

Sach, Kerry

From: Clare Haste <clare.haste@simsmm.com>
Sent: 04 December 2023 15:32
To: Harris, Craig
Subject: RE: EPR/ZP3691ET/V005 Review of Draft Permit Documents CRM:0830003
Attachments: ZP3691ET V005 Draft Permit 2 Final.pdf

Hi Craig,

Thank you for your email, and thank you for making some amendments and taking some of our comments on board in the revised draft. Unfortunately there are urgent concerns with the draft and we urgently request a discussion before the permit is issued please.

The urgent concerns are listed below in the order they appear in the permit and not in order of significance, points 2 to 4 are the most concerning:

1. Table S1.5 There is no standard specified in table S1.5, what is meant by effective? How will compliance with this be monitored / assessed?
2. Table S1.4 Improvement Programme requirements - comments have not been taken on board and there has been no discussion, or commentary provided as to why.

The revised draft still contains IC1 which requires the operator to cease discharge in event BAT AEL's are exceeded, and also now requires approval from the EA prior to recommencing:

As you will know from our response to the first draft and our response to the regulation 61 notice, the site has a trade effluent consent (TEC) with STW to discharge to sewer. Our TEC has limits for metals and we are compliant. In our reg 61 response, we requested a derogation on the basis that the EA verbally agreed during previous discussions regarding BAT / BREF with the industry and the BMRA that for discharges to sewer the point of assessment would be post WWTW. If we are required to comply with BAT AEL's, we advised that time will be required to comply.

This IC does not give us any time to comply. This IC would effectively prohibit us from discharging upon receipt of results where a BAT AEL was exceeded, when the discharge is compliant with consent and hence currently lawful. If we were to have to cease discharging, the site would flood and the safety of our operatives and the potential impact on the environment would be put at risk, hence we would be unable to operate under these conditions. In order to continue to operate, we would have to remove water from site. What does the EA propose we do with this water? A lawful option to do this would be to remove it by tanker to a suitably authorised facility e.g. a WWTW, the nearest of which is the STW WWTW permitted by the Environment Agency to treat waste water, which is where it is going currently, via sewer. This serves no environment benefit and will effectively prevent us from using our current lawful service provider, who we pay a charge to for their services of treating our waste water and mean we have to pay a third party to remove it by other methods. If the EA are insistent that BAT AEL's will be applied at point of discharge from the installation, then Sims consider it is reasonable to give us time to invest in the site / look at water treatment technology if required.

We do not consider it is reasonable to prohibit what is currently a lawful discharge from site, and add significant cost to our operations with no environment benefit, without giving us the opportunity & timescales to improve. Hence, we again request that you remove the part of the draft permit about ceasing further discharge and we agree timescales by which to implement an improvement plan.

3. Table S3.1 still contains 5 mg/m³ for A1. As per email dated 15.09.23, we consider a 10 mg/m³ limit should apply as the site has damp suppression techniques and cannot install a fabric filter. BAT acknowledges the limits will be higher where a fabric filter is not applied. This goes over and above BAT.

4. Table S3.2 Please confirm these limits are dissolved metals, the monitoring techniques recommended allow for this and would be consistent with EQS for these metals. The limits for lead and zinc are more restrictive than the BAT AEL's. BAT Conclusions BAT AEL for indirect discharges - The upper end of the range for Pb is 0.3 mg/l and for Zn is 2mg/l for mechanical treatment in shredders of metal waste. The limits in the permit are 0.1 mg/l and 1 mg/l. Please change the permit to reflect BAT AEL's or justify these more stringent limits. As you know from our earlier comments, we feel it is not appropriate to restrict our currently lawful discharge without giving us reasonable time to investigate the options available.
5. Table S3.3 still contains the requirement to calibrate 6 monthly. Calibration should be in accordance with manufacturer guidelines, and we cannot see any recommendation in any guidance that it is done more regularly. Please amend this to "as per manufacturers guidance".

In addition there are a few other points that require amending as detailed below:

1. 1.2.1 & 1.3.1 we believe this should be A1 to A7 as A8 is drainage and energy efficiency and raw materials efficiency conditions do not apply to this, it is not an installation activity.
2. 2.3.2 regarding reference to table S1.3 – this table is Substances, preparations and components to be removed from separately collected WEEE and does not contain reference to any plans or other documentation that Sims is able to revise. It does not fit in section 2.3.2.
3. 2.6.1 re "As a minimum, the substances, preparations and components specified in table S1.3 shall be removed from any separately collected WEEE unless the WEEE is being prepared for re-use or the operator has taken appropriate measures to ensure their removal following transfer off site. " Where is this wording from please and can you clarify what this means / what the expectations are in respect of ensuring removal following transfer off site? We do not understand the expectations of this condition?
4. 2.6.2 Unless otherwise agreed in writing by the Environment Agency, WEEE shall be treated in accordance with the standards specified in table S1.3 and S1.5. as referenced above, there is no standard specified in table S1.5, what is meant by effective? How will compliance with this be monitored / assessed?
5. 4.2.2 this should be A1 to A7 as A8 is drainage and has a monitoring requirement and is hence covered by the reporting requirements in 4.2.3
6. Table S1.2 the documents dated 2014 to 2018 have all been superseded, they are not relevant to the current operations or varied permit, we do not see the relevance of including them in the table.
7. Table S2.1 please amend to DAA's A4 to A7, as there are no wastes accepted versus the A8 water discharge activity.
8. Table S2.2 please add DAA A6 please as there is post treatment of wastes which will have been accepted with a hazardous waste codes.

We look forward to being able to discuss the above with you and your E&B colleagues, please do not hesitate to contact me if you require further information.

Kind Regards

Clare Haste

Environmental Partner, Europe
Sims Limited

Telephone: +44 1789 722058

Mobile: +44 7825 746770

www.simsltd.com



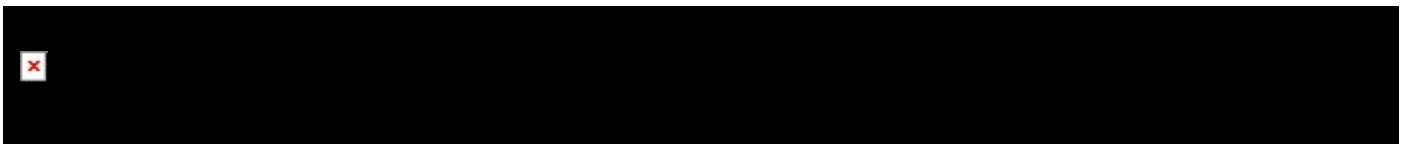
From: SM-Defra-RESP-notifications (DEFRA) <RESP-notifications@defra.gov.uk>

Sent: 01 December 2023 08:36

To: Clare Haste <clare.haste@simsmm.com>

Subject: EPR/ZP3691ET/V005 Review of Draft Permit Documents CRM:0830003

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Dear Clare Haste

Environmental Permitting (England and Wales) Regulations 2016

Application reference: EPR/ZP3691ET/V006

Operator: SIMS GROUP UK LIMITED

Facility: Rabone Lane EPR/ZP3032WF, Rabone Lane, Smethwick, B66 2LF

I enclose the second draft of your permit variation. I'm sending it to you so you can check we've stated your details correctly and it covers the activities you applied for. The permit is for information only. We have reviewed all your comments from draft 1 and amended the permit where necessary. Changes can be seen in yellow.

Unless there are any urgent concerns, we will progress to issuing the permit by Tuesday 05th December 23

The draft notice shows the changes we'll make to your permit. The reasons for these are the implementation of 5.3 A (1) a) (ii) Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving one or more of the following activities - (ii) Physico-chemical treatment and 5.6 A (1) (a) Temporary storage of hazardous waste with a total capacity exceeding 50 tonnes.

We have included improvement conditions in your permit variation. Please note that charges apply where our assessment or approval of information is required. These charges are applicable to the following improvement conditions.

Reference	Condition requirements
IC1	<p>The operator shall undertake monitoring of the parameters and at the frequency specified in table S3.2.</p> <p>Where the results of the monitoring indicate that any of the BAT AELs specified in table S3.2 are exceeded, the operator shall cease further discharge of wastewater to sewer and shall submit a proposal of additional measures to be implemented to prevent or minimise any significant/adverse impact on the receiving waters, along with the timescales for implementation to the Environment Agency for written approval.</p> <p>The operator can only recommence discharge to sewer following written approval from the Environment Agency</p>
IC2	<p>The operator shall submit a written report to the Environment Agency for assessment and written approval.</p> <p>The report must contain:</p> <ul style="list-style-type: none"> • 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. <p>You must implement the proposals in the report in line with the timescales agreed with the Environment Agency</p>

You can find further information on charging in our charging scheme:

<https://www.gov.uk/government/publications/environmental-permits-and-abstraction-licences-tables-of-charges>

and charging guidance:

<https://www.gov.uk/government/publications/environmental-permitting-charges-guidance/environmental-permitting-charges-guidance>

If you consider that there are any errors in your details or the activities stated, or if it refers to matters which you regard as being confidential or affecting national security, please let me know by end of Monday 4th December 2023 . You can email me at Craig.harris@environment-agency.gov.uk .

Yours sincerely,

Craig Harris

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