

Reference Number: PPC/A/1013495/VN03

**SCOTTISH ENVIRONMENT PROTECTION AGENCY**  
**POLLUTION PREVENTION AND CONTROL ACT 1999**  
**POLLUTION PREVENTION AND CONTROL (SCOTLAND) REGULATIONS 2012**  
**("THE REGULATIONS")**  
**NOTICE OF VARIATION TO PERMIT**

**Permit No:** PPC/A/1013495 (As Varied)

**To:** Shell U.K. Limited

**Address:** Shell Centre  
York Road  
London  
SE1 7NA

The Scottish Environment Protection Agency ("SEPA"), in exercise of its powers under Regulation 46 of the Regulations, hereby gives you notice that it has decided, to vary permit PPC/A/1013495 (As Varied) granted under the Regulations. The variations are specified in the Schedule to this notice and take effect on 23 OCTOBER 2018.

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Scottish Environment Protection Agency

Date: 23 October 2018

Right of Appeal

Under Regulation 58 of the Regulations you are entitled to appeal to the Scottish Ministers against the conditions attached to this Notice, except where SEPA has served this Notice to implement a direction to SEPA of the Scottish Ministers. The bringing of an appeal will not have the effect of suspending the operation of the conditions attached to this Notice. The procedures and timescales for the making of an appeal are set out in Schedule 8 of the Regulations.

1. The following information is being provided to you for your information only. It is not intended to be used for any other purpose.

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## SCOTTISH ENVIRONMENT PROTECTION AGENCY

## POLLUTION PREVENTION AND CONTROL ACT 1999

POLLUTION PREVENTION AND CONTROL (SCOTLAND) REGULATIONS 2012  
("THE REGULATIONS")

## SCHEDULE TO NOTICE OF VARIATION UNDER REGULATION 46(8)

**Operator:** Shell U.K. Limited  
**Permit Number:** PPC/A/1013495 (As Varied)  
**Date of Permit:** 29 October 2007  
**Variation No:** VN03

Permit number **PPC/A/1013495 (As Varied)** has been varied as follows:

**1. In the 'Interpretation of Terms' the following term is added:**

"hazardous substance" means substances or mixtures as defined in Article 3 of Regulation (EC) No 1272/2008 of the European Parliament on classification, labelling and packaging of substances and mixtures."

**2. In the 'Interpretation of Terms' the text following the term "the Regulations" is deleted and replaced by:**

"means The Pollution Prevention and Control (Scotland) Regulations 2012 SSI 2012 No. 260".

**3. In Schedule 1 Paragraph 1.1.3 has been deleted and new Paragraph 1.1.3 added as follows:**

**1.1.3** The Activities carried out at the Stationary Technical Unit are: -

**1.1.3.1** The burning of gaseous and liquid fuels in eleven combustion appliances with an aggregated net thermal input of approximately 830 MW being an activity listed in Part A Section 1.1 of Chapter 1, Part 1 of Schedule 1 of the Regulations; described as burning any fuel in a combustion appliance with a rated thermal input of 50 megawatts or more.

**1.1.3.2** The burning of gaseous fuels in six combustion appliances with an aggregated net thermal input of 150 MW being an activity listed in Part A Section 1.1 of Chapter 1, Part 1 of Schedule 1 of the Regulations; described as burning any fuel in a combustion appliance with a rated thermal input of 50 megawatts or more.

**1.1.3.3** The production of ethylene through the cracking of ethane and propane, being an activity listed in paragraph (a) of Part A Section 4.1 of Chapter 1, Part 1 of Schedule 1 of the Regulations described as Organic Chemicals.

**1.1.3.4** The processing of natural gas liquids into ethane (plus lighter components), propane, butane and pentane (plus heavier components), being an activity falling within paragraph (f) of Part A Section 1.2 of Chapter 1, Part 1 of Schedule 1 of the Regulations described as the purifying or refining of the products of an activity mentioned in paragraph (a) or its conversion into a different product.

**4. In Schedule 1 Paragraphs 1.1.4 and 1.1.5 have been deleted and new Paragraphs 1.1.4 and 1.1.5 added as follows:**

1.1.4 The Stationary Technical Unit comprises the following units:-

1.1.4.1 The Fife NGL Plant refining natural gas liquids, more particularly described below:

- (a) facilities for the reception of Natural Gas Liquids (NGLs) from the Shell St. Fergus Gas Plant;
- (b) three process furnaces (1-F5501, 2-F5501 & 3-F5501) fired by fuel gas each with a net rated thermal input of 48.8 MW;
- (c) three molecular sieve regeneration heaters (1-F1301, 2-F1301 & 3-F1301) fired by fuel gas each with a net rated thermal input of 1.29 MW;
- (d) 3 modules (1, 2 & 3) for the fractionation of the received NGLs;
- (e) facilities for the separation of ethane, propane, butane and pentane;
- (f) elevated high pressure and low pressure flares (with respective capacities of 536 and 60.5 tes/hr);
- (g) two ground flares (each with a capacity of 50 tes/hr);
- (h) facilities for the storage and export by pipeline of propane, butane and gasoline.

1.1.4.2 The Fife Ethylene Plant

1.1.5 The following Directly Associated Activities are carried out on the Site:-

- (a) The operation of utilities and services including; air compression, demineralised water, nitrogen, fuel gas and fuel oil storage and distribution, emergency power and cooling water with associated chemical storage.
- (b) The operation of storage, handling and dispatch facilities for all raw materials, wastes, firefighting foam, products and their intermediates.
- (c) A fire water system, including a 35,000 m<sup>3</sup> fire water pond and associated fire water pumps, ring main and fire water systems.
- (d) A continually oil contaminated drainage system (COC) that collects surface water from process areas and comprises treatment by a Tilted Plate Interceptor (TPI) and prior to discharge into the accidentally oil contaminated drainage system.
- (e) An accidentally oil contaminated drainage system (AOC) that collects surface water from non-process areas and those unlikely to be contaminated other than due to an accident, comprising mixing with treated water from the COC system above, oil removal then storage in the fire water pond prior to discharge to the Dronachy Burn.

(f) Segregated sumps collecting surface water from non-process areas or those unlikely to be contaminated other than due to an accident which when full are tested and where within discharge consents are transferred to the AOC system for further treatment and discharge.

(g) Directly associated Activities relating to the Fife NGL Plant.

**3. In Schedule 2, Condition 2.3 is deleted and a new Condition 2.3 added as follows:**

**2.3 Reporting**

2.3.1 Where any Condition of this Permit requires information to be reported, a report shall be forwarded in writing (including electronic mail) to SEPA at the address specified in the explanatory notes attached to this Permit, by the date(s) or within the period or at the frequency specified in Table 2.1 and, where appropriate, the first report shall be due on the date specified in that Table. All such reports shall include the Permit number and the name of the Operator.

2.3.2 Where the Permitted Installation has not operated for the duration of any reporting period specified in Table 2.1, the Operator shall provide written notification to SEPA (including electronic mail). This shall confirm that no reports have been made in terms of Condition 2.3.1 because the Permitted Installation has not operated during the said period. Notifications shall be submitted within one month of the end of the reporting period concerned.

2.3.3 All notifications required by any Condition of this Permit shall be made to SEPA in the manner specified in that Condition to the address specified in the explanatory notes attached to this Permit by the date(s) or within the period or at the frequency specified in Table 2.1 and, where appropriate, the first notification shall be due on the date specified in that Table. All such notifications shall include the Permit number and name of the Operator.

2.3.4 Where any condition of this permit requires a report to be submitted, that report shall contain sufficient and accurate information to allow an assessment of the compliance with the condition requiring the report and the report shall be made in accordance with any guidance published by SEPA.

**5. In Schedule 2 Condition 2.4 has been deleted and a new Condition 2.4 added as follows:**

**2.4 Incidents**

2.4.1 In the event of an incident all necessary measures shall immediately be taken:

- a) to prevent , or where that is not practicable to reduce, emissions from the permitted installation;
- b) to limit the environmental consequences as a result of that incident; and
- c) to prevent further possible incidents.

2.4.2 Without prejudice to the requirements of condition 2.4.1, in the event of a breach of any condition of this permit the operator shall immediately take the measures necessary to ensure that compliance is restored in the shortest possible time.

- 2.4.3 Notwithstanding the requirements of condition 2.4.1 and 2.4.2 where a breach of any condition of this permit or an incident poses an immediate danger to human health, or threatens to cause an immediate significant adverse effect on the environment, the operator shall suspend operation of the permitted installation or relevant part thereof until such time as it can be operated in compliance with this permit.
- 2.4.4 In the event of an incident and/or a breach of any condition of this permit, the operator shall notify SEPA by telephone without delay to 0800 80 70 60. A notification that relates to an incident shall include as far as practicable the information specified in condition 2.4.5.
- 2.4.5 The operator shall confirm any incident to SEPA in writing by the next working day after identification of the incident. This confirmation shall include: the time and duration of the incident, the receiving environmental medium or media where there has been any emission as a result of the incident, an initial estimate of the quantity and composition of any emission, the measures taken to prevent or minimise any emission or further emission and a preliminary assessment of the cause of the incident.
- 2.4.6 Any incident notified to SEPA shall be investigated by the operator, and a report of the investigation sent to SEPA. The report shall detail, as a minimum, the circumstances of the incident, an assessment of any harm to the environment and the steps taken by the operator to bring the incident to an end. The report shall also set out proposals for remediation, where necessary, and for preventing a repetition of the incident.
- 2.4.7 The operator shall implement and maintain an "incident prevention and mitigation plan".
- 2.4.8 At least every 4 years, the operator shall review the incident prevention and mitigation plan required under condition 2.4.7. Each review of the said incident prevention and mitigation plan shall be recorded and where the operator makes any revisions to the said plan, said revisions shall be recorded.

**6. In Schedule 2 Table 2.1 has been deleted and replaced with a new Table 2.1 as follows:**

Table 2.1 - Reporting and Notification Requirements

Summary of Information to be Reported or Notified	Condition	Date/Within period/Frequency to be Reported	Date First Report Due
Primary point of contact with SEPA	2.1.1 & 2.1.2	Within 4 weeks of the date of this Permit and then in the event of a different person being appointed without delay	4 weeks from date of Permit
Location of records if not at the Permitted Installation	2.2.2	Before records are transferred to the new location	Not applicable

Summary Information to be Reported or Notified	Condition	Date/Within period/ Frequency to be Reported	Date First Report Due
Permitted Installation has not operated	2.3.2	Within one month of the end of the reporting period	Not applicable
Incident notification	2.4.4, 2.4.5 & 4.3.2	Without delay by telephone and the next working day written confirmation	Not applicable
Incident investigation report	2.4.6	Within 14 days of the date of the Incident unless otherwise agreed in writing with SEPA	Not applicable
Cessation of climate change agreement	2.5.6	Written notification to SEPA within one month of such cessation	Not applicable
Resource Utilisation Report	2.5.2	At least once every 4 years after first report	28 February 2022
Waste management review report	2.6.1	At least every 4 years	28 February 2010
Assessment of measures	2.7.4	At least every 4 years	28 February 2020
Groundwater monitoring assessment	2.7.5	At least every 2 years	28 February 2020
Soil monitoring assessment	2.7.6	At least every 10 years	28 February 2020
Soil and Ground water monitoring plan	2.7.7	At least three months in advance of carrying out the monitoring	No later than 3 months prior to first soil and/or groundwater monitoring
Review of the soil and groundwater monitoring plan	2.7.9	No later than 6 months after each monitoring event	No later than 6 months after the first soil and/or groundwater monitoring
Cessation of Permitted Activities notification	2.9.2	No later than 2 months prior to the proposed date of cessation	Not applicable
Noise assessment report	3.1.1 & 3.1.2	At least every 4 years	31 January 2009
The VOC Fugitive Release Inventory	3.4.1	Annually	28 February 2020
The LDAR Programme	3.4.3	Annually	28 February 2019
Air emission report	4.1.4	Annually within 2 months of the end of every calendar year	28 February 2008
Mass and combined emission to air report	4.1.5	Annually within 2 months of the end of every calendar year	28 February 2008
Water emission report	4.2.5	Annually within 2 months of the end of every calendar year	28 February 2008
Reviewed Sampling	4.2.6	Annually by the 1st December	1 December

Summary of Information to be Reported or Notified	Condition	Date/Within period/Frequency to be Reported	Date First Report Due
Plan report		each year	2008
Water disposal sampling and disposal	4.2.9	Annually within 2 months of the end of every calendar year	28 February 2008
Flaring events	4.3.1	Annually within 2 months of the end of every calendar year	28 February 2008
Planned flaring notification	4.3.5	At least 7 days before the planned flaring	Not applicable
Flare out of service notification	4.3.6	At least 24 hours before the flaring is taken out of service	Not applicable
BAT assessment to prevent and minimise noise, vibration and smoke associated with flaring.	4.3.10	30 April 2019	Not applicable
Interim report on progress towards the evaluation of Best available techniques for flaring required by Condition 4.3.10	4.3.11	30 November 2018	Not applicable

7. In Schedule 2 Table 2.2 has been deleted and Table 2.3 is renumbered table 2.2.

8. In Schedule 2 Condition 2.5 has been deleted and a new Condition 2.5 added as follows:

2.5 Resource Utilisation

2.5.1 At least every four years, the Operator shall carry out a systematic assessment to determine:

2.5.1.1 how and where raw materials (including water and fuel) and energy are used within the Permitted Installation;

2.5.1.2 the quantities of raw materials (including water and fuel) and energy used within the Permitted Installation;

2.5.1.3 how and where material losses and wastes are generated within the Permitted Installation;

2.5.1.4 the quantities of material losses and wastes are generated within the Permitted Installation;

2.5.1.5 how and where raw materials (including water) and energy can be utilised more efficiently within the Permitted Installation to reduce resource use and minimise material losses and waste; and

2.5.1.6 which of the resource efficiency measures identified in 2.5.1.5 will be implemented at the Permitted Installation during the 4 year assessment cycle.



- 2.5.2 The assessment required by condition 2.5.1 shall be recorded using the SEPA "systematic assessment of resource use and efficiency template" (IED-T-04), or an equivalent format as agreed by SEPA, and reported to SEPA as specified in Table 2.1.
- 2.5.3 The operator shall implement the resource efficiency measures identified in the systematic assessment within the timescales specified in the systematic assessment.
- 2.5.4 The information required in 2.5.1.2 and 2.5.1.4 shall be recorded annually.
- 2.5.5 For the purposes of condition 2.5.1 "raw materials, "energy" and "fuel" shall, as a minimum, include the materials listed in Table 2.2.
- 2.5.6 In the event that the permitted installation ceases to be covered by a climate change agreement, the operator shall provide written notification to SEPA within one month of such cessation.

**9. In Schedule 2 Condition 2.7 has been deleted and a new Condition 2.7 added as follows:**

**2.7 Protection of Soil and Groundwater**

- 2.7.1 Unless specified elsewhere in this permit there shall be no emission of any pollutants to groundwater or soil from the permitted installation.
- 2.7.2 The operator shall maintain a record of any incident that has, or might have, impacted on the condition of any soil or groundwater under the permitted installation, either as a result of that incident or as a result of an accumulation of incidents, together with a record of any further investigation or remediation work carried out.
- 2.7.3 Notwithstanding the requirements of condition 2.2.2, the record required by condition 2.7.2 shall be preserved until this permit is surrendered.
- 2.7.4 At least every 4 years, the operator shall carry out a systematic assessment of all measures used to prevent emissions from the permitted installation to soil and groundwater. A written report of each assessment shall be recorded and reported to SEPA. The report shall include details of and timescales for any additional measures that are required to prevent emissions to soil and groundwater.
- 2.7.5 The operator shall monitor the groundwater at the site for the relevant hazardous substances specified in table 2.3 at the frequency specified in table 2.3, the purpose of which shall be to identify groundwater contamination associated with the activities specified in Table 2.3 by those relevant hazardous substances. Each assessment shall be recorded and reported to SEPA. The first assessment shall be completed by 28 February 2020. The assessment shall include interpretation of the results with reference to previous monitoring undertaken (including the site and where applicable baseline reports) and operations at the permitted installation and details of corrective actions that are required to protect groundwater and remedy any contamination that has occurred as a result of permitted activities.

Table 2.3 – groundwater monitoring requirements

Relevant hazardous substance	Activity to be monitored	Frequency
As specified in the monitoring plan required by Condition 2.7.7	As specified in the monitoring plan required by Condition 2.7.7	Every 2 years

- 2.7.6 The operator shall monitor the soil at the site for the relevant hazardous substances specified in table 2.4 at the frequency specified in Table 2.4, , the purpose of which shall be to identify soil contamination associated with the activities specified in Table 2.4 by those relevant hazardous substances. Each assessment shall be recorded and reported to SEPA. The first assessment shall be completed by 28 February 2020. The assessment shall include interpretation of the results with reference to previous monitoring undertaken (including the site and where applicable baseline reports) and operations at the permitted installation and details of corrective actions that are required to protect soil and remedy any contamination that has occurred as a result of permitted activities.

Table 2.4 – soil monitoring requirements

Relevant hazardous substance	Activity to be monitored	Frequency
As specified in the monitoring plan required by Condition 2.7.7	As specified in the monitoring plan required by Condition 2.7.7	Every 10 years

- 2.7.7 The operator shall submit a detailed soil and groundwater monitoring plan, for the monitoring required by conditions 2.7.5 and 2.7.6 to SEPA at least three months in advance of carrying out the monitoring, which shall include the locations at which monitoring shall be carried out and the methodology which shall be used.
- 2.7.8 The operator shall carry out the monitoring required by conditions 2.7.5 and 2.7.6 in accordance with the soil and groundwater monitoring plan required by condition 2.7.7.
- 2.7.9 The operator shall review the plan required by Condition 2.7.7 no later than 6 months after each monitoring event. The purpose of the review shall be to determine whether any changes to monitoring locations, frequency or parameters are required and where changes are proposed, submit a revised plan to SEPA.
- 2.7.10 Notwithstanding the requirements of Condition 2.2 all plans, monitoring and assessments reports undertaken in accordance with Conditions 2.7.4, 2.7.5, 2.7.6, 2.7.7 and 2.7.8 shall be preserved until the permit is surrendered.
- 2.7.11 The operator shall maintain the groundwater monitoring wells detailed in the plan required in Condition 2.7.7 in a condition fit for purpose, unless otherwise agreed in writing with SEPA. Where a well's function is compromised it shall be repaired or replaced to allow sample collection in accordance with Conditions 2.7.5. and 2.7.6.

**10. In Schedule 3 Condition 3.3.2 and Table 3.1 have been deleted.**

**11. In Schedule 3 a new Condition 3.4 has been added as follows:**

### 3.4 Fugitive VOC Emissions

- 3.4.1 The Operator shall prepare, implement and maintain a VOC fugitive release inventory for all plant (and tanks) included within the Permitted Installation. The said inventory shall list the main sources of fugitive releases on each plant along with the techniques in place to prevent or minimise VOC emissions from each source. Fugitive VOC emissions shall be quantified (based on composition and mass in kilograms) for each source including the total for each production plant based on monitoring estimates (in accordance with USEPA Method 21) on an annual basis. The fugitive release inventory shall be reported to SEPA on an annual basis, within 2 months of the end of the calendar year. The first assessment shall be completed by 28 February 2020.
- 3.4.2 The Operator shall implement and maintain an on-going annual Leak Detection and Repair Programme (LDAR) designed to reduce fugitive VOC emissions to air from the production plants and tanks identified in Condition 3.4.1. The repair programme shall use monitoring including optical gas imaging techniques and the annual VOC fugitive release inventory as the basis for targeting improvements.
- 3.4.3 The Operator shall record and report to SEPA the annual leak repair programme for the forthcoming calendar year along with a review of the previous year's repair programme identifying any improvements made, within 2 months of the end of the calendar year. The first assessment shall be completed by 28 February 2020.

**12. In Schedule 4 Table 4.5 has been deleted and is replaced with new Table 4.5 as follows:**

Table 4.5 - Emissions to Water Environment/Sewer ELVs

<b>Source of Emission</b>	<b>Emission point</b>	W01
	<b>Source of Emission</b>	Fire Water Pond Discharge
	<b>Destination</b>	Dronachy Burn
	<b>Emission location NGR</b>	NT 2013 9105
	<b>Emission location on Figure 4.2</b>	W01
	<b>Sampling location</b>	Discharge Outlet
<b>Limits For Parameters From Emission Source</b>	<b>pH</b>	6 – 9.5
	<b>Total Suspended Solids mg/l</b>	IL 5 IU 10
	<b>Total Petroleum Hydrocarbons (Oil in Water) mg/l</b>	IL 1 IU 2.5
	<b>Mercury mg/l</b>	-
	<b>Cadmium mg/l</b>	-
	<b>Flowrate l/s</b>	
	<b>Temperature °C</b>	A 25
	<b>Dissolved Oxygen mg/l</b>	> 9

- 13. Condition 4.4 and Table 4.8 are deleted, subsequent conditions and tables are renumbered accordingly.**

14. Condition 4.7 is deleted.
15. The Explanatory Notes at the back of the Permit are deleted and replaced by the following new Explanatory Notes overleaf:

## **EXPLANATORY NOTES**

(These Explanatory Notes do not form part of the Permit)

### **1. BAT**

It should be noted that Regulation 22 of the Regulations specifies that it is a condition of a permit that the operator must use the best available techniques (BAT) for preventing or, where that is not practicable, reducing emissions from the installation. This is referred to as the 'general' BAT condition.

This does not apply to the extent that any other condition of the permit, or a standard rule which has effect as a standard rules condition, has the same effect. Examples of aspects of the operation that have not been regulated by specific conditions are management and supervision systems, training and qualification and maintenance in general.

BAT is defined in Regulation 4 of the Regulations as follows:

"Best available techniques" means the most effective and advanced stage in the development of activities and their methods of operation which indicates the practical suitability of particular techniques for providing the basis for emission limit values and other permit conditions designed to prevent and, where that is not practicable, to reduce emissions and the impact on the environment as a whole.

"available techniques" means those techniques which have been developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the cost and advantages, whether or not the techniques are used or produced inside the UK, as long as they are reasonably accessible to the operator.

"best" means in relation to techniques, the most effective in achieving a high general level of protection of the environment as a whole.

"techniques" includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned.

"BAT conclusions" means a document containing the parts of a BAT reference document laying down the conclusions on best available techniques, their description, information to assess their applicability, the emission levels associated with the best available techniques, associated monitoring, associated consumption levels and, where appropriate, relevant site remediation measures.

"emerging technique" means a novel technique for an industrial activity that, if commercially developed, could, when compared to existing best available techniques provide a higher level of protection of the environment, or at least the same level of protection of the environment and higher cost savings.

"emission levels associated with best available techniques" means the range of emission levels obtained under normal operating conditions using a best available technique, or combination of best available techniques, as described in

BAT conclusions, expressed as an average over a given period of time, under specified reference conditions.

Schedule 3 of the Regulations specifies the matters to be taken into account in determining BAT. In considering BAT, SEPA would expect the operator to have regard to all relevant PPC sector or other technical guidance, including BAT Reference Documents published by the European Commission and UK technical guidance published by the Environment Agency.

## 2. GENERAL STATUTORY REQUIREMENTS

The permit does not detract from any other statutory requirements applicable to you in respect of the Permitted Installation, such as any need to obtain planning permission or building regulations approval or any responsibilities under legislation for health, safety and welfare in the workplace.

## 3. APPEALS

If you are aggrieved by any of the conditions of the permit, you should initially contact the local SEPA office at the address or telephone number below. Further information on your right of appeal and the appeals procedure is contained regulation 58 and Schedule 8 of the Regulations.

## 4. SUBSISTENCE CHARGES

An annual subsistence charge will be payable in respect of the permit in terms of the Pollution Prevention and Control (Scotland) Charging Scheme or any relevant charging scheme made under Section 41 of the Environment Act 1995, copies of which are available from SEPA.

## 5. ADDRESS AND TELEPHONE NUMBERS

The contact address and telephone number for all information to be reported in terms of the permit, is as follows:

Type of communication	Address	Telephone/ Fax	Email
Initial notification of Pollution incident	N/A	0800 80 70 60  24 hour pollution hotline	N/A
Application for New Permit/ Variation/ Transfer or Surrender	SEPA ASB, Angus Smith Building, 6 Parklands Avenue Eurocentral, Holytown, North Lanarkshire ML1 4WQ	Tel: 01698 839000 Fax: 01698 738155	RegistryAngusSmith@sepa.org.uk
For all other communications including change notifications, data returns, incident reports and general	Scottish Environment Protection Agency local East region office as confirmed by Site Officer, either:		
	SEPA Edinburgh Office, Silvan House, 231 Corstorphine	Tel: 0131 449 7296	As agreed in writing with SEPA

enquiries	Road, Edinburgh. EH12 7AT	Fax: 0131- 449-7277	
	SEPA Strathearn House Broxden Business Park Lamberkine Drive Perth PH1 1RX	Or Perth Tel: 01738 627989 Fax: 01738 630997	As agreed in writing with SEPA

## 6. REVIEW OF CONDITIONS

The conditions of the permit will be periodically reviewed by SEPA.

## 7. PROPOSED CHANGE IN OPERATION OF INSTALLATION

It is a requirement of Regulation 45 of the Regulations that if you propose to make a change in the operation of the installation, you must notify SEPA at least 14 days before making the change. The requirement under Regulation 45 does not apply if you have already made an application to SEPA for the variation of the conditions of the permit containing a description of the proposed change.

N.B. the requirements of Regulation 45 are in addition to any obligations you may have under the permit itself to only operate the permitted installation in the manner set out in the permit and to notify SEPA of proposed changes to the permitted installation.

Regulation 46 and Schedule 7 of the Regulations provide details on applications for variation of the permit in respect of proposed changes and substantial changes in operation.

"Change in operation" and "substantial change in operation" are defined in Regulation 2 of the Regulations.

## 8. ENFORCEMENT & OFFENCES

If SEPA is of the opinion that you have contravened, or are contravening or are likely to contravene a condition of the permit, or an incident or accident significantly affecting the environment has occurred as a result of the operation of the installation it may serve an enforcement notice. Further details on enforcement notices are provided in Regulation 55 of the Regulations.

If SEPA is of the opinion that the operation of an installation poses an immediate danger to human health, threatens to create an immediate significant adverse effect upon the environment or involves a risk of serious pollution it must, in certain circumstances, serve a suspension notice on you. Further details on suspension notices are provided in Regulation 56 of the Regulations.

It is an offence to operate an installation covered by the Regulations without a Permit or in breach of the conditions of the permit. It is an offence to fail to comply with the requirements of an enforcement or suspension notice. It is an offence to intentionally make a false entry in any record required to be kept under a condition of a permit. Further details on offences and on penalties

liable to be imposed upon conviction of an offence are provided in Regulation 67 of the Regulations.

Directors, managers and other individuals within a company may be held personally liable for offences under the Regulations.

All personnel who are responsible for fulfilling any condition of the permit should be made aware of these facts.

## **9. BREACH OF A PERMIT CONDITION**

Regulation 52 of the Regulations specifies that the operator of an installation must immediately give notice to SEPA of any breach of a condition of the permit. It is an offence to fail, without reasonable excuse to comply with Regulation 52.

Any statement made by an operator to SEPA for the purposes of complying with regulation 52 may only be used in a prosecution for an offence where in giving evidence the operator makes a statement inconsistent with the initial notification.

All personnel who are responsible for fulfilling any condition of the permit should be made aware of these facts.

## **10. RECORDED SYSTEMS, PROCEDURES OR INFORMATION RECORDING/ RETURN REQUIREMENTS**

Where a condition requires any system, procedure or information record/return, the operator may demonstrate compliance by making use of any relevant existing written system used for any other purpose and which meets the requirements of the relevant condition.

## **11. SYSTEMATIC ASSESSMENT (AND REVIEW)**

Where a condition of the permit requires a "systematic assessment (and review)" the assessment should be undertaken in a methodical and arranged manner. If you require guidance on the scope or extent of any assessment (and review) required to be undertaken, you should contact your local SEPA office at the address or telephone number given above.

## **12. SEPA DOCUMENT IED-T-01(TT) – Extended Two-Tier Consent Table**

This document can be downloaded from the SEPA website [www.sepa.org.uk](http://www.sepa.org.uk). Should you have any difficulty accessing a copy please contact SEPA for assistance.



### **13. COMMERCIAL CONFIDENTIALITY**

Regulation 64 of the Regulations requires that SEPA maintain a register ("a Public Register"), whilst Schedule 9 of the Regulations sets out what the Public Register shall contain. Regulation 66(2) provides you with an opportunity to apply for exclusion from the Public Register for certain confidential information. Where you are required to supply SEPA with information whether via a condition in this permit, or otherwise, and that information falls under Schedule 9, if you wish it to be excluded from the public register as confidential information, then such a submission must include an application made under Regulation 66(2).

*Continued on page 2*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Company Secretary  
Shell U.K. Limited  
Shell Centre  
York Road  
London  
SE1

Our Ref: PPC/A/1013495  
VN03

Your Ref:

If telephoning ask for:

23 October 2018

Dear Sir/Madam

**POLLUTION PREVENTION AND CONTROL (SCOTLAND) REGULATIONS 2012 ("the Regulations")  
APPLICATION DETERMINATION  
PERMIT REFERENCE NUMBER: PPC/A/1013495  
SITE: Fife NGL Plant, Cowdenbeath, Fife.**

Following SEPA's decision to vary the above permit under Regulation 46 of the regulations, please find enclosed a Notice of variation reference PPC/A/1013495 VN03.

If you are unhappy with any of the conditions attached you have the right to appeal to the Scottish Ministers providing the conditions have not been applied as a result of a direction to SEPA from Scottish Ministers. The procedures for making an appeal are explained in regulation 58 and Schedule 8 to the regulations. Your appeal must be made in writing to the Scottish Ministers no later than **23 December 2018**. A guidance note is attached to this letter for your assistance.

Please contact [REDACTED] at our Edinburgh Office, on telephone number [REDACTED] if you have any queries relating to this letter.

Yours faithfully

Enc: Notice of variation PPC/A/1013495 VN03

CC: [REDACTED], Shell U.K. Limited, Fife NGL Plant, PO Box 16, Cowdenbeath, Fife, KY4 8EL

PUBLIC

## GUIDANCE NOTES

Under regulation 58 of the Pollution Prevention and Control (Scotland) Regulations 2012, a person who is aggrieved by the conditions attached by SEPA to a Variation Notice may appeal to the Scottish Ministers. Any person who wishes to appeal under regulation 58 must do so by notice in writing to:

Directorate for Planning and Environmental Appeals  
4 The Courtyard  
Callendar Business Park  
Callendar Road  
FALKIRK  
FK1 1XR  
Tel: 01324 696 400  
Fax: 01324 696 444  
E-mail: [dpea@gov.scot](mailto:dpea@gov.scot)

Appeals must be notified within 2 months from the date of SEPA's decision. Scottish Ministers may in a particular case allow a longer period for the giving of notice of an appeal.

### **Any notice of appeal must be accompanied by the following information:-**

- a) a statement of the grounds of appeal;
- b) a copy of the relevant application;
- c) A copy of any relevant Permit;
- d) a copy of any relevant correspondence between the appellant and SEPA;
- e) a copy of the decision or notice which is the subject matter of the appeal; and
- f) a statement indicating whether the appellant wishes the appeal to be in the form of a hearing or to be determined on the basis of written representations;

A copy of any appeal notice must also be served on SEPA together with copies of the documents mentioned at paragraphs a) and f) above. Should the appellant wish to withdraw an appeal, they should do so by notifying Scottish Ministers in writing sending a copy of that notification to SEPA.

On determining an appeal, Scottish Ministers will notify the appellant in writing of their decision.