

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

NOTICE REQUIRING INFORMATION

To: [address, inc. postcode]
[address, inc. postcode]
[address, inc. postcode]
[address, inc. postcode]

Permit reference: [AB1234XY/V00X]
Regulated Facility: [name of site on installation permit]

The Environment Agency requires you to provide the information specified in Schedule 1 by 31 October 2018.

THE INFORMATION MUST BE SENT TO:

Environment Agency
Permitting & Support Centre
Quadrant 2
99 Parkway Avenue
Parkway Business Park
Sheffield
S9 4WF

Or by email to PSC@environment-agency.gov.uk

Date: 01 May 2018 **Signed:** Emma Pemberton
Title: Principal Permitting Officer

Please see over for notes.

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

Notes:

1. For the purposes of discharging its functions under the Environmental Permitting (England and Wales) Regulations 2016, the Environment Agency may (under Regulation 61(1)), 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), 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), 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.

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**SCHEDULE 1
INFORMATION REQUIRED**

The Environment Agency is required to review your permit, following 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 17th August 2017 in the Official Journal of the European Union.

The documents associated with this Regulation 61 notice including the BAT Conclusions, a response spreadsheet for you to complete, the UK Regulators' interpretation document and derogation methodology are available for you to download from our CitizenSpace website at the following address
<https://consult.environment-agency.gov.uk/psc/permit-reviews-for-large-combustion-plant-lcp>

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 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.

As part of our delivery of the Water Framework Directive requirements, we need to identify and assess the impact of sources of hazardous pollutants to surface waters from regulated industry. For discharges to surface water and/or sewer from your site from flue gas treatment activities to which BAT 15 is applicable, we require you to provide the information specified in paragraphs 5 and 6 of this notice below. Where this activity is not carried out, we may review existing effluent discharges during the permit review. In the instance that we identify that additional assessment needs to be carried out in line with that specified in paragraphs 5 and 6 below, we may specify this requirement within an improvement condition.

Where the information specified in the points below has been previously submitted to and accepted by the Environment Agency, 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, specifying the nature of the information and the date it was submitted.

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

If you have any other points relating to your permit which are not directly related to the BAT Conclusions that you want us to consider as part of the permit review, please confirm this in writing and submit with the response to this notice.

Where the LCPs listed in your permit will no longer be operational by 17th August 2021 the permit review process is not required. You must write to us to confirm this by 31st October 2018 so that we can vary your permit to reflect this.

DESCRIPTION OF INFORMATION

For each BAT Conclusion, where relevant and its individual sub-elements contained within the BAT conclusions document named above; please:

1. Confirm whether or not you currently comply with the requirements of the BAT Conclusion, including any BAT 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 there is a BAT Associated Emission Level (BATAEL) specified in the BAT conclusion, with which you will not comply by the compliance date, you should request a derogation. To do this you must provide sufficient technical and commercial information to demonstrate that achieving that BATAEL would lead to costs that are disproportionately high, compared to the 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. For discharges to surface water and/or sewer from the site which consist of effluent from flue gas treatment to which BAT Conclusion 15 is applicable, you must provide emissions data for the following hazardous pollutants: arsenic, cadmium, chromium (total), copper, mercury, nickel, lead, zinc and any other relevant substances. The emissions monitoring for these substances should be carried out using the methods and standards described in our M18 guidance on 'Monitoring of discharges to water and sewer'.
6. With reference to our guidance [Surface water pollution risk assessment for your environmental permit](#), carry out the following assessments:

DESCRIPTION OF INFORMATION

- Phase 1 Part A screening tests for the following hazardous pollutants: arsenic, cadmium, chromium (total), copper, mercury, zinc and any other relevant substances.
- Phase 1 Part B screening tests for the following priority hazardous substances: cadmium, mercury and any other relevant priority hazardous substances.
- For any substance which is not screened out by the Phase 1 Part A or Part B screening tests the Environment Agency will carry out Phase 2 modelling, unless your discharge is into a canal, a lake, an estuary or coastal waters, in which case you will need to undertake the modelling.

You must provide us with the results from the emissions monitoring, the results from the screening tests and the results from any Phase 2 modelling. You can use our H1 electronic screening tool to present the emissions data and to carry out the Phase 1 screening tests. We will provide a copy of the tool to your local representative at the site address.

With regard to the Phase 1 Part A screening a full list of hazardous pollutants is provided in our guidance [Surface water pollution risk assessment for your environmental permit](#). You should review the list and carry out the screening for any hazardous pollutants, in addition to those specified in the notice, that you think may be present in your discharge.

With regard to the Phase 1 Part B screening for priority hazardous substances, our guidance [Surface water pollution risk assessment for your environmental permit](#) provides a full list of relevant priority hazardous substances and their associated annual significant loads.

FORM THE INFORMATION MUST TAKE	Written document that addresses all points above, presented in the electronic template(s) which will be provided to you by us and with any further supporting information and/or data appended.
LATEST DATE REQUIRED	31 October 2018