

Permitting Decisions- Environment Agency Initiated Variation

We have issued an Environment Agency initiated variation for Argent Oil Terminal operated by Argent Energy Holdings 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/JP3031RC/V006.

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.

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.

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: Non-hazardous and inert waste: appropriate measures for permitted facilities - published 12 July 2021.

We issued a notice under regulation 61(1) of the Environmental Permitting (England and Wales) Regulations 2016 (a Regulation 61 Notice) on 17/11/2021 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 24/02/2022.

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 17/10/2024. 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	NA/FC	<p>The operator stated in response to our request for information sent on 09/08/2024 that the facility is no longer accepting hazardous waste for storage or treatment under activities AR1-AR3 (in the consolidated permit produced by this review). The operator has stated their intention to vary the permit to remove activities AR1-AR3, AR7 and AR9 as these activities are suspended.</p> <p>As we have not been able to assess compliance with chemical Wastes: appropriate measures for permitted sites for the activities that are no longer operational, we have included pre-operational condition PO1 which requires the operator to vary the permit and provide evidence that the facility will comply with the appropriate measures for these activities before operation can resume. Future compliance with these measures will therefore be implemented through the pre-operational condition in the permit should the operator decide to restart any of the activities to which this guidance applies. The permitted facility remains an installation until the permit is varied by the operator.</p> <p>Compliance with the appropriate measures in the guidance has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.</p>
Waste pre-acceptance, acceptance and tracking appropriate measures	NA/FC	
Waste storage, segregation and handling appropriate measures	NA/FC	
Waste treatment appropriate measures	NA/FC	
Emissions control appropriate measures	NA/FC	
Emissions monitoring and limits appropriate measures	NA/FC	
Process efficiency appropriate measures	NA/FC	
Reg 61 requirement		Assessment of response received
Compliance with Non-Hazardous waste appropriate measures.		<p>The operator stated in their Reg61 response that they comply with the appropriate measures for non-hazardous waste which apply to activities AR4 (operation of the SWIP) and AR8 (storage of non-hazardous waste) in the consolidated permit (activities AR7 and AR9 are suspended and assessment of compliance with the appropriate measures was not possible).</p>

	<p>We have some concerns regarding the storage of 'slops' (defined as residues from the transfer of waste between storage tanks and tankers etc.) at the site. We have added improvement condition IC4 to ensure compliance with the appropriate measures going forward.</p> <p>No abatement is currently fitted on waste storage tanks. We consider that the type of waste stored is unlikely to give rise to emissions of VOCs. We have no concerns currently regarding odorous emissions at the site. The conditions in the permit require that the operator shall control emissions of substances and odour from their facilities to prevent pollution and take appropriate measures to prevent (or minimise) those emissions.</p> <p>Compliance with the rest of the appropriate measures in the guidance to which an improvement condition does not apply has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2. We will continue to assess and ensure compliance (with both the appropriate measures and permit conditions) through regular inspection of the site.</p>
Soil and groundwater risk assessment	<p>The operator has stated in their response to our request for information that the requirement to carry out a soil and groundwater risk assessment will not apply when the permit is varied/surrendered to remove the mothballed/suspended activities as the facility will no longer be an installation. However, until the permit is varied as stated, the requirement to monitor soil and groundwater periodically shall apply on as per condition 3.1.3. The operator will have to demonstrate that the facilities have caused no deterioration to land/groundwater prior to surrender.</p>
Medium combustion plant and specified generators	<p>As per the operator's request, we have removed the oil and hot water heaters (A5 and A6) from the permit. The package boiler remains operational. The operator provided us with the details of the package boiler as required under Annex 1 of MCPD. We have not asked the operator if they would like us to carry out early permitting of the package boiler or biomass boiler (SWIP) which are both MCPs rated < 5MWth as the intention to vary the permit means that the MCPs may require standalone permits going forward.</p>
Climate change	<p>Submission of climate change risk assessment is no longer a requirement of the review. It now forms a part of the operator's EMS and will be reviewed within compliance assessment.</p>
Summary of other changes made to the permit as a result of our assessment of the Reg 61 response	
Change	Reason for change

Table S1.1	In addition to the removal of activities relating to combustion plant no longer required, activity A8 in the existing permit has been removed and A7 (relabelled AR5 in the consolidated permit) is amended to account for operations no longer taking place at the facility. The pre-operational condition PO1 has been applied to activities AR1-AR3, AR7 and AR9 which are no longer taking place on site.
Table S1.3	IC2 and IC3 are marked complete. See CAR forms referenced JP3031RC/0307583 and JP3031RC/0406156 respectively. IC4 has been added as explained above.
Table S3.1	Emission points A14, A14a, A15, A62 – A71, A72 – A108 have been removed as these relate to equipment that is non-operational or has been removed from site as stated by the operator.
Table S4.2	We have added requirements for reporting of waste treated for recovery and end of waste produced in accordance with the permit template and the requirements for the sector.
Table S4.3	We have added requirements for reporting of performance parameters in accordance with the permit template and the requirements for the sector.
Schedule 6	We have updated the schedule to include all relevant terms following the review.
Schedule 7	We have included an updated site plan showing emission points and relevant infrastructure in line with our guidance.

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 regulated facility

We considered the extent and nature of the facilities at the site in accordance with RGN2 'Understanding the meaning of regulated facility' and Appendix 1 of RGN 2 'Interpretation of Schedule 1'. We consider that heating of non-hazardous waste oils/fats and greases for the purpose of maintaining fluidity should be considered as storage rather than treatment. The description in Schedule 1, Table S1.1 of activity AR8 has been amended accordingly.

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 as stated in Table 1 of the Key Issues section to ensure that the facility complies with our guidance non-hazardous and inert waste: appropriate measures for permitted facilities.

Emission limits

No emission limits have been added, amended or deleted as a result of this variation. The Waste Treatment BAT Conclusions do not apply to the activities that remain operational on the permit.

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.