

The environmental regulation of the production and use of biodiesel

Purpose of this position statement

A Quality Protocol setting out end-of-waste criteria for the production and use of biodiesel derived from waste cooking oil and rendered animal fat (tallow) is available from our website (www.doeni.gov.uk/niea). As the Quality Protocol (QP) is voluntary, the purpose of this statement is to advise our staff and customers on the legal obligations that apply to those who produce biodiesel from waste cooking oil and rendered animal fat.

This position statement provides clarity on how we will regulate:

- the collection and processing of waste cooking oil (WCO) and rendered animal fat;
- biodiesel produced from WCO and rendered animal fat that meets the requirements of the QP ('quality biodiesel');
- biodiesel produced from WCO and rendered animal fat that does not meet the requirements of the QP.

By complying with the QP, producers will have certainty that the 'quality biodiesel' they produce will cease to be waste and can be used without the need for waste management controls.¹

The main purposes of the QP are:

- clarifying the point at which waste management controls are no longer required;
- providing users with confidence that quality biodiesel conforms to an approved standard;
- protecting human health and the environment by setting standards for the production and use of quality biodiesel as automotive or heating fuel, and describing acceptable good practice for its use.

In summary, the following criteria must be met:

- The biodiesel is produced via a chemical process in accordance with the requirements of the Quality Protocol and in compliance with either BS EN 14213: 2003 for heating fuels or BS EN 14214: 2003 for automotive fuels.
- Producers must keep copies of supply documentation to customers which include a statement of conformance to the QP.
- Final product storage and conditions must be fully compliant with the Control of Pollution (Oil Storage) (Northern Ireland) Regulations 2010.²

How we regulate the collection and processing of waste cooking oil and rendered animal fat for the production of biodiesel

The QP does not change the regulatory requirements that apply to:

- the **delivery** and **storage** of WCO and rendered animal fat for processing;
- the **treatment/processing** of WCO and rendered animal fat to produce biodiesel.

The WCO and rendered animal fat must be:

- handled in accordance with the Duty of Care requirements;
- transported by a person who is registered as a waste carrier;
- taken to a suitably permitted, licensed or exempt waste facility.

The handling, storage and processing of WCO and rendered animal fat must be carried out at a facility which has an appropriate waste authorisation to carry out those activities. Such a facility may require a PPC permit under the Pollution Prevention and Control Regulations (Northern Ireland) 2003 or a waste management licence or an exemption from waste management licensing under the Waste Management Licensing Regulations (Northern Ireland) 2003 (and Amendments).

How we regulate biodiesel that meets the requirements of the QP

Producers and users are not obliged to comply with the QP. If they do they will benefit from the certainty that we will not regard the quality biodiesel they produce as waste. This means it can be used without the need for waste management controls.

Combustion of quality biodiesel in a combustion plant may require a permit under the Pollution Prevention and Control Regulations (Northern Ireland) 2003.³

QP compliant material should be stored in a clearly defined area separate to that used for feedstock and other waste materials.

How we regulate biodiesel that does not meet the requirements of the QP

If biodiesel does not comply with the Quality Protocol then we will normally regard it as waste, in which case the following waste management controls will continue to apply:

- it must be stored in accordance with a waste management licence or exemption;
- it must be handled in accordance with the Duty of Care requirements;
- it must be transported by a registered waste carrier;
- burning must be carried out in accordance with a PPC permit which will ensure that the burning complies with the requirements of the Waste Incineration Directive (WID).

Other circumstances

Please note that where biodiesel is used as an automotive fuel or as a heating fuel in a domestic situation, its use would not be subject to the Environmental Permitting Regulations whether the biodiesel complies with the Quality Protocol or not.⁴

Enforcement

If the activity is likely to cause pollution or harm to human health, or there is a breach of waste management controls, we will take action in line with our Enforcement and Prosecution Policy (www.doeni.gov.uk/niea/niea_enforcement_policy.pdf)

Further advice

Detailed guidance on regulatory controls can be obtained from our website: www.doeni.gov.uk/niea or from Netregs: www.netregs.gov.uk

¹ Waste management controls are not required from the point at which the material is produced to the standard required by the Quality Protocol.

² In order for organisations in Northern Ireland to meet the requirements of the Quality Protocol, they must be fully compliant with the requirements of the Control of Pollution (Oil Storage) (Northern Ireland) Regulations 2010.

³ Burning fuel manufactured from waste in an appliance with a thermal input greater than 0.4MW will require a PPC permit.

⁴ The Pollution Prevention and Control Regulations (Northern Ireland) 2003 Part 2, paragraph 4.