

Permitting Decisions - Variation

We have decided to grant the variation and consolidation for the installation at AMG Chrome Limited, Fullerton Road, Rotherham operated by AMG Chrome Limited.

The substantial variation is to:

- consolidate three existing environmental permits (EPR/QP3535YD, EPR/BK6866IW and EPR/LP3504MJ)
- update existing activities and directly associated activities (DAAs) to reflect current site operations
- extend the permit boundary
- change the operator name to AMG Chrome Limited
- update the permit to modern conditions

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

This decision document provides a record of the decision-making process. It

- highlights key issues in the determination
- summarises the decision making process in the decision considerations section to show how the main relevant factors have been taken into account
- shows how we have considered the consultation responses

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit and the variation notice.

Key issues of the decision

1. Consolidation and variation

The permits EPR/BK6866IW, EPR/QP3535YD and EPR/LP3504MJ have been replaced with a varied and consolidated permit brought up to modern conditions. The new consolidated permit number is EPR/BK6866IW. No reduction in environmental protection will result.

2. Site condition report

The IED requires that the operator of any IED installation using, producing or releasing “relevant hazardous substances” (RHS) shall, having regarded the possibility that they might cause pollution of soil and groundwater, submit a “baseline report” with its permit application. The baseline report is an important reference document in the assessment of contamination that might arise during the operational lifetime of the regulated facility and at cessation of activities. It must enable a quantified comparison to be made between the baseline and the state of the site at surrender.

At the definitive cessation of activities, the Operator must satisfy us that the necessary measures have been taken so that the site ceases to pose a risk to soil or groundwater, taking into account both the baseline conditions and the site’s current or approved future use. To do this, the Operator has to submit a surrender application to us, which we will not grant unless and until we are satisfied that these requirements have been met.

As the installation boundary has been increased as a result of this variation, the Operator has provided an updated Site Condition Report (Environmental Permit Variation Application Report, Appendix B – Site Condition Report, dated 25/10/2022). The site condition report included a report on the baseline conditions as required by Article 22.

We have reviewed the report and consider it adequately describes the condition of the soil and groundwater at the site. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under the Industrial Emissions Directive.

3. Addition of de-starching oven

The Operator is proposing to install a de-starching oven to help reduce furring in the main furnace. The Operator is conducting trials to ascertain the likely make up of the off-gases from the process and whether any abatement will be required.

We have therefore included an improvement condition (IC12) in the permit. By using the emissions monitoring results collected during investigative trials of the de-starching oven the Operator will be required to carry out an assessment of the

environmental impact of emissions to air of off-gases and provide a report of the findings to us.

4. Best Available Technique (BAT) assessment

(a) The Operator has provided a BAT assessment for the addition of the de-starching process and the mill (Hazemag 3). We are satisfied that the Operator has addressed the relevant BAT conclusions for the non-ferrous metals industries with regard to these activities.

(b) As three historic permits have been consolidated and varied, including two that were previously regulated by the Local Authority, we consider it appropriate that the Operator completes a full BAT assessment for activities at the installation against the non-ferrous metals BAT reference document (BREF) and associated BAT conclusions for the non-ferrous metals industries. The Operator must provide a written report to the Agency, identifying where the site fails to meet BAT requirements (both narrative and BAT Associated Emission Limit Values) and proposed actions with timelines to address the failings. We have therefore included improvement condition (IC11) in the permit.

Decision considerations

Confidential information

A claim for commercial or industrial confidentiality has not been made.

The decision was taken in accordance with our guidance on confidentiality.

Identifying confidential information

We have not identified information provided as part of the application that we consider to be confidential.

Consultation

The consultation requirements were identified in accordance with the Environmental Permitting (England and Wales) Regulations (2016) and our public participation statement.

The comments and our responses are summarised in the [consultation responses](#) section.

The application was publicised on the GOV.UK website.

We consulted the following organisations:

- Food Standards Agency
- Local Authority – Environmental Health
- Health and Safety Executive

The comments and our responses are summarised in the [consultation responses](#) section.

The regulated facility

We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility' and Appendix 2 of RGN2 'Defining the scope of the installation'.

The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.

This permit applies to only one part of the installation. The names and permit numbers of the operators of other parts of the installation are detailed in the permit's introductory note.

The site

The operator has provided plans which we consider to be satisfactory.

These show the extent of the site of the facility.

The plans show the location of the part of the installation to which this permit applies on that site.

The plan is included in the permit.

The plan clearly shows the area controlled by the multi-operators.

Nature conservation, landscape, heritage and protected species and habitat designations

We have checked the location of the application to assess if it is within the screening distances we consider relevant for impacts on nature conservation, landscape, heritage and protected species and habitat designations. The application is within our screening distances for these designations. There are 9 Local Wildlife Sites/Local Nature Reserves within the screening distance, the closest of which is Canklow Wood around 450m away.

We have assessed the application and its potential to affect sites of nature conservation, landscape, heritage and protected species and habitat designations identified in the nature conservation screening report as part of the permitting process.

We consider that the application will not affect any site of nature conservation, landscape and heritage, and/or protected species or habitats identified.

Environmental risk

We have reviewed the operator's assessment of the environmental risk from the facility.

The operator's risk assessment is satisfactory.

Operating techniques

The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.

General operating techniques

We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.

The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.

Updating permit conditions during consolidation

We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permits.

Improvement programme

Based on the information on the application, we consider that we need to include an improvement programme.

We have included an improvement programme to ensure that (i) the Operator assesses the environmental impact of off-gases to air from the destarching oven and (ii) the Operator assesses the site against Non-Ferrous Metals BAT Conclusions.

See Key Issues section for more detail.

Emission limits

No emission limits have been added, amended or deleted as a result of this variation.

Monitoring

Monitoring has not changed as a result of this variation.

Reporting

Reporting has not changed as a result of this variation.

Management system

We are not aware of any reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.

The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.

Growth duty

We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit variation.

Paragraph 1.3 of the guidance says:

“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”

We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.

We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.

Consultation Responses

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public, and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from Local Authority – Environmental Health, dated 11/10/2022.

Brief summary of issues raised: “A check has been made of our database and I can confirm that no complaints have been received and there are no open cases in relation to this company or these premises. We therefore have no comments to make regarding this application.”

Summary of actions taken: None required