

Permitting Decisions- Variation

We have decided to grant the variation for Billingham Waste Oil Facility operated by Rapier Energy Limited.

The variation number is EPR/PP3137ML/V008.

The permit was issued on 21/08/2024.

The variation is for the installation and operation of a 3.267MWth diesel fired boiler to provide steam for the waste treatment activities on site.

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.

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

- highlights [key issues](#) in the determination
- summarises the decision making process in the [decision considerations](#) section to show how the main relevant factors have been taken into account

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

The operator provided a detailed air dispersion modelling report according to our guidance [Air emissions risk assessment for your environmental permit - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit) detailed in document (ref: 314443 NEWRA, Northburn Oils – Air Quality Assessment 2.0 dated July 2024). The report shows that process contributions (PCs) of Nitrogen Oxides at both human and ecological receptors screens out and no further assessment is required. Therefore, the impact is insignificant.

We have audited the modelling data submitted and as a result of our checks, the parameters of Oxides of Nitrogen, Carbon monoxide, Sulphur dioxide and Particulate Matter (PM10 and PM2.5) were modelled. We can confirm that the impact from the MCP Boiler is insignificant at all human receptor locations. Also, for ecological receptors, we can confirm that the process contributions (PCs) are insignificant.

We have reviewed the air dispersion modelling report and we are satisfied that it has taken into account all relevant ecological and human health receptors, that the model and its inputs are appropriate, and that the assessment has been carried out in accordance with our guidance.

We are therefore satisfied that the operator demonstrates that they can operate within this emission benchmark.

Decision considerations

Confidential information

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

We have not accepted the claim for confidentiality.

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.

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' and guidance on waste recovery plans and permits.

The operator has provided 447180, 521748 as coordinates for the emission point from the medium combustion plant

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.

The site

The operator has provided a plan which we consider to be satisfactory.

The plan is included in 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.

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.

The assessment shows that, applying the conservative criteria in our guidance on environmental risk assessment or similar methodology supplied by the operator

and reviewed by ourselves, all emissions may be screened out as environmentally insignificant.

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.

Operating techniques for emissions that screen out as insignificant

Emissions of Oxides of Nitrogen (NO_x) have been screened out as insignificant, and so we agree that the applicant's proposed techniques are Best Available Techniques (BAT) for the installation.

We consider that the emission limits included in the installation permit reflect the BAT for the sector.

National Air Pollution Control Programme

We have considered the National Air Pollution Control Programme as required by the National Emissions Ceilings Regulations 2018. By setting emission limit values in line with technical guidance we are minimising emissions to air. This will aid the delivery of national air quality targets. We do not consider that we need to include any additional conditions in this permit.

Emission limits

Emission Limit Value (ELV) 200mg/m³ for Oxides of Nitrogen based on Medium Combustion Plant Directive (MCPD) has been added for the MCP Boiler.

Monitoring

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

- Oxides of Nitrogen (NO_x) – Every 3 years
- Carbon monoxide (CO) – Every 3 years

We made these decisions in accordance with Medium Combustion Plant Directive

Based on the information in the application we are satisfied that the operator's techniques, personnel and equipment have either MCERTS certification or MCERTS accreditation as appropriate.

Reporting

We have added reporting in the permit for the following parameters

- Oxides of Nitrogen (NO_x)
- Carbon Monoxide (CO)

We made these decisions in accordance with Medium Combustion Plant Directive

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.

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.