
DRAFT STATUTORY RULES OF NORTHERN IRELAND

2013 No.

The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013

PART 2

PERMITS

Conditions of permits: specific conditions for Part A installations and Part A mobile plant

13.—(1) The chief inspector shall include in all permits authorising any Part A installation or Part A mobile plant such other conditions as appear to the chief inspector to be appropriate, when taken together with the condition implied by regulation 12(8), for the purpose of ensuring a high level of protection for the environment as a whole, taking into account, in particular, the general principles set out in regulation 11.

(2) Without prejudice to regulation 12(4), the emission limit values referred to in regulation 12(2) and the equivalent parameters and technical measures referred to in regulation 12(5) shall be based on BAT, without prescribing the use of any technique or specific technology. When setting the emission limit values the chief inspector—

- (a) shall ensure that, under normal operating conditions, emissions do not exceed the emission levels associated with BAT as laid down in the BAT conclusions through either—
 - (i) setting emission limit values that do not exceed the emission levels associated with BAT. Those emission limit values shall be expressed for the same or shorter periods of time and under the same reference conditions as those emission levels associated with BAT; or
 - (ii) setting different emission limit values than those referred to under sub-paragraph (a) in terms of values, periods of time and reference conditions, and at least annually, assessing the results of emission monitoring in order to ensure that emissions under normal operating conditions have not exceeded the emission levels associated with BAT; and
- (b) may take into account the effect of a waste water treatment plant when determining the emission limit values applying in relation to indirect releases into water from a Part A installation or Part A mobile plant provided that an equivalent level of protection of the environment as a whole is maintained and that taking such treatment into account does not lead to higher levels of pollution.

(3) By way of derogation from paragraph (2), but without prejudice to regulation 12(4), the chief inspector may, in specific cases, set less strict emission limit values. In such cases—

- (a) an assessment must show that the achievement of emission levels associated with BAT as described in BAT conclusions would lead to disproportionately higher costs compared to the environmental benefits due to—
 - (i) the geographical location or the local environmental conditions of the installation concerned; or

- (ii) the technical characteristics of the installation concerned;
 - (b) the chief inspector shall document in an annex to the permit conditions the reasons for the application of sub-paragraph (a) including the result of the assessment and the justification for the conditions imposed;
 - (c) the emission limit values set in accordance with sub-paragraph (a) shall, however, not exceed the emission limit values set out in Annexes V and VI to the IED, where applicable; and
 - (d) the chief inspector shall re-assess the application of sub-paragraph (a) as part of each review of the permit conditions pursuant to regulation 17.
- (4) The chief inspector may grant temporary derogations from the requirements of regulation 11(2)(a) and paragraph (2) of this regulation for the testing and use of emerging techniques for a total period of time not exceeding nine months, provided that after the period specified, either the technique is stopped or the activity achieves at least the emission levels associated with BAT.
- (5) The chief inspector shall include conditions—
- (a) requiring the operator to inform the enforcing authority, immediately, of any incident or accident which causes or may cause significant pollution and to immediately take all appropriate measures to limit the environmental consequences and to prevent further possible incidents or accidents; and
 - (b) in the event of a breach of any permit condition, requiring the operator to—
 - (i) inform the regulator;
 - (ii) take the measures necessary to ensure that compliance is restored within the shortest possible time; and
 - (c) in the event of a breach of a permit condition which poses an immediate danger to human health or threatens to cause an immediate significant adverse effect on the environment, immediately suspend the operation of the installation or mobile plant or the relevant part of it until compliance with the permit conditions has been restored.
- (6) The chief inspector shall also include conditions—
- (a) aimed at minimising long distance and transboundary pollution;
 - (b) ensuring appropriate protection of the soil and groundwater and appropriate management of waste generated by the installation or mobile plant, including appropriate requirements for the regular maintenance and surveillance of measures taken to prevent emissions to soil and groundwater and appropriate requirements concerning the periodic monitoring of soil and groundwater in relation to relevant hazardous substances likely to be found at the site and having regard to the possibility of soil and groundwater contamination at the site of the installation. Periodic monitoring shall be carried out at least once every five years for groundwater and ten years for soil, unless such monitoring is based on a systematic appraisal of the risk of contamination;
 - (c) relating to the periods when the installation or mobile plant is not operating normally and there is a risk that the environment may be adversely affected during such periods, including, in particular, conditions relating to the start up of operations, leaks, malfunctions and momentary stoppages;
 - (d) setting out the steps to be taken prior to the operation of the installation or mobile plant and after the definitive cessation of operations;
 - (e) setting out suitable emission monitoring requirements, specifying the measurement methodology, frequency and the evaluation procedure, ensuring that the operator supplies the chief inspector with the data required to check compliance with the permit and where emission limit values are set in accordance with paragraph (2)(a)(ii), requiring that the

results of emission monitoring are available for the same periods of time and reference conditions as for the emission levels associated with BAT; and

- (f) requiring the operator to supply the chief inspector regularly and at least annually with the results of the monitoring of emissions, the basis of those results and other specified data that enables the chief inspector to verify compliance with the permit conditions and, where emission limit values are set in accordance with paragraph (2)(a)(ii), requiring that a written summary of the results is supplied which allows a comparison with the emission levels associated with BAT.

(7) A permit authorising the operation of a Part A installation or Part A mobile plant may include a condition (an “off-site condition”) requiring the operator to carry out works or do other things in relation to land not forming part of the site of the installation or mobile plant notwithstanding that he is not entitled to carry out the works or do the things, and any person whose consent would be required shall grant, or join in granting, the operator such rights in relation to that land as will enable the operator to comply with any requirements imposed on him by the permit.

(8) Schedule 6 shall have effect in relation to compensation where rights are granted pursuant to paragraph (7).

(9) A permit which authorises any activity relating to waste oils shall contain conditions ensuring that, so far as technically feasible and economically viable—

- (a) waste oils having different characteristics are not mixed; and
- (b) waste oils are not mixed with other kinds of waste or substances, if such mixing would impede their treatment.

(10) In paragraph (9), “waste oils” and “treatment” have the same meanings as in Directive [2008/98/EC](#).