

Environment Agency permitting decisions

Variation

We have decided to issue the variation for Immingham East Terminal operated by Inter Terminals Immingham Limited.

The variation number is EPR/LP3024XB/V004.

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

- Description of main features of the installation/the changes introduced by the variation
- Key issues
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

Description of the changes introduced by the Variation

This is a Substantial Variation to enable the Operator to extend its storage capacity to include both hazardous and non-hazardous waste oils, waste chemicals and two-phase oil/water mixtures for separation, disposal of the decanted water via the existing Effluent Treatment Plant and off-site recovery or disposal of the residual oils.

There will be an increased annual throughput of wastes to a total of 650,000 tonnes. This will be made up of 450,000 tonnes of hazardous wastes and 200,000 tonnes of non-hazardous wastes. The maximum storage of these wastes shall not exceed 165,000 on site at any one time. The increased throughput and storage will require an increase in the permitted area of the site, this will form a new bunded area "Bund P".

The increased throughput will also result in the addition of a new Scheduled Activity S5.4 A1(a)(i): disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day involving biological treatment, to the permit in table S1.1.

There is no change to the throughput or emission limit values currently set in the existing Permit as the plant was originally designed and assessed by the Environment Agency with sufficient spare capacity.

Two additional (EWC) waste codes will also be authorised by this Variation.

Key issues of the decision

Environmental Risk

Point source emissions to air

New tanks 502, 503, 506 and 507 are designed in accordance with HSG176 Storage of flammable liquids in tanks and each has an Automatic Tank Gauge; a Float Tank Gauge; a Pressure Vacuum and (PV) Valve and an Extra High Level Alarm. In addition Tanks 502, 503, 506 and 507 are protected by a common tank inlet trip valve which activates if any of the tank levels reach the high trip level. The only potential releases to air arise from air displacement within the tanks during filling, which are controlled by using vapour balancing lines (for VOCs – see below for details), and emergency pressure relief which is controlled by Pressure Vacuum Valves (which can be connected to suitable scrubbing system controls if necessary depending on the nature of the waste to be received). Due to the interchangeable nature of the storage tanks, the controls to be used in the new tanks are determined through the sites management of change procedures upon receipt of the waste, identically to the rest of the site's management procedures.

Prior to the acceptance of any new wastes a full assessment as per the management of change system is undertaken taking into account the chemical and physical properties of the waste including but not limited to the boiling point, vapour pressure and flash point and therefore volatility of the product/waste to determine how the waste is to be received, handled, stored and exported from site.

The operator has confirmed that the indicative BAT requirements for control of emissions to air (section 2.2.4 of S5.06) are applied at the Terminal. For example where a contract for wastes loaded into Tanks 502, 503, 506 or 507 which had a potential to release VOC emissions to air through tank venting during import is likely to exceed the rate and concentration detailed in Table 3.13 VOCs benchmark emission values of S5.06, is to be accepted then an enclosed system (vapour balanced system) will be used. This system would return displaced vapours, generated from the import, back to the ship with all vapours held within the tank/pipeline/ship system alleviating any emissions to air.

The wastes to be received will be similar to the products already handled at the terminal and no odour or fugitive emission problems currently arise there from.

Note, the sites management procedure is also applied to products (non-waste) which are regulated under the COMAH Regulations.

Noise and Vibration

There are no new sources of noise or vibration. There is no history of noise complaints for the site, it is also located within an industrial estate with the closest sensitive receptor is greater than 1 km from the permitted area boundary.

Odour

There are no additional sources of odour associated with this application. Any releases to air will be from air displacement within the tanks, the wastes to be received will be similar to the products already handled at the terminal and no odour problems currently arise there from. There is no history of odour complaints from the site.

The regulated facility – waste operations

There are two waste operations being undertaken at this site:

- a non-hazardous waste transfer station, and
- a physico-chemical treatment operation to separate two phase non-hazardous waste/water mixtures

the treatment aspect was included in the transfer station waste operation in V002 which is incorrect and has now been amended.

Operating Techniques/BAT Assessment

New Bund P is an existing bund and was constructed to meet the requirements of the COMAH Containment Policy and HSG 176, is resistant to the material to be stored therein, has been designed to accommodate 110% of the largest tank and is in accordance with Technical Guidance Note (TGN) S5.06: Guidance for the Recovery and Disposal of Hazardous and Non Hazardous Waste. In addition there is an ability for Bund P to be segregated from the rest of the site's drainage infrastructure in order to contain spillages and/or prevent the spread of fire if necessary.

Tanks 502, 503, 506 & 507 also meet the requirements of HSG51: Storage of flammable liquids in containers, HSG140: Safe use and handling of flammable liquids and HSG176: Storage of flammable liquids in tanks.

Bund P and its tanks will be incorporated into the sites regular inspection and maintenance, labelling, general management and control of static electricity generation procedures. A revised drainage plan which includes Bund P has also been received as part of the variation application.

All connections between tanks 502, 503, 506 & 507 are capable of being closed and all pipework in Bund P will be routed above ground.

Tanks 502, 503, 506 & 507 will be operated in the same way as the other tanks on site with regard to their 'one EWC code, one tank' principle and their procedure which requires each tank to be cleaned out before accepting an new waste load to minimise the risk of reactions between incoming loads.

There will be no continuous point source emissions from new tanks 502, 503, 506 & 507 and they will be operated under pressure, utilising pressure vacuum (PV) valves, to minimise fugitive emissions, which will be connected to suitable air scrubbing systems if necessary. Additionally vapour balance lines used during the transfer of waste loads to/from tanks/tankers for VOCs that would otherwise breach BAT emission benchmarks.

Annex 1: decision checklist

This document should be read in conjunction with the application, 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 not 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 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. | ✓ |
| The facility | | |
| The regulated facility | The extent/nature of the activities and operations taking place at the site required clarification. The decision on the facility was taken in accordance with Appendix 1 of RGN 2 "Interpretation of Schedule 1" The regulated facility is an installation which comprises the following activities listed in Part 2 of Schedule 1. <ul style="list-style-type: none"> • S5.3 A1(a)(i) • S5.3 A1(a)(ii) • S5.6 A1(a)(i) • S5.4 A1(a)(i) The regulated facility also includes two waste operations at which the following recovery and disposal operations will be undertaken. | ✓ |

| Aspect considered | Justification / Detail | Criteria met |
|---|---|--------------|
| | | Yes |
| | <ul style="list-style-type: none"> R3, R13 and D15 | |
| 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 | <p>The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility.</p> <p>A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.</p> | ✓ |
| Site condition report | <p>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.</p> <p>Historical contamination has been identified at the site. It has also been identified under ‘Area P’ as part of variation EPR/LP3024XB/V004. Please refer to the Site Condition Report Evaluation Template (SCRET) for further detail and information.</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> <ul style="list-style-type: none"> Humber Estuary SAC, SPA , SSSI and RAMSAR <p>Protected Species :</p> <ul style="list-style-type: none"> Smelt <i>Osmerus eperlanus</i> - migratory route European eel <i>Anguilla Anguilla</i> - migratory route Atlantic salmon - <i>Salmo salar</i> - migratory route Twaite shad <i>Alosa fallax</i> - migratory route Allis shad <i>Alosa alosa</i> - migratory route River lamprey <i>Lampetra fluviatilis</i> - migratory route Sea lamprey - <i>Petromyzon marinus</i> - migratory route | ✓ |

| Aspect considered | Justification / Detail | Criteria met |
|---|--|--------------|
| | | Yes |
| | <p>An assessment of the application and its potential to affect the site(s)/species/habitat has been carried out as part of the permitting process. We consider that the application will not affect the features of the site/species/habitat</p> <p>There are no additional continuous point source emissions to air, land or water as a result of this variation. The operator has confirmed that there are no changes required (throughput, capacity or ELV'S) to limits set in Table S3.1 of their current EPR permit for discharges to controlled waters (W1 – ETP to Tidal Humber Estuary) as the current effluent treatment system was designed, applied for and commissioned with appropriate treatment capability and capacities (EPR/LP3024XB/V002) taking into account expansion. Therefore no emission limits have been added, amended or deleted as a result of this variation.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p> | |
| Environmental Risk Assessment and operating techniques | | |
| 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 assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment or similar methodology supplied by the operator and reviewed by ourselves, all emissions may be categorised as environmentally insignificant.</p> <p>There are no point source emissions to land, air or water as a result of this variation.</p> | ✓ |
| Operating techniques | <p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>All aspects of the 'Indicative BAT requirements for waste storage' found in TGN 5.06 have been complied with as</p> | ✓ |

| Aspect considered | Justification / Detail | Criteria met |
|--|--|--------------|
| | | Yes |
| | <p>shown in the variation application submissions and subsequent Schedule 5 Notice responses.</p> <p>Please see the Key Issues section for more information.</p> <p>There are no additional continuous point source emissions to air, land or water as a result of this variation. No emission limits have been added, amended or deleted as a result of this variation.</p> <p>Point Source Emissions to air and water have been previously screened out as insignificant or have had appropriate Emission Limit Values set, and so the Environment Agency agrees that the Applicant's proposed techniques are BAT for the installation.</p> <p>We consider that the emission limits included in the installation permit reflect the BAT for the sector.</p> | |
| The permit conditions | | |
| Use of conditions other than those from the template | Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template, which was developed in consultation with industry having regard to the relevant legislation. | ✓ |
| Waste types | <p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.</p> <p>Two additional waste types were requested as part of this variation application. 01 05 08 chloride containing muds and wastes from quarrying for Physio-chemical treatment which is already a permitted operation and listed activity. Also, 06 08 02* wastes containing hazardous chlorosilanes is currently permitted for storage on site only but is now permitted for Physio-chemical treatment as well under the same listed activity.</p> <p>We made these decisions with respect to waste types in accordance with the List of Wastes (England) regulations 2005, European Waste Catalogue (EWC) 200/532/EC (Amended) and TGN S5.06.</p> | ✓ |

| Aspect considered | Justification / Detail | Criteria met |
|-------------------------------|--|--------------|
| | | Yes |
| 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>There are no additional point source emissions to air, land or water as a result of this variation.</p> <p>No emission limits have been added, amended or deleted as a result of this variation. Fugitive emissions and any emissions from Pressure-Vacuum valves will be controlled via condition 3.2.1 in the permit.</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> <p>Monitoring has not changed as a result of this variation</p> | ✓ |
| Operator Competence | | |
| Environment management system | <p>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 our guidance on what a competent operator is.</p> | ✓ |
| Technical competence | <p>Technical competency is required for activities permitted. The operator is a member of an agreed scheme.</p> | ✓ |
| Relevant convictions | <p>The Case Management System has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found.</p> | ✓ |

| Aspect considered | Justification / Detail | Criteria met |
|---------------------|---|--------------|
| | | Yes |
| 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 our guidance on what a competent operator is. | ✓ |

Annex 2: External Consultation and web publicising advertising responses

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

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| <i>Response received from</i> |
| <i>Public Health England (letter dated 30th November 2016)</i> |
| <i>Brief summary of issues raised</i> |
| <i>No objections to the consent being granted, subject to the following condition:</i> <ul style="list-style-type: none"><i>Confirmation that the increased waste storage and throughput will not give rise to any additional odour or fugitive emissions to air and that the control measures proposed will be sufficient to prevent an off-site risk to public health.</i> |
| <i>Summary of actions taken or show how this has been covered</i> |
| Environmental risk and operating techniques are discussed in detail within this decision document, and we are satisfied that the control measures proposed will be sufficient to prevent an off-site risk to public health. All the above will be enforced within the Permit. |