced, and whether any waste generated from the activity will be recovered either on-site or by a commercial waste collector and taken off-site? For each waste describe on-site recovery, on-site reuse, on-site treatment, how it is disposed, and the location of the disposal site. If none, write 'none'.

15. Describe any monitoring programs done (or proposed) by the installation for air emission analysis, water sample collection and analysis, waste measurement, noise survey, visual inspection of the site and surrounding environment. Describe if monitoring is outsourced or self-monitoring, frequency, and where the results are kept. If none, write 'none'.

16. Describe any significant effects from emissions, discharges or waste from the activity, including environmental or public health impacts, which have been reported since the activity started. If none, write 'none'.

17. Describe measures to control site run-off during storm events, including bounding, perimeter drains, collection points, and on-site storm water treatment systems. If none, write 'none'.

18. Detail all noise generated from all activities. For each, describe source/origin, location and level of noise. Include trucks entering and leaving, on-site machinery, animals on-site, fans, and blasting. Describe any measure for noise control and abatement. If none, write 'none'.

19. Is there an emergency response plan in the event of an incident, such as spillage of material into the environment, release of toxic fumes, pipe fracture, and vehicle accident at the installation? If none, write 'none'.

20. Describe any alternative options for activities, site location, emission and discharge control,

A space is provided for you to write a non-technical summary of all the information given in the application form.

5 Class A or Class B Environmental Permit Form

Page 1 Model Environmental Permit Class A or Class B

ENVIRONMENTAL PERMIT

Permit ID Number ……
Class A or Class B permit ……

The EFA as authorized under the Law on Permitting (…….) here authorizes:

Name of Operator ……...……...

residing at ……..……...…….. (Full address)

to operate the installation ……..…..…… (Name of installation)

located at ……..…….……. (Full location)

Name of authorized person ……

Designation of authorized person ……

Signature ……..…….

Date ……..

Administrative fee paid on …… (date)

Official stamp

Page 2 Model Environmental Permit

PERMIT CONDITIONS

1. The Permitted Installation

1.1 The Operator is authorised to carry out the activities specified in the following Table:

Permitted Activities

Activity title	Description of Activity	Limits of Specified Activity

1.2 The activities authorized under 1.1 shall not extend beyond the boundary of the site as shown on the plan/map below:

1.3 There are NO pre-operation conditions

OR

The Permitted Installation shall not be brought into operation until the following measures have been completed and the EFA notified of this in writing:
(a) ……..
(b) …….
(c) …….

Page 3 Model Environmental Permit

2. Operation of the Permitted Installation

2.1 Use of Raw Materials and Water

2.1.1 The operator shall not exceed the limits for water abstraction specified in the following Table:

Limits for water abstraction

Abstraction point reference	Water source	Daily abstraction limit m3/day	Annual abstraction limit m3/year

2.1.2 The operator shall only use raw materials and water according to the documentation described in the following Table:

Use of raw materials and water

Description of documentation	Relevant item	Date received
Permit Application Form		

2.1.3 Other specific conditions related to the use of raw materials and water as described here:

2.2 Techniques for Control and Minimization of Emissions and Waste

2.2.1 The operator shall use the techniques for prevention, control and minimization of emissions and waste according to the documentation described in the following Table:

Prevention and control of emissions and waste

Description of documentation	Relevant item	Date received
Permit Application Form		

2.2.2 Other specific conditions related to techniques for prevention, control and minimization of emissions and waste as described here:

Page 4 Model Environmental Permit

2.3 Waste Management

2.3.1 The operator shall manage waste according to the documentation described in the following Table:

Waste management

Description of documentation	Relevant item	Date received
Permit Application Form		

2.3.2 Other specific conditions related to management of waste as described here:

2.4 Energy Use and Efficiency

2.4.1 The operator shall use energy according to the documentation described in the following Table:

Energy use

Description of documentation	Relevant item	Date received
Permit Application Form		

2.4.2 Other specific conditions related to energy use and efficiency as described here:

Page 5 Model Environmental Permit

2.5 Emergency preparation

2.5.1 The operator shall prevent and limit the consequences of accidents according to the documentation described in the following Table:

Emergency preparation

Description of documentation	Relevant item	Date received
Permit Application Form		

2.5.2 Other specific conditions related to emergency preparation as described here:

2.6 Monitoring Systems

2.6.1 The operator shall conduct monitoring and evaluate the results from monitoring according to the documentation described in the following Table:

Monitoring Systems

Description of documentation	Relevant item	Date received
Permit Application Form		

2.6.2 The operator shall provide safe and permanent access to all monitoring and sampling points.

2.6.3 Other specific conditions related to emergency preparation as described here:

Page 6 Model Environmental Permit

2.7 Decommissioning and Remediation

2.7.1 The operator shall make provisions for decommissioning of the installation and for remediation of the site after it fully ceases operation according to the documentation described in the following Table:

Decommissioning and remediation

Description of documentation	Relevant item	Date received
Permit Application Form		

2.7.2 Other specific conditions related to decommissioning and remediation as described here:

Page 7 Model Environmental Permit

3. Emission Limit Values of the Permitted Installation

3.1 Air Emissions

3.1.1 Air emissions from the emission point(s) specified in the following Table shall only arise from the source(s) specified in the following Table

Air Emission Points

Emission point reference	Source	Location of emission points
1		
2		

3.1.2 The limits for air emissions for the parameter(s) and from the emission points specified in the following Table shall not be exceeded.

3.1.3 The operator shall carry out monitoring of the parameter(s) from the emission points at, or greater than, the frequency listed in the following Table.

Air Emission Limits

Parameter A mg/m3					
Frequency of monitoring	Emission point 1	Emission point 2	Emission point 3	Emission point 4	

Parameter B mg/m3					
Frequency of monitoring	Emission point 1	Emission point 2	Emission point 3	Emission point 4	

Parameter C mg/m3					
Frequency of monitoring	Emission point 1	Emission point 2	Emission point 3	Emission point 4	

3.1.4 The annual mass limit or aggregate emission for the parameter(s) shall not exceed the limit in any year as stated in the following Table.

Mass Limits for Air Emissions

Parameter	Mass limit	
	kg/year	g/second
A		
B		

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3.2 Water Discharges

3.2.1 There shall be NO discharges to surface water

OR

3.2.2 Discharges to surface water from the discharge point(s) specified in the following Table shall only arise from the source(s) specified in the following Table

Discharge Points to Surface Water

Discharge point reference	Source	Location of receiving water point
1		
2		

3.2.3 The limits for discharge to surface water for the parameter(s) and from the discharge points specified in the following Table shall not be exceeded.

3.2.4 There shall be no discharge to surface waters of any parameter(s) for which no limit is specified in the following Table except where the discharge parameter(s) is in the same concentration as in the receiving surface water.

3.2.5 The operator shall carry out monitoring of the parameter(s) from the discharge points at, or greater than, the frequency listed in the following Table.

Discharge Limits to Surface water

Parameter A mg/m3					
Frequency of monitoring	Discharge point 1	Discharge point 2	Discharge point 3	Discharge point 4	

Parameter B mg/m3					
Frequency of monitoring	Discharge point 1	Discharge point 2	Discharge point 3	Discharge point 4	

Parameter C mg/m3					
Frequency of monitoring	Discharge point 1	Discharge point 2	Discharge point 3	Discharge point 4	

3.2.6 The annual mass limit or aggregate discharge for a parameter shall not exceed the limit in any year as stated in the following Table.

Mass limits for water discharges

Parameter	**Mass limit** (kg/year)
A	
B	

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3.3 Discharges to the Sewer or to a Wastewater Treatment Plant

3.3.1 There shall be NO discharges to the sewer or to a wastewater treatment plant

OR

3.3.2 Discharges to the sewer or wastewater treatment plant from the discharge point(s) specified in the following Table shall only arise from the source(s) specified in the following Table

Discharge Points to Sewer or Wastewater Treatment Plant

Discharge point reference	**Source**	**Location of receiving sewer point or WTP point**
1		
2		

3.3.3 The limits for discharge to the sewer or wastewater treatment plant for the parameter(s) and from the discharge points specified in the following Table shall not be exceeded.

3.3.4 The operator shall carry out monitoring of the parameter(s) from the discharge points at, or greater than, the frequency listed in the following Table.

Discharge Limits to Sewer or Wastewater Treatment Plant

Parameter A mg/m3					
Frequency of monitoring	Discharge point 1	Discharge point 2	Discharge point 3	Discharge point 4	

Parameter B mg/m3					
Frequency of monitoring	Discharge point 1	Discharge point 2	Discharge point 3	Discharge point 4	

Parameter C mg/m3					
Frequency of monitoring	Discharge point 1	Discharge point 2	Discharge point 3	Discharge point 4	

3.3.5 The annual mass limit or aggregate discharge for a parameter to sewer or wastewater treatment plant shall not exceed the limit in any year as stated in the following Table.

Mass limits for water discharges

Parameter	**Mass limit** (kg/year)
A	
B	

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3.4 Discharges to the Ground

3.4.1 There shall be NO discharges to the ground

OR

3.4.2 Discharges to the ground from the discharge point(s) specified in the following Table shall only arise from the source(s) specified in the following Table

Discharge Points to the ground

Discharge point reference	Source	Location of discharge points
1		
2		

3.4.3 The limits for discharge to the ground for the parameter(s) and from the discharge points specified in the following Table shall not be exceeded.

3.4.4 The operator shall carry out monitoring of the parameter(s) from the discharge points at, or greater than, the frequency listed in the following Table.

Discharge Limits to the ground

Parameter A mg/m3					
Frequency of monitoring	Discharge point 1	Discharge point 2	Discharge point 3	Discharge point 4	

Parameter B mg/m3					
Frequency of monitoring	Discharge point 1	Discharge point 2	Discharge point 3	Discharge point 4	

Parameter C mg/m3					
Frequency of monitoring	Discharge point 1	Discharge point 2	Discharge point 3	Discharge point 4	

3.5 Noise Emissions and Other Impacts

3.5.1 Specify any necessary conditions related to noise emissions

3.5.2 Specify any necessary conditions related to odour, electromagnetic and radioactive impacts

Page 11 Model Environmental Permit

4. Off-Site Conditions

There are NO off-site conditions

OR

Off-site conditions are set here:

5. Improvement Program

The operator shall complete the requirements and by the date specified in the following Table, and shall send written notification of the completion of each requirement with the date of completion to the EFA within (14) days of the completion of each such requirements. For the requirements whose implementation schedule is longer than one year, written progress reports shall be submitted annually to the EFA

Improvement Program Requirements

Requirement title	Description of the requirements	Deadline

6. Records

6.1 The operator shall maintain records of:
(a) all monitoring and sampling conducted in accordance with the conditions of this permit and any analysis or evaluation made on the basis of such data
(b) any malfunction, breakdown or failure of the equipment or techniques of the permitted activity, and any remedial actions taken, that may have or had an effect on the environmental performance.
(c) other specified records as required

6.2 All records made by the operator in relation to the permitted activity and installation shall be immediately available for inspection by the NEI at any reasonable time.

6.3 A copy of any records shall be provided to the NEI on demand and free of charge.

6.4 Records shall be legible, made as close to the event as reasonably practical, indicate any amendments which have been made, and include the original record whenever possible.

6.5 Records shall be kept for a minimum period of (4) years from the date when the records were made.

6.6 A record shall be kept by the operator of any complaints concerning the effect of the activity on the environment and nearby community, giving the date of complaint, investigations into the cause of the complaint, and the result of such investigations.

7. Reporting and notification

All the parameters that are required by the permit to be monitored should be reported by the operator on a quarterly basis for Class A environmental permit, and on semester basis for Class B environmental permit.

The operator shall inform EFA be of any temporary or permanent cessation in the operation of the installation. Such cessation might require a review of conditions in order to ensure that the installation does not pose any risk in its non-operational state.

8. Payment of Environmental Taxes and Charges

If the operator of the installation is subject to pay a charge for its polluting activities (air emissions, wastewater discharges, or waste disposal) or the use/extraction of natural resources (including water abstraction), the requirements for making such payments shall be specified in the permit conditions.

9. Validity and Provisions for Variation

The permit shall specify the date of its entry into force and the validity period. The effective date shall be the same as requested in the application. The validity period of a Class A and Class B environmental permit is 7 years.

The EFA has the right to initiate the revision process of a Class A or Class B environmental permit once the permit validity period has expired.

Formal written agreement to changes in the permit should only be allowed in cases where small changes in operating techniques do not affect the permit conditions.

END OF PERMIT

6 Class C permitting process

6.1 Application

On receipt of the application the relevant Local Government Authority (LGA) shall inform the applicant in writing of the safe receipt of the application.

The LGA shall check the administrative aspects of the application. Some circumstances should automatically lead to an application being considered invalid, including:

- the standard application form has not been used;
- insufficient number of copies of the application have been submitted;
- all required questions where not answered;
- the application has not been signed.

If the administrative check indicates that the application is satisfactory from an administrative perspective, the LGA forward the application to the relevant Regional Environment Agency and the relevant regional office of National Environmental Inspectorate (NEI).

If the administrative check indicates that the application is not entirely satisfactory, LGA will reject it and inform the applicant.

On receipt of the application LGA shall review the application and record the decision on whether or not the application is valid.
As long as the appropriate questions are answered in a reasonable manner, the application shall be accepted as valid. If there is doubt over the basic adequacy of the application, consideration should be given to whether the information submitted provides at least a reasonable starting point for consultation and determination.

In the following circumstances, an application should normally be considered invalid:

- the basic installation details (address, etc.) have not been provided or are obviously wrong;
- the basic operator details (name, address, etc.) are not provided or are obviously wrong;
- the installation has not been properly described (e.g., a site report is inadequate);
- the operator has not provided an important part of the submission.

Application valid: The LGA shall put the application into the permit register and sends the applicant a standard letter acknowledging the validity of the application setting a determination date (which cannot exceed 1 month).
Processing of the application will proceed in accordance with the Consultation procedure, and the Assessment of Application procedure.

Application not valid: An application is invalid where:

- the standard application form has not been used as required;

- the entire application is inadequate;
- the operator has not responded to earlier letters indicating that further information is required to make the application valid;

If the relevant LGA thinks an application is not valid, it will be returned it to applicant together with a letter with an appropriate explanation within [15] days.

6.2 Consultation

Within [5] days of the date the application was deemed valid, the relevant LGA shall forward the application for comment to REA and the relevant regional office of NEI.
EFA should send copies of the application to REA and relevant regional office of NEI with a cover letter specifying the request of comments and instructing them that they have [30] days to provide them.

Where an authority does not send any comment to the relevant Local Government Authority within the 30 days period, that authority shall be deemed to have no comment to the application.

6.3 Assessment of application and determination of permit conditions

In case the application is generally satisfactory but part of the application form has not been filled properly, the relevant Local Government Authority may ask the operator of the additional requirements for the application to be valid while holding what has already been submitted.
If a reply to the request for further information is not received within the [15] days period, the relevant authority shall return any parts of the application not already sent back to the applicant, together with a standard letter stating that the application cannot be considered further.
Upon receipt of a reply to a request for further information, the relevant authority shall, within [5] days, confirm a decision on whether or not the application is now valid.

If a reply to a request for further information is not sufficient for the application to be considered valid, relevant Local Government Authority shall treat the application as being withdrawn and shall inform the applicant and the National Licensing Centre of this fact in writing.

Valid application
If a reply to a request for further information means that the application is now valid, the relevant authority shall send such information to REA and NEI. These authorities may comment on the application in writing or electronic version within a period of 30 days.

Within one month of the date of receiving the application, the relevant Local Government Authority shall, taking into account comments (if any) received from REA and NEI, determine to what extend the proposed techniques ensure or not the attainment and maintenance of an acceptable environmental quality, and accordingly decide whether refuse or grant the permit.

Where the decision is that the applicant can comply with clear, precise, and unambiguous limits and conditions to operation of his activity, the relevant Local Government Authority grant a permit and send to NLC and the applicant a copy of it.

Where the decision is that an application is refused, the relevant Local Government Authority shall prepare a document highlighting key reasons to refuse the application and copy it to applicant.

Writing the Class C permit conditions

The Class C permit will specify conditions for:

- emission limit values for pollutants particularly those listed in Annex 2 of the new Law on Environmental Permitting,
- protection of the soil, where necessary,
- protection of groundwater, where necessary,
- appropriate waste management, where necessary,
- requiring the operator of the installation to regularly provide the REA and NEI with the results of emission self-monitoring,
- requiring the operator of the installation to immediately inform the REA and NEI of any incident or accident which could significantly affect the environment, and
- all other requirements which would be necessary to ensure compliance with the legislation.

7 Class C Application Form

Page 1 Application and Registration for Environmental Permit Class C

APPLICATION FOR CLASS C PERMIT AND REGISTRATION FOR INDUSTRIAL ACTIVITIES WITH LOW ENVIRONMENTAL IMPACT

1. Name of Operator ..……...……...

residing at ……..…..……...…….. (Full address)

telephone number ……

2. Name of installation ……..…..…….……

located at ……..……...……..……. (Full location)

3. Name of municipality where installation is located ……...

4. What does the installation produce? ……

5. What are the activities to be carried out at the installation ……...……..

…….

6. What is the maximum annual output of the product by the activity at the installation?

……..

7. List any measures to be taken for the on-site storage of hazardous substances and materials, including fuel, if relevant

…….

8. Air emissions

Nature, quantity and source of all air emissions released from activities (if none write none)
…….

Are these air emissions greater than 100 tonnes per year (yes or no)? …….……

Are these air emissions toxic (yes or no)? ……..……..

9. Wastewater discharges

Nature, quantity and source of all wastewater discharges or liquid waste released from activities (if none write none)

…….

Are these wastewater discharges untreated (yes or no)? ……..

Page 2 Application and Registration for Environmental Permit Class C

If treated what is the method of treatment? ……..

Are these wastewater discharges or liquid waste releases greater than 20 m^3 on any 1 day (yes or no)?

……...

Are these wastewater discharges toxic (yes or no)? . ……..…..

10. Solid waste

Nature and amount of all solid waste generated from activities (if none write none)

…….

Are any hazardous solid wastes generated from activities (yes or no)? ……..

Are more than 1 tonne of non-hazardous solid waste generated per day, averaged over 1 year (yes or no)?

…….

Are more than 20 tonnes of non-hazardous solid waste generated in any one day (yes or no)? …….

Are any of these wastes toxic (yes or no)? …….

List any measures to be taken for the prevention and recovery of waste generated by the activity (if none, write none) ……....
…….

11. Energy use

Does the installation or activities use energy (gas, solid fuel, electricity, etc) at a rate greater than 1 MW (yes or no)?

…….

12. Odour

Does the installation or activities produce any offensive odours which are carried outside the installation at any time day or night (yes or no)?

.....

13. Noise

Do noise levels arising from activities exceed background levels by 3 dB Leq measured at points along the boundary of the installation?

.....

If any answer to these questions is 'yes', then the Operator must apply for a Class A or Class B Environmental Permit

---

7.1 Instructions for the Application Form for a class C permit

INSTRUCTIONS FOR APPLICANTS FOR AN ENVIRONMENTAL PERMIT CLASS C

Local Government Authority, Government of Albania

The **Application Form for a Class C Environmental Permit** has 13 (thirteen) questions which should all be answered. The purpose of the questions is to determine the nature and extent of any environmental effects which might be caused by the installation and activities. The Applicant must be familiar with the existing installation (or proposed development) and be able to provide accurate technical details about the activity, or be in a position to get accurate answers from technical persons at the installation. It would be helpful if a plan of the site and installation is provided along with the completed Application Form, showing the location of features described in the answers.

- An Environmental Permit is issued for an activity, not for a person.
- All installations must possess a permit and operate in compliance with the legislation.
- It is a criminal act to deliberately falsify answers, and this can attract a severe fine and/or imprisonment.

1. Applicant's name, postal address, telephone and email address. The Applicant is the person completing the Application Form, and must be the owner or operator of the activity.

2. Name of premises, location and address.

3. The name of the municipality in which the installation is located. The application form must be returned to the Local Government Authority of this municipality.

4. The installation, its purpose, and its main activities. For example, does it electroplate items, mend vehicles, or supply gravel. What does the installation produce?

5. Describe all activities that will be carried out at the installation? For example, repair and servicing of trucks, replacing engine and gear box oil, changing batteries, replacing truck air conditioning units, washing trucks, testing lights and horn, supply and balancing truck tyres.

6. Detail the estimated or known maximum output of the product from activities. For example, at most 4,500 (5 tonne) trucks are serviced each year.

Page 1 of 2

7. If hazardous substances and materials, including fuel, are stored on-site, describe how these will be stored. For example, 10 bags each 20 kg of sodium hypochlorite crystals are stored in an old unlocked shed on the site.

8. Detail all emissions to air from the activity. For each, include the nature of the release, volume of release in tonnes per year, source and origin of the emissions, and whether any of these emissions are toxic to people, plants or animals. Include details of any air emissions from the boiler or furnace used to provide energy for the activity, and details of incineration of any substances and materials. State whether the total volume of air emissions is greater than 100 tonnes per year.

9. Detail all wastewater or liquid waste discharges from the activity. For each, include the nature, quantity, source and origin of the discharge, and whether any discharge is toxic to people, plants or animals. Describe the method and effectiveness if any wastewater or liquid waste discharge is treated on-site at the installation. State whether the volume of wastewater or liquid waste final discharge is greater than $20m_3$ on any one day.

10. Detail the nature and amount of all solid waste generated from the activity, and describe if any of this is hazardous solid waste or toxic to people, plants or animals. State whether the volume of non-hazardous waste generated per day is greater than 1 tonne, averaged over 1 year. State whether more than 20 tonnes of non-hazardous waste is generated in any one day at any time from the activity. Describe any measures proposed or in-place for preventing waste generation and/or recovery of waste generated by the activity.

11. Describe what provides energy for the activity and how this is achieved? For example, energy can be provided by a coal boiler, oil burner, a wood or sawdust furnace, electricity or gas supply. State whether the source provides energy at a rate greater than 1 MW.

12. State whether the installation or activity produces noticeable and unpleasant odours or smells which are carried beyond the boundary at any time night or day

13. State whether noise, intermittent or continuous, caused by the installation or activity exceed 3 decibels higher than background levels both measured at the boundary of the installation.

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8 Class C Environmental Permit Form

Page 1 Model Environmental Permit Class C

ENVIRONMENTAL PERMIT

Permit ID Number ……
Class C permit ……

The LGA as authorized under the Law on Permitting (…….) here authorizes:

Name of Operator ……...……...

residing at ……..……...…….. (Full address)

to operate the installation ……..…… (Name of installation)

located at ……..…….……. (Full location)

Name of municipality in which installation is located ……..

Name of authorized person ……

Designation of authorized person ……..……

Signature ……..…….

Date ……..

Administrative fee paid on …… (date)

Official stamp

Page 2 Model Environmental Permit Class C

PERMIT CONDITIONS

1. The Permitted Installation

1.1 The Operator is authorised to carry out the activities specified in the following Table:

Permitted Activities

Activity title	Description of Activity	Limits of Specified Activity

1.2 The activities authorized under 1.1 shall not extend beyond the boundary of the site as shown on the plan/map below:

1.4 There are NO pre-operation conditions

OR

The Permitted Installation shall not be brought into operation until the following measures have been completed and the LGA notified of this in writing:
(a) ……..
(b) …….
(c) ……..

2.1 Use of Water and Raw Materials

2.1.1 There is NO limit on the use and storage of water and raw materials

OR

2.1.2 The operator shall not exceed the limits for water abstraction specified in the following Table:

Limits for water abstraction

Abstraction point reference	Water source	Daily abstraction limit m3/day	Annual abstraction limit m3/year

2.1.3 The operator shall only use and store raw materials according to the following conditions:

2.2 Energy Use and Efficiency

2.2.1 There is NO limit on the use of energy

OR

2.2.2 The operator shall use energy for the activity at a rate less than 1 MW

2.3 Control and Minimization of Emissions and Waste

2.3.1 There is NO limit on the control and minimization of emissions and waste

OR

2.3.2 No hazardous or toxic waste shall be generated from the activity.

2.3.3 A limit of less than (1 tonne) of non-hazardous solid waste shall be generated per day averaged over 1 year.

2.3.4 A limit of less than (20 tonnes) of non-hazardous solid waste shall be generated in any one day.

2.3.5 All wastes shall be collected and removed by a permitted and regulated waste collection handler.

2.3.6 The operator shall use the techniques for prevention, control and minimization of emissions and waste according to the specific conditions described here:

2.3.7 The operator shall manage waste according to the following conditions:

3. Emission Limit Values of the Permitted Installation

3.1 Air Emissions

3.1.1 There shall be NO air emissions from the activity

OR

3.1.2 Air emissions from the activity shall be non-toxic.

3.1.3 The mass limit for air emissions from the activity shall be less than 100 tonnes per year

3.1.4 Air emissions from the emission point(s) specified in the following Table shall only arise from the source(s) specified in the following Table

Air Emission Points

Emission point reference	Source	Location of emission points
1		
2		

3.1.5 The limits for air emissions for the parameter(s) and from the emission points specified in the following Table shall not be exceeded.

3.2 Water Discharges

3.2.1 There shall be NO discharges to surface water

OR

3.2.2 Wastewater discharges shall be non-toxic

3.2.3 Wastewater discharges shall be treated to (primary) (secondary) (tertiary) standard before release into surface water

3.2.4 The mass limit for wastewater discharges shall be less than 20 m^3 on any one day (24 hours)

3.2.5 The annual mass limit or aggregate discharge for a parameter shall not exceed the limit in any year as stated in the following Table.

Mass limits for water discharges

Parameter	**Mass limit** (kg/year)
A	
B	

3.3 Discharges to the Sewer or to a Wastewater Treatment Plant

3.3.1 There shall be NO discharges to the sewer or to a wastewater treatment plant from the activity

OR

3.3.2 All wastewater discharges shall go to the municipal sewer or to a wastewater treatment plant.

3.3.3 All wastewater discharges to sewer shall be agreed separately with the LGA

3.4 Noise Emissions and Other Impacts

3.4.1 Specify any necessary conditions related to noise emissions

(Do noise levels arising from activities exceed background levels by 3 dB Leq measured at the boundary of the installation?)

3.4.2 Specify any necessary conditions related to odour, electromagnetic and radioactive impacts

(Does the installation or activities produce any offensive odours which are carried outside the installation at any time day or night?)

4.1 Decommissioning and Remediation

The operator shall make provisions for decommissioning of the installation and for remediation of the site after it fully ceases operation according to the following specific conditions:

END OF PERMIT

ANNEX I – Thresholds for Class A, Class B and Class C Environmental Permitting

THRESHOLDS FOR CLASS A, CLASS B, AND CLASS C ENVIRONMENTAL PERMITTING

THRESHOLDS FOR INDUSTRIAL PRODUCTION CAPACITY / OUTPUTS FOR WHICH A CLASS A, B or C ENVIRONMENTAL PERMIT IS REQUIRED

Where one operator carries out several activities in the same subheading below and in the same installation or at the same site, the capacities of such activities are added together. Unless otherwise stated in the Table below, capacity threshold means the production capacity at that activity, whether or not the activity is working to full production capacity.

	ID	Activity	Capacity threshold CLASS A	Capacity threshold CLASS B	Capacity threshold CLASS C	Comments (NOTE: this column is NOT form part of the Annex to the Law on Environmental Permitting, but is included here for clarification)
Energy industries	1.1	Combustion installations	Rated thermal input is at or exceeds (is greater than) 50 MW	Rated thermal input less than 50 MW	------	Class A threshold slightly stricter than IPPC Directive so to be consistent with LCP Directive. Class B is all combustion installations below Class A threshold
	1.2	Mineral oil and gas refineries	All installations	----------	----------	
	1.3	Coke ovens	All installations	----------	----------	
	1.4	Coal gasification and liquefaction plants	All installations	----------	----------	
	1.5	Extraction of crude petroleum and natural gas	All installations	----------	----------	Not an IPPC activity – but added at the request of the Ministry
	1.6	Odorising natural gas or LPG except where that activity is related to Class A activity, or blending odorant	----------	All installations	----------	
	1.7	Blending odorant for use with natural gas or liquefied petroleum	----------	All installations	----------	
	1.8	Fuel delivery and storage : (a)Storage of petrol in stationary storage tanks	----------	----------	all installations	Gives effect to relevant provisions of Directive 94/63/EC on control of VOCs from petrol storage.

		at a terminal, or the loading or unloading of petrol into or from a road tanker, a rail tanker or an inland waterway vessel at a terminal; (b) the unloading of petrol into stationary storage tanks at a service station				
	1.9	Motor vehicle refuelling activities at service stations,	------	-------	All installations	Gives effect to relevant provisions of Directive 94/63/EC on control of VOCs from petrol storage.
Production and processing of metals	2.1	Metal ore (including sulphide ore) roasting or sintering	All installations	----------	----------	
	2.2	Production of pig iron or steel (primary or secondary fusion) including continuous casting	Production capacity exceeds 2.5 tonnes/hour	Production capacity at or less than 2.5 tonnes/hour	----------	Class B is all such installations below Class A threshold
	2.3	a. Processing ferrous metals - hot rolling mills	Production capacity exceeds 20 tonnes crude steel per hour	Production capacity at or less than 20 tonnes crude steel per hour	----------	Class B is all such installations below Class A threshold
		b. Processing ferrous metals - hammering	Energy exceeds 50 kilojoules per hammer, and calorific power exceeds 20 MW	Energy at or less than 50 kilojoules per hammer, and calorific power at or less than 20 MW	----------	Class B is all such installations below Class A threshold
		c. Processing ferrous metals - fused metal coating applications	Input exceeds 2 tonnes/hour crude steel	Input at or less than 2 tonnes/hour crude steel	----------	Class B is all such installations below Class A threshold
	2.4	Ferrous metal foundries	Production capacity exceeds 20 tonnes/day	Production capacity at or less than 20 tonnes/day	----------	Class B is all such installations below Class A threshold
	2.5	a. Production of non-ferrous crude metals from	All installations	----------	----------	

		ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes				
		b. Smelting and alloying of non ferrous metals including recovered products (including refining and foundry casting)	Melting capacity exceeds 4 tonnes/day for lead or cadmium, or 20 tonnes/day for all other metals	Melting capacity at or less than 4 tonnes/day for lead or cadmium, or 20 tonnes/day for all other metals	----------	Class B is all such installations below Class A threshold
	2.6	Surface treatment of metals & plastics using an electrolytic or chemical process	Volume of treatment vats exceeds $30m^3$	Volume of treatment vats at or less than $30m^3$	----------	Class B is all such installations below Class A threshold
Mineral industry	3.1	a. Production of cement clinker in rotary kilns	Production capacity exceeds 500 tonnes/day	Production capacity at or less than 500 tonnes/day	----------	Class B is all such installations below Class A threshold
		b. Production of lime in rotary kilns	Production capacity exceeds 50 tonnes/day	Production capacity at or less than 50 tonnes/day	----------	Class B is all such installations below Class A threshold
		c. Production of cement clinker or lime in other furnaces	Production capacity exceeds 50 tonnes/day	Production capacity at or less than 50 tonnes/day	----------	Class B is all such installations below Class A threshold
		d. Storing, loading or unloading cement or cement clinker in bulk before further transportation in bulk	-------	--------	All installations	
		e. Blending cement in bulk or using cement in bulk other than at a construction site, including the bagging of cement and cement mixture, the batching of ready-mixed concrete and the manufacture of concrete blocks and other cement products	---------	--------	All installations	
	3.2	a. Production of asbestos	All installations	----------	----------	

		or asbestos-based products					
		b. Manufacture of asbestos-based products	All installations	----------	----------		
		c. Stripping asbestos from railway vehicles except: (i) in the course of the repair or maintenance of the vehicle; (ii) in the course of recovery operations following an accident; or (iii) where the asbestos is permanently bonded in cement or in any other material (including plastic, rubber or resin).	---------	All installations	----------		
		d. Destroying a railway vehicle by burning if asbestos has been incorporated in, or sprayed on to, its structure.	---------	All installations	----------		
		e. The industrial finishing, including shaping, drilling, or fitting manufactured asbestos products, of any of the following products where not carried out in conjunction with manufacture– i. asbestos filters; ii. asbestos friction products; iii. asbestos jointing, packaging, and reinforcement material;	---------	All installations	----------		

		iv. asbestos packing; v. asbestos textiles.				
	3.3	Manufacture of glass and glass fibre	Melting capacity exceeds 20 tonnes/day	Melting capacity at or less than 20 tonnes/day	----------	Class B is all such installations below Class A threshold
	3.4	a. Melting mineral substances	Melting capacity exceeds 20 tonnes/day	Melting capacity at or less than 20 tonnes/day	----------	Class B is all such installations below Class A threshold
		b. Production of mineral fibres	Melting capacity exceeds 20 tonnes/day	Melting capacity at or less than 20 tonnes/day	----------	
	3.5	a. Manufacture of ceramic products by firing, including roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain	Production capacity exceeds 75 tonnes/day, and/or kiln capacity exceeds 4 m^3 and with a setting density for each kiln exceeds 300 kg/m^3	Production capacity at or less than 75 tonners/day, and/or kiln capacity at or less than 4 m^3 and setting density each kiln at or less than 300 kg/m^3	----------	Class B is all such installations below Class A threshold
		b. Firing heavy clay goods or refractory goods other than heavy clay goods in a kiln where the activity does not fall within a description in Category 3.5.a. above.	----------	All installations	----------	
		c. Vapour glazing earthenware or clay with salts.	----------	All installations	----------	
	3.6	Underground mining and related activities	----------	All installations	----------	Added at the request of the Ministry
	3.7	Opencast mining, quarrying, sand and clay extraction	----------	All installations	----------	Added at the request of the Ministry
	3.8	Dredging of coastal or inland surface waters	----------	All installations	----------	
	3.9	Cutting, shaping and finishing of stone	----------	----------	All installations	
	3.10	Manufacture of abrasive products and other non-metallic mineral products	----------	----------	All installations	
Chemical	4.1	Production of basic or-	All installations	----------	----------	

Industry (1)		ganic chemicals (2)				
	4.2	Production of basic inorganic chemicals (3)	All installations	----------	----------	
	4.3	Production of phosphorous-, nitrogen- or potassium-based fertilisers (simple or compound fertilisers).	All installations	----------	----------	
	4.4	Production of basic plant health products and of biocides.	All installations	----------	----------	
	4.5	Production of basic pharmaceutical products using a chemical or biological process	All installations	----------	----------	
	4.6	Production of explosives	All installations	----------	----------	
	4.7	Storage of chemicals, other than as part of any other Class A or Class B activity, and other than in a mobile tanker	------	At or above the following thresholds: any one or more acrylates 20 tonnes; acrylonitrile 20 tonnes; anhydrous ammonia 100 tonnes; anhydrous hydrogen fluoride 1 tonne; toluene di-isocyanate 20 tonnes; vinyl chloride monomer 20 tonnes; ethylene 8,000 tonnes.	Below the Class B thresholds	
Waste management	5.1	a. Incineration of hazardous waste in an incinerator plant	All installations	------	--------	
		b. Incineration of waste, including animal remains, in an incineration plant	Incinerator plant used or designed to incinerate waste a rate that exceeds	Incinerator plant used or designed to incinerate waste at a rate of 1tonne/hour or less	-------	Class B is all such installations below Class A threshold

		other than an incinerator plant referred to in 5.1.a	1tonne/hour			
	5.2	a. Landfill of waste, excluding landfill of inert waste	Deposit capacity exceeds 10 tonnes/day or with a designed landfill capacity exceeding 25,000 tonnes.	Deposit capacity at or less than 10 tonnes/day or with a designed landfill capacity exceeding 25,000 tonnes.	----------	Class B is all such installations below Class A threshold
		b. Landfill of inert waste	----------	All installations	---------	
	5.3	a. Disposal of hazardous waste other than by incineration (5.1.a) or by landfill (5.2.a)	Processing capacity exceeds 10 tonnes/day	Processing capacity at or less than 10 tonnes/day	--------	Class B is all such installations below Class A threshold
		b. Disposal of waste oils other than by incineration (5.1.a) or by landfill (5.2.a)	Processing capacity exceeds 10 tonnes/day	Processing capacity at or less than 10 tonnes/day	--------	Class B is all such installations below Class A threshold Also gives effect to the permitting requirements of the Waste Oils Directive
		c. Disposal of non-hazardous waste by biological treatment (D8)	Processing capacity exceeds 50 tonnes/day	Processing capacity at or less than 50 tonnes/day	-------	Class B is all such installations below Class A threshold
		d. Disposal of non-hazardous waste by physio-chemical treatment (D9)	Processing capacity exceeds 50 tonnes/day	Processing capacity at or less than 50 tonnes/day	-------	Class B is all such installations below Class A threshold
		e. Disposal of non-hazardous waste by methods other than by D8 or D9	-------	All installations	--------	Gives effect to permitting requirements of Waste Framework Directive
	5.4	a. Recovery of hazardous waste by operations R1, R5, R6, R8, or R9	All installations	-----	------	
		b. Recovery of hazardous waste by operations R2, R3, R4, R7 or R10	-------	All installations	----	Gives effect to permitting requirements of Waste Framework Directive Class B permits for non-IPPC recovery operations of Hazardous waste
		c. Recovery of non-hazardous waste	----	All installations	----	Gives effect to permitting requirements of Waste Framework Directive Class B permits for non-IPPC recovery opera-

						tions of non-hazardous waste
	5.5	Storage of scrap metal	-----	All installations	----	
	5.6	a. Cleaning, washing, spraying or coating of waste consisting of packaging or containers so that it can be reused	-------	All installations	----	Gives effect to permitting requirements of PPW Directive.
		b. Storage of waste in connection with carrying out 5.6.a activities	-----	All installations	----	Gives effect to permitting requirements of PPW Directive.
	5.7	Storage, treatment, repair or refurbishment of Waste Electronic and Electrical Equipment (WEEE)	----	All installations	----	Gives effect to WEEE Directive
	5.8	Storage, recovery of scrap metal or the dismantling of waste motor vehicles	------	All installations	----------	Gives effect to End of life vehicles Directive
	5.9	Temporary storage of waste including garbage or tank washings, and including any such waste that is hazardous waste, at reception facilities within a harbour area, and where the waste is stored for no more than 7 days	------	All installations	----------	
Sewage and water treatment works	6.1	Urban wastewater treatment plant	----------	All installations	----------	Gives effect to UWWT Directive
	6.2	Industrial on-site wastewater treatment	----------	All installations	----------	Gives effect to UWWT Directive
	6.3	Use of sewage sludge on land	--------	All installations	----------	Gives effect to Sewage Sludge Directive requirements
	6.4	Storage and or treatment of other municipal sewage	------	All installations	----------	

		wastes, including -sludge from urban waste water; -septic tank sludge; -cesspool waste; -waste from sewage cleaning				
Paper, Pulp and Board Manufacturing Activities	7.1	a. Production of pulp from timber or other fibrous materials	All installations	----------	----------	
		b. Production of paper and or cardboard	Production capacity exceeds 20 tonnes/day	Production capacity at or less than 20 tonnes/day	----------	Class B is all such installations below Class A threshold
		c. Manufacturing wood particleboard, oriented strand board, wood fibreboard, plywood, cement bonded particleboard or any other composite wood-based board.	-------	All activities	---------	
Carbon Activities	7.2	Producing carbon or hard-burnt coal or electro graphite by means of incineration or graphitisation.	All installations	-------	----------	
Tar and Bitumen Activities	7.3	a. Distilling tar or bitumen in connection with any process of manufacture	---------	The activity is likely to involve the use in any period of 12 months of more than 5 tonnes of tar or of bitumen or both in aggregate.	The activity is likely to involve the use in any period of 12 months of 5 tonnes or less of tar or of bitumen or both in aggregate.	
		b. Heating tar for the manu-	---------	The activity is likely to in-	The activity is	

		facture of electrodes or carbon-based refractory materials,		volve the use in any period of 12 months of more than 5 tonnes of tar or of bitumen or both in aggregate.	likely to involve the use in any period of 12 months of 5 tonnes or less of tar or of bitumen or both in aggregate.	
		c. An activity not falling within 7.3.a or 7.3.b or elsewhere in this Annex, involving heating, but not distilling, tar or bitumen in connection with any manufacturing activity,	---	The activity is likely to involve the use in any period of 12 months of more than 5 tonnes of tar or of bitumen or both in aggregate.	The activity is likely to involve the use in any period of 12 months of 5 tonnes or less of tar or of bitumen or both in aggregate.	
		d. An activity not falling within 7.3.a or 7.3.b or elsewhere in this Annex, involving oxidising bitumen by blowing air through it, at plant where no other activities described in any Section in this Annex are carried on	---	The activity is likely to involve the use in any period of 12 months of more than 5 tonnes of tar or of bitumen or both in aggregate.	The activity is likely to involve the use in any period of 12 months of 5 tonnes or less of tar or of bitumen or both in aggregate.	
Textile or fibres Treatments	7.4	Plants for the pre-treatment (operations such as washing, bleaching, mercerisation) or dyeing of fibres or textiles	Treatment capacity exceeds 10 tonnes/day	Treatment capacity at or less than 10 tonnes/day	-------	Class B is all such installations below Class A threshold
Fur Treatments	7.5	Plants for the dressing and dyeing of furs		Treatment capacity exceeds 10 tonnes/day	Treatment capacity at or less than 10 tonnes/day	Check where these come from
Tanning Treatments and Leather Manufacture	7.6	a. Tanning hides and skins	Treatment capacity of more than 12 tonnes of finished products per day.	Treatment capacity at or less than 12 tonnes of finished products per day.	-----	Class B is all such installations below Class A threshold
		b. Manufacture of leather	--------	Capacity exceeds 5 ton-	Capacity at or less	

		products unless part of any other Activity in this Annex		nes/day	than 5 tonnes/day	
Food and Beverage Activities and related activities	7.7	a. Slaughterhouses	Carcase production capacity greater than 50 tonnes per day.	Carcase production capacity at or less than 50 tonnes per day.	Carcase production capacity at or less than xxx tonnes per day.	Need to consider B and C thresholds
		b. Disposing of or recycling animal carcasses or animal waste, other than by rendering or by incineration falling any other Activity on this Annex	treatment capacity exceeding 10 tonnes per day of animal carcasses or animal waste or both in aggregate.	treatment capacity at or less than 10 tonnes Per day of animal carcasses or animal waste or both in aggregate.	-------	
		c. Treating and processing materials intended for the production of food products from animal raw materials (other than milk)	Finished product production capacity of more than 75 tonnes per day	Finished product production capacity at or less than 75 tonnes per day	5 tonnes/day	Class B is all such installations below Class A threshold need to consider whether we need a Class C threshold
		d. Treating and processing materials intended for the production of food products from vegetable raw materials	Finished product production capacity of more than 300 tonnes per day (average value on a quarterly basis).	Finished product production capacity at or less than 300 tonnes per day (average value on a quarterly basis).	10 tonnes/day	Class B is all such installations below Class A threshold need to consider whether we need a Class C threshold
		e. Treating and processing milk	The quantity of milk received being more than 200 tonnes per day (average value on an annual basis).	The quantity of milk received being at or less than 200 tonnes per day (average value on an annual basis).	2 tonnes/day	Class B is all such installations below Class A threshold Need to consider whether we need a Class C threshold
		f. Treatment or storage of dead fish or fish offal	--------	Plant capable of retaining volumes of more than 50m3 of treated liquor	Plant capable of retaining volumes at or less than 50m3 of treated liquor	
		g. Manufacture and bottling of soft drinks	------	All installations	-------	Gives effect to Annex III of UWWT Directive

		h. Production of alcohol and alcoholic beverages, including breweries	-----	All installations	-------	Gives effect to Annex III of UWWT Directive
		i. Manufacture of fruit products	-----	All installations	-------	Gives effect to Annex III of UWWT Directive
		j. Manufacture of gelatine and glue from hide, skin and bones	-----	All installations	-------	Gives effect to Annex III of UWWT Directive
		k. Manufacture of tobacco products	----------	All installations	----------	
		l. Manufacture of animal feeds	----------	All installations	----------	Gives effect to Annex III of UWWT Directive
Intensive farming	7.8	a. Rearing poultry intensively in an installation	More than 40,000 places (head) of poultry	---------	----------	
		b. Rearing pigs intensively in an installation	More than 2,000 places (head) for production pigs (over 30 kg)	----------	--------	
		c. Rearing pigs intensively in an installation	More than 750 places (head) for sows	----------	----------	
Coating and Printing Activities	7.9	a. Installations for the surface treatment of substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating,	Consumption capacity of more than 150 kg per hour or more than 200 tonnes per year.			Need to consider whether we need Class B (or C) thresholds
		b. Applying or removing a coating material containing any tributyltin compound or triphenyltin compound, if carried on at a shipyard or boatyard	--------	shipyard or boatyard where vessels of a length of 25 metres or more can be built, maintained or repaired.	--------	Gives effect to Solvent Emission Directive
		c. Repainting or respraying aircraft or railway	---------	the activity is likely to involve the use in any period	Any such activity under the Class B	Gives effect to Solvent Emission Directive

		vehicles or parts of them		of 12 months of— (i) 20 or more tonnes of any paint or other coating material which is applied in solid form, (ii) 20 or more tonnes of any metal coatings which are sprayed on in molten form, or (iii) 5 or more tonnes of organic solvents.	thresholds		
		d. Repainting or re-spraying road vehicles or parts of them	-----	the activity is likely to involve the use of 1 or more tonne of organic solvents in any period of 12 months.	Any such activity under the Class B thresholds	Gives effect to Solvent Emission Directive	
		e. Unless falling within 7.9.c or 7.9.d, any process (other than for the repainting or re-spraying of or of parts of aircraft or road or railway vehicles) for applying to a substrate, or drying or curing after such application, printing ink or paint or any other coating material as, or in the course of, a manufacturing activity,	--------	where the process is likely to involve the use in any period of 12 months of— (i) 20 or more tonnes of printing ink, paint or other coating material which is applied in solid form, (ii) 20 or more tonnes of any metal coating which is sprayed on in molten form, (iii) 25 or more tonnes of organic solvents in respect of any cold set web offset printing activity or any sheet fed offset litho printing activity, or (iv) 5 or more tonnes of organic solvents in respect of any activity not mentioned in subparagraph (iii).	Any such activity under the Class B thresholds	Gives effect to Solvent Emission Directive	

		f. Unless falling within any Class A activity in this Annex, manufacturing or formulating printing ink or any other coating material containing, or involving the use of, an organic solvent	------	The activity is likely to involve the use of 100 or more tonnes of organic solvents in any period of 12 months,			
		g. Unless falling within any Class A activity in this Annex, manufacturing any powder for use as a coating material	----	Production capacity exceeds 200 tonnes of such powder in any period of 12 months.			
Timber Activities	7.10	a. Curing, or chemically treating, as part of a manufacturing process, timber or products wholly or mainly made of wood	-----	All activities	-----		
		b. Unless falling within any other category in this Annex, manufacturing products wholly or mainly of wood at any works if the activity involves : the sawing, drilling, sanding, shaping, turning, planing, curing or chemical treatment of wood;	-----	the throughput of the works in any period of 12 months is likely to be more than— (i) 10,000 cubic metres in the case of works at which wood is only sawed, or (ii) 1,000 cubic metres in any other case.			
Rubber Activities	7.11	a. Manufacture of new tyres (but not including re-moulds or re-treads)	--------	Involves the use in any period of 12 months of 50,000 or more tonnes of one or more of the following— (i) natural rubber, (ii) synthetic organic elastomers, (iii) other substances mixed			

				with them.		
		b. Unless falling within any Class A activity in this Annex, the mixing, milling or blending of— (i) natural rubber, or (ii) synthetic organic elastomers, if carbon black is used.	-----	All activities	----	
		c. Re-moulding or re-treading of tyres	----	-----	All activities	Albanian legislation
Other Activities involving the use of solvents	7.12	a. Heatset web offset printing	----	Solvent consumption exceeds 15 tonnes/year	Solvent consumption at or less than 15 tonnes/year	Gives effect to Solvent Emission Directive
		b. Publication rotogravure	----	Solvent consumption exceeds 25 tonnes/year	Solvent consumption at or less than 25 tonnes/year	Gives effect to Solvent Emission Directive
		c. Other rotogravure, flexography, rotary screen printing, laminating or varnishing units	----	Solvent consumption exceeds 15 tonnes/year	Solvent consumption at or less than 15 tonnes/year	Gives effect to Solvent Emission Directive
		d. Rotary screen printing on textile/cardboard	----	Solvent consumption exceeds 30 tonnes/year	Solvent consumption at or less than 30 tonnes/year	Gives effect to Solvent Emission Directive
		e. Surface cleaning using substances or preparations which because of their content of volatile organic compounds classified as carcinogens, mutagens or toxic to reproduction	----	Solvent consumption exceeds 1 tonnes/year	Solvent consumption at or less than 1 tonnes/year	Gives effect to Solvent Emission Directive
		f. Other surface cleaning	----	Solvent consumption exceeds 2 tonnes/year	Solvent consumption at or less than 2 tonnes/year	Gives effect to Solvent Emission Directive
		g. Vehicle coating and ve-	----	Solvent consumption ex-	Solvent consump-	Gives effect to Solvent Emission Directive

		hicle refinishing		ceeds 0.5 tonnes/year	tion at or less than 0.5 tonnes/year	
		h. Coil coating	----	Solvent consumption exceeds 25 tonnes/year	Solvent consumption at or less than 25 tonnes/year	Gives effect to Solvent Emission Directive
		i. Other coating activities, including metal, plastic, textile (except rotary screen printing on textile), fabric, film and paper coating	----	Solvent consumption exceeds 5 tonnes/year	Solvent consumption at or less than 5tonnes/year	Gives effect to Solvent Emission Directive
		j. Winding wire coating	----	Solvent consumption exceeds 5 tonnes/year	Solvent consumption at or less than 5tonnes/year	Gives effect to Solvent Emission Directive
		k. Coating activity applied to wooden surfaces	----	Solvent consumption exceeds 15 tonnes/year	Solvent consumption at or less than 15 tonnes/year	Gives effect to Solvent Emission Directive
		l. Dry cleaning	-----	------	all activities	Gives effect to Solvent Emission Directive
		m. Wood impregnation	----	Solvent consumption exceeds 25 tonnes/year	Solvent consumption at or less than 25 tonnes/year	Gives effect to Solvent Emission Directive
		n. Coating activity applied to leather	----	Solvent consumption exceeds 10 tonnes/year	Solvent consumption at or less than 10 tonnes/year	Gives effect to Solvent Emission Directive
		o. Footwear manufacture	----	Solvent consumption exceeds 5 tonnes/year	Solvent consumption at or less than 5 tonnes/year	Gives effect to Solvent Emission Directive
		p. Wood and plastic lamination	----	Solvent consumption exceeds 5 tonnes/year	Solvent consumption at or less than 5 tonnes/year	Gives effect to Solvent Emission Directive
		q. Adhesive coating	----	Solvent consumption exceeds 5 tonnes/year	Solvent consumption at or less than 5 tonnes/year	Gives effect to Solvent Emission Directive
		r. Manufacture of coating preparations, varnishes,	----	Solvent consumption exceeds 100 tonnes/year	Solvent consumption at or less than	Gives effect to Solvent Emission Directive

		inks and adhesives			100 tonnes/year	
		s. Rubber conversion	----	Solvent consumption exceeds 15 tonnes/year	Solvent consumption at or less than 15 tonnes/year	Gives effect to Solvent Emission Directive
		t. Vegetable oil and animal fat extraction and vegetable oil refining activities	----	Solvent consumption exceeds 10 tonnes/year	Solvent consumption at or less than 10 tonnes/year	Gives effect to Solvent Emission Directive
		u. Manufacturing of pharmaceutical products	----	Solvent consumption exceeds 50 tonnes/year	Solvent consumption at or less than 50 tonnes/year	Gives effect to Solvent Emission Directive
Manufacture of plastic products	7.13	Unless falling within any Class A or Class B activity in this Annex, the manufacture of any plastic products	----	-----	All activities	Albanian legislation
Intensive aquaculture	8.1	Rearing fish intensively	----	Production capacity at or less than 1,000 tonnes/year and greater than 100 tonnes/year fish	Production capacity at or less than 100 tonnes/year and greater than 10 tonnes/year fish	
	8.2	Shellfish farming	------	Production capacity at or less than 1,000 tonnes/year and greater than 100 tonnes/year shellfish	Production capacity at or less than 100 tonnes/year and greater than 10 tonnes/year shellfish	
Electrical components manufacturing industries	9.1	Manufacture of computer, electronic and optical products, unless specified elsewhere in this Annex	----------	----------	All installations	Albanian legislation
	9.2	Manufacture of electrical equipment unless specified elsewhere in this Annex	----------	----------	All installations	Albanian legislation
	10.1	Manufacture of machin-	----------	----------	All installations	Albanian legislation

Machinery and equipment manufacturing industries		ery and equipment unless specified elsewhere in this Annex				
	10.2	Manufacture of motor vehicles, trailers and semi-trailers unless specified elsewhere in this Annex	----------	----------	all installations	Albanian legislation
	10.3	Manufacture of other transport equipment unless specified elsewhere in this Annex	----------	----------	All installations	Albanian legislation
	10.5	Repair and maintenance of machinery and equipment unless specified elsewhere in this Annex	----------	----------	All installations	Albanian legislation
	10.6	Repair of motor vehicles and motorcycles unless specified elsewhere in this Annex	----------	----------	All installations	Albanian legislation
Manufacture of furniture	11.1	Manufacture of furniture unless specified elsewhere in this Annex	----------	----------	All installations	Albanian legislation
Other activities	12.1	The cremation of human remains	----------	----------	All installations	Albanian legislation

Notes to the Table of Class A activities

(1) For the purposes of category 4 Chemical Industry, “production” means the production on an industrial scale by chemical processing of the substances or groups of substances listed in categories 4.1 to 4.6

(2) Basic organic chemicals include, but are not limited to:
- a. simple hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic);
- b. oxygen-containing hydrocarbons such as alcohols, aldehydes, ketones, carboxylic acids, esters, acetates, ethers, peroxides, epoxy resins;
- c. sulphurous hydrocarbons;
- d. nitrogenous hydrocarbons such as amines, amides, nitrous compounds, nitro compounds or nitrate compounds, nitriles, cyanates, isocyanates;
- e. phosphorus-containing hydrocarbons;
- f. halogenic hydrocarbons;

g. organometallic compounds;
h. basic plastic materials (polymers, synthetic fibres and cellulose-based fibres);
i. synthetic rubbers;
j. dyes and pigments;
k. surface-active agents and surfactants.

(3) Basic inorganic chemicals include, but are not limited to:
a. gases, such as ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphurcompounds, nitrogen oxides, hydrogen, sulphur dioxide, carbonyl chloride;
b. acids, such as chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acids;
c. bases, such as ammonium hydroxide, potassium hydroxide, sodium hydroxide;
d. salts, such as ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate;
e. non-metals, metal oxides or other inorganic compounds such as calcium carbide, silicon, silicon carbide.

(4) Recovery of hazardous waste means the following recovery operations, as defined in the Law No … dated xxxx "On Waste":
R1. Use principally as a fuel or other means to generate energy
R5. Recycling or reclamation of inorganic materials, including gasification and pyrolisis using the components as chemicals
R6. Regeneration of acids or bases
R8. Recovery of components from catalysts
R9. Oil re-refining or other reuses of oil.

(5) Disposal of non-hazardous waste means the following disposal operations as defined in the Law No … dated xxxx "On Waste":
D8.
D9.

(6) Surface treatment of substances, objects or products includes, but is not limited to:
a. Dressing
b. Printing
c. Coating
d. Degreasing
e. Waterproofing
f. Sizing
g. Painting
h. Cleaning
i. Impregnating.

Annex II – Assessment of BAT and setting ELVs

Key feature of Draft Law on Environmental Permitting is the requirement to base Class A permits on the use of Best Available Technique(s) (BAT). Best Available Techniques are defined in the Draft Law; in summary BAT means; all techniques, including technology, planning, construction, maintenance, operation and decommission, which are applicable in practice under acceptable technical and economical conditions and are the most effective for the provision of a high level of protection for the environment as a whole.

It is important to note that BAT itself shall not be intended as necessarily the absolute best technology available, but the economically reasonable best technology for the particular installation. The definition of BAT takes into consideration the costs and benefits of the various techniques that are assessed.

Including BAT into permit conditions
Consistency of approach to permitting and to the setting of appropriate permit conditions depends on the availability of relevant technical guidance on what constitutes BAT.

There is no simple assessment for identifying BAT in any specific case, and informed judgement by experienced regulator is a crucial element of the permitting process. Without technical guidance there would be substantial room for repeated disagreement between operators and regulators with respect to the identification of BAT for an industrial sector, as well as on site-specific issues.

In the European Union, this assessment is carried out by the way of BAT Reference Documents (BREFs), which contain sector-based information for the guidance of decision-makers.
According to the Draft Law on Environmental Permitting BAT reference documents approved by the Minister of Environment will be prepared.

EU BAT Reference Documents
In EU BREFs are prepared through the IPPC Bureau in Sevilla[1], where a Technical Working Group examines techniques used by a number of installations in a particular sector and concludes on BAT.

BREFs are guidance documents on techniques to be applied as background for issuing of integrated industrial permits. They do not prescribe one particular technique to be used but suggest a range of emission levels that are achievable by the use of the various best available techniques which exist on the market. Individual permit ELVs should be determined

[1] The IPPC Bureau is a service institute under the European Commission referring to DG Environment, DG Research and DG enterprise (DG: Directorate General). All draft BREF documents prepared by the IPPC Bureau shall be presented to DG Environment and approved at an information exchange forum before they can be accepted and adopted as official documents by the European Commission.

based on this range of emission levels associated with the use of BAT for a particular process (as suggested in the BREF), but also taking into account technical characteristics of the installation concerned, its geographical location and local environmental conditions.

BAT for different installations in the same sector may therefore use different techniques, which are the best available techniques most appropriate for the particular installations.

BREFs are being prepared for the different sectors covered by the IPPC-directive described in Annex 1 to the Directive, but furthermore, there are BREFs that address cross-cutting themes such as monitoring systems and economic and cross-media issues under IPPC.

BREFs are aimed at industrial operators, permit writers, policy makers, and members of the public.

All BREF documents are available for free via the internet and can be reached on: http://eippcb.jrc.es/pages/Fmembers.htm.

BAT reference documents exist within the following categories of industrial activities:

- Intensive Rearing of Poultry and Pigs
- Tanning of Hides and Skins
- Glass Manufacturing Industry
- Pulp and Paper Industry
- Production of Iron and Steel
- Cement and Lime Manufacturing Industries
- Industrial Cooling Systems
- Chlor – Alkali Manufacturing Industry
- Ferrous Metals Processing Industry
- Non Ferrous Metals Industries
- Textiles Industry
- Mineral Oil and Gas Refineries
- Large Volume Organic Chemical Industry
- Wastewater and Waste Treatment Management Systems in the Chemical Sector
- Food, Drink and Milk Industry
- Smitheries and Foundries Industry
- Large Combustion Plants
- Slaughterhouses and Animals By-products Industries
- Surface Treatment of Metals
- Waste Treatments Industries
- Manufacture of Large Volume Inorganic Chemicals (Ammonia, Acids and Fertilisers)
- Manufacture of Large Volume Inorganic Chemicals (Solids and Others)
- Waste Incineration
- Manufacture of Polymers
- Manufacture of Organic Fine Chemicals
- Manufacture of Specialty Inorganic Chemicals
- Surface Treatment Using Solvents
- Ceramic Manufacturing Industry

BREF-documents do not contain binding Emission Level Values (ELVs).

For establishing Emission Level Values (ELVs) financial aspects and market conditions, local conditions connected with introducing BAT in permissions should be taken into account.

The legislation stipulating ELVs must make clear that these are *the least stringent permissible* ELVs rather than limits that must be put directly into permits. The inclusion into

primary or secondary law of binding ELVs conflicts in principle with the concept of holistic cross-media environmental management and encourages end-of-pipe technologies as opposed to technological
innovation.

ELVs are alone to be regarded as reference values, meaning that the authorities may never in a permit set demands as to the use of a specific type of technology or a specific product. This is in principle the free choice of the companies how to achieve the ELVs set in a permit.

Procedure and method for determining BAT
Determining BAT involves comparing techniques that prevent or reduce emissions and identifying the one that will have the lowest impact on the environment.
Technological advances and innovation mean that BAT and the corresponding technical guidance (being reference documents rather than acts of law) are continually subject to review and possible revision.

When determining BAT for Class A industrial activities or for a specific installation, the following has to be taken into account:

- use of low-waste technology,
- use of less hazardous substances,
- where appropriate the recovery, recycling or reuse of substances used and generated in the operation process,
- comparable processes, facilities or methods of operation which have been successfully tried on an industrial scale,
- technological advances and changes in scientific knowledge and understanding,
- type, nature, effect and volumes of emissions and discharges,
- date of putting into operation of new and existing installations,
- period of time needed to implement BAT,
- type, nature and consumption of raw materials, including water used in the process and their energy efficiency,
- necessity to prevent or, if this is not practicable, to reduce to a minimum the overall impact of the emissions on the environment and the risk to the environment
- the necessity to prevent accidents or, where an accident occurs, to minimise the consequences for the environment, and
- any information published by the European Commission and international organisations on BAT, associated monitoring, and any on-going development of these

The likely costs and benefits of a BAT measure are highlighted because a balance has to be reached between the costs imposed on the operator and the advantages to be gained in terms of environmental protection. The principles of precaution and prevention require consideration of the impacts on the environment as a whole (i.e. all environmental media, air, land and water, in accordance with an integrated approach).

Annex III – General Binding Rules

A General Binding Rule (GBR) is a set of standard conditions stipulated in a document, covering operational aspects of an installation and prescribing certain permit conditions that all regulators should apply.
Under a GBR, the relevant environmental authority issues permits consistent with specific GBR requirements. The relevant authority has no possibility to deviate from the conditions of the GBR, unless this power is established in the document itself.

General Binding Rules can be considered a useful mechanism for setting standards where installations within a specific industry category share similar characteristics, and where there are a relatively large number of similar installations within that category.
Key advantages of GBRs include:

- adoption of uniform emission standards (ELVs);
- simplified application procedure and forms, resulting in reduced bureaucracy;
- transparency, predictability and consistency;
- uniform monitoring requirements, facilitating compliance assurance;
- no potential to distort competition within an industrial sector;
- reduced costs for the regulator (although the development of GBRs requires initial resource investment) and the regulated.

The Ministry of Environment, in collaboration with ministries of Industry, Agriculture, and other concerned sectoral agencies, should identify categories of industrial activities where within each installation the same activities are carried out, where there are few alternative methods of carrying out these activities and where the best practices are clearly identified.

There are a number of practical criteria that should be met for the development of GBRs to be feasible:

- *A GBR must cover a sufficient number of installations in a given category* for the resources used to develop it to be outweighed by the benefits from reduced effort on individual permit determinations. It is difficult to suggest specific thresholds for appropriate use of a GBR under this criterion, as in each particular country they will depend on the geographical distribution of such installations, their size, the capacity and costs of designing GBRs, etc.
- *GBRs can only apply to well-defined categories of installations that use similar, widely accepted technologies that are unlikely to change rapidly.* A GBR establishes standard requirements for technologies and techniques to be followed. While GBRs can be revised, there is no advantage to their use, if frequent revision is necessary to accommodate changes in technology. At the same time, a GBR may be an effective method for introducing technological improvement in a sector otherwise seen as out of date when judged against practices in other countries.
- *Installations within each category subject to a GBR should have a relatively uniform impact on the environment.* If the installations' environmental impacts are largely site-

specific (i.e., depend significantly on local ambient environmental conditions), the imposition of standard conditions would not be feasible.

- *It is important that the operators of installations targeted by a GBR are well organised so that their views are coherent and well expressed.* GBRs will need to be developed in negotiation between the national environmental authority and the industrial sector's representatives. An industry association is a best option to ensure that all concerns and variations within that sector are addressed during the development of the GBR.

ANNEX IV - Combined Approach to Setting Emission Limit Values for Class A permit

The “combined approach” is a corner stone within environmental EU environmental legislation.

Before the adoption of the IPPC Directive, air emissions and wastewater discharges in the EU were regulated through a combination of environmental quality standards and, fixed ELVs.
The IPPC Directive introduced the notion of Best Available Techniques (BAT) and required that for installations covered by this Directive, the ELVs be based on a combined assessment of environmental quality objectives and the current state of technology for reducing harmful releases as follows:

- BAT should always be used as a general principle to ensure even-handed consideration of cases, regardless of the actual environmental situation pertaining to each case.
- Requirements based on environmental quality should be calculated or otherwise estimated, so that a permitting authority can see in the proper context what it would be possible to achieve (in terms of environmental protection) by the use of BAT and its associated ELVs. When used appropriately, this approach can assist in allocating resources more effectively, for example, in establishing improvement programmes for installations to achieve BAT.
- Where EQSs would be exceeded, even if BAT were to be installed and operated, further reduction of polluting releases must be achieved over and above what would be achievable by the use of BAT alone, so that the given source or a group of sources operating in a particular area would not contribute to a breach of applicable environmental quality requirements. In cases where the cost of such additional measures would be prohibitive or where the feasibility of them might be questionable, the permitting authority may force the closure of certain existing sources or deny permits for new sources, process expansion or modification.
- Plans for future economic expansion of installations should be environmentally sound. ELVs should hence be set with a margin of safety vis-à-vis the EQSs, and EQSs themselves should be reviewed regularly.

The EU uses a combined approach to setting ELVs as part of its integrated permitting system.
Applying the combined approach in permitting means that emissions levels to the atmosphere, discharges to surface waters, to the sewer or wastewater treatment plant, should comply with both ELVs (mainly technologically-BAT-based) and at the same time ensure that EQS are complied with.

The combined approach requires sound *management decisions* on the part of an environmental permitting authority, based upon careful case-by case evaluation, to ensure

that the ELVs that are ultimately included in an integrated permit satisfy both the BAT and EQS criteria and comply with any applicable ELVs.

In using the combined approach, the permitting authority has to go through the following steps:

a) Assess the BAT-based ELVs proposed by the operator in the permit application.
b) Identify if fixed ELVs have been provided by legislation for the pollutants in question. A minimum requirement is that the emission is in compliance with ELVs.
c) Calculate the ELVs that would be required in order to ensure compliance with the applicable environmental quality standards.
d) Set ELVs in the permit, taking into account BAT, ELVs, and EQSs. The emission or discharge should be reduced as much as possible by the use of BAT and at least comply with any fixed ELV provided in the legislation. Furthermore, it should be evaluated together with emissions or discharges from all other sources to the same environmental recipient to ensure that the recipient medium will be in compliance with applicable quality standards.