

Permitting Decisions - Environment Agency Initiated Variation

We have issued an Environment Agency initiated variation for Cannock Hazardous Waste Treatment Site operated by Axil Integrated Services 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/WP3638JR/V003.

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 [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

Permanent cessation of waste treatment activities

The operator has permanently ceased treatment of hazardous waste by neutralisation (AR1), stabilisation / cementation (AR2), dewatering (AR3), phase separation (AR4), ash washing (AR5) and drum washing (AR6). These activities performed in the Tank Farm have been removed from Table S1.1 along with point source emissions to air (A1 to A7) and sewer (S1). The treatment of non-hazardous waste (AR10) performed in the Tank Farm and directly associated activities (AR13 and AR14) have also been removed from the permit along with the pre-operational measures for future development (PB1 to PB4) authorising the recommissioning/constructing of the Tank Farm have been removed with the operators' consent.

Review of waste types, raw materials and fuels

Raw materials and fuels (listed in schedule 2 table S2.1) associated with ceased waste treatment activities have been removed from the permit. Waste tables (S2.01 to S2.09) relating to activities performed at the Tank Farm have also been removed from the permit.

Several waste types accepted at the facility have been inherited by the previous operator and are not now, or likely to be in the future, accepted at the facility. As a result, a number of waste types/tables listed in schedule 2 have been removed (Clinical, WEEE, ELV, Construction and Demolition) along with the pre-operational measures for future development (PA2 and PA3) authorising the storage of these waste types have been removed from the permit with the operators' consent.

An opportunity was taken to simplify and consolidate the remaining waste tables.

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.

Healthcare waste: appropriate measures for permitted facilities - published 13 July 2020. Non-hazardous and inert waste: appropriate measures for permitted facilities - published 12 July 2021. Waste electrical and electronic equipment (WEEE): appropriate measures for permitted facilities – published July 2022.

We issued a notice under regulation 61(1) of the Environmental Permitting (England and Wales) Regulations 2016 (a Regulation 61 Notice) on 15/11/2021 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 08/02/2022.

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. Suitable further information was provided by the operator on 24/07/2024.

We needed more information in order to complete our permit review assessment. We requested this by email and the operator provided further information on 25/09/2024. 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	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.
Waste pre-acceptance, acceptance and tracking appropriate measures	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. The following parts of the appropriate measures guidance are not applicable: Sections 3.1.8, 3.1.14, 3.1.16, 3.2.33 and 3.2.36.
Waste storage, segregation and handling appropriate measures	FC	The operator confirmed that they do not currently meet the requirements of all appropriate measures in this section. Improvement condition IC9 has been included in the varied permit to address this. The operator has suggested alternative measures for Section 4.27 which have been accepted and agreed as meeting equivalent level of environmental protection.
Waste treatment appropriate measures	N/A	N/A – There are no chemical treatment processes at this facility.
Emissions control appropriate measures	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. Section 6.1 is not applicable as there are no point source emissions to air at this facility.
Emissions monitoring and limits appropriate measures	N/A	N/A - There are no emission limits or monitoring requirements in the permit.
Process efficiency appropriate measures	N/A	N/A - There are no chemical treatment processes on site that use water, energy or fuels.
Reg 61 requirement	Assessment of response received	
Soil and groundwater risk assessment	The operator has chosen not to submit any baseline data.	
Medium combustion plant and specified generators	No existing medium combustion plant or specified generators are present at this facility.	
Climate change	Climate change assessment provided but not assessed. The operator has not entered into a climate change agreement with the Government.	

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 facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN2 'Defining the scope of the installation', and Appendix 1 of RGN 2 'Interpretation of Schedule 1'.

The site

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

These show the extent of the site of the facility including the discharge points.

The plans show the location of the part of the installation to which this permit applies on that site.

A plan is included in the permit.

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 meets the requirements of the Environment Agency's guidance, Chemical waste: appropriate measures for permitted facilities.

Changes to EWC codes

The following waste codes have been deleted from the permit at the request of the operator:

01 03 05*	other tailings containing hazardous substances
01 03 06	tailings other than those mentioned in 01 03 04 and 01 03 05
01 03 07*	other wastes containing hazardous substances from physical and chemical processing of metalliferous minerals
01 04 07*	wastes containing hazardous substances from physical and chemical processing of non-metalliferous minerals
01 04 09	waste sand and clays
01 04 11	wastes from potash and rock salt processing other than those mentioned in 01 04 07
01 05 04	freshwater drilling muds and wastes
01 05 05*	oil-containing drilling muds and wastes
01 05 06*	drilling muds and other drilling wastes containing hazardous substances
01 05 07	barite-containing drilling muds and wastes other than those mentioned in 01 05 05 and 01 05 06
01 05 08	chloride-containing drilling muds and wastes other than those mentioned in 01 05 05 and 01 05 06
03 03 05	de-inking sludges from paper recycling
03 03 09	lime mud waste
03 03 10	fibre rejects, fibre-, filler- and coating-sludges from mechanical separation
05 01 02*	desalter sludges
05 01 03*	tank bottom sludges
05 01 04*	acid alkyl sludges
05 01 05*	oil spills
05 01 06*	oily sludges from maintenance operations of the plant or equipment
05 01 07*	acid tars
05 01 08*	other tars
05 01 09*	sludges from on-site effluent treatment containing hazardous substances
05 01 11*	wastes from cleaning of fuels with bases
05 01 12*	oil containing acids
05 01 13	boiler feedwater sludges
05 01 14	wastes from cooling columns
05 01 15*	spent filter clays
05 01 16	sulphur-containing wastes from petroleum desulphurisation

05 01 17	bitumen
05 06 01*	acid tars
05 06 03*	other tars
05 06 04	waste from cooling columns
05 07 01*	wastes containing mercury
05 07 02	wastes containing sulphur
06 11 01	calcium-based reaction wastes from titanium dioxide production
09 01 11*	single-use cameras containing batteries included in 16 06 01, 16 06 02 or 16 06 03
10 04 01*	slags from primary and secondary production
10 04 02*	dross and skimmings from primary and secondary production
10 04 03*	calcium arsenate
10 04 04*	flue-gas dust
10 04 05*	other particulates and dust
10 04 06*	solid wastes from gas treatment
10 04 07*	sludges and filter cakes from gas treatment
10 04 09*	wastes from cooling-water treatment containing oil
10 04 10	wastes from cooling-water treatment other than those mentioned in 10 04 09
10 05 01	slags from primary and secondary production
10 05 03*	flue-gas dust
10 05 05*	solid waste from gas treatment
10 05 06*	sludges and filter cakes from gas treatment
10 05 08*	wastes from cooling-water treatment containing oil
10 05 09	wastes from cooling-water treatment other than those mentioned in 10 05 08
10 05 10*	dross and skimmings that are flammable or emit, upon contact with water, flammable gases in hazardous quantities
10 05 11	dross and skimmings other than those mentioned in 10 05 10
10 06 01	slags from primary and secondary production
10 06 02	dross and skimmings from primary and secondary production
10 06 03*	flue-gas dust
10 06 06*	solid wastes from gas treatment
10 06 07*	sludges and filter cakes from gas treatment
10 06 09*	wastes from cooling-water treatment containing oil
10 06 10	wastes from cooling-water treatment other than those mentioned in 10 06 09
10 07 07*	wastes from cooling-water treatment containing oil
10 08 08*	salt slag from primary and secondary production
10 08 10*	dross and skimmings that are flammable or emit, upon contact with water, flammable gases in hazardous quantities
10 08 12*	tar-containing wastes from anode manufacture
10 08 15*	flue-gas dust containing hazardous substances

10 08 17*	sludges and filter cakes from flue-gas treatment containing hazardous substances
10 08 19*	wastes from cooling-water treatment containing oil
10 14 01*	waste from gas cleaning containing mercury
16 01 04*	end-of-life vehicles
16 01 06	end-of-life vehicles, containing neither liquids nor other hazardous components
16 02 09*	transformers and capacitors containing PCBs
16 02 10*	discarded equipment containing or contaminated by PCBs other than those mentioned in 16 02 09
17 09 01*	construction and demolition wastes containing mercury
17 09 02*	construction and demolition wastes containing PCB (for example PCB-containing sealants, PCB-containing resin-based floorings, PCB-containing sealed glazing units, PCB-containing capacitors)
17 09 03*	other construction and demolition wastes (including mixed wastes) containing hazardous substances
19 03 04*	wastes marked as hazardous, partly stabilised other than 19 03 08*
19 03 06*	wastes marked as hazardous, solidified
19 04 02*	fly ash and other flue-gas treatment wastes
19 04 03*	non-vitrified solid phase
19 10 03*	fluff-light fraction and dust containing hazardous substances
19 10 04	fluff-light fraction and dust other than those mentioned in 19 10 03
19 10 05*	other fractions containing hazardous substances
19 10 06	other fractions other than those mentioned in 19 10 05
19 11 01*	spent filter clays
19 11 02*	acid tars
19 11 03*	aqueous liquid wastes
19 11 04*	wastes from cleaning of fuel with bases
19 11 05*	sludges from on-site effluent treatment containing hazardous substances
19 11 07*	wastes from flue-gas cleaning
20 01 31*	cytotoxic and cytostatic medicines

The following waste codes have been added to the permit at the request of the operator to correct historic omissions:

15 01 01	paper and cardboard packaging
15 01 02	plastic packaging
15 01 03	wooden packaging
15 01 04	metallic packaging
15 01 05	composite packaging
15 01 06	mixed packaging
15 01 07	glass packaging
15 01 09	textile packaging

Emission limits

Emissions limits have been deleted for indirect emissions to sewer as a result of this variation as they apply to ceased activities.

For rainfall runoff from non-process areas of waste storage/treatment (e.g. roofs and carparks) we have included descriptive limits on visible oil and grease.

We made these decisions in accordance with Waste Treatment BAT Conclusions, Chemical Waste: Appropriate Measures for Permitted Facilities.

Monitoring

We have decided that monitoring should be deleted, as they apply to ceased processes, for the following parameters, using the methods detailed and to the frequencies specified in the permit (table S3.1 Point Source Emissions to Sewer):

- Cadmium (expressed as Cd)
- Mercury (expressed as Hg)

We made these decisions in accordance with Waste Treatment BAT Conclusions, Chemical Waste: Appropriate Measures for Permitted Facilities

Reporting

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

- point source emissions specified in tables S3.1 and S3.2.
- process monitoring specified in table S3.3.

We made these decisions in accordance with Waste Treatment BAT Conclusions, Chemical Waste: Appropriate Measures for Permitted Facilities

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.