

Permitting Decisions- Environment Agency Initiated Variation

We have issued an Environment Agency initiated variation for Wastecare Birmingham operated by Wastecare 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/XP3692FH/V006.

The permit variation was issued on 15/10/2026.

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:

- <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.
- <https://www.gov.uk/guidance/non-hazardous-and-inert-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/waste-electrical-and-electronic-equipment-veee-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/waste-temperature-exchange-equipment-appropriate-measures-for-permitted-facilities> 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.
- Waste temperature exchange equipment: 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 26/01/2022 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

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 26/07/2022.

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 13/03/2026, 14/05/2026, 19/06/2026 and 22/06/2026. 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	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.
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. 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 storage, segregation and handling appropriate measures	FC	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. However, on review of the operator’s proposal, we determined that abatement and containment were required for repackaging activities in line with Section 4, measure 86. The prevention of fugitive emissions to air, where necessary, from the handling and storage of the wastes was also required in line with Section 6.2, measure 5. Therefore, we inserted improvement condition IC1 which requires the operator to review their repackaging activities against the requirements of the appropriate measures guidance.
Waste treatment appropriate measures	CC	The operator has provided up to date information on their treatment process, which has been added to Table S1.2 of the Permit (Operating Techniques). The operator has also provided details in the way of procedures and protocols in the RFI response sent to the Environment Agency as part of this sector review of the permit. 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 there are no processes onsite which could result in emissions to air or water. However, on review of the operator’s proposal, we determined that abatement and containment were

		required for repackaging activities in line with Section 6.2, measure 5 and Section 6.1, measure 1. Therefore, we inserted improvement conditions IC2, IC3a and IC3b respectively which requires the operator to review emissions from their repackaging activities against the requirements of the appropriate measures guidance. We have included process monitoring in Table S3.2 to ensure any abatement required upon conclusion of IC3a and IC3b is suitably maintained in accordance with the appropriate measures guidance.
Emissions monitoring and limits appropriate measures	NA	This section is not applicable as there is no treatment of chemical waste happening on site other than repackaging which is accounted for in Section 4 of the measures.
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. Additional reporting has been added to the permit in Schedule 4 to capture the site's process efficiency.
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	Not applicable	
Climate change	Submission of climate change risk assessment is no longer an application requirement. It now forms part of the operator's EMS and will be reviewed within compliance assessment.	
Other Appropriate Measures		
Healthcare Waste: appropriate measures for permitted facilities Version published 13 July 2020	CC	The operator confirmed that they currently meet the requirements of the appropriate measures listed here in the Regulation 61 Response and further information provided by the operator on 13/03/2026, 14/05/2026, 19/06/2026 and 22/06/2026. We have no reasons to consider that the operator is not compliant with this guidance.
Non-hazardous and inert		Compliance with the appropriate measures guidance listed here has been incorporated into the varied

waste: appropriate measures for permitted facilities Version published 12 July 2021 Waste electrical and electronic equipment (WEEE): appropriate measures for permitted facilities Version published 13 July 2022 Waste temperature exchange equipment (WTEE): appropriate measures for permitted facilities Version published 13 July 2022.		permit through the updated operating techniques listed in Table S1.2.
Summary of other changes made to the permit as a result of our assessment of the Reg 61 response		
Change to Table S1.1 activities	For waste operations, the original activity reference AR6, Storage of non-hazardous waste pending transfer or treatment, has now been split into: AR6 Temporary storage of non-hazardous waste pending transfer off-site AR7 Treatment of non-hazardous waste We have added AR7 to account for the manual sorting operation, which we consider to be physical treatment, that the operator carries out to facilitate the storage of waste.	
Change to Operating Techniques Table S1.2	The Operating Techniques for the site have been amended in line with the Installation activities confirming compliance with the Chemical waste: appropriate measures for permitted facilities version published 18 November 2020, Healthcare Waste: appropriate measures for permitted facilities Version published 13 July 2020, Non-hazardous and inert waste: appropriate measures for permitted facilities Version published 12 July 2021, Waste electrical and electronic equipment (WEEE): appropriate measures for permitted facilities Version published 13 July 2022 and Waste temperature exchange equipment (WTEE): appropriate measures for permitted facilities Version published 13 July 2022.	

	The approved Noise Management Plan, Fire Prevention Plan and Odour Management Plan have also been incorporated into the operating techniques.
Change to Table S1.3 Improvement programme requirements	Improvement conditions IC1, IC2, IC3 and IC4 in the previous variation have been completed. Further improvement conditions have been introduced in this variation as discussed above. The improvement conditions in this variation have therefore been renumbered.
Change to Table S1.4B Pre-operational measures for future development	This table has now been renamed as Table S1.4 Pre-operational measures for future development. PO1 has been removed as an approved Odour Management Plan has been incorporated into the Operating Techniques Table (Table S1.2). PO2 has been retained as it remains incomplete.
Renaming of Table S2.5	The waste codes table for Table S2.5 has been renamed to Table S2.5 Permitted waste types and quantities for activity AR6 – storage of non-hazardous waste pending transfer or treatment and activity AR7 – manual sorting or manual separation
Change to Schedule 3	Table S3.1 Point source emissions to air – emission limits and monitoring requirements has been amended to only include 'Emission point from repackaging area as agreed upon completion of PO2 and IC3a and IC3b' as the emission point reference and location. Table S3.2 Point source emissions to sewer, effluent treatment plant or other transfers off-site– emission limits and monitoring requirements has been updated to include oil and grease for the 'Central and entrance drainage channel with collection tank to sewer' emission point and location. Table S3.3 Process monitoring requirements has been included in the variation. This is due to the vent from the flammable area and the repackaging activity.
Change to Table S4.1 Reporting of monitoring data	This table now includes emissions to air, emissions to water and process monitoring due to the repackaging activity.
Removal of Table S4.2: Annual production/treatment	This table has been removed as the site is no longer treating WEEE processed waste.
Change to Table S4.3 Performance parameters	Original Table S4.2 removed. Table S4.3 now renumbered to Table S4.2. Performance parameters have been updated to include Total raw material used.
Change to Table S4.4	Tables renumbered therefore Table S4.4 is now Table S4.3. Table S4.3 Reporting forms has been updated to include

Reporting forms	'Point source emissions to sewer' and 'Other performance indicators'.
Change to Schedule 6 – Interpretation	The Interpretation section has been updated to reflect current definitions.
Schedule 7	An additional plan has been included under Figure 2: Site Layout Plan including emission points.

Decision Considerations

Confidential information

A claim for commercial or industrial confidentiality has not 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', 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.

The plan shows the extent of the site.

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.

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. Refer to Table 1 for further information.

Emission limits

Emission limits have been added to indirect emissions to sewer as a result of this variation based on Best Available Techniques. For non-process areas of waste storage/treatment (e.g. roofs and car parks) we have included descriptive limits on visible oil and grease.

Monitoring

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

Table S3.2 Oil and Grease

Process monitoring for the abatement system

These monitoring requirements have been included in order to meet the appropriate measures.

Reporting

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

Emissions to water - oil and grease

Emissions to air

Process monitoring

We made these decisions in accordance with the appropriate measures.

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.