

Review of an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2016 (“EPR”)

Decision document recording our decision-making process

We have decided to vary the Permit for Bredbury Waste Oil Recovery Facility operated by Pure Clean Waste Solutions Ltd as a result of an application made by the Operator.

The Permit number is EPR/JP3031CY.

The Variation notice number is EPR/JP3031CY/V003.

What this document is about

This is a decision document, which accompanies a variation notice.

This decision document:

- explains how the application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account
- justifies the specific conditions in the permit other than those in our generic permit template.

Preliminary information and use of terms

We refer to the Permit (both existing and as varied) as “the **Permit**” in this document; and to the variation of the Permit as “the **Variation**”.

The Operator of the Installation is Pure Clean Waste Solutions Ltd. We call Pure Clean Waste Solutions Limited “the **Operator**” in this document. We refer to Bredbury Waste Oil Recovery as “the **Installation.**”

The Application was duly made on 30/03/2015.

How this document is structured

- Our decision
- The legal framework
- How we took our decision
- Key issues in the determination
- Annex 1 – the decision checklist

1 Our decision

We have issued a Variation, which will allow the Operator to operate their facility as an Installation, subject to the conditions in the varied Permit.

This Variation does several different things:

- **First**, it gives effect to our decisions following the identification of the Operator as undertaking a “newly prescribed activity” (NPA) under the Industrial Emissions Directive (IED);
- **Second**, it takes the opportunity to bring earlier variations into an up-to-date, consolidated Permit. The consolidated Permit should be easier to understand and use; and
- **Third**, it modernises the entire Permit to reflect our current template. The template reflects our modern regulatory permitting philosophy and was introduced because of a change in the governing legislation. This took place when the Pollution Prevention and Control (England and Wales) Regulations 2000 (“PPC”) were replaced in 2008 by a new statutory regime under the Environmental Permitting Regulations 2007 (now the 2010 version).

The introduction of new template conditions makes the Permit consistent with our current general approach and philosophy. Although the wording of some conditions has changed, while others have disappeared because of the new regulatory approach, it does not affect the level of environmental protection achieved by the Permit in any way.

We consider that, in reaching our decision, we have taken into account all relevant considerations and legal requirements and that the Permit will continue to ensure that a high level of protection is provided for the environment and human health.

The original Permit, issued on 25 September 2007, ensured that the facility, would be operated in a manner which would ensure the protection of the environment specified in the existing Guidance at the time. To the extent that we have substantively altered the Permit as a result of this variation, the new requirements will deliver a higher level of protection to that which was previously achieved.

As we explained above, we do not address changes to the Permit in this document, to the extent that they give effect to either the consolidation of earlier variations, or introduce new template conditions.

2 The legal framework

The original Permit was granted on 25/09/2007 under the Environmental Protection Act 1990 and regulated under the Waste Management Licensing Regulations 1994.

The Installation will be subject to the requirements of the Industrial Emissions Directive (IED) 2010/75/EU and regulated under the Environmental Permitting (England and Wales) Regulations 2010 (SI 2010 No 675). The IED was transposed in England and Wales by the Environmental Permitting (England and Wales) (Amendment) Regulations 2013 on 27 February 2013.

The IED seeks to achieve a high level of protection for the environment taken as a whole from harmful effects of industrial activities. It does so by requiring each of the industrial installations to have a permit from the competent authority (in England, the Environment Agency, or for smaller Installations, the relevant Local Authority). The IED has increased the number of activities that require an Installations permit. These are predominantly regulated as “waste operations” and include (when exceeding specific thresholds described in IED):

- hazardous waste treatment for recovery;
- hazardous waste storage;
- biowaste treatment – recovery and/or disposal;
- treatment of slags and ashes
- metals shredding;
- pre-treatment of waste for incineration/co-incineration;
- biological production of chemicals; and
- independently operated wastewater treatment works serving only industrial activities subject to the Directive

Article 11 of the IED requires the relevant authority (the Environment Agency in this case) to ensure that the Installation is operated in such a way that all the appropriate preventative measures are taken against pollution, in particular through the application of Best Available Techniques (BAT). Under Article 15(2), the Permit must contain emission limit values (ELVs) (or equivalent parameters or technical measures) for any pollutants likely to be emitted from the Installation in significant quantities. These ELVs are to be based on BAT, but also on local factors and EU Environmental Quality Standards. The overarching requirement is to ensure a high level of protection for the environment and human health.

We are required by Article 13 of the IED to keep abreast of developments in BAT. In addition, Article 13 requires us to carry out a periodic review of the permit’s conditions, and to update them if necessary.

The IED also requires the European Commission to organise an exchange of information between EU Member States so that what are known as BAT reference documents (or BREF notes) can be published, creating a level playing field across the EU, providing a consistent set of standards for new

plant, to which regulatory authorities in the Member States can then have reference. These BREF notes are the basis for our own national sector technical guidance. The Commission is also required to update BREF notes on a regular basis. The waste treatment BREF notes are currently being reviewed and a final issue date is anticipated in 2016. Under the IED, all permits will be subject to review within four years of the publication of revised BREF notes. This means that we will need to do a further review against any new standards in the BREF notes at sometime in the future.

The IED is to be implemented over several years commencing from 7 January 2013. For existing installations operating “newly prescribed activities”, the relevant date for implementation is 7 July 2015.

3 How we reached our decision

It is the Operators responsibility to ensure they are correctly regulated for the activities they are carrying out. Following adoption of the IED, the Environment Agency has engaged in a range of briefings and communications with the waste industry sector to raise awareness of the implications of the Directive and the need to ensure their facilities are correctly regulated (particularly after the implementation date of 7 July 2015 for newly prescribed activities).

Early in 2014, the Environment Agency provided further briefings to industry trade bodies and wrote to operators we believed may be implicated by these changes. We provided detailed information sheets that described the implications and the process operators should follow if they decided to have their activities permitted as Installations.

We confirmed that most facilities fell into one of two groups:

1. Facilities permitted from April 2007

When these facilities were permitted, a thorough assessment would have been carried out to confirm whether the proposed activities were using “appropriate measures” as a standard to protect the environment.

This standard of protection is the same standards that would have been assessed against had the facilities applied as an Installation activity (i.e. BAT). The permit would have also been issued with modern conditions that ensured protection of the environment.

We consider that these facilities are effectively ‘IED-compliant’ in terms of the technical standard of the facility with the exception of the “newly prescribed activity”. For these facilities, we consider that, in general, no further technical assessment is required, so administrative variations are an appropriate mechanism to show the activities as Installation activities. The administrative variation is a necessary route for the Operator to formally ask for this activity to be included in their permit and for us to advertise that request on our Public Register.

It is understood that the Environment Agency granted permits for new waste activities under the Waste Management Licensing Regulations 1994 beyond April 2007. Where a facility falls into this group, the Environment Agency shall determine whether or not the application was assessed using “appropriate measures”. Where it is determined that the application was assessed using “appropriate measures”, the application will be designated as an “administrative variation”.

2. Regulated facilities permitted before April 2007

For these facilities, a “normal” or “substantial” variation is appropriate because detailed technical assessment on aspects of the Application is required. Substantial variations will only be relevant where the newly prescribed activity is being added to an existing installation permit.

This Variation

The original Permit was granted on 25/09/2007 and subsequently transferred to Pure Clean Waste Solutions Ltd. on 12/09/2012. We have reviewed the documentation submitted in support of the original permit and subsequent variation application(s) in this determination. We are not satisfied that the standard of protection was assessed using appropriate measures. We have determined this Application as a normal variation. As the Variation will not have any negative effects on the environment, it is not a substantial variation and so does not require any consultation.

This site was already permitted as an installation under the following;

Section 5.3 A 1(b) The disposal of waste oils (other than incineration or landfill) in a facility with a capacity of more than 10 tonnes per day. This variation now permits the following newly prescribed activities as installation activities;

Section 5.6 A(1)(a) Temporary storage of hazardous waste in a facility with a total capacity exceeding 50 tonnes pending any of the activities listed in Section 5.1, 5.2 and 5.3.

In this case it brought about a consolidation of the waste permit and the Installation permit into one single permit for an IED Installation.

The operator provided a risk assessment and BAT assessment for the installation which has been assessed. This included an assessment of operations against the following Technical Guidance Notes:

- IPPC S5.06 – Guidance for the Treatment of Hazardous and Non-Hazardous Waste;

The assessment included consideration of the following:

- Pre-Acceptance of acceptance of waste
- storage and handling of waste

- process (treatment) description
- fugitive emissions to air
- waste types
- fugitive emissions to surface and groundwater

The proposed techniques levels for priorities for control are in line with the benchmark levels contained in the above technical guidance notes and we consider them to represent appropriate techniques for the facility.

We are satisfied with the BAT assessment provided by the operator. The waste transfer activity is limited to storage, treatment and physical sorting and segregation of hazardous and non-hazardous wastes.

4 Key issues in the determination

1. Operating techniques

This variation and consolidation results in all the hazardous waste activities undertaken at the site, including storage and handling of waste oil and garage services waste, being classified as an activity listed in Schedule 1 of the Environmental Permitting Regulations: S5.6A(1)(a) - the temporary storage of hazardous waste with a total capacity exceeding 50 tonnes.

The operator has confirmed that the activities will be operated in accordance with the relevant standards detailed in Technical Guidance Note EPR 5.06 Guidance for the Treatment of Hazardous and Non-Hazardous Waste. The relevant section of the Application is referenced in table S1.2, Operating Techniques.

2. Pre-acceptance and acceptance of waste

The bulk of the waste accepted at this facility is hazardous waste in the form of waste oil. There are no changes to the existing waste acceptance procedures.

3. Process (treatment) , storage and handling of waste

The principle activity of the installation is the storages of hazardous waste and the waste transfer activity is limited to storage, treatment and physical sorting and segregation of hazardous and non-hazardous wastes.

Treatment consists of the draining and crushing of oil filters to collect excess oil and metal which are then sent for offsite recovery.

The shredding of oil contaminated plastic containers.

Solvent decanting - waste solvents are emptied into tanks and filtered before being pumped into bulk tanks for distribution to offsite recovery.

4. Fugitive emissions to air, surface and groundwater (secondary containment, site drainage plan)

The installation is within the Greater Manchester AQMZ for oxides of nitrogen and PM10. The installation does not emit these substances to air.

5. Point source emissions to air, water or land (where relevant)

There are no point source emissions to air , water or land. There are ventilation points on the four storage tanks but emissions from these are insignificant. All site drainage is passed through an interceptor before being discharged to foul sewer.

6. Waste types

The waste list from waste permit EAWML 53464 has been consolidated into the current permit. The bulk of the waste accepted is hazardous waste oils. A range of wastes such as batteries, paint, thinners, brake fluid, anti-freeze and oils are accepted at the site. They also offer a parts washer service

utilising Odourless Kerosene (ODK). As part of this service dirty ODK is collected and brought to the site where it is pumped into a dedicated storage tank prior to being sent off-site for recovery. One additional waste code 13 02 06* (synthetic engine gear and lubricating oil) is being added to the existing operations. As the site already accepts this type of waste we do not consider there are any increased risks.

7. Improvement conditions

Improvement condition IC1 has been included as part of this variation requiring the operator to review and update their operating techniques to relevant BAT requirements. We consider that the operations were previously assessed against appropriate measures available at the time of the original application. However, we need to ensure that measures in the permit meet the requirements of BAT while operating as an installation. We have implemented an improvement programme to ensure that current operating measures are in line with up-to-date BAT as part of the movement of a waste operation to an installation.

Improvement condition IC2 has been included as part of this variation. IPPC S5.06 – Guidance for the Treatment of Hazardous and Non-Hazardous Waste.

Annex 1 – decision checklist

This document should be read in conjunction with the Duly Making checklist, the application and supporting information and notice.

Operator		
Control of the facility	We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits.	✓
The facility		
The regulated facility	<p>The regulated facility is an installation which comprises the following activities listed in Part 2 of Schedule 1 to the Environmental Permitting Regulations and the following directly associated activities:</p> <p>Scheduled Activity Section 5.6 A(1)(a) -Temporary storage of hazardous waste in a facility with a total capacity exceeding 50 tonnes pending any of the activities listed in Section 5.1, 5.2 and 5.3</p> <p>Directly Associated Activities All the treatment activities below are listed as DAAs, as the operator has submitted information that shows they are below the 10 tonne prescribed treatment limit. These consist of:</p> <ul style="list-style-type: none"> • Physico-chemical treatment of hazardous waste – crushing of oil filters and shredding metal components, waste solvents are filtered and pumped back into tanks • Re-packaging prior to submission to any of the other activities listed in Section 5.3 or in Section 5.1 <p>Plus</p> <ul style="list-style-type: none"> • Raw materials storage • Storage of empty containers <p>In addition, the facility operates the following waste activities:</p> <ul style="list-style-type: none"> • Bulking, aggregation and/or repackaging of non-hazardous wastes; and • Temporary storage of non-hazardous wastes prior to dispatch off-site for disposal or recovery. 	✓

	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.	
European Directives		
Applicable Directives	All applicable European Directives have been considered in the determination of the application	✓
The site		
Extent of the site of the facility	The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.	✓
Biodiversity, Heritage, Landscape and Nature Conservation	The application is not within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat. We have not formally consulted on the application. The decision was taken in accordance with our guidance.	✓
Environmental Risk Assessment and operating techniques		
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	We have reviewed the techniques used by the operator and compared these with the relevant guidance notes – IPPC S5.06 – Guidance for the Treatment of Hazardous and Non-Hazardous Waste; The proposed techniques/emission levels for priorities for control are in line with the benchmark levels contained in the above technical guidance notes and we consider them to represent appropriate techniques for the facility. We are satisfied with the BAT assessment provided by the operator which adequately addresses the following points: <ul style="list-style-type: none"> • pre-acceptance of waste • acceptance of waste • storage and handling of waste • process (treatment) description • fugitive emissions to air • fugitive emissions to surface and groundwater (secondary containment, site drainage plan) • odour management • point source emissions to air, water or land (where relevant) 	✓

	However, we have implemented an improvement programme to ensure that current operating measures are in line with up-to-date BAT as part of the movement of a waste operation to an installation. A transitional period has been given to allow the operator to ensure that their operating techniques meet the relevant BAT standards. See key issues.	
The permit conditions		
Updating permit conditions during consolidation	We have updated previous permit conditions to those in the new generic permit template as part of permit consolidation. The new conditions have the same meaning as those in the previous permit(s).	✓
Raw materials	We have specified limits and controls on the use of raw materials and fuels.	✓
Waste types	We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility. We are satisfied that the operator can accept these wastes because they have the necessary infrastructure, operating systems and technical capability to manage these wastes in an appropriate manner. We made these decisions with respect to waste types in accordance with our Technical Guidance Note WM2 – <i>Hazardous Waste</i> or other relevant guidance.	✓
Improvement programme	Based on the information on the application, we consider that we need to impose improvement conditions. We have imposed two improvement conditions to ensure that: the site's operating techniques/management system/plans are reviewed and updated against the standards specified in the technical guidance note(s): IPPC S5.06 – Guidance for the Recovery and Disposal of Hazardous and Non-Hazardous Waste;	✓
Incorporating the application	We have specified that the operator must operate the permit in accordance with descriptions in the application, including all additional information received as part of the determination process. These descriptions are specified in the Operating Techniques table in the permit.	✓
Reporting	We have specified reporting in the permit. This is only required for the annual production and performance parameters in Schedule 6.	✓
Operator Competence		
Environment Management System	There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions. The decision was	✓

	taken in accordance with our guidance on Operator Competence.	
Technical competence	Technical competency is required for activities permitted. The operator is a member.	✓
Relevant Convictions	The National Enforcement Database has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found.	✓
Financial provision	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions. The decision was taken in accordance with our guidance on Operator Competence.	✓