

## Permitting Decisions- Environment Agency Initiated Variation

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We have issued an Environment Agency initiated variation for Fourth Way Waste Transfer Facility operated by Brent Oil Contractors 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/YP3732MN/V004.

The permit variation was issued on [\[insert date\]](#).

We consider in reaching this decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

### 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.
- [Waste electrical and electronic equipment \(WEEE\): 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
- [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**

### **Key issues**

The operator identified as part of the Regulation 61 response that they had the following tanks T2 to T9 used for onsite storage only of oil and oily waters. On review of these tanks, it was identified in the regulation 61 notice that no abatement was in place.

Appropriate measures 6.1.1 and BAT 44 requires that in order to reduce emissions of organic compounds to air, BAT is to apply BAT 14d (which requires the containment, collection and treatment of diffuse emissions) and to use one or

a combination of the techniques including adsorption, thermal oxidation or wet scrubbing.

The operator did not propose an appropriate alternative to the BAT technique of abating their tanks with any supporting evidence. The operator is therefore required to abate tanks, we therefore implemented IC6 and IC7a and IC7b which requires that the operator review and update their emissions control procedures with appropriate abatement and monitoring measures put in place to ensure that they meet the requirements of the Environment Agency's guidance Chemical waste: appropriate measures for permitted facilities.

### **Fire prevention plan**

We did not review the fire prevention plan under the scope of the permit review. Under the conditions of the permit (3.7), where we consider that activities are giving rise to a risk of fire, we will ask for the submission and implementation of a suitable fire prevention plan.

### **Repackaging Activity**

Within the scope of the permit review, we have reviewed the activities present on the permit in accordance with RGN 2 'Understanding the meaning of regulated facility' and Appendix 1 of RGN 2 'Interpretation of Schedule 1' and the Waste Framework Directive. The operator stated that there may be treatment activities such as repackaging with a capacity of less than 10 tonnes per day, physico-chemical treatment and blending/mixing that were intrinsically included under the previous permitted activities. We reviewed the activities that the operator is currently undertaking on site and consider that it is appropriate to add a repackaging activity under the waste operation to the permit for the bulking of chemically similar wastes since it is less than 10 tonnes for the hazardous waste below the threshold for an installation Section 5.3 Part A(1)(a)(iv). This includes e.g. bulking of chemically similar wastes from 25 litre vessels into IBCs (intermediate bulk containers). The repackaging activity did not exist in the Environmental Permit Regulations when Table S1.1 was last updated, and we agree that it was part of the facilities' permitted operations prior to the review. We do not consider that blending and mixing is taking place on site as the activities described by the operator fit best under the definition of repackaging and not blending or mixing.

### **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.
- Waste electrical and electronic equipment (WEEE): appropriate measures for permitted facilities – published July 2022.

We issued a notice under regulation 61(1) of the Environmental Permitting (England and Wales) Regulations 2016 (a Regulation 61 Notice) on 10/12/2024 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
- Confirms if they intend to cease operating any activity which would be in breach of the relevant new BAT Conclusion (BATC) after the compliance date, and the date by which they intend to cease operation;

- Confirms where there is a BAT-Associated Emission Level (BAT-AEL) specified in the BAT conclusion, with which they will not comply with by the compliance date and they wish to continue operating, they should request a derogation.

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

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.

### **Regulation 61 Response**

The Regulation 61 notice response from the Operator was received on 28/03/2025.

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 (details of waste types and site runoff waters) on 14/08/2025, 25/09/2025, 03/10/2025 and 14/10/2025. We made copies 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	<p>The operator confirmed that they currently meet the requirements of all appropriate measures in this section.</p> <p>Compliance with the other 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>
<b>Waste pre-acceptance, acceptance and tracking appropriate measures</b>	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>
<b>Waste storage, segregation and handling appropriate measures</b>	FC	<p>The operator has stated in their Regulation 61 Notice that they are compliant with Section 4 of the Appropriate Measures, with some qualifying information on individual items within the guidance.</p> <p>However, emissions from the bulk storage tanks used to store waste oils are not abated as per appropriate measure 4.43 (see also section 6: emissions control). We have included IC6, IC7a and IC7b in the permit to ensure that the operator reviews their procedures and provides abatement as necessary. 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</p>

		updated operating techniques listed in Table S1.2.
<b>Waste treatment appropriate measures</b>	NA	These appropriate measures are considered not applicable. No treatment activity onsite. Conditions are in place to ensure there is no mixing or blending of bulked wastes that could give rise to a reaction.
<b>Emissions control appropriate measures</b>	FC	The operator advised that they that they currently meet the requirements of the appropriate measures; however, emissions from storage and treatment tanks which vent to atmosphere are not abated in line with section 6.1 and 4.43 of the 'Chemical waste: appropriate measures for permitted facilities'. We have therefore included IC6, IC7a and IC7b 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 in line with section 6.1 of the 'Chemical waste: appropriate measures for permitted facilities'. We have therefore included IC5 in the permit to ensure that the operator review and update their emissions inventory to ensure that they meet the requirements of the Environment Agency's guidance Chemical waste: appropriate measures for permitted facilities.
<b>Emissions monitoring and limits appropriate measures</b>	FC	<p>The operator stated they were compliant with the requirements of this section of the appropriate measures. The operator confirmed the presence of a discharge consent with Thames water for management of sewer discharge, however, the operator has not provided satisfactory evidence to demonstrate there are no VOC emissions from the process to sewer, water or air, therefore included IC5 and IC6 in the permit to ensure that the operator review and update their emission monitoring programme and emissions control procedures for point source to air to ensure that they meet the requirements of the Environment Agency's guidance Chemical waste: appropriate measures for permitted facilities.</p> <p>Compliance with the appropriate measures in this section of the guidance to which the improvement programme does not apply has been incorporated into the varied</p>



		permit through the updated operating techniques listed in Table S1.2.
Process efficiency appropriate measures	CC	<p>The Operator has confirmed that they are able to comply with all appropriate items in the Appropriate Measures for process efficiency.</p> <p>Additional reporting has been added to the permit in Schedule 4 to capture the site’s energy usage process efficiency.</p> <p>The Operator has added detail to their Regulation 61 Notice response for item 8.1 and 8.2 regarding energy and water use at the site, stating that energy efficiency will be reviewed every year as part of the site’s EMS to confirm that the best environmental options are being used at the site and that the water used on site is not significant to the operation as water is only used for cleaning purposes and welfare use, not in any treatment process.</p>
Reg 61 requirement	Assessment of response received	
Soil and groundwater risk assessment	The operator has not included a site condition report in their submission. This was not assessed as part of the application as it was out of the scope of the permit review. The operator is required to submit 5 and 10 yearly monitoring of groundwater and soil contamination as per the conditions in the permit.	
Medium combustion plant and specified generators	No existing medium combustion plant or specified generators are present at this facility.	
Climate change	The operator submitted a climate risk assessment. Submission of climate change risk assessment is no longer application requirement. It now forms a part of the operator’s EMS and will be reviewed within compliance assessment.	
Summary of other changes made to the permit as a result of our assessment of the Reg 61 response		

Change to Activities Table S1.1	<p>The Activities present in Table S1.1 of the permit have all been updated to reflect the requirements of the Appropriate Measures and to a level of detail required to ensure adequate management of risk each of the Activities pose from the Installation operation. There are multiple changes to Table S1.1 Permitted Activities as a result of the review.</p> <ul style="list-style-type: none"> <li>• Updates include additional detail in the limits of each activity to list storage vessels, storage capacities and where appropriate their composition.</li> <li>• Addition of a directly associated activity for collection and discharge of uncontaminated surface water from the vehicle and wheel washdown bay to sewer.</li> <li>• Waste quantities and limits to the installation and waste operation storage activity have been added where possible to reflect procedures and capacities at the Installation.</li> <li>• Repackaging activity for hazardous waste with a capacity below 10 tonnes per day has been added as a waste operation</li> </ul>
Change to Operating Techniques Table S1.2	<p>The Operating Techniques for the site have been amended in line with the Installation activities confirming compliance with the Chemical waste: appropriate measures for permitted facilities Version published 18 November 2020, Waste electrical and electronic equipment (WEEE): appropriate measures for permitted facilities published 12 July 2020 and Non-hazardous and inert waste: appropriate measures for permitted facilities published 12 July 2020.</p>
Change to Table S1.3	<p>New Improvement Conditions has been added to the permit. See Assessment of the installation's compliance and key issues of the decision above.</p>
Change to Schedule 2 Table for EWC Codes accepted at site	<p>The hazardous and non-hazardous waste codes permitted have been clearly separated for the storage activities within the installation AR1 in Table S2.2 and S2.3 and waste operation AR3 in table S2.4</p>
Changes to Schedule 3 Table S3.1 Emissions to Air	<p>Point source emissions to air have been added as a result of this review and emission limits and monitoring requirements through process monitoring have been included for the Repackaging areas.</p> <p>The following are now in place:</p>

	<ul style="list-style-type: none"> <li>Point A10- LEV from VOC handling areas (Repackaging of hazardous waste) - No parameter and no BAT AEL</li> </ul>
Changes to Schedule 3 Addition of S3.4 Process monitoring requirements	Table S3.2 Process monitoring requirements has now been added to the permit, requiring a demonstration of abatement process efficiency in line with the requirements of BAT and the Appropriate Measures.
Change to Table S4.1	Reporting of emissions to sewer and process monitoring parameters have been added.
Changes to Table S4.3	Energy usage parameter has been added
Changes to Table S4.4	Reporting forms Table S4.4 has had additional row included for emissions to water, sewer, and energy usage in line with the requirements of BAT and the Appropriate Measures.
Schedule 7	Added new site plan.

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

## **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 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 to ensure that the permit complies with the appropriate technical guidance for this facility, Chemical waste: appropriate measures for permitted facilities. See Table 1 and key issues of the decision

## Changes to EWC codes

The following waste codes have been deleted from the permit at the request of the operator

06 01 01*	sulphuric acid and sulphurous acid
16 01 10*	explosive components (for example air bags)
16 06 02*	Ni-Cd batteries
16 06 03*	mercury-containing batteries
16 06 06*	separately collected electrolyte from batteries and accumulators
20 01 33*	batteries and accumulators included in 16 06 01, 16, 0602 or 16 06 03 and unsorted
16 06 04	alkaline batteries (except 16 06 03)
16 06 05	other batteries and accumulators
20 01 34	batteries and accumulators other than those mentioned in 20 01 33
13 08 99*	wastes not otherwise specified
08 01 99	wastes not otherwise specified
08 02 99	wastes not otherwise specified
08 03 99	wastes not otherwise specified
12 01 99	wastes not otherwise specified
16 01 99	wastes not otherwise specified
16 07 99	wastes not otherwise specified

## Emission limits

Descriptive emission Limit for the process waters from wheels and vehicle wash down bay via interceptor to sewer have been added for oil or grease.

## Monitoring

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

Table S3.3 Oil or Grease

Table S3.4 abatement efficiency assessment.

These monitoring requirements have been included in order to comply with Chemical waste: appropriate measures for permitted facilities

## Reporting

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

- process monitoring specified in table S3.4.

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.