

Permitting decisions Environment Agency

Initiated Variation

We have decided to issue an Environment Agency initiated variation for **Hinkley Hazardous Waste Facility** operated by **Greenway Environmental 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/SP3832VR/004

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.

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.

Whilst Chemical Waste: appropriate measures are the key part of our permit review if other activities are taking place under the permit associated to other appropriate measures guidance which are included in the operating techniques table include reference to them in the DD.

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. List below in order of publication:

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. Treating Metal Waste in Shredders: appropriate measures for permitted facilities – published October 2021.

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 (Chemical Waste Appropriate Measures) response was received on 17/01/2022.

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 27/09/2024, 29/10/2024, 30/10/2024, 01/11/2024, 08/11/2024, 05/02/2025.

Summary of additional information received

- Description of current activities on site
- Confirmation of healthcare waste (not accepting or storing clinical waste) types and storage times.
- Directly Associated Activity
- Storage limits for Activities AR6 and AR9
- Clarification of Emissions table 3.1 (mothballed activity)
- Removal of tube crushing activity
- Confirmation of maximum quantities of waste for activities AR4 and AR5, drum washing/crushing/shredding activities

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	<p>The operator confirmed that the permit had been consolidated recently and was in line with current guidance</p> <p>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>
Waste pre-acceptance, acceptance and tracking appropriate measures	CC	<p>The operator confirmed that they currently meet the requirements of the appropriate measures in this section</p> <p>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>
Waste storage, segregation and handling appropriate measures	CC	<p>The operator confirmed that they currently meet the requirements of the appropriate measures in this section</p> <p>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>
Waste treatment appropriate measures	FC	<p>The operator answered 'not applicable' to this question and had indicated there are currently no emissions to air.</p> <p>The treatment activities currently being carried out are bulking and repackaging only. The operator complies with section 4, Waste storage, segregation and handling appropriate measures measure 79 – 89.</p> <p>The other treatment activities in the permit (AR3, AR4, AR7 and AR8) are currently mothballed/suspended. Before these activities can recommence the operator must fully comply with a preoperational condition in Schedule 1, Table S1.4. This requires the operator to submit a variation to demonstrate compliance with the Chemical Wastes: appropriate measures for permitted sites and other appropriate measures as applicable.</p>

		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	FC	<p>The operator answered 'not applicable' to this question and indicated there are currently no point source emissions to air or water from the site.</p> <p>In their current permit there is an emission table (S3.1) for the mothballed activities and is for future compliance. We have replaced the table with one that is appropriate with emissions from the vents on the waste oil storage tanks.</p> <p>Before this activity can commence the operator must fully comply with a preoperational condition in Schedule 1. Table S1.4 that requires a variation to be submitted. There are no direct discharges to a receiving water body. The site is fully bunded and has a sealed drainage system which contains any surface water run-off that could be contaminated. All contents of the interceptor are removed from site by road tanker for treatment off site under their waste acceptance procedure. There are no discharges to foul sewer.</p>
Emissions monitoring and limits appropriate measures	FC	<p>There is an emission point to air from the vents (TVOCS) in the waste oil storage tanks. There are no emission limits for this vent and currently no abatement. We have included an improvement condition IC 17 that requires the operator to submit a written plan for controlling and minimising air emissions from cold storage tanks to the Environment Agency for assessment and written approval.</p>
Process efficiency appropriate measures	FC	<p>The operator confirmed that they currently do not meet the requirements of following appropriate measures :</p> <ul style="list-style-type: none"> • Section 8, 8.1 Energy efficiency, • measures 1-7 <p>We have added an Improvement Condition to the permit (IC 16). This will require the operator to submit an Energy efficiency plan within 3 months.</p> <p>Compliance with the appropriate measures in this section of the guidance other than those</p>

		points to which an improvement condition applies, 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. In doing so they accept that there is zero pre-existing contamination and the risk that they may be required to clean up any pre-existing contamination when the permit is surrendered.	
Medium combustion plant and specified generators	N/A	
Climate change	N/A	
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 - Activities, DAA,s, waste operations	We have re-ordered the activities so that the repackaging and bulking activity (AR1) is now the main activity in accordance with the permit template for the review.	
	The crushing of fluorescent tubes (formerly mothballed activity-AR6) has been removed from the permit at the operator's request as this activity has never been carried out and is no longer required.	
	A DAA has been inserted (AR 5) for the collection of surface water and its removal off site for appropriate treatment.	
Table S1.2 – Operating techniques	Updated to reference the relevant appropriate measures guidance and incorporate any relevant documents submitted as part of the operators response to the Reg61 Notice and subsequent requests for information.	
Changes to Table S1.3 Improvement Programme	<p>Improvement Conditions 14 and 15 removed from the permit.</p> <p>There will be an expectation that the emission inventory, The activities which these conditions reference are currently mothballed/suspended pending a variation to demonstrate compliance with the relevant appropriate measures guidance.</p> <p>As part of this variation the operator will need to demonstrate that recommencing the activity will not cause an adverse impact upon the receiving environment so these conditions are redundant.</p>	
Table S1.4	We have included a pre-op condition that requires the operator to apply for a variation before activities AR2, AR3, AR7 and AR8 can commence.	

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 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 points.

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.

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 permits.

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 complies with the appropriate measures.

Table S1.3 Improvement programme requirements		
Reference	Requirement	Date
IC16 Process efficiency procedures	<p>The operator shall review and update their process efficiency 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.</p> <p>Specifically, the operator must demonstrate that the following appropriate measure(s) of the guidance will be met:</p> <p>You must review water use (a water efficiency audit) at least every 4 years (measure 8.3.3).</p> <p>A copy of the updated procedure(s) shall be submitted to the Environment Agency for approval.</p>	3 months from issue
IC17 Emissions control procedures	<p>The operator shall review and update their emissions control measures 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.</p> <p>Specifically, the operator must demonstrate that the following appropriate measures of the guidance will be met:</p> <ul style="list-style-type: none"> • 4.43. <i>You should vent bulk storage tanks and silos through suitable abatement.</i> • 6.1.1 <i>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.</i> <p>The operator shall submit a written plan for controlling and minimising air emissions from cold storage tanks to the Environment Agency for assessment and written approval.</p> <p>The plan must contain:</p> <ul style="list-style-type: none"> • Detailed justification, including a risk assessment and cost/benefit analysis, for any alternative measures to the guidance above. • Specifications of any proposed infrastructure, an implementation plan, and timescales for implementation. 	3 months from issue

Table S1.3 Improvement programme requirements		
Reference	Requirement	Date
	The operator must implement the proposals in the plan in line with the timescales agreed as confirmed with the Environment Agency's written approval.	

All previous Improvement Conditions have been removed from the permit.

Emission limits

Table S3.1 lists the emissions from the Vents on the waste oil storage tank. There are currently no emission limits.

We have not included Emission Limit Values (ELV's) for activities AR4.AR5, AR8, and AR9 which are currently mothballed.

Monitoring

We have included monitoring in the permit for activities AR4.AR5, AR8, and AR9 which are currently mothballed. There is a pre-operational condition in the permit Table S1.4 that requires completing before these activities begin. The monitoring emission point will be established following this being fulfilled.

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.