

Permitting decisions

Variation

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

The Permit number is EPR/MP3090ZL.

The Variation notice number is EPR/MP3090ZL/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 provides a record of the decision making process. It:

- explains how the application has been determined
- 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

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.

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**”.

In this document, we refer to European Metal Recycling Limited as “the **Operator**” and their EMR Hartlepool site as “the **Installation**”.

The Application was duly made on 21/11/2014.

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, issued on 10/06/1994 and 14/03/2005, 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 Permits - EAWML 60083 (EPR/MP3090ZL) and EAWML 66158 (EPR/EP3696ZR) were granted on the 10/06/1994 and 14/03/2005 respectively 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 [ecological impact assessment, waste types, secondary containment etc.] 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 Permits - EAWML 60083 (EPR/MP3090ZL) and EAWML 66158 (EPR/EP3696ZR) were granted on the 10/06/1994 and 14/03/2005 respectively and subsequently varied on 31/03/1998, 08/05/2000 (for EAWML 60083) and 07/11/2008,

11/12/2009 (EAWML 66158). 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”.

This variation also consolidates two permits, EPR/MP3090ZL (EAWML 60083) and EPR/EP3696ZR (EAWML 66158) and reflects changes to the permit.

The consolidated permit number is EPR/MP3090ZL. The main operations authorised by Environmental Permit number EPR/MP3090ZL (EAWML60083) include metal recycling operations using metal shredder (or fragmentiser) with a capacity of more than 75 tonnes per day; and the storage of more than 50 tonnes of hazardous waste. These are activities are ‘listed activities’ and are considered as ‘installations’ under the Environmental Permitting Regulations and Industrial Emissions Directive (IED).

Besides the main installation activities EMR metal recycling operations at the Hartlepool site include directly associated activities (DAA) to the installation and a number of activities which fall outside the definition of an installation and are classed as ‘waste operations’ - these are already authorised under Environmental Permits EPR/EP3696ZR and EPR/MP3090ZL and are included in the consolidated permit. These waste operations include:

- Metal recycling – the storage and treatment
- Vehicle depollution/dismantling – The storage and treatment
- Waste Electrical and Electronic Equipment (WEEE) – storage and treatment.

Operating techniques

The activities at site will remain the same and will be operated in the same manner and in line with the operating techniques provided with the application and supporting documents received with the variation application (dated August, 2014) and amended version (dated February, 2017).

The operator has agreed to operate activities at the site in line with the BMRA BAT recommendation document ‘BREF Style Report on Metal Fragmentising Operations, January 2013’ and IPPC S5.06 – Guidance for the Treatment of Hazardous and Non-Hazardous Waste.

Improvement condition

We are not satisfied that BAT has been applied for all of the listed installation activities. We have added sets of Improvement Conditions to the permit; these require the operator to review and update different aspects of their operating techniques against appropriate BAT. While we consider that the operations were previously assessed against appropriate measures available at the time of the original application, we need to ensure that measures in the permit meet the requirements of BAT while operating as an installation.

Waste types

Extra waste codes have been added to the permit (i.e. in addition to those in the original permit). We have assessed the waste codes and agreed that they are similar in nature to what operator is already allowed to accept. We have excluded some of the proposed wastes types (EWC codes – 11 05 02, 12 01 02, 12 01 04, 12 01 13, 19 10 04, 19 10 06, 19 12 04, 19 12 12) because they are not suitable for the proposed activities; the proposed infrastructure is not appropriate to mitigate risks associated with them.

Small Mixed WEEE

Although the permit allows storage and bulking up of hazardous Small Mixed WEEE within designated storage bays for subsequent dispatch to other sites for recycling, it does not authorise treatment of hazardous Small Mixed WEEE by shredding or any other means identified in Schedule 1, Section 5.3 A(1) of the Environmental Permitting Regulations. The operator is required to vary the permit if they want to add processing/shredding of hazardous Small Mixed WEEE as a listed activity to the permit.

Storage duration of combustible materials

We have specified in the permit that combustible waste shall not be stored for more than 6 months without prior written approval from the Environment Agency and non-combustible waste shall not be stored for more than 3 years unless otherwise stated in a Fire Prevention Plan approved by the Environment Agency. We have taken into consideration the requirement of our guidance - 'Fire prevention plans: environmental permits' in this decision.

Requested changes that were refused

We have refused to accept the following proposal as submitted in the application:

- The proposed increase of in the maximum height of the stockpiles from 5m to 8m.

We have taken into consideration the requirement of our guidance - 'Fire prevention plans: environmental permits' in this decision.

Annex 1 – decision checklist

Aspect considered	Decision
Receipt of submission	
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.
Consultation	
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>No responses were received.</p>
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>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', Appendix 1 of RGN 2 'Interpretation of Schedule 1', guidance on waste recovery plans and permits.</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> <p>The main installation activities regulated in this facility include:</p> <ul style="list-style-type: none"> ▪ S5.4 A(1) (b) (iv) - Recovery or a mix of recovery and disposal of non-hazardous waste with a capacity exceeding 75 tonnes per day involving treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components; and ▪ S5.6 A(1) (a) - temporary storage of hazardous waste with a total capacity exceeding 50 tonnes. <p>There are also other directly associated activities (DAA) to the installation and a number of waste operations which fall outside the definition of an installation. The waste operations are:</p> <ul style="list-style-type: none"> ▪ Metal recycling – the storage and treatment ▪ Vehicle depollution/dismantling – The storage and treatment

Aspect considered	Decision
	<ul style="list-style-type: none"> ▪ Waste Electrical and Electronic Equipment (WEEE) – storage and treatment.
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	<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>A full assessment of the application and its potential to affect the site(s)/species/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. There are no proposal to change the operations and processes at the site. There are no additional risks as a result of this variation.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p>
Environmental Risk Assessment and operating techniques	
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>
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes –</p> <ul style="list-style-type: none"> ▪ IPPC S5.06 – Guidance for the Treatment of Hazardous and Non-Hazardous Waste; ▪ BRMA BAT recommendation document. <p>We consider that the operating techniques do not meet the technical standards specified IPPC S5.06. We are not satisfied that the operating techniques provided fully demonstrate BAT. We consider that there are omissions in the supporting documents. We have therefore included an improvement condition in the notice which requires a review of the site's operating techniques within 6 months.</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.
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 the wastes in the permit for the</p>

Aspect considered	Decision
	<p>following reasons:</p> <ul style="list-style-type: none"> ▪ they are suitable for the proposed activities; ▪ the proposed infrastructure is appropriate; and ▪ the environmental risk assessment is acceptable. <p>We have excluded the following wastes (EWC codes – 11 05 02, 12 01 02, 12 01 04, 12 01 13, 19 10 04, 19 10 06, 19 12 04, 19 12 12 for the following reasons:</p> <ul style="list-style-type: none"> ▪ they are not suitable for the proposed activities; ▪ the proposed infrastructure is not appropriate; and ▪ the environmental risk assessment is not acceptable. <p>We made these decisions with respect to waste types in accordance with our Technical Guidance Note WM3 – <i>Hazardous Waste</i> or other relevant guidance.</p>
Improvement programme	<p>Based on the information on the application, we consider that we need to impose an improvement programme.</p> <p>We have imposed improvement conditions to ensure that:</p> <ul style="list-style-type: none"> ▪ the site's operating techniques/management system/plans are reviewed and updated against the standards specified in the technical guidance note(s): <ul style="list-style-type: none"> • IPPC S5.06 – Guidance for the Treatment of Hazardous and Non-Hazardous Waste. ▪ appropriate measures are in place to ensure that accidents that may cause pollution are minimised. ▪ the appropriate measures are in place to prevent fugitive emissions. ▪ proposals to undertake representative monitoring of the surface water discharged from the 'Foul Sewer Emission Point' and to put in place appropriate measures to mitigate the impact of any emissions where the assessment determines they have the potential to be significant. ▪ the appropriate measures are in place to prevent annoyance from noise and vibration. ▪ See Key Issues section of the decision document.
Incorporating the application	<p>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.</p>
Emission limits	<p>We have added emission limit for total suspended particulates in the permit.</p> <p>It is considered that the numeric limits of 20 mg/m³ will prevent significant emissions of dust to the environment and will ensure that a high level of protection for the environment secured.</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>

Aspect considered	Decision
Reporting	We have specified reporting in the permit.
Operator competence	
Environment 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.
Technical competence	<p>Technical competency is required for activities permitted.</p> <p>The operator is a member of an agreed scheme.</p>
Relevant Convictions	<p>The Case Management System has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.</p>
Financial competence	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.