

## Permitting Decisions- Environment Agency Initiated Variation

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We have issued an Environment Agency initiated variation for Templeborough Works operated by ELG Metals UK 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/LB3437RX/V007.

### 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 for WEEE treatment and transfer and Treating metal waste in shredders, including 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

### Enclosure and abatement of shredder

Measure 1 of section 6.1 of the Treating metal waste in shredders: appropriate measures for permitted facilities guidance require the emissions from the treatment plant to be collected, extracted and directed through an appropriate abatement system.

There is currently no point source emission to air or abatement system on the shredder. Therefore, the site is not currently compliant with Measure 1 of section 6.1 of the appropriate measures guidance. The operator has provided justification and the following alternative measures:

the site accepts a very limited amount and types of wastes to be processed by the shredder and these are considered clean and not dusty wastes

damp processing of material in the shredder limits the amount of dust caused by the process

We are satisfied that the above measures will provide an equivalent level of environmental protection, subject to the completion of the following improvement conditions:

IC3a	<p>The operator shall submit a written report to the Environment Agency for approval that proposes a monitoring programme to assess facility's diffuse emissions to air.</p> <p>The report must contain:</p> <ul style="list-style-type: none"> <li>• Details of parameters and substances and locations (both inside the building and outside) to be monitored, the monitoring methods and equipment to be used, and a timetable for undertaking the monitoring.</li> </ul> <p>The monitoring programme shall be carried out as approved by the Environment Agency.</p>	<p>6 months from permit issue 19/12/2025</p>
IC3b	<p>The operator shall submit a written report to the Environment Agency for approval detailing:</p> <ul style="list-style-type: none"> <li>• Results and conclusions of the monitoring carried out under condition IC3a</li> <li>• Review of effectiveness of the facility's current diffuse emissions monitoring strategy and preventative measures</li> <li>• Details of potential dust related complaints</li> <li>• Proposals for any ongoing monitoring or further assessment where necessary</li> <li>• Proposals for any required improvements including a review of need to collect, channel and abate diffuse emissions – as required by BAT 14d</li> <li>• Proposals for emissions limits where required</li> <li>• Timescales for implementation of proposals where required</li> </ul> <p>The improvements shall be implemented with the timescales as approved by the Environment Agency.</p>	<p>6 months from the approval of IC3a</p>

We have also included the BAT AELs for point source emissions to air in the permit under Table S3.1. These will be subject to the results of Improvement Conditions IC3a and IC3b.

## **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 20<sup>th</sup> October 2021 our Treating metal waste in shredders appropriate measures guidance was published on gov.uk. This technical guidance explains the standards that are relevant to regulated facilities with an environmental permit to mechanically treat metal waste in shredders and incorporates 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 17/12/2021 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 14/04/2022.

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 05/12/2024. 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**

<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 has confirmed compliance with all relevant measures. In their Regulation 61 response the operator responded "Not applicable" to measures in this section however, through discussions and a site visit we are satisfied that they comply with all appropriate measures in this section that are relevant to their operations.
<b>Waste pre-acceptance, acceptance and tracking appropriate measures</b>	CC	The operator has confirmed compliance with all relevant measures. In their Regulation 61 response the operator responded "Not applicable" to measures in this section however, through discussions and a site visit we are satisfied that they comply with all appropriate measures in this section that are relevant to their operations.
<b>Waste storage, segregation and handling appropriate measures</b>	CC	The operator has confirmed compliance with all relevant measures. In their Regulation 61 response the operator responded "Not applicable" to measures in this section however, through discussions and a site visit we are satisfied that they comply with all appropriate measures in this section that are relevant to their operations.
<b>Waste treatment appropriate measures</b>	CC	The operator has confirmed compliance with all relevant measures. In their Regulation 61 response the operator responded "Not applicable" to measures in this section however, through discussions and a site visit we are satisfied that they comply with all appropriate measures in this section that are relevant to their operations.
<b>Emissions control appropriate measures</b>	FC	The operator responded "Not applicable" to all measures in this section of the appropriate measures in their Regulation 61 response. We have determined that these appropriate measures are applicable to the facility and have therefore

		implemented an Improvement Programme (Table S1.3 in the permit), further details of which can be found under the heading “Key Issues” in this decision document.
Emissions monitoring and limits appropriate measures	FC	The operator responded “Not applicable” to all measures in this section of the appropriate measures in their Regulation 61 response. We have determined that these appropriate measures are applicable to the facility and have therefore implemented an Improvement Programme (Table S1.3 in the permit), further details of which can be found under the heading “Key Issues” in this decision document.
Process efficiency appropriate measures	CC	The operator stated that they were not compliant with measures in this section in their Regulation 61 response. However, through discussions and a site visit we are satisfied that they comply with all appropriate measures in this section that are relevant to their operations.
Reg 61 requirement	Assessment of response received	
Soil and groundwater risk assessment	The operator submitted a site condition report with their original permit application. A further risk assessment has not been submitted or assessed as part of this review.	
Medium combustion plant and specified generators	None on site.	
Climate change	The operator has not completed a climate change risk assessment. Climate Change Adaptation will be delivered through the Environment Management System as per the Appropriate Measures Guidance.	
Summary of other changes made to the permit as a result of our assessment of the Reg 61 response		



Change	Reason for change
<b>Change to main body of permit conditions</b>	<p>As a result of the permit review, a number of the main conditions of the permit have been updated, amended, or removed in line with requirements of the relevant guidance and to reflect other changes to the Activities (table S1.1) and Emissions and Monitoring (tables S3.1 and S3.2).</p> <p>The following conditions have been added to the permit:</p> <ul style="list-style-type: none"> <li>- 3.1.3 Periodic monitoring shall be carried out at least once every 5 years for groundwater and 10 years for soil, unless such monitoring is based on a systematic appraisal of the risk of contamination.</li> <li>- 3.5.4 Permanent means of access shall be provided to enable sampling/monitoring to be carried out in relation to the emission points specified in schedule 3 table S3.1 and S3.2 unless otherwise agreed in writing by the Environment Agency.</li> <li>- 3.7.1 The activities shall not give rise to the presence of pests which are likely to cause pollution, hazard or annoyance outside the boundary of the site. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved pests management plan, have been taken to prevent or where that is not practicable, to minimise the presence of pests on the site.</li> <li>- 3.7.2 The operator shall: <ul style="list-style-type: none"> <li>o if notified by the Environment Agency, submit to the Environment Agency for approval within the period specified, a pests management plan which identifies and minimises risks of pollution, hazard or annoyance from pests;</li> <li>o implement the pests management plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.</li> </ul> </li> </ul>
<b>Changes to the Activities Table, S1.1 within Schedule 1 of the permit</b>	<p>As a result of the review there have been multiple changes to Table S1.1;</p> <ul style="list-style-type: none"> <li>- Limits of the activities have been amended</li> <li>- Additional limits have been added to the activities</li> <li>- Removal of AR4:</li> </ul>

		AR4	R13: Storage of waste pending any of the operations numbered R1 to R11 (excluding temporary storage, pending collection, on site where it is produced).	From storage of processed materials to despatch off site for recovery.  Storage of separated ferrous and non-ferrous metals and shredder residue following treatment.
		This directly associated activity (DAA) has been removed from the permit because it has been determined that storage of this waste is an integral part of the primary activity (AR1) and is therefore encompassed within the limits of the activity.		
		- Addition of Waste Operation AR6:		
		AR6	<p>Metal Recycling</p> <p><b>R13:</b> Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where it is produced)</p> <p><b>R4:</b> Recycling/ reclamation of metals and metal compounds</p>	<p>Treatment operations shall be limited to:</p> <ul style="list-style-type: none"> <li>Treatment consisting only of sorting, separation, grading, shearing, gas cutting, plasma cutting or guillotine shearing of non- hazardous waste into different components for recovery.</li> </ul> <p>The maximum quantity of hazardous waste (in aggregate) that can be accepted or stored at the site shall not exceed 50 tonnes at any one time.</p> <p>Subject to any other requirements of this permit, wastes shall be stored for no longer than 6 months.</p> <p>Uncontaminated ferrous metal wastes or alloys and uncontaminated non-ferrous metal wastes shall be stored on hard standing or an impermeable surface.</p> <p>Waste types suitable for acceptance are limited to those specified in Table S2.3.</p>

	<p>The waste operation (AR6) has been added because it was determined that not all waste types were being processed by the shredder (AR1) but were being treated by; sorting, separation, grading, shearing, gas cutting, plasma cutting or guillotine shearing.</p>
<b>Changes to other tables, Schedule 1 of the permit</b>	<ul style="list-style-type: none"> <li>- Table S1.2 (Operating Techniques) has been updated to reflect the update to both the Guidance and the documents approved by the Environment Agency as acceptable for site procedures.</li> <li>- Table S1.3 (Improvement Programme Requirements) has been updated with new improvement conditions (IC3a – IC4b) and completed improvement conditions have been removed.</li> </ul>
<b>Changes to Schedule 2 – Waste types, raw materials and fuels</b>	<ul style="list-style-type: none"> <li>- The existing waste code list has been split into two tables (S2.2 and S2.3) to accurately reflect which codes are associated with the installation activity AR1 and the waste operation AR6.</li> <li>- Waste code 17 04 10* has been added to the permit</li> </ul>
<b>Changes to Schedule 3 – Emissions and monitoring</b>	<ul style="list-style-type: none"> <li>- Addition of Table S3.1 Point source emissions to air – emission limits and monitoring requirements</li> <li>- Amendments to Table S3.2 (previously S3.1) Point source emissions to sewer, effluent treatment plant or other transfers off-site – emission limits and monitoring requirements</li> <li>- Addition of emissions point XX in table S3.1 for the emission point from plasma cutting</li> </ul> <p>These tables have been added and amended to include the relevant BAT AELs from the Best Available Techniques for Waste Treatment in the permit.</p>
<b>Changes to Schedule 4 – Reporting</b>	Schedule 4 has been amended to reflect the additions made to Schedule 3 (Emissions and monitoring).
<b>Changes to Schedule 6 - Interpretation</b>	Schedule 6 has been updated and amended to include new and up-to-date definitions in line with current guidance.
<b>Changes to Schedule 7 – Site Plan</b>	A new site plan has been provided by the operator as part of the review. This now includes an emission point to sewer.

## **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 site**

The operator has provided a plan which we consider to be satisfactory.

These show the extent of the site of the facility including the discharge point.

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 to ensure that the permit complies with the relevant appropriate measures and guidance.

IC3a requires the operator to submit a report that proposes a monitoring programme to assess the facility's diffuse emissions to air to the Environment Agency for approval.

IC3b requires the operator to implement the monitoring programme agreed under IC3a and submit the results, conclusions, and any necessary improvements to the Environment Agency for approval.

IC4a requires the operator to submit a report to the Environment Agency for approval that proposes a monitoring programme to fully characterise and assess the facility's point source emissions to air (only if required under completion of IC3a and IC3b) and to water.

IC4b requires the operator to implement the monitoring programme proposed in IC4a and to submit a report to the Environment Agency for approval that includes the results, conclusions and any necessary improvements.

## **Changes to EWC codes**

We have reviewed the waste codes under the existing permit and have separated the waste code list into two separate tables (S2.2 and S2.3) to provide clarity on which waste codes are processed under which activity.

Waste code 17 04 10\* has been added to the permit. This has been added as the site has 17 04 11 on their list of accepted wastes and this waste has been reclassified as hazardous. More details on this can be found at [Storing and treating hazardous waste cable: RPS 276 - GOV.UK](#). The metal recycling activity has been updated to clarify that there shall be no granulation of cable.

## **Emission limits**

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

- Dust 5 mg/m<sup>3</sup>

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

- Hydrocarbon oil index 10 mg/l
- Arsenic 0.05 mg/l
- Cadmium 0.05 mg/l
- Chromium 0.15 mg/l
- Copper 0.5 mg/l

- Lead 0.3 mg/l
- Nickel 0.5 mg/l
- Zinc 2.0 mg/l
- Mercury 0.005 mg/l

## Monitoring

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

- Dust
- Total VOCs
- Brominated flame retardants
- Dioxin-like polychlorinated biphenyls (PCBs)
- Metals (As, Cd, Co, Cr, Cu, Mn, Ni, Pb, Sb, Se, Tl, V)
- Dioxins and Furans (PCDD/F)
- Hydrocarbon oil index
- Arsenic
- Cadmium
- Chromium
- Copper
- Lead
- Nickel
- Zinc
- Mercury
- PFOA
- PFOS
- Deca BDE

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.