

SCOTTISH ENVIRONMENT PROTECTION AGENCY
POLLUTION PREVENTION AND CONTROL ACT 1999
POLLUTION PREVENTION AND CONTROL (SCOTLAND) REGULATIONS 2012
SCHEDULE 4, PARAGRAPH 7
NOTICE REQUIRING FURTHER INFORMATION

To: EFW Ness Limited
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2 Rubislaw Terrace
Aberdeen
United Kingdom
AB10 1XE
SC 627853

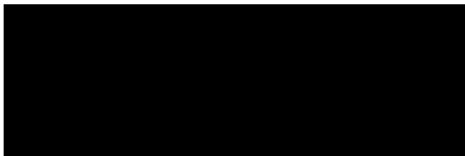
Application for a permit
Application No: PPC/A/1186430
Date of Application: 7 October 2019

The Scottish Environment Protection Agency, in exercise of its powers under paragraph 7 of Schedule 4 to the Pollution Prevention and Control (Scotland) Regulations 2012, hereby requires you to furnish the further information specified in column 1 of the table in the attached Schedule.

This information is required within the period specified in column 2 of the table in the attached schedule, for the purpose of determining the above application for a permit.

The information should be sent to:

The Registrar – registry@sepa.org.uk
Scottish Environment Protection Agency



Authorised to sign on behalf of the
Scottish Environment Protection Agency

Date: 25 November 2020

NOTES

1. If you fail to furnish the information required by this notice within the period specified above, SEPA may give you notice that it treats your application as being deemed to have been withdrawn.
2. You may apply to the Scottish Environment Protection Agency for this notice and any of the information furnished in response to be excluded from the public register on the grounds that it is commercially confidential. Any such application should be submitted together with your response.
3. If it appears to you that it would be contrary to the interests of national security for any information furnished in response to this notice to be entered on the public register you may give notice to that effect to the Scottish Ministers. Please include a copy of any such notice given with your response.
4. Any information furnished in response to this notice will be entered in the public register unless it is determined that the information is commercially confidential or SEPA has received a direction to the effect that its inclusion in the register would be contrary to the interests of national security.

SCOTTISH ENVIRONMENT PROTECTION AGENCY
POLLUTION PREVENTION AND CONTROL ACT 1999

POLLUTION PREVENTION AND CONTROL (SCOTLAND) REGULATIONS 2012

Schedule to a Notice requiring further information served under paragraph 7 of Schedule 4 to the Pollution Prevention and Control (Scotland) Regulations 2012 on EFW Ness Limited (Company number - SC627853) in respect of application reference number PPC/A/1186430

Column 1 (Information Required)	Column 2 (Date Information Required)
<i>Installation Activities</i>	
<i>Question 1:</i> Provide confirmation of the PPC activities to be carried out at the installation. This confirmation shall include, but not be restricted to addressing the inconsistency between the submitted application form which refers to activity 5.1 A b) only and section 1.5 of the 'Supporting Technical Report' which refers to Activities 5.1A b) and 5.4 A (a)(a).	31 March 2021
<i>Question 2:</i> Provide a plan confirming the location of the installation boundary. The plan shall be of a suitable size and scale (between 1:1000 and 1:10 000) to provide an appropriate level of detail and clearly identify and depict the entire installation boundary.	31 March 2021
<i>Waste Types and Quantities</i>	
<i>Question 3:</i> Provide confirmation of the design throughput of the proposed Energy from Waste Installation, expressed in tonnes of waste per calendar year.	31 March 2021
<i>Question 4:</i> Provide a clear description of the waste types and expected quantities, expressed in tonnes of waste per calendar year, of the different waste streams identified throughout the application and as described in Appendix A5 'Waste Acceptance Protocol' of the 'Supporting Technical Report' as 'contract waste', 'non contract waste', 'third party waste' and 'ad hoc waste'. This confirmation shall include, but not be restricted to:	31 March 2021

<p>a) ensuring the ability to easily identify and cross reference the description of the waste being described throughout the PPC application;</p> <p>b) clarifying the statement in Section 2.1.1 of the 'Supporting Technical Report' that states 'At the request of the WCAs, other waste may be accepted and stored on-site for treatment off-site'. If this statement is correct, provide detail of the waste types, acceptance criteria and processing arrangements proposed;</p> <p>c) describing how it is ensured that recyclates will be excluded from the 'third party' (C&I) waste accepted at the installation; and</p> <p>d) detailing the differing waste split between 'contract' (MSW) and 'third party' (C&I) wastes accepted at the installation on start-up and how this is expected to change through the life of the facility. This shall be described in both percentage terms and tonnes per year.</p>	
<p>Site Condition and Baseline Report</p>	
<p>Question 5: Provide a revised statement of site condition and baseline report describing any soil and groundwater contamination at the site and identifying any substance in or under the land that may constitute a pollution risk. The revised statement and report shall include, but not be restricted to;</p> <p>a) the identification of all installation substances that are considered relevant hazardous substances (RHS), in line with TG-02 guidance and as defined in Article 3 of the Hazardous Substances Regulations, (EC) No 1272/2008, 16 December 2008, on classification, labelling and packaging of substances and mixtures.</p> <p>b) confirmation of the environmental setting, its significance and vulnerability to pollution as well as how it may be impacted upon by emissions from the proposed installation;</p> <p>c) justification of the applicability of the soil and groundwater measurements provided in support of the baseline report. This justification shall include, but not be restricted to:</p> <ul style="list-style-type: none"> (i) confirmation that the site investigations conducted to date reflect the relevant hazardous substances present at the installation; and (ii) confirmation that the sampling results obtained reflect the potential locations of emissions associated with the proposed installation. This is with respect to both the location and depth at which samples were taken. 	<p>31 March 2021</p>

<p>Question 6: Describe the proposed philosophy for future soil and groundwater monitoring. This description shall include but not be restricted to:</p> <ul style="list-style-type: none"> a) confirmation of the proposed locations for the permanent soil and groundwater monitoring points; b) a demonstration of how the selected soil and groundwater monitoring locations are appropriate to the relevant hazardous substances present and will capture areas of potential risk identified; and c) ensuring a comparison with the revised baseline report required under question 5. 	<p>31 March 2021</p>
<p>Question 7: Provide clarification on the 'ground gas risk assessment' proposed to be carried out in accordance with the guidance presented in BS:8485: 2019 (to ensure that buildings are protected from any potential ground gas ingress issues) and how this has been considered/mitigated with respect to wider site accident potential.</p>	<p>31 March 2021</p>
<p>Question 8: Identify any proposed design change made since the submission of the PPC Application with the potential to impact on the assessment of site condition and baseline report. Ensure that any such identified change is fully considered in the responses provided to Question 5 to 7 inclusive. The identification of relevant changes shall include but not be restricted to:</p> <ul style="list-style-type: none"> a) the introduction of any new relevant hazardous substance; b) a change in storage method or location of any relevant hazardous substance; and c) a change in plant layout or drainage provision that may alter the pathway/behaviour of any released relevant hazardous substance. 	<p>31 March 2021</p>
<p>Controlling Entity / Management</p>	
<p>Question 9: Provide clarification as to what management systems are to be in place at the proposed installation, at what point in the development they will apply and who will have responsibility for their content and application. This clarification shall include, but not be restricted to;</p> <ul style="list-style-type: none"> a) confirmation that Section 4 accurately reflects the intended operation of the installation as described in Section 1.3 confirming that Indaver will be the operator from the 'service commencement date' achieved upon completion of commissioning; 	<p>31 March 2021</p>

<p>b) clarification of the use of terms ‘Environmental Management System’ and ‘Environmental Management Plan’; and</p> <p>c) The identification and assessment of environmental aspects and their commonality across the different systems.</p>	
<p>Question 10: Provide a demonstration that the management systems and techniques proposed at all stages of the development are detailed in full and that the measures proposed in each instance constitute Best Available Techniques.</p>	<p>31 March 2021</p>
<p>Question 11: Provide confirmation of the communication routes available between, EfW Ness Limited, Indaver and Acciona, and how they facilitate a shared understanding of the development in terms of how the installation will be managed. This confirmation shall include, but not be restricted to a description on how lessons learned from design, build and commissioning activities will be captured within the operational phase.</p>	<p>31 March 2021</p>
<p>Question 12: Provide a demonstration that EFW Ness Limited, as the applicant, will have control over the operation of the installation should a permit be granted and in doing so be able to ensure that the installation is operated so as to comply with the conditions included in any such permit. This demonstration shall include but not be restricted to:</p> <p>a) a clear explanation of the proposed management arrangements proposed for the installation, referring to Question 9 as necessary;</p> <p>b) a clear and unambiguous statement confirming that EFW Ness Limited, as the applicant, will have operational control of the installation and be responsible for ensuring that the installation is operated so as to comply with the conditions included in a permit, where a permit is granted;</p> <p>c) ensuring that there are no contradictory statements made with respect to any other party having operational control or responsibility for ensuring compliance with any permit conditions, where a permit is granted; and</p> <p>d) confirmation of what mechanisms exist by which EFW NESS Limited can require any appointed contractor or sub-contractor acting on their behalf to take the necessary action in order to ensure compliance with any permit conditions, where a permit is granted. This shall include reference to the appropriate sections of the ‘Operation and Management Contract’.</p>	<p>31 March 2021</p>

<p>Question 13: Provide all relevant sections and appendices, in full, of the following documents that support the demonstration required under Q12. All material provided should be in an electronic format that is searchable:</p> <p>a) the 'Operation and Management Contract'; b) the 'Interface Agreement' c) the 'Residual Waste Treatment Contract'; and d) the 'Construction Sub Contract'.</p>	<p>31 March 2021</p>
<p>Specified Waste Management Activity</p>	
<p>Question 14: Provide confirmation of the identified technically competent person and justify the demonstration provided with respect to their technical competence. This shall include, but not be restricted to:</p> <p>a) a demonstration as to how 'EfW NESS Limited' as the applicant will ensure the necessary technical competence is in place where the plant manager is understood to be appointed by Invader; and b) confirmation of the competence and training required.</p>	<p>31 March 2021</p>
<p>Question 15: Provide clarification on the submitted expenditure plan with an evidenced based justification of the value calculated and on how the plan is to be maintained through the life of the proposed installation. This shall include, but not be restricted to:</p> <p>a) the total tonnages assumed when calculating clean-up costs; and b) the costs assigned to the disposal of all wastes but in particular:</p> <p>(i) air pollution control residue stored in the APCr silo of £162 per tonne; and (ii) disposal of Incinerator Bottom Ash stored in the IBA bunker at £10 per tonne.</p>	<p>31 March 2021</p>
<p>Noise</p>	
<p>Question 16: Provide confirmation that all the main sources of noise and vibration (including infrequent sources) as well as the nearest noise sensitive locations that they impact upon have been described and demonstrate that any potential impact has been fully considered. The following aspects shall be addressed as a minimum:</p> <p>a) the identification and discussion of all community receptors with those locations identified in Table 11 confirmed as actual locations as no obvious identifier list could be found and having regard to those exceeding 30dBA at night;</p>	<p>31 March 2021</p>

<ul style="list-style-type: none"> b) the application of an appropriate correction to the BS4142 predictions and the target values for sound levels at the nearest receptor points recalculated; c) the consideration of the noise sensitive nature of specific receptor areas; and d) provision of the noise contour maps of the site and surrounding area, identified as being in Appendix 4 in the Emissions and Impact Report, which could not be found. These maps should be updated following the updated BS4142 with character correction applied as described under point b). 	
<p>Question 17: Demonstrate that the methodology employed in the selection of equipment and design of plant and infrastructure at the installation, as well as its proposed operation has included consideration of noise and that the proposed noise abatement techniques and other potential noise control measures proposed constitute Best Available Techniques. Techniques include both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned. The demonstration shall include as a minimum but not be restricted to:</p> <ul style="list-style-type: none"> a) a systematic assessment of noise sources with consideration of specific mitigation options for each source identified and iteration described; b) consideration of the exceedance of the background sound criteria of 30dBA at night without any character corrections for multiple identified receptors; c) consideration of a guideline character correction of a +3dB, which would increase the night-time value to 36dB at receptor 7 which under BS4142 would indicate adverse impact; d) further justification of the statement in the Non-Technical Summary that ‘For the nearest residential receptors in Tullos, there is the potential to exceed the background sound level at night-time due to the operation of the proposed facility. In this respect, the facility would not meet the Aberdeen City Council requirements however did meet the World Health Organisation guideline night-time values.’; e) the consideration of the Noise contour maps, described under Question 14 d) and in particular discussion on any high (red) source out with the buildings and identify suitable controls where necessary; and f) the selection of equipment, location and orientation of equipment and structures, physical barriers, attenuation methods, method and periods of operation, potential receptors etc. 	<p>31 March 2021</p>

<p>Question 18: Provide a revised noise impact assessment of the predicted impact from installation activities at each identified potential noise sensitive receptor. The revised assessment shall include consideration of appropriate corrections for tonal and low frequency noise and account for the answers collated in response to Questions 14 and 15 inclusive, of this notice. The assessment shall be carried out in accordance with BS4142:1997 and / or other appropriate standards, the use of which shall be justified, and include a demonstration that the proposals represent Best Available Technique. The BAT demonstration shall confirm and justify the basis for the design of the installation as well as provide a robust justification that no further noise reduction measures could reasonably be applied.</p>	<p>31 March 2021</p>
<p>Question 19: Identify any proposed design change made since the submission of the PPC Application with the potential to impact on the assessment of noise from the Installation. Ensure that any such identified change is fully considered in the responses provided to Question 16 to 18 inclusive. The identification of relevant changes shall include but not be restricted to:</p> <ul style="list-style-type: none"> a) the introduction of any new plant or equipment; b) a change in proposed location or operation of plant or equipment; and c) a change in general plant layout with the potential to change the landscape and any associated noise attenuation. 	<p>31 March 2021</p>
<p>Emissions to Air</p>	
<p>Question 20: Provide confirmation of the emission limit values (ELVs) that the proposed Installation is designed to meet, justifying the values adopted and demonstrating that the plant can meet them. This confirmation shall include as a minimum but not be restricted to:</p> <ul style="list-style-type: none"> a) A justification for the selection of the emission limit values (ELVs) proposed, addressing the fact that the Commission Implementing Decision (EU) 2019/2010 of 12 November 2019 establishing the best available techniques (BAT) conclusions does not describe a single BAT Associated Emission Limit (AEL) but provides a range of values. There is an expectation that newly designed/built plant should be capable of meeting the lower end of the BAT AEL range; b) Clarification of the proposed ELV concentration for PM_{2.5} and PM₁₀ that the plant is described as designed to meet. This is stated as being 10mg/m³ while the equivalent BAT AEL range is given as 2 to 5mg/m³; and 	<p>31 March 2021</p>

<p>c) A demonstration that the proposed plant can meet the proposed ELVs described. Any such demonstration needs to be supported by evidence such as a manufactures guarantee or emissions data from similarly designed plant etc.</p>	
<p>Question 21: Provide clarification on what was modelled as part of the air quality impact assessment and provide a demonstration that this has appropriately captured abnormal events and the requirements of the Commission Implementing Decision (EU) 2019/2010 of 12 November 2019 establishing the best available techniques (BAT) conclusions and described BAT Associated Emission Limit (AEL) range. This demonstration shall include but not be restricted to:</p> <p>a) Clarification of the wording in Section 2.1.2 which does not appear to cross reference with the appropriate table headings:</p> <p>b) Consideration of emissions during commissioning activities as an abnormal event and a demonstration as to the potential impact from any such release; and</p> <p>c) Consideration of potential pollutant loadings in emissions on confirmation of actual plant throughput, as a result of any proposed design change or change in operation and take account of the response provided to Q20.</p>	<p>31 March 2021</p>
<p>Question 22: Provide a clear demonstration that the proposed stack height of 80m represents best available techniques (BAT). This demonstration shall include as a minimum but not be restricted to:</p> <p>a) Greater discussion around the 'levelling out' of the rate of decrease of ground level concentration with increasing stack height and justification for the selection of 80m as the point that the rate of decrease appears to level out. This discussion shall be supported by figures to an appropriate scale.</p> <p>b) Providing a justification for the comparison being made using NO₂ as the pollutant of concern; and</p> <p>c) Providing a justification for the differences in the emission profile and associated 'knee point' presented in Appendix E which provides a comparison of stack height assessments between the PPC Application and that provided as part of the Environmental Statement at planning. A justification for the differences in ground level concentrations predicted in each case for the same given stack height is also required. It is noted that Appendix E identifies some potential differences in model treatment/stack conditions however it does not describe the potential impact these may have or attempt to justify that these would result in the differences observed.</p>	<p>31 March 2021</p>

<p>Question 24: Provide a revised human health risk assessment that accounts for the revised EFSA Dioxins benchmark which is lower than that employed in the application.</p>	31 March 2021
<p>Question 25: Provide a revised Odour Impact Assessment. The revised assessment shall include as a minimum but not be restricted to:</p> <ul style="list-style-type: none"> a) Confirmation of the design and operation of the proposed installation with respect to the potential of odour generation and release. This shall include reference to proposed philosophy for odour control and identify any proposed design change since the PPC application was made b) confirmation of the design, operation and location of the secondary odour abatement system. This shall include reference to expected extraction rates, pollutant loading and treatment efficiency etc.; and c) modelling of odour release from the secondary odour abatement system. 	31 March 2021
<p>Question 26: Provide a revised Air Quality Impact Assessment. The revised assessment shall include consideration any design change made since the submission of the PPC Application and account for the answers provided in response to Questions 20 and 25 inclusive. This assessment shall include but not be restricted to consideration of any change in the:</p> <ul style="list-style-type: none"> a) Site layout, such as the building dimensions, location etc.; b) Physical characteristics of the stack, such as the stack diameter, location etc.; c) Discharge characteristics such as velocity, volumetric flowrate or temperature etc. 	31 March 2021
<p>Monitoring</p>	
<p>Question 27: Demonstrate that the monitoring regime for the proposed Installation represents Best Available Techniques and meets the requirements of the Commission Implementing Decision (EU) 2019/2010 of 12 November 2019 establishing the best available techniques (BAT) conclusions for waste incineration. This demonstration shall include as a minimum but not be restricted to confirmation:</p> <ul style="list-style-type: none"> a) of the proposed sampling regime with respect to continuous mercury sampling and semi-continuous long-term dioxin and furan sampling, justifying the approach adopted; and 	31 March 2021

<p>b) if the QAL2 section of BS EN 14181 is to be used to derive calibration functions for the continuous monitoring equipment.</p>	
<p>Question 28: Provide confirmation of the design of the stack monitoring platform and how the sampling ports are to be arranged. This confirmation shall include as a minimum but not be restricted to a demonstration that the sampling ports will comply with relevant standards, with the appropriate relevant standards cited.</p>	<p>31 March 2021</p>
<p>Best Available Techniques and Chapter IV IED Requirements</p>	
<p>Question 29: Demonstrate that all the appropriate preventative measures are taken against pollution and in particular through application of the Best Available Techniques. The demonstration shall include as a minimum but not be restricted to:</p> <ul style="list-style-type: none"> a) Confirmation that the detailed design of the Installation is complete; b) Identification of the key areas of the Installation design, such as the selection of primary incineration technology, abatement techniques through to site drainage and treatment, secondary odour abatement, provision of a single waste chute etc. For each area identified justification of how the chosen design / proposed operation constitutes BAT; c) Confirmation of how the BAT Conclusions described in the Commission Implementing Decision (EU) 2019/2010 of 12 November 2019 establishing the best available techniques (BAT) conclusions, have been met. This needs to detail the BAT Conclusion in full, confirm its applicability and then demonstrate in full how the proposed design of the plant meets the requirements as described; d) confirmation that all appropriate guidance has been utilised when demonstrating that the measures to be employed at the installation will not result in significant pollution and represent BAT. This shall include reference the standards to which any civil structures have been designed to; and e) a description of what consideration has been given to futureproofing of the site i.e. ensuring adequate space set aside for any future required improvements. 	<p>31 March 2021</p>

<p>Question 30: Demonstrate that all the requirements of Chapter IV ‘ Special Provisions for Waste Incineration Plants and Waste Co-Incineration Plants’ of Directive 2010/75/EU of the European Parliament and the Council of 24 November 2010 on Industrial Emissions (integrated pollution prevention and control) (Recast), have been met. The demonstration shall include as a minimum but not be restricted to:</p> <p>a) A demonstration that proposed Installation ‘<i>shall be designed, equipped, built and operated in such a way that the gas resulting from the incineration of waste is raised, after the last injection of combustion air, in a controlled and homogeneous fashion and even under the most unfavourable conditions, to a temperature of at least 850 °C for at least two seconds.</i>’;</p> <p>b) Confirmation that detailed design of the incineration plant is complete;</p> <p>c) Provision of the Computational Fluid Dynamics (CFD) modelling demonstrating that the temperature and residence time requirements as detailed in point a) above can be met; and</p> <p>d) Clarification that the actual validation of temperature and residence time are to be completed as part of the commissioning activities.</p>	<p>31 March 2021</p>
<p>Design and Process Amendments</p>	
<p>Question 31: Provide a complete and comprehensive list of all the design changes made to the proposed Installation since the submission of the PPC Application. This list shall include, but not be restricted to:</p> <p>a) Individual plant item design, layout and operation,</p> <p>b) ensuring the ability to easily identify and cross reference any design changes made with those originally proposed throughout the PPC application;</p> <p>c) demonstrating that the identified changes have been addressed as necessary when assessing the potential impact; and</p> <p>d) Describing the reason for the proposed change and justifying why the change now represents BAT.</p>	<p>31 March 2021</p>