

Permitting Decisions- Variation

We have decided to grant the variation for Erith Oil Works operated by Archer Daniels Midland Erith Ltd.

The variation number is EPR/QP3331PQ/V003.

The variation is to consolidate the permit and incorporate a number of infrastructure changes and plant upgrades which have been undertaken on site since the original permit was issued. These include

- Include the receipt of raw rapeseed oil
- the acceptance and treatment of wastewater from an adjacent site (different operator)
- inclusion of a surface water discharge point.
- the removal of standby boilers, high pressure steam boiler and the use of kerosene as a fuel.
- the addition of thermal oxidiser and scrubber for the mineral oil exhaust system.

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 and summarises the decision making process in the decision considerations section to show how the main 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 variation notice.

Key issues of the decision

Emissions to air

There are three 18MWth gas fired turbines on site which were installed in 2012 and a 2.2 MWth high pressure steam boiler, each has its own emission stack. This plant replaced aging plant which had been in use since permit issue. This plant is considered 'existing operational' as defined as existing Medium Combustion Plant and does not currently fall under the MCPD until the relevant date for compliance under the Environmental Permitting (England and Wales) (Amendment) Regulations 2018.

The operator submitted an Air Quality Assessment which demonstrates that the variation is unlikely to result in any exceedances of the Air Quality Standards. We are in agreement with the findings of the assessment.

The permit will be subject to the Food, Drink and Milk Permit review, any changes required to the permit limits will be implemented under this review.

Odour

The operator provided an odour management plan in-line with our guidance. Odour risk is expected to decrease as a result of the proposed variation as a result of the improved abatement onsite. The operator completed air emissions modelling, the overall risk with respect to odour is assessed by the operator to be low. The closest sensitive receptor is located approximately 130m to the northwest of the site, the nearest residential receptor is approximately 410m to the southwest. At the time of application the thermal oxidiser had not been upgraded, we have included an improvement condition for the operator to verify assumptions made in the application and demonstrate that the odour abatement is effective.

Decision considerations

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

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:

- Director of Public Health & UKHSA
- Health and Safety Executive
- Port of London Authority (PLA)

The comments and our responses are summarised in the [consultation responses](#) section.

The site

The operator has provided plans which we consider to be satisfactory. These show the extent of the site of the facility.

The site 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.

The decision was taken in accordance with our guidance.

Environmental risk

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

The operator's risk assessment is satisfactory.

General operating techniques

We have reviewed the techniques proposed by the operator and compared these with the relevant technical guidance 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.

Odour management

We have reviewed the odour management plan in accordance with our guidance on odour management.

We consider that the odour management plan is satisfactory and we approve this plan.

We have approved the odour management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'.

The plan has been incorporated into the operating techniques S1.2.

Updating permit conditions during consolidation

We have updated permit conditions to those in the current generic permit template as part of permit consolidation.

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

Based on the information on the application, we consider that we need to include an improvement programme.

We have included an improvement programme to ensure that changes to the odour abatement on site can be reviewed and its effectiveness confirmed. In addition to the changes included in this variation the operator will complete a trial to assess the implications of rerouting emissions from the odour abatement system (OAS) (emission point A10) to emission point A14. Following the trial the operator will be able to implement any required improvements.

Emission limits

An emission limit for total particulate for point A12 has been added as this was omitted from the original permit.

We have not changed or added any other emission limits. The permit will be reviewed under the Food Drink and Milk sector review. To ensure consistency across the sector any changes required to emission limits will be implemented during this review.

Monitoring

We have decided that monitoring should be added for total particulates at emission point A12 and VOCs at emission point A28 using the methods detailed and to the frequencies specified. These monitoring requirements have been included as they were omitted from the original permit. The requirements are in line with the rest of the permit.

We have removed the monitoring requirements for discharge to sewer to avoid duplicate regulation. The discharge is controlled through the trade effluent discharge consent.

No other monitoring has changed as a result of this variation.

Reporting

We have added reporting in the permit for the following:

Total particulate at A12, NO_x at A21 and VOCs at A28.

Management system

We are not aware of any reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.

The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.

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

Response received from the Port of London Authority (PLA)

Brief summary of issues raised: The PLA has no objections to this application., however it queried whether river flooding has been assessed within the Environment Risk Assessment as a potential hazard and if there are any appropriate measures in place to prevent pollution in the event of a river flood.

Summary of actions taken: The applicant considered the risk flooding in their risk assessment. As the site operations are principally inside the risk of pollution due to flooding is considered low. As an existing site this has not been considered further under this variation. The impact of climate change will be assessed under the Food, Milk and Drink Permit review.

Response received from UK Health Security Agency (UKHSA)

Brief summary of issues raised: The UKHSAs main concern in in relation to the emissions of sulphur dioxide and hydrogen sulphide, particularly when the site has to by-pass the thermal scrubber and oxidiser. Comments were also made in regard to the site's accident management plan and odour emissions.

Summary of actions taken: The site is existing and the proposed changes will improve the current operations. We have included monitoring in the permit and have included an improvement condition for the operator to verify the assumptions made in the application and determine the effectiveness of the odour abatement. The use of the bypass is expected to reduce in frequency following the improvements on site and continual improvement is required through the sites EMS allowing for any further reduction in frequency to be identified. T