

Permitting decisions

Bespoke permit

We have decided to grant the permit for Steelphalt operated by Harsco Metals Group Limited.

The permit number is EPR/VP3736DH.

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 have been taken into account
- 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. The introductory note summarises what the permit covers.

Key issues of the decision

Description of the main features of the Installation

The permit allows the recovery of metallurgical slag derived from steel manufacturing operations. This activity falls under Schedule 1, Part 2, Section 5.4 (b) (iii) of the Environmental Permitting Regulations 2016 - treatment of slags and ashes. The treatment process involves crushing and screening of up to 360,000 tonnes waste slag per year to recover high quality asphalt aggregates, which is produced to the quality protocol for aggregate from waste steel slag, and the metal content. The slag once recovered, is used in the production of asphalt while metal is taken off site for subsequent recycling.

The use of the recovered aggregate in the production of the asphalt is covered by a Local Authority issued Part B permit located on an adjacent site. The storage area for the recovered aggregates is within the Part B permit area and is outside the remit of this permit.

The principal activities that are covered by this permit are the storage of waste prior to treatment and the recovery of the waste by crushing and screening.

The site is located the within the industrial/business area of Templeborough in Rotherham. The closest residential property is about 600 metres south east of the site. There is a SSSI site (Bradgate Brickworks SSSI site) about 2km from the site. There are no sites within 10km that are subject to habitat regulations.

The operations have the potential to give rise to dust and noise emissions but there are monitoring and control measures in place to ensure that the emissions are insignificant. Historical data of dust monitoring shows that dust emissions have been insignificant and within levels that will not cause nuisance to nearby human receptors.

There is no history of noise complaints at the site. Noise levels that were taken at the site in February 2017 show marginal increase in the background while the crusher and the screener were operating. We have considered that the control measures proposed in the application (including enclosed systems and plants) are adequate.

The crushing and screening processes and conveyer systems are enclosed. Other than the use of water in dust suppression, treatment processes do not involve the use of water. The potential for the release of contaminated water from the treatment area is minimal. The storage area is open to the atmosphere. Waste in this area is directly in contact with rainwater. There is a potential for the release of contaminated runoff from this area of the site to the controlled waters.

Contaminated runoff from the storage area is collected through the site drainage system. The site is built on a slope, so all surface water flows from the south of the site to the north. The drainage flows from the site, through the oil/water interceptors to the reed bed. The monitoring point is located after the reed bed, just before the water enters the culvert. The culvert discharges to the River Don.

Waste types

The waste types requested in the application have restricted the waste types to ensure that they are suitable for the proposed activity. We have excluded the following wastes types from the permit:

- 19 12 02 and 19 12 03.

H1 Assessment

A H1 risk assessment of the facility's discharge to surface water was carried out, but the data used in the assessment was limited due to the difficulty in obtaining robust data from similar sites.

Based on this best available information the surface water emissions are unlikely to impact on controlled water, however in order to ensure the site does not cause a significant impact we have added improvement condition IC1.

We have included an Improvement Condition (IC1) in the permit requiring the operator to collect a minimum of 12 sets of monitoring samples/data in line with the M18 guidance and the guidance, 'Surface water pollution risk assessment for your environmental permit'.

The operator is required to analyse the samples and use the results of the analysis to review their H1 assessment/screening and to demonstrate that the discharge from the site is not having significant impact on controlled waters. The operator shall include in the report, a proposal for limits to be added in Table S3.1 if the concentration of any of the substances in the samples is found to be 'not insignificant' from the H1 assessment and shall continue ongoing monitoring until the proposed emission limits and the associated monitoring are agreed in writing with the Environment Agency.

If the operator is unable to agree the limits with the Environment Agency, the operator shall cease discharge of surface water from the site to controlled waters via culvert until a written report of changes to be made to site drainage management is submitted to, and agreed by, the Environment Agency.

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 Planning Authority ▪ Environmental Health ▪ Public Health England ▪ Director of Public Health <p>The comments and our responses are summarised in the consultation section.</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 our guidance on legal operator for environmental permits.
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'.</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 plans which we consider are satisfactory, showing the extent of the site of the facility. The plan is included in the permit.
Site condition report	The operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under the Industrial Emissions Directive.
Biodiversity, heritage,	The application is within the relevant distance criteria of a site of heritage,

Aspect considered	Decision
landscape and nature conservation	<p>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> <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>There is a SSSI site (Bradgate Brickworks SSSI site) that is about 2km from the site. There is no pathway between the site operations and the SSSI site. The treatment and storage activities are taking place in areas within the site boundary that is over 2km from the SSSI site. We consider that the operations at the site will not affect the features of the SSSI site.</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> <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>We have added an improvement condition to the permit that requires the operator to review the H1 assessment for discharge to surface water following the acquisition of at least 12 sets of sampling data obtained from the site's surface runoff.</p>
Operating techniques	
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	
Use of conditions other than those from the template	Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.
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> <ul style="list-style-type: none"> • they are suitable for the proposed activity • the proposed infrastructure is appropriate • the environmental risk assessment is acceptable.

Aspect considered	Decision
	<p>We have excluded some of the waste types requested in the application because they are not suitable for the proposed activity. See Key issues section above.</p> <p>We made these decisions with respect to waste types in accordance with sector guidance S5.06 - Guidance for the Recovery and Disposal of Hazardous and Non Hazardous Waste.</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 an improvement programme to ensure that:</p> <ul style="list-style-type: none"> • the H1 assessment for discharge of contaminated runoff from the site to controlled waters is reviewed following the acquisition of 12 sets of sampling data taken from the site's runoff. • discharge of surface water from the site to controlled water stops if the results of the H1 assessment show that impact is likely. The operator is required to not recommence until a written agreement is received from the Environment Agency. <p>See details provided in the <u>key issues</u> section above.</p>
Emission limits	<p>We have decided that emission limits are not required in the permit.</p> <p>See details provided in the <u>key issues</u> section above.</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>These monitoring requirements have been imposed in order to ensure that emissions to water are placed under review.</p> <p>We made these decisions in accordance with the guidance on 'surface water pollution risk assessment for your environmental permit' and the sector guidance 'S5.06 - Guidance for the Recovery and Disposal of Hazardous and Non Hazardous Waste'</p> <p>Based on the information in the application we are satisfied that the operator's techniques, personnel and equipment have either MCERTS certification or MCERTS accreditation as appropriate.</p>
Reporting	<p>We have specified reporting in the permit.</p> <p>The reporting is in relation to emissions water, water usage, energy usage and annual treatment and performance parameters.</p> <p>We made these decisions in accordance with – S5.06 - Guidance for the Recovery and Disposal of Hazardous and Non Hazardous Waste.</p>
Operator competence	
Management system	<p>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.</p> <p>The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental</p>

Aspect considered	Decision
	permits.
Technical competence	<p>Technical competence is required for activities permitted.</p> <p>The operator is a member of an agreed scheme.</p> <p>We are satisfied that the operator is technically competent.</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.
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 and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from
The Director of Public Health
Brief summary of issues raised
The Director of Public Health has no significant concerns regarding the risk to the health of the local population.
Summary of actions taken or show how this has been covered
We have included in the permit, appropriate conditions to ensure that fugitive emissions of dust and particulate matters are minimised and controlled.

Response received from
Public Health England (PHE)
Brief summary of issues raised
PHE highlighted that the main emissions of potential concern are dust and particulate emissions from the storage and processing of metallurgical process slag at the site and recommended that both the Environment Agency and Local Authority regulators review the potential for and abatement of dust and odour emissions from all activities at the site, so any releases or complaints can be adequately and quickly addressed.
Summary of actions taken or show how this has been covered
We have included in the permit, appropriate conditions to ensure that fugitive emissions of dust and particulate matters are minimised and controlled. We have considered that the generic conditions and the proposed control measures are adequate given that there is no history of dust complaints at the site. We have considered also that there is a minimal potential for odour emissions from the activities (crushing and screening of slags) authorised in this permit based on the risk assessment.