

 **Regulatory position statement**

**Permitting of Pyrolysis and Gasification of Waste Activities**

 **01 June 2025**



**Purpose**

This Regulatory Position Statement (RPS) sets out SEPA’s approach to the permitting of pyrolysis and gasification processes (which use waste as the starting material and then produce outputs such as syngas, synoil or char) where the syn-gas meets the conditions laid out in Article 42(1) of the Industrial Emissions Directive (IED) and it, along with all other products as necessary, receive ‘End-of-Waste’ approval prior to being burned. Specifically, this RPS sets out the prescribed activity under the Environmental Authorisation (Scotland) Regulations 2018 (EASR).

 To support this Regulatory Position Statement, separate guidance is available which provides additional information on how to demonstrate an ‘End-of-Waste’ case for the syn-gas and the information that will be required to support an application.

**Background**

The second paragraph of Article 42(1) of the IED states: “This Chapter [Chapter IV] shall not apply to gasification or pyrolysis plants, if the gases resulting from this thermal treatment of waste are purified to such an extent that they are no longer a waste prior to their incineration and they can cause emissions no higher than those resulting from the burning of natural gas.”

SEPA has received a number of proposals seeking to obtain a permit for pyrolysis and gasification processes used to produce outputs such as syngas, synoil or char, where the syn-gas could meet the conditions laid out in Article 42(1) of the IED and an ‘End-of-Waste’ case could be made prior to being burned.

Where the waste syn-gas does not meet these criteria and that syn-gas is subsequently incinerated the activity will be treated as an activity under EASR.

In the situation where the waste syn-gas is cleaned to such an extent that it can meet an ‘End-of-Waste’ case (meeting a standard equivalent to natural gas) before it is burned, the activity that is being carried out could be considered to be either combustion or pyrolysis 2.

 **SEPA Position**

Until publication of additional guidance where waste undergoes pyrolysis/gasification and the requirements of Article 42(1) of the IED are met (an ‘End-of-Waste’ case can be made for the syn-gas, along with all other products as necessary, prior to being burned), the activity shall be permitted as a Section 1.2(c) activity 3 , unless the process produces charcoal as the main product. 4

Where the syn-gas produced does not meet the requirements of Article 42(1), the syngas or other products do not receive ‘End-of-Waste’ approval or the operator cannot demonstrate evidence of compliance with the requirements, this Regulatory Position Statement shall not apply. In such circumstances, the operator will require to be permitted as a waste incineration activity or will risk committing an offence.

This statement applies only in Scotland. The terms of this statement may be subject to periodical review and be changed or withdrawn in light of technological developments, regulatory or legislative changes, future government guidance or experience of its use. SEPA reserves its discretion to depart from the position outlined in this statement and to take appropriate action to avoid any risk of pollution or harm to human health or the environment.

