

# Permitting decisions

## Variation

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We have decided to grant the variation for Empire Treatment Works operated by Veolia ES (UK) Limited. The variation number is EPR/XP3037SE/V008.

We have also carried out an Environment Agency initiated variation to the permit.

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 checklist to show how all relevant factors have been taken into account
- explains why we have also made an Environment Agency initiated variation
- 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. The introductory note summarises what the variation covers.

# Key issues of the decision

## Overview

This variation adds an additional 25m<sup>3</sup> tank (SP4) for the blending of packaged liquid wastes prior to treatment within the main treatment plant. This new process vessel is more robust than those currently on the site and will be able to blend heavier, more viscous materials and stronger acids. The tank will be connected to the existing extraction system.

The tank will be located within the existing bund that serves the lime mixing tank, lime silo and SP3 and SP5 tanks. The risk of jetting is deemed to be negligible as the whole tank sits below the top of the bund wall and therefore the likelihood is that any jetted waste would be contained within the bund.

The bund capacity has been assessed for the existing plant. The calculations show that the SP treatment plant bund (Bund 11) currently has a maximum inventory of 205m<sup>3</sup>, by adding the new tank this becomes 230m<sup>3</sup>. The bund itself has a capacity of 59m<sup>3</sup> which fulfils both the 110% largest vessel (49.5m<sup>3</sup>) and 25% total inventory (57.5m<sup>3</sup>) rules. It should also be noted that there is also an overflow to Bund 9 which in itself has a further capacity of 1,030m<sup>3</sup>, thus a combined capacity of 1,089m<sup>3</sup>. This is deemed adequate to handle the additional 25m<sup>3</sup> capacity from SP4, should the need arise.

A dedicated catchment bund and impact protection have been installed around the offloading point for SP4.

Connections will also be made to the existing emissions abatement system.

There is no material change to the overall site treatment processes.

The operator has confirmed the bund and tank are constructed of suitable materials resistant to the contents of the tank.

## Conclusion

Based on the information in the application we are satisfied in principle that the operator's proposals meet the requirements of our guidance and therefore represent best available techniques in regards to the management of the additional tank SP4.

## Decision checklist

Aspect considered	Decision
<b>Receipt of application</b>	
Confidential information	A claim for commercial or industrial confidentiality has not been made.
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential.
<b>Consultation</b>	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <ul style="list-style-type: none"> <li>• Public Health England</li> <li>• Local Planning Authority - Walsall Council</li> <li>• Environmental Health - Walsall Council</li> <li>• Director of Public Health - Walsall Council</li> </ul> <p>The comments and our responses are summarised in the <a href="#">consultation section</a>.</p>
<b>The facility</b>	
The regulated facility	<p>We considered the extent and nature of the facility/facilities at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN 2 'Defining the scope of the installation' and Appendix 1 of RGN 2 'Interpretation of Schedule 1'.</p> <p>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.</p>
<b>The site</b>	
Biodiversity, heritage, landscape and nature conservation	<p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process.</p> <p>We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p> <p>We have not consulted Natural England on the application. The decision was taken in accordance with our guidance.</p>

Aspect considered	Decision
<b>Environmental risk assessment</b>	
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment is satisfactory.</p> <p>The assessment shows that, applying the conservative criteria in our guidance on environmental risk assessment, all emissions may be categorised as environmentally insignificant.</p>
<b>Operating techniques</b>	
General operating techniques	<p>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.</p> <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p>
<b>Permit conditions</b>	
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 permit(s).
Changes to the permit conditions due to an Environment Agency initiated variation	We have varied the permit as stated in the variation notice.
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.
<b>Operator competence</b>	
Management system	There is no known reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.

Aspect considered	Decision
<b>Growth duty</b>	
Section 108 Deregulation Act 2015 – Growth duty	<p>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.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“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.”</p> <p>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.</p> <p>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.</p>

# Consultation

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

<b>Response received from</b>
Public Health England (PHE)
<b>Brief summary of issues raised</b>
PHE have no significant concerns regarding risk to health of the local population from the installation. Providing that the installation takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.
<b>Summary of actions taken or show how this has been covered</b>
We have reviewed the operator's application and they have demonstrated that they will implement appropriate measures to prevent or control pollution in line with the requirement of best practice.