

Permitting Decisions - Variation

We have decided to grant the variation for Miswa Chemicals Limited operated by Miswa Chemicals Limited.

The variation number is EPR/AP3398LQ/V002.

This variation is for the following changes to the permit:

- A new activity has been added to the permit, for the treatment of brake fluid. This is referenced “AR2” in table S1.1 of the permit. The maximum throughput for the new activity shall be 20 tonnes per day. The treatment will consist of mixing and filtration of the waste brake fluid.
- This new treatment of brake fluid activity includes the use of two steel storage vessels, referred to as “TF03” and “PR23”. New intermediate bulk container) IBC storage areas are included within the permit area. These are indoor storage areas within “Zone 7”, and in the external yard area.
- Hazardous waste code 16 01 13* for brake fluid has been added to the list of accepted wastes (Table S2.2).
- The permit boundary has been increased to account for the new activity treatment and storage.
- The permit has been updated in accordance with the Installation Emissions Directives (IED), to reflect that there are installation activities on site that are subject to Best Available Techniques.
- The discharge to sewer has been identified in the permit (Table S3.2).
- Improvement conditions have been included within Table S1.3 of the permit.

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 been made. This information was then withdrawn by the Operator prior to the Application being duly made. We agreed that this information was not required for the Permit variation. 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 application was publicised on the GOV.UK website.

We consulted the following organisations:

- Local Authority – Environmental Health
- Director of PH/UKHSA
- Health and Safety Executive

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 permit has been updated in accordance with the Installation Emissions Directives (IED).

The Installation is subject to the Environmental Permitting Regulations (EPR) because it carries out activities listed in Part 1 of Schedule 1 to the EPR:

- 5.3 Part A (1) a (ii) – Treatment of hazardous waste for the separation of glycol.
- 5.3 Part A (1) a (ii) - Treatment of hazardous waste for the separation of brake fluid.
- S5.6 A(1)(a) - Storage of hazardous waste.

An installation may also comprise “directly associated activities” (DAAs). At this Installation the following activities are considered DAAs:

- Storage of processed materials (excluding temporary storage of hazardous waste under Section 5.6 A(1)(a))
- Raw materials storage
- Discharge of process and/or surface water

Together, these listed and directly associated activities comprise the Installation.

There is additionally a separate non-hazardous waste treatment activity included within the permit. This is for the treatment of non-hazardous glycol. This is an existing activity for the site.

The existing activity (AR1 in table S1.1 of the permit) has not been in use since being permitted in 2008. We have included a pre-operational condition in Table S1.4 of the permit requiring additional information prior to this activity commencing.

The site

The operator has provided a plan which we consider to be satisfactory. The plan is included in the permit.

There are storage tanks within the permitted area that are managed by the Operator, but are not related to the permitted activities. Details on all tanks within the permit boundary have been included in the Application, and has been included in the Operating Techniques Table S1.2 of the Permit. This includes details on shared areas of bunding between permitted and non-permitted tanks.

Site condition report

The operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports.

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. This consists of Upper Nene Valley Gravel Pits SPA, Ramsar and SSSI located approximately 1,500 metres from the site.

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.

Groundwater

The site shall have impermeable site surfacing to prevent pollutants from coming into contact with the ground.

This new treatment of brake fluid activity includes the use of two new steel storage vessels, referred to as "TF03" and "PR23" and IBC storage. These vessels are for mixing, blending and storage of raw material and product.

Tank Farm 1

TF03 shall be in existing bunded area referred to as "Tank Farm 1". This Tank Farm shall have seven other tanks within it that are not related to the permitted activity. Tank Farm 1 bunding is constructed with engineering blocks and mortar. The Operator is looking to improve this bunded area including the use of impermeable lining.

There are no outlets through the walls of the bunds. The bund drains to a collection point where a pump is used to remove rain water when required. Daily bund inspections are completed twice every day. The bund is able to capture 110% of largest tank within the bund and 25% of the combined volume of all the tanks the bund is protecting.

The newly permitted steel tank TF03 has a high-level sensor to prevent over filling of the vessel.

Zone 7

The newly permitted steel tank PR23 is within a building named "Zone 7". This tank has a relatively small capacity of 6,000 litres and has a high-level sensor to prevent over filling of the vessel.

This tank shall be in a bunded area with a capacity to hold 110% of the PR23 tank content. The bund will be impermeable and resistant to the waste oil being processed, with no outlets or drains.

Approximately 16 IBCs will be stored internally in Zone 7. The IBCs will be nested so they can be stored on top of each other. IBCs will only be stored 2 high and 2 deep. IBCs will be stored on flat surface to ensure stability.

The IBCs in Zone 7 are stored on an impermeable site surface with no internal site drainage. Any spillages would be contained on the immediate site surface area. In process IBCs are stored on racking away from vehicle movements.

IBCs are stored on large drip trays capable of holding 110% of the individual IBC.

External

Up to 8 IBCs shall be stored in the external yard area. The IBCs will be nested so they can be stored on top of each other. IBCs will only be stored 2 high and 2 deep. IBCs will be stored on flat surface to ensure stability.

The IBCs in the yard shall be stored on impermeable surface with a sealed drain. In the event of a spillage, the IBC contents would be held in the drainage system using a penstock valve, before being removed from the site.

Conclusion

We are satisfied that the Operator shall use appropriate methods to prevent any ground contamination.

The existing activity (AR1 in table S1.1 of the permit), and the associated storage tanks, has not been in use since being permitted in 2008. We have included a pre-operational condition in Table S1.4 of the permit requiring additional information prior to this activity commencing. This would need to be submitted as a permit variation.

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.

The Operator has confirmed that the new activity shall comply with the Waste Treatment BREF, and the technical guidance chemical waste: appropriate measures for permitted facilities, dated 18 November 2020.

A pre-operation condition PO2 has been included in the permit requiring the Operator to submit in full the waste pre-acceptance, waste acceptance procedures and tracking to ensure that they meet the requirements of the Environment Agency's guidance Chemical waste: appropriate measures for permitted facilities referred to in Table S1.2.

We have reviewed the Operator's BAT Assessment, and have determined that the Operator is currently compliant with the BAT Conclusions that are applicable to the Installation. We have included our review of BAT for the Installation in Annex 1 of this Decision Document.

Updating permit conditions during consolidation

We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permit.

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 made this decision with respect to waste types in accordance with the Framework Guidance Note – *Framework for assessing suitability of wastes going to anaerobic digestion, composting and biological treatment* (July 2013).

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 emissions of VOC have been risk assessed and are appropriately abated.

Reporting

We have reporting in the permit for energy usage. We made these decisions in accordance with Best Available Techniques for the sector.

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.

Responses from organisations listed in the consultation section

Response received from UK Health Security Agency.

Brief summary of issues raised:

The main hazards of potential concern are chemical spills, fire, and arson. It was noted that the applicant has addressed these hazards with accident prevention and management procedures in place.

Adherence to these procedures, mitigations and keeping a well-maintained site should ensure the risk to public health remains low.

It was also identified that there is a neighbouring receptor which does not appear to have been identified in the risk assessments. It was recommended that Totstop Day Nursery (5 Harrowden Road, Northampton, NN4 7EB) is considered as a receptor in any site environmental risk assessments and management plans going forward.

Based on the information contained in the application supplied to us, UKHSA has no significant concerns regarding the risk to the health of the local population from the installation.

Summary of actions taken:

We have ensured that the named receptor has been considered when considering the risks posed by the installation activities.

As the wastes on site are liquid, they are exempt from needing a Fire Prevention Plan.

Annex 1: decision checklist regarding relevant BAT Conclusions

BAT Conclusions for Waste Treatment were published by the European Commission on 10th August 2017. There are 53 BAT Conclusions. This annex provides a record of decisions made in relation to each relevant BAT Conclusion applicable to the installation. This annex should be read in conjunction with the Consolidated Variation Notice.

The overall status of compliance with the BAT conclusion is indicated in the table as:

NA – Not Applicable

CC – Currently Compliant

BAT Conc. No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
1	In order to improve the overall environmental performance, BAT is to implement and adhere to an environmental management system (EMS).	CC	<p>The operator has provided information to support compliance with BATc 1.</p> <p>The Operator provided a summary of the EMS with the Application.</p> <p>We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 1.</p>
2	<p>In order to improve the overall environmental performance of the plant, BAT is to use all of the techniques listed below:</p> <ul style="list-style-type: none"> a) Set up and implement waste characterisation and pre-acceptance procedures; b) Set up and implement waste acceptance procedures; c) Set up and implement a waste tracking system and inventory; d) Set up and implement an output quality management system; e) Ensure waste segregation; f) Ensure waste compatibility prior to mixing or blending of waste; g) Sort incoming solid waste 	CC	<p>The operator has provided information to support compliance with BATc 2.</p> <p>The Operator provided the waste acceptance procedures with the Application, which includes characterisation and pre-acceptance.</p> <p>The Operator also provided the waste handling procedures which covers tracking on site.</p> <p>Limited liquid waste types are received separately on site and remain separated for treatment processes.</p> <p>We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 2.</p>

3	<p>In order to facilitate the reduction of emissions to water and air, BAT is to establish and to maintain an inventory of waste water and waste gas streams, as part of the environmental management system (see BAT 1).</p>	CC	<p>There are no process emissions to water. Only clean surface water shall be discharged from the site.</p> <p>The operator has not provided information to support compliance with BATc 3. We have included Improvement Condition 5 in the permit to establish the monitoring of emissions to air from the storage tanks.</p> <p>The operator has confirmed that there are no emissions to air from the treatment activities. We have included Improvement Condition 6 in the permit to review diffuse sources of VOC from the activities.</p>
4	<p>In order to reduce the environmental risk associated with the storage of waste, BAT is to use all of the techniques given below:</p> <ul style="list-style-type: none"> a) Optimised storage location; b) Adequate storage capacity; c) Safe storage operation; d) Separate area for storage and handling of packaged hazardous waste. 	CC	<p>The operator has provided information to support compliance with BATc 4. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 4.</p>
5	<p>In order to reduce the environmental risk associated with the handling and transfer of waste, BAT is to set up and implement handling and transfer procedures.</p>	CC	<p>The operator has provided information to support compliance with BATc 5.</p> <p>The Operator provided the waste handling procedures for the site.</p> <p>We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 5.</p>

6	For relevant emissions to water as identified by the inventory of waste water streams (see BAT 3), BAT is to monitor key process parameters.	NA	We are satisfied that BATc 6 is not applicable to this Installation. There are no process emissions to water. Only clean surface water shall be discharged from the site.
7	BAT is to monitor emissions to water with at least the frequency given in BATc 7, and in accordance with EN standards. If EN standards are not available, BAT is to use ISO, national or other international standards that ensure the provision of data of an equivalent scientific quality.	NA	We are satisfied that BATc 7 is not applicable to this Installation. There are no process emissions to water. Only clean surface water shall be discharged from the site.
8	BAT is to monitor channelled emissions to air with at least the frequency given in BATc 8, and in accordance with EN standards. If EN standards are not available, BAT is to use ISO, national or other international standards that ensure the provision of data of an equivalent scientific quality.	NA	We are satisfied that BATc 8 is not applicable to this Installation. There are no process emissions to air from treatment activities. The operator has confirmed that there are no emissions to air from the treatment activities. We have included Improvement Condition 6 in the permit to review diffuse sources of VOC from the activities.
10	BAT is to periodically monitor odour emissions. The monitoring frequency is determined in the odour management plan (see BAT 12).	NA	We are satisfied that BATc 10 is not applicable to this Installation. The applicability is restricted to cases where an odour nuisance at sensitive receptors is expected and/or has been substantiated.
11	BAT is to monitor the annual consumption of water, energy and raw materials as well as the annual generation of residues and waste water, with a frequency of at least once per year.	CC	The operator has provided information to support compliance with BATc 11. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 11. The Operator will be required to report energy usage and waste treated as part of the permit.

12	In order to prevent or, where that is not practicable, to reduce odour emissions, BAT is to set up, implement and regularly review an odour management plan, as part of the environmental management system (see BAT 1).	NA	We are satisfied that BATc 12 is not applicable to this Installation. The applicability is restricted to cases where an odour nuisance at sensitive receptors is expected and/or has been substantiated.
13	In order to prevent or, where that is not practicable, to reduce odour emissions, BAT is to use one or a combination of the techniques given below: a) Minimising residence times; b) Using chemical treatment; c) Optimising aerobic treatment.	NA	We are satisfied that BATc 13 is not applicable to this Installation. These treatment types are not applicable to this Installation.
14	In order to prevent or, where that is not practicable, to reduce diffuse emissions to air, in particular of dust, organic compounds and odour, BAT is to use an appropriate combination of the techniques given below: a) Minimising the number of potential diffuse emission sources; b) Selection and use of high-integrity equipment; c) Corrosion prevention; d) Containment, collection and treatment of diffuse emissions; e) Dampening; f) Maintenance; g) Cleaning of waste treatment and storage areas; h) Leak detection and repair (LDAR) programme.	CC	The operator has provided information to support compliance with BATc 14. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 14. The potential for dust and odour emissions is low due to the nature of the activity.
15	BAT is to use flaring only for safety reasons or for non-routine operating conditions (e.g. start-ups, shutdowns) by using both of the techniques given below: a) Correct plant design; b) Plant management.	NA	We are satisfied that BATc 15 is not applicable to this Installation. There are no flares on site.

16	In order to reduce emissions to air from flares when flaring is unavoidable, BAT is to use both of the techniques given below: a) Correct design of flaring devices; b) Monitoring and recording as part of flare management	NA	We are satisfied that BATc 16 is not applicable to this Installation. There are no flares on site.
17	In order to prevent or, where that is not practicable, to reduce noise and vibration emissions, BAT is to set up, implement and regularly review a noise and vibration management plan, as part of the environmental management system (see BAT 1).	NA	We are satisfied that BATc 17 is not applicable to this Installation. The applicability is restricted to cases where a noise or vibration nuisance at sensitive receptors is expected and/or has been substantiated.
18	In order to prevent or, where that is not practicable, to reduce noise and vibration emissions, BAT is to use one or a combination of the techniques given below: a) Appropriate location of equipment and buildings; b) Operational measures; c) Low noise-equipment; d) Noise and vibration equipment; e) Noise attenuation	CC	The operator has provided information to support compliance with BATc 18. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 18. We have accepted that for existing plants, the relocation of equipment and building exits or entrances may be restricted by a lack of space or excessive costs.
19	In order to optimise water consumption, to reduce the volume of waste water generated and to prevent or, where that is not practicable, to reduce emissions to soil and water, BAT is to use an appropriate combination of the techniques given below: a) Water management; b) Water recirculation; c) Impermeable surface; d) Techniques to reduce the likelihood and impact of overflows and failures from tanks and vessels; e) Roofing of waste storage and treatment areas; f) Segregation of water streams g) Adequate drainage infrastructure;	CC	The operator has provided information to support compliance with BATc 19. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 19. Water is not used as part of any permitted process on site. Water streams are segregated between clean roof water and yard water.

	<p>h) Design and maintenance provisions to allow detection and repair of leaks</p> <p>i) Appropriate buffer storage capacity</p>		
20	In order to reduce emissions to water, BAT is to treat waste water using an appropriate combination of the techniques listed in BAT.	NA	We are satisfied that BATc 20 is not applicable to this Installation. There is no waste water produced on site.
21	<p>In order to prevent or limit the environmental consequences of accidents and incidents, BAT is to use all of the techniques given below, as part of the accident management plan (see BAT 1):</p> <p>a) Protection measures;</p> <p>b) Management of incidental /accidental emissions;</p> <p>c) Incident /accident registration and assessment system</p>	CC	<p>The operator has provided information to support compliance with BATc 21. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 21.</p> <p>The EMS covers environmental protection measures, accident and incident management. These documents contain the following procedures;</p> <ul style="list-style-type: none"> • Site evacuation including drill requirements • Fire • Explosions • Non-conforming waste • Emergency procedures for liquid spillages or leaks including drill requirements • Flooding • Escape from containment
22	In order to use materials efficiently, BAT is to substitute materials with waste. Waste is used instead of other materials for the treatment of wastes (e.g. waste alkalis or waste acids are used for pH adjustment, fly ashes are used as binders).	NA	We are satisfied that BATc 22 is not applicable to this Installation.
23	In order to use energy efficiently, BAT is to use both of the techniques given below:	CC	The operator has provided information to support compliance with BATc 23. We have

	a) Energy efficiency plan; b) Energy balance record		assessed the information provided and we are satisfied that the operator will be future compliant with BATc 23.
24	In order to reduce the quantity of waste sent for disposal, BAT is to maximise the reuse of packaging, as part of the residues management plan (see BAT 1). Packaging (drums, containers, IBCs, pallets, etc.) is reused for containing waste, when it is in good condition and sufficiently clean, depending on a compatibility check between the substances contained (in consecutive uses). If necessary, packaging is sent for appropriate treatment prior to reuse (e.g. reconditioning, cleaning).	NA	We are satisfied that BATc 24 is not applicable to this Installation. Some applicability restrictions derive from the risk of contamination of the waste posed by the reused packaging.
25-45	We are satisfied that BATc 25-45 is not applicable to this Installation.		
46	In order to improve the overall environmental performance of the regeneration of spent solvents, BAT is to use one or both of the techniques given below. Material recovery, Energy recovery.	NA	We are satisfied that BATc 46 is not applicable to this Installation. There are no distillation activities on site.
47	In order to reduce emissions of organic compounds to air, BAT is to apply BAT 14d and to use a combination of the techniques given below.	NA	We are satisfied that BATc 47 is not applicable to this Installation. There are no emissions from treatment activities on site. Storage vessels shall have carbon filters.
48-53	We are satisfied that BATc 48-53 is not applicable to this Installation.		