

## **Permitting Decisions - Environment Agency Initiated Variation**

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We have issued an Environment Agency initiated variation for Maple Lodge Wastewater Treatment Works operated by Biffa Waste Services 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/XP3705MV/V003.

### **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 26/11/2024 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 28/02/2025. 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 23<sup>rd</sup> and 29<sup>th</sup> April 2025. We made a copy of this information available on our public register.

<b>Table 1 – Summary of our assessment of the operator's Reg 61 response</b>		
<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>	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.
<b>Waste pre-acceptance, acceptance and tracking appropriate measures</b>	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.
<b>Waste storage, segregation and handling appropriate measures</b>	FC	<p>The operator confirmed that they do not currently meet the requirements of all appropriate measures in this section. Improvement condition IC4 has been included in the varied permit to address this. The operator must demonstrate that the following appropriate measure(s) of the guidance will be met:</p> <ul style="list-style-type: none"> <li>• You should vent bulk storage tanks and silos through suitable abatement (measure 4.43).</li> </ul>
<b>Waste treatment appropriate measures</b>	FC	<p>The operator confirmed that they do not currently meet the requirements of all appropriate measures in this section. Improvement condition IC5 has been included in the varied permit to address this. The operator must demonstrate that the following appropriate measure(s) of the guidance will be met:</p> <ul style="list-style-type: none"> <li>• Where an emission is expected, all treatment or reactor vessels must be enclosed. Only vent them to the atmosphere via an appropriate scrubbing and abatement system (measure 4.10).</li> </ul>

<b>Emissions control appropriate measures</b>	FC	<p>The operator confirmed that they do not currently meet the requirements of all appropriate measures in this section. Improvement conditions IC6, IC8a, IC8b and IC9 have been included in the varied permit to address this. The operator must demonstrate that the following appropriate measure(s) of the guidance will be met:</p> <ul style="list-style-type: none"> <li>You must contain storage tanks, silos and waste treatment plant (including shredders) to make sure you collect, extract and direct all process emissions to an appropriate abatement system for treatment before release (measure 6.1.1).</li> <li>You must collect and treat separately each water stream generated at the facility, for example, surface run-off water or process water. Separation must be based on pollutant content and treatment required. In particular you must make sure you segregate uncontaminated water streams from those that require treatment (measure 6.5.4)</li> </ul>
<b>Emissions monitoring and limits appropriate measures</b>	FC	The operator confirmed that they do not currently meet the requirements of all appropriate measures in this section. Improvement conditions IC7a and IC7b have been included in the varied permit to address this.
<b>Process efficiency appropriate measures</b>	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.
<b>Reg 61 requirement</b>	<b>Assessment of response received</b>	
<b>Soil and groundwater risk assessment</b>	The operator has chosen not to submit any baseline data.	
<b>Medium combustion plant and specified generators</b>	No existing medium combustion plant or specified generators are present at this facility.	

<b>Climate change</b>	Climate change assessment provided but not assessed. The operator has not entered into a climate change agreement with the Government.
<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>
Temporary storage of hazardous wastes	Hazardous wastes are deposited straight into the settlement tanks, where solids are separated out prior to oil/water separation taking place. Therefore, there is no storage of hazardous waste prior to treatment. The Section 5.6 Part A(1)(a) - Temporary storage of hazardous waste with a total capacity exceeding 50 tonnes - activity has been removed from the permit.
Addition of EWC codes	Inclusion of two additional hazardous EWC code into the permit to allow the facility to accept similar wastes already permitted. Waste code 13 05 03* (interceptor sludges) and 16 07 08* (wastes containing oil) have been added to table S2.2.
Abatement system	A Directly Associated Activity (AR3) has been added to Schedule 1, Table S1.1. A suitable abatement system will service all treatment and storage tanks following completion of IC8.
Point source emissions to air	Schedule 3, Table S3.1 has been updated to include BAT-associated emission levels (BAT-AELs) for emissions to air from the treatment and storage tanks abatement system to be agreed upon completion of IC8 body arising from the treatment of water-based liquid waste.
Point source emissions to sewer	Schedule 3, Table S3.2 has been updated to include BAT-associated emission levels (BAT-AELs) for indirect discharges to a receiving water body arising from the treatment of water-based liquid waste.

# **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', and Appendix 1 of RGN 2 'Interpretation of Schedule 1'.

## **The site**

The operator has provided plans which we do not consider to be satisfactory. Improvement condition IC10 has been included in the varied permit to address this. An updated site infrastructure plan is required to show the discharge points following completion of IC8.

The operator has provided a revised plan which does show the location of the part of the installation to which this permit applies on that site. This 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 meets the requirements of the Environment Agency's guidance, Chemical waste: appropriate measures for permitted facilities.

Those Improvement Conditions added are referenced in Table 1 of this Decision Document. They have been included in the permit to address potential issues of non-compliance with the Chemical Waste Appropriate Measures.

## Changes to EWC codes

The following waste code has been added to the permit at the request of the operator:

13 05 03*	interceptor sludges
16 07 08*	wastes containing oil

## Emission limits

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

Emissions to air (A1) arising from the treatment of water-based liquid waste.

- Total Volatile Organic Compounds (TVOCs), 20 mg/m<sup>3</sup>
- Hydrogen Chloride (HCl), 5 mg/m<sup>3</sup>

Emissions to sewer (S1) arising from the treatment of water-based liquid waste.

- Adsorbable organically bound halogens (AOX), 1 mg/l
- Arsenic (As), 0.1 mg/l
- Cadmium (Cd), 0.1 mg/l
- Chromium (Cr), 0.3 mg/l
- Copper (Cu), 0.5 mg/l
- Free cyanide (CN<sup>-</sup>), 0.1 mg/l
- Hexavalent chromium (Cr(VI)), 0.1 mg/l
- Hydrocarbon oil index (HOI), 10 mg/l
- Lead (Pb), 0.3 mg/l
- Mercury (Hg), 10 µg/l
- Nickel (Ni), 1 mg/l
- Zinc (Zn), 2 mg/l

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

## Monitoring

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

- Total Volatile Organic Compounds (TVOCs)
- Hydrogen Chloride (HCl)
- Ammonia (NH<sub>3</sub>)

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

- Adsorbable organically bound halogens (AOX)
- Arsenic (As)
- Benzene, toluene, ethylbenzene, xylene (BTEX)
- Cadmium (Cd)
- Chromium (Cr)
- Copper (Cu)
- Free cyanide (CN<sup>-</sup>)
- Hexavalent chromium (Cr(VI))
- Hydrocarbon oil index (HOI)
- Lead (Pb)
- Manganese (Mn)
- Mercury (Hg)
- Nickel (Ni)
- PFOA
- PFOS
- Zinc (Zn)

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

## Reporting

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

Emissions to air, every 6 months.

Emissions to sewer, annually.

Process monitoring, to be agreed upon completion of IC8.

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.