

Permitting Decisions- Environment Agency Initiated Variation

We have decided to issue an Environment Agency initiated variation for Valley House operated by WasteCare 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/XP3892ZH/V010.

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/XP3892ZH/V011.

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.

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/XP3892ZH/V011:

The following waste codes listed under Wastes from Human or Animal Health Care and/or Related Research have been added to the permit under the following activities:

Section 5.6 Part A(1)(a) Temporary storage of hazardous waste (AR4)

- 18 01 03* infectious waste, not contaminated with chemicals or medicines (may contain sharps) / infectious gypsum wastes (for example, plaster casts and moulds)
- 18 01 08* cytotoxic and cytostatic medicines
- 18 02 02* infectious waste, not contaminated with chemicals or medicines (may contain sharps) / infectious gypsum wastes (for example, plaster casts and moulds)
- 18 02 07* cytotoxic and cytostatic medicines

Manual sorting, storage, repackaging, and transfer of non-hazardous waste (AR9)

- 18 01 04 non-infectious offensive waste – human healthcare / non-infectious gypsum wastes (for example, plaster casts and moulds)
- 18 02 03 non-infectious offensive waste / non-infectious gypsum wastes (for example, plaster casts and moulds)

The changes introduced by the permit review (EPR/XP3892ZH/V010) and variation (EPR/XP3892ZH/V011) are both included within the issued permit EPR/XP3892ZH/V011.

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

Shredding and baling of hazardous and non-hazardous waste

The previous permit allowed the operator to carry out shredding and baling of hazardous and non-hazardous waste. During the review of the Regulation 61 Notice, it became apparent that these activities were not currently carried out, with the equipment being decommissioned.

The operator confirmed that these activities are not carried out at present, but may be reinstated in the future. This would involve the commissioning of new equipment.

Due to the activity not currently being carried out, and the operator not having the equipment on site, they were unable to carry out an assessment of their activities against the appropriate measures. In this way, we have decided to include pre-operational conditions for future development into their varied permit. These conditions are linked to the following activities:

- Activity AR3 Section 5.3 Part A(1)(a)(ii) Shredding and baling of hazardous waste.
- Activity AR6 Section 5.4 Part A(1)(a)(ii) Shredding and baling of non-hazardous waste.
- Activity AR9 Shredding and baling of non-hazardous waste.

The pre-operational conditions for future development inserted into the permit require the operator to apply to vary their permit, providing an assessment of the new plant and procedures against the Best Available Techniques for Waste Treatment and relevant Appropriate Measures guidance.

Discharge to sewer

The original permit allowed the operator to discharge process waters from their own treatment activities to sewer. This was confirmed again within the variation issued in 2012. There is no evidence of any agreements between the Operator and Area Officer to accept waste process waters from other facilities to dispose of via their sewer.

The permit EPR/XP3892ZH does not have an appropriate waste operation or installation activity to be able to accept and discharge to sewer waste from other facilities. Varying the permit to include this activity was not within the scope of this permit review. This means that the discharge to sewer is therefore permitted only for rainwater and process water from treatment activities.

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.
- Waste temperature exchange equipment: 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 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 28/04/2022.

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 (summary of information) on 22/05/2024, 21/08/2024, and 08/10/2024. 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	FC	The operator confirmed that they currently meet the requirements of the appropriate measures in this section with the exception of Sections 2.1 Management System, 2.3 Accident Management Plan, 2.4 Accident Management Plan, and 2.6 Plant Decommissioning. The operator has confirmed that operating procedures for general management will be updated to meet the requirements within 2 months from the date that the varied permit is issued. Improvement condition IC4 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.
Waste pre-acceptance, acceptance and tracking appropriate measures	FC	The operator confirmed that they currently meet the requirements of the appropriate measures in this section with the exception of appropriate measure 2 and 7 of Section 3.1 Waste Pre-Acceptance and the entirety of Section 3.3 Waste Tracking. The operator has confirmed that operating procedures for pre-acceptance, acceptance and tracking will be updated to meet the requirements within 2 months from the date that the varied permit is issued. Improvement condition IC5 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.
Waste storage, segregation and handling appropriate	FC	The operator confirmed that they currently meet the requirements of the appropriate measures in this section with the exception of Appropriate Measure 13, 15, 22, 24, 25, and 26, and the sub-section Sorting, Repacking and Bulking

measures		within Section 4 Waste storage, segregation and handling. The operator has confirmed that operating procedures for waste storage, segregation and handling will be updated to meet the requirements within 2 months from the date that the varied permit is issued. Improvement condition IC6 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.
Waste treatment appropriate measures	FC	The operator confirmed that they do not currently meet the requirements of the appropriate measures in this section. The operator has confirmed that operating procedures for waste treatment will be updated to meet the requirements 2 months from the date that the varied permit is issued. Improvement condition IC7 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.
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.
Emissions monitoring and limits appropriate measures	FC	The operator confirmed that they currently meet the requirements of the appropriate measures in this section with the exception of Appropriate Measure 1 of Section 7.1, which requires the operator to keep an updated emissions inventory. Improvement condition IC8 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.
Process efficiency	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

appropriate measures		of the guidance has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.
Reg 61 requirement	Assessment of response received	
Soil and groundwater risk assessment	A desktop assessment and phase 2 baseline investigative sampling was carried out in 2012, the Area Team has not raised any concerns that the site has not complied with its requirements under IED.	
Medium combustion plant and specified generators	Not Applicable. No Medium combustion plant and specified generators present on site or permitted under the Activities for the site.	
Climate change	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.	
Summary of other changes made to the permit as a result of our assessment of the Reg 61 response		
Change	Reason for change	
Activity A2 (Section 5.3 A(1)(b) Disposal of waste oils) within Table S1.1 has been removed	The operator confirmed that this activity is not required on the permit.	
Activities AR3, AR6, and AR9 are linked to pre-operational conditions for future development	The operator does not currently carry out the shredding and baling activities listed under AR3, AR6, or AR9. Table S4.1B has been added to the varied permit to address this. Please refer to the Key Issues section for more information.	
IC1, IC2, and IC3 have	IC1 has been removed because this improvement condition relates to air emission point A1 which no	

been removed from Table S1.3	<p>longer exists.</p> <p>IC2 and IC3 have been marked as complete.</p>
Table S1.4A referencing the pre-operational conditions has been removed from the varied permit	<p>This table has been removed because all pre-operational conditions have been completed.</p>
Removed reference to fuel within Table S2.1 raw materials and fuels	<p>Fuel was confirmed as not being used within the permitted activities directly and therefore not required.</p>
The lists of wastes permitted for each activity have been revised	<p>The Operator refined the list of wastes required for each activity, including those to be accepted for shredding and baling only. This was required to draft the permit in line with the current template, and ensure clarity on the permitted wastes for each activity.</p>
Table S3.1 Point source emissions to air has been revised to remove emission point A1 and the vents from process tanks, and add emission point A2.	<p>Emission point A1 was used for the shredding activities. As the plant have been decommissioned, we took the decision to remove this emission point from the permit. The activity is subject to the pre-operational condition for future development where a relevant emission point will be added to the permit when required.</p> <p>Reference to tanks T1, T2, and T3 have been removed from Table S3.1 because the operator is not currently permitted to store process waters from other facilities. Tank T3 is currently in use for storage of surface water, and T1 and T2 are empty.</p> <p>Emission point A2, which is linked to the compaction activities, has been added to correct a previous</p>

	omission in the permit.
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Variation application made by operator

This section summarises the key issues that we considered in relation to permit variation application EPR/XP3892ZH/V011, which was made by the operator on 06/08/2024 and separate to the permit review detailed above.

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 application that we consider to be confidential.

The decision was taken in accordance with our guidance on confidentiality.

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.

General 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 table S1.2 in the environmental permit.

The following operating techniques have been removed from the environmental permit because they are no longer relevant to the activities:

- Internal building layout plan (Drawing DPP_GMW6.3) received 27/04/2012 previously within the entry 'Response to email dated 17/04/2012'
- Reference to waste oil separation received 27/04/2012 previously within the entry 'Response to email dated 17/04/2012'
- Reference to the document 'Revised list of wastes' received 09/07/2012 within the entry 'Response to email dated 02/07/2012'.

Waste types

We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.

We are satisfied that the operator can accept these wastes for the following reasons:

- they are suitable for the proposed activities
- the proposed infrastructure is appropriate; and
- the environmental risk assessment is acceptable.

The following waste codes listed under Wastes from Human or Animal Health Care and/or Related Research have been added to the permit under the following activities:

Section 5.6 Part A(1)(a) Temporary storage of hazardous waste (AR4)

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- 18 02 03 non-infectious offensive waste / non-infectious gypsum wastes (for example, plaster casts and moulds)

The risk from the activities remains the same because the operator is already permitted to accept wastes under section 18, which have previously been assessed and it is accepted that the operator has the procedures in place to manage the risk of this family of wastes. The annual throughput of waste has not increased as a result of this permit review or variation.

Management system

We are not aware of any reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.

An improvement condition has been included to address this. Please refer to Tale 1 for more information.

The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.

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.

Emission limits

No emission limits have been added, amended or deleted 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.