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Sent date: 12/11/2018 - 17:04
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Subject: Clydeport Operations Ltd Application to SEPA for Waste Management Licence for Decommissioning of Oil Rigs at Hunterston
Attachments: Car Covered in Coal Dust.jpg 136.1 KB
e2bd9b1d-c231-4e40-af90-ac730ea4faab.JPG 199.8 KB
99a324af-9227-409f-8705-0f8815d9d211.JPG 517.2 KB

Dear Mr A'Hearn and SEPA

In your current consultation on the Oil and Gas Decommissioning Sector Plan you state that SEPA aims to put environmental protection and excellence at the heart of its values. The Friends of the Firth of Clyde are a group of concerned residents, who recently wrote to you regarding our serious concerns about the scale and complexity of the hazardous and non hazardous waste outlined in the recent application for a Waste Management Licence (WML), that was submitted by Envirocentre on the 3rd of October 2018 on behalf of Clydeport Operations Ltd, to manage the waste arising from proposed for oil rig decommissioning at Hunterston Marine Services Centre.

We wholehearted support the principle of the circular economy and recognise that decommissioning is an important emerging business opportunity for Scotland; but believe that this opportunity brings with it the responsibility to ensure that profits are balanced against protecting the environment and the communities who will live with the legacy of the industry. We wholeheartedly welcome the news that SEPA is developing a Sector Plan to ensure sure that the risks associated with this highly complex industry are appropriately understood and the correct decision making and management processes are in place to ensure organisations undertaking decommissioning will be held to account for their responsibilities to the environment and the communities they operate within.

In our previous communication, we highlighted our case that the change of use for the Hunterston site from construction to decommissioning, without North Ayrshire Council requiring an Environmental Impact assessment (EIA), has opened the door to unprecedented amounts of scrap metal, foul organic marine matter and highly toxic waste being bought into Southannan Sands which is a Site of Special Scientific Interest (SSSI), and the surrounding land and marine environment of the Firth of Clyde.

You state in the Sector Plan that *'We want to get this right and get on with it'* the Friends of the Firth of Clyde are urging SEPA to *'get it right'* for Hunterston. We do not consent to be collateral damage of an emerging decommissioning industry, consigned to become a salutary case study in the appendices of the SEPA Oil and Gas Decommissioning Sector Plan, that illustrates what happens when haste to grant permission to new developers overrides careful consideration of all the complex factors involved.

As a group of concerned residents we have been forced to take it upon ourselves to chase salami sliced planning applications and seek out information using Freedom of Information Requests in

addition to pay a QC to expert advice. All of which has been made extremely difficult because of the constant changes to the names of organisations managing different parts of this project, and repeated changes to the site name.

We would like to draw your attention to a number of factors that we believe raises a number of important questions about the suitability of this application:

1. Requirement of a Pollution Prevention & Control (PPC) Permit for the scale and nature of the application.

We question whether a Waste Management Licence (WML) is appropriate for oil rig decommissioning and indeed there is the expectation in the planning permission documentation that a PPC will be required. We draw your attention to the following:

- (i) The **unprecedented quantity** (well exceeding 10 tonnes per day) and the **nature of the waste** (including NORM, asbestos and marine fouling) associated with this application.
- (ii) That guidance from within the industry itself highlights this requirement and that existing decommissioning facilities are required to have a Pollution Prevention & Control (PPC) Permit.
- (iii) That North Ayrshire Council (NAC) in the "*NAC Planning Committee Report re the application by Clydeport under Section 42 of the Town and Country Planning (Sc) Act 1997 to allow decommissioning*" states that **a PPC will be undertaken.**
- (iv) The NAC planning portal contains the statement from Clydeport representatives Envirocentre and the Council Environmental Health in "Applicant Response To Objections" regarding fitness of noise assessments state that **"These matters have been subject of rigorous examination by the applicants will now be assessed by the Scottish Environmental Protection (SEPA) Agency as part of future PPC Permitting"**

2. The evidence that Clydeport Operations Ltd should not be considered a fit and proper organisation to undertake waste management on the scale and complexity required:

- (i) Current management of the proposed site, which is a disused coal yard requires prevention of the leakage of coal slurry into the SSSI. The disregard that Clydeport have shown towards this responsibility, both past and present, is clearly illustrated in the attached photographs taken this month clearly show continuing leakage of coal slurry and on going contamination of the SSSI.
- (ii) Hunterston experiences extremely strong prevailing westerly winds, such that it has recently been the site of choice for the testing of off shore windmills. Our first hand experience is that coal dust was regularly brought into the homes of Fairlie on these winds (see attached photographs) this was mitigated against by sending a wee man round to clean the windows. We are extremely concerned that Asbestos and similar hazardous waste could be carried on the winds affecting the health of residents.
- (iii) The lack of any observable track record of Clydeport Operations Ltd in the oil & gas decommissioning industry.
- (iv) The absence of any observable waste management infrastructure currently on site by which to judge the ability of Clydeport Operations Ltd to uphold the conditions of any Waste Management Licence. In fact Clydeport outsourced the writing and the dual approval of the Working Plan to Envirocentre which leaves additional questions about their competence matter.

3. The Inclusion of Hunterston Coal Jetty as part of the Waste Management Working Plan constitutes a material change of use requiring an Environmental Impact Assessment to be undertaken

(i) The licence application under the supporting document 'Hunterston Marine Services Working Plan' makes reference to the use of Hunterston Coal Jetty for receipt & inspection of assets as part of the decommissioning process (See: 4.2 Loading & Recycling Plan 5.1 Verification Inspection (pg14)

(ii) FOFOC have been assured that the planning permission granted by North Ayrshire Council for decommissioning at Hunterston **DOES NOT include the use of Hunterston Coal Jetty** and as such it's inclusion as part of the decommissioning process is in direct contradiction of the planning permissions granted for the site.

(iii) If it is the case that the decommissioning site now includes inclusion of Hunterston Coal Jetty this constitutes a **Material Change of Use** which requires an **Environmental Impact Assessment(EIA)** to be undertaken.

On the basis of these inaccuracies, inconsistencies and omissions we question how SEPA can make an informed decision on Clydeports Operations Ltd ability to give the necessary assurances of their ability to comply with the conditions of any waste management licence.

In addition we cannot understand how a decision can be made on such a complex proposal before SEPA has, as part of its own organisational readiness, signed off its own Sector Plan, which has the stated aim of guiding the SEPA decision making and management of decommissioning decisions.

The Friends of the Firth of Clyde urge you to consider whether SEPA considers that it is safe for a decision on this waste disposal licence to be made without full multi-agency consideration of all the facts surrounding this application, including the need for a full Environmental Impact Assessment,

Kind regards

Clare, Cyndy and Caroline

On behalf of the Friends of the Firth of Clyde