

Permitting decisions

Variation

We have decided to vary the Permit for Stourport Waste Oil Facility operated by Slicker Recycling Limited a result of an application made by the Operator.

The Permit number is **EPR/GP303EA**

The Variation notice number is **EPR/ GP303EA/V005**

Slicker Recycling Limited operate a waste oil storage facility and waste transfer station at Stourport Waste Oil Facility.

This was previously regulated under two separate permits:

Permit A: EPR/GP3030EA

Permit B: EPR/AB3706CU (EAWML 46031)

As a result of the changes brought about by the IED, all hazardous waste storage on site is now aggregated and permitted as one activity. The hazardous waste accepted under Permit B is now regulated under activity S5.6A (1) (a) in Permit A. The non-hazardous waste authorised by Permit B will now be included in Permit A, table S1.1 as a separate waste operation. Permit B therefore ceases.

The consolidated permit authorises the following activities:

- Receipt and storage of waste oil with dispatch for further treatment under the following activity listed in Schedule 1 of the Environmental Permitting Regulations:
S5.6A(1)(a) - the temporary storage of hazardous waste with a total capacity exceeding 50 tonnes.
Section 5.3 A(1)(a)(x) - Disposal or recovery of hazardous waste with capacity exceeding 10 tonnes per day involving oil refining or other reuses of oil.
- Bulking up and transfer of non-hazardous waste as a waste operation.

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 summarises the decision making process in the decision checklist to show how all relevant factors have been taken in to account.

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 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 Slicker Recycling Limited as “the **Operator**” and their Stourport Waste Oil Facility as “the **Installation**”.

The Application was duly made on **26/03/2015**.

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 2016 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 30 October 2007 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 30 October 2007 under the Environmental Protection Act 1990.

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 some time 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

We have reviewed the documentation submitted in support of the original permits and subsequent variation applications 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

1. Operating techniques

This variation and consolidation results in all the hazardous waste activities undertaken at the site, including storage and handling of waste oil and garage services waste, being classified as an activity listed in Schedule 1 of the Environmental Permitting Regulations: S5.6A(1)(a) - the temporary storage of hazardous waste with a total capacity exceeding 50 tonnes.

The operator has confirmed that the activities will be operated in accordance with the relevant standards detailed in Technical Guidance Note EPR 5.06 Guidance for the Treatment of Hazardous and Non-Hazardous Waste. The relevant section of the Application is referenced in table S1.2, Operating Techniques.

2. Storage and Handling of waste

A variety of wastes arrive at the site including hazardous and non-hazardous waste. The hazardous waste oils are delivered by tanker and stored in bunded storage tanks on site prior to treatment. Other hazardous wastes are stored and transferred to other processing sites for recovery or recycling. We are satisfied that the storage meets the BAT requirements.

There are no changes to the quantity of waste to be accepted, or how the site accept, store and process the waste.

3. Odour and noise assessment

We agree with the original assessment which concluded that noise and odour are not likely to cause a significant impact. Due to the nature of the process and the use of closed tanks, there is not expected to be any odour issues from the installation. The activities are not likely to create a significant noise nuisance.

The proposed changes in this variation do not increase the risk of noise or odour therefore we are satisfied that a noise management plan and odour management plan are not required for this variation.

4. Installation boundary

The permitted area for the existing Permit and the waste permit has been combined into one area. The original application site report and subsequent site condition reports have included. The permitted boundary of the varied and consolidated permit will cover both permits and match the boundary of Permit B.

5. Ecological impact assessment

The original application for the permits included a habitats assessment carried out by the Environment Agency that identified the following sites at the listed distance from the facility:

The main sensitive receptors in the area include the local marina, Hartlebury Common and Hilditch Coppice (SSSI), and Local nature reserve and the Redstone Marsh local nature reserve. The river Severn is located approx. 280 m to the Western boundary of the site. The Hartlebury brook is the closest surface water receptor at approx. 100 m from the Southern boundary.

The assessment concluded that there would be no significant impact on designated sites as there is no discharge to surface water from the installation. Due to the insignificance of the releases to air and the distance of the sites from the facility, we are satisfied that there would be no impact on any of the above sites from the installation as a result of emissions to air. This is an existing site and there have no changes to the operations.

6. Waste types

The permitted waste types from Permit A and Permit B have been combined into three tables as set out in Schedule 2 of the Permit. One waste type has been added EWC 20 01 36 Discarded electrical and electronic equipment other than those mentioned in 20 01 21, 20 01 23 and 20 01 35. We are satisfied that this waste type is acceptable as it doesn't increase the risk.

7. Emissions to air, Water or Land

There are no point source emissions to air are from the oil storage tank vents, oil fired boiler stacks, scrubber stack and the thermal fluid heater exhaust. These are not changed by this variation.

Only uncontaminated surface water is discharged to foul sewer via an oil interceptor.

8. Monitoring

There is no monitoring required for the garage wastes which are being added to this installation permit. The rest of the operations remain unchanged.

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.
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 meaning of operator.
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>
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 a protected species or habitat.</p> <p>The main sensitive receptors in the area include Hartlebury Common (SAC) located approx. 350 m from the facility and Hildeditch Coppice (SSSI) and Local nature reserve and the Redstone Marsh local nature reserve. The river Severn is located approx. 280 m to the Western boundary of the site. The Hartlbury brook is the closest surface water receptor at approx.100 m from the Southern boundary.</p>

Aspect considered	Decision
	<p>A full assessment of the application and its potential to affect the sites and habitats has been carried out as part of the permitting process. We consider that the application will not adversely affect the features of the site or habitats and as there have been no changes to the operations we have not formally consulted on the application.</p> <p>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> <p>IPPC S5.06 – Guidance for the Treatment of Hazardous and Non-Hazardous Waste;</p> <p>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>
The permit conditions	
Updating permit conditions during consolidation	<p>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).</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 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; • The environmental risk assessment is acceptable.
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>
Reporting	<p>We have specified reporting in the permit. This is only required for the annual production and performance parameters.</p>
Environment Management	<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>

Aspect considered	Decision
System	
Technical competence	<p>Technical competency is required for activities permitted.</p> <p>The operator is a member of an agreed scheme.</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	
<p>Section 108 Deregulation Act 2015 – Growth Duty</p>	<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>