

# Permitting decisions

## Variation

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We have decided to grant the variation for Ward Recycling operated by Donald Ward Limited.

The variation number is EPR/CB3606XS/V003.

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

# Key issues of the decision

## Summary of variation and permitted activities

This variation increases the capacity of currently permitted hazardous waste activities on site and adds new installation activities for solid recovered fuel (SRF) production to the remaining waste activities.

The hazardous waste activity will involve the receipt, bulking and storage of hazardous wastes, including waste oils and chemicals, prior to their onward transfer for recovery or disposal at permitted sites elsewhere. This will take place in a purpose built building.

The SRF production activity will produce SRF from non-hazardous wastes and will use as its feedstock, lightweight residues produced from the existing, non-hazardous waste treatment and transfer activity. The SRF is to be produced to European Standard EN 15359 either for export outside the UK or for supply within the UK for recovery or disposal at permitted incinerators or co-incinerators. This activity is conducted within a purpose built building.

The listed activities undertaken at the site are:

- Section 5.6 Part A(1)(a) - Temporary storage of hazardous waste with a total capacity exceeding 50 tonnes;
- Section 5.3 Part A(1)(a)(iv) - Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving repackaging;
- Section 5.4 Part A(1)(a)(iii) - Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day involving pre-treatment of waste for incineration or co-incineration; and
- Section 5.4 Part A(1)(b)(ii) - Recovery of non-hazardous waste with a capacity exceeding 75 tonnes per day involving pre-treatment of waste for incineration or co-incineration.

There are directly associated activities for the storage of non-hazardous waste before and after the SRF activity and the discharge of uncontaminated site water runoff to surface water.

The waste activities undertaken at the site are:

- Household, commercial and industrial waste transfer and treatment station, including the management of WEEE and clinical waste.
- Metal processing.
- End of life vehicle (ELV) depollution.

The overall throughput of the site remains unchanged.

The site is located at Newbridge Lane, Old Whittington, Chesterfield, S41 9HY, National Grid Reference NGR SK 38901 73892. The site is within 10 km of Peak District Moors/South Pennine Moors SAC and SPA and within 2 km of Brearley Wetland and Bluebank Pools LNR.

## Best Available Techniques (BAT) Assessment

The proposals were assessed against our Sector Guidance Note SGN5.06, "Guidance for the Recovery and Disposal of Hazardous and Non-Hazardous Waste" which details BAT for this sector. The key issues from this assessment were as follows:

- **Pre-acceptance (section 2.1.1)**

- Polychlorinated Biphenyls (PCB's)

- Indicative BAT requirement (BAT point) 13 states that Installations accepting waste oil should have the facility to hold and test loads for PCBs or a surrogate.

The site will not accept dielectric oils. Producers will be required to demonstrate that waste oils, intended for direction to the site, are free of PCB's/chlorine. On receipt at site, drums/containers of waste oil will be opened, in the sampling area, for inspection, before discharge to the bulk tank. All oils will be tested, by the site chemist, or other person trained by them, before discharge, for the presence of chlorine.

Oils which fail the chlorine testing, will be held in the quarantine area and will not be discharged to the bulk storage until/unless cleared by the site chemist.

Oils so held will be subject to more detailed investigation involving inquiries to the producer, return to the producer or submission of samples to off-site, accredited, laboratory testing.

#### Record keeping

BAT point 16 states that pre-acceptance records should be kept for a minimum of 3 years.

The operator confirmed that all pre-acceptance records will be kept for a minimum of 3 years.

#### • **Storage (section 2.1.3)**

##### Inspection schedule and maintenance procedures

BAT points 12 and 45 state that procedures must be in place for the regular inspection and maintenance of storage areas, including drums, vessels, pavements and bunds. BAT point 13 states that containers and pallets should be inspected daily.

The operator confirmed that:

- All drums, kegs, pallets on which wastes are stored, IBCs and bulk storage vessels will be inspected daily, by a trained individual, for evidence of damage, deterioration, leakage and stability. A written record of the inspections will be maintained in the facility.
- In the event of defects being revealed, the site chemist and technically competent manager will be informed immediately and the defective item will be replaced/secured and, in the case of defective drums or other containers, immediate action will be taken to neutralise any risk, involving, inter alia, removal from main storage to the quarantine area, if safe to do so; securing lids/bungs; transfer of contents to sound containers; over drumming; replacement of defective pallets.
- The bulk oil storage tank will be inspected annually by a third party contractor suitably qualified for the purpose. Details of the inspections will be certified by the person undertaking the inspection and a record maintained on site.
- All fixed containment provisions (floor surfacing, wall/floor joint seals, fixed bunding), will be fully inspected every three months or following a spillage incident. Any defective areas found will be protected, immediately, by temporary bunding and permanent repairs affected within 7 days of discovery. Storage of wastes in areas subject to defective protection will be suspended until permanent repairs are completed.
- Written records of the inspections, results thereof and remedial actions taken, will be maintained on site.
- Temporary bunding equipment, such as spill trays, will be inspected prior to and following use, to ensure the integrity of the equipment.
- Spill kits will be maintained in the building at all times and replenished immediately after use.

##### Container storage height

BAT point 15 states that drums should be stored no more than two high.

The operator confirmed that drums/kegs will be stored on pallets, usually 1 drum high but at a maximum height of the equivalent of 2 x 200 litre drums.

##### Transfer of liquids

BAT point 34 states that wastes in containers should be transferred into storage vessels via dip pipe to minimise splash, fume and odour. BAT point 38 describes how caution should be taken when

transferring flammable chemicals to avoid static electricity with the subsequent risk of ignition. HSG140 is referenced as the appropriate HSE guidance document.

The operator confirmed that the transfer of liquid wastes from containers to storage vessels, will be conducted using dip pipes, to eliminate splash, fume and odour. The transfer of flammable chemicals will be undertaken in accordance with the relevant provisions of HSG140, including:

- A Dangerous Substances and Explosive Atmosphere Regulations 2002 (DSEAR) risk assessment will be conducted, the results of which will be used to further inform and refine the procedures.
- Only Class 2 and 3 substances will be accepted, with a screening protocol in place and Seta Flash equipment.
- The establishment of an ignition free area.
- Compatibility testing prior to transfer.
- Use of intrinsically safe equipment for liquid transfer including dip pipe methodology to eliminate splashing/spillage.
- All appropriate staff will be fully trained in the procedures and only trained staff, under the direction of the site chemist and health and safety managers, will undertake any activities involving the wastes involved.

#### Containment

BAT point 44 states that bulk storage vessels should be located within a bunded area with a capacity of 110% of the largest vessel or 25% of the total tankage volume within the bund.

The largest vessel in the building is the bulk oil tank, with a capacity of 6,000 litres. The tank itself is self bunded to 110%v of its capacity so protection from the containment of the building would only be required in the event of failure of both the tank and its integral bunding.

The available floor area, of the hazardous wastes storage area, is calculated at 50% of 48m x 18m x 0.02m, giving a contained capacity of 8.64m<sup>3</sup> or 8,640 litres. At 25% of the total tankage volume, this equates to a total tankage volume of 34,560 litres or equivalent to 140x200 litre drums and 110% of the bulk oil tank volume. Operations will limit storage to this maximum, equivalent capacity.

#### Waste oil storage tank

The bulk oil storage tank is a TITAN, self-bunded tank, of 6000 litres capacity. The tank is constructed of double skinned, polypropylene, separated by a void-space with a capacity of 110% of the main tank volume, sufficient to secure a catastrophic failure of the main tank. We consider this to be enhanced primary containment. Secondary containment is described in the section above. The tank is fitted with a high level alarm, to prevent overfilling. The top of the tank is sealed against water ingress to the bunded area, for outdoor applications, but this tank is housed within the main building only.

The tank will be inspected, at least once per week, for evidence of leakage and after each transfer of oils into the tank, for evidence of spillage, to ensure the integrity of the tank and availability of the bund capacity. Any spillage or leakage into the bunded area, will be removed as soon as detected to restore the full void space. Oils removed from the bund, will be placed into secure containers, whilst the integrity of the main tank is assessed.

BAT point 48 states that there should be no uncontrolled venting to atmosphere. The operator confirmed that the vent is only from the enhanced primary containment which only comes in to use in the event of a catastrophic failure of the main tank. The main tank does not have a fixed point source emission to air.

The operator confirmed that impact/collision protection will be installed to protect the bulk oil storage tank. ARMCO barriers will be installed to a height of 1m. This is included as an operating in table S1.2 of the permit.

The other proposals included in the application were in line with BAT and deemed satisfactory.



## 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> <ul style="list-style-type: none"> <li>• Health and Safety Executive</li> <li>• Chesterfield Borough Council - Environmental Health</li> </ul> <p>No responses were received.</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 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 including the discharge points. The plan is included in the permit.
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 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>

Aspect considered	Decision
<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> <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>
<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>
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>
Noise management	<p>We have not reviewed the noise management plan as the proposed variation is unlikely to increase noise levels.</p> <p>The noise management plan approved on 07 February 2019 has been incorporated into the operating techniques table S1.2.</p>
Fire prevention plan	<p>We have not reviewed the fire prevention plan as the proposed variation is unlikely to increase fire risk.</p> <p>The fire prevention plan approved on 09 September 2019 has been incorporated into the operating techniques table S1.2.</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>
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>We made these decisions with respect to waste types in accordance with SGN5.06.</p>

<b>Aspect considered</b>	<b>Decision</b>
Emission limits	No emission limits have been added, amended or deleted as a result of this variation.
Reporting	<p>We have added reporting in the permit for the following parameters:</p> <ul style="list-style-type: none"> <li>• Water usage</li> <li>• Energy usage</li> <li>• Amount of waste oil recovered</li> <li>• Amount of SRF produced</li> </ul> <p>We made these decisions in accordance with SGN 5.06.</p>
<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.
<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

No responses were received to our consultation with other organisations or our notice on GOV.UK for the public.