

Permitting Decisions- Environment Agency Initiated Variation

We have decided to issue an Environment Agency initiated variation for Murdock Road Oil Treatment Plant operated by Recyc-oil LTD following a review of the permit in accordance with Environmental Permitting (England and Wales) Regulations 2016, regulation 34(1).

The variation number is EPR/AP3930UJ/V006.

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/AP3930UJ/V005.

The variation is for the replacement of the filter box system for the separation of oily wastes with a centrifuge and disc stack process. This process change is an improvement on the existing technology. This method is more efficient at recovering waste oil and produces a higher quality of waste oil and effluent.

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.

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 <https://www.gov.uk/guidance/chemical-waste-appropriate-measures-for-permitted-facilities> and the relevant requirements of the [BAT Conclusions for Waste Treatment](#) which have been incorporated into our guidance.

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

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

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

Purpose of this document

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

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

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

Key issues of the decision

Emissions to water

The variation to replace the filter box system is a betterment to the process on site. As such a permit is being granted for this application. The H1 data submitted within the application for the emissions to water was taken from one sample. An accurate inventory of emissions is not available for the site. The data submitted shows that presently the operator is not currently meeting BAT and some applicable BAT AEL's for indirect emissions to water are potentially being breached for the emission to sewer. Alongside the permit review and the review of the information provided the Environment Agency have taken the decision to vary the permit to include a number of improvement conditions. These conditions aim to first characterise the emission to enable accurate assessment. The emission will then be assessed through the H1 tool and any substances which do not screen out for the EQS at the receiving waters will need to be modelled to determine mixing zones and their acceptability. If required a further plan will be submitted demonstrating further improvements and treatment for the effluent. These improvement conditions are designed to bring the operation into

compliance with BAT and protect the environment by characterising and assessing the emission accurately.

Emissions to air

Emission point A16 from the centrifuge did not screen out as insignificant in the risk assessment. The operator has demonstrated that load is less than 2kg/h but not that there are no carcinogenic, mutagenic or toxic for reproduction (CMR) substances are present in the emission. Monitoring and emission limits have therefore been included within the permit with the inclusion of a note stating “Limit applies where carcinogenic, mutagenic or toxic for reproduction (CMR) substances are present in the emission or the emission load exceeds 2 kg/h”.

Cold oil storage tanks on site are currently un-abated. This has been addressed through an improvement condition which brings the operation in line with BAT. The operator will connect the cold oil storage to the abatement onsite. This improvement condition is required under BAT 14 of the Waste Treatment Best Available Technique to contain collect and treat diffuse emissions. The operator has already proposed a solution and will be able to comply with this improvement condition. As with the above emission point A16 monitoring and emission limits have been included within the permit with the same note stating “Limit applies where carcinogenic, mutagenic or toxic for reproduction (CMR) substances are present in the emission or the emission load exceeds 2 kg/h”.

Habitats

Based on the source/pathway/receptor mechanisms entailed by the proposed operations and the pollutants emitted, we consider that the application will not affect any site of nature conservation, landscape and heritage, and/or protected species or habitats identified. According to our guidance we screen for specific substances of which VOC's are not included.

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 were expected to be in compliance with the BAT Conclusions within 4 years (i.e. by August 2022).

On 18 November 2020, Chemical 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 chemical 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 15/11/2021 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 and the BAT Conclusions for Waste Treatment, 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 25/03/2022.

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

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

Appropriate measures	Compliance status	Assessment of the installation’s compliance with relevant standards (appropriate measures) and any alternative techniques proposed by the operator
General management appropriate measures	CC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section. Compliance with the appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.
Waste pre-acceptance, acceptance and tracking appropriate measures	CC	The operator confirmed that they currently meet the requirements of the appropriate measures in this section. The operator has operating procedures for waste acceptance and rejection. Compliance with the appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.
Waste storage, segregation and handling appropriate measures	FC	<p>The operator has confirmed that they currently do not meet the requirements of the appropriate measures in this section. At present they do not comply with points:</p> <ul style="list-style-type: none"> • 41 & 45 – Bunds for tanks containing liquids. The operator stated the bunds require a CIRIA assessment. This is being addressed through improvement condition 8 • 43 – Tank abatement – Currently the storage tanks do not prevent through abatement. This is being addressed with improvement conditions 1-2. • 47 – Storage tanks do not have high level alarms. This is being addressed through Improvement condition 8 • 52 – Cake and solids are stored in an open container. This is being addressed through Improvement Condition 7 which requires an odour management plan to be implemented. <p>The remainder of this section has been deemed compliant and 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.</p>

Waste treatment appropriate measures	FC	The operator confirmed that they currently meet the requirements of the appropriate measures in this section with the exception of the cold oil storage tanks not venting through abatement. This is being addressed with improvement conditions 1-2 as previously discussed. Compliance with the appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.
Emissions control appropriate measures	FC	The operator confirmed that they currently meet the requirements of the appropriate measures in this section. Through the determination process it was identified that an odour management plan was not in place for the site and that this would be required. This is being addressed with improvement condition 6. Compliance with the appropriate measures in this section of the guidance with the exception of odour management has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.
Emissions monitoring and limits appropriate measures	FC	<p>The operator has confirmed that they do not currently meet the requirements of the appropriate measures in this section. Emissions to air are abated from the process tanks. The storage tanks however are not currently abated. This is being addressed through IC's 1-2. Emission limits have been set in line with BAT and the appropriate measures.</p> <p>The operator has confirmed that the treatment process does not meet the relevant emissions for point source emissions to water. The operator has stated that they are presently unable to analyse for all the relevant parameters. An inventory of emissions is required. IC's 3-5 are designed to address the non-compliance with the appropriate measure in this section.</p>
Process efficiency appropriate measures	FC	The operator has confirmed that they do not currently meet the requirements of the appropriate measures in this section. The operator does not meet the process efficiency requirements of the appropriate measures. This has been addressed through IC8.
Reg 61 requirement	Assessment of response received	
Soil and groundwater risk assessment	The operator has stated that they are presently unaware of any baseline data covering the condition of soil and groundwater contamination on site. Within their response they have stated they will commission a report to cover the condition of both soil and ground water.	

Medium combustion plant and specified generators	Compliance will be required at the appropriate time under MCP regulation.
Climate change	The operator has confirmed that climate change adaptation forms part of their business continuity planning. Climate Change Adaptation will be delivered through the EMS condition of the permit.
Summary of other changes made to the permit as a result of our assessment of the Reg 61 response	
Change	Reason for change
N/A	N/A

Variation application made by operator

This section summarises the key issues that we considered in relation to permit variation application EPR/AP3930UJ/V005, which was made by the operator on 16/11/2021 and separate to the permit review detailed above.

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.

The site

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

This shows 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. As discussed within the key issues section.

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

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 (Waste Treatment Best Available Technique Conclusions) and Chemical Waste: appropriate measures for permitted facilities 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 do not screen out as insignificant

Emissions of benzene cannot be screened out as insignificant. We have assessed whether the proposed techniques are Best Available Techniques (BAT).

The proposed techniques and emission levels for emissions that do not screen out as insignificant are in line with the techniques and benchmark levels contained in the technical guidance and we consider them to represent appropriate techniques for the facility. The permit conditions enable compliance with relevant BAT reference documents (BREFs), BAT Conclusions, and Emission Limit Values.

Limits and monitoring have been included as explained within the key issues section.

Operating techniques for emissions that screen out as insignificant

Emissions of Toluene, Xylene, Dichloromethane, n-Hexane and Butane have been screened out as insignificant, and so we agree that the applicant's proposed techniques are Best Available Techniques (BAT) for the installation.

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.

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 permits.

Changes to the permit conditions due to an Environment Agency initiated variation

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

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.

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 site operations are compliant. Justification is included within the key issues sections and Table 1 – Summary of our assessment of the operator's Reg 61 response.

Emission limits

Emission Limit Values (ELVs) based on Best Available Techniques (BAT) have been added for the following substances:

Total Volatile Organic Compounds

Speciated VOC's

Limits have been set in line with BAT.

Emissions limits have been amended as a result of this variation. Benzene had to be used as a surrogate parameter in line with the Environment Agency's guidance. Limits have been set in line with BAT for VOC's. These limits will be considered following the completion of the improvement conditions 4-6 as explained within the key issues.

Monitoring

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

Total Volatile Organic Compounds

Speciated VOC's

These monitoring requirements have been included in order to ensure that the emissions do not exceed any limits found in BAT.

We made these decisions in accordance with Waste Treatment Best Available Technique Conclusions.

Reporting

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

Point source emissions to air

Process monitoring

We made these decisions in accordance with Waste Treatment Best Available Technique Conclusions.

Further reporting requirements may need to be added through a subsequent variation for:

Point source emissions to sewer

Point source emissions to air

This will be dependent on the outcome of the improvement conditions and where monitoring and reporting are required for these emissions.

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.