

Permitting Decisions- Environment Agency Initiated Variation

We have issued an Environment Agency initiated variation for Unit 9 Longport Enterprise Centre operated by Sharpsmart Limited following a review of the permit in accordance with Environmental Permitting (England and Wales) Regulations 2016, regulation 34(1).

The variation number is EPR/XP3493VP/V009.

Permit Review

This Environment Agency has a duty, under the Environmental Permitting (England and Wales) Regulations 2016 (EPR), regulation 34(1), to periodically review permits. Article 21(3) of the Industrial Emissions Directive (IED) also requires the Environment Agency to review conditions in permits to ensure that they deliver compliance with relevant standards, within four years of the publication of updated decisions on Best Available Techniques (BAT) Conclusions.

We have reviewed the permit for this [regulated facility and varied the permit to make a number of changes to reflect relevant standards and best practice. These changes principally relate to the implementation of our technical guidance [Healthcare waste: appropriate measures for permitted facilities](#) and the relevant requirements of the [BAT Conclusions for Waste Treatment, which have been incorporated into our guidance](#).

In this decision document, we set out the reasoning for the variation notice that we have issued.

It explains how we have reviewed and considered the techniques used by the operator in the operation and control of the plant and activities of the installation (operating techniques) against our technical guidance.

As well as considering the review of the operating techniques used by the Operator for the operation of the plant and activities of the installation, the consolidated variation notice takes into account and brings together in a single document all previous variations that relate to the original permit issue. Where this has not already been done, it also modernises the entire permit to reflect the conditions contained in our current generic permit template.

Purpose of this document

This decision document provides a record of the decision making process. It:

- explains how the Environment Agency initiated variation has been determined;
- summarises the decision making process in the [decision considerations](#) section to show how the main relevant factors have been taken into account;
- highlights [key issues](#) in the determination.

Read the permitting decisions in conjunction with the environmental permit and the variation notice.

Key issues of the decision

Environment Agency led variation – permit review

We have carried out an Environment Agency initiated variation to the permit following a permit review as required by legislation to ensure that permit conditions deliver compliance with relevant legislative requirements and appropriate standards to protect the environment and human health.

The Industrial Emissions Directive (IED) came into force on 7 January 2014 with the requirement to implement all relevant Best Available Techniques (BAT) Conclusions as described in the Commission Implementing Decision. Article 21(3) of the IED requires the Environment Agency to review conditions in permits that it has issued and to ensure that the permit delivers compliance with relevant standards, within four years of the publication of updated decisions on Best Available Techniques (BAT) Conclusions.

The BAT Conclusions for Waste Treatment (the BREF) was published on 17 August 2018 following a European Union wide review of BAT, implementing decision (EU) 2018/1147 of 10 August 2018. Relevant existing facilities must be in compliance with the BAT Conclusions within 4 years (i.e. by August 2022).

On 13 July 2020, Healthcare waste: appropriate measures for permitted facilities guidance was published on gov.uk. This technical guidance explains the standards that are relevant to regulated facilities with an environmental permit to treat or transfer healthcare waste, providing relevant standards (appropriate measures) for those sites and incorporating the relevant requirements of the BAT Conclusions.

We issued a notice under regulation 61(1) of the Environmental Permitting (England and Wales) Regulations 2016 (a Regulation 61 Notice) on 26/11/2020

requiring the operator to provide information to confirm that the operation of their facility currently meets, or how it will subsequently meet, the standards (appropriate measures) described in our technical guidance.

The notice required that where the revised standards are not currently met, the operator should provide information that:

- Describes the techniques that will be implemented to ensure operations meet the relevant standards and by when, or
- Explains why they are not applicable to the facility in question, or
- Justifies why an alternative technique is appropriate and will achieve an equivalent level of environmental protection to the standards described in our guidance

The standards described in our technical guidance are split into 7 chapters:

- General management appropriate measures
- Waste pre-acceptance, acceptance and tracking appropriate measures
- Waste storage, segregation and handling appropriate measures
- Waste treatment appropriate measures
- Emissions control appropriate measures
- Emissions monitoring and limits appropriate measures
- Process efficiency appropriate measures

We have set emission limit values (ELVs) and monitoring requirements for relevant substances in line with our technical guidance, unless a tighter, i.e. more stringent, limit was previously imposed and these limits have been carried forward.

The Regulation 61 notice required the operator to confirm whether they could comply the standards described in each of these chapters. Table 1 below provides a summary of the response received and our assessment of it. The overall status of compliance with the standards (appropriate measures) is indicated in the table as:

NA – Not Applicable

CC – Currently Compliant

FC – Compliant in the future (through improvement conditions set in permit)

NC – Not Compliant

In accordance with Article 22(2) of the Industrial Emissions Directive, the Regulation 61 notice asked the operator to provide a soil and groundwater risk assessment, along with a baseline report or summary report confirming the current state of soil and groundwater contamination, where listed activities are undertaken that involve the use, production or release of relevant hazardous substances.

The Regulation 61 notice also asked the operator to confirm whether they operate a medium combustion plant or specified generator (as per Schedule 25A or 25B of EPR 2016) and whether they had considered how their operations could be affected by climate changes (e.g. through a climate change adaptation plan).

Our assessment of the responses received from the operator regarding soil and groundwater risk assessment, medium combustion plant and specified generators, and consideration of climate change are also summarised in Table 1.

The Regulation 61 notice response from the Operator was received on 10/03/2021.

We considered that the response did contain sufficient information for us to commence determination of the permit review.

Although we were able to consider the Regulation 61 notice response generally satisfactory at receipt, we needed more information in order to complete our permit review assessment. We requested this by email and the operator provided further information on (summary of information) on, 22/04/2022 and 22/08/2022. We made a copy of this information available on our public register.

Appropriate measures	Compliance status	Assessment of the installation's compliance with relevant standards (appropriate measures) and any alternative techniques proposed by the operator
General management appropriate measures	CC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section. Compliance with the appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.
Waste pre-acceptance, acceptance and tracking appropriate measures	FC	The operator has confirmed that they are not in compliance with this appropriate measure. As such, an improvement condition has been incorporated into the varied permit through an updated Table S1.3, which must be addressed within 2 months of permit issue.
Waste storage, segregation and handling appropriate measures	CC	The operator confirmed that they currently meet the requirements of the appropriate measures in this section.
Waste treatment appropriate measures	CC	The operator confirmed that they currently meet the requirements of the appropriate measures in this section. Compliance with the appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.
Emissions control appropriate measures	CC	We consider the operator will meet the currently complying standard for the existing operations. Appropriate monitoring and limits have been included in the permit.
Emissions monitoring and limits appropriate measures	CC	The operator confirmed that they currently meet the requirements of the appropriate measures in this section. Compliance with the appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.
Process efficiency appropriate measures	FC	The operator has confirmed that they are not in compliance with this appropriate measure. As such, an improvement condition has been incorporated into the varied permit through an updated Table S1.3, which must be addressed within 3 months of permit issue, specifying that an energy efficiency plan must be submitted in accordance with our guidance Healthcare waste: appropriate measures for permitted facilities, dated 13 July 2020.
Reg 61 requirement	Assessment of response received	

Soil and groundwater risk assessment	N/A according to Regulation 61 response: By extension, they are therefore accepting that there is zero pre-existing contamination and accepting the risk that they may be required to clean up any pre-existing contamination when they surrender their permit.
Medium combustion plant and specified generators	<p>There is an existing medium combustion plant that is less than 5 MW. During a previous variation (V006 – issued 25/10/19) ELVs and equivalent parameters or technical measures (based on BAT) were added for the following substances:</p> <p>Oxides of Nitrogen (No and NO₂ expressed as NO₂) (100 mg/m³) – steam generator (as the generator is covered by MCP).</p>
Climate change	Operator has stated there are targets for emission reduction. Climate Change Adaptation will be delivered through the EMS condition and an improvement condition is not required.
Summary of other changes made to the permit as a result of our assessment of the Reg 61 response	
Change	Reason for change
Table S1.3 Improvement Programme requirements	<p>We have added new improvement conditions, which relate to:</p> <p>IC1 Waste pre-acceptance or acceptance procedures – see table above.</p> <p>IC2 Updated emissions inventory and H1 (air and water) - To ensure that a written report is provided to the Environment Agency for approval within 2 months of the issue of the permit. This needs to detail a proposed monitoring programme to characterise and assess the facility's point source emissions. This will ensure the emissions from the process are in line with Healthcare waste: appropriate measures for permitted facilities and BAT-AELs</p> <p>IC3 Energy efficiency plan – see table above.</p> <p>IC4 Site layout and emission points plan - The operator shall submit a site layout and emissions point plan to the Environment Agency for approval that clearly identifies existing point source emissions to air and discharges to sewer (showing the point at which the discharge is made to sewer, where it leaves the permit boundary and responsibility of the operator). The site plan must also show as a minimum:</p> <ul style="list-style-type: none"> - buildings, and other main constructions, like treatment plants, incinerators, storage silos and security fences - storage facilities for hazardous materials like oil and fuel tanks, chemical stores, waste materials

	<ul style="list-style-type: none"> - location of items for use in accidents and emergencies, like absorbents for chemical spills - entrances and exits that can be used by emergency services - points designed to control pollution, for example inspection or monitoring points - trade effluent or sewage effluent treatment plants - effluent discharge points - land that you believe is contaminated, for example areas of your site that have previously been used for industrial purposes.
<p>Table S1.3 Improvement Programme and pre-operational programme requirements</p> <p>Completed improvement and pre-operational programme requirements</p>	<p>Following discussions with Area (24/05/20220), a number of pre-operational and improvement conditions have been confirmed as having been completed. As such, these conditions have been removed as part of the permit review process. They are:</p> <p>IC1 – The operator shall provide a report to the Environment Agency on the speciated volatile organic compounds monitoring required by table S3.1 and pre-operational condition PO2. The operator shall also propose emission limits (or ‘benchmarks’) for ongoing emissions monitoring of the treatment process in accordance with the requirements of sector guidance note EPR 5.07 on clinical wastes.</p> <p>PO1 – Steam treatment of wastes specified on Table S2.3 – The operator shall submit a written commissioning validation report to the Environment Agency for approval, that demonstrates:</p> <ul style="list-style-type: none"> (i) The treatment efficacy of the waste facility, in accordance with the appropriate measures in Sections 2.1, 2.3 and Annex 1 of the sector guidance note EPR 5.07 on clinical wastes; (ii) The proposals for routine monitoring of treatment efficacy comply with the appropriate measures in section 3.2 and Annex 2 of the sector guidance note EPR 5.07 on clinical wastes; (iii) The installation’s emissions, in accordance with the appropriate measures in Section 3.3 and Annex 3 of the sector guidance note EPR 5.07 on clinical wastes; and (iv) The proposals for routine monitoring of emissions comply with the appropriate measures in section 3.3 and Annex 3 of the sector guidance note EPR 5.07 on clinical wastes. <p>The treatment process under activity AR3 shall not be made operational until the Environment Agency has given prior written approval under this condition.</p>

	<p>PO2 – Shredding and/or Autoclaving of contaminated sharps (18 01 03* (with 18 01 09) – The operator shall submit a written report to the Environment Agency for approval, that:</p> <ul style="list-style-type: none"> (i) Proposes a sampling and testing regime for speciated volatile organic compounds from the abatement systems for the shredder and autoclave; (ii) Proposes measures to ensure that effective clean down occurs between processing of medicinally contaminated sharps and other waste; (iii) Proposes measures and a sampling and testing regime for demonstrating that only pharmaceutically uncontaminated autoclave liquors or condensate is discharged to sewer (i.e. all pharmaceutically contaminated liquids from the treatment of medicinally contaminated sharps are captured for off-site disposal by incineration). <p>No medicinally contaminated sharps shall be accepted for shredding and/or steam treatment unless the Environment Agency has given prior written approval under this condition.</p>
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Table 1 – Summary of our assessment of the operator’s Reg 61 response