

Review of an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2010 (“EPR”)

Decision document recording our decision-making process

We have decided to vary the Permit for Countrystyle Recycling operated by Countrystyle Recycling Limited, as a result of an application made by the Operator.

The Permit number is EPR/XP3298HV

The Variation notice number is EPR/XP3298HV/V008

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 Countrystyle Recycling Limited: we call Countrystyle Recycling Limited “the **Operator**” in this document. We refer to Countrystyle Recycling Limited’s Countrystyle Recycling Facility as “the **Installation**”.

The Application was duly made on 19/09/2014.

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 was granted on 27/11/2006 which 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 27/11/2006 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:

- 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”.

- Facilities permitted before April 2007
For these facilities, a “normal” or “substantial” variation is appropriate because a detailed technical assessment is required on aspects of the Application in addition to the administrative changes.

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 27/11/2006 and subsequently varied on 01/09/2008, 02/03/2011, 13/02/2012, 16/07/2013, 11/10/2013, and 04/03/2015. 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 consulting on.

4 Key issues in the determination

This variation implements the changes brought about by the IED for “existing facilities operating newly prescribed activities” and providing the transition of some of the site activities from a waste operation to an IED Listed activities. Some of the operations carried out at the site are not captured by the changes from the Industrial Emissions Directive and therefore remain as Waste Operations. Therefore, the permit becomes a multi regime permit.

The In-vessel composting operations are covered by IED as the composting plant has capacity which fall under S5.4 A(1) (b) (i) Recovery or a mix of recovery and disposal of non hazardous waste with a capacity exceeding 75 tonnes per day involving biological treatment. The following activities undertaken at the site are consider to form Directly Associated Activities to this listed activity:

- Storage of waste pending recovery or disposal
- Physical treatment for the purposes of recycling
- Raw material storage
- Compost storage
- Process water collection and storage
- Surface water collection and storage
- Air collection and treatment

The following site operations are not capture by IED, and are not deemed to be Directly Associated Activities to the IVC and therefore remain permitted as Waste Operations:

- Refuse Derived Fuel Production
- Non-Hazardous Transfer and Treatment (including gypsum recycling, non-hazardous WEEE and End-of-Life Vehicles (and components of)
- Hazardous Waste Transfer Operation including storage and transfer of WEEE and End-of-Life Vehicles
- Green Waste Transfer Operation
- Food Waste Transfer Operation

On determination of the information provided a number of Improvement Conditions have been set within the permit for the operator to address to demonstrate continued BAT compliance. Pre-operational conditions have also been imposed for Non-hazardous WEEE and End-of Life Vehicles (and components) and Hazardous waste storage and transfer operations, for the operator to supply appropriate operating techniques prior to the commencement of these operations on site.

Annex 1 – decision checklist

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

Aspect considered	Justification / Detail	Criteria met
Consultation		
Responses to web publicising	No public responses were received in response to the web publicising of the application.	✓
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	<p>The extent/nature of the facilities taking place at the site required clarification.</p> <p>The regulated facility is an installation as the in-vessel composting plant has capacity which falls under S5.4 A(1) (b) (i) Recovery or a mix of recovery and disposal of non hazardous waste with a capacity exceeding 75 tonnes per day involving biological treatment.</p> <p>For which the following directly associated activities applied:</p> <ul style="list-style-type: none"> • Storage of waste pending recovery or disposal • Physical treatment for the purposes of recycling • Raw material storage • Compost storage • Process water collection and storage • Surface water collection and storage • Air collection and treatment <p>The following site operations are not captured by IED, and are not deemed to be Directly Associated Activities to the IVC and therefore remain permitted as Waste Operations:</p> <ul style="list-style-type: none"> • Refuse Derived Fuel Production 	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<ul style="list-style-type: none"> • Non-Hazardous Transfer and Treatment (including gypsum recycling, non-hazardous WEEE and End-of-Life Vehicles (and components of)) • Hazardous Waste Transfer Operation including storage and transfer of WEEE and End-of-Life Vehicles • Green Waste Transfer Operation • Food Waste Transfer Operation 	
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. Zoomed in excerpts of the operational techniques site plan are provided within the permit to provide extra clarity on where surface water emissions points are located.	✓
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. An App 11 and App 4 have been completed previously for the site, for the V007 variation in relation to increase in capacity of the facility, as the site is within close proximity (c. 150m) of the Swale Estuary which is a SPA, RAMSAR, and SSSI site.</p> <p>As there are no changes proposed to the operation of the facility, as the variation is purely a regulatory change to implement the IED it is considered that the previous App 11 and App 4 still adequately covers the site and its operations, as there is no increase in environmental risk, and no adverse impacts on the habitat have been reported.</p>	✓
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 permits.	✓
Raw materials	<p>We have specified limits and controls on the use of raw materials and fuels.</p> <p>Fuel oil: Sulphur content not exceeding 0.1% by</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	mass.	
Waste types	<p>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.</p> <p>During determination the operator clarified that they were happy to restrict the IVC waste list to that approved through PAS100 and the Standard Rules permit.</p> <p>The other waste types for the waste operations remain as they are in previous permit version (V007).</p>	✓
Improvement conditions	<p>On determination of the information provided a number of Improvement Conditions have been set within the permit for the operator to address to demonstrate continued BAT compliance, and to prompt the operator into provision for updated operating techniques for the waste operations. In summary these include:</p> <p>IC1 – IC for the operator to provide updated information in relation to the operation of the IVC according to BAT. IC2 – IC for the provision of a Fire Prevention Plan. IC3 – IC for the provision of an Odour Management Plan IC4 – IC for provision of operating techniques for the gypsum recovery operation.</p>	✓
Pre-operational conditions	<p>Pre-operational conditions were considered to be required for two of the waste operations. The operator is yet to begin these operations but they are listed within the permit, therefore there is a need to agree operational techniques prior to these activities commencing:</p> <p>PO1 - Non-hazardous WEEE and End-of Life Vehicles (and components) PO2 - Hazardous waste storage and transfer</p>	
Emission limits	<p>We have decided that emission limits should be set for the parameters listed in the permit.</p>	✓
Monitoring	<p>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.</p> <p>Generic process monitoring requirements have been inserted. Surface water emissions points have been defined although no parameters or limits are set for the monitoring.</p>	✓
Reporting	<p>We have specified reporting in the permit.</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.	✓