

# Permitting decisions

## Bespoke permit

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We have decided to grant the permit for Eurotech Waste Treatment Facility operated by Eurotech Waste Treatment Limited.

The permit number is EPR/PP3531DN/A001.

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. The introductory note summarises what the permit covers.

# Key issues of the decision

## Odour and Odour Management Plan (OMP)

An odour management plan was provided as part of the application, however we had some questions and concerns over the information provided. A schedule 5 notice dated 07/02/18 was provided to request a BAT (best available techniques) review of options for odour reduction, a risk assessment and a qualitative assessment of odour offensiveness. The list of receptors needed to be updated and details for the waste acceptance criteria, control measures to be provided. Further details were requested on the stack design/height, a contingency and emergency plan and an assessment on fugitive odour emissions.

Details were received from the operator on the 21/2/18, to answer the schedule 5 questions. However a second schedule 5 notice was needed (dated 30/05/18) as questions were not answered to a satisfactory standard. We requested further information including a review of the BAT options for odour reduction, and abatement system choice, the control measures, local hood ventilation, control parameters, stack design/height and the contingency and emergency measures to be taken. A revised set of application forms and supporting documents were received on the 22/08/18.

A third schedule 5 request was sent on the 22/11/18, which required an updated list of receptors, the primary control measures, further details on the waste bins/skips, details on the biofilter and its suitability. A response was received on the 30/11/18, however some elements of the odour management plan appeared unchanged. The storage details and biofilter details were acceptable, but the odour management plan still did not contain a sufficient level of detail and a fourth schedule 5 notice was sent on the 07/02/19.

The fourth schedule 5 required the list of receptors to be updated, to update the primary control measures, provide further details on the performance of the biofilter, its maintenance and monitoring programme including the carbon absorption.

A final schedule 5 notice was sent on 01/07/19, covering issues raised relating to missing information in the OMP, to address procedures for abnormal loads and failure of the treatment plant/odour abatement plant, and further justification for the odour abatement plant and ventilation system. A series of responses were received which addressed the issues raised. The final OMP (dated Sept 2019) is incorporated as an operational technique in table S1.2 of the permit.

We have included a pre-operation condition (PO3) to ensure that a comprehensive commissioning plan is provided for the plant. This must include procedures for balancing the flows from the treatment process and the process building ventilation to the biofilter and carbon abatement system. It also requires smoke testing of the building to demonstrate effective capture of fugitive emissions by the building ventilation system. Testing is also required to show the effectiveness of the abatement system in treatment of odours from the wastes. An improvement condition requires a report of the commissioning process to be submitted to the Environment Agency after completion. This is to summarise the environmental performance of the plant as installed against the design parameters set out in the Application. The report must also include a review of the performance of the facility against the conditions of this permit and details of procedures developed during commissioning for achieving and demonstrating compliance with permit conditions and confirm that the Environmental Management System (EMS) has been updated accordingly.

## Activities/Operations

We had concerns over the proposed operations on site to treat hazardous and non-hazardous waste, as it was proposed that the final effluent would be mixed prior to discharge to sewer. We sent a schedule 5 request to the operator on the 07/02/18, which requested further information on the proposals to ensure that the water from hazardous waste treatment would be sufficiently clean prior to mixing with water from non-hazardous treatment. Further details were sought on the storage of oil and sludge and its infrastructure, the treatment processes and the proposed process now satisfies this requirement.

## **Pre-operational Measures**

In addition to the pre-operational measures mentioned above. Two other pre-operational conditions were set in Table S1.4:

PO1: This requires bioaerosol testing upwind/downwind of the site, to establish background bioaerosol levels.

PO2: Requires testing of tanks, pipework and bunds to ensure they provide suitable containment for the polluting liquids on site.

## 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. The decision was taken in accordance with our guidance on confidentiality.
<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>Public Health England</li> <li>Director of Public Health</li> <li>Health and Safety Executive</li> <li>Local Authority Environmental Protection</li> <li>Environmental Health</li> <li>Local Sewerage Undertaker</li> <li>Local Planning Authority</li> </ul> <p>The comments and our responses are summarised in the <a href="#">consultation section</a>.</p>
<b>Operator</b>	
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.
<b>The facility</b>	
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', 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 facilities are 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 plans which we consider are satisfactory, showing the extent of the site of the facility including the discharge points. The plan is

Aspect considered	Decision
	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 not within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</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 impact assessment	<p>In determining the application we have considered the Environmental Statement.</p> <p>We have also considered the planning permission and the committee report approving it.</p>
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>
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> <p>See key issues section for more information</p>
<b>Permit conditions</b>	
Use of conditions other than those from the template	Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.
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</li> <li>• the environmental risk assessment is acceptable.</li> </ul>

Aspect considered	Decision
	We made these decisions with respect to waste types in accordance with the Sector Guidance Note S5.06 and Waste Treatment Bref.
Pre-operational conditions	Based on the information in the application, we consider that we need to impose pre-operational conditions. See Key Issues Section.
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: <b>the odour abatement techniques are working as detailed in the permit application, and an environmental impact assessment is to be provided once the point source emissions monitoring has been completed.</b></p>
Emission limits	<p>ELVs have been set for the following substances.</p> <p>Hydrocarbon Oil Index (HOI) for the sewer emission</p> <p>Total Volatile Organic Compounds (TVOC) for the emission to air from the treatment process.</p> <p>These are specified BAT-AELs set by the Waste Treatment BAT Conclusions (BATCs).</p> <p>We have not set limits for the metals specified in the sewer discharge. This is an indirect discharge and the Operator's Risk Assessment has shown that there will be an insignificant impact. BAT-AELs for insignificant indirect discharges are not automatically applied. We have applied monitoring for these metals to confirm the levels in the discharge. Monitoring is at a monthly frequency but can be reduced if emissions can be shown to be stable.</p>
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 apply the BATC requirements for BAT-AEL. See emission limits section above.</p> <p>We made these decisions in accordance with the Waste Treatment Bref and BATCs.</p> <p>Based on the information in the application we are 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>Reporting is required for the determinands monitored for in the permit. The frequencies are based on our template permit conditions.</p> <p>We made these decisions in accordance with the Sector Guidance Note S5.06 and the Waste Treatment Bref.</p>
<b>Operator competence</b>	
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</p>

Aspect considered	Decision
	competence and how to develop a management system for environmental permits.
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

<b>Response received from</b>
Public Health England
<b>Brief summary of issues raised</b>
<p>The site has the potential for odour emissions to extend beyond the site boundary and impact on the close proximity of nearby residential receptors. The applicants' Environmental Risk Assessment for odour identified the residual risk to be of 'medium impact' for some of the odour sources. The applicant has not documented the minimum efficiency of the odour abatement unit. Therefore, PHE recommend the regulator ensures they are satisfied that all potential odour sources are adequately identified and controlled, quantified and if necessary modelled taking into account foreseeable meteorology / dispersion. We also recommend that the company has an up to date odour management plan in place to adequately respond to odour, prior to public odour complaints being received. Odours have the potential to cause short term transient health affects e.g. headaches, nausea and eye, nose, throat irritation and generally be a cause for concern in the nearby community.</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>
The efficiency of the odour abatement unit is provided in the response to the Schedule 5 Notices and the site has an approved OMP. The pre-operational condition for site commissioning will ensure the abatement plant is built and operated to the required standard.

<b>Response received from</b>
HSE
<b>Brief summary of issues raised</b>
No comments raised.
<b>Summary of actions taken or show how this has been covered</b>
N/a.