

# Environment Agency permitting decisions

## Variation

We have decided to issue the variation for Hithermoor Recycling & Recovery Facility operated by Brett Aggregates Limited.

The variation number is EPR/AB3006CE/V002.

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:

- 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.

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

## Structure of this document

- Key issues
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

## Key issues of the decision

This notice consolidates the original permit with the changes brought in with this variation to produce one document.

The substantial variation (V002) adds a soil treatment facility as part of the regulated facility incorporating a number of new listed activities and some additional waste types.

The soil treatment facility involves the biological treatment of both hazardous and non-hazardous waste for recovery and disposal. One of the listed activities applied for was 5.3 A(1)(a)(i) 'biological treatment' of hazardous waste; however the activity 5.3 A(1)(a)(vi) 'recycling or reclamation of

inorganic materials' is more appropriate and is the consistent approach we are taking for soil treatment facilities dealing with hazardous waste.

Certain waste types that could potentially be treated under activities A1, A2 and A6 were identified as not suitable for recovery. In the Schedule 5 response dated 19 May 2014, the operator confirmed that the following waste code would be accepted for disposal only: 05 01 03\*, 05 01 06\*, 05 01 09\*, 05 01 10, 05 01 13, 05 01 14, 16 07 08\* and 16 07 09\*.

There will be some blending of waste materials of similar types in accordance with an approved methodology, (non hazardous material will not be mixed with hazardous).

Additional waste types have been added to the list of acceptable wastes for the existing asphalt plant activity, which makes this another listed activity involving physico-chemical treatment for disposal or recovery of hazardous waste; storage of hazardous waste is also a listed activity that applies to hazardous wastes brought in for the soil treatment facility and asphalt plant.

The variation application also requested the inclusion of a chemical stabilisation activity. We requested further information as the initial proposals as described in the application for a fixed activity (i.e. not mobile plant) did not represent BAT as there was no in-situ abated reaction vessel proposed.

The operator proposes to undertake chemical stabilisation by the addition of lime, cement or other additives for example FeDEC or CaDEC, which are reagents designed to stabilise or precipitate heavy metals. The relevant additive would be mixed with the bioremediated material in the onsite mixing plant, producing a physico-chemical interaction between the reagent and the waste. The interaction must not have the potential for reversal; the Operator has provided data from previous uses of these additives to show that the material properties do not change following the reaction.

The Operator has submitted a BAT assessment for this proposal which we now consider to be satisfactory. The mixing will take place in a bespoke plant comprising sealed silo for storage of the additive, an input hopper and a contained mixing unit.

The Operator will monitor for dust and VOCs during the mixing process and appropriate measures for dust and VOC abatement / containment will be employed as required; such as a mobile extraction unit with a carbon capture pod. Once the material is mixed it will be transported back to the soil treatment facility while curing, then sampled. The Operator will consider use of covered skips for containing the material during the curing process on a case by case basis.

The pre determined receiving site will have to confirm the material meets its acceptance criteria before accepting it.

This secondary treatment process is for isolated occasions only and the operator must focus on the waste pre-acceptance measures to minimise instances of secondary treatment stabilisation occurring. We do not consider the output following this process to be a soil.

This consolidation also incorporates a separate variation application (dated 28/04/14) which was received during the determination of V002; adding one

waste code to waste tables S2.2 and S2.3, and amending the criteria for two other waste types to allow acceptance of non-hazardous elements of mixtures of waste from mechanical treatment; (19 12 12), and surplus mortar under 10 13 11.

### Annex 1: decision checklist

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

Aspect considered	Justification / Detail	Criteria met
		Yes
<b>Consultation</b>		
Scope of consultation	The consultation requirements were identified and implemented. The decision was taken in accordance with RGN 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements.	✓
Responses to consultation and web publicising	The web publicising, consultation and responses (Annex 2) were taken into account in the decision.  The decision was taken in accordance with our guidance.	✓
<b>Operator</b>		
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 EPR RGN 1 Understanding the meaning of operator.	✓
<b>European Directives</b>		
Applicable directives	All applicable European directives have been considered in the determination of the application.  We made some changes the permit to implement the requirements of the Industrial Emissions Directive (IED). This includes the addition of a condition relating to a requirement for routine monitoring, and an amended notification requirement.	✓
<b>The site</b>		
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.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	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	<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>The operator carried out a screening for habitats site to 1000m for the soil treatment activity as it is a specified waste management activity (SWMA) and there are no point source emissions to air or water except for an exhaust vent used periodically where the extraction system is used on biopiles under certain scenarios.</p> <p>As a conservative measure we carried out an additional assessment to 10km and identified the SAC: Windsor Forest and Great Park, located 5km to the west of the permitted activities.</p> <p>Our assessment showed that there would be no likely significant effect from the installation.</p> <p>An Appendix 11 has been completed and submitted to Natural England for information for the SAC.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p>	✓
<b>Environmental Risk Assessment and operating techniques</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 of the impact of the new activity and additional waste codes is satisfactory.</p>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes. S5.06 Guidance for recovery and disposal of non-hazardous and hazardous waste.</p> <p>Operational procedures have been submitted as part of the application, covering the different aspects of the site operations referenced in the Operator's 'Best Available</p>	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<p>Techniques and Operating Techniques' document.</p> <p>Additional information on the operating techniques for the chemical stabilisation process was provided, see key issues above.</p> <p>The proposed techniques / emission levels for priorities for control are in line with the benchmark levels contained in the TGN and we consider them to represent appropriate techniques for the facility.</p>	
<b>The permit conditions</b>		
Updating permit conditions during consolidation.	<p>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.</p> <p>The operator has agreed that the new conditions are acceptable.</p>	✓
Waste types	<p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.</p> <p>We are satisfied that the operator can accept these wastes for the following reasons; we have agreed the detailed descriptions and justification provided by the operator as part of their Schedule 5 response.</p> <p>The appropriate waste acceptance procedures and infrastructure are in place to run the installation in an appropriate manner. The risks of handling these wastes have been identified and the operator will use appropriate measures to minimise the risks. Waste types that are suitable for recovery, and those suitable for disposal only will be treated separately.</p> <p>We have excluded some wastes types with the agreement of the applicant. These are the hazardous waste codes in the 19 03 EWC chapter.</p> <p>We have determined that the wastes above are not suitable for acceptance at the soil treatment facility. These waste codes are not soils and are unsuitable for the process due to their potential inorganic hazardous</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>properties.</p> <p>We made these decisions with respect to waste types in accordance with S5.06 Guidance for recovery and disposal of non-hazardous and hazardous waste.</p>	
Improvement conditions	<p>Based on the information on the application, we consider that we need to impose improvement conditions.</p> <p>We have imposed improvement conditions to ensure that:</p> <ul style="list-style-type: none"> <li>➤ appropriate measures are in place to ensure that accidents that may cause pollution are minimised.</li> <li>➤ the appropriate measures are in place to prevent fugitive emissions.</li> <li>➤ the appropriate measures are in place to prevent pollution from odour.</li> </ul> <p>The improvement conditions require the operation and monitoring of the biofilter to be described and submitted to ensure the operator has the correct procedures and process monitoring in place.</p>	✓
Incorporating the application	<p>We have specified that the applicant must operate the permit in accordance with descriptions in the application, including all additional information received as part of the determination process.</p> <p>These descriptions are specified in the Operating Techniques table in the permit.</p>	✓
Reporting	<p>We have specified reporting in the permit to report on the monitoring requirements. The report frequencies will be agreed in line with the monitoring frequency.</p>	✓
<b>Operator Competence</b>		
Environment management system	<p>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 RGN 5 on Operator Competence.</p>	✓
Technical competence	<p>Technical competency is required for activities permitted. The operator is a member of an agreed scheme.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
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 RGN 5 on Operator Competence.	✓

## Annex 2: Consultation and web publicising responses

Summary of responses to consultation and web publication and the way in which we have taken these into account in the determination process.

Consultees:

Civil Aviation Authority - Heathrow.

Food Standards Agency

Health & Safety Executive

Public Health England

Spelthorne District Council Local Authority – Environmental Protection

Spelthorne District Council Local Authority – Planning

Response received from
Public Health England (01/05/14)
Brief summary of issues raised
PHE recommend that any permit issued for this site should contain conditions to ensure odour arising from the waste treatment processes, emissions of volatile organic compounds and particulate matter from the delivery and processing of waste materials do not impact upon public health.
Summary of actions taken or show how this has been covered
The standard conditions relating to fugitive emissions and odour will be in the permit, conditions 3.1 and 3.2 respectively. The applicant has described measures for dealing with emissions and odour which form part of their operating techniques and will be incorporated into the permit in table S1.2 to be complied with (this includes an odour management plan). Monitoring of certain parameters (Biofilter - moisture content, flow rate, nutrient levels, contaminant elimination) will be required to ensure all processes likely to lead to odour or fugitive emissions are operating effectively. The nearest residential receptors are more than 250m from the site.

Response received from
Public Health England at Surrey County Council (15/05/14)
Brief summary of issues raised
Effect of the development on traffic movements to and from site as the site is within an AQMZ; Also concerns over other traffic related issues such as congestion and potential for collisions.
Summary of actions taken or show how this has been covered
The site lies within the AQMZ boundary (designated an AQMZ for NOx), but there are no NOx emissions from the new activity. Traffic issues fall under the remit of the local planning authority and are not assessed as part of this permit variation determination.

