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**Notice**

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

## Enforcement Notice

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**Operator**

Name  
Mr F Gurgen trading as Star Dry Cleaning & Alteration

Address  
8 Norwich Road, Ipswich, Suffolk, IP1 2NG

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**Permitted Site**

Name  
Star Dry Cleaning & Alteration

Address  
8 Norwich Road, Ipswich, Suffolk, IP1 2NG

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**Offence**

The local authority (Ipswich Borough Council) considers that you are contravening the following environmental permit condition relating to the operation of the above mentioned site:

### Environmental Permit Condition

4. The operator shall implement a schedule of procedures, checks and maintenance requirements to each dry cleaning machine as listed in Appendix 4.
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.
9. In the case of abnormal emissions, malfunction or breakdown leading to abnormal emissions the operator shall: • investigate immediately and undertake corrective action; and • adjust the process or activity to minimise those emissions; and • promptly record the events and actions taken • in this condition abnormal emission will include any detectable solvent smell other than in the area of the dry cleaning machine
11. Dry cleaning machines shall be operated as full as the type of materials to be cleaned will allow (e.g. full loads for light non delicate materials such as suits. Delicates and heavy materials, such as wedding dresses and blankets may need to be cleaned in part loads).
12. Where cleaning solvents containing VOC's are not received in bulk they shall be stored: • in the containers they were supplied in with the lid securely fastened at all times other than when in use; and • within the spillage collectors, of suitable size and made of impervious and corrosion proof materials; and • away from sources of heat and bright light; and • with access restricted to only appropriately trained staff. • The lids of the containers shall only be removed when the container is next to the cleaning machine ready for filling. 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. Once emptied, the lid of the container shall be replaced securely. (Note: from a health and safety point of view a well ventilated area should be used.)
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. (Note: Empty containers should where possible, be returned to the supplier.)
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22. Solvent contaminate waste, for example still residues, shall be stored: • in suitable sealed containers with the lid securely fastened at all times other than when in use; and • on a suitable impervious floor (such as a concrete floor, if necessary coated with flooring paint); and • away from any drains which may become contaminated with residues as a result of spillage • away from sources of heat and bright light; and • with access restricted to only appropriately trained staff. (Note: from a health and safety point of view a well-ventilated area should be used.)

23. Equipment to clean up spillages shall 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 7. The records shall be available within 7 days upon request by the regulator.

26. Where a continuous PER monitoring device has been fitted for health and safety reasons, it shall be maintained and calibrated in accordance with the manufacturer's recommendations. As a high reading on the monitor indicates leaks and other malfunctions which have led to the release of PER, then this will also indicate potential non-compliance with the environmental requirements of the permit. (Note: An alternative is to use a hand-held device to detect leaks as this can be used in close proximity to the machine to detect minor leaks that would not be detected by a remote monitor).

**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).
- Empty containers with no lids.
- Spot treatment bottles with no lids.
- Excess solvent not being stored in an appropriate spillage collector of 110%
- Containers contaminated with solvent not being clearly labelled, on a suitable impervious floor, away from sources of heat and bright light and access restricted to only appropriately trained staff.
- No spill kit available on site

**Action required**

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

Action required	Timescale
<p><b>1. Implement and maintain appropriate procedures and documentation:</b></p> <p>a. Implement a schedule of procedures, checks and maintenance requirements to each dry-cleaning machine as listed in Appendix 4 of EP67/02/BA.</p> <p style="padding-left: 40px;">i. Written procedure &amp; schedule shall be provided to the local authority.</p> <p>b. Provide and record staff training as per condition 7 of EP67/02/BA.</p> <p>c. Maintain and provide to the local authority all records specified in conditions 9, 24 &amp; 26 of EP67/02/BA.</p>	<p><b>17<sup>th</sup> April 2023</b></p>

**2. Exercise control over the use and storage of solvents:**

- a. Dry cleaning machines shall be operated as per condition 11 of EP67/02/BA.
- b. Ensure all containers and spot treatments containing solvent are stored with lids on, and all other aspects of condition 12 of EP67/02/BA are complied with.
- c. Ensure all containers containing solvent contaminate waste are:
  - i. Stored in a bunded area capable of holding a volume of 110% of the volume of the largest container on/within the bund.
  - ii. Stored as per conditions specified in conditions 12, 21 & 22 of EP67/02/BA.
- d. Ensure that an appropriate 'spill kit' is on site and available as per condition 23 of EP67/02/BA.

**17<sup>th</sup> April  
2023**

**Officer**

Signature:



Name: Ben Atkinson

Title: Public Protection Officer

Date: 16th March 2023

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

Email: ben.atkinson@ipswich.gov.uk

Telephone: 01473 432 000

**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

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State with the following (see paragraphs 2(1) and (2) of Schedule 6 of the 2016 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 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.

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### **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.

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### **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.

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