

Environment Agency

Review of an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2010 (as amended)

Decision document recording our decision-making process following review of a permit

The Permit number is: EPR/FP3835LS
The Operator is: Sutton Bridge Power Generation
The Installation is: Sutton Bridge Power Station
This Variation Notice number is: EPR/FP3835LS/V005

What this document is about

All Environmental permits which permit the operation of large combustion plant (LCP), as defined by articles 28 and 29 of the Industrial Emissions Directive (IED), need to be varied to implement the special provisions for LCP given in the IED, by the 1 January 2016 (Article 82(3)). The IED makes special provisions for LCP under Chapter III, introducing new Emission Limit Values (ELVs) applicable to LCP, referred to in Article 30(2) and set out in Annex V.

The IED provides a period of transition towards the new ELVs via Article 32, the Transitional National Plan (TNP). It also makes provision for plant that wish to be exempted from compliance with the new ELVs in Article 33, the Limited Life Derogation (LLD). Other derogations include limited operating hour regimes for sites using 500 hr or 1500 hr derogations. There are also options for exemption from emission limits based on operating hours.

The operator has submitted responses to our notices requiring information, issued under regulation 60(1) of the Environmental Permitting Regulations (EPR), which has provided us with information on which compliance route they wish to follow for each LCP. The responses also include specific details relating to each LCP, necessary for accurate implementation the IED requirements. A copy of the regulation 60 notice and the operator's response is available on the public register.

We have reviewed the permit for this installation, including all variations since the last permit consolidation, and referred to the operator's responses to the regulation 60 notices requiring information. This is our decision document, which explains the reasoning for the consolidated variation notice that we have issued.

It explains how we have reviewed and considered the compliance routes and, where relevant, the emissions limits proposed by the Operator for each LCP on the installation. This review has been undertaken with reference to the:

- Chapter III and annex V of the IED
- “IED BAT ESI Review Paper, 28 October 2014” produced by the Environment Agency (referred to as the “2014 ESI BAT review paper” in this document)
- “Electricity Supply Industry – IED compliance protocol for Utility Boilers and Gas Turbines”, published by the Joint Environmental Programme.

It is our record of our decision-making process and shows how we have taken into account all relevant factors in reaching our position.

As well as implementing the chapter III IED compliance of the installation, the consolidated variation notice takes into account and brings together in a single document all previous variations that relate to the original permit issue. It also modernises the entire permit to reflect the conditions contained in our current generic permit template.

Improvement condition (IC5) has been removed as this was previously included in error.

An improvement condition (IC6) has been included, requiring the Operator to provide a report which demonstrates the net rated thermal input of LCP 128 and LCP 129.

Improvement condition (IC7) has also been added requiring the Operator to provide annual emissions of dust, sulphur dioxide and oxides of nitrogen including energy usage for the year 01/01/2015 to 31/12/2015.

Improvement condition (IC8) requires the Operator to provide a report specifying the details of the upgrade project for the LCP and measures taken to minimise impacts to the environment through the upgrade of the plant.

Improvement condition (IC9) requires the Operator to provide an upgrade commissioning report including final details of the improvements made.

The registered company address has been updated as part of this variation. This variation removes the 500 hour operating limit for the auxiliary boiler and replaces it with the requirement to report hours used through condition 4.1.

The variation revises table S3.3 to remove monitoring requirements and table S4.1 to remove reporting requirements for emission point S1, as the discharge has an Anglian Water discharge consent. There is only one discharge point to sewer (S2) and this variation revises the previous error by removing S1 emission point.

The introduction of new template conditions makes the Permit consistent with our current general approach and philosophy and with other permits issued to installations in this sector. Although the wording of some conditions has changed, while others have been deleted because of the new regulatory approach, it does not reduce the level of environmental protection achieved by the Permit in any way. In this document we therefore address only our determination of substantive issues relating to chapter III review.

How this document is structured

Glossary

1. Our decision
2. How we reached our decision
3. The legal framework
4. Key Issues

GLOSSARY

BAT	best available techniques
BREF	best available techniques reference document
CCGT	combined cycle gas turbine
Derogation	as set out in Article 15(4) of the IED
Emergency use	<500 operating hours per annum
ELV	emission limit value set out in either IED or LCPD
GT	gas turbine
IED	Industrial Emissions Directive 2010/75/EC
LCP	large combustion plant – combustion plant subject to Chapter III of IED
LCPD	Large Combustion Plant Directive 2001/80/EC
LLD	Limited Life Derogation
MSUL/MSDL	Minimum start up load/minimum shut-down load
TNP	Transitional National Plan

1 Our decision

We have decided to issue the Variation Notice to the Operator. This will allow it to continue to operate the Installation, subject to the conditions in the Variation Notice.

We consider that, in reaching that decision, we have taken into account all relevant considerations and legal requirements and that the varied permit will ensure that a high level of protection is provided for the environment and human health.

The Consolidated Variation Notice contains many conditions taken from our standard Environmental Permit template including the relevant annexes. We developed these conditions in consultation with industry, having regard to the legal requirements of the Environmental Permitting Regulations and other relevant legislation. This document does not therefore include an explanation for these standard conditions. Where they are included in the Notice, we have considered the techniques identified by the operator for the operation of their installation, and have accepted that the details are sufficient and satisfactory to make those standard conditions appropriate. This document does, however, provide an explanation of our use of “tailor-made” or installation-specific conditions, or where our Permit template provides two or more options.

2 How we reached our decision

2.1 Requesting information relating to the requirements of Chapter III of and Annex V to the IED

We issued a Notice under Regulation 60(1) of the Environmental Permitting (England and Wales) Regulations 2010 (a Regulation 60 Notice) on 31/10/14 requiring the Operator to provide information for each LCP they operate, including:

- The type of plant, size and configuration.
- The proposed compliance route.
- Minimum start up and shut down loads.
- The proposed emission limits and how they accord with the 2014 BAT review paper.
- For gas turbines, proposed emission limits for each unit between the MSUL/MSDL and 70% load, with a justification.

The Regulation 60 Notice response from the Operator was received on 30/03/15.

We considered that the response did not contain sufficient information for us to commence determination of the permit review. We therefore issued a further information request to the Operator. Suitable further information was provided by the Operator on 15/07/15.

We considered it was in the correct form and contained sufficient information for us to begin our determination of the permit review.

The Operator made no claim for commercial confidentiality. We have not received any information in relation to the Regulation 60 Notice response that appears to be confidential in relation to any party.

3 The legal framework

The Consolidated Variation Notice will be issued under Regulations 18 and 20 of the EPR. The Environmental Permitting regime is a legal vehicle which delivers most of the relevant legal requirements for activities falling within its scope. In particular, the regulated facility is:

- an *installation* as described by the IED;
- subject to aspects of other relevant legislation which also have to be addressed.

We consider that, in issuing the Consolidated Variation Notice, it will ensure that the operation of the Installation complies with all relevant legal requirements and that a high level of protection will be delivered for the environment and human health.

We explain how we have addressed specific statutory requirements more fully in the rest of this document.

Meeting the requirements of the IED

The table below shows how each requirement of the IED has been addressed by the permit conditions.

IED Article Reference	IED requirement	Permit condition
30(6)	If there is an interruption in the supply of gas, an alternative fuel may be used and the permit emission limits deferred for a period of up to 10 days, except where there is an overriding need to maintain energy supplies. The EA shall be notified immediately.	n/a
32(4)	For installations that have applied to derogate from the IED Annex V emission limits by means of the transitional national plan, the monitoring and reporting requirements set by UK Government shall be complied with.	n/a
33(1)b	For installations that have applied to derogate from the IED Annex V emission limits by means of the Limited Life Derogation, the operator shall submit annually a record of the number of operating hours since 1 January 2016;	n/a
37	Provisions for malfunction and breakdown of abatement equipment including notifying the EA.	n/a
38	Monitoring of air emissions in accordance with Ann V Pt 3	3.5, 3.6
40	Multi-fuel firing	n/a
41(a)	Determination of start-up and shut-down periods	2.3.5 Schedule 1 Table S1.4
72b	For combustion plants which do not operate more than 1500 operating hours per year as a rolling average over a period of 5 years, the number of operating hours per year.	n/a
Ann V Pt 1(1)	All emission limit values shall be calculated at a temperature of 273,15 K, a pressure of 101,3 kPa and after correction for the water vapour content of the waste gases and at a standardised O ₂ content of 6 % for solid fuels, 3 % for combustion plants, other than gas turbines and gas engines using liquid and gaseous fuels and 15 % for gas turbines and gas engines.	Schedule 6, Interpretation
Ann V Pt 1	Emission limit values	3.1.2 Schedule 3, Table S3.1
Ann V Pt 1	For plants operating less than 500 hours per year, record the used operating hours	n/a
Ann V Pt 1(6(1))	Definition of natural gas	Schedule 6, Interpretation
Ann V Pt 2	Emission limit values	n/a
AnnV Pt 3(1)	Continuous monitoring for >100MWth for specified substances	3.5, 3.6 Schedule 3, Table S3.1

IED Article Reference	IED requirement	Permit condition
AnnV Pt 3(2, 3, 5)	Monitoring derogations	n/a
AnnV Pt3(4)	Measurement of total mercury	n/a
AnnV Pt3(6)	EA informed of significant changes in fuel type or in mode of operation so can check Pt3 (1-4) still apply	2.3.1 Schedule 1, Table S1.2
AnnV Pt3(7)	Monitoring requirements	3.5.1 Schedule 3, Table S3.1
AnnV Part 3(8,9,10)	Monitoring methods	3.5, 3.6
AnnV Pt 4	Monthly, daily, 95%ile hourly emission limit value compliance	3.5.1 Schedule 3, Table S3.1
AnnV Pt7	Refinery multi-fuel firing SO2 derogation	n/a

4. Key Issues

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Where relevant and appropriate, we have incorporated the techniques described by the Operator in their Regulation 60 Notice response as specific operating techniques required by the permit, through their inclusion in Table S1.2 of the Consolidated Variation Notice.

The variation notice uses updated LCP numbers in accordance with the most recent DEFRA LCP reference numbers. The LCP references have changed as follows:

- **LCP 181** is changed to **LCP 128**
- **LCP 182** is changed to **LCP 129**

LCP 128 and LCP 129

LCP 128 consists of a 743 MWth which vents via a single windshield at emission point A1. The units burn natural gas.

LCP 129 consists of a 743 MWth which vents via a single windshield at emission point A2. The units burn natural gas.

Compliance Route:

The operator has proposed to operate all the LCPs under the ELV compliance route.

Net Rated Thermal Input:

An improvement condition (IC5), has been included, requiring the Operator to provide a report which demonstrates the net rated thermal input of LCP 128 and LCP 129.

Minimum start up load and Minimum shut-down load:

The Operator has defined the "minimum start up load" and "minimum shut-down load" for the LCPs in their response to question 6 of the Reg 60, in terms of three discrete processes or thresholds for operational parameters that suit the technical characteristics of the plant, which can be met at the end of start-up or start of shut-down.

We agree with all of these definitions and have set these thresholds in table S1.5 of the permit accordingly. Standard permit condition 2.3.5 has been set to define the period of start up and shut down, referring to the thresholds in this table.

Emission limits:

The operator has proposed limits in line with annex V of the IED and the 2014 BAT review paper. Consequently we have accepted the proposed limits and incorporated them into table 3.1 of the permit.

The emission limits that were previously permitted are shown in table 1 below with the Annex V limits in table 2 and the new permitted limits in table 3.

Table 1 Previous permitted limits from FP3835LS

Emission point	Parameter	Previous emission limit	Reference period
A1, A2	Oxides of nitrogen (NO and NO ₂ expressed as NO ₂)	60 mg/m ³	Daily mean of validated hourly averages
		100 mg/m ³	95 percentile of validated hourly averages within a calendar year
	Carbon monoxide	100 mg/m ³	95 percentile of validated hourly averages within a calendar year
	Sulphur dioxide	No limit set	-

Table 2 Annex V limits

Emission point	Parameter	Annex V limits
A1, A2	Oxides of nitrogen (NO and NO ₂ expressed as NO ₂)	50 mg/m ³
	Carbon monoxide	100 mg/m ³

Table 3 New permitted limits EPR/FP3835LS/V005

Emission point	Parameter	Previous emission limit	Reference period
A1, A2	Oxides of nitrogen (NO and NO ₂ expressed as NO ₂)	50 mg/m ³	Monthly mean of validated hourly averages
		MSUL/MSDL to base load	
		55 mg/m ³	Daily mean of validated hourly averages
	MSUL/MSDL to base load		
	100 mg/m ³	95% of validated hourly averages within a calendar year	
Carbon monoxide	MSUL/MSDL to base load		Monthly mean of validated hourly averages
	110 mg/m ³	Daily mean of validated hourly averages	
	MSUL/MSDL to base load		

		200 mg/m ³ MSUL/MSDL to base load	95% of validated hourly averages within a calendar year
--	--	--	--

Gas Turbines:

Sulphur dioxide emissions from natural gas firing of gas turbines and boilers will be reported as six monthly concentrations on the basis of the fuel sulphur content without continuous or periodic monitoring since only trace quantities of sulphur are present in UK natural gas. Dust emissions for natural gas fired boilers will, likewise, be reported on the basis of emission factors without continuous or periodic monitoring. For gas turbines we have not required any reporting as the dust emissions will always be reported as zero. This is because natural gas is an ash-free fuel and high efficiency combustion in the gas turbine does not generate additional particulate matter. The fuel gas is always filtered and, in the case of gas turbines, the inlet air is also filtered resulting in a lower dust concentration in the flue than in the surrounding air.

The IED Annex V ELVs apply to OCGTs, CCGTs and mechanical drive gas turbines when the load is >70%. This has been interpreted as 70% of the rated output load. The rated output load used here is the same as that used for calculating the percentage load when specifying the end of start-up and beginning of shut-down.

Reporting efficiency:

In order to ensure the efficiency of plant using fossil fuels is maximised and regularly recorded, condition 1.2.1(c), condition 4.2.2(b) and table S4.2 have been added to the permit.

Monitoring & standards:

Standards for assessment of the monitoring location and for measurement of oxygen, water vapour, temperature and pressure have been added to the permit template for clarity.

A row has been included in table S3.1 which requires the operator to confirm compliance with BS EN 15259 in respect of monitoring location and stack gas velocity profile in the event there is a significant operational change (such as a change of fuel type) to the LCP.

Resource efficiency metrics:

A more comprehensive suite of reporting metrics has been added to the permit template for ESI plant. Table S4.2 "Resource Efficiency Metrics" has been added requiring the reporting of various resource parameters, as this is an Electrical Supply Industry (ESI) power plant. This table is being used for all ESI plant.

Additional IED Chapter II requirements:

Condition 3.1.3 relating to protection of soil, groundwater and groundwater monitoring, has been added in compliance with IED requirements.

Conditions 4.3.1 and 4.3.2 relating to notifications have been amended in compliance with IED requirements.