Mersen Holytown UK Ltd

Permit Variation VN07

PPC/A/1018364

CONTENTS

1 NON TECHNICAL SUMMARY OF DETERMINATION....2
2 EXTERNAL CONSULTATION AND SEPA'S RESPONSE....Error! Bookmark not defined.
3 ADMINISTRATIVE DETERMINATIONS....5
4 INTRODUCTION AND BACKGROUND....5
4.1 Historical Background to the activity and application/variation....5
4.2 Description of activity....ERROR! BOOKMARK NOT DEFINED.
4.3 Outline details of the Variation applied for/proposed (delete if not dealing with a variation)6
4.4 Guidance/directions issued to SEPA by the Scottish Ministers under Reg.60 or 61....6
4.5 Identification of important and sensitive receptors....6
5 KEY ENVIRONMENTAL ISSUES....Error! Bookmark not defined.
5.1 Summary of significant environmental impacts....6
5.2 Implications of the Variation on - Point Sources to Air....7
5.3 Implications of the Variation on - Point Source Emissions to Surface Water and Sewer....8
5.4 Implications of the Variation on - Point Source Emissions to Groundwater....8
5.5 Implications of the Variation on - Fugitive Emissions to Air....8
5.6 Implications of the Variation on - Fugitive Emissions to Water....9
5.7 Implications of the Variation on - Odour....9
5.8 Implications of the Variation on - Management....9
5.9 Implications of the Variation on - Raw Materials....9
5.10 Implications of the Variation on - Raw Materials Selection....9
5.11 Implications of the Variation on - Waste Minimisation Requirements....9
5.12 Implications of the Variation on - Water Use....9
5.13 Implications of the Variation on - Waste Handling....9
5.14 Implications of the Variation on - Waste Recovery or Disposal....9
5.15 Implications of the Variation on - Energy....10
5.16 Implications of the Variation for - Accidents and their Consequences....10
5.17 Implications of the Variation for - Noise....10
5.18 Implications of the Variation for - Monitoring....10
5.19 Implications of the Variation for - Closure....10
5.20 Implications of the Variation for - Site Condition Report....10
5.21 Implications of the Variation for - Consideration of BAT....13
6 OTHER LEGISLATION CONSIDERED....13
7 ENVIRONMENTAL IMPACT ASSESSMENT AND COMAH....13
8 DETAILS OF NON STANDARD PERMIT CONDITIONS....14
9 EMISSION LIMIT VALUES OR EQUIVALENT TECHNICAL PARAMETERS/ MEASURES....14
10 PEER REVIEW....14
11 FINAL DETERMINATION....15
12 REFERENCES AND GUIDANCE....15

1 NON-TECHNICAL SUMMARY OF DETERMINATION

PPC requires that where the draft determination of an application or a SEPA initiated variation is to be subject to public consultation (this is usually referred to as PPD consultation) the decision document will contain a non-technical summary of the determination. There is no need to have a non-technical summary if the application is no subject to PPD

Will the draft determination be subject to public consultation? YES
Merson Scotland Holytown Ltd submitted a Duly Made application to SEPA on 22/09/2020 for a Substantial Variation to their PPC Part A permit (PPC/A/101836) covering their operations at a site at the Eurocentral Industrial Estate Holytown.

Previously known as Calcarb the company has been in operation since 1983 and around 2009 moved to their current site in Holytown where they produce a range of Carbon fibre-based insulation materials. Mersen Holytown are currently in the process of expand their operations to include a second manufacturing facility at a new site across the road from the existing facility. The current variation has been submitted to cover the expansion of their operations.

The current activities carried out by the company at the Holytown Site fall under Section 1.2 (c) and (f) of the PPC Regulations there are no additional regulated activities being added to the permit in the current variation. The requirement for a solvent activity to be added was discussed as a solvent consumption figure of 10 tonnes of solvent in the new paint shop was mentioned in discussions. Mersen advised that the figure is likely to be significantly less than 10 tonnes the coating activity used water-based paints, and that the installation of the paintshop was likely to be put on hold until the market improved after Covid. It was agreed that Mersen may have to revisit this issue once they reach full capacity and begin to approach the PPC solvent thresholds.

As stated, the site is expanding its current activities to include a new manufacturing plant a few yards across the road from the existing operations. Only a limited subset of the existing activities will be duplicated in the new plant, which will be focussed on the manufacture of carbon fibre insulation materials. The new activities will involve the production of rolled sheets of a viscose-based felt-like material in a two-stage thermal process carried out in three separate furnaces (2 production and one High Temperature furnace); this produces a fully consolidated and cross-linked material which can be used in the production of Insulating materials. The production of insulation boards and cylinders involves the stacking of the sheet materials followed by gluing them together using a resin and carbon powder solvent-based mixture. The layered material is then pressed and dried at around 80C.
The last step in the manufacturing process at the site is an additional high- temperature curing step carried out in batch furnaces to produce the finished insulation material.
Emissions from all furnaces at the site will be ducted to a Thermal Oxidiser for treatment before discharge to atmosphere, with emissions from the gluing and drying processes being ducted to a carbon filter abatement system.

Consultation with local Air Quality monitoring staff did not highlight any problems with the current proposal.

Site investigation reports have been produced detailing the condition of the new site and should permitted activities cease then these reports will be used to remove any pollutants and return the site to a satisfactory state.

There will be no process emissions to the Water Environment or to sewer from the new facility.

The PPC Part A application process requires statutory consultation to be undertaken with both the Public, through advertisement in both a local newspaper and the Edinburgh Gazette; and the Public Bodies (listed below)

As part of the application, the applicant assessed that the screening distance for the activity was 2km and provided SEPA with modelled results for inputs to the Clyde Valley Woods Special Area of Conservation (SAC) (closest point 7.5km away). On review SEPA advised that the activity carried out on the Holytown site would have a screening distance of 15km and considered that the Clyde Valley Woods SAC had a lower sensitive to nutrient nitrogen deposition than the three SSSIs situated 5 – 7 km from the installation. A further assessment was carried out by SEPA of the inputs from the Site combustion process at all SSSIs (in addition to Clyde Valley SAC); which showed that the process contribution did not exceed 1% of the critical loads for any pollutant, at any of the designated conservation sites. All indications from the SEPA modelling showed that no further assessment or consultation with Scottish Natural Heritage was required.

The additional production facility benefits from being a new build in that the design build and operation does not require upgrade or retrofit and is required to incorporate Best Available Techniques and meet the relevant emission standards following commissioning of the new part of the installation.

Glossary of terms Please add terms as they are required

BAT - Best Available Techniques
CO - Coordinating Officer
ELV - Emission Limit Values
2012 Regulations - Pollution Prevention and Control (Scotland) Regulations 2012
2000 Regulations - Pollution Prevention and Control (Scotland) Regulations 2000
RTO - Regenerative Thermal Oxidiser
SEPA - Scottish Environment Protection Agency
VN07 - The current variation Number assigned by SEPA

2 EXTERNAL CONSULTATION AND SEPA'S RESPONSE

***Is Public Consultation Required* – Yes**

Advertisements Check:	***Date***	***Compliance with advertising requirements***
Edinburgh Gazette	29/09/2020	Yes
Motherwell Times	30/09/2020	Yes

Officer checking advert:

No. of responses received: None

Summary of responses and how they were taken into account during the determination:
N/A

Summary of responses withheld from the public register on request and how they were taken into account during the determination: ***N/A***
***Is PPC Statutory Consultation* Required – Yes**
Food Standards Agency: No Response documented
NHS Lanarkshire: Receipt acknowledged No response documented.
North Lanarkshire Council: No response documented.
Scottish Water: N/A
Health and Safety Executive: N/A
Scottish Natural Heritage (PPC Regs consultation): Not Required following assessment.
Harbour Authority: N/A
Discretionary Consultation - No
Enhanced SEPA public consultation - No
'Off-site' Consultation - No
Transboundary Consultation - No
Public Participation Consultation - Yes
STATEMENT ON THE PUBLIC PARTICIPATION PROCESS **The Pollution Prevention and Control (Scotland) Regulations 2012 (schedule 4, para 22) requires that SEPA's draft determination of this application be placed on SEPA's website and public register and be subject to 28 days' public consultation. The dates between which this consultation took place, the number of representations received and SEPA's response to these are outlined below.**

Date SEPA notified applicant of draft determination	10 August 2021
Date draft determination placed on SEPA's Website	18 August 2021
Details of any other 'appropriate means used to advertise the draft	None
Date public consultation on draft permit opened	18 August 2021
Date public consultation on draft permit consultation closed	
Number of representations received to the consultation	
Date final determination placed on the SEPA's Website	

Summary of responses and how they were taken into account during the determination:

3 ADMINISTRATIVE DETERMINATIONS

Determination of the Schedule 1 activity

No Change... the activities remain as detailed in the original Permit PPC/A/1018364 (as varied). Discussions were held with the operator regarding the potential for the paintshop at the new facility to exceed the thresholds set in the 2012 regulations relating to a Coating activity (Schedule 1 Section and a Solvent Emission Activity under Schedule 2. The inclusion of these two activities would place additional regulatory requirements on the operator, however the operator has advised that owing to the current economic conditions it is unclear if the paintshop will progress and if it does whether it will reach the solvent threshold given there is a general move to use water-based coatings.

Determination of the stationary technical unit to be permitted:

As detailed in the Application to Vary PPC/A/1018364 (VN07) additional plant will be added to the STU (sited in the new production facility)

Determination of directly associated activities:

As detailed in the Application to Vary PPC/A/1018364 (VN07) additional directly associated activities will be added to the permit in connection with the operation of the new production facility.

Determination of 'site boundary'

The application to vary Permit PPC/A/1018364 (VN07) extends the site boundary to include a new area as detailed in variation VN07.

Officer: **Coordinating Officer**

4 INTRODUCTION AND BACKGROUND

4.1 Historical Background to the activity and variation

Previously known as Calcarb the company has been in operation since 1983; moving to their current premises at Eurocentral in around 2009, producing a range of Carbon fibre-based insulation materials. They currently hold a PPC Part A permit issued by SEPA for the carrying out of this activity.

Mersen Holytown UK Ltd (as they are now known) are currently in the process of expanding their operations to include a second manufacturing facility at a new site across the road from the existing facility. This requires a variation to the original permit to include the new part of the site and the plant and activities carried out there. On 22/09/2020, and following pre application discussions with SEPA, 22/09/2020 Merson UK Holytown Ltd submitted a Duly Made application for a Substantial Variation to

their PPC Part A permit (PPC/A/101836) for their site at the Eurocentral Industrial Estate Holytown N. Lanarks

This variation denoted VN07 has been submitted to cover the expansion of their operations and incorporation of the new production facility into the existing PPC permit.

4.2 Outline details of the Variation applied for

The Variation VN07 describes in detail the layout and operation of the new facility and indicates that the processes carried out on the new part of the site will be almost identical to the processes carried out on the existing site. As a result, the permitted activities remain as described in the original permit "The production of carbon bonded carbon fibre materials involving pyrolysis, carbonisation, or other heat treatment of carbonaceous material (rayon) as described in Part A of Section 1.2 (c) of Schedule 1 to the Regulations"; and "The conversion of natural gas into carbon vapour, as described in Part A of Section 1.2 (f) of Schedule 1 to the Regulations.

The changes which the variation implements relate to the inclusion of the new production facility within the permitted site: This includes an extension of the site boundary, the expansion of the Stationary technical unit to include both additional production plant and associated abatement equipment and the addition of new emission points on the new part of the permitted installation.

4.3 Guidance/directions issued to SEPA by the Scottish Ministers under Reg.60 or 61.

None

4.4 Identification of important and sensitive receptors

The site is situated on the Eurocentral Industrial estate Holytown and is bounded by the West Coast main railway line and the M8 motorway. From a desktop study of maps of the area there are no domestic or residential dwellings near the installation, it has been assessed that the nearest domestic dwelling is in Holytown 1-2 miles to the south with the nearest residential dwelling being some ¾ mile to the East just off the roundabout at the M8 slip road which is a hotel serving the motorway and Industrial estate.

All substantial variations to Part A permits require SEPA to contact Scottish Natural Heritage where there is a likelihood of a negative impact from the variation on any designated site within an activity dependent screening distance. As part of the VN07 variation, the applicant provided SEPA with modelled results for inputs to the Clyde Valley Woods SAC (closest point 7.5km away) assessed that the screening distance for the activity was 2km and provided SEPA with modelled results for inputs to the Clyde Valley Woods SAC (closest point 7.5km away). On review SEPA advised that the activity carried out on the Holytown site would have a screening distance of 15km not the 2km as used by the applicant and advised that the Clyde Valley Woods SAC had a lower sensitive to nutrient nitrogen deposition than the three SSSIs situated 5 – 7 km from the installation. As a result, a further assessment was carried out by SEPA of the inputs from the Mersen Holytown combustion process at all SSSIs (in addition to Clyde Valley SAC); The assessment showed that the process contribution did not exceed 1% of the critical loads for any pollutant, at any of the designated conservation sites. The result of the assessment indicated that no further modelling or consultation with Scottish Natural Heritage was required under the Nature Conservation protocol.

4.5 Summary of significant environmental impacts

Emissions to Air **Odour, NOx, COx, SOx, NMVOC's, Particulates**

Emissions to Land **Product, waste and intermediaries generated in the Carbon Fibre based production process.**

Emissions to Water surface water run-off,

Other Emissions Heat and noise,

Most of the above impacts are identified and addressed through the existing permit conditions (the original permit as varied through Variation Notices VN01-VN06) Variation VN07 requires the addition of additional process and abatement equipment and new emission points.

SEPA aims to control the emissions at the new facility through the existing conditions of the permit and those included within this variation (VN07). The extension of the site boundary to include a new area of land across the road from the existing installation, has required the installation of separate abatement equipment and the inclusion of new emission points within the Permit. Although the Paint shop is described as currently below the permitting threshold for an activity, its planned inclusion on the site means that air emissions will be required to be monitored and controlled as a directly associated activity. through the general odour and emissions conditions. As a new purpose-built facility, the equipment installed will be of the latest design specification and emissions standards which designed to the latest standards and abated to minimise the impact on the environment and human health. The Conditions within the variation extend both the conditions contained in the existing Permit, and the requirement on the Operator to use BAT (as indicated in the relevant guidance for the activities being undertaken).

4.6 Implications of the Variation on - Point Sources to Air

This variation covers the expansion of the site to include a discrete technically linked facility across a public road. This facility will include furnaces workshops and a paintshop these have Local Exhaust Ventilation (LEV) emission points as well as abatement systems and discharges points which are independent of the existing facility.
SEPA includes in every permit, conditions requiring the operator to monitor the treatment process. VN07 does not seek to add any new activities and the specific processes being carried out appear to remain the same. The monitoring conditions have been reviewed and new emission points have been added to the monitoring Tables and include the requirement that the emissions from those points meet the latest Emission Limit Values (ELVs) for the pollutants being emitted.

Currently Emissions from the two existing Regenerative Thermal Oxidisers (RTOs) within the installation are subject to regular emissions monitoring and produce extremely low emissions (for example: 10mg/Nm3 NOx compared to the Emission Limit Value of 100mg/Nm3).
A H1 screening assessment was carried out for the combined installation and based on the guaranteed emissions for the additional RTO at the new facility, indicated the need for more detailed assessment using an appropriate dispersion model. The operator queried whether an additional model was required given that it is highly likely to be an overestimate, or whether a later assessment based actual emissions data from the new RTO during the commissioning period would be more accurate SEPA advised that For this Variation (VN07) they would require that a modelling assessment be carried out using the manufacturers predicted/guaranteed emissions and submitted along with the variation application. Further requesting that a method statement be submitted to SEPA's Air modelling section for discussion and agreement prior to the modelling being carried out.

The operator has indicated that the RTO supplier has guaranteed that the plant will meet the ELVs with their consultants expressing the reservation that modelling using guaranteed emissions for the new RTO and monitored emissions for the existing plant would give a skewed assessment of the impact of the expanded installation.

The results of the modelling provided by the operator indicate that emissions to air from the site would be well within the regulatory limits.

Where there are direct emissions from the new facility which have no ELVs set, then the operator is required under the existing permit, to undertake visual or olfactory assessments at the site boundary

during the operation of the process; and implement an odour management plan (OMP) for the site. This OMP should include the new paintshop

4.7 Implications of the Variation on - Point Source Emissions to Surface Water and Sewer

There are no point source discharges of effluent direct to the Water Environment from the installation

Surface water which falls on roofs and site surfaces outside the main containment bund will be collected and conveyed to the municipal surface water sewer situated in the road adjacent to the New Facility. The drainage outline approved at the planning stage is in line with SEPA's current policy. Only Domestic wastewater from the comfort facilities on the site will be discharged to the public sewer, these are outwith the scope of PPC permitting.

4.8 Implications of the Variation on - Point Source Emissions to Groundwater

There are no point source discharges of effluent direct to the Water Environment from the installation

(See section 4.24 below regarding groundwater and soil issues across the two areas of the site)

4.9 Implications of the Variation on - Fugitive Emissions to Air

The expansion of the site and the inclusion of a new and additional combustion and gas processing facility and a paintshop increases the risk of fugitive emissions to air from the site. The operator is required to minimise these risks by using BAT when carrying out the activity, training and raising staff awareness to environmental requirements placed on the company, regarding emissions to air and by reviewing the current environmental Management system and seeing if it needs to be amended to cover operations at the new part of the site.

4.10 Implications of the Variation on - Fugitive Emissions to Water

The expansion of the site and the inclusion of a new facility with a paintshop increases the risk of fugitive emissions to water from the site primarily from spills the washing of brushes or spraying equipment (water based or solvent containing paints) and the incorrect storage of paints solvents and coating materials. The operator is required to minimise these risks by using BAT when carrying out the activity, training and raising staff awareness to environmental requirements placed on the company, regarding the water environment and reviewing the current environmental Management system and seeing if it needs to be amended to cover operations at the new part of the site.

(See section 4.24 below regarding groundwater and soil issues across the two areas of the site)

4.11 Implications of the Variation on – Odour

The addition of a new part of the site will require an overall change to the Odour Management Plan to include monitoring at the new facility The plan will require provisions for the control of odours from the new paintshop, initially added as a directly associated activity.

4.12 Implications of the Variation on - Management

The inclusion a new facility under VN07 may require a review of the Environmental Management System at the permitted site as the new facility although technically and managerially linked is a separate facility across the road from the main site and may require a degree of autonomy.

4.13 Implications of the Variation on - Raw Materials

As far as can be determined the variation should have no impact on Raw Materials.

4.14 Implications of the Variation on - Raw Materials Selection

As intimated by the applicant the paintshop is looking to use water-based coatings and should where possible minimise the use of solvents and solvent based paints. SEPA would look to the site to provide figures on solvent use to determine whether an additional coating or solvent activity threshold is being breached. Otherwise as far as can be determined the variation should have no impact on raw material selection.

4.15 Implications of the Variation on - Waste Minimisation Requirements

As far as can be determined the variation should have no impact on Waste Minimisation.

4.16 Implications of the Variation on - Water Use

Water use should be minimised wherever possible especially the washing of brushes or spray equipment using water-based coatings otherwise as far as can be determined the variation should have no impact on Water Use.

4.17 Implications of the Variation on - Waste Handling

The inclusion of a new separate part of the site will require the operator has a duty of care to ensure that controls are in place across the permitted installation to ensure that waste generated within the two facilities, prior to disposal, is stored handled bulked and transported within and between the two parts of the site correctly.

4.18 Implications of the Variation on - Waste Recovery or Disposal

The addition of a carbon filter as abatement on the paintshop will require the operator to use the Best Environmental option to for disposal of spent filters. Across the site the operator should look to employ “recycle and reuse” facilities to dispose of the spent filter materials or off spec products and waste materials wherever possible.

4.19 Implications of the Variation on - Energy

The inclusion of an additional facility at the site will lead to an increase in the amount of energy used on this site. The site is a new build with modern furnaces and plants which should be designed to be low energy use. SEPA would look to the operator to use BAT to control energy use on the site and operate the site efficiently.

4.20 Implications of the Variation for - Accidents and their Consequences

The inclusion of an additional facility and an expansion of the process to include additional plant gives rise to a greater opportunity for accidents to occur. Whilst the H&S aspects are covered by the HSWA the environmental risks are covered in the permit. These require the operator to have accident management plans in place to deal with spills or failure of equipment. SEPA would look to the operator to ensure that the incident response and reporting procedure is reviewed to include how accidents and incidents at the new facility will be dealt with, recorded, and reported.

4.21 Implications of the Variation for – Noise

Noise controls were outlined at the Planning stage for the facility and a number of recommendations were made regarding new Plant. The recommendations in section 9.2 of the Arcus 2019 noise assessment were that the activities on the site would utilise.

- *inherently quieter processes.*
- *'Low noise options' for plant and equipment.*
- *site layout to maximise natural screening, screening by buildings and separation distances.*
- *Orientate noise sources away from sensitive receptors; and*
- *Use noise barriers or bunding as appropriate.*

The operator has advised that, subject to process and cost constraints, wherever possible noisy plant has been located inside the production facility (compressor and nitrogen generation) adding that where this has not been possible, and the plant required to be located externally, then it has been selected to have as low an environmental impact as possible and has been positioned on the north elevation of the building (close to the M8 motorway). This has been undertaken to use the building and DPD to screen the Noise from the nearest noise receptor located to the to the southwest of the site (chillers and thermal oxidiser)

The operator has calculated that the impact from any increased noise emanating from the new facility is insignificant and has committed to confirming this through monitoring once the plant is operation.

4.22 Implications of the Variation for - Monitoring

The inclusion of an additional facility and an expansion of the process to include additional abatement and emission points under this Variation (VN07) will require the operator to undertake additional monitoring and recording of emissions.

4.23 Implications of the Variation for – Closure

The procedures for site closure are detailed in both the regulations and guidance and extend to the entire permitted site this will include the area of the site added through Variation VN07 otherwise as far as can be determined the variation should have no impact on the site closure measures.

4.24 Implications of the Variation for - Site Condition Report (and where relevant the baseline report)

A site condition report was produced and submitted in support of the planning application for construction of the new facility this report included chemical analysis of both the organic and inorganic contaminants in soil, a soil leachate test, and a soil gas assessment. This report was carried out before construction on the site and although provided an assessment of the contaminant levels at the site prior

to carrying out the permitted activities there were concerns raised that it did not provide information on the relevant hazardous substances being used in the activities being carried out in the Permitted Installation.

SEPA advised that a Site condition report in line with SEPA guidance document TG-02 should be prepared adding that the need for baseline investigation following submission of a draft assessment would be discussed further. On review it was assessed that, as the original report in 2007 was submitted under previous guidance and regulations, an update may be required for the existing site as well. SEPA's view was that any new report should consider the increased total volumes of substances used, produced, or emitted at the site from both the existing site and site extension.

The initial view of SEPA permitting was that a satisfactory site report/baseline report had been submitted and together with the soil testing submitted during the planning stage of the new facility provided a detailed assessment of the existing levels of pollutants at the site prior to commencement of the permitted activities. This initial assessment was then submitted for review by SEPA Contaminated Land (CL) section who concluded that the Site Condition Report submitted with the application was sufficient for the purposes of presenting the site condition and baselining. This is based on the nature of the site (Greenfield) and that Relevant Hazardous substances could be expected to be less than detection limit. SEPA CL advised that Clarification should be sought on the current site condition based on this assumption and that Section 8 of the SCR should be updated and reissued to reflect this

The SEPA CL section also made recommendations to SEPA Permitting advising them to review the permit to ensure that conditions for Surface integrity assessment and the drainage system (including plans, testing, maintenance and inspection for all pipes channels or sumps) were included, and that the permit covered spills in particular the removal and clean-up of Carbon Fibre dust build up around waste stores, hardstanding, adjacent ground, and materials handling

Finally, advice was given to remove conditions 2.7.5 to 2.7.11 (Soil and Groundwater monitoring requirements) from draft Variation as the site had been assessed as a category 1 site No Soil and groundwater Monitoring required following a proforma stage assessment under SEPA Guidance IED-TG-42 Soil and groundwater Monitoring Technical Guidance for Part A installations.

Changes to the Draft variation Notice have been made, where necessary, to reflect the recommendations made by SEPA CL section.

Baseline, Soil and Groundwater Issues Across the Site

One of the key discussion points has been whether the extension of the site would require the operator to undertake a full review of Groundwater and Soil Monitoring across the site, including a monitoring survey to bring the existing facility (Area A) into line with the current legislative requirements. SEPA Guidance on this issue is provided through IED-TG-42 entitled "Soil and Groundwater Monitoring Technical Guidance for PPC Part A Installations" which states the following: -

"The Industrial Emissions Directive (IED) and PPC 2012 (relevant sections reproduced as Appendix 1) introduce requirements in relation to the protection of soil and groundwater from relevant hazardous substances (RHS). These requirements are triggered by:

"Permit variations at substantial change (operator led) where relevant, e.g., substantial changes which require the submission of a baseline report"

The issue at the Merson Holytown site is that the current Permit issued under the 2000 Regulations does not include these requirements. The VN07 is a substantial variation of the current permit and as such it triggers a requirement for SEPA to look at the issue of groundwater and soil monitoring across the site, and where necessary revise the permit conditions to include the relevant soil and groundwater conditions.

The problem is in the detail of the variation that Mersen are requesting, relating to the extension of the site boundary, is not simply the addition of adjacent land; it is across a road and to all extents and purposes forms a separate and autonomous facility (albeit with a technical connection to the original site and covered by the same permit). Whilst a baseline report is required it can, and has been, produced independently from the original site. It has, distinct boreholes and soil monitoring points covering the entire boundary, all of which are independent of those monitoring or which would monitor pollution at Area A (which has a separate "all sides" boundary). It therefore requires SEPA to decide whether a "both sites" groundwater and soil monitoring exercise is relevant to the current variation.

SEPA permitting is acutely aware that the site is looking to up production and that the delays already experienced through both Covid, and the cyber-attack mean that any further delay in issuing the variation could have a significant economic impact on the company and could hamper job creation in the local area. As a result, a scoping meeting between the CO and a Senior Permitting Manager was held to discuss the options surrounding Variation VN07 and its issue. These included the requirement to upgrade or review the licence considering: - the legislative changes (as outlined in the SEPA guidance), the concerns of Contaminated Land (following the reported spill incident), and the need to progress the variation to allow the company to expand (considering the covid and cyber-attack delays already experienced)

Option 1: To do nothing is not an option for SEPA the legislation requires that the issue be addressed, however the question is, should that be through this variation or through another available permitting or regulatory route.

Option 2: To require Mersen to undertake the required monitoring to bring Area A of the site into line with Area B (new site), which has already had a baseline groundwater and soil monitoring assessment carried out. The delays already incurred by Mersen need to be considered, given that an assessment of Area B has been capable of being undertaken independently of Area A, which would indicate that SEPA and Mersen could address the issue of Area A independently and allow the variation to proceed. Primarily on the grounds that the activities carried out at Area B, the subject of the variation, are covered by the baseline assessment and in theory would have negligible impact on conditions at Area A which itself, is covered by, and regulated through, the Site report and the soil and groundwater requirements of the PPC 2000 Regulations

Option 3: To Issue variation VN07 with upgrade conditions requiring Mersen to undertake a baseline soil and groundwater assessment at Area A within a specified period. This was seriously considered however the addition of conditions on what is a separate area of the site did not sit right with a Variation dealing with setting up a new facility on a new and independent area of the site. The VN07 variation demarks the site into two areas within the permit with different emission points and separate activities being carried out as a result it was thought the addition of upgrade conditions would complicate the variation and delay its issue.

Option 4: To issue variation VN07 to include Area B in the permit including the addition of basic groundwater and soil conditions as there is no reason for SEPA to delay that due to an issue on Area A (acknowledging of course that under the permit it is regulated as a single site) The new area (Area B) is "standalone" physically separated by a road from the original site (Area A) with its own monitoring points, and with independent infrastructure albeit with a technical connection. As a result, there is no reason the baseline report for Area A cannot be undertaken as a separate exercise as part of a wider SEPA review of the permit for the site including a much-needed consolidation

SEPA Decision - Option 4 Issue the variation with a review of the permit to follow

The deferring of the regulatory requirement on the operator to undertake a groundwater, soil and baseline monitoring exercise poses no imminent risk to the environment or harm to human health, whereas a further delay to the issue of VN07 could have a significant economic impact on the company and affect the local economy. It is the view of permitting that the issue can be dealt with through a

separate and complete review of the current permit without further delay to the issuing of VN07. The permit, which was issued under the PPC 2000 Regulations, and has undergone 7 variations, requires a far more in-depth review of its conditions than just the addition of a baseline reporting requirement for one part of the site, including consolidating into a single permit. The operator and the local SEPA regulatory team will be advised that this permit review and consolidation is required and that a baseline report for Area A will need to be submitted covering soil and groundwater monitoring during that process. We believe this approach is fair, proportionate and reasonable

4.25 Implications of the Variation for - Consideration of BAT

The activities on the site have not inherently changed and the abatement and plant installed are new and designed to modern standards and emission limits. The operator is already required to operate the existing facility to BAT and the inclusion of the new facility within the permit extends that requirement to that part of the site. Otherwise, there are no additional BAT requirements over above those already required on the site.

5 OTHER LEGISLATION CONSIDERED

Nature Conservation (Scotland) Act 2004* & *Conservation (Natural Habitats &c.) Regulations 1994

Is there any possibility that the proposal will have any impact on site designated under the above legislation? Yes

Justification: As there were 4 designated sites within the screening distance for the activity being carried out at the Mersen Site at Eurocentral there was a possibility that the designated sites could be impacted by the expansion of those activities. In response an assessment of emissions was carried out; this assessment subsequently showed that the contribution from all activities on the expanded site did not exceed 1% of the critical loads for any pollutant, at any of the designated conservation sites. SEPA nature conservation procedure indicated that, following this result, no further assessment or consultation with Scottish Natural Heritage was required.

Other legislation None

Officer: **Coordinating Officer**

6 ENVIRONMENTAL IMPACT ASSESSMENT AND COMAH

How has any relevant information obtained, or conclusion arrived at pursuant to Articles 5, 6 and 7 of Council Directive 85/337/EEC on the assessment of the effects certain public and private projects on the environment been taken into account? N/A

How has any information contained within a safety report within the meaning of Regulation 7 (safety report) of the Control of Major Accident Hazards Regulations 1999 been taken into account? N/A

Officer: Coordinating Officer

7 DETAILS OF PERMIT

Do you propose placing any non-standard conditions in the Permit: *No*

All conditions have been subject to previous legal approval

Do you propose making changes to existing text, tables or diagrams within the permit? Yes

Outline of change: New Site Plan (Section 1.2) Updating Tables 2.1 and 2.2 Updating Waste tables (Table 3. 1 and 3.2) Inserting a new table incorporating the limits on discharge to the Sewer from the TE Consent from Scottish Water into the PPC Permit (Table 4) Including Leachate Treatment Plans (Appendix 1) Inclusion of Groundwater and soil monitoring conditions and tables

Details including justification:

This will detail and outline the changes to the treatment processes at the site. The addition of Groundwater and Soil monitoring conditions follows a change in the Regulations requiring them to be undertaken

8 EMISSION LIMIT VALUES OR EQUIVALENT TECHNICAL PARAMETERS/ MEASURES

Are you are dealing with either a permit application, or a permit variation which would involve a review of existing ELVs or equivalent technical parameters? *No*

9 PEER REVIEW

***Has the determination and draft permit been Peer Reviewed?* Yes**

Name of Peer Reviewer and comments made:
I have had a look through the documentation, and it looks fine. The only thing I would suggest perhaps looking at again is the time frames in table 2.1 and the notice of variation to the permit. Some of the conditions state that information should be provided within two weeks and others state 14 days, you may wish to devise these to ensure consistency throughout the document.

CO Response:
A lot of what is in the Variation Notice was compile pre-cyber-attack and as such there is no documentation covering the Variation Schedule, some of the entries in Table 2.1 are original entries and are not directly impacted by the variation. As this is an “Operator-initiated variation” the remit is to only

vary those conditions necessary to implement the changes requested by the operator including, where necessary, those updates required to comply with changes in legislation.

Coordinating Officer

10 FINAL DETERMINATION

Issue The variation - Based on the information provided by the Operator and the conditions in the Schedule to the Variation Notice VN01

Issue The variation – Based on the information available at the time of the determination SEPA is satisfied that

- The applicant will be the person who will have control over the operation of the installation/mobile plant,
- The applicant will ensure that the installation/mobile plant is operated to comply with the conditions of the Permit,
- The applicant is a fit and proper person (specified waste management activities only),
- Planning permission for the activity is in force (specified waste management activities only),
- That the operator can use all appropriate preventative measures against pollution, through the application of best available techniques.
- That no significant pollution should be caused.

Officer: **Coordinating Officer**

11 REFERENCES AND GUIDANCE

Guidance Notes – Identify key references, guidance (BREF, UK Technical Guidance, etc) used in determination

"Report on Ground Investigation at Plot R Eurocentral" July2019
North Lanarkshire Council Planning Website... Planning Ref. 19/00230/FUL ("Aitken final report m125 plot r july 2019")