

Permitting decisions

Surrender

We have decided to accept the surrender of the permit for Northfield Road Facility operated by Exol Lubricants (Rotherham) Limited.

The permit number is EPR/KP3437MM.

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 provides a record of the decision making process. It:

- highlights key issues in the determination
- summarises the decision making process in the decision checklist to show how all relevant factors have been taken into account

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

Read the permitting decisions in conjunction with the environmental permit and the surrender notice. The introductory note summarises what the notice covers.

Key issues of the decision

Reason for surrender

It should be noted that the application for surrender is sought as the operator is ceasing waste operations at the site, namely;

R13 – Storage of waste oil prior to recovery, falling under Section 5.6 Part A(1)(a) - *Temporary storage of hazardous waste with a total capacity exceeding 50 tonnes.*

R9 – Drying of waste oil prior to recovery, falling under Section 5.3 Part A(1)(a)(x) – *Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving oil refining or other reuses of oil.*

The site will remain operational as a manufacturer of lubricants post-surrender. In consequence, not all plant, equipment and associated infrastructure has been removed from the site. The operator provided a “Decommissioning Plan” as part of the surrender application which outlines which plant and equipment has been removed, and what will remain in situ to allow the continued operation of the site.

Condition of land at permit surrender

Long term historical activities at the site (process and handling/storage of various waste oils, and prior to this fuel oils) are known to have given rise to soil and groundwater contamination in the form of elevated concentrations of heavy-end hydrocarbon fractions in soils, and both free phase and dissolved phase impact to groundwater. This is in the form of ‘lube oil’ (with trace kerosene/diesel impact). These impacts were first detected in 2008 when the operator undertook a baseline ground investigation as part of the Site Protection and Management Plan (SPMP).

This surrender application demonstrates that no notable deterioration of soils and groundwater has been detected since this baseline investigation. There has been no significant increase in the recorded levels or lateral distribution of contaminants in the groundwater well network throughout the 10 year period that the operator has been undertaking monitoring at the site as part of their environmental permit requirements. Furthermore, improvements and repairs have been undertaken on the containment infrastructure during the life of the permit, and there have been no recorded losses, spillages or leaks from the site infrastructure throughout the permitted operation of the site, that could have feasibly given rise to the identified levels of contamination. In addition, no hydrocarbon impact has been identified in surface water samples obtained from upstream or downstream of the site’s effluent outfall. Groundwater monitoring wells installed between the outfall and the canal (Rotherham Cut) have not been impacted by free phase contamination, and continue to show only very low levels of dissolved phase hydrocarbon impact, appearing to demonstrate no significant off-site migration towards the Rotherham Cut or River Don over the monitoring period.

Historical activities in this area are known to have included loading of heavy oils via canal barge and the use of underground oil pipelines. It is considered feasible that these activities may have given rise to the current presence of free phase oil in groundwater beneath the site. Age analysis which can estimate the age of release of a substance is not feasible on lube oil alone. However, where this is found to contain another product (such as diesel) age analysis is possible. Such analysis was undertaken in 2014 and indicated that the age of release of fuel oil contamination present at the site was more than 20 years, which is prior to the operator starting permitted operations at site. Prior to its use as a lubrication oil manufacturer, the site operated as a petroleum depot (1950 – 1960s) and it is probable that diesel and kerosene may have been stored here.

With regards to cessation of the permitted activities; the contamination that has been identified is not considered to have been caused as a result of Exol Lubricant’s operations at the site throughout the duration of the environmental permit (2007 – 2017) and is instead a result of historical activities. On that basis, the operator does not consider that further assessment and/or remediation works are required to return the site to its pre-permit condition to enable surrender of the permit.

We have reviewed the submitted information and undertaken a final inspection which allows us to agree with the conclusions of the operator’s assessment, to enable permit surrender.

Decision checklist

Aspect considered	Decision
Receipt of application	
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 site	
Pollution risk	We are satisfied that the necessary measures have been taken to avoid a pollution risk resulting from the operation of the regulated facility.
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>
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	<p>We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit surrender.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”</p> <p>We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.</p>