Permitting decisions

Variation

We have decided to grant the variation for Silverwoods Waste Management operated by Silverwoods Waste Management Limited.

The variation number is EPR/FB3209LE/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 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:

- 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 and the variation notice. The introductory note summarises what the variation covers.

Key issues of the decision

This substantial variation is to permit the conditioning by addition of water, crushing, screening and storage of Bypass Dusts and Cement Kiln Dusts from the Cement Manufacturing Industry. This installation permit was applied for to allow the treatment of material with hazardous waste codes 10 13 12* and 19 02 04*. A waste operation in the permit covers treatment of similar non-hazardous waste with codes 10 13 13 and 19 03 03. The consolidation also includes the existing Standard Rules 2008 No3 75 kte Household, Commercial and Industrial Waste Transfer Station.

The response to the Schedule 5 notice (dated 07/12/17) received 13/2/17 and the consequent request for further information (dated 27/12/17) received 08/01/18 clarified that the application describes the final planned operation of the site after drainage and storage changes in the yard area. Until the completion and approval of Pre-operational Condition PO1 the site activities including received and treated waste storage are limited to the main building in the South West corner of the site and the associated cement process waste storage silos.

Key aspects of the eventual intended operation of the site are as follows:

1.

The treatment of hazardous waste is now limited to 29,999 tpa and will therefore not trigger consideration as a Nationally Significant Infrastructure Project. As the treatment capacity can be used to treat either hazardous or non-hazardous cement kiln dust (CKD) or bypass dust (BPD) the treatment of non-hazardous cement process waste is also limited to 29,999 tpa.

The only hazardous wastes to be accepted are CKD and BPD which are only hazardous due to their high alkalinity. The applicant has also confirmed a revised total storage limit for hazardous unconditioned and conditioned CKD+BPD at 10,000 tonnes (response to Schedule 5 notice Qu5). We consider this a realistic limit for the size of the site.

The existing Standard Rules 2008 No3 75 kte permit conditions included in the permit are intended only to be used for <500 tpa of coffee grounds and co co powders.

2.

The current site will be split into two areas. The non-process areas will continue to drain uncontaminated rainwater to the existing soakaway. A sealed sump will collect potentially contaminated rain and cleaning water runoff from the process and storage areas for reuse in the process or disposal offsite. The areas are shown on the revised site plan included in the permit.

3.

The cement process waste dust will be received in bulk in sealed articulated powder tankers (submitted EMS summary 10.1.1). After inspection of the waste transfer and consignment notes it will be blown into storage silos. The applicant will receive the monthly composition test results for CKD and BPD from the waste generating plants and will also carry out 3 monthly waste analysis for Potentially Toxic Elements and metal loadings to ensure the conditioned product is suitable for land spreading (RFI response 2c received 08/01/18).

4.

The 2 existing dust silos have overfill protection. The further request for information received 08/01/18 clarifies that there is no weighing hopper beneath the silos. The sealed augurs transport CKD or BPD form the silos to the mixer at a set 1 tonne per minute. The material is mixed on entry with a calculated concurrent addition of water (either fresh or recycled from the site sump and bunds). The exotherm of mixing is expected to be between 40 and 75°C. After only a few minutes the conditioned material (which is believed to be significantly less dusty than the starting material) is dropped out onto the impermeable floor for particle size sieving. The silos and mixer vent through filters on the top which are regularly inspected. Transfers of conditioned material to storage elsewhere in site will be by covered trailer. Any site dust will be minimised by water spraying from either fixed sprinklers or a mobile water bowser.

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. The decision was taken in accordance with our guidance on confidentiality.
Consultation/Engagement	
Consultation	The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement. The application was publicised on the GOV.UK website. We consulted the following organisations: Environmental Health Department, Hyndburn Borough Council Director of Public Health, Lancashire County Council Health and Safety Executive Public Health England The comments and our responses are summarised in the consultation section.
The facility	
The regulated facility	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. 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. Until the completion and approval of Pre-operational Condition PO1 the site activities including received and treated waste storage are limited to the main building in the South West corner of the site and the associated cement process waste storage silos. See key issues.
The site	
Extent of the site of the facility	The operator has provided a revised plan in response to the request for further information received 08/01/18 which we consider is satisfactory, showing the extent of the site of the facility. The plan is included in the permit. The plan in the permit is also the plan referenced in the Standard Rules Permit 2008 No3 75kte which applies to the site waste transfer station. Until the completion and approval of Pre-operational Condition PO1 the site activities including received and treated waste storage are limited to the main building in the South West corner of the site and the associated cement

Aspect considered	Decision
	process waste storage silos. See key issues.
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. We have included an improvement condition IC1 to require submission of a planned intrusive soil and groundwater sampling report.
Biodiversity, heritage, landscape and nature conservation	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat. No Special Areas of Conservation, Special Protected Area or RAMSAR sites. No Sites of Special Scientific Interest. 7 Local Wildlife Sites within 2km the nearest being Altham Clough Wood at 900m. 2 Ancient Woodlands within 2km the nearest being Altham Clough Wood. 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. We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified. We have not consulted Natural England on the application. The decision was taken in accordance with our guidance.
Environmental risk assessment	
Environmental risk	We have reviewed the operator's revised (08/01/18) assessment of the environmental risk from the facility. The operator’s risk assessment is satisfactory.
Operating techniques	
General operating techniques	We have reviewed the techniques used by the operator for the activities subject to this variation and compared these with the relevant guidance notes (Sector Guidance Note IPPC S5.06 - Guidance for the Recovery and Disposal of Hazardous and Non Hazardous Waste) and we consider them to represent appropriate techniques for the facility. The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.
Permit conditions	
Updating permit conditions during consolidation	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).
Use of conditions other	Based on the information in the application, we consider that we do not need

Aspect considered	Decision
than those from the template	to impose conditions other than those in our permit template.
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 for the following reasons: • they are suitable for the proposed activities • the proposed infrastructure is appropriate; and • the environmental risk assessment is acceptable. See Key Issues We made these decisions with respect to waste types in accordance with our guidance S5.06 Guidance for Recovery and Disposal of Hazardous and Non Hazardous Waste.
Improvement programme	Based on the information on the application, we consider that we need to impose an improvement programme. Improvement condition IC1 to require submission of the planned intrusive soil and groundwater sampling report. Pre-operational Condition PO1 to require submission of plans for approval before use for the changes to site drainage and material storage.
Emission limits	No emission limits have been added, amended or deleted as a result of this variation. The only point source emissions are the received material silos.
Reporting	We have added annual reporting in the permit for the following parameters: Treated Bypass dust and Cement Kiln dust produced (hazardous and non-hazardous waste) Water Usage Energy Usage
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	Technical competence is required for activities permitted. The operator is a member of an agreed scheme. The applicant holds current WAMITAB certification for Non-Hazardous Waste Treatment and Managing Physical & Chemical Treatment – Hazardous Waste – 4MPTH
Relevant convictions	The Case Management System been checked to ensure that all relevant convictions have been declared. No relevant convictions were found. The operator satisfies the criteria in our

Aspect considered	Decision
	guidance on operator competence.
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	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. Paragraph 1.3 of the guidance says: "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." 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. 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.

Consultation

The following summarises the responses to consultation with other organisations and 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
Public Health England
Brief summary of issues raised
Potential fugitive emissions of airborne particulates are prevented are prevented, controlled and managed such that they do not adversely impact upon public health.
Summary of actions taken or show how this has been covered
Cement Kiln Dust and Bypass Dust are delivered in powder tankers and blown into storage silos fitted with filtered vents. They are then transferred via an enclosed augur to a pan mixer where water is added to produce a granular product. This product is screened within a building to minimise fugitive dust emissions.

Response received from
Director of Public Health, Lancashire County Council
Brief summary of issues raised
No new extra issues beyond those in the Public Health England response.
Summary of actions taken or show how this has been covered
None required.

Representations from individual members of the public.

Brief summary of issues raised
i. Lack of detail in waste pre-acceptance and acceptance procedures. ii. Fugitive dust emissions from the mixer when material is added. iii. Handling and storage of treated material whose temperature is raised by the treatment exotherm. iv. Whether the applicant is aware that a proposal for a hazardous waste treatment facility with a capacity over 30,000 tpa would be a Nationally Significant Infrastructure Project requiring a Development Consent order with significant additional time and expenditure considerations.
Summary of actions taken or show how this has been covered
i. Clarification of the Schedule 5 notice response about how vessels are sealed was requested (Qu7) in the Request for Further Information dated 27 Dec 2017. The hazardous waste material that is the subject of this variation is sourced from a limited number of known sources and has a consistent composition and analysis. The cement process waste dust will be received in bulk in sealed articulated powder tankers (submitted EMS summary 10.1.1). After inspection of the waste transfer and consignment notes it will be blown into storage silos. The applicant will receive the monthly composition test results for CKD and BPD from the waste generating plants and will also carry out 3 monthly waste analysis for Potentially Toxic Elements and metal loadings to ensure the conditioned product is suitable for land spreading (RFI response 2c received 08/01/18). ii. Addition of conditioning water to the mixer will be concurrent with the augured addition of waste material which will minimise the potential for dust generation during filling.

iii.	Clarification of the Schedule 5 notice response about the exotherm of reaction was requested (Qu7) in the Request for Further Information dated 27 Dec 2017. The expected exotherm based on current operations are 40-75 °C. The small batch (approx. 1.3 Tonne) of conditioned material is immediately dropped out of the mixer to cool on the floor.
iv.	The hazardous waste treatment capacity was queried in the Schedule 5 notice and further clarification requested (Qu4) in the Request for Further Information dated 27 Dec 2017. The treatment capacity is now limited to 29,999 tpa of hazardous waste and 29,999 tpa of similar non-hazardous cement kiln dust + bypass dust.