

Permitting Decisions- Variation

We have decided to grant the variation for **Garston Distillation Services** operated by **Veolia ES (UK) Limited**.

The variation number is **EPR/FP3133GL/V007**.

The variation is for the addition of two further treatment columns, associated with the existing solvent treatment process on site. This will result in a total increase of treatment capacity at the site of 28,000 tonnes per annum (2 x 14,000). The total treatment capacity permitted will therefore increase from 58,000 to 86,000 tpa.

The previous variation allowed the incorporation of a Pre-Operational Condition into the permit to afford the use of a solvent derived fuel obtained from the treatment process for use in two new boilers (Medium Combustion Plant - MCPs) to provide heat to the treatment process. The fuel was formerly known as Solvent Distillate Fuel (SDF), but for the purposes of this variation, the term is Process Generated Distillate (PGD) fuel. This variation will allow the retrofit of the existing boiler on site (aside from the two added in the last variation) to use Gas Oil and PGD under the same conditions as the two newer MCP units. The existing 6 MWth boiler will therefore be considered an MCP in the Activities table.

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 considerations section to show how the main 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.

Decision considerations

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.

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 application was publicised on the GOV.UK website.

We consulted the following organisations:

- The UKHSA;
- The Health and Safety Executive;
- Natural Resources Wales;
- Local Authority (Liverpool City Council) Environmental Health; and
- Merseyside Fire Service.

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', guidance on waste recovery plans and permits.

The operator has provided the grid reference for the emission point from the medium combustion plant. This was the 'existing boiler' located at SJ 40094 83535.

The site

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

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

The plan is 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 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.

We have not consulted Natural England.

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.

Environmental risk

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.

Operating techniques for emissions that screen out as insignificant

Emissions of Volatile Organic Compounds (VOCs), NO_x, CO and SO_x have been screened out as insignificant following the H1 Assessment, and so we agree that

the applicant's proposed techniques are Best Available Techniques (BAT) for the installation.

Further information on the NO_x emissions from the proposed scenarios on site has been provided with internal checks from the Environment Agency's Air Quality Monitoring and Assessment Unit (AQMAU).

We consider that the emission limits included in the installation permit reflect the BAT for the sector.

National Air Pollution Control Programme

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 impact assessment in accordance with our guidance on noise assessment and control.

Noise emissions from the site have also screened out as insignificant, with a low-risk rating concluded from both the Applicant's Noise Impact Assessment (NIA) and the audit carried out by AQMAU on this NIA and appended data.

Raw materials

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

Pre-operational conditions

Based on the information in the application, we consider that we need to include pre-operational conditions. The addition of another MCP (upgraded from the existing boiler) will mean this must now be considered under the same conditions as the two other MCP boilers for use of the Process Generated Distillate fuel from the solvent treatment process on site (Pre-Operational Condition PO5). No new Pre-Operational Conditions have been added to the existing permit.

Emission limits

Emission Limit Values (ELVs) and equivalent parameters or technical measures based on Best Available Techniques (BAT) have been added to the permit (along with the source fuel for each 'operational mode' of the boiler, for the following substances (see table below):

Oxides of Nitrogen (NO and NO ₂ expressed as NO ₂)	New medium combustion plant which are engines and gas turbines fuelled on Natural Gas	100 mg/m ³
Sulphur dioxide	New medium combustion plant which are engines and gas turbines fuelled on Natural Gas	No limit set
Dust	New medium combustion plant which are engines and gas turbines fuelled on Natural Gas	No limit set
Carbon monoxide	New medium combustion plant which are engines and gas turbines fuelled on Natural Gas	No limit set
Oxides of Nitrogen (NO and NO ₂ expressed as NO ₂)	New medium combustion plant which are engines and gas turbines fuelled on Gas Oil	200 mg/m ³
Sulphur dioxide	New medium combustion plant which are engines and gas turbines fuelled on Gas Oil	No limit set
Dust	New medium combustion plant which are engines and gas turbines fuelled on Gas Oil	No limit set
Carbon monoxide	New medium combustion plant which are engines and gas turbines fuelled on Gas Oil	No limit set
Oxides of Nitrogen (NO and NO ₂ expressed as NO ₂)	New medium combustion plant which are engines and gas turbines fuelled on Solvent Distillate Fuel	300 mg/m ³
Sulphur dioxide	New medium combustion plant which are engines and gas turbines fuelled on Solvent Distillate Fuel	350 mg/m ³
Dust	New medium combustion plant which are engines and gas turbines fuelled on Solvent Distillate Fuel	20 mg/m ³
Carbon monoxide	New medium combustion plant which are engines and gas turbines fuelled on Solvent Distillate Fuel	No limit set

We have included these ELVs for emission point A5 of the permit, as required in respect of the requirements for BAT, given the retrofit of the existing boiler will increase its output to be considered an MCP.

Monitoring

We have decided that monitoring should be amended for the following parameters (no parameters were previously set for the emission point, noted below), using the methods detailed and to the frequencies specified:

On Emission Point A5 (retrofitted boiler, upgraded from a 6MW boiler unit):

- Oxides of Nitrogen (Periodic/Every 3 years) to MCERTS / BS EN 14792;
- Sulphur Dioxide (Periodic/Every 3 years) to MCERTS / BS EN 14791;
- Dust (Periodic/Every 3 years) to MCERTS / BS EN 13284-1; and
- Carbon Monoxide (Periodic/Every 3 years) to MCERTS / BS EN 15058.

These monitoring requirements have been included in order to comply with Best Available Technique (BAT).

We made these decisions in accordance with Best Available Technique (BAT).

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 amended reporting in the permit for the following parameters:

Reporting for emissions to air for NO_x, CO, Dust and Sulphur Dioxide from the former existing boiler, as it now is an MCP – emission point A5 in the permit.

We made these decisions in accordance with BAT 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.

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 and members of 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 **Natural Resources Wales**.

Brief summary of issues raised: Response received, but no issues raised.

Summary of actions taken: No further action required.

Response received from **Merseyside Fire Service**.

Brief summary of issues raised: Response received, but no specific issues raised.

Summary of actions taken: No further action required.

Response received from **UKHSA**.

Brief summary of issues raised: VOCs via scrubber – concerns raised about extra burden on the scrubber and that the EA should be satisfied that the scrubber would be able to manage the extra two extractions from the additional treatment columns.

Summary of actions taken: VOCs have screened out during the course of the appropriate assessment, therefore the existing BAT limits present in the permit are adequate for ensuring compliance and minimising risk. A revised H1 Assessment was presented and the conclusions remained as per the original submission in that any emissions of concern screened out at the first assessment stage.

Representations from individual members of the public

Brief summary of issues raised: Two emails were received from one member of the public, who raised concerns mostly based around the scale and scope of the site operations, with some other comments including:

- Could the EA confirm the COMAH status of the site;
- The expansion of the site treatment capacity from (sic) 6/8 to 86,000 is of concern;
- Feeling that this site should be open to full public consultation;
- Observing that the control room is located in proximity to a boiler house;
- The site has severely restricted access.

A separate email was received from another member of the public, raising concerns about the site access roads and volumes of traffic, with the resulting noise and vibration being of concern.

In relation to vehicle access to the installation and traffic movements; these are relevant considerations for the grant of planning permission, but do not form part of the Environmental Permit decision making process except where there are established high background concentrations contributing to poor air quality and the increased level of traffic might be significant in these limited circumstances. Noise impacts arising from off-site movements on the local road network are outside the Environment Agency's remit. These concerns will normally also be an issue for the planning authority to consider.

Summary of actions taken: We sent a response to the members of the public with confirmation of the COMAH status of the site and that no change to the status would occur from granting this variation to the permit.

The quantities of waste treated at the installation have gradually increased with subsequent variations with V006 adding 28,000 tpa to an existing 30,000 tpa limit. This variation then adding a further 28,000 tpa to make the limit 86,000 tpa. None of the previous variations of the permit have a limit as low as 6-8,000 tpa according to records held by the Environment Agency.

The Consultation was undertaken in line with the appropriate Guidance with a web advert presented on the gov.uk webpages outlining the nature of the Application.

Most of the issues raised are not within the remit of the Environment Agency and instead should be taken up with the Local Planning Authority; the response included this point.