

Permitting Decisions- Environment Agency Initiated Variation

We have decided to issue an Environment Agency initiated variation for Johnsons Aggregates and Recycling Limited – The Midlands Urban Mine operated by Johnsons Aggregates and Recycling 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/MP3430AM/V006

We consider in reaching this 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

The 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 activity and varied the notice to make a number of changes to reflect relevant standards and current best practice. These changes principally relate to the implementation of our technical guidance Non-hazardous and inert 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 against our technical guidance.

As well as considering the review of the operating techniques used by the operator, the consolidated variation notice takes into account and brings together in a single document all previous variations that relate to the original permit issue.

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 us to review conditions in permits issued and to ensure that the permit delivers compliance with relevant standards. This must be 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.

Our technical guidance [Non-hazardous and inert waste: appropriate measures for permitted facilities](#) explains the standards that are relevant for regulated facilities with an environmental permit to treat or transfer non-hazardous wastes.

We issued a notice under regulation 61(1) of the Environmental Permitting (England and Wales) Regulations 2016 (a Regulation 61 Notice) on 08/11/2021 requiring the operator to provide information to confirm that the operation of their facility currently meets, or how it will subsequently meet, the standards in the Waste Treatment BAT Conclusions.

The notice required the operator to:

1. Provide a brief non-technical description of the regulated facility, including
 - all listed activities, waste operations and registered waste exemptions (if any).
 - a list of wastes handled at the site, the key stages in the “process” and the relevant disposal and recovery operations.
 - the scale of the operation i.e., the waste storage and daily treatment capacity of the process.
 - a brief description of the principal releases to air, land and water including noise, dust and odour, along with a description of any abatement techniques and site plan.
 - description of the site location and any key sensitive receptors.
2. Identify the BAT Conclusions that are applicable to the facility’s operations. Confirm whether or not the operations comply with the requirements.
3. Where operations are not currently complying, the operator was required to provide:
 - details of how the relevant standards and requirements will be met.
 - details of how they will fully comply with the requirement by 17 August 2022.
 - justification as to why an alternative technique is appropriate and will achieve an equivalent level of environmental protection to the standards in the BAT Conclusion.
 - details of any activities they intend to cease operating by the compliance date (August 2022).
4. Confirm whether they operate a medium combustion plant or specified generator (as per Schedule 25A or 25B of EPR 2016).

The [Non-hazardous and inert waste: appropriate measures for permitted facilities](#) guidance was published on 12 July 2021 on gov.uk. This technical guidance explains the standards that are relevant to regulated facilities with an environmental permit to store, treat or transfer non-hazardous waste, providing relevant standards (appropriate measures) for those sites. The operators were notified about the new guidance and were advised to consider them in their submissions.

The standards described in our technical guidance are split into 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

Our assessment of the responses received from the operator are summarised in Table 1.

The Regulation 61 Notice required the operator to confirm whether they could comply with 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/IC – Not Compliant; Improvement/New Condition included

Extent of this review

We have reviewed the operations that relate to the Installation activities in this permit against the relevant requirements of Best Available Techniques (BAT) Conclusions set out in implementing decision (EU) 2018/1147 of 10 August 2018.

Regulation 61 Response

The Regulation 61 notice response from the Operator was received on 08/04/2022.

We considered that the response did not contain sufficient information for us to commence determination of the permit review and we needed further information to complete the permit review assessment.

We sent a request for further information (RFI) by email to the operator on the 04/01/2024 and a second RFI by email on the 18/01/2024. The operator replied to both on the 02/02/2024. These responses are available on our public register.

The documents submitted by the operator which now form part of the operating techniques that the operator must implement are specified in table S1.2 in the environmental permit. These include:

- Documents received in response to the Regulation 61 Notice and Requests For Information
 - annex 1 spreadsheet titled: 'Johnsons Aggregates NHI Reg 61 notice -Annex 1 tranche 2 for EA dated 08/04/2022.
 - Spreadsheet titled "Request For Information reg 61 Stanton"

Changes to the permit conditions

Following the assessment of the information provided by the operator in response to the Regulation 61 Notice, summarised in table 1, we have made the following changes to the permit conditions:

Conditions/tables	Amendments
Condition 3.7.1	Fire Prevention condition deleted.
Table S1.1	Rewording of activity AR2 and removal of AR5 activity - operation of diesel fuelled burner deleted. The follow-on activities have been renumbered.
Table S1.2	Operating techniques updated to reflect approval of Dust Management Plan V7.
Table S2.1	Deletion of fuel oil and the restriction associated with sulphur percentage and the addition of oil, deisel lubrication, and hydraulic oils.
Table S3.1	Addition of monitoring parameters for the channelled emission to air from the metal shredder.
Table S3.2	Removed as the wedgепits are not a point source emission.
Table S3.3	Ambient air monitoring requirements.
Table S4.1	Reporting of monitoring data on channelled emission to air from the metal shredder and removal of emission to air (EM01) from the diesel. fuelled burner.
Table S4.4	Reporting forms updated.

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 the appropriate measures in this section. They have an Environmental Management System that is accredited to: <ul style="list-style-type: none"> • ISO 14001 and • ISO 9001.
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. Pre-acceptance and acceptance procedures were provided.
Waste storage, segregation and handling appropriate measures	CC	The operator confirmed that they currently meet the requirements of the appropriate measures in this section. Waste is stored in line with the sites approved FPP.
Waste treatment appropriate measures	CC	The operator confirmed that they currently meet the requirements of the appropriate measures in this section.
Emissions control appropriate measures	CC	The operator has an approved DEMP (Dust and emission management plan) V007 which has been added to the operating techniques on the permit. All IBA processing occurs within a building. Housekeeping measures include road sweepers and regular inspections. Moisture content is monitored for IBA and IBAA stored outside. The site also has a windsock and dust monitoring station that included TP, PM 10, PM 2,5 & PM1 alarm trigger at 75µg/m3. The operator confirmed that they have a metal shredder with dust extraction. Table S3.1 - point source emissions to air have been added to the permit. the table includes a list of parameters that need to be monitored either annually or 6 monthly. The dryer and its associated equipment were decommissioned in Nov. 2022 The dryer was fuel fed being solely responsible by the vast majority of Carbon emissions from the site. This activity together with channelled emission parameters associated with it, have been removed from the permit.
Emissions monitoring and limits appropriate measures	CC	The operator confirmed that they have no discharges from site. The site is bunded and runoff is captured in 3 wedgepits.

		<p>Uncontaminated roof water is directed to tanks on site that can then be used in dust suppression. If the tanks become full this can be released to foul sewer. As the roof water runoff is contained, contamination is not an issue.</p> <p>The operator confirmed that they have a metal shredder with dust extraction. Table S3.1 point source emissions to air has introduced parameters that will need to be monitored either annually or 6 monthly.</p>
Process efficiency appropriate measures	CC	<p>The operator confirmed that they are compliant. An energy efficiency plan is in place and energy usage is monitored on site for water, electricity, and fuel. An energy balance record is also available. Equipment such as air conditioning are maintained by a 3rd party and records kept on site. The operator has KPI's on energy usage to ensure maximum energy efficiency. They conduct 3rd party audits (such as carbon audits) and take appropriate action</p>
Regulation 61 Requirement	Compliance status	Assessment of the installation's compliance with relevant standards (appropriate measures) and any alternative techniques proposed by the operator
BAT 1 - EMS	CC	<p>The operator confirmed that they currently meet the requirements BAT 1. They have an Environmental Management System that is accredited to:</p> <ul style="list-style-type: none"> • ISO 14001 and • ISO 9001
BAT 2 - Waste pre-acceptance, acceptance and tracking appropriate measures	CC	<p>The operator confirmed that they are compliant. A pre-acceptance and waste acceptance procedures are in place. The waste is tracked through a stockpile management procedure. IBA is characterised by the Energy from Waste sites. The operator's quality management system includes an on-site laboratory to test IBAA material as a material flow analysis providing input throughout the waste treatment. The IBAA is certified to BS13424 standard.</p>
BAT 3 - Inventory of wastewater and waste gas streams	NNC/ICA	<p>There are no emissions of wastewater or from the site. Runoff from the site is contained within three wedgepits. Roof water does not come into contact with the site and is uncontaminated - this is contained within tanks for dust suppression if required. It is only released to sewer if the tanks become full.</p> <p>The operator confirmed that they have a metal shredder with dust extraction which does emit to air. Table S3.1 point source emissions to air has introduced parameters that will need to be monitored either annually or 6 monthly.</p>
BAT 4 - Storage procedures	CC	<p>The operator confirmed that they have storage procedures in place at the site. This includes minimising waste handling throughout the site. Storage capacity is strictly monitored to keep waste under the capacity that the site can handle. This is checked by competent site staff and ensures maximum residence time is not exceeded and the site does not overstock input waste material.</p>

		All wastes are IBA with <5% organics minimizing fire risk and a dedicated and separated quarantine area is available for segregation if required.
BAT 5 – Waste handling and transfer procedures	CC	The operator confirmed that they have waste handling and transfer procedures in place.
BAT 6 - monitor key process parameters	NA	There are no emissions of wastewater from the site. Runoff from the site is contained within three wedgepits. Roof water does not come into contact with the site and is uncontaminated - it is contained within tanks for dust suppression if required. It is only released to sewer if the tanks become full.
BAT 7 - monitor emissions to water	NA	There are no emissions of wastewater from the site. Runoff from the site is contained within three wedgepits. Roof water does not come into contact with the site and is uncontaminated, it is contained within tanks for dust suppression if required. It is only released to sewer if the tanks become full.
BAT 8 - monitor channelled emissions to air	NC/IC	The operator confirmed that they have a metal shredder with dust extraction. Table S3.1 - point source emissions to air been added to the permit. the table includes a list of parameters that need to be monitored either annually or 6 monthly.
BAT 9 - monitor diffuse emissions of organic compounds to air	N/A	The operator does not handle any POPS or solvents.
BAT 10 - monitor odour	CC	The operator has confirmed that they are compliant with this BAT. An Odour Management Plan is in place. Daily sniff tests are conducted twice daily.
BAT 11 - monitor consumption of water, energy and raw materials, and generation of residues and wastewater	CC	The operator confirmed that they are compliant. An energy efficiency plan is in place and energy usage is monitored on site for water, electricity, and fuel. An energy balance record is also available. Equipment such as air conditioning are maintained by a 3rd party and records kept on site. The operator has KPI's on energy usage to ensure maximum energy efficiency. They also conduct 3rd party audits (such as carbon audits) and take appropriate action.
BAT 12 - odour management plan	CC	The operator has confirmed that they are compliant with this BAT. An Odour Management Plan is in place. Daily sniff tests are conducted twice daily.
BAT 13 - reduce odour emissions	CC	The operator has confirmed that they are compliant with BAT. An Odour Management Plan is in place. Daily sniff tests are conducted twice daily
BAT 14 - reduce diffuse emissions to air	CC	The operator has a recently approved DEMP (Dust and emission management plan) V007 which has been added to the operating techniques as part of this variation. All IBA processing occurs

		<p>within a building. Housekeeping measures include road sweepers and regular inspections. Moisture content is monitored for IBA and IBAA stored outside.</p> <p>The site also has a windsock and dust monitoring station that included TP, PM 10, PM 2,5 & PM1 alarm trigger at 75µg/m3.</p> <p>The operator confirmed that they have a metal shredder with dust extraction. Table S3.1 - point source emissions to air has been added to the permit. the table includes a list of parameters that need to be monitored either annually or 6 monthly.</p> <p>The dryer and its associated equipment were decommissioned in Nov. 2022 The dryer was fuel fed being solely responsible by the vast majority of Carbon emissions from the site. This activity together with channelled emission parameters associated with it, have been removed from the permit. The operator confirmed that they have a metal shredder with dust extraction. Table S3.1 point source emissions to air has introduced parameters that will need to be monitored either annually or 6 monthly.</p> <p>The dryer and its associated equipment have been decommissioned Nov 22 . The dryer was fuel fed being solely responsible by the vast majority of Carbon emissions from the site. The channelled emission parameters associated with this have been removed from the permit.</p>
BAT 15 - minimise use of flaring	N/A	Given the nature of the waste treatment operations, we agreed that this BAT is not applicable.
BAT 16 - reduce emissions to air from flares	N/A	Given the nature of the waste treatment operations, we agreed that this BAT is not applicable.
BAT 17 - noise and vibration management plan	FC	<p>The operator has an outstanding Improvement conditions IC2 and IC3 for the assessment of noise and vibration impact.</p> <p>There are no records to show that these ICs were completed. The date for completion of the ICs have been revised. The site does have a Noise Management Plan (NMP), but this has not been approved by the Environment Agency.</p>
BAT 18 - reduce noise and vibration emissions	FC	<p>The operator has an outstanding Improvement IC2 and IC3 for the assessment of noise and vibration impact.</p> <p>There are no records to show that these ICs were completed. The date for completion of the ICs have been revised. The site does have a Noise Management Plan (NMP) but this has not been approved by the Environment Agency.</p>
BAT 19 - optimise water consumption, reduce wastewater and prevent or	CC	The site has an impermeable surface. All water streams are segregated with runoff from site surfaces being held within three wedge pits. Uncontaminated rainwater from roofs is directed to contained tanks is contained. All waters are reused, when possible, for on-site dust suppression.

reduce emissions to soil and water		
BAT 20 - waste water treatment	NA	Wastewater treatment is not applicable. Runoff from the site is contained within three wedgepits. Roof water does not come into contact with the site and is uncontaminated. This is contained within tanks for dust suppression if required and is only released to sewer if the tanks become full.
BAT 21 - prevent or limit the environmental consequences of accidents and incidents	CC	The operator has indicated that they are compliant with this BAT requirement. The operator uses a combination of protection measures. The site is fenced, and CCTV installed for 24 h surveillance, Management of incidental/accidental emissions are supported by an incident/accident registration assessment system (procedures are rolled out to staff on what to do in the event of a spillage for example; MY compliance software is used to record, process and monitor SHEQ near misses, incidents and accidents) combined with an up to date Accident Management Plan.
BAT 22 - substitute materials with waste	CC	There is limited use of raw materials within the site. Whenever possible, reclaimed, or recycled material is used as a substitute for virgin quarried material.
BAT 23 - Energy efficiency plan, energy balance record	CC	The operator confirmed that they are compliant. An energy efficiency plan is in place and energy usage is monitored on site for water, electricity, and fuel. An energy balance record is also available. Equipment such as air conditioning are maintained by a 3rd party and records kept on site. The operator has KPI's on energy usage to ensure maximum energy efficiency. They conduct 3rd party audits (such as carbon audits) and take appropriate action.
BAT 24 - maximise reuse of packaging	N/A	No packaging is generated during the waste processing operations. Given the nature of the waste treatment operations, we agreed that this BAT is not applicable.
BAT 25 - General - Emissions to air (Techniques to reduce plus AEL for dust).	CC	The metal shredder is contained within a building. The shredder is equipped with localized extraction, comprised of a cyclone, followed by a filter bag.
BAT 26 - Metal shredders (Reduce accidents & incidents)	CC	The operator has confirmed they are compliant. Only waste material that comply with acceptance criteria is processed on site. Waste material is visually inspected prior to loading the shredder.
BAT 27 - Deflagrations (Prevent & reduce emissions from deflagrations)	CC	The operator has confirmed they are compliant with this BAT. Restricted waste EWC codes accepted on to site and visual inspections.
BAT 28 - Energy efficiency (Shredder feed stability)	CC	The operator has confirmed they are compliant with this BAT. The shredder only runs when optimal load capacity is available for the shortest duration possible with stable feed.
BAT 29 - WEEE containing VFCs and/or VHCs (Emissions)	N/A	Given the nature of the waste treatment operations and waste types, we agreed that this BAT is not applicable. There is no treatment of WEEE, ELVs and their components.

of organic compounds to air including AELs)		
BAT 30 - Explosions when treating WEEE (Prevent emissions due to explosions)	N/A	Given the nature of the waste treatment operations and waste types, we agreed that this BAT is not applicable. There is no treatment of WEEE, ELVs and their components.
BAT 31 - Emissions to air (Techniques to reduce emissions to air including AEL)	N/A	Given the nature of the waste treatment operations and waste types, we agreed that this BAT is not applicable.
BAT 32 - WEEE containing mercury (Emissions to air including AEL)	N/A	Given the nature of the waste treatment operations and waste types, we agreed that this BAT is not applicable.
BATs 33 - 53	N/A	We considered that BATs 33 - 53 are not applicable to installations processing IBA
Reg. 61 Request for Further Information (RFI)	Assessment of response received	
Provide additional information to show that your storage procedure is in line with BAT 4 of the WT BATC.	<p>The storage procedures are in line with BAT 4. Both IBA & IBAA are stored outside as per BREF recommendation, this allows weathering and ageing and consequently reduce the pH of the material. All bays around site are adequately labelled and staff are trained on the site layout to avoid material being misplaced. only suitable equipment is used with staff successfully trained for the task in hand.</p> <p>All wastes are kept segregated and kept away from roadways. vehicles have their dedicated area to avoid drag out and risk of collision. Spill kits procedures are in place and all staff trained in these procedures. The Environmental Risk Assessment (ERA) prepared in support of the application for the current permit included an assessment of the risk of generation and release of dust and the potential impact on receptors. The ERA was approved by the Environment Agency. Based on the conclusions of the ERA, a detailed Dust Management Plan was prepared and is implemented at the site. The DMP sets out the details of the control measures implemented to minimise the potential to create dust and prevent impact on receptors. Monitoring is undertaken to confirm that the control measures are effective. The DMP is approved by the EA and is an operating technique of the permit (Table S1.2). Based on the results of the monitoring and the absence of complaints at the site in respect of dust the control measures are satisfactory and meet the requirements of BAT4c safe storage operation.</p>	
Provide details of where the wedge pits on site are situated to capture all process water and rainwater runoff.	<p>The site does not discharge contaminated water directly or indirectly. There is one area lacking an impermeable surface as stated in the reg 61 response. This is not being used to store IBAA. A diagram has been provided which shows the runoff flows by gravity to the wedge pits. Uncontaminated roof water is contained in tanks and then is only released to sewer if the capacity of the tanks is likely to be exceeded.</p>	

<p>Provide details of your channelled emissions to air and detail how frequently you test the emission</p>	<p>The operator has confirmed that the dryer and its associated equipment have been de commissioned in Nov 22 (as per the recommendations made public by the government to work towards net zero). The dryer was fuel fed being solely responsible by the vast majority of Carbon emissions from the site. We would therefore like to surrender the dryer & associated equipment from the permit.</p> <p>The operator has also confirmed that they have a shredder which is equipped with localized extraction, comprised of a cyclone followed by a filter bag. The material being processed by the shredder is practically aggregate free because its infeed has been through the Trommel and only material >40mm is diverted towards the shredder. They consider the potential for dust while the shredder is operating to be minimal, and therefore do not operate the extraction system. However, Table S3.1 - point source emissions to air been added to the permit. The table includes a list of parameters that need to be monitored either annually or 6 monthly.</p>
<p>If you have channelled emissions provide information on how you reduce emissions to air from dust, and of particulate-bound metals from the shredding activities.</p>	<p>As above. The operator has said if the extraction unit is required for dust mitigation they will comply with testing requirements.</p>
<p>Provide details of how your site is designed and laid out to meet the requirements of BAT 14 of the WT BATC especially with regards to:</p> <ul style="list-style-type: none"> • Minimisation of the number of potential diffuse emission sources. • Containment, collection and treatment of diffuse emissions. • Containment and capturing of dust within the shredder and the treatment building. • Cleaning of waste treatment and storage areas. 	<p>The treatment of IBA is carried out within a building. There is also a recently approved DEMP</p> <p>IBA & IBAA stockpiles are stored outside but due to the intrinsic ash characteristics develop a protective rigid layer, which minimizes dust from wind whipping. Piles are only disturbed mechanically to load vehicles - minimizing the potential for diffuse emissions from loading activities. Mobile dust equipment is also available for deployment. these activities are covered in the DMP. We refer you to the additional comments in respect of dust control in response to Question 1 above and below.</p>

<p>Clearly identify the measures that you have in place to ensure that the use of water and generation of wastewater is minimalised at the site.</p>	<p>Water is recirculated on site; They have an impermeable surface that drains runoff to wedge pits. Segregation of water streams is achieved. Roof rainwater is discharged to sewer during flash flood events otherwise this is kept in tanks to be reused for dust suppression. The tanks are checked regularly for leaks.</p>
<p>Provide evidence to demonstrate that you are complying with the energy efficiency requirements as specified under BAT 23 of the WT BATC</p>	<p>The operator is compliant with BAT 23. Sankey diagrams are available. Energy usage is monitored and trended internally by the senior management team. included in the IBMM JAR_11 Water Use, Energy Efficiency and Residues Management including an energy balance record, see below. Recent improvements to improve energy diversification include the installation of solar panels and the removal of the dryer as a pre-treatment for IBA processing</p>
<p>Provide information detailing how you utilise the registered exemptions that you have on site.</p>	<p>As part of the permit review the operator asked if they could revise the permit to incorporate the following elements from the registered exemptions: 170302, 170101, 170102, 170103, 170107, 170202, 170203, 170401 to 170407, 170504, 170604, 170802. for processing (crushing & screening) as already permitted. We have refused this request based on the fact the exemption that the operator has for screening and crushing (T5) is for temporarily treating waste on a small scale</p>