

Permitting decisions

Bespoke permit

We have decided to grant the permit for Port Fuels Ltd operated by Port Fuels Limited.

The permit number is EPR/AP3809PX.

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 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
- shows how we have considered the consultation responses.

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

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

Key issues of the decision

Overview of the permitted activities

This permit is for the storage and treatment of hazardous waste oils. It authorises the following installation activities:

- S5.3A(1)(a)(ii) physico-chemical treatment of waste oils;
- S5.3A(1)(a)(iii) blending and mixing hazardous waste oil;
- S5.6A(1)(a) temporary storage of waste prior to treatment; and
- Directly Associated Activities (storage of waste after treatment, storage of separated residue prior to off-site disposal, and collection, storage and off-site disposal of contaminated surface water).

The only waste to be handled on site will be waste oils. Waste oil will be brought in to the site in bulk tankers and off-loaded into storage Tanks 2 and 3. The off-loading areas have separate surface water containment systems to prevent any spillages from directly entering the site drainage systems.

The waste oils in Tank 2 and 3 may be mixed or blended either with waste oils of lower viscosity, or with raw materials such as contaminated kerosene and diesel, that will benefit from the treatment process as well.

The waste oils that require mixing and blending will normally have high viscosity or high water content. Mixing of the wastes with other raw materials is to improve the viscosity, to aid the processing rates as well as to improve the finished product quality.

Mixing of wastes will be done in Tanks 2 and 3. The design and operation of the system allows non-homogenous mixtures to be circulated and mixed through the oil recovery system. All wastes received at site will be processed through the filtration-recovery system to “polish” the waste. Waste oils are circulated through the cross-flow filters, which recover the useable hydrocarbons, and return to the feed tank any materials that have not passed through the filters. This cyclical process is programmed to continue until the residue (oil additives, particulates, water, sludge) in the feed tank is no longer viable as a feed for the filters. Additional waste material may be added on top to continue the filtration and recovery process, or alternatively the residues may be transferred to a waste tank for disposal via a licenced contractor. The recovered oils from the treatment process are temporarily stored in Tank 1 while waiting for end-of-waste certification or dispatched to third party sites in line with agreed specifications.

Changes to the initial application proposals

Some of the initial proposals that were amended during the determination of this application include:

- The proposal to collect and discharge rainwater within the bunded areas the Manchester Ship Canal via an interceptor. This has now been replaced with the proposal to cover the storage and treatment area with a roof to minimise rainwater ingress and to collect water and spillages within the bunded area in IBCs for off-site disposal.
- The proposal to use 290kW oil-fired boiler to supply hot water to heat the waste oil treatment tanks. This was withdrawn by the operator in response to the Schedule 5 Notice.
- The proposal to use 48kW diesel-powered generator to provide electricity for the site. This was withdrawn by the operator in response to the Schedule 5 Notice. Electricity at the site will be supplied from the national grid.
- The proposal to treat some of the waste oils by dilution only. All waste oils received at site will now be processed through the filtration-recovery system.
- The site area was significantly reduced to remove all tanks that are not relevant to the treatment process (i.e. Tanks 4 -10).

H1 Assessment for emission to air

The H1 screening tool that was submitted with the application considers the potential emissions of VOCs, NOx, SOx and particulate matter (PM2.5). The combustion processes (diesel generator and boiler) were later removed from the application and as such, the potential for NOx, SOx and particulate matter (PM2.5) emissions at the installation is considered non-existent.

The emissions of VOCs from the vents of Tanks 2 and 3 are considered as insignificant based on the results of the H1 screening which show that the process contribution (PC) is 0.00007% of the long term Environmental Assessment Limit (EAL) and 0.0243% of the short-term EAL.

Improvement conditions

We have included improvement conditions in the permit which require the operator to undertake 6 monitoring exercises over a period of 12 months at the vents in Tanks 2 and 3 (shown on the drawing reference ‘Tank Layout v3’, dated 04/03/2020) when wastes are being processed in the tanks following full commissioning of the waste oils treatment operations in Table S1.1 of the permit and to submit a report of the monitoring, including;

- a review of the emissions from the vents in Tanks 2 and 3 against the limit specified in Table S3.1. of the permit;
- review their air impact assessment and written proposals for abatement systems to be implemented, together with the timescale for implementation if the report shows any of the emissions are above the limit in Table S3.1.

Pre-operational conditions for future development

- **Construction and testing of site's infrastructure** – we have included pre-operational condition in the permit which requires the operator to submit leak-test report for all storage and treatment tanks, pipelines and secondary containment systems, to install a SCADA system to automatically close valves and consider stopping operations when the high-level alarm of Tanks 1, 2 and 3 is triggered and, provide a roof over the oil treatment and storage area to minimise rainwater ingress.
- **Baseline soil and groundwater data** - the Operator did not provide baseline soil or groundwater monitoring to demonstrate that no contamination is present at the site as such we have included pre-operational condition in the permit which requires the operator to submit a report on the baseline conditions of soil and groundwater to the Environment Agency for approval prior to the commencement of waste acceptance, storage and/or treatment operations. The report is expected to contain information necessary to determine the state of soil and groundwater contamination to enable a quantified comparison with the state upon definitive cessation of activities.

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.
Consultation	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <ul style="list-style-type: none"> ▪ Local Planning Authority ▪ Environmental Health ▪ Department of Public Health ▪ Public Health England ▪ Health and Safety Executive ▪ Civil Aviation Authority ▪ Natural England (for information only) <p>The comments and our responses are summarised in the consultation section.</p>
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 our guidance on legal operator for environmental permits.
The facility	
The regulated facility	<p>We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN 2 'Defining the scope of the installation', Appendix 1 of RGN 2 'Interpretation of Schedule 1'.</p> <p>The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.</p>
The site	
Extent of the site of the facility	The operator has provided plans which we consider are satisfactory, showing the extent of the site of the facility. The plan is included in the permit.
Site condition report	The operator has provided a description of the condition of the site, which we

Aspect considered	Decision
	<p>consider is not satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under the Industrial Emissions Directive.</p> <p>We have advised the operator what measures they need to take to improve the site condition report.</p> <p>We have included pre-operational condition in the permit which requires the operator to submit a report on the baseline conditions of soil and groundwater prior to the commencement of waste acceptance, storage and/or treatment operations.</p>
<p>Biodiversity, heritage, landscape and nature conservation</p>	<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>We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process.</p> <p>We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p> <p>We have not consulted Natural England on the application but we sent our assessment of the potential impact of the permitted activities to them for information only. The decision was taken in accordance with our guidance.</p>
Environmental risk assessment	
<p>Environmental risk</p>	<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>
Operating techniques	
<p>General operating techniques</p>	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.</p> <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p>
<p>Operating techniques for emissions that screen out as insignificant</p>	<p>Emission of VOCs have been screened out as insignificant, and so we agree that the applicant's proposed technique is BAT for the installation.</p> <p>We consider that the emission limits included in the installation permit reflect the BAT for the sector.</p>
<p>Odour management</p>	<p>We have reviewed the odour management plan in accordance with our guidance on odour management.</p> <p>We consider that the odour management plan is satisfactory.</p>
Permit conditions	
<p>Raw materials</p>	<p>We have specified limits and controls on the use of raw materials and fuels.</p>

Aspect considered	Decision
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> <ul style="list-style-type: none"> ▪ they are suitable for the proposed activities ▪ the proposed infrastructure is appropriate ▪ the environmental risk assessment is acceptable. <p>We have excluded the following wastes (EWC codes: 04 02 14* and 16 03 05*) for the following reasons:</p> <p>The two wastes codes are not 'oily wastes'; as such, we have considered that they are not suitable for treatment by the permitted treatment method. The operator advised us to remove the two EWC codes in their response to the Schedule 5 Notice dated 30/01/2020.</p> <p>We made these decisions with respect to waste types in accordance the risk assessments and the Sector Guidance - S5.06 – 'Guidance for the Recovery and Disposal of Hazardous and Non-Hazardous Waste'</p>
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose pre-operational conditions.</p> <p>See key issues section.</p>
Improvement programme	<p>Based on the information on the application, we consider that we need to impose an improvement programme.</p> <p>See key issues section.</p>
Emission limits	<p>ELVs based on BAT have been set for the following substances:</p> <ul style="list-style-type: none"> ▪ VOCs. <p>The limit for VOCs monitoring has been set at 30mg/m³ in line with the Waste Treatment BAT Conclusions.</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>These monitoring requirements have been imposed in order to ensure that VOCs emissions is below the BAT-AEL.</p> <p>We made these decisions in accordance with the Sector Guidance - S5.06 – 'Guidance for the Recovery and Disposal of Hazardous and Non-Hazardous Waste' and the Waste Treatment BAT Conclusions.</p> <p>Based on the information in the application we are satisfied that the operator's techniques, personnel and equipment have either MCERTS certification or MCERTS accreditation as appropriate.</p>
Reporting	<p>We have specified reporting in the permit.</p> <p>We made these decisions in accordance with the Sector Guidance - S5.06 – 'Guidance for the Recovery and Disposal of Hazardous and Non-Hazardous Waste'.</p>

Aspect considered	Decision
Operator competence	
Management system	<p>There is no known reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.</p> <p>The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.</p>
Technical competence	<p>Technical competence is required for activities permitted.</p> <p>The operator is a member of an agreed scheme.</p> <p>We are satisfied that the operator is technically competent.</p>
Relevant convictions	<p>The Case Management System and National Enforcement Database have been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.</p>
Financial competence	<p>There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.</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.</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> <p>We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.</p>

Consultation

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from
Public Health England
Brief summary of issues raised
Public Health England indicated that based on the information contained in the application that they have has no significant concerns regarding the risk to the health of the local population from the installation and that their response assumes 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.
Summary of actions taken or show how this has been covered
We have added appropriate conditions to the permit to the risk to the health of the local population from the installation is prevented and/or minimised.