

Permitting Decisions- Variation

We have decided to grant the variation for Bridge Street North operated by Dunton Technologies Ltd.

The variation number is EPR/WE8923AB/V004.

The permit was issued on 26/03/2024.

The site currently operates as a Hazardous Waste Treatment Facility located at Bridge Street North, Smethwick and is permitted to undertake the following installation activities:

- Section 5.3 Part A (1) (a) (i) - Biological treatment of hazardous waste soils by bioremediation;
- Section 5.3 Part A (1) (a) (vi) - Physico-chemical treatment of hazardous waste soils (asbestos picking); and
- Section 5.6 Part A (1) (a) – Temporary storage of hazardous waste pending treatment.
-

This variation increases the annual throughput of the physico-chemical treatment of asbestos contaminated waste (Activity AR2) from 30,000 tonnes to 110,000 tonnes. There is no increase to the storage capacity of the facility or a change to the maximum annual throughput of material proposed for bioremediation (Activity AR1). The variation also adds a bespoke waste activity – the treatment of non-hazardous waste to produce soil, soil substitutes and aggregate. This activity is based around Standard Rules Permit SR2022 No.1: treatment of waste to produce soil, soil substitutes and aggregate.

We consider in reaching that 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.

Purpose of this document

This decision document provides a record of the decision making process. It summarises the decision-making process to show how the main relevant factors have been taken into account. We have assessed the aspects that are changing as part of this variation, we have not revisited any other sections of the permit.

This decision document provides a record of the decision-making process. It

- highlights key issues in the determination.
- summarises the decision making process in the decision considerations section to show how the main relevant factors have been taken into account.
- shows how we have considered the consultation responses.

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit and the variation notice.

Key issues of the decision

As part of this variation, the operator has added a non-hazardous waste treatment activity. The areas of the site proposed for the receipt, storage and treatment of non-hazardous waste are currently used for the receipt, storage and treatment of hazardous waste through bioremediation. Prior to undertaking non-hazardous waste processing, the bays used for bioremediation will be decontaminated and verified by on-site operations personnel. This will provide segregation of hazardous and non-hazardous waste. Waste will be accepted to the site through a dedicated receipt bay and handled, stored, and treated using dedicated plant in specific areas of the existing facility. Waste that is proposed for bioremediation will not be received at the site at the same time as non-hazardous waste. At no time will the two waste streams be mixed. This is reflected in the waste acceptance procedures and the decontamination procedures which are listed in the Operating Techniques table of the permit (Table S1.2).

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 application that we consider to be confidential.

Consultation

The consultation requirements were identified in accordance with the Environmental Permitting (England and Wales) Regulations (2016) and our public participation statement.

The application was publicised on the GOV.UK website.

We consulted the following organisations:

Local Authority – Environmental Health
Local Authority – Planning
Health and Safety Executive

The comments and our responses are summarised in the [consultation responses](#) section.

The regulated facility

We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN2 'Defining the scope of the installation' and Appendix 1 of RGN 2 'Interpretation of Schedule 1'.

The extent of the facility is 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 which we consider to be satisfactory.

This shows the extent of the site of the facility.

The plan is included in the permit.

Site condition report

The operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under the Industrial Emissions Directive.

Nature conservation, landscape, heritage and protected species and habitat designations

We have checked the location of the application to assess if it is within the screening distances we consider relevant for impacts on nature conservation, landscape, heritage and protected species and habitat designations. The application is not within our screening distances for these designations.

Environmental risk

We have reviewed the operator's assessment of the environmental risk from the facility.

The operator's risk assessment is satisfactory.

General 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 table S1.2 in the environmental permit.

The operating techniques are in line with the following guidance: Develop a management system, Control and monitor emissions for your environmental permit, Chemical waste: appropriate measures for permitted facilities and the Waste Treatment BAT Conclusions.

Operating techniques for emissions that screen out as insignificant

Emissions of Volatile Organic Chemicals (VOC's) have been screened out as insignificant, and so we agree that the applicant's proposed techniques are Best Available Techniques (BAT) for the installation.

We consider that the emission limits included in the installation permit reflect the BAT for the sector.

National Air Pollution Control Programme

We have considered the National Air Pollution Control Programme as required by the National Emissions Ceilings Regulations 2018. By setting emission limit values in line with technical guidance we are minimising emissions to air. This will aid the delivery of national air quality targets. We do not consider that we need to include any additional conditions in this permit.

Waste types

We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.

We are satisfied that the operator can accept these wastes for the following reasons:

- they are suitable for the proposed activities.
- the proposed infrastructure is appropriate; and
- the environmental risk assessment is acceptable.

Emission limits

No emission limits have been added, amended or deleted as a result of this variation.

Monitoring

No monitoring requirements have been added, amended or deleted as a result of this variation.

Reporting

We have specified reporting in the permit.

We made these decisions in accordance with Chemical waste: appropriate measures for permitted facilities, Waste Treatment BAT conclusions and M17 monitoring of particulate matter in ambient air around waste facilities.

Management system

We are not aware of any reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.

The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.

A full review of the management system is undertaken during compliance checks.

Technical competence

Technical competence is required for activities permitted.

The operator is a member of the CIWM/WAMITAB scheme.

We are satisfied that the operator is technically competent.

Previous performance

We have assessed operator competence. There is no known reason to consider the applicant will not comply with the permit conditions.

We have checked our systems to ensure that all relevant convictions have been declared.

No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.

Financial competence

There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.

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 110 of that Act in deciding whether to grant this permit variation.

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.

Consultation Responses

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public, and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from Sandwell Metropolitan Borough Council.

Brief summary of issues raised and action taken:

The current planning permission restricts the hazardous visit to 29,999 tonnes per year.

This variation grants permission to carry out the specific activities in the permit only. It does not grant or change planning permission or any other permissions. It is the responsibility of the operator to address this and apply to increase any limit imposed on them by the planning authority. The environmental permit is separate from the planning permission/requirements and does not replace or take precedence over any restrictions or limits imposed by them. If the operator is unable to have the limit increased by the planning authority, they will still be in breach of their planning permission.