

Permitting decisions

Bespoke permit

We have decided to grant the permit for Unit 145 Elm Drive operated by Chloros Environmental Ltd.

The permit number is EPR/AP3031JR.

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

List of wastes

The Operator amended the list of wastes requested in the original application in their response to the Schedule 5 Notice dated 06/02/2019. The updated list of wastes is contained in the document titled 'Waste Types Characterisation, Storage and Treatment Options' and the 'List of Waste Table' (ref. 3922/2385/WAS) received on the 26/03/2019.

H1 screening for emission to air:

Emissions to air are likely to arise from the mixing and blending activities that will take place at the bulking booths. Air from the bulking booths is exhausted to the atmosphere after considerable abatement of emissions by the use of several activated carbon filters. Potential emissions from the Local Exhaust Ventilation (LEV) system include Volatile Organic Compounds (VOCs) and acid gases. It is not anticipated that acid gas emissions would be significant during routine operations, unless an abnormal reaction occurs. There will be management systems in place to minimise such risk, ensuring that only bulking of compatible mixtures will be undertaken. Due to the nature of the wastes and activity, VOC emissions are considered more likely.

The bulking booths will not be operated continually. The Operator envisages that these may be operated for around 16 hours per week (cumulatively), which equates to <10% of the year. The Operator anticipates that as a worst case, the total VOC concentration will be less than 2mg/m³ (expressed at reference conditions of 273K, 101.3KPa).

For the purpose of this screening, a conservative assumption that the total VOC emission comprises 100% benzene was taken and that the bulking booths and LEV system will be operational continuously and throughout the year (100% operating time). The effective stack height set at 0m, exit velocity of 15m/s, and exhaust flowrate of 4231.15m³/hour.

The H1 screening tool predicts the process contribution (PC) to ambient total VOC hourly mean concentration to be 18.4µg/m³. For benzene, this equates to a 9.41% process contribution to the short term Environmental Assessment Level (EAL). As this is less than 10%, short term impacts screen as insignificant. The H1 tool predicts the PC to long term ambient total VOC concentration to be 0.696µg/m³. As this exceeds 1% of the EAL, background concentrations are taken into account. The DEFRA mapped background annual mean concentration for benzene for the grid square containing the site, adjusted to 2019, is 0.195µg/m³. Therefore, the Predicted Environmental Concentration (PEC) is 0.891µg/m³. As this is less than 70% of the long term EAL, impacts screen out as insignificant.

We have set the emission limits for VOCs at 3mg/Nm³ (lower range of the BAT-AEL) by considering that 2mg/Nm³ was used in the H1 Screening. Using 30mg/Nm³ indicates that the impact is not 'insignificant'. We have added an improvement condition to the permit to allow the Operator to monitor and verify the assumptions in their H1 screening together with an option to review their screening input and output parameters (and to carry out modelling if required) following the commissioning of the LEV units. We have added additional text to Table S3.1 to indicate that the limits TVOC and HCl are to be reviewed following the completion of Improvement Conditions IC1, IC2 and IC3 in Table S1.3. Emission of HCl was not considered in the H1 Screening – the Operator indicated that the likelihood of HCl emission is 'non-existent' given their procedure for compatibility testing.

Improvement condition

We have included an improvement condition in the permit that requires the Operator to undertake monthly monitoring of the abatement system for 6 months at the LEV emission points, marked A1 and A2 shown on the drawing reference 3922/2385/03 dated 05/04/2019 and to submit a report of the monitoring, including;

- details of the results and conclusions of the monitoring;
- the environmental performance of the LEV units as installed against the design parameters set out in the Application;
- details of any modifications made during commissioning that change the details included within the application; and
- a review of the performance of the LEV units against compliance with the conditions of this permit.
- a review of the air impact assessment (H1 screening tool) and to submit to the Environment Agency for approval appropriate limits to replace those in Table S3.1 and/or a written proposals for alternative abatement systems or improvement to the existing systems together with the timescale for implementation if the report shows that the abatement system is not achieving the emission limits in the permit.

Fire Prevention Plan - storage and treatment of combustible materials

We have agreed that the Fire Prevention Plan (FPP) submitted with the application is in line with our guidance - 'Fire prevention plans: environmental permits'.

The FPP is designed to meet the following 3 objectives:

- To minimise the likelihood of a fire happening;
- To aim for a fire to be extinguished within 4 hours; and,
- To minimise the spread of a fire within the site and to surrounding neighbouring sites.

The site handles liquid and solid wastes of a hazardous and non-hazardous nature, including flammable liquids. The proportion of solid, combustible non-hazardous wastes that being stored/treated at the site is

small when compared to the overall storage capacity of the site (1500 tonnes at any one time). The storage areas for flammable materials are also subject to the 'The Dangerous Substances and Explosive Atmospheres Regulations 2002' (DSEAR).

The solid combustible non-hazardous wastes consists of packaging of various types (wood, plastic, card board), WEEE waste and occasionally a small quantity of tyres. There is a programme of activities to train the site staff and contractors on requirements of the FPP and what they must do during a fire.

Dust Management Plan

We consider that the dust management plan that was submitted with the application is satisfactory. All potentially dusty wastes are only accepted on site if they are in secure closed containers. This is established at the pre-acceptance stage. Any waste arriving on site which is not securely contained will be rejected and returned to the producer without being unloaded.

Fine particulate wastes will only be accepted and stored in secure closed drums or containers. Potentially dusty wastes will be kept in their original containers and can only be opened to obtain confirmatory samples.

Baseline soil and groundwater data

The site was used as a RAF supply and maintenance unit from 1939 to 1974. Thereafter it was used as a trading estate in 1977 and warehousing operations from then onwards.

The Operator stated in the site condition report that there is no visual or olfactory evidence of contamination of the site and that there are no recorded pollution incidents associated with the site. However, the Operator did not provide baseline soil or groundwater monitoring to demonstrate that no contamination is present at the site. The Operator is aware of the risk associated with not providing baseline data and is prepared to carry the risk that if the site is contaminated on cessation of their operation, they will be liable for the clean-up of the site to the appropriate standard expected for a commercial land.

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 ▪ Fire & Rescue Services <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/facilities 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 facilities are 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 plan which we consider is 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.

Aspect considered	Decision
	<p>The applicant did not undertake baseline soil or groundwater monitoring to demonstrate if any contamination is present on site and has as a result accepted the risk of any contamination discovered at the site at a future date.</p> <p>See key issues section above.</p>
Biodiversity, heritage, landscape and nature conservation	The application is not within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.
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>See key issues section above.</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>
Operating techniques for emissions that screen out as insignificant	<p>Emissions of VOCs have been screened out as insignificant, and so we agree that the Operator's proposed technique is BAT for the sector.</p> <p>We consider that the emission limits included in the installation permit reflect the BAT for the sector.</p>
Odour management	<p>We have reviewed the odour management plan in accordance with our guidance on odour management.</p> <p>We consider that the odour management plan is satisfactory.</p>
Fire prevention plan	<p>We have assessed the fire prevention plan and are satisfied that it meets the measures and objectives set out in the Fire Prevention Plan guidance.</p> <p>See key issues section above.</p>
Permit conditions	
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

Aspect considered	Decision
	<ul style="list-style-type: none"> the environmental risk assessment is acceptable. <p>We made these decisions with respect to waste types in accordance with the risk assessments and Sector Guidance - S5.06 – ‘Guidance for the Recovery and Disposal of Hazardous and Non Hazardous Waste’.</p> <p>See key issues section above.</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 the Operator provides a report of the commissioning operations and initial monitoring of the abatement system.</p> <p>See key issues section above.</p>
Emission limits	<p>ELVs and/or equivalent parameters or technical measures based on BAT have been set for the following substances:</p> <ul style="list-style-type: none"> VOCs (air emission) HCl (air emission) TSS (direct emission to water) TOC (direct emission to water) COD(direct emission to water)
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 protect human health and quality of the receiving water.</p> <p>We made these decisions in accordance with Sector Guidance - S5.06 – ‘Guidance for the Recovery and Disposal of Hazardous and Non Hazardous Waste’ and the requirements of the Waste Treatment (WT) BAT Conclusions.</p> <p>Based on the information in the application we are [not fully] 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 air emission, direct emission to water and process monitoring.</p> <p>We made these decisions in accordance with the requirements of the Waste Treatment (WT) BAT Conclusions.</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 permits.</p>

Aspect considered	Decision
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 and National Enforcement Database 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 and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from
Environmental Health (EH)
Brief summary of issues raised
EH have reviewed the application documents and confirm that they can find no complaints relating to the current operating site and therefore have no objection to the granting of an Environmental Permit at the proposed site.
Summary of actions taken or show how this has been covered
No action required.

Response received from
Public Health England (PHE)
Brief summary of issues raised
<p>The main emissions of potential concern are fugitive emissions of dust to atmosphere. The applicant proposes controls such that residual impacts should not be significant to public health.</p> <p>The potential emissions from the local exhaust ventilation (LEV) systems used during the site operations has not been assessed as part of the permit application. PHE advised that the regulator should be satisfied that any emissions from the site are within the UK air quality objectives and requested that any information arising from their recommendations should be sent to them for consideration when it becomes available.</p>
Summary of actions taken or show how this has been covered
<p>We received further information from the applicant in relation to H1 screening for air impact assessment and sent it to PHE. PHE confirmed (after reviewing the additional information)) that -</p> <p><i>'The further information supplied consisted of a H1 environmental risk assessment for VOC emissions, associated with the proposed use of the local exhaust ventilation (LEV) systems during the site operations which was not present in the original application. The predicted environmental concentration (PEC) for the LEV systems are below the trigger points which would require further assessment of that substance. It is therefore unlikely that public health will be impacted by emissions from the LEV systems'.</i></p> <p>In addition to this, we have included appropriate conditions and limits in the permit to ensure that emissions of VOCs from the site do not present unacceptable risks to human health and environment.</p>