

Environment Agency permitting decisions

Bespoke Variation

We have decided to issue the variation for East Kent Waste Recovery Facility operated by Augean Treatment Limited.

The variation number is EPR/UP3034CN/V003

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

The application is for a substantial variation to an existing permit which regulates the operation of the following;

- 1 A hazardous waste incinerator, rated at 1,500 kg/hr burning a variety of hazardous waste. (5.1 A (1) (a))
- 2 A hazardous waste treatment facility for aqueous and solvent waste, including pH adjustment, prior to disposal in the incinerator or removal from the site. (5.3 A (1) (a) (ii))
- 3 The operation of a waste facility including biological treatment by aerobic composting or bio-drying for the purpose of recovery, the heat treatment of waste for recovery and physical treatment by screening, crushing, baling, shredding and pelletising for the purpose of recovery.

The application is to;

- 1 increase the area of the permit boundary, within the existing area of the works,
- 2 add a waste transfer station for hazardous waste ((5.6 A (1) (a)) and non-hazardous waste transfer station.
- 3 include additional waste codes for recovery in the incinerator.
- 4 amend the permit as the existing hazardous waste treatment facility is now prescribed following the implementation of the Environmental Permitting (England and Wales) (Amendment) Regulations 2013 to implement the requirements of the Industrial Emissions Directive. 5.3 A (1) (a) (iv))

Annex 1: decision checklist

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

Aspect considered	Justification / Detail	Criteria met Yes
Receipt of submission		
Confidential information	The Operator has not made a claim for commercial confidentiality on and information in the application.	✓
Identifying confidential information	We have not identified any information which we consider to be commercially confidential.	✓
Consultation		
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. We have consulted with the following: Kent County Council-Director of Public Health Dover LPA Food Standards Agency Health and Safety Executive Fire and Rescue Service Public Health England	✓
Responses to consultation and web publicising.	The web publicising and consultation responses (Annex 2) were taken into account in the decision. The decision was taken in accordance with our guidance.	✓
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 EPR RGN 1 Understanding the meaning of operator.	✓
The facility		
The regulated facility	The extent/nature of the facilities taking place at the site required clarification. The decision on the facility was taken in accordance with RGN 2, Understanding the meaning of regulated facility. The regulated facility is an installation which comprises the following activities listed in Part 2 of Schedule 1 to the	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>Environmental Permitting Regulations and the following directly associated activities (DAA).</p> <p>S5.1 A1 (a) On site incineration of hazardous and non-hazardous wastes.</p> <p>S5.3 A1 (a)(ii) Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving (ii) physico-chemical treatment;</p> <p>S5.3 A1 (a)(iv) Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving (iv) repackaging prior to submission to any of the other activities listed in this Section or in Section 5.1</p> <p>S5.6 A1 (a) Temporary storage of hazardous waste with a total capacity exceeding 50 tonnes pending any of the activities listed in Sections 5.1, 5.2, 5.3 and paragraph (b) of this Section, except— (i) temporary storage, pending collection, on the site where the waste is generated, or (ii) activities falling within Section 5.2.</p> <p>The following directly associated activities Fuel storage Water treatment and distribution plant. Compressed air production and distribution.</p> <p>The following waste activity. Waste transfer station. Storage and treatment of non hazardous waste</p>	
European Directives		
Applicable directives	<p>All applicable European directives have been considered in the determination of the application.</p> <p>Condition 3.1.5 has been added to meet the requirements of the IED.</p> <p>“Periodic monitoring shall be carried out at least once every 5 years for groundwater and 10 years for soil, unless such monitoring is based on a systematic appraisal of the risk of contamination”.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
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.	✓
Site condition report (SCR)	The operator has provided a description of the condition of the site, including the new extended area for the permitted activities. We consider this description is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under IED–guidance and templates (H5). The revised SCR was consulted upon with the Ground Water Contaminated Land team in the Area who confirmed that the report was acceptable. The completed SCR Assessment Form has been placed on EDRM.	✓
Biodiversity, Heritage, Landscape and Nature Conservation	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat. A full assessment of the application and its potential to affect the sites/habitat has been carried out as part of the permitting process. We consider that the application will not affect the features of the site/species/habitat. We have not formally consulted on the application. The decision was taken in accordance with our guidance. We have completed an Appendix 11 (dated 20/03/2015) and sent it to Natural England for information only. An appendix 4 has been completed (dated 23/03/2015) as a record of our assessment. All documents have been saved on the Environment Agency's Electronic Data Records Management system (EDRM).	✓
Environmental Risk Assessment and operating techniques		
EIA	In determining the application we have considered the Environmental Statement. An EIA is not required for this development under the planning regulations. An environmental risk assessment has been carried out	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	and is reviewed below.	
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> <p>There are no emissions to air, water or land as a result of this variation.</p>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>How to comply with your Environmental Permit Environment Agency Guidance H1 Environment Agency- Environmental permitting for waste treatment and storage. SGN 5.06-Guidance for the recovery and disposal of hazardous and non-hazardous waste. Chemical warehousing: The storage of packaged dangerous substances HSG71 The storage of flammable liquids in containers-HSG51</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. The permit conditions ensure compliance with relevant BREFs and BAT Conclusions, and ELVs deliver compliance with BAT-AELs.</p>	✓
The permit conditions		
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:</p> <p>The waste types are similar to those already included within the existing permit.</p> <p>The operator has adequate management systems and infrastructure in place to handle the full range of wastes. We made these decisions with respect to waste types in accordance with SGN 5.06-Guidance for the recovery and disposal of hazardous and non-hazardous waste.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Pre-operational conditions	Based on the information in the application, we consider that we need to impose pre-operational conditions. The following condition is added in order to ensure that the new infrastructure is appropriate for the types of waste to be stored. PO1 Prior to the commencement of the storage of waste in the new areas the operator shall submit in writing to the Environment Agency for agreement details of the containment of the new areas and the quantities and types of waste to be stored in each area.	✓
Incorporating the application	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. These descriptions are specified in the Operating Techniques table in the permit.	✓
Emission limits	There are no changes to emissions from the site as a result of this application. No changes have been made to any emission limits.	✓
Monitoring	We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified. Groundwater and soil monitoring has been required by Condition 3.1.4. These monitoring requirements have been imposed in order to meet the requirements of the IED.	✓
Reporting	We have specified reporting in the permit. There have been no changes to the monitoring requirements in the permit as a result of this variation.	✓
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 RGN 5 on Operator Competence.	✓
Technical competence	Technical competency is required for activities permitted. The operator is a member of an agreed scheme.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Relevant convictions	<p>The National Enforcement Database has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found.</p> <p>The operator satisfies the criteria in RGN 5 on Operator Competence.</p>	✓
Financial provision	<p>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.</p>	✓

Annex 2: Consultation and web publicising.

Summary of responses to consultation and web publication and the way in which we have taken these into account in the determination process. (Newspaper advertising is only carried out for certain application types, in line with our guidance.)

Response received from
Dover District Council LPA
Brief summary of issues raised
The LPA also replied on behalf of the Director of Public Health There have been no noise complaints, no enforcement actions or any amenity issues associated with the site. The LPA is satisfied that for noise, air and odour, sufficient mitigation and site management procedures appear to be in place to manage risks.
Summary of actions taken or show how this has been covered
No specific action required.

Response received from
Public Health England
Brief summary of issues raised
PHE has no significant concerns regarding risk to health of the local population from this proposed activity, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.
Summary of actions taken or show how this has been covered
No specific action required