

Translation into English of the text of resolution dated on 17.12.2013 updating the permit of a chlorine production plant located in the Autonomous Community of Galicia, owned by Electroquímica del Noroeste S.A.U.

Official Journal of Galicia (DOG) Num. 249	Tuesday, 31 December 2013	Page 53241
---	---------------------------	------------

VI. Announcements

A) Regional administration

Regional Ministry for the Environment, Territory and Infrastructures

Announcement issued on 18 December 2013 from the Secretary General on Environmental Quality and Assessment, publishing Resolution issued on 17 December 2013 updating one (1) environmental permit in accordance with the provisions of Law 5/2013, of 11 June, amending Law 16/2002, of 1 July, on the integrated prevention and pollution control, and Law 22/2011, of 28 July, on waste and contaminated soils.

According to the first transitional provision of Law 16/2002, of 1 July, on the integrated prevention and pollution control, the competent authority to grant integrated environmental permits shall perform the necessary actions to ensure that permits are updated according to the requirements provided by Directive 2010/75/EU, of the European Parliament and of the Council, of 24 November, on industrial emissions, before 7th January 2014; and shall publish them at the corresponding official journal noting their alignment with Directive 2010/75/UE, of 24 November.

Based on the foregoing, the Secretary General on Environmental Quality and Assessment agrees to publish the resolution updating the integrated environmental permit granted to Electroquímica del Noroeste, S.A.U. for the chlorine and derivatives plant production located in Lourizán, in the municipality of Pontevedra, with registration number 2005/0101_NAA/IPPC_150.

Santiago de Compostela, 18 December 2013

Justo de Benito Basanta
Secretary-General for Environmental Quality and Assessment

Resolution issued on 17 December 2013 by the Secretary General on Environmental Quality and Assessment updating the integrated environment permit granted to Electroquímica del Noroeste, S.A.U. for the chlorine and derivatives production plant located in Lourizán, in the municipality of Pontevedra, with registration number 2005/0101_NAA/IPPC_150.

Factual background:

First. The installation referred to in the heading holds an integrated environmental permit with registration nº 2005/0101_NAA/IPPC_150.

Second. On 29.10.2013 the technical general secretary of the regional Ministry for the Environment, Territory and Infrastructures resolved to partially uphold the *alzada* administrative review¹ nº RA/CAL/2012/00009 filed by Electroquímica del Noroeste, S.A.U. against the resolution which renewed the integrated environmental permit. The appeal was partially upheld for the sole purpose of amending the contested resolution, not having considered the references made in the resolution to the end of the permit validity period and its non-renewable condition, without prejudice that this Secretary General on Environmental Quality and Assessment may issue a new resolution to adapt the permit to the current legal framework concerning its indefinite validity and to update it, as appropriate, pursuant to the first transitional provision of Law 16/2002, of 1 July, on the integrated prevention and pollution control.

Third. On 30.10.2013 the regional Ministry for the Environment, Territory and Infrastructures and the company Electroquímica del Noroeste, S.A.U. signed a collaboration protocol to cease the production activity. The schedule for an orderly and progressive cessation of the activity is established in clause sixth of that protocol.

Fourth. On 12.6.2013 Law 5/2013, of 11 June, amending Law 16/2002, of 1 July, on the integrated prevention and pollution control, and Law 22/2011, of 28 July, on waste and contaminated soils was published at the State Official Journal (num. 140).

Fifth. According to paragraph 2 of the first transitional provision of Law 16/2002, of 1 July, permits which are currently in force shall be considered updated if they contain specific prescriptions on:

- a) Incidents y accidents.
- b) Failure to comply with integrated environmental permit conditions.
- c) In case of waste generation, the implementation of the waste hierarchy as established in article 4.1.b).
- d) When necessary, the report mentioned in article 12.1.f) of this Law, which must be taken into consideration in the event of plant closure.
- e) The measures which will be applied in the event of anomalous functioning conditions.

¹ Alzada administrative review is an administrative review filed before the hierarchical superior of the authority that issued an administrative decision or resolution.

f) When necessary, the monitoring requirements for soil and groundwater.

g) In the case of an incineration or co-incineration plant:

- Waste treated by the plant, when listed by the European Waste List.
- The emission limit values determined by regulation for this type of plants.

Sixth. In order to comply with article 12.1.f), both the content of the integrated environmental permit and all the available information on soil and groundwater related to this installation were analysed, and the information is considered sufficient.

Seventh. On the other hand, having reviewed the content of the integrated environmental permit, it is concluded that it is appropriate to incorporate into the permit the conditions set out in the annex to this resolution.

Eight. Furthermore, it is necessary to comply with article 1.19 of Law 5/2013, of 11 June, which removes the former article 25 on the renewal of integrated environmental permits.

Ninth. According to article 84 of Law 30/1992, of 26 November, on the legal regime of public administrations and the common administrative procedure, on 29.10.2013 the operator was notified of the content of the proposal for this resolution, so that he/she could submit the documents and grounds considered relevant within the established period.

Legal grounds:

First. The first transitional provision of Law 5/2013, of 11 June, amending Law 16/2002, of 1 July, on the integrated prevention and pollution control, and Law 22/2011, of 28 July, on waste and contaminated soils provides that the competent authority to grant integrated environmental permits shall perform the necessary actions to ensure that permits are updated according to the requirements provided by Directive 2010/75/UE, of the European Parliament and of the Council, of 24 November 2010 on industrial emissions, before 7th January 2014.

Second. The Secretary General on Environmental Quality and Assessment is the body responsible for processing and monitoring integrated environmental permits, in accordance with the provisions established in Decree 44/2012, of 19 January, creating the organic structure of the Ministry for the Environment, Territory and Infrastructures.

In view of the above, it is hereby

AGREED (decided)

First. To update the integrated environmental permit, with registration number 2005/0101_NAA/IPPC_150, granted to Electroquímica del Noroeste, S.A.U. for the chlorine and derivatives plant production located in Lourizán, in the municipality of Pontevedra, incorporating the conditions set out in the annex to this resolution. In case of contradiction with the content of the integrated environmental permit, the provisions of this annex shall prevail.

Second. To remove the following text from the second section of the resolution of the above-mentioned integrated environmental permit:

«Establishing a period of validity of this permit until 6.1.2014, according to the provisions of Directive 2010/75/UE of 24 November 2010 on industrial emissions, articles 11.b), 14.3), 15.3) and 82, unless it incurs, before its completion, in any of the cases for permit modification *ex officio* established in article 26 of Law 16/2002, of 1 July, on integrated prevention and pollution control».

Third. To establish on 31.12.2016 as the starting date for the cessation of the activity, which will run according to the following schedule: 31.8.2017 as the date for the definitive cessation of liquid chlorine production and 31.10.2017 regarding the production of hydrochloric acid and sodium hypochlorite.

References made to the provisions of the former text of Law 16/2002, of 1 July, on the integrated prevention and pollution control shall be deemed to be adapted to the current provisions of that Law.

Against this resolution, which does not end the administrative procedure, an *alzada* appeal may be lodged within one month before the regional Minister for the Environment, Territory and Infrastructures, in accordance with article 114 of Law 30/1992, of 26 November, on the legal regime of public administrations and the common administrative procedure.

Santiago de Compostela, 9 December 2013. Justo de Benito Basanta, Secretary-General for Environmental Quality and Assessment.

ANNEX

Incidents and accidents:

– The operator shall immediately identify the source of the problem and take the necessary measures to ensure the protection of the environment and human health in the event of any incident or accident at the installation. Within these measures, suspension of the activity will be considered, if appropriate.

– If this situation results in a breach of the conditions set out in the integrated environmental permit and/or could have consequences on people's health or the environment, the operator shall notify the Secretary General on Environmental Quality and Assessment and the river basin body (in the latter case if the incident/accident could affect the public domain), notwithstanding the communications to other concerned authorities.

– Within the maximum period of seven (7) days following the communication, the operator shall submit to the referred authorities a report containing at least the following:

- The reasons of the incident.
- The time when it happened and its duration.
- The characteristics of the emissions produced, if any.
- The measures adopted both to remedy the situation and to prevent further incidents.

- The time and manner in which the event was reported to the different authorities.

Failure to comply with integrated environmental permit conditions:

- Failure to comply with the conditions set out in this resolution will result in the adoption of the environmental disciplinary measures set out in Title IV of Law 16/2002, of 1 July, on integrated prevention and pollution control, notwithstanding the provisions of sectoral legislation that will keep applying.

Implementation of the waste hierarchy established in article 8 of Law 22/2011, of 28 July, on waste and contaminated soils:

- Prevention in the generation of waste will always prevail, as well as its preparation for reuse and recycling. In the event of generation of waste that cannot be reused or recycled, it shall be allocated for other types of recovery, avoiding its disposal whenever possible.

Anomalous functioning conditions:

- In the event of leaks and malfunctions in the installation, the provisions set out in the section on accidents and incidents of this annex shall apply.

- The installation shall determine its start-up and shut-down periods. Furthermore, it shall have a registry (physical or digital) properly protected against damage or unauthorized modifications, and be available to the Administration in which the following shall be recorded:

- The technical criteria and/or parameters used for the determination of those periods.
- The date and its duration.

- The operator shall inform the Secretary General on Environmental Quality and Assessment of any temporary stoppage of activity that may affect normal compliance with the conditions established throughout this resolution. Furthermore, the operator shall give notice of the restart of the activity at the time it occurs.

Conditions for the definitive cessation of the activity:

- Before the start of any action, either for the adaptation of the industrial site or its dismantling, the operator shall give notice of the cessation of the activity and the expected date of closure.

Such notice shall be provided with a report specifying the actions to be undertaken by the operator for the cessation of the activity and in order to avoid any risk of contamination. Regarding the protection of soil and groundwater, the provisions of article 22bis of Law 16/2002, of 1 July, on integrated prevention and pollution control shall apply, considering whether the installation has a baseline report or not.

- That report will be assessed by the Secretary General on Environmental Quality and Assessment, and its implementation shall be subject to a prior favourable report.

- If concluded that there is a risk to human health or the environment, the necessary actions aimed at the removal, control, containment or reduction of relevant hazardous substances

shall be taken, so that the site, taking into account its current or approved future use, ceases to pose such a risk.

Text of the original resolution available (in Spanish) at:
[https://www.xunta.gal/dog/Publicados/2013/20131231/AnuncioCA02-201213-0002 es.html](https://www.xunta.gal/dog/Publicados/2013/20131231/AnuncioCA02-201213-0002_es.html).