

## Permitting Decisions - Environment Agency Initiated Variation

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We have issued an Environment Agency initiated variation for West Midlands Recycling Centre operated by Environcom (North West) 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/BB3109LT/V003.

### Permit Review

This Environment Agency has a duty, under the Environmental Permitting (England and Wales) Regulations 2016 (EPR), regulation 34(1), to periodically review permits. Article 21(3) of the Industrial Emissions Directive (IED) also requires the Environment Agency to review conditions in permits to ensure that they deliver compliance with relevant standards, within four years of the publication of updated decisions on Best Available Techniques (BAT) Conclusions.

We have reviewed the permit for this regulated facility and varied the permit to make a number of changes to reflect relevant standards and best practice. These changes principally relate to the implementation of our technical guidance for WEEE treatment and transfer, including the relevant requirements of the BAT Conclusions for Waste Treatment which have been incorporated into our guidance.

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

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

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

## Purpose of this document

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

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

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

## Key issues of the decision

### Treatment of ammonia fridges

The facility mechanically treats commercial vending machines, air conditioning units and other non-standard WTEE (e.g. water coolers, heat pumps, tumble dryers) which contain ammonia. Ammonia cooling circuits are removed manually from the ammonia fridges prior to stage one refrigerant removal and stage two destruction. Ammonia fridges are degassed in a confined enclosure with carbon filters to capture releases of ammonia – this ammonia booth has its own emissions point. None of the documents submitted with the Reg 61 notice contains any information about this process including the site plan and we can therefore only determine this is a new process to this facility. No application has been received to vary the permit to include this activity.

It is anticipated that the stage 1 ammonia degassing process will fit within the definition of the existing Section 5.3 A1(a)(ii) activity listed in Table S1.1. However, to add this process to the permit we need to be satisfied that the operator has demonstrated that the ammonia refrigerant is safely removed from the cooling circuit by the stage 1 treatment process or demonstrate that the stage 2 destruction plant is capable of safely treating the equipment and that it will capture and contain the ammonia released upon destruction and prevent emissions to the environment.

The emission value from the ammonia booth is likely to be sufficiently low to not warrant formal emission control but this needs to be assessed to ensure ammonia is screened out under the H1 process. This assessment fall outside the scope of the permit review and will require an application to vary the permit in line with the position adopted across the WTEE sector with other operators wishing to treat ammonia fridges.

## **Environment Agency led variation – permit review**

We have carried out an Environment Agency initiated variation to the permit following a permit review as required by legislation to ensure that permit conditions deliver compliance with relevant legislative requirements and appropriate standards to protect the environment and human health.

The Industrial Emissions Directive (IED) came into force on 7 January 2014 with the requirement to implement all relevant Best Available Techniques (BAT) Conclusions as described in the Commission Implementing Decision. Article 21(3) of the IED requires the Environment Agency to review conditions in permits that it has issued and to ensure that the permit delivers compliance with relevant standards, within four years of the publication of updated decisions on Best Available Techniques (BAT) Conclusions.

The BAT Conclusions for Waste Treatment (the BREF) was published on 17 August 2018 following a European Union wide review of BAT, implementing decision (EU) 2018/1147 of 10 August 2018. Relevant existing facilities were expected to be in compliance with the BAT Conclusions within 4 years (i.e. by August 2022).

On 13th July 2022 our WEEE (waste electrical and electronic equipment) appropriate measures guidance was published on gov.uk. This guidance includes additional appropriate measures for WTEE (waste temperature exchange equipment).

This technical guidance explains the standards (appropriate measures) that are relevant to regulated facilities with an environmental permit to treat or transfer WEEE (including WTEE) and incorporates the relevant requirements of the BAT Conclusions.

We issued a notice under regulation 61(1) of the Environmental Permitting (England and Wales) Regulations 2016 (a Regulation 61 Notice) on 20/04/2022 requiring the operator to provide information to confirm that the operation of their facility currently meets, or how it will subsequently meet, the standards (appropriate measures) described in our technical guidance.

The notice required that where the revised standards are not currently met, the operator should provide information that:

- Describes the techniques that will be implemented to ensure operations meet the relevant standards and by when, or
- Explains why they are not applicable to the facility in question, or
- Justifies why an alternative technique is appropriate and will achieve an equivalent level of environmental protection to the standards described in our guidance

The standards described in our technical guidance are split into 7 chapters:

- General management appropriate measures
- Waste pre-acceptance, acceptance and tracking appropriate measures
- Waste storage, segregation and handling appropriate measures
- Waste treatment appropriate measures
- Emissions control appropriate measures
- Emissions monitoring and limits appropriate measures
- Process efficiency appropriate measures

The WTEE appropriate measures guidance, which supplements the WEEE technical guidance, includes an additional chapter on Process monitoring.

We have set emission limit values (ELVs) and monitoring requirements for relevant substances in line with our technical guidance and the BAT Conclusions for Waste Treatment, unless a tighter, i.e. more stringent, limit was previously imposed, and these limits have been carried forward.

The Regulation 61 notice required the operator to confirm whether they could comply the standards described in each of these chapters. Table 1 below provides a summary of the response received and our assessment of it. The overall status of compliance with the standards (appropriate measures) is indicated in the table as:

NA – Not Applicable

CC – Currently Compliant

FC – Compliant in the future (through improvement conditions set in permit)

NC – Not Compliant

In accordance with Article 22(2) of the Industrial Emissions Directive, the Regulation 61 notice asked the operator to provide a soil and groundwater risk assessment, along with a baseline report or summary report confirming the current state of soil and groundwater contamination, where listed activities are undertaken that involve the use, production or release of relevant hazardous substances.

The Regulation 61 notice also asked the operator to confirm whether they operate a medium combustion plant or specified generator (as per Schedule 25A or 25B of EPR 2016) and whether they had considered how their operations could be affected by climate changes (e.g. through a climate change adaptation plan).

Our assessment of the responses received from the operator regarding soil and groundwater risk assessment, medium combustion plant and specified generators, and consideration of climate change are also summarised in Table 1.

The Regulation 61 notice response from the Operator was received on 29/08/2022.

We considered that the response did not contain sufficient information for us to commence determination of the permit review. We therefore issued a further information request to the operator. Suitable further information was provided by the operator on 08/12/2023.

Although we were able to consider the Regulation 61 notice response generally satisfactory at receipt, we needed more information in order to complete our permit review assessment. We requested this by email and the operator provided further information on alternative measures proposed to waste tracking, process monitoring requirements and maximum daily treatment capacities for waste on 13/03/2024. We made a copy of this information available on our public register.

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

<b>Appropriate measures</b>	<b>Compliance status</b>	<b>Assessment of the installation’s compliance with relevant standards (appropriate measures) and any alternative techniques proposed by the operator</b>
<b>General management appropriate measures</b>	CC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section. Compliance with the appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in table S1.2.
<b>Waste pre-acceptance, acceptance and tracking appropriate measures</b>	CC	The operator confirmed that they currently meet the requirements of the appropriate measures in this section except for Section 3.3 Waste Tracking. The operator has suggested alternative measures which have been accepted and agreed as meeting equivalent level of environmental protection.  Compliance with the other appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in table S1.2.
<b>Waste storage, segregation and handling appropriate measures</b>	CC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section. Compliance with the appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in table S1.2 to S1.5.
<b>Waste treatment appropriate measures</b>	CC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section. Compliance with the appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in table S1.2 to S1.5.

<b>Emissions control appropriate measures</b>	CC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section. Compliance with the appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in table S1.2 to S1.5.
<b>Emissions monitoring and limits appropriate measures</b>	CC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section. Compliance with the appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in table S1.2, and the point source emission limit table S3.1 and S3.2.
<b>Process efficiency appropriate measures</b>	CC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section. Compliance with the appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in table S1.2 to S1.5.
<b>Process monitoring appropriate measures</b>	CC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section. Compliance with the appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated process monitoring requirements listed in table S3.5
<b>Reg 61 requirement</b>	<b>Assessment of response received</b>	
<b>Soil and groundwater risk assessment</b>	The operator has chosen not to submit any baseline data.	
<b>Medium combustion plant and specified generators</b>	No existing medium combustion plant or specified generators are present at this facility.	

<b>Climate change</b>	Climate change assessment provided but not assessed. The operator has not entered into a climate change agreement with the Government.
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## **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 Regulation 61 notice response that we consider to be confidential.

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

## **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', and Appendix 1 of RGN 2 'Interpretation of Schedule 1'.

## **The site**

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

These show the extent of the site of the facility including the discharge points.

The plans show the location of the part of the installation to which this permit applies on that site.

A plan is included in the permit.

## **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 schedule 1, table S1.2 to S1.5 in the environmental permit.

## **Changes to the permit conditions**

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

## **Improvement programme**

We have included an improvement programme to ensure that the operator delivers compliance with relevant standards, within four years of the publication of updated decisions on Best Available Techniques (BAT) Conclusions. An

additional IC has been included for an updated emissions inventory and ICs which remain unsatisfied have been updated and retained.

## Emission limits

Emission Limit Values (ELVs) or equivalent parameters or technical measures based on Best Available Techniques (BAT) have been added or amended for the following substances:

- Dust, 5 mg/m<sup>3</sup>
- CFCs, 10 mg/m<sup>3</sup>
- Total VOCs (concentration), 15 mg/m<sup>3</sup>
- Total VOCs (mass emission), Mass loss limit, set on a pro-rata basis, based upon a mass limit of 5g per 100 units treated per hour.

For rainfall runoff from non-process areas of waste storage/treatment (e.g. roofs and carparks). We have included descriptive limits on visible oil and grease.

## Monitoring

We have decided that monitoring should be added for the following parameters, using the methods detailed and to the frequencies specified in the permit (table S3.1 Point Source Emissions to Air):

### Fridge plant (AR1)

- Dust
- CFCs
- Total VOCs (concentration and mass emission)
- Air flow
- Brominated flame retardants
- Dioxin-like polychlorinated biphenyls (PCBs)
- Metals (Arsenic, Cadmium, Copper, Colbolt, Maganese, Nickel, Lead, Antimony, Selenium, Titanium, Vanadium)
- Dioxins and furans (PCDD/F)

### CRT plant (AR2)

- Dust
- Total Volatile Organic Compounds (VOC)
- Brominated flame retardants
- Dioxin-like polychlorinated biphenyls (PCBs)
- Metals (Arsenic, Cadmium, Copper, Colbolt, Maganese, Nickel, Lead, Antimony, Selenium, Titanium, Vanadium)
- Dioxins and furans (PCDD/F)

### Glass plant (AR3)

- Dust
- Total Volatile Organic Compounds (VOC)
- Brominated flame retardants

- Dioxin-like polychlorinated biphenyls (PCBs)
- Metals (Arsenic, Cadmium, Copper, Colbolt, Maganese, Nickel, Lead, Antimony, Selenium, Titanium, Vanadium)
- Dioxins and furans (PCDD/F)

We made these decisions in accordance with Waste Treatment BAT Conclusions, Waste electrical and electronic equipment (WEEE) appropriate Measures for Permitted Facilities, Guidance on Best Available Treatment Recovery and Recycling Techniques (BATRRT), treatment of Waste Electrical and Electronic Equipment (WEEE).

## Reporting

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

- point source emissions specified in tables S3.1 and S3.2.
- noise specified in table S3.3.
- process monitoring specified in table S3.4.

We made these decisions in accordance with Waste Treatment BAT Conclusions, Waste electrical and electronic equipment (WEEE) appropriate Measures for Permitted Facilities, Guidance on Best Available Treatment Recovery and Recycling Techniques (BATRRT), treatment of Waste Electrical and Electronic Equipment (WEEE).

## 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 100 of that Act in deciding whether to grant the variation of this permit.

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.