

Vlaam

Flemish Regulation Concerning Environmental Permits

Marc.vanacker@kahosl.be

General background on Flanders -Belgium

Belgium has a federal state structure. The set up started in 1980. After a third phase the present statestructure for Belgium was achieved. The Belgian territory is divided into three regions: Wallonia, Brussels and Flanders. The Flemish region has 5 provinces and furthermore 308 municipalities. Essential is the thorough transfer of competences, including those covering the environment, towards the Regions with the preservation however of the Belgian monetary and economical entity.

Table 1 shows some relevant figures for Belgium and Flanders.

<i>ITEM</i>	<i>Flanders</i>	<i>Belgium</i>	<i>Percentage</i>
<i>Population (million inhabitants)</i>	5.9	10.1	58.4 %
<i>Surface (1000 km²)</i>	13.5	30.5	44.3 %
<i>Population density (inhabitants/ km²)</i>	437	331	-
<i>Gross Domestic Product (billion ECU at a rate of 44 BEF = 1 ECU)</i>	109	180	60.6 %

Table 1: Some Belgian and Flemish basic statistics

The GDP of Flanders is mainly generated by services, 61.5 %, than by industry, 36.9 %. Agriculture contributes for a small percentage to the GDP of Flanders. The major types of industry are metals, chemical and food. Flanders but Belgium as well is characterised by a high percentage (96 %) of small sized companies.

Before state reformation

- ▶ Permit (license) duty for enterprises
 - Disturbing activities for the locals, surroundings and the environment
- ▶ Isolated permits
 - Enterprises must have:
 - ▶ Construction license
 - ▶ exploitation licence (ARAB, Algemeen Reglement op de ArbeidsBescherming = security regulation)
 - ▶ license for water discharge
 - ▶ License for pumping groundwater
 - ▶ ...

Before state reformation

► Delivering of permits

- Belonged to different departments
- Took months, years,...

► Consequence:

- Impossible for having an integrated policy

After state reformation

- ▶ Policy competences about environment protection delegated to the districts
 - Flanders (as first):
 - ▶ Integrated its own environment policy
 - ▶ Resigned the permits policy

After state reformation

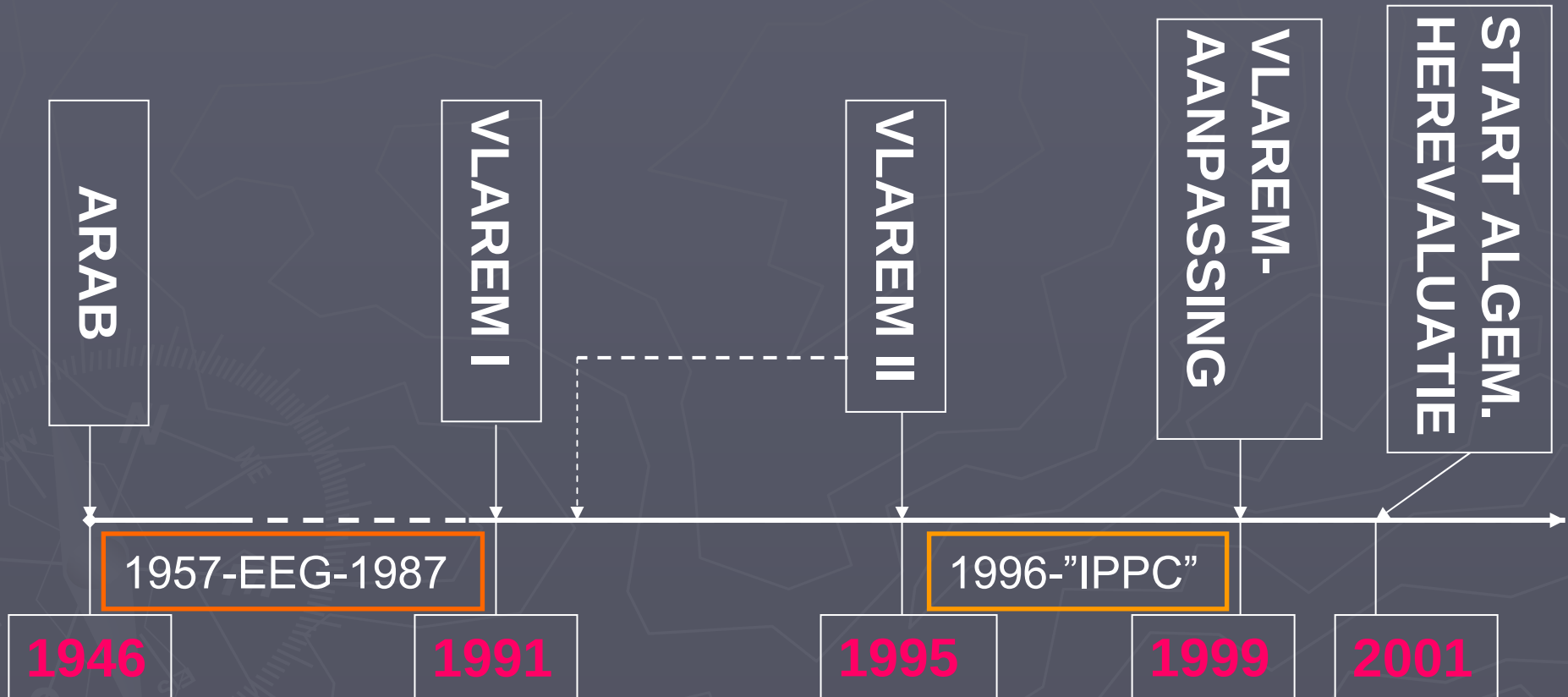
- ▶ 1985: Environment permit decree
 - Environment permit (1 permit):
 - ▶ Independent Environmental legislation
 - ▶ Coupling of the exploitation- and construction permit

- ▶ 1/09/1991: VLAREM I Permits

Flemish Regulation for Environmental permits

- ▶ 1/08/1995: VLAREM II Standards

Historical mile piles in environment permit **problematiek**



- ▶ A **directive** is a legislative act of the European Union, which requires member states to achieve a particular result without dictating the means of achieving that result.

Directives normally leave member states with a certain amount of leeway as to the exact rules to be adopted.

- ▶ It can be distinguished from regulations which are self-executing and do not require any implementing measures.

To exercise the Union's competences, the institutions shall adopt regulations, directives, decisions, recommendations and opinions.

- ▶ A regulation shall have general application. It shall be binding in its entirety and directly applicable in all Member States.
- ▶ A directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods.
- ▶ A decision shall be binding in its entirety upon those to whom it is addressed.
- ▶ Recommendations and opinions shall have no binding force.

Summary of Directive 2008/1/EC concerning integrated pollution prevention and control (the IPPC Directive)

- ▶ Industrial production processes account for a considerable share of the overall pollution in Europe (for emissions of greenhouse gases and acidifying substances, wastewater emissions and waste). The EU has adopted in 1996 a set of common rules for permitting and controlling industrial installations in the IPPC Directive (Directive 96/61/EC). The IPPC Directive has recently been codified (Directive 2008/1/EC).

- ▶ In essence, the IPPC Directive is about minimising pollution from various industrial sources throughout the European Union. Operators of industrial installations operating activities covered by Annex I of the IPPC Directive are required to obtain an environmental permit from the authorities in the EU countries. About 52.000 installations are covered by the IPPC Directive.
- ▶ New installations, and existing installations which are subject to "substantial changes", have been required to meet the requirements of the IPPC Directive since 30 October 1999. Other existing installations had to be brought into compliance by **30 October 2007**. This was the key deadline for the full implementation of the Directive.

The IPPC Directive is based on several principles, namely :

- ▶ (1) an integrated approach,
- ▶ (2) best available techniques,
- ▶ (3) flexibility
- ▶ (4) public participation.

- The **integrated approach** means that the permits must take into account the whole environmental performance of the plant, covering e.g. emissions to air, water and land, generation of waste, use of raw materials, energy efficiency, noise, prevention of accidents, and restoration of the site upon closure. The purpose of the Directive is to ensure a high level of protection of the environment taken as a whole.

- ▶ The permit conditions including emission limit values (ELVs) must be based on ***Best Available Techniques (BAT)***, as defined in the IPPC Directive. To assist the licensing authorities and companies to determine BAT, the Commission organises an exchange of information between experts from the EU Member States, industry and environmental organisations. This work is co-ordinated by the **European IPPC Bureau** of the Institute for Prospective Technology Studies at the EU Joint Research Centre in Seville (Spain). This results in the adoption and publication by the Commission of the **BAT Reference Documents** (the so-called BREFs). **Executive summaries** of the BREFs are translated into the official EU languages.

- ▶ The IPPC Directive contains elements of **flexibility** by allowing the licensing authorities, in determining permit conditions, to take into account:

- (a) the technical characteristics of the installation,

- (b) its geographical location and

- (c) the local environmental conditions.

- ▶ The Directive ensures that the **public has a right to participate** in the decision making process, and to be informed of its consequences, by having access to
 - (a) permit applications in order to give opinions,
 - (b) permits,
 - (c) results of the monitoring of releases and
 - (d) the European Pollutant Release and Transfer Register (E-PRTR). In E-PRTR, emission data reported by Member States are made accessible in a public register, which is intended to provide environmental information on major industrial activities. E-PRTR has replaced the previous European Pollutant Emission Register (EPER).

VLAREM 1

CONTENT:

- Objective
- Specifications of VLAREM 1
- Classes
- Legislation

VLAREM 1

OBJECTIVE

- What for is an environmental permit needed?
 - > the classification / sections
- How can I request an environmental licence
 - > the procedures

VLAREM 1

SPECIFICATIONS:

- ▶ When a environmental permit is necessary
- ▶ Who gives the permit
- ▶ It determines the content of a notification
- ▶ Where and how an environmental permit need to be requested

VLAREM 1

SPECIFICATION (2):

- ▶ Description of the progress of the procedure
- ▶ How to make an appeal
- ▶ The possible alteration, addition, enclosure and refuse of the permit

VLAREM 1

CLASSES

Based on the possible disruption(s) or negative influence(s) on the environment :

- class 1: mostly disturbing permit
- class 2: consider as disturbing permit
- class 3: the notification class: least disturbing report

VLAREM 1

Legislation

Vlarem 1 consists of a detailed list of rubrics => about 82 sections + further subsections

- Applied to:

- **WASTE**
- **WASTE WATER**
- **NOISE AND SMELL**
- **AIR EMISSIONS**
- **GROUNDWATER**
- **ETC.**

- slaughter houses
- Hospitals
- Distillation industry
- Waste processing
- Paint industry
- Garages
- Service stations

- At the present => environmental licence valid for 5-20 years

VLAREM

- VLAREM 1

- ▶ Implementation decree

- Flemish regulation concerning environmental permits

- ▶ Aim of the implementation decree

- When is an environment permit obliged? (the classification list)
 - How I can request an environment permit? (the procedures)

- VLAREM 2

- ▶ Implementation decree

- General and sectoral standards / norms

- ▶ Aim of the implementation decree

- Which requirements are obliged for the installations, for which an environment permit was obtained?

VLAREM 2

► Licensing conditions

- The conditions to which a company must comply, are incorporated in VLAREM II

► There are three kinds of environment conditions:

- General environmental conditions:
 - Apply to all disturbing activities
- Sectoral environmental conditions:
 - Apply to particular disturbing activities
- Particular environmental conditions:
 - Apply to particular exploitation units
 - Imposed by government

VLAREM 2

► General conditions (part 4 of VLAREM II)

- Best available techniques (BAT)
- safety -, risk - and nuisance control
- Measure - and registration obligations
- Information duty
- Management of waste products
- Storage of dangerous goods
- Annual environmental report

VLAREM 2

- ▶ Sectoral conditions (part 5 of VLAREM II)
 - They have primacy over the general conditions if they deviate from it
- ▶ Particular (exceptional) conditions
 - The government can also impose a particular regulation to a company in addition to sectoral and / or general conditions

Environment Permit Application



Paint company De Ruiters N



- Industrial area of 1000m², hired from city Vivekappelle.

-Activities:

1. Production of paints and glues, with a machine park of 160 kW
2. Purchase and distribution of wallpaper, max 80 ton (average 50 ton) in stock

De Ruiters N.V.

Raw materials:

- Stock outside:

1. Water: 3 up grounding silos, 15.000 L each
2. White spirit: 2 silos, 15.000 kg each
3. Methanol: up grounding silo of 2 ton

De Ruiters N.V.

- Stock inside (max):

1. irritating substances: 3,8 ton
2. detrimental and light inflammable substances : 19 ton
3. corrosive substances : 3 ton
4. inflammable dyes: 0,5 ton
5. Substances belonging to section 17.3.7 : 16,2 ton
6. detrimental substances : 15,3 ton
7. light inflammable substances : 5 ton
8. other, not dangerous substances :
 - 31,8 ton dyes
 - 44 ton resins and polymers

De Ruiters N.V.

Stock final products (max):

- Paints: 80 ton
- Glues: 100 ton

De Ruiters N.V.

- Press air installation: compressors 55 kW
- Transport: 1 own truck, 4 vans
- Electricity: 2 HV-transformers, 160 kVA each

Effluents:

1. Domestic: $0,15\text{m}^3$ / h (sewerage net)
2. Factory effluent : own physical-chemical purification installation with a max flow of 40m^3 / month.

De Ruiters N.V.

Packing materials:

1. Carton boxes -> 20 ton
2. Plastic barrels -> 70 ton
3. Metal barrels -> 20 ton

All stocked in storage

De Ruiters N.V.

- Curriculum:

1. Address: Weststraat 70, 8340 Vivekappelle
2. Phone: 01/00.00.00
3. Cadastral description:
Vivekappelle, 29th department section A,
number 612/V/4
4. Delegated person: Jan De Pauw
5. Environmental coordinator: Carl Blomme
6. 14 fulltime jobs created

What to determine?

- ▶ Class (1, 2, 3) according to Vlareem
- ▶ Environmental coordinator (N / A / B)
- ▶ Environmental audit
- ▶ Environmental annual report
- ▶ Investigation for soil permit

De Ruiters N.V.

<u>Section</u>	<u>specifications</u>	<u>class</u>	<u>remarks</u>	<u>Coördinator</u>	<u>Audit</u>	<u>Annual report</u>
3 3.6.2	Waste water en cooling water <i>Bedrijfsafvalwater zonder gevaarlijke stoffen:</i> <i>Afvalwaterzuiveringsinstallaties, met inbegrip van het lozen van het effluentwater en het ontwateren van de bijhorende slibproductie:</i> <i>voor de behandeling van bedrijfsafvalwater dat geen van de in bijlage 2C bij titel I van het Vlareb bedoelde gevaarlijke stoffen bevat, met een effluent:</i> <i>1° tot en met 5 m³/u</i>	3				
3.3	<i>Het lozen van niet in rubriek 3.6 begrepen huishoudelijk afvalwater in de openbare riolen:</i>	3				

De Ruiters N.V.

<u>Section</u>	<u>Specifications</u>	<u>Class</u>	<u>remarks</u>	<u>Coordin ator</u>	<u>Audit</u>	<u>Annual report</u>
4 4.1	Paint products Inrichtingen voor de productie van lak, verf, drukinkten en/of pigmenten alsmede voor het bereiden van bedekkingsmiddelen, met een geïnstalleerde totale drijfkracht van: 2° meer dan 10 kW tot en met 200 kW	2	T			
4.5	Opslagplaatsen voor meer dan 10 ton bedekkingsmiddelen met uitzondering van deze bedoeld in rubrieken 17 en 48.	2	T			
12 12.2	Electricity Transformatoren (gebruik van) met een individueel nominaal vermogen van: 1° 100 kVA tot en met 1.000 kVA	3				

De Ruiters N.V.

<u>Section</u>	<u>Specifications</u>	<u>Class</u>	<u>remark</u>	<u>Coordinator</u>	<u>Audit</u>	<u>Annual report</u>
15 15.1	Garages: Al dan niet overdekte ruimte waarin gestald worden: 1° 3 tot en met 25 autovoertuigen en/of aanhangwagens, andere dan personenwagens	3				
17 17.3.2	Dangerous products: Inrichtingen voor de opslag voor zeer giftige, giftige en ontplofbare stoffen met uitzondering van deze bedoeld onder rubriek 48, met een opslagcapaciteit van: 3° meer dan 1 ton	1	G	B	P	J

De Ruitters N.V.

<u>Section</u>	<u>Specifications</u>	<u>Class:</u>	<u>remark</u>	<u>Coördi nator</u>	<u>Audit</u>	<u>Annual report</u>
17.3.3	Opslagplaatsen voor oxyderende, schadelijke, corrosieve en irriterende stoffen, met uitzondering van deze bedoeld onder rubriek 48, met een totaal inhoudsvermogen van: 3° meer dan 50.000 kg	1	G	B	P	J
17.3.7	Opslagplaatsen voor vloeistoffen met een ontvlammingspunt hoger dan 100° C, met uitzondering van deze bedoeld onder rubriek 48, met een totaal inhoudsvermogen van: 1° 200 l tot en met 50.000 l	3				

De Ruiters N.V.

<u>Section</u>	<u>Specifications</u>	<u>Class</u>	<u>remark</u>	<u>Coordinator</u>	<u>Audit</u>	<u>Annual report</u>
21. 21.3.	Pigments and dyes Opslagplaatsen voor kleurstoffen en pigmenten met uitzondering van deze bedoeld onder rubriek 17 en 48 met een capaciteit van meer dan 10 ton	2	T			
24. 24.1.	Laboratory (al dan niet geïntegreerd in een elders ingedeelde inrichting) Laboratoria die enige biologische of scheikundige, minerale of organische bedrijvigheid uitoefenen met het oog op opzoeken, proeven, analyses, toepassing of ontwikkeling van producten, kwaliteitscontrole op producten, of met een didactisch doel, die door hun afvalwater een hoeveelheid gevaarlijke stoffen lozen per maand en per stof die opgenomen is in lijst I van bijlage 2C: <i>2° meer dan 1 kg</i>	2	G			

De Ruitters N.V.

<u>Section</u>	<u>Specifications</u>	<u>Class</u>	<u>remark</u>	<u>Coordi nator</u>	<u>Audit</u>	<u>Annual report</u>
26. 26.1	Glues and adhesives en niet voor consumptie bestemde gelatine Inrichtingen voor het bereiden van lijmen met een geïnstalleerde totale drijfkracht van: <i>2° meer dan 10 kW tot en met 200 kW</i>	2				
26.2.	Opslagplaatsen voor lijmen en niet voor consumptie bestemde gelatine, met uitzondering van deze bedoeld onder rubriek 48, van meer dan 10 ton	2	T			

De Ruitters N.V.

<u>Section</u>	<u>Specification</u>	<u>Class</u>	<u>remark</u>	<u>Coordi nator</u>	<u>Audit</u>	<u>Annual report</u>
33. 33.4.	Paper (papierdeeg, papier, karton en soortgelijke materialen) Opslagplaatsen voor papierdeeg, papier, karton en voor waren uit papier en karton, met een capaciteit van meer dan 10 ton in een lokaal of 100 ton in open lucht, met uitzondering van deze bedoeld onder rubriek 48. <i>Uitzondering: bibliotheken en klasseringen vallen niet onder deze indelingsrubriek.</i>	2	T			

Class determination

Dangerous GOODS

- ▶ Company for the storage of very toxic, toxic and explosive substances, more than 1 ton
- ▶ Company for oxidising, detrimental, corrosive and irritating substances, more than 50,000 kilogram's

⇒ **Class 1**

Environmental coordinator

- ▶ **B** => environmental coordinator of level B

TASKS

- ▶ contribute to the development, the application and the evaluation of environment-friendly production methods (BATNEEC) and products
- ▶ ensure the compliance with the environmental legislation
- ▶ reporting

Remarks

► Storage dangerous substances

G = Institution for which the department preventive and social health care of the administration gives recommendation to health care.

► Storage of glues, dyes, resins

T = Institution for which a temporary license can be obtained.

Audit

- ▶ P = government can impose a periodic environment audit

Annual report

- ▶ J = Company for which an environment annual report must be submitted.

Soil permit

- ▶ Dependents on previous application of soil

► Information:

[http://www.emis.vito.be/wet ENG
navigator/milieuvergunning.htm](http://www.emis.vito.be/wet_ENG_navigator/milieuvergunning.htm)

<http://www.google.be> > IPPC