



EP Permit ref: **PPC/B/05**

Variation ref: **V01/2012**

Barrow-in-Furness Borough Council

THE ENVIRONMENTAL PERMITTING (ENGLAND AND WALES) REGULATIONS 2010 (AS AMENDED), REGULATION 18 AND 20

VARIATION NOTICE

To BAE Systems Submarines Ltd, Warwick House, PO Box 87, Farnborough Aerospace Centre, Farnborough, Hampshire, GU14 6YU

Barrow-in-Furness Borough Council ("the Council") , in the exercise of the powers conferred upon it by Regulation 20 of the Environmental Permitting (England and Wales) Regulations 2010¹ ("the 2010 Regulations") hereby gives you notice as follows:

The Council has decided to vary the conditions of permit reference **PPC/B/05** granted under Regulation 13(1) of the 2010 Regulations in respect of the operation of the installation at

BAE Systems Submarines Ltd, Barrow-in-Furness, Cumbria. LA14 1AF.

The variation of the conditions of the permit and the date(s) on which they are to take effect are specified in Schedule 1 to this notice. A consolidated permit as varied by this notice is set out in Schedule 2.

Signed on behalf of Barrow-in-Furness Borough Council

.....
Environmental Health Manager
An authorised officer of the Council

Date: 07/03/12

¹ SI 2010/675

EP Permit ref: **PPC/B/05**
 Variation ref: **V01/2012**



SCHEDULE 1

VARIATION TO THE CONDITIONS OF THE PERMIT	DATE(S) ON WHICH THE VARIATION IS TO TAKE PLACE
Insertion of Conditions	
Condition 1 inserted and reads: <i>The best available techniques shall be used to prevent or, where that is not practicable, reduce emissions from the installation in relation to any aspect of the operation of the installation which is not regulated by any other condition of this permit.</i>	8 th March 2012
Condition 2 inserted and reads: <i>If the operator proposes to make a change in operation of the installation, he must, at least 14 days before making the change, notify the regulator in writing. The notification must contain a description of the proposed change in operation. It is not necessary to make such a notification if an application to vary this permit has been made and the application contains a description of the proposed change. In this condition 'change in operation' means a change in the nature or functioning, or an extension, of the installation, which may have consequences for the environment.</i>	8 th March 2012
Condition 58 inserted and reads: <i>Where the dispersion of pollutants discharged from any new stack (or vent) is necessary, the target exit velocity shall be 15m/s under normal operating conditions unless otherwise agreed in writing with the regulator. Where emissions consist of only air and particulate matter, this condition will not apply.</i>	8 th March 2012
Deletion of Conditions	
Condition 11 shall be deleted	8 th March 2012
Condition 43 shall be deleted	8 th March 2012

Condition 44 shall be deleted	8 th March 2012															
Amendment of Conditions																
<p>Condition 1 shall be renumbered to become Condition 3 and amended to read:</p> <p><i>The following emission limits shall apply to releases from contained sources.</i></p> <table border="1" data-bbox="240 556 1128 1333"> <thead> <tr> <th data-bbox="240 556 409 619">Substance</th> <th data-bbox="409 556 578 619">Source</th> <th data-bbox="578 556 799 619">Emission Limits/Provisions</th> <th data-bbox="799 556 971 619">Type of Monitoring</th> <th data-bbox="971 556 1128 619">Monitoring Frequency</th> </tr> </thead> <tbody> <tr> <td data-bbox="240 619 409 1075">Particulate Matter</td> <td data-bbox="409 619 578 1075">See condition 5</td> <td data-bbox="578 619 799 1075">50mg/Nm³ as 30 minute mean</td> <td data-bbox="799 619 971 1075">Manual extractive testing to BS ISO 9096:2003 or BS EN 13284-1 with averages taken over operating periods excluding start-up and shut-down</td> <td data-bbox="971 619 1128 1075">Annual</td> </tr> <tr> <td data-bbox="240 1075 409 1333">Isocyanates</td> <td data-bbox="409 1075 578 1333">Devonshire Dock Hall</td> <td data-bbox="578 1075 799 1333">0.1mg/Nm³ as a 30 minute mean for contained sources excluding particulate and expressed as NCO</td> <td data-bbox="799 1075 971 1333">Manual extractive testing to MDHS 25/3 or draft EPA method 207-1</td> <td data-bbox="971 1075 1128 1333">Annual</td> </tr> </tbody> </table>	Substance	Source	Emission Limits/Provisions	Type of Monitoring	Monitoring Frequency	Particulate Matter	See condition 5	50mg/Nm³ as 30 minute mean	Manual extractive testing to BS ISO 9096:2003 or BS EN 13284-1 with averages taken over operating periods excluding start-up and shut-down	Annual	Isocyanates	Devonshire Dock Hall	0.1mg/Nm³ as a 30 minute mean for contained sources excluding particulate and expressed as NCO	Manual extractive testing to MDHS 25/3 or draft EPA method 207-1	Annual	8 th March 2012
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<p>Condition 2 shall be renumbered to become Condition 4 and amended to read:</p> <p><i>The reference conditions for the emission limits in condition 3 shall be 273.15K, 101.3kPa, without correction for water vapour content.</i></p>	8 th March 2012															
<p>Condition 3 shall be renumbered to become Condition 5 and amended to read:</p> <p><i>Emissions of particulate matter shall be tested according to the requirements in condition 3 at the following areas, when they are in operation:</i></p> <p><i>a. Devonshire Dock Complex Main Paint Shop/Store (Spraybooth)</i></p>	8 th March 2012															

<ul style="list-style-type: none"> b. <i>b .Devonshire Dock Complex Main Paint Shop/Store (Shot Blast Facility)</i> c. <i>Devonshire Dock Complex Main Paint Shop/Store (Drying Facility)</i> d. <i>Devonshire Dock Hall (DDH)</i> e. <i>Ex Reactor Installation Facility (RIF)</i> f. <i>Contractor's Self Contained Paint Mixing Facility at D00</i> g. <i>Acoustic Tiling Facility Dust Extraction System (DDH)</i> h. <i>Acoustic Tiling Facility Adhesive Mixing Area (DDH) (vent connected to DDH extraction system - see c) above)</i> i. <i>Temporary enclosure external to DDH (adjacent to D22) (vent connected to DDH extraction system - see c) above)</i> j. <i>Boiler Shop (temporary enclosure)</i> k. <i>NAS Annex (temporary enclosure)</i> l. <i>X-ray facility (temporary enclosure)</i> m. <i>NAS (temporary enclosure)</i> n. <i>n. DDC Wet Dock (temporary enclosure)</i> 					
<p>Condition 4 shall be renumbered to become Condition 6 and amended to read:</p> <p><i>Emissions of isocyanate shall be tested according to the requirements in condition 3 when the isocyanate process is operating inside DDH and a temporary enclosure within the NAS.</i></p>	8 th March 2012				
<p>Condition 5 shall be renumbered to become Condition 7 and amended to read:</p> <p><i>The operator shall adopt the Solvent Reduction Scheme described in paragraphs 4.5 to 4.8 of PG 6/23 (11).</i></p>	8 th March 2012				
<p>Condition 6 shall be renumbered to become Condition 8 and amended to read:</p> <p><i>The installation shall comply with the target emission values in the table below. The 'target emission' shall be determined in accordance with the 'reduction scheme', detailed in Appendix B to this Permit.</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="background-color: #e0e0e0; padding: 2px;">Target Emission Values for Coating (Painting) (Consumption below 15 tonnes)</td> </tr> <tr> <td style="padding: 2px;">Total Mass of Solids x 0.6</td> </tr> <tr> <td style="background-color: #e0e0e0; padding: 2px;">Target Emission Values for Adhesive Coating</td> </tr> <tr> <td style="padding: 2px;">Total Mass of Solids x 1.2</td> </tr> </table>	Target Emission Values for Coating (Painting) (Consumption below 15 tonnes)	Total Mass of Solids x 0.6	Target Emission Values for Adhesive Coating	Total Mass of Solids x 1.2	8 th March 2012
Target Emission Values for Coating (Painting) (Consumption below 15 tonnes)					
Total Mass of Solids x 0.6					
Target Emission Values for Adhesive Coating					
Total Mass of Solids x 1.2					
<p>Condition 7 shall be renumbered to become Condition 9 and amended to read:</p> <p><i>The Operator shall produce two separate Solvent Management Plans for Coating (Painting) processes and Adhesive Coating Processes. These shall</i></p>	8 th March 2012				

<i>be updated annually, starting on 31 October 2006. The Solvent Management Plans shall be produced using the definitions and calculations set out in clauses 4.10, 4.11 and 4.12 of PG 6/23 (11). These are reproduced in Appendix C to this permit</i>	
Conditions 8, 9 and 10 shall be renumbered to become Conditions 10, 11 and 12	8 th March 2012
Condition 12 shall be renumbered to become Condition 13 and amended to read: <i>Methylene chloride, used to remove residues of polyurethane, shall be controlled under contained conditions as specified in conditions 51 to 53, involving an enclosure and exhausting to a stack.</i>	8 th March 2012
Condition 13 shall be renumbered to become Condition 14	8 th March 2012
Condition 14 shall be renumbered to become Condition 15 and amended to read: <i>The ratio of methyl di-isocyanate (MDI) to polyol shall be such that the available isocyanate content of MDI is fully utilised by the available hydroxyl content of the polyol. The efficiency of the MDI/polyol mix shall be checked in accordance with condition 16.</i>	8 th March 2012
Conditions 15 and 16 shall be renumbered to become Conditions 16 and 17	8 th March 2012
Condition 17 shall be renumbered to Condition 27 and amended to read: <i>The operator shall provide a list of key arrestment plant and shall have a written procedure for dealing with its failure, in order to minimise any adverse effects.</i>	8 th March 2012
Conditions 27, 28, 29, 30 and 31 shall be renumbered to become Conditions 28, 29, 30, 31 and 32	8 th March 2012
Condition 32 shall be renumbered to Condition 33 and amended to read: <i>As there are two SED activities within the installation, the operator shall:</i> <i>a. As regards designated hazard statement materials, meet the requirements specified in Conditions 13 and 14 for each activity individually;</i> <i>b. As regards all other substances, either:</i>	8 th March 2012

<p><i>i) meet the requirements for each activity individually; or ii) have total emissions not exceeding those that would have resulted had point (i) been applied.</i></p> <p><i>NB When applying b) ii) above, the solvent management plan shall be calculated to determine total emissions from all activities concerned. That figure must then be compared with the total emissions from the installation that would have resulted had the requirements of Annex II of SED been met for each activity separately.</i></p>	
<p>Conditions 33 through to 42 shall be renumbered to become Conditions 34 to 43</p>	<p>8th March 2012</p>
<p>Conditions 45 through to 52 shall be renumbered to become Conditions 44 to 51</p>	<p>8th March 2012</p>
<p>Conditions 53 shall be renumbered to become condition 52 and amended to read:</p> <p><i>All emissions from:</i></p> <ul style="list-style-type: none"> <i>a. Devonshire Dock Complex Main Paint Shop/Store (Spray Booth)</i> <i>b. Devonshire Dock Complex Main Paint Shop/Store (Shot Blast Facility)</i> <i>c. Devonshire Dock Complex Main Paint Shop/Store (Drying Facility)</i> <i>d. Devonshire Dock Hall (DDH)</i> <i>e. Ex Reactor Installation Facility (RIF)</i> <i>f. Contractor's Self Contained Paint Mixing Facility at D00</i> <i>g. Acoustic Tiling Facility Dust Extraction System (DDH)</i> <i>h. Acoustic Tiling Facility Adhesive Mixing Area (DDH) (vent connected to DDH extraction system - see c) above)</i> <i>i. Temporary enclosure external to DDH (adjacent to D22) (vent connected to DDH extraction system - see c) above)</i> <i>j. Boiler Shop (temporary enclosure)</i> <i>k. NAS Annex (temporary enclosure)</i> <i>l. X-ray facility (temporary enclosure)</i> <i>m. NAS (temporary enclosure)</i> <i>n. DDC Wet Dock (temporary enclosure)</i> <p><i>shall be exhausted to the external air via the stacks specified in condition 53. The extract ventilation systems shall operate continually during all phases of the process operation.</i></p>	<p>8th March 2012</p>
<p>Condition 54 shall be renumbered to become Condition 53 and amended to read:</p> <p><i>The height and efflux velocity of stacks shall be as follows:</i></p> <ul style="list-style-type: none"> <i>a. Devonshire Dock Complex Main Paint Shop/Store (Spray Booth) -</i> 	<p>8th March 2012</p>

<p><i>one stack 9.1 metres above ground level, 2.9 metres above apex of roof, with an efflux velocity of at least 15 m/s</i></p> <p><i>b. Devonshire Dock Complex Main Paint Shop/Store (Shot Blast Facility) - No requirement for minimum efflux velocity and stack height as stated in PG 6/23 (11) and PG6/32 (11)</i></p> <p><i>c. Devonshire Dock Complex Main Paint Shop/Store (Drying Facility) – one stack 5.3 metres above ground level, 0.8 metres above roof slope, with an efflux velocity of at least 11m/s</i></p> <p><i>d. Devonshire Dock Hall - 64 stacks all 45 metres above ground level, 6 metres below the apex of roof, with an efflux velocity of at least 4.5 m/s</i></p> <p><i>e. Ex Reactor Installation Facility (RIF) - 19.5 metres above ground level, 1 metre above apex of roof, with an efflux velocity of at least 15 m/s</i></p> <p><i>f. Contractor’s Self Contained Paint Mixing Facility at D00 - 6 metres above ground level (only storage and mixing of paints)</i></p> <p><i>g. Acoustic Tiling Facility Dust Extraction System (DDH) - 8 metres above ground level, with an efflux velocity of at least 11 m/s</i></p> <p><i>h. Acoustic Tiling Facility Adhesive Mixing Area (DDH) (vent connected to DDH extraction system - see b) above)</i></p> <p><i>i. Temporary enclosure external to DDH (adjacent to D22) (vent connected to DDH extraction system - see b) above)</i></p> <p><i>j. Boiler Shop (temporary enclosure) - 1 metre above apex of roof, with an efflux velocity of at least 15 m/s</i></p> <p><i>k. NAS Annex (temporary enclosure) - 1 metre above apex of roof, with an efflux velocity of at least 15 m/s</i></p> <p><i>l. X-ray facility (temporary enclosure) - 1 metre above apex of roof, with an efflux velocity of at least 15 m/s</i></p> <p><i>m. NAS (temporary enclosure) - 1 metre above apex of roof, with an efflux velocity of at least 15 m/s</i></p> <p><i>n. DDC Wet Dock (temporary enclosure) - 1 metre above deck of ship or bridge fin of a submarine, with an efflux velocity of at least 2 m/s</i></p>	
<p>Conditions 55 and 56 shall be renumbered to become Condition 54 and 55</p>	<p>8th March 2012</p>
<p>Condition 57 shall be renumbered to become Condition 56 and amended to read:</p> <p><i>Before any stacks detailed in condition 53 are upgraded, replaced or repaired; heights and efflux velocities shall be agreed with the regulator.</i></p>	<p>8th March 2012</p>
<p>Condition 64 shall be amended to read:</p> <p><i>Records of the written maintenance programme shall be made available for inspection to the regulator on request.</i></p>	<p>8th March 2012</p>

Signed on behalf of Barrow-in-Furness Borough Council

.....
Environmental Health Manager
An authorised officer of the Council

Date: 07/03/12

EP Permit ref: **PPC/B/05**
Variation ref: **V01/2012**

SCHEDULE 2

Permit reference PPC/B/05 as varied by this notice.

Guidance for operators receiving a Variation Notice

(This guidance does not form part of the Variation Notice, but it is for the guidance of those served with the notice.) Further guidance can be found in the PPC [General Guidance Manual](#).

Dealing with a Variation Notice

This notice varies the terms of the permit specified in the Notice by amending or deleting certain existing conditions and/or adding new conditions. The Schedules attached to the notice explain which conditions have been amended, added or deleted and the dates on which these have effect.

The Council may have included a 'consolidated permit', which takes into account these and previous variations. Where a consolidated permit is not included this variation notice must be read in conjunction with your permit document.

Offences

Failure to comply with a Variation Notice is an offence under regulation 38(2) of the 2010 Regulations. A person guilty of an offence under this regulation could be liable to (i) a fine of up to £50,000 or imprisonment for a term not exceeding 6 months or both; or (ii) to an unlimited fine or imprisonment for a term not exceeding 5 years or both, depending on whether the matter is dealt with in the Magistrates or Crown Court.

Appeals

Under regulation 31 and Schedule 6 of the 2010 Regulations operators have the right of appeal against the conditions attached to their permit by a variation notice. The right to appeal does not apply in circumstances where the notice implements a direction of the Secretary of State/Welsh Ministers given under regulations 61 or 62 or a direction when determining an appeal.

Appeals against a Variation Notice do not have the effect of suspending the operation of the Notice. Appeals do not have the effect of suspending permit conditions, or any of the mentioned notices.

Notice of appeal against a Variation Notice must be given within **two months** of the date of the variation notification, which is the subject matter or the appeal. The Secretary of State/Welsh Ministers may in a particular case allow notice of appeal to be given after the expiry of this period, but would only do so in the most compelling circumstances.

How to appeal

There are no forms or charges for appealing. However, for an appeal to be valid, appellants (the person/operator making the appeal) are legally required to provide the Secretary of State or Welsh Minister with the following (see paragraphs 2(1) and (2) of Schedule 6 of the 2010 Regulations):

- written notice of the appeal
- a statement of the grounds of appeal;
- a copy of any relevant application;

- a copy of any relevant environmental permit;
- a copy of any relevant correspondence between the appellant and the regulator;
- a copy of any decision or notice which is the subject matter of the appeal; and
- a statement indicating whether the appellant wishes the appeal to be in the form of a hearing or dealt with by way of written representations.

Appellants should state whether any of the information enclosed with the appeal has been the subject of a successful application for confidentiality under regulation 48 of the 2010 Regulations, and provide relevant details – see below. Unless such information is provided all documents submitted will be open to inspection.

Where to send your appeal documents

Appeals should be despatched on the day they are dated, and addressed to:

The Planning Inspectorate
Environment Team, Major and Specialist Casework
Room 4/04 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Or for appeals in Wales:

The Planning Inspectorate
Crown Buildings
Cathays Park
CARDIFF
CF10 3NQ

If an appeal is made, the main parties will be kept informed about the next steps, and will also normally be provided with additional copies of each other's representations.

To withdraw an appeal – which may be done at any time - the appellant must notify the Planning Inspectorate in writing and copy the notification to the local authority who must in turn notify anyone with an interest in the appeal.

Costs

The operator and local authority will normally be expected to pay their own expenses during an appeal. Where a hearing or inquiry is held as part of the appeal process, by virtue of paragraph 5(6) of Schedule 6, either the appellant or the authority can apply for costs. Applications for costs are normally heard towards the end of the proceedings and will only be allowed if the party claiming them can show that the other side behaved unreasonably and put them to unnecessary expense. There is no provision for costs to be awarded where appeals are dealt with by written representatives.

Confidentiality

An operator may request certain information to remain confidential, ie not be placed on the public register. The operator must request the exclusion from the public register of confidential information at the time of supply of the information requested by this

notice or any other notice. The operator should provide clear justification for each item wishing to be kept from the register. The onus is on the operator to provide a clear justification for each item to be kept from the register. It will not simply be sufficient to say that the process is a trade secret.

The test of whether information is confidential for the purposes of being withheld from the public register is complex and is explained, together with the procedures, in chapter 8 of the PPC General Guidance Manual.

National security

Information may be excluded from the public register on the grounds of National Security. If it is considered that the inclusion of information on a public register is contrary to the interests of national security, the operator may apply to the Secretary of State/Welsh Ministers, specifying the information and indicating the apparent nature of risk to national security. The operator must inform the local authority of such an application, who will not include the information on the public register until the Secretary of State/Welsh Ministers has decided the matter.