

Permitting decisions

Variation

We have decided to grant the variation for Frome Clinical Waste Transfer Station operated by SRCL Limited
The variation number is EPR/YP3433TW/V009.

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

Key issues of the decision

This consolidated variation notice has been issued to permit an increase in the quantity of waste material stored at the site and the annual throughput of waste material.

Following the exceptional problems of healthcare waste disposal being encountered by the NHS during 2018/2019 the applicant (SRCL) has been operating the facility under a Local Enforcement Position (LEP) issued by the Environment Agency on 20/02/19.

In discussions with the applicant it was explained that the LEP would be conditional on the receipt by the Environment Agency of a duly made application to vary the permit in accordance with the conditions of the LEP.

This consolidated variation notice has used the original permit template.

The main points of the LEP are as follows:

1. You only store up to a maximum total of 160 tonnes of hazardous waste and non-hazardous healthcare waste at any one time on the site.
2. You store no more than 60 tonnes of healthcare waste (both hazardous and non-hazardous) in Building A shown labelled "Building A" on the plan which appears in Appendix 1.
3. You store no more than 100 tonnes of EWC codes 18 01 08*, 18 01 09, 18 02 07* and 18 02 08 in Building B labelled "Building B" on the plan which appears in Appendix 1.
4. You do not stack pallets or eurocarts more than one pallet/eurocart high and access for inspection of the pallets/eurocarts on at least one side must be available at all times.
5. You store and monitor waste in accordance with the standards specified in Sections 3.1 and 3.2 of guidance document 'How to comply with your environmental permit, Additional guidance for: Clinical Waste (EPR 5.07)'.
6. Vehicular, for example, forklift, and pedestrian access to the whole of the healthcare waste stored inside the building is maintained at all times so that the transfer of a pallet or eurocart does not rely on the movement of other containers (other than those in the same row).
7. Healthcare waste stored under the LEP must be removed within 3 months of arrival.
8. The activities shall not cause or be likely to cause pollution of the environment or harm to human health.

The LEP was varied and extended to 30 July 2019 on 16 May 2019.

Conditions 2 and 3 were varied to read:

2. You store no more than 100 tonnes of EWC codes 18 01 08*, 18 01 09, 18 01 03* (excluding anatomical waste) in Building A shown labelled "Building A" on the plan which appears in Appendix 1.
3. You store no more than 60 tonnes of healthcare waste (both hazardous and non-hazardous), as listed in your current permit, in Building B labelled "Building B" on the plan which appears in Appendix 1.

In an email of 29/07/19 the applicant requested a change to the LEP, as follows

Please could you advise if it would be possible to include the storage within trailers, as:

- *The trailers are leak proof by design, the surfaces are impermeable surfaces and rubber sealed doors.*
- *the waste streams are segregated by waste type once filled the compartment is secured which keeps EWC segregated and identifiable as well as securing the load to protect the integrity of the packages.*
- *These are kept in a secure compound.*
- *The primary packages in the trailers are subject to inspection on loading and unloading of the trailer.*
- *An additional check is made prior to removal from site to ensure that the load is secure.*
- *The storage areas are subject to a daily inspection and recorded as part of the company management system.*

On 30/07/19 they were advised by email that:

SRCL's request to store waste on trailers outside the buildings is not something we would want to include within the LEP at Frome. I have consulted with colleagues, and there is a general presumption against this.

If you are happy to extend the deadline of the LEP in it's current format please can you confirm this.

The applicant confirmed on 30/07/19 that

Yes please can we extend the LEP in its current format then.

Regarding the trailers is the position therefore that the Agency will not allow us to store waste externally in trailers at Frome, under any circumstances?

The LEP was extended from 02/08/2019 on 05/08/19 until 01/11/2019 without change.

The application for variation of the permit was received on 15/02/2019 and was duly made on 26/03/2019 on receipt of a revised non-technical summary.

The application requested a variation to the maximum quantity of waste stored, to 125 tonnes in Building A and 100 tonnes in building B.

A Schedule 5 notice was issued on 08/05/2019 mainly requesting clarification of the arrangements for storage.

The response was received on 14/05/2019 and requested;

permission for anatomical waste to be stored for a maximum period of 24 normally, with a limit of 72 hours to cover operation at week ends and

permission for a deviation from the requirements of S5.07.

The majority of the storage is within the building. In addition to the building pharmaceutical waste may also be loaded and stored in a secure leak-proof box trailer.

Where it is stored in box trailers, we ask for a deviation to 5.07. The waste is packaged with the appropriate UN packaging, palletised and then loaded into a leak proof sealed trailer unit. All trailers are locked on our sites, contained within a secure compound on a 24/7 manned site with CCTV therefore have the same level of security as if they were being stored inside a building.

The site perimeter is fully fenced, manned 24 hours a day, 7 days a week, is fully covered by CCTV and all trailers are locked when in storage (if containing waste).

We consider that the requirements for the indoor storage of healthcare waste contained within 5.07 represents BAT and will not cause significant pollution of the environment or harm to human health. Therefore the request for a deviation is not permitted.

The application included a proposed change to the installation boundary, removing a small area from the site. No application was made for partial surrender and therefore the site boundary has not been changed in the permit.

The permit variation permits;

the storage of 125 tonnes in building A and 100 tonnes in building B,

maximum storage period of 24 hours for anatomical waste (72 hours at week ends) and 3 months for all other waste, in accordance with the existing LEP, and

waste may be stored in wheeled carts in the central yard (maximum 275 carts) and side yard (maximum 125 carts)

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/Engagement	
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"> Food Standards Agency Health and Safety Executive Director of Public Health-Somerset Fire and Rescue Authority Local Planning Authority-Mendip Environmental Health-Mendip Public Health England <p>The comments and our responses are summarised in the consultation section.</p>
The facility	
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>
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 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>

Aspect considered	Decision
	<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>
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>
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>
Permit conditions	
Use of conditions other than those from the template	<p>Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.</p>
Emission limits	<p>No emission limits have been added, amended or deleted as a result of this variation.</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>
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>
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</p>

Aspect considered	Decision
	<p>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
Mendip District Council
Brief summary of issues raised
<p>The consultee did not identify any air pollution issues.</p> <p>The consultee did not identify any breaches of planning conditions.</p> <p>The consultee raised the issue of increased noise levels on the site, resulting from the increased throughput of waste. The site is located on a commerce park which has a management company established in accordance with the conditions of the planning consent. The management company is charged with monitoring and regulating the overall noise levels from the commerce park, in conjunction with the individual site occupiers.</p>
Summary of actions taken or show how this has been covered
<p>We issued a Sch5 notice which requires the applicant to provide information on the impact of the increased throughput, in terms of vehicle movements, any change in vehicle types and any changes to operating hours.</p> <p>The operator confirmed that there will be no change to the type of vehicle used or to operating hours.</p>

Response received from
Fire and Rescue Authority, East Somerset Group
Brief summary of issues raised
<p>The Regulatory Reform (Fire Safety) Order 2005 would appear to apply to these premises. This legislation makes provision for minimum fire safety standards and places upon the 'Responsible Person' a personal duty to comply with its requirements.</p>
Summary of actions taken or show how this has been covered
No action required

Response received from
Public Health England
Brief summary of issues raised
<p>The main emissions of potential concern are those from any accidental fires and spillages.</p> <p>The Environment Agency should ensure that potential risks associated with all the waste types are considered within the applicants Environmental Risk Assessment and the site's accident and incident management plans are updated as necessary to reflect any changes associated with the variation.</p>
Summary of actions taken or show how this has been covered
The operator's ERA covered these issues which are included in the site EMS.