

## Permitting Decisions- Environment Agency Initiated Variation

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We have decided to issue an Environment Agency initiated variation for AO Recycling Telford operated by AO Recycling 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/ZP3534RD/V005.

In addition to implementing the permit review, this variation also makes the following changes to the permit that were applied for by the operator under permit variation application EPR/ZP3534RD/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 for [WEEE treatment and transfer](#), including 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.

## Permit variation application

In addition to implementing the permit review, this variation also makes the following changes to the permit that were applied for by the operator under permit variation application EPR/ZP3534RD/V006:

Addition of scheduled activity 5.3 A(1)(a)(iv), repackaging prior to submission to any of the activities listed in Section 5.3 or in Section 5.1. This covers the transfer and bulking of waste refrigerant gases and blowing agent from 1,000kg tankers to an ISO tanker.

There are no point source emissions to air or water associated with this activity and therefore no change to emissions from the site.

## 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

### Site name

The site name has been changed from AO Recycling Processing Facility to AO Recycling Telford. Change of company name and site name was notified in variation application EPR/ZP3534RD/V002.

### Waste exemptions

Waste exemptions on adjacent land were identified following receipt of the Regulation 61 response. The operator has confirmed that the waste exemptions had been re-registered in error. No activity is carried out under these exemptions, and they will be de-registered.

### Appropriate measures assessment

The facility will be operated in line with the following:

- Waste electrical and electronic equipment (WEEE): appropriate measures for permitted facilities.
- Waste temperature exchange equipment: appropriate measures for permitted facilities.

All parts of the appropriate measures guidance apply other than those parts to which an improvement programme requirement applies and those parts which are not applicable. See further detail below for improvement conditions.

The following parts of the appropriate measures guidance are not applicable:

Emissions monitoring and limits appropriate measures – measure 7.2(3). See Emissions to water section.

### **Pre-operational conditions**

There are no outstanding pre-operational conditions in the permit. PO1 and PO2 have been removed from the permit as they have been completed.

PO1 required the following:

The operator shall submit a written monitoring plan to the Environment Agency for approval.

The plan must contain proposals for a comprehensive monitoring exercise to demonstrate that the stage 1 and stage 2 processing of refrigeration units and insulation panels does not give rise to fugitive releases to air of refrigerant or blowing agent gases (i.e. CFCs, HCFCs, HFCs or HCs).

The operator shall carry out the monitoring exercise and submit a report in accordance with the Environment Agency's written approval.

PO2 required:

Prior to undertaking any shredding the operator shall provide a report the Environment Agency for written approval which outlines proposals for the installation of an automated fire suppression system at the site.

The report shall justify the locations of the automated fire suppression system and outline timescales for installation.

Completion date for both pre-operational conditions was 12/04/2017.

### **Emissions to air**

There are 4 point source emissions to air. The ELVs have been updated or amended, see the Emissions limits section below.

### **Emissions to water**

The operator has a consent to discharge condensate to sewer (Severn Trent). The condensate forms from the cooling jacket of the shredder. The cooling system is a sealed system, and no additives or chemicals are added to the water. Condensate is not considered to be a process water and BAT AELs do not apply.

The site will be permitted to discharge clean, uncontaminated surface water only. The operator will be required to carry out daily monitoring to ensure there is no visible oil or grease. These parameters have been added to the permit. There were no monitoring requirements for these parameters in the extant permit

### **Improvement conditions**

IC2 has been updated as completed. Confirmation was received from the Area Officer on 02/10/2024 that sufficient information had been received from the Operator to satisfy the requirements of IC2 which was completed on 02/10/2024. IC2 required the following:

The operator shall carry out an assessment of the monitoring of the concentrations of NH<sub>3</sub> and NH<sub>4</sub><sup>+</sup> species in exhaust gas emissions to air from emission point A4 that have been collected over a 6 month period in accordance with permit condition 3.5.

Using the data collected the operator shall submit for approval by the Environment Agency a written report on the results;

The report shall include:

- i) an assessment of the impact of the emission to air using the Environment Agency's 'H1 Environmental Risk Assessment' tool (or equivalent as agreed with the Environment Agency); and
- ii) proposals for appropriate measures to mitigate the impact of the emission where the assessment determines they are significant, including emissions limits and monitoring and dates for implementation of individual measures; and
- iii) details of appropriate measures for the operation and maintenance of the abatement system to ensure that where emission limits are proposed they are met or, where emission limits are not required, emissions remain insignificant.

Following the completion of IC2, the monitoring frequency for ammonia at emission point A4 has been changed from monthly to 6 monthly.

IC3 has been added to the permit and requires the following:

The operator shall submit a written report to the Environment Agency for approval that proposes a monitoring programme to characterise and assess the facility's point source emissions to air and water (including sewer) in accordance with the Emissions monitoring and limits appropriate measures of technical

guidance Waste electrical and electronic equipment: appropriate measures for permitted facilities, dated 13 July 2022.

The report shall detail the parameters and substances that will be tested for, the monitoring methods and equipment that will be used, and a timetable for undertaking the monitoring. Monitoring of emissions to air from emissions point A1 shall include speciated VOCs. The monitoring programme shall be carried out as approved by the Environment Agency.

A written report shall be submitted to the Environment Agency for approval detailing the results and conclusions of the emissions monitoring and assessment undertaken, including a completed H1 Environmental Risk Assessment and proposals for any ongoing monitoring or further assessment.

IC4 has been added to the permit and requires the following:

The operator shall submit a written monitoring plan to the Environment Agency for approval.

The plan must contain proposals for a monitoring exercise to demonstrate that the stage 1 treatment of WTEE in ammonia plant (Activity Ref. AR1) does not give rise to fugitive releases to air of refrigerant (ammonia).

The operator shall carry out the monitoring exercise and submit a report in accordance with the Environment Agency's written approval.

The operator will give the Environment Agency at least fourteen days notice of the commencement of the monitoring exercise.

The Environment Agency will be notified immediately if any fugitive releases are detected during the monitoring exercise.

### **Waste code tables**

The waste code tables have been updated under the permit review programme however, there are no changes to the types of waste accepted on site.

See sections below for key issues considered in relation to the variation application made by operator.

### **Table S1.1 activities**

The treatment of WTEE and WEEE have been separated into two activities on the permit under the permit review programme and are included in table S1.1 as AR1 and AR2. This is due to the specific requirements and standards that apply to WTEE. There is no change to the activities undertaken at site. Both are listed activity S5.3 A(1) (a) (ii) Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving physico-chemical treatment.

## 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 13th July 2022 our WEEE (waste electrical and electronic equipment) appropriate measures guidance was published on gov.uk. This guidance includes additional appropriate measures for WTEE (waste temperature exchange equipment).

This technical guidance explains the standards (appropriate measures) that are relevant to regulated facilities with an environmental permit to treat or transfer WEEE (including WTEE) and incorporates 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:

Chemical waste: appropriate measures for permitted facilities – published 18 November 2020.

We issued a notice under regulation 61(1) of the Environmental Permitting (England and Wales) Regulations 2016 (a Regulation 61 Notice) on 20/04/2022 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

The WTEE appropriate measures guidance, which supplements the WEEE technical guidance, includes an additional chapter on Process monitoring. 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 26/08/2022.

Although we were able to consider the Regulation 61 notice response generally satisfactory at receipt, we needed more information in order to complete our permit review assessment. We requested this by email and the operator provided further information on the outstanding actions in the Regulation 61 response and the condensate discharged to sewer on 10/01/2024 and 19/04/2024. 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
<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.
<b>Waste storage, segregation and handling appropriate measures</b>	CC	In the Regulation 61 response, the operator confirmed that they did not comply with waste storage measure 4(10) of the WTEE appropriate measures which requires compressors to be stored in containers or heavy-duty bags that are secure, weatherproof and leak proof. On 10/01/2024, operator confirmed that weatherproof covering had been completed. The operator confirmed they currently meet the requirements of all appropriate measures in this section.
<b>Waste treatment appropriate measures</b>	CC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section.
<b>Emissions control appropriate measures</b>	FC	<p>In the Regulation 61 response, the operator confirmed that they did not comply with measure 6.4(3) of the WEEE appropriate measures which requires discharges to water or sewer to comply with the conditions of a trade effluent consent. On 10/01/2024 the operator confirmed receipt of the trade effluent consent for condensate.</p> <p>Improvement condition IC3 has been added, see key issues detail above regarding the emissions inventory for the point source emissions to air and water.</p>

		Operator confirmed they meet the requirements of all other appropriate measures in this section.
<b>Emissions monitoring and limits appropriate measures</b>	FC	<p>In the Regulation 61 response the operator confirmed that only substances required to be monitored by the extant permit were monitored using the standards stated under measure 7.1(4) of the WEEE appropriate measures and 7.1(3) of the WTEE appropriate measures. Under the permit review the ELVs have been added and/or amended to include the substances required under these measures, see the emissions limits section below. IC3 requires an updated emissions inventory and H1.</p> <p>Measure 7.2(3) of the WEEE appropriate measures is not applicable as there are no emissions limits specified in the permit for point source emissions to water. See the key issues section.</p> <p>Operator confirmed they meet the requirements of all other appropriate measures in this section.</p>
<b>Process efficiency appropriate measures</b>	CC	<p>In the Regulation 61 response the operator confirmed they did not have an energy efficiency plan, an energy balance record or a residues management plan and therefore did not comply with measures 8.1(1), 8.1(3) or 8.4(1-3) of the WEEE appropriate measures. On 10/01/2024 the operator confirmed that these plans are in place.</p> <p>Operator confirmed they meet the requirements of all other appropriate measures in this section.</p>
<b>Process monitoring appropriate measures</b>	CC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section.
<b>Reg 61 requirement</b>	<b>Assessment of response received</b>	

<b>Soil and groundwater risk assessment</b>	The operator has not provided a soil and groundwater risk assessment. A site condition report was submitted in support of the new bespoke application. Condition 3.1.4 requires periodic monitoring of soil and groundwater.
<b>Medium combustion plant and specified generators</b>	NA. The operator confirmed that there are no combustion plant or generators associated with the permitted activity.
<b>Climate change</b>	The climate change adaptation plan will be assessed as part of the EMS.

## **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 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 facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of 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, see key issues section for further detail.

## Emission limits

Emission Limit Values (ELV's) and equivalent parameters or technical measures, based on Best Available Techniques – Achievable Emission Levels (BAT-AELS) for Waste Treatment, have been added for the following substances:

- Total VOCs, air flow, brominated flame retardants, dioxin-like polychlorinated biphenyls (PCB), metals (As, Cd, Co, Cr, Cu, Mn, Ni, Pb, Sb, Se, Ti, V), Dioxins and furans (PCDD/F)

Emission Limit Values (ELV's) and equivalent parameters or technical measures, based on Best Available Techniques – Achievable Emission Levels (BAT-AELS) for Waste Treatment, have been amended for the following substance:

- Dust

For uncontaminated surface water and discharge of condensate we have included descriptive limits on visible oil and grease. See key issues section for further detail.

## 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:

- Total VOCs, air flow, brominated flame retardants, dioxin-like polychlorinated biphenyls (PCB), metals (As, Cd, Co, Cr, Cu, Mn, Ni, Pb, Sb, Se, Ti, V), Dioxins and furans (PCDD/F)

We have decided that monitoring should be amended for the following parameter, using the methods detailed and to the frequencies specified in the permit:

- Dust

The operator will also be required to carry out daily monitoring to ensure there is no visible oil or grease in discharges to surface water or sewer.

These monitoring requirements have been included in order to meet the standards set out in the Emissions monitoring and limits appropriate measures of the WTEE and WEEE appropriate measures guidance.

We made these decisions in accordance with Best Available Techniques for Waste Treatment.

## Reporting

Reporting has not changed as a result of this variation.

## 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.

**Variation application made by operator**

This section summarises the key issues that we considered in relation to permit variation application ZP3534RD/V006, which was made by the operator on 22/03/2024 and separate to the permit review detailed above.

# Decision Considerations

## Key issues of the decision

The variation is to add the following hazardous waste treatment activity to the permit to allow the bulking/repackaging of refrigerant gases and blowing agent:

- 5.3 A(1)(a)(iv) Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving repackaging prior to submission to any of the other activities listed in Section 5.1 or Section 5.3

There have been no changes to the emissions points, or the total quantity of waste treated annually at the site. Waste types are limited to the gasses produced from activity AR1 (treatment of waste temperature exchange equipment, involving stage 1 degassing and stage 2 destruction processes).

### Appropriate measures assessment

In addition to the Regulation 61 response and the appropriate measures considered in the decision document above for application EPR/ZP3534RD/V005, the operator provided an appropriate measures assessment in their application summary. The facility will be operated in line with the following:

Chemical waste: appropriate measures for permitted facilities. The following measures apply:

- Waste storage, segregation and handling appropriate measures. Measures 41, 42, 44, 48, 50-56, 58, 60-63, 69, 78-79, 81, 84, 86.

## 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:

Local Authority- Environmental Protection Department (Telford & Wrekin)

Health and Safety Executive

Shropshire Fire and Rescue Service

The comments and our responses are summarised in the [Consultation responses](#) section of this document.

## 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'.

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.

## The site

The operator has provided a plan which we consider to be satisfactory.

These show the extent of the site of the facility including emission points to air.

The plan is included in the permit.

## Nature conservation, landscape, heritage and protected species and habitat designations

We have checked the location of the application to assess if it is within the screening distances we consider relevant for impacts on nature conservation, landscape, heritage and protected species and habitat designations. The application is not within our screening distances for these designations.

The decision was taken in accordance with our guidance.

## **Environmental risk assessment**

We have reviewed the operator's risk assessment and a copy of the DSEAR report was provided. Operator confirmed that the recommendations were addressed.

The assessment is satisfactory.

## **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.

## **Fire Prevention plan**

We have assessed the fire prevention plan and are satisfied that it meets the measures and objectives set out in the Fire Prevention Plan guidance.

We have approved the fire prevention plan as we consider it to be compliant with appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to represent all appropriate measures covering every circumstance throughout the life of the permit.

## **Emission limits**

No emission limits have been added, amended or deleted as a result of this variation.

There are no changes to emissions as a result of this activity. There are no emissions to air or water associated with this activity.

## **Monitoring**

Monitoring has not changed as a result of this variation.

## **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.

## **Consultation Responses**

The following summarises the responses to consultation with other organisations, and the way in which we have considered these in the determination process.

### **Responses from organisations:**

Response received from Local Authority.

Brief summary of issues raised: No observations to make on the permit application.

Summary of actions taken: None required.

Response received from Health and Safety Executive

Brief summary of issues raised: No observations to make on the permit application.

Summary of actions taken: None required.