

## Permitting Decisions- Variation

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We have decided to grant the variation for Casbrook Park operated by BKP Waste & Recycling Ltd.

The variation number is EPR/FP3599LH/V011.

This is a combined Installation and waste operation undertaking several hazardous and non-hazardous treatment activities. This is a substantial variation to add some new activities and expand the range of EWC waste codes which can be accepted under the existing activities. The existing activities include separation of hazardous liquids (oily and other hazardous wastes with solid content) via oAVC and centrifuge/dewatering for recovery. There is also storage, bulking up and repackaging of hazardous wastes on site. The non-hazardous activities include separation of liquid wastes via AVC treatment and centrifugation/dewatering for recovery. There is also manual treatment of WEEE for recovery. The new activities added under this variation include – washing nominally empty hazardous and non-hazardous containers, prior to shredding or granulation for recovery, hand-sorting mixed portable batteries including lithium batteries for transfer offsite, recovery of aggregates from road sweepings, tanker washing of vehicles on site following oil/water deliveries, and use of a filter press for non-hazardous sludges. The previous sewer discharge is also being removed as part of this variation, with all waste effluent now being tankered off site for further treatment. There are several emission points to air from the storage tanks and treatment processes. These are all abated with carbon filters to minimise VOC emissions in line with BAT. The operator is also carrying out extensive site improvement works to install new infrastructure: concrete surfacing, new covered bays and fire walls, tanks and bunds. We have therefore included several improvement and pre-operation conditions in the permit to ensure this work is completed to an appropriate standard prior to waste being handled in these areas.

As part of this variation, we are also carrying out an Agency Initiated variation/ Permit review to update the permit in line with the waste treatment best available techniques (BAT) conclusions and our Chemical waste: appropriate measures guidance, along with other applicable appropriate measures guidance where appropriate healthcare waste, non-hazardous and inert wastes and waste electrical and electronic equipment (WEEE).

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

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

## Key issues of the decision

### Increase in waste types and new activities

This is a substantial variation to add some new waste treatment activities to the permit as listed in the introductory note.

The new activities requested under this variation are:

Washing of empty hazardous containers and shredding/granulation for recovery of metals/plastics, manual sorting/separation of batteries by chemistry type of recycling, gully waste/road sweeping recycling and road tanker washing.

In addition, the operator is looking to expand the range of wastes that can be accepted for the existing activities:

Oil treatment/separation via oAVC, hazardous treatment (liquid/solid separation) by centrifugation/dewatering, hazardous repackaging, hazardous storage and transfer, non-hazardous treatment via AVC, non-hazardous treatment by centrifugation/dewatering and non-hazardous storage and transfer, WEEE storage and manual treatment.

As part of our chemical waste permit review we have reviewed all the existing activities under table S1.1 of the permit in line with our appropriate measures guidance and revised permit template. As a result we have included more detail and limits for storage and treatment on the individual activities undertaken. We

have also required further details to be provided (under improvement condition IC10) on the cleaning procedures between hazardous waste batch treatments oAVC and centrifuge to ensure that hazardous wastes are not inappropriately mixed or diluted to hinder recovery or further treatment. The requirements for the operator to comply with our appropriate measures guidance are included separately in Table S1.2. Full details of our improvement and pre-operational conditions are included later in this document.

The operator has included an environmental risk assessment to assess the impacts of any changes. As part of our determination, we have requested and assessed the operators odour management plan and fire prevention plan. The site infrastructure has undergone significant improvement and new bays, bunds, tanks, concreted areas, abatement (carbon filters) and local exhaust ventilation (repackaging and container washing) and fire walls have been constructed. Where this work is still ongoing we have required an improvement plan to ensure it has all been constructed to a suitable standard (CIRIA 736) prior to any waste storage or handling activities taking place in these areas.

The increase in EWCs requested for the existing waste treatment activities is to allow future flexibility for operation, and whilst a large range of EWCs were requested in particular for hazardous and non-hazardous storage, transfer and repackaging the actual volumes handled under the new permit have been reduced significantly as shown in the table below. We have also examined the lists of wastes requested by the operator under each activity to ensure they are suitable for the treatment process and removed those which were unsuitable, or no justification provided for their acceptance (these were typically dusty, malodorous or unsuitable for the treatment process).

Activity	Previous permit Throughput (tonnes per annum)	New permit throughput (tonnes per annum)
Hazardous oAVC oily waste treatment	150,000	15,000
Hazardous oil/ other waste treatment centrifugation	200,000	15,000
Non-hazardous AVC treatment (sewage)	300,000	removed
Non-hazardous AVC treatment (gully/interceptor wastes)	150,000	30,000
Repackaging hazardous wastes	25,000	10,000
Repackaging non-hazardous wastes	-	10,000
Hazardous waste storage/transfer	175,000	30,000
Non-hazardous waste transfer	100,000	30,000
WEEE treatment	5,000	3,000
Container washing	-	10,000
Battery sorting (manual)	-	3,000
<b>Total treatment capacity</b>	<b>1,105,000</b>	<b>156,000</b>

## **Air emissions**

We have reviewed all emissions to air, land and water under this variation and permit review.

We have added point source emissions to air for all applicable hazardous storage tanks and treatment equipment (Table S3.1) and required abatement via adsorption (granular activated carbon) to minimise releases of volatile organic compounds (TVOCs and speciated VOCs) in line with the best available techniques (BAT) conclusions for waste treatment and our appropriate measures guidance. We have also required ongoing maintenance of the abatement systems (see process monitoring requirements S3.3) to ensure they remain effective. We have also included new limits for TVOCs (30 mg/Nm<sup>3</sup>) from the hazardous waste oil treatment/separation process and repackaging or washing of volatiles containers in line with the BAT conclusions for waste treatment, for physico-chemical treatment of waste with calorific value (BAT 47).

## **Water emissions**

There are no emissions to surface water from the process areas of the site. All waste storage areas are either contained, covered or in a building to minimise generation of contaminated runoff. Any process area runoff is collected and tankered off site to sewer along with separated effluent from the treatment processes (oAVC, AVC, centrifuge, filter press). Clean rainfall runoff from roofs and non-process areas is segregated on the upper yard and either discharges to soakaway (SO) on site plan or is collected in tank T7 for use on site (container washing activity etc) as listed in table S3.2 of the permit. There is no soakaway on the lower yard and all runoff is collected and tankered off site for disposal.

The operator undertakes monthly monitoring of the effluent leaving the site in accordance with the sewerage undertakers waste acceptance requirements (e.g. COD, chloride, metals, ammonia, suspended solids) as specified in the operator document Sampling of Effluent for off site treatment LTP-40. In addition, they also carry out more comprehensive analysis of the effluent for metals etc in line with BAT 20 as shown in their monthly testing suite document. These are both included as operating techniques under S1.2 of the permit.

There are no emissions to land under the permit.

## **Permit review- Chemical Waste: Appropriate Measures**

As part of this variation are also doing an Agency initiated variation as part of our permit review work for the Hazardous Waste treatment sector. This includes updating the permit in line with the Waste Treatment BAT conclusions, Aug 2018 and our appropriate measures guidance: chemical wastes, and also for non-hazardous waste treatment, healthcare waste and WEEE as appropriate. The

operator has signed up to this guidance in their application and we have listed these documents as operational techniques in their permit (Table S1.2). For the activities being carried out in table S1.1 of the permit we have put additional storage and treatment limits on the activities in line with our appropriate measures guidance and updated permit template for the sector.

We have also reviewed their reg 61 response under the permit review and addressed any gaps during determination with improvement conditions. These included:

-IC7 and 8 which required them to confirm that the new site infrastructure improvement works and drainage complies with the standards reference in appropriate measures- specifically section 4 on waste storage which refers to CIRIA C736 for secondary and tertiary containment measures to prevent pollution.

- IC9 which required they review their waste pre-acceptance and acceptance procedures in line with the guidance due to the increased EWCs accepted under the new permit.

-IC10 which requires they provide details of their cleaning procedures between batch treatments in the oAVC, centrifuge and AVC for hazardous and non-hazardous treatments to prevent deliberate mixing, dilution or cross contamination of waste streams.

IC11- whilst we have approved their current Fire prevention plan V4 as an operating technique in S1.2, due to recent infrastructure upgrades/changes particularly on the upper yard, we have asked the operator to review again to ensure it still complies with our chemical wastes: appropriate measures guidance.

IC12- This is in connection with the air monitoring requirements to minimise emissions of VOCs at the site from all point sources, we have required that the operator provides a plan for ongoing maintenance of the abatement (carbon filters and fabric filters on repackaging emission point) to ensure their ongoing effectiveness.

## **Management plans**

We have reviewed the operators risk assessment. We have requested an odour management plan and fire prevention plan for the site. See the relevant sections below for more information. The other amenity risks including noise, dust, and pests have screened out from our assessment and we have included a standard condition in the permit requiring a plan if these cause pollution in future.

## **Fire prevention plan**

The operator has updated their fire prevention plan (V4) which is listed as an operating technique under table S1.2 the permit. See section below for more details.

### **Odour management plan**

The operator has updated their odour management plan (V4) which is listed as an operating technique under table S1.2 the permit. See section below for more details.

### **Sewer discharge**

As part of this variation application the site has blanked off the existing pipework to sewer and will be tankering all waste effluent off site for disposal/ recovery. The site will be monitoring their effluent on a monthly basis as part of waste acceptance procedures with the receiving site. More detail in monitoring section below.

## **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:

Fire and Rescue Service

Health and Safety Executive

FSA and UKHSA screened out from our requirement to consult on this substantial variation application as the operators fire protection plan was not using alternative measures which departed our guidance on fire prevention.

The Planning Authority was not consulted in accordance with our guidance. We consult for proposed activities that:

- are located on land in an estuary or on the coast, with elements that fall below Mean High Water Spring tides; and*
- require multiple consents including both a marine licence and a planning permission*

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

## **The regulated facility**

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

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.

The permit includes a mixture of Installation, Directly Associated Activities (DAAs) and waste operations for Hazardous and Non Hazardous storage and treatment activities. Under this substantial variation all of the existing activities have been modified to increase the wastes accepted for future operational flexibility, and add some new activities added as requested under the variation (container washing, battery sorting, tanker washing and sludge filter press treatment). We have also added addition limits on the activities as part of our Hazardous Waste permit review.

## **The site**

The operator has provided plans which we consider to be satisfactory. There are no changes to the operational boundary, but some changes and new waste storage and treatment areas have been added to the plan under the variation. Some new point source emission points to air have been identified during determination and have been added for the AVC treatment process and container washing booth.

These show the extent of the site of the facility including the emission points to air and water (clean rainwater runoff only).

The plans are included in the permit.

## **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 not within our screening distances for these designations (SACS/SPAs/ RAMSARs or SSSIs).

There is a local wildlife site (LWS) within 163m of the site boundary (Bunny Lane Rubbish Tip Wood). We have assessed the impact of any emissions from the site on this receptor. There are some point source emission points from the AVC treatment process and associated storage tanks, repackaging area and container washing. We have required monitoring on the emission points from the treatment activities in line with the BATc for waste treatment (BAT47) and required abatement (GAC) on all emission points. These measures will mitigate against any off site effects for human receptors and also prevent any impacts on the LWS. There are no surface water emissions from the site. All effluent is captured and tankered offsite for disposal to water treatment works.

The decision was taken in accordance with our guidance.

## **Environmental impact assessment**

The applicant has confirmed in an email dated 18/02/2022 that the variation changes are not subject to an Environmental Impact Assessment.

## **Environmental risk**

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

The operator's risk assessment is satisfactory.

As part of our Agency initiated review, we have also included appropriate measures the operator needs to comply with in Table S1.2 of the permit. These reflect current best available techniques (BAT) for the sector for handling of hazardous chemical wastes, non-hazardous waste, electronic/electrical waste (WEEE) and healthcare wastes where appropriate.

## **Operating techniques**

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



## 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.

As part of the variation, we have also carried out a hazardous waste sector permit review to ensure the operator complies with the latest BAT and BREFs relevant for the activity via our appropriate measures guidance for chemical/hazardous wastes, non-hazardous treatment, WEEE treatment and healthcare wastes where appropriate.

## Odour management

We have required an odour management plan for any potentially odorous wastes that may be received at the site (primarily hazardous and non-hazardous sludges being stored and treated by the AVC and centrifuge processes).

We have reviewed the odour management plan in accordance with our guidance on odour management. We requested some improvements to the previous plan provided in line with our template/guidance. The operator provided an updated odour management plan V4, on 01/02/2023 which is an operating technique under S1.2 of the permit. We consider that the odour management plan (V4) is satisfactory and we approve this plan.

We have approved the odour 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.

## 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 3 objectives of the FPP are to:

- minimise the likelihood of a fire happening
- aim for a fire to be extinguished within 4 hours

- minimise the spread of fire within the site and to neighbouring sites

The operating techniques that the applicant must use, and reference to the appropriate measures guidance are specified in table S1.2 in the environmental permit.

As there have been some recent changes to site infrastructure as part of the site improvement works we have also required the operator to review their fire prevention plan under an improvement condition (IC 11) to ensure it still accurately reflects the activities authorised under the permit.

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.

## **Updating permit conditions during consolidation**

We have updated permit conditions to those in the current chemical waste generic permit template as part of permit consolidation and Environment Agency initiated variation/ permit review. The updated conditions provide additional controls/limits on the specific waste activities and monitoring/management of emissions to air and effluent transfers off site compared to those in the previous permit, and also update the permit in line with the new appropriate measures guidance, and the waste treatment BAT conclusions which are BAT for the hazardous waste sector (see below).

## **Changes to the permit conditions due to an Environment Agency initiated variation as part of a Permit review**

We have varied the permit as stated in the variation notice.

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.

On 18 November 2020, Chemical waste: appropriate measures for permitted facilities guidance was published on gov.uk. The guidance explains the standards that are relevant to regulated facilities with an environmental permit to treat or transfer chemical waste, providing indicative BAT for those sites.

This permit variation has been issued to update some of the conditions following a statutory review of the permits in the chemical waste treatment and transfer sector and to implement the appropriate measures guidance. Chemical waste: appropriate measures is the main guidance applicable to the site, but we have also referred to other appropriate measures guidance for healthcare, WEEE and non-hazardous and inert wastes for management of these wastes in addition where applicable.

The opportunity has also been taken to consolidate the original permit and subsequent variations where appropriate.

## 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 requested by the operator for the following reasons:

Requested wastes are dusty (exclusion in current permit), odorous and not accepted as part of the operator's odour management plan, unsuitable for the treatment process or already accepted under a separate activity.

### **Table S2.2 – hazardous wastes for oil/water separation by oAVC**

Removed some 13 codes requested as oily wastes as questions around their suitability as an oil water separation process rather than an oil separation/refining process.

Added additional details to some hazardous EWC entries (some specific 16 and 19 entries) to make it clear they are only acceptable where containing oil.

### **Table S2.3 – hazardous wastes for dewatering by centrifugation**

Added additional details to some hazardous EWC entries (some specific 16 and 19 entries) to make it clear they are only acceptable where containing oil.

#### **Table S2.5 - Repackaging of hazardous waste**

Removed odorous and dusty EWC wastes in line with previous permit exclusion for dusty wastes (some specific 03, 19 entries). The operator's odour management plan also states that no odorous materials are repackaged on site. Also removed and unsuitable EWC wastes or covered under other waste treatment activities (some specific 16 entries WEEE/batteries, 19, 20 entries).

#### **Table S2.6 – Storage/transfer of hazardous waste**

Removed dusty EWC wastes in line with previous permit exclusion for dusty wastes (some specific 06, 10, 19 entries).

Also removed unsuitable EWC wastes (some specific 06, 16, 18, 19 entries).

#### **Table S2.7 – treatment of non-hazardous waste for dewatering**

Also removed unsuitable EWC wastes (specific 19 entry). Removed sewage sludge wastes (entries 20) from previous permit as requested by operator variation.

#### **Table S2.9 – non-hazardous drum washing/ granulation**

Restricted packaging to metallic and plastic containers only.

#### **Table S2.10 – manual separation of batteries**

Restricted to relevant battery codes only, no WEEE.

#### **Table S2.10 – non-hazardous waste transfer**

Removed dusty EWC wastes in line with previous permit exclusion (some specific 01, 03, 08, 10, 12, 19, 20 entries). Also removed and unsuitable EWC wastes or covered under other waste treatment activities (some specific 02, 03, 04, 16, 19, 20 entries).

#### **Table S2.11 – WEEE treatment – manual separation**

Also removed EWC wastes covered under other waste treatment activities (specific 20 entries batteries).

### **Pre-operational conditions**

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

We have included pre-operational condition PO1 for the drum washing activity and shredding/granulation plant. We have requested updated details on the operation of this new activity for prior approval before commissioning and operation to ensure operational procedures and abatement/ mitigation measures are in place. We have also asked for details of the chemicals used in the cleaning process.

We have included pre-operational condition PO2 for mechanical treatment of wastes in the non-hazardous waste transfer station (shredding, crushing and compaction). This activity takes place within a building but is not being carried out at present. We have requested operating procedures and risk assessment prior to it taking place to ensure there is no environmental risks from this activity (including dust/ noise or odour). We have requested updated details on the operation of this new activity for prior approval before commissioning and operation to ensure operational procedures and abatement/mitigation measures are in place.

We have included pre-operational condition PO3 for future construction of a new concreted area in the upper yard to ensure it is built to an appropriate standards and has sealed drainage prior to any waste acceptance. We have requested construction details for validation/prior approval before it is authorised for waste storage.

We have included pre-operational condition PO4 for storage and handling of specific waste streams – bagged incinerator bottom ash (IBA) or baled refuse derived fuel (RDF) which are proposed by the operator in future on this newly constructed area under PO3 above. We have requested operating procedures and risk assessment prior to it taking place to ensure there is no environmental risks from this activity (including dust/ noise or odour).

## **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 the new site infrastructure is built to the appropriate standards to prevent loss of containment or escape of liquid or solid wastes from tanks, bunds or sealed areas of the site. We are also requiring the operator to review their waste acceptance procedures in line with our appropriate measures guidance for chemical wastes.

We have summarised the previous Improvement conditions (ICs) in the permit as these are all either completed or superseded under this variation, but provide a permit history/audit trail if required in future.

IC 7 requires the operator to review the site infrastructure and drainage in place – impermeable pavement, sealed drainage and drainage plan once completed to ensure it meets the requirements of our appropriate measures guidance. As the lower yard and upper yard improvements are phased work, we have required separate reports to be produced for each area on completion.

IC 8 requires the operator to review the secondary containment measures (bunds and tanks) in place in the lower yard to ensure it meets CIRIA 736 - Containment Systems for the Prevention of Pollution and provide details of the ongoing planned maintenance/ inspection regime for this infrastructure.

IC 9 requires the operator to review their waste pre-acceptance and acceptance procedures in line with our appropriate measures guidance and submits a copy for approval. This is needed to ensure compliance with the guidance and to ensure appropriate site procedures are in place.

IC10 – requires the operator to provide further details of the cleaning procedures for the treatment/separation equipment (oAVC, AVC and centrifuge) to ensure there is no incompatible mixing or dilution of hazardous wastes which would hinder recovery of separated waste streams/fractions following treatment.

IC 11 requires the operator to review their fire prevention plan (FPP) to ensure that it is up to date in line with the site infrastructure improvements in IC7 and 8, and PO 1 and revisions to EWC codes requested by the operator during determination.

IC12 requires the operator to provide a plan detailing the maintenance schedule for the air abatement system (GAC and fabric filters) to prevent and minimise air emissions and odour from the treatment and storage tanks, repackaging and drum washing areas. This is to ensure they are regularly replaced and remain effective in order to capture and minimise VOC releases to air from these point sources.

## **Emission limits**

Emission Limit Values (ELVs) or equivalent parameters or technical measures have been added under this variation/permit review in line with Best Available Techniques (BAT) – BAT Conclusions for Waste Treatment, 10 Aug 2018 have been added for the following substances:

Air emission limits have been set for total volatile organic compounds (TVOCs) (30 mg/m<sup>3</sup>) from hazardous treatment processes (AVC oily waste treatment process, repackaging and drum washing plant) as specified in table S3.1.

## **Monitoring**

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

Air: Total Volatile Organic Compounds (TVOCs) and Speciated VOCs.

We have also required new process monitoring for maintenance of the abatement (carbon filters), and monthly sampling of process effluent prior to transfer offsite.

Water: Monthly testing of effluent being tankered offsite for appropriate disposal or recovery. The operator carries out monthly sampling of their effluent in line with their procedures Monthly water testing suite and Sampling of Effluent for offsite treatment LTP-40 which are listed as operating techniques in S1.2 of the permit. The operators monthly monitoring suite includes: general inorganics, Total Phenols, Heavy Metals/ Metalloids, Monoaromatics and oxygenates, petroleum hydrocarbons and environmental forensics (PFOS and PFOA).

These monitoring requirements have been included in order to ensure there are no impacts to air or water from the activities on site in accordance with our Chemical Waste: Appropriate measures guidance.

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.

## Reporting

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

Under table S4.1 – emissions to air, off site effluent transfer (6 monthly).

We made these decisions in accordance with our Chemical Waste: appropriate measures 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.

## 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.

## 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.

3 complaints were received from the public on this application. Two public complaints on citizen space and one directly from the local parish council.

## Representations from local MPs, assembly members, councillors and parish/town community councils

Response received from Michelmersh and Timsbury Parish Council, 15/08/2022



Brief summary of issues raised: Concerns raised about a local of consultation with the Local Planning Authority and Parish Council over the proposals. Concerns over the proposed increases to 10,000 tonnes per year of hazardous wastes. Concerns over the large amount of waste codes requested (1300). Concerns of emission of toxic/hazardous materials to air and contamination of groundwater/ local watercourse

Summary of actions taken: We responded to the Parish council concerns on 30/08/2022.

There was not a need to consult with the Local Planning Authority over this application in line with our consultation guidance. The local site inspector has been in touch with the Local Authority, and they are aware the operator has been in regular contact with the Planning Authority regarding their site proposals as part of separate discussions they have been having on the new building/infrastructure. The Planning Authority have not raised any direct concerns to us over the operators proposals and we are continuing to work with them and keep them informed on developments at the site.

The existing permit currently allows for a significant amount and range of hazardous wastes to be accepted on site. As part of this variation, the annual throughput is decreasing significantly (see key issues above). We are also putting more specific storage and treatment limits on each activity in addition. The operator has requested a large range of additional waste types to give operational flexibility in future. We have assessed the suitability of the new codes and removed some unsuitable codes. We are also updating the permit in line with our latest guidance to ensure BAT (Best available techniques) are used. There are no emissions to water, just clean rainfall from roofs/buildings. All runoff will be collected and sent off site for disposal. The operator is investing in significant infrastructure upgrades – new concrete and tank bunding to ensure that than surface water runoff is contained and appropriately managed. We have identified some point source air emission points from process and storage tanks (AVC treatment and container washing plant) as part of our determination. We have required these to be abated (carbon and fabric filters) to ensure no VOC (volatile organic carbon) or particulate/dust releases. We are also requiring them to be monitored, and the abatement maintained under the permit to ensure no risk of pollution.

## **Representations from individual members of the public**

Brief summary of issues raised: Complaint made about the EA consultation process for this application and lack of prior contact with Parish councils to highlight

Summary of actions taken: Complaint logged and responded to in accordance with our customer charter. Explained we use the same citizen space consultation process for all public consultation exercises for new and substantial permit

variations. Apologised but we do not ordinarily contact Parish Councils in advance unless we already have information to suggest this is a site of high public interest.

Brief summary of issues raised: Concerns about the scope of the variation application as unclear on citizen space due to the large number of documents (56) relating to the application. Concern over large number of hazardous chemicals requested and impacts on the local water environment.

Summary of actions taken: Concerns have been addressed as part of variation application. The operator has provided an updated non-technical summary to clarify the extent of the changes proposed for the local parish councils, and also been published on the citizen space website. The operator has provided updated risk assessments and management plans for the new processes and waste acceptance procedures for the additional waste codes requested. We have assessed these as part of our determination. We have also used this opportunity to undertake a permit review to bring the operational standards in line with current best available techniques (BAT) for the sector. We have required that the site complies with our latest appropriate measures guidance in Table S1.2 for all wastes accepted on site – chemical waste, non-hazardous wastes, WEEE wastes and healthcare. Under this variation there are no discharges to water. All process effluent is tankered off site for appropriate disposal. The previous sewer discharge pipe has been sealed. The site is fully concreted with sealed drainage and clean water from roofs is separated from contaminated water in waste storage areas. There are no contaminated runoff / discharges to surface water.

Brief summary of issues raised: Concerns about local amenity impacts – noise and odour and increased traffic from the site

Summary of actions taken: We have assessed noise and odour impacts as part of our determination. We have required the operator to update their odour management plan to address any storage and handling of potentially malodorous wastes, which are limited to a small proportion of the site activities (principally handling of oily wastes and sludges in AVC treatment and dewatering processes). The OMP is an operating technique in the permit S1.2. The standard noise conditions in the permit will address any noise issues. We do not see a need for a noise management plan based on the operator's risk assessment which concludes there is a low risk of noise from the new or varied activities. Traffic movements on local roads are covered under the planning process, and do not form part of our determination which only considers impacts from site traffic movements on site.