

Permitting Decisions- Variation

We have decided to grant the variation for Cornets End Recycling Facility operated by NRS Meriden Aggregates Limited.

The variation number is EPR/HB3802HF/V003.

The variation is to:

- Add a new waste operation activity to the permit comprising washing of non-hazardous waste;
- Add non-hazardous waste codes to the waste operation;
- Remove the site-specific limits specified in schedule 4 of the permit;
- Add installation activities for the treatment of hazardous waste by physico-chemical treatment including hand-sorting, screening and washing;
- Increase the permitted boundary; and
- Consolidate and update the permit to modern conditions.

The operator also proposed the following treatment activities, which are not included in the permit for the reasons given:

- Batch testing of wastes contaminated with asbestos fibres – this was withdrawn from the application as it is not a treatment activity;
- Batch testing of wastes contaminated with asbestos pieces and fibres – this was withdrawn from the application as it is not a treatment activity; and
- Chemical treatment of hazardous waste, including addition of lime – this has been excluded from the permit because there were no details regarding this treatment activity in the application.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

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

- summarises the decision making process in the decision considerations section to show how the main relevant factors have been taken into account
- shows how we have considered the consultation responses.

Unless the decision document specifies otherwise, we have accepted the applicant's proposals.

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

Decision considerations

Confidential information

A claim for commercial or industrial confidentiality has not been made.

Identifying confidential information

We have not identified information provided as part of the application that we consider to be confidential.

The decision was taken in accordance with our guidance on confidentiality.

Consultation

The consultation requirements were identified in accordance with the Environmental Permitting (England and Wales) Regulations (2016) and our public participation statement.

The application was publicised on the GOV.UK website.

We consulted the following organisations:

- Local authority
- Health and Safety Executive
- UK Health Security Agency
- Director of Public Health

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

The regulated facility

We considered the extent and nature of the facilities at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN2 'Defining the scope of the installation' and Appendix 1 of RGN 2 'Interpretation of Schedule 1' given that new installation activities were added to the permit.

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

The site

The operator has provided plans which we consider to be partly satisfactory.

These show the extent of the site of the facility including the discharge points. However, the site layout plan is only indicative as not all infrastructure has been constructed. Therefore, we have included a pre-operational condition requiring the operator to provide a final layout plan once the infrastructure is in place.

The site plan is included in the permit.

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.

The operator has not provided a baseline report under the Industrial Emissions Directive. As a result, we have notified them that any contamination present at the time of surrender of the permit will be assumed to have been as a result of the activities at the site.

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 there are no point source emissions to air and no emissions to water from the new activities proposed in this variation.

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.

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 operating techniques are in line with the following guidance: Develop a management system, Control and monitor emissions for your environmental permit, Non-hazardous and Inert Waste Appropriate Measures for Permitted Facilities and the Waste Treatment BAT Conclusions.

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'.

The plan has been incorporated into the operating techniques S1.2.

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 mostly satisfactory and we approve this plan in relation to the management of dust but not in relation to control of asbestos fibres. The operator is only proposing to carry out visual monitoring of dust at the site boundary. Whilst this is acceptable in relation to dust, monitoring of asbestos fibres is required. Therefore, we have included a requirement to carry out asbestos fibres monitoring in ambient air in table S3.2 of the permit and have included a pre-operational condition in table S1.4 requiring the operator to provide a revised dust and emissions management plan with details of the locations and methodology for asbestos fibre monitoring.

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.

Raw materials

We have not specified limits and controls on the use of raw materials and fuels as no limits are required.

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.

Pre-operational conditions

Based on the information in the application, we consider that we need to include pre-operational conditions.

We have included pre-operational condition PO1 requiring the operator to submit a final layout plan and a final drainage plan showing the as-built layout of the site infrastructure.

The operator has not provided any information regarding monitoring of asbestos fibres. We have specified monitoring in table S3.2 of the permit and have set pre-operational condition PO2 requiring the operator to update the Dust Management

Plan to include proposals for carrying out monitoring of asbestos fibres including the location of the monitoring points and the equipment and methodology to be used.

The operator is proposing to accept waste from emergency repairs carried out by utility companies. There is a Regulatory Position Statement (RPS) available that covers the classification of this waste, but this is due to be withdrawn in April 2023. Once this is withdrawn, the waste is likely to have to be classed as hazardous as the producer will not have time to have procedures in place to allow testing of the waste given that the work to generate this waste is unplanned. The operator is proposing to test this waste to determine its classification and treat it accordingly, as appropriate, at their site. We have included pre-operational condition PO3, requiring the operator to provide details of the handling and storage of the waste once the RPS has been withdrawn.

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 determine whether site drainage from the hazardous waste storage and treatment area is hazardous and if it is, the operator has to provide a methodology for preventing the mixing of the hazardous site drainage with the non-hazardous waste washing water in the water treatment plant. Where the drainage is determined to be hazardous, the operator cannot treat it in the treatment plant with non-hazardous wash water.

Emission limits

Emission limits have been added as a result of this variation. We have set a limit for asbestos fibres in ambient air at the site boundary and the operator is required to monitor asbestos fibres to determine if the control measures are appropriate in preventing asbestos fibres being released.

Drainage from the hazardous waste storage and treatment area is collected in an interceptor for use in the washing plant and is not discharged from the site.

Drainage from the southern area is uncontaminated as the area is not used for waste activities so setting of emission limits is not considered necessary.

There are no point source emissions to air from the hazardous waste activities.

Monitoring

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

- Asbestos fibres
- Testing of treated wastes

These ambient air and process monitoring requirements have been included in order for the operator to demonstrate that:

- their measures for the control of asbestos fibre emissions are appropriate; and
- the treatment process for hazardous waste has been successful and that the on-site testing is carried out in accordance with MCERTS standards.

We made these decisions in accordance with our guidance.

The operator has not provided any information regarding monitoring of asbestos fibres so we have included a pre-operational condition (PO2) requiring the operator to provide monitoring proposals and methodology in a revised Dust and Emissions Management Plan (see Pre-operational conditions section above).

Reporting

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

- Asbestos fibres
- Annual production/treatment output
- Water usage
- Energy usage.

We made these decisions in accordance with the requirements that installation activities should minimise the use of water and energy and so that the operator can demonstrate the appropriateness of the measures to control asbestos.

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.

Technical competence

Technical competence is required for activities permitted as the installation activity requires a higher level of technical competence as it relates to the treatment of hazardous waste.

The operator is a member of the CIWM/WAMITAB scheme.

We are satisfied that the operator is technically competent.

Previous performance

We have assessed operator competence. There is no known reason to consider the applicant will not comply with the permit conditions.

Financial competence

There is no known reason to consider that the operator will not be financially able to 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, and 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 emission of concern is dust, but there is no quantitative emissions or monitoring data on which to base our assessment. UKHSA assumes that all appropriate measures to prevent and control pollution will be taken and requests that the regulator ensures there will be no off-site impacts.

Summary of actions taken:

Due to the nature of the activities at the site, dust emissions will be fugitive and there are no point source or channelled emissions on which a quantitative assessment can be made. The operator has provided a Dust Management Plan in accordance with our guidance and we are satisfied that dust will be prevented and minimised. However, we have included a requirement in the permit for the operator to carry out monitoring of asbestos fibres to demonstrate the control measures are appropriate.

Representations from community and other organisations

Response received from:

Provectus Soils Management Limited

Brief summary of issues raised:

General

- Application is disjointed, inconsistent and poor quality.
- If the re-classification of hazardous waste to non-hazardous waste through selective sampling is permitted then this would encourage non-compliance in the industry.
- The TCM is already covering 6 sites and only has a certificate for transfer not treatment of hazardous waste.
- The waste acceptance procedures include an annual limit of 30,00 tonnes and storage of 1,500 tonnes which we would expect to see in the permit.
- Rapid testing for TPH have low precision and analysis should be done by UKAS accredited laboratory.

- Section 4.2 of the Technical summary contradicts section 4.1 which says waste with hazardous concentrations of fibres will be sent off-site whereas section 4.2 says it is not anticipated that much waste will be transferred off-site without treatment. This is inevitable if 17 06 01* and 17 06 03* are on the permit. If they don't intend to transfer wastes off-site they should not accept wastes contaminated with fibres.
- No description of what hazardous materials will be screened.

Waste acceptance

- In waste acceptance plan, point 32 refers to 1,000 mg/kg, but does not say of what.
- If hazardous waste is consigned as hazardous then the appropriate treatment method should be applied. Applicant's approach is to separate stockpiles and based on continual re-sampling determine that the waste is non-hazardous. Shows lack of understanding of WM3.

Asbestos treatment

- No asbestos limits in waste acceptance procedures. Testing should always include asbestos ID and quantification.
- Includes codes 17 06 01* and 17 06 03* insulation wastes which have high risk of generation of fibres and this, with the lack of limits in the waste acceptance procedures means there is a high risk of uncontrolled releases of fibres.
- The risk assessment and management of emissions from asbestos waste is inadequate. The only controls are a passing mention of PPE for workers and water spray on the crusher. They also say that bound and unbound asbestos will be treated.
- Flow chart in Appendix 3 only shows asbestos picking and has the result is that all waste goes off site it is not clear what the point of this treatment is.

Monitoring

- No monitoring of asbestos fibres proposed only visual assessment. Needs daily monitoring as per M17 guidance at minimum of 4 locations with relevant criteria protective of human health. Air emission point 1 is insufficient to cover the fugitive and point source emissions. There should be a number of locations and daily monitoring should take place.

Treatment of waste water

- The Technical Summary confirms acceptance of waste contaminated with metals and hydrocarbons, but this is not taken into account in BAT 3 response as it does not take account of the need to treat wash water prior to recirculation and to prevent contamination of other soils. If there is no treatment then the contaminants will remain in the water.
- BAT 6 – no provision for monitoring of wastewater. In absence of monitoring cannot justify washing of hazardous waste. Washing should be removed from the permit.
- BAT 7 – rejects option of monitoring emissions to water. Storage of hazardous waste will cross contaminate surface run-off and it cannot be discharged compliantly. Storage of hazardous waste should be removed unless the applicant demonstrates adequate provision for managing emissions to water.
- BAT 20 – applicant confirms that there is no treatment of waste water and the change of contaminants from the treatment of hazardous waste is ignored. This is naïve as process water becomes impacted from soluble components.

Emissions to air

- BAT 8 – Hydrocarbon wastes do results in emissions to air. Without any management of these emissions, treatment of hydrocarbon contaminated wastes should be omitted from the permit.
- BAT 12 and 13 – states no odorous wastes. Hydrocarbons have high potential for odour. No provisions for managing emissions to air or monitoring odours.
- BAT 25 and 28 – these are ignored on the basis that there is no mechanical treatment of waste, but the applicant states they are dry-screening of waste so a complete contradiction. The dry-screening of waste should be omitted unless the activity meets BAT. It's highly likely that dust will be emitted unless control measures are implemented. The applicant ignores potential for fugitive emissions to air but wants to store up to 80,000 tonnes. If a proportion of this is hazardous waste then it is hard to see how fugitive emisisions will be managed. Unless there are adequate provisions for managing fugitive emissions hazardous soils storage should not be permitted.
- The odour assessment ignores odours from hydrocarbon wastes.

Treatment with lime

- Addition of lime stabilises hazardous waste and is not a destructive technique that converts it to non-hazardous waste. The operator wants to send waste off-site as non-hazardous after treatment with lime, but it is unclear what pollutants are being treated.
- Chemical treatment is inadequately assessed.

Summary

- The treatment of hazardous waste should be refused in its entirety.
- If the permit is approved as proposed the facility will result in significant uncontrolled emissions, be wasteful of resources and a major source of non-compliance due to total reliance of reclassifying waste, selective sampling and sham recovery.

Summary of actions taken:

General

- We have not permitted the re-classification of hazardous waste through selective sampling and the operator has withdrawn this proposal from the application.
- We are satisfied that the TCM does have the relevant certificate and continuing competence certificate in relation to the treatment of hazardous waste. Site attendance is a compliance issue.
- We have specified in table S3.3 Process Monitoring Requirements that the on-site testing using the rapid testing equipment is carried out in accordance with MCERTS standards.
- We have specified annual tonnage that can be accepted and storage capacity in the permit.
- Hazardous wastes that do not contain asbestos will be screened.

Waste acceptance

- Point 32 refers to 1,000mg/kg of TPH.
- Re-sampling to re-classify hazardous waste as non-hazardous is not permitted and this proposal has been withdrawn from the application.

Asbestos treatment

- We are satisfied that only asbestos wastes containing bound asbestos will be treated in the picking line. Picked asbestos will be double bagged and stored in a locked skip prior to removal from the site. Testing of the picked waste will be carried out to determine if the fibre content means the waste can be classified as non-hazardous, in which case it will be processed with the other non-hazardous wastes to produce aggregate.
- We have excluded asbestos in unbound fibrous form from being accepted in table S2.2 of the permit.

- The picking line is covered and the operator is proposing to use a water spray to prevent the release of fibres. We are satisfied that the operator has measures in place to prevent the release of asbestos fibres.

Monitoring

- We have included a requirement to monitor asbestos fibres at the site boundary in table S3.2 Ambient Air Monitoring Requirements of the permit. We have included a pre-operational condition requiring the operator to provide details of the monitoring locations and the methodology for carrying out monitoring.

Treatment of waste water

- Treatment and monitoring of waste water are not required as none is produced by the activities or discharged from the site. Surface water drainage from the waste storage and treatment area is collected and treated in the water treatment plant associated with the washing process and is not discharged from the site. Any excess drainage water will be tankered off-site for treatment at a suitably licensed facility. Therefore, BAT conclusions 3, 6, 7 and 20 are not applicable.
- Wash water will be treated in an integral water treatment plant using flocculants. The treated water passes to a filter where particles containing the contaminants are removed. The treated water is tested prior to return to the water storage tank before re-use in the washing process. Therefore, there is no discharge of waste water.

Emissions to air

- BAT Conclusion 8 is not applicable as it refers to channelled emissions to air and there are none at the site.
- BAT 12 and 13 are only applicable where it is considered, or substantiated, that there are odours and there are sensitive receptors nearby. In this case there are no sensitive receptors near the area where the waste treatment is carried out so these do not apply.
- BAT Conclusions 25 and 28 are not applicable as they relate to mechanical treatment (shredding) of waste. The application relates to physical treatment of waste.

Treatment with lime

- This activity has been excluded from the permit and is not permitted.