

Permitting decisions

Variation

We have decided to grant the variation for Tyseley Energy from Waste Plant operated by Veolia ES Birmingham Limited

The variation number is EPR/WP3239SJ/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

1) Summary of variation

This variation is to permit the operator to burn hazardous clinical waste in their two municipal waste incineration lines. The Installation already burns this type of waste in their high temperature hazardous waste incineration plant under this Permit.

2) BAT and Legislation

IED

IED article 50(6) requires that infectious clinical waste is placed directly into the furnace, without first being mixed with other categories of waste and without direct handling.

The Operator had proposed that waste will be received in orange bags contained in 770 litre wheeled bins. The waste will be transferred into metal loading containers. A hoist system will then be used to lift the metal containers and tip the orange bags directly into the hopper.

We are satisfied that the Operator's proposal meets the requirements of IED article 50(6)

Article 50(2) requires a furnace temperature of 1,100 °C for hazardous waste with >1% of halogenated organic substances. The orange bagged waste is not characterised as hazardous due to organic chlorinated compounds and so 1,100 °C is not required by IED.

EPR 5.07

The relevant key aspects of EPR 5.07 are addressed in the table below.

EPR 5.07 requirement	Operator's proposal	Complies with EPR 5.07
Contingency for periods when incineration not available	Clinical waste will be transferred off-site for treatment at a suitably licensed facility during planned or unplanned shut-down	Yes
Permitted wastes for incineration	Two waste types are proposed: 18 01 03* 18 02 02*	Yes
Waste pre-acceptance and acceptance procedures	Measures will be in place as set out in EPR 5.07. Procedures are already in place for the current high temperature incineration plant.	Yes
Manual handling minimised	Orange bags stored in 770 litre wheeled bins prior to emptying into metal loading containers. Or if smaller quantities are delivered in bags they will be loaded directly to the metal loading containers for charging to the furnace hopper	Yes
Loading and unloading in areas with impermeable surfaces and sealed drainage	All clinical waste activities will take place in areas with an impermeable surface and a sealed drainage system	Yes
Packing integrity protected	Tipped from bins to metal container. Smaller quantities delivered in bags and manually transferred.	
Quarantine area for waste that does not meet waste acceptance criteria	A quarantine area was proposed in the application	Yes
Depth of waste in container shall not cause packaging failure	The depth in the metal loading containers is similar to the delivery containers. This is not an issue with	

	current waste received in the high temperature plant.	
Containers checked to ensure empty. Then cleaned and disinfected	Visual inspection to confirm empty. Bin wash will use detergent and an antibacterial agent as per current process.	Yes
Wash water contained	Sealed drainage area. Discharge to sewer	
Managed to avoid odour, litter and vermin/pests. Tracking of age.	Storage in building with negative pressure. A waste tracking and inventory system will be in place	Yes
Spillage procedures	Any spills will be cleaned up and disinfected	Yes

EPR 5.01

The relevant key aspects of EPR 5.01 are addressed in the table below.

EPR 5.01 requirement	Summary of operator's proposal	Complies with EPR 5.01
Use biodegradable disinfectant	Confirmed that it will be biodegradable. Operator already carries out disinfection on their high temperature plant.	Yes
Sampling of hazardous waste. Alternatives can be used for clinical waste for safety reasons	Sampling avoided due to infectious nature. Waste pre-acceptance and acceptance in line with EPR 5.07	Yes
Energy recovery opportunities	Municipal lines already have energy recovery	Yes

Other changes

- The nitrous oxide monitoring methods was updated in table 2.10.1
- Waste code 18 01 01 was added to table S6.1. This is not infectious waste an is commonly received in bunkers at other incineration plants
- Added transfer of waste as a DAA. This is for when an incineration line is shut down and waste needs to be transferred off site.

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 substantial change installations or mining waste	<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"> • PHE and director of public health • Food Standards Agency • Local Authority • HSE • Animal and Plant Health Agency <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 activities are defined in table S1.1 of the permit.</p>
The site	
Waste management plan adding mining waste operations only	The operator has provided a waste management plan which we consider is satisfactory.

Aspect considered	Decision
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>There are no changes to emissions from the variation.</p> <p>We have not consulted Natural England. The decision was taken in accordance with our guidance.</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> <p>See key issues section</p>
Operating techniques	
Operating techniques	<p>We have reviewed the techniques proposed by the operator and compared these with the relevant technical guidance and we consider them to represent appropriate techniques for the facility. The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p>
Permit conditions	
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.
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>
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>

Aspect considered	Decision
	<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

Brief summary of issues raised by Public Health England
No significant concerns
Summary of actions taken or show how this has been covered
No action required

Representations from individual members of the public.

Common responses can be considered and summarised together.

Brief summary of issues raised
The principals of RPSC4 are not met
Summary of actions taken or show how this has been covered
The RPS covers plants taking clinical waste when not authorised by the permit. This variation is authorising the plant to take such waste. We are satisfied that appropriate measures will be in place as set out in this decision document.

Brief summary of issues raised
Concern over how this would affect recovery status (R1)
Summary of actions taken or show how this has been covered
The assessment of R1 is not part of the Environmental Permitting process. It will be considered separately.