

## Opra - Frequently Asked Questions for version 3.6

If you have a question and can't find the answer below or by checking the Environmental Permitting Regulations Operational Risk Appraisal Scheme (Opra for EPR) version 3.6 April 2011, please email your question to [opra@environment-agency.gov.uk](mailto:opra@environment-agency.gov.uk)

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### Where Opra applies?

Qu 1.1, Does Opra apply to a facility that has a permit but is yet to be constructed or operated.

Yes, you must treat these sites as if they are operational. The operator performance, which is the assessment of the effectiveness of the management systems, is still to be determined. As the operator you will have provided details of the proposed management systems when you applied for the permit. This means we can understand the type/structure of management system that will be employed when the plant becomes operational and complete the Opra profile.

Installation facilities in pre-construction phase, are somewhat different. Where no construction works necessary to commence activities have begun, the Opra profile is amended by setting the emissions and inputs bandings to zero and removing all but a single complexity banding from the profile, until construction work commences.

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## **Tier 2 (Standard) Permits**

### **Qu 2.1, Who decides what activities can have a tier 2 permit?**

Tier 2 permits are generally for activities that are low to medium risk and where the resource needed to permit a facility or undertake compliance assessment doesn't vary significantly for sites of that type. For standard permits, we perform a risk assessment for each different activity. This indicates that, as long as certain criteria are met, the activity can be performed safely and regulated adequately by a standard rules permit. These permits don't need a site-specific assessment of risk and can operate under common conditions.

[A list of standard permits](#) is available on our web site.

Aside from standard permits there are other types of tier two permits, eg intensive pig and poultry installations, part A2 activities and fixed condition licences.

A full list of permits types in tier 2 is detailed in the EP Charges Scheme.

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## Emissions and Inputs Attribute

Qu 3.1, Do I include construction and demolition waste from building works carried out at the installation in the emissions and inputs section of the spreadsheet?

Normally no, the exception is where these materials are generated as a result of remediation/clean up of the installation – please check with your local Environment Agency contact.

Qu 3.2, How do I complete the emissions section for the spreadsheet where my installation has its own associated landfill?

Where the installation has an associated landfill, ie there is one permit for the installation that covers particular scheduled activities and a landfill which are all operated by the same operator then the waste going to that landfill should be recorded under “emissions to land” and NOT under “waste”.

Qu 3.3, When completing the Emissions and Inputs section on the Opra spreadsheet what figures do I use for the waste inputs? Should I use the permitted maximum figure specified in the permit or use the actual amounts based on the operator’s waste return figures?

You would use the amount of waste permitted by the permit. There are two exceptions to this.

First, for sites which are in pre-construction phase, that is when the activities authorised by the permit have not commenced and no construction works necessary to commence activities have begun. For these sites, the emissions and inputs figure is set to zero, until construction work commences.

Second, there are a few older waste facility permits where a limit on the amount of waste allowed to be processed was never stipulated. If your permit has no permitted limits, you should use an average amount from your annual waste returns to work out a band for the Emissions and Inputs attribute.

Qu 3.4, I’m applying to vary my permit. For the inputs and Emissions attribute can I use my actual emissions and inputs to work out my Opra banded profile?

The emission and inputs attribute is based on maximum permitted amounts. You should use the values in your permit or those detailed in your permit application for this attribute.

Qu3.5, Do I need to include the emission limits on my trade effluent consent in my Opra profile? Am I being charged twice?

You need to record the emission limits from your trade effluent consent in your Opra profile if they are appropriate so that we can capture the additional risk and resource which is required to regulate your facility.

These facilities will often have both BAT based limits imposed in your EPR permit and other relevant limits imposed in your trade effluent consent. It takes us time to work out conditions and emission limit values for trade effluent discharge to sewer and this effort is captured by the slight revision to your Opra profile. Once operational, the facility will start discharging to sewer and we will receive reports of the emissions. Our work assessing these emission reports is captured through the small increase in your Opra score via the emissions to sewer attribute. There is a reduced risk because the discharge is not direct to the environment but is via a sewerage system.

Qu3.6, My trade effluent consent only refers to total metals whereas the Opra spreadsheet breaks down metals into individual substances. How do I complete the emissions to sewer tab of the spreadsheet?

You would use the most appropriate emission threshold for the total metals. For example, if you have a total metals limit of 300kg/year and you know that the majority of their metal load is copper, then apply the 300 figure to the copper row of the spreadsheet, justifying your action in the notes box at the bottom of the spreadsheet.

Qu3.7, My H1 assessment shows that my emissions to air are insignificant. Do I need to include these in my Opra profile when I make my application.

If you have determined that your emissions to air are insignificant as part of your H1 assessment then you should not include these in your Opra profile for your application. However, as part of the determination process, if we decide that we need to place an emissions limit value on your permit then your profile will be adjusted accordingly.

Qu3.8, I have a discharge to sewer and my trade effluent consent details a number of parameters that are listed in Schedule 1, Part 1, Interpretation and application : Paragraph 7 of the EPR . Do I need to include these in my Opra profile?

Yes you would need to include these in your Opra profile. However, you would only include the maximum quantity being emitted where there is a specified emission threshold. Where there is no emission threshold specified, you do not need to include this substance.

In exceptional circumstances we derive an emission threshold for new substances not on the existing list. We will publish these if and when they are developed.

Qu3.9, I have a permit for the Recovery of Waste which is a Section 5.4 A(1)(c)(iii) activity for the recycling/reclamation of inorganic materials. When I complete my Opra spreadsheet, do I include the waste input in table 2E – Emission attribute for waste input?

Only activities which are considered to be specified waste management activities should have their waste inputs input in table 2E – Emission attribute for waste input. As a Section 5.4 A(1)(c)(iii) Recycling/reclamation of inorganic materials other than metals and metal compounds(R5) is not considered to be a specified waste management activity then you must include the waste input for this activity in table 2G – Emissions attribute for off-site recovery, re-use and recycling.

Qu3.10., My permit allows me to accept 24999 tonnes of waste per year. I am permitted to accept hazardous, inert and non-hazardous waste. There is no limit on each individual waste type just an overall annual quantity. How do I account for each of these in my Opra Spreadsheet?

You must use the amounts given in specific limits in your permit. If your permit allows you to process different types of waste, but there is no specific limit on the amount on the maximum tonnage then you should use the total amount of the waste type with the lowest emission threshold. In the Opra spreadsheet this would be hazardous waste and therefore you should assign 24,999 tonnes to the hazardous waste category.

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Qu3.11 I have a waste facility with an A25 activity (deposit of waste to land as a recovery activity) and the permit has no limits expressed for the annual tonnage of waste to be used to return the land to productive use. There is a planning requirement that specifies that the annual tonnage used over the course of the three year life of the restoration shall be a maximum of 150 000 tonnes of inert waste. What figure should I use in the emissions and inputs attribute for the Opra profile?

When completing the emissions and inputs element of an Opra profile, the general rule is to use any limits stipulated in the permit. Where no permit limit exists, you should use any limits imposed by other permissions - in this case a planning requirement. Rather than use a figure of 50 000 tonnes (150 000 tonnes divided by 3, for an annual average tonnage) you should use 150 000 tonnes of inert waste in the profile. This represents the pessimistic position for annual throughput of waste and covers us for instances where, although the planning approval has a three year life, the operator chooses to finish the job in a single year.

### **Location attribute**

Qu 4.1, Where can I find the information to allow me to complete my location attribute?

Most information is on our web site at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk). Select the What's in your backyard link and choose the topic you are looking for.

Qu 4.2, How do I work out if my facility is on an aquifer or within a Groundwater Source Protection Zone (GPZ)?

You may already have this information from other work you have carried out for your application. The information on What's in your backyard shows aquifer designation. There are two types of aquifer designation, Superficial (drift) and Bedrock. You should look at both of these to determine whether or not your facility is on an aquifer. For Opra we are interested in all aquifers since we will need to assess whether these offer a pathway for pollution.

Qu 4.3, Where can I find information on river quality for my location attribute?

The easiest way is to look in What's in your backyard on our web site. If you find this unclear, contact your Local Environment Agency Officer who can provide further details.

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## **Operator performance Attribute**

Qu 5.1, In the Operator Performance – emergency planning section how do I answer question 3 when I have answered “no” to question 2?

If you have answered “no” to question 2, i.e. no areas for improvement have been identified, please leave question 3 blank.

Qu 5.2, Can I use the Green Dragon or Acorn Environment Management Systems to gain the same recognition as ISO14001 in the Opra spreadsheet.

We'll be looking at how we reward operators that have an externally accredited management scheme. The spreadsheet does allow for externally accredited schemes to be scored as having 'other accredited schemes' and therefore they can gain some credit.

Qu 5.3, Our company has a corporate Environment Management System (EMS). Can I count this in the operator performance attribute for the site I manage?

Yes, as long as your EMS has been accredited by a certification body.

For ISO14001 the certification body must be recognised by the UK Accreditation Service (UKAS). Your corporate EMS must include significant environmental aspects and impacts at a local level.

For EMAS the certification body must be the Institute of Environmental Management and Assessment (IEMA). Your EMS must address local site issues.

However if, when we assess your compliance with your permit, we find that you haven't implemented the EMS locally this will affect your Opra banded profile. If we find a serious breach of your EMS, we can bring this to the attention of the certification body for your EMS and this could result in your certification being altered.

Qu 5.4, My site has a permit but we haven't started any operations yet. How can I answer the Opra Operator performance questions so that my annual subsistence bill shows that the site is pre-operational?

You should answer 'yes' to having operating procedures in place. In the pre-operational phase you may not be able to demonstrate all your procedures are working and with no activities happening on site there is no risk.

It's vital that, before you start operations, all your written procedures are in place and can be inspected. If your procedures aren't in place when you become operational this will be reflected in your Opra Profile and, if this is also a breach of your permit conditions, your compliance rating score may be affected.

Qu5.5, I have received a formal caution from the Environment Agency for operating my facility without a permit. I am now applying for a permit for my facility to allow me to operate within the Regulations. Do I need to account for this enforcement activity in the Operator Performance questions in the Opra spreadsheet?

Yes you need to account for all relevant enforcement action that has been taken against you at the facility. For an enforcement response relating so specifically to the activity being regulated, we would consider this to be a relevant consideration and something that affects your Opra profile.

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### **Compliance Rating Attribute**

Qu 6.1, If I have a non-compliance with my permit, this is reflected in the compliance rating attribute. If you also decide to prosecute me for this non-compliance, it's recorded a second time in the enforcement history element of the operator performance attribute. Aren't you double counting the non-compliance in the Opra profile?

We believe there's a difference between the "riskiness" of two operators, one of whom had a category 2 breach where we chose to prosecute and one who had a category 2 breach where we issued a warning. Our decision to prosecute would generally signify that the operator wasn't taking action to resolve the non-compliance or was willfully non-compliant. We would see this operator as requiring increased levels of regulatory attention and therefore is it right that the Opra profile score for this operator rises higher than for an operator who was not prosecuted.

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## Installations

Qu 7.1, In my issued permit, I have some substances specified that are not included in the list of substances that have emission thresholds on the Installations Opra spreadsheet. How should I reflect these on the Opra spreadsheet? Can these be excluded from the Opra profile?

You should include these on the spreadsheet as 'other substances' which don't have an emission threshold specified on the Installations Opra spreadsheet. You will only need to record these substances when we have published any new emission thresholds for substances which don't have their own threshold on the spreadsheet. You can record these on the spreadsheet tabs as Tables W1-5, A1-5 and S1-5. Currently there aren't any new emission thresholds. If there is no emissions threshold published then do not include it in the Opra spreadsheet.

Qu 7.2, I analyse for a large number of **substances** (or when I applied the H1 methodology, certain substances were identified as "not insignificant"), these were included when I made my application for a permit but haven't been included in the issued permit.

We will need to do work to decide whether a particular substance is "significant" or not and this is why they must be included in the application. We'll have amended the Opra profile (the spreadsheet submitted with the application) to remove these specific substances and it's this profile that will be used as the base for subsistence charges.

Qu 7.3, In my issued permit I have some substances specified that are never detected when samples are analysed, (or there is no identified source for these substances e.g. raw or recycled materials being used etc). Can these be excluded from the Opra profile?

You should discuss this with your site officer. If substances with no known source are specified in your permit they could be affecting your annual charge. You may, however, need to apply for a variation of your permit to remove them.

Qu 7.4, Section 5.1 of the Environmental Permitting Regulations (EPR) states that the definition of co-incineration plant covers the whole site and entire plant. But the Opra Scheme counts each plant covered by the permit (before the capping rule is applied). Which is right?

The Opra Scheme and the EPR are not the same thing. Opra identifies elements of plant that result in risk to the environment and additional work for us. Complexity attribute Rule 3 in Annex A of the Opra Scheme states each scheduled activity needs to be identified for each plant. The capping rule is then applied to reduce the impact on the overall Opra profile and the resultant charges.

The EPR identify plant to capture an activity on site. Opra identifies separate plant to help with risk identification, regulatory resource allocation and our charges.

Qu7.5 I have five 40 megawatt engines which are Section 1.1 Part A(1) (a)(i) activities. How many complexities should I record on the Opra profile?

To work out the number of complexities that you need to record in your Opra profile you should use Rule 3 of the Opra Scheme version 3.6. We need to consider for certain activities where there are threshold criteria within the Regulations, this threshold can be used to aggregate plant together.

In this case we have five 40 megawatt engines and for the purpose of rule 3 of the Opra Scheme we aggregate the number of plant together and divide by the threshold

criteria in the Regulations to work out the number of plants. Each plant will attract a complexity in the Opra spreadsheet. So this is  $40\text{MW} \times 5 = 200\text{ MW}$ .  $200\text{MW} / 50\text{MW} = 4$  plants as this exceeds the 50MW threshold in this schedule reference. Therefore, we record four complexities in the Opra spreadsheet but this will be capped to a maximum of three complexities for this activity schedule reference (ASR).

Qu7.6, If I have six 1Megawatt landfill gas engines which are a Section 1.1 Part A(1)(b) activity, how many complexities should I record in my Opra profile?

In Opra the appropriate activity schedule reference to use is Section 1.1 Part A(1)(b)(A). The (A) being used where we have sub-divided the ASR to reflect the time and resources we put into regulating these specific facilities.

Where the individual gas engines have a rated thermal input **below** 3MW we would aggregate the engines together to form the Section 1.1A(1)(b) listed activity and in this case only one complexity band should be recorded on the Opra spreadsheet.

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## Waste Facilities

### Qu 8.1, Where can I find the Waste Facilities Opra spreadsheet?

You can find the spreadsheet on the following link:

<http://www.environment-agency.gov.uk/business/regulation/31827.aspx>

Information on how to use the Opra waste facility spreadsheet is available from our web site at :

<http://publications.environment-agency.gov.uk/pdf/GEHO0410BSFG-e-e.pdf>

### Qu 8.2, How do I identify whether a waste facility is a tier 2 facility?

All waste facilities, apart from those which have a standard rules permit , a fixed condition licence, bespoke waste facility or are an installation as detailed in the EP Charges Scheme, are tier 3 and need a full Opra profile. There is a full list of Tier 2 facilities, detailed in the EP Charging Scheme Guidance at:

[http://www.environment-agency.gov.uk/static/documents/Business/EP\\_scheme\\_and\\_guidance\\_2011-12.pdf](http://www.environment-agency.gov.uk/static/documents/Business/EP_scheme_and_guidance_2011-12.pdf)

### Qu 8.3, How can I register a closed landfill site within Opra?

This depends on whether your landfill stopped accepting waste before or after the Landfill Directive took effect in July 2001.

For sites that stopped accepting waste before July 2001 they will close according to their waste management licence.

For sites that stopped accepting wastes after July 2001, once we've accepted the definitive closure, the operator can apply to vary their permit to reduce the waste input quantities down to zero. This would be varied as an administrative charge. This variation would then be reflected in the site's Opra profile that would allow the site to become a 'closed' site.

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### **What if you're not happy with your Opra score?**

Qu 10.1, I disagree with my Opra score – what can I do about it?

If there is a disagreement with any part of your Opra profile talk to your site officer about it. If you can't reach agreement you should contact the officer's line manager, the area Environment Management Manager or the Area Manager.

If you still aren't happy the official procedure for the dispute would be through the Complaints and Commendations Procedure. Information about this is available on our web site at <http://www.environment-agency.gov.uk/aboutus/default.aspx> or by phoning 08708 506 506.

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### **Changing your permit**

Qu 11.1, If I stop one of the activities on my site, can I remove an Activity Schedule Reference relating to the decommissioned process from my profile by applying to vary the permit?

We don't allow an operator to simply trim down their profile by paying a variation fee to remove activities (and emissions). If we did this, the risk is that the final surrender charges for the facility would be insufficient to cover our work to ensure that the land is returned to its condition before the operation of the facility. The EP Charging Scheme stipulates that if you wish to remove any facilities covered by your permit which are no longer operational, you have to pay a partial surrender charge. So you can only remove the complexity element for a decommissioned process from your Opra profile by submitting a partial surrender application and by paying the appropriate fee.

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