

## Permitting Decisions- Environment Agency Initiated Variation

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We have decided to issue an Environment Agency initiated variation for Frome Clinical Waste Transfer Station operated by SRCL 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/YP3433TW/V010.

In addition to implementing the permit review, this variation also makes the following changes to the permit that were applied for by the operator under permit variation application EPR/YP3433TW/S011.

### 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.

## **Permit surrender (partial) application**

In addition to implementing the permit review, this variation also makes the following changes to the permit that were applied for by the operator under permit variation application YP3433TW/S011:

In addition, part of the installation has been surrendered and this is reflected in the amended installation boundary as shown on the site plan in Schedule 7, along with the extension of outside area A5, which is adjacent to building A2 and outside storage area A4.

## **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 12/03/2021.

We considered that the response did not contain sufficient information for us to commence determination of the permit review. We therefore issued a further information request to the operator. Suitable further information was provided by the operator on 10/06/2021.

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 healthcare storage in vehicle trailers, appropriate measures 21 and 22 for waste acceptance, and appropriate measure 6 for waste tracking on 14/09/21 and 05/11/21.

Appropriate measures	Compliance status	Assessment of the installation's compliance with relevant standards (appropriate measures) and any alternative techniques proposed by the operator
<b>General management appropriate measures</b>	FC	<p>The operator confirmed that the facility is not currently compliant with appropriate measures 4, 5, 6 &amp; 8. This relates to the prevention of accidental emissions, an assessment of the containment requirements for emergency firefighting waste, storm water flows and associated buffer storage has not been conducted. The Operator has confirmed they intend to be in full compliance with these measures within 3 years. The proposal is to conduct the assessments to determine if any infrastructure upgrades are required with a view to completing any works within 3 years.</p> <p>Improvement condition IC1 has been included in table S1.3 of the varied permit to address this, the timescales reflect the operators plans to have the infrastructure review and assessment complete at the end of 2021 and implementation by 2022/2023.</p>
<b>Waste pre-acceptance, acceptance and tracking appropriate measures</b>	CC	<p>The operator originally confirmed that the facility was not compliant with appropriate measures 21 &amp; 22 (waste acceptance) and 6 (waste tracking) &amp; proposed alternative measures.</p> <p>The facility does not mark or label every individual waste package that is either collected individually or removed from a cart and for each individual package to recorded in the tracking system. Although the operator does require the producer of the waste to label or mark the primary packages. The operator proposes the following alternative measures:</p> <ul style="list-style-type: none"> <li>• <i>Waste producers must label or tag each primary package to ensure that it can be traced to source. This is already a best practice requirement that is checked during pre-acceptance audits.</i></li> <li>• <i>When primary packages are collected individually from a producer they are placed into bulk containers (usually carts but also pallets for rigid containers) and the bulk container is tagged with a barcoded tag which is scanned into the tracking system). The barcoded tags can then be used to identify the bulk container in the tracking system and the route that the waste in the cart was received on.</i></li> <li>• <i>The primary packages within the cart are therefore traceable in the tracking system to the waste producers on that route, and each individual package can then be traced to the specific source using the tag, label or marking applied by the producer.</i></li> <li>• <i>When primary packages are removed from a cart for bulk transportation, the barcoded tags on those carts are assigned to a 'trailer subload' in the tracking system. The subload record can then be used to</i></li> </ul>

		<p><i>identify the carts that were emptied into the trailer, and therefore the individual producers or routes that the waste in those carts came from.</i></p> <ul style="list-style-type: none"> <li><i>• The primary packages within the trailer are therefore traceable in the tracking system to this group of waste producers, and each individual package can then be traced to the specific source using the tag, label or marking applied by the producer.</i></li> </ul> <p>We have reviewed the alternative measures proposed and appropriate measures 21 appears to be satisfied now the guidance has been amended (8 December 2021) making it no longer the operator's responsibility to mark or label individual waste packaging. The appropriate measure now requires that waste packages are labelled or marked with a unique identifier but does not specify it needs to be the operator. In this case the operator requires the producer to label/mark individual packages.</p> <p>We have incorporated 22 (waste acceptance) and 6 (waste tracking) as alternative measures in the Operational techniques table S1.2, although by labelling and tracking at the cart/pallet level with individual primary packages being labelled/marked by the producers we consider the operator is complying with the appropriate measures. Alternative measures are detailed in section 5 of the Operator's response to Regulation 61 Notice requiring Information version 4 (October 2022) and email dated 05/11/2021.</p>
<p><b>Waste storage, segregation and handling appropriate measures</b></p>	<p>CC</p>	<p>The operator confirmed that the facility is not compliant with appropriate measures 4, 13, 19, and 20.</p> <p>Appropriate measures 4 and 19 relate to the storage and handling of containers on pallets to ensure stability and containment with shrink wrap. Stacking of containers stored on site must be within racking systems.</p> <p>The Operator has confirmed that units packed into pallet boxes for onward transfer/transfrontier shipment (TFS) are stored and handled in the following ways:-</p> <p><i>Pallet boxes are lined with a leak proof liner and vermiculite is added to the bottom of the box before waste is packed. Rigid units are then stacked upright within the pallet boxes prior to being sealed and over labelled with its contents. This method ensures that any damaged containers, leaks or spillages are contained within the pallet box and the over label clearly displays the contents. To facilitate transfrontier shipment, these boxes are stacked two high and strapped together. Once stacked the pallets are no more than 2.2m high, thus compliant with appropriate measure point 3 however point 19 is not feasible as pallets need to be stacked and strapped in advance of dispatch. The double containment above ensures there are no leaks from the stacked pallets. All pallet boxes are being</i></p>


		<p><i>prepared for onward disposal and Stericycle do not store waste in this manner. Due to prenotification timescales on transfrontier shipments, it is not possible to prepare these pallet boxes within 24 hours of dispatch. This activity is always completed inside of a building.</i></p> <p>We have reviewed the alternative measure proposed and are satisfied that the TFS pallet boxes are suitable for stacking (2 high as in transit) and that the strapping is a suitable alternative to shrink wrap. We have included this alternative measure in the Operational techniques table S1.2.</p> <p>The operator confirmed in the 61 notice response that the facility is currently in compliance with Waste storage, segregation and handling point 13 and 20 but that this is unsustainable.</p> <p>Appropriate measure 13 prohibits the storage of waste in vehicles or vehicle trailers unless they are being received or prepared for imminent transfer.</p> <p>Further correspondence from the Operator (letter dated 14 September 21) confirms the operator will now comply fully with appropriate measure 13 by 30 June 2023. Confirmation was received from the Operator via email on 12/07/2023 that they are in compliance with the relevant appropriate measures (i.e. that they do not use trailers for storage of waste in a building other than where they are being received for immediate offloading or prepared for imminent transfer (that is, they will be removed from site within 24 hours, or 72 hours if over a weekend). The Operator it should be noted is not currently permitted to store waste in trailers outside of the building. The site is not currently authorised for the storage of waste in trailers outside. The site was only authorised for the storage of waste in trailers in Building A (Area A1), which is being surrendered (see information below). Storage on road trailers outside was only authorised under a Local Enforcement Position (LEP) issued in February 2021 and this expired in May 2021. This area is not authorised for the storage of waste in the current permit.</p> <p>Appropriate measure 20 provides maximum storage time for different healthcare waste. The Operator has confirmed that waste is treated and transferred within the quickest possible timescales, the proposed storage times for waste meet the guidance timescales with the exception of waste stored in trailers. However, as the Operator has now confirmed compliance with appropriate measure 13 and does not intend to store waste in trailers this is no longer applicable.</p> <p>We have included the guidance storage timescales within the permit and prohibit storage of waste in vehicles or on vehicle trailers (see Table S1.1 AR1 and AR4).</p> <p>In addition, measure 4 relating to compaction of healthcare waste, the Operator states they are not in compliance with this appropriate measure but intend to be compliant within 12 months. They state that</p>
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		<p>there is no waste treatment on site, other than the compaction of non-hazardous offensive waste. However, offensive waste compaction is not currently a permitted activity at the site. In the last variation (V009) the following was stated in the original non-technical summary as to the purpose of the application:</p> <ul style="list-style-type: none"> <li>- Increase the storage of the facility.</li> <li>- Add the disposal and recovery codes (D14 and R12) for light compaction of offensive waste to the permit in accordance with the Environment Agency guidance note on compaction of offensive waste (published 6 November 2018).</li> </ul> <p>However, this was never permitted. A revised non-technical summary was submitted by SRCL, which removed the request to add the light compaction. The Operator will need to apply to add the operation via an appropriate variation application (this was confirmed in an email to SRCL on 10/10/2022).</p>
<b>Waste treatment appropriate measures</b>	N/A	There is no waste treatment on site (and that includes the compaction of non-hazardous offensive waste).
<b>Emissions control appropriate measures</b>	CC	<p>SRCL have confirmed that they currently comply with all the emissions control appropriate measures given in the guidance.</p> <p>There are no emissions points from the storage and transfer activities and there are no point source emissions to air. There will be no point source emissions to groundwater, surface water or land as a result of the activities at the site.</p> <p>There is an effluent arising from the directly associated activity of container washing but are transferred directly to foul sewer. SRCL holds a trade effluent discharge consent with the sewerage undertaker (Wessex Water) for this activity. SRCL confirmed the following on 16/06/2023: <i>The facility currently moves the waste out in the original containers, so has no need for a cart wash, but the DAA has been included in case the facility adjust the operations applied for the repacking reflected in AR3, so that the activity and bin wash can be progressed at the facility without the need of another permit variation.</i></p> <p>There are procedures in place to that ensure that the risk of spillage resulting in fugitive emission of any waste material to any medium is minimised as far as reasonably possible. There are also measures in place to mitigate against odour pollution, together with condition 3.3 of the permit.</p>



		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.
<b>Emissions monitoring and limits appropriate measures</b>	CC	The operator has confirmed that they comply with all the emission monitoring and limits. There is a single point source emission to sewer from the permitted facility (S1 – container washing activities). Given the discharge is only the water from the washing of carts (and there is no treatment on site), it wasn't deemed necessary to impose any parameters or limits.
<b>Process efficiency appropriate measures</b>	CC	The operator has confirmed that they comply with all the process efficiency appropriate measures.
<b>Reg 61 requirement</b>	<b>Assessment of response received</b>	
<b>Soil and groundwater risk assessment</b>	<p>The operator has stated that <i>there will be no point source emissions to groundwater, surface water or land as a result of the activities at the site. See Groundwater and soil risk assessment (Appendix 9).</i></p> <p>There is no release of hazardous substances as defined in Article 3(18) of the Industrial Emissions Directive. The site has impermeable surfaces and sealed drainage to prevent any releases to either groundwater or soil. See Groundwater and soil risk assessment (Appendix 9).</p> <p>The Operator has submitted a basic risk assessment which shows the overall risk is low due to management measures. The Operator also submitted a site condition report dated 23/03/2020. The report included a review of available records for the site and surrounding area (desk top study) and site investigation work including an intrusive investigation undertaken for the original application.</p>	
<b>Medium combustion plant and specified generators</b>	N/A	
<b>Climate change</b>	<p>The Operator has confirmed that the site has not entered into a climate change levy agreement and there are currently no proposals for an agreement to be entered into.</p> <p>A climate change risk screening has been carried out which indicates that a climate change risk assessment is not required. The climate change risk assessment will be a compliance issue dealt with if necessary, via the management system condition.</p>	

**Summary of other changes made to the permit as a result of our assessment of the Reg 61 response**

Change	Reason for change
<p><b>Table S1.1 – Activities</b></p>	<p>AR3 – We have added in the repackaging of non-hazardous and hazardous waste, despite this activity not being explicitly permitted in the current permit. This is because we’ve determined (under our definition of repackaging) that the site already carries out this activity.</p> <p>However, the following should be noted: Outside storage area A5 – not permitted storage of waste in this area, despite the Regulation 61 response stating that waste is stored in this area. This is because this area is not authorised for the storage of waste in the current permit.</p> <p>The Operator confirmed in an email dated 10/03/2023 that A5 is used for the following:</p> <ul style="list-style-type: none"> <li>- <i>Parking of unloaded vehicles.</i></li> <li>- <i>The only exception is the area highlighted in blue (see plan in the above mentioned email and below) is where the Trailer/vehicles are reversed (so that the back end of the vehicle is in Area A4, for loading/unloading, for off-site for recovery disposal or /unloading directed to waste storage areas. Where loading in bulk, relevant BK2 approval for the vehicle is held.</i></li> </ul>  <p>The map shows an aerial view of an industrial or storage site. A large area is outlined in green. Within this green area, a smaller rectangular area is highlighted in blue. A red dot is located near the blue area. The map includes a scale bar and a north arrow. Copyright text at the bottom reads: © Crown copyright and database rights 2021 OS 100047474.</p>

<p><b>Table S1.3 Improvement programme requirements</b></p>	<p>We have added new improvement conditions, which relate to:</p> <p>IC1 – General management infrastructure plans and prevention of accidental emission points – see table above.</p> <p>IC2 – Site layout and emissions points plan.</p>
<p><b>Table S2.2 Permitted waste types and quantities for repackaging and storage</b></p>	<p>Waste code 15 01 10* we have replaced with 15 01 04 as we believe this is the most appropriate description of lead foils from dental care.</p> <p>Waste code 07 05 13* and 07 05 14 (hazardous and non-hazardous medicines), the operator asked for these waste codes to be included in the permit as they are commonly collected commercial pharmaceuticals which are off specification or contaminated medicines. These wastes are not needed as waste medicinal products from manufacture or supply should be classified under the medicine codes in chapter 18(18 01 08/09) – note 'c' in WM3 says 'waste medicinal products from manufacture or supply should be classified under the medicine codes in chapter 18'.</p> <p>15 02 02* &amp; 15 02 03 were in the current permit, but not requested in their Regulation 61 response, so they have been removed from the permit.</p> <p>09 01 08 was requested in their Regulation 61 response, but as it wasn't in their current permit, it has not been included.</p>

**Table 1 – Summary of our assessment of the operator's Reg 61 response**

## Partial surrender application made by operator

This section summarises the key issues that we considered in relation to permit variation application YP3433TW/S011, which was made by the operator on 23/03/2023 and separate to the permit review detailed above.

We have decided to accept the part surrender of the permit for Frome Clinical Waste Transfer Station operated by SRCL Limited.

The permit number is YP3433TW.

We are satisfied that the necessary measures have been taken to avoid any pollution risk and to return the site to a satisfactory state. We consider in reaching this decision that we have taken into account all relevant considerations and legal requirements.

## 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 [decisions considerations](#) section to show how all relevant factors have been taken into account

Unless the decision document specifies otherwise we have accepted the applicant's proposals for part surrender.

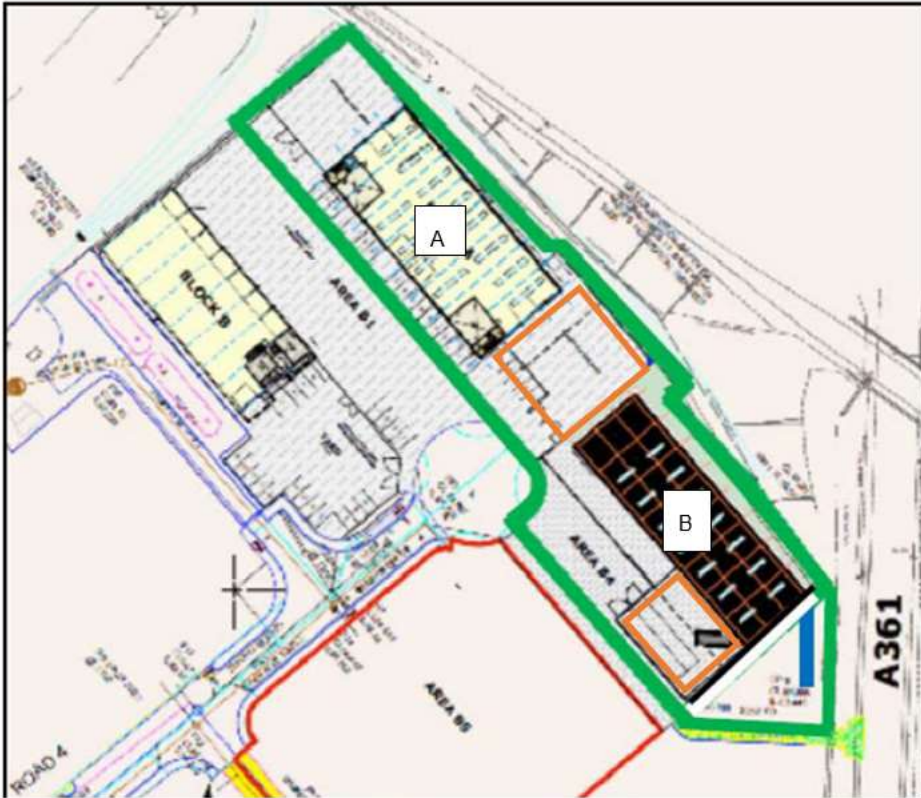
Read the permitting decisions in conjunction with the environmental permit and the surrender notice.

## Key issues of the decision

The partial surrender authorises the following changes:

The surrender of Building A (otherwise known as unit P1 and P2), an outside storage area known as the central yard, and an outside area (principally used for car parking for the site and general vehicle manoeuvring area) adjacent to building B. All remaining activities will take place in Building B (otherwise known as Unit B4 or A2) and outside storage Area A4 (otherwise known as the side yard).

Site plan from current permit (V009) showing buildings A & B and the two external storage areas (the central yard and side yard (A4)):



The following shows another area (highlighted in blue) of the site that is being surrendered. This area is used for car parking for the site, and general manoeuvring area. No operations or storage of waste has occurred in this area:



The following reflects the extent of the site boundary after the partial surrender.



The operator's explanation for applying for a partial surrender was as follows:

*In recent years the operation at the facility has been reduced following the removal of the waste treatment activities (Unit B4) in June 2014.*

*The facility remained operational as a waste storage and transfer facility in units P1/P2 and B4. Unit P1/P2 has only been used for the storage of wastes and consumables.*

*Operations as a storage and transfer facility will continue, but restricted to Unit B4.*

## **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 regulated facility**

The permitted regulated facilities have changed as a result of the partial surrender.

### **The site**

The extent of the facility has changed as a result of the partial surrender.

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.

### **Extent of the surrender application**

The operator has provided a plan showing the extent of the site of the facility that is to be surrendered.

We consider this plan to be satisfactory.

### **Pollution risk**

We are satisfied that the necessary measures have been taken to avoid a pollution risk resulting from the operation of the regulated facility.

### **Satisfactory state**

We are satisfied that the necessary measures have been taken to return the site of the regulated facility to a satisfactory state, having regard to the state of the site before the facility was put into operation.

## **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 accept this partial permit surrender.

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.