Permitting Decisions- Variation

We have decided to grant the variation for Rabone Lane operated by Sims Group UK Limited.

The permit number is EPR/ZP3691ET.

This variation adds installation activities to the permit for the treatment and storage of hazardous waste. This is due to a change in EWC code classification of small Mixed WEEE (Waste Electrical and Electronic Equipment) plastic casings. These can contain POPs (Persistent Organic Pollutants) and as result are deemed to be hazardous waste. This variation adds the following activities to the permit:

Section 5.3 A (1) a) (ii) - disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving physico-chemical treatment and

Section 5.6 A (1) (a) Temporary storage of hazardous waste with a total capacity exceeding 50 tonnes.

It also adds the following waste codes to the permit: EWC 19 10 03*, 19 10 05*, 19 12 11* 19 02 04*, and 16 02 15*.

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

- 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
- shows how we have considered the consultation responses

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

An overview of the application proposals/permit

The variation application is to allow Sims Group UK limited to add the following activities to their permit at the Rabone Lane site:

- Section 5.3 A (1) a) (ii) - disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving physico-chemical treatment and
- Section 5.6 A (1) (a) Temporary storage of hazardous waste with a total capacity exceeding 50 tonnes.

It also adds the following waste codes to the permit: EWC 19 10 03*, 19 10 05*, 19 12 11* 19 02 04*, and 16 02 15*.

There is no increase in permitted annual tonnage of waste that the site is allowed to accept. The above activities have been inserted for storage and treatment of hazardous waste due to the reclassification of plastic casings derived from WEEE waste.

WEEE wastes will be stored and dealt with in accordance with relevant legislative requirements of The Waste Electrical and Electronic Equipment Regulations 2013 and in accordance with Waste electrical and electronic equipment (WEEE): appropriate measures for permitted facilities.

A dedicated storage bay/area with an impermeable surface and sealed drainage has been designated for the above waste codes. All waste assigned with these hazardous waste codes, once accepted on to the site, will be stored within the designated storage bay/area prior to processing. A maximum of 500 tonnes of hazardous waste can be stored at any one time. However, this storage volume is routinely expected to be well below the maximum. Batteries will be stored in leak-proof containers with lids to prevent the ingress of water.

WEEE wastes will be manually pre-treated on site to remove components that require removal prior to mechanical treatment, and this will take place undercover.

The treatment operations are handled in batches to allow for separate treatment of hazardous and non-hazardous wastes. Each batch is treated within the shredder to reduce the size of the delivered waste. After shredding, the metals are recovered by a combination of air extraction, size sorting, magnetic separation, eddy-current separation, and hand sorting before the remaining waste streams are sent to Sims site at Long Marston for further recovery.

Under Article 7 of the Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants (the POPs regulation) requires that any POPs in waste plastic is destroyed or irreversibly transformed. Destruction of POPs in the waste plastic fraction is achieved by off-site third-party facilities that accept this residue. Destruction of POPs will be achieved by incineration, consumed/ destroyed in the metal smelting process.

Waste Treatment BAT Conclusions on Dust Management

Sims Group UK Limited submitted a programme of works in order to meet Waste Treatment BAT Conclusion requirements on dust. This programme indicated that the conveyor belts which transport lighter fractions would be enclosed, by the end October 2023. However, the operator has said there is a slight delay in getting the covers fabricated and that these will be implemented by the end of January 2024. An additional programme to install enclosures on the trommel / ECS and drum magnet will also take place by end January 2024. Both programmes have been included in the permit as an improvement condition.

The shredder plant has a cyclone system consisting of dust suppression and a series of wet scrubbers. Heavy fraction falls to the bottom of cyclone 1, lighter fraction to cyclone 2, which, following treatment through the dust suppression system and wet 'scrubbers' drops to a bay. The bay has dust suppression via fixed sprays. Maintenance is carried out on the wet scrubber and cyclone systems daily to ensure effective operation.

There are two extraction points for channelled emissions to air that are linked to the shredder. In line with the Waste Treatment BAT Conclusions, we have applied the appropriate BAT limits to the extraction points as follows:

- Emission point A1 – we have set a BAT AEL limit of 5 mg/m^3 because it is not directly located over the shredder. Given, its location in relation to the shredder, we have considered that a bag filter can easily be used for emission control without risk of deflagration.
- Emission point A2 – we have set BAT AEL limit of 10mg/m^3 against this emission point because it is located directly over the shredder mill. As such it is impracticable to use bag without the risk of deflagration.

In addition:

- There are 3 bays for shredder residue/ waste storage. These bays have an impermeable surface with sealed drainage system and are enclosed on 3 sides to prevent or where that is not practicable, minimise the potential for windblown emissions.
- Manual sweeping will be employed on plant and equipment to minimise build-up of dust and debris.

- Dust suppression techniques such as dampening, and the use of both manual and mechanical sweeping will be employed as necessary to prevent unacceptable emissions. A hose or IBC/bowsers of water will be available to suppress dust on site surfacing and roadways. The mechanical sweeper attachment will be used at least daily and recorded in the Site Diary.
- Good housekeeping will be employed daily to reduce quantities of particulates and dust accumulating on the site. This will occur throughout the operation as required and may also be undertaken as part of the routine maintenance activity.

Emissions to Surface Water

Surface waters drain via the site drainage system (indirect discharge) linked to an interceptor which discharges to the foul water sewer in Foundry Lane. Records of drainage maintenance will be held on site and made available to the Environment Agency on request.

The site is permitted to discharge process water and runoff from the treatment and storage to foul sewer. Sims Group (UK) Limited have a Trade Effluent Consent from Severn Trent Water for that discharge (Consent No. 008675V).

Representative monitoring of the surface water discharged from point S2 have been undertaken together with a report of the H1 Screening tool. Sewage treatment reduction factors were applied, and all parameters measured against Maximum Allowable Concentration (MAC) passed test 2. However, Zinc was close to the upper limit of the waste BAT AEL for indirect discharges (BAT 20). The waste BAT AELs and monitoring requirements for indirect discharges to a receiving water body have been added to the permit under table 3.2. We have concluded that because the shredder on site will be processing both metal waste and hazardous waste, we cannot include the higher BAT AEL limits in the permit for lead and zinc because the higher limits are applicable to mechanical treatment in shredders of metal waste. The limits of lead and zinc are set as 0.1mg/l and 1 mg/l respectively.

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 application that we consider to be confidential.

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

Consultation

The consultation requirements were identified in accordance with the Environmental Permitting (England and Wales) Regulations (2016) and our public participation statement.

The application was publicised on the GOV.UK website.

We consulted the following organisations:

UK Health Security Agency – see response below.

Local Authority - Environmental Health – no response.

The comments and our responses are summarised in the consultation responses section.

Operator

We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits.

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’, guidance on waste recovery plans and permits.

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.

Environmental risk

We have reviewed the operator's assessment of the environmental risk from the facility.

The operator’s risk assessment is satisfactory.

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.

The operating techniques are in line with the following, Control and monitor emissions for your environmental permit, Waste electrical and electronic equipment (WEEE) appropriate Measures for Permitted Facilities, and Waste Treatment BAT Conclusions.

Updating permit conditions during consolidation

We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permit.

Waste types

We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.

We are satisfied that the operator can accept these wastes for the following reasons:

- they are suitable for the proposed activities
- the proposed infrastructure is appropriate; and
- the environmental risk assessment is acceptable.

We made these decisions with respect to waste types in accordance with:

- Technical Guidance WM3: Waste Classification - Guidance on the classification and assessment of waste
- 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)

Improvement programme

IC1 The operator shall submit a written report to the Environment Agency for assessment and written approval.

The report must contain:

- details of the programme to review and install covers on the trommel, drum magnet and conveyors that transport lighter fractions.
- a review of the effectiveness of the above programme once completed, by monitoring particulate/dust as specified in the permit.
- proposals for further measures to be undertaken to reduce particulate emissions at the facility (if necessary) and dates for implementation.

The operator must implement the proposals in the report in line with the timescales agreed with the Environment Agency.

Emission limits

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

For point source emissions to sewer, we have set limits for the following:

- Hydrocarbon oil index (HOI)
- Arsenic
- Cadmium
- Chromium
- Copper
- Lead
- Nickel
- Mercury
- Zinc

Emissions limits have been added as a result of this variation. It is considered that the numeric limits described below will prevent significant deterioration of receiving waters.

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 3.1 Point Source Emissions to Air):

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

Table 3.2 in the permit outlines Point Source Emissions to sewer these are:

- Hydrocarbon oil index (HOI)
- Arsenic
- Cadmium
- Chromium
- Copper
- Lead
- Nickel
- Mercury
- Zinc

These monitoring requirements have been included in order to ensure that there are no significant emissions to air and surface water for the parameters listed.

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 specified reporting in the permit.

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).

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.

Technical competence

Technical competence is required for activities permitted.

The operator is a member of the CIWM/WAMITAB scheme.

We are satisfied that the operator is technically competent.

Previous performance

We have assessed operator competence. There is no known reason to consider the applicant will not comply with the permit conditions.

No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.

Financial competence

There is no known reason to consider that the operator will not be financially able to 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.

Consultation Responses

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public, and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from UKHSA.

Brief summary of issues raised:

The main emission of potential concern is dust from shredding of metal waste, including waste electrical and electronic equipment (WEEE) and end of life vehicles (ELVs) and their components.

UKHSA is however satisfied that the control measures proposed by the applicant should ensure that there are no significant impacts on public health.

UKHSA has no significant concerns regarding the risk to the health of the local population from the installation. This consultation response is based on the assumption that the permit holder shall take all appropriate measures to prevent or control pollution, in accordance with the relevant sector guidance and industry best practice.

Summary of actions taken:

In line with UKHSA comments, the permit has been issued in line with the relevant guidance 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).