

# Environment Agency permitting decisions

## Part surrender

We have decided to accept the surrender of part of the permit for Queens Medical Centre CHP operated by QMC Campus, Nottingham University Hospitals.

The permit number is EPR/GP3339LB.

The operator has applied for low-risk surrender. We are satisfied that the necessary measures have been taken to avoid any pollution risk and to return the site to a satisfactory state.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements.

## Purpose of this document

This decision document:

- explains how the operator's application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account

## Structure of this document

- Key issues
- Annex 1 the decision checklist

## Summary of the Decision

We have decided to accept the partial surrender of the permit.

We are satisfied that the necessary measures have been taken to avoid any pollution risk and to return the site to a satisfactory state.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements.

The test for the surrender of the permit is given in paragraph 14 of Schedule 5 of the Environmental Permitting Regulations 2010, where it states that:

*The Regulator must accept an application to surrender an environmental permit in whole or in part under regulation 25(2) if it is satisfied that the necessary measures have been taken -*

- a) To avoid pollution risk resulting from the operation of the regulated facility; and*
- b) To return the site of the regulated facility to a satisfactory state, having regard to the state of the site before the facility was put into operation.*

The factors that we have taken into account in determining whether to accept this application for surrender of the permit are described in the key issues section and decision checklist below.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements.

## **Key issues of the decision**

### **Background**

The Queens Medical Centre (QMC) installation consists of a Gas Turbine (GT) and 5 boilers, with a combined net thermal input of 57Mw. The installation is regulated as combustion activity.

The environmental permit lists a number of Directly Associated Activities (DAA's) to the main combustion activity, including diesel storage tanks. The fuel storage tanks provide a backup supply to the boilers and GT in the event of a failure of the gas supply. These tanks also provide fuel for use in the standby generators that are located around the QMC wider site.

Since the permit was issued in 2006 there have been a number of changes including major site upgrades that have been undertaken by E.ON Connecting Energies (ECT). These upgrades have included the installation of a new gas turbine and additional gas feed to the boilers and GT. The Nottingham University Hospitals NHS trust is currently the operator of the installation, however this will change later in the year when ECT takeover full operation of the site from the NHS.

As part of this takeover and the plant upgrades there has been a review of the use of diesel at the facility. This identified that the fuel storage tanks are no longer considered to be a DAA to the main permitted activity on site. Therefore this low-risk partial surrender is to remove the storage of fuel as a DAA and surrender the part of land that the fuel storage tanks are situated.

### **Justification for removal of DAA**

This review has been made against Environment Agency (EA) published Regulatory Guidance Note (RGN) 2 Understanding the Meaning of Regulated Facility.

The fuel tanks at QMC do not meet all the criteria set out for Limb (i) and Limb (ii) in RGN2. The EA guidance states that for an activity to be considered a DAA it must meet all of the criteria 2A-2C. The tanks do not meet the criteria for 2A and are therefore not considered a DAA to the main activity on site.

### **Assessment against criterion (2A)**

*Limb (i) - Do the tanks 'serve' the Stationary Technical Unit (STU)?*

The fuel tanks would still be in place even if the GT and boilers were not present and the hospital's energy requirements were provided from the National Grid. The fuel tanks are used to store diesel that is utilised in the onsite emergency generators operated by the NHS. These generators are test run every week. Therefore, the primary purpose of the tanks is not to

serve the STU. This is supported by the records of fuel use within the energy centre.

*Limb (ii) Who is the principal user of the Fuel?*

There has been very low consumption of fuel since 2005. The only exception to this has been 39 tonnes between January - May 2015 during the installation of the new GT. The NHS has used the majority of the fuel over the last few years in their standby generators (outside permitted installation boundary). Therefore the principal user of the diesel is considered to be the NHS and not the energy centre.

Due to the upgrades at the energy centre, the installation is not the most dependent user. The upgrade has resulted in the GT no longer being fuel fired and has reduced the requirement for diesel within the energy centre. There has been an upgrade to the incoming gas supply providing fuel redundancy thereby reducing the requirement for the use of diesel.

The NHS will retain responsibility for the tanks and diesel as they are the primary user of the fuel. The fuel will be available to ECT in the very rare event that there is a failure of the incoming gas supply.

### **Justification for low-risk surrender**

We have agreed the surrender meets the low risk surrender criteria and an intrusive investigation is not needed, in line with the criteria in box 1 of H5 Site condition report – guidance.

We have considered the following factors relating to this low-risk surrender:

- The risk assessment of potential sources of pollution to land included in the Application Site Report concluded that there was little likelihood of pollution to land occurring during the lifetime of the permit;
- The site has implemented their Site Protection and Monitoring Plan and commissioned independent inspections of the integrity of the fuel tanks;
- Independent OFTEC (Oil Firing Technical Association) surveys have been undertaken covering all relevant tanks, pipes, gauges and bunds.
- Site inspection records, such as fuel stock checks indicate it is unlikely there has been a loss of diesel from the storage tanks during the lifetime of the permit;
- During the operation of the site, there have not been any reported incidents or accidents which have caused pollution to land;
- There is no evidence of either historical or recent gasoil spills or leaks on site with the potential to cause pollution to ground or surface waters.
- The gasoil tanks are above ground and thus it would be possible for any leaks to be detected quickly;
- Fuel deliveries are very infrequent - no deliveries have been made since January 2010;

- Each of the fuel tanks have level probes fitted which have been alarmed to the control room which would raise the alert if there was a spill.

As a result of the described site records it is considered that the land at QMC is in a satisfactory condition.

## **Conclusion**

The Operator has confirmed in the surrender application and supporting documents that:

- The DAA fuel tanks are no longer considered a DAA to the permitted activity;
- The pollution risk on site has been removed; and
- The condition of the land has not significantly deteriorated during the lifetime of the permit.

We have stated that:

- We consider that the preventative measures implemented during the lifetime of the permit were satisfactory and maintained throughout the lifetime of the permit and that significant pollution of the land relating to the area of site that the fuel tanks occupied on the installation has been prevented;
- We consider that the containment infrastructure and incident response procedures were satisfactory to minimise the risk of pollution resulting from the incidents and to prevent the significant pollution of the land from the fuel tanks;
- The site inspector has verified by inspection that no pollution has occurred in relation to the fuel tanks on site.

Based on our analysis and consideration of the application to partially surrender the permit, the Environment Agency is satisfied that the necessary measures to avoid a pollution risk during the operation of the DAA were undertaken and that all potential polluting activities associated with the fuel tanks have been removed. The Environment Agency therefore concludes that the measures put in place by the operator during the life of the permit have protected the site from deterioration. The operator has also provided the evidence necessary to convince us that the site does not pose a pollution risk and is in a satisfactory state. The application to partially surrender the DAA and associated land from the permit is accepted.

## Annex 1: decision checklist

This document should be read in conjunction with the Duly Making checklist, the application and supporting information and permit/notice.

Aspect considered	Justification / Detail	Criteria met
		Yes
<b>The facility</b>		
The regulated facility	<p>The permitted regulated facilities have changed as a result of the partial surrender.</p> <p>The partial surrender has removed a Directly Associated Activity - fuel storage and handling; and the area of land associated with the fuel storage tanks. The rest of the permit remains unchanged by this partial surrender. A revised Site Plan has been included in Schedule 4 of the Partial Surrender Notice.</p>	✓
<b>The permit conditions</b>		
Changes to permit conditions	<p>The permit conditions have changed as a result of the partial surrender.</p> <p>Table S1.1 activities, as referenced in condition 2.1.1 has been revised to remove a Directly Associated Activity. The Site Plan has been updated to reflect the changes on site.</p>	✓
<b>The site</b>		
Extent of the surrender application	<p>The operator has provided a plan showing the extent of the site of the facility that is to be surrendered.</p> <p>The revised Site Plan is shown in Schedule 4 of the Partial Surrender Notice.</p> <p>We consider this plan to be satisfactory.</p>	✓
Pollution risk	<p>We are satisfied that the necessary measures have been taken to avoid a pollution risk resulting from the operation of the regulated facility.</p>	✓
Satisfactory state	<p>We are satisfied that the necessary measures have been taken to return the site of the regulated facility to a satisfactory state.</p> <p>In coming to this decision we have had regard to the state of the site before the facility was put into operation.</p>	✓