

## Permitting Decisions- Environment Agency Initiated Variation

---

We have issued an Environment Agency initiated variation for Waste Matters Ltd operated by Waste Matters Ltd. following a review of the permit in accordance with Environmental Permitting (England and Wales) Regulations 2016, regulation 34(1).

The variation number is EPR/CP3331SC/V006.

### Permit Review

The 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 [Chemical waste: appropriate measures for permitted facilities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/chemical-waste-appropriate-measures-for-permitted-facilities), [Non-hazardous and inert waste: appropriate measures for permitted facilities - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/non-hazardous-and-inert-waste-appropriate-measures-for-permitted-facilities), [Healthcare waste: appropriate measures for permitted facilities](https://www.gov.uk/guidance/healthcare-waste-appropriate-measures-for-permitted-facilities) and the relevant requirements of the [BAT Conclusions for Waste Treatment](https://www.gov.uk/guidance/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

### Compliance with Appropriate Measures for emissions control

The operator has confirmed that they are not currently compliant with all of the Appropriate Measures within Section 6 of the Chemical waste: appropriate measures for permitted facilities and Section 6 of the Non-hazardous and inert waste: appropriate measures for permitted facilities. This is because the operator does not currently contain their treatment plant or collect, extract, and direct emissions to suitable abatement. The operator also has not identified the chemical constituents of the emissions produced from the treatment plant, or keep information on the fate and impact of the emissions.

We have taken the decision to add an improvement condition (IC2) to their varied permit. This requires the operator to submit a report to the Environment Agency detailing the options available to them to prevent or minimise emissions in line with the above appropriate measures and BAT conclusion 14 for Waste Treatment, the proposals chosen with justification, and a timetable for implementation of the proposals.

An outline of the anticipated emission points have been added into Schedule 3, alongside associated emission limits and monitoring requirements. An outline of the potential process monitoring of abatement system(s) have been added to Schedule 3. Requirements for reporting of monitoring data has been added into Schedule 4. All of the above may be amended subject to completion of IC2 and/or IC3.

### Compliance with Appropriate Measures for repackaging

The Environment Agency's guidance 'Chemical waste: appropriate measures for permitted facilities' requires repackaging to be carried out in a dedicated area

with the equipment required to address the risk of diffuse emissions to air from the activity. These measures also require waste stored prior to or during repackaging activities to be stored appropriately, ensuring that all wastes are stored under cover and containerised wastes that are sensitive to air, light, heat, moisture or extreme ambient temperatures are protected from such ambient conditions. The covered areas must have good ventilation.

The operator has not provided evidence that adequately demonstrates that their activities are compliant with the above appropriate measures. We have therefore included an improvement condition that requires the operator to review and demonstrate that activity AR2 (Section 5.3 Part A (1)(a)(iv) Repackaging of hazardous waste) meets the requirements stated above and if required, propose improvements with timescales for implementation.

## **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.

The following Appropriate Measures guidance is also applicable to the permitted activities being varied under this permit review and has been included in the operating techniques table:

- Non-hazardous and inert waste: appropriate measures for permitted facilities - published 12 July 2021.
- Healthcare waste: appropriate measures for permitted facilities published - 13 July 2020.

We issued a notice under regulation 61(1) of the Environmental Permitting (England and Wales) Regulations 2016 (a Regulation 61 Notice) on 18/11/2021 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.

We considered that the response did not contain sufficient information for us to commence determination of the permit review. We therefore issued a further information request to the operator by email and the operator provided further information on their management system, the container washing activities, the shredding activities, confirmation of no emission points or abatement, compliance with the appropriate measures for treating chemical waste, waste codes, compliance with the healthcare waste appropriate measures, and the storage locations, capacities, and durations for certain waste streams on 12/06/2024, and emissions control from the shredding activities, waste codes, and clarification of previously submitted information on 31/07/2024. 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**

<b>Appropriate measures</b>	<b>Compliance status</b>	<b>Assessment of the installation’s compliance with relevant standards (appropriate measures) and any alternative techniques proposed by the operator</b>
<b>General management appropriate measures</b>	CC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section. Compliance with the appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.
<b>Waste pre-acceptance, acceptance and tracking appropriate measures</b>	CC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section. Compliance with the appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.
<b>Waste storage, segregation and handling appropriate measures</b>	FC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section. We do not agree with the operator’s response. Please refer to the Key Issues section of this document for more information. Improvement condition IC4 has been included within the varied permit to address the outstanding issues. Compliance with the other appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.
<b>Waste treatment appropriate measures</b>	CC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section. Compliance with the appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.
<b>Emissions control appropriate measures</b>	FC	<p>The operator confirmed that they currently meet the requirements of the appropriate measures in this section with the exception of the following Appropriate Measures:</p> <ul style="list-style-type: none"> <li>• 6.1.1, which requires the operator to contain storage tanks, silos and waste treatment plant to ensure they collect, extract, and direct all process emissions to an appropriate abatement system for treatment before release</li> <li>• 6.1.2, which requires the operator to identify the main chemical constituents of the site’s point source emissions as part of the site’s inventory of emissions to air</li> <li>• 6.1.3, which requires the operator to assess the fate and impact of the substances emitted to air</li> <li>• 6.1.4, which requires the operator to use an appropriate combination of abatement techniques to reduce point source emissions to air</li> <li>• 6.1.6, which requires the operator to have procedures that make sure they correctly install, operate,</li> </ul>

		<ul style="list-style-type: none"> <li>monitor, and maintain abatement equipment</li> <li>6.2.3, which requires the operator to have a fully enclosed treatment plant, with air extraction systems located close to emission sources, and ensure that the treatment plant uses high integrity components in order to collect and direct fugitive emissions to appropriate abatement</li> <li>6.2.6, which requires the operator to set up a leak detection and repair programme and use it to promptly identify and mitigate any fugitive emissions from the treatment plant and associated infrastructure</li> </ul> <p>Improvement condition IC2 has been included in the varied permit to address this. Compliance with the other appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.</p>
<b>Emissions monitoring and limits appropriate measures</b>	FC	<p>The operator has stated in their Regulation 61 Notice response that Section 7 of the Appropriate Measures does not apply to the installation.</p> <p>We do not agree with the operator's response. Please refer to the Key Issues section of this document for more information. Improvement condition IC3 has been included within the varied permit to address the non-compliances stated by the operator. Compliance with the other appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.</p>
<b>Process efficiency appropriate measures</b>	CC	<p>The operator confirmed that they currently meet the requirements of all appropriate measures in this section. Compliance with the appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.</p>
<b>Reg 61 requirement</b>	<b>Assessment of response received</b>	
<b>Soil and groundwater risk assessment</b>	<p>A site condition report was submitted as part of the original permit application. The operator has confirmed that there have been no changes to the installation throughout the lifetime of the permit and therefore the baseline assessment is still applicable.</p>	
<b>Medium combustion plant and specified generators</b>	<p>There are no medium combustion plant or specified generators on site.</p>	

<b>Climate change</b>	Submission of climate change risk assessment is no longer application requirement. It now forms a part of the operator's EMS and will be reviewed within compliance assessment.
<b>Summary of other changes made to the permit as a result of our assessment of the Reg 61 response</b>	
<b>Change</b>	<b>Reason for change</b>
<b>Site name updated</b>	An admin change was carried out to update the site name referenced in the permit, as confirmed by the operator.
<b>Activity A3 has been split into AR3, AR4, and AR7 in the varied permit</b>	<p>Within the previously issued permit, activity A3 was described as 'washing, crushing, and shredding of drums containing hazardous waste'. These drums were empty drums resulting from activity A2 of 'bulking up of hazardous waste'.</p> <p>This activity has been split into two scheduled activities (AR3 and AR4) and one directly associated activity (AR7) within the varied permit. This was required to ensure the permitted activities reflected the activities as described in Schedule 1 of the Environmental Permitting Regulations.</p>
<b>Revised waste tables within Schedule 2 of the varied permit</b>	Each permitted activity stated within table S1.1 has an associated table of permitted waste types, with AR3 and AR4 share the same table because the activities are linked. This change was carried out for clarity in the wastes associated for each activity.



# **Decision Considerations**

## **Confidential information**

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

## **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.

## **The regulated facility**

We considered the extent and nature of the facilities 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'.

The extent of the facilities are defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.

Activity A7 Storage of non-hazardous processed materials has been removed because this is included within the scheduled activity of shredding non-hazardous containerised waste and containers (activity AR6 within the varied permit).

## **The site**

The operator has provided plans which we consider to be satisfactory.

These show the extent of the site of the facility.

The plan is included in the permit.

IC2 requests the operator to submit an updated site plan to show the proposed emission points to air.

## **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 operator makes steps to comply with BAT and Appropriate Measures for their shredding activities, and carry out a H1 assessment and produce an emissions inventory. Please refer to the Key Issues section of this document for further information.

IC1 has been removed from the permit. This is because this improvement condition was completed in January 2010.

## Changes to EWC codes

The following EWC codes have been added as a result of this variation:

- 15 02 02\* has been added to the permitted list of wastes accepted under activity AR1. This was agreed to regularise the permit in terms of how the site accept wastes. The waste is accepted in mixed loads, with the oil filters removed from the loads for treatment under activity AR1.

The following EWC codes have been removed as a result of this variation:

- 19 12 11\* has been removed from the permitted list of wastes accepted under activity AR2, AR3, AR4, and AR5. This was agreed to be removed due to this waste code not having been received to this site over the past 3 years, as confirmed by the operator.
- 19 12 12 has been removed from the permitted list of wastes accepted under AR6 and AR10. This was agreed to be removed due to this waste code not having been received to this site over the past 3 years, as confirmed by the operator.
- 18 02 06 and 18 02 08 have been removed from activity AR6. 18 02 06 and 18 02 08 are not appropriate for treatment by these activities, and have been agreed by the operator to be removed from the list of wastes associated with AR6.
- 15 02 02\* and 16 01 07\* have been removed from the permitted list of wastes accepted under activity AR3 and AR4. This is because these codes are not appropriate for treatment under AR3 and AR4.
- 16 01 04\* has been removed from activity AR2 because this was confirmed by the operator as a waste that is not accepted at the site.
- 17 04 09\* has been removed from activities AR3 and AR4 because this waste is accepted at the site for transfer only.
- 06 03 14, 06 03 16, 06 13 03, 17 04 01, 17 04 02, 17 04 03, 17 04 05, 17 04 06, 17 04 07, and 17 04 11 have been removed from activity AR6

because the operator confirmed that these waste codes are accepted at the site for transfer only.

The following EWC codes have been amended as a result of this variation:

- 18 01 07 and 18 01 09 have been replaced with 18 01 04 under activity AR6 and AR10. 18 01 07 and 18 01 09 are not appropriate for treatment under AR6 and AR10. Upon assessing the waste accepted under these two codes, it became apparent that the waste was being misdescribed. The more appropriate 18 01 04 has replaced 18 01 07 and 18 01 09 where required.

## **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.