



Ipswich Borough Council
Grafton House,
15-17 Russell Road,
Ipswich,
Suffolk,
IP1 2DE

Reference: WK/202209765
Environmental Permit: 27/5/LB

Notice**The Environmental Permitting (England and Wales) Regulations 2016 – Regulation 36****Enforcement Notice**

Operator

Name: The Company Secretary

Address: D Cannon Ltd, 9 Stradbroke Grove, Ilford, Essex, IG5 0DN

Permitted Site

Name: The Manager

Address: Bourne Bridge Service Station, 551 Wherstead Road, Ipswich, IP2 8LR

Offence

The Ipswich Borough Council considers that you have contravened and are likely to further contravene the following environmental permit condition relating to the operation of the above-mentioned site:

- Condition 2

The Operator shall implement the following schedule of preventative maintenance. Once per year the Operator shall carry out the following checks and maintenance work.

- A visual inspection of fill pipe adaptors and caps and replace as required
- A visual inspection of the vapour connection point, including the condition of the adaptor, poppet valve and dust cover and replace as required.
- A visual inspection of the position and clarity of the notices required by condition 13 of this permit.
- A visual inspection of the pressure/vacuum relief valve and clean flame arrestor/gauges.

The inspection shall comprise checks for build up of deposits, wear, damage, blockage, leakage and correct operation.

Records of all maintenance checks shall be made and copies retained on site for a minimum of two years, and available for inspection by an authorised officer of Ipswich Borough Council.

- Condition 3

All reasonably practicable steps shall be taken to prevent uncontrolled leaks of vapour from vents, pipes and connectors from occurring. The regulator shall be advised without delay of the circumstances of such a vapour leak if there is likely to be an effect on the local community, and in all cases such a vapour leak should be recorded in the log book required under condition 34. In this condition and in condition 4 a vapour leak means any leak of vapour excepting those which occur through the vent mentioned in condition 11 during potentially hazardous pressurisation.

- Condition 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.

- Condition 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:

- 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.
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- Effectiveness of the vapour recovery system at least once every three years where an automatic monitoring system is in place. As the system on site is an open active vapour recovery system 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').

- Condition 30

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

- A test of functionality of the vapour recovery system using appropriate equipment;
- An inspection for torn, flattened or kinked hoses and damaged seals on vapour return lines;

- Condition 34

The operator shall maintain a log book at the authorised premises incorporating details of all maintenance, examination and testing, inventory checking, installation and repair work carried out, along with details of training given to operating staff at the service station. The log book shall also detail any suspected vapour leak together with action taken to deal with any leak, in accordance with Conditions 3,4 and 5.

The operator shall record in the log book details of all maintenance; examination and testing; installation and repair work carried out on equipment for recovery of vapours during filling of vehicle petrol tanks. The operator shall also hold at the premises the certificate referred to in Condition 25 and the results of testing undertaken in accordance with Condition 28.

- Condition 37

The Operator shall be aware that important elements for effective control of emissions shall include:

- Proper management; supervision and training for process operations
- Proper use of Equipment and
- Effective preventative maintenance on all plant and equipment concerned with the control of emissions to the air.

- Condition 38

The Operator shall ensure staff at all levels need the necessary training and instruction in their duties relating to control of the process and emissions to air.

- Condition 39

The Operator shall ensure that training of all staff with responsibility for operating the process shall include:

- Awareness of their responsibility under the permit; in particular supervising and performing unloading operations of tankers
- Actions to minimise emissions during abnormal conditions

- Condition 40

The Operator shall maintain a statement of training requirements for each operational part and keep a record of the training received by each operational part and keep a record of the training received by each person whose actions may have an impact on the environment. These documents shall be made available to an authorised officer of Ipswich Borough Council at their request.

The matters that constitute the contravention are:

- Failure to produce any documentation in relation to the operation of the business (including policies, procedures, training, and maintenance records).
 - On numerous occasions it was found that staff have been unaware of their responsibilities as to the environmental permit and Petroleum (Consolidation) Act 1928.
 - Previous inspections were unable to be completed due to staff being unaware of the VR manifold key or unable to provide key to check VR manifold.
 - Vent 3 Signage/Label missing from relevant Manifold Vent Pipes.
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Action required

The following steps must be taken in accordance with the attached timescale to remedy the contravention.

Action required	Timescale
1. Implement and maintain appropriate procedures and documentation: a. Implement a schedule of procedures, checks and maintenance requirements for the installation as listed in Conditions 2, 3, 23, 28, 30, 34, 37, 38, 39 and 40 of Permit Number: 27/5/LB i. Written procedure & schedule shall be provided to the local authority. b. Provide and record staff training as per conditions 34, 37, 38, 39 and 40 of Permit Number: 27/5/LB. c. Maintain and provide to the local authority all records specified in conditions 2,3, 23, 28, 30, 34, 38, 39, and 40 of 27/5/LB.	20th April 2023
2. Undertake repairs to ensure that all labelling and signage, particularly in relation to the Vapour Recovery Manifold and pipework, is in place.	20th April 2023
3. Upon immediate request, ensure that access is granted to the VR manifold by the local authority (ensure key is available on site).	27th March 2023

Officer

Signature:

Date: 20th March 2023

Name: Ben Atkinson

Title: Public Protection Officer

Contact address: Ipswich Borough Council, Grafton House, 15-17 Russell Road, Ipswich, Suffolk, IP1 2DE

Email: ben.atkinson@ipswich.gov.uk

Telephone: 01473 432000

Notes

This notice requires you to take the steps specified in the notice, by the given date in order to comply with the requirements of an environmental permit. Failure to comply with the terms of this notice is an offence under Regulation 38(3) of the 2016 Regulations.

Appeals

Under Regulation 31(1)(f) of the 2016 Regulations, operators have the right of appeal against an enforcement notice. The right to appeal does not apply in circumstances where the notice implements a direction of the Secretary of State given under Regulations 61 or 62 or a direction or when determining an appeal.

Appeals against an enforcement notice do not suspend the operation of the notice.

Notice of appeal against an enforcement notice must be given within **2 months** of the date of the notice. 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 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 with the following (see paragraphs 2(1) and (2) of Schedule 6 of the 2016 Regulations):

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- 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 2016 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

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.

Advice

If you do not understand the contents of this notice or would like to know more about it, please contact the local authority. If you would like to receive independent advice about the contents of this notice, your rights and obligations then please contact Citizens Advice, a Housing Aid Centre, law centre or solicitor. Please be aware that you may qualify for legal aid or, otherwise, free independent advice from a solicitor or legal advisor for up to half an hour.

Warning

It is an offence to fail to comply with the requirements of an enforcement notice.

A person guilty of an offence could be liable to (i) a fine or to imprisonment for a term not exceeding 12 months or both; or (ii) to a fine or imprisonment for a term not exceeding five years or both, depending on whether the matter is dealt with in a magistrates' or Crown Court. Additionally, under Regulation 42 of the 2016 Regulations, the council may, in certain cases, take proceedings in the High Court for the purpose of securing compliance with this enforcement notice.

If an offence committed by a person is due to the act or default of some other person, that other person is also guilty of the offence and is liable to be proceeded against and punished accordingly, whether or not proceedings for the offence are taken against the first-mentioned person.
