

Permitting Decisions- Variation

We have decided to grant the variation for Maw Green Landfill Site operated by 3C Waste Limited.

The variation number is: EPR/BS7722ID/V009

The variation is for adding an activity for the treatment of soils containing asbestos - Section 5.3A(1)(a)(ii) Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving physico-chemical treatment, and to also add hazardous waste codes for acceptance at the Soil Treatment Facility, and increase the storage capacity at the site from 2000 to 38,000 tonnes of hazardous waste.

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 to show how the main relevant factors have been taken into account. We have assessed the aspects that are changing as part of this variation, we have not revisited any other sections of the permit

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.

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
- Food Standards Agency
- Health and Safety Executive
- Director of Public Health & UKHSA (formerly PHE)

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

The regulated facility

We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN2 'Defining the scope of the installation', Appendix 1 of RGN 2 'Interpretation of Schedule 1',

The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.

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

Environmental risk

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

The operator's risk assessment is satisfactory.

General operating techniques

We have reviewed the techniques used by the operator and compared these with the relevant guidance notes, Waste appropriate measures guidance, Waste BAT conclusions and SGN 5.06, 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.

Noise and vibration management

We have reviewed the noise and vibration management plan in accordance with our guidance on noise assessment and control.

We consider that the noise and vibration management plan is satisfactory and we approve this plan.

We have approved the noise and vibration management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'.

Dust management

We have reviewed the dust and emission management plan in accordance with our guidance on emissions management plans for dust.

We consider that the dust and emission management plan is satisfactory and we approve this plan.

We have approved the dust and emission management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental perm

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

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

The previous permit did not restrict the activities for Bioremediation to Hazardous and Non Hazardous waste. We have therefore adjusted this in table S1.1 by identifying which activity is Hazardous or Non-Hazardous waste as specified in table S2.3a and table S2.3b. We have specified the waste tables, amend activity references, outline activity limits and corrected previous errors.

Waste types

We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.

We are satisfied that the operator can accept these wastes for the following reasons:

- they are suitable for the proposed activities
- the proposed infrastructure is appropriate; and
- the environmental risk assessment is acceptable.

We have restricted the following wastes for the following reasons:

All forms of asbestos are classified the same way in the Mandatory Classification List (MCL) under the GB CLP Regulation:

- Carc. Cat 1A; H350, and
- STOT RE1; H372**

The assessment of asbestos containing waste considers both the presence of asbestos as

- fibres that are free and dispersed, and

- identifiable pieces of asbestos containing material

If the waste contains fibres that are free and dispersed, then the waste will be hazardous if the waste as a whole contains 0.1% or more asbestos.

If the waste contains any identifiable pieces of suspected asbestos containing material they must be assessed as set out below. This would also apply to any dispersed fibres produced by deliberately breaking up such identifiable pieces.

- 17 05 03* soil and stones containing hazardous substances. This code is restricted to those wastes which contain identifiable pieces of bonded asbestos – this being any particle size that can be identified as potentially being asbestos by a competent person if examined by the naked eye.
- 17 06 05* construction materials containing asbestos. This code is restricted to wastes containing discrete pieces of bonded asbestos within the soil matrix only.

We made these decisions with respect to waste types in accordance with Waste appropriate measures guidance, Waste BAT conclusions and SGN 5.06.

Emission limits

No emission limits have been added, amended or deleted as a result of this variation.

Monitoring

Monitoring has not changed as a result of this variation.

Management system

We only review a summary of the management system during determination. The applicant submitted their full management system. We have therefore only reviewed the summary points.

A full review of the management system is undertaken during compliance checks.

Technical competence

Technical competence is required for activities permitted.

The operator is a member of the CIWM/WAMITAB scheme

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, newspaper advertising 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 (UKHSA).

Brief summary of issues raised: 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.

This consultation response is based on the assumption that the permit holder shall take all appropriate measures to prevent or control pollution, in accordance with the relevant sector guidance and industry best practice.