



# **POLLUTION PREVENTION AND CONTROL ACT 1999**

## **PERMIT**

**Environmental Permitting (England and Wales) Regulations 2010  
(SI 2010 No. 675)**

**PERMIT NUMBER: H/82/1.2(B)(d)**

North West Leicestershire District Council (hereinafter referred to as the "Council") in the exercise of the powers conferred upon it by Regulation 13 of the Environmental Permitting (England and Wales) Regulations 2010 hereby authorises

**HKS Retail Limited**

**Registered Office Address:** HKS Retail Limited, Aquis House, 211 Belgrave Gate, Leicester, LE1 3HT

**Company Registration Number:** 5448285

**Ordnance Survey Grid Reference:** SK 421144

**To Operate the Installation at:** HKS Coalville, 30 London Road, Coalville, Leicestershire, LE67 3JA

**Date of Original Application:** 28<sup>th</sup> September 1998

This Permit shall come into effect on the 8th November 2010

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**G.E. Crossley**  
***Environmental Services Manager***  
***(an Authorised Officer of the Council)***

Environmental Health  
North West Leicestershire District Council  
Council Offices  
Coalville  
LE67 3FJ

# Contents

<b>1.0</b>	<b>Operating Conditions</b>	<b>page 3</b>
1.1	Information Notes	page 3
1.2	Records	page 3
1.3	Reporting	page 4
1.4	Notifications	page 5
1.5	Confidentiality	page 6
1.6	Variation to the Permit	page 6
1.7	Surrender of the permit	page 7
1.8	Transfer of the permit or Part of the Permit	page 7
1.9	Contact Details	page 7
1.10	Permit Conditions	page 7
1.11	Interpretation	page 8
<b>2.0</b>	<b>Operating Conditions</b>	<b>page 10</b>

# 1.0 General Conditions

## 1.1 Information Notes

- 1.1.1 This Permit is issued under Regulation 13 of the Environmental Permitting (EP) Regulations 2010 to operate an installation carrying out activities covered by the description in the following Sections.

Section 1.2 (B) (d) in Part 2 to Schedule 1 of those Regulations:

**The unloading of petrol into stationary storage tanks at a service station, if the total quantity of petrol unloaded into such tanks at the service station in any period of 12 months is likely to be 500m<sup>3</sup> or more.**

- 1.1.2 The best available techniques shall be used to prevent or, where that is not practicable reduce emissions from the mobile plant / installation in relation to any aspect of the operation of the mobile plant / installation which is not regulated by any other condition of this permit.
- 1.1.3 Please note that other activities may take place on the site of this installation, which are not regulated under this Permit.
- 1.1.4 The activities authorised under Part 1 Clause 1.1.1 shall not extend beyond the site boundary.

## 1.2 Records

- 1.2.1 HKS Retail Limited shall ensure that all records required to be made by this Permit and any other records made by it in relation to the operation of the Permitted Installation shall:-
- (a) Be made available for inspection by North West Leicestershire District Council at any reasonable time;
  - (b) Be supplied to North West Leicestershire District Council on demand and without charge;
  - (c) Be legible;
  - (d) Be made as soon as reasonably practicable;
  - (e) Indicate any amendments, which have been made and shall include the original record wherever possible;

- (f) Be retained at the Permitted Installation, or other location agreed by North West Leicestershire District Council in writing, for a minimum period of four years from the date when the records were made, unless otherwise agreed in writing; and
- (g) Where they concern the condition of the site of the Installation or are related to the implementation of the Site Protection and Monitoring Programme, be kept at the Permitted Installation, or other location agreed by North West Leicestershire District Council in writing, until all parts of the Permit have been surrendered.

### **1.3 Reporting**

- 1.3.1 All reports and written and/or oral notifications required by this Permit shall be made or sent to North West Leicestershire District Council using the contact details notified in writing to HKS Retail Limited by North West Leicestershire District Council.
- 1.3.2 HKS Retail Limited shall, unless otherwise agreed in writing, submit reports of the monitoring and assessment carried out in accordance with the conditions of this Permit to North West Leicestershire District Council within twenty-eight days of the publication of the results.
- 1.3.3 HKS Retail Limited shall review fugitive emissions, having regard to the application of Best Available Techniques, on an annual basis, or such other period as shall be agreed in writing by North West Leicestershire District Council and a summary report on this review shall be sent to North West Leicestershire District Council detailing such releases and the measures taken to reduce them within three months of the end of such period.
- 1.3.4 Where HKS Retail Limited has a formal environmental management system applying to the Permitted Installation which encompasses annual improvement targets, HKS Retail Limited shall, not later than 31st January in each year, provide a summary report of the previous year's progress against such targets.
- 1.3.5 HKS Retail Limited shall, within six months of receipt of written notice from North West Leicestershire District Council, submit to North West Leicestershire District Council a report assessing whether all appropriate preventative measures continue to be taken against air pollution, in particular through the application of the Best Available Techniques, at the Installation. The report shall consider any relevant published technical guidance current at the time of the notice which is either supplied with or referred to in the notice and shall assess the costs and benefits of applying techniques described in that guidance, or otherwise identified by HKS Retail Limited, that may provide environmental improvement.

### **1.4 Notifications**

1.4.1 HKS Retail Limited shall notify North West Leicestershire District Council **without delay** of:-

- (a) The detection of an emission of any substance which exceeds any limit or criterion in this Permit specified in relation to the substance;
- (b) The detection of any fugitive emission, which has caused, is causing or may cause significant pollution unless the quantity emitted is so trivial that it would be incapable of causing significant pollution;
- (c) The detection of any malfunction, breakdown or failure of plant or techniques which has caused, is causing or has the potential to cause, significant pollution; and
- (d) Any accident, which has caused, is causing or has the potential to cause, significant pollution.

1.4.2 If any of the above could result in adverse health effects to the local population then HKS Retail Limited shall additionally report this matter directly to the Primary Care Trust.

1.4.3 HKS Retail Limited shall submit written confirmation to North West Leicestershire District Council and the Primary Care Trust of any notification.

1.4.4 HKS Retail Limited shall give written notification as soon as practicable prior to any of the following:-

- (a) Permanent cessation of the operation of part or all of the Permitted Installation;
- (b) Cessation of operation of part or all of the Permitted Installation for a period likely to exceed one year; and
- (c) Resumption of the operation of part or all of the Permitted Installation after a cessation as notified above.

1.4.5 HKS Retail Limited shall notify the following matters to North West Leicestershire District Council in writing within fourteen days of their occurrence:-

- (a) Any changes to the details of the “nominated person”

and where HKS Retail Limited is a registered company:-

- (a) Any change in HKS Retail Limited’s trading name, registered name or registered office address;

- (b) Any change to particulars of HKS Retail Limited's ultimate holding company (including details of an ultimate holding company where an Operator has become a subsidiary); and
- (c) Any steps taken with a view to HKS Retail Limited going into administration, entering into a company voluntary arrangement or being wound up;

and where HKS Retail Limited is a corporate body other than a registered company:-

- (a) Any change in HKS Retail Limited's name or address; and
- (b) Any steps taken with a view to the dissolution of HKS Retail Limited.

1.4.6 In any other case:-

- (a) The death of any of the named Operators (where HKS Retail Limited consists of more than one named individual);
- (b) Any change in HKS Retail Limited's name(s) or address(es); and
- (c) Any steps taken with a view to HKS Retail Limited, or any one of them, going into bankruptcy, entering into a composition or arrangement with creditors, or, in the case of them being in a partnership, dissolving the partnership.

## **1.5 Confidentiality**

1.5.1 Regulation 46 requires North West Leicestershire District Council to maintain a register of all installations and mobile plant for which it is the regulator. A considerable amount of information is contained on the register, including the application. If this Permit requires HKS Retail Limited to provide information to North West Leicestershire District Council, the Council shall place that information on to the Public Register in accordance with the requirements of Regulation 46. If HKS Retail Limited considers that any information provided is commercially confidential, it may apply to the Council to have such information withheld from the register, as provided in the Regulations. To enable the Council to determine whether or not the information is commercially confidential, HKS Retail Limited should clearly specify the information in question and provide clear and precise reasons for its confidentiality.

## **1.6 Variation to the Permit**

1.6.1 This Permit may be varied in future (by the Council serving a Variation Notice on HKS Retail Limited) as per Regulation 20 of the EP Regulations. If HKS Retail Limited wishes to make a change in the operation of the installation he shall notify the Council. The notification must include a description of the proposed changes. If

any changes to the conditions in the Permit are required a formal application to vary them must be submitted.

- 1.6.2 Any such change shall not be implemented until agreed in writing by North West Leicestershire District Council. As from the agreed implementation date, HKS Retail Limited shall operate the Permitted Installation in accordance with that change and relevant provisions in the application shall be deemed to be amended.

## **1.7 Surrender of the Permit**

- 1.7.1 Before this Permit can be wholly or partially surrendered, an application to surrender the Permit has to be made. For the application to be successful, the application must contain the information required by Regulation 25 of the EP Regulations.

## **1.8 Transfer of the Permit or Part of the Permit**

- 1.8.1 Before the Permit can be wholly or partially transferred to another person, an application to transfer the Permit has to be made jointly by the existing and proposed holders, in accordance with Regulation 21 of the EP Regulations. A transfer will be allowed unless the Council considers that the proposed holder will not be the person who will have control over the operation of the installation or will not comply with the conditions of the transferred Permit. If however the Permit authorises the carrying out of a specified waste management activity then the transfer will only be allowed if the proposed holder is considered to be a “fit and proper person”.
- 1.8.2 There are no off-site conditions.

## **1.9 Contact Details**

- 1.9.1 If you require any further details or application forms mentioned above please contact North West Leicestershire District Council on 01530 454545 and ask to speak to an Environmental Health Officer.

## **1.10 Permit Conditions**

- 1.10.1 The requirements of the conditions attached to this Permit shall come into effect immediately unless otherwise stated.
- 1.10.2 The activity of roadstone coating shall comply with the standard of the Secretary of State’s Guidance Note PG 1 / 14(06) “Unloading of Petrol into Storage at Petrol Stations”.
- 1.10.3 Without prejudice to the other conditions of this Permit, HKS Retail Limited shall

implement and maintain a management system, organisational structure and allocate resources that are sufficient to achieve compliance with the limits and conditions of this Permit.

- 1.10.4 A nominated person shall, at all times, be responsible for the implementation of the conditions of this Permit. North West Leicestershire District Council shall be informed within twenty-one days of the issue of this Permit of the name of the nominated person.

## **1.11 Interpretation**

- 1.11.1 In this Permit, the following expressions shall have the following meanings:-

**“Application”** means the application for this Permit, together with any response to a notice served under Schedule 4 to the EP Regulations and any operational change agreed under the conditions of this Permit.

**“BAT”** Best Available Techniques, means the most effective and advanced stage of development of activities and their methods of operation which indicates the practical suitability of particular techniques to prevent, and where that is not practicable, to reduce, emissions and the impact on the environment as a whole. For these purposes: “available techniques” means “those techniques which have been 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 HKS Retail Limited”: “best” means “in relation to techniques, the most effective in achieving a high general level of protection of the environment as a whole” and “techniques” “includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned”.

**“Fugitive emission”** means an emission to air from the Permitted Installation which is not controlled by an emission or background concentration limit under conditions contained in Part 2 of this Permit.

**“Monitoring”** includes the taking and analysis of samples, instrumental measurements (periodic and continual), calibrations, examinations, tests and surveys.

**“EP Regulations”** means the Environmental Permitting (England and Wales) Regulations SI 2010 No. 675 and words and expressions defined in the EP Regulations shall have the same meanings when used in this Permit save to the extent they are specifically defined in this Permit.

**“Staff”** includes employees, directors or other officers of HKS Retail Limited and any other person under HKS Retail Limited’s direct or indirect control, including contractors.



**“Year”** means calendar year ending 31st December.

- 1.11.2 Where any condition of this Permit refers to the whole or parts of different documents, in the event of any conflict between the wording of such documents, the wording of the document(s) with the most recent date shall prevail to the extent of such conflict.

## 2.0 Operating Conditions

- 2.1 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 2.3, 2.4 and 2.5.
- 2.2 HKS Retail Limited shall implement the schedule of preventative maintenance.
- 2.3 All reasonably practicable steps shall be taken to prevent uncontrolled leaks of vapour from vents, pipes and connectors from occurring. North West Leicestershire District Council 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 2.24. In this condition and in condition 2.4 a vapour leak means any leak of vapour excepting those which occur through the vent mentioned in condition 2.11 during potentially hazardous pressurisation.
- 2.4 HKS Retail Limited shall advise North West Leicestershire District Council 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 2.3.
- 2.5 Instances of vapour lock shall be recorded in the log book and, under the circumstances detailed in condition 2.3, be advised to North West Leicestershire District Council.
- 2.6 The procedures in conditions 2.2 to 2.5 inclusive and conditions 2.24 to 2.27 inclusive shall be reviewed in light of any modifications which occur to the facilities. North West Leicestershire District Council shall be advised of any proposed alteration in operating procedures.
- 2.7 The vapour collection systems shall be of a size and design, as approved by North West Leicestershire District Council, to minimise vapour emission during the maximum petrol and vapour flow in accordance with conditions 2.1 and 2.8 (i.e. when most tank compartments are being simultaneously discharged).
- 2.8 The number of tanker compartments being discharged simultaneously shall not exceed two, excluding the diesel compartments.
- 2.9 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.
- 2.10 The fittings for delivery and vapour return pipes shall be different to prevent mis-connection.

- 2.11 Petrol storage tank vent pipe(s) 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.
- 2.12 When connecting hoses prior to delivery, the vapour return hose shall be connected before any delivery hose. The vapour hose shall be connected by the road tanker end first, and then at the storage tank end.
- 2.13 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 2.8.
- 2.14 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.
- 2.15 Road tanker compartment dip testing shall not be performed whilst the vapour hose is connected.
- 2.16 A competent person shall remain near the tanker and keep a constant watch on hoses and connections during unloading.
- 2.17 All road tanker compartment vent and discharge valves shall be closed on completion of the delivery.
- 2.18 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.
- 2.19 All connection points shall be securely sealed after delivery.
- 2.20 If the storage tanks or road tanker compartments are dipped after delivery, the dip openings shall be securely sealed after dip testing.
- 2.21 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.
- 2.22 Petrol delivery and vapour return lines shall be tested in accordance with the schedule provided to North West Leicestershire District Council by 31<sup>st</sup> December 2006.
- 2.23 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.
- 2.24 Vapours displaced by the filling of petrol into vehicle petrol tanks at service stations shall

be recovered through the use of a suitable vapour recovery system. Filling of vehicle petrol tanks shall not take place unless such a system is in place and fully functioning.

- 2.25 The vapour recovery system referred to in condition 2.24 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.
- 2.26 The vapour recovery equipment referred to in condition 2.24 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.
- 2.27 The installation does not have in place an automatic monitoring system in accordance with condition 2.29.
- 2.28 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 and every year in other cases. 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').
- 2.29 The automatic monitoring system referred to in condition 2.27 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 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 ratio 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.
- 2.30 HKS Retail Limited shall be notified without delay if the results from any monitoring or tests mentioned in conditions 2.28 and 2.29 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 North West Leicestershire District Council of the corrective measures to be taken and the timescales over which they will be implemented.
- 2.31 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.
- 2.32 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.
- 2.33 HKS Retail Limited shall maintain a log book at the permitted installation 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 2.3, 2.4 and 2.5. HKS Retail Limited shall record in the logbook 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. HKS Retail Limited shall also hold at the premises the certificate referred to in condition 2.25 and the results of testing undertaken in accordance with condition 2.28.
- 2.34 Nothing in this Permit shall be taken to imply a standard lower than required under the provisions of the Health and Safety at Work etc. Act 1974, or under the relevant statutory provisions as defined in Section 53 of that Act.
- 2.36 North West Leicestershire District Council are statutorily obliged to include conditions in any Permit they issue which are designed to ensure that the process is operated using the best available techniques (BAT) to prevent and minimise emissions of prescribed substances and to render harmless any substance that may be emitted.
- 2.37 In addition to the specified conditions included in this Permit, a duty is implicitly imposed on the operator to use BAT in relation to any aspect of the installation that is

not covered by the specific conditions. This is the so-called 'residual' BAT duty. The Secretary of State's Process Guidance Notes (PGs) contain the Secretary of State's views on the techniques appropriate, in order to achieve the BAT objectives.

- 2.38 All operators must return the annual throughput figures to North West Leicestershire District Council by 1<sup>st</sup> February each year.
- 2.39 All operators shall have regard to PVR stage II if the annual throughput is more than 3500m<sup>3</sup> and must comply by 1 January 2010.
- 2.40 All operators must install PVR stage II if the annual throughput is more than 3500m<sup>3</sup>.