

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/EP3538LB
The Operator is: Rugeley Power Ltd
The Installation is: Rugeley Power Station
This Variation Notice number is: EPR/EP3538LB/V004

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.

The operator has submitted a response(s) to our notice(s) 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 response also includes specific details relating to each LCP, necessary for accurate implementation the IED requirements. A copy of the regulation 60 notice and the operators 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 operators response(s) to the regulation 60 notice 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. It also provides a justification for the inclusion of any specific conditions in the permit that are in addition to those included in our generic permit template.

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.

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 and any other changes to the operation of the installation (see annex 1).

How this document is structured

Glossary

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

Annex 1 – Review and assessment of changes that are not part of the Chapter III IED derived permit review

Annex 2 – consultation response from Natural England

GLOSSARY

BAT	best available techniques
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
MSUL/MSDL	Minimum start up load/minimum shut-down load
SO ₂	Sulphur dioxide
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 Consolidated 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 29/01/15 requiring the Operator to provide information for each LCP they operate, including:

- The type of plant, size and configuration,
- The proposed compliance route(s),
- Minimum start up and shut down loads,
- For coal fired power stations entering into the TNP or LLD, confirmation of whether they will follow the sector approach in the 2014 BAT review paper for the setting of emission limits, or if not propose emission limits with a justification based on the principals outlined in the 2014 BAT review paper,
- For all other LCPs, the proposed emission limits and how they accord with the 2014 BAT review paper,

The Regulation 60 Notice response from the Operator was received on 30 March 2015.

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 23/10/15 and 20/11/15.

We considered it was in the correct form and contained sufficient information for us to begin our determination of the permit review but not that it necessarily contained all the information we would need to complete that determination.

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. The operator indicated that some of the information contained within the Regulation 60 notice response was confidential but then later confirmed that this did not need to be treated as confidential in an email on 23/10/15.

2.2 Requests for Further Information during determination

Although we were able to consider the Regulation 60 Notice response generally satisfactory at receipt, we did in fact need more information in order to complete our permit review assessment, and issued further information requests on 09/10/15 (regarding low-NOx burners) and 26/10/15 (regarding MSUL and MDSL for the LCPs). A copy of each further information request was placed on our public register.

In addition to the responses to our further information requests, we received additional information during the determination from the operator regarding compliance with the daily SO₂ ELV on 02/12/15 and 18/02/15. We made a copy of this information available to the public in the same way as the responses to our information requests.

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.	Not applicable
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.	3.1.4 Schedule 3, Table S3.3
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;	Not applicable
37	Provisions for malfunction and breakdown of abatement equipment including notifying the EA.	2.3.7 4.2.5 4.3.1d
38	Monitoring of air emissions in accordance with Ann V Pt 3	3.5, 3.6
40	Multi-fuel firing	Not applicable
41(a)	Determination of start-up and shut-down periods	2.3.6 Schedule 1 Table S1.5
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 O2 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	2.3.5, 4.2.2d
Ann V Pt 1(6(1))	Definition of natural gas	Not applicable
Ann V Pt 2	Emission limit values	3.1.2 Schedule 3, Table S3.1
AnnV Pt 3(1)	Continuous monitoring for >100MWth for specified substances	3.5, 3.6 Schedule 3, Table S3.1
AnnV Pt 3(2, 3, 5)	Monitoring derogations	3.5.1 Schedule 3, Table S3.1
AnnV Pt3(4)	Measurement of total mercury	3.5.1 Schedule 3, Table S3.1

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	Not applicable
AnnV Pt7	Refinery multi-fuel firing SO2 derogation	Not applicable

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 new LCP numbers in accordance with the most recent Defra LCP reference numbers. The LCP references have changed as follows:

- LCP203 is now LCP197;
- GT16 (no LCP reference previously) is now LCP460; and
- GT17 (no LCP reference previously) is now LCP461

LCP197

This LCP consists of 2 x 1324 MWth boilers (units 6 and 7) which vent via multiple flues within a single windshield at emission point A1. The units burn coal.

Compliance route:

The operator has proposed to operate this LCP under the TNP compliance route.

For plant operating under the TNP, ELVs are set which have been derived for the period 2016 – 30 June 2020 (the duration of the TNP). At the end of this period it is expected that both Annex V and the revised LCP BREF will become applicable, in which case Annex V or the BAT conclusions must be achieved (whichever is stricter), or operators must have applied for a derogation from the BAT conclusion (if that is stricter: Annex V will apply in any event). The operator will apply, at the appropriate time, to vary the permit again to reflect this.

Net rated thermal input:

The Applicant has stated that the Net Thermal Input is 1324 MWth for each boiler (total 2648 MWth). They have justified this figure as being based on operational efficiency data from 2014 using the JEP efficiency versus load methodology. We accept this figure as it has been calculated using a recognised methodology, although it is not clear how the operator has derived the maximum continuous rating for the boilers and it is therefore likely that we will examine this as part of a future compliance audit.

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 LCP in their response to question 6 of the Reg 60, in terms of:

the output load (i.e. electricity, heat or power generated) (MW); and this output load as a percentage of the rated output of the combustion plant (%)

The output load and percentage of the rated output is based on the rated electrical output from each unit.

The operator has justified the MSUL and MSDL in accordance with Appendix C of the Joint Environmental Programme's Electricity Supply Industry – IED Compliance Protocol for Utility Boilers and Gas Turbines (which incorporates the requirements of implementing decision 2012/249/EU) with reference to the following considerations:

- Status of the oil burners
- Flue gas desulphurisation damper position
- BOFA status
- Number of mills in service

We agree with all of these definitions and have set these thresholds in table S1.5 of the permit accordingly. Standard permit condition 2.3.6 has been set to define the period of start up and shut down, referring to the thresholds in this table.

Emission limits:

The LCP will be subject to TNP compliance regime and the operator has confirmed that they will comply with the sector approach in the 2014 BAT review paper (with the possible exception of SO₂ – see below). Consequently we have set the emission limits for this LCP in line with the BAT paper in table S3.1, we have also set the standard annual emission target in table S3.3.

The existing and new ELVs are as follows:

Parameter	Existing mg/m ³	Reference Period	New Permit limit mg/m ³
Dust	55	97% 48 hour means	-
Dust	25	Monthly average	20
Dust	50*	Monthly average	-
Dust	-	95% daily means	35
SO ₂	400	Monthly average	350
SO ₂	440	97% 48 hour means	-
SO ₂	-	95% daily means	440
Oxides of nitrogen	500	Monthly average	450
Oxides of nitrogen	550	97% 48 hour means	-
Oxides of nitrogen	-	95% daily means	550

*Without FGD operating (not applicable to new permit)

We have reviewed the new ELVs and concluded that they will not result in increased emissions from the site. A copy of the review carried out by our Air

Quality Modelling & Assessment Unit has been placed on the public register (reference AQMAU C1333-RP01).

The operator has indicated that on occasions the daily SO₂ limit could be breached following a return to service from a cold or warm condition. The daily ELV which we have set for SO₂ is a 95%ile, and therefore 5% of the results in a calendar year are allowed to be above the ELV. If any breaches of the daily SOX ELV do occur we will respond to them in line with our Enforcement and Sanctions statement and any relevant position statements.

LCP460 and LCP461

These LCPs each consist of a 96 MWth black-start OCGT, GT16 and GT17, which vent via separate stacks at emission points A2 and A3 respectively. They are black start turbines which are only used in the event of loss of power from the National Grid. The units burn gas oil.

Compliance Route:

The operator has proposed to operate these LCPs under the ELV compliance route. No ELVs have been set for LCP460 and LCP461 as per the requested derogation for <500 hrs operation per year.

Net Rated Thermal Input:

The Applicant has stated that the Net Thermal Input of each OCGT is 96 MWth. They have justified this figure by quoting efficiency data for the GTs. We have accepted the operator's justification without requiring further information as these LCPs are usually only run for 10s of hours per year for testing or in emergencies, and the configuration of the units is unlikely to have changed since they were first installed.

Minimum start up load and Minimum shut-down load:

For the purposes of recording operational hours for the LCP, we have set these thresholds in table S1.5 of the permit which define MSUL as being as soon as gas turbine start-up is initiated, and shut down as being as soon as the gas turbine is completely off-load.

Standard permit condition 2.3.6 has been set to define the period of start up and shut down, referring to the thresholds in this table.

Emission limits:

No ELVs will be set in line with annex V of the IED for gas turbines for emergency use that operate less than 500 hours per year.

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.

Notifications:

Schedule 5, Part C, takes account of the malfunction and breakdown requirements. A breach of permit condition is NOT implicit in notification under Part C.

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 3.1.5 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.

Annex 1: Review and assessment of changes that are not part of the Chapter III IED derived permit review

Biomass fuels

We have removed conditions in the permit which allow biomass fuels to be burned (entries in Tables S3.1 and S3.2 in the original permit which have not been transcribed in Schedule 2 of the new permit) as the biomass handling facility has now been removed which means that the installation is no longer capable of burning biomass. However, the operator has indicated that they would like to retain the ability to carry out a trial of co-firing biomass in the future if necessary, and so we have included a pre-operational condition in Table S1.4 for future development which requires the operator to submit a plan for any future trial for approval.

Air quality management plan

It has been a requirement of the permits for coal-fired power stations to carry out ambient air quality monitoring and modelling to demonstrate that compliance with the National Air Quality Strategy (NAQS) is being achieved. In order to demonstrate this, the power stations set up six air quality monitoring sites at locations where the maximum ground level concentrations were calculated to be.

Reporting has shown that compliance with all of the National Air Quality Standards has been met at all of the sites in each year since 2001. It is now considered enough data has been collected to demonstrate that, with the applicable controls on the installation in place in their environmental permits, ongoing monitoring and modelling is no longer necessary. The requirement to carry out air quality monitoring in the Trent Valley will therefore cease at the end of 2015, and conditions in Section 3.8 have been removed from the permit. We have included an improvement condition (IC19) requiring the operator to submit a copy of the air quality monitoring and modelling results for 2015.

Biodiversity, Heritage, Landscape and Nature Conservation

The activities being carried out are within the relevant distance criteria of a site of heritage, landscape or nature conservation, and protected species or habitats. A full assessment of the activities and their potential to affect the sites, species and habitats has been carried out as part of the permitting process via an Appropriate Assessment which is available on the public register. We consider that the activities will not affect the features of the sites, species and habitats.

Formal consultation has been carried out with Natural England. The consultation response (Annex 2) was taken into account in the permitting decision.

Cessation of monitoring programme for Natura 2000 sites

We have decided that we will no longer require the operator to monitor the effects of emissions from the installation at Natura 2000 sites (improvement condition IC7 in the current permit).

The aim of the monitoring programme was to provide data to increase confidence in the Environment Agency's 2006 permitting conclusion and address Statutory Nature Conservation Body concerns. The monitoring data provides information on pollutant levels and current conditions at each Natura 2000 site and indicates that the sites may be compromised by poor air quality as total acid and nitrogen deposition is higher than the critical load at all the monitored sites. The monitoring data does not provide a means of source attribution. Confounding factors make it difficult to extrapolate signals from the monitoring data and the most useful information is likely to come from modelling.

Additional monitoring carried out by the Environment Agency indicates that while Electrical Supply Industry (ESI) sites contribute to atmospheric pollutant concentrations and deposition, there are large impacts, particularly from nitrogen deposition, from other non-ESI sources.

Little real change was evident between the two vegetation surveys, and conditions at the monitored sites were found to be similar to those of other sites across the country. There is no evidence of recent deterioration in site condition. This is not unexpected as vegetation response time to air pollution impacts is slow, and can take several years; the timescale reported here is not long enough to pick out any real changes. There is some evidence that pH is recovering but it is difficult to say whether or not this represents historical or more current reductions in sulphur emissions. Plant species at the sites will be influenced by changes in both acidity and nutrient and it is hard to tease the causes apart.

We recognise that the concentration, deposition and vegetation monitoring has been (and would continue to be) a very useful scientific exercise for reporting on site condition. In terms of reporting on potential impacts of ESI emissions on the Natura 2000 sites involved in the monitoring programme, continued monitoring is unlikely to provide any further insight. The monitoring to date has provided the necessary confidence in, and validation of, the modelling approaches used. On that basis further monitoring is difficult to justify. Natural England is comfortable with this conclusion (though the monitoring data does not address all of the issues raised by Natural England in 2006; these issues will be addressed separately).

The date of IC7 has been changed to 31/12/16 in order to require the operator to submit the monitoring data collected for 2015, but no further monitoring will be required.

Emissions to water

We have amended Table S3.2 to clarify that total residual chlorine for (in the current permit) for W3 and W5 means total free chlorine, and we have reduced the limit from 0.25 to 0.2 mg/l in response to a request from the operator.

Annex 2: Consultation responses

Summary of responses to consultation and the way in which we have taken these into account in the determination process.

Response received from
Natural England via email on 08/10/15
Brief summary of issues raised
As there have been no substantial changes to the appropriate assessment, Natural England's advice remains the same as when last consulted in 2007.
Summary of actions taken or show how this has been covered
The improvement condition (IC6) to implement a plan to minimise SO ₂ emissions and ensure that total SO ₂ emissions from coal-fired power stations in England and Wales do not exceed 70 kt/y by 2020 will be retained in the permit.