

Sach, Kerry

From: Harris, Craig <Craig.Harris@environment-agency.gov.uk>
Sent: 07 December 2023 11:31
To: Clare Haste
Subject: FW: EPR/ZP3691ET/V005 Review of Draft Permit Documents CRM:0830003
Attachments: RE: SIMS Smethwick; Draft Permit 3.pdf

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Clare,

Many thanks for your additional comments on the draft permit 2. We have reviewed and addressed all your comments. Our response is detailed in the response below. We have also amended the draft permit where relevant and have attached herewith the latest version of the draft permit for your information only.

Other than the limits for lead and zinc in table S3.2 which we are currently consulting our E & B team on, we intend to proceed and issue the permit next week. We will provide you with an update on the agreed limit for lead and zinc that will be included in this table prior to issuing the permit. We are not expecting further comment on the draft permit.

Kind regards,

Craig Harris BSc (Hons), BA (Hons), PER
Permitting Officer
Environment Agency - East Midlands

 07770 323461



 Craig.Harris@environment-agency.gov.uk

From: Clare Haste <clare.haste@simsmm.com>
Sent: Monday, December 4, 2023 3:32 PM
To: Harris, Craig <Craig.Harris@environment-agency.gov.uk>
Subject: RE: EPR/ZP3691ET/V005 Review of Draft Permit Documents CRM:0830003

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?

This is from the new WEEE template, effective dust extraction and abatement means that you are compliant with BAT and appropriate measures. So in this case it's how dust is extracted from the shredding process and abated, so "effective" in this case means ensuring that your abatement measure is keeping dust below the BAT AELs.

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.

We have a regulatory requirement to ensure that there is no pollution to the environment from the permit that we issue. This is the reason why we require a risk assessment from the site that we regulate. Such risk assessment must be representative of the site condition. Therefore, we couldn't have advised you to use a post waste water treatment works sample because such sample would not be representative of your site condition given that the WWTW is known to collect discharges from multiple sites. Again, the TEC limits are not set for environmental protection. They are set against the treatability of the WWTW and to protect the infrastructure. It is evident from the H1 assessment tool that they are substances that cannot be treated by WWTWs. This means that such substances will end up in the receiving water unabated. This is the reason why the monitoring is set against the release point on the site.

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.

We have taken a pragmatic view to remove IC1. However you are required to monitor in line with table S3.2 and take appropriate measures where any of the limits are exceeded.

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.

We have answered this in the email attached dated 20/09/23. The limit will be retained in the final version of the permit.

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.

The limits and the text are presented in table 6.2 of the Waste Treatment BAT Conclusions. The BATC refers to total metals and we cannot apply a different interpretation to this. The limits for Zn and Pb were set based on our understanding that you are processing hazardous WEEE which is different from non-hazardous metals. We are currently engaging with E & B team on this, and we will confirm our final position on this to you next week before issuing the permit.

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".

This is the wording on the existing permit. We have not amended this table as part of the variation. Any error in this table needs to be addressed as part of the permit review programme.

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.

This is how the installation template is laid out. A8 is related to the interceptor and maintaining the drainage. This could involve the use of energy and raw materials. It's a Directly Associated Activity related to the installation activities.

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.

This is the way it's written in the current permit and we have not changed this as part of the variation. Again the condition is exactly the same in the sector permit template.

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?

This is the wording of the new sector template which supersedes condition 2.6.5 in your existing permit.

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?

This is from the new WEEE template, effective dust extraction and abatement means that you are compliant with BAT and appropriate measures. So in this case it's how dust is extracted from the shredding process and abated so "effective" in this case means ensuring that your abatement measure is keeping dust below the BAT AELs.

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

This is the wording on the existing permit. We have not amended this table as part of the variation. Any error needs to be addressed as part of the permit review programme.

- 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.

I have not reviewed these existing operating techniques as part of the variation. I am unable to tell whether these have been superseded , so I cannot take these documents out.

- 7. Table S2.1 please amend to DAA's A4 to A7, as there are no wastes accepted versus the A8 water discharge activity.

We have amended the waste table S2.1

- 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.

There are no wastes codes being received under activity A6. The A6 activity is only being used for further treatment of waste on site. The list of waste tables are commonly linked to activities that involve receipt and treatment of incoming waste.

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

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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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