

Case Study 1

The below presented case study is for the review and discussion of the group members. Please exchange your views on what would be the legal assessment in your respective Member States and regarding the probable consequences.

The company called “Big Energy” is operating a coal-fired thermal power plant in your Member State, in the proximity of a residential area. The plant has a rated thermal input of more than 50 MW.

Scenarios

1. The plant is operating without a valid IED permit. Which authority would deal with the case and what would be the likely consequences?
2. The plant operates with a valid integrated permit, but its emissions are not in line with the limit values established in the permit. Which authority would deal with the case and what would be the likely consequences?
3. Due to an unexpected malfunction of emissions abatement equipment at the plant, accidental emissions of PM (dust) are emitted and it causes severe problems in the neighbouring residential area. Which authority would deal with the case and what would be the likely consequences?
4. In the permit reconsideration procedure under Article 21 of the IED, the company argues that Article 15(4) of the IED should be applied, due to the technical characteristics of the installation. It argues that the stack (chimney) does not provide enough space to install additional emission abatement techniques that could bring down the emissions to the updated BAT AELs, as adopted in 2017 in the new BAT conclusions. Should this case go to your court, could this argumentation be accepted?