

Permitting Decisions- Variation

We have decided to grant the variation for Ilkeston Healthcare Waste Transfer Station operated by SRCL Limited and, at the same time, issued an Environment Agency initiated variation following a review of the permit in accordance with Environmental Permitting (England and Wales) Regulations 2016, Regulation 34 (1).

The variation number is EPR/B3200UL/V006.

This permit variation has been issued to update some of the conditions following a statutory review of the permits in the healthcare waste treatment and transfer sector and to implement the appropriate measures guidance. The opportunity has also been taken to consolidate the original permit and subsequent variations where appropriate.

The operator has also applied to vary the permit storage quantities to normalise a contingency clause within the permit. The variation amends the permit to an installation for the hazardous waste storage activity.

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.

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.

We have reviewed the permit for this activity and varied the notice to make a number of changes to reflect relevant standards and best practice. These changes principally relate to the implementation of our technical guidance [Healthcare waste: appropriate measures for permitted facilities](#).

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 against our technical guidance.

As well as considering the review of the operating techniques used by the operator, 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. We have also updated the waste codes permitted, to include those previously accepted under waste exemptions and regulatory position statements.

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.

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit and the variation notice.

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.

On 13 July 2020, Healthcare 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 healthcare waste, providing relevant standards (appropriate measures) for those sites.

We issued a notice under regulation 61(1) of the Environmental Permitting (England and Wales) Regulations 2016 (a Regulation 61 Notice) on 10/02/2021 requiring the operator to provide information to confirm that the operation of their facility meets, or how it will subsequently meet, the standards 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 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

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 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 01/06/2021.

We considered that the response did contain sufficient information for us to commence determination of the permit review. To account for changes made since the Regulation 61 response was submitted, the operator provided updated documents on 26/06/2024.

| 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. |
| Waste storage, segregation and handling 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 treatment appropriate measures | N/A | There is no treatment of waste on site. Waste is transferred to a soft compaction vehicle for removal off site and this is not a treatment activity |
| Emissions control appropriate measures | N/A | Sections that relate to treatment of waste are not applicable. |
| Emissions monitoring and limits 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. |
| Process efficiency appropriate measures | N/A | This section is not relevant to waste operations. |
| Reg 61 requirement | | |
| Assessment of response received | | |
| Medium combustion plant and specified generators | N/A | |
| Climate change | | The operator confirmed that they do not anticipate any direct consequences of climate change, there is no climate change plan in place. Action on climate change adaption measures will be through the EMS condition of the varied permit. |

Table 1 – Summary of our assessment of the operator's Reg 61 response

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 Health Department

Health and Safety Executive

No responses were received.

Site condition report

The operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under the Industrial Emissions Directive.

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.

Fire prevention plan

We haven't requested a Fire Prevention Plan at this time, but we will request one in the future if we consider the site poses a risk of fire. The reason for not requesting a Fire Management Plan is that the risk of fire has not increased as part of this application.

Updating permit conditions during consolidation

We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permit.

Changes to the permit conditions due to an Environment Agency initiated variation

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

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.

Pre-operational conditions

There is no new pre-operational condition within this permit. However the existing one has been retained.

Emission limits

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

Reporting

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

Water Usage

Energy Usage

Other performance indicators

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.

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

Financial competence

There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.

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 110 of that Act in deciding whether to grant this permit variation.

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.