

Permitting Decisions- Environment Agency Initiated Variation

We have decided to issue an Environment Agency initiated variation for Ellesmere Port Incinerator operated by Veolia ES (UK) Limited.

The variation number is EPR/SP3409LC/V005

The permit was issued on 06/11/2024

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

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

Per- and polyfluoroalkyl substances (PFAS) contamination is a growing global concern due to their persistence and potential long-term impacts on ecosystems and human health. The Environment Agency has recently completed a systematic scoping review of PFAS Remediation. The report concludes that optimal operational conditions for the effective destruction of PFAS through incineration involve several critical parameters, including maintaining temperatures exceeding 1,100°C with residence times of at least 2 seconds. The principle source of waste which is currently known to contain PFAS in high concentrations is waste firefighting foams. We have therefore added conditions to the permit to require the operator to:

- 1) Ensure that a minimum secondary combustion chamber of 1,100 °C is maintained when burning waste firefighting foams in any form (condition 2.3.12 (d)).
- 2) Carry out a study to verify that the specified PFAS-compounds within waste firefighting foam are being destroyed to a satisfactory degree (improvement conditions IC15a and IC15b in Table S1.3)

Condition 2.3.12 (d) has been written with sufficient flexibility to allow the operator to operate at a lower temperature for the purposes of the study (in order to test the effects of different operating temperatures) and also to potentially allow a lower operating temperature to be employed in future when burning waste firefighting foams, should this be found to be just as effective as operating at a minimum of 1,100 °C.

Decision Considerations

Changes to the permit conditions

We have varied the permit as stated in the variation notice.

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.