

Permitting decisions

Variation

We have decided to grant the variation for Ilkeston Waste Treatment and Transfer Facility operated by Castle Waste Services Limited.

The variation number is [EPR/AP3337SJ/V007](#).

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

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

An overview of the key changes

Castle Waste Services Limited (Castle) holds two environmental permits reference [EPR/AP3337SJ](#) (installation permit) and [EPR/TP3897FD](#) (waste operation permit) at the Ilkeston Waste Management Facility. The activities that are currently permitted under the waste operation permit have been transferred to the installation permit as part of this variation to enable the waste operation permit ([EPR/TP3897FD](#)) to be surrendered.

This variation allows:

- The partial surrender of a number of activities currently authorised under the installation permit.
- The inclusion of activities currently authorised under the waste operation permit which overlaps with activities already authorised under the installation permit.
- The addition of a new de-packaging activity for the removal of the contents of packaged waste to the installation permit.
- Amendments of the waste throughput limits and the addition of waste storage limits to the permit.
- The addition of waste codes that had been omitted from the previous versions of the permit.

The activities that have been surrendered are located within the installation boundary and there are no proposals to remove the impermeable pavement within the locations of these activities. The decommissioning plans of these activities are limited to the removal of the plants and equipment used for the activities. No land is surrendered as part of the partial surrender.

Waste water management for the de-packaging activity

We asked the operator to clarify their waste water management procedures as it was not clear based on the application whether the waste water generated within the process was treated at the site or only stored for off-site treatment.

The operator updated their De-packaging Plant Method Statement to explain the treatment procedure for the secondary liquids. The Method Statement clarifies that as a replacement for clean water, suitable liquids generated within the de-packaging process will be recirculated in the treatment process together with suitable liquids from other on-site activities.

The liquid is recirculated within the process to aid separation. A desktop assessment of the potential for re-use of effluent will be undertaken prior to commencing a batch. Liquids generated by the de-packaging activity can either be collected in the liquid storage tank, or can be collected in an IBC at the site. Liquid will be collected in IBCs where the desktop assessment identifies effluent that is not suitable for re-use.

Other secondary liquids may be introduced into the process such as recovered surface waters or treated effluent from other site processes. To be deemed suitable for reuse, replacement liquids or recirculated liquids will have to meet the following criteria:

- Aqueous based
- Non-hazardous
- Non-malodourous
- Fully transferrable by pump
- Low solids content
- Non-reactive

Liquid collected by the liquid recirculation system will be sampled on a batch basis and have the composition checked to determine whether it is suitable for further re-use. Analysis may include; visual inspection, odour, pH, COD, metal ions and anions. Additional analysis may be undertaken depending upon the composition of the original liquids.

Spent liquids are removed by road tanker and despatched to a suitably permitted waste process, this may be a separate on-site process or a third-party facility.

We are satisfied with the operator's waste water management proposals.

Incompatible waste management for the de-packaging activity

We asked the operator to provide details of the checks that are carried out to ensure that incompatible wastes are not mixed together at the de-packaging activity. This information was missing from the initial application submission.

The operator updated the De-packaging Method Statement to explain that the de-packaging process will be operated on a batch basis. Ordinarily a batch will comprise of the waste processed over a single shift. A new batch will be created at the start of each shift. Where the type of waste processed changes during a shift, a new batch will be created.

The aim of the process is to produce a high-quality packaging waste, hence batches will be processed with the aim of producing a uniform packaging waste. Batches will only contain compatible wastes and will exclusively consist of either hazardous or non-hazardous wastes.

The mixing of incompatible wastes and hazardous and non-hazardous wastes shall be avoided by the preparation of batches. Batches will be created under the supervision of a competent Site Chemist. Batch preparation will include a desktop risk assessment of the components within any packaged waste. Where the risk assessment indicates that there are potentially incompatible materials within the same batch the incompatible materials will be removed from the batch. Where consecutive batches contain incompatible

materials, all residues will be removed and the equipment cleaned in accordance with the Start-Up / Shutdown procedures, before commencing the next batch.

We are satisfied with the operator's incompatible waste management proposals.

Waste types for the de-packaging activity

The proposed waste types were subject to discussion during the determination process. We requested that the operator justify the inclusion of some of the proposed waste types. Some of the waste types did not appear to be suitable for the proposed de-packaging operation; some were liquids, potentially putrescible and some clinical waste. The waste list also included treated waste from waste management facilities that are not likely to be accepted in packaged form. It was not clear why these wastes needed further treatment through the de-packaging process.

As a result the operator agreed to exclude the following EWC codes: 08 02 01, 10 01 05, 10 12 01, 10 12 03, 17 01 01, 17 01 02, 17 01 03, 17 01 16*, 19 12 01, 19 12 04, 20 01 01, 20 01 02, 20 01 39, 16 10 01*, 16 10 02, 18 01 09, 18 02 08, 20 01 32, 19 12 09.

The operator requested to keep the waste codes 19 02 03, 19 02 04*, 19 12 11* and 19 12 12 in the permit as these originate from the waste management facilities. The operator explained that these wastes will have undergone a degree of treatment at a waste facility and that these wastes may not be delivered to the site in consumer packaging as per the other waste types, however wastes with these codes applied to them may still benefit from processing. For example, a third party waste facility may have accepted a mixed load of consumer products from a customer. This load may have been sorted mechanically or by hand to produce two or more separate waste streams. At least one of those streams may be suitable for de-packaging. A waste management company may also have accepted a load of consumer products and mechanically processed the packaging and contents into a secondary container, in this instance the de-packaging process would be able to provide a better degree of separation and recover a cleaner packaging fraction than the original waste. The operator confirmed that wastes accepted for treatment from other waste facilities will only be processed if they are suitable and will benefit from the processing. The operator also confirmed that these types of wastes would only be accepted at the site in containers with a volume less than 1100 litres, i.e. drums or IBCs.

We are satisfied with the operator's justification and permitted the proposed waste codes relating to the waste management facilities.

Fire Prevention Plan

The operator's Fire Prevention and Management Plan is designed to address fire prevention and management measures in relation to the new de-packaging plant process. The site is an existing waste installation accepting a range of hazardous wastes and non-hazardous liquids for treatment and transfer but these activities fall outside the scope of the FPP guidance.

The de-packaging plant will process two types of potentially combustible wastes: combustible waste for secure destruction (tobacco) and waste in combustible packaging. The combustible recovered waste also falls within the FPP guidance requirements.

The waste for secure destruction is delivered to the site from a warehouse where it has previously been stored. It is within consumer packaging and it is stored on pallets rather than in a pile. Prior to de-packaging, the pallets are located outside of the de-packaging building, single stacked and with sufficient spacing to allow access and inspection to each pallet. There is less than 6m separation distance between the building and the storage location for the incoming waste, however, we have accepted this as the waste is only being stored for a maximum of 12 hours and will not be left unattended whilst it is awaiting processing. All processing will be completed within a single shift and no waste will be stored at the site.

It is expected that the majority of process feed stock will be delivered to the site on pallets in consumer packaging. Whilst the contents of the packaging are not anticipated to be combustible, the packaging element of the waste may be. The issue of the combustibility of the packaging containing pastes and liquids was discussed with us during the determination as the operator was first of the view that these types of wastes should be considered as non-combustible. However, we confirmed to the operator that these types of

wastes are all considered combustible as it would be difficult to determine combustibility of bottles and containers based on varied levels of residual liquids. The operator accepted this and proposed a storage area for these wastes which will be served by a fire wall constructed of interlocking concrete blocks. The provision of the fire wall negates the requirement for a 6m fire break from the site boundary; this area has a clear 6m separation from the process building. The construction will be assessed by a third-party civil engineer and a report compiled to assess the fire resistance it provides. As a minimum it will satisfy the 120 minutes required within the FPP guidance.

The de-packaging process will collect recovered packaging. The packaging will be directed from the Turbo Separator to an enclosed skip via a transfer conveyor and screw compactor. The skip is connected to the de-packaging system via clamps, loading is via a closed mechanism preventing escape of any material or egress of foreign objects. Whilst the process is in operation, the skip comprises part of the operational equipment hence packaging collected during the active operational process is not deemed to be in storage for the purpose of the FPP guidance. We have accepted this as the skips will be used to collect single stream packaging by the preparation of batches and when the processing has ceased, the skip will be removed from the building and stored outside. In this outside location the skip will be accessible at all sides and will be able to be moved in the event of an emergency using on-site mobile plant. The skip will be located at least 6m away from the site perimeter, any buildings, or other combustible or flammable materials at the site.

The plan considers a wide range of risks such as arson, plant and machinery and other ignition sources that can contribute to the risk of fire developing. Management measures are in place to minimise a risk of fire from these sources. The plan confirms that the site is securely fenced and there is a CCTV in operation. The forklift truck is fitted with a fire extinguisher and it is stored away from any combustible materials. A non-smoking policy is applied throughout the site and hot works are controlled with an appropriate permit. The site has a process in place to quarantine hot loads and there are dedicated quarantine areas that are large enough to hold 50% of the largest area of pallets. The location has been selected to provide a 6m separation distance around the quarantined waste skip. In the event of a fire, the quarantine area will be used either to place burning material to allow it to be extinguished, or to place unburnt material to avoid it catching fire. The plan confirms that a maximum storage period of any waste is 3 months, although it is likely to be much less.

We are satisfied with the operator's water supply calculations. The closest fire hydrant is located on Crompton Road opposite the main office building. In addition, storm water and process water is stored at the site and could be used in a fire, if required.

We are satisfied that the site has a sufficient capacity to contain fire water run-off. The site is fully bunded and covered with an impermeable surface. Within the tertiary containment system by the process building there is capacity to store 120m³ (allowing for free boarding) in addition to a potential further 240 m³ in the storm water storage tanks and associated interceptor. In addition, when considering the tank farm enclosure bund, storage exists for an additional 2700m³.

We are satisfied with the operator's fire prevention and management measures.

Request for inclusion of additional waste types to the permit

Although this was not part of the variation application, the operator submitted a request for the inclusion of additional waste EWC codes to the permit. The operator highlighted to us that the original permit issued on 29 June 2006 had some waste codes that were not included in this consolidated permit. We checked the original permit - the signed version we have in our system did not include any of the additional waste types. The operator clarified further that the additional EWC codes were approved after the original permit was issued and that the permit was not re-issued thereafter. The operator provided us with some correspondence between the operator's company and the Environment Agency that seemed to show that there was an agreement in place for almost all of the EWC codes in question. However, the correspondence did not show that there was a definitive agreement in place. We reviewed the list of the additional waste codes to decide whether these could be added to the permit. In our view many of the proposed waste types were not suitable for the proposed treatment processes especially those that were requested under the ash conditioning and solidification processes. However, we are satisfied that the following waste types can be added to Table

S2.4 (solidification process and ash conditioning): 17 01 06*, 17 01 07, 17 05 03*, 17 05 04, 17 05 05*, 17 05 06, 17 08 01*, 17 08 02, 17 09 03*, 17 09 04.

We are also satisfied that the following waste types can be added to Tables S2.3 (dissolver process): 16 06 06* and S2.8 (storage and transfer): 05 01 17.

Other waste types that were requested (03 01 04*, 05 01 07*, 05 06 01*, 06 13 02*, 12 01 12*, 13 05 03*, 13 05 08*, 15 01 10*, 15 02 02*, 17 02 04*, 17 04 09*, 17 05 07*, 17 06 03*, 19 11 02*, 19 12 06*, 05 01 17, 17 03 02, 17 05 08, 17 06 04 and 17 09 04) were already included in Tables S2.5 and S2.8 of the permit for storage and transfer only. We accepted that the operator may continue to accept these codes for storage and transfer only unless they are able to provide further evidence that shows these waste codes are also suitable for treatment under the ash conditioning and solidification processes.

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 – Erewash Borough Council Environmental Health – Erewash Borough Council Health & Safety Executive Derbyshire Fire & Rescue Service <p>No responses were received.</p>
The facility	
The regulated facility	<p>We considered the extent and nature of the facilities at the site in accordance with RGN2 'Understanding the meaning of regulated facility' and Appendix 2 of RGN 2 'Defining the scope of the installation'.</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> <p>We have accepted the operator's request to remove the following activities from the permit:</p> <ul style="list-style-type: none"> S5.4 A1(a)(ii) – Disposal of non-hazardous waste – centrifuge/clarifier (D9, R3, R5) S5.3 A1(a)(ii) Disposal or recovery of hazardous waste – oil filter processing part of garage waste process (D9, R4) S5.3 A1(a)(ii) Recovery of hazardous waste – oil separation (R3) S5.3 A1(a)(viii) Recovery of hazardous waste – reactivating granular carbon (R7) S5.3 A1(a)(ii) Disposal of hazardous waste – cyanide oxidation (D9, R3, R5) S5.4A1(ii) Disposal of non-hazardous waste – cyanide oxidation (D9, R3, R5) <p>We are satisfied that these activities have been decommissioned.</p> <p>We have added the following activities to the permit as a result of this variation:</p> <ul style="list-style-type: none"> S5.3 A1(a)(ii) De-packaging of hazardous waste by removing the contents of packaged waste (D9)

Aspect considered	Decision
	<p>S5.4 A1(a)(ii) De-packaging of non-hazardous waste by removing the contents of packaged waste (D9)</p> <p>S5.3 A1(a)(ii) Oil-water separation (solvent separation) (D9, R2, R3)</p> <p>S5.4 A1(a)(ii) Oil-water separation (solvent separation) (D9)</p> <p>The activity 'IBC and container washing process/cleaning of contaminated IBCs and containers (D9, R4, R5)' has been removed from the directly associated activities to become listed activities S5.3 A1(a)(ii) and S5.4 A1(a)(ii).</p> <p>Due to changes in regulations, the following activities are now included in the permit as waste operations.</p> <p>Acceptance, storage, transfer and handling and treatment of non-hazardous waste (D15, R3, R5, R13)</p> <p>Recovery of non-hazardous waste – aqueous waste treatment (R3, R5)</p> <p>Recovery of non-hazardous waste – acid neutralisation (R3, R5)</p> <p>Recovery of non-hazardous waste – dissolver process (R3, R5)</p> <p>Recovery of non-hazardous waste – ash conditioning (R5)</p> <p>Recovery of non-hazardous waste – materials solidification process (R5)</p> <p>Recovery of non-hazardous waste – container shredding (R3, R4, R5)</p> <p>IBC and container washing process/cleaning of contaminated IBCs and containers (R3, R5)</p> <p>Repackaging and bulking up of non-hazardous waste (D14, R3, R4 and R5)</p> <p>De-packaging of non-hazardous waste by removing the contents of packaged waste for recovery (R3, R4 and R5)</p> <p>Oil-water/solvent separation (R2 and R3).</p>
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. The plan is included in the permit.
Biodiversity, heritage, landscape and nature conservation	<p>The application is not within the relevant distance criteria of a site of Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar Sites or Sites of Special Scientific Interest (SSSI) but there are Local Nature Reserves within 500m.</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>
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>

Aspect considered	Decision
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>
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 the key issues section.</p>
Permit conditions	
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 permits.</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; and the environmental risk assessment is acceptable. <p>We made these decisions with respect to waste types in accordance with our Technical Guidance WM3 – Guidance on the classification and assessment of waste.</p> <p>See the key issues section in relation to waste types accepted at the de-packaging facility.</p>
Pre-operational conditions	<p>We have removed the existing pre-operational conditions from the permit as they have been completed.</p> <p>We have added a new pre-operational condition to ensure the operator constructs a fire wall in relation to the storage of combustible waste in de-packaging plant feed storage area No. 69. This is required as there is not a separation distance of 6m from the site boundary.</p>
Improvement programme	<p>We have marked all of the existing improvement requirements as complete.</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. We have removed monitoring tables in relation to point source emissions to water, surface water, noise, ambient air and process monitoring as no emission points or monitoring requirements were set on these tables.</p>
Reporting	<p>There are no changes to reporting as a result of this variation.</p>

Aspect considered	Decision
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.
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>