

# Permitting decisions

## Variation

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We have decided to grant the variation for Knowsley Healthcare Waste Treatment and Transfer Site operated by SRCL Limited.

The variation number is EPR/KP3436NL/V004.

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.

## Description of changes introduced by the Variation

This is a substantial variation authorising the following changes:

- Extend the permit boundary by adding additional land to the permitted area.
- Increase storage capacity of the facility by utilising the additional land for storage and transfer activities
- Add the disposal and recovery codes (D14 and R12) for light compaction of offensive waste to the permit in accordance with the Environment Agency guidance note on compaction of offensive waste (published 6 November 2018).

## Key issues of the decision

### Increase in site boundary

Included in this variation is an increase to the permit boundary to include additional land to the permitted area. This additional land will increase the storage capacity for hazardous and non-hazardous waste, all

stored in wheeled carts or in rigid containers on pallets. An intrusive site condition report was included in the application and covers the additional land. The Groundwater and Contaminated Land team reviewed this report and had no comments to make.

### **Increase in storage capacity**

The total storage capacity for combined storage of hazardous and non-hazardous waste is 330 tonnes (an increase from 140 tonnes). There are no changes to the activities undertaken at the facility, and therefore no changes to the emissions from the facility. The containers to be utilised for storage of clinical waste are leak-proof, fully enclosed, secure and re-usable. All waste storage areas have impermeable surfaces and all liquids are stored on bunds. There are no changes to the permitted waste codes.

### **Light compaction**

The application has applied to add the disposal and recovery codes D14 and R12 to allow for the light compaction of offensive waste to the permit in accordance with the Environment Agency guidance note on the compaction of offensive waste (published 6 November 2018). The offensive waste light compaction activity is already undertaken as a D15 activity as this was considered to be the correct activity code until publication of the aforementioned guidance in November 2018.

The guidance note states that there is unlikely to be a risk of pollution if compaction is limited to “light compaction” that is, compaction of offensive waste in bags where the nature of the compaction is such that is unlikely to result in any bags splitting and which is carried out only to move bags along a container.

“Offensive waste” means waste that –

- a) is not clinical waste,
- b) contains body fluids, secretions or excretions, and
- c) falls within codes 18 01 04, 18 02 03 or 20 01 99.

The applicant proposes to compact the following waste streams:

| Permitted waste types and quantities for Light Compaction (Activity 9) |  |
|--|--|
| <b>Maximum quantity</b>  | 12 tonnes total storage capacity   |
| <b>Waste code</b>  | <b>Description</b>   |
| <b>18</b>  | <b>WASTES FROM HUMAN OR ANIMAL HEALTH CARE AND/OR RELATED RESEARCH (except kitchen and restaurant wastes not arising from immediate health care)</b>                                 |
| <b>18 01</b>   | <b>Wastes from natal care, diagnosis, treatment or prevention of disease in humans</b>   |
| 18 01 04 <sup>1</sup>  | Waste whose collection and disposal is not subject to special requirements in order to prevent infection (for example dressings, plaster cast, linen, disposal clothing and diapers) |
| <b>18 02</b>   | <b>Waste from research, diagnosis, treatment or prevention of disease involving animals</b>  |
| 18 02 03 <sup>1</sup>  | Wastes whose collection and disposal is not subject to special requirements in order to prevent infection  |
| <b>20</b>  | <b>MUNICIPAL WASTES (HOUSEHOLD WASTE AND SIMILAR COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL WASTES ) INCLUDING SEPARATELY COLLECTED FRACTIONS</b>                                      |
| <b>20 01</b>   | <b>Separately collected fractions (except 15 01)</b>   |
| 20 01 99 <sup>1</sup>  | Other fractions not otherwise specified (comprising only of non-clinical human and animal offensive/hygiene waste (not arising from healthcare and/or related research i.e.          |

| Permitted waste types and quantities for Light Compaction (Activity 9)   |   |
|--|---|
| <b>Maximum quantity</b>  | 12 tonnes total storage capacity  |
| <b>Waste code</b>  | <b>Description</b>  |
|  | not including waste from natal care, diagnosis, treatment or prevention of disease) which is not subject to special requirements in order to prevent infection) |
| <sup>1</sup> These entries are limited to those wastes that are not described, packaged, labelled or transported as infectious or clinical wastes. |   |

SRCL have proposed that the total storage capacity for lightly compacted waste shall not exceed 12 tonnes at any one time. This will be stored in area and storage containment section B1, which is situated outside (this area is shown on the site plan provided with the application and present within the permit at Schedule 7).

## Decision checklist

| Aspect considered   | Decision  |
|---|---|
| <b>Receipt of application</b>                             |   |
| 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.   |
| <b>Consultation</b>                                       |   |
| 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> <p>Public Health England (PHE)</p> <p>Food Standard Agency (FSA)</p> <p>Health and Safety Executive (HSE)</p> <p>Local Authority Environmental Health, Knowsley Metropolitan Borough Council</p> <p>Director of Public Health, Knowsley Metropolitan Borough Council</p> <p>PHE responded and their comments and our responses are summarised in the <a href="#">consultation section</a>.</p> |
| <b>The facility</b>                                       |   |
| 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>  |
| <b>The site</b>   |   |
| 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.   |
| 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, 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</p>  |

| Aspect considered                               | Decision  |
|---|---|
|   | <p>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>We have not consulted Natural England on the application. The decision was taken in accordance with our guidance.</p>   |
| <b>Environmental risk assessment</b>            |   |
| 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>   |
| <b>Operating techniques</b>                     |   |
| 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>   |
| <b>Permit conditions</b>                        |   |
| 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>  |
| Raw materials                                   | <p>We have specified limits and controls on the use of raw materials and fuels.</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"> <li>• they are suitable for the proposed activities</li> <li>• the proposed infrastructure is appropriate; and</li> <li>• the environmental risk assessment is acceptable.</li> </ul> <p>The waste types have not changed as a result of this variation. The wastes that are intended to be lightly compacted are in line with the Environment Agency guidance note on the compaction of offensive waste (published 6 November 2018).</p> |
| Emission limits                                 | <p>No emission limits have been added, amended or deleted as a result of this variation.</p>  |
| Monitoring                                      | <p>Monitoring has not changed as a result of this variation.</p>  |

| Aspect considered                               | Decision  |
|---|---|
| <b>Operator competence</b>                      |   |
| 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>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.   |
| <b>Growth Duty</b>                              |   |
| 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

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| <b>Response received from</b>  |
| Public Health England (received 27 <sup>th</sup> March 2019)   |
| <b>Brief summary of issues raised</b>  |
| <p>Based on the information contained in the application supplied to them, Public Health England has no significant concerns regarding the risk to the health of the local population from the installation. However, PHE has stated that the applicant has not provided a completed risk assessment to identify all potential human health receptors e.g. distance to residential properties for emissions to air, or presence of drinking water abstractions for potential aquifer contamination.</p> <p>This consultation response is based on the assumption that the permit holder shall take all appropriate measures to prevent or control pollution, in accordance with the relevant sector guidance and industry best practice.</p> |
| <b>Summary of actions taken or show how this has been covered</b>  |
| <p>The Environment Agency has assessed the risk of emissions from the site, including emissions to air, and further detail of this assessment can be read above. In summary, other than the light compaction of offensive waste within a sealed unit, there is no further treatment activities taking place on site as a result of this application.</p> <p>There are no changes under this variation to the treatment activities. They are already permitted and were assessed at the time. No further assessment is required unless the treatment activities are varied.</p> <p>There should be no significant emissions to air from storage. Fugitive emissions are prevented by containment measures and site procedures.</p>            |