

EP Permit ref: B09/07

Variation ref: PPC 09/11

Variation Notice

From: Huntingdonshire District Council

Council ("the Council")

To: (1)

John Stanley Kirwin
Newlook Dry Cleaners
Library Row
Station Road
St Ives PE27 5BW

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 B09/07 granted under [regulation 10(2) of the Pollution Prevention and Control (England and Wales) Regulations 2000] [regulation 13(1) of the 2010 Regulations] in respect of the operation of the installation/~~mobile plant~~ at:

Newlook Dry Cleaners
17 Huntingdon Street
St Neots
PE19 1BG

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 11 April 2011

Signed



Designation Head of Environmental and Community Health

An authorised officer of the Council

(1) The operator at the address shown on permit / application.

(2) SI 2010/675

(3) 1995 c.25.

Delete words in square brackets which do not apply.

EP Permit ref: B09/07
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Schedule 1

Variation to the conditions of the permit	Date(s) on which the variation is to take place
Vary all permit conditions	11 April 2011

Signed on behalf of Huntingdonshire District

Council

Dated 11 April 2011

Signed



Designation Head of Environmental and Community Health

An authorised officer of the Council

EP Permit ref: B09/07
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Schedule 2

Permit reference B09/07
~~variation notices~~

as varied by this notice and

[and

]

(Insert amended or full consolidated permit).

PERMIT

Pollution Prevention and Control Act 1999

Environmental Permitting (England and Wales) Regulations 2010

Permit Reference: B09/07

Huntingdonshire District Council (the regulator) hereby permits John Stanley Kirwin of Newlook Dry Cleaners, Library Row, Station Row, St Ives, Huntingdon, Cambridgeshire, PE27 5BW to operate a dry cleaning process as defined in Part 2 of Schedule 1 to the EP Regulations Section 7, and as described below in accordance with the following conditions which shall apply forthwith.

Address of permitted activity: New Look Dry Cleaners
17 Huntingdon Street
St Neots
PE19 1BG

Location plan can be seen on B09/07 (a) Location plan

Description of Activity

Products to be cleaned with a dry cleaning machine listed below using the dry cleaning solvent Perchloroethylene. Permit conditions include the use of the machine, monitoring solvent usage, the storage of new and waste solvents and the maintenance of the dry cleaning machine. Potential emissions are from the loading and removal of solvent from the dry cleaning machine and the storage of new and old solvents.

Make	Model	Serial No.	Load capacity	Date of installation	Dry cleaning solvent
Bowe	P540	17018904	18kg	1989	Perchloroethylene

Conditions

1. Operations shall be carried out in such a manner that no more than 20 grams of solvent per kilogram of product cleaned and dried shall be emitted as measured and reported annually. The 20 grams includes all organic solvents used with the installation e.g. dry cleaning solvent, water-proofing solutions and spot cleaning solutions.
2. A weekly inventory of solvent usage, product cleaned and solvent waste sent for recovery or disposal shall be maintained and held on site for inspection by the regulator for at least 12 months. Further the operator shall retain records of solvent purchased for at least 12 months.

3. On a date stipulated by the local authority regulator a copy of the following shall be sent to the Council at the frequency given below:

Information to be sent to the Council	Frequency
(a) The monthly inventory sheets for the previous year.	Once a year
(b) The record of regular maintenance during the previous 12 months, referred to in condition.	Once a year
(c) A list of staff nominated and trained in accordance with conditions 5 and 6.	Once a year.
4. The operator, or a suitably qualified engineer, shall implement the schedule of procedures, checks and maintenance requirements to each dry cleaning machine listed above.
5. The regulator shall be advised in writing 14 days to any proposed significant alteration to the operation, or modification of the installation which may have an effect on emissions of VOC from the installation, particular changes to the matters listed in condition 4.
6. All operating staff shall know where the operating manual for each dry cleaning machine can be found and have ready access to it.
7. All operating staff shall be trained in the operation of each dry cleaning machine and the control and use of dry cleaning solvents. The training received shall be recorded.
8. The machine shall be installed and operated in accordance with supplier recommendations, so as to minimise the release of VOC to air, land and water.
9. In the case of abnormal emissions, malfunction or breakdown leading to abnormal emissions the operator shall:
 - (a) Investigate immediately and undertake corrective action; adjust the activity to minimise those emission.
 - (b) Adjust the activity to minimise those emissions.
 - (c) Promptly record the events and actions taken.
10. In this condition abnormal emission will include any detectable solvent smell other than in the area of the dry cleaning machine.
11. In cases of non-compliance causing immediate danger to human health, operation of the activity shall be suspended; and the regulator informed within 24 hours.
12. Dry cleaning machines shall be operated as full as the type of materials to be cleaned will allow.

13. Where cleaning solvents containing VOC are not received in bulk they shall be stored:
- (a) In the containers they were supplied in with the lid securely fastened at all times other than when in use.
 - (b) Within spillage collectors, of suitable size, made of imperious and corrosion-proof materials.
 - (c) With access restricted to only appropriately trained staff.
 - (d) The lids of the containers shall only be removed when the container is next to the cleaning machine ready for filling.
 - (e) Cleaning solvents shall be obtained in containers of a size which allows the entire container to be emptied into the machine at each topping up.
 - (f) Once emptied the lid of the container shall be replaced.
14. Spot cleaning with organic solvents or organic solvent borne preparations shall only be carried out if no other method of treating a particular stain on the material to be cleaned is available.
15. The dry cleaning machine loading door shall be kept closed when not in use.
16. The dry cleaning machine loading door shall be closed before the start-up of the machine and kept closed at all times though the drying and cleaning cycle.
- (a) All machines installed after 19 May 2005 shall have interlocks to prevent start-up of the machine until the loading door is closed and to prevent opening of the loading door until the machine cycle has finished and the case has stopped rotating.
 - (b) All machines installed 19 May 2005 shall have interlocks to automatically shut down the machine under any of the following conditions: cooling water shortages, failure of the cooling ability of the still condenser, failure of the cooling ability of the refrigeration system or failure in the machine heating system resulting in the ability to dry the load.
17. The still, button trap and lint filter doors shall be closed before the start-up of the machine and kept closed at all times through the drying and cleaning cycle.
- (a) All machines installed after 19 May 2005 shall have interlocks to automatically shut down the machine if the still, button trap and lint filter doors are not properly closed.
18. The still shall have a thermostatic control device or equivalent with which to set a maximum temperature, in accordance with manufacturers' recommendations for the solvent used.
19. All new, and substantially refurbished machines, shall have a spillage tray with a volume greater than 110% of the volume of the largest single tank within the machine.
20. All machines installed after 19 May 2005 shall have a secondary water separator to minimise potential solvent lasses. Where this is not an integral part of the machine then the operator shall select and install a method that will achieve an equivalent degree of separation.

21. Prior to disposal, containers contaminated with solvent shall be stored with the lids securely fastened to minimise emissions from residues during storage prior to disposal, and labelled so that all that handle them are aware of their contents.
22. Solvent contaminated waste, for example still residues, shall be stored:
- (a) In suitable sealed containers with the lid securely fastened at all times other than when in use.
 - (b) On a suitable impervious floor.
 - (c) Away from any drains which may become contaminated with residues as a result of spillage.
 - (d) Away from sources of heat and bright light.
 - (e) With access restricted to only appropriately trained staff.
23. Equipment to clean up spillages must be quickly accessible in all solvent handling and storage areas.
24. The operator shall maintain records incorporating details of all maintenance, testing, repair work carried out on each dry cleaning machine and the scales used to weigh the loads, along with details of training required under condition 6. The records shall be available within 7 days upon request by the regulator.
25. Spares and consumables in particular, those subject to continual wear shall be held on site, or be available at short notice from guaranteed suppliers, so that plant breakdowns can be rectified rapidly.
26. 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.
27. 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: 11 APRIL 2011

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.

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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 at <http://www.defra.gov.uk/environment/quality/pollution/ppc/localauth/pubs/guidance/manuals.htm>.

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 or 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 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.