

Permitting decisions

Variation

We have decided to grant the variation for Welwyn Garden City Hazardous Waste Treatment and Transfer Facility operated by the Honeywagon Co. Ltd.

The variation number is EPR/ZP3535TP/V009.

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:

- highlights key issues in the determination
- summarises the decision making process in the decision checklist to show how all relevant factors
- shows how we have considered the [consultation responses](#).

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.

Key issues of the decision

Regularisation of permit to reflect existing activities

We have regularised the permit to accurately reflect all activities currently carried out on site. It should be noted that prior to this variation the site was permitted for a Schedule 5.3 Part A(1)(a)(ii) activity, specifically for the treatment of waste oils for disposal. The permit was transferred to the current operator in 2010 and since this date the site has been used for the current activities (the screening of bulk wastes) and not the treatment of oil.

All of the equipment that was previously used for the waste oil activity is extant and is being used by the current processes along with the G:MAX vibrating wash plant.

To ensure current activities are appropriately permitted, we have added the following listed activities:

- The addition of a Section 5.3 Part A(1)(a)(vi) *recycling or reclamation of inorganic materials other than metals or metal compounds* listed activity to table S1.1 of the permit.
- The addition of a Section 5.3 Part A(1)(a)(ii) *recovery of hazardous waste with a capacity exceeding 10 tonnes per day by physico-chemical treatment* listed activity to table S1.1 of the permit.
- The addition of a Section 5.4 Part A(1)(a)(ii) *disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day by physico-chemical treatment* listed activity to table S1.1 of the permit.

HNC Chemist

The site does not use a HNC chemist to receive hazardous waste shipments. Instead they employ individuals with appropriate training which, in this instance, we consider deem them to be competent to accept the permitted waste types. Details of the individuals who are suitably trained are outlined in the site's pre-acceptance and waste acceptance procedures.

Sampling procedure

We have scrutinised the site's sampling procedure and are satisfied that the sampling techniques that they adopt are sufficient based on the types of waste the site accepts.

In-ground reception pit

The site use an in ground reception pit for storing wastes pending treatment. Although these are not typically considered BAT, the Agency has assessed the operator's maintenance schedule for the in-ground reception pit and the pit's construction and are satisfied that it is suitable for the site's treatment process and will not cause pollution to surrounding soils or groundwater. We have set improvement condition IC13 in the permit to ensure that the reception pit is detailed in the site's site condition report and appropriate inspection and maintenance measures are incorporated in the company's environmental management system.

Decision checklist

Aspect considered	Decision
Receipt of application	
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>We consulted the following organisations:</p> <ul style="list-style-type: none"> - Local Authority – Environmental Health - Local Authority – Planning - Director of Public Health/PHE - Health and Safety Executive <p>The comments and our responses are summarised in the consultation section.</p>
The facility	
The regulated facility	<p>We considered the extent and nature of the facility 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>
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. The plan is included in the permit.
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>We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process.</p>

Aspect considered	Decision
	<p>We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p> <p>Since variation EPR/ZP3535TP/V009 does not change/increase the emissions to air, land or water – neither an appendix 4 or 11 have been required.</p>
Environmental risk assessment	
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>
General operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.</p> <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p>
Permit conditions	
Updating permit conditions during consolidation	<p>We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permit(s).</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 have permitted the site to accept 15 additional waste codes as components of received mixed bulk loads (i.e. gully suckings, road sweepings etc.), which may be identified individually on the transfer/consignment notices accompanying such loads.</p> <p>We are satisfied that the operator can accept these wastes for the 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 restricted the following wastes:</p> <p>19 12 12: is restricted to non-combustible sorting residues from mechanical treatment of wastes other than those mentioned in 19 12 11.</p> <p>Wastes characterized by the following shall not be accepted by the site:</p> <ul style="list-style-type: none"> - Wastes with an oil content exceeding 1% - Odorous waste - Dusty wastes <p>This decision has been made in line with the site's risk assessment and scheduled activities.</p>

Aspect considered	Decision
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 an improvement programme to ensure that the operator submits a site condition report (SCR) to the Agency for approval 6 months after the issue of variation EPR/ZP3535TP/V009. The SCR will focus on details of the site's surfacing, construction of the underground pit, bunding and maintenance schedules.</p> <p>As part of this variation, we also reviewed all pending improvement conditions on the permit and have decided that the following conditions are no longer applicable:</p> <ul style="list-style-type: none"> - IC3 is no longer applicable as MCERTS is out of scope for the site to achieve based on the scale of the operation and there being no monitoring requirements in the permit - IC4 is no longer applicable because the site no longer treats oils as a result of the substantial change to activities brought about by this variation - IC12 is no longer applicable as MCERTS is out of scope for the site to achieve based on the scale of the operation and there being no monitoring requirements in the permit <p>All of the other improvement conditions have been completed.</p>
Emission limits	No emission limits have been added, amended or deleted as a result of this variation.
Reporting	<p>We have deleted reporting in the permit for the following parameters:</p> <p>Emissions to sewer</p> <p>We made these decisions in accordance with the reporting period outlined in table S4.1 of the original permit.</p> <p>We have amended reporting in the permit for the following parameters:</p> <p>Annual production/treatment</p> <p>We have deleted the parameter for water/sludge and replaced this parameter with the following:</p> <ul style="list-style-type: none"> - Treatment of hazardous waste - Treatment of non-hazardous waste - Treated waste sent for recovery - Treated waste sent for disposal <p>We have made these decisions in accordance with the site's permitted activities.</p>
Operator competence	
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 competence is required for activities permitted.</p> <p>We are satisfied that the operator is technically competent.</p>

Aspect considered	Decision
Relevant convictions	<p>The Case Management System and National Enforcement Database has/have 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	<p>There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.</p>
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	<p>We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”</p> <p>We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.</p> <p>We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.</p>

Consultation

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public, newspaper advertising and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from
Director of Public Health/PHE
Brief summary of issues raised
Dust and noise emissions were highlighted as being issues due to nearby sensitive receptors.
Summary of actions taken or show how this has been covered
The permit restricts the operator from accepting dusty wastes which may result in fugitive dust emissions impacting nearby sensitive receptors.

Response received from
Local Authority – Environmental Health
Brief summary of issues raised
None raised.
Summary of actions taken or show how this has been covered
N/A.