

Factsheet 2.03 - Review of existing permits

Review should be done:

- Within 4 years from the publication date of the BAT Conclusions for the main activity of the installation. In order to allow the operator to make changes to the installation in order to adapt to the BAT Conclusions it is good practice to commence any review as soon as possible and at least within 1-2 years from the publication date.
- When there is a legislative change;
- When there is a request from the operator because of a change of installations (good practice to develop a detailed guidance for the permit holder so they can check if a technical amendment of their permit is possible or if a complete review of the permit is necessary);
- When local environmental situation requires an update of the permit;
- Based on annual environmental reports from the operator; based on inspections Sometimes it's an environmental NGO that initiates the process;
- The pollution caused by the installation is of such significance that the existing emission limit values need to be revised or new emission limit values need to be included in the permit;
- Operational safety requires other techniques to be used; or
- It's necessary to comply with a new or revised environmental quality standard.

Important questions that needs to be answered here are: what is the main activity of the company and which BAT-conclusions are leading with regard to 4-years term for amendment?

The BAT conclusions (BATc) for the main activity alone trigger the 4 year permit review period. The main activity at an installation should almost always be judged in the context of vertical BATc documents only, as horizontal BATc by definition cannot ordinarily cover the main activity at an installation.

While the trigger for the review period will be the publication of the BAT conclusions document for the main activity of the installation, this does not mean that this review is limited to just those BAT conclusions – it is possible that other BATc will also be applicable.

It is likely that the BATc covering the main activity of the installation will be within the scope of a vertical BATc where at least one vertical BATc document applies to the activities at the installation. Vertical BATc are those apply only to a discrete activity, group of activities, or an industrial sector.

Horizontal BATc (such as those addressing energy efficiency, industrial cooling systems etc.) cannot cover the main activity at an installation and consequently any review may also need to consider one or more horizontal BATc document, but publication of horizontal BATc will not be the trigger for a permit review at the installation.

Many installations will involve activities that are covered by just a single vertical BATc document, in which case there is no need to determine which activity is the main activity at the installation; the activity that is covered by the single relevant BATc document is considered to be the main activity.

However, at a relatively small number of installations, two or more vertical BATc apply, and the ‘main activity’ must be determined. Consideration should be made of the “primary activity” of the installation – for example, at an installation for the manufacture of chemicals with steam raising boilers and a waste water treatment plant, the main activity is the manufacture of chemicals rather, than the combustion of fuels or waste water treatment. This approach is fully consistent with one of the European Commission’s suggestions in its FAQs.