

Permitting Decisions - Variation

We have decided to grant the variation for North Tees Oil & Fuel Bulk Storage Terminal operated by Navigator Terminals North Tees Limited.

The variation number is EPR/FP3433DX/V002.

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.

A summary of the proposal is as follows.

This substantial variation is in consequence of an application made by the Operator to add a new listed activity to the permit:

Section 5.6 Part A(1)(a): Temporary storage of hazardous waste with a total capacity exceeding 50 tonnes.

These operations comprise the loading, unloading, handling and storage of a Crude Oil/Sea Water mixture (emulsion) classified as hazardous waste under European Waste Catalogue code 13 08 02*, in up to four dedicated storage tanks with an aggregated storage capacity of 60,000 tonnes.

This waste arises from oil rig platforms, where a crude oil and sea water mix has accumulated. This mixture is recovered by a third party as part of the oil rig decommissioning process.

Receipt and acceptance of material:

A vessel will berth at Jetty 4 of the permitted site with the waste material on-board and a shipping book will be completed by the Site Operator and the Vessel Operator. Once completed, the vessel is connected to a 12 inch hose and the route to the tank(s) from the vessel is opened. Once satisfied that the route is safe and correct, the Control Room Operator will contact the vessel and give the authority to start off loading the material. The vessel will use their own pumps for this process. Tank levels are monitored in the control room and towards the end of the unloading process, the Control Room Operator will communicate with the Vessel Operator and request for the shipping rates to be reduced and finally stopped. The tank side valves are then closed, as is the vessel's manifold valve, and the vessel will disconnect and made ready for sailing.

Storage of material on site:

The material will be stored at the permitted site on a temporary basis in four existing tanks: N2012FA and N2021FB, each with a maximum capacity of 5,000 tonnes; P154F with a maximum capacity of 35,000 tonnes and N2102FA with a maximum capacity of 15,000 tonnes, prior to being exported off site for further treatment to enable recovery of the crude oil.

Export of material off site:

A Vessel will berth at Jetty 4 and a shipping book will be completed by the Site Operator and the Vessel Operator. Once completed the vessel is connected to a 12 inch hose and the route from the tank(s) to the vessel is opened. Once satisfied that the route is safe and correct, the Control Room Operator will contact the Vessel Operator and give the authority to start loading the material. Pumps on site are used to control the transfer of material. When the parcel size is nearing completion, the pump flow is reduced and then stopped. Tank side valves and vessel's manifold are closed, and the vessel will disconnect and be made ready for sailing.

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 considerations](#) section to show how the main 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 and the variation notice.

Key issues of the decision

The key issues for this determination are the appropriate measures required to enable the handling and storage of hazardous waste at this permitted site.

Whilst this is a new listed activity, the activities are not broadly divergent from the Operator's current operations. The site is a bulk storage terminal, which handles oil and fuels. It is also registered as an Upper Tier COMAH site with the Health and Safety Executive.

There are no significant changes to existing infrastructure, and the site has sufficient storage capacity and containment measures to accommodate this proposal.

However, as the material is a waste, there is a requirements for the Operator to also meet the standards of our guidance "Chemical waste: appropriate measures for permitted facilities" published 18 November 2020.

The Operator has undertaken a review of these measures and demonstrated Best Available Techniques as summarised in their supporting information document "Navi 12 – Best Available Techniques" which is incorporated into the permit as an Operating Technique.

In particular, the key risks in this case are likely to be fugitive emissions, which are minimised by meeting the appropriate measures outlined in Section 4 of the guidance - Waste storage, segregation and handling appropriate measures.

Decision considerations

Confidential information

A claim for commercial or industrial confidentiality has not been made.

The decision was taken in accordance with our guidance on confidentiality.

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 confidentiality.

Consultation

The consultation requirements were identified in accordance with the Environmental Permitting (England and Wales) Regulations (2016) and our public participation statement.

The application was publicised on the GOV.UK website.

We consulted the following organisations:

- Stockton-On-Tees Borough Council Planning Services
- Stockton-On-Tees Environmental Health
- Public Health England and Director of Public Health
- Health and Safety Executive

The site

The Operator has provided a plan which we consider to be satisfactory.

There are very minor changes to the extent of the Installation as a result of this variation, comprising the addition of the pipeline and jetty. The Operator has confirmed the site condition is the same as the original baseline, and the SCR/SPMP has been updated accordingly.

The plan is included in the permit.

Nature conservation, landscape, heritage and protected species and habitat designations

We have checked the location of the application to assess if it is within the screening distances we consider relevant for impacts on nature conservation, landscape, heritage and protected species and habitat designations. The application is within our screening distances for these designations.

We have assessed the application and its potential to affect sites of nature conservation, landscape, heritage and protected species and habitat designations identified in the nature conservation screening report as part of the permitting process.

We consider that the application will not affect any site of nature conservation, landscape and heritage, and/or protected species or habitats identified as there are no changes to the emissions or infrastructure as a result of this variation.

Environmental risk

We have reviewed the Operator's assessment of the environmental risk from the facility.

The Operator's risk assessment is satisfactory.

In particular, the Operator demonstrates that through compliance with Best Available Techniques and COMAH Regulations, the environmental risk is minimised.

General operating techniques

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.

The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.

Updating permit conditions during consolidation

We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permit.

As part of this process, it was identified that the activity reference for the primary activity in the previous permit (Section 1.2 Part (A)1(h)(i)) was updated in the 2016 EPR amendment. This has been updated in the permit, to now read Section 1.2 Part (A)1(e)(i).

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:

- they are suitable for the proposed activities
- the proposed infrastructure is appropriate; and
- the environmental risk assessment is acceptable.

Improvement programme

We have updated the permit to demonstrate that IC1 as per the previous permit is now complete.

Reporting

We have added a condition to the permit which requires quarterly reporting of waste returns.

Previous performance

We have assessed Operator competence. There is no known reason to consider the applicant will not comply with the permit conditions.

Growth duty

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 variation.

Paragraph 1.3 of the guidance says:

“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.”

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.

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.

Consultation Responses

The following summarises the responses to consultation with other organisations and 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

Responses received from:

- Stockton-On-Tees Borough Council Environmental Health
- Public Health England

Brief summary of issues raised: No objections to the proposal.

Summary of actions taken: No action required.

We did not receive any further responses from the other consultees.