

Permitting Decisions- Environment Agency Initiated Variation

We have issued an Environment Agency initiated variation for B & W waste management operated by B & W waste management following a review of the permit in accordance with Environmental Permitting (England and Wales) Regulations 2016, regulation 34(1).

The variation number is EPR/KP3196NL/V004.

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>, [Non-hazardous and inert waste: appropriate measures for permitted facilities - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/non-hazardous-and-inert-waste-appropriate-measures-for-permitted-facilities), [Healthcare waste: appropriate measures for permitted facilities](https://www.gov.uk/guidance/healthcare-waste-appropriate-measures-for-permitted-facilities), <https://www.gov.uk/guidance/waste-electrical-and-electronic-equipment-wEEE-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.

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 13 July 2022.

We issued a notice under regulation 61(1) of the Environmental Permitting (England and Wales) Regulations 2016 (a Regulation 61 Notice) on 15/11/2021 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 28/02/2022

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 (summary of information) on 26/06/2024, 27/08/2024, 13/09/2024, and 5/11/2024. 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	CC	E.g. 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	FC	The operator indicated that they currently meet the requirements of all appropriate measures in this section. We disagree. 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.an Improvement Condition IC2 has been included in the varied permit
Waste treatment 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 control appropriate measures	N/A	<p>The operator confirmed that they currently meet the requirements of the appropriate measures in this section with the exception of the following Appropriate Measures:</p> <ul style="list-style-type: none"> • 6.1.1, which requires the operator to contain storage tanks, silos and waste treatment plant to ensure you collect, extract, and direct all process emissions to an appropriate abatement system for treatment before release • 6.1.2, which requires the operator to identify the main chemical constituents of the site’s point source emissions as part of the site’s inventory of emissions to air • 6.1.3, which requires the operator to assess the fate and impact of the substances emitted to air • 6.1.4, which requires the operator to use an appropriate combination of abatement techniques to reduce point source emissions to air • 6.1.6, which requires the operator to have procedures that make sure they correctly install, operate, monitor, and maintain abatement equipment

		The operator operates two shredders on site which are not abated. We have agreed that abatement is not necessary.
Emissions monitoring and limits appropriate measures	N/A	There are no emission limits or monitoring requirements in the permit.
Process efficiency 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.
Reg 61 requirement Assessment of response received		
Soil and groundwater risk assessment	The operator has chosen not to submit any baseline data.	
Medium combustion plant and specified generators	No existing medium combustion plant or specified generators are present at this facility.	
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	
Activities Split into in the varied permit	The Previous permit was issued in 2013. The activities and waste table did not accurately reflect the permit activities. Which are now Installations activities AR1 Section 5.3 Part A (1)(a)(ii) Disposal or Recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving physico-chemical treatment, R4 Recycling/reclamation of metals and metal compounds R5 Recycling/reclamation of other inorganic materials Shredding or crushing of empty hazardous containers.	

	<p>AR2 Section 5.3 Part A (1)(a)(ii) Disposal or Recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving physico-chemical treatment, D9 - Physico-chemical treatment resulting in final compounds or mixtures which are discarded by any of the operations numbered D1 to D12. Shredding of oil contaminated textiles</p> <p>AR3 Section 5.3 Part A (1)(a)(iv) Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving repackaging. R2 : Solvent reclamation/regeneration R3 Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes) D14 Repackaging prior to submission to any of the operations numbered D1 to D13. Repackaging of Hazardous waste</p> <p>AR4 Section 5.6 Part A(1)(a) Temporary storage of hazardous waste with a total capacity exceeding 50 tonnes. R13 Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where it is produced) D15 Storage pending any of the operations numbered D1 to D14 (excluding temporary storage, pending collection, on the site where the waste is produced). Waste operations AR5 Treatment, repackaging and storage of non-hazardous waste. R3: Recycling/ reclamation of organic substances which are not used as solvents R4: Recycling/ reclamation of metals and metal compounds R5: Recycling/reclamation of other inorganic materials R13: Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where it is produced). D9 Physico-chemical treatment not specified elsewhere which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D12 D14: Repackaging prior to submission to any of the operations numbered D1 to D13. D15: Storage pending any of the operations numbered D1 to D14 (excluding temporary storage, pending collection, on</p>
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	the site where it is produced)
Improvement conditions	<p>Improvement condition IP1, The operator shall submit in writing, to the Environment Agency, a report summarising the review of all operational procedures. Completed in 2012 and removed</p> <p>IC2 The operator shall review and update their waste storage, segregation and handling procedures to ensure that they meet the requirements of the Environment Agency's guidance Chemical waste: appropriate measures for permitted facilities referred to in Table S1.2. Specifically, the operator must demonstrate that the following appropriate measure(s) of the guidance will be met:</p> <ul style="list-style-type: none"> – Clearly mark hazardous waste storage areas and provide signs showing the maximum quantity and hazardous properties of waste that can be stored there (Measure 4.5) – containers containing wastes must not be stacked more than 2 high, except for empty containers which can be stacked 3 high (measure 4.26). <p>A copy of the updated procedure(s) shall be submitted to the Environment Agency for approval.</p>
Pre operational measures	<p>Pre operational measure PO1, The transfer, sorting, storage and bulking of hazardous waste., The operator shall complete site layout changes in line with site layout plan BW001-001, ensuring all wastes are segregated in accordance with HSG71 as specified in Sector Guidance Note S5.06. completed in 2012 and removed.</p>
Waste code table	<p>Schedule 2 table S2.2 was previously one table for all activities.</p> <p>These have now been separated out according to activities and are S2.2 to S2.6 respectively.</p>
Maximum storage of waste at any one time	<p>There has not been a maximum storage capacity at any one time set in previous permits. The Regulation 61 response stated that maximum storage at any one time was 541 tonnes of which 351 tonnes was hazardous waste and 190 tonnes was non – hazardous waste. We have considered the maximum safe capacity and concluded that it be set at 900 tonnes total of which 750 tonnes is hazardous waste and 150 tonnes is non-hazardous waste.</p>

Decision Considerations

Confidential information

A claim for commercial or industrial confidentiality has not been made.

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',

Changes to table S1.1 include splitting activity A1 crushing and shredding of containers contaminated with hazardous waste into its constituent scheduled activities. This is required because the nature of the activity of Shredding oil contaminated textiles (now AR2) is processed under Disposal whereas Shredding of Plastic containers and crushing and baling of metal containers (Now AR1) are processed under Recycling/Recovery. A2 becomes AR3, A3 becomes AR4 and AR4 becomes AR5. A5 hazardous oils and solvents are moved into AR3 and the R9 code changed to R3 and the Non Hazardous oils and solvents moved into AR5 and EWC code changed to R3.

The revised set of activities is defined in table S1.1 of the permit.

The site

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

These show the extent of the site of the facility.

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

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.

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 permit is compliant with Waste storage, segregation and handling procedures.

IC2 states

The operator shall review and update their waste storage, segregation and handling procedures to ensure that they meet the requirements of the Environment Agency's guidance Chemical waste: appropriate measures for permitted facilities referred to in Table S1.2. Specifically,

the operator must demonstrate that the following appropriate measure(s) of the guidance will be met:

- Clearly mark hazardous waste storage areas and provide signs showing the maximum quantity and hazardous properties of waste that can be stored there (Measure 4.5)
- containers containing wastes must not be stacked more than 2 high, except for empty containers which can be stacked 3 high (measure 4.26).

A copy of the updated procedure(s) shall be submitted to the Environment Agency for approval.

IP1 has been removed from the permit having been completed in 2012.

Changes to EWC codes

The following EWC code has been added to the permit at the request of the operator to correct historic omissions.

20 03 01	mixed municipal waste
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Emission limits

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

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

Monitoring

Monitoring has not changed as a result of this variation.

Reporting

Reporting has not changed as a result of this variation.

We made these decisions in accordance with Waste Treatment BAT Conclusions, Chemical Waste: Appropriate Measures for Permitted Facilities

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.