

Permitting Decisions- Environment Agency Initiated Variation

We have issued an Environment Agency initiated variation for Westbury Solvent Recovery Plant operated by Absolute Solvents 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/KP3832SK/V005.

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 <https://www.gov.uk/guidance/chemical-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 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

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 18 November 2020, Chemical Waste: appropriate measures for permitted facilities guidance was published on gov.uk. This technical guidance explains the standards that are relevant to regulated facilities with an environmental permit to treat or transfer chemical waste, providing relevant standards (appropriate measures) for those sites and incorporating 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 17/11/2021 requiring the operator to provide information to confirm that the operation of their facility currently meets, or how it will subsequently meet, the standards (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

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 25/02/2022.

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 03/01/2024, 24/01/2024, 24/04/2024, 07/05/2024 and 08/05/2024. 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

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	FC	<p>The operator confirmed that they do not currently meet the requirements of the Appropriate Measures in this section. In particular, their current Environmental Management System does not meet the full requirements of the Appropriate Measures.</p> <p>The addition of Improvement Condition 6 requires the operator to review and update their management system. This also includes specific reference to General Management Appropriate Measures 2.2.3 and 2.2.4.</p> <p>Discussions with the operator and responses to Requests for Information highlighted that there was not an up to date site drainage plan or surface water management plan and therefore Improvement Condition 7 has been added in relation to this.</p>
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.
Waste storage, segregation and handling appropriate measures	FC	The operator confirmed that they currently meet the requirements of the Appropriate Measures in this section however, information provided as part of their Regulation 61 response highlighted that waste is being stored stacked on pallets up to 3 barrels in height. Appropriate Measures 4.26 states that pallets must not be stacked more than 2 high and therefore Improvement Condition 8 has been added to the permit in relation to this.
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 confirmed that they currently meet the requirements of the Appropriate Measures in this section.
Emissions monitoring and limits appropriate measures	CC	The operator confirmed that they currently meet the requirements of the Appropriate Measures in this section.

Process efficiency appropriate measures	CC	The operator confirmed that they currently meet the requirements of the Appropriate Measures in this section.
Reg 61 requirement Assessment of response received		
Soil and groundwater risk assessment	The operator submitted baseline report with original permit application and there have been no changes to the process since so the baseline conditions are considered to still apply.	
Medium combustion plant and specified generators	None on site.	
Climate change	The operator has not completed a climate change assessment. Climate Change Adaptation will be delivered through the Environment Management System as per the Appropriate Measures Guidance.	
Summary of other changes made to the permit as a result of our assessment of the Reg 61 response		
Change	Reason for change	
Change to main body of conditions	<p>As a result of the permit review, a number of the main conditions of the permit have been updated or removed in line with requirements of the Appropriate Measures Guidance and to reflect other changes to the Activities which are detailed below;</p> <ul style="list-style-type: none"> • Condition 3.1.1 amended to include the addition of table S3.2 • Condition 3.5.1 (a) amended to add table S3.2 • Condition 3.5.1 (b) table S3.2 amended to table S3.3 • Condition 3.5.1 (c) added to include table S3.4 • Condition 3.5.4 amended to include the addition of table S3.2 	
Changes to the Activities Table, S1.1 within Schedule 1 of the permit	<p>There are multiple changes to Table S1.1 Permitted Activities as a result of the review;</p> <ul style="list-style-type: none"> • Additional details added to the limits of the activities in AR1 include: treatment description and location, permitted tonnages for treatment and storage, capacities and time limits for storage, storage locations, and reference to table S2.2 limiting the permitted waste types • Additional details added to the limits of the activities in AR2 include: storage tank references and locations, permitted tonnages for storage at any one time, and the prohibition of blending or mixing or repacking of waste on site 	

	<ul style="list-style-type: none"> • AR3 reworded to “steam supply” and to include thermal input • AR4 reworded • AR5 reworded • Addition of AR6 a DAA for abatement
Changes to the other Tables, Schedule 1 of the permit	<ul style="list-style-type: none"> • Table S1.2 (Operating Techniques) has been updated to reflect the update to both the Guidance and the documents approved by the Environment Agency as acceptable for site procedures. All superseded guidance and references have been removed and replaced. • Table S1.3 (Improvement Programme) has been updated with the new Improvement conditions (IC6 – IC9) and completed improvement conditions have been removed.
Changes to Schedule 3, monitoring and emissions limits in the permit	<ul style="list-style-type: none"> • Changes to Table S3.1 to reflect new BAT AELs for TVOCs and speciated VOCs • Table S3.2 added to show point source emissions to water • Process monitoring requirements Table S3.2 is now Table S3.3 • Table S3.3 (process monitoring requirements) amended to include efficiency assessment of abatement and LDAR programme • Table S3.4 added for ambient air monitoring requirements of VOCs
Changes to Schedule 4, reporting	Schedule 4 has been updated to reflect the changes made to Schedule 3 and the way the conditions have been presented has altered slightly.
Changes to Schedule 6, interpretation	Schedule 6 has been updated to include new definitions present in relation to the requirements of the Activities, Monitoring and Reporting of the permit. Some definitions have been removed in accordance with the change in guidance to the Appropriate Measures Guidance and updates to the Environmental Permitting Regulations 2016.

Decision Considerations

Confidential information

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

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

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.

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 S1.2 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 permit complies with the Chemical Waste: Appropriate Measures for Permitted Facilities guidance.

IC6 Management System has been added and requires the operator to update their written Environmental Management System in line with Appropriate Measures Guidance.

IC7 Site drainage has been added and requires the operator to update their site drainage plan and surface water management plan in line with Appropriate Measures Guidance.

IC8 Waste storage, segregation and handling procedures has been added and requires the operator to update their storage to comply with Appropriate Measures guidance 4.26.

IC9 has been added and requires the operator to provide an updated site infrastructure plan including the following:

- Emission points (to air, water and land where applicable)
- Sampling points
- Surfacing types
- Buildings (with any internal storage areas identified)
- Storage bays, tanks, skips or any other designated storage areas
- Treatment plant
- Quarantine area
- Entrances and exits to be used by emergency services
- The maximum capacities of the individual storage areas and tanks - where appropriate provide numbers of pallets, drums, containers, bins etc. and tonnes equivalent for wastes contained therein. Any details for storage of Raw Materials such as adjuncts to treatment processes, fuels or other process substances should also be provided here.

Emission limits

Emission Limit Values (ELV's) and equivalent parameters or technical measures, based on Best Available Techniques – Achievable Emission Levels (BAT-AELS) for Waste Treatment, have been amended for the following substances:

- Total Volatile Organic Compounds (TVOCs) – 30 mg/m³ at emission point A1

Monitoring

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

- For emissions to air at emission point A1 for TVOCs the monitoring standard is EN 12619 and the monitoring frequency is every 6 months
- For emissions to air at emission point A1 for Speciated VOCs the monitoring standard is PD CEN/TS 13649 and the monitoring frequency is every 6 months
- For emissions to water at an emission point to be confirmed upon completion of IC9 for Oil or Grease the monitoring method is “visual assessment” and the monitoring frequency is daily
- For process monitoring of carbon filters on emission point A1 for efficiency assessment the monitoring method is “Carbon filter(s) shall be installed, maintained, operated and replaced in accordance with the manufacturer’s recommendations” and the monitoring frequency is as specified in the agreed abatement plan

- For process monitoring of all sources identified in the LDAR programme for VOCs the monitoring standard is “Sniffing method (BS EN 15446) or optical gas imaging” and the monitoring frequency is annually or otherwise agreed in accordance with the LDAR programme

These monitoring requirements have been included in order to comply with the requirements of the BAT Conclusions for the sector.

We made these decisions in accordance with Best Available Techniques and the Appropriate Measures Guidance for the sector.

Reporting

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

Emissions to water Parameters as required by condition 3.5.1	Emission point to be agreed in writing following completion of IC9	Every 6 months
Process monitoring Parameters as required by condition 3.5.1	As agreed in writing by the Environment Agency.	[Annually], or as agreed in writing by the Environment Agency.
Ambient air monitoring Parameters as required by condition 3.5.1	As agreed in writing by the Environment Agency.	[Annually], or as agreed in writing by the Environment Agency.

We made these decisions in accordance with Best Available Techniques and Appropriate Measures Guidance for the sector.

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.