

Permitting Decisions- Environment Agency Initiated Variation

We have issued an Environment Agency initiated variation for Unit 145 Elm Drive operated by Chloros Environmental Ltd

following a review of the permit in accordance with Environmental Permitting (England and Wales) Regulations 2016, regulation 34(1).

The variation number is EPR/AP3031JR/V003.

The permit variation was issued on 31/03/2026.

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.
- <https://www.gov.uk/guidance/healthcare-waste-appropriate-measures-for-permitted-facilities> 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
- [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

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.

- Healthcare waste: appropriate measures for permitted facilities - published 13 July 2020.
- 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 17/11/2021 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

The Regulation 61 notice response from the Operator was received on 25/02/2022.

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 (summary of information) on 31/10/2025, 10/11/2025, 18/12/2025, 23/01/2026. 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	<p>E.g. The operator confirmed that they currently meet the requirements of all 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>
Waste pre-acceptance, acceptance and tracking appropriate measures	CC	<p>The operator confirmed that they currently meet the requirements of the appropriate measures in this section with the exception of:-</p> <p>3.2.16 you must check and where appropriate sample and analyse, the contents of all containers in the reception area within one working day of receipt. You must then transfer complaint containers to the relevant storage area on site.</p> <p>The operator has provided an alternative measure</p> <p>All chemical waste is stored in the storage bays within a covered and fully bunded warehouse. All the storage and reception bays within the warehouse are covered and monitored by thermal imaging cameras. Outside working hours, this is monitored by a third-party call station and keyholders are alerted to spikes in heat generation. The operator feels that robust visual, chemical (pH and oxidising potential), physical checks, robust pre-acceptance process, pre-acceptance sampling, analysis prior to acceptance and infrastructure safety measures provided are appropriate mitigation measures to allow them to safely store while they wait on the laboratory analysis on the acceptance samples.</p>

		<p>We have reviewed the operator justification, and we are satisfied that the proposed techniques adequately demonstrates that their measures manage and mitigate the risk and adequately catalogue the waste for identification.</p> <p>In their Regulation 61 response, the operator stated they were not compliant with Section 3.1.2 age of waste. In a response to a request for information dated 10/11/2025 they confirmed the recording of the age of the waste.</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>
<p>Waste storage, segregation and handling appropriate measures</p>	<p>CC/NA</p>	<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>Section 4, item 9 relates to storage of waste in sealed metal containers which should be stored under cover should they have the capacity for self-heating or self-reactivity.</p> <p>Section 4, item 11 relates to no storage of hazardous waste in open topped containers. Empty open topped containers should be kept in a building or undercover to prevent rain ingress.</p> <p>The Operator has confirmed that they use open topped containers to store oily rags. The oil rags typically received, fall out of the scope of the above. The oils used in these processes typically have boiling points above 150c and therefore are not low boiling point oils. Rags are inspected to ensure there are no metal swarfs and any non-conformance repacked into suitable metal containers. The Cut open IBCs are covered/sealed with plastic sheeting/bag. The infrastructure measures include small pile size, heat imaging cameras with 24-hour monitoring and daily heat monitoring</p>

		<p>checks.</p> <p>Section 4, item 87 relates to the movement of containers (except under 5 litres or damaged) you must move them by mechanical means i.e. a forklift truck with rotating drum handling fitting or using pumps for liquid.</p> <p>The operator stated that they could not comply and has provided the following as an alternate measure.</p> <p>All staff wear PPE for this procedure which is carried out in LEV with abatement. The IBC is fitted with an IBC funnel (which has a capacity of 50 litres) which acts as a drip tray to minimise the risk of spillage and allows the container to be rested on the tray to minimise physically holding it in place. The 25 litre drums are mechanically lifted close to the height of the IBC funnel and staff carrying out this procedure work at the same height as the IBC. The container can then be opened and poured into the tray.</p> <p>All bulking and repackaging takes place within a bunded area to minimise spillages.</p> <p>We have reviewed the operator justifications, and we are satisfied that the proposed techniques adequately demonstrates that their measures display appropriate risk management.</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>
<p>Waste treatment appropriate measures</p>	<p>CC</p>	<p>The Operator responded not applicable to this section of the Appropriate Measures in their Regulation 61 Notice response. However, in response to Q9 in a request for further information dated 09/10/2025, the operator confirmed that they do currently meet the requirements of all appropriate measures in this section.</p> <p>Compliance with the appropriate measures in this section of the guidance has been</p>

		incorporated into the varied permit through the updated operating techniques listed in table S1.2.
Emissions control appropriate measures	CC	<p>The operator confirmed that they currently meet the requirements of all 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>
Emissions monitoring and limits appropriate measures	NA	<p>Currently W1 is for discharge of surface waters collected in non-operational/non-storage areas of the site. It is tested prior to discharge (if found to be contaminated it is removed via tanker to an offsite treatment facility).</p> <p>A second tank, Tank B, referenced as Tank 2 in operators EMS collects rainwater from outside bunded areas and waste water from area 4B drains into this tank, this is removed by tanker for treatment at an off-site facility.</p> <p>Process water is reused until it is no longer viable then stored in Tank B prior to removal by tanker.</p>
Process efficiency appropriate measures	FC	The operator confirmed that they do not currently meet the requirements of all appropriate measures in this section. Improvement condition IC4 has been included in the varied permit to address this.
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 required 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	N/A
Climate change	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	Reason for change
Changes to S1 Tables	<p>DAAs Activity reference AR5 Storage of hazardous waste after treatment has been incorporated into AR4 as part of the Section 5.6 storage activity.</p> <p>There is an additional DAA activity reference AR5 to reflect raw materials not referenced on previous permit.</p> <p>Waste operation Activity reference AR9 has been spilt into the following, AR9 treatment of non-hazardous waste by washing of non-hazardous containers and manual sorting of non-hazardous WEEE AR10 Blending and mixing of non-hazardous waste AR11 Repackaging of non-hazardous waste AR12 Storage of non-hazardous waste</p> <p>All non-hazardous waste is specified in Table S2.5</p>

Improvement conditions	<p>Improvement conditions 1-3 have been completed by the operator and removed from the permit.</p> <p>Improvement condition 4 has been added to the permit to ensure that the permit meets the requirements of the Environment Agency's guidance, Chemical waste: appropriate measures for permitted facilities.</p>
Pre operational measures	<p>The operator has asked to accept bulk containers (waste skips) for the purposes of repackaging. Whilst covered by current activities this will necessitate infrastructure and methodology changes. We have agreed to insert a pre operational measure into the permit.</p> <p>At least 8 weeks before the acceptance of bulk solid hazardous waste skips, the operator shall submit a report which must contain:</p> <ul style="list-style-type: none"> • Revised operating techniques outlining the Operator's proposals to ensure that the infrastructure and methodology are compliant with the Chemical waste: appropriate measures (or alternative measures), including but not limited to all containment and abatement requirements, a general list of wastes proposed for acceptance and repackaged under this methodology; and • A revised site plan, showing the location(s) of the proposed operations within the permit boundary. <p>The operator must implement the proposals in the report in line with the timescales agreed with the Environment Agency's written approval.</p>
Removal of EWC codes	<p>The following EWC codes have been removed at the request of the operator</p> <p>19 12 11* other wastes (including mixtures of materials) from mechanical treatment of waste containing hazardous substances</p> <p>19 12 12 other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 19 12 11</p> <p>The following waste codes have been removed from activity AR1 as containers from a previous</p>

	<p>process (once emptied or treated) should be considered as an intermediary waste and therefore these codes are not required. Therefore, AR1 does not require a waste table.</p> <p>15 01 10* packaging containing residues of or contaminated by hazardous substances</p> <p>15 01 11* metallic packaging containing a hazardous solid porous matrix (for example asbestos), including empty pressure containers</p>
Removal of emission point A2	The permit originally included two emission points to air, comprising one operational local exhaust ventilation (LEV) system and a second LEV scheduled for installation. The operator has confirmed that the second LEV was not installed and that there is no intention to install it. We have therefore removed this emission point from the permit as it is no longer applicable.
Site Plan	The site infrastructure plan has been updated in Schedule 7.

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', and Appendix 1 of RGN 2 'Interpretation of Schedule 1'.

The site

The operator has provided plans which we consider to be satisfactory.

These show the extent of the site of the facility including the discharge points.

The plans show the location of the part of the installation to which this permit applies on that site.

A 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. See page 10 for explanation.

Changes to EWC codes

We have excluded the following wastes for the following reasons: -

No longer required by the operator

19 12 11* other wastes (including mixtures of materials) from mechanical treatment of waste containing hazardous substances

19 12 12 other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 19 12 11

Emission limits

Emissions to Air

The original permit contained emission limits to air from local exhaust ventilation for blending of volatile hazardous and non-hazardous waste of

Hydrogen Chloride (HCl) 5 mg/Nm³
Total volatile organic carbon (TVOC) 2 mg/Nm³

The TVOC limit was based on the H1 assessment and was caveated by the completion of IC1, IC2 and IC3, which were, to undertake monitoring, provide a written report of that monitoring and review their air emission assessment.

These improvement conditions were completed with an assessment titled 2385-004_A_Emissions_modelling_assessment_V1.1. This assessment document proposed an emission limit value (ELV) for TVOC of 50 mg/Nm³

The assessment document was reviewed as part of the completion of Improvement condition IC3 on 23rd May 2021 and a ELV limit of 30 mg/Nm³ set in line with BAT AELs (BAT 41 and 45) for physico chemical treatment of waste with a calorific value. This value has now been incorporated into this permit variation.

Hydrogen Chloride (HCl) remains at 5 mg/Nm³

Emissions to water

ELV limits to water at W1 remain unchanged.

We have added an emission point to water, W2 on site plan in schedule 7.

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.

Monitoring

Monitoring has not changed as a result of this variation.

Reporting

Monitoring has not changed as a result of this variation.

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 standard.