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## Notice of Variation of Permit

### The Environmental Permitting (England and Wales) Regulations 2007 Regulation 20

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To: **Tesco Stores Limited, Tesco House, Delamare Road, Cheshunt, Hertfordshire, EN8 9SL**

Dudley Metropolitan Borough Council ("the Council") in the exercise of the powers conferred upon it by Regulation 20 of the Environmental Permitting (England and Wales) Regulations 2007<sup>1</sup> ("the 2007 Regulations") hereby gives you notice as follows:

The Council has decided to vary the terms and conditions of the Permit reference **PET/B/24** granted to you under Regulation 13(1) of the 2007 Regulations<sup>2</sup> in respect of the operation of the Installation at:

**Tesco Express, 127 Hagley Road, Stourbridge, West Midlands, DY8 1RD**

The variation of the terms and conditions of the Permit and the date[s] on which they are to take effect are specified in Schedule 1 to this Notice.

In accordance with Regulation 18(3) a consolidated Permit as varied by this Notice (and by all previous variation notices listed in the "Status Log" to the Permit) is set out in Schedule 2.

A handwritten signature in black ink that reads "T. Glews".

**Signed:**

**Dated:** 10<sup>th</sup> December 2009

**Tim Glews**  
**Environmental Protection Manager**  
**(Authorised to sign on behalf of Dudley Metropolitan Borough Council)**

**Address for all communications:**

Directorate of the Urban Environment  
Claughton House  
Blowers Green Road  
Dudley  
West Midlands  
DY2 8UZ

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<sup>1</sup> SI 2007 No. 3538

<sup>2</sup> By virtue of Regulation 69 of the 2007 Regulations permits which were issued under the Pollution Prevention and Control Regulations became an environmental permit on the coming into force of the 2007 Regulations

### SCHEDULE 1

**This schedule should be read in conjunction with the Notice of Variation ref: WK/200931420.**

The requirements of this variation shall come into effect as detailed below. If no date is indicated below the variation shall take effect immediately.

- 1 On the front page to the permit the word “Delamere” shall be amended to read “Delamare”
- 2 On the front page to the permit the sentence “To operate a Part B Installation of unloading petrol into stationary tanks at” shall be amended to read as follows:  
  
*To Operate a Part B Installation for the Unloading of Petrol into Stationary Storage Tanks and the Filling of Motor Vehicles with Petrol at*
- 3 On the front page to the permit the reference number “PET/B/24” shall be amended to read “PET/PB/24”

4 The contents page shall be amended to read as follows:

*Introductory Note to Permit ..... 3*

*Status Log ..... 3*

*Description of Installation ..... 4*

*1.0 The Permitted Installation ..... 5*

*2.0 Site Construction ..... 5*

*3.0 On-Site Procedures ..... 6*

*4.0 Stage I Vapour Recovery Controls ..... 7*

*5.0 Stage II Vapour Recovery Controls ..... 8*

*6.0 Management ..... 10*

*Appendix 1 – Site Plan PET/PB/24 ..... 12*

*Appendix 2 – Type Approval Test ..... 13*

*Appendix 3 – Determining the effectiveness of the vapour recovery ..... 13*  
*system for the filling of motor vehicle petrol tanks*

5 The introductory note to the permit shall be amended to read as follows:

*This introductory note does not form part of the permit*

*This Environmental Permit (The Permit) is issued by Dudley Metropolitan Borough Council (the Council) under Regulation 13(1) of the Environmental Permitting (England and Wales) Regulations 2007 (S.I. 2007 No.3538), to operate an installation prescribed in Part 2 to Schedule 1 of those Regulations, to the extent specified in the conditions of this permit.*

*The requirements of this Permit shall be effective from the date of service unless otherwise specified within the Permit. Where a Variation Notice has been served the conditions contained within that Variation Notice shall be effective from the date that the Notice is served, unless a specific implementation date is allocated to specific conditions.*

*For the purpose of this permit the legal operator of the Installation is Tesco Stores Limited, Tesco House, Delamare Road, Cheshunt, Hertfordshire, EN8 9SL.*

**STATUS LOG**

*The status log sets out the permitting history*

<i>DETAIL</i>	<i>REFERENCE</i>	<i>DATE</i>	<i>COMMENTS</i>
<i>Initial Permit</i>	<i>PET/B/24</i>	<i>19<sup>th</sup> July 2006</i>	
<i>Environmental Permit</i>	<i>PET/B/24</i>	<i>6<sup>th</sup> April 2008</i>	<i>Transfer to Environmental Permit by virtue of Regulation 69 of the Environmental Permitting (England and Wales) Regulations 2007</i>
<i>Variation Notice and consolidated permit issued</i>	<i>WK/200931420</i>	<i>10<sup>th</sup> December 2009</i>	<i>Variation of permit</i>

*End of introductory note*

6 The description of the Installation shall be amended to read as follows:

*This Installation falls within the definition of Part 2, Chapter 1, Section 1.2, Part B (d) and (e) of schedule 1 of the Environmental Permitting (England and Wales) Regulations 2007.*

The unloading of petrol from road tankers into stationary underground storage tanks ("Stage I") and the filling of motor vehicles with petrol ("Stage II") at the station within the Installation boundary marked in red on the plan attached to this Permit as Appendix 1 - Site Plan PET/PB/24. For the purposes of this permit "Motor Vehicle" means a mechanically propelled vehicle intended or adapted for use on roads.

The service station has three underground petrol storage tanks and the quantity of petrol unloaded into the storage tanks from road tankers is in excess of 500m<sup>3</sup> per year. The refuelling of motor vehicles at the station results in a throughput of petrol in excess of 3500m<sup>3</sup> per year.

During the filling of a motor vehicle, petrol vapour is recovered through an open active vapour recovery system. Petrol vapour is sucked through the fuel dispensing nozzle by a vacuum pump located in the petrol dispenser. Recovered petrol vapour is sent to an underground petrol storage tank. In order to achieve the required petrol vapour recovery efficiency of at least 85% a computer board located in the dispenser measures the fuel delivery flow rate to the vehicle. The board then sends electronic signals to a proportional valve in a vacuum pump. The opening of the valve is controlled in order to match the vapour recovery flow rate to that of the fuel delivery flow rate.

The vapour recovery system for motor vehicles is automatically monitored to detect a fault in the system. Such a fault is deemed present when the Vapour/Petrol (V/P) ratio recovered by the system, averaged over the duration of the filling of a motor vehicle tank, has fallen to below 85% or has exceeded 115% for ten consecutive filling operations. In these circumstances a visual alarm is activated on the dispenser display and if the fault is not rectified within 1 week the flow of petrol to the dispenser is cut off. It is not possible to restart the dispenser until the fault has been rectified.

7 Condition 1.1 shall be amended to read as follows:

The permitted Installation shall be comprised of the activities specified in Table 1.1 below.

Table 1.1	
Activities listed in Part 2 of Schedule 1, of the EP Regulations	Description of specified activity
Section 1.2 Part B (d) -	The unloading of petrol into stationary storage tanks at the service station, where the total quantity of petrol unloaded in 12 months is 500m <sup>3</sup> or more.
Section 1.2 Part B (e) -	The refuelling of motor vehicles at the service station where the petrol refuelling throughput in 12 months is 3500m <sup>3</sup> or more.

8 In condition 1.2 the reference "PET/B/24" shall be replaced with the reference "PET/PB/24".

9 Condition 1.3 shall be amended to read as follows:

*If the operator proposes to make a change in operation of the installation, the operator must, at least 28 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.*

10 A new condition numbered 1.4 shall be inserted into the permit and it shall read as follows:

*The best available techniques (BAT) shall be used to prevent or, where that is not practicable, reduce emissions to a minimum 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.*

11 In the first sentence of condition 2.1 the word "Installations" shall be deleted and replaced by the word "tanks". In the second sentence of Condition 2.1 the words "subject to Conditions 3.1, 3.2 and 3.3 below" shall be deleted.

12 Condition 2.5 shall be amended to read as follows:

*Each petrol storage tank vent pipe shall be fitted with a pressure vacuum relief valve to minimise vapour loss during unloading and storage of petrol. Each pressure vacuum relief valve shall be sized and weighted in order to prevent vapour loss when the storage tanks are not subject to potentially hazardous pressurisation.*

13 In the first sentence of Condition 2.6 the word "each" shall be replaced with the word "the".

14 In the third sentence of Condition 3.1 the words "Conditions 3.2" shall be replaced with the words "Condition 3.2", the word "excepting" shall be replaced with the word "except", the word "vent" shall be replaced with the word "relief", and the word "valve" shall be replaced with the word "valves".

15 In Condition 3.3 the words "Condition 6.1" shall be replaced with the words "Condition 6.3" and the word Condition shall be inserted before the number 3.1.

16 Condition 3.5 shall be deleted from the permit.

- 17 The section heading "4.0 DELIVERY PROCEDURES" shall be amended to read as follows:

*"4.0 STAGE I VAPOUR RECOVERY CONTROLS*

- 18 In Condition 4.1 the sentence "unless the diesel storage tank is vented through the same vapour balancing system as the petrol storage tanks" shall be deleted.

- 19 Condition 4.2 shall be amended to read as follows:

*Prior to the unloading of petrol into the storage tanks, the vapour return hose shall be connected before the delivery hoses. The vapour return hose shall be connected by the road tanker end first and then at the storage tank end.*

- 20 Condition 4.5 shall be amended to read as follows:

*A competent person shall remain near the tanker and keep a constant watch on hoses and connections during unloading. The competent person may be an employee of the service station operator, or the tanker driver, who has received the necessary training to ensure compliance with Conditions 4.1 to 4.9 of this permit.*

- 21 Condition 4.9 shall be amended to read as follows:

*If the storage tanks or road tanker compartments are dip tested after delivery, the dip openings shall be securely sealed immediately after dip testing is completed.*

- 22 The section heading "5.0 TESTING AND MAINTENANCE PROCEDURES" shall be amended to read as follows

*"5.0 STAGE II VAPOUR RECOVERY CONTROLS"*

- 23 Condition 5.1 shall be re-numbered 4.10 and amended to read as follows:

*Petrol delivery and vapour return lines shall be tested prior to commissioning and at least once every twelve months thereafter for vapour containment integrity. A record of the testing shall be kept in accordance with Condition 6.3.*

- 24 Condition 5.2 shall be re-numbered 4.11 and amended to read as follows:

*Pressure vacuum relief valves or other similar devices on fixed tank vents shall be checked for correct functioning, extraneous matter and seating and corrosion at least once every three years. A record of the checks shall be kept in accordance with Condition 6.3.*

25 Condition 5.3 shall be deleted from the permit.

26 Condition 5.4 shall be re-numbered 6.4.

27 A new condition numbered 5.1 shall be inserted into the permit and it shall read as follows:

*Vapours displaced by the filling of petrol into motor vehicle tanks shall be recovered through the use of an open active vapour recovery system, and discharged into a stationary petrol storage tank. The filling of motor vehicle tanks with petrol shall not take place unless such a system is in place and fully functioning.*

28 A new condition numbered 5.2 shall be inserted into the permit and it shall read as follows:

*The vapour recovery system required by Condition 5.1 shall be approved for use under the regulatory regimes of at least one European Union or European Free Trade Association country and shall be certified by the manufacturer to have a hydrocarbon capture efficiency of not less than 85% determined through a "type approval test" (as defined in Appendix 2 to this permit). A certificate to confirm such compliance shall be retained at the Installation in accordance with Condition 6.3.*

29 A new condition numbered 5.3 shall be inserted into the permit and it shall read as follows:

*The vapour recovery system required by Condition 5.1 shall be designed, installed and tested in accordance with British, European and international standards or national methods agreed with the Council.*

30 A new condition numbered 5.4 shall be inserted into the permit and it shall read as follows:

*The petrol delivery and vapour recovery system for vehicle petrol tanks shall be tested in accordance with the manufacturer's specifications and for:*

- a) *Vapour containment integrity at least once every three years from the 10<sup>th</sup> December 2009, and within one month following any 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, and*
- b) *The effectiveness of the vapour recovery system at least once every three years from the 10<sup>th</sup> December 2009. The effectiveness of the vapour recovery system shall be determined in accordance with the requirements of Appendix 3.*

*Records of testing for vapour containment integrity and the effectiveness of the vapour recovery system shall be kept in accordance with Condition 6.3.*

- 31 A new condition numbered 5.5 shall be inserted into the permit and shall read as follows:

*The installed automatic monitoring system 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 motor vehicle petrol tanks indicates that the Vapour/Petrol (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 rate of petrol dispensed reaches at least 25 litres per minute, and*
- b) Automatically cut off the flow of fuel on the faulty delivery system if the fault is not rectified within 1 week, and*
- c) Be approved for use under the regulatory regime of at least one European Union or European Free Trade Association country.*

- 32 A new condition numbered 5.6 shall be inserted into the permit and it shall read as follows:

*Adverse results from any monitoring check or testing exercise carried out in accordance with the conditions of this permit shall be investigated as soon as they are received. The operator shall:*

- Identify the cause and take corrective action*
- Record as much detail as possible regarding the cause and extent of the problem, and the action taken by the operator to rectify the situation, and*
- Re-test to demonstrate compliance as soon as possible, and record the results in accordance with Condition 6.3.*

*The council shall be notified without delay if the results from any monitoring or testing exercise carried out in accordance with Conditions 5.4 and 5.5 identifies adverse results, vapour recovery equipment failure or leaks if there is likely to be an effect on the local community. The operator shall advise the Council of the corrective measures to be taken and the timescales over which they will be implemented.*



- 33 The existing Condition 6.1 shall be deleted from the permit and a new condition numbered 6.1 shall be inserted into the permit, which shall read as follows:

*The operator shall maintain and implement written procedures to ensure that regular effective preventative maintenance in accordance with the manufacturer's instructions is employed on all plant and equipment concerned with the capture, transport, control and exhaust of emissions to air. A record of relevant maintenance shall be kept in accordance with Condition 6.3.*

- 34 The following sentence shall be inserted into the permit at the end of Condition 6.2

*A record of the relevant training given shall be kept in accordance with Condition 6.3.*

- 35 A new Appendix numbered 2 shall be inserted into the permit and it shall read as follows:

#### APPENDIX 2- TYPE APPROVAL TEST

*A test undertaken to gain approval for use. In the context of this permit, this term is used in relation to approval for use of a vapour recovery system in petrol dispensers for compliance with national regulations. The test will typically include leakage tests and metrology tests as well as tests on hydrocarbon capture efficiency and volumetric efficiency (P/V ratio).*

- 36 A new Appendix numbered 3 shall be inserted into the permit and it shall read as follows:

#### APPENDIX 3- DETERMINING THE EFFECTIVENESS OF THE VAPOUR RECOVERY SYSTEM FOR THE FILLING OF MOTOR VEHICLE PETROL TANKS

*The effectiveness of the vapour recovery system for the filling of motor vehicle petrol tanks shall be determined 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 Trade Free 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 shall 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').*

General

All references to the Pollution Prevention and Control Regulations 2000 (PPC Regs) have been replaced with references to the relevant sections of the Environmental Permitting (England and Wales) Regulations 2007 ("the EP Regulations")

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*End of Permit Variations*

*Attached to this Notice is a separate document titled "Guidance for operators receiving a Variation Notice" which does not form part of the Notice. You are advised to read that document and ensure that you fully understand the requirements of the Notice and your rights of Appeal*