

Permitting Decisions- Environment Agency Initiated Variation

We have issued an Environment Agency initiated variation for Worsley Waste Transfer Facility operated by Adler & Allan 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/NP3234LD/V006.

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](#) 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 17/11/2021 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 EPA 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.

Regulation 61 response

The Regulation 61 notice response from the Operator was received on 27/02/2022.

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 15/10/2024, 21/01/2025, 01/05/2025 and 25/07/2025. We made a copy of this information available on our public register.

Compliance with BAT-AELs for emissions to sewer and air

Operations at Worsley Waste Transfer Facility include the treatment of oils and aqueous waste by gravity settlement (phase separation) in tank T2. Process effluent from this treatment is discharged to foul sewer via discharge point S1. The effluent is discharged to the River Irwell following treatment at the Bolton Wastewater Treatment Works operated by United Utilities. The tank passively vents emissions to air through a breather vent on top of the tank.

In their response to the Reg61 Notice, the operator did not provide a satisfactory emissions inventory or H1 risk assessment. We have included improvement conditions IC13b and IC14a in the permit to ensure that the operator establishes an emissions inventory for point source emissions to air and receiving waters from the site. Without this information, it was not possible to determine which emission limits (BAT-AELs) and monitoring stated in the Waste Treatment BAT

Conclusions are applicable to the site. We have included all relevant limits in Tables S3.1 and S3.3. We have included the relevant notes under Tables S3.1 and S3.3 in the permit so that the operator is able to demonstrate which emission limits and monitoring requirements are not applicable once an updated emissions inventory is received.

Waste treatment activities

Waste treatment activities including 'physico-chemical treatment of waste with calorific value' and 'treatment of water-based liquid wastes', are required to comply with the BAT Conclusions for waste treatment. The BAT Conclusions were published in 2018. The expected date of BAT AEL compliance for existing sites has now passed (4 years after issue publication of BAT Conclusions). On this basis the Environment Agency is required to insert the BAT AELs outlined in the BAT Conclusions into a permit where it is determined they are appropriate and the BAT AELs will apply on issue of a permit as the timescale for existing site compliance has passed. We have therefore inserted the relevant emission limits into the permit in Tables S3.1 and S3.3 which apply on issue of this permit. The emission limits derived from the BAT AELs are subject to the notes accompanying the tables and permit condition 3.5.1. Compliance will be determined by the Environment Agency.

The operator confirmed on 01/05/2024 in response to our request for information dated 16/04/2025 that the waste they accept for treatment in tank T2 generally contains mostly water at greater than 80% and is treated to facilitate disposal of the waste water. We consider the most apt description of this is 'treatment of water-based liquid waste' as defined in the Waste Treatment BREF chapter 5. However, the operator is also permitted to accept wastes (e.g. EWC codes 13 01 11*, 13 02 07*) which are predominantly oils and has confirmed their intention to recover oils from these wastes. The most apt description of this process is 'physico-chemical treatment of waste with calorific value'. We have therefore included two activities in the permit to cover waste treatment by gravity settlement: AR1, relating to the treatment of waste oils by gravity settlement with the intention to recover the oils and AR2, relating to treatment of hazardous aqueous waste by gravity settlement with the intention to dispose of waste water.

Emissions to air

Tank T2 passively vents to air. This emission could include volatile organic compounds (VOCs) and other pollutants. We have added improvement condition IC13a to the permit to help the operator to determine and assess if there will be an emission from this tank and if it is possible to monitor the emission.

The release of emissions to air from tank T2 will either be as a result of treatment through activity AR1 or treatment through activity AR2. The activities will always occur independently of each other. We have implemented the relevant BAT-AELs and monitoring requirements as stipulated in the Waste Treatment BAT

Conclusions for these processes in Table S3.1. The operator must monitor according to the waste treatment process being undertaken at the time to demonstrate compliance with the relevant limits.

Emissions to sewer

The process discharges from both activities are directed to the same emission point, S1 after storage in tank E. The discharge could conceivably be composed of both effluent from treatment of aqueous waste and treatment of waste oils. Because of the combined nature of the discharge, we are required to apply alongside one another the relevant BAT AELs and monitoring requirements. Where the same parameter is listed under both activities ('treatment of water based liquid waste' and 'physico-chemical treatment of waste with calorific value') in the BAT Conclusions, we are required to implement the stricter/lower BAT AELs for physico-chemical treatment of waste with calorific value' and more frequent monitoring for 'treatment of water-based liquid waste'. This will safeguard against the higher potential environmental harm of 'physico-chemical treatment of waste with calorific value' and higher variability of 'treatment of water based liquid waste' activities. The implementation of BAT-AELs covering both activities for the combined discharge ensures that the facility is always operating according to BAT due to the combined nature and potential varied content of the discharge.

Acceptance of packaged waste

The facility is permitted to accept packaged waste in the form of packages, IBCs and drums, however, the operator needed to carry out improvements to the site such as resurfacing an area to enable this to happen. These works are ongoing, and the operator was unable to confirm in their response to the Reg61 Notice where packaged waste will be stored and what the extent of the repackaging activities will be. We have included pre-operational condition PO1 in the permit requiring the operator to demonstrate this activity complies with the relevant appropriate measures guidance before recommencing.

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>In their response, the operator stated that upgrades to security measures (appropriate measure 2.4.10) were required on site and that upgrades had been commissioned. The operator has now confirmed that these upgrades have now been completed, and they are now compliant with this section of the 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/FC	<p>In their response, the operator stated that they did not comply with measure 3.3.3. In response to our request for information dated 15/01/2025, the operator explained that currently the only wastes being accepted consist of waste oils which are stored in tanks. Our understanding from discussions with the operator is that the current system is suitable and compliant with the measures for these wastes but may need to be revised to the new system when packages are accepted.</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	FC	<p>In their response, the operator stated that they are compliant with the requirements of this section. However, emissions from the bulk storage tanks which are used to store waste oily and other oily wastes are not abated as per appropriate measure 4.43 (see also section 6: emissions control). We have included IC12a and IC12b in the permit to ensure that the operator installs and maintains an abatement system to minimise emissions of VOCs from their storage tanks.</p> <p>Compliance with the rest of the appropriate measures in this section of the guidance to which the improvement programme does not apply has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.</p>
Waste treatment appropriate measures	FC	<p>In their response, the operator confirmed that they are compliant with the requirements of this section however, treatment tank T2 is currently unabated. We have included IC12a and IC12b in the permit to ensure that the operator installs and maintains an abatement system to minimise emissions of VOCs from their tanks.</p>

		Compliance with the rest of 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>In their response, the operator stated that they are compliant with the requirements of this section. However, emissions from storage and treatment tanks which vent to atmosphere are not abated (appropriate measure 6.1.1/6.1.4). We have included improvement conditions IC12a and IC12b in the permit to ensure that the operator reviews their procedures and provides abatement as necessary. The operator has not assessed the fate and impact of their emissions to air upon the receiving environment (appropriate measure 6.1.3). We have included improvement condition IC13c in the permit to ensure that the operator submits an up-to-date assessment of the impact of their point source emissions to air. Similarly, the operator has not assessed the fate and impact of their emissions to receiving waters via sewer (appropriate measure 6.4.2). We have included improvement condition IC14b in the permit to ensure that the operator submits an up-to-date assessment of the impact of their point source emissions to receiving waters.</p> <p>Compliance with the rest of the appropriate measures in this section of the guidance to which the improvement programme does not apply has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.</p>
Emissions monitoring and limits appropriate measures	NC	<p>In their response, the operator stated they were not compliant with the requirements of this section of the appropriate measures. The operator has not provided an emissions inventory for point source emissions from their site to air or receiving waters (as required by appropriate measures 7.2, 7.1.1, 7.2.1) so we are unable to assess compliance with the relevant emission limits (see key issues section above).</p> <p>The operator stated in their response that there are no point source emissions to air from their facility. We disagree. The operator carries out gravity settlement of oily and aqueous waste in treatment tank T2 which is vented and has the potential to release emissions to air.</p> <p>The operator stated in their response to the Reg61 Notice that the BAT-AELs do apply to their emission to sewer from the site and explained they are compliant with their trade effluent discharge consent. The operator is required to comply with both the trade effluent discharge consent and the relevant BAT-AELs and they have been incorporated into the varied permit as explained in the text prior to this table. The operator explained in their response to our request for information dated 16/09/2024 that their sewerage undertaker assesses some metal concentrations in the effluent but not arsenic/mercury/PFOA and 'PFAS' (note: monitoring of PFOS not PFAS is required by BAT). It was also</p>

		<p>unclear if HOI is assessed (the sewerage undertaker assesses separable fat, oil and grease).</p> <p>Compliance with the rest of the appropriate measures in this section of the guidance to which the improvement programme does not apply has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.</p>
Process efficiency appropriate measures	CC	<p>In their response, the operator stated that they are compliant with the requirements of 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>
Reg 61 requirement Assessment of response received		
Soil and groundwater risk assessment	<p>The operator attached evidence of a baseline report completed in 2022. We have not assessed this report as this is outside the scope of this permit review. The operator is required to assess their emissions to land and groundwater as per condition 3.1.3 in the permit. We will assess compliance with this condition as part of our ongoing compliance assessment.</p>	
Medium combustion plant and specified generators	<p>The operator has explained to us that the 20MWth gas fired boiler is no longer operational and the operator has agreed upon removal of the associated activity from the permit.</p>	
Climate change	<p>Submission of climate change risk assessment is no longer an application requirement. It now forms a part of the operator’s EMS and will be reviewed within compliance assessment.</p>	
Summary of other changes made to the permit as a result of our assessment of the Reg 61 response		
Change	Reason for change	
Schedule 1 activities	<p>We have corrected activity A2 in the previous permit consolidation to become a Section 5.3 A(1)(a)(iv) repackaging activity not a Section 5.3 A(1)(a)(ii). The activity involves manual sorting and separation of wastes into different components for disposal or recovery and is better described as a repackaging activity than physico-chemical treatment.</p> <p>We have removed DAAs for raw material storage and utilities and services (use of combustion plant) as the operator has confirmed these activities are no longer required. Activity A7 on the previous permit consolidation – waste handling and storage of wastes generated by treatment processes, has been incorporated into AR1 to AR3. Effluent treatment A6 has been incorporated into AR4: surface and process water collection, storage and discharge (note: gravity</p>	

	<p>settlement of aqueous wastes is permitted under AR2 in the consolidated permit).</p> <p>We have split activity A9 into activities AR7 and AR8 as manual sorting and repackaging of wastes is a separate activity (it is associated with different recovery and disposal codes) to temporary storage of non-hazardous wastes pending transfer.</p>
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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 facilities 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 extent of the facilities are defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.

The site

The operator has provided a plan. We have amended the plan and agreed this with the operator. We consider the revised plan to be satisfactory.

The plans show the extent of the site of the facility including the discharge points.

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.

Management plans

We did not review any management plan under the scope of the permit review. Under the conditions of the permit, where we consider that activities are giving rise to pollution in the form of fugitive emissions, we will ask for the submission and implementation of a suitable management plan.

Improvement programme

We have included an improvement programme as stated in the Key Issues section of this document under Table 1 to ensure that the site operates in accordance with the relevant appropriate measures guidance.

Changes to EWC codes

The operator agreed to the removal of the following waste codes from the permit in their response on 21/02/2025 to our request for information dated 15/01/2025:

Table S2.2/S2.3 Treatment of hazardous waste oils/aqueous wastes	
Waste code	Description
12 01 06*	mineral-based machining oils containing halogens (except emulsions and solutions)
12 01 08*	machining emulsions and solutions containing halogens
13 01 01*	hydraulic oils, containing PCBs
13 01 04*	chlorinated emulsions
13 01 09*	mineral-based chlorinated hydraulic oils
13 02 04*	mineral-based chlorinated engine, gear and lubricating oils
13 03 01*	insulating or heat transmission oils containing PCBs
13 03 06*	mineral-based chlorinated insulating and heat transmission oils other than those mentioned in 13 03 01
13 08 01*	desalter sludges or emulsions
16 01 13*	brake fluids*
20 01 25	edible oil and fat

Note: the operator separately explained that brake fluids will not be treated at the site but antifreeze will be and they made an error in their response to the request for information. We have therefore retained 16 01 14 in this table and removed 16 01 13*.*

Table S2.4 Storage and repackaging of hazardous wastes.	
Waste code	Description
13 08 01*	desalter sludges or emulsions

Emission limits

Emission Limit Values (ELV's) based on Best Available Techniques – Associated Emission Levels (BAT-AELS) for Waste Treatment, have been added to the permit for the emissions to air from the treatment of waste oils and aqueous wastes by gravity settlement, and for emissions to sewer from the release of process effluent arising from this treatment. This is explained further in the Key Issues section of this document.

Monitoring

We have decided that monitoring should be added to the permit to table S3.1 and S3.2 to implement the requirements of the BAT Conclusions for Waste Treatment. The parameters, monitoring frequencies and standards are as stated in the BAT Conclusions.

Reporting

We have added reporting in the permit for the point source emission to air and sewer from the treatment of waste oils/oily wastes

We made these decisions in accordance with BAT Conclusions 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.