

# Notice of variation and consolidation with introductory note

The Environmental Permitting (England & Wales) Regulations 2010

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The Coal Authority

Whitburn Mine Water Scheme serving  
The Former Whitburn Colliery  
Whitburn Coastal Park  
Mill Lane  
Whitburn  
SR6 7NH

Variation application number  
EPR/EP3622XS/V002

Permit number  
EPR/EP3622XS

# Whitburn Mine Water Scheme

## Permit number EPR/EP3622XS

### Introductory note

**This introductory note does not form a part of the notice.**

Under the Environmental Permitting (England & Wales) Regulations 2010 (schedule 5, part 1, paragraph 19) a variation may comprise a consolidated permit reflecting the variations and a notice specifying the variations included in that consolidated permit.

Schedule 1 of the notice specifies the conditions that have been varied and schedule 2 comprises a consolidated permit which reflects the variations being made. Only the variations specified in schedule 1 are subject to a right of appeal.

This variation changes various aspects of the original permit issued in November 2010. The original permit allowed a 3 month discharge of untreated mine water to the North Sea (outlet located on the coastline) for the purpose of a pump test to determine the composition of the mine water and the discharge volume required to protect the Tyne and Wear Aquifer. Under the Environmental Permitting Regulations (England and Wales) 2010, permits can not be time limited, although activities and conditions within the permits can have time limits imposed. Therefore, while the permit remained "active" the activity under the permit was conditioned to end on 30/04/2011.

Following the pump test the discharge time limit has been removed. The following changes have also been made:

- The outlet has been moved to a location approximately 240 metres seaward from the mean low water level;
- The discharge is made via a diffuser to aid in dispersal of the effluent;
- The maximum iron loading has been increased to 200kg/day (300kg in exceptional circumstances);
- The requirement for MCERTS standard flow monitoring have been added to the permit.

Due to local interest in the site this application was deemed a Site of High Public Interest.

The status log of a permit sets out the permitting history, including any changes to the permit reference number.

**Status log of the permit**

<b>Description</b>	<b>Date</b>	<b>Comments</b>
Permit determined EPR/EP3622XS	26/11/2010	Permit issued to The Coal Authority.
Application EPR/EP3622XS/V002 (variation and consolidation)	Duly made 13/06/2014	Application to vary the permit
Additional information received	13/11/2014	Schedule 5 information received
Additional information received	09/12/2014	Background Conditions report for Horden and Dawdon received.
Variation determined EPR/EP3622XS	DD/MM/YY	Varied and consolidated permit issued in modern condition format.

End of introductory note

## Notice of variation and consolidation

The Environmental Permitting (England and Wales) Regulations 2010

The Environment Agency in exercise of its powers under regulation 20 of the Environmental Permitting (England and Wales) Regulations 2010 varies and consolidates

**permit number**  
**EPR/EP3622XS**

**issued to**  
**The Coal Authority** (“the operator”)

whose principal office is

**200 Lichfield Lane**  
**Mansfield**  
**Nottinghamshire**  
**NG18 4RG**

to operate a regulated facility at

**The Former Whitburn Colliery**  
**Whitburn Coastal Park**  
**Mill Lane**  
**Whitburn**  
**SR6 7NH**

to the extent set out in the schedules.

The notice shall take effect from **xx/xx/2015**

Name

Date

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Authorised on behalf of the Environment Agency

## Schedule 1

All conditions other than condition numbers 1.1.1, 1.1.2, 1.1.3, 4.1.1, 4.1.2, 4.2.1, 4.3.1 (a) and (c), 4.3.2, 4.3.3, 4.3.4, 4.4.1 and 4.4.2 have been varied by the consolidated permit EPR/EP3622XS.

The following conditions were varied as a result of the application made by the operator:

- Condition 2.1.1 and Table S1.1;
- Condition 2.2.1, Table S3.2 and the site plan in Schedule 7;
- Condition 2.3.1 and Table S1.2;
- Condition 3.1.2 and Table S3.1;
- Condition 3.3.1 and Table S3.3 and Table S3.4.
- Condition 3.3.3 and definition in Schedule 6;
- Condition 4.2.2 and Table S4.1 and Table S4.2

The following conditions were varied as a result of an Environment Agency initiated variation:

- Condition 2.3.1 (b);
- Condition 3.1.1 (deleted, condition number as per V002);
- Condition 3.1.3 (deleted, condition number as per V002);
- Condition 3.2.1;
- Condition 3.2.2 (deleted, condition number as per V002);
- Condition 3.3.4;
- Condition 4.3.1 (b);
- Condition 4.3.5
- The wording contained in Schedule 2;
- The word *determinand* is replaced by the word *parameters* in Schedule 4;
- Schedule 5; and
- Definition of “*emissions of substances not controlled by emission limits*” in Schedule 6 and definition of “*significant pollution*” has been added to Schedule 6.

## Schedule 2 – consolidated permit

Consolidated permit issued as a separate document.

# Permit

The Environmental Permitting (England and Wales) Regulations 2010

**Permit number**  
**EPR/EP3622XS**

This is the consolidated permit referred to in the variation and consolidation notice for application EPR/EP3622XS/V002 authorising,

**The Coal Authority** (“the operator”),  
whose principal office is

**200 Lichfield Lane**  
**Mansfield**  
**Nottinghamshire**  
**NG18 4RG**

to operate a water discharge activity at

**The Former Whitburn Colliery**  
**Whitburn Coastal Park**  
**Mill Lane**  
**Whitburn**  
**SR6 7NH**

to the extent authorised by and subject to the conditions of this permit.

Name	Date

Authorised on behalf of the Environment Agency

# Conditions

## 1 Management

### 1.1 General management

- 1.1.1 The operator shall manage and operate the activities:
- (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances and those drawn to the attention of the operator as a result of complaints; and
  - (b) using sufficient competent persons and resources.
- 1.1.2 Records demonstrating compliance with condition 1.1.1 shall be maintained.
- 1.1.3 Any person having duties that are or may be affected by the matters set out in this permit shall have convenient access to a copy of it kept at or near the place where those duties are carried out.

## 2 Operations

### 2.1 Permitted activities

- 2.1.1 The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the "activities").

### 2.2 The site

- 2.2.1 The activities shall not extend beyond the site, being the land shown edged in green and the discharge shall be made at the point marked on the site plan at schedule 7 to this permit and as listed in table S3.2 (discharge points).

### 2.3 Operating techniques

- 2.3.1 (a) The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2, unless otherwise agreed in writing by the Environment Agency.

- (b) If notified by the Environment Agency that the activities are giving rise to pollution, the operator shall submit to the Environment Agency for approval within the period specified, a revision of any plan or other documentation ("plan") specified in schedule 1, table S1.2 or otherwise required under this permit which identifies and minimises the risks of pollution relevant to that plan, and shall implement the approved revised plan in place of the original from the date of approval, unless otherwise agreed in writing by the Environment Agency.

## **3 Emissions and monitoring**

### **3.1 Emissions to water**

- 3.1.1 The limits given in schedule 3 table S3.1 shall not be exceeded.

### **3.2 Emissions of substances not controlled by emission limits**

- 3.2.1 The operator shall take appropriate measures to minimise so far as reasonably practicable the polluting effects of the emissions of substances not controlled by emission limits (excluding odour).

### **3.3 Monitoring**

- 3.3.1 The operator shall, unless otherwise agreed in writing by the Environment Agency, undertake the monitoring specified in the following tables in schedule 3 to this permit:

- (a) point source emissions specified in tables S3.1 and S3.3;
- (b) surface water or groundwater specified in table S3.4.

- 3.3.2 The operator shall maintain records of all monitoring required by this permit including records of the taking and analysis of samples, instrument measurements (periodic and continual), calibrations, examinations, tests and surveys and any assessment or evaluation made on the basis of such data.
- 3.3.3 Monitoring equipment, techniques, personnel and organisations employed for the emissions monitoring programme and the environmental or other monitoring specified in condition 3.3.1 shall have either MCERTS certification or MCERTS accreditation (as appropriate), where available, unless otherwise agreed in writing by the Environment Agency.
- 3.3.4 Permanent means of access shall be provided to enable sampling/monitoring to be carried out at the monitoring points specified in schedule 3 table S3.3 and S3.4 unless otherwise agreed in writing by the Environment Agency.



## 4 Information

### 4.1 Records

- 4.1.1 All records required to be made by this permit shall:
- (a) be legible;
  - (b) be made as soon as reasonably practicable;
  - (c) if amended, be amended in such a way that the original and any subsequent amendments remain legible, or are capable of retrieval; and
  - (d) be retained, unless otherwise agreed in writing by the Environment Agency, for at least 6 years from the date when the records were made.
- 4.1.2 The operator shall keep on site all records, plans and the management system required to be maintained by this permit, unless otherwise agreed in writing by the Environment Agency.

### 4.2 Reporting

- 4.2.1 The operator shall send all reports and notifications required by the permit to the Environment Agency using the contact details supplied in writing by the Environment Agency.
- 4.2.2 Within 28 days of the end of the reporting period the operator shall, unless otherwise agreed in writing by the Environment Agency, submit reports of the monitoring and assessment carried out in accordance with the conditions of this permit, as follows:
- (a) in respect of the parameters and monitoring points specified in schedule 4 table S4.1;
  - (b) for the reporting periods specified in schedule 4 table S4.1 and using the forms specified in schedule 4 table S4.2; and
  - (c) giving the information from such results and assessments as may be required by the forms specified in those tables.

### 4.3 Notifications

- 4.3.1 The Environment Agency shall be notified without delay following the detection of:
- (a) any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution;
  - (b) the breach of a limit specified in schedule 3 table S3.1; or
  - (c) any significant adverse environmental effects.
- 4.3.2 Any information provided under condition 4.3.1 shall be confirmed by sending the information listed in schedule 5 to this permit within the time period specified in that schedule.

4.3.3 Where the Environment Agency has requested in writing that it shall be notified when the operator is to undertake monitoring and/or spot sampling, the operator shall inform the Environment Agency when the relevant monitoring and/or spot sampling is to take place. The operator shall provide this information to the Environment Agency at least 14 days before the date the monitoring is to be undertaken.

4.3.4 The Environment Agency shall be notified within 14 days of the occurrence of the following matters, except where such disclosure is prohibited by Stock Exchange rules:

Where the operator is a registered company:

- (a) any change in the operator's trading name, registered name or registered office address; and
- (b) any steps taken with a view to the operator going into administration, entering into a company voluntary arrangement or being wound up.

Where the operator is a corporate body other than a registered company:

- (a) any change in the operator's name or address; and
- (b) any steps taken with a view to the dissolution of the operator.

4.3.5 Where the operator proposes to make a change in the nature of the activity by increasing the concentration of, or the addition of, or allowing the introduction of, a pollutant to the activity to an extent that the activity may be liable to cause pollution and the change is not permitted by emission limits specified within schedule 3 table S3.1 or the subject of an application for approval under the EP Regulations or this permit:

- (a) the Environment Agency shall be notified in writing at least 14 days before the increase or addition or allowing the introduction; and
- (b) the notification shall contain a description of the proposed change.

## 4.4 Interpretation

4.4.1 In this permit the expressions listed in schedule 6 shall have the meaning given in that schedule.

4.4.2 In this permit references to reports and notifications mean written reports and notifications, except where reference is made to notification being made "without delay", in which case it may be provided by telephone.

# Schedule 1 - Operations

Table S1.1 Activities	
Description of activity	Limits of specified activity
Discharge of trade effluent consisting of untreated mine water via Outlet 1	<p>The discharge shall be made via a twin Tideflex valve diffuser system located at Outlet 1.</p> <p>Should an ochereous plume be visible at any time at Outlet 1:</p> <ul style="list-style-type: none"> <li>• Subject to the next bullet point below the discharge shall cease until the plume is no longer visible.</li> <li>• Subject to prior written confirmation from the Environment Agency, the discharge may recommence before the plume ceases to be visible if the operator satisfies the Environment Agency that the level and/or rate of rise of the minewater is putting at risk the water quality of the magnesian limestone aquifer from which water is abstracted for potable supply and which overlies the Whitburn and Westoe mining block.</li> <li>• In all other circumstances the discharge shall not recommence until the operator has reported on the nature of the threat to the magnesian limestone aquifer to the Environment Agency, and the Environment Agency has stated in writing that the discharge may recommence.</li> </ul> <p>As an exception to the limit specified in Table S3.1 in Schedule 3, the operator may discharge a maximum of 300kg per day of Total Iron when it identifies an imminent threat, beyond its control, to the water quality of the magnesian limestone aquifer from which water is abstracted for potable supply and which overlies the Whitburn and Westoe mining block.</p> <ul style="list-style-type: none"> <li>• The operator shall forthwith notify the Environment Agency in writing when it identifies that threat.</li> <li>• The operator shall identify measures required to achieve compliance with the Total Iron limit specified in Table S3.1 in Schedule 3 and submit these to the Environment Agency for written approval within 1 month of identifying the threat.</li> <li>• The operator shall implement any measures approved in writing by the Environment Agency within three months of identifying the threat.</li> <li>• The discharge of 300kg/d shall not continue for longer than three months.</li> </ul>

Table S1.2 Operating techniques		
Description of documentation	Parts	Date Received
Variation of Permit EPR/ES3622XS Provision of Further Information Proposed Operating Technique	All of document	13/11/2014

## **Schedule 2 - Waste types, raw materials and fuels**

Schedule 2 not in use.

**DRAFT**

## Schedule 3 – Emissions and monitoring

**Table S3.1 Point Source emissions to water (other than sewer) – emission limits and monitoring requirements**

Discharge source and discharge point ref. & location	Parameter	Limit (including unit)	Reference Period	Limit of effective range	Monitoring frequency	Compliance Statistic
Trade effluent consisting of untreated mine water via Outlet 1	Maximum daily discharge volume	2,592 m <sup>3</sup> /day	Total daily volume	N/A	Continuous	Maximum
	Maximum rate of discharge	30 litres per second	Instantaneous (spot sample)	N/A	N/A	Maximum
	15-minute instantaneous or averaged flow	No limit set. Record as l/s	15 minute	N/A	Continuous	N/A
	Visual appearance	No ochreous plume at the Outlet shall be visible	Instantaneous (spot sample)	N/A	In accordance with Table 2.3 in the Operating Technique listed in Table S1.2	No ochreous plume
	Suspended solids (measured after drying at 105° C)	250 mg/l	Instantaneous (spot sample)	N/A	In accordance with Table 2.3 in the Operating Technique listed in Table S1.2	Maximum
	pH	5 to 9	Instantaneous (spot sample)	N/A	In accordance with Table 2.3 in the Operating Technique listed in Table S1.2	Minimum and maximum

Total Iron as Iron	200kg/day	Instantaneous (spot sample)	Can only be exceeded in the circumstances specified in Table S1.1	In accordance with Table 2.3 in the Operating Technique listed in Table S1.2	Maximum
Visible oil or grease	No significant trace present	Instantaneous (spot sample)	N/A	In accordance with Table 2.3 in the Operating Technique listed in Table S1.2	No significant trace
Ammonia	N/A	Instantaneous (spot sample)	N/A	In accordance with Table 2.5 in the Operating Technique listed in Table S1.2	N/A
Chloride					
Sulphate					
Nitrate					
Phosphate					
Total Organic Carbon (TOC)					
Manganese					
Aluminium					
Calcium					
Magnesium					
Sodium					
Potassium					
Silicon					
Boron					
Barium					
Strontium					
Zinc					
Nickel					
Cadmium					
Arsenic					
Copper					
Mercury					
Mercury					
Lead					
Polyaromatic Hydrocarbon – 16 (PAH)					
SVOC					

	Volatile Organic Compounds (VOC)					
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**Table S3.2 Discharge points**

Effluent Name	Discharge Point	Discharge point NGR	Receiving water/Environment
Trade effluent consisting of untreated mine water	Outlet 1	NZ 41335 63977	North Sea

**Table S3.3 Monitoring points**

Effluent(s) and discharge point(s)	Monitoring type	Monitoring point NGR	Monitoring point reference
Trade effluent consisting of untreated mine water via Outlet 1	Effluent sampling	NZ 40871 63696	Effluent sample point
	Visual appearance monitoring	NZ 41335 63977	Visual appearance monitor point
	Flow monitoring	NZ 40871 63696	Flow monitor point

**Table S3.4 Surface water or groundwater monitoring requirements**

Location or description of point of measurement	Parameter	Monitoring frequency	Monitoring standard or method	Other specifications
Four points on a 25m radius from Outlet 1. The four points are marked on site plan in Schedule 7 labelled Sea Water Sampling Plan.	All those listed in Table 2.4 in the Operating Technique referenced in Table S1.2 of this permit	As described in Table 2.3 in the Operating Technique referenced in Table S1.2 of this permit	Monitoring method as described in Operating Technique in Table S1.2 of this permit.  All monitoring equipment shall be subject to MCERTS and all water analyses shall be tested at a UKAS accredited laboratory.	N/A
Dropdown CCTV benthic drift survey extended across a 25m radius from Outlet 1. The specific direction of survey will be governed by the tide at the time of sampling.	Observations as described in Table 2.3 in the Operating Technique referenced in Table S1.2 of this permit	As described in Table 2.3 in the Operating Technique referenced in Table S1.2 of this permit	Monitoring method as described in Operating Technique in Table S1.2 of this permit.	Surveys to be carried out in accordance with recommendations made by the Inshore Fisheries and Conservation Authority (IFCA) as specified in the Operating Technique referenced in Table S1.2 of this permit

## Schedule 4 – Reporting

Parameters, for which reports shall be made, in accordance with conditions of this permit, are listed below.

<b>Table S4.1 Reporting of monitoring data</b>			
<b>Parameter</b>	<b>Monitoring point reference</b>	<b>Reporting period</b>	<b>Period begins</b>
Total daily volume	Flow monitor point	Quarterly	On start date of the variation
Parameters listed in Table S3.1 (except total daily volume)	Effluent sample point and Visual monitor point	Quarterly	On start date of the variation
Parameters listed in Table S3.4	As described in Table S3.4	On request	On start date of the variation

<b>Table S4.2 Reporting forms</b>	
<b>Parameter</b>	<b>Reporting format</b>
Total daily volume	WISKI electronic format specified by the Environment Agency
15-minute flow	WISKI electronic format specified by the Environment Agency
Parameters listed in Table S3.1 (except total daily volume)	Form as agreed in writing by the Environment Agency
Parameters listed in Table S3.4	Form as agreed in writing by the Environment Agency



## Schedule 5 - Notification

These pages outline the information that the operator must provide.

Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

If any information is considered commercially confidential, it should be separated from non-confidential information, supplied on a separate sheet and accompanied by an application for commercial confidentiality under the provisions of the EP Regulations.

### Part A

Permit Number	
Name of operator	
Location of Facility	
Time and date of the detection	

<b>(a) Notification requirements for any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution</b>	
<b>To be notified within 24 hours of detection.</b>	
Date and time of the event	
Reference or description of the location of the event	
Description of where any release into the environment took place	
Substances(s) potentially released/type or nature of effluent released	
Best estimate of the quantity or rate of release of substances and/or duration of discharge	
Best estimate of the environmental impact of the discharge	
Measures taken, or intended to be taken, to stop any emission	
Description of the failure or accident.	

<b>(b) Notification requirements for the breach of a limit specified in schedule 3 table S3.1</b>	
<b>To be notified as soon as practicable following detection by a reporting system and format specified by the Environment Agency</b>	
Monitoring point reference/ source	
Self monitoring regime (where relevant)	eg OSM
Type of failure	eg upper tier/other
Date of sample/event	
Parameter	
Result and units	
Limit and units	

<b>(c) Notification requirements for the detection of any significant adverse environmental effect</b>	
<b>To be notified within 24 hours of detection unless otherwise agreed in writing by the Environment Agency</b>	
Description of where the effect on the environment was detected	
Substances(s) detected	
Concentrations of substances detected	
Date of monitoring/sampling	

**Part B - to be submitted as soon as practicable unless otherwise agreed in writing by the Environment Agency**

Any more accurate information on the matters for notification under Part A.	
Measures taken, or intended to be taken, to prevent a recurrence of the incident/breach/exceedance	
Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission	

<b>Name*</b>	
<b>Post</b>	
<b>Signature</b>	
<b>Date</b>	

\* authorised to sign on behalf of the operator

## Schedule 6 - Interpretation

"accident" means an accident that may result in pollution.

"annually" means once every year.

"application" means the application for this permit, together with any additional information supplied by the operator as part of the application and any response to a notice served under Schedule 5 to the EP Regulations.

"emissions of substances not controlled by emission limits" means emissions of substances to air, water or land from the activities, which are not controlled by an emission or background concentration limit.

"EP Regulations" means The Environmental Permitting (England and Wales) Regulations SI 2010 No.675 and words and expressions used in this permit which are also used in the Regulations have the same meanings as in those Regulations.

"MCERTS" means the Environment Agency's Monitoring Certification Scheme.

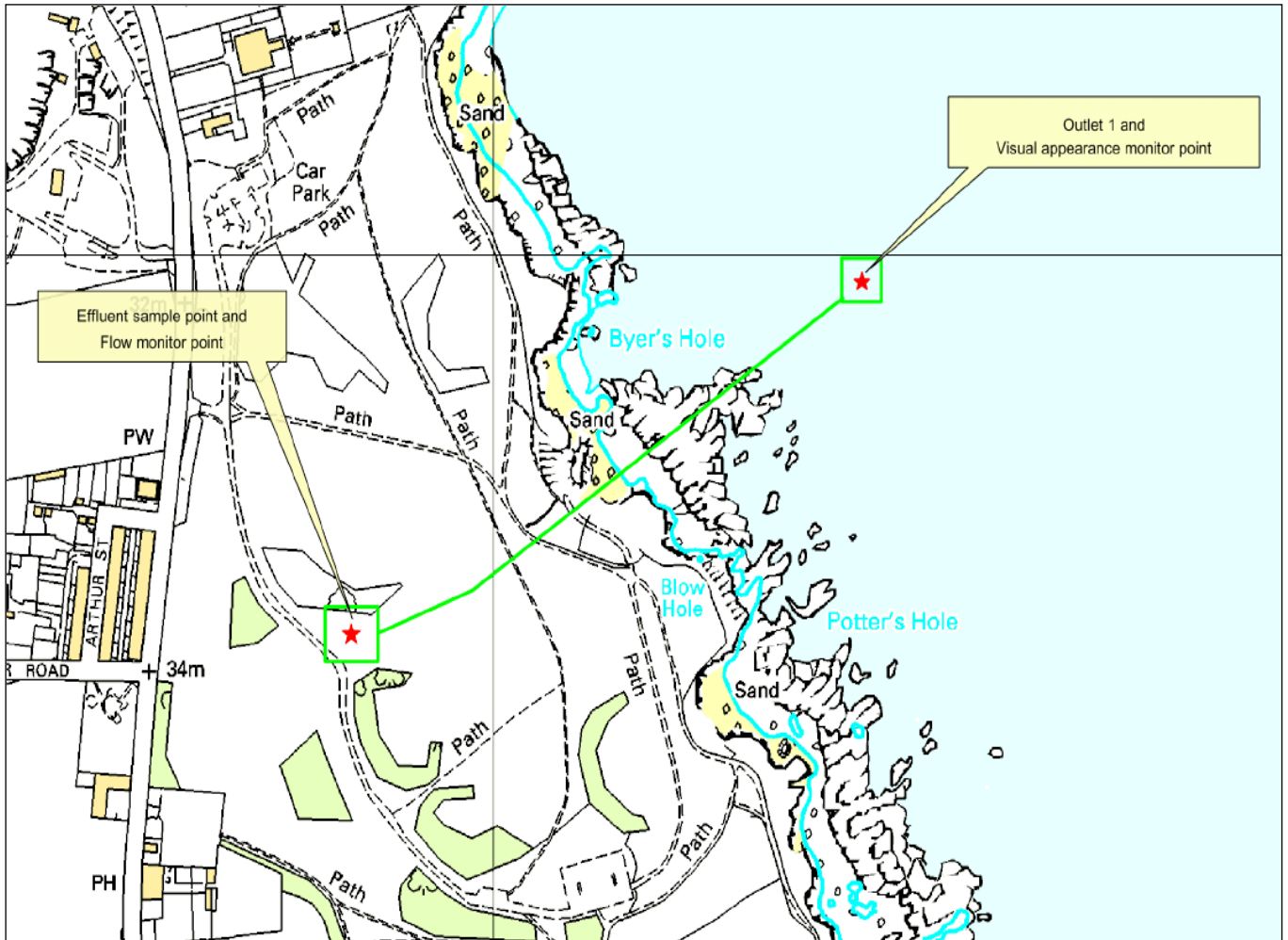
"quarter" means a calendar year quarter commencing on 1 January, 1 April, 1 July or 1 October.

"significant pollution" means a category 1 or category 2 incident indicated by the Common Incident Classification Scheme (CICS).

"year" means calendar year ending 31 December.

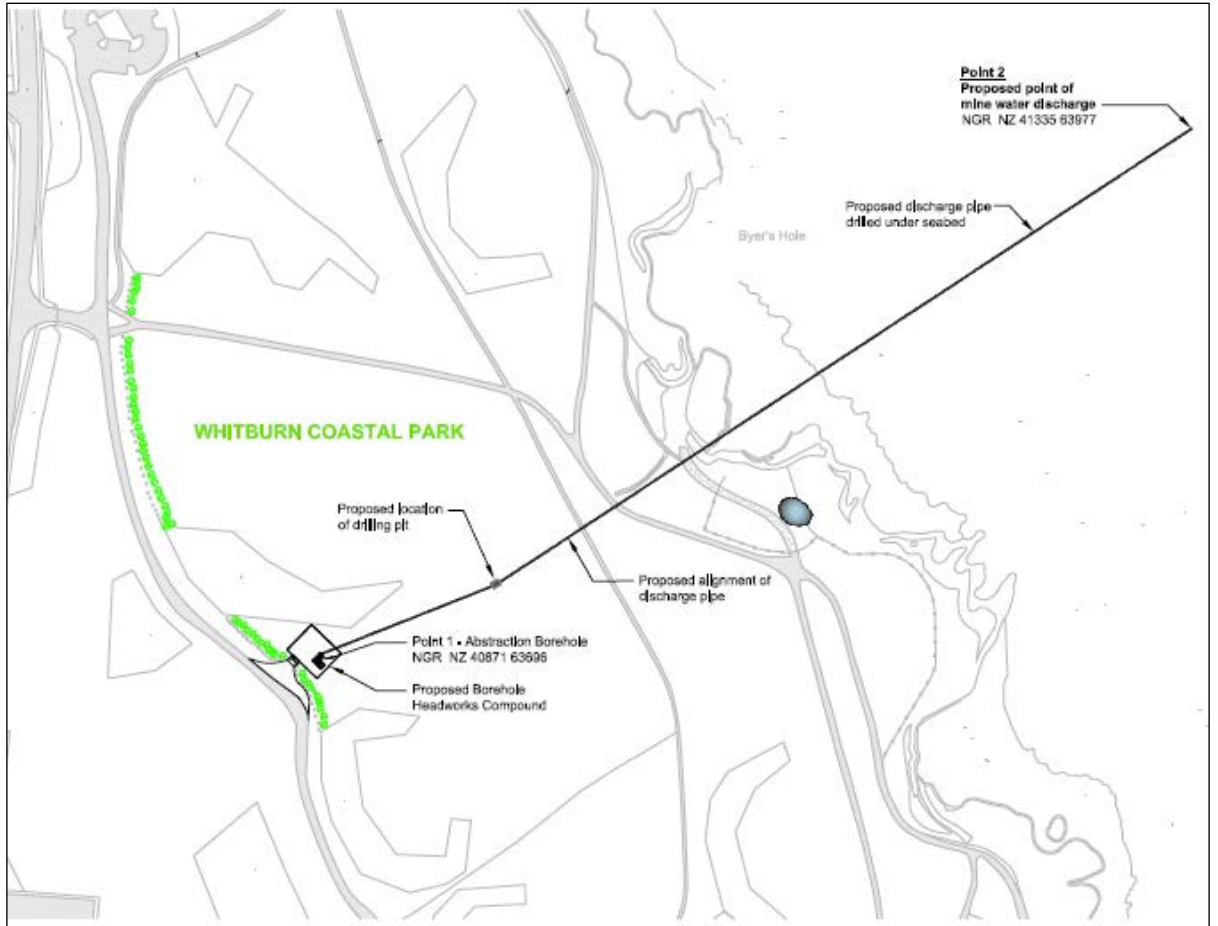
# Schedule 7 - Site plan

(a)



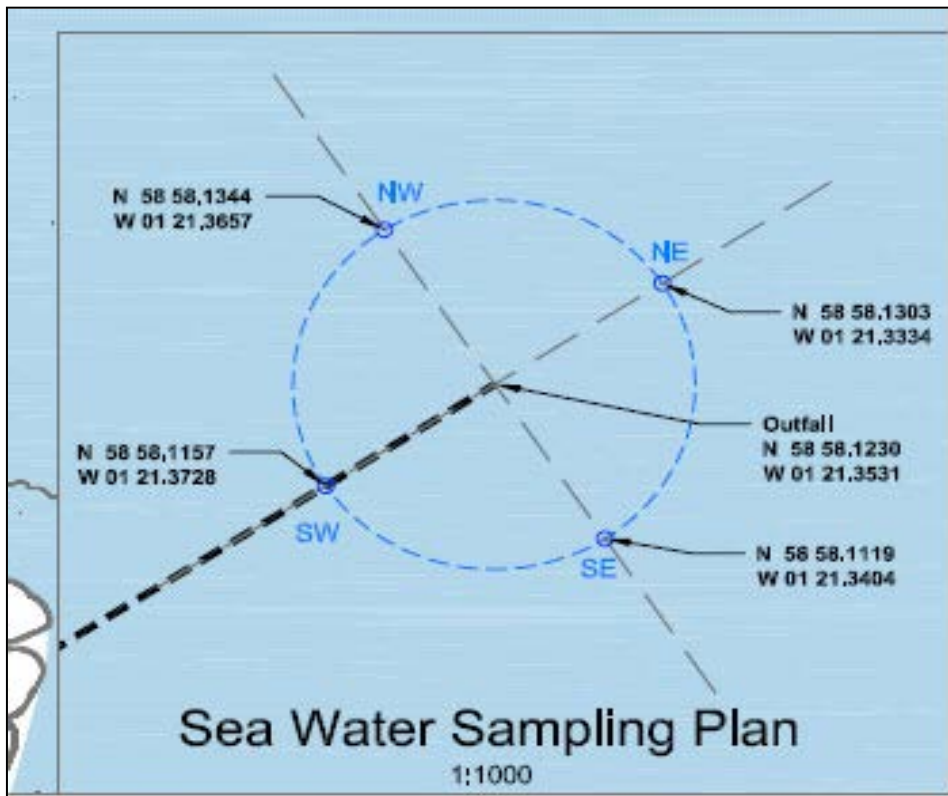
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(b)



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(c)



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