

## Permitting Decisions - Variation

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We have decided to grant the variation for Fawley High Temperature Incinerator operated by Tradebe Fawley Limited.

The variation number is *EPR/FP3935KL/V011*

The permit was issued on *22/07/2024*

The variation is for: To vary the half hourly emission limits.

The variation application is to move towards 97%ile short term emission limits. This allows the numerical short-term emission limits specified in IED to be exceeded for 3% of the time. The impact assessment therefore needs to consider the short-term impacts during that 3% time period, taking into account what the peak emissions could be during that 3% period.

With reference to NO<sub>x</sub> limits, the IED ½ hour average limit does not apply to plants that were in operation before 2002 and which operate at less than 6 tonnes per hour .

We have changed to 97%ile limits and removed the ½ hour average NO<sub>x</sub> limit. 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**

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.

### **Key issues of the decision**

#### **Overview of the variation and Air Quality Assessment:**

The variation requests to change the limits from the current limits which require 100% compliance, to tighter limits that require 97% compliance.

In order to assess the impact as required, a peak emission level was determined for each of the parameters.

The emissions are:

HCL,SOx, HF, Particulate, VOC's and NOx

The operator provided a risk assessment of short term impacts. Our review of their assessment is summarised below:

- No increased impact from HCl and SO<sub>2</sub> because peak emissions would be no higher than the ½ hour average limits that are in their current permit.
- No increased impact from particulates because the PM10 environmental standard (ES) is either an annual average or daily average.
- No increased impact from VOCs because benzene ES is a daily average.

For NOx the operator stated that the peak emission from NOx in the event of abatement failure could be 600 mg/m<sup>3</sup>. The operator confirmed that their dispersion modelling report from 2016 was still valid, in terms of release parameters. Based on the results from that modelling we are satisfied that a peak emission of 600 mg/m<sup>3</sup> would not have a significant impact. As stated previously the ½ hour average limit does not apply to this plant and we have removed it from the permit. The daily average limit still applies and will be protective.

## **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

### **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 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. These are summed up within the Key Issues area.

## **Emission limits**

### **Monitoring**

Monitoring has not changed as a result of this variation.

### **Reporting**

We have amended reporting in the permit for the following parameters: HCL, SOx, HF, Particulate, VOC's and NOx. All except NOx are reported as a 97<sup>th</sup> percentile. NOx is removed from the half hour reporting average. The daily average is still reported

We made these decisions in accordance with IED.

## **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.