

Permitting Decisions- Environment Agency Initiated Variation

We have Issued an Environment Agency initiated variation for Cottenham Oil Treatment Plant operated by Malary 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/BT2777IK/V007.

The permit variation was issued on 25/03/2026.

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

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 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 response from the Operator was received on 03/03/2022.

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 09/04/2024, 20/05/2024 and 26/07/2024. 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	The operator confirmed that they currently meet the requirements of all appropriate measures in this section. The operator has an accredited management system operating under ISO 9001:2015 and ISO 14001:2015. The operator has indicated they have up-to-date management plans required for the activities undertaken on site. 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.
Waste pre-acceptance, acceptance and tracking appropriate measures	CC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section. They provided examples of waste pre-acceptance/acceptance and waste tracking procedures taken from their management system. We are satisfied from these examples that the operator is compliant with the appropriate measures in this section. We will continue to assess and ensure compliance through regular inspection of the site.
Waste storage, segregation and handling appropriate measures	FC	During determination of the permit, we identified that waste segregation and handling measures did not meet appropriate measures. Specifically, the operation was not compliant with appropriate measure 4.14/4.19 (adequate bunding of storage areas/segregation of water streams) or 4.20 (segregation of incompatible wastes). We have set improvement conditions as described below under waste storage, segregation and handling to ensure future compliance with these measures. We have also set an improvement condition as described below for the abatement of emissions from storage tanks as per measure 4.43.
Waste treatment appropriate measures	CC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section. We have no reason to believe that the operator is not currently compliant with these measures. 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. We will continue to assess and ensure compliance through regular inspection of the site.
Emissions control appropriate measures	FC	Improvement conditions have been added to the permit to ensure future compliance with appropriate measures 6.1.1 (contain emissions or direct to suitable abatement) and associated requirements e.g. 6.1.4 and 6.1.6. Improvement conditions have also been added to ensure compliance with appropriate

		measures 6.5.4 and 6.5.5 regarding fugitive emissions to water. These are discussed further below.
Emissions monitoring and limits appropriate measures	FC/NC	Compliance with this section of the appropriate measures and with the BAT-AELs is discussed in more detail below. Improvement conditions have been added to ensure future compliance with the measures in this section. Tables S3.1 and S3.3 have been updated to include the relevant BAT-AELs for emissions from the site.
Process efficiency appropriate measures	CC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section. We have no reason to believe that the operator is not currently compliant with these measures. 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. We will continue to assess and ensure compliance through regular inspection of the site.
Reg 61 requirement Assessment of response received		
Soil and groundwater risk assessment		The operator included a site condition report in their submission. This was not in line with our guidance and 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		The site contains two boilers fuelled on gas oil which are existing MCPs. We have included limits in the permit for medium combustion plant (MCP) between 1 and 5 MWth at the operator's discretion. Under the Medium Combustion Plant Directive 2015, MCPs with a thermal input between 1 and 5 MWs must meet emission limit values by 01/01/2030. We have included conditions 2.3.7, 3.5.5, 3.5.6, and 4.2.2 (c) in the permit and the relevant emission limit values in the permit under table S3.1. We have also updated the thermal input under the activity AR7 in Table S1.1 as the operator confirmed that the thermal input of the MCPs is 2.35 MW not 3 MW. The operator provided information about the MCPs as required under Annex 1 of MCPD which are incorporated into the operating techniques table S1.2
Summary of other changes made to the permit as a result of our assessment of the Reg 61 response		
Changes to Table S1.1		Table S1.1 (referenced by conditions 1.2.1,1.3.1, 2.1.1, 2.3.7, 3.1.4 and 4.2.1) was updated to ensure continued compliance with relevant appropriate measures as per the updated permit template. The order of the activities was updated to reflect their relevance to onsite operations and activity A10 (physico-chemical treatment of non-hazardous waste) was split into activities AR9 – AR11 to match the hazardous waste treatment activities and to allow suitable limits to the treatment of non-hazardous waste on site to be applied.

Changes to Table S1.3	Table S1.3 (referenced by condition 2.4.1) was updated to remove completed improvement conditions. New improvement conditions have been added as discussed below.
Changes to Table S2.1	Table S2.1 (referenced by condition 2.3.3) was updated to include gas oil less than 0.1% sulphur content as a raw material.
Changes to Tables S2.2 – S2.12	Tables S2.2 - 2.11 (originally Table S2.2 – 2.9 referenced by condition 2.3.4) were updated to match the revised order of activities in table S1.1.
Changes to Table S3.1	Table S3.1 (referenced by conditions 3.1.1, 3.5.1 and 3.5.4) was updated to include emission limits and monitoring for process tanks and MCPs as described in the key issues section. Tanks which are no longer operational were removed.
Changes to Table S3.2	Table S3.2 (referenced by conditions 3.1.1, 3.5.1 and 3.5.4) was updated as W1 is no longer operational, and no release was permitted via W2. W3 remains operational but the emission point location was corrected so that it more accurately reflects the nature of the emission (see key issues section).
Table S3.4 added	Table S3.4 (referenced by condition 3.5.1) was added to the permit to ensure continued compliance with appropriate measures 6.1.6 concerning maintenance of abatement equipment and measure 7.1 with regards to emissions from plant in buildings.
Schedule 6	Additional definitions have been added to the permit which are relevant to the appropriate measures guidance and MCP regulations.
Schedule 7	New site and emission plans have been added to the permit which more accurately describe the site operations and location of emission sources in line with our guidance on the relevant application forms published on gov.uk.

Review of permitted activities

We have amended the activity AR1 concerning the re-use of waste oil in production of PFO/RFO as we consider that the activity ‘Section 5.3 Part A(1)(a)(x) – oil re-refining or other re-uses of oil’ better describes the oil recovery activity. We considered our guidance ‘RGN2 Understanding the meaning of regulated facility Appendix 1 – Interpretation of Schedule 1 to the Regulations’ when making our decision. We have reviewed and amended the codes for recovery and disposal listed in Table S1.1 under all activities according to the Waste Framework Directive (2008).

We have reviewed the treatment of non-hazardous waste under previous activity A10 in permit EPR/BT2777IK/V006. The permit stated the following:

A10 Non Hazardous Waste Treatment	--	R3: Recycling/reclamation of organic substances which are not used as solvents	Treatment of non-hazardous wastes via methods listed in activities A1, A4, A5 and A6.
		R5: Recycling/reclamation of other inorganic materials	Waste types as specified in table S2.9.

We reviewed the response from the operator to our request for information dated 26/07/2024 and the document ‘APP01 Changes 11069963’ dated 02/08/2019 submitted to us as part of application EPR/BT2777IK/V006. We consider that the activities A1, A4, A5 and A6 listed above are erroneous and should have referred to treatment of non-hazardous effluent, non-hazardous rags/wipes and non-hazardous plastics. We have split activity A10 into activities AR9-AR11 describing each of these treatments individually.

We have added limits to the daily throughput for all activities based on the annual limit previously present in the permit. The operator has accepted these limits in emails dated 01/08/2025 and 03/09/2025. We have added a limit of 75 tonnes per day for activity AR10 (treatment of non-hazardous rags). We understand that the current throughput does not exceed this limit. We consider that the intention of the activity is most likely to be recovery of inorganic materials as further processing will likely be needed to produce a fuel, but the inclusion of the limit ensures that the activity cannot incidentally become a Section 5.4 Part A(1)(b)(ii) (pre-treatment of waste for incineration or co-incineration) activity without a permit variation. Similarly, we have added an agreed limit of 50 tonnes per day on activity AR9 as above 50 tonnes and this would become an installation activity.

Point source emissions to air

Emissions to air may arise from the site as a result of storage and treatment of wastes (such as waste oils) containing volatile chemicals, operation of combustion plant (steam boilers) and shredding of materials resulting in

particulate emissions.

Waste treatment activities 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 BAT AELs for emissions to air into the permit in Table S3.1 which apply on issue of this permit. The BAT AELs are subject to the notes under Table S3.1 and compliance with the BAT-AELs and condition 3.5.1 (monitoring) will be determined by the Environment Agency.

Oils and aqueous treatment

The site contains several storage and treatment tanks which are vented to atmosphere through breather vents or pressure relief valves. Treatments that may release emissions to air include re-refining of waste oil in 'P' tanks by heating, phase separation, treatment with diammonium phosphate mixture, and treatment of waste effluents such as by a dissolved air flotation process in the oil processing building.

We identified from the documents submitted by the operator (e.g. waste layout plan) and their Reg61 response that several tanks (e.g. WT4 and the DAF plant) were open topped and/or did not have suitable abatement fitted. Where emissions from a treatment plant such as the DAF plant into a building are present, emissions should be channelled to an abatement system. We have included improvement conditions IC4a and IC4b in the permit which require the operator to submit and enact a plan for the enclosure of waste treatment/storage vessels (where they are not already enclosed) and the installation, maintenance and operation of an abatement system in accordance with sections 4 and 6 of chemical waste: appropriate measures for your permitted facilities.

The operator stated in their response to the Reg61 notice that they would commission monitoring of air emissions from their treatment process tanks. The monitoring (on tank P2) was commissioned but could not be completed because of a low flow rate. However, we understand that the emission may be related to the operation of a pressure release valve which needs to be open when monitoring for emissions data to be captured. We have included improvement condition IC2 in the permit requiring the operator to establish whether there will be a monitorable emission from this emission point at any stage during the treatment process. Tanks P10, P12, P13, P14 have been added to the permit and are relabelled from C1 to C4 respectively. These tanks are part of the oil treatment process and the BAT-AELs are therefore applicable. Tank P1 is now

used for storage of waste oils/aqueous waste only and is not part of the treatment process. Tanks F1 and S9 have been relabelled WT4A and WT1A respectively (the latter has also been moved to its current position). Tanks R1 and R3 (used for fuel storage not waste) do not vent so there is no emission point.

We have added the following emission limits and monitoring requirements to the permit subject to the outcome of improvement conditions:

- The BAT-AEL of 30 mg/m³ TVOC (Total Volatile Organic Compounds) to oil treatment tanks and centrifuges and 6 monthly monitoring as per the Waste Treatment BAT Conclusions for re-refining of oil. We have also added monitoring of speciated VOCs in accordance with BAT Conclusion 3.
- The BAT-AEL of 20 mg/m³ TVOC and 5 mg/m³ hydrogen chloride to any emission from treatment of aqueous waste (to be established under the emission inventory IC5) along with 6 monthly monitoring requirements and the requirement to monitor ammonia (on a 6 monthly basis) as per the Waste Treatment BAT Conclusions for treatment of water-based liquid waste.

Shredders

The site is permitted to operate four shredders: the oil filter shredder, the SRF shredder, and two plastic shredders. All are housed in buildings and are unabated so the requirements of IC4a and IC4b apply to any emission.

The oil filter shredder is low speed and does not meet the description of shredding of metal waste in the Waste Treatment BREF (although some filters will contain metals). The oil filter shredder is fixed with an extraction hood which channels emissions out of the building. Because of the low velocity of the shredder, it is unclear if the emission could be meaningfully monitored (e.g. due to low flow rates) and we have therefore included it in the requirement of IC2.

The SRF shredder is enclosed on three sides (other than the feed). There is no extraction serving the SRF shredder or the plastic shredders. We have concerns that if these emit into the building, emissions of dust could build up and be released to air and become a fugitive emission. It is unclear if there are monitorable emissions from the shredders based on their scale, construction and operating speed. We have included improvement conditions IC3a and IC3b which require the operator to carry out monitoring of the ambient air in the buildings to determine if there is an emission from the shredders that should be channelled and extracted as per the appropriate measures' guidance (e.g. measure #6.1.1). If the outcome of improvement condition IC3b is that ongoing monitoring of the emission into the building is required, we have included this option in Table S3.4.

Subject to the conclusion of the improvement conditions we have set the following emission limits for the shredders:

- (for all shredders) The BAT-AEL of 5 mg/m³ for dust and 6 monthly monitoring as per the Waste Treatment BAT Conclusions for mechanical treatment of waste.
- (for the oil filter and SRF shredders) The BAT-AEL of 30 mg/m³ TVOC and 6 monthly monitoring as per the Waste Treatment BAT Conclusions for mechanical treatment of waste with calorific value.

H1 assessment and emissions inventory

The operator has not provided an up-to-date emissions inventory or H1 assessment as part of their response to our Reg61 notice. We have added improvement condition IC5 in the permit to ensure the operator complies with chemical waste: appropriate measures for your permitted facility condition 6.1.3 *'You must assess the fate and impact of the substances emitted to air, following the Environment Agency's risk assessment guidance'*.

Point source emissions to a receiving water body (including via sewer)

Release of process and trade effluent via S1

Malary Limited discharge process effluent from wastewater treatment (treatment of water based liquid waste) activities AR2 and AR9, and run-off from some of the waste storage areas to foul sewer through emission point S1. Malary Limited have confirmed in their response to the Reg61 Notice that they are compliant with their trade effluent discharge consent with Anglian water. However, the site must also comply with the relevant BAT-AELs (BAT associated emission limits) for indirect discharges to a receiving water body as listed in Table 6.2 of the BAT Conclusions for Waste Treatment (2018). 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 BAT AELs for emissions to sewer into the permit in Table S3.3 which apply on issue of this permit. The BAT AELs are subject to the notes under Table S3.3 and compliance with the BAT-AELs and condition 3.5.1 (monitoring) will be determined by the Environment Agency. We have inserted the BAT-AELs and monitoring as per the BAT Conclusions for treatment

of water-based liquid waste as the effluent originates from effluent treatment activities AR2 and AR9 (effluent from the treatment of oils is transferred off-site).

The operator did not provide when requested an up-to-date H1 assessment or emissions inventory as part of their response to the Reg61 notice. We have added improvement condition IC1 to the permit to ensure compliance with sections 7.2.1 and 6.4.2 of chemical waste: appropriate measures for your permitted facility.

Direct releases to water

The permit previously authorised releases of uncontaminated surface water via emission points W1 to the Chear Fen Pumping Station and W3 to Cottenham Lode via off-site balancing pond and reed bed (no release was previously permitted via W2 and this has now been removed from the permit). The operator has confirmed that W1 is also no longer used and that is not required in the permit going forward, so this was also removed. All non-process surface water run-off from the eastern side of the site discharges through W3 via an oil interceptor.

The surface water run-off via W3 currently includes run-off from areas where waste is stored and handled. The wastes are stored in lidded IBCs and waterproof packaging and the run-off therefore should not be contaminated. The discharge passes through an interceptor prior to the release to the balancing pond which is outside of the permitted area. We have not included BAT-AELs in Table S3.2 for the discharge via W3 as the origin of the discharge is not from waste treatment but kept the requirement that the source is uncontaminated surface water run-off along with the requirement for daily visual assessment to ensure that no visible oil or grease is discharged via W3. We have also included improvement condition IC6 in the permit requiring the operator to demonstrate compliance with sections 4 and 6 of chemical waste: appropriate measures for your permitted facility for the discharge. Compliance with the measures quoted in this improvement condition will ensure that the operator has procedures in place preventing any possible contamination of the discharge via W3.

Waste storage, segregation and handling.

Review of waste codes

We reviewed the waste (EWC) codes the operator is currently permitted for and brought to the attention of the operator codes which we considered may not be suitable for the proposed treatments. The operator reviewed these codes as part of their response to our request for information dated 26/07/2024. The operator proposed to move several EWC codes from treatment activities to storage for transfer only. We have agreed to these proposals as storage of wastes for transfer is a lower risk activity compared to treatment.

The operator provided further justification for the following waste codes to remain

under the oil recovery activity AR1 for the purpose of producing PFO (processed fuel oil): 05 01 05*, 11 01 03*, 12 01 18*, 13 05 07*, 16 07 08*. The operator is currently permitted to accept these waste codes for treatment under AR1. We agree that these waste codes are suitable for the described purposes for production of PFO and are of relatively low risk to the environment under the treatments proposed, so we agree that these waste codes are acceptable for treatment under AR1.

The operator proposed a list of wastes for each revised activity AR9-AR11 based on the existing permitted list. We agree these are suitable for the respective treatments and they are listed in the waste tables in the permit.

Waste segregation

The operator confirmed that the flammables storage area does not contain sealed drainage and neither does the main waste storage bay. Liquids are stored both areas meaning that there is the potential for spillages to lead to cross contamination between incompatible wastes. This does not comply with chemical waste appropriate measures guidance 4.20 and 4.6. We have required that a plan is submitted and implemented under improvement condition IC7 in the permit for the improvement of the flammables storage area to ensure compliance with these measures.

The operator confirmed that waste electrical and electronic equipment (WEEE) is currently stored in the quarantine area. We have included improvement condition IC8 in the permit which requires the operator to review and update their management systems to ensure that incompatible wastes are not stored together in the quarantine area.

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 Appendix 1 of RGN 2 'Interpretation of Schedule 1'. Our decision is explained in the Key Issues section.

The extent of the facilities 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 plans which we consider to be satisfactory.

These show the extent of the site of the facility.

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.

We have added within this table details of the measures that the operator will/is using to accept, store and treat waste.

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 future compliance with the appropriate measures. The requirements are discussed fully in the Key Issues section of this document.

Emission limits

Emissions limits have been added for indirect emissions to sewer and to emission points to air because of this agency-initiated variation based on Best Available Techniques – Achievable Emission Levels (BAT-AELS) for Waste Treatment. This is explained in full in the key issues section of this document.

Emission limits have been added for early permitting of existing boilers (MCPs between 1 and 5 MWth) at the operator's discretion. Emission limits and monitoring apply from the relevant compliance dates as per the Medium Combustion Plant Directive, 2015.

For rainfall runoff from non-process areas of waste storage/treatment (e.g. roofs and carparks) we have included descriptive limits on visible oil and grease. The area adjacent to W3 includes vehicle access and this limit will therefore ensure that the discharge remains uncontaminated as per the description in Table S3.2.

Monitoring

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

- Monitoring associated with the emission to sewer as detailed in Table 6.2 of the BAT Conclusions for Waste Treatment applicable to indirect discharges to water following physico-chemical treatment of waste with calorific value.
- Monitoring associated with air emissions as detailed in BAT 8 of the BAT Conclusions for Waste Treatment.
- Process monitoring for abatement techniques and emissions into buildings as described in the Key Issues section of this document.
- Early permitting of existing boilers (MCPs between 1 and 5 MWth) was added to the permit at the operators' discretion. Emission limits and monitoring apply from the relevant compliance dates as per the Medium Combustion Plant Directive, 2015.

We made these decisions in accordance with Best Available Techniques for Waste Treatment, Chemical waste: Appropriate Measures for Your Permitted Facility and Medium Combustion Plant Directive, 2015.

Reporting

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

- Emissions to sewer via S1.
- Emissions to air from boilers (existing MCPs). Reporting applies from the date of acceptance of monitoring requirements under condition 3.1.4.
- Emissions to air from process tank vents P2, P5, P6, P10, P12, P13, P14 subject to the outcome of IC3.
- Process monitoring of abatement of air emissions from storage and treatment tanks (as described in key issues section).

We made these decisions in accordance with Best Available Techniques for Waste Treatment, Chemical waste: Appropriate Measures For Your Permitted Facility and Medium Combustion Plant Directive, 2015.

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.