POLLUTION PREVENTION AND CONTROL ACT 1999
Environmental Permitting (England and Wales) Regulations 2010, Regulations [20] [and 18]

EP Permit ref: P06/98 Variation ref: PPC 12/13

Variation Notice

From: Huntingdonshire District Council ("the Council")

To:[1]

Tesco Stores Ltd
Cirrus Building
PO Box 400
Shire Park
Welwyn Garden City Hertfordshire AL7 1AB

Huntingdonshire District Council ("the Council"), in the exercise of the powers conferred upon it by regulation 20 of the Environmental Permitting (England and Wales) Regulations 2010)[2] ('the 2010 Regulations') hereby gives you notice as follows-

The Council has decided to vary the conditions of permit reference P06/98 granted under regulation 13(1) of the 2010 Regulations in respect of the operation of the installation~~/mobile plant~~ at

Tesco Stores Ltd
Abbots Ripton Road
Huntingdon
PE28 2LA.

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

~~[You are hereby required to pay by no later than the sum of £ - the fee prescribed in respect of a variation notice in the relevant charging scheme made under regulation 65 of the 2010 Regulations [and/or section 41 of the Environment Act 1995 *for LA-IPPC only where there are separate charges in relation to water discharges*~~[3]].

Signed on behalf of Huntingdonshire District Council

Dated 6 September 2013 Signed .....

Designation Head of Environmental and Community Health Services

An authorised officer of the Council

(1) The operator at the address shown on permit / application
(2) SI 2010/675, as amended
(3) 1995 c.25.

Delete words in square brackets which do not apply.

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EP Permit ref: P06/98

Variation ref: PPC 12/13

Schedule 1

Variation to the conditions of the permit	Date(s) on which the variation is to take place
Vary permit following application for Stage II Vapour recovery.	06 September 2013

Signed on behalf of Huntingdonshire District Council

Dated 6 September 2013

Signed .....

Designation Head of Environmental and Community Health Services

An authorised officer of the Council

Schedule 2

Permit reference P06/98 as varied by this notice ~~and variation notices~~

~~[and~~ ~~]~~

(Insert amended or full consolidated permit).

Huntingdonshire
DISTRICT COUNCIL

PERMIT

Pollution Prevention and Control Act 1999
Environmental Permitting (England and Wales) Regulations 2010 as amended

Permit Reference: **P06/98**
As varied by: **PPC17/05 & PPC19/08**

Huntingdonshire District Council (the regulator) hereby permits Tesco Stores Ltd Cirrus Building PO Box 400 Shire Park Welwyn Garden City Hertfordshire AL7 1AB to operate an installation unloading of petrol into stationary storage tanks and filling of vehicle of petrol tanks at the service station below as defined in Part 2 of Schedule 1 to the EP Regulations Section 1.2 Part B(d), and as described below in accordance with the following conditions which shall apply forthwith.

Address of permitted activity: Tesco Stores Ltd
Abbots Ripton Road
Huntingdon
PE28 2LA

Location plan can be seen on P06/98 (a) Location plan

Description of Activity

The above named company is permitted to operate an installation unloading of petrol into stationary tanks and filling of vehicle petrol tanks at the service station above subject to compliance with the following conditions. The service station operates Stage I and II vapour recovery systems, six storage tanks which four hold petrol and 32 nozzles dispensing petrol.

Conditions

1. Vapours displaced by the delivery of petrol into storage installations at service stations shall be returned through a vapour tight connection line to the road tanker delivering the petrol. Unloading operations may not take place unless the arrangements are in place and properly functioning, subject to conditions 3, 4 and 5.

2. The operator shall implement the schedule of preventative maintenance as seen in P06/98 (b) Preventative maintenance.

3. All reasonably practicable steps shall be taken to prevent uncontrolled leaks of vapour from vents, pipes and connectors from occurring. The regulator shall be advised without delay of the circumstances of such a vapour leak if there is likely to be an effect on the local community, and in all cases such a vapour leak should be recorded in the log book required under condition 24. In this condition and in condition 4 a vapour leak means any leak of vapour excepting those which occur through the vent mentioned in condition 11 during potentially hazardous pressurisation.

4. The operator shall advise the regulator of the corrective measures to be taken and the timescales over which they will be implemented in the event of a vapour leak described in condition 3.

5. Instances of vapour lock shall be recorded in the log book and, under the circumstances detailed in condition 3, be advised to the regulator.

6. The procedures in conditions 2 to 5 inclusive and conditions 24 to 27 inclusive shall be reviewed in light of any modifications which occur to the facilities. The regulator shall be advised of any proposed alteration in operating procedures.

7. The vapour collection systems shall be of a size and design, as shown in the application, to minimise vapour emission during the maximum petrol and vapour flow in accordance with conditions 1 and 8 (i.e. when most tank compartments are being simultaneously discharged).

8. The number of tanker compartments being discharged simultaneously shall not exceed two, excluding the diesel compartments.

9. The connection points on the tank filling pipes and vapour return pipe shall be fitted with secure seals to reduce vapour leaks when not in active use. If apertures are provided on storage tanks for the use of a dipstick, these shall be securely sealed when not in active use.

10. The fittings for delivery and vapour return pipes shall be different to prevent mis-connection.

11. Petrol storage tank vent pipes shall be fitted with a pressure vacuum relief valve to minimise vapour loss during unloading and storage of petrol. The pressure vacuum relief valve shall be sized and weighted to prevent vapour loss, except when the storage tanks are subject to potentially hazardous pressurisation.

12. When connecting hoses prior to delivery, the vapour return hose shall be connected before any delivery hose. The vapour return hose shall be connected by the road tanker end first, and then at the storage tank end.

13. Adjacent to each vapour return connection point for the storage tank, there shall be a clearly legible and durable notice instructing "Connect vapour return line before off-loading" or similar wording. The sign shall also refer to the maximum number of tanker compartments which may be unloaded simultaneously in accordance with condition 8.

14. If dip testing of storage tanks or road tanker compartments is performed before delivery, the dip openings shall be securely sealed prior to the delivery taking place.

15. Road tanker compartment dip testing shall not be performed whilst the vapour hose is connected.

16. A competent person shall remain near the tanker and keep a constant watch on hoses and connections during unloading. A competent person is one who has received training in accordance with Section 5 of PG1/14(06).

17. All road tanker compartment vent and discharge valves shall be closed on completion of the delivery.

18. On completion of unloading the vapour hose shall not be disconnected until the delivery hose has been discharged and disconnected. The delivery hose shall be disconnected at the road tanker end first. The vapour return hose shall be disconnected at the storage tank end first.

19. All connection points shall be securely sealed after delivery.

20. If the storage tanks or road tanker compartments are dipped after delivery, the dip openings shall be securely sealed after dip testing.

21. Manhole entry points to storage tanks shall be kept securely sealed except when maintenance and testing are being carried out which require entry to the tank.

22. Petrol delivery and vapour return lines shall be tested in accordance with the schedule of preventative maintenance as seen in P06/98 (b) Preventative maintenance.

23. Pressure vacuum relief valves on petrol storage tank vents shall be checked for correct functioning, including extraneous matter, seating and corrosion at least once every three years.

24. Vapours displaced by the filling of petrol into vehicle petrol tanks at service stations shall be recovered through the use of the Atlas Vent Master & Easy Riser System vapour recovery system. Filling of vehicle petrol tanks shall not take place unless such a system is in place and fully functioning.

25. The vapour recovery system referred to in condition 24 shall be certified by the manufacturer to have a hydrocarbon capture efficiency of not less than 85%. Equipment used shall be approved for use under the regulatory regimes of at least one European Union or European Free Trade Association country.

26. The vapour recovery equipment referred to in Condition 24 shall be designed, installed and tested in accordance with the relevant British, European and international standards or national methods in place at the time that the equipment was installed.

27. The installation has in place an automatic monitoring system in accordance with condition 29.

28. Petrol delivery and vapour recovery systems for vehicle petrol tanks shall be tested in accordance with the manufacturer's specifications prior to commissioning and for:

(a) Vapour containment integrity at least once every three years, and always following substantial changes or significant events that lead to the removal or replacement of any of the components required to ensure the integrity of the containment system.

(b) Effectiveness of the vapour recovery system at least once every three years where an automatic monitoring system is in place.

(c) This shall be undertaken by measuring the ratio of the volume of vapour recovered to liquid petrol dispensed i.e. vapour/petrol (V/P) ratio. The V/P ratio shall be at least 95% and, where the vapours are recovered into the fuel storage tank, not greater than 105% to avoid excessive pressure build up and consequent release through the pressure relief valves. The V/P ratio shall be determined by simulating the dispensing of petrol using measuring equipment approved for use in any European Union or European Free Trade Association country. The method to be used shall involve measuring the volume of air recovered with fuel flow simulated at the dispenser and read electronically using the approved measuring equipment. This provides the ratio of air recovered to liquid dispensed (air/liquid ratio) which should then be corrected to provide the V/P ratio using an appropriate factor to account for the difference in viscosity between petrol vapour and air ('k-factor').

29. The automatic monitoring system referred to in condition 27 shall:

(a) Automatically detect faults in the proper functioning of the petrol vapour recovery system including the automatic monitoring system itself and indicate faults to the operator. A fault shall be deemed to be present where continuous monitoring during filling of vehicle petrol tanks indicates that the V/P ratio (condition 28) averaged over the duration of filling has fallen below 85% or has exceeded 115% for ten consecutive filling operations. This only applies to filling operations of at least 20 seconds duration and where the rate of petrol dispensed reaches at least 25 litres per minute.

(b) Automatically cut off the flow of fuel on the faulty delivery system if the fault is not rectified within 1 week.

(c) Be approved for use under the regulatory regime of at least one European Union or European Free Trade Association country.

30. The operator shall also undertake a weekly check to verify functionality of the system for recovery of vapours during filling of vehicle petrol tanks, including:

(a) A test of functionality of the vapour recovery system using appropriate equipment;

(b) An inspection for torn, flattened or kinked hoses and damaged seals on vapour return lines;

31. Operators shall be notified without delay if the results from any monitoring or tests mentioned in Conditions 28, 29 or 30 identifies adverse results, vapour recovery equipment failure or leaks if there is likely to be an effect on the local community, The operator should advise the regulator of the corrective measures to be taken and the timescales over which they will be implemented.

32. Effective preventative maintenance shall be employed on all aspects of the installation including all plant, buildings and the equipment concerned with the control of emissions to air. Preventative maintenance for all vapour recovery systems shall be carried out in accordance with the manufacturer's instructions

33. Spares and consumables needed shall be held on site, or should be available at short notice from guaranteed suppliers, so that plant breakdowns can be rectified rapidly.

34. The operator shall maintain a log book at the authorised premises incorporating details of all maintenance, examination and testing, inventory checking, installation and repair work carried out, along with details of training given to operating staff at the service station.
The log book shall also detail any suspected vapour leak together with action taken to deal with any leak, in accordance with Conditions 3, 4 and 5.
The operator shall record in the log book details of all maintenance; examination and testing; installation and repair work carried out on equipment for recovery of vapours during filling of vehicle petrol tanks. The operator shall also hold at the premises the certificate referred to in Condition 25 and the results of testing undertaken in accordance with Condition 28.

35. Venting of the petrol vapour shall be through the vent pipes

36. 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.

37. 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

Signed: .....

Head of Environmental and Community Health Services

Date: 06 September 2013

GENERAL NOTES

1 Variation

The regulator will ensure that the permit remains up to date in line with the requirements set out in Regulation 20(1) This may involve issuing a Variation Notice following amendment to the Secretary of State's Guidance Notes or following receipt of any direction from the Secretary of State.

2 Review of Conditions

The regulator may at any time undertake a review of the conditions in this permit under Regulation 34(1). 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.

3 Appeal

The permitted operator can appeal in writing to the Secretary of State against the items listed in Regulation 31.

Appeals shall be addressed to:

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

4 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 19 and shall contain the operator's and the proposed transferee's contact details.

5 Variation of Conditions of Permits

Under Regulation 20, the operator may apply to the regulator to vary the conditions contained within the permit. Such application shall be made in accordance with Part 1 of Schedule 5 and shall be accompanied by any fee prescribed in respect of the application under Regulation 19; and paragraphs 8 of Part 1 of Schedule 5 and paragraphs 5(3) and (4) of schedule 5 shall have effect with respect to such applications.

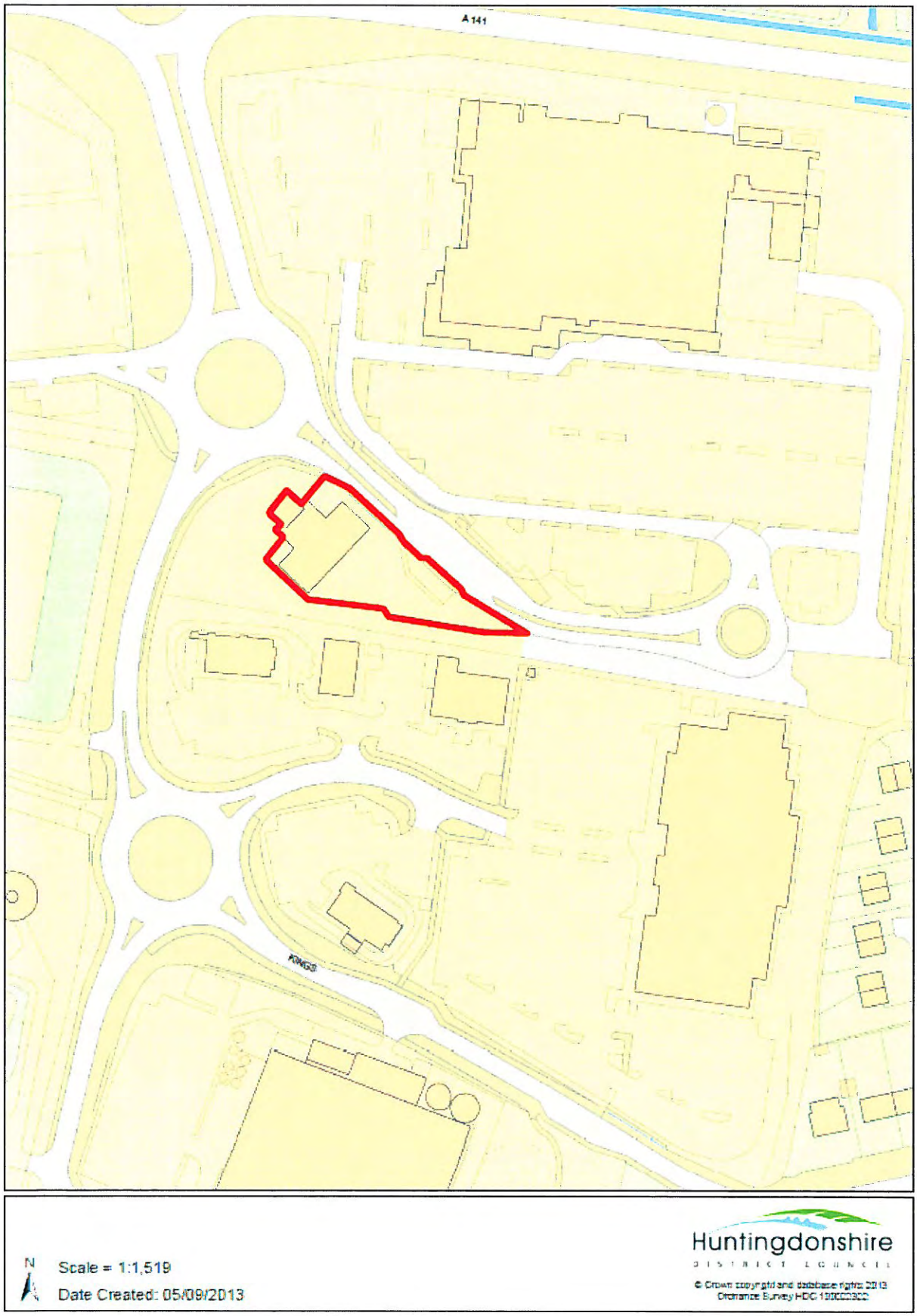
6 Other Legal Requirements

This permit is issued solely for the purpose of the Pollution Prevention and Control Act and its associated Regulations and the operator must ensure that he complies with all other statutory requirements.

7 Annual Subsistence Charge

The Secretary of State has drawn up a charging scheme under Regulation 19. Under this scheme Local Authorities are required to levy an annual subsistence charge related to the permit. The Local Authority will invoice for the amount due which is subject to annual review by the Department of the Environment Food and Rural Affairs.

P06/98(a) Location plan



P06/98 (b) Preventative maintenance

Schedule of Preventative Maintenance
For PFS Stage 1b and 2 Vapour Recovery Systems

The following Maintenance Schedule should be observed on all petrol filling stations and necessary actions taken to rectify any defects which are found.

This schedule should be retained within the site register and be available for inspection by the Local Authority Environmental Health Officer.

Daily Checks (PFS Staff)

Visual inspection to check for damage or leaks on dispensers or hoses
Ensure forecourt maintained clean and tidy

Checks During Tanker Unloading Operations (this is the responsibility of the driver if the delivery is unattended)

Check seals on fittings in good condition prior to connection
Ensure signage is relevant, clean and legible.
Ensure vapour recovery hose is connected prior to unloading.
Carry out a visual check for leaks on connections, hoses and vapour recovery system during offloading.
Ensure all connections are securely sealed at the completion of the offloading process.
Ensure any manhole covers are replaced securely

Weekly Checks (PFS Staff)

Ensure that dispensers and hoses are secure and damage free, with no sign of vapour or liquid release.
Carry out a visual inspection of the vapour recovery system, checking that the valve is not leaking.

Monthly checks (PFS Staff)

Check that all signage to fill points and vapour recovery points is secure, clean and legible.
Check manhole covers are secure if fill points are below ground.
Ensure that connections and seals are in good working order and show no signs of vapour leaks.
Ensure the availability of the site log book, and that all records of inspection, testing, maintenance, training and any other matters in relation to the PPC Permit are recorded and available for inspection by the regulator.

Annual check (Contractor)

Where Automatic Monitoring is <u>not</u> fitted, check vapour retention efficiency of dispensers and adjust if outside of permitted limits.

At least every three years (Contractor)

The Stage 1b vapour recovery system will be inspected by an external contractor. A certificate will be issued and must be retained on the site register for inspection by the regulator.
Where Automatic Monitoring is fitted, check vapour retention efficiency of dispensers and adjust if outside of permitted limits. Ensure that monitoring system is functioning as per design.

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, available at http://www.defra.gov.uk/environment/quality/industrial/las-regulations/guidance/.

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 2010 Regulations. A person guilty of an offence under this regulation could be liable to (i) a fine of up to £50,000 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 2010 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 or 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 2010 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 2010 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

Or for appeals in Wales:

The Planning Inspectorate
Crown Buildings
Cathays Park
CARDIFF
CF10 3NQ

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.