

# Response to Defra's Consultation on the UK's implementation of the Pollutant Release and Transfer Register (PRTR)

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## About Energy UK

Energy UK is the trade association for the GB energy industry with a membership of over 90 suppliers, generators, and stakeholders with a business interest in the production and supply of electricity and gas for domestic and business consumers. Our membership encompasses the truly diverse nature of the UK's energy industry – from established FTSE 100 companies right through to new, growing suppliers and generators, which now make up over half of our membership.

Our members turn renewable energy sources as well as nuclear, gas and coal into electricity for over 26 million homes and every business in Britain. Over 619,000 people in every corner of the country rely on the sector for their jobs with many of our members providing long-term employment as well as quality apprenticeships and training for those starting their careers. The energy industry adds £83bn to the British economy, equivalent to 5% of GDP, and pays over £6bn in tax annually to HMT.

We appreciate the opportunity to respond to Defra's proposals in the consultation document. Our responses to individual consultation questions are set out below.

## Consultation questions

**1) In your opinion, do you agree that the UK has made the PRTR publicly accessible? Do you have any comments on how it could be improved?**

Yes, we agree, in as much as a website is available where PRTR data can be accessed reasonably easily. It is not clear, however, how much publicity the website has received, especially to non-specialist users. We believe its value is somewhat diluted and its use might be confused by the overlap with other UK inventories, which present similar but slightly different information – see response to Question 3.

**2) The UK is required to take measures to ensure that employees of a facility and members of the public who report a violation of national laws (by the facility) to public authorities are not penalised, persecuted or harassed for their actions. In your opinion, do you agree that the UK meets this requirement?**

We do not have enough evidence to take a view on this question.

**3) Where practicable the UK will take efforts to reduce duplicative reporting by integrating PRTR systems with existing information sources such as reporting mechanisms under licences or permits. In your opinion, do you think the UK's reporting systems reduce potential duplicate reporting requirements? Do you have any comments on how it could be improved?**

Yes, the current system largely avoids duplicate reporting requests, but there are some overlaps with EU Emissions Trading System (EU ETS) and Environmental Permit reporting (for example, reporting of Resource Efficiency Metrics), which should be addressed.

Operators report PRTR data to the relevant competent authority (CA) (Environment Agency, Natural Resources Wales, Scottish Environment Protection Agency) as part of UK administration-specific inventory reporting requirements. PRTR data is extracted from these submissions by the CA and included in the UK-PRTR and European PRTR (E-PRTR).

Whilst this approach generally avoids duplicate requests for PRTR data, each UK administration (England, Wales and Scotland) has slightly different inventory reporting requirements, often going beyond those of the UK-PRTR. These include reporting additional substances, applying different emission reporting thresholds and using 'not applicable' (n/a) and 'below reporting threshold' (brt) designations. Also, different electronic reporting systems are made available by each administration to facilitate reporting.

This adds to the burden of reporting by requiring industry guidance to cover all three reporting regimes and for operators with installations in different administrations to meet different reporting requirements for different locations and to use different electronic reporting systems.

The public-facing inventories containing data we submit are listed below:

- The Pollution Inventory (PI) (England only)
- Scottish Pollutant Release Inventory (SPRI) (Scotland only)
- UK-PRTR (all UK)
- E-PRTR (EU member states and others)

UK air emissions are also reported in the National Atmospheric Emissions Inventory (NAEI), with data largely derived from emission factors. However, we understand PRTR point source data also contribute to the NAEI, which covers a wider range of substances. We are not clear, however, on the precise relationship between such data as used in the NAEI and that derived from emission factors, which are updated from time to time. This could be clarified as part of a process of integrating and simplifying inventories.

We contend that having this number of inventories presenting similar information is potentially confusing for users and requires some unnecessary reporting by Operators. We have a number of suggestions:

1. Scrap the PI and SPRI and present all UK industrial point source emissions inventory information on the existing UK-PRTR, which should be limited to the requirements of the UNECE PRTR protocol and any general UK-wide requirements. Historic PI and SPRI data could be transferred to the updated UK-PRTR database.
2. Scrap the antiquated PI Electronic Data Capture and SPRI reporting systems and use a new system or perhaps modified version of the UK-PRTR electronic reporting system to collect data outlined in Point 1. In doing so, it may be necessary to increase functionality and to build in, for example, new quality assurance (QA) features and an ability to check data before and after final submission.
3. Integrate the UK-PRTR with the NAEI on a common website, rather than on the current separate and very different looking websites. This should enable diffuse air and point source emissions to be more effectively compared and contextualised.
4. Deal with any site-specific emissions reporting requirements through the installation permit.

The data required for E-PRTR reporting resides in the UK PRTR and so can continue to be used for this purpose in the event the UK's E-PRTR reporting requirement does not lapse after Brexit.

**4) The UK has developed the UK PRTR website so that it can be searched and identified in a number of ways and that it is presented in both aggregated and non-aggregated forms (which can be found here: <https://www.gov.uk/guidance/uk-pollutant-release-and-transfer-register-prtr-data-sets>). The available search functions include:**

- a. Facility and its geographical location;**
- b. Activity**
- c. Owner or operator, and, as appropriate, company**
- d. Pollutant or waste, as appropriate**
- e. Each of the environmental media (air, land or water) which the pollutant is released;**
- f. The destination of the waste transfer and, where appropriate, the disposal or recovery operation**

***In your opinion, do you agree that the UK meets this requirement? Are there other criteria you feel should be included in the search functions?***

***Where practical the UK shall ensure information on the release of pollutants from diffuse sources is collected and presented on the PRTR. Currently this information is presented on the National Atmospheric Emissions Inventory (NAEI) which is linked from the PRTR. In your opinion, do you agree that the UK meets this requirement? Do you have any comments on how it could be improved?***

The UK-PRTR offers useful publicly-accessible search functions. However, the link between the NAEI and UK-PRTR should be improved. See Point 3 in the response to Question 3.

***5) The UK requires that the owners or operators of the relevant facilities to complete and submit information to the competent authority on a facility-specific basis. This information includes:***

- a. The name, street address, geographical location and the activity or activities of the reporting facility, and the name of the owner or operator, and, as appropriate, company;***
- b. The name and numerical identifier of each pollutant required to be reported where thresholds are exceeded.***
- c. The amount of each pollutant where thresholds are exceeded, released from the facility to the environment in the reporting year. This should be in both aggregate and according to whether the release is to air, to water or to land, including by underground injection.***
- d. The amount of waste required to be reported transferred off-site in the reporting year, distinguishing between hazardous waste and other waste, for any operations of recovery or disposal. For transboundary movements of hazardous waste, the name and address of the recoveree or disposer of the waste and the actual recovery or disposal site receiving the transfer.***
- e. The amount of each pollutant in waste water required to be reported transferred off-site in the reporting year;***
- f. The type of methodology used to derive the information referred to in sub-paragraphs (c) to (e) above, indicating whether the information is based on measurement, calculation or estimation.***

***In relation to paragraphs (c) to (e) above the information shall include releases and transfers from routine activities and from extraordinary events. The UK is required to ensure this information is included in the PRTR.***

***In your opinion, do you agree that the UK meets this requirement?***

Yes, in as much as Operators meet their obligations to submit data specified by CAs.

***6) The UK needs to ensure that the information is publicly available, compiled and presented on the register by calendar year, and within fifteen months from the end of each reporting year. In your opinion, do you agree that the UK meets this requirement?***

Yes, in as much as Operators meet their obligations to submit data specified by CAs within the required timescales.

***7) The UK requires the owners or operators of the applicable facilities to quality assure the information that they report. The data contained on the PRTR needs to be subject to quality assessment as to the completeness, consistency and credibility. Information on how this is done in the UK can be found here: (<https://www.gov.uk/guidance/uk-pollutant-release-and-transfer-register-prtr-data-sets#>). In your opinion, do you agree that the UK meets this requirement? Do you have any comments on how it could be improved?***

Yes, the UK meets this requirement reasonably well for sites in England. Requirements are satisfied through the use of detailed sector reporting guidance and automated QA checks in the CA electronic reporting system, although this is not infallible. The QA checks should be improved in the UK-PRTR reporting system used by Operators of installations in Wales.

***8) The UK shall ensure public access to information contained in the PRTR primarily by ensuring the register provides for direct electronic access. Where this isn't possible the UK shall, upon request, provide the information by any other effective means (at the latest within one month after the request). The PRTR is also required to be free of charge. In your opinion, do you agree that the UK meets this requirement? Do you have any comments on how it could be improved?***

Yes, in our experience the UK meets this requirement.

***9) The UK may authorise certain information held on the register to be kept confidential where public disclosure of the information would adversely affect international relations, national defence, public security, the course of justice, the confidentiality of commercial and industrial information (where protected by law), intellectual property rights, or the confidentiality of personal data where provided by national law. In your opinion, do you agree that the UK applies this requirement in an appropriate manner? Do you have any comments on how it could be improved?***

Yes, in our experience the UK applies this requirement in an appropriate manner.

***10) The UK shall ensure any person who considers that his or her request for information under the requirements in Article 11, paragraph 2 (public access to information where the information is not publicly accessible by direct electronic means), has been ignored, wrongfully refused, inadequately answered or otherwise not dealt with, has access to a review procedure before a court of law or another independent and impartial body. In your opinion, do you have confidence that you would be able to access a review procedure if required?***

We are unsure, as this issue has not arisen in our experience.

**11) The UK shall promote public awareness of the PRTR and shall ensure that assistance and guidance are provided in accessing the register and in understanding and using the information contained in it. In your opinion, do you agree that the UK meets this requirement? Do you have any comments on how it could be improved?**

We are unsure, as we interact with the PRTR from the point of view of specialists.

**12) Please provide any further comments you may have that are relevant to the UK's implementation of the Protocol.**

We have no further comments.

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