

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 the facility known as Charles Muddle Ltd operated by Charles Muddle Limited as a result of an application made by the Operator.

The Permit number is EPR/HP3294HV

The Variation notice number is EPR/HP3294HV/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 Charles Muddle Limited: we call Charles Muddle Limited “the **Operator**” in this document. We refer to Charles Muddle Ltd as “the **Installation**”.

The Application was duly made on 29 June 2017.

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
- Annex 2 – web publicising

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 20/07/1994, 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 20/07/1994 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 Permit was granted on 20/07/1994 and modified on 25/06/1999. We have reviewed the documentation submitted in support of the original permit and subsequent variation application(s) in this determination. We are satisfied that the standard of protection was assessed using appropriate measures. We have determined this Variation as a normal variation. It is not a substantial variation and so does not require consulting on.

4 Key issues in the determination

This Variation permits the following newly prescribed activities as installation activities:

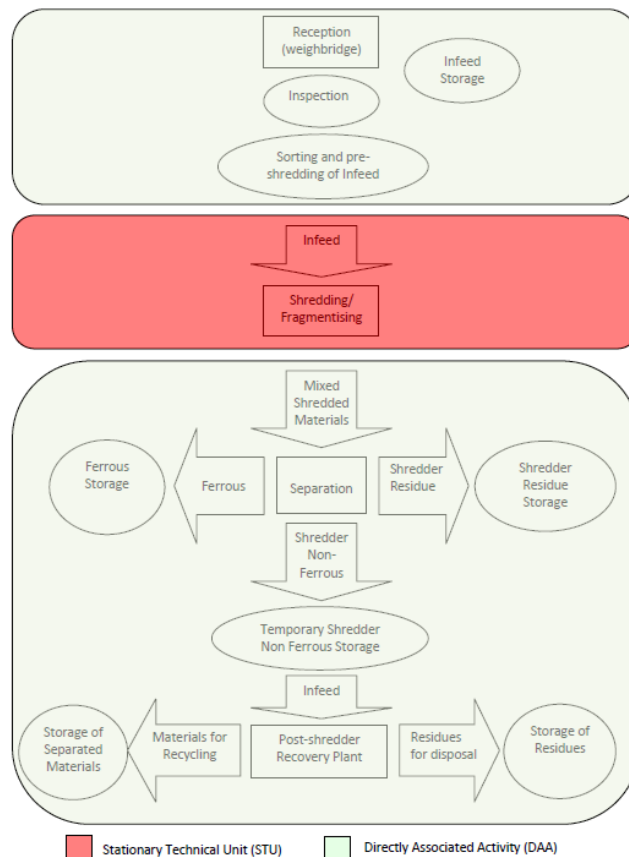
Section 5.4 A(1)(b)(iv): Recovery or a mix of recovery and disposal of non-hazardous waste with a capacity exceeding 75 tonnes per day (or 100 tonnes per day if the only waste treatment activity is anaerobic digestion) involving the following activity, and excluding activities covered by Council Directive 91/271/EEC – treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components. The principal emissions of concern are particulate emissions from the shredding process.

Process (treatment) description

The metal shredder (Fragmentiser) has a daily capacity to treat 200 tonnes/day. The metal shredder or fragmentiser is located within an acoustic building. The maximum capacity of the shredder is 25-30 tonnes per hour, based on the manufacturer’s specifications. The metal shredder will process a maximum of 200 tonnes per day. The maximum annual throughput of the shredder installation will be 55,000 tonnes per year.

See flow diagram figure 2 below that shows the shredding process and the Directly Associated Activities.

Figure 1: Extent of the installation, and identification of STU and DAAs



Operating techniques

The operator has confirmed that the activities will be operated in accordance with the relevant document CML/ED/NTS and risk Assessment Ref CML/IED/ERA.

Improvement Conditions

We have imposed seven Improvement Conditions in the permit. These conditions require improvements to the site operations and are time limited for periods of between 6 months. These improvements are discussed in the sections below. The details of these conditions are listed under the following activities.

Pre-acceptance of waste/acceptance of waste

Materials received by this facility for shredding typically consist of post-consumer scrap metals, sourced from scrap merchants, wastes companies, demolition jobs and civic amenity sites. The vast majority of scrap received at the site is from contracts and long-standing account customers, with only ~2.5% of scrap received as 'gate trade'. CML therefore have a high degree of control over the quality of scrap grades received at the site.

We have imposed an improvement condition for the operator to improve waste pre-acceptance and acceptance procedures to implement BAT for the sector: IC1: BAT assessment for baled wastes; IC2: Provision of BAT operating procedures for the metal shredding activity and DAAs.

Bales are not typically received at the site and those that are received are processed through the pre-shredder prior to shredding. Improvement condition 1 requires operator to submit a written procedure to show they are using for processing for baled waste.

Waste types

There are four individual waste lists contained within this permit, tables S2.2 to S2.5. The metal wastes that can be shredded are listed in the permit, Schedule 2, Table S2.2. All scrap destined for shredding is first processed through the pre-shredder; this practice increases production by 25% and significantly reduces the risk of flame events occurring within the shredder. Civic amenity scrap is typically blended with other light iron before passing through the pre-shredder to create a more consistent blend for shredding.

Storage and handling of waste

The site is fully concreted other than an area of hardstanding used for the storage of uncontaminated sheared scrap, and another area of hardstanding for skip storage and lorry parking. The site has a sealed drainage system which discharges to sewer via an interceptor. The Fragmentiser Plant and generators are located within buildings.

Improvement Condition 2 and Improvement condition 3

We have imposed the following improvement conditions for the operator to improve waste storage and handling to implement BAT for the sector: IC2: Provision of BAT operating procedures for the metal shredding activity and DAAs; and IC3: Provision for minimising dust and particulates from conveyors.

Noise

The facility is located in a rural environment and have been operating there since 1994 with no major noise complaints. The nearest residential properties are located over 400 m away to the West. The most likely source of noise is from the metal shredder, however as this is within an acoustic housing this should not be an issue. Diesel generators used to power the equipment are also located within housing or have an acoustic bund around them. There is a noise condition 3.4 in the permit and monitoring at Table S3.4. The operational hours are

Emissions to air, Land and water

Fugitive emissions to air from the shredding process include particulate from storage, handling and treatment of material awaiting shredding and the process residues. The treatment processes are contained within buildings. Emissions of particulate from the shredder are controlled via extraction to a cyclone system which vents to air through an exhaust stack, (emission point A3 shown on the site plan in Schedule 7). We considered that the generator emissions will not be significant

There are three discharge points to surface water via silt traps and an oil interceptor. The water leaves the site uncontaminated. Discharge point CW1 in the North of the site does not currently discharge to surface water. This serves the vehicle washing area and drains to a sealed tank which periodically gets pumped out and disposed of offsite. All the points are marked on site plan Schedule 7. See Improvement Conditions 4 and 5 within permit.

Monitoring

We have set monitoring for Emission point A3 for Total suspended particulates in table S3.1. We have imposed ambient air monitoring for particulates in table S3.3. These are standard requirements for metal shredding installations, and this is required quarterly unless otherwise agreed. See Improvement Conditions 6 and 7 within the permit.

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
		Yes
Receipt of submission		
Confidential information	A claim for commercial or industrial confidentiality has not been made.	✓
Consultation		
Responses to web publicising	No responses were received regarding the web publication.	✓
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 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>Listed Activities</p> <ul style="list-style-type: none"> • S5.4A (1)(b)(iv) – recovery and disposal of non-hazardous waste. <p>Directly Associated Activities</p> <ul style="list-style-type: none"> • Physical treatment for recycling • Storage of processed non-hazardous waste materials prior to shredding ; • Storage of processed materials • Surface water and process water <p>The facility also has three waste activities which are;</p> <ul style="list-style-type: none"> • ELV storage and vehicle depollution • WEEE Storage and treatment • Metal Recycling 	✓
The site		

Aspect considered	Justification / Detail	Criteria met
		Yes
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	✓
Environmental Risk Assessment and operating techniques		
Operating techniques	The Operating Techniques detailed within the following; <ul style="list-style-type: none"> • Non-Technical Summary & Supporting information Doc Ref :CML/IED/NTS June 2017 • Schedule 5 Response questions 1 to 4 Dated 28/09/2017 	✓
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 not 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.	✓
Improvement conditions	Based on the information on the application, we consider that we need to impose improvement conditions. – see key issues We have imposed improvement conditions to ensure relating to: <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): • appropriate management systems and management structures are in place and that sufficient financial, technical and manpower 	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>resources are available to the operator to ensure compliance with all the permit conditions.</p> <ul style="list-style-type: none"> • Emissions to air • Surface water emissions • 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. • the appropriate measures are in place to prevent annoyance from noise and vibration. <p>See Key issues section.</p>	
Emission limits	<p>We have decided that emission limits should be set for the parameters listed in the permit.</p> <p>Emissions to air from the metal shredder = 20 mg/m³ of total suspended particulate. This is consistent with the metal sector template</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>See key issues</p>	✓
Reporting	<p>We have specified reporting in the permit. This is in accordance with our metal sector template.</p> <ul style="list-style-type: none"> • Emissions to air from the shredder • Ambient Monitoring <p>This is consistent with our metal sector template</p>	✓
Operator Competence		
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>	✓
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 – Web publicising responses

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

Response received from
No responses received.
Brief summary of issues raised
-
Summary of actions taken or show how this has been covered
-