

## Permitting Decisions- Environment Agency Initiated Variation

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We have issued an Environment Agency initiated variation for Bilston Waste Oil Reprocessing operated by Valgrove Limited following a review of the permit in accordance with Environmental Permitting (England and Wales) Regulations 2016, regulation 34(1).

The variation number is BP3733UB/V003.

The permit variation was issued on 30/03/2026.

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:

- [Chemical waste: appropriate measures](#) 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

#### Consolidation of Waste Management Licence EAWML 41418

We have not received a response to the Regulation 61 Notice from the operator nor to any other correspondence. We do not have enough information to be able to consolidate the WML into the Installations permit as part of the review.

#### Scheduled Activities

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. We reviewed the activities that the operator is currently undertaking on site and consider that it is appropriate to add a repackaging activity (Section 5.3 Part A(1)(a)(iv)) to the permit for the bulking of chemically similar wastes. This includes bulking of chemically similar wastes from 25 litre vessels and IBCs (intermediate bulk containers) into bulk tanks. We do not consider that blending and mixing is taking place on site as the activities described by the compliance officer's knowledge of the operations 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.

We issued a notice under regulation 61(1) of the Environmental Permitting (England and Wales) Regulations 2016 (a Regulation 61 Notice) on 18/11/2021 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
- 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**

There has not been a Regulation 61 notice response received from the Operator.

We therefore issued a chasing request to the operator. We never received a response to this correspondence.

As we were unable to consider any Regulation 61 notice response, we needed more information in order to complete our permit review assessment. We requested this from the site compliance officer by email, who provided some further information on 16/03/2026 on the following:

- Confirmation the site accepts and bulks/repackages wastes from IBCs or drums
- Confirmation the site does not wash or crush any (nominally) empty IBCs or drums
- Confirmation the site tanks are solely for treatment
- Confirmation the site does not also operate as a transfer station
- Confirmation the site has not had any substantiated odour complaints

As we were unable to consider any Regulation 61 notice response, we have completed the permit to the best of our knowledge.

**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>	FC	The operator has not responded to the Regulation 61 Response; we have therefore included IC10 To address this section.
<b>Waste pre-acceptance, acceptance and tracking appropriate measures</b>	FC	The operator has not responded to the Regulation 61 Response; we have therefore included IC11 To address this section.
<b>Waste storage, segregation and handling appropriate measures</b>	FC	The operator has not responded to the Regulation 61 Response; we have therefore included IC12 To address this section.
<b>Waste treatment appropriate measures</b>	FC	The operator has not responded to the Regulation 61 Response; we have therefore included IC13 To address this section.
<b>Emissions control appropriate measures</b>	FC	The operator has not responded to the Regulation 61 Response; we have therefore included IC14 To address this section.
<b>Emissions monitoring and limits appropriate measures</b>	FC	The operator has not responded to the Regulation 61 Response; we have therefore included ICs 16, 17a, 17b and 18 to address this section.



	<ul style="list-style-type: none"> <li>• requires the submission of a report which demonstrates the viability of monitoring emissions to air from process treatment tanks that undertake cold gravity separation</li> <li>• requires the submission of an updated site layout plan that contains all point source emissions to air and sewer</li> <li>• requires a report to provide more information about the on-site filtration process and whether it is suitable for separating emulsions</li> </ul>
Changes to raw materials table (Table S2.1)	To include Gas Oil with a specification limit of 'less than 0.1% sulphur content'
Changes to waste table (S2.2)	To include exclusions of wastes with certain hazardous properties
Changes to emissions to air and sewer tables (S3.1 and S3.2)	To include monitoring and BAT-AEL requirements of the relevant parts of the Waste Treatment BAT conclusions and to enable completion of a H1 risk assessment under IC16
Inclusion of monitoring tables (S3.3 and S3.4)	Inclusion of monitoring tables relating to (abatement) process and ambient air monitoring required for oil/water treatment sites
Inclusion of reporting requirements	<p>Inclusion of reporting requirements relating to</p> <ul style="list-style-type: none"> <li>• newly included monitoring requirements,</li> <li>• annual treatment volumes,</li> <li>• performance parameters, and</li> <li>• updated reporting forms</li> </ul>
Update to site plan in Schedule 7	To amend the existing plan to include a green permit boundary

## **Decision Considerations**

### **Confidential information**

A claim for commercial or industrial confidentiality has been made.

### **Identifying confidential information**

We have not identified information provided as part of the Regulation 61 notice response that we consider to be confidential.

### **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' and Appendix 2 of RGN2 'Defining the scope of the installation'

### **The site**

A revised plan, that includes the site boundary in green, is included in the permit.

### **Operating techniques**

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. Reasons for each IC inclusion can be found in the above summary table.

## Changes to EWC codes

We have restricted accepted wastes to exclude those with the following hazardous properties: HP1: Explosive; HP2: Oxidising; HP8: Corrosive; HP12; Release of an acute toxic gas; wastes that contain Persistent Organic Pollutants

## Emission limits

Potential Emission Limit Values (ELV's) for emissions to air, linked to a risk assessment required under IC16 and based on Best Available Techniques – Associated Emission Levels (BAT-AELS) for Waste Treatment, have been added for the following substances:

- Total Volatile Organic Compounds (TVOCs), and
- Specific (organic) substances

Emissions limits have been added for indirect emissions to sewer, linked to a risk assessment required under IC16 and based on Best Available Techniques – Associated Emission Levels (BAT-AELS) for Waste Treatment, as a result of this review for the following substances:

- Total and dissolved Arsenic
- Total and dissolved Cadmium
- Total and dissolved Chromium
- Total and dissolved Copper
- Total and dissolved Lead
- Total and dissolved Mercury
- Total and dissolved Nickel
- Total and dissolved Zinc, and
- PFOS

## Monitoring

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

Emissions to air:

- Total Volatile Organic Compounds (TVOCs), and
- Specific (organic) substances

Emissions to sewer:

- Effluent flow rates
- Total and dissolved Arsenic
- Total and dissolved Cadmium
- Total and dissolved Chromium
- Total and dissolved Copper
- Total and dissolved Lead
- Total and dissolved Mercury
- Total and dissolved Nickel
- Total and dissolved Zinc, and
- PFOS
- PFOA
- Hydrocarbon Oil Index (HOI)

Process monitoring:

- Efficiency of abatement equipment
- Fugitive emissions of VOCs to air from sources identified in Leak Detection and Repair programme

Ambient air:

- VOCs in ambient air

These monitoring requirements have been included to enable a H1 risk assessment to be completed as required under IC16 and to satisfy the requirements of Chemical Waste: Appropriate Measures.

We made these decisions in accordance with Best Available Techniques for Waste Treatment

## **Reporting**

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

- Newly included monitoring requirements
- Annual treatment volumes,
- Performance parameters, and
- Updated reporting forms

We made these decisions in accordance with Best Available Techniques 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.