
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2012 No.

**The Pollution Prevention and
Control (Scotland) Regulations 2012**

PART III

GRANTING OF PERMITS

CHAPTER 2

Schedule 1 activities

Schedule 1 conditions: emission limit values and environmental quality standards

25.—(1) SEPA must ensure that a permit for a Part A or Part B installation or any mobile plant includes such conditions as it considers appropriate to comply with paragraphs (2) to (14).

(2) Subject to paragraph (3), a permit must include emission limit values for—

- (a) polluting substances listed in Schedule 5, and
- (b) other polluting substances,

likely to be emitted in significant quantities from an installation or any mobile plant, having regard for that purpose to the nature of the pollutant, and in the case of a Part A installation the potential for emissions to transfer pollution from one environmental medium to another.

(3) SEPA may supplement or replace an emission limit value by an equivalent parameter or technical measure ensuring an equivalent level of protection for the environment.

(4) An emission limit value must apply at the point at which the emissions leave the installation or mobile plant, any dilution before that point being disregarded for the purpose of determining the value.

(5) An emission limit value may apply to groups of pollutants rather than to individual pollutants.

(6) Where any BAT conclusions contain an emission level associated with the best available techniques described in the conclusions, an emission limit value must—

- (a) ensure that, under normal operating conditions, emissions do not exceed the levels associated with the best available techniques laid down in the BAT conclusions, and
- (b) be expressed for the same or a shorter period of time, and under the same reference conditions, as for the emission levels associated with the best available techniques.

(7) An emission limit value under paragraph (6) may be set at a different value, in terms of values, periods of time, and reference conditions, provided that SEPA—

- (a) assesses the results of emissions monitoring at least annually,
- (b) is satisfied on assessment that emissions under normal operating conditions have not exceeded the levels associated with the best available techniques during that period, and

- (c) ensures that the results of emissions monitoring are available for the same period of time and reference conditions as for the emission levels associated with the best available techniques.
- (8) Where any BAT conclusions describe best available techniques, but do not contain an emission level associated with the techniques, an emission limit value must—
 - (a) be determined by giving special consideration to the matters specified in Schedule 3, and
 - (b) ensure a level of environmental protection equivalent to the techniques described in the BAT conclusions.
- (9) SEPA may set stricter permit conditions that those achievable by the use of best available techniques as described in BAT conclusions.
- (10) Where there are no BAT conclusions for an activity, an emission limit value must be based on the best available techniques in relation to the installation or mobile plant concerned, as determined by giving special consideration to the matters specified in Schedule 3.
- (11) Where an environment quality standard requires stricter conditions than those achievable by the use of best available techniques SEPA—
 - (a) must include additional measures or other emission limit values in a permit, and
 - (b) may include other measures to comply with the standard.
- (12) SEPA may set a less strict emission limit value under paragraph (6) for an installation if—
 - (a) an assessment shows that achievement of the emission levels associated with the best available techniques as described in any BAT conclusions would lead to disproportionately higher costs compared to environmental benefits due to the—
 - (i) the geographical location or local environmental conditions of the installation, or
 - (ii) technical characteristics of the installation,
 - (b) the value set—
 - (i) does not exceed the emission limit values set out in the Annexes to the Industrial Emissions Directive, and
 - (ii) ensures that no significant pollution is caused and that a high level of protection of the environment as a whole is achieved, and
 - (c) the permit specifies the reasons for setting the value, including the result of the assessment and the justification for the conditions imposed.
- (13) SEPA may set a less strict emission limit value for an installation or any mobile plant than would otherwise be required under paragraphs (6), (8) or (10) for a total period not exceeding 9 months for the purpose of testing and use of an emerging technique.
- (14) SEPA 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 provided that—
 - (a) doing so does not lead to higher levels of pollution, and
 - (b) the permit ensures an equivalent overall level of protection of the environment.
- (15) In this regulation, “less strict emission limit value” means a value that is less than the value that would otherwise be set if based on best available techniques.