

Permitting Decisions- Variation

We have decided to grant the variation for Wolverhampton Waste Facility operated by LiBatt Recycling Limited.

The variation number is EA/EPR/BP3949QN/V002

The variation is to:

- Amend the existing waste oil storage and treatment activities. This variation will revise the permit to allow the storage of waste oil and anti-freeze with a maximum storage capacity of 120,000 litres within 4 storage tanks.
- Add a new activity for the shredding and processing of lithium batteries.
- Add a new activity for a hazardous battery transfer station for the purpose of storage, repackaging and bulking up prior to dispatch off-site for further treatment for recycling.
- Amend the non-hazardous waste operation to accept only non-hazardous batteries for storage and bulking up prior to dispatch off-site for further treatment for recycling.

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 to show how the main relevant factors have been taken into account. We have assessed the aspects that are changing as part of this variation, we have not revisited any other sections of the permit.

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.

Decision considerations

Confidential information

A claim for commercial or industrial confidentiality has [not](#) been made.

The decision was taken in accordance with our guidance on confidentiality.

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.

Consultation

The consultation requirements were identified in accordance with the Environmental Permitting (England and Wales) Regulations (2016) and our public participation statement.

The comments and our responses are summarised in the [consultation responses](#) section.

The application was publicised on the GOV.UK website.

We consulted the following organisations:

- Local Authority – Wolverhampton Environmental Protection
- HSE
- Food Standards Agency
- UK Health Security Agency
- Director of Public Health
- Local Fire Service
- Local Sewage undertaker (Severn Trent)

The comments and our responses are summarised in the [consultation responses](#) section.

The regulated facility

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 RGN2 'Defining the scope of the installation', Appendix 1 of RGN 2 'Interpretation of Schedule 1'.

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.

The site

The operator has provided a plans which we consider to be satisfactory.

These show the extent of the site of the facility including the discharge points.

The plans show the location of the part of the installation to which this permit applies on that site.

Nature conservation, landscape, heritage and protected species and habitat designations

We have checked the location of the application to assess if it is within the screening distances, we consider relevant for impacts on nature conservation, landscape, heritage and protected species and habitat designations. The application is within our screening distances for these designations.

We have assessed the application and its potential to affect sites of nature conservation, landscape, heritage and protected species and habitat designations identified in the nature conservation screening report as part of the permitting process.

We consider that the application will not affect any site of nature conservation, landscape and heritage, and/or protected species or habitats identified.

The decision was taken in accordance with our guidance.

Environmental risk

We have reviewed the operator's assessment of the environmental risk from the facility.

The operator's risk assessment is satisfactory.

Operating techniques

General operating techniques

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.

The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.

We have considered the National Air Pollution Control Programme as required by the National Emissions Ceilings Regulations 2018. By setting emission limit values in line with technical guidance we are minimising emissions to air. This will aid the delivery of national air quality targets. We do not consider that we need to include any additional conditions in this permit.

Noise and vibration management

We have reviewed the noise and vibration management plan in accordance with our guidance on noise assessment and control.

We consider that the noise and vibration management plan is satisfactory and we approve this plan.

We have approved the noise and vibration management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary, sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'.

Fire prevention plan

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.

The plan sets out alternative measures that we consider meet the objectives of the Fire Prevention Plan guidance.

We have approved the fire prevention plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The plan has been incorporated into the operating techniques S1.2.

Dust management

We have reviewed the dust and emission management plan in accordance with our guidance on emissions management plans for dust.

We consider that the dust and emission management plan is satisfactory and we approve this plan.

We have approved the dust and emission management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary, sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit.

The plan has been incorporated into the operating techniques S1.2.

Updating permit conditions during consolidation

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.

Raw materials

We have specified limits and controls on the use of raw materials and fuels.

Raw materials and fuel description	Specification
Diesel Fuel	-
Nitrogen Gas	-
Fire suppressant material	-

Waste types

We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.

We are satisfied that the operator can accept these wastes for the following reasons:

- they are suitable for the proposed activities
- the proposed infrastructure is appropriate; and
- the environmental risk assessment is acceptable.

We have excluded the following wastes for the following reasons:

16 06 06* separately collected electrolyte from batteries and accumulators

19 12 11 Other wastes (including mixtures of materials) from mechanical treatment of waste containing hazardous substances

19 02 05* sludges from physico/chemical treatment containing hazardous substances

All the above waste codes, the applicant has confirmed as waste produced on site and will not be brought into the site as discreet loads. Therefore on this basis these wastes have been removed.

Pre-operational conditions

Based on the information in the application, we consider that we need to include pre-operational conditions.

Reference	Operation	Pre-operational measures
1	Li battery shredding and processing activities under AR1 and AR7	<p>Prior to use of the Li battery shredding and processing plant the operator shall submit a commissioning plan/report for approval by the environment agency. The commissioning plan/report must include the following</p> <ul style="list-style-type: none">• Details of the proposed commissioning procedures and timescales associated with the activities and inert nitrogen abatement/control system.• Confirmation and details of monitoring systems, audits and emergency procedures are in place on site so as to ensure both activities and inert nitrogen abatement/control system are fully operational and working as designed.• Propose/agree monitoring programme to fully characterise and confirm emissions from the treatment processes (to air), to provide emissions inventory, as required by BATCs

The above pre-operational condition has been added since these activities have yet to be built and commence on site.

Improvement programme

Based on the information on the application, we consider that we need to include an improvement programme.

We have included an improvement programme to ensure that existing activities (waste oil storage) are fit for purpose and the infrastructure will prevent any pollution issues.

We have also included a condition to re-assess the H1 air emissions from the Li battery processing to confirm they meet all environmental requirements.

Reference	Requirement	Date
IC1	<p>The operator shall ensure that a review of the design, method of construction and integrity of all bunds surrounding the outdoor tank farm be carried out by a qualified structural engineer. This shall compare the existing bunds and adjoining pipework against the appropriate technical standards</p> <p>The review shall include:</p> <ul style="list-style-type: none"> • The physical condition of the bunds, • Their suitability for providing containment when subjected to the dynamic and static loads caused by catastrophic tank failure, · • Any work required to ensure compliance with the standards set out in CIRIA Reports 163 and 164 for reinforced concrete or masonry bunds, and · • Suggested prevention maintenance and inspection regime. <p>A written report of the review shall be submitted to the Environment Agency detailing the reviews findings and recommendations.</p>	3 months from date of issue of variation
IC2	<p>The Operator shall submit a written report to the Environment Agency for technical assessment and approval. The report must contain:</p> <ul style="list-style-type: none"> • Results of monitoring from emission point ‘Baghouse exhaust’ of the parameters assessed within the H1 submitted with the application and any other parameters to verify the assumptions made within the H1. The results shall be taken from a minimum of three rounds of monitoring. • A revised H1 using the results of the monitoring where the actual emissions are higher than those in the original H1. • Detailed air dispersion modelling where the emissions do not screen out within the revised H1. • Measures to be taken to reduce or abate emissions where detailed modelling does not screen out emissions. • The Operator shall implement any improvement measures and applicable limits identified within the report in line with a timetable agreed in writing with the Environment Agency. 	3 months from date of issue of variation
IC3	<p>The operator shall ensure that a review of the integrity of all oil storage tanks and surfacing against the requirements of section 2.1.3 and 2.2.5 of the Sector Guidance note S5.06 be carried out by a qualified engineer.</p> <p>The review shall identify any measures necessary to meet those requirements and propose a timescale for implementing them.</p> <p>A written report of the review shall be submitted to the Environment Agency detailing the reviews findings and recommendations.</p>	3 months from date of issue of variation

Emission limits

Emission Limit Values (ELVs) and/or equivalent parameters or technical measures based on Best Available Techniques (BAT) have been added for the following substances:

Particulate matter (Dust) - 5mg/m³

NO₂ - for the back generator – 190mg/m³

Monitoring

We have decided that monitoring should be added for the following parameters, using the methods detailed and to the frequencies specified:

Emission point ref. or source or description of point of measurement	Parameter	Monitoring frequency	Monitoring standard or method	Other specifications
Li battery shredding and processing activities under AR1 and AR7	Nitrogen blanket	As agreed, as part of pre-operational condition 1	As agreed, as part of pre-operational condition 1	As agreed, as part of pre-operational condition 1
	Temperature	As agreed, as part of pre-operational condition 1	As agreed, as part of pre-operational condition 1	As agreed, as part of pre-operational condition 1
	Bag filter	As agreed, as part of pre-operational condition 1	As agreed, as part of pre-operational condition 1	As agreed, as part of pre-operational condition 1

These have been set to ensure the Li battery processing plant is operating effectively.

Reporting

We have added/amended reporting in the permit for the following parameters:

- Black mass
- Waste oil

- Electrolyte
- Paper and plastic
- Metals

We made these decisions in accordance with reference the relevant technical guidance.

Management system

We are not aware of any reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.

The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.

We only review a summary of the management system during determination. The applicant submitted their full management system. We have therefore only reviewed the summary points.

A full review of the management system is undertaken during compliance checks.

Technical competence

Technical competence is required for activities permitted.

The operator is a member of the CIWM/WAMITAB scheme

We are satisfied that the operator is technically competent.

Previous performance

We have assessed operator competence. There is no known reason to consider the applicant will not comply with the permit conditions.

Financial competence

There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.

Growth duty

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 variation.

Paragraph 1.3 of the guidance says:

“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.”

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.

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.

Consultation Responses

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

No responses received.

Representations from members of the public

Response received from: Public response 2

Brief summary of issues raised: Commercial relationship and details and location of waste oil tanks questioned

Summary of actions taken:

Following the consultation comments, we had to assess whether or not the permit should be classed as a multi-operator permit. After a number of exchanges between the operator, land owner and ourselves and a Schedule 5 notice (No.2) we are now satisfied that the current permit holder (LiBatt Recycling Limited) remained the sole operator of the permit.

Clarification of the waste oil storage tanks used and location was confirmed through a Schedule 5 notice and updated information submitted by the applicant.

Response received from: Public response 1

Brief summary of issues raised:

1. No emissions from the process
2. FPP is inadequate
3. No technical information regarding processing of batteries
4. All supporting documents are sub-standard.

Summary of actions taken:

The applicant was served a schedule 5 notice requiring the re-submission of all the supporting documents to improve the detail within to address the concerns raised by public response 1.