

EP Permit ref EP/A2/002

Variation ref GC/16/00055/A2/V1

GLOUCESTER CITY COUNCIL

Pollution Prevention and Control Act 1999

Environmental Permitting (England and Wales) Regulations 2016 (As Amended) Regulation 20 and Regulation 18

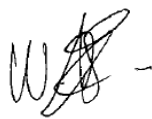
Variation Notice

To Joseph Griggs and Co Ltd, Bristol Road, Gloucester, GL1 5TD, Gloucester City Council (“the Council”), in the exercise of the powers conferred upon it by regulation 20 of the Environmental Permitting (England and Wales) Regulations 2016 (“the 2016 Regulations”) hereby gives you notice as follows-

The Council has decided to vary the conditions of permit reference EP/A2/002 granted under regulation 13(1) of the 2016 Regulations in respect of the operation of the installation at Joseph Griggs and Co Ltd, Bristol Road, Gloucester, GL1 5TD.

The variation of the conditions of the permit and the date on which they are to take effect are specified in Schedule 1 to this notice. A consolidated permit as varied by this notice is set out in Schedule 2.

Signed on behalf of Gloucester City Council



..... Date 31st March 2017

Wayne Best, Environmental Protection Service Manager


An authorised officer of the Council

EP Permit ref EP/A2/002

Variation ref GC/16/00055/A2/V1

Schedule 1

Variation to the conditions of the permit	Date(s) on which the variation is to take place.
CONDITIONS TO BE DELETED 1 to 43	31 st March 2017
CONDITIONS TO BE ADDED 1 to 54	31 st March 2017



..... Date 31st March 2017

Wayne Best, Environmental Protection Service Manager

Signed on behalf of Gloucester City Council

EP Permit ref EP/A2/002

Variation ref GC/16/00055/A2/V1

Schedule 2

Permit reference GC/17/00001/A2 as varied by this notice

GLOUCESTER CITY COUNCIL

POLLUTION PREVENTION AND CONTROL ACT 1999

Environmental Permitting (England and Wales) Regulations 2016 (as amended)

Permit ref. no: GC/17/00001/A2

Name and address of person (A) authorised to operate the installation ('the operator')

Joseph Griggs and Co Ltd, Bristol Road, Gloucester, GL1 5TD

Registered office of company

Joseph Griggs and Co Ltd, Bristol Road, Gloucester, GL1 5TD

Registered number of company

2118777

Address of permitted installation (B)

Joseph Griggs and Co Ltd, Bristol Road, Gloucester, GL1 5TD

The installation boundary and key items of equipment mentioned in permit conditions are shown in the plan reference GC/17/00001/A2 (Map 1), and GC/17/00001/A2 (Drawing 1) attached to this permit.

Gloucester City Council hereby permit Joseph Griggs in accordance with the following conditions numbered 1-54 inclusive, the attached plan installation address stated and within the installation boundary as marked in red on the attached plan reference GC/17/00001/A2 (Map 1) to carry out an activity under section 6.6 part A2 of Schedule 1, part 2 of the Environmental Permitting (England and Wales) Regulations 2016.

Introductory Note - which does not form part of the permit.

Any reference in this permit to the 'regulator' shall mean Gloucester City Council. The following permit is issued under the Environmental Permitting (England and Wales) Regulations 2016, subsequently referred to as the EP Regulations. This permit allows the named operator to operate an installation carrying out one or more of the activities listed in part 2 of schedule 1 of the EP Regulations, to the extent authorised by the Permit.

The Permit includes conditions that must be complied with. Failure to comply with the conditions within the Permit means Gloucester City Council may take enforcement action against the Operator. It should be noted that aspects of the operation of the installation which are not regulated by those conditions are subject to guidance / recommendations and subsequent, and/or supporting guidance. The 'operator' shall use the best available techniques for preventing or, where that is not practicable, reducing emissions from the installation. Techniques include both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned. For an interpretation of 'best available techniques' see Annex VIII of '*General Guidance Manual on Policy and Procedures for A2 and B Installations Part B of Manual*'

Effective control of emissions requires the maintenance and proper use of equipment, and the proper supervision of the process operations. Adequate preventative maintenance should be undertaken on all plant and the equipment concerned with the control of emissions. Essential spares and consumables should be held or should be available at short notice from guaranteed local supplies.

Staff at all levels should receive the necessary formal training and instructions in their duties relating to control of the process and emissions. Particular emphasis should be given to training for start-up, shut down and abnormal conditions. Good housekeeping should be practised at all times.

This document has been drawn up with reference to the Secretary of State's Guidance '*General Guidance Manual on Policy and Procedures for A2 and B Installations*'

Activity Description

The Permitted Activity is one involving the preserving of wood with chemicals (other than sapstain) with a production capacity >75m³ per day. In this permit the 'permitted activity' comprises the whole operation including the treating, handling and storage of any materials used in the products and wastes produced by the activities within the instillation boundary as marked in red on the attached plan reference GC/17/00001/A2

The timber treatment instillation is a fully contained system that utilises Protim which is a water based preservative applied by a low pressure impregnation process. The instillation consists of one treatment plant with a vessel capacity of 14077 litres.

The preservative concentrate is delivered by bulk tanker already diluted to the required concentration for preservation. The treatment plants and storage tanks are all located within a concrete bund. The drying area and all the floor areas containing storage tanks drain into the bund.

PERMIT CONDITIONS

Management, Monitoring and Administration.

1. The results of all non-continuous monitoring, inspections and assessments shall be recorded in a log, retained by the operator for a minimum period of 5 years and made available for examination by an authorised officer of the regulator. The log shall contain:-
 - a) time and date of all assessments and inspections
 - b) the results indicating whether they are adverse or satisfactory
 - c) in the event of there being abnormal emissions details of duration, cause and corrective action taken.
 - d) name of the person undertaking the assessment.
2. The operator shall notify the regulator in writing of any proposed changes in operation of the installation at least 14 days before making the change. The notification shall 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.
3. 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.
4. Operators shall use an effective Environmental Management System with policies and procedures for environmental compliance and improvements. Audits should be carried out on an annual basis and submitted to the regulator by 31st January each year.
5. Effective operational and maintenance systems should be employed on all aspects of the installation whose failure could impact on the environment. A schedule of maintenance of all plant shall be submitted to the regulator for approval within 4 weeks of the date of issue of the permit, kept on site and made available for inspection on request from the regulator. Maintenance shall be carried out in accordance with the approved method and a record of such maintenance shall be kept in accordance with condition 1.
6. Environmentally critical process and abatement equipment (whose failure could impact on the environment) should be identified and listed. The regulator should be provided with a list of such equipment within 4 weeks of the date of issue of the permit.

For equipment referred to above:

 - Alarms or other warning systems should be provided, which indicate equipment malfunction or breakdown;
 - Such warning systems should be maintained and checked to ensure continued correct operation, in accordance with the manufacturer's recommendations;
 - Essential spares and consumables for such equipment should be held on site or be available at short notice from suppliers, so that plant breakdown can be rectified rapidly.

Materials handling

7. The operator should ensure that deliveries are carried out in such a way so as to minimise noise, spillage, leaks and emissions.
8. All fixed storage tanks should be fitted with audible and/ or visual high-level alarms or volume indicators to warn of overfilling. Where practicable in relation to the viscosity of the material being handled or pumping system used, the filling systems should be interlocked to the alarm system to prevent overfilling.
9. Deliveries to bulk storage tanks should be supervised by trained personnel to avoid potential accidents and spillage.

Drying process

10. Plant loading systems should be removed from the treatment vessel by drawing back along a rail system; this rail system should be built on an impermeable surface and all treatment solution draining from the plant loading systems and attached packs should be directed back into the treatment plant system for re-use in the process.
11. The treatment area which consists of the treatment vessels, working vessels, associated pipework, treatment vessel loading area consisting of the full rail line and post treatment drying area should be under cover and protected from the elements. Surface water from the roof area should be drained to either a drainage system to be used as make up water within the process or to a sealed surface water drainage system.
12. The treatment vessel should be locked shut and sealed once the wood pack/plant loading system is loaded and before treatment takes place. Controls should be in place to prevent the opening of the vessel prior to the completion of the cycle and full removal back to storage of all treatment solution for the treatment solution from the vessel.
13. Where the treatment vessel door requires to be opened in an emergency situation the door should be fitted with a catch-lock to prevent the release of fluid. There shall be two safety relief valves and discharge is to be directed to a tank of sufficient capacity.
14. Wood packs should remain on the post treatment drying area until such times as the packs are defined as dry.
15. To be defined as dry a pack shall be lifted by mechanical means and shall be suspended above the post treatment drying area for a minimum of 5 minutes. The pack should not form drips or drip treatment solution during this period. Packs which make up a single charge and which are made up of the same wood type and form can be deemed dry as a group after suspension testing of a single sample pack from the group.
16. Operators shall maintain a reporting system which records that a pack has been assessed as dry in accordance with condition 12 this report shall include:- date and time of assessment and signature of person responsible for accepting dry condition.

17. Wood packs shall be stacked to maximise free drainage of treatment solution.
18. Packs may remain on plant loading systems to complete drying or they may be removed and placed in a post treatment drying area. All pack movements shall occur on an impermeable surface which is drained back to a holding vessel by use of a drainage system.
19. Once defined as dry, packs should be removed from the post treatment drying area.
20. The Operator shall carry out an assessment to identify risks posed by fork truck movement in and out of the timber treatment facility and the potential for treatment chemicals to be released into the environment. The assessment shall be provided in writing to the Regulator no later than 7th July 2017 and will contain:
 - A statement of the perceived risks along with their significance;
 - A list of control measures that are currently in place; and
 - Any proposed control measures identified as a result of the assessment.
21. Vehicles in the treatment area must be cleaned in the treatment area prior to egress for service or repair. Cleaning water shall be added to the treatment system.

Protection of Land and groundwater

22. There shall be no emission of List I and List ii substances as defined by the Water Framework Directive to groundwater or soil from the permitted Installation. Any incident that has or might have impacted on the condition of the soil or groundwater shall be recorded where further investigation or remediation work will be required. This record shall be kept until the permit is surrendered.
23. The operator should have a clear diagrammatic record of the routing of all installation drains, subsurface pipework, sumps and storage vessels that are used or have been used within the permitted installation from the date of this permit until its surrender.
24. The Operator shall identify the potential risk to the environment from drainage systems recorded in condition 23 and shall devise an inspection and maintenance program having regard to the nature and volume of waste waters, groundwater vulnerability and proximity of drainage systems to surface waters.
25. Storage areas for treatment of chemicals shall be under cover and protected from the elements to avoid or minimise environmental impact, except where stored materials are in suitable weather proof containers.
26. The treatment area which consists of the treatment vessels, working vessels, associated pipework, treatment vessel loading area consisting of the full rail line and post treatment drying area should be under cover and protected from the elements. Surface water from the roof area should be drained to either a drainage system to be used as make up water within the process or to a sealed surface water drainage system.
27. Storage areas for solvents and treatment chemicals shall be hard surfaced and contained or banded.

28. Unless otherwise specified in any other condition all containers used to store any potentially environmentally hazardous material, shall be located in a bund. The minimum capacity of any bund shall be either 110% of the capacity of the largest container within the bund, or 25% of the total capacity of all the containers within the bund, whichever is the greater. In the event of any containers being connected to one another, they shall be treated as one container.
29. Storage tanks should be fitted with high-level alarms or volume indicators to warn of overfilling and where practicable the filling system should be interlocked to the alarm system to prevent overfilling. Delivery connections should be located within a bunded area, fixed and locked when not in use.
30. All tanks bunds and sumps should be subject to regular visual inspection. An assessment shall be carried out at least every 4 years which assesses methods used to prevent emissions to ground water and soil. Where additional measures are identified, a preventative maintenance programme shall be conducted and a timetable for compliance shall be agreed with the regulator. The contents of bunds and sumps shall be pumped out or otherwise removed as soon as is practical after checking for contamination.
31. Unless otherwise specified in any other condition the bunded area(s) and containers referred to in condition 30 shall conform to the following standards:
 - a) the walls and base of the bund shall be impermeable and the base of the bunded area shall drain to a sump
 - b) when not in use all taps, valves, pipes and every part of each container shall be located within the area served by the bund
 - c) vent pipes shall be directed downwards into the bund
 - d) no part of the bund shall be within 10 metres of a watercourse
 - e) all containers with a design capacity above 1250 litres shall be fitted with a device for continuously monitoring the level of the contents.
32. All interceptors shall be;
 - a) Impermeable;
 - b) Subject to visual inspection and any contamination removed weekly;
 - c) Have an annual maintenance inspection; prior to inspection all contents should be removed.

Soil and Groundwater monitoring

33. The groundwater at the site shall be monitored for all relevant hazardous substances, the purpose of which shall be to identify groundwater contamination by those relevant hazardous substances associated with the permitted activities. The results of the assessment shall be forwarded to the Regulator in writing within 12 weeks of the completion of the testing. The first assessment shall be completed by 1st July 2020 and the interval for future sampling rounds should be no more than 5 years unless an alternative frequency is required in writing by the regulator. The assessment shall include interpretation of the results with reference to previous monitoring undertaken (including baseline reports where applicable) and operations at the permitted installation and details of corrective actions that are required to protect groundwater and remedy any contamination that has occurred a result of permitted activities.

(Hazardous substances are those defined in Article 3 of Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures. 'Relevant' here means relevant to soil or groundwater pollution).

34. Future sampling rounds of land quality assessments shall be undertaken within a 10 year cycle. The first assessment shall be completed by 1st July 2025 and the interval for future sampling rounds should be no more than 10 years unless an alternative frequency is required in writing by the Regulator. The assessment shall include interpretation of the results with reference to previous monitoring undertaken (including baseline reports) and operations at the permitted instillation and details of corrective actions that are required to protect soil and remedy any contamination that has occurred as a result of permitted activities. (Hazardous substances are those defined in Article 3 of Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures. 'Relevant' here means relevant to soil or groundwater pollution).
35. A detailed soil and groundwater monitoring plan for the monitoring required by conditions 33-34 shall be submitted to the regulator in writing , at least three months in advance of carrying out the monitoring; and monitoring shall not commence until the Regulator approves the proposed plan in writing. The plan shall include the locations at which monitoring shall be carried out, the substances to be monitored and the methodology which shall be used.
36. The plan required by Condition 33-34 shall be reviewed no later than 6 months after each monitoring event. The purpose of the review shall be to determine whether any changes to monitoring locations, frequency or parameters are required and where changes are proposed, submit a revised plan to the regulator for approval.
37. Notwithstanding the requirements of Condition 1 all plans, monitoring and assessments reports undertaken in accordance with Conditions 33-34 shall be preserved until the permit is surrendered.
38. The groundwater monitoring wells detailed in the plan required in Condition 33 shall be maintained in a condition fit for purpose, unless otherwise agreed in writing with the regulator. Where a well's function is compromised it shall be repaired or replaced to allow sample collection in accordance with Conditions 33.

Odour

39. All emissions to air from the permitted installation shall be free from offensive odour, as perceived by the Regulator, outside the site boundary.

Noise

40. Unless otherwise specified in any other condition of this permit at least every 4 years a systematic assessment of noise and vibration emissions associated with operations at the permitted installation shall be undertaken. The purpose of the assessment shall be to identify methods of reducing noise and vibration emissions. Each assessment shall be recorded and reported to the regulator within one month of the completion of the assessment.

Resource utilisation

41. Within 18 months of the issue of the first permit and at least every 4 years thereafter, a systematic assessment of the raw material, energy and fuel consumption, emissions and waste production associated with the permitted installation shall be undertaken. The purpose of the assessment shall be to identify methods of reducing raw material, energy and fuel consumption, emissions and waste production including the identification of methods of avoiding or reducing the impact on the environment of the disposal of waste. Each assessment shall be recorded.
42. Specific improvements resulting from the recommendations of audits shall be carried out within a timescale approved by the regulator

Waste management

43. All necessary measures shall be taken to ensure that:
 - (a) the waste hierarchy referred to in Article 4 of Directive 2008/98/EC on waste (the "Waste Framework Directive") is applied to the generation of waste by the permitted activities; and
 - (b) any waste generated by the permitted activities is treated in accordance with the waste hierarchy referred to in Article 4 of the Waste Framework Directive; and
 - (c) where further treatment or disposal is necessary, this is undertaken in a manner which minimises its impact on the environment.
44. The assessment required in condition 41 (resource utilisation) shall include an inventory of the quantity, nature, origin and where relevant, the destination, frequency of collection, mode of transport and treatment method of any waste which is disposed of or recovered.
45. The operator should carry out an annual review to demonstrate that the best environmental options are being used for dealing with the waste streams.

Training / Accident prevention

46. A competent person(s) should be appointed to liaise with the regulator and the public with regard to complaints. The regulator should be informed of the designated individual(s).
47. A formal structure should be provided to clarify the extent of each level of employee's responsibility with regard to the control of the process and its environmental impacts. This structure should be prominently displayed on the company within the process building at all times. Alternatively, there must be a prominent notice referring all relevant employees to where the information can be found.
48. Personnel at all levels should be given training and instruction sufficient to fulfil their designated duties under the above structure. Details of such training and instruction should be entered into an appropriate record and be made available for inspection by the regulator.

49. The potential environmental risks posed by the work of contractors should be assessed and instructions provided to contractors about protecting the environment while working on site.
50. The operator shall maintain an accident management plan covering the matters listed above and to the satisfaction of the regulator. The plan shall include written procedures for investigating incidents and near misses, including identifying suitable corrective action and following up. The plan shall be available for inspection by the regulator.
51. In the event of any abnormal emission or any malfunction or breakdown, likely to lead to an emission, is found then,
- a) an immediate investigation shall be carried out
 - b) appropriate corrective action shall be taken
 - c) if the corrective action is not immediately effective then the process shall be isolated or bypassed if possible or halted.
 - d) if there is likely to be an affect on the environment, the regulator shall be informed immediately during normal office hours s permit.

Cessation of Activities

52. The operator shall within 12 months from the date of issue of this permit unless otherwise agreed in writing by the Regulator, prepare and maintain a site closure plan to demonstrate that the installation can be decommissioned avoiding any pollution risk and returning the site of operation to a satisfactory state. The plan shall also set out steps to be taken by the operator after the final cessation of the permitted Activities.
53. If there is an intention to cease all or any part of the permitted Activities for any period exceeding 12 months, the Operator shall notify the Regulator of its intention within 3 months prior to the proposed date of cessation.
54. The site closure plan shall be implemented upon final cessation or decommissioning of all or any part of the permitted activities.

Submissions

Table 1.1 – Time table of submissions

Condition	Requirement	Date for Compliance
4	Submission of Environmental Management System	31 st January 2018, annually thereafter.
5	Submission of maintenance system	31 st April 2017
6	Submission of critical process management plan	31 st April 2017
20	Vehicle movement review	7 th July 2017
33	Groundwater monitoring	7 th July 2020
34	Soil condition monitoring	24 th June 2025
40	Submission of noise assessment	31 st March 2021
41	Review of raw materials: energy & fuel consumption. Review of emissions and waste from the installation.	31 st September 2019, 4 yearly thereafter.

44	Submission of waste audit	31 st March 2018, annually thereafter.
46	Notification of Primary point of contact & Deputy	Within 4 weeks of Permit date (31 st April 2017)
43	Submit a site closure plan	31 st March 2018

Interpretation of Terms

For the purposes of this Permit, and unless the context requires otherwise, the following definitions shall apply:

Any term or expression already defined in the Regulations shall be taken to have the same meaning as provided in the Regulations;

“Duly Authorised Officer” means a person who is authorised in writing under Section 108 of the Environment Act 1995 to carry out duties on behalf of Gloucester City Council;

“incident” means any of the following situations:

- Where an accident occurs which has caused or may have the potential to cause pollution;
- Where any malfunction, breakdown or failure of plant or techniques is detected which has caused or may have the potential to cause pollution;
- A breach of any condition of this Permit;
- Where any substance, vibration, heat or noise specified in any Condition of this Permit is detected in an emission from a source not authorised by a Condition of this Permit and in a quantity which may cause pollution;
- Where an emission of any pollutant not authorised to be released under any Condition of this Permit is detected;
- Where an emission of any substance, vibration, heat or noise is detected that has exceeded, or is likely to exceed, or has caused, or is likely to cause to be exceeded any limit on emissions specified in a Condition of this Permit.

“Location Plan” means the plan attached in GC/17/00001/A2 (Map 1) of this Permit;

“the Permitted Activities” are defined in the introductory note of this Permit;

“the Permitted Installation” is shown in red on GC/17/00001/A2 (Map 1) of this Permit and includes references to parts of the Permitted Installation;

“the Regulations” means The Environmental Permitting (England and Wales) Regulations 2016 as amended;

“Regulator” means Gloucester City Council;

“the Site Boundary” is defined in red on the attached plan reference GC/17/00001/A2 (Map 1) on this Permit;

“Site Plan” means the plan attached at GC/17/00001/A2 (Drawing 1)

“systematic assessment” means an assessment undertaken in a methodical and planned manner.

“water environment” has the same meaning as in the Water Resources Act 1991 and Groundwater (England and Wales) Regulations 2009, that is all surface water, groundwater and wetlands; and “surface water”, “groundwater” and “wetlands” shall have the same meanings as in the Act.

“writing” includes electronic communication within the meaning of section 15 (general interpretation) of the Electronic Communications Act 2000;

Any reference to a numbered Condition, group of Conditions, Schedule, Table, Appendix, Figure or Paragraph is a reference to the condition, group of conditions, schedule, table, appendix, figure or paragraph bearing that number in this Permit;

Except where specified otherwise in this Permit:

- “day” means any period of 24 consecutive hours,
 - “week” means any period of 7 consecutive days,
 - “month” means a calendar month,
 - “quarter” means a calendar quarter
 - “year” means any period of 12 consecutive months;
 - “calendar year” means a period of 12 consecutive months ending on 31 December.
- and any derived words (e.g. “monthly”, “quarterly”) shall be interpreted accordingly;

Except where specified otherwise in this Permit, any reference to an enactment or statutory instrument includes a reference to it as amended (whether before or after the date of this Permit) and to any other enactment, which may, after the date of this Permit, directly or indirectly replace it, with or without amendment.

Gloucester City Council (The Regulator) in exercise of its powers under Regulation 21 of the Environmental Permitting (England & Wales) Regulations 2016 (as amended) hereby permits:

Joseph Griggs & Co Ltd

Whose registered office is:

Joseph Griggs & Co Ltd, Bristol Road, Gloucester, GL1 5TD

To operate an installation at:

Joseph Griggs & Co Ltd, Bristol Road, Gloucester, GL1 5TD

To the extent authorised by and subject to the conditions of this Permit and operated within the installation boundary outlined in the attached plan GC/17/00001/A2 (Map 1).



Wayne Best
Environmental Protection Service Manager
An authorised officer of the Council

Dated: 31/03/2017

.....END OF PERMIT.....

Explanatory Notes

These notes do not form part of the permit.

Introduction

This Permit is issued on the basis that the information provided by the applicant in support of the application for Permitting was neither false nor misleading. Any change affecting the accuracy of such information shall be promptly notified, in writing, to Gloucester City Council, Public Protection, Herbert Warehouse, The Docks, Gloucester, GL1 2EQ.

This Permit must not be taken to replace any responsibilities the operator has under workplace health and safety legislation. Neither does it detract from any statutory requirement such as the need to obtain Planning Permission, Building Regulations approval, hazardous substances consent, or discharge consent from the water resources regulator.

The Permit includes conditions that must be complied with. It should be noted that aspects of the operation of the installation which are not regulated by those conditions are subject to the best available techniques, BAT, which shall be used to prevent or where that is not practical, reduce the emissions from the installation.

Please refer to "BAT Definitions" below.

Information

Your attention is drawn to the following publications that are relevant to your process:

- i. Environmental Permitting (England and Wales) Regulations 2016 SI No 675 as amended
- ii. The Pollution Prevention and Control Act 1999
- iii. Council Directive 2010/75/EU of the European Parliament and of the Council on the 24 November 2010 on industrial emissions (integrated pollution prevention and control)
- iv. Council Directive 67/548/EEC of 27th June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of Dangerous Substances also known as the Dangerous Substances Directive.
- v. Sector Guidance Note IPPC SG04 ‘
- vi. General Guidance Manual on Policy and Procedures for A2 and B Installations’

1. BAT – Definitions

BAT is defined in Article 3(10) of the Industrial Emissions Directive 2010/75/EC. As follows:

"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 the basis for emission limit values and other permit conditions designed to prevent and, where that is not practicable, to reduce emissions and the impact on the environment as a whole.

"available techniques" means those developed on a scale which allows implementation in the relevant industrial sector, under 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.

"best" means most effective in achieving a high general level of protection of the environment as a whole.

"techniques" includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned.

In the context of this permit, 'activity' comprises the whole activity including the treating, handling and storage of any materials used and products and waste produced by the activity.

Gloucester City Council is statutorily obliged to include conditions in any permit they issue which are designed to ensure the activity is operated using the 'Best Available Techniques'. EP regulations principles are that 'Installations should be operated in such a way that:

- (a) all appropriate preventative measures are taken against pollution, in particular through the application of best available techniques (BAT);
- (b) no significant pollution is caused'.
- (c) The best available techniques shall be used to prevent or where that is not practical, reduce the emissions from the installation in relation to that aspect of the operations of the installation which is not regulated by any other condition of this permit.

It should be noted that Section 8 (1) and (2) of Schedule 7 to the Environmental Permitting (England and Wales) Regulations 2016 specifies that the Regulator must ensure that it is informed of developments in best available techniques and the publication of any new or updated BAT conclusions. This requirement is as defined in Articles 3(10), 3(11), 3(12) and 3(14) of the Industrial Emissions Directive 2010/75/EU.

In considering BAT, Gloucester City Council would expect the operator to have regard to all relevant EPR sectoral or other technical guidance, including BAT Conclusions and BAT Reference Documents published by the European Commission and technical guidance published by Natural Resources Wales, the Environment Agency and other relevant regulatory authorities.

2. APPEALS

If you are aggrieved by any of the Conditions of the Permit, you should initially contact Gloucester City Council. Further information on your right of appeal and the appeals procedure is contained in Regulation 31 and Schedule 6 of the Regulations.

- a. To appeal you must supply in writing:
- b. A statement of the grounds of appeal;
- c. A copy of any relevant application;
- d. A copy of any relevant environmental permit;
- e. A copy of any relevant correspondence between the appellant and the regulator;
- f. A copy of decision or notice which is the subject matter of the appeal; and

- g. A statement including whether the appellant wishes the appeal to be in the form of a hearing or to be dealt with by way of written representation.
- h. The appeal must be made within 6 months of the decision or deemed decision.
- i. Appeals must be sent to:
 - The Planning Inspectorate
 - Environment Team, Major & Specialist Casework
 - Room 4/04 Kite Wing
 - Temple Quay House2
 - The square
 - Temple Quay
 - Bristol, BS1 6PN

A copy of the notice and documents must also be sent to Gloucester City Council.

3. SUBSISTENCE CHARGE

An annual subsistence charge will be payable in respect of the Permit in terms of any relevant charging scheme made under Section 65 of the Regulations and issued by Welsh Government / Department of Environment, Food and Rural Affairs, copies of which are available from Gloucester City Council.

4. REVIEW OF CONDITIONS

Under Environmental Permitting Regulations 2016 SI 675 the legislation requires permits to be 'reviewed' periodically but does not specify a frequency. It is considered that a frequency of once every eight years shall be adequate with reference to Regulation 34(1) Environmental Permitting (England & Wales) Regulations 2016 SI 675. Where significant pollution is encountered or where there are changes in BAT or where the operational safety of the activity requires other techniques to be used an immediate review shall be undertaken.

5. PROPOSED CHANGE IN OPERATION OF INSTALLATION

Notification of Changes under Regulation 20

If an operator proposes to make a change in operation of the installation, they must, at least 14 days before making a 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.

"Change in operation" means a change in the nature or functioning or an extension of the installation which may have consequences for the environment.

An example form is included in Part C of the 'General Guidance Manual on Policy and Procedures for A2 and B Installations' and can be downloaded as a word document from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69498/env-permitting-general-guidance-cd.pdf

These notifications are appropriate for changes that are not likely to require the variation of permit conditions.

6. ENFORCEMENT & OFFENCES

Offences under Regulation 38 of the Environmental Permitting Regulations are to

- 1) It is an offence for a person to
 - a) Contravene regulation 12(1): or
 - b) knowingly cause or knowingly permit the contravention of regulation 12(1)(a)
- 2) It is an offence for a person to fail to comply with or to contravene an environmental permit condition.
- 3) It is an offence for a person to fail to comply with the requirements of an enforcement notice or of a prohibition notice, suspension notice or landfill closure notice or mining waste facility closure notice.
- 4) It is an offence for a person-
 - a) To fail to comply with a notice under regulation 60(1) requiring the provision of information, without reasonable excuse;
 - b) To make a statement which the person knows to be false or misleading in a material particular, or recklessly to make a statement which is false or misleading in material particular, where the statement is made-
 - i) In purported compliance with a requirement to provide information imposed by or under a provision of these Regulations.
 - ii) For the purpose of obtaining the grant of an environmental permit to any person, or the variation, transfer in whole or in part, or surrender in whole or in part of an environmental permit, or
 - iii) For the purpose of obtaining, renewing or amending the registration of an exempt facility;
- c) Intentionally to make a false entry in a record required to be kept under an environmental permit;
- d) With intent to deceive-
 - i.) To forge or use a document issued or authorised to be issued or required for any purpose under an environmental permit condition, or
 - ii.) To make or to have in the person's possession a document so closely resembling such a document as to be likely to deceive.
- 5) It is an offence for an establishment or undertaking to-
 - a) fail to comply with paragraph 14(3) or (4) of Schedule 2; or
 - b) intentionally make a false entry in a record required to be kept under that paragraph.
- 6) If an offence is committed by a person under this regulation is due to the act or default of some other person, that other person is also guilty of the offence and liable to be proceeded against and punished accordingly, whether or not the proceedings for the offence are taken against the first-mentioned person.

7. PENALTIES

Penalties under Regulation 39 of the Environmental Permitting Regulations are:

1. A person guilty of an offence under regulation 38(1), (2) or (3) is liable-
 - (a) On summary conviction to an unlimited fine or imprisonment for a term not exceeding 12 months, or to both; or
 - (b) On conviction on indictment to a fine or imprisonment for a term not exceeding 5 years, or both.

2. In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003(a), paragraph (1)(a) has effect as if for “12 months” there were substituted “6 months”.
3. A person guilty of an offence under regulation 38(4) is liable-
 - (a) On summary conviction to an unlimited fine; or
 - (b) On conviction on indictment to a fine or imprisonment for a term not exceeding 2 years, or to both.
4. An establishment or undertaking guilty of an offence under regulation 38(5) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

8. TRANSFER OF PERMIT

The permitted operator who wishes to transfer the whole or part of the permit to a person who proposes to carry out the activity in the holder’s place may do so in accordance with Regulation 21. Both the operator and the proposed transferee shall jointly make an application to the regulator to effect the transfer. An application shall include the permit and any fee prescribed in respect of the transfer under Regulation 65 and shall contain the operator’s and the proposed transferee’s contact details.

9. RECORDED SYSTEMS, PROCEDURES OR INFORMATION RECORDING/ RETURN REQUIREMENTS

Where a Condition requires any system, procedure or information record/return, the Operator may demonstrate compliance by making use of any relevant existing written system used for any other purpose and which meets the requirements of the relevant Condition.

10. SYSTEMATIC ASSESSMENT (AND REVIEW)

Where a condition of the permit requires a “systematic assessment (and review)” the assessment should be undertaken in a methodical and arranged manner. If you require guidance on the scope or extent of any assessment (and review) required to be undertaken, you should contact Gloucester City Council, Public Protection
Herbert Warehouse, The Docks, Gloucester, GL1 2EQ.

11. SURRENDER OF PERMIT

The operator may apply to surrender their permit under Regulation 25. The application must be accepted if Schedule 5 Part 1 Regulation 14 of the Environmental Permitting (England and Wales) Regulations 2016 as amended and Article 22 of the Industrial Emissions Directive 2010/75/EU have been met. The operator will be required to supply evidence that necessary measures have been taken to (a) avoid a pollution risk resulting from the operation of the regulated facility and (b) to return the site of the regulated facility to a satisfactory state, having regard to the state of the site before the facility was put into operator.

12. INSPECTIONS

Under Environmental Permitting Regulations 2016 SI 675 the legislation requires the regulator undertake appropriate periodic inspections of regulated facilities. Inspections should be undertaken in accordance with a risk assessment and following on from any complaints or applications.

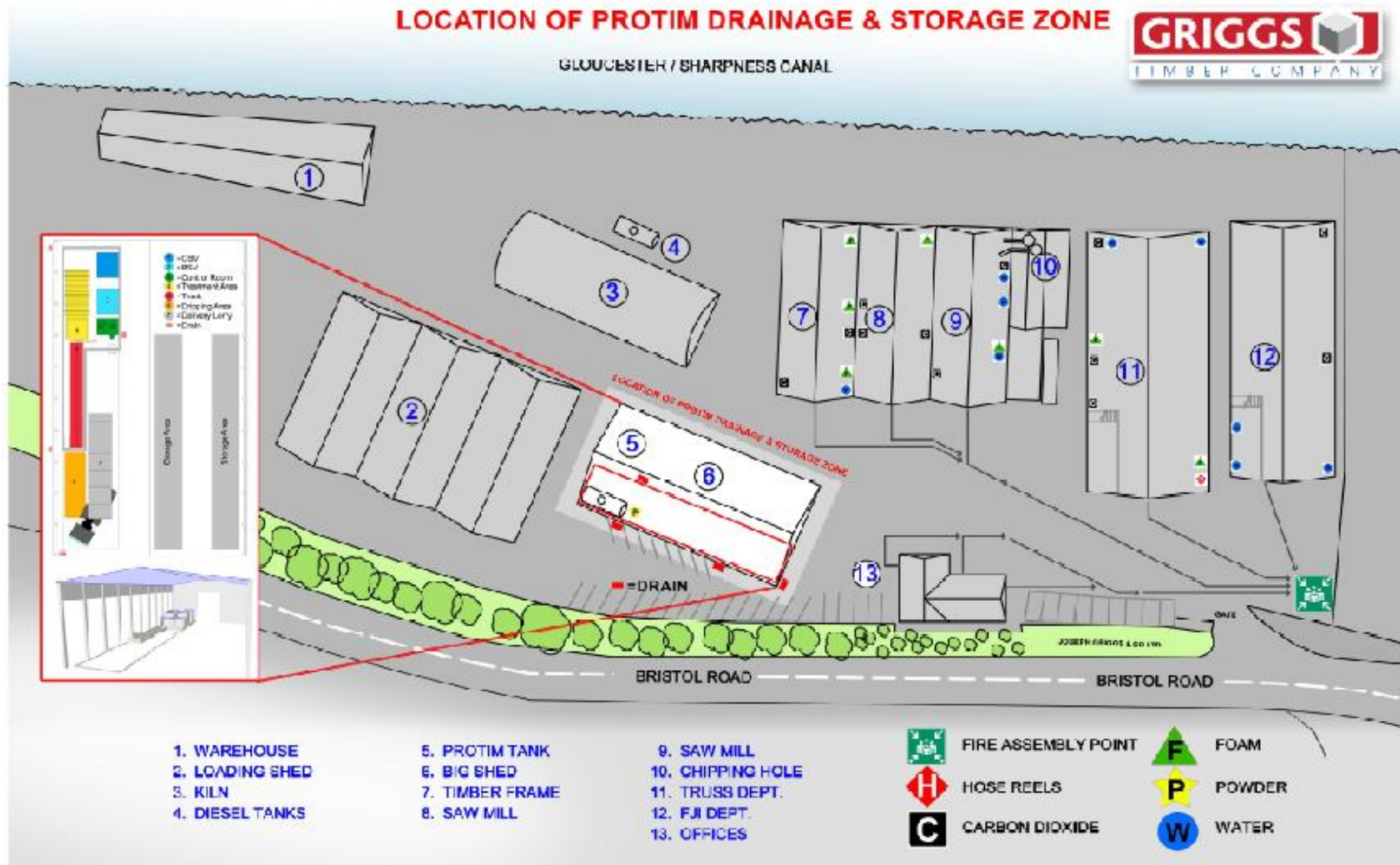
13. SUMMARY OF KEY DATES

Action	Date	Reason
Issue of A2 Permit	2 nd July 2015	Change of regulation Permit ref EP/A2/002
Variation/reissue	31 st March 2017	Variation to permit to include all required conditions. Permit ref GC/17/00001/A2

Instillation Boundary GC/17/00001/A2 (Map 1)



Site schematic GC/17/00001/A2 (Drawing 1)



Guidance for operators receiving a Variation Notice

(This guidance does not form part of the Variation Notice, but it is for the guidance of those served with the notice.) Further guidance can be found in the PPC General Guidance Manual.

Dealing with a Variation Notice

This notice varies the terms of the permit specified in the Notice by amending or deleting certain existing conditions and/or adding new conditions. The Schedules attached to the notice explain which conditions have been amended, added or deleted and the dates on which these have effect.

The Council may have included a 'consolidated permit', which takes into account these and previous variations. Where a consolidated permit is not included this variation notice must be read in conjunction with your permit document.

Offences

Failure to comply with a Variation Notice is an offence under regulation 38(2) of the 2016 Regulations. A person guilty of an offence under this regulation could be liable to (i) an unlimited fine or imprisonment for a term not exceeding 6 months or both; or (ii) to an unlimited fine or imprisonment for a term not exceeding 5 years or both, depending on whether the matter is dealt with in the Magistrates or Crown Court.

Appeals

Under regulation 31 and Schedule 6 of the 2016 Regulations operators have the right of appeal against the conditions attached to their permit by a variation notice. The right to appeal does not apply in circumstances where the notice implements a direction of the Secretary of State/Welsh Ministers given under regulations 61 or 62 or a direction when determining an appeal.

Appeals against a Variation Notice do not have the effect of suspending the operation of the Notice. Appeals do not have the effect of suspending permit conditions, or any of the mentioned notices.

Notice of appeal against a Variation Notice must be given within two months of the date of the variation notification, which is the subject matter of the appeal. The Secretary of State/Welsh Ministers may in a particular case allow notice of appeal to

be given after the expiry of this period, but would only do so in the most compelling circumstances.

How to appeal

There are no forms or charges for appealing. However, for an appeal to be valid, appellants (the person/operator making the appeal) are legally required to provide the Secretary of State or Welsh Minister with the following (see paragraphs 2(1) and (2) of Schedule 6 of the 2016 Regulations):

- written notice of the appeal
- a statement of the grounds of appeal;
- a copy of any relevant application;
- a copy of any relevant environmental permit;
- a copy of any relevant correspondence between the appellant and the regulator;
- a copy of any decision or notice which is the subject matter of the appeal; and
- a statement indicating whether the appellant wishes the appeal to be in the form of a hearing or dealt with by way of written representations.

Appellants should state whether any of the information enclosed with the appeal has been the subject of a successful application for confidentiality under regulation 48 of the 2016 Regulations, and provide relevant details – see below. Unless such information is provided all documents submitted will be open to inspection.

Where to send your appeal documents

Appeals should be despatched on the day they are dated, and addressed to:

The Planning Inspectorate
Environment Team, Major and Specialist Casework
Room 4/04 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

If an appeal is made, the main parties will be kept informed about the next steps, and will also normally be provided with additional copies of each other's 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 who must in turn notify anyone with an interest in the appeal.

Costs

The operator and local authority will normally be expected to pay their own expenses during an appeal. Where a hearing or inquiry is held as part of the appeal process, by virtue of paragraph 5(6) of Schedule 6, either the appellant or the authority can apply for costs. Applications for costs are normally heard towards the end of the proceedings and will only be allowed if the party claiming them can show that the other side behaved unreasonably and put them to unnecessary expense. There is no provision for costs to be awarded where appeals are dealt with by written representatives.

Confidentiality

An operator may request certain information to remain confidential, ie not be placed on the public register. The operator must request the exclusion from the public register of confidential information at the time of supply of the information requested by this notice or

any other notice. The operator should provide clear justification for each item wishing to be kept from the register. The onus is on the operator to provide a clear justification for each item to be kept from the register. It will not simply be sufficient to say that the process is a trade secret.

The test of whether information is confidential for the purposes of being withheld from the public register is complex and is explained, together with the procedures, in chapter 8 of the PPC General Guidance Manual.

National security

Information may be excluded from the public register on the grounds of National Security. If it is considered that the inclusion of information on a public register is contrary to the interests of national security, the operator may apply to the Secretary of State/Welsh Ministers, specifying the information and indicating the apparent nature of risk to national security. The operator must inform the local authority of such an application, who will not include the information on the public register until the Secretary of State/Welsh Ministers has decided the matter.