

PRE-SCREENING STATEMENT AND DETERMINATION - Strategic Environmental Assessment and Ireland's National Implementation Plan on Persistent Organic Pollutants

Date: 15th November 2012

1. Background

The Persistent Organic Pollutants Regulations 2010 (Statutory Instrument 235 of 2010) designate the Environmental Protection Agency (EPA) as the competent authority for the purposes of Regulation (EC) No. 850/2004 on Persistent Organic Pollutants (EU POPs Regulation). Persistent organic pollutants or POPs are a group of toxic chemicals that can pose a risk to human health and the environment. They can persist in the environment, bioaccumulate in the food chain and can be transported over long distances. The list of POPs include pesticides (e.g.: DDT), industrial chemicals (e.g. Polychlorinated biphenyls (PCBs)) and unintentional by-products (e.g.: dioxins and furans).

The Stockholm Convention on Persistent Organic Pollutants (POPs) is a global treaty aimed to protect human health and the environment from 22 listed POPs. The Convention entered into force for Ireland in November 2010.

2. National Implementation Plan on POPs

Parties to the Convention are required to develop a National Implementation Plan for the implementation of its obligations under the Convention. This Plan incorporates an Action Plan to identify, characterise and address releases of unintentionally produced POPs. Parties to the Convention are required to transmit its National Implementation Plan on POPs within two years of the date on when the Convention entered into force for it.

The EPA is responsible for preparing Ireland's National Implementation Plan on POPs in consultation with other public authorities. The draft plan was made available for public consultation. Following public consultation the plan was updated and finalised and transmitted to the Secretariat of the Stockholm Convention on POPs. The plan includes an assessment of historical and current use of POPs in Ireland, monitoring of POPs in food and the environment, and sets out how Ireland is meeting its obligations under the Stockholm Convention including measures to manage and control POPs.

3. Strategic Environmental Assessment Directive (2001/42/EC)¹

The EU Directive on Strategic Environmental Assessment (SEA) applies to plans and programmes which are prepared and / or adopted by a national authority, provided that such plans or programmes are:

- Required by legislative, regulatory or administrative provisions; and
- Prepared for specified topics (e.g.: agriculture, waste management, water management, land use planning) set out in Article 3 of the Directive and which set the framework for future development consents of projects which themselves would involve Environmental Impact Assessment, or

¹ Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment

- Likely to have a significant impact on sites protected under the Habitats Directive and thus warrant an assessment.

4. Pre-screening analysis of Ireland's National Implementation Plan on POPs

A pre-screening exercise has been undertaken by the EPA to determine if the National Implementation Plan on POPs requires a strategic environmental assessment to be carried out in accordance with the SEA Directive.

The pre-screening has taken into account the relevant criteria set out in Annex II of the SEA Directive (Schedule 1 of S.I No. 435 of 2004² (as amended by S.I. No. 200 of 2011³) in addition to EPA guidance such as the EPA Synthesis Report ("Development of Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes in Ireland" 2001).

The EPA is responsible for the preparation of the National Implementation Plan which is required under the Stockholm Convention on POPs and hence is considered a 'plan' within the meaning of the SEA Directive.

The types of measures detailed in Ireland's National Implementation Plan on POPs relate to how Ireland fulfils its obligations under the Stockholm Convention on POPs which has the objective of protecting human health and the environment from POPs. These include, for example, continued enforcement of existing legislation concerning the prohibition, or restriction where relevant, of the production, placing on the market and use of POPs and legislative requirements concerning stockpiles and wastes containing POPs.

The National Implementation Plan also includes Ireland's Action Plan on unintentional POPs which details measures to reduce or eliminate releases of unintentional POPs which result from certain combustion and industrial activities. Measures outlined relate to, for example:

- Establishing, maintaining and improving inventories of unintentional POPs to air, land and water;
- Continued enforcement of existing legislation concerning unintentional POPs;
- Monitoring of POPs in food and the environment;
- Training and awareness;
- Research and development.

Annex C of the Stockholm Convention identifies source categories that have the potential for the formation and release of the unintentional POPs. The Convention requires Parties, in accordance with its Action Plan implementation schedule, to require the use of best available techniques (BAT) for new sources within certain source categories, to be phased in as soon as practicable but no later than four years of becoming a party to the Convention. For the identified categories Parties shall also promote best environmental practice (BEP). Such sources categories include:

- Waste incinerators, including co-incinerators of municipal, hazardous or medical waste or of sewage sludge;
- Cement kilns firing hazardous waste;

² European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004

³ European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011

- Certain thermal process in the metallurgical industry (e.g.: secondary aluminium production).

Parties are also required, in accordance with its Action Plan to promote BAT and BEP for existing sources within source categories listed above, and for new and existing sources within the following source categories:

- Open burning of waste;
- Certain thermal process (not mentioned above);
- Residential combustion sources;
- Fossil fuel-fired utility and industrial boilers;
- Firing installation for wood and other biomass fuels;
- Specific chemical processes releasing unintentionally formed POPs;
- Crematoria;
- Motor vehicles, particularly those burning leaded gasoline;
- Destruction of animal carcasses;
- Textile and leather dyeing (with chloranil) and finishing (with alkaline extraction);
- Shredder plants for the treatment of end of life vehicles;
- Smouldering of copper cables;
- Waste oil refineries.

BAT and BEP are to be used in accordance with relevant guidelines and guidance produced under the Stockholm Convention.

In relation to sources categories listed above, relevant consenting authorities will need to take into consideration the Stockholm Convention requirements with respect to BAT and BEP.

5. SEA pre-screening check

Annex I and II of this document sets out the decision tree process and the environmental significance criteria that was considered when assessing if strategic environmental assessment of Ireland's National Implementation Plan on POPs is required. The assessment indicates that the National Implementation Plan on POPs is not being prepared for the specified sectors and does not provide the framework for development projects that require Environmental Impact Assessment. It is therefore considered that the National Implementation Plan on POPs does not require strategic environmental assessment.

The Stockholm Convention on POPs should be taken into account by consenting authorities in relation to activities that may give rise to the formation or releases of POPs. The National Implementation Plan will also inform such activities regarding obligations under the Convention such as best available techniques and best environmental practice.

The National Implementation Plan should be considered during future preparation or amendments to other plans and/or programmes that are relevant to the control of POPs. These include:

- National Waste Prevention Programme;
- National Hazardous Waste Management Plan; and

- Regional Waste Management Plans.

6. Consultation with designated SEA environmental authorities

On 15th June 2012, the EPA notified the designated SEA environmental authorities in accordance with Article 9 (6) of S.I. No. 435 of 2004 as amended in relation to the preparation of the National Implementation Plan on POPs and consideration with regards to strategic environmental assessment. A pre-screening statement regarding SEA was enclosed with the notice.

On 3rd September 2012, the EPA notified the designated SEA environmental authorities that the draft National Implementation Plan on POPs was available on the EPA website for public consultation until 21st September 2012. A pre-screening statement and determination regarding SEA, taking into account previous consultation with the designated SEA Environmental Authorities, was enclosed and was made available on the EPA website.

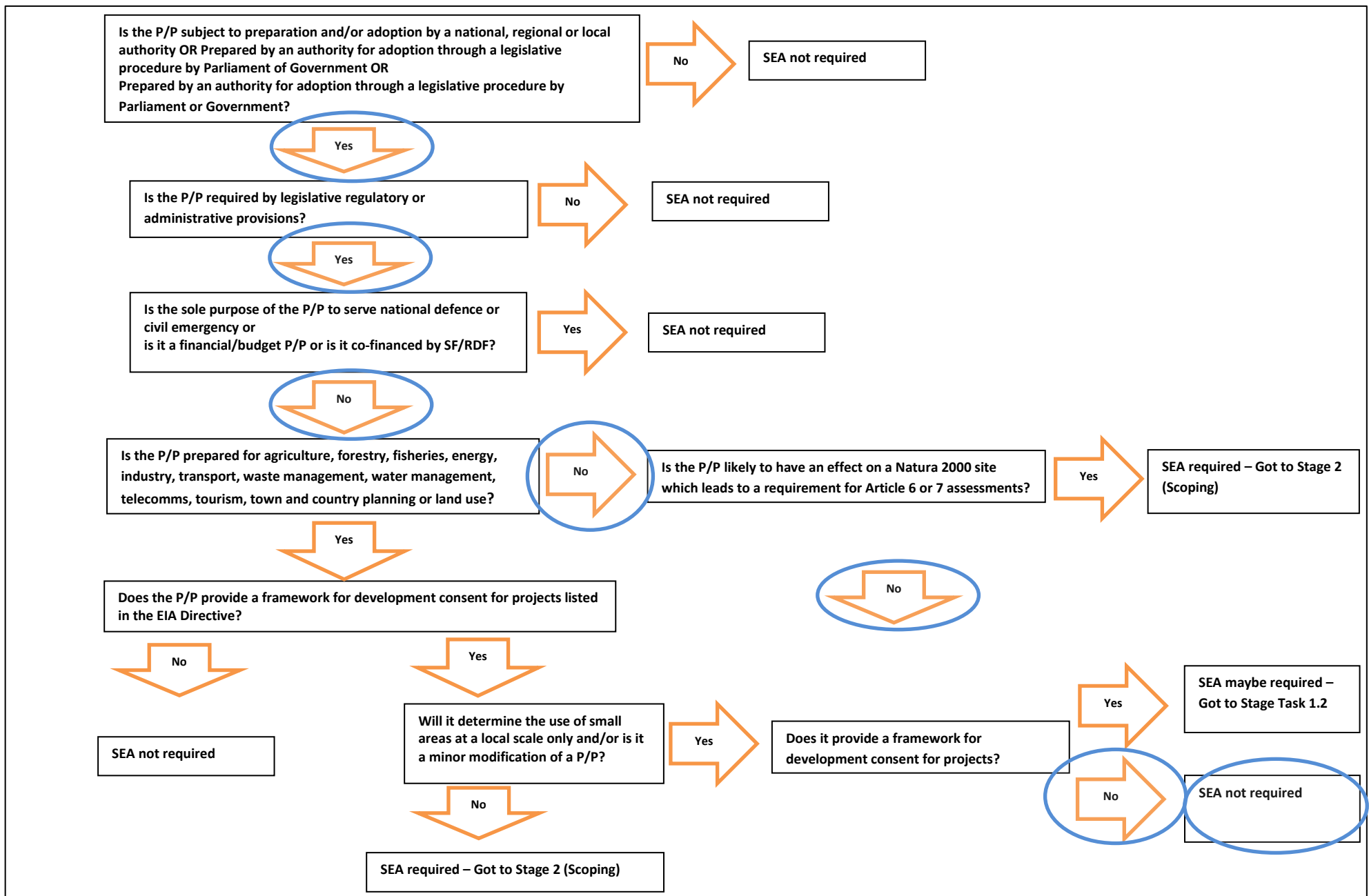
7. Finalisation of the National Implementation Plan and determination regarding SEA

Following the public consultation phase on the draft National Implementation Plan, the plan has been updated and finalised. The National Implementation Plan on POPs is available at www.pops.ie.

Following consultation with designated SEA environmental authorities; consideration of the submissions received during public consultation on the draft plan; and subsequent update of the National Implementation Plan, this SEA pre-screening statement and determination has been updated.

In conclusion the EPA determines that strategic environmental assessment of Ireland's National Implementation Plan on POPs is not required. The National Implementation Plan on POPs has not been prepared for specified sectors and does not provide the framework for development projects that require Environmental Impact Assessment.

Annex I - National Implementation Plan on POPs - SEA Pre-screening check decision tree



Annex II - National Implementation Plan on POPs - Environmental Significance Criteria

1) Characteristics of the Plan

Criterion	Comment
Degree to which the plan sets a framework for projects and other activities (with regards to either location, nature, size and operating conditions or by allocating resources)	<p>The plan does not the set the framework for projects and other activities. The plan informs how Ireland fulfils its obligations under the Stockholm Convention on POPs which has the objective of protecting human health and the environment from POPs.</p> <p>In relation to sources that may give rise to unintentional POPs, consenting authorities will need to take into consideration the Stockholm Convention requirements with respect to the use of Best Available Techniques (BAT) and Best Environmental Practices (BEP). The Stockholm Convention requires the use of BAT for new sources within source categories to be phased in as soon as practicable but no later than four years of the Convention coming into force for Ireland (Convention entered into force for Ireland on 3rd November 2010). Parties are also required to promote BEP for the identified categories. Such source categories include:</p> <ul style="list-style-type: none">• Waste incinerators, including co-incinerators of municipal, hazardous or medical waste or of sewage sludge;• Cement kilns firing hazardous waste;• Certain thermal process in the metallurgical industry (e.g.: secondary aluminium production). <p>The Stockholm Convention requires promotion of BAT/BEP for existing sources within the above source categories in addition to new and existing sources within the following source categories:</p> <ul style="list-style-type: none">• Open burning of waste;• Certain thermal process (not mentioned above);• Residential combustion sources;• Fossil fuel-fired utility and industrial boilers;• Firing installation for wood and other biomass fuels;

Criterion	Comment
	<ul style="list-style-type: none"> • Specific chemical processes releasing unintentionally formed POPs; • Crematoria; • Motor vehicles, particularly those burning leaded gasoline; • Destruction of animal carcasses; • Textile and leather dyeing (with chloranil) and finishing (with alkaline extraction); • Shredder plants for the treatment of end of life vehicles; • Smouldering of copper cables; • Waste oil refineries. <p>When applying BAT/BEP Parties should take into consideration relevant Stockholm Convention guidance/guidelines.</p>
Degree to which plan influences other plans, including those in a hierarchy	<p>The National Implementation Plan on POPs is relevant for other plans and programmes that will influence the control of POPs. Therefore the National Implementation Plan should inform such plans and programmes during any future preparation or amendments. These include:</p> <ul style="list-style-type: none"> • National Waste Prevention Programme; • National Hazardous Waste Management Plan; • Regional Waste Management Plans.
Relevance of the plan for the integration of environmental considerations in particular with a view of promoting sustainable development	<p>Under the Stockholm Convention on POPs, Parties shall endeavour to utilise and, where necessary, establish the means to integrate National Implementation Plans on POPs in their sustainable development strategies where appropriate.</p>
Environmental problems relevant to the plan	<p>The National Implementation Plan informs how Ireland fulfils its obligations under the Stockholm Convention on POPs which has the objective of protecting human health and the environment from POPs. The plan will have a positive impact on the environment with respect to the control of POPs and no environmental problems are envisaged as a result of the plan.</p>
Relevance of the Plan for the implementation of European Union legislation on the environment	<p>The National Implementation Plan is required under the Stockholm Convention on POPs and it is relevant for the implementation of the EU Persistent Organic Pollutants Regulation (Regulation (EC) 850 of 2004).</p>

2) Characteristics of the effects and of the area likely to be affected

Consideration	Comment
Probability, duration, frequency and reversibility of the effects	The Plan does not provide the framework for development but details how Ireland fulfils its obligations under the Stockholm Convention on POPs including the controls and actions for the management of POPs. Consequently the plan will have a positive impact on the environment.
Cumulative nature of the effects	
Transboundary nature of the effects	
Risk to human health or the environment (e.g. due to accidents)	
Magnitude and spatial extent of effects	
Value and vulnerability of the area likely to be affected	
Effects on areas or landscapes with recognised national, European Union or international protection status	