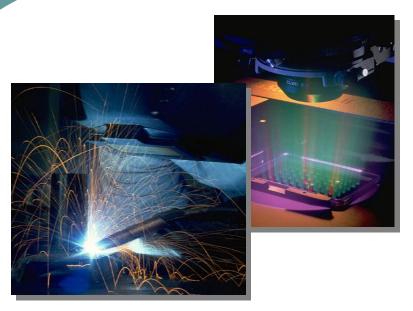
INSTALLATION PERMIT

Ref. EP2008/05



Pollution
Prevention and
Control Act
1999

Environmental
Permitting
(England and
Wales)
Regulations
2016



HARTLEPOOL BOROUGH COUNCIL

PD Teesport
Dock Office,
Cleveland Road,
Hartlepool
TS24 0UZ

HARTLEPOOL BOROUGH COUNCIL

POLLUTION PREVENTION & CONTROL ACT 1999

ENVIRONMENTAL PERMITTING (ENGLAND AND WALES) REGULATIONS 2016

Provenance	Date
Application for Authorisation (EPA 90)	31 st March 1992
PPC Permit transferred automatically to	6 th April 2008
EP Permit	
Variation of Permit	13 th March 2020

Ref EP2008/05

PD Teesport,17-27 Queens Square, Middlesbrough TS2 1AH (Company Registration Number 02636007) is hereby authorised to carry out a mineral process as described below, in accordance with the following conditions.

Address of Permitted Activity:

PD Teesport Dock Office, Cleveland Road, Hartlepool TS24 0UZ

Description of Permitted Activity:

The loading and discharging of coal of various sizes and petroleum coke by ship's cranes and/or quayside cranes from ship's hold to quay and/or direct to road transport at Victoria Harbour. The process falls within the definition contained in Section 3.4 (Part B) of Schedule 1 of the Environmental Permitting (England and Wales) Regulations 2016.

Conditions:

Monitoring, Sampling and Measurement of Emissions

- 1. The supervisor responsible for the loading/discharging of cargo shall, where any visible escape of dust is observed to be blowing off-site, or when any malfunction or breakdown likely to lead to such an emission is found, shall:
 - a) carry out investigation into the cause
 - b) take prompt corrective action to prevent any further emission
 - c) record the result of all such investigations and details of action taken in the logbook required by condition 3.
- Weather forecasts relevant to the time of loading/discharge shall be obtained, including forecast wind speed and direction and made available to the supervisor responsible for the discharge of the vessel. All such details shall be recorded in the logbook.
- 3. The results of all monitoring and inspections, and any other information which may be required by any condition in this authorisation, shall be recorded in a logbook. The logbook shall be retained by the operator for a minimum of two years and made available for examination by the local authority at all reasonable times.
- 4. Cargoes arriving at the Port shall be monitored for free moisture content where practicable. Test results provided by the shipper will normally be acceptable provided they are traceable to the cargo and that it can be demonstrated that no deterioration has taken place during the voyage. Where a cargo is found to have a low free moisture content and it could give rise to emissions of particulate matter, consideration shall be given to the practicability of wetting the cargo in the ship's hold after the ship's survey.

Materials Handling (Discharging)

- 5. Cargo shall only be discharged from the ship's hold by means of sealed grabs.
- 6. Crane operators shall ensure that the grab is fully closed prior to emerging from the ship's hold. If material is still observed to be spilling or overflowing from the grab as it emerges from the hold, the operator shall pause the operation until such time as the material stops spilling or overflowing.
- 7. When cargo is being discharged into a quayside hopper, the grab shall be lowered as far as is practical into the hopper before the grab is opened. The grab shall not be opened until the base of the grab is at or below the top of the hopper.
- 8. Quayside hoppers shall not be overfilled such that the product protrudes above the top of the hopper.

- 9. When cargo is discharged directly to the quay, this shall be done by the creation of a temporary stockpile of sufficient size to ensure that loading shovels are not constantly clearing the entire pile to the road vehicle. Temporary stockpiles shall be maintained in clearly defined areas and loading to road vehicles shall be designed to keep pace with discharge operations from the ship.
- 10. No grab shall be permitted to discharge cargo direct to the quayside or a temporary stockpile until the grab has been lowered to a height of not more than one metre above any surface beneath the point of discharge.
- Cleaning of ships' decks and the quay shall be undertaken during and after discharge of each cargo consignment, by method of manual or mechanical sweeping.
- 12. The sweeping up of any cargo residues from the working areas and the reincorporation of the residue into temporary stockpiles shall be carried out during every break in operations and at the end of each working period.
- 13. Loading of vehicles shall be undertaken in such a manner that there is no overloading leading to peaks of cargo above the sides of vehicles or over spill from the vehicle to the quay or road surface.
- 14. If the nature of the cargo or weather conditions are such that materials can be seen to be blowing from wagons, then arrangements shall be put in hand to ensure remedial action is taken before they leave the site.
- 15. In the event of the vessel's cargo not being worked during any extended period of time, e.g. one full working shift, all stockpiles shall be cleared from the quay unless specific arrangements have been made for dust control of the stockpiles.
- 16. The applicant shall give the local authority prior notice of the date, time and location of all local handling operations.

Materials Handling (Loading)

- 17. Vehicles unloading cargo should not arrive on site overloaded. There should be no peaks of cargo above the sides of vehicles or over spill from the vehicle to the quay or road surface.
- 18. If the nature of the cargo or weather conditions are such that materials can be seen to be blowing from wagons, then arrangements shall be put in hand to ensure remedial action is taken when vehicles arrive on site before they are unloaded.
- 19. If cargo is not to be loaded into the ship's hold immediately on arrival at the site the cargo must be stored and contained undercover to ensure that it does not give rise to emissions or particulate matter.
- 20. Cargo shall only be loaded from the quayside means of sealed grabs.

- 21. Crane operators shall ensure that the grab is fully closed prior to discharging into the ship's hold. If material is still observed to be spilling or overflowing from the grab as it loads material from the quayside into the hold, the operator shall pause the operation until such time as the material stops spilling or overflowing.
- 22. When cargo is loaded directly from the quay, this shall be done by the creation of a temporary stockpile of sufficient size so as not to have the loading shovel constantly moving across the quay creating dust emissions. Temporary stockpiles shall be maintained in clearly defined areas and loading to vessels shall be designed to keep pace with discharge from road vehicles or temporary storage facilities at the site.
- 23. When cargo is being discharged into a vessel's hold, the grab shall be lowered so far as reasonably practicable into the hold before the grab is opened. The grab shall not be opened until the grab is just above/touching the existing cargo in the vessel hold.
- 24. Cleaning of the ship's decks and the quay shall be undertaken after the loading of each cargo consignment by method of manual or mechanical sweeping.
- 25. The sweeping up of any cargo residues from the working areas and the reincorporation of the residue into temporary stockpiles shall be carried out during every break in operations and at the end of each working period.
- 26. In the event of the vessel's cargo not being worked during any extended period of time, e.g. one full working shift, all stockpiles shall be cleared from the quay unless specific arrangements have been made for dust control of the stockpiles.
- 27. The applicant shall give the local authority prior notice of the date, time and location of all local handling operations.

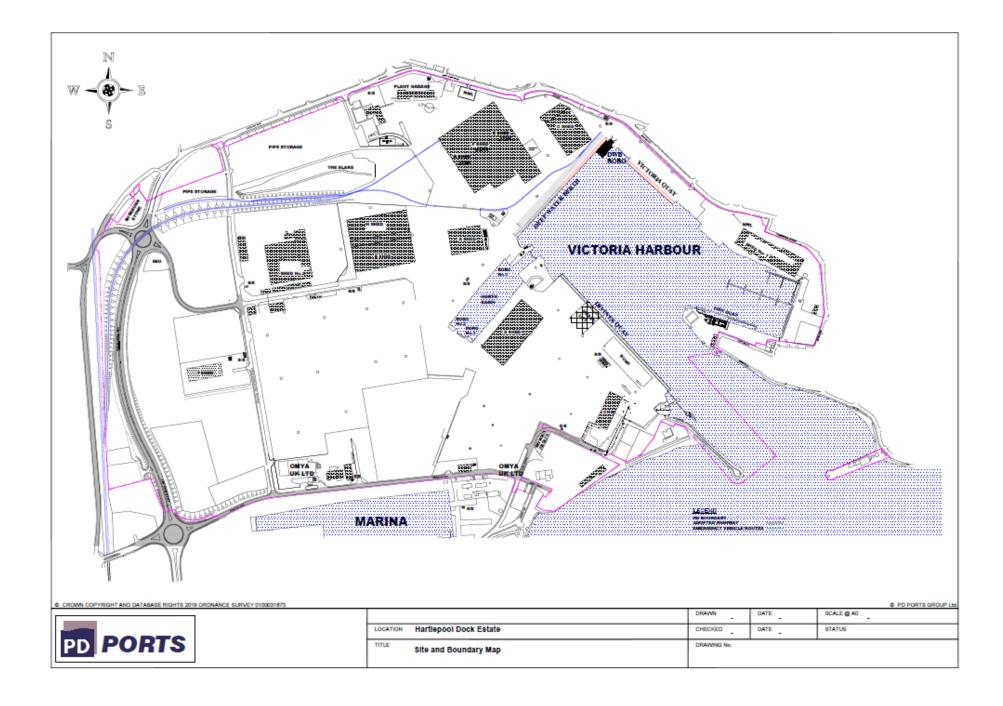
General Operations

- 28. There shall be designated routes of access and exit from the guayside.
- 29. All roadways and areas where there are regular movements of vehicles shall be kept in a clean and damp condition throughout the operation.
- 30. Any coal or coal products deposited beyond the stockpiles shall be cleaned by vacuum or wet methods.
- 31. A supervisor, who is a member of the process management personnel, or an appointed representative, shall be present and easily identifiable on site at all times when the process is in operation. Any person designated as being in charge of operations shall be vested with sufficient authority to suspend operations or take any other action necessary to ensure compliance with all conditions contained in this authorisation.

- 32. All staff shall be made aware of the requirements of this authorisation and be given sufficient instruction to ensure their compliance.
- 33. Suitable means for dispensing water to all parts of the application sites, including the tops of any stockpiles, shall be provided and maintained in a working condition at all times. The system so provided shall be capable of delivering water in sufficient quantity to maintain the whole site in a damp condition where necessary.
- 34. On completion of the discharge and loading operation the quay shall be cleaned of all residues of cargo using either vacuum methods or wet sweeping. This shall be carried out without delay at the end of the discharge operation.
- 35. At all times when this authorisation is in force a copy of the said authorisation shall be made available to all persons who have duties which are or may be affected by the matters set out in this authorisation.
- 36. In the event of adverse weather conditions when dust can be observed blowing off-site and dust suppression measures have proved ineffective all operations, with the exception of dust suppression measures, shall be suspended until such time as dust emissions are brought under control.
- 37. The loading and discharging of petroleum coke shall only be permitted at the northern end of Irvine's Quay as indicated on Annex 1 of the original authorisation, and within the North Basin.
- 38. The loading and discharging of any cargo that has attained a temperature in excess of 50 degrees Centigrade shall not be permitted.
- 39. The loading and discharge of washed, screened petroleum coke only shall be permitted at the southern end of the Deep Water Berth.

Money	
	13 th March 2020
Signed	Date
Tony Hanson	
Assistant Director Environment & Neighbo	urhoods

SITE LOCATION MAP Ref EP2008/05



Hartlepool Borough Council The Pollution Prevention Control Act 1999 Environmental Permitting (England & Wales) Regulations 2016

EXPLANATORY NOTE

These notes are provided for the operator of an installation or mobile plant to assist in the interpretation of their duties under the provisions of the above-mentioned legislation, with particular reference to the permit issued by Hartlepool Borough Council. These notes do not form part of the Permit or conditions attached to it.

1. BAT CONDITION

Article 2(11) of the IPPC Directive defines "best available techniques" as follows:

"'Best available techniques' shall mean the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for emission limit values designed to prevent and, where that is not practicable, generally to reduce emissions and the impact on the environment as a whole.

- **BEST** shall mean most effective in achieving a high general level of protection of the environment as a whole.
- AVAILABLE techniques shall mean those developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages, whether or not the techniques are used or produced inside the Member State in question, as long as they are reasonably accessible to the operator,
- TECHNIQUES shall include both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned.

The installation and mobile plant should be operated such that -

- (a) all the appropriate preventative measures are taken against pollution, in particular through application of the best available techniques; and
- (b) no significant pollution is caused.

In relation to the Permit you should be aware that, amongst other aspects of the installation operation and management, this residual duty will apply to:-

- the control of emissions to ensure that offensive odours are not caused beyond the installation boundary,
- maintenance, service and repair of equipment,
- keeping of spares and consumables,
- the training of installation operators, and supervision of workers
- management of the installation in relation to maintenance of a high standard of housekeeping.

2. STATUTORY REQUIREMENTS

This Permit does not detract from any of the following statutory requirements where applicable:-

- (a) The requirement to obtain Planning Permission for the installation and any new construction.
- (b) The requirement to obtain discharge consent from the Environment agency.
- (c) The requirement to obtain Building Regulation approval for any construction work.
- (d) The requirement of a Waste Disposal Licence.
- (e) The requirement to comply with the Health and Safety at Work etc Act 1974.

3. PUBLIC REGISTER

Local authorities are required by EP regulation 46 to maintain a Public Register containing information on all the LA-IPPC and LAPPC installations and mobile plant they are responsible for. The register is available for inspection by the public free of charge during office hours (Monday to Friday 9.00am to 5.00pm) at

Hartlepool Borough Council,
Regeneration and Neighbourhood Services Department
Public Protection & Housing
Victoria Road
Civic Centre
Hartlepool
TS25 8AY

Subject to exclusions of commercially confidential information and information affecting national security, registers will contain the following:

- a. Applications for a permit;
- b. Notices asking for information and responses to such:
- c. Advertisements and representations in response to such (unless requested not to by
 - the person responding)
- d. In the case of c) above, a statement to the effect that representations were made but have been omitted must not identify the person making the representation;
- e. Statutory consultee responses to applications or applications for variations:
- f. Permits:
- g. Notifications of changes in the operation of installations;
- h. Applications for variations, transfers or surrenders of permits;
- i. Variations, transfers and surrenders granted;
- i. Revocations:
- k. Enforcement or suspension notices;
- I. Notices withdrawing enforcement and suspension notices;
- m. notice of an appeal including the grounds of the appeal, relevant correspondence between the appellant and the regulator, and the decision/notice which is the subject of the appeal;
- n. Representations in response to appeal (unless requested not to by the person responding);
- o. In the case of n) above, a statement to the effect that representation were made but have been omitted must not identify the person making the representations;
- p. The appeal decision and any accompanying report;
- q. Convictions, formal cautions; to include the name of the person, date of conviction/caution, and (where appropriate) penalty and name of court. This requirement does not override the Rehabilitation of Offenders Act 1974 regarding

- spent conditions, and authorities must take care to remove relevant entries at the appropriate time;
- r. Monitoring data obtained by the authority from its own monitoring, or sent to the authority on accordance with a permit condition or regulation 28(2) notice;
- s. If any monitoring information is omitted because it is commercially confidential, the authority must put a statement on the register indicating whether relevant permit conditions are being complied with, based on the withheld information;

Commercial Confidentiality

An operator may request certain information to remain confidential i.e. not be placed on the public register. The operator must request the exclusion from the public register of commercially 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 amount of information excluded from the register should be kept to the minimum necessary to safeguard the operator's commercial advantage.

The general principle is that information should be freely available to the public. An operator may request certain information in relation to a LA-IPPC or LAPPC permit to remain confidential, i.e. not be placed on the public register. The onus is on the operator to provide a clear justification for each item he or she wishes to be kept from the register. EP regulation 45 defines 'commercial information' as "information that is commercially or industrially confidential in relation to any person".

Local authorities will also take into account whether the information at issue could be obtained or inferred from other publicly accessible sources.

The local authority will determine this request within 28 days of the date of such an application and will issue a Determination Notice detailing their decision. The notice may specify a time period over which the information is to remain commercially confidential (if not specified, it will be four years beginning with the date of the determination). The operator may appeal to the Secretary of State within 21 days of the notification of the decision.

If the application is granted the local authority will place a statement on the public register stating that certain information has been withheld and stating the reasons why, plus whether this information is relevant to a permit condition, and whether the permit condition has been complied with.

Further guidance on commercial confidentiality can be found in Chapter 8 of the LA-IPPC and LAPPC manual.

National Security

EP regulation 47 allows for information to be kept from public registers for reasons of national security. For this to happen, the Secretary of State/Welsh Ministers must determine that placing the information on the register would be contrary to the interests of national security. An operator who believes any information meets this test may apply to the Secretary of State/Welsh Ministers.

The operator must notify the local authority that he or she has asked for this determination, but must not exclude the information from any submission to the authority, such as a permit application. The Secretary of State/Welsh Ministers may direct the authority on what information, if any, to exclude from the register.

Any such applications must be made to either:

Secretary of State for Environment, Food and Rural Affairs Nobel House 17 Smith Square LONDON SW1P 3JR

and should be marked "application under the Environmental Permitting Regulations".

4. UPGRADING PROGRAMMES

The following information does not comprise part of the Permit, but contains guidance, which should be noted when considering the upgrading programme.

Aim of Upgrading Programme

To identify the areas where the existing installation does not meet the required standards ("new process" standards), as detailed in the relevant Secretary of State's Process Guidance Note, the steps to be taken to meet these standards, and the time-table of dates by which these steps are to be implemented. (You are advised to refer to the Department of Environment, General Guidance Note 4 - Interpretation of terms used in Process Guidance Notes (available from H.M. Stationery Office)).

Content of Upgrading Programme

There is not a specified format for an upgrading programme but, wherever possible, it should identify reasonably precise actions to be taken and the dates on which these actions will be instigated. If abatement plant is to be installed technical specifications and schematic drawings along with operational procedures should be detailing in the upgrading plan.

Council Action upon receipt of Upgrading Programmes

It is an offence not to submit the upgrading programme by the date specified in the Permit.

The Council will assess the adequacy of the submission and if satisfied with the content, will place it on the Public Register (operators may apply for matters which are considered to be commercially confidential to be excluded from the Register).

The Council will bring the upgrading programme within the terms of the Permit by issuing a Variation Notice to add the programme as a condition to the initial Permit. This will ensure that commitments given are made into enforceable conditions (this may not preclude changes to the programme where there are sound reasons for such a change).

5. <u>FEES</u>

(EP regulation 65).

Operators must pay an annual subsistence charge to cover local authorities' continuing regulatory costs once a permit has been issued. It will cover such things as checking monitoring data or carrying out inspections. The level of subsistence charge is contained in the relevant charging scheme and will become due on 1st April each year. The operator is liable for the full subsistence charge for the year of operation. You are advised that if you fail to pay the fee due promptly, the Council may revoke the Permit.

The risk-based charging scheme was introduced in 2006/7 for all standard activities. The risk-based method applies a low, medium or high risk rating to activities operating at an installation. The resulting subsistence fees are proportionate to the risk rating. This risk-assessment method uses a "point scoring" approach which combines the indicative environmental impact assessment (EIA) of the activity itself and the Operator Performance Assessment (OPA) covering the operational aspects of the installation. This is outlined in the Risk-Based Inspection Methodology which is available on the PPC web pages

6. TRANSFER OF PERMITS

LA-IPPC and LAPPC installations may change hands through normal business transactions. EP regulation 21 therefore allows for permit transfers either for the whole installation, or for one or more parts of it through partial transfer arrangements. New operators should have the appropriate management systems and the competence to run installations properly in compliance with the conditions of the existing permits.

When an operator wants to transfer all or part of a permit to someone else, he/she and the proposed transferee must make a joint application and also pay a fee. They must both sign the application form. The joint application should contain their telephone numbers and addresses plus any additional correspondence address. The application should be accompanied by the current permit document and must include the appropriate transfer fee.

7. PROCESS VARIATIONS

A local authority may decide that the existing permit conditions require amendment without receiving any notification or application from the operator (EP regulation 20(1)). This is most likely to occur when the authority decides that the conditions need varying having conducted a periodic review in accordance with EP regulation 34, or in the light of revised guidance from Defra/WAG, or because of the transfer of a permit to another operator. Other instances could be the revision of a relevant environmental quality standard, the declaration of an area as an air quality management area, or (in the case of LA-IPPC) a requirement from the Environment Agency to revise a water-related condition.

If there is no such condition included in their permit, operators should be aware that there are risks to them should they fail to notify the relevant local authority of a change. The risks are that the authority decides that the change means that the operator is either carrying on the activity beyond the extent authorised by the existing permit, or is doing so in contravention of an existing permit condition. Both are offences under EP regulation 38. On the positive side, some changes could result in a lowering (as well as, potentially, raising) of an installation's risk rating. These could include alterations to management or training practices, or technical changes such as the use of less toxic chemicals.

Many changes will not have consequences for the environment and notification will be unnecessary; although there may be cases where it is nonetheless good practice for an operator to do so in order to keep the authority informed. It is also good practice to notify authorities of any administrative changes, such as the name or address of the operator (where the installation has not changed ownership), and authorities can simply amend the permit without going through any formal procedures.

The IPPC Directive definition of 'substantial change', which is incorporated by the EP Regulations, is "a change in operation which, in the opinion of the regulator, may have significant negative effects on human beings or the environment". For installations subject to the Solvent Emissions Directive, further criteria may be relevant.

If an operator has any doubt over whether a particular change is substantial, he/she should ask the opinion of the relevant local authority.

8. APPEALS

Under EP regulation 31 operators have the right of appeal against the enforcing authority in the following circumstances:

- 1 refusal or deemed refusal to grant a permit;
- 2 refusal of an application to vary a permit;
- if the operator disagrees with the conditions imposed by the authority as a result of a permit application or an application for a variation notice;
- 4 refusal of an application to transfer a permit, or if the operator disagrees with the conditions imposed by the authority to take account of such a transfer;
- refusal of an application to surrender a permit, or if the operator disagrees with the conditions imposed by the authority to take account of the surrender;
- the service of a variation notice (not following an application by the operator), a revocation notice, an enforcement notice, or a suspension notice on the operator:
- the deemed withdrawal by a local authority of a duly-made application because the operator has not provided further information (paragraph 4 of Schedule 5 to the EP Regulations).

Under EP regulation 53(1) operator has the right of appeal against a decision that information will not be withheld from the public register for reasons of commercial confidentiality.

The rights to appeal listed in 1-6 above do not apply where the decision or notice implements a direction given by the Secretary of State or Welsh Ministers. There is also no right of appeal if a revocation notice has been served for non-payment of subsistence fees (EP regulation 31(3)).

Appeals under 3-6 above do not stop the conditions coming into effect. Appeals against variation, enforcement and suspension notices do not stop the notices coming into effect. However, appeals against revocation notices suspend the operation of the notices coming into effect until the appeal is decided or withdrawn.

Notice of appeal against the conditions attached to the permit must be given within six months of the date of the notice, which is the subject matter or the appeal. The Secretary of State 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 charges for appealing and there is no statutory requirement to submit an appeal form. However, an appeal form has been prepared and is available for use at http://www.planning-inspectorate.gov.uk/pins/environment/environment/index.htm. For an appeal to be valid, appellants (the person/operator making the appeal) are legally required to provide all of the following (see EP Regulations Schedule 6, paragraph 2(2)):

- written notice of the appeal
- a statement of the grounds of appeal
- a statement indicating whether the appellant wishes the appeal to be dealt
 with by written representations procedure or at a hearing a hearing must be
 held if either the appellant or local authority requests this, or an appointed
 person or the Secretary of State/Welsh Ministers decide to hold one
 (appellants must copy the above three items to the local authority when the
 appeal is made)
- a copy of any relevant application

- a copy of any relevant 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.

Appellants should state whether any of the information enclosed with the appeal has been the subject of a successful application for commercial confidentiality under EP regulation 49 and provide relevant details. 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 & Specialist Casework
Room 4/04 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Tel: 0117 372 8726 Fax: 0117 372 8139

On receipt of an appeal and during the appeal process both main parties will be informed by the Inspectorate about the next steps, which will explain the procedures and submission timetable for 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 who has expressed 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 considered 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 representations.

Following an application for costs, the Inspector or the Secretary of State/Welsh Ministers will act in the spirit of DOE Circular 8/93 – The Award of Costs in Planning and Other Proceedings. Schedule 6, paragraph 5(6) of the EP Regulations applies section 250 (as modified) of the Local Government Act 1972 to hearings and inquiries. Under section 250, persons may be summonsed to appear to give evidence, the appointed person may seek recovery of his or her certified costs from either party and may make a costs order so that one party pays part of the other side's costs.

9. Secretary of State's Guidance

This permit is covered by Secretary of State's Guidance:

PG3/5 (05) Secretary of State's Guidance for Coal, Coke, Coal Product and Petroleum Coke	https://www.gov.uk/gover nment/publications/coal- coke-coal-product-and- petroleum-coke-process- guidance-note-305
Pollution Prevention and Control Act 1999	http://www.legislation.gov. uk/ukpga/1999/24/content s
Environmental Permitting (England & Wales) Regulation 2016	http://www.legislation.gov. uk/uksi/2016/1154/content s/made
General Guidance Manual on Policy and Procedures for A2 and B Installations	https://www.gov.uk/gover nment/publications/enviro nmental-permitting- general-guidance-manual- on-policy-and-procedures- for-a2-and-b-installations

10. Reporting Requirements and Contact Details

Where a Permit condition imposes a requirement to forward documents to the Local Authority or to report a specified occurrence the following address and telephone number shall be used:

By Post

Hartlepool Borough Council, Regeneration and Neighbourhood Services Department Public Protection & Housing Victoria Road Civic Centre Hartlepool TS25 8AY

By Telephone

During office hours: 01429 284024

By Email

Environmental.Protection@hartlepool.gov.uk