

# **Environment Agency permitting decisions**

## **Bespoke permit**

We have decided to grant the permit for Whisby Way Site operated by LWOL Limited.

The permit number is EPR/VP3434VA.

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**

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

## 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>Consultation</b>		
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.	✓
<b>Operator</b>		
Control of the facility	We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator.	✓
<b>European Directives</b>		
Applicable directives	All applicable European directives have been considered in the determination of the application.	✓
<b>The site</b>		
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. A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.	✓
Site condition report	The operator has provided a description of the condition of the site.  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).	✓
Biodiversity,	The application is within the relevant distance criteria of a	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Heritage, Landscape and Nature Conservation	<p>Sites of Special Scientific Interest (SSSI) (Swanholme Lakes).</p> <p>A full assessment of the application and its potential to affect the site 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>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p>	
<b>Environmental Risk Assessment and operating techniques</b>		
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 unsatisfactory.</p> <p>We disagree with the operator's assessment with respect to negligible fire risk and therefore via pre-operational condition 2 require the operator to submit a fire management plan that also considers containment of fire water.</p>	✓
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 for priorities for control submitted within the application departed from the benchmark levels contained in the TGN (IPPC Sector Guidance Note (S5.06)) and CIRIA C736.</p> <p>IPPC Sector Guidance Note S5.06 states that bunds should have no outlet (drains or taps), have pipework routed within bunded areas with no penetration of contained surfaces, be designed to catch leaks from tank fittings and, where possible, locate tanker connection points within the bund, or otherwise provide adequate containment. Based upon the information provided, the proposed bunded oil storage tanks will have pipework routed outside the bund and there will be penetration of contained surfaces (i.e. pipework passing through the steel bund of the tank). Tanker connection points will not be within the bund and from the information provided it was not demonstrated that adequate containment would be provided by the proposed infrastructure.</p>	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<p>The operator's proposals (which involved the use of integrally bunded tanks and blockwork bunds) are indicative of Class 1 containment as set out in CIRIA C736 guidance. However, this is only deemed appropriate where the risk of pollution arising from the storage of the inventory is assessed as 'low'. Due to the quantity and hazardous nature of material stored, the potential fire risk and close proximity of a surface water course Class 1 containment would not be considered appropriate for the Whisby Way Site. At this facility we expect to see Class 2 or Class 3 containment systems or an equivalent level of protection provided.</p> <p>The operator's original proposed techniques for control are excluded from the permit and pre-operational condition 1 is imposed to ensure that the proposed techniques for control are in line with the benchmark levels contained in the 'How to comply with your Environmental Permit', 'IPPC Sector Guidance Note S5.06 – Guidance for the recovery and disposal of hazardous and non-hazardous waste' and 'CIRIA C736 guidance'. The operator has confirmed acceptance to these standards.</p>	
<b>The permit conditions</b>		
Waste types	<p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.</p> <p>We are satisfied that the operator can accept these wastes for the following reasons:</p> <p>The permitted waste types reflect the authorised activities. The permit allows for storage of waste oils and storage of oil/water mixes in two separate storage tanks. Upon completion of pre-operational condition 3 storage of waste types 13 07 02*, 13 07 03*, 14 06 03*, 15 02 02*, 16 01 07*, 16 01 13*, 16 01 14*, 16 05 04*, 16 06 01*, 16 06 02*, 16 06 03*, 16 08 02*, 16 08 03*, 16 08 07*, 20 01 21*, 20 01 33* is also permitted. These waste types arise from the garages/workshops alongside the oily wastes.</p> <p>We have excluded the following wastes:</p> <ul style="list-style-type: none"> <li>• 05 01 11* wastes from cleaning of fuels with bases</li> <li>• 05 01 12* oil containing acids</li> <li>• 05 01 15* spent filter clay</li> </ul>	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<ul style="list-style-type: none"> <li>• 12 01 12* spent waxes and fats</li> <li>• 13 05 01* solids from grit chambers and oil/water separators</li> <li>• 15 01 04* acid alkyl sludges</li> <li>• 15 01 10* packaging containing residues of or contaminated by dangerous substances</li> <li>• 16 01 11* brake pads containing asbestos</li> <li>• 16 02 13* discarded equipment containing hazardous components other than those mentioned in 16 02 09 to 16 02 12</li> <li>• 16 02 15* hazardous components removed from discarded equipment</li> <li>• 16 05 08* discarded organic chemicals consisting of or containing dangerous substances</li> <li>• 16 11 01* carbon-based linings and refractories from metallurgical processes containing dangerous substances</li> <li>• 16 11 03* other linings and refractories from metallurgical processes containing dangerous substances</li> <li>• 17 02 04* glass, plastic and wood containing or contaminated with dangerous substances</li> <li>• 17 03 01* bituminous mixtures containing coal tar</li> <li>• 17 03 03* coal tar and tarred products</li> <li>• 17 04 09* metal waste contaminated with dangerous substances</li> <li>• 17 04 10* cables containing oil, coal tar and other dangerous substances</li> <li>• 18 02 05* chemicals consisting of or containing dangerous substances</li> <li>• 19 02 04* premixed wastes composed of at least one hazardous waste</li> <li>• 19 02 05* sludges from physico/chemical treatment containing dangerous substances</li> <li>• 19 02 08* liquid combustible wastes containing dangerous substances</li> <li>• 19 07 02* landfill leachate containing dangerous substances</li> <li>• 19 08 09* grease and oil mixture from oil/water separation containing edible oil and fats</li> <li>• 20 01 26* oil and fat other than those mentioned in 20 01 25</li> <li>• 20 01 35* discarded electrical and electronic equipment other than those mentioned in 20 01 21 and 20 01 23 containing hazardous components</li> </ul> <p>The operator has not provided enough information to demonstrate that the above waste types are appropriate for the activity permitted. The operator has not submitted an environmental risk assessment and management procedures to cover storage of asbestos. The storage of packaged waste is restricted to small amounts arising from garages/workshops and therefore other packaged waste is excluded from the permit.</p> <p>Waste types such as 05 01 15*, 12 01 12* and 13 05 01* are solids in nature and therefore not appropriate to be</p>	

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>stored in tanks.</p> <p>15 01 04*, 19 08 09* and 20 01 26* may contain vegetable/animal oils and therefore not appropriate to be stored with mineral oils.</p> <p>19 02 07* oil and concentrates from separation is the most appropriate code to describe oily wastes from industry sector 'wastes from waste management facilities' and therefore there is no need to include any other 19 02 codes.</p> <p>18 02 05* is used for wastes arising from human and animal healthcare. This is unrelated to the permitted activity and therefore excluded.</p> <p>Waste type 20 01 35* 'discarded electrical and electronic equipment' was included in the application in error.</p> <p>We made these decisions with respect to waste types in accordance with 'IPPC Sector Guidance Note S5.06 – Guidance for the recovery and disposal of hazardous and non-hazardous waste' and 'Hazardous waste: interpretation of the definition and classification of hazardous waste(WM2)'. </p>	
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose pre-operational conditions.</p> <p>We have imposed pre-operational condition 1 to ensure that the proposed tanks and containment at the facility are fit for purpose and in accordance with the relevant industry standards. The operator's proposals (which involved the use of integrally banded tanks and blockwork bunds) were indicative of Class 1 containment as set out in CIRIA C736 guidance. At this facility we expect to see Class 2 or Class 3 containment systems or an equivalent level of protection provided.</p> <p>We have imposed pre-operational condition 2 to ensure that the management plans are satisfactory and also cover fire and containment of fire water. The operator did not submit a fire management plan within the application due to considering risk of fire negligible. However, we do</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>not agree with this assessment. Oily wastes are combustible and therefore fire management plan is considered necessary.</p> <p>We have imposed pre-operational condition 3 to ensure that the operator has appropriate measures and storage arrangements in place to store other hazardous wastes than those stored in tanks. Based on the information provided we are satisfied that there is adequate space to store small amounts of other hazardous wastes arising from garages/workshop, however a maximum quantity of other hazardous wastes is determined under pre-operational condition 3.</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	No emission limits have been set. There are two point source emission points to air (vents on tanks) but H1 risk assessment demonstrates that these emissions are insignificant.	✓
Monitoring	There are no monitoring requirements in the permit.	✓
Reporting	We have specified reporting in the permit.	✓
<b>Operator Competence</b>		
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.	✓
Technical competence	Technical competency is required for activities permitted. The operator is a member of an agreed scheme.	✓
Relevant convictions	The National Enforcement Database has been checked to ensure that all relevant convictions have been	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>declared.</p> <p>No relevant convictions were found.</p>	
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

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

Response received from
North Kesteven District Council – Environmental Health
Brief summary of issues raised
Confirmed no comments on the application.
Summary of actions taken or show how this has been covered
No action required.

Response received from
Health & Safety Executive
Brief summary of issues raised
Confirmed no comments on the application.
Summary of actions taken or show how this has been covered
No action required.