Permitting Decisions - Environment Agency Initiated Variation

We have issued an Environment Agency initiated variation for Wednesbury Waste Management Resource Centre operated by Biffa Waste Services 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/XP3631SE/C005.

The permit variation was issued on 07/09/2026.

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

The 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 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

Multi permit consolidation.

A Waste Disposal Licence (WDL) was issued on 28th July 1987 as SL528 by Sandwell Metropolitan Borough Council (then the relevant Waste Disposal Authority) under the provisions of the Control of Pollution Act 1974 and later transferred to Biffa. The WDL became a Waste Management Licence (WML) under the provisions of the Environmental Protection Act 1990 and was renumbered to EAWML41706. The WML was modified eight times between 1st December 1991 and 9th April 1998. It was then part superseded by the issue of a PPC permit. Under the provisions of the Environmental Permitting Regulation 2007 became an Environmental Permit and was renumbered to EPR/TP3696FN.

A Pollution Prevention and Control (PPC) Permit was issued on 30th June 2006 under the provisions of the Pollution Prevention and Control Regulations 2000 (PPC Regs). The PPC permit was issued as XP3631SE under the transitional provisions of the PPC Regs and part superseded the original Waste Management Licence, with newly prescribed installation activities, whilst other activities remained under the former WML. The PPC permit subsequently became an Environmental Permit under the Environmental Permitting Regulations 2007. The permit was later updated to align with changes made to the Environmental Permitting Regulations (EPR) under IED.

The two permits have been consolidated as part of the statutory review process. The number of the consolidated permit is EPR/XP3631SE.

Temporary cessation of activities.

The activities AR4, AR5, AR6 and AR7 which are subject to the Chemical Waste Appropriate Measures are non-operational. We consider this to be “temporary cessation." Activities AR4, AR5, AR6 and AR7 in the permit cannot take place since we have not been given the information to show that they will meet the required technical standards. We have therefore added pre-operational condition reference POFD1 into the permit regarding the recommencement of activities AR4, AR5, AR6 or AR7 listed in Table S1.1. The condition requires that, prior to recommencement of these activities, the operator shall confirm to the Environment Agency the intention to recommence operation and provide supporting documents for approval demonstrating activities are in accordance with the requirements of the Waste Treatment BAT Conclusions and Chemical Wastes appropriate measures for permitted sites and other appropriate measures guidance as applicable.

Treatment of hazardous wastes with non-hazardous wastes.

The Wednesbury operation was first permitted in 1987 and the treatment of hazardous with non-hazardous wastes was established, forming a necessary part of the process. The original 2006 PPC permit included activities relating to treatment of hazardous and non-hazardous wastes, did not make it clear that these may be treated together. Section 4.83 of the Waste storage, segregation and handling appropriate measures, state ‘You must have a permit that specifically allows you to mix hazardous waste with any non-hazardous waste, hazardous waste in a different category or non-waste’.

The opportunity was taken by the operator to fully assess the suitability of waste types for the hazardous waste activities. Where non-hazardous wastes have a clear replacement/benefit (i.e. neutralise, act as heat sink, other process control) these have been allowed as process aids in the hazardous activity and retained in Schedule 2, Table S2.2. Non-hazardous waste types which do not have a clear replacement/benefit and unsuitable hazardous waste types e.g. mercury, have been removed from the waste table with agreement by the operator.

BAT-associated emission levels (BAT-AELs).

Waste treatment activities including treatment of water-based liquid waste are required to comply with the BAT Conclusions for waste treatment.

The BAT Conclusions were published in 2018, the implementation dates for BAT AEL compliance for existing sites has now passed (4 years after issue publication of BAT Conclusions).

Our regulatory approach to indirect discharges to water is not specific to the waste treatment sector; we follow this approach when permitting any type of installation that indirectly releases polluting substances into water, following the guidance ‘UK Cross-Cutting Interpretation Guidance and Permitting Advice on the Best Available Techniques (BAT) Conclusions published under the Industrial Emissions Directive (IED) Version 2 – July 2024’.

On this basis the Environment Agency is required to insert the BAT AELs set out in the BAT Conclusions into a permit where it is determined they are appropriate. This is in line with the requirements set out in Defra’s guidance ‘Industrial emissions Directive EPR Guidance on Part A installations’ and specifically ‘Setting ELVs where Article 15(3) applies’. The BAT AEL apply on issue of a permit as the timescale of existing site compliance has passed. We have produced RPS 371 to mitigate its impact for 12 months.

We have therefore included BAT AELs into the permit in Table S3.2 which apply on issue of this permit. These BAT AELs are subject to tables notes and condition 3.5.1 and compliance will be assessed by the Environment Agency in line with RPS 371.

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 are also applicable to the permitted activities being varied under this permit review and have 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.
- Waste temperature exchange equipment (WTEE): appropriate measures for permitted facilities – published July 2022.

The permit has been reviewed against the requirements of the Medium Combustion Plant Directive for 2025 (and 2030), and relevant conditions and monitoring requirements have been added.

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
- 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 with 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.

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 08/11/2024, 19/03/2025, 15/04/2025, 05/06/2025, 25/06/2025, 14/08/2026 and 28/08/2026. 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	FC	The operator confirmed that they do not currently meet the requirements of all appropriate measures in this section. Improvement condition IC15 has been included in the varied permit to address this. The operator has suggested alternative measures for Sections 2.4.3 and 2.4.7 (accident prevention measure) which have been accepted and agreed as meeting equivalent level of environmental protection.
Waste pre-acceptance, acceptance and tracking appropriate measures	FC	The operator confirmed that they do not currently meet the requirements of all appropriate measures in this section. Improvement condition IC16 has been included in the varied permit to address this. The operator has suggested alternative measures for Sections 3.1.19, 3.2.34, 3.2.40 and 3.2.41 which have been accepted and agreed as meeting equivalent level of environmental protection.
Waste storage, segregation and handling appropriate measures	FC	The operator confirmed that they do not currently meet the requirements of all appropriate measures in this section. Improvement condition IC17 has been included in the varied permit to address this. The operator has suggested alternative measures for Section 4.11 and 4.31 which have been accepted and agreed as meeting equivalent level of environmental protection.
Waste treatment appropriate measures	CC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section. 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.
Emissions control appropriate measures	FC	The operator confirmed that they do not currently meet the requirements of all appropriate measures in this section. Improvement condition IC18, IC20 and IC21 have been included in the varied permit to address this.
Emissions monitoring and limits appropriate measures	FC	The operator confirmed that they do not currently meet the requirements of all appropriate measures in this section. Improvement condition IC19 has been included in the varied permit to address this.
Process efficiency appropriate measures	CC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section. 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.
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	An existing medium combustion plant is present at this facility (AR17) – A diesel fired boiler with a 1.2MW thermal input. The permit has been reviewed against the requirements of the Medium Combustion Plant Directive for 2025 (and 2030) and relevant conditions and monitoring requirements have been added.	

Climate change	The submission of climate change risk assessment is no longer an 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**
Multi permit consolidation.	Consolidation of permit EPR/TP3696FN (EAWML41706) into EPR/XP3631SE. Activities under EAWML41706 have been incorporated into Table S1.1. EPR/TP3696FN (EAWML41706) will cease to exist.
Annual throughput of hazardous and non-hazardous wastes.	The current permit (V004) does not provide restrictions on the amount of waste which can be accepted at the site per year. Individual activities provide an aggregated annual throughput of approx. 195,000 for hazardous waste. However, this figure does not take into account double counting where waste may be handled in more than one process or where wastes treated have arisen from on-site processes. There are no credible limits for the acceptance of non-hazardous wastes as there are no non-hazardous waste activities listed on the current permit other than the effluent treatment plant which only processes wastes arisen from on-site processes. A number of activities have been removed from the permit (e.g. carbon adsorption and solidification/encapsulation) which would result in a reduction of annual throughput of hazardous wastes. An increase of non-hazardous waste is required to accommodate for the consolidation of permit EPR/TP3696FN (EAWML41706) which according to our billing records is processing over 75,000 tonnes of waste per year. The following limits have been agreed with the operator: • The total quantity of hazardous wastes accepted at the site shall not exceed 170,410 tonnes per year in aggregate.

	• The total quantity of non-hazardous wastes accepted at the site shall not exceed 68,000 tonnes per year in aggregate.
Treatment of hazardous wastes by carbon adsorption and solidification/encapsulation.	The operator has confirmed there is no treatment by carbon adsorption or solidification/encapsulation at the facility. These activities have been removed from the permit with the agreement of the operator.
Treatment of hazardous and non-hazardous waste containers.	The washing of metal and plastic containers arising from hazardous installation treatment and storage activities is now a scheduled activity reference AR2. The Directly Associated Activity (DAAs) has been amended in Table S1.1 for the crushing of treated waste containers (AR16). Size reduction of containers by shredding is no longer carried out at the facility and has been removed from the permit with the agreement of the operator. Activity reference AR23 allows for the treatment of non-hazardous metal and plastic containers arising from Waste Operations only. Fugitive emissions shall be minimised during container washing and crushing.
Treatment of hazardous waste by oxidation reduction (redox).	Treatment of hazardous waste by large, small, batch and advanced redox has been consolidated into one activity (AR4) which is subject to agreement under pre-operational measure reference number POFD1.
Blending or mixing of hazardous wastes.	The blending or mixing of hazardous waste activity has been separated to allow blending or mixing of solvents or oils for recovery (AR8) and blending or mixing of alkali or acids for disposal (AR9).
Raw material handling and storage.	Raw materials are being stored at the facility for use in the installation treatment processes. This activity is referenced on the permit as a DAA for each individual raw material. These DAAs have been consolidated in this permit variation.

	A Directly Associated Activity (DAA) has been added to Table S1.1 for raw material handling and storage, activity reference AR13.
Uncontaminated surface water collection and storage.	Uncontaminated surface water is being collected and stored at the facility. This activity is not referenced on the current permit. A Directly Associated Activity (DAA) has been added to Table S1.1 for the collection and storage of uncontaminated surface water, activity reference AR15.
Vehicle washing.	Tankers are being cleaned out after emptying at the Wednesbury site. This activity is not referenced on the current permit. A Directly Associated Activity (DAA) has been added to Table S1.1 for washing of vehicles associated with the facility and waste deliveries, activity reference AR18. Fugitive emissions shall be minimised during vehicle washing.
Abatement system.	The facility operates several abatement systems which have separate controls/activity process. These activities are not referenced on the current permit. A Directly Associated Activity (DAA) has been added to Table S1.1 for the combined activated carbon filter and chemical scrubber abatement system serving the storage and treatment tanks, activity reference AR19. A Directly Associated Activity (DAA) has been added to Table S1.1 for the single stage chemical scrubber serving the ammonia stripping process, activity reference AR20. A Directly Associated Activity (DAA) has been added to Table S1.1 for the activated carbon abatement system serving the VOC stripping and redox process, activity reference AR21.
Improvement conditions.	Improvement conditions reference IP1 to IP14 have been completed by the operator and removed from the permit. Improvement conditions reference IC15 to IC21 have

	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.
Pre-operational measures for future development.	Activities AR4, AR5, AR6 and AR7 in Table S1.1 are in temporary cessation and have been made subject to a pre-operational measure for future development, reference POFD1 in Table S1.4. The condition requires that, prior to recommencement of these activities, the operator shall confirm to the Environment Agency the intention to recommence operation and provide supporting documents for approval demonstrating activities are in accordance with the requirements of the Waste Treatment BAT Conclusions and Chemical Wastes appropriate measures for permitted sites and other appropriate measures guidance as applicable.
Treatment of hazardous wastes together with non-hazardous wastes.	Waste tables S3.2, S3.3, S3.4, S3.5, S3.6, S3.7 and S3.11 have been consolidated into Schedule 2, Table S2.2 and updated. Where non-hazardous wastes have a clear replacement/benefit (i.e. neutralise, act as heat sink, other process control) these have been allowed as process aids in the hazardous activity and retained in Schedule 2, Table S2.2. Non-hazardous waste types which do not have a clear replacement/benefit and unsuitable hazardous waste types have been removed from the waste table with agreement by the operator. A Directly Associated Activity (DAA) has been added to Table S1.1 for the storage of non-hazardous waste pending use as a process aid, activity reference AR12.
Addition of EWC codes.	Inclusion of two additional hazardous EWC codes into the permit to allow the facility to accept similar wastes already permitted. Waste codes 05 01 04* (acid alkyl sludges) and 13 05 07* (oily water from oil/water separators) have been added to Schedule 2, Table S2.2. Inclusion of an additional non-hazardous EWC code into the permit to allow the facility to accept similar wastes already permitted; the facility accepts a variety of other

	municipal wastes and biodegradable wastes from other sources. Waste code 20 01 08 (biodegradable kitchen and canteen waste) has been added to Schedule 2, Table S2.8 with the condition that this waste type would not be repackaged onsite and will remain in the original packaging prior to onwards transfer. Inclusion of an additional non-hazardous EWC code into the permit to allow deregistering of the existing S2 exemption. Waste code 16 01 03 (end-of-life tyres) has been added to Schedule 2, Table S2.8. The inclusion of these wastes will not change the accepted annual throughput of wastes at the facility, or the amount of waste stored on site at any one time.
Removal of EWC codes.	The acceptance of waste under EWC 19 12 12 was an internal transfer of wastes from the adjoining waste transfer station, with the consolidation of the two permits this waste code is no longer required. The acceptance of waste under EWC 19 12 11* was a transfer from third party transfer stations, the operator has reviewed this position and deemed this waste code no longer appropriate. Waste code 19 12 11* (other wastes (including mixtures of materials) from mechanical treatment of waste containing hazardous substances) has been removed from Schedule 2, Table S2.7, and waste code 19 12 12 (other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 19 12 11) has been removed from Schedule 2, Table S2.8 The removal of these wastes will not change the accepted annual throughput of wastes at the facility, or the amount of waste stored on site at any one time.
Cytotoxic and cytostatic medicines.	To provide uniformity across the Biffa Group facilities the operator has requested the addition of cytotoxic and cytostatic medicines to be allowed at this facility for storage and repackaging only. Currently the permit allows the acceptance of other waste medicines, excluding cytotoxic and cytostatic to the transfer station. Cytotoxic and

	cytostatic medicines, and materials contaminated with them, are highly hazardous and can pose significant risks to both human health and the environment if not handled, stored, and disposed of properly. The facility does not currently accept wastes with the following hazardous properties: carcinogenic (HP7), mutagenic (HP11), toxic (HP6) or toxic for reproduction (HP10); therefore, allowing the acceptance of these wastes changes the risk profile of the facility. The operator has confirmed that acceptance of this waste type will comply with the Healthcare waste appropriate measures from the outset this will include, but not limited to, the storing and handling of these wastes securely within designated areas of a secure building. No further assessment is required as the acceptance of these wastes will not give rise to emissions. Waste codes 18 01 08*,18 02 07* and 20 01 31* have been added to Schedule 2, Table S2.7. The inclusion of these wastes will not change the accepted annual throughput of wastes at the facility, or the amount of waste stored on site at any one time.
Point source emissions to air.	Schedule 3, Table S3.1 has been updated to include BAT-associated emission levels (BAT-AELs) for emissions to air arising from the treatment of water-based liquid waste. These emission points to air are from the combined activated carbon filter and chemical scrubber abatement system (A1) serving the storage and treatment tanks, a single stage chemical scrubber (A2) serving the ammonia stripping process, a carbon filter pack (A3) serving the VOC stripping process. Emission points have also been included for the dust extraction system (A4) serving the consolidation unit, a medium combustion plant (MCP) (A5), nitrous oxide destruction unit (A6) and local exhaust ventilation (LEV) serving the solvent shed (A7).

Point source emissions to sewer.	Schedule 3, Table S3.2 has been updated to include BAT-associated emission levels (BAT-AELs) for indirect discharges to a receiving water body arising from the treatment of water-based liquid waste.
Process monitoring requirements.	Schedule 3, Table S3.3 has been amended in the permit to facilitate VOC monitoring and efficiency assessments of abatement filters.
Reporting.	Schedule 4, Tables S4.1, S4.2, S4.3 and S4.4 have been updated to accommodate parameters, for which reports shall be made, in accordance with conditions of this permit.
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 a plan which we consider to be satisfactory.

This shows the extent of the site including the discharge points.

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 meets the requirements of the Environment Agency's guidance, Chemical waste: appropriate measures for permitted facilities.

Those Improvement Conditions added are referenced in Table 1 of this Decision Document. They have been included in the permit to address potential issues of non-compliance with the Chemical Waste Appropriate Measures.

Changes to EWC codes

The following non-hazardous waste code has been added to the permit at the request of the operator:

16 01 03	end-of-life tyres
20 01 08	biodegradable kitchen and canteen waste

The following non-hazardous waste code has been removed from the permit at the request of the operator:

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

The following hazardous waste codes have been added to the permit at the request of the operator:

05 01 04*	acid alkyl sludges
13 05 07*	oily water from oil/water separators
18 01 08*	cytotoxic and cytostatic medicines
18 02 07*	cytotoxic and cytostatic medicines
20 01 31*	cytotoxic and cytostatic medicines

The following hazardous waste code has been removed from the permit at the request of the operator:

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

The following hazardous and non-hazardous waste codes have been removed from the permit as they are not suitable for treatment by the activity:

01 01 01	wastes from mineral metalliferous excavation
01 01 02	wastes from mineral non-metalliferous excavation
01 03 08	dusty and powdery wastes other than those mentioned in 01 03 07
01 03 09	red mud from alumina production other than the wastes mentioned in 01 03 10
01 04 08	waste gravel and crushed rocks other than those mentioned in 01 04 07
01 04 09	waste sand and clays
01 04 11	wastes from potash and rock salt processing other than those mentioned in 01 04 07
01 04 13	wastes from stone cutting and sawing other than those mentioned in 01 04 07
01 05 05*	oil-containing drilling muds and wastes
02 01 03	plant-tissue waste
02 01 04	waste plastics (except packaging)
02 01 07	wastes from forestry
02 04 01	soil from cleaning and washing beet
03 02 99	wood preservatives not otherwise specified
04 02 09	wastes from composite materials (impregnated textile, elastomer, plastomer)
04 02 10	organic matter from natural products (for example grease, wax)
05 01 06*	oily sludges from maintenance operations of the plant or equipment
05 01 16	sulphur-containing wastes from petroleum desulphurisation
05 07 01*	wastes containing mercury
05 07 02	wastes containing sulphur
06 03 11*	solid salts and solutions containing cyanides
06 04 04*	wastes containing mercury
06 07 03*	barium sulphate sludge containing mercury
06 09 02	phosphorous slag

06 13 04*	wastes from asbestos processing
06 13 05*	soot
07 01 09*	halogenated filter cakes and spent absorbents
07 01 10*	other filter cakes and spent absorbents
07 02 09*	halogenated filter cakes and spent absorbents
07 02 10*	other filter cakes and spent absorbents
07 02 13	waste plastic
07 03 09*	halogenated filter cakes and spent absorbents
07 03 10*	other filter cakes and spent absorbents
07 04 09*	halogenated filter cakes and spent absorbents
07 04 10*	other filter cakes and spent absorbents
07 04 13*	solid wastes containing hazardous substances
07 05 09*	halogenated filter cakes and spent absorbents
07 05 10*	other filter cakes and spent absorbents
07 05 13*	solid wastes containing hazardous substances
07 05 14	solid wastes other than those mentioned in 07 05 13
07 06 09*	halogenated filter cakes and spent absorbents
07 06 10*	other filter cakes and spent absorbents
07 07 09*	halogenated filter cakes and spent absorbents
07 07 10*	other filter cakes and spent absorbents
08 02 01	waste coating powders
08 03 19*	disperse oil
08 04 17*	rosin oil
09 01 03*	solvent-based developer solutions
10 01 02	coal fly ash
10 01 03	fly ash from peat and untreated wood
10 01 04*	oil fly ash and boiler dust
10 01 05	calcium-based reaction wastes from flue-gas desulphurisation in solid form
10 01 13*	fly ash from emulsified hydrocarbons used as fuel
10 03 19*	flue-gas dust containing hazardous substances
10 03 20	flue-gas dust other than those mentioned in 10 03 19
10 04 03*	calcium arsenate
10 04 04*	flue-gas dust
10 04 05*	other particulates and dust
10 06 03*	flue-gas dust

10 06 04	other particulates and dust
10 08 15*	flue-gas dust containing hazardous substances
10 08 16	flue-gas dust other than those mentioned in 10 08 15
10 09 09*	flue-gas dust containing hazardous substances
10 09 10	flue-gas dust other than those mentioned in 10 09 09
10 09 11*	other particulates containing hazardous substances
10 09 12	other particulates other than those mentioned in 10 09 11
10 10 09*	flue-gas dust containing hazardous substances
10 10 10	flue-gas dust other than those mentioned in 10 10 09
10 10 11*	other particulates containing hazardous substances
10 10 12	other particulates other than those mentioned in 10 10 11
10 11 03	waste glass-based fibrous materials
10 11 05	particulates and dust
10 12 03	particulates and dust
10 13 06	particulates and dust (except 10 13 12 and 10 13 13)
10 13 10	wastes from asbestos-cement manufacture other than those mentioned in 10 13 09
10 13 14	waste concrete and concrete sludge
10 14 01*	waste from gas cleaning containing mercury
11 03 01*	wastes containing cyanide
12 01 06*	mineral-based machining oils containing halogens (except emulsions and solutions)
12 01 07*	mineral-based machining oils free of halogens (except emulsions and solutions)
12 01 08*	machining emulsions and solutions containing halogens
12 01 09*	machining emulsions and solutions free of halogens
12 01 10*	synthetic machining oils
12 01 13	welding wastes
12 01 19*	readily biodegradable machining oil
13 08 02*	other emulsions
13 08 99*	wastes not otherwise specified
16 01 13*	brake fluids
16 01 21*	hazardous components other than those mentioned in 16 01 07 to 16 01 11 and 16 01 13 and 16 01 14
16 05 09	discarded chemicals other than those mentioned in 16 05 06, 16 05 07 or 16 05 08
17 03 01*	bituminous mixtures containing coal tar
17 03 02	bituminous mixtures other than those mentioned in 17 03 01

17 03 03*	coal tar and tarred products
17 08 01*	gypsum-based construction materials contaminated with hazardous substances
17 08 02	gypsum-based construction materials other than those mentioned in 17 08 01
18 01 07	chemicals other than those mentioned in 18 01 06
18 01 09	other waste medicines, excluding cytotoxic and cytostatic medicines – human healthcare
18 01 10*	amalgam waste from dental care
18 02 08	other waste medicines, excluding cytotoxic and cytostatic
19 01 13*	fly ash containing hazardous substances
19 01 14	fly ash other than those mentioned in 19 01 13
19 02 08*	liquid combustible wastes containing hazardous substances
19 02 10	combustible wastes other than those mentioned in 19 02 08 and 19 02 09
19 05 03	off-specification compost
19 08 08*	membrane system waste containing heavy metals
19 11 01*	spent filter clays
19 11 02*	acid tars
20 01 19*	pesticides
20 01 21*	fluorescent tubes and other mercury-containing waste
20 01 23*	discarded equipment containing chlorofluorocarbons
20 01 25	edible oil and fat
20 01 32	medicines other than those mentioned in 20 01 31

Emission limits

Emission Limit Values (ELVs), based on Best Available Techniques – Associated Emission Levels (BAT-AELS) for Waste Treatment, have been added or amended for the following substances:

Emissions to air (A1, A2 and A3) arising from the treatment of water-based liquid waste.

- Total Volatile Organic Compounds (TVOCs), 20 mg/m^3
- Hydrogen Chloride (HCl), 5 mg/m^3

Emissions to air (A5) arising from an existing MCP.

- Oxides of Nitrogen (NO_2), 200 mg/m^3

Emissions to sewer (S1) arising from the treatment of water-based liquid waste.

- Adsorbable organically bound halogens (AOX), 1 mg/l
- Arsenic (As), 0.1 mg/l
- Cadmium (Cd), 0.1 mg/l
- Chromium (Cr), 0.3 mg/l
- Copper (Cu), 0.5 mg/l
- Free cyanide (CN-), 0.1 mg/l
- Hexavalent chromium (Cr(VI)), 0.1 mg/l
- Hydrocarbon oil index (HOI), 10 mg/l
- Lead (Pb), 0.3 mg/l
- Mercury (Hg), 10 µg/l
- Nickel (Ni), 1 mg/l
- Zinc (Zn), 2 mg/l

We made these decisions in accordance with Waste Treatment BAT Conclusions, Chemical Waste: Appropriate Measures for Permitted Facilities.

Monitoring

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

- Total Volatile Organic Compounds (TVOCs)
- Hydrogen Chloride (HCl)
- Ammonia (NH3)
- Oxides of Nitrogen (NO_2)
- Carbon Monoxide (CO)

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

- Adsorbable organically bound halogens (AOX)
- Arsenic (As)
- Benzene, toluene, ethylbenzene, xylene (BTEX)
- Cadmium (Cd)
- Chromium (Cr)
- Copper (Cu)
- Free cyanide (CN-)
- Hexavalent chromium (Cr(VI))
- Hydrocarbon oil index (HOI)
- Lead (Pb)

- Manganese (Mn)
- Mercury (Hg)
- Nickel (Ni)
- PFOA
- PFOS
- Zinc (Zn)

We made these decisions in accordance with Waste Treatment BAT Conclusions, Chemical Waste: Appropriate Measures for Permitted Facilities

Reporting

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

- Emissions to air, every 6 months.
- Emissions to air (MCP), every 3 years from date of acceptance of first monitoring measurements under condition 3.5.4.
- Emissions to sewer, annually.
- Process monitoring, annually.
- Ambient air monitoring, annually.

We made these decisions in accordance with Waste Treatment BAT Conclusions, Chemical Waste: Appropriate Measures for Permitted Facilities

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.