Statutory Notice

Environmental Permitting (England and Wales) Regulations 2016
Regulation 61(1)

NOTICE REQUIRING INFORMATION

To: Company Secretary
Siemens plc
Faraday House
Sir William Siemens Square
Frimley
Camberly
GU16 8QD

Permit reference: **EPR/HP3737UE**
Regulated Facility: **Severn Power Station, West Nash Road, Nash, Newport, NP18 2BZ**

The Natural Resources Body for Wales ("Natural Resources Wales"), in exercise of its powers under Regulation 61(1) of the above Regulations, requires you to provide the information specified in Schedule 1 by **9th November 2018.**

The information must be sent in writing to Saul White at:

Regulated Industry Permitting Team
Natural Resources Wales
29 Newport Road
Cardiff
CF24 0TP

Or by email to saul.white@naturalresourceswales.gov.uk

	**Date: 9th May 2018**

Senior Permitting Team Leader
Please see over for notes.

Environmental Permitting (England and Wales) Regulations 2016
Regulation 61(1)

Notes:

General

1. For the purposes of discharging its functions under the Environmental Permitting (England and Wales) Regulations 2016, Natural Resources Wales may (by virtue of Regulation 61(1) of those Regulations), require any person to provide information, within the period it specifies in this notice.

2. Failure to comply with this notice without reasonable excuse is an offence under Regulation 38(4)(a) of the Environmental Permitting (England and Wales) Regulations 2016, and may lead to legal action being taken against you.

3. Making any statement in response to this notice that you know to be false or misleading in a material particular, or recklessly making any statement which is false or misleading in a material particular is an offence under Regulation 38(4)(b) of the Environmental Permitting (England and Wales) Regulations 2016, and may lead to legal action being taken against you.

4. There is no right to appeal against this notice.

5. You may wish to seek independent legal advice.

Legislation note
In this document “Natural Resources Wales” means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012.

Environmental Permitting (England and Wales) Regulations 2016
Regulation 61(1)

SCHEDULE 1
INFORMATION REQUIRED

Natural Resources Wales is required to review your permit, following the publication of the revised Best Available Techniques (BAT) Reference Document (BRef) for Large Combustion Plants (LCP). The associated BAT conclusions to this document were published on the 17th August 2017 in the Official Journal of the European Union, and are available through the following links:

http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1503383091262&uri=CELEX:32017D1442

http://eippcb.jrc.ec.europa.eu/reference/BREF/LCP/JRC107769_LCP_bref2017.pdf

Also relevant is the current version of the LCP BRef interpretation document, available at the following link:

https://naturalresources.wales/permits-and-permissions/installations/reg-61-information/?lang=en

Please note this document may be periodically updated.

This Notice sets out the information we require from you in order to be able to carry out that review. Subject to your response to this Notice we may vary your permit to ensure that it delivers compliance with the updated requirements.

Although only LCPs are within the scope of this BRef, we also request that you to provide us with the details of fixed combustion plant which is not LCP i.e. between 1MWth and less than 50MWth. This is a data collection exercise which will feed into future work on BAT for smaller combustion plant.

The Energy Efficiency Directive (EED) requires operators to consider cogeneration or a district heating scheme to utilise waste heat from any new or significantly refurbished combustion plant with a total thermal input exceeding 20 MW. This may be relevant to your installation if you need to replace or substantially refurbish combustion plant to meet the requirements of the BAT conclusions. In this instance you must provide the information described in paragraph 5 of this notice.

As part of our delivery of the Water Framework Directive requirements, we need to identify and assess the impact of all sources of hazardous pollutants to surface waters and/or sewer from regulated industry. Therefore for all discharges to surface water and/or sewer from your site, we require you to provide the information specified in paragraph 6 of this notice below.

Articles 16 and 22 of the Industrial Emissions Directive require that a quantified baseline is established for the level of contamination of soil and groundwater with relevant hazardous substances, in order that a comparison can be made on final cessation of activities. The information required is specified in paragraph 7 of this notice.

Where the information specified in the points below has been previously submitted to and accepted by Natural Resources Wales, and where this remains current and valid, then it will not need to be submitted again. However, you will need to state this in your submission, (in particular that submitted in the responses to the IED Chapter III Regulation 60 notice in November 2014), specifying the nature of the information and the date it was submitted.

You will also need to consider whether other published BREFs are relevant as set out in the scope of the LCP BREF.

If any of the points below are not applicable to your installation, please state this within your submission.

Where your site will no longer be operational by 17th August 2021 and therefore you do not consider the permit review process applicable, you must apply for a variation to update the permit to reflect the cessation of operations from 17th August 2021, by 31st October 2018.

Description of information required
For each BAT conclusion, where relevant and its individual sub-elements contained within the BAT conclusions document named above; please: (To support this please use the spreadsheet that provides a short summary of the BAT conclusions as an aid to help you complete your submission to this Notice. It provides information on any specific considerations in relation to certain BAT conclusions and provides provision to make reference to the appropriate section in your full submission. The spreadsheet is available here: https://naturalresources.wales/permits-and-permissions/installations/reg-61-information/?lang=en)
1. Confirm whether or not you currently comply with the requirements of the BAT Conclusion, including any associated emission levels, providing a description of the techniques in place and how they meet the standard.
2. If you do not comply with the BAT conclusion, describe how and by when you intend to meet the standard, before the 17th August 2021, being the date which, hereafter in this Notice, is referred to as the 'compliance date'.
3. Confirm if you intend to continue operating in a manner which would not comply with the relevant new BAT Conclusion, after the compliance date, what your justification for being allowed to do so is, and by what date you intend to come into full compliance, or a description of alternative measures to be adopted that will provide equivalent environmental protection.
4. Where the BAT conclusion has a BAT Associated Emission Level (BAT-AEL) specified, with which you will not comply by the compliance date you should consider requesting a derogation. To do this you must provide sufficient technical and commercial information to demonstrate that achieving that BAT-AEL would lead to costs that are disproportionately high, compared with environmental benefits due to one or more of:

i. the geographical location of your installation;
ii. the local environmental conditions around your installation;
iii. the technical characteristics of your installation.

No other justification for a derogation can be considered.

5. Where compliance with the BAT conclusions leads to the substantial refurbishment or installation of new combustion plant with an aggregate thermal input of greater than 20MWth, which generates more than 100kWth of waste heat, you must provide sufficient technical and commercial evidence to demonstrate compliance with Article 14, paragraph 5 of directive 2012/27/EU on Energy Efficiency. This must include an assessment of the technical feasibility and costs and benefits associated with installing a combined heat and power (CHP) system or providing district heating and, where this assessment shows that the costs are not disproportionate to the benefits, proposals to incorporate these measures into your plant.

6. For all discharges to surface waters and/or sewer from the site, you must provide information for priority hazardous substances and any other relevant substances. The emissions monitoring for these substances should be carried out using the methods and standards described in the M18 guidance on "Monitoring of discharges to water and sewer".

   With reference to the risk assessment guidance on the gov.uk website entitled "Surface water pollution risk assessment for your environmental permit" (accessible via this link: https://www.gov.uk/guidance/surface-water-pollution-risk-assessment-for-your-environmental-permit) carry out the following assessments:

   - Screening tests for priority hazardous pollutants and any other relevant priority hazardous substances.
   - For any substance which is not screened out by the screening tests you will need to carry out modelling, as described in the risk assessment guidance "Surface water pollution risk assessment for your environmental permit".

   You must provide us with the results from the emissions monitoring, the results from the screening tests and the results from any modelling.

   You can use the H1 electronic screening tool to present the emissions data and to carry out the screening tests. We will provide a copy of the tool to your local representative at the site address.

   With regard to the screening a full list of relevant substances is provided on the "Surface water pollution risk assessment for your environmental permit" pages of the gov.uk website. You should review the list and carry out the screening for any hazardous pollutants.

With regard to screening for priority hazardous pollutants, a full list of relevant priority hazardous substances and their associated annual significant loads is given on the “Surface water pollution risk assessment for your environmental permit” pages of the gov.uk website.

7. Where your activity involves the use, production or release of relevant hazardous substances (as defined in Article 3(18) of the Industrial Emissions Directive) carry out a risk assessment considering the possibility of soil and groundwater contamination at the installation with these substances. Where any risk of such contamination is established either:

    - Prepare and submit a baseline report containing information necessary to determine the current state of soil and groundwater contamination;

    or

    - Provide a summary report referring to information previously submitted where you are satisfied that such information represents the current state of soil and groundwater contamination;

    so as to enable a quantified comparison to be made with the state of soil and groundwater contamination upon definitive cessation of activity.

    Where you have concluded that there are no risks of soil or groundwater contamination, provide a copy of the risk assessment.