

Port of Cromarty Firth Invergordon Service Base

Permit Application

PPC/A/1157970

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1 NON TECHNICAL SUMMARY OF DETERMINATION

PPC requires that where the draft determination of an application or a SEPA initiated variation is to be subject to public consultation (this is usually referred to as PPD consultation) the decision document will contain a non technical summary of the determination. There is no need to have a non technical summary if the application is no subject to PPD

Will the draft determination be subject to public consultation? Yes

The Port of Cromarty Firth (PoCF) is applying for a PPC Permit to allow oil and gas assets from the North Sea that have reached the end of their life to be decommissioned on the installation, located on the Invergordon Service Base.

The decommissioning of these assets involves the removal of hazardous wastes prior to the breakup of the asset. The resulting wastes are size reduced and segregated for off-site recycling, recovery, reuse or disposal as appropriate.

The activities that require a PPC Permit are the recovery of hazardous waste, and the directly associated activity of the recovery of non-hazardous waste. The maximum quantity of waste that could be stored on the installation at any one time is 50,000 tonnes. The actual amount of waste on site will be determined by the size of the asset being decommissioned, and will reduce as a project progresses. The site target is to recycle, reuse, or recover at least 97% of the waste material associated with each asset.

The project steps are:

- Receipt of the asset following delivery by barge or other vessel
- Removal of marine growth as a priority to minimise odour issues.
- Surveying the asset to ensure compliance with the hand-over documentation and to confirm safe access routes and hazardous waste locations.
- Removal of hazardous materials which are then stored and then removed off site.
- Soft strip of furnishings and fittings to leave primarily metal.
- Dismantle the asset using relevant methods.
- Segregate, reduce in size as required, and store the wastes prior to removal off-site by ship.

Glossary of terms

BAT	-	Best Available Techniques
CO	-	Coordinating Officer
ELV	-	Emission Limit Value
PoCF	-	Port of Cromarty Firth
PPC	-	Pollution Prevention and Control

2 EXTERNAL CONSULTATION AND SEPA'S RESPONSE

Is Public Consultation Required - Yes

<i>Advertisements Check:</i>	<i>Date</i>	<i>Compliance with advertising requirements</i>
Edinburgh Gazette	30/05/2017	Complies

Press & Journal	30/05/2017	Complies
North Star (Highland News Group)	01/06/2017	Complies
Ross-shire Journal	02/06/2017	Complies
<p>No. of responses received: None However a query was received at the end of July about how to view the application. This question is outwith the consultation period.</p>		
<p>Summary of responses and how they were taken into account during the determination: Not applicable</p>		
<p>Summary of responses withheld from the public register on request and how they were taken into account during the determination: None</p>		
<p>Is PPC Statutory Consultation Required – Yes</p>		
<p>Food Standards Agency: 05/06/2017-response to say that they were happy, provided that the applicant complies with Guidance.</p>		
<p>Highland Health Board: 23/06/2017-response to say that they did not have the expertise to assess the impacts, but noted a few items.</p> <ul style="list-style-type: none"> • They noted the Incident Plans, and wished to ensure that the responses were practiced / monitored. • Also wished for understanding of load with increased traffic onto area. This is not an issue SEPA would lead on, but would be for the Planning Authority. 		
<p>Highland Council (Local Auth): No response</p>		
<p>Scottish Water: Not applicable</p>		
<p>Health and Safety Executive: Not applicable</p>		
<p>Scottish Natural Heritage (PPC Regs consultation): 23/06/2017-Noted that proposal unlikely to have a significant effect on designated sites and species. They do note that, as SEPA is the lead agency on marine non-native species, they look to us to ensure that the risk of introducing non-natives in ballast or externally attached has been adequately assessed by the applicant.</p>		
<p>Cromarty Firth Port Authority (statutory harbour authority): No response</p>		
<p>Discretionary Consultation - No</p>		
<p>Enhanced SEPA public consultation - No</p>		
<p>Details of enhanced public consultation: While SEPA have not done this, the Applicant has undertaken enhanced public consultation themselves by contacting Community Councils and by putting articles as well as the statutory adverts in local media.</p>		
<p>'Off-site' Consultation - No</p>		
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Transboundary Consultation - No	
Public Participation Consultation - Yes	
<p>STATEMENT ON THE PUBLIC PARTICIPATION PROCESS The Pollution Prevention and Control (Scotland) Regulations 2012 (schedule 4, para 22) requires that SEPA's draft determination of this application be placed on SEPA's website and public register and be subject to 28 days' public consultation. The dates between which this consultation took place, the number of representations received and SEPA's response to these are outlined below.</p>	
Date SEPA notified applicant of draft determination	25/08/2017
Date draft determination placed on SEPA's Website	25/08/2017
Details of any other 'appropriate means' used to advertise the draft	Direct contact with the two members of the public who had contacted SEPA outwith the consultation period.
Date public consultation on draft permit opened	25/08/2017
Date public consultation on draft permit consultation closed	21/09/2017
Number of representations received to the consultation	01
Date final determination placed on the SEPA's Website	09/10/2017

3 ADMINISTRATIVE DETERMINATIONS
Determination of the Schedule 1 activity
As detailed in the application (5.3 A (b)(iv) and 5.3 A (b)(vi))
Determination of the stationary technical unit to be permitted:
As detailed in the application.
Determination of directly associated activities:
As detailed in the application. It includes the handling of non-hazardous wastes.
Determination of 'site boundary'
As detailed in the application. Boundary is given on drawing 1.3, and includes an area to allow assets to be moored alongside the quay.

4 INTRODUCTION AND BACKGROUND

4.1 Historical Background to the activity and application

This has been a new application for decommissioning redundant oil rigs. There have been on-going discussions for the past months about this proposal.

4.2 Description of activity

The activity is a large-scale metal recycling facility, but the structures that come in will contain other materials that may include Special Wastes in the form of oils and possibly asbestos. Due to the likelihood of there being Special Wastes, this requires to be permitted as a PPC installation rather than under Waste Management Licensing.

The details of the activity and how it is carried out is outlined in Section 3.2 of the supporting documentation with the application.

4.3 Guidance/directions issued to SEPA by the Scottish Ministers under Reg.60 or 61.

None

4.4 Identification of important and sensitive receptors

The Invergordon Service Base is immediately adjacent to the town of Invergordon. The nearest residential properties are within a few hundred meters of the boundary of the site.

There are sites that have been designated for natural heritage reasons immediately adjacent to the Service Base. There has been consultation with Scottish Natural Heritage in regard to these designated sites.

There is a population of bottlenose dolphins (a protected species) resident in the Moray Firth. While the Cromarty Firth does not have a designation to protect these cetaceans, consideration should be made (and has been in Part 5 of Section 9 in the application) to these.

This activity is to be undertaken within the boundary of an operational port, and is another industrial activity within other industrial activities. Therefore, the fact that this site is overlooked from rural areas on the Black Isle (across the Cromarty Firth) and the hinterland to Invergordon is not deemed to be important when considering this application.

5 KEY ENVIRONMENTAL ISSUES

5.1 Summary of significant environmental impacts

The main impacts may be of dust and of odour if there are any marine growths that commence decomposing on the site. There may be noise issues, but this installation is within an operating port. There may be some fugitive water emissions, but these are less likely.

5.2 Point Sources to Air

This activity is undertaken on a large area, and any possible emissions could come from anywhere. Also, because the structures vary and each will have its own specific working plan, any emissions to air would be fugitive rather than being point source emissions.

5.3 Point Source Emissions to Surface Water and Sewer

The operations are being undertaken outwith a sewerage area, so there will be no emissions to sewer.

The Operator states that they will contain any water that they use in the operation, although the operations being undertaken are such that there should be minimal water usage. There are surface water drains in the proposed working area, and these are licenced by SEPA and discharge into the transitional waters of the Cromarty Firth.

There should not be any point source emissions to the water environment.

5.4 Point Source Emissions to Groundwater

There will be no point source emissions to groundwater. All operations will be undertaken on a sealed surface.

5.5 Fugitive Emissions to Air

Any potential emissions to air will be fugitive rather than point source, and are likely to be of dust rather than being specific chemical components. Dust emissions are outlined in Section 3 of Document 7.

The information in the Document is BAT and controls should be such that no specific conditions need be inserted.

5.6 Fugitive Emissions to Water

These are outlined in Section 7 of Document 7 of the application paperwork.

Any water discharges from the operations are likely to be made into the surface water drainage system, and they can be caught there before there is a discharge to the marine environment.

These surface water discharges are all authorised separately as Licences under the Water Environment (Controlled Activities) (Scotland) Regulations 2015, and would require to comply with any discharge conditions included therein.

5.7 Odour

There is a potential of odour from any marine growth that is brought ashore attached to the structure. Section 5 of Document 7 outlines the Operator's assessment of the risk and their plans for dealing with any odorous or potentially odorous material.

Other operations are unlikely to generate any odours that may be detectable at levels deemed to be offensive.

5.8 Management

Document 5 of the application outlines the fit and proper person test, and is referred to in section 10 of part 1 of this decision document. Section 10 of Document 3.2 also gives information about the management and refers to operating to an Environmental Management System.

There will be a task specific working plan for each structure that comes into the Service Base, and any management structure will be included.

The PoCF acknowledge that, because they will be the holders of the PPC Permit, they are ultimately responsible for the management of operations. The management structures and procedures appear to be satisfactory.

5.9 Raw Materials

Due to the nature of the operations, there are likely to be not many raw materials used in the process (see Document 6). Most of these will be consumables or materials such as fuel or oil for the maintenance and operation of equipment.

5.10 Raw Materials Selection

There is unlikely to be much variation in the selection of raw materials.

5.11 Waste Minimisation Requirements

The activity is a waste handling / treatment operation. However the application (Section 6 of Document 6) notes that they will not be a significant producer of waste materials.

5.12 Water Use

Section 3 of Document 6 details the water usage. It addresses the different uses of water, and notes the techniques to minimise water use.

5.13 Waste Handling

This is described in Document 4 with the application.

The different potential waste types and streams are identified and the means of dealing with them identified.

5.14 Waste Recovery or Disposal

This is the main aim of this PPC Permit. The Operator has highlighted the different waste streams and how they are going to deal with them. This is in accordance with the waste hierarchy and best practice.

The aim is that less than 2% of the asset is disposed of, and almost 94% is recycled.

5.15 Energy

Section 4 of Document 6 notes that the site is not a heavy user of energy, so will not be subject to a climate change agreement.

The applicant notes that the measures that they are putting in place to minimise energy usage are in line with BAT as prescribed by the Energy Efficiency BAT Reference Document.

5.16 Accidents and their Consequences

Documents 3.3 and 3.4 refer to risk management and emergency planning. The operator has undertaken a full assessment of the potential accidents and their consequences. They also have and maintain a Major Accident Plan and an Oil Spill Response Plan.

5.17 Noise

Document 8 gives the information following a noise Assessment. This is noted as having been undertaken in accordance with SEPA's guidance.

The summary is that there should not be any exceedances during day or evening works, but there may be some predicted exceedances during night time working. However the Operator is stating that these potential noisy activities should not be undertaken when they may be a problem due to standard working practices.

5.18 Monitoring

Monitoring and sampling is given in Document 3.5. The details given here are likely to be transferred across into the Permit, with maybe some additional basic checks.

5.19 Closure

Document 3.6 is the Site Closure Plan, and gives the required detail.

5.20 Site Condition Report (and where relevant the baseline report)

Document 2 of the application documentation gives the site condition report.

In summary, the Service Base is reclaimed land, and is made up of virgin materials that have been surfaced to seal the ground. The operations that have previously been undertaken on the

site are similar to those proposed – in the past and currently it was the care and maintenance of off-shore structures, although not the decommissioning of them.

Section 7 of Document 2 gives the current condition and outlines some contamination found during the survey.

The report gives a good basis for moving forward with the application.

5.21 Consideration of BAT

The operation on the site can be deemed to be BAT.

6 OTHER LEGISLATION CONSIDERED
<i>Nature Conservation (Scotland) Act 2004 & Conservation (Natural Habitats &c.) Regulations 1994</i>
Is there any possibility that the proposal will have any impact on site designated under the above legislation? Yes
Screening distance(s) used – 2000 metres
Are there any SSSIs within the area screened? Yes
Has SNH been consulted under section 15(5) of the 2004 Act? No An assessment of potential impacts indicates that the impacts are unlikely to be significant. Furthermore, having spoken to SNH, any response from them under the 2004 Act would include the information that they will be supplying following the PPC consultation. Any responses that may have been received under this consultation are recorded under the statutory PPC consultation (details above).

Are there any SPA or SAC designated areas within the area screened? Yes

Have you carried out an appropriate assessment? Yes

Date appropriate assessment consultation letter sent – The standard PPC consultation letter was sent, and after speaking to SNH a further letter purely for this purpose is not required. Any responses are detailed above under the statutory consultation section above.

Summary of responses received from SNH including date – See comments under Statutory Consultations.

SEPA Nature Conservation Procedure for Environmental Licensing: Recording template Record of the assessment of the conservation implications of CFPA Rig Decommissioning Licence application number: PPC/A/1157970

The following document has been prepared by the Scottish Environment Protection Agency as the Competent Authority for the above proposal. This report should be read in conjunction with the following documents:

	Project and site description	
1	Brief description of the project	The application is for the dismantling of redundant oil rig equipment on the quayside at the Invergordon service Base, and in the future alongside the quay.
2	Special Areas of Conservation or Special Protection Areas within the screening distance of the project	Cromarty Firth SPA (The screening distance used was 2000 metres, but the SPA is adjacent to the harbour and installation boundary. There are no other SAC or SPA sites up to 5000 metres away.)
3	Qualifying interests for the SAC/SPA (habitats and/or species) and conservation objectives for each of these interests	The designation is for breeding and non-breeding birds
4	SSSIs and their designated features within the screening distance of the project	Cromarty Firth SSSI. The designation is for 5 non-breeding birds (all of which are designated in the SPA), and for the mudflats, sandflats and saltmarsh.
5	Is the proposal directly connected with, or necessary to, conservation management of the SAC/SPA?	The proposal is not directly connected with, or necessary to, the conservation management of the Cromarty Firth SAC. Therefore further consideration and an assessment of likely significant effect is needed.
	Assessment of likely significant effect	
6	Identify the individual elements or phases of the overall project that would give rise to a likely significant effect. Clearly identify any element of the project where the scale or magnitude of effect is not known or cannot be determined at this stage.	The general operations of breaking the structures should not cause any a significant effect. There is a potential for dust emissions to air being carried out with the site, but operating practices should be able to deal with this. There is also a standard condition of “not particulate emissions beyond the site boundary” which will protect the designated sites. Emissions direct to the water environment are not planned as part of the application, and the operator is

		planning on putting measures in place to contain any liquids so that there is not a discharge.
7	Identify any likely direct, indirect or secondary impacts of the project, in combination with other plans or projects, on the SAC/SPA.	There should not be any impacts on the Cromarty Firth SAC from the operation of this installation. (The works are unlikely to attract gulls / crows or other vermin that may affect the birds for whom the site is designated.)
8	Identify any likely direct, indirect or secondary impacts of the project on any relevant SSSIs.	The method of operation at the installation is unlikely to have any impacts on the Cromarty Firth SSSI.
9	Identify standard conditions within the authorisation, or other conditions agreed with the applicant, which will remove the risk of likely significant effects listed above.	There are no significant effects. There are several standard conditions that go into all Permits that will ensure that any possible risks and effects are mitigated against.
10	List any remaining likely significant effects, or identify those for which it is not possible to determine that there is no likely significant effect.	There are no likely significant effects remaining after the controls that are imposed by the standard permit conditions that are included in all permits.
	Conclusion of assessment of likely significant effect	
11	Is the plan/project likely to have a significant effect on the SAC/SPA, either alone or in combination, with other plans or projects?	Provided that the standard conditions or other agreed licence conditions outlined above are adopted by means of enforceable conditions attached to the CAR licence, then it is SEPA's view that the proposal will not have a likely significant effect on the Cromarty Firth SAC. No further assessment is required. Following the Statutory Consultation, SNH confirmed this as well.
Other legislation		
None		

7 ENVIRONMENTAL IMPACT ASSESSMENT AND COMAH
Guidance Notes – The PPC Regulations require that under certain circumstances SEPA take into consideration the information in any statutory Environmental Impact Assessment carried out as part of the planning process or a Safety Report produced under the Control of Major Accident Hazards Regulations.
How has any relevant information obtained or conclusion arrived at pursuant to Articles 5, 6 and 7 of Council Directive 85/337/EEC on the assessment of the effects certain public and private projects on the environment been taken into account? There has not been an Environmental Impact Assessment undertaken, so SEPA do not have a document to consider.

How has any information contained within a safety report within the meaning of Regulation 7 (safety report) of the Control of Major Accident Hazards Regulations 1999 been taken into account?

The site is not one that would fall under COMAH, so a safety report is not needed.

8 DETAILS OF PERMIT

Do you propose placing any non standard conditions in the Permit? No

It is noted that the PPC Part A Permit Template does not fully take account of this particular activity. Therefore conditions from the PPC Permit Template for 5.3 activities were used in order to complete this Permit. If any conditions appeared in both templates, the ones in the PPC Part A Template took precedent.

Conditions relating to a Site Specific Working Plan (called the Project Specific Area Plan in the Permit and applications) were taken from the Waste Management Licence Mobile Plant Template, and the wording was tweaked slightly to take account of the current situation.

Do you propose making changes to existing text, tables or diagrams within the permit?

Not applicable – this is a new permit

9 EMISSION LIMIT VALUES OR EQUIVALENT TECHNICAL PARAMETERS/ MEASURES

Are you are dealing with either a permit application, or a permit variation which would involve a review of existing ELVs or equivalent technical parameters? No

Justification: There are no point source emissions, so there are no ELVs that can be put into place. Rather, the emissions are more likely to be fugitive and there will be general monitoring and general conditions in order to control these.

10 PEER REVIEW

Has the determination and draft permit been Peer Reviewed? Yes

11 FINAL DETERMINATION

Issue a Permit – Based on the information available at the time of the determination SEPA is satisfied that

- The applicant will be the person who will have control over the operation of the installation/mobile plant,
- The applicant will ensure that the installation/mobile plant is operated so as to comply with the conditions of the Permit,
- The applicant is a fit and proper person (specified waste management activities only),
- Planning permission for the activity is in force (specified waste management activities only),

- That the operator is in a position to use all appropriate preventative measures against pollution, in particular through the application of best available techniques.
- That no significant pollution should be caused.

12 REFERENCES AND GUIDANCE

Guidance Notes – Identify key references, guidance (BREF, UK Technical Guidance, etc) used in determination

- Waste Treatment BRef (Aug 2006)
- Draft Waste Treatment BRef (Dec 2015)