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Interpretation of terms

For the purposes of this Permit, and unless the context requires otherwise, the following definitions shall apply:

“Anaerobic Digestion” or “AD” has the same meaning as in the Waste Management Licensing (Scotland) Regulations 2011.

“Authorised Person” means a person who is authorised in writing under Section 108 of the Environment Act 1995 to carry out duties on behalf of SEPA;

“commissioning” means the commencement in operation of the Permitted Installation or part thereof, for the first time following construction, or after any significant modification or change. It includes: the planning and management of the commissioning or the Permitted Installation or part thereof; functional testing of equipment; introducing process materials to the plant; resolution of technical and procedural problems; confirmation that all aspects of the plant operate as designed or planned; and confirmation the plant operates within the conditions of the Permit.

“emission” has the same meaning as in the Regulations;

“incident” means any of the following situations:

- Where an accident occurs which has caused or may have the potential to cause pollution;
- Where any malfunction, breakdown or failure of plant or techniques is detected which has caused or may have the potential to cause pollution;
- A breach of any condition of this Permit;
- Where any substance, vibration, heat or noise specified in any Condition of this Permit is detected in an emission from a source not authorised by a Condition of this Permit and in a quantity which may cause pollution;
- Where an emission of any pollutant not authorised to be released under any Condition of this Permit is detected;
- Where an emission of any substance, vibration, heat or noise is detected that has exceeded, or is likely to exceed, or has caused, or is likely to cause to be exceeded any limit on emissions specified in a Condition of this Permit.

“Location Plan” means the plan attached at Schedule 1;

“non-hazardous waste” means waste which is not hazardous waste;

“operating hours” means the time, expressed in hours, during which a medium combustion plant is operating and discharging emissions into the air, excluding start-up and shut-down periods.

“operation” has the same meaning as in The Pollution Prevention and Control (Scotland) Regulations 2012, A Practical Guide (Part A Activities), Issue 2;

“the Permitted Activities” are defined in Schedule 1 of this Permit;

“the Permitted Installation” is defined in Schedule 1 of this Permit and includes references to parts of the Permitted Installation;

“pollutant” and “pollution” have the same meaning as in the Regulations;

“the Regulations” means The Pollution Prevention and Control (Scotland) Regulations 2012;

“Sealed drainage system” has the same meaning as in paragraph 45(7) of Schedule 1 of the Waste Management Licensing (Scotland) Regulations 2011

“SEPA” means the Scottish Environment Protection Agency;

“the Site Boundary” is defined in Schedule 1 of this Permit;

“Site Plan” means the plan attached at Schedule 1;

“start-up and shut-down” as defined in the Commission Implementing Decision (2012/249/EU), OJ L 334, 17.12.2000, p.17.

“waste” has the same meaning as in the Regulations;

“water environment” has the same meaning as in the Water Environment and Water Services (Scotland) Act 2003 that is all surface water, groundwater and wetlands; and “surface water”, “groundwater” and “wetlands” shall have the same meanings as in the Act.

Any reference to a numbered Condition, group of Conditions, Schedule, Table, Appendix, Figure or Paragraph is a reference to the condition, group of conditions, schedule, table, appendix, figure or paragraph bearing that number in this licence;

Except where specified otherwise in this Permit:

- “day” means any period of 24 consecutive hours,
 - “week” means any period of 7 consecutive days,
 - “month” means a calendar month,
 - “quarter” means a calendar quarter
 - “year” means any period of 12 consecutive months;
- and any derived words (e.g. “monthly”, “quarterly”) shall be interpreted accordingly;

Except where specified otherwise in this Permit, any reference to an enactment or statutory instrument includes a reference to it as amended (whether before or after the date of this Permit) and to any other enactment, which may, after the date of this Permit, directly or indirectly replace it, with or without amendment.

1 DESCRIPTION OF PERMITTED INSTALLATION

1.1 Description of Permitted Installation

1.1.1 The permitted installation to which this permit applies (“the permitted installation”) is:

1.1.1.1 The stationary technical unit specified in paragraph 1.1.4 (the stationary technical unit), where the activities specified in paragraph 1.1.3 are carried out (“the activities”), together with the directly associated activities specified in paragraph 1.1.5 (“the directly associated activities”).

1.1.2 The general location of the Permitted Installation is as shown on the Location Plan.

1.1.3 The Activities carried out at the Stationary Technical Unit are:

1.1.3.1 The recovery or a mix of recovery and disposal of non-hazardous waste at an installation with a capacity exceeding 100 tonnes per day falling within Schedule 1, Part 1, Chapter 5, Section 5.4, Part B (b)(i) of the Regulations; namely the biological treatment of non-hazardous biodegradable wastes by anaerobic digestion’.

1.1.4 The Stationary Technical Unit comprises the following units:

1.1.4.1 A bunded tank farm consisting of :-

1.1.4.1.1 One heated pre-storage tank with a capacity of 100m³

1.1.4.1.2 One pre-storage tank with a capacity of 300m³

1.1.4.1.3 Two fermenter tanks, each with a capacity of 10053m³

1.1.4.1.4 Two feed hoppers, each with a capacity of 150m³

1.1.4.1.5 Three pasteurisation units, each with a capacity of 20m³

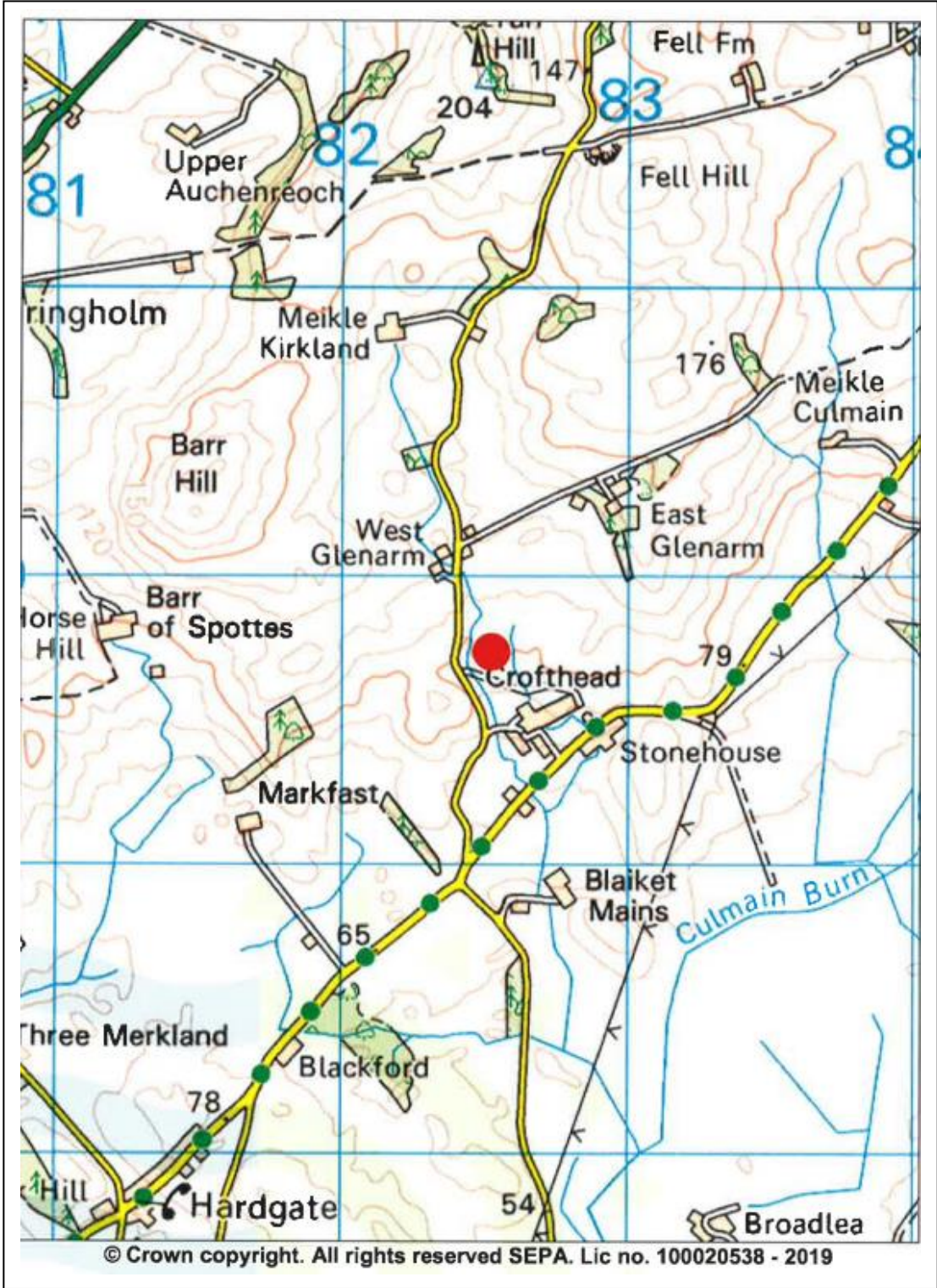
1.1.4.1.6 One digestate liquor buffer tank with a capacity of 628m³

1.1.4.1.7 One Ferric chloride storage tank with a capacity of 42m³

1.1.4.2 Solid feedstock storage bays, and separation bay

- 1.1.5 The following Directly Associated Activities are carried out on the Site:
- 1.1.5.1 Biogas upgrading unit
 - 1.1.5.2 Surface water collection, flow control, and treatment in a Sustainable Urban Drainage Scheme (SUDS) comprising a swale and detention basin
 - 1.1.5.3 Emergency gas flare
 - 1.1.5.4 Propane storage tank
 - 1.1.5.5 Biogas powered combined heat and power (CHP) unit with a thermal input rating of 1.25MW
 - 1.1.5.6 Biogas boiler with a thermal input rating of 2.657 MW
 - 1.1.5.7 Emergency backup generator with a thermal input rating of 1.251 MW
 - 1.1.5.8 A CO₂ Recovery Plant and Dry ice production facility comprising:
 - 1.1.5.8.1 Underground gas pipeline from the biogas upgrade unit, with inline methane detector
 - 1.1.5.8.2 CO₂ recovery plant with associated compressors, carbon filter, condensers using ammonia and glycol as refrigerants
 - 1.1.5.8.3 Two liquified CO₂ storage tanks each with a capacity of 62,000kg
 - 1.1.5.8.4 A liquid CO₂ offloading point for road tankers
 - 1.1.5.8.5 Dry Ice Production Facility with vent to atmosphere
 - 1.1.6 The permitted installation to which this permit applies ("the Permitted Installation) is:-
 - 1.1.6.1 The parts of the installation which comprise the Directly Associated Activities described in Paragraphs 1.1.5.8 (1.1.5.8.1 to 1.1.5.8.5). The location of the permitted installation of the site is delineated in green on the site plan.
 - 1.1.6.2 For the purposes of this permit, the Directly Associated Activities described in Paragraphs 1.1.5.8 (1.1.5.8.1 to 1.1.5.8.5) shall be known together as "the Permitted Activities"

1.3 Location Plan



2 GENERAL CONDITIONS

2.1 Administration

- 2.1.1 An appropriate person (and deputy) shall be appointed as the primary point of contact with SEPA. SEPA shall be notified in writing of the name of the appointed person (and deputy) within 4 weeks of the date of the Permit.
- 2.1.2 In the event of a different person being appointed to act as primary point of contact (or deputy) SEPA shall be notified in writing of the name of the appointed person or deputy without delay.
- 2.1.3 A copy of this Permit shall be kept at the Permitted Installation and shall be made readily accessible for examination by all staff.
- 2.1.4 Any systems or procedures used to demonstrate compliance with a condition of this Permit shall be recorded.

2.2 Records

- 2.2.1 All records made in compliance with this Permit shall be kept in a systematic manner.
- 2.2.2 Unless otherwise specified in a condition of this Permit, every record made in compliance with a condition of this Permit shall be preserved for not less than 5 years from the date of its being made. Every such record shall be kept at the Permitted Installation for not less than one year from the date of its being made and thereafter preserved at a location, previously notified to SEPA in writing, if that location is not the Permitted Installation.
- 2.2.3 All records shall be legible, and any amendment made to any record made in compliance with a condition of this Permit shall be made in such a way as to leave the original entry clear and legible. The reason for each amendment shall be explained in the said record.
- 2.2.4 Without prejudice to Condition 2.2.3 above, all records relevant to the operation or maintenance of the Permitted Installation shall be kept at the Permitted Installation for not less than one year from the end of the period to which they apply.

2.3 Reporting

- 2.3.1 Where any condition of this Permit requires information to be reported, a report shall be forwarded to SEPA by the date(s) or within the period or at the frequency specified in Table 2.1, and, where appropriate, the first report shall be due on the date specified in that Table. All such reports shall include the Permit number, Permit Condition number and the name of the Operator.
- 2.3.2 Where any condition of this permit requires a report to be submitted, that report shall contain sufficient and accurate information to allow an assessment of the compliance with the conditions requiring the report and the report shall be made in accordance with any guidance published by SEPA.

2.3.3 Where the Permitted Installation has not operated for the duration of any relevant reporting period specified in Table 2.1, the Operator shall provide written notification to SEPA. This shall confirm that no relevant reports have been made in terms of Condition 2.3.1, because the Permitted Installation has not operated during the said period. Such notifications shall be submitted within one month of the end of the reporting period concerned.

2.3.4 All notifications required by any condition of this Permit shall be made to SEPA in the manner specified in that condition to the address specified in the explanatory notes attached to this Permit by the date/ period specified in Table 2.1. All such notifications shall include the Permit number, Permit Condition number and the name of the Operator.

2.4 Incidents

2.4.1 In the event of an incident all necessary measures shall immediately be taken:

- a) to prevent, or where that is not practicable to reduce, emissions from the Permitted Installation;
- b) to limit the environmental consequences as a result of that incident; and
- c) to prevent further possible incidents.

2.4.2 Without prejudice to the requirements of Condition 2.4.1, in the event of an incident involving the breach of any condition of the Permit all measures necessary to ensure that compliance is restored in the shortest possible time shall immediately be taken.

2.4.3 Notwithstanding the requirements of Conditions 2.4.1 and 2.4.2 where a breach of any condition of the Permit poses an immediate danger to human health or threatens to cause an immediate significant adverse effect on the environment, operation of the Permitted Installation or relevant part thereof shall be immediately suspended until such time as it can be operated in compliance with this Permit.

2.4.4 In the event of an incident, or a breach of any condition of this permit, SEPA shall be notified by telephone without delay to 0800 80 70 60. This notification shall include as far as practicable the information specified in Condition 2.4.5.

2.4.5 Any incident shall be confirmed in writing to SEPA by the next working day after identification of the incident. This confirmation shall include:

- a) the time and duration of the incident,
- b) the receiving environmental medium or media where there has been any emission as a result of the incident,
- c) an initial estimate of the quantity and composition of any emission,
- d) the measures taken to prevent or minimise any emission or further emission and a preliminary assessment of the cause of the incident.

2.4.6 Any incident notified to SEPA shall be investigated, and a written report of the investigation sent to SEPA. The report shall detail, as a minimum,

- a) the circumstances of the incident,
- b) an assessment of any harm to the environment and the steps taken by to bring the incident to an end.
- c) The report shall also set out proposals for remediation, where necessary, and for preventing a repetition of the incident.

Unless otherwise agreed with SEPA in writing the report shall be sent to SEPA within 14 days of the date of the incident.

2.4.7 Within 6 months of the date of permit issue the operator shall prepare, implement and maintain an “incident prevention and mitigation plan”

2.4.8 At least every 2 years, the operator shall review the incident prevention and mitigation plan required under 2.4.7. Each review of the said incident prevention and mitigation plan shall be recorded and where the operator makes any revisions to the said plan, the revisions should be recorded.

2.5 Resource Utilisation

2.5.1 Over the specified 4 year period, the Operator shall carry out a systematic assessment to determine:-

- a) how and where raw materials (including water and fuel) and energy are used within the Permitted Installation;
- b) the quantities of raw materials (including water and fuel) and energy that are used within the Permitted Installation;
- c) how and where emissions and wastes are generated within the Permitted Installation;
- d) the quantities of emissions and wastes generated within the Permitted Installation;
- e) how and where raw materials (including water) and energy can be utilised more efficiently within the Permitted Installation to minimise emissions and waste; and
- f) which identified opportunities/projects, within a specified timeframe, will be implemented at the Permitted Installation.

2.5.2 The assessment required by condition 2.6.1 shall be recorded using the “systematic assessment of resource use and efficiency template”, (available at www.sepa.org/) or equivalent format as agreed by SEPA and reported to SEPA at the end of the 4 year assessment cycle (as specified in Table 2.3).

2.5.3 The applicant shall implement the resource efficiency measures identified in the systematic assessment within the timescales specified in the systematic assessment.

2.5.4 The information required in 2.5.1 b) and d) shall be recorded annually.

2.5.5 For the purposes of Conditions 2.5.1, “raw materials, energy and fuel” shall mean the materials listed in Table 2.4.

2.6 Waste Handling and Storage

- 2.6.1 The operator shall maintain a record of the location, estimated quantities and types of waste stored within the permitted installation. The said record shall be updated weekly.

2.7 Protection of Soil and Groundwater

- 2.7.1 There shall be no emission of any pollutants to groundwater or soil from the Permitted Installation.
- 2.7.2 Plans shall be maintained that identify the configuration and specification of all drains and subsurface pipe-work and the position and purpose of all subsurface sumps and storage vessels that are used or have been used within the Permitted Installation from the date of this Permit until the Permit is surrendered.
- 2.7.3 A record shall be maintained of any incident that has, or might have, impacted on the condition of any soil or groundwater under the Permitted Installation, either as a result of that incident or as a result of an accumulation of incidents, together with a record of any further investigation or remediation work carried out.
- 2.7.4 Notwithstanding the requirements of any other condition requiring records to be kept for a limited period of time the record required by Condition 3.7.3 shall be preserved until this Permit is surrendered.
- 2.7.5 At least every 4 years, the operator shall carry out a systematic assessment shall be carried out of all measures used to prevent emissions from the Permitted Installation to soil and groundwater. A written report of each assessment shall be recorded and reported to SEPA within 3 months of the completion of the assessment. The report shall include details of and timescales for any additional measures that are required to prevent emissions to soil and groundwater.
- 2.7.6 The groundwater at the site shall be monitored for the relevant hazardous substances specified in table 2.1 at the frequency specified in table 2.1, the purpose of which shall be to identify groundwater contamination associated with the activities specified in Table 2.1 by those relevant hazardous substances. Each assessment shall be recorded and reported to SEPA. The first assessment shall be completed by 4 November 2024. Each assessment shall include interpretation of the results with reference to previous monitoring undertaken (including the site and where applicable baseline reports) and operations at the Permitted Installation. Details of corrective actions that are required to protect groundwater and remedy any contamination that has occurred as a result of the Permitted Activities shall be included.

Table 2.1 – Groundwater monitoring requirements

Relevant hazardous substance	Activity to be monitored	Frequency
Iron TPH carbon banded, with aliphatic aromatic split Glycols	BH101. BH102, BH103 as indicated on the site plan	At least every 5 years
pH, ammonical nitrogen, chloride, electrical conductivity, BOD, COD, Total Organic Nitrogen, phosphorus. Visual Screen for oils	BH101. BH102, BH103 as indicated on the site plan	At least every 2 years

- 2.7.7 The soil at the site shall be monitored for the relevant hazardous substances specified in table 2.2 at the frequency specified in Table 2.2, the purpose of which shall be to identify soil contamination associated with the activities specified in Table 2.2 by those relevant hazardous substances. Each assessment shall be recorded and reported to SEPA. The first assessment shall be completed by 4 November 2030. The assessment shall include interpretation of the results with reference to previous monitoring undertaken (including the site and where applicable baseline reports) and operations at the Permitted Installation. Details of corrective actions that are required to protect soil and remedy any contamination that has occurred as a result of the Permitted Activities shall also be included.

Table 2.2 – Soil monitoring requirements

Relevant hazardous substance	Activity to be monitored	Frequency
pH, Ammonical Nitrogen, Chloride, Electrical conductivity, BOD, COD, Total Organic Nitrogen, Phosphorus, Iron, TPH carbon banded with aliphatic/ aromatic split, Glycols	Underground pipework	At least every 10 years

- 2.7.8 The operator shall submit a detailed soil and groundwater monitoring plan, for the monitoring required by conditions 2.7.6 and 2.7.7 to SEPA at least three months in advance of carrying out any monitoring. The monitoring plan shall include the locations at which monitoring shall be carried out and the sampling and analytical methodology to be used.

- 2.7.9 The operator shall carry out the monitoring required by condition 2.7.6 and 2.7.7 in accordance with the soil and groundwater monitoring plan required by condition 2.7.8.
- 2.7.10 The operator shall review the plan required by Condition 2.7.8 no later than 6 months after each monitoring event. The purpose of the review shall be to determine whether any changes to monitoring locations, frequency or parameters are required. Where changes are proposed, a revised plan shall be submitted to SEPA.
- 2.7.11 Notwithstanding the requirements of Condition 2.2.3 all plans, monitoring and assessments reports undertaken in accordance with Conditions 2.7.2, 2.7.6, 2.7.7 and 2.7.8 shall be preserved until the Permit is surrendered.
- 2.7.12 The operator shall maintain the groundwater monitoring wells detailed in the plan required by Condition 2.7.6 in a condition fit for purpose, unless otherwise agreed in writing with SEPA. Where a well's function is compromised it shall be repaired or replaced to allow sample collection in accordance with Conditions 2.7.6.

2.8 Start-up and Shut-down

- 2.8.1 By 3 months prior to Commissioning of the Installation or part thereof, the Operator shall prepare, implement and maintain a plan ("the Start-up and Shut-down Plan") setting out the necessary steps to be taken by the Operator prior to start-up or shut-down of operations of the Permitted Installation, or part thereof, to ensure that all appropriate preventative measures are taken against pollution and that no significant pollution is caused.
- 2.8.2 At least every 2 years the Operator shall review the Start-up and Shut-down Plan required under Condition 2.8.1. Each review of the plan shall be recorded and where the Operator makes any revisions to the plan, these revisions shall be recorded.

2.9 De-commissioning

- 2.9.1 The Operator shall maintain a plan ("the De-commissioning Plan") for the de-commissioning of the Permitted Installation. The De-commissioning Plan shall set out the steps to be taken by the Operator after final cessation of the Permitted Activities.
- 2.9.2 The Operator shall notify SEPA in writing of its intention to cease the Permitted Activities, or any part thereof, for any period exceeding 12 months, no later than one month prior to the proposed date of cessation.
- 2.9.3 The Operator shall implement the De-commissioning Plan on final cessation of the Permitted Activities or any part thereof.
- 2.9.4 The Operator shall review, record and, where necessary, update the De-commissioning Plan:
- a) at least every 4 years; and

- b) where the Operator plans to make a substantial change in the extent or nature of the Permitted Installation.

2.10 Sampling and Monitoring Facilities

- 2.10.1 Sampling measurement and monitoring facilities at the permitted installation shall conform to the requirements of the relevant test methods specified in any condition in the permit or as otherwise agreed in writing by SEPA.
- 2.10.2 Unrestricted access to all sampling points required by any condition of this permit shall be provided at all times.

2.11 Staffing and Management

- 2.11.1 All staff engaged in carrying on the Permitted Activities shall be provided with adequate professional and technical development training and written operating instructions to enable them to carry out their duties.
- 2.11.2 The operator shall ensure that all staff engaged in carrying on the Permitted Activities are fully conversant with those aspects of the Permit Conditions which are relevant to their duties.
- 2.11.3 The operator shall maintain a record of the skills and training requirements for each job and shall keep records of all relevant training.
- 2.11.4 The permitted Installation shall be managed and supervised by appropriately qualified persons to ensure that the conditions of the Permit are being complied with.

Table 2.3: Reporting and Notification Requirements

Summary of information to be reported/notified	Condition	Date/within period/frequency to be reported	Date report due
Primary and deputy point of contact with SEPA	2.1.1 and 2.1.2	Without delay where there is a change of contact	Within 4 weeks of date of Permit
Non-operation during any relevant reporting period in Table 2.1	2.3.3	As required	Within 1 month of end of the reporting period concerned
Incident notification	2.4.5	As required	Without delay by telephone to 0800 807060, confirmation in writing by the next working day
Incident investigation report	2.4.6	As required	Within 14 days of the date of incident unless agreed otherwise with SEPA
Systematic assessment of resource use and efficiency	2.6.2	At least every 4 years	31 January 2026
Soil and Groundwater protection measures	2.7.5	At least every 4 years	31 January 2026
Groundwater monitoring requirements	2.7.6	Within 1 month of analysis being completed	4 November 2024
Soil monitoring requirements	2.7.7	Within 1 month of analysis being completed	4 November 2030
Detailed groundwater monitoring plan	2.7.8	At least three months in advance of monitoring being carried out	At least three months in advance of monitoring being carried out
Revised methodology for ground water/soil monitoring	2.7.10	Within 6 months of ground water or soil monitoring being carried out	If review shows changes to monitoring required
Noise and vibration assessment	3.2.1	At least every 4 years	31 January 2026

Table 2.4: Raw Materials

Raw material, Energy or Fuel	Unit of Measurement
Activated Carbon Filters	Kg
CO ₂ from AD plant	m ³
CO ₂ imported	m ³
Refrigerants (NH ₃)	litres
Refrigerants (Glycol)	litres
Water	m ³
Diesel	m ³
Electricity	(kWh)
Electricity (from CHP at AD plant)	(kWh)

3 CONDITIONS APPLYING TO THE PERMITTED INSTALLATION AS A WHOLE

3.1 Sampling and Monitoring Facilities

- 3.1.1 Sampling, measurement and monitoring facilities at the Permitted Installation shall conform to the requirements of the relevant test methods specified in any condition of the Permit or as otherwise agreed in writing by SEPA.
- 3.1.2 Unrestricted access to all sampling points required by any condition of this Permit shall be provided at all times to Authorised Persons.

3.2 Noise and Vibration

- 3.2.1 Unless otherwise specified in any other condition of this Permit at least every 4 years a systematic assessment of noise and vibration emissions associated with operations at the Permitted Installation shall be undertaken. The purpose of the assessment shall be to identify methods of reducing noise and vibration emissions. Each assessment shall be recorded and reported to SEPA within one month of the completion of the assessment.

3.3 Odour

- 3.3.1 All emissions to air from the Permitted Installation shall be free from offensive odour, as perceived by an Authorised Person, outside the site boundary.

3.4 Particulate Matter

- 3.4.1 All emissions to atmosphere from the Permitted Installation shall be free from visible emissions of particulate matter and fallout of particulate matter beyond the site boundary.

3.5 Impermeable Pavement and Drainage

- 3.5.1 All working surfaces shall be impermeable to water and laid to falls that direct surface run-off to a purpose designed drainage system.

3.6 Water and Effluent Discharge Conditions

- 3.6.1 There shall be no discharge to the surface water drainage system from the Permitted Installation other than uncontaminated surface water.

3.7 Refrigerant/Coolant Leakage Detection

- 3.7.1 The refrigerant/coolant leak detection monitoring system shall be provided.
- 3.7.2 In the event of a leak being detected a signal shall activate warning audible and visual alarms and the refrigerant plant shall be automatically shut down.
- 3.7.3 Any leakage of refrigerant/coolant detected shall be recorded in accordance 2.4.1

3.8 Air Emissions Conditions

- 3.8.1 The Emissions to air specified in Table 3.1, shall be permitted only from the Emission locations specified in that Table and shall not exceed the limits for the parameters specified in the said Table.
- 3.8.2 All emissions to air arising from the Permitted Installation, other than steam or water vapour, shall be colourless and free from persistent mist, fume and droplets.

3.9 Operation of process

- 3.9.1 The operator shall record the location and settings for all pressure valves (PRVs) associated with the process.
- 3.9.2 All PRVs shall be linked to an alarm system which shall be connected to telemetry 24 hours a day
- 3.9.3 Any activation of the PRVs will be regarded as an incident and must be reported to SEPA without delay. The time, date and duration of the incident will be automatically recorded.

Table 3.1 – Emissions to air

Source of emission	Emission point number	A1
	Emission Source	CO ₂ exhaust
Monitoring Details	Type of monitoring	Visual inspection
	Sampling location	Within site boundary
Limits for parameter from emission source	Particulate matter	Colourless and free from persistent mist, fume and droplets.

EXPLANATORY NOTES

(These Explanatory Notes do not form part of the Permit)

1. BAT

It should be noted that Regulation 22(1) of the Regulations specify that there is a Condition in every Permit that, in operating the installation or mobile plant, the Operator must use the best available techniques (BAT) for preventing or, where that is not practicable, reducing emissions from the installation or mobile plant.

This Condition does not apply in relation to any aspect of the operation of the installation or mobile plant, which is regulated by a specific condition of the Permit or standard rule.

BAT is defined in Regulation 4 of the Regulations. as follows:

"Best available techniques" means the most effective and advanced stage in the development of activities and their methods of operation which indicates the practical suitability of particular techniques for providing in principle the basis for emission limit values and other Permit conditions designed to prevent and, where that is not practicable, generally to reduce emissions and the impact on the environment as a whole.

"available techniques" means those techniques which have been developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the cost and advantages, whether or not the techniques are used or produced inside the United Kingdom, as long as they are reasonably accessible to the operator.

"best" means in relation to techniques, the most effective in achieving a high general level of protection of the environment as a whole.

"techniques" includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned.

Schedule 3 of the Regulations specifies the matters to be taken into account in determining BAT.

In considering BAT, SEPA would expect the Operator to have regard to all relevant PPC sectoral or other technical guidance, including BAT Conclusions, BAT Reference Documents published by the European Commission and technical guidance published by the Environment Agency and other relevant regulatory authorities.

2. GENERAL STATUTORY REQUIREMENTS

The Permit does not detract from any other statutory requirements applicable to you in respect of the Permitted Installation, such as any need to obtain planning permission or building regulations approval or any responsibilities under legislation for health, safety and welfare in the workplace.

3. APPEALS

If you are aggrieved by any of the Conditions of the Permit, you should initially contact the local SEPA Office at the address or telephone number below. Further information on your right of appeal and the appeals procedure is contained Regulation 58 and Schedule 8 of the Regulations.

4. SUBSISTENCE CHARGES

An annual subsistence charge will be payable in respect of the Permit in terms of the Pollution Prevention and Control (Scotland) Charging Scheme or any relevant charging scheme made under Section 41 of the Environment Act 1995, copies of which are available from SEPA.

5. ADDRESS AND TELEPHONE NUMBERS

The contact address and telephone number for all information to be reported in terms of the Permit, is as follows:

Scottish Environment Protection Agency
Angus Smith Building
Maxim 6
Parklands Avenue
Eurocentral
Holytown
North Lanarkshire
ML1 4WQ
Tel No: 0800 80 70 60 and/or 03000 99 66 99

6. REVIEW OF CONDITIONS

The Conditions of the Permit will be periodically reviewed by SEPA.

7. PROPOSED CHANGE IN OPERATION OF INSTALLATION

It is a requirement of Regulation 45 of the Regulations that if you propose to make a change in the operation of the installation, you must notify SEPA at least 14 days before making the change. The requirement under Regulation 45 does not apply if you have already made an application to SEPA for the variation of the Conditions of the Permit containing a description of the proposed change.

N.B. the requirements of Regulation 45 are in addition to any obligations you may have under the Permit itself to only operate the Permitted Installation in the manner set out in the Permit and to notify SEPA of proposed changes to the Permitted Installation.

Regulation 16 and Schedule 7 of the Regulations provide details on applications for variation of the Permit in respect of proposed changes and substantial changes in operation.

“Change in operation” and “substantial change in operation” are defined in Regulation 2 of the Regulations.

8. ENFORCEMENT & OFFENCES

Regulation 52 places a duty on operators to immediately give notice to SEPA of any breach of condition of the Permit for the installation or mobile plant.

If SEPA is of the opinion that you have contravened or are contravening or are likely to contravene a condition of the Permit it may serve an enforcement notice. Further details on Enforcement Notices are provided in Regulation 55 of the Regulations.

If SEPA is of the opinion that the operation of an installation or mobile plant: poses an immediate danger to human health; or threatens to create an immediate significant adverse effect upon the environment; or involves a risk of serious pollution it must, in certain circumstances, serve a Suspension Notice on you. Further details on Suspension Notices are provided in Regulation 56 of the Regulations.

It is an offence to operate an installation or mobile plant covered by the Regulations without a Permit or in breach of the Conditions of the Permit. It is an offence to fail to comply with the requirements of an Enforcement or Suspension Notice. It is an offence to intentionally make a false entry in any record required to be kept under a Condition of a Permit. Further details on offences and on penalties liable to be imposed upon conviction of an offence are provided in Regulation 67 of the Regulations.

Directors, managers and other individuals within a company may be held personally liable for offences under the Regulations.

All personnel who are responsible for fulfilling any Condition of the Permit should be made aware of these facts.

9. BREACH OF A PERMIT CONDITION

Regulation 52 of the Regulations specifies that the operator of an installation must immediately give notice to SEPA of any breach of a condition of the Permit. It is an offence to fail, without reasonable excuse to comply with Regulation 52.

Any statement made by an operator to SEPA for the purposes of complying with regulation 52 may only be used in a prosecution for an offence where in giving evidence the operator makes a statement inconsistent with the initial notification.

All personnel who are responsible for fulfilling any condition of the Permit should be made aware of these facts.

10. RECORDED SYSTEMS, PROCEDURES OR INFORMATION RECORDING/ RETURN REQUIREMENTS

Where a Condition requires any system, procedure or information record/return, the Operator may demonstrate compliance by making use of any relevant existing written system used for any other purpose and which meets the requirements of the relevant Condition.

11. SYSTEMATIC ASSESSMENT (AND REVIEW)

Where a condition of the Permit requires a “systematic assessment (and review)” the assessment should be undertaken in a methodical and arranged manner. If you require guidance on the scope or extent of any assessment (and review) required to be undertaken, you should contact your local SEPA office at the address or telephone number given above.

DRAFT FOR CONSULTATION