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North Kesteven District Council

PERMIT TO OPERATE A PART B INSTALLATION

POLLUTION PREVENTION & CONTROL ACT 1999

Environmental Permitting Regulations 2010 (as amended)

Permit Reference Number:	IPPC/2006/44
Date of Original Authorisation Issue:	8 th February 2002
Date of Model Permit Issue:	11th September 2015
Following Variation, Date of Consolodated Permit Issue:	5th March 2016
Name and address of 'the operator' (NB. also the Registered office of company)	DC Baxter (Motors) Ltd Rectory Road, Ruskington, Sleaford Lincolnshire, NG34 9AE
Address of the Permitted Installation	As Above

The installation boundary and key items of equipment mentioned in permit conditions are shown in the plan attached to this permit.

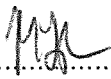
Activity description

Stage I: Petroleum is delivered to the site in bulk tankers and is transferred to the underground storage tanks as required. Transfer is by gravity through vapour tight hoses. Vapour displaced by the petrol is returned to the tanker via a vapour tight hose. The integrity of the system is maintained by a pressure vacuum relief valve on the vent pipes, which prevents discharges during filling. In order to maintain the integrity of the system the maximum number of tanker compartments that can be discharged simultaneously is two.

Stage II: Vapours displaced by the filling of petrol into vehicle petrol storage tanks at service stations should be recovered through a vapour recovery system to a storage installation, which should include the service station's underground storage tank or other appropriate vessel. Filling of vehicle petrol tanks should not take place unless such a vapour recovery system is in place and fully functioning. The installation does not have in place an automatic monitoring system.

The service station has two petrol storage tanks.

The operator is authorised to operate the activity¹ at the installation subject to the following conditions:

Signed.....

Date:.....4/3/2016.....

Mark Taylor

Head of Environment and Public Protection (*authorised to sign on behalf of the Council*)

¹ listed in [section 1.2 Part B] Part 2 of Schedule 1 to the Environmental Permitting Regulations

Petrol Delivery

1. Vapours displaced by the delivery of petrol into storage tanks shall be returned through a vapour-tight connection line to either the mobile container delivering the petrol or a container on the site.
2. Petrol delivery shall only be carried out using the Stage I petrol vapour recovery system and deliveries shall only be made when the system is fully operational.

Motor Vehicle Refuelling

3. Motor vehicle refuelling with petrol shall only take place when the Stage II petrol vapour recovery system is fully operational and operating in accordance with the requirements of Condition 4.
4. The petrol vapour capture efficiency of the Stage II petrol vapour recovery system shall be equal to or greater than 85% but less than 115% as certified by the manufacturer in accordance with relevant European technical standards or type approval procedures.
5. Where the recovered petrol vapour is transferred to a storage tank, the vapour/petrol ratio shall be equal to or greater than 0.95 but less than or equal to 1.05.
6. Where an automatic monitoring system has been installed, the petrol vapour capture efficiency shall be tested and the results recorded at least once every three years by checking that the vapour/petrol ratio under simulated petrol flow conditions, or by any other appropriate methodology. Any such automatic monitoring system shall automatically detect faults in the proper functioning of the Stage II petrol vapour recovery system and in the automatic monitoring system itself, indicate faults to the operator and automatically stop the flow of petrol from any faulty dispenser if the fault is not rectified within seven days.
7. Where automatic monitoring systems have not been installed the in-service petrol vapour capture efficiency of the Stage II petrol vapour recovery systems shall be tested the results recorded at least once a year by checking that the vapour/petrol ratio under simulated petrol flow conditions, or by any other appropriate methodology.
8. Where automatic monitoring systems have not been installed a *weekly functionality check* shall be undertaken to verify the operation of the vapour recovery system.
9. A sign, sticker or other notification shall be displayed on, or in the vicinity of, the petrol dispenser, informing consumers that a Stage II petrol vapour recovery system is in use.

Incident Reporting

10. In the event of any incident at the site which could have an impact beyond the site boundary, the operator shall notify Council by telephone without delay on 01529 414155.

Management

11. A copy of this permit shall be kept at the permitted installation. All staff who should be aware of its content shall be told where it is kept.
12. All relevant staff shall receive the necessary training and instruction to enable them to comply with the conditions of this permit.
13. The operator shall notify the Council of any changes to the persons nominated in the application as the primary point of contact, and deputy.

14. Maintenance and testing of vapour recovery systems shall be recorded.
15. All records made in compliance with this permit shall be kept in a written or computer log book or by using some other systematic method, and shall be clear and legible. If any entry is amended, a clear statement of the reason for doing so shall be included. Unless otherwise stated in this permit, all records required to be taken shall be kept available for inspection for at least 4 years from the date of its being made. A copy of the manufacturer's instructions referred to in this permit shall be available for inspection on request.

Best available techniques

16. The best available techniques shall be used to prevent or, where that is not practicable, reduce emissions from the installation in relation to any aspect of the operation of the installation which is not regulated by any other condition of this permit.

Process changes

17. If the operator proposes to make a change in operation of the installation, he must, at least 14 days before making the change, notify the regulator in writing. The notification must contain a description of the proposed change in operation. It is not necessary to make such a notification if an application to vary this permit has been made and the application contains a description of the proposed change. In this condition 'change in operation' means a change in the nature or functioning, or an extension, of the installation, which may have consequences for the environment.

Right to appeal

You have the right of appeal against this permit within 6 months of the date of the decision. The Council can tell you how to appeal. You will normally be expected to pay your own expenses during an appeal.

You will be liable for prosecution if you fail to comply with the conditions of this permit. If found guilty, the maximum penalty for each offence if prosecuted in a Magistrates Court is £50,000 and/or 6 months imprisonment. In a Crown Court it is an unlimited fine and/or 5 years imprisonment.

Our enforcement of your permit will be in accordance with the Regulators' Compliance Code

APPENDIX 1 : SUPPLEMENTARY NOTES

THE FOLLOWING SUPPLEMENTARY NOTES DO NOT COMPRISE PART OF THE PERMIT BUT CONTAIN GUIDANCE RELEVANT TO IT AND SHOULD BE READ IN CONJUNCTION WITH THE PERMIT:

SCOPE

The installation comprises not just any relevant unit carrying out a Part B activity listed in Schedule 1 to The Environmental Permitting (England and Wales) Regulations 2010 ("the Regulations"), (as ammended) but also directly associated activities which have a technical connection with that activity and could have an effect on pollution.

BEST AVAILABLE TECHNIQUES

The Best Available Techniques shall be used:

For the purposes of the Regulations, "best available techniques" means the most effective and advanced stage in the development of activities and their methods of operation which indicates the practical suitability of particular techniques for providing in principle the basis for emission limit values designed to prevent and, where practicable, generally to reduce emissions and the impact on the environment as a whole; and for the purpose of this definition:-

- a) "available techniques" means those techniques which have been developed on a scale which allows implementation in the relevant industrial sector, in the economically and technically viable conditions, taking into consideration the cost and advantages, whether or not the techniques are used or produced inside the United Kingdom, as long as they are reasonably accessible to the operator;
- b) "best" means, in relation to techniques, the most effective in achieving a high general level of protection of the environment as a whole;
- c) "techniques" includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned.

In considering BAT, the Local Authority would expect the operator to have regard to all relevant PPC sectoral or other technical guidance.

REFERENCES AND GUIDANCE USED

Legislation and Technical Guidance documents used in the preparation of this document:

- Pollution Prevention and Control Act 1999.
- The Environmental Permitting (England and Wales) Regulations 2010 (as amended).
- Secretary of State's Guidance – General Guidance Manual on Policy and Procedures for A2 and B installations.
- Secretary of States Guidance Notes- PG1/14 (13) Statutory Guidance for Unloading of petrol into storage and motor vehicle refuelling, at service stations.
- All publications are available directly from the HMSO

Ordering information:

Tel: 0870 600 5522

Fax: 0870 600 5533

e-mail: book.orders@tso.co.uk

online ordering: <http://www.tsoshop.co.uk/bookstore.asp>

INSPECTIONS AND POWERS OF ENTRY

Local Authority Officers (the Local Authority Inspectors) will conduct regular inspections to check and ensure full compliance with the Permit conditions and residual duties. These inspections may be carried out without prior notice.

Under section 108(6) of the Environment Act 1995 authorised Local Authority Inspectors have been granted powers of entry into any premises for the purposes of discharging relevant duties.

OFFENCES AND ENFORCEMENT

Action taken by the Local Authority against an operator will be guided by the Environmental Services enforcement policy. A copy of this can be forwarded on request, or is available from www.n-kesteven.gov.uk

If the Local Authority is of the opinion that you have contravened, or are contravening or are likely to contravene a Condition of the Permit it may serve an Enforcement Notice. Further details on Enforcement Notices are provided in regulation 36 of the Regulations.

If the Local Authority is of the opinion that the operation of an installation or mobile plant involves a risk of serious pollution it must, in certain circumstances, serve a Suspension Notice on the operator. Further details on Suspension Notices are provided in regulation 37 of the Regulations.

It is an offence to operate an installation or mobile plant covered by the Regulations without a Permit or in breach of the Conditions of that Permit.

It is an offence to fail to comply with the requirements of an Enforcement or Suspension Notice.

It is an offence to intentionally make a false entry in any records kept as required under a Condition of a Permit.

Further details on offences, and penalties liable to be imposed upon conviction of an offence are provided in Part 4 of the Regulations.

Directors, managers and other individuals within a company may be held personally liable for offences under the Regulations.

All personnel who are responsible for fulfilling any Condition of the Permit should be made aware of these facts.

HEALTH AND SAFETY

This Permit is given in relation to the requirements of The Environmental Permitting (England and Wales) Regulations 2010 (as amended). It must not be taken to replace any workplace responsibilities the operator has under Health & Safety legislation. Whenever emission limits quoted in this Permit conflict with occupational exposure limits set under the Health and Safety at Work Act 1974 to secure the health, safety or welfare of persons at work, the tighter limit should prevail.

The installation must be operated in order to protect persons at work as well as the environment. In achieving conditions in this Permit the operator must not adopt any course of action that would put at risk the health, safety or welfare of persons at work.

OTHER STATUTORY REQUIREMENTS

This Permit does not detract from any other statutory requirement, such as the need to obtain planning permission, hazardous substances consent, discharge consent from the Environment Agency, building regulations approval, or a waste disposal licence.

This Permit does not authorise a contravention of any other enactment or any order made, granted or issued under any enactment, nor does it authorise a contravention of any rule or breach of any agreement.

The Operator is advised to consult the relevant Planning Department regarding changes that may be required as a result of this Permit (e.g. stack heights) as they may require planning permission.

SUBSISTENCE CHARGES

An annual subsistence charge will be payable in respect of the Permit in accordance with the relevant charging scheme made under Section 41 of the Environment Act 1995. A Copy of the current charging scheme will be forwarded on request to the Local Authority or are available from www.defra.gov.uk

Subsistence fees will become due on the 1st April each year. You should note that the operator is liable for the full subsistence fee for the year of operation. If the installation ceases during the year the operator is not entitled to a pro rata refund of any subsistence fees.

PUBLIC REGISTER

The Local Authority is required by regulation 46 of the Regulations to maintain a register containing information on all the installations in their district. The register must be available for inspection by the public, and copies of any entry can be taken. Registers will contain the information set out in Schedule 24 to the Regulations. This includes copies of applications, details of Local Authority determinations and monitoring information.

Regulation 55 allows information to be kept from public registers for reasons of national security. Details on how to make an application for exemption will be provided by the Local Authority on request. Operators should note that the information should not be excluded from any submission to the Local Authority. The Operator should notify the Local Authority that an exclusion has been or will be applied for.

Section 55 allows regulators to withhold information from the public registers as commercially confidential. Details on how to make an application for exemption will be provided by the Local

Authority on request. Note that the Regulations state information is commercially confidential "if its being contained in the register would prejudice to an unreasonable degree the commercial interests" of any person. Operators must clearly explain how this might arise. It will not be enough to say that they are concerned about public opposition, or to assert commercial prejudice without substantiation.

TRANSFER OF PERMITS

Where the operator of an installation wishes to transfer, in whole or in part, his permit to another person, the operator and the proposed transferee shall jointly make an application to the regulator to effect the transfer. Such an application shall be accompanied by the permit and any fee prescribed in respect of the transfer.

In the case of partial transfer, where the original operator retains part of the permit, the application must make clear who will retain control over the various parts of the installation. The application must include a plan identifying which parts of the site and which activities the operator proposes transferring.

The Local Authority will then determine whether to allow the transfer within a two-month period, unless the Local Authority and the applicants agree a longer period. Where the Local Authority approves the transfer, the transfer will take effect from the date requested by the operator or a date that may be agreed by the Local Authority and the applicants.

VARIATION TO PERMITS

Variation to permits may be initiated either by the Local Authority or the operator, either in response to changes in the operation of an installation or if new conditions are needed to deal with new matters. Variations may be required in response to the following.

- Change of operation of the installation.
- In response to the findings of a periodic review of conditions.
- In response to the findings of an inspection.
- New or revised sector guidance notes

SUBSTANTIAL CHANGE

A substantial change means, in relation to an installation, a change in operation, which in the opinion of the Local Authority may have significant negative effects on human beings or the environment.

Where the Local Authority deems that a proposed variation constitutes a substantial change, the operator will be informed of the process to follow.

APPEALS

If you are aggrieved by any of the Conditions of the Permit, the Local Authority both welcomes and suggests that the operator first contacts the Local Authority with a view to resolving any disagreements or misunderstandings that may have arisen. You should note however, that the deadline for making an appeal cannot be put back while any discussions are underway.

If the matter cannot be resolved by informal means or you wish to go directly to appeal, an appeal can be made against the Conditions in, or variations to, this Permit as per Part 7 of the Regulations. Appeals are made to the Planning Inspectorate who acts on behalf of the Secretary of State. Appeals against Conditions within a Permit must be submitted within 6 months of the date of issue of the permit. Appeals against variation notices must be submitted within 2 months of the date of issue of the notice. Appeals should be despatched on the day they are dated and sent to:

The Planning Inspectorate
Environmental Appeals Administration
Room 4/19 – Eagle Wing
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Tel: 0117 3728812
Fax: 0117 3726093

On receipt of an appeal and during the appeal process both main parties will be informed about the next steps, and will normally be provided with additional copies of each others representations. To withdraw an appeal, which may be done at any time, the appellant must notify the Planning Inspectorate in writing and copy the notification to the Local Authority.

LOCAL AUTHORITY CONTACT DETAILS

North Kesteven District Council
Environmental Protection Unit
P.O. Box 3
District Council Offices
Kesteven Street
Sleaford
Lincolnshire
NG34 7EF

Tel: 01529 414155 (answer phone outside office hours)
Fax: 01529 308394

For emergencies outside office hours tel: 07966 400999.

E-mail: environmentalprotectionteam@n-kesteven.gov.uk

Web: <http://www.n-kesteven.gov.uk>