

## Decision document variation

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We have decided to grant the variation for Ilkeston Waste Transfer and Treatment Facility operated by Castle Waste Services Limited.

The variation number is EPR/AP3337SJ/V008.

The variation is for the addition of two new activities at the site for the treatment of hazardous and non-hazardous waste and a directly associated activity (DAA) that includes the installation of new processing equipment and a thermal oxidiser and stack. There are also other changes to the site infrastructure.

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:

- 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
- explains why we have also made an Environment Agency initiated variation

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

The EWC codes for the new activities are already permitted to be accepted on site for existing activities.

The HATP shows 2 designations of waste going in to the process – target and carrier. The carrier materials are part of the process control and are used to provide a heat sink for the exothermic reaction, reduce the acidity of the target waste and to ensure that the materials in the treatment vessel remain mobile to

allow pumping of the treated residue. If carrier material was not available tap water would be used to perform this function.

Target wastes may have flammable properties therefore the reaction vessel is maintained under a nitrogen atmosphere.

## **Decision considerations**

### **Confidential information**

A claim for commercial or industrial confidentiality has not been made.

### **Identifying confidential information**

We have identified information provided as part of the application that we consider to be confidential. The relevant documents have been replaced with updated versions without the confidential information.

The decision was taken in accordance with our guidance on confidentiality.

### **Consultation**

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

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

The application was publicised on the GOV.UK website.

We consulted the following organisations:

Local Planning Authority – Erewash Borough Council  
Environmental Health – Erewash Borough Council  
Health & Safety Executive  
Derbyshire Fire & Rescue Service  
Public health England  
Food Standards Agency

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

## **The site**

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

This shows the extent of the site of the facility including emission points.

The plan is included in the permit.

## **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.

The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.

## **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.

We have referenced sector guidance note 5.06 and relevant BAT conclusions for waste treatment.

The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.

## **Operating techniques for emissions that do not screen out as insignificant**

Emissions of Hydrochloric acid (HCl) and Total Volatile Organic Carbon (TVOC) cannot be screened out as insignificant. We have assessed whether the proposed techniques are Best Available Techniques (BAT).

Control of emissions to air by utilising thermal oxidation for treatment of the off-gases is BAT for the activity being undertaken on site.

The proposed techniques/ emission levels for emissions that do not screen out as insignificant are in line with the techniques and benchmark levels contained in the technical guidance and we consider them to represent appropriate techniques for the facility. The permit conditions enable compliance with relevant BAT reference documents (BREFs) and Emission Limit Values (ELV's) deliver compliance with BAT - Associated Emission Levels (AEL's).

## **Operating techniques for emissions that screen out as insignificant**

Emissions of Nitrogen dioxide and other oxides of Nitrogen 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.

## **Odour management**

We have reviewed the odour management plan in accordance with our guidance on odour management, but only in terms of those elements directly related to the new activities covered by this variation, which we consider to be satisfactory. There is still an improvement condition (IP15) in the permit awaiting full compliance that impacts on odour management with changes proposed that would alter the OMP. This is being addressed by the area compliance team.

## **Changes to the permit conditions due to an Environment Agency initiated variation**

We have varied the permit as stated in the variation notice.

## **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.

## **Pre-operational conditions**

Based on the information in the application, we consider that we need to include pre-operational conditions.

The installation of new equipment will require a commissioning process to be undertaken and assurance that the emissions comply with requirements therefore a commissioning plan has been required and a report on findings post commissioning.

## **Emission limits**

Emission Limit Values (ELVs) based on Best Available techniques (BAT) have been added for the following substances: HCl and TVOC as being relevant to emissions from the stack due to be installed as part of the new activity on site.

## **Monitoring**

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

We made these decisions in accordance with table 6.10 of the BAT conclusions document.

## **Reporting**

We have added reporting in the permit for the following parameters: HCl and TVOC from point source referenced on plan of emissions points as location 84, the new stack.

We made these decisions in accordance with table 6.10 of the BAT conclusions document.

## **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.

## **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**

### **Responses from organisations listed in the consultation section:**

Response received from Public Health England.

Brief summary of issues raised: No objections to proposals.

Summary of actions taken: No EA action required

Response received from Derbyshire Fire and Rescue Service (FRS).

Brief summary of issues raised: the FRS risk assessment requires them to have a plan to deal with incidents at the site.

Summary of actions taken: No EA action required