Environment Agency permitting decisions

Bespoke permit

We have decided to grant the permit for Anchor Bay Wharf Installation operated by Erith Contractors Limited.

The permit number is EPR/VP3634VJ

The application was duly made on 16/06/14.

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

Anchor Bay Wharf Installation is owned and operated by Erith Contractors Limited. The installation boundary for this permit encompasses a workshop unit, associated wastewater tank and tanker unloading area at the entrance to the workshop. The installation is situated within a wider site owned by Erith Contractors which includes a supporting transport office, lorry parking and three other individually permitted areas. The adjacent permitted areas are for a standard rules asbestos waste transfer station, a permit for the treatment of waste to produce soil, soil substitute and aggregate and a mobile plant license for treatment of soils and contaminated material all of which are not directly linked to this permit.

The permitted activity is for disposal and recovery of hazardous waste. The activity will involve accepting redundant transformers drained of all free-flowing liquids. The transformers will be dismantled and steam cleaned to remove oil and grease residue. The redundant transformers are deemed hazardous due to the residual transformer oils and greases being contaminated with Polychlorinated Biphenyl (PCB). The activity falls subject the Environmental Permitting Regulations 2010 as a Schedule 1 Section 5.3 Part A 1 (a) (ii) for the disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving physico-chemical treatment.

The dismantling and cleaning activity will take place within the workshop in a contained work area, all liquid wastes will be collected within a sump in the work area and transferred directly into the waste water tank. The waste water tank will be emptied frequently by tanker and the liquid transported offsite for disposal. The disassembled transformer and associated parts will be separated into metals and alloys and transported offsite for recovery or disposal. It is anticipated that up to 2,000 tonnes could be processed annually, equating to approximately 18-20 transformers.

There are no discharges to air, land, water or sewer from the activities taking place within the installation boundary.

The key issues associated with this permit application are:

- The new waste operation
- Bund design and liquid effluent containment
- Site drainage and prevention of ground and surface water contamination
- Waste storage

Waste Activity

Each transformer containing residual PCB oil contaminant can weigh over 100 tonnes and therefore exceeds the threshold for an EPR Part A(1) activity at 10 tonnes per day of hazardous waste treatment. The transformers will be drained of free flowing liquids at the source, only residual oils will remain within the transformer when it arrives at the installation.

The transformer will be unloaded and moved into the contained work area using skates. Within the work area the transformer will be dismantled and steam cleaned with detergent to remove the residual oil residues. The metal components will be segregated into metals and alloys and stored in bulk bins within the workshop. The residual wastes from the dismantling process, rags, detergents etc will be placed in allocated waste containers and disposed offsite at a suitable permitted waste facility. The waste water will be collected in the sump within the contained work area and pumped into the adjacent waste water tank whilst the cleaning operation is underway. After the dismantling of each transformer is completed the area will be cleaned ready for the next transformer.

The new waste operation will provide suitable treatment for the obsolete transformers and enable cleaning and recycling of metal components, thereby diverting wastes from landfill. In accordance with our sector guidance note 'S5.06: recovery and disposal of hazardous and non-hazardous waste' we are satisfied that the techniques proposed by the operator will provide sufficient levels of control for the following:

- ensuring that the waste is suitable for the activity (pre-acceptance). See 'Waste Types' in the table of Annex 1 below, in respect to the additional waste codes requested in the application
- adequately characterising the waste (acceptance procedures)
- appropriate and safe storage of wastes (storage)
- provision and maintenance of suitable infrastructure
- operational control of the treatment process
- disposal of effluents.

Contained Work Area Bund Design

The operator has confirmed the contained work area will be built to CIRIA 163/164 and BS8007 standards. One of the bund walls is designed to be a removable "water wall" constructed of aluminium designed to be mountable and demountable to allow access for the transformer. The water wall is designed for flood defence and will slot into place on water tight neoprene sealed runners and will be located up gradient from the sump. The three permanent bund walls will be constructed of reinforced concrete. The operator will spray the inside of the water wall with waterproof sealant and will be lined with neoprene seals, which will be regularly checked (prior to each clean) for signs of damage under the regular inspection routine. The table below compares the operators bund design against our requirements within our How to Comply with your Environment Permit guidance document.

'How to comply with your environmental permit' guidance document requirements for a bund	Operators bund proposals for the contained work area
Bunds must be impermeable and resistant to the stored materials	The three fixed bund walls are constructed of reinforced concrete. The water wall is

	aluminium coated with a waterproof lining and slotted into neoprene seals which are resistant to the oils within the transformers and cleaning detergents.
Bunds must have no outlet (no drains or taps) and drain to a blind collection point	There are no drains/taps within the bund. One of the bund walls is removable to act as a door, however this is specifically designed for this purpose and is fully sealed before each use. The door is located up-gradient to the sloped bund floor. The door will not be opened until the bund is fully emptied. Any residual waters will drain down gradient and be directed by squeegees into the sump and will be pumped (manual operation) through fixed over-bund pipework directly into a bunded waste water tank.
Bunds must have pipework routed within bunded areas with no penetration of contained surfaces	There is a fixed pipeline and associated pump directing waste waters from the sump directly into the waste water tank. The pipework will be located over the bund wall and not through it. The pump will be a manual operation, operators will check the level of the wastewater tank prior to each clean / use of the pump to ensure there is no risk of overfilling the tank. Operators will be in attendance throughout the event to monitor tank levels. In abnormal situations (e.g. pump failure) waste waters can be vacuumed straight into the tanker from the sump by flexible hose over the bund wall.
Bunds must be designed to catch leaks from tanks or fittings	There are no tanks within the contained work area. The sump within the work area is designed to collect all wash waters/oils. The waste water tank is located external to the workshop, the wastewater tank is a new polyethylene 2,000 litre oil tank. The tank is self bunded in accordance with the requirements of The Control of Pollution (Oil Storage) (England) Regulations 2001. Additionally the operator will construct a tertiary bund wall around the waste water tank and associated pipework as shown on the site plan in Schedule 7 of the permit.
Bunds must have a capacity greater than 110 percent of the largest tank or 25 percent of the total tankage, whichever is the larger.	The waste water collected in the sump (sized 0.5mX0.5mX0.5m) will be drained into the waste water tank as cleaning takes place via a manually operated pump and fixed pipework. The anticipated water usage per transformer clean is a maximum of 1,000 litres, the waste water tank (2,000 litres) will retain the contents of one clean plus 100%. The waste water tank is self bunded to 110% of the tank volume. Additionally a tertiary bund wall will be placed around the tank and associated pipework.

	We agree with the operator the transformer and wash-waters will be adequately contained with sufficient headroom within waste water tank.
Bunds must be looked at regularly and any contents removed after checking for contamination	There is a daily inspection programme and pre and post clean checks, the operator will fully inspect the integrity of the bunds before the commencement of activities' and will continue to monitor bund integrity throughout the cleaning process. Operators will be in attendance throughout each cleaning event.
Bunds must be fitted with a high-level probe and an alarm, where not frequently inspected	Waste waters will be directed into the sump with squeegees where it will be pumped directly into the waste water tank. There are no tanks within the contained work area and the bund will be manned when in use therefore a high level alarm is not considered necessary for this arrangement. The waste water tank will be fitted with a high level alarm and will be surrounded with a tertiary bund wall.
Bunds must have tanker connection points within the bund where possible	The waste water tank will be emptied by the tanker directly using a designated discharge point. The tanker will only remove waste waters directly from the sump within the bund in emergency situations i.e. pump failure. In this case the tanker flexi hose will enter the sump over the bund wall. The tanker will be located as close to the waste water tank as possible at the workshop entrance, the ground here is concrete. There are no surface water drains and kerbing provides protection to nearby made ground. The site staff will be present during unloading and spill kits are located nearby. Minimising the risk of a spill to the environment.
Bunds must be regularly inspected for their condition (normally visual, but extending to hydraulic testing where structural integrity is in doubt).	Daily inspections will be carried out by operators, staff will be in the locality throughout the usage of the bund. Leak testing of the water wall will be conducted. Because the water wall is located up gradient of the contained work area it is not practical to perform regular leak testing on the water wall due to the volumes of liquid required to fill the sloped containment area. The integrity of the water wall will be tested after construction and in abnormal situations if the water wall were to be subject to a collision for example.

We consider the contained work area design with a removable fully sealable forth wall / door and connected waste water tank is suitable for the proposed activities taking place at the installation and appropriate for the setting.

Site drainage and prevention of ground and surface water contamination

There is no open drainage within the installation boundary and there are no discharges to surface water, sewer or site effluent from the proposed activities. The main activity will take place within a covered workshop on an impermeable surface within a contained work area. Within the bunded area a sump will collect wash waters which will be directed into a bunded waste water/oil tank. The tank has a capacity for 2,000 litres and is self bunded to the requirements of the oil storage regulations. The tank is also surrounded by a tertiary bund wall and fitted with a high level alarm. The tank would then be emptied directly by the third party waste contractor to remove the waste waters. Site staff will be in full attendance during all operations and are fully trained for spill control and spill kits are located nearby. We agree with the operator that there is minimal risk to surface water and groundwater from the proposed operations at the site.

Waste Storage

Liquid wastewaters and residues will be directed down gradient into the sump within the bunded work area with squeegees during the operation. The cleaned dismantled transformer pieces will be cut and stored in bulk bins within the workshop awaiting removal from site by a registered waste carrier for recycling. If there is any delay in collection of the dismantled transformer parts, the metals will remain within the storage bins until collection. There should not be any residual water from the dismantled parts, the parts will be rendered dry by cleaning with wipes/rags whilst within the bund. We agree waste storage is appropriate for the activities and setting.

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
Consultation		
Scope of consultation	The consultation requirements were identified and implemented. The decision was taken in accordance with Regulatory Guidance Note (RGN) 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements.	✓

Aspect considered	Justification / Detail	Criteria met Yes
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 the facility after the grant of the permit. The decision was taken in accordance with Environmental Permitting Regulations Regulatory Guidance Note 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. A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.	✓
Planning permission	We are satisfied that planning permission is in place and is appropriate for the relevant waste operation(s) applied for. A copy of the planning permission from London Borough of Bexley has been supplied with the application, dated 8th December 2011.	✓
Site condition report	The operator has provided a description of the condition of the site. The site condition report (SCR) submitted with the application includes a Phase II site investigation report from January 2003. The report identifies that the site is located over a Principal Aquifer and adjacent to the River Thames, and therefore a sensitive location. Contaminants in the soil and groundwater were reported to be arsenic, boron, copper, lead, zinc, Total Petroleum Hydrocarbons	✓

Aspect considered	Justification / Detail	Criteria met Yes
	and Polycyclic Aromatic Hydrocarbons. Asbestos was also present. The report provides sufficient information to describe the baseline condition of the site. The baseline data is 11 years old, however all ground within the installation boundary is covered with non-permeable concrete and there has been no reported pollution incidents since the report date. Considering the sites environmental setting and contamination status we are satisfied with the proposed design of the site infrastructure and containment arrangements and that these will prevent any further contamination of the land or groundwater at 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 Industrial Emissions Directive – guidance and templates (H5).	
Biodiversity, Heritage, Landscape and Nature Conservation	The application is within the relevant distance criteria of a site of nature conservation, and protected species or habitat . • A Site of Special Scientific Interest (SSSI) is located within 2,000m of the installation, Inner Thames Marshes. • 16 local wildlife sites are located within 2,000m of the installation. A full assessment of the application and its potential to affect the sites/species/habitats has been carried out as part of the permitting process. We consider that the application will not affect the features of the sites/species/habitats. The installation has no mechanism for impact, there are no releases to air, land, water or sewer. Formal consultation has been carried out with Natural England. The consultation responses (Annex 2) were taken into account in the permitting decision. An Appendix 4 assessment was completed and sent to Natural England for information only.	✓
Environmental Risk Assessment and operating techniques		
Environmental	We have reviewed the operator's assessment of the	✓

Aspect considered	Justification / Detail	Criteria met Yes
risk	environmental risk from the facility. The operator's risk assessment is satisfactory. The installation in its entirety is located within an enclosed workshop on impermeable surface and includes one waste water tank, the permitted activity will take place within a contained bunded area. There are no releases to air, land, water or sewer from the installation. Noise and vibration emissions will be minimal from the activities because the dismantling and cleaning activities take place within an enclosed workshop. The site is in a flood zone, the operator has made considerations to flooding within the risk assessment and there is a flood evacuation plan in place we consider both appropriate for the activities and setting. We consider the risk to the environmental from the activities carried out at this installation to be low. See operating techniques and key issues section for further information.	
Operating techniques	We have reviewed the techniques used by the operator and compared these with the relevant guidance notes. • How to comply with your Environmental Permit • S5.06 Guidance for the recovery and disposal of hazardous and non-hazardous waste, sector guidance note. The proposed techniques for priorities for control are in line with the benchmark levels contained in the Technical Guidance Note and we consider them to represent appropriate techniques for the facility. The operator will be using the following techniques to minimise environmental risk: • Waste process water will be stored in a tank within a bund • All processing activities will take place within a contained work area, during dismantling all	✓

Aspect considered	Justification / Detail	Criteria met Yes
	process liquids will be captured within the sump and pumped into a bunded waste water tank • Oils, PCBs and oil/water effluents will be removed from the sump and transported by tanker offsite for further treatment • Only trained operatives will conduct the duties involved • Staff are trained in emergency response in the event of fuel leak or spill from machinery, and emergency drills are practiced • Regular walk around noise monitoring will take place • Incident response procedures are in place • 24 hour security at the site • A flood evacuation plan is in place at the site • There is no drainage within the installation boundary • The surface within the installation boundary is non-permeable concrete. The site surface will be checked regularly as a part of the sites planned preventative maintenance system. • There is a water wall inspection methodology for routine integrity inspections • There is a pre and post inspections check log to be completed by the operators for each clean event. • The self bunded waste water tank will be fitted with a high level alarm and tertiary bund wall • Kerbing will surround the concrete area where the tanker will be stationed, this will offer protection to the adjacent areas of made ground located outside the installation boundary. • The workshop is water tight and doors will be closed during operations to prevent the ingress of rainwater into the contained work area.	
The permit conditions		
Waste types	We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility. We are satisfied that the operator can accept these wastes for the following reasons.	✓

Aspect considered	Justification / Detail	Criteria met Yes
	• The proposed wastes are appropriate for the treatment processes in the facility.	
Improvement conditions	Based on the information on the application, we consider that we need to impose improvement conditions. We have imposed improvement conditions to ensure that: ➢ The operator has a recognised level of competence for treatment of hazardous waste. The following improvement condition has been added to the Permit: **IC1** The Operator must appoint a technically competent person to direct activities on the site following the 'How to comply with your environmental permit' and 'Regulatory Guidance Series, No.5 - Operator Competence'. The Operator must obtain an Environmental Permit Operator Certificate (EPOC) awarded by the Chartered Institution of Wastes Management. In addition to the above the Operator must provide the appropriate level of competence for a 'high risk operation' in order to demonstrate technical competence as agreed with the Environment Agency.	✓
Incorporating the application	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. These descriptions are specified in the Operating Techniques table in the permit.	✓
Emission limits	No emission limits have been set for the installation, there are no permitted point source releases to air, land, water or sewer.	✓
Monitoring	No monitoring of emissions is required within the permit.	✓
Reporting	The operator is required to report annual production / treatment figures stated within table S4.2 and S4.3 of the Permit.	✓

Aspect considered	Justification / Detail	Criteria met Yes
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 Regulator Guidance Note 5 on Operator Competence. A copy of the ISO14001 certificate was submitted with the application, expiry 23/3/17.	✓
Technical competence	Technical competency is required for activities permitted. The operator is a member of an agreed scheme. The operator submitted a WAMITAB operator competence certificate for managing transfer, hazardous waste 4MTSH (awarded 11/01/13) with the application. However the individual who completed the training has now retired from the company. Improvement condition IC1 has been incorporated within the Permit to allow the operator time to complete the training in the absence of the competent person.	✓
Relevant convictions	The National Enforcement Database has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found.	✓

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
Public Health England (response received 14/07/14)
Brief summary of issues raised
There is residential housing approximately 200m to the west of the site. The site is within an AQMA declared for particulate matter (PM_{10}) and nitrogen dioxide. We recommend that any permit issued for this site should contain conditions to ensure that the following potential emissions do not impact upon public health: • Emissions to air e.g. volatile organic compounds (VOCs), particulate matter and dust associated with the process and vehicle movements ; • Noise and vibration e.g. machinery and transport; and • Waste disposal and handling. Based solely on the information contained in the application provided, PHE has no significant concerns regarding the risk to health of the local population from this proposed installation, providing that all appropriate measures are taken to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice. In relation to potential risk to public health, we recommend that the EA also consult the following relevant organisation(s) in relation to their areas of expertise: • the local authority for matters relating to impact upon human health of contaminated land; noise, odour, dust and other nuisance emissions; • the Director of Public Health for matters relating to wider public health impacts.
Summary of actions taken or show how this has been covered
There are no point source emissions to air from any of the activities taking place within the installation. We have considered potential fugitive emissions, potential noise and vibration emissions and waste disposal and handling as a part of the determination process, see Key issues and Annex 1 for further information. We have also consulted with the Local Authority and Director of Public Health.

Response received from
Natural England
Brief summary of issues raised
No response received
Summary of actions taken or show how this has been covered
N/A

Response received from
London Borough of Bexley Council Development Control
Brief summary of issues raised
No response received
Summary of actions taken or show how this has been covered
N/A

Response received from
London Borough of Bexley Council Environment Health
Brief summary of issues raised
No response received
Summary of actions taken or show how this has been covered
N/A

Response received from
Food Standards Agency
Brief summary of issues raised
No response received
Summary of actions taken or show how this has been covered
N/A

Response received from
Health and Safety Executive
Brief summary of issues raised
No response received
Summary of actions taken or show how this has been covered
N/A

Response received from
Director of Public Health
Brief summary of issues raised
No response received
Summary of actions taken or show how this has been covered
N/A