

## SCHEDULE 10

### SAVINGS AND TRANSITIONAL PROVISIONS

#### PART 3

##### Permit conditions

###### **Permit condition: incidents, accidents, and breach of conditions**

11.—(1) A permit for a Part A installation includes the condition specified in sub-paragraph (2).

(2) The specified condition is that the operator of an installation or any mobile plant must in the event—

- (a) that operation gives rise to an incident or accident that significantly affects the environment, immediately take such measures as are needed to—
  - (i) limit the environmental consequences of the incident, and
  - (ii) prevent further possible incidents and accidents of the same type or from the same cause,
- (b) of a breach of a permit condition, immediately take such measures as are needed to ensure compliance with the permit within the shortest possible time,
- (c) of a breach of a permit condition that poses an immediate danger to human health, or threatens to cause an immediate significant adverse effect on the environment, immediately suspend operation until such time as the installation or mobile plant can be operated in compliance with the permit.

(3) This paragraph applies in the period from 7th January 2014 until the date that SEPA next varies a condition of the permit so as to give effect to Article 7 of the Industrial Emissions Directive.

###### **Permit condition: monitoring of Part A installations**

12.—(1) A permit for a Part A installation includes the condition specified in sub-paragraph (2).

(2) The specified condition is that the operator of a Part A installation must—

- (a) supply SEPA regularly, and at least annually, with such results of emissions monitoring or monitoring of equivalent parameters as are needed to enable SEPA to verify compliance with the permit conditions,
- (b) give SEPA the first report required under sub-paragraph (a) no later than 31st January 2014.

(3) This paragraph applies in the period from 7th January 2014 until the date that SEPA next varies a condition of the permit so as to give effect to Article 14(1)(d)(i) of the Industrial Emissions Directive.

###### **Permit condition: large combustion plants**

13.—(1) This paragraph applies to an installation at which an activity described in Chapter III of the Industrial Emissions Directive is carried out, whether before or after that Chapter has effect.

(2) An existing permit for such an installation includes the conditions specified in sub-paragraphs (2) and (3).

(3) The first specified condition is that in the event of malfunction or breakdown of abatement equipment the operator—

**Draft Legislation:** This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, *The Pollution Prevention and Control (Scotland) Regulations 2012* ISBN 978-0-11-101851-4

- (a) must, if a return to normal operation is not achieved within 24 hours, reduce or close down operations or use low-polluting fuels, or take such other steps as SEPA requires, and
  - (b) must ensure that the cumulative duration of unabated operation in any 12 month period does not, unless agreed in advance by SEPA, exceed 120 hours.
- (4) The second specified condition is that the values of the 95% confidence intervals of single measured results must not exceed the following percentages of the emission limit values—
- (a) 10% for carbon monoxide,
  - (b) 20 % for sulphur dioxide,
  - (c) 20% for nitrogen oxides, and
  - (d) 30% for dust,

where the validated hourly and daily average values are determined from the measured valid hourly average values after having subtracted the value of the confidence interval specified above, and providing that any day in which three or more hourly average values are invalid due to malfunction or maintenance of the continuous measurement system shall be invalidated.

- (5) This paragraph applies in the period from 7th January 2013 until the date that SEPA next varies a condition of the permit so as to give effect—
- (a) in the case of sub-paragraph (3), to Article 37 of the Industrial Emissions Directive, and
  - (b) in the case of sub-paragraph (4), to paragraph 9 of Part 3 of Annex V to that Directive.