

Environment Agency permitting decisions

Bespoke Permit

We have decided to grant the permit for Royds Hall Lane operated by Harrison Gardner Dyers & Winders Limited.

The permit number is EPR/BP3530RC/A001

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

This decision document:

- explains how the application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account
- justifies the specific conditions in the permit other than those in our generic permit template.

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Structure of this document

- Key issues
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

Key issues of the decision

This is an existing site, which continued to operate (below the threshold for the activity) following the revocation of environmental permit EPR/DP3237SQ after dissolution of the company operating the site. An application for a new bespoke permit has therefore been necessary because permit EPR/DP3237SQ was not transferred to the new operator within the relevant time frame.

The operator has demonstrated that the way the site has operated following the change in Company has not significantly changed. We are satisfied that, other than the discharges of effluent to the Buttershaw Textiles part of the installation operated by the Bulmer & Lumb Group Limited, pollution risks are not significant. With the exception of Table S3.2, this new permit (EPR/BP3530RC) is effectively an update of the previous permit (EPR/DP3237SQ) to modern conditions.

Control limits have been imposed on process waste water emissions discharged via S1 to the Buttershaw Textiles Effluent Treatment Plant. This is because of there is a potential risk of emissions to the River Calder of the potentially polluting substances including Chromium, Diazinon, Permethrin and Cypermethrin.

The applicant submitted an assessment of the impacts on the River Calder of the four identified pollutants based on proposed maximum emission limits (MEL) and Annual Average Emission limits (AAEL) for each substance. The assessment is contained on pages 73-77 of the supporting document. We have undertaken our own modelling assessment on the four pollutants using our slimWIMS river quality data. Our assessment shows that each of the limits proposed by the applicant for Chromium, Diazinon, Permethrin and Cypermethrin represent less than 10% of the EQS at the point of discharge into the River Calder from Mitchell Laithes Sewage Treatment Works operated by Yorkshire Water.

However, emission limits for Chromium, Diazinon, Permethrin and Cypermethrin are based on a maximum daily flow rate from the installation of 500m³. The operator has proposed spot sampling for the analysis of these substances and did not describe how the daily volumes would be measured. This was clarified in a response to a Schedule 5 Notice dated 09/12/2015, which was received on 28/01/2016. The operator agreed in this response that they will install appropriate sampling and monitoring facilities within 3-4 months of permit issue. In order to minimise the risks of pollution of the River Calder arising from uncontrolled emissions of Chromium, Diazinon, Permethrin or Cypermethrin from this part of the installation, a pre-operational measure has been included, which limits the operation of the plant to no more than 10 tonnes/day until appropriate flow proportional sampling, monitoring and recording facilities been installed, commissioned and approved by the Environment Agency.

It is also considered important that the Operator's sampling and monitoring system is organised in a way that can be directly related to the results obtained by Yorkshire Water on samples taken from the Buttershaw Textiles emission point to Sewer. We have therefore included an Improvement Condition (IC1), which requires the Operator to submit, for approval, a written report to the Environment Agency detailing the management systems in place to assess waste-water emissions from the site with the results of the Yorkshire water monitoring samples taken from the Buttershaw Textiles (Bulmer & Lumb) Site. The proposals are to be submitted within 3 months of the date of Permit

Emission limits and monitoring requirements for the process wastewater are summarised in the table below

Emission point ref. & location	Source	Parameter	Limit (incl. Unit)	Reference period	Monitoring frequency	Monitoring standard or method
S1 Point E1 on Harrison Gardner facility layout plan in Schedule 7	Process wastewater outlet to Buttershaw Textiles ETP	Total daily volume of discharge	500m ³ /day	24-hour total	Continuous	MCERTS self-monitoring of effluent flow scheme.
		Chromium MEL	2.0 mg/l	Spot and Composite	Quarterly	BS EN 1233: 1977, BS 6068-2.38: 1997
		Chromium AAEL	1.0 mg/l	Average of last 12 flow proportional samples	Quarterly	
		Diazinon MEL	20 µg/l	Spot and Composite	Quarterly	SCA Book 146 Determination of Synthetic Pyrethroid Insecticides in Water, ISBN 0117523736
		Diazinon AAEL	2 µg/l	Average of last 12 flow proportional samples	Quarterly	
		Permethrin MEL	60 µg/l	Spot and Composite	Monthly	
		Permethrin AAEL	40 µg/l	Average of last 12 flow proportional samples	Monthly	
		Cypermethrin MEL	3.0 µg/l	Spot and Composite	Quarterly	
		Cypermethrin AAEL	1.0 µg/l	Average of last 12 flow proportional samples	Quarterly	

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
Receipt of submission		
Confidential information	A claim for commercial or industrial confidentiality has not been made.	✓
Identifying confidential information	We have identified information provided as part of the application that we consider to be confidential. The decision was taken in accordance with our guidance on commercial confidentiality.	✓
Consultation		
Scope of consultation	The consultation requirements were identified and implemented. The decision was taken in accordance with RGN 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements.	✓
Responses to consultation and web publicising	The web publicising and consultation responses (Annex 2) were taken into account in the decision. The decision was taken in accordance with our guidance.	✓
Operator		
Control of the facility	We are satisfied that the applicant (now the operator) is the person who will have control over the operation of part of the facility after the grant of the permit. The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator.	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application.	✓
The site		
Extent of the site of the facility	The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility and identifying the location of the part of the installation to which this permit applies on that site. A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Site condition report	<p>The operator has provided a description of the condition of the site.</p> <p>We consider this description is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under IED–guidance and templates (H5).</p> <p>The part of the installation to be operated under this proposal is part of a building. It has no external features or unmade ground. The integrity of the floor and drains within the building together with the other pollution prevention measures are considered sufficient and pollution of the land is unlikely.</p>	✓
Biodiversity, Heritage, Landscape and Nature Conservation	<p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>A full assessment of the application and its potential to affect the sites has been carried out as part of the permitting process. We consider that the application will not affect the features of the site.</p> <p>Formal consultation has been carried out Natural England. The consultation responses (Annex 2) were taken into account in the permitting decision.</p>	✓
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment is satisfactory.</p> <p>The operator's risk assessment of emissions to the River Calder was considered satisfactory after separate assessment and verification by our Water Quality Team</p> <p>The assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment and a similar methodology supplied by the operator which has been reviewed by us, all emissions may be categorised as environmentally insignificant with the exception of emissions to the River Calder of Chromium, Diazinon, Permethrin and Cypermethrin.</p> <p>Limits on emissions of these substances from this part of the installation have been imposed together with a maximum daily flow, in order protect the River Calder from the risks of pollution by discharges from the Mitchell Laithes STW containing Chromium, Diazinon, Permethrin or Cypermethrin above Environmental Quality Standard</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	(EQS) levels.	
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>The proposed techniques/ emission levels for priorities for control are in line with the benchmark levels contained in the TGN and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs and BAT Conclusions, and ELVs deliver compliance with BAT-AELs.</p>	✓
The permit conditions		
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose a pre-operational condition.</p> <p>The condition POC1 has been imposed to restrict the operation of the plant to no more than 10 tonnes/day until appropriate flow proportional, sampling and recording facilities for process wastewater emissions to the Buttershaw Textiles part of the Installation have been installed, commissioned and approved by the Environment Agency.</p>	✓
Improvement conditions	<p>Based on the information on the application, we consider that we need to impose an improvement condition.</p> <p>We have imposed the improvement condition IC1 to ensure that appropriate management systems and management structures are in place to ensure compliance with all the permit conditions.</p>	✓
Incorporating the application	<p>We have specified that the applicant must operate the permit in accordance with descriptions in the application, including all additional information received as part of the determination process.</p> <p>These descriptions are specified in the Operating Techniques table in the permit.</p>	✓
Emission limits	<p>We have decided that emission limits should be set for the parameters listed in the permit.</p> <p>This is detailed in the Key Issues section of this document.</p>	✓
Monitoring	<p>We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>These monitoring requirements have been imposed in order to protect the environment from the risk of pollution arising from emissions of Chromium, Diazinon, Permethrin or Cypermethrin into the River Calder via the Buttershaw Textiles ETP and Yorkshire Water Mitchell Laithes STW at levels likely to breach an EQS.</p> <p>There is local environmental sensitivity to Permethrin, therefore in line with water company sampling frequency we have set the monitoring frequency to monthly.</p> <p>We made these decisions in accordance with the Technical Guidance Note EPR 6.05 (March 2009) Additional Guidance for the Textile Sector</p> <p>Based on the information in the application we are not fully satisfied that the operator's techniques, personnel and equipment have either MCERTS certification or MCERTS accreditation as appropriate.</p> <p>There currently exists no flow proportional sampling or continuous monitoring and recording equipment for the control of waste water emissions to the Buttershaw Textiles part of the Installation. A pre-operational condition (POC1) has therefore been included to restrict the operation of the plant to no more than 10 tonnes/day until appropriate flow proportional, sampling and recording facilities for process wastewater emissions to the Buttershaw Textiles part of the Installation have been installed, commissioned and approved by the Environment Agency.</p>	
Reporting	<p>We have specified reporting in the permit.</p> <p>Quarterly reporting is required for the emissions of Chromium, Diazinon, Permethrin and Cypermethrin to the Buttershaw Textiles part of the installation together with the volumetric quantity discharged. This reflects the pollution risks of these substances on the River Calder and the shortage of information currently available.</p> <p>Annual reporting is required for the quantities of raw materials processed, water and energy used and the mass emissions of Chromium, Diazinon, Permethrin and Cypermethrin discharged to the Buttershaw Textiles part of the installation. These are the parameters that shall be used to assess Operator performance and environmental progress.</p> <p>We made these decisions in accordance with Technical Guidance Note EPR 6.05 (March 2009) Additional Guidance for the Textile Sector</p>	✓

Operator Competence		
Environment management system	There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.	✓
Relevant convictions	The National Enforcement Database has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found.	✓
Financial provision	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.	✓

Annex 2: Consultation and web publicising responses

The following external organisations were consulted on the application.

Natural England
Bradford Metropolitan District Council
Yorkshire Water
Foods Standards Agency
H.S.E
Public Health England
Director of Public Health Bradford Districts CCG
West Yorkshire Fire & Rescue Service

Summary of responses to consultation and the way in which we have taken these into account in the determination process.

Response received from Public Health England
Brief summary of issues raised
<p>PHE recommends that any Environmental Permit issued should ensure that any fugitive emissions from the site e.g. from chemicals during handling and storage, do not impact upon public health.</p> <p>Based on the information contained in the application supplied to us, Public Health England has no significant concerns regarding the risk to the health of the local population from the installation.</p> <p>This response is based on the assumption that the permit holder shall take all appropriate measures to prevent or control pollution in accordance with the relevant sector guidance and industry best practice.</p>
Summary of actions taken or show how this has been covered
<p>The operation takes place within part of an enclosed building. There are no significant pathways for fugitive emissions to air. Permit condition 3.2.1 requires emissions of substances not controlled by emission limits (excluding odour) not to cause pollution. Under Permit Condition 3.2.2 The operator shall if notified by the Environment Agency that the activities are giving rise to pollution, submit within the period specified, an emissions management plan which identifies and minimises the risks of pollution from emissions of substances not controlled by emission limits;</p>
Response received from West Yorkshire Fire Authority
Brief summary of issues raised
<p>No issues raised</p>
Summary of actions taken or show how this has been covered
<p>No actions required.</p>

Response received from Natural England
Brief summary of issues raised
Natural England agrees with the conclusions of the Appendix 11 dated 09/11/2015
Summary of actions taken or show how this has been covered
No further action required

Response received from Bulmer and Lumb Group
Brief summary of issues raised
No issues raised
Summary of actions taken or show how this has been covered
No further action required

No consultation responses were received from:

Bradford Metropolitan District Council
Yorkshire Water
Foods Standards Agency
H.S.E
Director of Public Health Bradford Districts CCG

The application was publicised on the GOV.UK website between 03/11/15 and 02/12/15. There were no responses.