

## Permitting Decisions - Environment Agency Initiated Variation

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We have issued an Environment Agency initiated variation for Unit 3 Cornishway East 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/AP3894EA/V005.

### 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.

# 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:

- 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 26/01/2022 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 26/07/2022.

We considered that the response contained 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 the following on 08/08/2024 and 17/10/2024. We made a copy of this information available on our public register.

- Storage capacity and duration, and arrangements
- Further detail regarding the truck wash bay
- Clarification on the limits of certain activities
- Further detail on fugitive and channelled emissions
- Site layout and drainage plans
- Compliance with appropriate measures not requested within the Regulation 61 Notice

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

<b>Appropriate measures</b>	<b>Compliance status</b>	<b>Assessment of the installation’s compliance with relevant standards (appropriate measures) and any alternative techniques proposed by the operator</b>
<b>General management appropriate measures</b>	FC	<p>The operator confirmed that they currently meet the requirements of the appropriate measures in this section except for all appropriate measures within sections 2.1, 2.3 and 2.6 which requires the operator to have a written management system that incorporates environmental performance features, a plan for dealing with any incidents or accidents, and consideration for decommissioning the plant, respectively. The operator also confirmed that the updated management system would include consideration of both the Healthcare waste: appropriate measures for permitted facilities and Non-hazardous and inert waste: appropriate measures for permitted facilities guidance. Considering that the facility also accepts WEEE, consideration of the Waste electrical and electronic equipment (WEEE): appropriate measures for permitted facilities have also been included. Improvement condition IC2 has been included in the varied permit to address this.</p> <p>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.</p>
<b>Waste pre-acceptance, acceptance and tracking appropriate measures</b>	FC	<p>The operator confirmed that they currently meet the requirements of the appropriate measures in this section except for all appropriate measures within sections 3.1 and 3.3 requiring the operator to have an up-to-date waste pre-acceptance procedure and computerised waste tracking system. The operator also confirmed that the updated management system would include consideration of both the Healthcare waste: appropriate measures for permitted facilities and Non-hazardous and inert waste: appropriate measures for permitted facilities guidance. Considering that the facility also accepts WEEE, consideration of the Waste electrical and electronic equipment (WEEE): appropriate measures for permitted facilities have also been included. Improvement condition IC3 has been included in the varied permit to address this.</p> <p>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.</p>
<b>Waste storage, segregation and handling appropriate measures</b>	FC	<p>The operator confirmed that they currently meet the requirements of the appropriate measures in this section with the exception of appropriate measures 13, 15, 22, 24-26, 71-77, and 78-89 within section 4 requiring the operator to have up-to-date storage, segregation and handling procedures including leak detection, maximum storage time, inspection gap height, storage stack height, aerosol storage</p>

		<p>procedures, and sorting, repackaging, and bulking procedures, respectively. The operator also confirmed that the updated management system would include consideration of both the Healthcare waste: appropriate measures for permitted facilities and Non-hazardous and inert waste: appropriate measures for permitted facilities guidance. Considering that the facility also accepts WEEE, consideration of the Waste electrical and electronic equipment (WEEE): appropriate measures for permitted facilities have also been included. Improvement condition IC4 has been included in the varied permit to address this.</p> <p>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.</p>
<b>Waste treatment appropriate measures</b>	FC	<p>The operator confirmed that the site processes for waste treatment need reviewing and updating to ensure they include the current process controls and emergency procedures required. Improvement condition IC5 has been included in the varied permit to address this.</p>
<b>Emissions control appropriate measures</b>	FC	<p>The operator stated that they do not have any emissions to air, water, or sewer. However, an emission to sewer has been identified during the review of this facility. Improvement condition IC6, requiring the operator to revise their procedures in relation to emissions control, has been included in the varied permit. This improvement condition includes a requirement to review their emissions control against the following:</p> <p>Chemical waste appropriate measures:</p> <ul style="list-style-type: none"> <li>• All appropriate measures within Section 6.4 Point source emissions to water and sewer;</li> <li>• Appropriate measures 3 and 5 within Section 6.5 Fugitive emissions to land and water.</li> </ul> <p>Non-hazardous and inert waste appropriate measures:</p> <ul style="list-style-type: none"> <li>• Section 6.4 Point source emissions to water (including sewer);</li> <li>• Appropriate measure 4 within Section 6.5 Fugitive emissions to land and water.</li> </ul> <p>Healthcare appropriate measures:</p> <ul style="list-style-type: none"> <li>• All measures within Point source emissions to water and sewer;</li> </ul>

		<ul style="list-style-type: none"> <li>All measures within Fugitive emissions to land and water.</li> </ul> <p>Waste electrical and electronic equipment (WEEE) appropriate measures:</p> <ul style="list-style-type: none"> <li>All measures within Section 6.4 Point source emissions to water and sewer;</li> <li>All measures within Section 6.5 Fugitive emissions to land and water.</li> </ul> <p>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.</p>
<b>Emissions monitoring and limits appropriate measures</b>	FC	<p>The operator stated that they do not have any emissions to air, water, or sewer. However, an emission to sewer has been identified during the review of this facility. Relevant monitoring and reporting requirements have been inserted into the varied permit.</p> <p>While the operator does not currently carry out reporting of their emissions to sewer, due to the conditions in their previous permit, we have no reason to believe that the operator cannot comply with the requirements inserted into their varied permit and once improvement condition IC6 has been completed.</p>
<b>Process efficiency appropriate measures</b>	CC	<p>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.</p>
<b>Reg 61 requirement</b>	<b>Assessment of response received</b>	
<b>Soil and groundwater risk assessment</b>	A site condition report was submitted as part of the original permit application. This baseline assessment is still applicable.	
<b>Medium combustion plant and specified generators</b>	The operator has confirmed that there are no medium combustion plant or specified generators associated with their permitted facility.	
<b>Climate change</b>	The operator has not completed a climate change assessment. Climate Change adaption will be delivered through the Environmental Management System condition.	
<b>Summary of other changes made to the permit as a result of our assessment of the Reg 61 response</b>		

<b>Change</b>	<b>Reason for change</b>
<b>Removal of waste operation for non-hazardous waste treatment (A6) from list of permitted activities</b>	The operator has confirmed that the waste operation for non-hazardous waste treatment has never commenced at the facility. Therefore, we have removed this activity from the list of activities in table S1.1.
<b>Amendment of waste operation for manual treatment of WEEE (A5) to reflect storage, sorting, and separation</b>	The operator has confirmed that the facility has not commenced any treatment under the waste operation for manual treatment of WEEE including repair, refurbishment, and manual dismantling. Therefore, we have amended the activity in table S1.1 to remove reference to this. The revised activity is for storing, sorting, and separation of WEEE only.



# **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 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'.

## **The site**

The operator has provided plans which we consider to be satisfactory.

These show the extent of the site of the facility including the emission points.

The plans show the location of the part of the installation to which this permit applies on that site.

The plans are 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.

The following operating technique has been removed from the varied permit because this guidance has been superseded by the chemical waste appropriate measures:

Description	Parts	Date Received
Sector Guidance IPPC S5.06	Guidance for the Recovery and Disposal of Hazardous and non-Hazardous Waste	N/A

## Changes to the permit conditions

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

## Improvement programme

We have included an improvement programme to ensure that the operator updates their procedures in line with the appropriate measures relevant to the site activities. This includes updating their management system, waste storage, waste treatment procedures, and control of emissions to sewer. Details of these can be found in Table 1.

## Changes to EWC codes

Activity A6 Non-hazardous waste treatment and its associated table of waste types in Schedule 2 have been removed from the varied permit.

We have amended the description of the following EWC codes:

- 19 12 11\* other wastes (including mixtures of materials) from mechanical treatment of waste containing hazardous substances (baled cardboard or paper, and wastes that have been sorted and separated from mixed wastes)
- 19 12 12 other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 19 12 11 (baled cardboard or paper, and wastes that have been sorted and separated from mixed wastes)

This decision was taken to provide clarity on the wastes accepted under this EWC code.

No other waste types have been removed or amended in the varied permit.

## Emission limits

Emissions limits have been added for indirect emissions to sewer as a result of this variation based on Best Available Techniques – Associated Emission Levels (BAT-AELS) for Waste Treatment.

For rainfall runoff from non-process areas of waste storage/treatment (e.g. roofs and car parks) we have included descriptive limits on visible oil and grease.

## **Monitoring**

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

Visual inspection of visible oil and grease to indirect emission to sewer. A daily monitoring frequency has been included.

These monitoring requirements have been included in order to comply with the appropriate measures and Best Available Techniques.

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

## **Reporting**

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

- Visible oil and grease

We have decided to include a requirement to report on this parameter annually, 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.