

Permitting Decisions- Environment Agency Initiated Variation

We have decided to issue an Environment Agency initiated variation for Rye Process Plant operated by Tradebe Solvent 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/GP3437PL/V017.

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/GP3437PL/V018.

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 <https://www.gov.uk/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 changes to the permit as applied by the operator under permit variation application GP3437PL/V018.

We have included the following waste code: 13 03 09* - Readily biodegradable insulating heat and transmission oils into table S2.2 Permitted waste types and quantities.

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

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.

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 01/03/2022.

We considered that the response did contain sufficient information for us to commence determination of the permit review.

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 (emissions to air and water, the use of glycerine on site and various DAA activities) on 19/01/2024. We made a copy of this information available on our public register.

We have not reviewed their Scheduled activity 4.1 (a)(ii) producing organic chemicals such as esters against Speciality Organic Chemicals Sector (EPR 4.02) guidance as this was reviewed as part of variation EPR/GP3437PL/V007.

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 general management 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 the waste pre-acceptance, acceptance and tracking 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 waste storage, segregation and handling the 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	CC	The Operator confirmed that they currently meet the requirements of waste treatment the 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 control appropriate measures	CC	<p>The Operator confirmed that they currently meet the requirements of the emissions control 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.</p> <p>The Operator has identified and characterised the emissions from the site’s activities that may cause pollution and control measures are in place.</p>
Emissions monitoring and limits appropriate measures	CC	<p>The Operator confirmed that they currently meet the requirements of the emissions monitoring 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.</p> <p>The Operator has submitted an Air emission risk assessment that considers the worst case scenario</p>

		<p>and concludes that the emissions will not cause significant pollution to any sensitive receptors. We consider the assessment appropriate.</p> <p>Aqueous emissions have also been considered and we have updated the monitoring requirements for both air and water emissions in table S3.1 and S3.2 to reflect the current limits.</p>
Process efficiency appropriate measures	CC	Process efficiency appropriate measures are considered and implemented as part of the site's EMS.
Reg 61 requirement Assessment of response received		
Soil and groundwater risk assessment	<p>The Operator confirmed that the tank farms for storage of raw materials, intermediates and finished product are sited within bunds that retain more than 110% capacity of the largest tank. All tanks on solvent duty have fire engulfment relief provision. The bunds are contained within the larger site area providing tertiary containment.</p> <p>No soil and groundwater risk assessment has been provided but a Safety Report which includes these requirements is reviewed 5 yearly by EA/HSE. We have included improvement condition IC19 to provide update the SCR with the latest findings in table S1.3 Improvement programme requirements.</p>	
Medium combustion plant and specified generators	<p>The site has one 6.2 MWth boiler and one 3.4 MWth boiler listed as a DAA. The boilers run on Product Grade Distillate, specifications as agreed with the Environment Agency, but are also capable to run on gas oil.</p> <p>We have updated the monitoring requirements in table S3.1 in line with MCP requirements. The limits apply as follows:</p> <ul style="list-style-type: none"> - from 01/01/2025 for the 6.2 MWth boiler, - from 01/01/2030 for the 3.4 MWth boiler. 	
Climate change	Operator has not considered the impact of climate change on the operation of the site. Climate Change Adaptation will be delivered through the EMS condition and an improvement condition is not required.	
Summary of other changes made to the permit as a result of our assessment of the Reg 61 response		
Change	Reason for change	
Removed DAA – handling and storage of glycerine.	Glycerine is no longer used and stored on site, and we have removed this associated DAA.	

Removed activity Section 1.1A(1)(b)iii	The site used to use a thermal oxidiser to co-incinerate waste to supply process steam. The thermal oxidiser is no longer in use, and we have removed this associated scheduled activity.
Added activity Section 5.6 Part A(1)(a)	This activity allows the operator the temporary storage of hazardous waste with a total capacity exceeding 50 tonnes. This is not a new site activity, it has been missed in the previous variations.
Added IC19 Site Condition Report	We have included this IC for the operator to undertake a review of the Site Condition Report (as provided in Table S1.2) to ensure Article 22 of the Industrial Emissions Directive is complied with.
Added IC20 Emissions inventory	We have included the improvement condition to assure that the monitoring measures in place for water emissions are appropriate. The condition requires the operator to submit a water emission inventory and associated monitoring needs.
EWC removed from table S2.2	<p>We have removed two non-hazardous waste codes listed below from table S2.2. Accepting non hazardous waste under hazardous waste activities is not permitted.</p> <p>02 07 02 wastes from spirits distillation</p> <p>16 03 06 organic wastes other than those mentioned in 16 03 05</p>

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 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', guidance on waste recovery plans and permits.

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/s which we consider to be satisfactory.

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

The 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.

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

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

Improvement programme

We have included an improvement programme as detailed in *Summary of other changes made to the permit as a result of our assessment of the Reg 61 response* section above.

Monitoring

We have decided that monitoring should be added for emissions to air for the following parameters, using the methods detailed and to the frequencies specified:

- TVOC and speciated VOC for emission point A1,
- Oxides of nitrogen (NO_x), Sulphur dioxide (SO₂) and Dust for emission point A2 and A3 in accordance with the choice of fuel.

Regarding emissions to water, the applicant has not provided an emission inventory. We have therefore requested an emission inventory via IC20 which also requires to update the monitoring requirements in table S3.2.

In the meantime, we have added all the applicable monitoring requirements for water emissions for W1 and W2.

These monitoring requirements have been included in order to comply with BAT requirements.

Emission limits

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

- TVOC for emission point A1,
- Oxides of nitrogen (NO_x), Sulphur dioxide (SO₂) and Dust for emission point A2 and A3.

Emissions limits have been added for direct emissions to water course as a result of this variation based on Best Available Techniques – Achievable Emission Levels (BAT-AELS) for Waste Treatment:

- All applicable parameters.

Reporting

We have added reporting in the permit for the parameters listed above in the monitoring section.

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

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 GP3437PL/V018, which was made by the operator on 03/10/2023 and separate to the permit review detailed above.

The application was submitted for accepting *13 03 09* - Readily biodegradable insulating heat and transmission oils* additional waste code on site.

The site is already accepting category 13 wastes and as such, we do not consider that the variation will increase the environmental risk. The annual waste throughput is unchanged. We have included the waste code: 13 03 09* into table S2.2 Permitted waste types and quantities.